



Planning & Development Division
Planning & Economic Development Department

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Date: July 5, 2022
To: Planning Commission
From: Jenn Moses, Interim Manager
RE: PL 22-108 UDC Text Changes

Staff are proposing ordinance changes to several sections of the City's Unified Development Chapter (UDC).

These changes codify existing Land Use Supervisor Interpretations, amend wording relating to accessory heliports and appeals, and adds a new use, Interim Outdoor Living Site.

Specific changes include:

- **Interim outdoor living site:** This type of facility would provide short-term, temporary living, while requiring operators of sites to provide sanitation, potable water, refuse collection, and other necessities. This new use requires amendments to Section 50-19, the Use Table; Section 50-20, Use-Specific Standards; and Section 50-41.9, Definitions.
- **Accessory heliport:** When originally created, the UDC allowed accessory heliports in districts such as R-C and I-G, as the existing airports at that time were located in those zone districts. Since that time, a new zone district (AP) was created for airports. Language specifying that heliports could only be allowed as part of an airport is no longer needed. In addition, staff finds that allowing heliports as accessory to industrial uses could be an important component of industrial uses, with little likelihood of negative impacts.
- **Landscaping and tree preservation:** This change clarifies confusion about applicability of standards, stating that they apply to new development as well as redevelopment.
- **Building design standards:** This section changes the length of an allowed building façade from 200' to 300', with the intent of reflecting more appropriately the type of suburban context many new multi-family buildings are being located in.
- **Lighting:** After receiving significant public comments about the color and brightness of new LED lighting, staff recommends a "color temperature" of 3000K as a maximum for exterior lighting, ensuring a calmer "yellow" tint to lighting instead of the brighter whites and blues seen at higher color temperatures.
- **Appeals:** This section contains changes recommended by the City Attorneys office, based on recent case law.

Recommendation:

Staff recommends that the Planning Commission hold a public hearing, discuss the changes, and recommend approval of the UDC updates to the City Council.

TABLE 50-19.8: USE TABLE, REVISED DEC 2021

P: Permitted Use S: Special Use I: Interim Use A: Accessory Use U: Permitted Only in Upper Stories (Form Dist.) 1, 2, 3, as per table 50-19.1	Residential						Mixed Use						Form									Special				Use Specific Standards
	R-C	RR-1	RR-2	R-1	R-2	R-P	MU-N	MU-C	MU-I	MU-B	MU-W	MU-P	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9	I-G	I-W	P-1	AP	
RESIDENTIAL USES																										
Household Living																										
Dwelling, one-family	P	P	P	P	P	P ³	P					P ³	P	P	P	P	P	P	P	P	P					
Dwelling, two-family				P	P	P ³	P					P ³	P	P	P	P	P	P	P	P	P					50-20.1.A
Dwelling, townhouse				S	P ²	P ³	P ²				P ¹	P ³														50-20.1.B
Dwelling, multi-family					P ²	P ³	P ²	P ¹	P ¹		P ¹	P ³	P	P	P	P	P	P	P	P	P					50-20.1.C
Dwelling, live-work							P ²	P ¹	P ¹		P ¹	P ³	P	P	P	P	P	P		P	P					
Manufactured home park				S	S ²	P ³	S ²																			50-20.1.F
Cottage home park		S	S	S	S	P ³	S ²																			50-20.1.G
Group Living																										
Co-housing facility				S	S ²	P ³	P ²					P ³														
Interim outdoor living site	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I			
Residential care facility/assisted living (6 or fewer)		P	P	P	P ²	P ³	P ²					P ³	P	P	P	P	P	P	P	P	P					50-20.1.D
Residential care facility/assisted living (7 or more)				S	P ²	P ³	P ²	P ¹	P ¹		P ¹	P ³	P	P	P	P	P	P	P	P	P					50-20.1.D
Rooming house					S ²		P ²	P ¹	P ¹		P ¹	P ³	P	P	P	P	P	P	P	P	P					50-20.1.E
Sober house (6 or fewer)				P	P ²	P ³	P ²					P ³	P	P	P	P	P	P	P	P	P					50-20.1.H
Sober house (7 or more)					S ²	P ³	S ²	P ¹	P ¹			P ³	P	P	P	P	P	P	P	P	P					50-20.1.H

50-19.1 Residential uses.

A. Dwelling, two-family.

In the R-1, R-2 and R-P districts, two-family dwellings shall be designed to protect and reflect the character of one-family residences as set forth below:

1. Exterior stairways. No exterior stairways with a total vertical rise greater than five feet shall be permitted;
2. In the R-1 and R-2 districts, each unit in a two family dwelling must have a separate exterior entrance on the facade facing the front property line;

B. Dwelling, townhouse.

In the R-1 and R-2 districts, each dwelling shall exhibit the characteristics of a series of one-family dwellings that are arranged in an attached side by side fashion and shall be designed to protect the character of one-family residences as set forth below:

1. Dwelling fronting street. Townhouse dwellings shall be located on lots in such a way that each individual dwelling unit has a minimum of 20 feet of street frontage in the R-1 district, and a minimum of 15 feet of street frontage in the R-2 district;
2. Variation of exterior walls. No more than two adjacent townhouse units may have front facades in the same vertical plane. Where a variation in front façade plane is required, the variation shall be a minimum of three feet;
3. Landscaping. Prior to the occupancy and use of a townhouse dwelling, coniferous or evergreen trees meeting the minimum size requirements of Section 50-25.2 shall be planted in required front and back yard areas on an average spacing of 20 feet;
4. Screening of refuse areas. Where refuse storage areas are directly viewable from any exterior lot line at a height of six feet above grade, they shall be screened by wood, brick, or stone fences, or by vegetative materials, with a minimum height of six feet, designed so that at least 75 percent of the refuse area is obscured by opaque materials when viewed at an angle perpendicular to the screening materials;
5. Maximum number of units. In the R-1 district, townhomes constructed on the corners of blocks or adjacent to the intersections of two or more public or private road may have up to eight dwelling units, but townhomes constructed in the middle of a subdivision block may have no more than six dwelling units. In all other zone districts, townhomes may not exceed eight dwelling units;
6. Separate entrances. Each unit in a townhome must have a separate exterior entrance on the facade facing the front yard property line, or front side yard property line;
7. Design features. At least three of the following design features shall be provided for visual relief along all facades of each townhome structure:
 - (a) Roof dormers;
 - (b) Gables;
 - (c) Recessed entries;
 - (d) Covered porches;
 - (e) Cupolas;
 - (f) Pillars, pilasters or posts;
 - (g) Bay windows;
 - (h) Eaves of at least 12 inches beyond the building wall or a parapet wall with an articulated design (decorative cornice, etc.);
 - (i) Multiple windows with minimum four inches trim;
 - (j) Recesses/shadow lines;

C. Dwelling, multi-family.

Every multi-family dwelling unit on or above the ground floor of a new multifamily structure constructed after January 1, 2021 shall have at least one exterior window that allows for the exchange of air and the admittance of daylight;

(Ord. No. 10722, 12-14-2020, § 1)

D. Residential care facility/assisted living.

1. A residential care facility/assisted living serving six or fewer persons shall be considered a permitted single-family residential use of property, as allowed in 50-19.8, Permitted Use Table;
2. This use shall provide landscaping as required 50-25.5.A, multi-family residential abutting single-family residential;
3. Unless exempted under Minnesota Statutes Section 245A11, subdivision 4, of Minnesota State Statute, a new residential care facility/assisted living may not be located within 1,320 feet of an existing residential care facility/assisted living unless one of the following conditions apply: (1) the existing residential facility/assisted living is located in a hospital licensed by the commissioner of health; (2) the city has granted the existing residential facility/assisted living a special use permit; or (3) the new residential care facility/assisted living is a foster care or a community residential setting as defined under section 245D.02, subdivision 4a. of Minnesota State Statute;

(Ord. No. 10722, 12-14-2020, § 2; Ord. No. 10746, 5-10-2021, § 2)

E. Rooming house.

No use specific standards at this time;

(Ord. No. 10722, 12-14-2020, § 3)

F. Manufactured home park.

1. New manufactured home parks, expansions to existing manufactured home parks, and new or replacement of manufactured home units on lots of record are prohibited in the floodway district. If allowed in the flood fringe district, these uses shall be subject to the requirements of Section 50-18.1 of this Chapter and the following standards;
2. Existing, new and replacement manufactured homes in the flood fringe district must comply with the following standards:
 - (a) All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state anchoring requirements for resisting wind forces;
 - (b) New or replacement manufactured homes in existing manufactured home parks must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, unless the property owner has a flood warning and emergency evacuation plan acceptable to the city council as specified in Section 50-18.1.

G. Cottage home park.

In the RR-1, RR-2, R-1, R-2, and MU-N districts, this use is subject to the use-specific standards as set forth below:

1. Development standards. All dwelling units within a cottage home park shall be subject to setback, height, off-street parking, and other regulations appropriate for one-family dwellings in the applicable zone district that the cottage home park is located, except as provided within this section;
2. Minimum lot area and lot frontage. Dwelling units shall meet the minimum lot area and lot frontage requirement for multi-family, townhome, or two family developments of the applicable zone district that the home park is located, whichever is smaller or least;
3. Principal entrance. Each dwelling unit shall have a principal entrance facing the front lot line. Exceptions to the requirement of a dwelling unit having a principal entrance facing the front property line may be made by the Land Use Supervisor, but only if the unit has a porch or deck on the front façade and the primary entrance is within 10 feet of the front façade;
4. Common open space or amenity area. Cottage housing developments shall provide common open space or an amenity area which is centrally located, equally accessible from, and at the disposition of all dwelling units;
5. Connectivity and access. Sidewalks or multi-use paths must be provided to ensure pedestrian access from each individual dwelling unit to the front property line or public street;
6. Subdivision. Approval of a cottage home park does not negate to the need for subdivision review and approval, where applicable.
7. Utility Connections. Cottage home parks must provide separate sewer and water services for each dwelling unit as required by the city engineer.

H. Interim outdoor living site.

1. The site must not be located within any shoreland, wetland, or floodplain. Removal of trees that meet the definition of significant tree per UDC Section 50-25 is not permitted.
2. If located in a parking lot of an existing use, the primary use of the property must maintain its minimum required off-street parking after placement of the temporary shelter facility. If the proposed site is wooded, consultation with the City Forester is required to determine any necessary protections for existing trees.
3. If the site contains slopes, a consultation with the City Stormwater Engineer is required to determine any erosion control necessary.
4. Tents, sleeping areas, and other temporary structures must be set back a minimum of 5 feet from all lot lines and 10 feet from all other temporary structures
5. If located adjacent to residential uses, a dense urban screen must be provided along the shared lot line with the residential use.
6. An operator must be onsite when occupants are present and during normal operating hours. The operator's name, telephone number, and e-mail address must be posted and easily visible to the public.
7. Operator shall provide evidence of liability insurance, in a format deemed acceptable by the City Attorney's Office.
8. Minimum provisions provided shall include potable water, toilets, and appropriate refuse containers for all occupants.
9. Operator shall ensure a gravel path or foot path is provided from the nearest public street to all sleeping areas as a public safety access route; the Fire Marshall shall review plans for the path location as part of the interim use permit.
10. The temporary shelter facility must always be open for registered occupants. The operator shall enforce quiet hours between 10:00 p.m. and 6:00 a.m.

11. Any illumination must not produce glare or reflection for occupants of neighboring buildings or on public streets.
12. The site must be maintained in a safe and sanitary condition and free from vermin and waste. All garbage and food waste must be deposited in covered receptacles that are emptied when filled and the contents disposed of in a sanitary manner.
13. No children under 18 are allowed, unless accompanied by a parent or guardian.

I. Sober house.

1. A sober house serving six or fewer persons shall be considered a permitted single-family residential use of property as allowed in 50-19.8, Permitted Use Table;
2. This use shall provide landscaping as required 50-25.5.A, multi-family residential abutting single-family residential;
3. A new sober house shall be a minimum distance of 350 feet from existing sober houses. (Ord. No. 10746, 5-10-2021, § 3)

50-20.5 Accessory uses

E. Accessory heliport.

1. All accessory heliports shall have and maintain in effect at all times all required permits and approvals, if any, for the facility and operation required by the FAA, and shall design and maintain the facility and conduct operations in compliance with those permits and approvals;
2. In the R-C and I-C districts, this use shall be permitted only when it is accessory to an airport as a primary use;

50-25 LANDSCAPING AND TREE PRESERVATION.

50-25.1 Applicability.

- A. The landscaping provisions of secs. 50-25.2 through 25.4 and 25.7 shall apply to lots and parcels in any zone district that contain (i) more than 10,000 square feet of lot area, and (ii) **an existing or proposed** primary structure with a multi-family, mixed use, commercial, institutional, industrial, or parking principal use, when any of the following conditions occur:
1. A new primary structure is constructed;
 2. The floor area in an existing primary structure(s), taken collectively, is increased by more than 25 percent;
 3. An existing primary structure is relocated on the lot or parcel;
 4. The primary structure is renovated or redeveloped (including but not limited to reconstruction after fire, flood or other damage), and the value of that renovation or redevelopment, as indicated by building permits, is 75 percent or more of the pre-application assessor's market value of the primary structure, as shown in the records of the city assessor;
 5. A new parking lot containing 25 or more spaces is constructed or an existing parking lot containing 25 or more spaces is reconstructed. Parking lots with less than 25 spaces must only provide the minimum tree canopy coverage as indicated in Section 50-25.4.B.6;
- B. In any form district, landscaping shall not be required on the portion of a lot occupied by a principle structure;
- C. The tree preservation provisions of Section 50-25.9 apply to all development or redevelopment on lots and parcels in any zone district that contain (i) more than 10,000 square feet of lot area, and (ii) a primary structure with a multi-family, mixed use, commercial, institutional, industrial, or parking principal use, as well as to any new lot of record created after November 19, 2010, regardless of the primary use of the property, in any zone district;
- D. The landscaping between differing land uses provisions of Section 50-25.5 apply to all development or redevelopment on lots and parcels when there is a change of use.

50-30.1 Multi-family residential design standards.

Each principal structure or development in which a majority of the gross floor area is occupied by multi-family dwellings must comply with the standards set out in this Section, unless the provisions of Section 50-30.3, Mixed Use Development, apply:

A. Accessibility.

Multi-family dwelling developments containing more than one principal structure on a single lot or parcel must include an unobstructed walkway or pathway providing access between the principal structures for persons with disabilities. The walkway or pathway must be at least five feet wide, and, if curb ramps are necessary to provide such access, the curb ramps must comply with the slope and design requirements of the city;

B. Façade length and articulation.

Total length of any multi-family structure façade shall not exceed ~~200~~ 300 feet and no façade wall shall extend more than 80 horizontal feet without projections or recesses. Each facade greater than 100 horizontal feet in length shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade and extending at least 20 percent of the length of the façade;

C. Roof design.

Rooflines longer than 100 horizontal feet shall include at least one vertical elevation change of at least two feet. All sloped roofs shall have overhanging eaves of at least one foot, and roofs with a pitch of less than 2:12 shall be screened by a parapet wall;

D. Four-sided design.

All sides of a structure open to view by the public, whether viewed from public or private property, shall display a similar level of quality and architectural interest;

E. Parking structures and carports.

To the maximum extent feasible, parking structures and carports shall not be located between the front or primary façade of a multi-family building and the street frontage adjacent to the front lot line, but shall instead be internalized within building groups so as not to be directly visible from the street frontage;

F. Design features.

At least three of the following design features shall be provided for visual relief along all facades of each primary multi-family building:

1. Roof dormers;
2. Gables;
3. Recessed entries;
4. Covered porches;
5. Cupolas;
6. Pillars, pilasters or posts;
7. Bay windows;
8. Eaves of at least 12 inches beyond the building wall or a parapet wall with an articulated design (decorative cornice, etc.);
9. Multiple windows with minimum four inches trim;
10. Recesses/shadow lines;
11. Building foundation areas that face streets or public areas shall be landscaped to a minimum width of five feet with a minimum of three shrubs per 20 lineal feet of foundation;

G. Visibility of common areas.

To promote public safety, primary multi-family dwelling structures and landscaping must be located and designed so that clear sight lines are provided to and between common open spaces, circulation paths and access points into the development, where applicable.

50-27.3 Design and illumination standards.

All exterior lighting regulated by this Section shall not be altered or replaced except where the alteration or replacement would comply with the provisions of this Section. All exterior lighting shall meet the following design standards:

- A. Any light source or lamp that emits more than 900 lumens (13 watt compact fluorescent or 60 watt incandescent) shall be concealed or shielded with an Illuminations Engineering Society of North America (IESNA) full cut-off style fixture with an angle not exceeding 90 degrees, with 90 percent of the light below 80 degrees. Exterior lighting shall be designed, constructed, and maintained in a manner that minimizes off-site glare, light trespass on adjacent property, and traffic hazards for pedestrian and motorists;

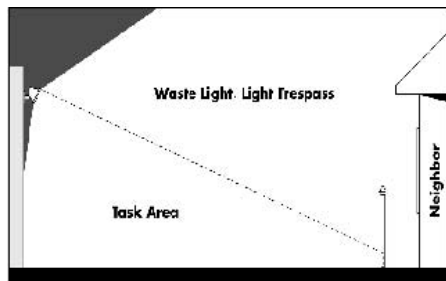


Figure 50-39.1-A: Does not comply -- Light trespass

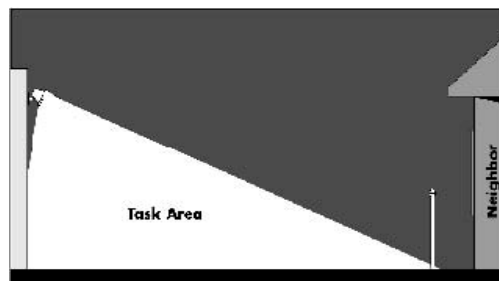


Figure 50-39.1-B: Complies -- No light trespass

- B. All lighting shall have the intensities and uniformity ratio consistent with the IESNA lighting handbook, and shall be designed and located so that the illumination measured in footcandles at the finished grade shall comply with the standards in Table 50-31-1, *Minimum and Maximum Illumination Values*. All exterior lighting shall meet the requirements of the Minnesota State Energy Code, except for temporary decorative seasonal lighting;

Table 50-31-1: Minimum and Maximum Illumination Values (in Footcandles)				
Use	Maximum Illumination on Property	Maximum Illumination at Property Line (Excluding Rights-of-Way)	Maximum Illumination at Right-of-Way	Maximum/Minimum Ratio in an Illuminated Area
Residential Uses and Agricultural and Animal Related Uses	5	.5	1.0	10:1
All Other Uses	10	1.0	2.0	15:1

- C. The maximum height of any lighting pole serving a residential use is 20 feet. The maximum height serving any other type of use is 25 feet, except that (1) in parking lots larger than five acres, the maximum height of any pole located at least 100 feet from any residential use is 35 feet, and (2) in the I-G and I-W zone districts, the maximum pole height is 50 feet; The calculation for the height of lighting poles excludes the pole's base (up to 30 inches);
- D. Sign illumination shall conform to the provisions of Section 50-27.
- E. Lighting of free standing canopies for automobile service stations, convenience stores, and other similar uses shall have a maximum light level of 15 footcandles. Lighting shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy. Maximum lighting level uniformity (maximum to minimum) on the site shall be 15:1;

- F. The use or operation of searchlights for advertising purposes is prohibited. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizon, is prohibited;
- G. All outdoor light not necessary for security purposes shall be reduced to 30 percent of design levels or less, activated by motion sensor detectors, or turned off during non-operating hours;
- H. Light fixtures used to illuminate statues, monuments, or any other objects mounted on a pole, pedestal or platform shall use a narrow cone beam of light that will only illuminate the object;
- I. For upward-directed architectural, landscape and decorative lighting, and flood lights, direct light emissions shall be contained by the buildings and not be visible above the building roof line, and shall not be utilized to light any portion of a building façade between 10:00 p.m. and 6:00 a.m.;
- J. No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting;
- K. LED lighting may not exceed a correlated color temperature (CCT) of 3000 Kelvin (K) nor have a minimum color rendering index (CRI) of less than 80. This provision does not apply to lighting serving a public or quasi-public institution for public safety or security purposes, or street lighting provided by the city, county, or the state of Minnesota.

50-37.1.O Appeals.

5. Appeal of planning commission or city council decisions to the courts.
 - (a) In the case of an appeal regarding the zoning of an airport or an Airport Overlay district, the appeal shall proceed pursuant to applicable state law and shall be perfected within 60 days after the decision appealed from is filed in the office of the planning commission;
 - (b) In case of decisions of the planning commission or the city council appealable to the district court pursuant to MSA 462.361, the appeal shall be perfected within 60 days after the decision being appealed from was made ~~is filed in the office of the planning commission~~;
 - (c) All other appeals not otherwise provided for above shall be pursuant to MSA 606.01;
6. Appeals of heritage preservation commission decisions to council.
Where applicable, subsection 50-37.1.O.4 shall apply of heritage commissions decisions, when appealable to city council;

(Ord. No. 10723, 12-14-2020, § 8)

50-41.9 Definitions: I

Impaired waters. Those streams, rivers and lakes that currently do not meet their designated use classification and associated water quality standards under the federal Clean Water Act.

Impervious surface. A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities or at an increased rate than prior to development. Examples include but are not limited to: conventional roofs, concrete/bituminous surfaces, stone pavers and gravel surfaces.

Indirect illumination. Illumination that is derived from light sources that are not visible to intended viewers of the sign but which illuminate the sign by being directed at the sign's reflective face.

Indoor entertainment facility. A facility providing entertainment or recreation activities where all activities take place within enclosed structures, but not including a theater or a convention or event center. Examples include but are not limited to: bowling alleys, trampoline centers, video arcades, climbing wall centers, paintball or laser tag centers.

Industrial services. A facility or area where industrial services such as heating, ventilation, cooking and refrigeration supplies, motion picture production, plumbing supplies, printing and photocopying, publishing, engraving, exposition building or center, and other uses designed to support industrial or heavy commercial activities in the vicinity, provided that such services are not listed separately as a permitted of special use in this Chapter.

Industrial stormwater permit. A national pollutant discharge elimination system (NPDES) permit issued to a commercial industry or group of industries that regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

Industrial use. The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities or other wholesale items.

Infill development. Land development that occurs within designated areas based on local land use, watershed, or utility plans where the surrounding area is generally developed, and where the site or area is either vacant or has previously been used for another purpose.

Infiltration. The process of percolating stormwater into the subsoil.

Infiltration facility. Any structure or device designed to infiltrate retained water to the subsurface. These facilities may be above grade or below grade.

Institution. An established organization or foundation, especially one dedicated to education, medicine, public service, or culture, or an organization founded for a specific purpose, such as a hospital, synagogue, college, service club, or charitable entity.

Institutional support use. An establishment primarily engaged in rendering services to institutions on a fee or contract basis, such as advertising and mailing, consulting services, protective services, equipment rental, leasing and financial services. Uses must be incidental to and supportive of institutional uses and shall not include activities that are primarily retail in nature and devoted to the sale of consumer goods. (Ord. No. 10044, 8-16-2010, § 6; renumbered by Ord. No. 10096, 7-18-2011, § 58; Ord. No. 10204, 3-11-2013, § 4.)

Interim outdoor living site. An interim outdoor living site is a facility that provides short-term, temporary shelter, such as an outdoor encampment, temporary small houses, or safe parking lot, and which does not require payment of any fee, rent, or other monetary charge.