

ORDINANCE NO. 2005- _____

AN ORDINANCE ESTABLISHING PROVISIONS FOR THE PERMANENT HIGH INTENSITY MIXED USE WITH RESIDENTIAL HX-R ZONING DISTRICT AND MODIFYING HEIGHT RESTRICTIONS IN THE CX-2, CS-0.5, CS-1, CO-0.5, CO-1, CO-2, AND RO-50 ZONING DISTRICTS, THEREBY AMENDING CHAPTER 19 OF THE CITY CODE

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

Section 1. That Chapter 19 of the City Code is hereby amended to read as follows:

CHAPTER 19

ZONING

ARTICLE I. GENERAL PROVISIONS

Division B. Definitions

SEC. 19.03. DEFINITIONS.

The following words and terms when used in this Chapter shall have the following meanings unless the context clearly indicates otherwise:

Floor area - The floor area of a building or buildings shall be the sum of the gross horizontal areas of the several floors of such building or buildings exclusive of cellars or basements, except as to single-family residences as provided in subparagraph (E) of this paragraph, measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings. In particular, "floor area" shall include:

- (A) Elevator shafts and stairwells at each floor.
- (B) Floor space used for mechanical equipment where the structural headroom exceeds 7-1/2 feet, except equipment, open or enclosed located on the roof, i.e., bulk heads, water tanks and cooling towers.
- (C) Interior balconies and mezzanines.
- (D) 40 percent of porch or breezeway when the porch or breezeway is completely enclosed.
- (E) For single-family residences, the floor area shall be the sum of the enclosed, finished horizontal areas which are at or above grade. In addition, the floor area may include 50 percent of all other enclosed areas, including that portion of the building below grade, which are capable of being finished in accordance with the requirements of Chapter 15 of this Code at the time of the issuance of the original building permit; however, garages, porches, or breezeways may not be included in calculating required floor area.

Floor area ratio - The floor area of a building or buildings on a site, exclusive of parking structures, divided by the gross site area, including land donated for public right-of-way purposes.

Gross site area – The land area of a site, including land donated for public right-of-way purposes.

Public art - Any visual work of art, accessible to public view, including but not limited to sculptures, statues, murals, monuments, frescoes, fountains, paintings, stained glass, or ceramics, and which does not contain advertising.

Site - A lot, or group of adjacent lots intended, designated or approved to function as an integrated unit, that is proposed for development in accord with the provisions of this Code and is in a single ownership or has multiple owners, all of whom execute a joint application for development.

ARTICLE III. DISTRICT USES

SEC. 19.10. NONCONFORMING USES.

Except where otherwise specifically indicated, the lawful use of any land or building existing at the time of adoption of this Code or amendments thereto may be continued, even if such use does not conform to the use regulations for the particular district where located, subject, however, to the following provisions:

- (1) **Enlargement, expansion or alteration prohibited** - Except for single-family residences in Industrial Zoning Districts and ~~[in Institutional Zoning Districts]~~ when expansion is expressly authorized by the applicable zoning district regulations through issuance of a Conditional Use Permit, ~~[no]~~ a nonconforming use ~~[shall]~~ may not be enlarged, altered or increased, or occupy a greater area than that occupied by such use at the time of the adoption of this Code or amendment thereto. Any residential enlargement, expansion or alteration shall conform to the applicable regulations and standards of this ~~[Chapter]~~ Code. No residential enlargement, expansion or alteration shall be allowed or permitted if the cost thereof exceeds by more than ten percent the market value of the residential building being enlarged or altered or by the addition of a garage. The issuing authority shall determine the cost of the alteration and the value of the building which decision shall be final.

SEC. 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:

- (8) **High Intensity Mixed Use Districts**
 - High Intensity Mixed Use HX-2 District
 - High Intensity Mixed Use With Residential HX-R ~~[Interim]~~ District

SEC. 19.29. HIGH INTENSITY MIXED USE WITH RESIDENTIAL (HX-R) ~~[INTERIM]~~ DISTRICT.

- (a) **Intent.** It is the purpose of this district to provide for high intensity employment-oriented, tourist-oriented and residential uses in areas close to frequent transit service. The provisions of this district are intended to:
 - (1) Promote high intensity development;
 - (2) Avoid under-utilization of the small supply of land in Bloomington that lies within one half mile of high frequency mass transit service;
 - (3) Require the creation of a significant high density residential node to diversify housing options available in Bloomington and create a live-work-recreation environment;

- (4) Reduce vehicle trips and vehicle miles traveled relative to the same level of development in other areas by allowing residences in close proximity to employment and services, by allowing intense development in close proximity to high frequency transit service, and by encouraging multi-purpose trips, walking trips, carpool trips and transit trips;
 - (5) Reduce overall costs and impacts of parking by making shared parking feasible where peak parking demand times vary among uses;
 - (6) Maximize return on public utility and transportation infrastructure investments by requiring high intensity development;
 - (7) More efficiently use public and private infrastructure by taking advantage of peak demand time variations for infrastructure (roads, transit, sewer, water, electricity, phone) among land uses. By becoming a source of trip origins as well as trip destinations, roadway and transit systems can be used in a more efficient bi-directional manner;
 - (8) Ensure that residential development is compatible with the surrounding noise levels;
 - (9) Provide a pedestrian oriented environment; and
 - (10) Provide floor area ratio bonuses to encourage development characteristics that advance citywide and district specific objectives, including accessory retail and service uses, below grade parking, parks or plazas, affordable housing, public art and sustainable design. [Regulate development in the area in the interim period until final zoning provisions are adopted.]
- (b) **Permitted Principal Uses.**
- (1) Offices.
 - (2) Hotels.
 - (3) ~~[Multi-]~~ Multiple family dwellings.
 - (4) Transit stations.
 - (5) Public uses.
 - (6) Cinema and theaters.
 - (7) Medical offices and clinics.
 - (8) Conference, exposition and meeting facilities.
- (c) **Permitted Accessory Uses.** The following uses are permitted when accessory to, clearly subordinate to and physically integrated with a permitted principal or conditional principal use. These accessory uses ~~[shall]~~ must not exceed 25 percent of the total floor area for a development or phase thereof.
- (1) Retail uses for the sale of groceries, bakery goods, drugs, sundry items, gifts, books, recorded music, arts and crafts, plants and similar items.
 - (2) Personal and business service establishments including dry-cleaners, exercise and health activities, beauty and barber shops, copying services, photo developing, picture framing, licensed therapeutic massage, travel agencies and similar establishments.
 - (3) Restaurants without drive-up facilities.
 - (4) Financial institutions without drive-up facilities.
 - (5) Day care facilities.
 - (6) Fuel sales physically integrated within a structured parking facility.
 - (7) Other uses customarily incidental and clearly subordinate to a permitted principal or conditional use. Drive-through uses are prohibited.
 - (8) Home occupations pursuant to standards as set forth in Section 19.63.09(a)(2).
- (d) **Conditional Uses.**
- (1) ~~[Utility uses]~~ Expansion of electric substation or electric transmission line facilities in existence prior to January 1, 2005, subject to the provisions of Section 19.29 (q).
 - (2) Home businesses pursuant to standards as set forth in Section 19.63.09(b).
 - (3) Expansion of hotel facilities in existence prior to January 1, 2005, subject to the provisions of Section 19.29 (q).
- (e) **Interim Uses.**
- (1) Remote airport parking, subject to the provisions of Section 19.29 (q)], ~~provided that such parking does not occupy space otherwise required by ordinance or an approved development plan for other uses].~~
- (f) **Residential Uses Required.**

- (1) Minimum Density. Development within the HX-R ~~[interim]~~ zoning district ~~[shall]~~ must include at least ~~[thirty (30)]~~ 30 residential dwelling units per acre of gross site area, with the following exceptions.
- (A) Residential uses are prohibited in areas forecast to have average future aircraft noise levels at or above 70 dB DNL.
 - (B) For the purposes of calculating the required number of residential dwelling units for a site within the HX-R ~~[interim]~~ zoning district, the land area, as calculated by City staff, of the site forecast to be exposed to average future aircraft noise levels at or above 70 dB DNL ~~[shall]~~ will be subtracted from the overall site area.
 - (C) On sites in which over two-thirds of the site area is forecast to be exposed to average future mitigated aircraft noise levels at or above 70 dB DNL, residential uses in the area with less than 70 dB DNL ~~[shall be]~~ are allowed but not required.
 - (D) Forecast aircraft noise levels ~~[shall]~~ will be determined based on the most recent MSP Part 150 aircraft noise contour map approved by the ~~[Metropolitan Airports Commission]~~ Federal Aviation Administration that incorporates the aircraft noise impacts of Runway 17-35. ~~[If circumstances require review prior to Metropolitan Airports Commission approval of Part 150 update contours, forecast aircraft noise levels [shall] will be determined based on the July 2003 MSP Runway 17 Departure Procedure Environmental Assessment aircraft noise contours.]~~
- (2) ~~[In cases where development on a site occurs in phases, the overall development shall meet the residential dwelling unit requirements of this subsection. Individual development phases are not required to meet the residential dwelling unit requirements of this subsection provided that the overall development plan includes the required residential dwelling units in a viable future phase or phases and provided that the landowner provides suitable assurances within a development agreement that the residential units will be constructed in the future.]~~ Phased Developments. When a mixed use development is constructed in phases, it is the intent of the HX-R zoning district that the residential components of the development not be set aside until the final development phase(s). Therefore, when residential uses are required on a site, Final Development Plans may not be approved for a structure or structures that would increase the total non-residential floor area on the site to over 50 percent of the total non-residential floor area on the site approved in the Preliminary Development Plan unless:
- (A) construction has commenced on at least 50 percent of the total number of residential dwelling units on the site approved in the Preliminary Development Plan;
 - (B) the structure or structures include both non-residential and residential uses and its construction would bring the number of residential dwelling units on the site to at least 50 percent of the total number of residential dwelling units on the site approved in the Preliminary Development Plan; or
 - (C) the City Council determines that the approval satisfies the intent of the HX-R zoning district.
- (3) The multiple-family residence requirements of Code Section 19.41 (b) and 19.62 do not apply within the HX-R ~~[interim]~~ zoning district.
- (g) **Floor Area Ratio.**
- (1) The minimum floor area ratio required for development within the HX-R ~~[interim]~~ zoning district is 1.5.
 - (2) Floor area ratio calculations ~~[shall]~~ include all residential and non-residential development on a site but ~~[shall]~~ exclude structured or underground parking.
 - (3) In cases where development on a site occurs in phases, each individual development phase must comply with the floor area ratio requirements of this subsection on its own or in conjunction with previous phases if previous phases exceeded floor area ratio requirements. The overall development must also comply with the floor area ratio requirements of this subsection.
 - (~~3~~4) The maximum floor area ratio for development within the HX-R ~~[interim]~~ zoning district is 2.0, but may be increased through the following bonus provisions.
 - (A) Retail and service use bonus. Developments including accessory retail and service uses are eligible for bonus floor area. Two square feet of additional floor area is allowed per square foot of accessory retail and service use floor area ~~[s and three square feet of additional floor area is allowed per square foot of day care facility for children subject to the following requirements].~~ In no case may the retail and service use floor area ratio bonus exceed 0.50.
 - (B) Below grade parking bonus. Developments including below grade parking are eligible for bonus floor area. Two square feet of additional floor area is allowed per gross square foot of

below grade parking floor area. To qualify for the bonus, parking must be fully below the finished final grade on all sides. In no case may the below grade parking floor area ratio bonus exceed 0.75.

- (C) ~~[Open space]~~ Plaza or park bonus. Developments ~~[including publicly accessible open space]~~ not subject to park donation requirements as specified in Section 16.09 (2) (B) that include publicly accessible plaza or park areas are eligible for bonus floor area. One square foot of additional floor area is allowed per square foot of publicly accessible ~~[open space]~~ plaza or park area meeting the following requirements.
- ~~[(i) To be eligible for bonus floor area, the open space shall consist of a landscaped plaza or gathering area with at least 5,000 square feet of contiguous area or shall consist of a linear pedestrian corridor at least 50 feet in width and 500 feet in length, or the length of the parcel, whichever is less.~~
 - ~~[(ii) The open space shall include, as appropriate, seating opportunities, lighting, trash receptacles, landscape areas, and related amenities.~~
 - ~~[(iii) The development agreement shall include provisions ensuring the installation, preservation, maintenance, and replacement, if necessary, of open space features.]~~
 - (i) Land used to satisfy park dedication requirements is not eligible for park or plaza bonus floor area.
 - (ii) The plaza or park must include at least 5,000 square feet of contiguous area.
 - (iii) To avoid long and narrow spaces, the length of the plaza or park must not exceed three times the width of the plaza or park.
 - (iv) At least 25 percent of the perimeter of the plaza or park must abut a public or private street.
 - (v) At least 30 percent of the plaza or park area must consist of landscaping or water features.
 - (vi) The plaza or park must be easily accessible via sidewalk.
 - (vii) The plaza or park must be designed to encourage public use through the provision of seating, tables, trash receptacles, water features and areas for public entertainment or public display of art or cultural exhibits. Seating must be provided at a rate of not less than one seat per 200 square feet of plaza or park area for the first 10,000 square feet.
 - (viii) The development agreement must include provisions ensuring that the plaza or park is open to the public every day between 7:00 a.m. and 9:00 p.m. and maintained in good order.
 - (ix) In no case may the park or plaza floor area ratio bonus exceed 0.25.
 - (x) The development agreement must include provisions ensuring public access as well as the installation, preservation, maintenance, and replacement, if necessary, of plaza or park features.
- (D) Affordable housing bonus. Developments including affordable housing as defined by the Metropolitan Council are eligible for bonus floor area. Three square feet of additional floor area is allowed per square foot of affordable housing unit floor area subject to the following requirements.
- ~~(i) The development agreement [shall] must include provisions ensuring that rental units receiving the bonus will continue to remain affordable for thirty years.~~
 - ~~(ii) The development agreement [shall] must include provisions ensuring that owned units receiving the bonus will initially be sold at an affordable level and that mechanisms are in place to ensure that the owned units receiving the bonus will continue to remain affordable when resold in the future.~~
 - (iii) In no case may the affordable housing floor area ratio bonus exceed 1.0.
- (E) Public art bonus. Developments committing funds to on-site public art are eligible for bonus floor area. One square foot of additional floor area is allowed per fifty dollars committed to on-site public art, subject to the following requirements.
- ~~(i) In no case may the public art floor area ratio bonus exceed [one half of the site area]~~ 0.5.
 - ~~(ii) Developments requesting the public art bonus [shall] must submit a plan, to be approved by the City Council, documenting the type of public art to be commissioned,~~

the budget, location, schedule and artist selection process. To qualify for the bonus, the City Council must approve the plan.

- (iii) Works of art ~~[shall]~~ must be placed outside of a building at a location clearly visible and freely accessible to the public.
- (iv) The development agreement ~~[shall]~~ must include provisions ensuring the installation, preservation, maintenance, and replacement, if necessary, of the public art.
- (v) To ensure that public art is installed as proposed, a performance security in an amount equal to the bonus level approved must be submitted prior to issuance of building permits for a building on a site receiving a public art bonus. The security may consist of a bond, irrevocable letter of credit, cash deposit or other instrument that provides an equal performance guarantee to the City.

(F) Sustainable design bonus. Developments designed to minimize negative impacts on the environment as measured by the LEED (Leadership in Energy and Environmental Design) Green Building Rating System[®] are eligible for bonus floor area. The LEED Rating System[®] is a voluntary national standard administered by the U.S. Green Building Council. Bonuses are subject to the following provisions.

- (i) One quarter square foot of additional floor area is allowed per square foot of floor area within a building that receives LEED certification at the Certified or Silver award level. One half square foot of additional floor area is allowed per square foot of floor area within a building that receives LEED certification at the Gold or Platinum award level.
- (ii) In no case may the sustainable design floor area ratio bonus exceed 1.0. The sustainable design floor area ratio bonus applies only to the phase of development that includes a building receiving LEED certification and cannot be carried forward to future project phases.
- (iii) Applications for development wishing to use the sustainable design bonus must include a report from a LEED certified architect or engineer that includes a statement of the anticipated LEED certification level, a copy of the most recent version LEED Scorecard, and a summary of how and/or why each LEED credit can or cannot be achieved.
- (iv) A building permit for a building using the sustainable design bonus will not be issued until an independent, LEED certified inspector, architect or engineer under the supervision of the City and paid for by the applicant verifies that the construction plans include the elements necessary to receive LEED certification at the level for which the bonus was granted. In the event that the LEED certification level for which the bonus was granted cannot be verified during the building permit plan review process, the applicant must either modify the construction plans to achieve the verification or forfeit the bonus by amending the final development plans to remove the bonus floor area.
- (v) A final Certificate of Occupancy for a building using the sustainable design bonus will not be issued until the City receives verification from the U.S. Green Building Council that the building has been granted LEED certification at the award level for which the bonus was granted.
- (vi) The development agreement must acknowledge that building permits and final Certificates of Occupancy will not be issued unless LEED certification at the level for which the bonus was granted can be verified.

~~[(4) In cases where development on a site occurs in phases, each individual development phase shall comply with the floor area ratio requirements of this subsection on its own or in conjunction with previous phases. The overall development shall also comply with the floor area ratio requirements of this subsection.]~~

(h) **Dimensional Requirements.**

- (1) ~~[Setbacks]~~ Building Placement. HX-R zoning district building placement requirements are intended to promote intensity, to maximize design flexibility, to facilitate pedestrian movement and to create an active pedestrian environment[~~-, setback requirements in the HX-R [interim] zoning district are significantly less than in other zoning districts].~~
 - (A) ~~[The minimum building setback along a public street is 20 feet.]~~ There is no minimum building setback required from property lines fronting public streets.

- (B) The minimum building setback along a lot line not adjacent to a public street is ~~ten~~ [45] feet, unless the lot line separates two portions of the same site, in which case no minimum building setback from the internal lot line is required.
 - (C) ~~Buildings must not encroach into public easements. [Minimum building setbacks may be further reduced through the planned development process provided there is a public benefit for the reduction.]~~
 - (D) To create an active pedestrian level environment, at least one public entrance to buildings with ground level retail and service uses ~~[shall]~~ must be located within 20 feet of a public street, internal private street or major pedestrian way. The City Council may approve an alternative location for buildings with ground level retail and service uses provided the alternative location better serves the goal of creating an active pedestrian level environment.
 - (E) Skyways, tunnels, and similar pedestrian connection structures have no setback requirements from property lines for a width of 120 feet.
- (2) Minimum Site Area. The minimum site area within the HX-R ~~[interim]~~ zoning district is 120,000 square feet. ~~[Lots]~~ Parcels with areas below 120,000 square feet may be created as part of a planned development, provided the area of the overall planned development is at least 120,000 square feet.
 - (3) Maximum Structure Height. Maximum structure height is set forth in Section 19.47 of this Code.
- (i) **Parking.**
- (1) Number of motor vehicle parking spaces required. Due to access to frequent transit service, opportunities for shared parking, opportunities for customers to walk to businesses from nearby residences and offices, and the expected benefits of Travel Demand Management (TDM) programs, motor vehicle parking requirements in the HX-R ~~[interim]~~ zoning district are lower than in other zoning districts.
 - (A) Motor vehicle parking requirements in the HX-R ~~[interim]~~ zoning district are 70 percent of the citywide requirements set forth in Section 19.64 of this Code.
 - (B) The City Council may further reduce motor vehicle parking requirements for development in the HX-R ~~[interim]~~ zoning district:
 - (i) if the City Council determines that the reduced motor vehicle parking levels are warranted based on the results of a motor vehicle parking study, prepared by an independent traffic engineering professional under the supervision of the City and paid for by the applicant; or
 - (ii) if the City Council determines that sufficient additional motor vehicle parking spaces to meet City Code requirements can be constructed on the site in the future, if deemed necessary by the City Council. The location and viability of the potential future motor vehicle parking spaces (“proof of parking”) ~~[shall]~~ must be documented in the application materials and its construction upon City request ~~[shall]~~ must be required in a recorded development agreement.
 - (C) The number of motor vehicle parking spaces provided within a development ~~[shall]~~ must not exceed 130 percent of the citywide requirements set forth in Section 19.64 of this Code, unless the City Council determines that the additional motor vehicle parking levels are warranted based on the results of a motor vehicle parking study, prepared by an independent traffic engineering professional under the supervision of the City and paid for by the applicant.
 - (2) Location of motor vehicle parking. In order to more efficiently use available land, improve aesthetics and create a pedestrian-oriented environment that promotes walking, biking and transit use, the location of motor vehicle parking is restricted within the HX-R ~~[interim]~~ zoning district.
 - (A) Motor vehicle parking ~~[shall]~~ must be located below grade, within structured ramps, or in individual on-street spaces parallel with and adjacent to low volume streets. At-grade motor vehicle parking ~~[lots]~~ areas are prohibited with the exception of small, short-term visitor parking ~~[lots]~~ areas near structures. At-grade [V]visitor parking ~~[lots]~~ areas, if provided, [shall] may include no more than one motor vehicle parking space per 20,000 square feet of floor area in the associated ~~[structure]~~ building.
 - (B) For phased developments where at grade motor vehicle parking already exists, the overall number of at grade motor vehicle parking spaces on site ~~[shall]~~ must be proportionally reduced with each phase of development so that compliance with limitations on at grade parking is achieved prior to or in conjunction with the final phase of construction.

- (3) Bicycle parking. Bicycle parking facilities commensurate with anticipated demand ~~[shall]~~ must be provided near building entrances.

(j) **Building Design.**

- (1) Entrances. Buildings adjacent to and within 100 feet of public streets ~~[shall]~~ must include at least one public entrance clearly visible and directly accessible from ~~[each]~~ an adjacent public street. The public entrance may include security controls.
- (2) Windows. ~~[Street-level]~~ First floor building facades facing and within 100 feet of public or private streets or major pedestrian corridors ~~[shall]~~ must meet the following window standards on those facades ~~[include windows]~~ in order to promote a pedestrian oriented environment and add visual interest.
 - (A) For residential uses, a minimum of 25 percent of the area of the ~~[street-level]~~ first floor building façade ~~[shall]~~ must be composed of windows or entrances.
 - (B) For non-residential uses, a minimum of 50 percent of the area of the ~~[street-level]~~ first floor building façade ~~[shall]~~ must be composed of windows or entrances. No more than 25 percent of the total window area and eye level window area may be obscured by signs, product displays or similar covering. Blinds, curtains and similar temporary coverings for privacy or sunlight control are permitted.
 - (C) To count toward window area requirements, windows must be transparent.
- (3) Blank Facades. Blank building facades or walls ~~[shall]~~ must not exceed 20 feet in length. A building façade or wall is considered to be blank if it is uninterrupted by windows, doors, ornamentation, decoration, articulation or other architectural detailing.
- (4) Exterior materials. The exterior materials and finish of all buildings and structures erected within the HX-R ~~[interim]~~ zoning district ~~[shall]~~ must conform with the applicable requirements of Section 19.63.08 of this Code.
- (5) Canopies and Awnings. First floor canopies and awnings are encouraged on buildings in order to promote a pedestrian oriented environment and add visual interest. Canopies and awnings must not extend above the first floor of a building or more than 15 feet above the finished grade.
- (6) Parking Structures. Given the anticipated intensity of development within the HX-R zoning district, above grade parking structures are likely to be common features within the district. The following standards are intended to ensure that parking structures complement the visual character, pedestrian orientation, and overall attractiveness of the area.
 - (A) Placement.
 - (i) Above grade parking structures must not front on either American Boulevard or 34th Avenue within 200 feet of the point at which the applicable site's property lines that front on both streets would intersect if extended.
 - (ii) To the extent feasible, parking structures should be placed in locations where their visibility from active areas is reduced.
 - (iii) Establishing retail and service uses on the ground floor of parking structures and partially wrapping the parking structure with active building space is encouraged.
 - (B) Architecture and Materials. Parking structure facades visible from public streets, private streets or transit corridors must architecturally complement the building or buildings the parking structure serves through the use of exterior materials, architectural elements, and color.
 - (i) Parking structure exterior materials must meet the requirements of Section 19.63.08.
 - (ii) Parking structure exterior material color must complement the color of the building or buildings the parking structure serves
 - (iii) Parking structures must include architectural elements that enhance the structure, break up its mass and complement the building or buildings the parking structure serves. Examples of specific architectural elements that may assist in meeting this requirement include decorative piers and pilasters, banding, reveals, architectural accents, wall plane articulation, decorative artwork, ornamental grillwork, recessed window openings, façade treatment variations and locating tenant signs on the side of parking ramps.
 - (iv) Parking structure access points must be architecturally articulated to add visual interest.

- (v) Parking structures must be designed to block the visibility of vehicle headlights from outside the parking structure.
- (k) **Pedestrians and Bicycles.** Achieving the intent of the HX-R [~~interim~~] zoning district will require high quality, linked sidewalks and bikeways.
- (1) Development [~~shall~~] must provide sidewalks and bikeways that support movement throughout the Airport South District and are consistent with the Airport South sidewalk and bikeway plan.
 - (2) Site design for new development [~~shall~~] must promote pedestrian circulation and the principles of Crime Prevention Through Environmental Design (CPTED).
 - (3) Development [~~shall~~] must provide sidewalks and, where appropriate, bikeways along all public and private streets unless the City Council determines that an alternative sidewalk or bikeway location better serves the development and surrounding area.
 - (4) Development [~~shall~~] must provide sidewalks between building entrances and the streetside or areawide system.
 - (5) Development [~~shall~~] must provide for direct and continuous [~~reasonable~~] pedestrian and bicycle connections to adjacent sites, where links to existing, proposed or potential development are appropriate.
 - (6) Development sites that contain a transit station [~~shall~~] must provide direct and continuous [~~reasonable~~] sidewalk and bikeway connections between the transit station and buildings on site as well as to adjacent sites, where links to existing, proposed or potential development are appropriate.
 - (7) To support street level retail uses, pedestrian movement between adjacent buildings and sites is encouraged to take place at grade rather than through skyways or tunnels. Grade separated pedestrian crossings over arterial and collector streets are encouraged.
 - (8) Sidewalk width requirements.
 - (A) Sidewalks adjacent to public streets, major sidewalks internal to sites and sidewalks adjacent to retail and service storefronts must have an unobstructed, walkable width of at least eight feet. Additional width is encouraged in appropriate areas to accommodate outdoor seating, benches, landscaping, light posts, trash receptacles, bicycle parking and similar pedestrian oriented infrastructure.
 - (B) All other sidewalks must have an unobstructed, walkable width of at least six feet.
 - (C) The City Council may require greater sidewalk widths through condition of approval when greater widths are deemed necessary to meet anticipated pedestrian needs or State Aid standards.
- (l) **Open Space and Landscaping.**
- ~~(1) Development shall provide publicly accessible open spaces consistent with the Airport South District open space plan.~~
 - ~~(2) Each development site shall include at least one publicly accessible open space.~~
 - ~~(3) Development shall provide landscaping along public and private streets consistent with the Airport South District streetscape plan.]~~
 - (1) Landscaping must conform with the requirements of Section 19.52 and other applicable requirements of this Code.
 - (2) Development must conform with any applicable district streetscape or open space plan.
 - (3) Each development site subject to park donation requirements as specified in Section 16.09 (2) (B) must include at least one on-site plaza or park that meets the following requirements.
 - (A) The plaza or park must include at least 5,000 square feet of contiguous area. The first 5,000 square feet of plaza or park area qualifies as a credit toward the park donation requirements of Section 16.09 (2) (B). Additional plaza or park land area above 5,000 square feet may qualify as a credit toward the park donation requirements of Section 16.09 (2) (B) if the City determines that additional land is needed on the site to meet the park and recreation needs of area workers and residents.
 - (B) To avoid long and narrow spaces, the length of the plaza or park must not exceed three times the width of the plaza or park.
 - (C) The plaza or park must be reserved for public use through a permanent easement and must be open to the public every day between 7:00 a.m. and 9:00 p.m.
 - (D) At least 30 percent of the plaza or park must consist of landscaping or water features.

- (E) The plaza or park must include pedestrian lighting at an illumination level of at least 2.5 foot candles.
 - (F) At least 25 percent of the perimeter of the plaza or park must abut a public or private street.
 - (G) The plaza or park must be easily accessible via sidewalk.
 - (H) The plaza or park must be designed to encourage public use through the provision of seating, tables, trash receptacles, water features and areas for public entertainment or public display of art or cultural exhibits. Seating must be provided at a rate of not less than one seat per 200 square feet of plaza or park area for the first 10,000 square feet.
 - (I) The plaza or park must be maintained in good order.
 - (J) The development agreement must include provisions ensuring public access as well as the installation, preservation, maintenance, and replacement, if necessary, of plaza or park features.
- (m) **Noise Insulation.** Until citywide aircraft related noise insulation standards are adopted, required noise insulation levels within the HX-R ~~[interim]~~ zoning district will be established through conditions attached to individual development approvals and development agreements.
- (n) **Travel Demand and Parking Management.**
- (1) Final development plans for office uses within the HX-R ~~[interim]~~ zoning district ~~[shall]~~ must include a travel demand management (TDM) plan prepared by an independent TDM professional under the supervision of the City and paid for by the applicant. The plan ~~[shall]~~ must document TDM measures to be implemented, performance criteria and compliance enforcement measures.
- (o) **Public Art.** The provision and exterior display of public art creates visual interest within the HX-R ~~[interim]~~ zoning district and helps to facilitate a pedestrian oriented environment.
- (1) Preliminary and final development plans for new development in the HX-R ~~[interim]~~ zoning district ~~[shall]~~ must designate ~~[locations for public art or, if no public art is to be installed at the time of construction,]~~ potential future locations for public art ~~[- Locations for public art shall be designated]~~ near high volume pedestrian corridors. At least one potential future public art location ~~[shall]~~ must be designated per ~~[phase of the development project]~~ 2.5 acres of site area. The HX-R zoning district does not require the provision of public art but does offer floor area ratio bonuses for public art subject to the provisions of Section 19.29 (g) (4) (D).
 - ~~[(2) — Developments that agree to install public art in compliance with the provisions of Section 19.29 (g) are eligible for floor area ratio bonuses.]~~
- (p) **Sign Regulations.** Refer to Article X of this Chapter.
- (q) ~~[Effective Date. This section shall be effective immediately upon its adoption and publication, shall be effective for twelve (12) months from its effective date and shall expire at that time unless further extended. This interim ordinance is adopted pursuant to Minnesota Statutes, Section 462.355, Subd. 4.]~~
- Construction or Expansion Not in Compliance with HX-R District Standards.** Where construction or expansion not in compliance with HX-R District residential use and minimum floor area ratio requirements is allowed to occur through issuance of a Conditional Use Permit or Interim Use Permit, such construction or expansion is subject to the following provisions.
- (1) The new or expanded use is not required to comply with HX-R District residential use and minimum floor area ratio requirements. The new or expanded use must meet all other applicable requirements of the District and City Code, including parking requirements.
 - (2) Expansion of an existing use not in compliance with HX-R District residential use and minimum floor area ratio requirements must be contained within the parcel currently occupied by the existing use.

ARTICLE III. A. ADDITIONAL ZONING DISTRICTS

SEC. 19.40.06. MIXED-USE DISTRICT CX-2.

(f) **Dimensional Requirements –**

Maximum structure height: ~~[1,040 feet above mean sea level and a]~~As regulated by Section 19.47 of this Code.

SEC. 19.40.07. COMMERCIAL SERVICE DISTRICTS CS-0.5 AND CS-1.

(g) **Dimensional Requirements.**

Maximum structure height: ~~[980 feet above mean sea level in locations east of 3rd Avenue South and a]~~As regulated by Section 19.47 of this Code.

SEC. 19.40.08. COMMERCIAL OFFICE DISTRICTS CO-0.5 AND CO-1.

(g) **Dimensional Requirements.**

Maximum structure height: ~~[980 feet above mean sea level in locations east of 3rd Avenue South and a]~~As regulated by Section 19.47 of this Code.

SEC. 19.40.08.01. COMMERCIAL-OFFICE/MIXED-USE DISTRICT CO-2.

(g) **Dimensional Requirements.**

Maximum structure height: ~~[1,040 feet above mean sea level and a]~~As regulated by Section 19.47 of this Code.

SEC. 19.40.09. RESIDENTIAL OFFICE DISTRICT RO-24 AND RO-50.

(f) **Dimensional Requirements.**

Maximum structure height RO-50: ~~[980 feet above mean sea level in locations East of 3rd Avenue South a]~~As regulated by Section 19.47 of this Code.

Maximum structure height RO-24: 40 feet high and as regulated by Section 19.47 of this Code.

ARTICLE V. PERFORMANCE STANDARDS

SECTION 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:

High Intensity Mixed Use With Residential HX-R ~~[Interim]~~ District

ARTICLE X. SIGN REGULATIONS

Division D. District Provisions

SEC. 19.113. CLASS IV SIGN DISTRICTS (CB, B-2, B-3, IP, I-3, CO-0.5, CO-1, CS-0.5, CS-1, FD-1, FD-2~~[, HX-R]~~).

SEC. 19.115.01. CLASS VII SIGN DISTRICT (HX-R).

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

(1) Type Permitted.

(A) Ground Signs. Ground signs are permitted.

(B) Monument Signs. Monument signs are not permitted.

(C) Pylon Signs. Pylon signs are not permitted.

(2) Maximum Sign Height.

(A) Ground Signs. No part of the sign face or the sign support structure of a ground sign may be more than eight feet above final grade, subject to the provisions of Section 19.108(c), "Sign Characteristics - Grade Mounding".

- (3) **Minimum Setbacks, Front.** The minimum setback for all freestanding identification signs is ten feet from any public street right-of-way line.
- (4) **Minimum Setbacks, Side and Rear.** Freestanding identification signs may not be located closer than five feet from a side or rear property line.
- (5) **Maximum Sign Area and Number of Signs.** One freestanding identification sign, with a sign surface area not to exceed 100 square feet, is allowed per block face along a public or private street. One additional freestanding identification sign, with a sign surface area not to exceed 60 square feet, is allowed at each public or private street intersection corner.
- (6) **Minimum Separation.** The minimum separation between two freestanding identification signs is 100 feet.
- (7) **Illumination.** Internal illumination is permitted.
- (b) **Regulations for Building Identification Signs.**
 - (1) **General Regulations.**
 - (A) **Two or More Uses in One Building.** When two uses with different building identification sign standards share space in a building, the building identification sign standards of each respective use apply to the elevation area attributable to that use.
 - (B) **Signs for Hotels.** Within the Class VII Sign District, wall sign and porte cochere sign regulations for hotels are as specified in Section 19.121 (b) (2-3). Sign regulations for all other types of signs for hotels are as specified in this Section.
 - (C) **Signs for Office Buildings With Seven or More Stories.** Within the Class VII Sign District, wall sign and porte cochere sign regulations for office buildings with seven or more stories are as specified in Section 19.124 (b) (2-3). Sign regulations for all other types of signs for office buildings with seven or more stories are as specified in this Section.
 - (2) **Wall Signs.**
 - (A) **General Regulations.**
 - (i) The linear measurement of any wall sign must not exceed 80 percent of the linear frontage of the applicable facade of the building.
 - (ii) All wall signs on a building must be of the same construction (channel or cabinet) including wall signs on different elevations.
 - (iii) Projecting signs may be used together with or in place of wall signs. Except for projecting signs discussed in Section 19.115.01 (b) (6), projecting sign size applies toward the wall sign size limitations. Projecting signs must be at least 10 feet above grade level and must not project more than 5 feet from the building or structure. Projecting signs may not encroach into the public right of way and may encroach into a public easement only with written approval of the Issuing Authority.
 - (B) **Residential Uses.**
 - (i) **Number and Size.** One wall sign of up to 50 square feet is allowed per building elevation.
 - (ii) **Illumination.** Illumination is permitted.
 - (C) **Hotels.** See Section 19.121 (b) (2).
 - (D) **Office Buildings.**
 - (i) **Number, Size and Location.** Wall signs are allowed on four elevations. There is no limit on the number of signs provided that total wall sign area on two of the building elevations must not exceed 200 square feet per elevation and total wall sign area on the other two building elevations must not exceed 100 square feet per elevation.
 - (ii) **Illumination.** Illumination is permitted.
 - (iii) **Office Buildings With Seven or More Stories.** The wall sign standards of Section 19.124 (b) (2) take precedence for office buildings with seven or more stories.
 - (E) **Parking Structures.**
 - (i) **Number, Size and Location.** Wall signs are allowed on four elevations. There is no limit on the number of signs provided that total wall sign area on elevations fronting public streets must not exceed 200 square feet per elevation and that total sign area on elevations not fronting public streets must not exceed 100 square feet per elevation.
 - (ii) **Illumination.** Illumination is permitted.

- (F) **Other Uses Including Accessory Retail and Service Uses Mixed with Residential, Hotel or Office Uses.**
 - (i) **Number and Size.** There is no limit on the number of wall signs or the number of building elevations that may display wall signs provided that the total wall sign surface area on a building elevation must not exceed one square foot per linear foot along the respective building elevation.
 - (ii) **Illumination.** Illumination is permitted.
- (3) **Porte Cochere Signs.**
 - (A) **Hotels.** See Section 19.121 (b) (3).
 - (B) **Office Buildings With Seven or More Stories.** See Section 19.124 (b) (3).
 - (C) **Other Uses.** Porte cochere signs are not permitted.
- (4) **Roof Signs.** Roof signs are not permitted.
- (5) **Roof-Integral Signs.** Roof-integral signs are not permitted.
- (6) **Projecting and Suspended Signs.** In addition to allowed wall signs, one pedestrian oriented projecting or suspended sign up to 12 square feet in size, at least 10 feet above the walking surface and projecting no more than 10 feet from the building is permitted per exterior public entrance to a building. Projecting and suspended signs may not encroach into the public right of way and may encroach into a public easement only with written approval of the Issuing Authority. Projecting or suspended signs may be illuminated.
- (7) **Awning and Canopy Signs.**
 - (A) **Approval Required.** Awnings and canopies must not be installed unless approved as part of the Final Development Plans for a building.
 - (B) **Where Allowed.** Signs may be incorporated into approved awnings or canopies, except for residential uses where awning and canopy signs are not permitted.
 - (C) **Size.** There is no limit on awning or canopy sign size except that the linear measurement of the sign on the awning or canopy must not exceed 80 percent of the linear frontage of the awning or canopy.
 - (D) **Illumination.** Illumination is permitted where awning or canopy signs are allowed.
 - (E) **Other.** No awning or canopy sign is allowed above the first floor of the building or 12 feet above grade, whichever is lower.
- (8) **Marquee Signs.** Marquee signs are not permitted.
- (9) **Window Signs.** Window signs are permitted but must not occupy more than 25 percent of the area of a given window and must not obscure more than 25 percent of the linear window surface at eye level.
- (c) **Other Signs.** All other signs must be located on the site of the use unless otherwise specified.
 - (1) **Directional Signs.** See Section 19.116.
 - (2) **Incidental Signs.** See Section 19.117.
 - (3) **Other Regulated Signs Exempt From Sign Permits.**
 - (A) **Building Marker.** See Section 19.105(c)(3).
 - (B) **Construction Sign, Project (Commercial, Industrial, and Residential for Projects of Six or More Lots or Multiple-Family Projects).** See Section 19.105(c)(4).
 - (C) **Flags, noncommercial.** See Section 19.105(c)(5).
 - (D) **Interior Signs.** See Section 19.105(c)(9).
 - (E) **Murals.** See Section 19.105(c)(10).
 - (F) **Official Signs and Notices.** See Section 19.105(c)(11).
 - (G) **Political Signs.** See Section 19.105(c)(12).
 - (H) **Public Notices.** See Section 19.105(c)(13).
 - (I) **Public Utility Signs.** See Section 19.105(c)(14).
 - (J) **Real-Estate Signs.** See Section 19.105(c)(15).
 - (K) **Tombstones.** See Section 19.105(c)(17).
 - (L) **Traffic Control Signs.** See Section 19.105(c)(18).
 - (4) **Prohibited Signs.** See Section 19.106.

(5) 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.

(6) Anti-Blight Regulations. See Article VIII.

(d) Uniform Sign Design. See Section 19.109.

SEC. 19.121. SIGNS FOR HOTELS.

(a) **Purpose.** The City Council finds that signage for hotels present unique communication needs and concerns. Therefore, the following standards shall apply to hotel signage when so specified within the applicable Sign District.

SEC. 19.124. SIGNS FOR OFFICE BUILDINGS WITH SEVEN (7) OR MORE STORIES.

(a) **Purpose.** The City Council finds that due to their height, office buildings with seven (7) or more stories have unique signage needs. The following standards shall, therefore, apply to office buildings with seven (7) or more stories [~~in lieu of the regularly permitted zoning district signs~~] when so specified within the applicable Sign District.

Passed and adopted this _____ day of _____, 2005.

Mayor

ATTEST:

Secretary to the Council

APPROVED:

City Attorney