

**ZONING REGULATIONS UPDATE WORKING GROUP**

**AGENDA**

**Tuesday, June 22, 2021**

**6:30 pm**

**THIS AGENDA IS SUBJECT TO CHANGE UNTIL THE START OF  
THE MEETING**

**I. PRESENTATION**

1. Zoning Regulations Update Process To-Date
2. Directions Report Virtual Open House Recap
3. Zoning Regulations Update Module 1 Review & Discussion
4. Next steps

**II. ADJOURN**



# MEMO

To: Zoning Regulations Working Group  
From: Jason Lindahl, AICP  
Date: June 22, 2021  
Subject: Zoning Regulations Update - Module 1 of the Draft Zoning Regulations

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## **Overview**

Our meeting will focus on review of Module 1 which includes the first 6 articles of the draft zoning regulations. This memo reviews the zoning update process to-date, recaps public feedback from the Directions Report virtual open house last February, and summarizes the topics covered in the first 6 articles of the Module 1 (the draft zoning regulations). Please review this information and bring your questions and comments to the meeting for discussion. I'm available for questions or comments before the meeting.

To help guide you through this material and allow for the most discussion time during the meeting, the consultant team recorded their presentation in advance and it is now available for viewing on the City's Zoning Regulations Update Project webpage. We suggest watching the video presentation as you review the Module 1 of the draft zoning regulations.

## **Attachments**

- Module 1 Presentation (see Zoning Regulations Update Project website)
- Draft Zoning Map
- City of Hopkins Development Code Update – Module One
- Kick-Off Listening Sessions Summary
- Virtual Open House Summary

## **Background**

The Zoning Regulations Update Project began in February 2020 with a series of community listening sessions and a Working Group kick-off meeting that identified important issues for the City to consider when updating the zoning regulations. A summary of the feedback from the listening session and kick-off meeting is attached for your reference.

The Zoning Regulations Update Working Group last met in December of 2020 to review the Zoning Update Directions Report. As you may recall, the Directions Report summarized the consultant team's initial recommendations regarding the scope and direction to pursue when drafting the new zoning regulations. The intent of that document was not to identify the specifics of every needed or proposed change but rather to serve as a general road map for drafting the updated zoning regulations.

After reviewing the Directions Report with the Working Group, the City held a virtual open house to gather additional community feedback in February 2021. A summary of the public feedback and

questions from the virtual open house is attached for your reference. Among the questions from the community during the virtual open house was “How will the new zoning code address the issues of race equity and anti-displacement?”

The zoning code provides limited opportunities to directly improve racial equity and prevent displacement. Nevertheless, the City is committed to educational opportunities and potential policy changes to address both issues. Two initiatives the City is participating in that can help inform the discussion of racial equity and anti-displacement during the zoning update process are the Hopkins Race and Equity Initiative (HREI) and the Just Deeds Coalition. The attach Virtual Open House Summary provides more information about both initiatives. As part of our meeting, City staff will lead a discussion of these topics and ask the Working Group for comments on how to further address these items.

### **Draft Zoning Regulations**

Attached for review and discussion is Module 1 of the draft zoning regulations. Module 1 includes the first 6 articles of the draft regulations. The balance of the draft zoning regulations will come in two future modules and include additional review, discussion and language revision. The 3 modules will eventually become the final draft of the zoning regulations and be presented to the community, Planning & Zoning Commission and City Council for final review and action. A summary of the topics covered in each of the first 6 articles is provided below.

- **Article 1, Introductory Provisions** – Legal framework, rules of construction, zoning map, transitional provisions and severability.
- **Article 2, Neighborhood Zones** – Allowable uses, building types, and development standards.
- **Article 3, Mixed Use Zones** – Allowable uses, building types, and development standards.
- **Article 4, Special Zones** – Open Social Space, Public & Institutional, Light Industrial, and Waste & Energy zones.
- **Article 5, Principle Uses** – Use table, use groups (Residential, Commercial, Manufacturing & Industrial, and Civic & Institutional) and short-term rentals.
- **Article 6, Accessory Uses and Structures** – Development standards for various accessory uses including accessory dwelling units (backyard cottages and secondary suites), outbuildings, home occupations, drive-thrus, fuel pumps and the like.

Please review Module 1 and bring your questions and comments to the meeting. To help guide you through this material and allow for the most discussion time during the meeting, the consultant team recorded their presentation in advance and it is now available for viewing on the City’s Zoning Regulations Update Project webpage. We suggest watching the video presentation as you review the Module 1 of the draft zoning regulations.

# LEGEND

## Neighborhoods

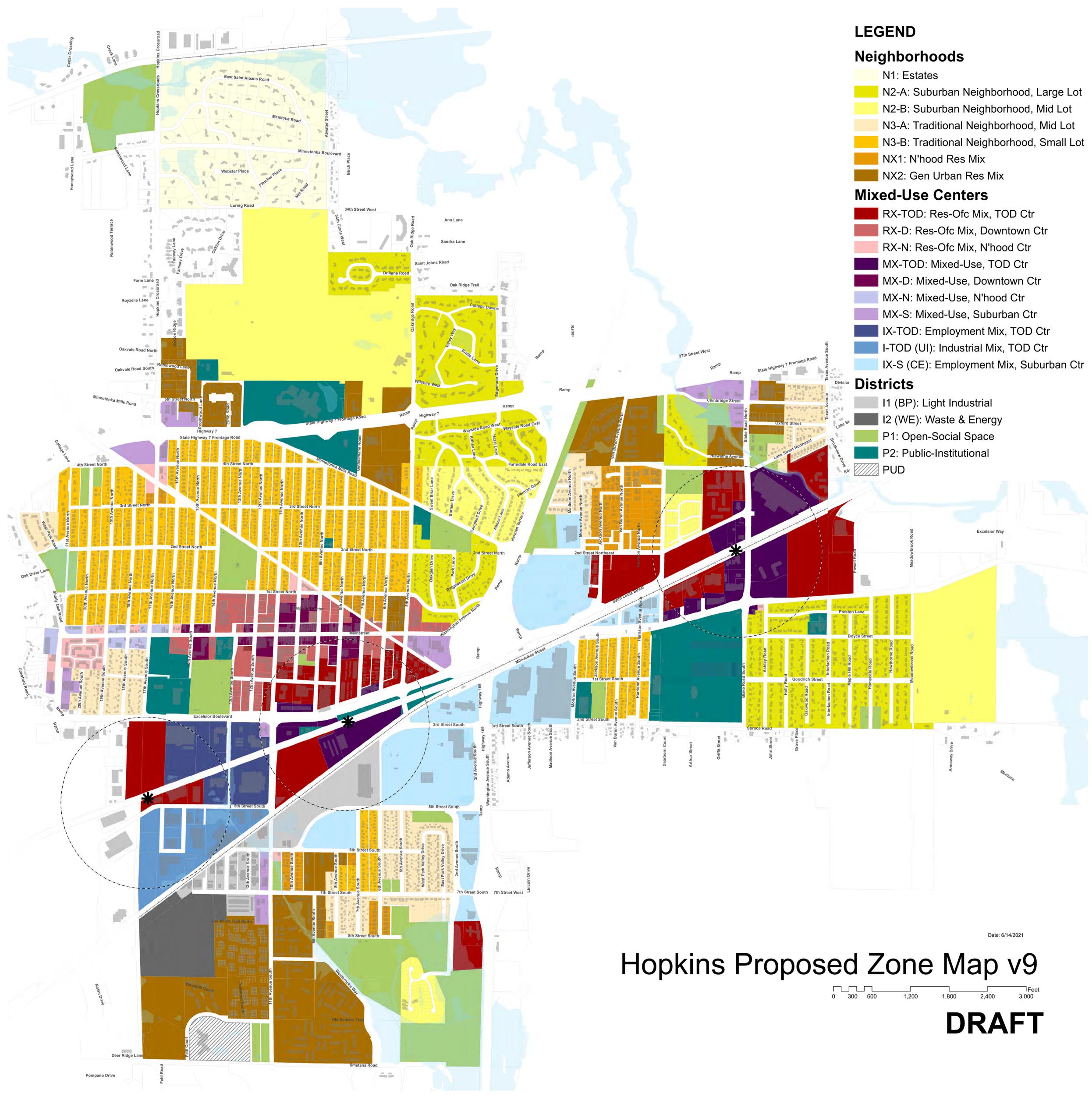
- N1: Estates
- N2-A: Suburban Neighborhood, Large Lot
- N2-B: Suburban Neighborhood, Mid Lot
- N3-A: Traditional Neighborhood, Mid Lot
- N3-B: Traditional Neighborhood, Small Lot
- NX1: N'hood Res Mix
- NX2: Gen Urban Res Mix

## Mixed-Use Centers

- RX-TOD: Res-Ofc Mix, TOD Ctr
- RX-D: Res-Ofc Mix, Downtown Ctr
- RX-N: Res-Ofc Mix, N'hood Ctr
- MX-TOD: Mixed-Use, TOD Ctr
- MX-D: Mixed-Use, Downtown Ctr
- MX-N: Mixed-Use, N'hood Ctr
- MX-S: Mixed-Use, Suburban Ctr
- IX-TOD: Employment Mix, TOD Ctr
- I-TOD (UI): Industrial Mix, TOD Ctr
- IX-S (CE): Employment Mix, Suburban Ctr

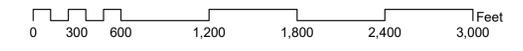
## Districts

- I1 (BP): Light Industrial
- I2 (WE): Waste & Energy
- P1: Open-Social Space
- P2: Public-Institutional
- PUD



Date: 6/14/2021

# Hopkins Proposed Zone Map v9



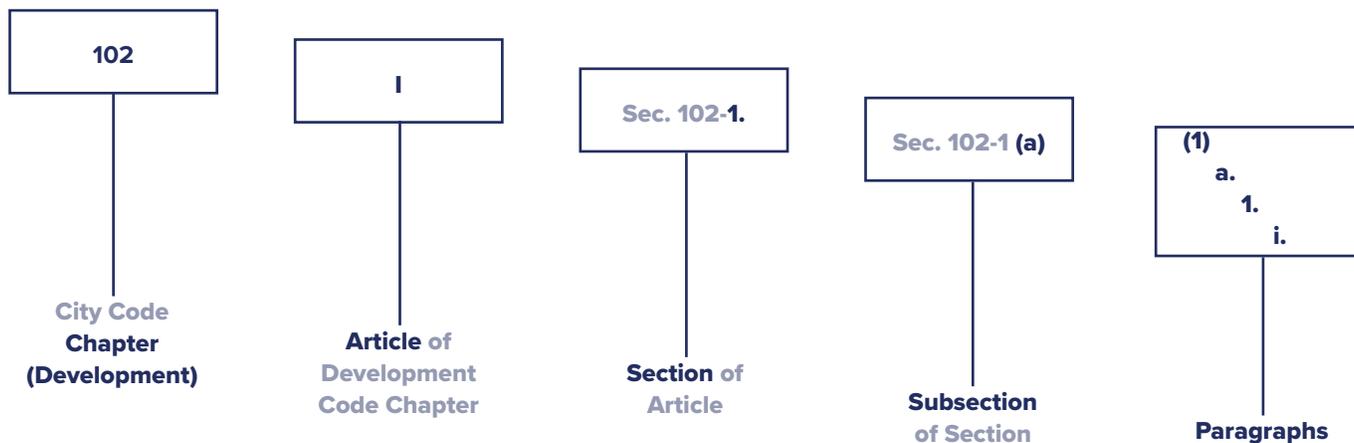
# DRAFT

# **City of Hopkins**

## **Development Code Update**

MODULE ONE  
DRAFT

### Development Code Numbering System



#### Editor's Note:

This is an initial working draft of MODULE ONE of the draft development code. It is subject to change based on input received during the review process. Red and green text is used occasionally within this draft to indicate the following:

1. **Green text** highlights an existing regulation/standard and is provided for reference only
2. **Red text** highlights items requiring further study/discussion
3. **XXX** is used as a placeholder for cross-references to sections of the code that have not yet been prepared.

# Chapter 102 | Development Code

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- ARTICLE 2 NEIGHBORHOOD ZONES.....2-1
- ARTICLE 3 MIXED-USE ZONES.....3-1
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- ARTICLE 5 PRINCIPAL USES.....5-1
- ARTICLE 6 ACCESSORY USES AND STRUCTURES .....6-1
- ARTICLE 7 BUILDING DESIGN .....7-1
- ARTICLE 8 LANDSCAPE & SITE DESIGN .....8-1
- ARTICLE 9 PARKING ARTICLE 9.....9-1
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- ARTICLE 12 PROCEDURES .....12-1
- ARTICLE 13 ADMINISTRATION.....13-1
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**ARTICLE 1 INTRODUCTORY PROVISIONS**

102-110. Legal Framework ..... 1-2  
102-120. Rules of Construction ..... 1-3  
102-130. Zoning Map ..... 1-4  
102-140. Transitional Provisions ..... 1-4  
102-150. Severability ..... 1-4

**102-110 Legal Framework**

**102-110 (a) TITLE**

The regulations of this Chapter 102 are officially known as the Development Code of the City of Hopkins. For convenience, it may be referred throughout this chapter as "this code."

**102-110 (b) EFFECTIVE DATE**

The provisions of this code become effective on [date to be inserted], except as otherwise expressly stated.

**102-110 (c) APPLICABILITY AND JURISDICTION**

The provisions of this code apply to the use and development of all public and private lands, buildings, and uses within the incorporated area unless otherwise expressly exempted by a specific provision of this code or over which the city has jurisdiction under state and federal law.

**102-110 (d) PURPOSES**

This code is adopted for the purposes of promoting the public health, safety, and general welfare and implementing the vision, goals, and policies of the city's comprehensive plan. Specific purposes to be advanced include:

- (1) Guiding future growth and development of the city in accordance with the comprehensive guide plan, the official map and the capital improvement plan of the city;
- (2) Dividing the city into zones and regulating the location, construction, reconstruction, alteration, and use of structures and land within the zones;
- (3) Promoting orderly and beneficial development in all areas of the city;
- (4) Providing for the compatibility of different land uses and the most appropriate use of the land through the city;
- (5) Providing for the administration of this code;
- (6) Identifying the powers and duties of city administrative offices and bodies in the administration of this code;
- (7) Regulating development within flood-prone areas so as to minimize erosion, pollution, flooding, and loss of life and property;
- (8) Preventing the pollution of air, streams, ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources;

- (9) Preserving the natural beauty and topography of the city and ensuring appropriate development with regard to these natural features;
- (10) Provide for open spaces through the most efficient design layout of the land; and
- (11) Promoting the availability of housing affordable to all persons and families of all income levels.

**102-110 (e) COMPREHENSIVE PLAN CONSISTENCY**

A primary intent of this code is to implement the vision, goals, and policies of the comprehensive plan. The provisions of this code will be interpreted liberally to achieve the vision, goals, and policies of the comprehensive plan while remaining consistent with all applicable requirements of federal and state law.

**102-110 (f) MINIMUM REQUIREMENTS**

- (1) The regulations of this code are the minimum requirements deemed necessary to carry out their stated purpose.
- (2) In addition to the requirements of this code, all uses, buildings and structures must comply with all other applicable codes, laws, and regulations.
- (3) The issuance of any permit or approval pursuant to this code does not relieve the recipient from the responsibility of complying with other city, state, or federal laws or regulations.
- (4) All references in this code to other governmental regulations are for informational purposes only and do not constitute a complete list of such regulations. These references do not imply any responsibility for the city to enforce regulations imposed by other governmental authorities.

**102-110 (g) COMPLIANCE REQUIRED**

- (1) All lots created or modified must comply with all applicable provisions of this code.
- (2) Land may not be used for any purpose other than ones that are allowed by the provisions of this code.
- (3) A building or structure may not be erected, located, moved, reconstructed, extended, or structurally altered except as allowed by this code.
- (4) Buildings, structures, and land may be used and occupied only in compliance with the provisions of this code.

**102-110 (h) CONFLICTING PROVISIONS**

- (1) **Other City Regulations.** If the provisions of this code are inconsistent with one another or if they conflict with provisions found in the Hopkins City Code or regulations of the city, the more restrictive provision governs unless otherwise expressly stated. The more restrictive provision is the one that imposes more stringent controls.
- (2) **State or Federal Regulations.** If the provisions of this code are inconsistent with any other public law, ordinance, or regulation, the more restrictive provision governs unless state or federal law requires a different outcome.
- (3) **Private Agreements and Restrictions.** The regulations of this code are not intended to abrogate, annul, modify, or repeal any easements, covenants, or other agreements between private parties. However, when this code imposes a greater restriction or higher standard or requirement upon the use of land, structures, or premises than those imposed or required by other easements, covenants, or other agreements between private parties, the provisions of this code govern. The city has no obligation to monitor or enforce easements, covenants, or other agreements between private parties.
- (4) **Text and Illustrations.** In case of any difference of meaning or implication between the text of this code and any heading, drawing, table, figure, or illustration, the text governs.

**102-110 (i) DELEGATION OF AUTHORITY**

Whenever a provision of this code requires the head of a department or another officer or employee to perform an act or duty, that provision is to be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority. Delegation of authority is not allowed when the provisions of this code expressly prohibit such delegation.

**102-120 Rules of Construction**

**102-120 (a) GENERAL**

- (1) Words and terms expressly defined in this code, including those defined in **XXX**, have the specific meanings assigned unless the context indicates another meaning.
- (2) Words that are not expressly defined in this code have the meaning assigned in Merriam-Webster’s Collegiate Dictionary.

**102-120 (b) TENSES AND USAGE**

- (1) Words used in the singular include the plural. The reverse is also true.
- (2) Words used in the present tense include the future tense. The reverse is also true.
- (3) The words “shall,” “will,” and “must” are mandatory.
- (4) The phrase "may not" means that the subject act is prohibited.

**102-120 (c) CONJUNCTIONS**

Unless the context otherwise expressly indicates, conjunctions have the following meanings:

- (1) “And” indicates that all connected items or provisions apply; and
- (2) “Or” indicates that the connected items or provisions may apply singularly or in combination.

**102-120 (d) COMPUTATION OF TIME**

- (1) References to “days” are to calendar days unless otherwise expressly stated. References to “business days” are references to regular city government working days, excluding Saturdays, Sundays, and holidays observed by city government.
- (2) The time in which an act is to be completed is computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, or holiday observed by city government, that day is excluded.
- (3) A day concludes at the close of business and any materials received by the city after that time will be considered to have been received the following day.

**102-120 (e) HEADINGS AND ILLUSTRATIONS**

Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this code. In case of any difference of meaning or implication between the text of this code and any heading, drawing, table, figure, or illustration, the text controls.

**102-120 (f) VERSIONS AND CITATIONS**

Whenever any provision of this code refers to or cites a section of state or federal law, and that section is later amended or superseded, this code is deemed to refer to the amended section or the section that corresponds to the superseded section

**102-120 (g) LISTS AND EXAMPLES**

Unless otherwise expressly indicated, lists of items or examples that use “including,” “such as,” or similar terms

are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

**102-120 (h) PUBLIC OFFICIALS AND AGENCIES**

All employees, public officials, bodies, and agencies to which references are made are those of the City of Hopkins unless otherwise expressly stated.

**102-130 Zoning Map**  
.....

**102-130 (a) ESTABLISHMENT**

The location and boundaries of the zones established under this code are shown on the city's official zoning map. The zoning map may only amended only in accordance with the zoning map amendment procedures of **XXX**.

**102-130 (b) INCORPORATED BY REFERENCE**

The zoning map, including all digital source files, notations, dimensions, designations, and notes shown on the map is hereby made a part of this code and incorporated by reference.

**102-130 (c) INTERPRETATION**

If the street or lot layout actually on the ground, or as recorded, differs from the street or lot lines as shown on the zoning map, the zoning administrator is authorized to interpret the map in a way that will best carry out the purposes and intent of this code for the subject area or zone.

**102-130 (d) SPLIT-ZONED LOTS**

- (1) The zoning map may not be amended to classify a single lot into 2 or more base zones.
- (2) No new lot may be created, whether by division or combination of multiple parcels, that would result in a split-zoned lot.

**102-140 Transitional Provisions**  
.....

**102-140 (a) VIOLATIONS CONTINUE**

The adoption of this code does not affect any pending or future prosecution of, or action to abate, violations of the previous zoning and subdivision regulations that occurred before the effective date specified in [102-110 \(b\)](#).

**102-140 (b) APPLICATIONS IN PROGRESS**

Zoning and subdivision applications that were submitted in complete form and are pending approval on the effective date specified in [102-110 \(b\)](#) must be reviewed wholly under the terms of the zoning and subdivision regulations in effect immediately before the effective date specified in [102-110 \(b\)](#) unless the applicant elects to withdraw the application and resubmit the application for review and approval under this code.

**102-140 (c) PREVIOUSLY ISSUED PERMITS**

Any building, development or structure for which a building permit was issued before the effective date specified in [102-110 \(b\)](#) may be completed in conformance with the issued building permit and other applicable permits and conditions, even if such building, development or structure does not fully comply with provisions of this code. If building is not commenced and diligently pursued within the time allowed under the original permit or any extension granted, then the building, development or structure must be constructed, completed and occupied only in strict compliance with the standards of this code.

**102-140 (d) NONCONFORMITIES**

If any lawfully established use, structure, lot, sign, or site feature legally does not comply with the regulations of this code, the use, structure, lot, sign, or site feature is considered nonconforming and is subject to compliance with the nonconformity regulations of **XXX**.

**102-150 Severability**  
.....

**102-5 (a)** If one or more provisions of this code, or the application of this code to specific properties is held by a court of competent jurisdiction to be unlawful, invalid, unenforceable, or preempted by applicable provisions of state or federal law or regulations, such provisions are deemed to be severed from this code. Remaining provisions remain in full force and effect.

**102-5 (b)** If any requirement or condition attached to an approval given under this code is found to be invalid by a court of competent jurisdiction, it will be presumed that the approval would not have been given without the requirement or condition and, therefore, the subject approval will also be deemed invalid.

## **ARTICLE 2 NEIGHBORHOOD ZONES**

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102-220	Building Types .....	2-2
102-230	Uses .....	2-2
102-240	Other Regulations .....	2-2
102-250	Suburban House .....	2-4
102-260	Traditional House .....	2-6

**102-210 Neighborhood Zones**

**102-210 (a) ZONES ESTABLISHED**

The city's neighborhood (N) zones are listed in [Table 2-1](#). When this ordinance refers to “neighborhood” zones or “N” zones, it is referring to these zones.

**Table 2-1. Neighborhood Zones**

SYMBOL	ZONE NAME
N1	Estate Neighborhood
N2-A <sup>1</sup>	Suburban Neighborhood, Large Lot
N2-B	Suburban Neighborhood, Mid Lot
N3-A	Traditional Neighborhood, Mid Lot
N3-B	Suburban Neighborhood, Small Lot

**102-210 (b) ZONE DESCRIPTIONS**

- (1) **N1, Estate Neighborhood.** The N1 zone is primarily intended to accommodate rural, large lots transitioning to suburban or traditional residential.
- (2) **N2, Suburban Neighborhood.** The N2 zone is primarily intended to accommodate detached and semi-detached houses in a more suburban context. N2-A and N2-B zones are for smaller and larger lot neighborhoods, respectively.
- (3) **N3, Traditional Neighborhood.** The N3 zone is primarily intended to accommodate detached houses, semi-detached houses, two-unit houses, and attached houses in a more traditional neighborhood context. N3-A and N3-B zones are for larger and smaller lot neighborhoods, respectively.

<sup>1</sup> Removed third size of N2. -A and -B have also now been reversed to match the sizing of N1-N2-N3 from large to small.

**Table 2-2. Building Types Allowed in N Zones**

Building Types	ZONES				Reference
	N1	N2-A N2-B	N3-A	N3-B	
<b>HOUSE BUILDINGS</b>					
Suburban House	●	●	–	–	<a href="#">102-250</a>
Traditional House	–	–	●	●	<a href="#">102-260</a>

**KEY:** ● = Allowed

**102-220 Building Types**

**102-220 (a) ALLOWED BUILDING TYPES**

Building types are allowed in N zones in accordance with [Table 2-2](#).

- (1) Buildings in N zones must comply with the regulations that apply to one building type, unless otherwise expressly stated.
- (2) All buildings must be constructed with a permanent foundation without a hitch, wheels, or other features that would make the structure mobile, except any temporary structures as allowed in [Article 6](#).<sup>2</sup>
- (3) The relocation of a previously occupied building type requires approval of a conditional use permit in accordance with XXX.

**102-220 (b) NUMBER OF PRINCIPAL BUILDINGS**

Only one principal building is allowed per lot unless otherwise expressly stated in regulations that apply to the subject building type.

**102-220 (c) EXISTING BUILDINGS**

See [Article 14](#) for regulations governing buildings and lots that were lawfully established before the effective date specified in [102-110 \(b\)](#).

**102-220 (d) EXEMPTIONS**

Utility and service uses per [102-560 \(h\)](#) must comply with minimum front, side, and rear setbacks and height limits of any house type allowed in the zone.

**102-230 Uses**

Uses are allowed in N zones in accordance with the use regulations of [Article 5](#). Additional limitations are imposed on some uses by applicable building type regulations.

**102-240 Other Regulations**

Buildings and uses in N zones are subject to all other applicable regulations of this ordinance, including the following:

**102-240 (a) ACCESSORY USES AND STRUCTURES**

See [Article 6](#).

**102-240 (b) PARKING**

See [Article 9](#).

<sup>2</sup> Manufactured homes will be defined in the definitions section by referencing state's definition.

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**102-250 Suburban House**

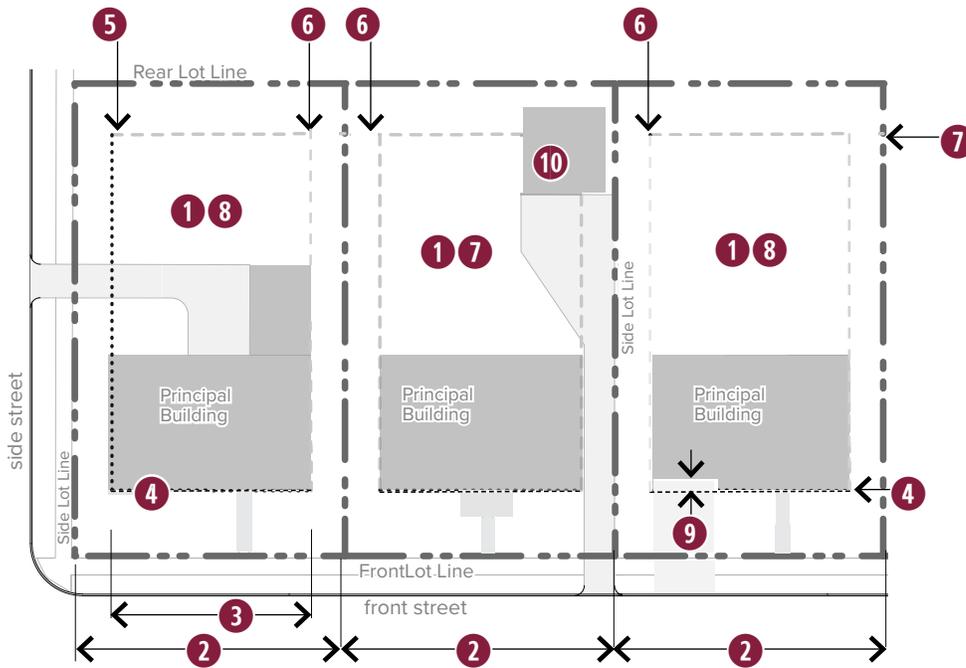
**102-250 (a) DESCRIPTION**

A suburban house is a detached residential building, other than a manufactured housing unit or mobile home, that contains only one dwelling unit and is located on a single lot not occupied by other principal buildings.

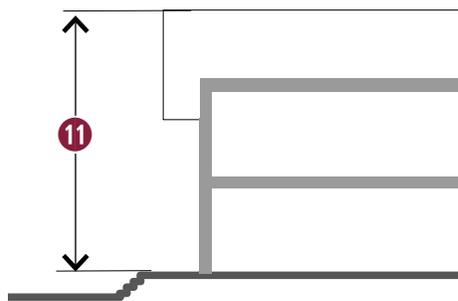
**102-250 (b) REGULATIONS**

Suburban houses are subject to the regulations set forth in [120-250 \(c\)](#) through [120-250 \(e\)](#). See [Article 15](#) for rules governing how compliance with building location and height regulation is determined.

**Figure 2.50-A. Suburban House Building Siting**



**Figure 2.50-B. Suburban House Building Height**



		ZONES			
		N1 (R-1-E)	N2-A (R-1-C)	N2-B (R-1-D)	Additional/References
<b>120-250 (c) BUILDING SITING.</b> See <a href="#">Figure 2.50-A</a>					
1	Lot Area	40,000 s.f. min.	10,000 [20,000] s.f. min.	8,000 [12,000] s.f. min.	
2	Lot Width	140 [100] ft. min.	80 [100] ft. min.	60 [80] ft. min.	
3	Building Width	20 ft. min.	20 ft. min.	20 ft. min.	
4	Front Street Setback	35 ft. min.	35 ft. min.	30 ft. min.	Contextual street setback regulations apply. See <a href="#">XXX</a> for allowed encroachments into setbacks.
5	Side Street Setback	25 [5] ft. min.	15 [5] ft. min.	10 [5] ft. min.	
6	Side Setback <sup>1</sup>	15 ft. min. [10 ft. min. for 1 story; 12 ft. for 2 story; 14 feet for 3 story]	8 ft. min.	6 ft. min.	
7	Rear Setback	40 ft. min.	30 [40] ft. min.	30 [35] ft. min.	
8	Building Coverage	35% max.	35% max.	35% max.	
	Overall Impervious Coverage	55% max.	55% max.	55% max.	
	Additional Semi-Pervious Area	+10% additional	+10% additional	+10% additional	
<b>120-250 (d) ATTACHED GARAGE &amp; ACCESSORY STRUCTURES.</b> See <a href="#">Figure 2.50-A</a>					
9	Attached Garage: Setback	–	5 ft. min. from main principal building's front facade		
<b>MAJOR ACCESSORY STRUCTURES</b>					
	Backyard Cottage	●	●	●	<b>KEY:</b> ● = Allowed ○ = Requires a Special Permit
	Outbuildings	●	●	●	
10	Accessory Building Location	Rear or side yard	Rear or side yard	Rear or side yard	See <a href="#">Article 6</a> for additional governance of accessory uses and structures
	Front Street Setback	10-foot min. setback from main principal building street facade			
	Non-Front Street Setback	No closer to street than principal building street facade			
	Side & Rear Setback	3 ft. min.; 20 ft. min. off any facade with garage door			
	Total Number & Size Allowed	Maximum of 2 buildings; maximum total footprint of 1000 s.f.			
<b>120-250 (e) HEIGHT.</b> See <a href="#">Figure 2.50-B</a>					
11	Principal Building Height	14 ft. min. 35 ft. max.	14 ft. min. 35 ft. max.	14 ft. min. 35 ft. max.	See <a href="#">102-1520 (j)</a> for measuring heights.

<sup>1</sup> Current code allows an attached garage to have a 5 foot side yard setback, but it cannot include habitable building space. Should this continue? A couple of examples in Interlachen have the upper stories setback above the garage due with this regulation?

**102-260 Traditional House**

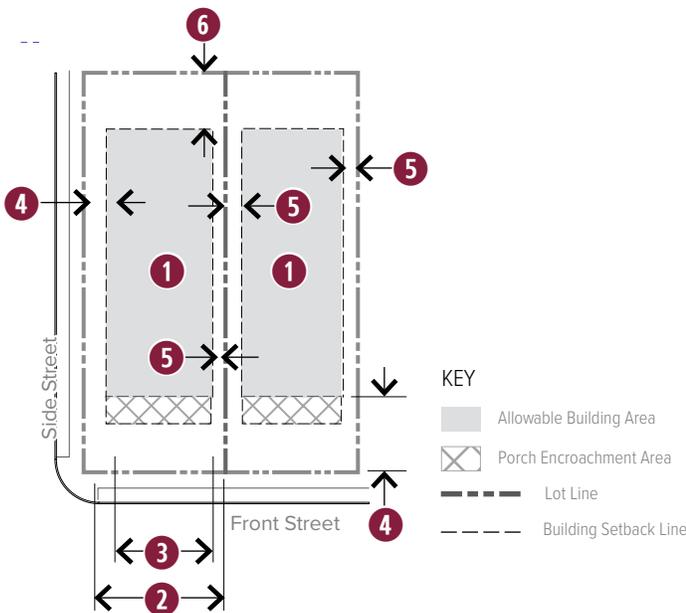
**102-260 (a) DESCRIPTION**

A traditional house is a residential building, other than a manufactured housing unit or mobile home, that is located on a single lot not occupied by other principal buildings and includes characteristics of traditional house design.

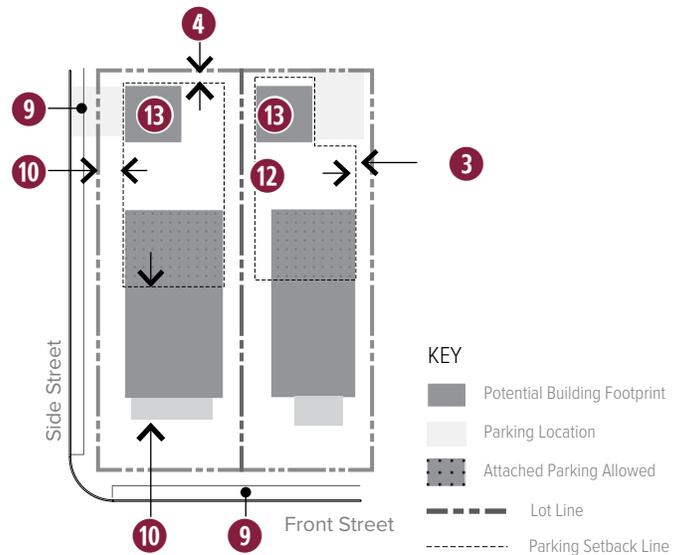
**102-260 (b) REGULATIONS**

Traditional houses are subject to the regulations set forth in [120-260 \(c\)](#) through [120-260 \(f\)](#). See [Article 15](#) for rules governing how compliance with building location and height regulation is determined.

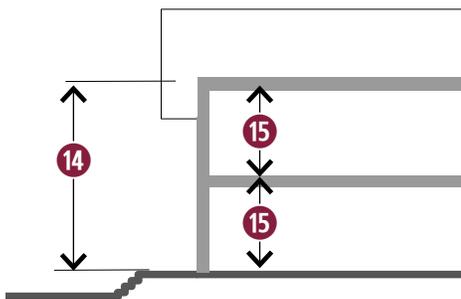
**Figure 2.60-A. Traditional House Building Siting**



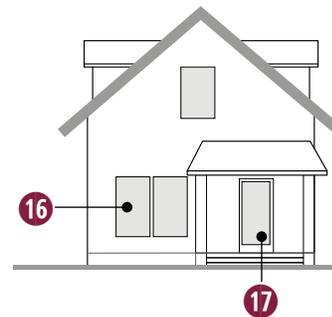
**Figure 2.60-B. Traditional House Parking**



**Figure 2.60-C. Traditional House Building Height**



**Figure 2.60-D. Traditional House Street Facade**



		ZONES		
		N3-A (R-1-B)	N3-B (R-1-A)	Additional/References
<b>120-260 (c) BUILDING SITING.</b> See <a href="#">Figure 2.60-A</a>				
<b>1</b>	Lot Area	6,400 [8,000] s.f. min.	4,500 [6,000] s.f. min.	
<b>2</b>	Lot Width	50 [60] ft. min	40 [50] ft. min	
<b>3</b>	Building Width	20 ft. min. --	20 ft. min. 55 ft. max.	
<b>4</b>	Front Street Setback	25 ft. min.	25 ft. min.	Contextual front and side setback regulations apply. See XXX for allowed porch encroachments into setbacks.
<b>5</b>	Side Street Setback	8 [5] ft. min.	8 [5] ft. min.	
<b>6</b>	Side Setback	5 ft. min. [8 ft. min. for 1 and 2 story; 10 feet for 3 story]		
<b>7</b>	Rear Setback	25 ft. min.	25 ft. min.	
<b>8</b>	Building Coverage	35% max.	45 [35]% max.	
	Overall Impervious Coverage	55% max.	55% max.	
	Additional Semi-Pervious Area	+10% additional	+10% additional	
<b>120-260 (d) PARKING &amp; ACCESSORY STRUCTURES.</b> See <a href="#">Figure 2.60-B</a>				
<b>9</b>	Driveway Access	Off alley; if no alley, one off side street; if no side street, front street	Off alley or non-primary street	
<b>10</b>	Attached Garage: Setback	10 ft. min. from main principal building's front facade	30 ft. min. from main principal building's front facade	
<b>11</b>	Allowed Garage Door Location	Any facade; 30% max of front facade width	Rear, side, side street facade	
<b>12</b>	Surface Parking Location	Rear or side yard	Rear or side yard	
<b>MAJOR ACCESSORY STRUCTURES</b>				
	Backyard Cottage	●	●	<b>KEY:</b> ● = Allowed ○ = Requires a Special Permit
	Outbuildings	●	●	
<b>13</b>	Accessory Structure Location	Rear or side yard	Rear yard	See <a href="#">Article 6</a> for additional governance of accessory uses and structures
	Front Street Setback	10-foot min. setback from main principal building street facade		
	Side Street Setback	No closer to street than principal building street facade		
	Side & Rear Setback	3 ft. min.; 20 ft. min. off any facade with garage door		
	Total Number & Size Allowed	Maximum of 2 buildings; maximum total footprint of 1000 s.f		
<b>120-260 (e) HEIGHT.</b> See <a href="#">Figure 2.60-C</a>				
<b>14</b>	Principal Building Height	2 stories, 35 feet max	2.5 stories, 35 feet max	See XXX for measuring heights. Stories measured floor to floor.
<b>15</b>	All Stories Height	8.5 ft. min. 11 ft. max.	8.5 ft. min. 11 ft. max.	
<b>120-260 (f) STREET FACADE.</b> See <a href="#">Figure 2.60-D</a>				
<b>16</b>	Transparency: Front Facades	15% per story	15% per story	
<b>17</b>	Primary Entrance	--	One required on front facade; for 2 unit houses, max. one allowed on front facade	

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## **ARTICLE 3 MIXED-USE ZONES**

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**102-310 Mixed-Use Zones**

**102-310 (a) ZONES ESTABLISHED**

The city’s mixed-use zones are listed in [Table 3-1](#). When this zoning ordinance refers to “mixed-use” zones, it is referring to these zones.

**102-310 (b) MIXED-USE ZONE DESCRIPTIONS**

- (1) **MX-TOD, Mixed-Use Transit-Oriented District (TOD) Center.** The MX-TOD zone is intended for use in close proximity to transit stations, where walkable storefronts provide shopping and services for residents in the center and upper story uses include residences and offices.
- (2) **MX-D, Mixed-Use Downtown Center.** The MX-D zone is intended for use specifically in the downtown center, specifically along Mainstreet, where walkable storefronts provide shopping and services for residents and upper story uses include residences and offices.
- (3) **MX-N, Mixed-Use Neighborhood Center.** The MX-N zone is intended for mixed-use, walkable neighborhood centers and nodes, lower in scale and intensity than the downtown center.
- (4) **MX-S, Mixed-Use Suburban Center.** The MX-S zone is intended for mixed-use, regional-scale nodes, where residents and visitors may access a mix of predominantly commercial uses, including motor vehicle-related uses, in a walkable environment.

**Table 3-1. Mixed-Use Zones**

SYMBOL	ZONE NAME
<b>Mixed-Use Zones</b>	
MX-TOD	Mixed-Use TOD Center
MX-D	Mixed-Use Downtown Center
MX-N	Mixed-Use Neighborhood Center
MX-S	Mixed-Use Suburban Center
<b>Residential-Office Mix Zones</b>	
RX-TOD	Residential-Office Mix TOD Center
RX-D	Residential-Office Mix Downtown Center
RX-N	Residential-Office Mix Neighborhood Center
<b>Residential Mix Zones</b>	
NX1	Neighborhood Residential Mix
NX2	General Residential Mix
<b>Employment Mix &amp; Industrial Zones</b>	
IX-TOD	Employment Mix TOD Center
I-TOD	Industrial TOD Center
IX-S	Employment Mix Suburban Center

**Table 3-2. Allowed Building Types by Zone**

Building Types	MIXED-USE ZONES												Reference
	MX-TOD	MX-D	MX-N	MX-S	RX-TOD	RX-D	RX-N	NX1	NX2	IX-TOD	I-TOD	IX-S	
Storefront Building <sup>1</sup>	●	●	●	●	–	–	–	–	–	–	–	–	<a href="#">102-370</a>
Commercial House	–	–	●	–	–	–	●	–	–	–	–	–	<a href="#">102-380</a>
General Building	–	–	–	–	●	●	●	●	●	●	–	●	<a href="#">102-390</a>
Row Building	–	–	–	–	●	●	●	●	●	●	–	–	<a href="#">102-3100</a>
Traditional House	–	–	–	–	–	–	–	●	○	–	–	–	<a href="#">102-3110</a>
Workshop-Warehouse	–	–	–	–	–	–	–	–	–	●	●	●	<a href="#">102-3120</a>
Civic Building <sup>2</sup>	–	○	○	○	○	○	○	○	○	○	–	○	<a href="#">102-3130</a>

**KEY:** ● = Allowed      ○ = Allowed with **Special Permit**

1 Combined the Commercial Center with the Storefront building to simplify.  
 2 May not need the civic building (museums, churches, library, community centers) in all of these zones? It would likely be rezoned for a public building.

- (5) **RX-TOD, Residential-Office Mix Transit-Oriented District (TOD) Center.** The RX-TOD zone is intended for use proximate to transit stations, where residential, office, and other limited uses can mix comfortably in a walkable environment.
- (6) **RX-D, Residential-Office Mix Downtown Center.** The RX-D zone is intended for use in the downtown center in support of Mainstreet, where residential, office, and limited commercial uses can mix comfortably in a walkable environment.
- (7) **RX-N, Neighborhood Residential-Office Mix Neighborhood Center.** The RX-N zone is intended for locations along corridors and neighborhood edges, where residential, office, and limited commercial uses can mix comfortably in a walkable environment.
- (8) **NX1, Neighborhood Residential Mix.** The NX1 zone is intended to preserve the physical form of existing neighborhoods and support new neighborhoods with a mix of smaller scaled housing types, including single-unit houses, multi-unit houses, and townhouses.
- (9) **NX2, General Residential Mix.** The NX2 zone is intended for neighborhoods with a wider mix of housing types, including multi-unit houses, townhouses, rowhouses, and apartment buildings.
- (10) **IX-TOD, Employment Mix Transit-Oriented District (TOD) Center.** The IX-TOD zone is intended for use proximate to transit stations in innovation districts, where office, research and development, and low-impact production and manufacturing uses with limited external impacts can mix comfortably in a walkable environment.
- (11) **I-TOD, Industrial Transit-Oriented District (TOD) Center.** The I-TOD zone is intended for use proximate to transit stations, where low-impact and medium-impact production and manufacturing, research and development, and warehouse and distribution uses are organized in a more walkable environment while allowing for significant truck traffic.
- (12) **IX-S, Employment Mix Suburban Center.** The IX-S zone is intended for regional-scale nodes, where office, research and development, and low-impact production and manufacturing with limited external impacts in an environment accessible via motor vehicle and walking.

**102-320 Allowed Building Types**

Unless otherwise expressly stated, all buildings must comply with the building regulations that apply to one building type allowed in the subject zone per [Table 3-2](#), unless otherwise expressly stated.

**102-320 (a) EXISTING BUILDINGS**

See XXX for buildings constructed and lots established prior to the adoption of these regulations that do not conform to these regulations.

**102-320 (b) SELECTING A BUILDING TYPE**

For expansions and renovations to buildings existing on the effective date of this ordinance, the zoning administrator must approve the selection of a building type allowed in the zone within which the building is located. Refer to [Table 3-2](#).

**102-320 (c) ACCESSORY STRUCTURE REGULATIONS**

Except as defined in the building type regulations, accessory structures are subject to the regulations of [Article 6](#).

**102-320 (d) EXEMPTIONS**

Where the principal use on the lot is primarily outdoors, the following applies:

- (1) **Applicable Uses.** Uses allowed for exemptions from building type standards include parks and open space uses per [102-560 \(f\)](#) and utility and service uses per [102-560 \(h\)](#).
- (2) **Principal Buildings.** Any principal use buildings on the site must comply with the building regulations that apply to a building type allowed in the subject zone, except any minimum front street building frontage.
- (3) **Rear Yards without a Principal Building.** The rear yard location for parking and accessory structures to the principal use (e.g. a restroom structure is accessory to a principal outdoor recreation use) must be determined by the zoning administrator.
- (4) **Side and Rear Setbacks Apply.** Side and rear setbacks for any applicable building type must be used for all structures.
- (5) **Utility Structures.** Larger utility structures may require additional regulation per the zoning administrator, including setbacks.

**102-330 Exceptions**

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The following exceptions may apply to the building type regulations.

- (1) **Administrative Exceptions.** Administrative exceptions allow specified relief from designated regulations to be administratively approved. See XXX for the administrative exception process.
  - a. Administrative exceptions for dimensions deviating up to 1 foot or 10% of any building type regulation may be approved.
  - b. Other administrative exceptions are defined throughout this article.
- (2) **Major Exceptions.** Major exceptions from the building types may be approved as part of the zoning approval process. See XXX for the major exception process.

**102-340 Allowed Uses**

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Uses are allowed in mixed-use zones in accordance with the use regulations of [Article 5](#). Some building types have additional limitations on permitted uses as required by the building type regulations.

**102-350 Other Applicable Articles**

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The following other articles are applicable.

**102-350 (a) BUILDING DESIGN**

See [Article 7](#) for design regulations applicable to all building types. These provisions address such features as building materials, windows, roof types, and balcony design.

**102-350 (b) SITE DESIGN**

See [Article 8](#) for site design regulations applicable to all building types. These provisions address such features as landscape, fencing, sight distance at intersections, and other site features.

**102-350 (c) MEASUREMENTS AND DEFINITIONS**

See Article [Article 15](#) for definitions and how to measure certain building regulations.

**102-350 (d) ACCESSORY USES AND STRUCTURES**

See [Article 6](#).

**102-350 (e) PARKING**

See [Article 9](#).

**102-350 (f) SIGNS**

See [Article 10](#).

**102-350 (g) OTHER**

See XXX of the city code for XXX.

**102-360 Applicable to All Building Types**

The regulations of this subsection apply to all building types, unless otherwise stated.

**102-360 (a) PERMANENT STRUCTURES**

All buildings must be constructed with a permanent foundation without a hitch, wheels, or other features that would make the structure mobile, unless otherwise expressly stated in this ordinance, and except as follows:

- (1) **Relocated Buildings.** The relocation of a previously occupied building type requires approval of a conditional use permit in accordance with XXX.
- (2) **Temporary Construction Buildings.** Temporary construction buildings are allowed through the **construction permitting process.**
- (3) **Major Exception for other Temporary Buildings.** Temporary buildings, other than temporary construction buildings, may be allowed through the major exception process.

**102-360 (b) ONE BUILDING PER LOT**

One principal building is allowed per lot, unless otherwise defined in the building type regulations.

**102-360 (c) TREATMENT OF YARDS**

All yards must consist of landscape areas, patio space, or sidewalk space, unless otherwise expressly stated. See [Article 8](#) for landscape regulations.

- (1) **Parking Locations.** Paved vehicular areas (parking lots, loading areas, drives) are located per the building type regulations.
- (2) **Side Yard Parking Lots.** Some zones allow side yard parking lots. Side yard parking lots must not encroach into the front yard and minimum side setback, except as otherwise expressly stated.
- (3) **Driveways Crossing Yards.** Paved vehicular areas are limited to specific locations per the applicable zone building type regulations. Driveways may cross through yards as follows:
  - a. Where permitted as access to the lot, driveways may cross perpendicularly through the front or non-front street yards, except as otherwise expressly stated.
  - b. In all MX, RX, IX, and the I-TOD zones, driveways may cross perpendicularly through the side and rear yards to connect to parking on adjacent lots.

**102-360 (d) TRASH, RECYCLING, REFUSE LOCATIONS**

Unless otherwise defined by the building type, all trash, recycling, and other refuse areas for buildings must comply with the regulations of this subsection, [102-360 \(d\)](#).

- (1) **Rear Yard.** Trash, recycling, and other refuse areas must be located in the rear yard of the lot.
- (2) **Other Yards.**
  - a. When no rear yard exists or when the rear yard is less than 5 ft. in depth, trash, recycling, and other refuse areas may be located in the rear portion of an interior side yard.
  - b. When no rear or side yard exists, trash, recycling, and other refuse areas may be located in a non-front street yard through an administrative exception, provided the containers are fully screened from the street.
- (3) **Interior Location Access Doors.** Trash, recycling, and other refuse areas may be located inside the building with access doors off the rear or interior side facade.
  - a. Access doors may be located off a non-front street facade if the zoning administrator determines no other option exists.
  - b. Access doors must be opaque, screening a minimum of 80% of the opening.
  - c. Containers must be located immediately inside the access doors and containers must be stored inside until the process of emptying. Containers may not be pulled out on the street in advance of the arrival of the hauling truck.
- (4) **Screening.** See [102-8130](#) for required screening of trash, recycling, and other refuse areas.

**102-360 (e) FRONT STREETS**

Front frontages generally establish the fronts of lots and buildings, and determine where to locate the principal entrance to the building. Per the building type regulations, front streets require the highest level of facade treatment and restrict the location of parking, driveways, and garage entrances.

- (1) **Designation.** Lots may abut multiple front streets. Front streets are generally defined as follows:
  - a. **Map.** Front streets for downtown zones and along commercial corridors are designated on the zoning map, maintained as a geographic layer **on the city's**

geographic information system (GIS), under the direction of the XXX director.

- b. **Neighborhood Front Streets.** Within neighborhoods, front streets include those streets where the majority of buildings have front facades and principal building entrances facing the street, typically along the longer faces of blocks.
  - c. **Civic or Open Space Frontage.** Lots containing or abutting civic spaces or public open spaces must treat frontages abutting that space as fronts, unless an administrative exception is approved per XXX.
  - d. **Other Frontages.** Some building types may designate frontages other than front streets or civic space as front. See supplemental regulations for each building type.
- (2) **One Front Required.** All lots must treat at least one frontage as a front street. If no front street abuts the lot, the zoning administrator will designate the frontage(s) to be treated as front.
- (3) **Through-Lots with Two Front Streets.** Where a parcel extends from one front street through the block to another front street, two fronts exist.
- 1. Supplemental regulations for the building type may include additional regulations for through-lots.
  - 2. In the mixed-use zones where the through-lot has a front facing any N zone, all regulations of any one building type allowed in any N or NX1 zone must be applied within the first 50 feet of the subject lot's depth.
- (4) **Intersecting Front Streets.** Where two front streets intersect at a lot, the street with more existing front frontage treatments, as determined by the zoning administrator, may be treated as the front of the lot. The other street frontage may be treated as non-front.
- (5) **Non-Front Frontages.** Non-front streets allow for a lower level of facade treatment as well as permit locations for garage and parking lot driveways entrances. Non-front streets may always be treated at the higher level of a front street.

**102-370 Storefront Building Type**

**102-370 (a) DESCRIPTION AND INTENT**

The Storefront building type is intended for use in the downtown, along corridors, and at neighborhood nodes, accommodating shopping, services, and eating establishments in a mixed-use building. Oriented to the street with narrow or no side setbacks, this building type is highly accessible to the pedestrian. Ground story storefront glass, entrances along the sidewalk, and windows in upper stories facing the street make these buildings interesting and inviting to pedestrians. Parking, where provided, is located mainly in the rear yard.

**102-370 (b) ILLUSTRATIVE IMAGES**

The images shown in [Figure 3.70-A](#) are intended to illustrate the general character of the building type. Many of the buildings and sites in each image predate these regulations and may not meet all building type regulations.

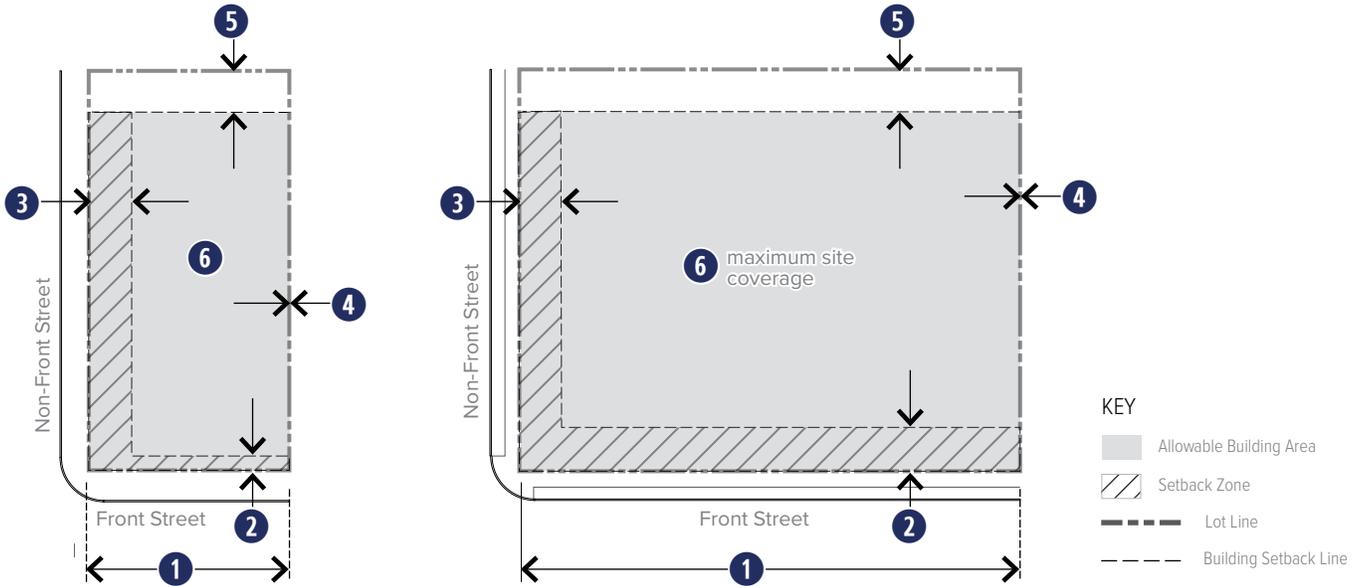
**102-370 (c) BUILDING REGULATIONS**

The following tables and illustrations regulate this specific building type. See [102-360](#) for general regulations for all building types. See XXX for definitions and measuring table regulations.



**Figure 3.70-A. Examples of Storefront Building Type**

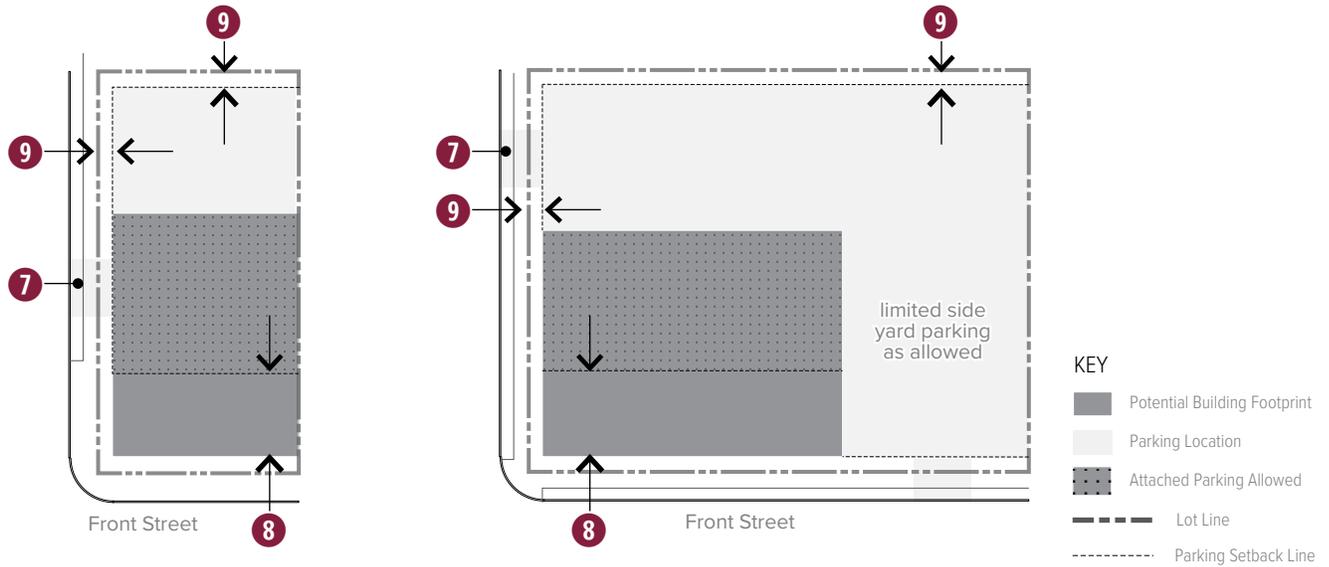
**Figure 3.70-B. Storefront Building Siting**



**ZONES**

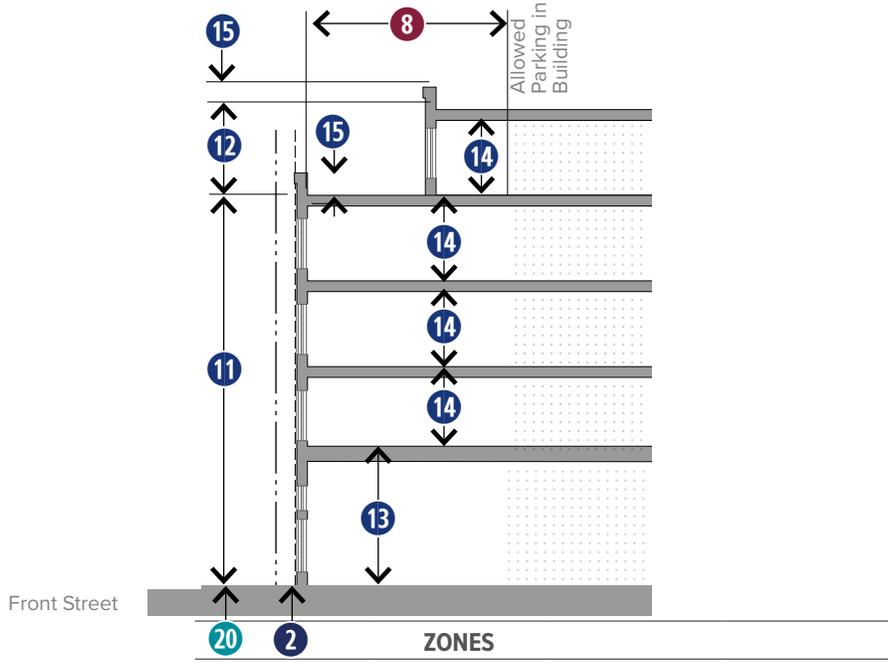
	<b>MX-TOD</b>	<b>MX-D (B-2)</b>	<b>MX-N (B-3)</b>	<b>MX-S (B-3/B-4)</b>	Additional/References
<b>120-370 (d) BUILDING SITING.</b> See <a href="#">Figure 3.70-B</a>					
<b>1</b> Front Streetwall	90% min.	75% min.	50% min.	75% min.	See courtyard, outdoor dining allowances per <a href="#">102-370 (i).(1)</a> . Minimum pedestrian area required per <a href="#">102-370 (i).(2)</a> . Through-lots addressed per <a href="#">102-370 (i).(4)</a> . See XXX for measuring and allowed encroachments into setbacks.
<b>2</b> Front Street Setback	0 ft. min. 15 ft. max.	0 ft. 5 ft. max.	0 ft. min. 15 ft. max.	7.5 ft. min. 25 ft. max.	
<b>3</b> Non-Front Street Setbacks	0 ft. min. 15 ft. max.	0 ft. min. 15 ft. max.	0 ft. min. 15 ft. max.	5 ft. min. 20 ft. max.	
<b>4</b> Side Setback	0 ft. min.	0 ft. min.	0 ft. min.; 5 ft. abutting different existing building type	5 ft. min. <b>[B-4-10 ft. min.]</b>	See XXX for measuring and allowed encroachments into setbacks. Buffer required adjacent to N zones per <a href="#">102-370 (i).(5)</a>
<b>5</b> Rear Setback	0 min. at 20-ft. wide alley; 10 ft. min.	10 ft. min. at alley; 20 ft. min. <b>[10 ft. min.]</b>	10 ft. min. at alley; 20 ft. min. <b>[15 ft. min.]</b>	20 ft. min. <b>[15/10 ft. min.]</b>	
<b>6</b> Impervious Site Coverage Additional Semi-Pervious Coverage	85% max. +15%	85% max. +15%	85% max. +15%	75% max. +20%	See XXX for measuring site coverage.

Figure 3.70-C. Storefront Parking Siting



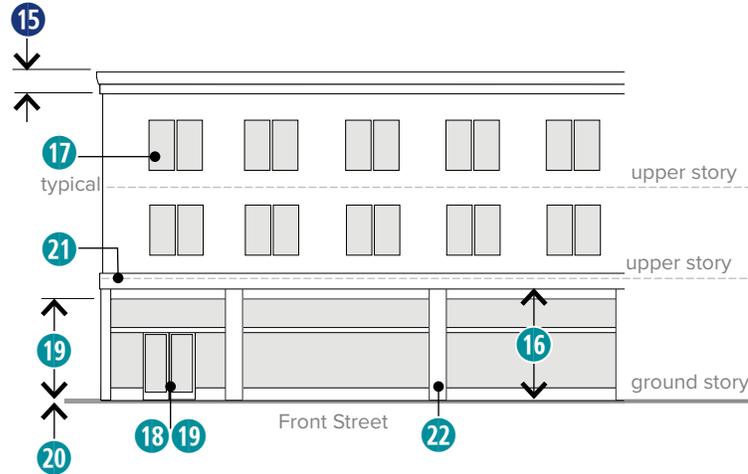
		ZONES				Additional/References
		MX-TOD	MX-D (B-2)	MX-N (B-3)	MX-S (B-3/B-4)	
<b>120-370 (e) PARKING &amp; ACCESSORY STRUCTURES.</b> See Figure 3.70-C.						
<b>7</b>	Parking & Driveway Access Location  Size Number	Off alley or non-front street; if no alley or non-front street exists or is planned, off front street is allowed max. 22 ft. width at sidewalk without median; max. 1 access per development per street				An administrative exception may be approved a different drive access configuration.
<b>8</b>	Attached Garage Setback Attached Garage Door Location	30 ft. min. behind front facade in floors above any basement Rear, side, non-front street facade				See XXX for garage door design.
<b>9</b>	Surface Parking Location	Rear yard	Rear yard	Rear yard, limited side yard	Rear, <b>limited</b> side yard	See XXX for definition of yards. See XXX for required landscape and buffers. Limited side yard per <a href="#">102-370 (i).(7)</a>
	Street Setback	No closer to lot line than principal building				
	Non-Street Setback	3 ft. min.	3 ft. min.	3 ft. min.	3 ft. min.	
	Accessory Structure Location	Rear yard; see accessory structure regulations				See <a href="#">Article 6</a> for additional regulations governing accessory uses and structures.
	Street Setback	No closer to lot line than principal building				
	Non-Street Setback	3 ft. min.	3 ft. min.	3 ft. min.	3 ft. min.	
<b>MAJOR ACCESSORY STRUCTURES &amp; USES</b>		<b>MX-TOD</b>	<b>MX-D (B-2)</b>	<b>MX-N (B-3)</b>	<b>MX-S (B-3/B-4)</b>	<b>KEY:</b> ● = Allowed ○ = Requires a Special Permit
Backyard Cottage		–	–	–	–	
Outbuildings		●	●	●	●	
Drive-Through Facilities		–	–	–	●	
Fuel Pumps		–	–	–	●	
Parking Structure		●	●	●	●	
Outdoor Storage		–	–	–	–	

**Figure 3.70-D. Storefront Building Height**



		MX-TOD	MX-D (B-2)	MX-N (B-3)	MX-S (B-3/B-4)	Additional/References
<b>120-370 (f) HEIGHT.</b> See <a href="#">Figure 3.70-D</a>						
<b>11</b>	Height	3 stories min. 10 stories max.	2 story min. 4 stories max.	1 story min. 2.5 stories max.	1 story min. 4 stories max.	See <a href="#">102-370 (i)</a> for regulations adjacent to N zones.
<b>13</b>	Ground Story Height	14 ft. min. 18 ft. max.	12 ft. min. 15 ft. max.	12 ft. min. 15 ft. max.	14 ft. min. 18 ft. max.	Measured floor-to-floor. See XXX for measuring heights. See XXX for allowed additional height for large format stores.
			–	12 ft. min. height with 6 ft. height parapet	14 ft. min. height with 6 ft. height parapet	
				required for single story building		
<b>14</b>	Upper Story Height	9 ft. min. 14 ft max.	9 ft. min. 12 ft max.	9 ft. min. 12 ft max.	9 ft. min. 14 ft max.	
<b>120-370 (g) ROOFS.</b> See <a href="#">Figure 3.70-D</a>						
<b>15</b>	Roof Types	Flat, Parapet	Parapet	Parapet, Pitched	Flat, Parapet, Pitched	See XXX for roof types and tower regulations
	Tower	Allowed	–	–	Allowed	

**Figure 3.70-E. Storefront Street Facade**



		ZONES				Additional/References
		MX-TOD	MX-D (B-2)	MX-N (B-3)	MX-S (B-3/B-4)	
<b>120-370 (h) STREET FACADES.</b> See Figure 3.70-E						
<b>16</b>	Ground Story Transparency on Front Facades <sup>1</sup>	75% min.	65% min.	65% min.	65% min.	See XXX for measuring transparency.
		Measured between 2 ft. and 10 ft. from sidewalk grade.				
		No bays or 15 ft. wide sections of any story on a front facade may be without transparency				
		Ground story transparency must extend min. 20 ft. around the corner down any street-side facades.				
<b>17</b>	Transparency: Front Upper Stories Non-Front	20% min. 12% min.	18% min. 15% min.	18% min. 15% min.	18% min. 15% min.	Measured per story, includes any half stories, visible basement, or full floor height towers. See XXX for measuring.
		No 15 ft. wide sections of any story on a front facade may be without transparency				
<b>18</b>	Building Entrance Location	One per every 50 feet of front facade				See XXX for measuring.
<b>19</b>	Entrance Transition Type	Storefront	Storefront	Storefront	Storefront	See XXX for entrance transition types.
<b>20</b>	Ground Story Elevation	Within 30 inches of sidewalk elevation				
<b>21</b>	Horizontal Divisions with Shadow Lines	Within 3 ft. of the top of any story between the basement and 3rd story, <b>and at any 5th or higher story</b>				Horizontal shadow lines to run a min. 80% of length of facade. See XXX for definition and measuring shadow lines.
<b>22</b>	Vertical Divisions with Shadow Lines	One per every 60 ft. of ground story street facade	One per every 45 ft. of ground story street facade	One per every 60 ft. of ground story street facade		

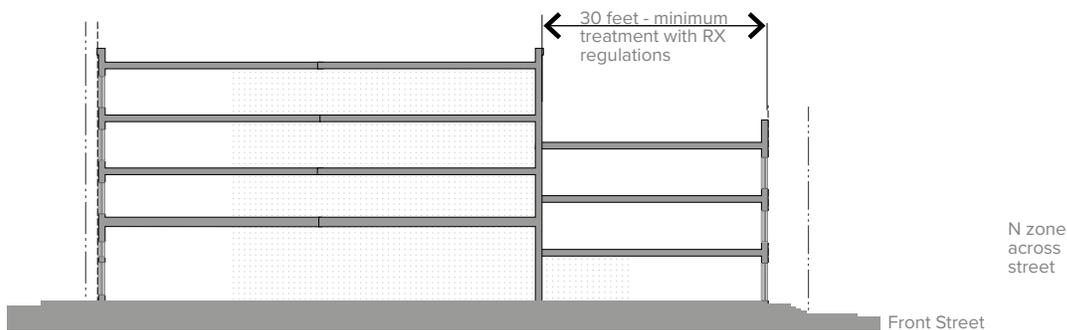
<sup>1</sup> measure to verify

**102-370 (i) SUPPLEMENTAL STOREFRONT BUILDING REGULATIONS**

- (1) **Front Streetwall Exceptions.** One of the following exceptions may be applied to any street facade:
  - a. **Courtyards.** On buildings wider than 100 feet, one courtyard, maximum 30% of the building width, may count towards Front Streetwall when abutting the setback zone. Courtyard facades must be treated as front frontage per facade regulations for the building type and any design regulations in XXX. See definition of courtyard in XXX.
  - b. **Seating and Dining.** The maximum setback may be expanded up to 20 feet for a maximum of 20% of the facade to allow for permanent outdoor seating or outdoor dining area.
- (2) **Minimum Pedestrian Area.** Where the area from the back of curb/edge of pavement to the lot line is less than 12 feet, the setback zone shall be measured from 12 feet off the back of curb/edge of pavement. The extended pedestrian area shall be treated with streetscape per XXX.
- (3) **Encroachments.** Roof overhangs, eaves, and other architectural features, such as cornices, may encroach up to 1.5 ft. into any yard no closer than 1 foot from the lot line.
- (4) **Through-Lots.** Lots extending between two front streets shall treat each as a front frontage facade, unless otherwise approved as an administrative exception. See [Figure 3.70-F](#).
  - a. On MX through-lots along any front frontage facing an N, NX, or RX zone across a street, the building

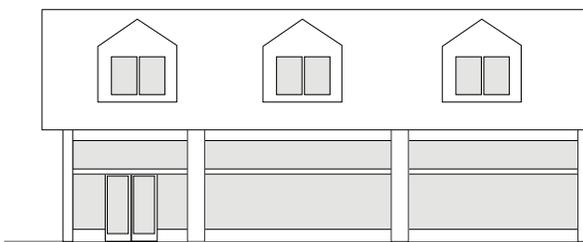
must use the following for a minimum depth of 30 feet from the facade:

- 1. The regulations of any allowed building type in the similar RX (e.g. RX-TOD on an MX-TOD zoned lot) or any NX zone building type must be applied including building siting, parking and accessory structures, heights, roof types, and street facades.
  - 2. Allowed uses permitted in any building type in the similar RX zone or the NX2 zone may be applied.
  - 3. If the above regulations are used, Storefront building regulations must be met on the other front street frontage for a minimum depth of 30 feet.
- (5) **Story Setbacks at N or NX Zones.**
    - a. In MX-TOD, within **300 feet** of any N zone, the maximum height may be no more than **6 stories**.
    - b. In all zones, facades abutting an N or NX1 zone above the 3rd story must be stepped back a minimum of **12 feet** from the lower facades. Buffer required per XXX.
  - (6) **Treatment Turning Corners.** At all intersections of front and non-front streets, front frontage facade regulations must be met along the first 30 feet of facade on the non-front street from the corner.
  - (7) **Limited Side Yard Parking.** Where allowed, limited side yard parking may be located in the interior side yard and must be configured as one double- or single-loaded aisle of parking with the centerline of the aisle located perpendicular to the street.

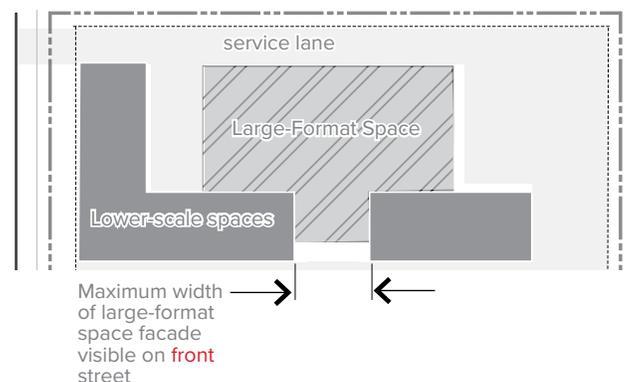


**Figure 3.70-F. Through-Lot Illustration (section)**

- (8) **Visible Basements.** Where the grade at the base of a street facade slopes resulting in any portion of a basement wall being located more than 3 ft. above grade, that portion of the basement wall must meet the transparency regulations.
  
- (9) **Large-Format Spaces.** Large-format spaces have taller floor-to-floor heights, large building footprints, and few or no windows. Examples include such stores as grocery stores, department stores, warehouse retail stores, movie theaters.  
A large-format space may be approved as an administrative exception with the following conditions:
  - a. Up to 30 feet in ground story height.
  - b. Any heights above 18 feet are limited to a maximum horizontal distance along any front street of 60 feet. See [Figure 3.70-H](#).
  - c. Lower scaled commercial spaces may front the large-format space to achieve the maximum frontage and number of entrances required along the frontage.
  - d. Any heights over 18 feet and located on the front facade, main parking lot facade, or non-front street facade must apply transparency regulations as if the building is 2 stories.
  
- (10) **Pitched Roof on Single-Story Building.** A pitched roof, where allowed, on a single story building must have a minimum pitch of 1:5. Where the ridge is parallel to a street, dormer windows must be provided, one, minimum 6 feet wide, for every 30 feet of roof length. See [Figure 3.70-G](#).



**Figure 3.70-G. Pitched Roof on Single Story Commercial Center.**



**Figure 3.70-H. Large-Format Space**



**102-380 Commercial House Building Type**

**102-380 (a) DESCRIPTION AND INTENT**

The Commercial House is a single building or collection of buildings with characteristics of a House and including commercial uses. Many examples were once houses converted to offices or shops, but newly constructed Commercial Houses may also occur. Characteristics include small yards or patios surrounding the building, entrances on the front, and pitched roofs. Parking is located mainly in the rear, though some side yard parking may occur.

**102-380 (b) ILLUSTRATIVE IMAGES**

The images shown in [Figure 3.80-A](#) are intended to illustrate the general character of the building type. The buildings and sites in each image may not fulfill all of the building type regulations.

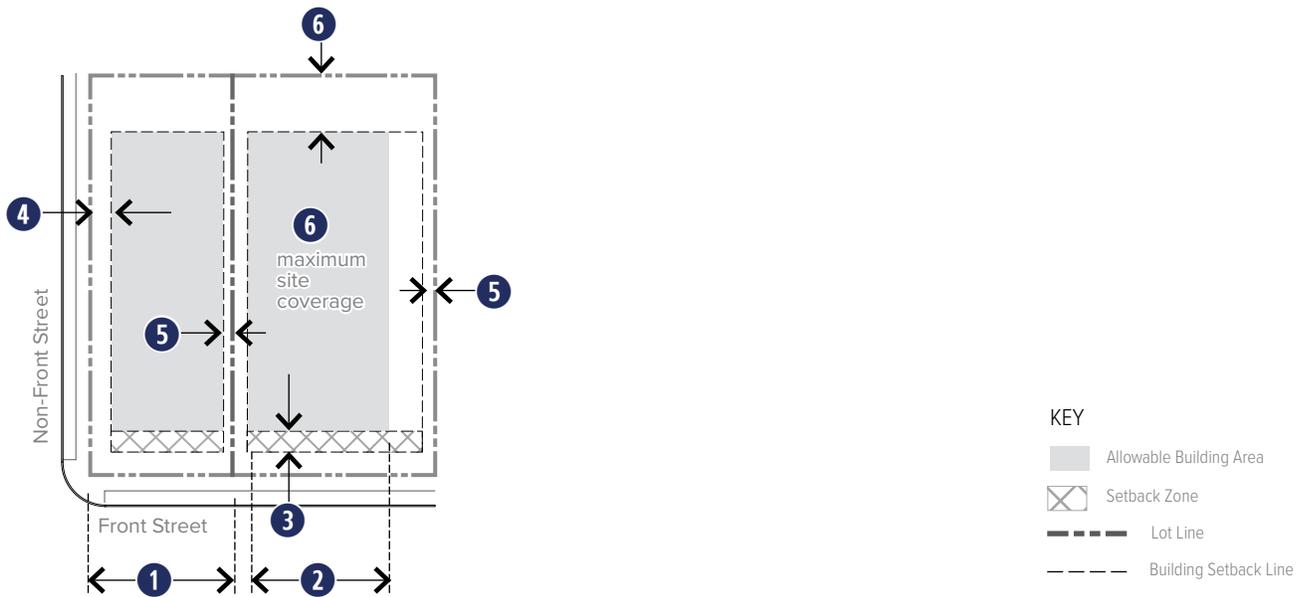
**102-380 (c) BUILDING REGULATIONS**

The following tables and illustrations regulate this specific building type. See [102-360](#) for general regulations for all building types. See XXX for definitions and measuring table regulations.



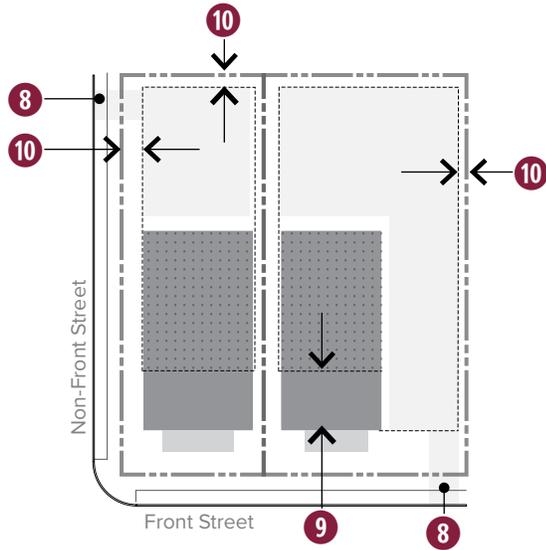
**Figure 3.80-A. Examples of Commercial House Building Type**

**Figure 3.80-B. Commercial House Building Siting**



		<b>ZONES</b>		
		<b>MX-N</b>	<b>RX-N</b>	
<b>120-380 (d) BUILDING LOCATION.</b> See Figure 3.80-B				
<b>1</b>	Lot Width	50 ft. min. per principal building	45 ft. min. per principal building	
<b>2</b>	Front Streetwall	50 ft. max. per principal building	50 ft. max. per principal building	See <a href="#">102-380 (i)</a> for multiple buildings on a lot and allowed connections between buildings
<b>3</b>	Front Street Setback	5 ft. min. 25 ft. max.	15 ft. min. 25 ft. max.	<b>Contextual setbacks apply.</b> See XXX for measuring contextual setbacks.
<b>4</b>	Non-Front Street Setback	10 ft. min.	10 ft. min.	Minimum pedestrian area required per <a href="#">102-380 (i),(2)</a> .
<b>5</b>	Side Setback	7.5 ft. min	10 ft. min	See XXX for measuring and allowed encroachments into setbacks.
<b>6</b>	Rear Setback	10 ft. min. at alley; 20 ft. min.	10 ft. min. at alley; 30 ft. min.	Buffer required adjacent to N zones per <a href="#">102-370 (i),(5)</a>
<b>7</b>	Impervious Site Coverage Additional Semi-Pervious Coverage	80% max. +10%	70% max. +10%	See XXX for measuring site coverage.

**Figure 3.80-C. Commercial House Parking Siting**



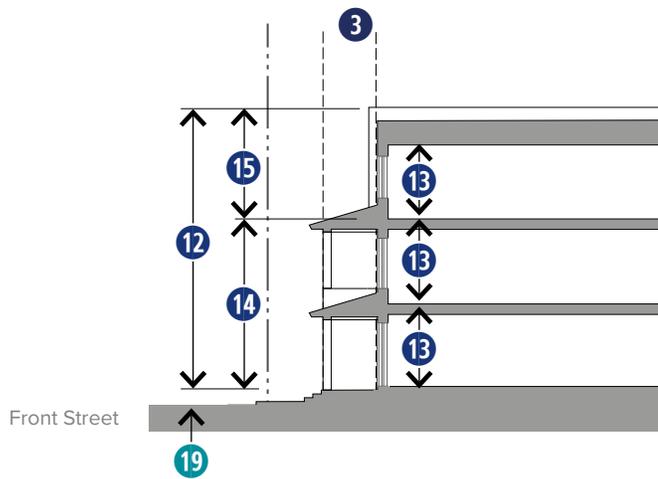
**KEY**

- Potential Building Footprint
- Parking Location
- Attached Parking Allowed
- Lot Line
- Parking Setback Line

**ZONES**

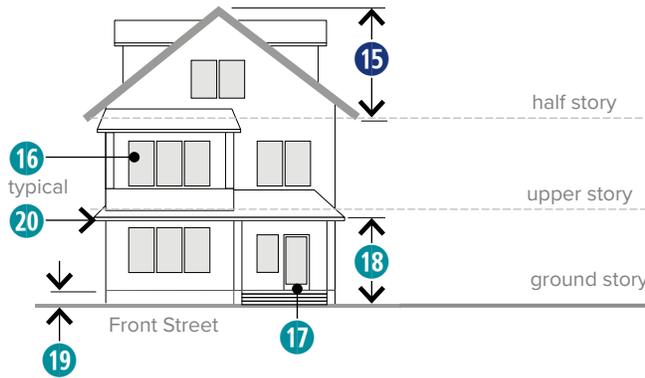
		MX-N	RX-N	Additional/References
<b>120-380 (e) PARKING &amp; ACCESSORY STRUCTURES.</b> See Figure 3.80-C.				
<b>8</b>	Parking & Driveway Access Location  Size Number	Off alley or non-front street; if no alley or non-front street exists or is planned, off front street is allowed Max. 22 ft. width at sidewalk without median max. 1 access per development per street		An administrative exception may be approved a different drive access configuration.
<b>9</b>	Attached Garage Setback Allowed Garage Door Location	20 ft. min. behind front facade in rear of building Rear or non-front facade		
<b>10</b>	Surface Parking Location	Rear yard, limited side yard		See XXX for definition of yards. See XXX for required landscape and buffers.
	Street Setback	No closer to lot line than principal building		
	Non-Street Setback	3 ft. min.	3 ft. min.	
<b>11</b>	Accessory Structure Location	Rear yard		See <a href="#">Article 6</a> for additional regulations governing accessory uses and structures.
	Street Setback	No closer to lot line than principal building		
	Non-Street Setback	3 ft. min	3 ft. min	
<b>MAJOR ACCESSORY STRUCTURES</b>		<b>MX-N</b>	<b>RX2</b>	<b>KEY:</b> ● = Allowed ○ = Requires a Special Permit
Backyard Cottage		–	●	
Outbuildings		●	●	
Drive-Through Facilities		–	–	
Fuel Pumps		–	–	
Parking Structure		–	–	
Outdoor Storage		–	–	

**Figure 3.80-D. Commercial House Height**



		ZONES		
		MX-N	RX-N	
<b>120-380 (f) HEIGHT.</b> See <a href="#">Figure 3.80-D</a>				
<b>12</b>	Height	1 stories min. 2.5 stories max.	1 stories min. 2.5 stories max.	
<b>13</b>	Story Height	8.5 ft. min. 12 ft. max.	8.5 ft. min. 12 ft. max.	Measure floor-to-floor per XXX.
<b>14</b>	Height to Eaves	20 ft. max.	20 ft. max.	
<b>120-380 (g) ROOFS.</b> See <a href="#">Figure 3.80-D</a>				
<b>15</b>	Roof Types	Pitched	Pitched	See XXX for roof types and towers.
	Tower	Allowed	Allowed	

**Figure 3.80-E. Commercial House Facade**



**ZONES**

	<b>MX-N</b>	<b>RX-N</b>	Additional/References
<b>120-380 (h) STREET FACADES.</b> See <a href="#">Figure 3.80-E</a>			
<b>16</b> Transparency: Front Facades Non-Front Facades	18% min. 12% min.	18% min. 12% min.	Measured per story, includes any half stories, visible basement, or full floor height towers. See XXX for measuring.
	No bays or 10 ft. wide sections of any story may be without transparency		
<b>17</b> Building Entrance Location	Front facade or bay, max. 2 doors		
<b>18</b> Entrance Transition Type	Porch or Stoop	Porch or Stoop	See XXX for entrance types.
<b>19</b> Ground Story Elevation above Grade	Between 12 in. and 30 in. above grade or between 30 in. and 4 ft. with a visible basement		
<b>20</b> Horizontal Divisions with Shadow Lines	None		

**102-380 (j) SUPPLEMENTAL COMMERCIAL HOUSE BUILDING REGULATIONS**

- (1) **Minimum Pedestrian Area.** Where the area from the back of curb/edge of pavement to the lot line is less than 12 feet, the setbacks shall be measured from 12 feet off the back of curb/edge of pavement. The extended pedestrian area shall be treated with streetscape per XXX.
- (2) **Through-Lots.** Lots extending between two front streets shall treat each as a front frontage facade, unless otherwise approved as an administrative exception. In MX-N, along any front frontage facing an N or NX zone across a street, the facade and a minimum 30 feet deep behind the facade must meet the following:
  - a. The regulations of a Commercial House building in the RX-N zone apply including building siting, parking and accessory structures, heights, roof types, and street facades.
  - b. Allowed uses permitted in any building type in the RX2 zone apply, **except retail category uses require a conditional use permit.**
  - c. The Commercial House regulations must be met on the other front frontage for a minimum depth of 30 feet.
- (3) **Limited Side Yard Parking.** Where allowed, limited side yard parking may be located in the interior side yard and must be configured as one double- or single-loaded aisle of parking with the centerline of the aisle located perpendicular to the street.
- (4) **Visible Basements.** For basement levels located more than 3 ft. above grade, street facades must meet the transparency regulations.
- (5) **Half Stories in Roof.** The occupiable footprint in half stories of a Commercial House is limited to no more than 65% of the footprint below. Dormers are limited to no more than 12 ft. in width.

**102-390 General Building Type**

**102-390 (a) DESCRIPTION AND INTENT**

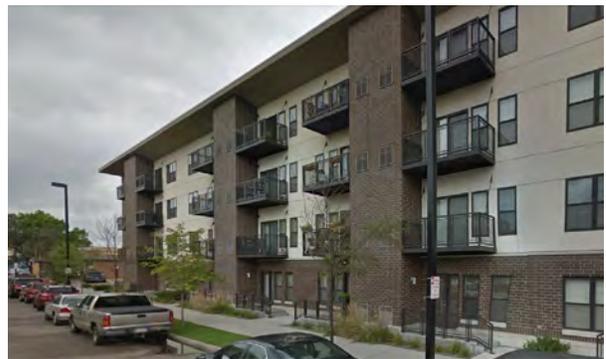
The General Building is a basic urban building, typically housing multiple residential units, offices, and other similar spaces. Each building is oriented to the street with entrances to lobbies off the public sidewalk. Parking is located in the rear yard. Buildings vary in height and length depending on the zone.

**102-390 (b) ILLUSTRATIVE IMAGES**

The images shown in [Figure 3.90-A](#) are intended to illustrate the general character of the building type. The buildings and sites in each image may not fulfill all of the building type regulations.

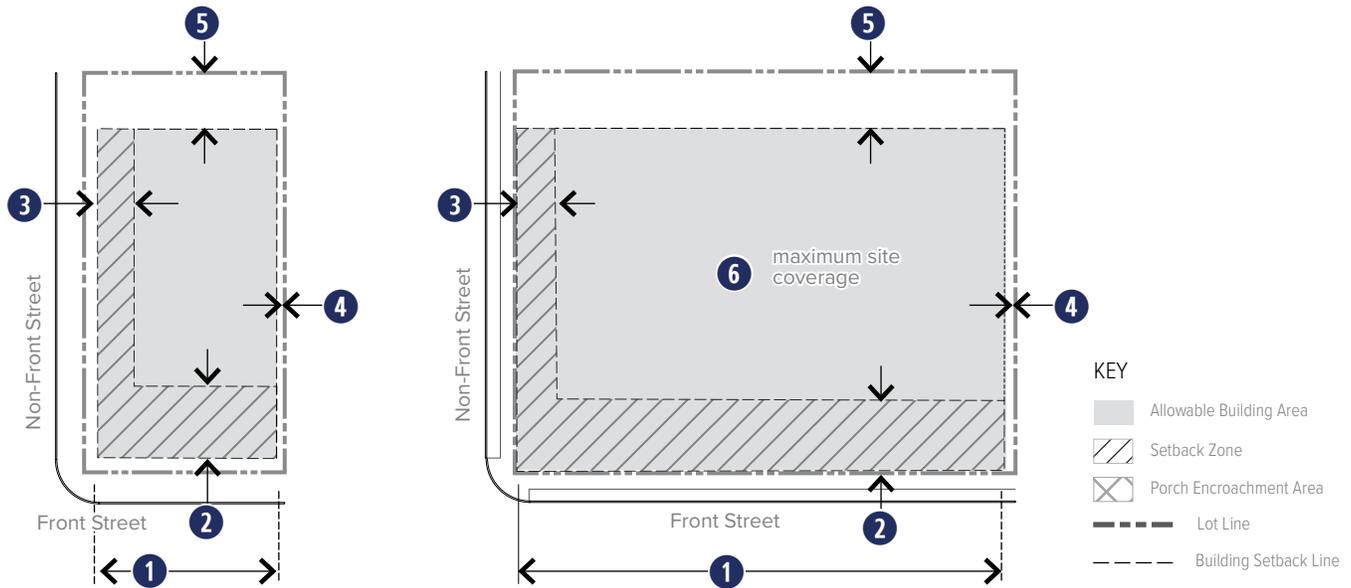
**102-390 (c) BUILDING REGULATIONS**

The following tables and illustrations regulate this specific building type. See [102-360](#) for general regulations for all building types. See XXX for definitions and measuring table regulations.



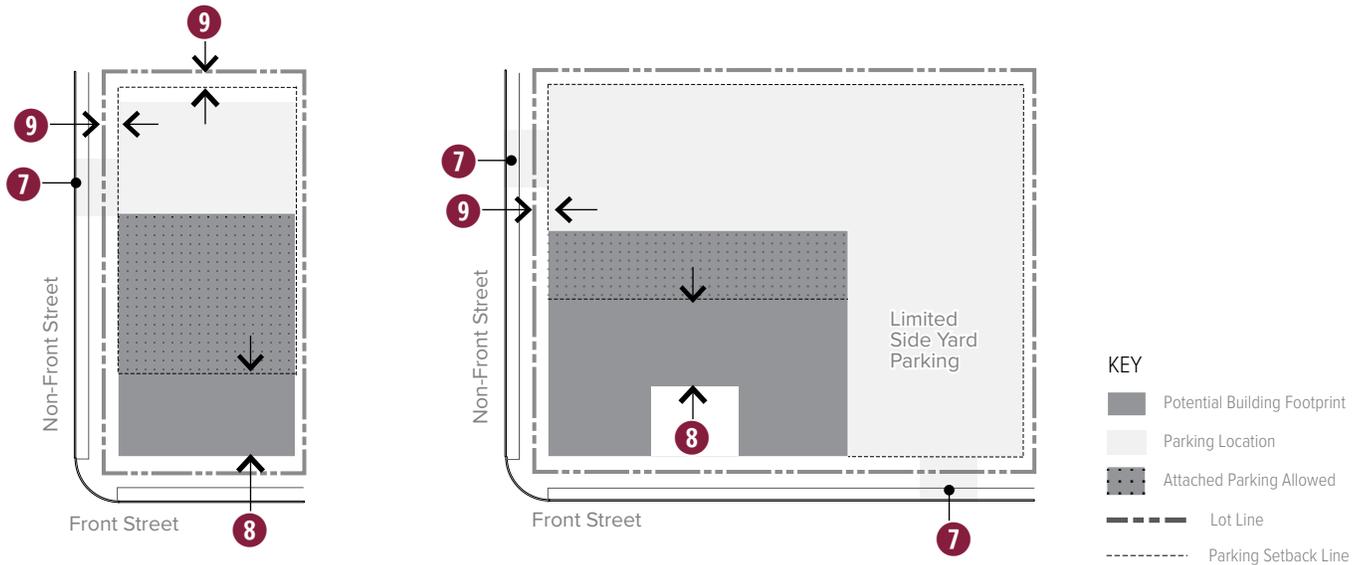
**Figure 3.90-A. Examples of General Building Type**

**Figure 3.90-B. General Building Siting**



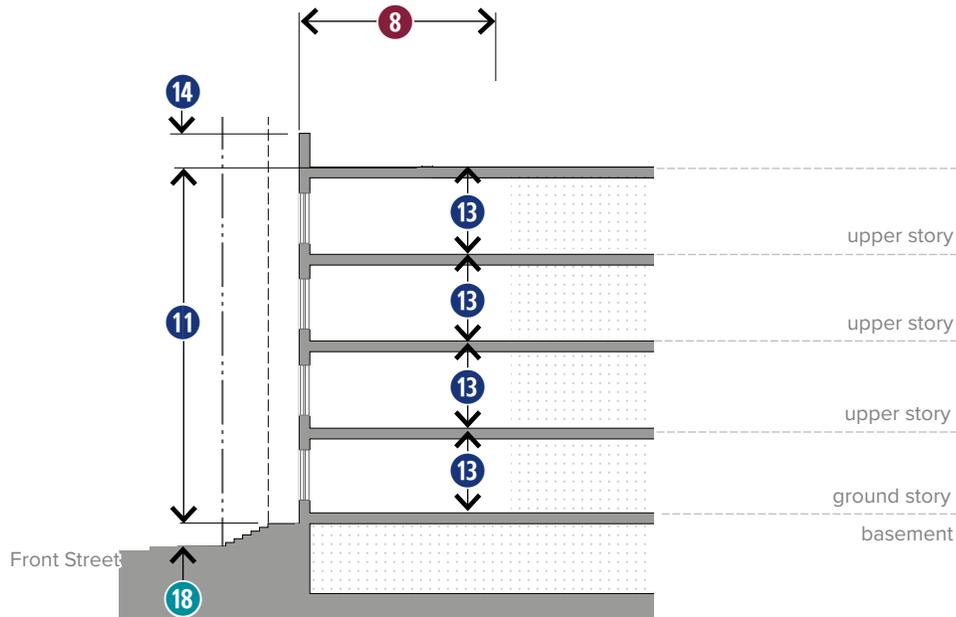
		ZONES					Additional/ References
		RX-TOD	RX-D	NX2	RX-N NX1	IX-TOD IX-S	
<b>120-390 (d) BUILDING LOCATION.</b> See Figure 3.90-B							
	Multiple Principal Buildings	allowed	allowed	allowed	—	allowed	
1	Front Streetwall	80% min.	80% min.	75% min.	65% min. 120 ft. max. per building	75% min.	See <a href="#">102-390 (j)</a> for courtyard allowance and double frontage lots.
2	Front Street Setback	7.5 ft. min. 15 ft. max.	7.5 ft. min. 15 ft. max.	10 ft. min. 25 ft. max.	5 ft. min. 30 ft. max.  Contextual setbacks apply	5 ft. min. 30 ft. max.	See <a href="#">102-390 (j)</a> minimum pedestrian area and allowed plaza exception to maximum setback. See XXX for contextual setback regulations.
3	Non-Front Street Setback	5 ft. min. 15 ft. max.	5 ft. min. 25 ft. max.	10 ft. min. 25 ft. max.	5 ft. min. 25 ft. max.	10 ft. min. 25 ft. max.	
4	Side Setback	5 ft. min.	5 ft. min.	5 ft. min.	5 ft. min.	5 ft. min.	See XXX for measuring and allowed encroachments into setbacks.
5	Rear Setback	0 at min. 20-ft. alley or rail r.o.w.; 20 ft. min.	10 ft. min. at alley or rail r.o.w.; 20 ft. min.	20 ft. min.	20 ft. min.	20 ft. min.	See <a href="#">102-390 (j)</a> for treatment adjacent to N zones.
6	Impervious Site Coverage Additional Semi-Pervious Coverage	80% max. +15%	70% max. +15%	60% max. +15%	60% max. +15%	70% max. +15%	See XXX for measuring site coverage.

Figure 3.90-C. General Building Parking Siting



		ZONES					Additional/ References
		RX-TOD	RX-D	NX2	RX-N NX1	IX-TOD IX-S	
<b>120-390 (e) PARKING &amp; ACCESSORY STRUCTURES.</b> See <a href="#">Figure 3.90-C</a> .							
<b>7</b>	Parking & Driveway Access						An administrative exception may be approved a different drive access configuration.
	Size Number						
<b>8</b>	Attached Garage Setback Allowed Garage Door Location)						
<b>9</b>	Surface Parking Location	Rear yard	Rear yard	Rear yard	Rear yard, limited side yard	Rear yard, limited side yard	See XXX for definition of yards. See XXX for required landscape and buffers.
	Street Setback						
	Non-Street Setback	3 ft. min	3 ft. min	3 ft. min	3 ft. min	5 ft. min	
<b>10</b>	Accessory Structure Location	Rear yard	Rear yard	Rear yard	Rear yard	Rear yard	See <a href="#">Article 6</a> for additional regulations governing accessory uses and structures.
	Street Setback						
	Non-Street Setback	3 ft. min.	3 ft. min.	3 ft. min.	3 ft. min.	3 ft. min.	
<b>MAJOR ACCESSORY STRUCTURES</b>		<b>RX-TOD</b>	<b>RX-D</b>	<b>NX2</b>	<b>RX-N NX1</b>	<b>IX-TOD IX-S</b>	<b>KEY:</b> ● = Allowed ○ = Requires a Special Permit
Backyard Cottages		-	-	-	-	-	
Outbuildings		-	-	●	●	-	
Drive-Through Facilities		-	-	-	-	-	
Fuel Pumps		-	-	-	-	-	
Parking Structure		●	●	●	-	●	
Outdoor Storage Areas		-	-	-	-	-	

**Figure 3.90-D. General Building Height and Roofs**



		ZONES					Additional/ References
		RX-TOD	RX-D	NX2	RX-N NX1	IX-TOD IX-S	
<b>120-390 (f) HEIGHT.</b> See <a href="#">Figure 3.90-D.</a>							
<b>11</b>	Height	2 stories min. 10 stories max	1 stories min. 4 stories max.	2 stories min. 5 stories max.	1 stories min. 2.5 stories max.	1 stories min. 6 stories max.	See <a href="#">102-390 (j)</a> for regulations adjacent to N zones. See XXX for measuring height.
<b>13</b>	All Stories Height	9 ft. min. 14 ft. max.	9 ft. min. 14 ft. max.	9 ft. min. 14 ft. max.	9 ft. min. 12 ft. max.	9 ft. min. 18 ft. max.  Additional story height allowed per XXX	Measured floor-to- floor.
<b>120-390 (g) ROOFS.</b> See <a href="#">Figure 3.90-D.</a>							
<b>14</b>	Roof Types	Flat, parapet, pitched	Flat, parapet; pitched	Flat, parapet; pitched	Flat, parapet, pitched	Flat, parapet	See XXX for roof types and tower regulations
	Tower	Allowed	Allowed	Allowed	–	Allowed	

Figure 3.90-E. General Building Facades



		ZONES					Additional/ References
		RX-TOD	RX-D	NX2	RX-N NX1	IX-TOD IX-S	

120-390 (h) STREET FACADES. Figure 3.90-E								
15	Transparency: Front Facades Non-Front Facades	20% min. 18% min.	20% min. 18% min.	18% min. 18% min.	18% min. 18% min.	20% min. 18% min.	Measured per story, includes any half stories, visible basements, or full floor height towers. See XXX for measuring.	
		No bays or 15 ft. wide sections of any story may be without transparency.						
16	Building Entrances Location	One per every 120 ft. on front facade	One per every 120 ft. on front facade	One per every 120 ft. of front facade	One per building on front facade	One per every 120 ft. on front facade	See XXX for measuring.	
17	Entrance Transition Type	Stoop	Stoop	Stoop	Stoop or porch	Stoop	See XXX for entrance transition types. See XXX for definition of visible basement. See 102-390 (j) for floodplain locations.	
18	Ground Story Elevation	Between 18 in. and 30 in. above grade or between 30 in. and 4 ft. with a visible basement, except in floodplain locations.						See XXX for definition of visible basement. See 102-390 (j) for floodplain locations.
19	Horizontal Divisions with Shadow Lines	One within 3 ft. of the top of any story between the basement and 3rd						Horizontal shadow lines to run a min. 80% of length of facade. See XXX for definition and measuring shadow lines.
20	Vertical Divisions with Shadow Lines	One per every 120 ft. of street facade			One per every 90 ft. of street facade	One per every 120 ft. of street facade		

**102-390 (i) SUPPLEMENTAL GENERAL BUILDING REGULATIONS**

**(1) Front Streetwall Exceptions.**

- a. **Courtyards.** One courtyard may count towards Front Streetwall when abutting the setback zone. Courtyard facades must be treated as front frontage per facade regulations for the building type and any design regulations in XXX. See definition of courtyard in XXX.
- (2) **Minimum Pedestrian Area.** Where the area from the back of curb/edge of pavement to the lot line is less than 12 feet, the setbacks shall be measured from 12 feet off the back of curb/edge of pavement. The extended pedestrian area shall be treated with streetscape per XXX.
- (3) **Through-Lots.** Lots extending between two front streets must treat each as a front street facade, unless otherwise approved as an administrative exception.
- (4) **Limited Side Yard Parking.** Where allowed, limited side yard parking may be located in the interior side yard and must be configured as one double- or single-loaded aisle of parking with the centerline of the aisle located perpendicular to the street.
- (5) **Story Setbacks at N or NX Zones.**
  - a. In RX-TOD, within 300 feet of any N zone, the maximum height may be no more than 6 stories.
  - b. In all zones, facades abutting an N or NX zone above the 3rd story must be stepped back a minimum of 12 feet from the lower facades. Buffer required per XXX.
- (6) **Visible Basements.** For basement levels located more than 3 ft. above grade, street facades must meet the transparency regulations.
- (7) **Additional Story Height in IX-TOD and IX-S.** Story height over 16 feet may be approved through an administrative exception. Any stories over 20 feet must count as 2 stories in calculating overall allowed height in stories.

**102-3100 Row Building Type**

**102-3100 (a) DESCRIPTION AND INTENT**

The Row Building is comprised of multiple vertical units with shared side walls. Each unit is typically oriented to the street with an entrance off the public sidewalk. Parking is located in the rear yard with attached garages entered from the rear of the building or detached garages. Buildings vary in length and height depending on the zone.

**102-3100 (b) ILLUSTRATIVE IMAGES**

The images shown in [Figure 3.100-A](#) are intended to illustrate the general character of the building type. The buildings and sites in each image may not fulfill all of the building type regulations.

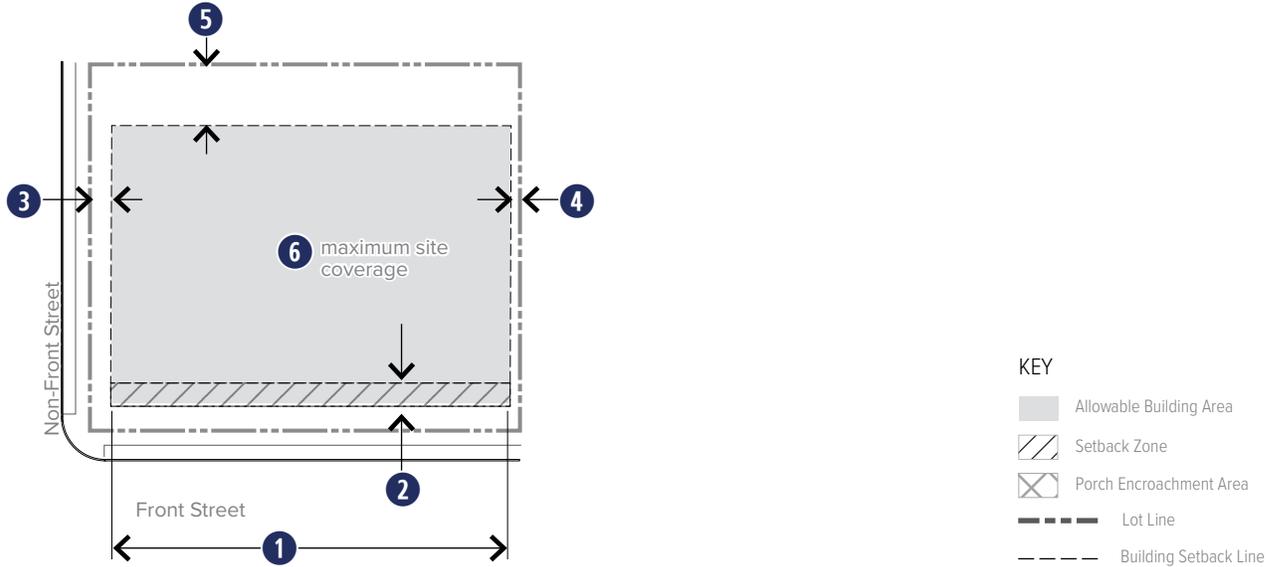
**102-3100 (c) BUILDING REGULATIONS**

The following tables and illustrations regulate this specific building type. For the purposes of the Row building, a building consists of a series of units. See [102-360](#) for general regulations for all building types. See XXX for definitions and measuring table regulations.



**Figure 3.100-A. Examples of Row Building Type**

**Figure 3.100-B. Row Building Siting**

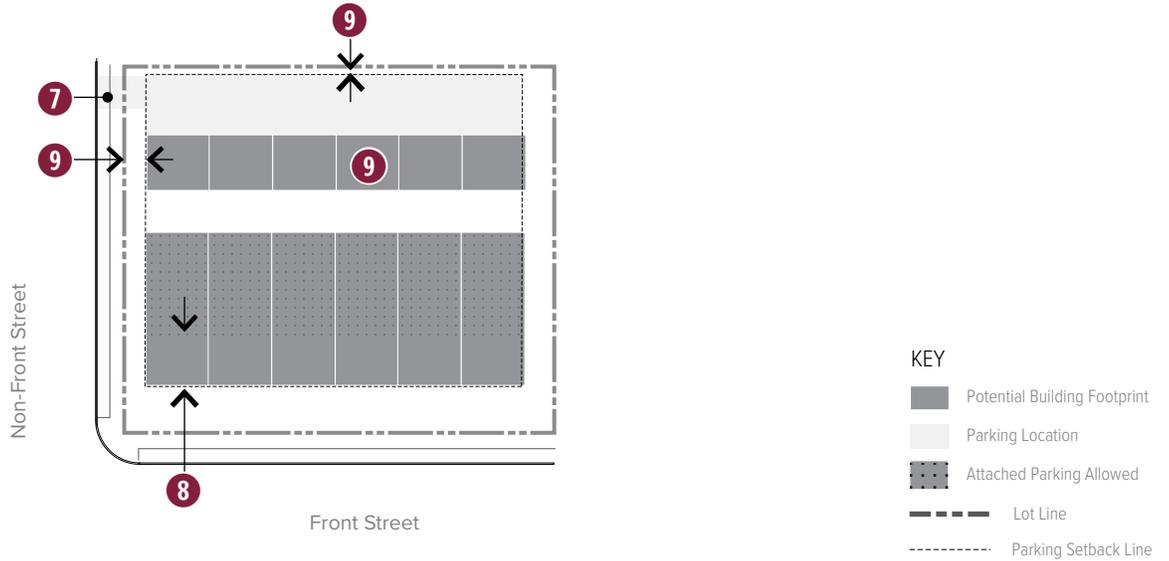


**KEY**

- Allowable Building Area
- Setback Zone
- Porch Encroachment Area
- Lot Line
- Building Setback Line

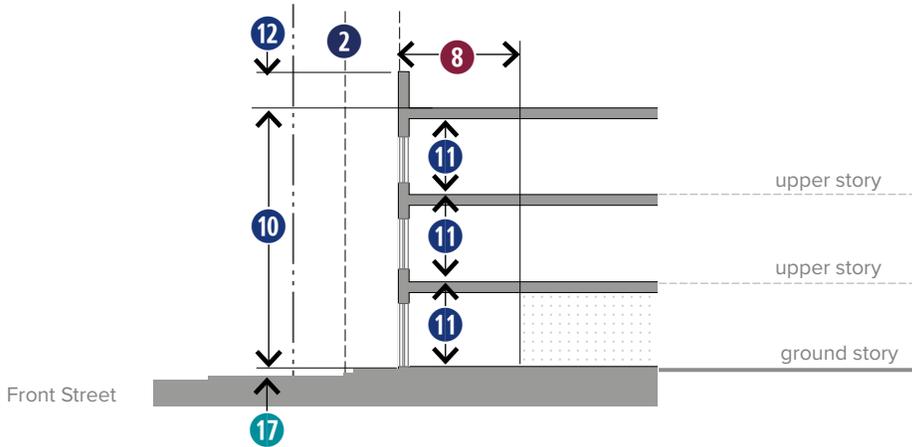
		<b>ZONES</b>				
		<b>RX-TOD RX-D</b>	<b>RX-N NX2</b>	<b>NX1</b>	<b>IX-TOD</b>	Additional/References
<b>120-3100 (d) BUILDING LOCATION.</b> See <a href="#">Figure 3.100-B</a>						
	Configuration	Multiple side-by-side units sharing common side walls; Multiple buildings allowed on a lot per <a href="#">102-3100 (j)</a>				
<b>1</b>	Front Streetwall	80% min.	75% min.	85% min.	65% min.	See <a href="#">102-3100 (j)</a> for courtyards. Measured within setback zone along any street frontage.
	Facade Width per Frontage	3 units min. 8 units max.	2 units min. 6 units max.	2 units min. 4 units max.	3 units min. No max.	
<b>2</b>	Front Street Setback	7.5 ft. min. 15 ft. max.	10 ft. min. 25 ft. max.	10 ft. min. 25 ft. max.	0 ft. min. 20 ft. max.	Contextual setbacks apply. See XXX for measuring contextual setbacks.
<b>3</b>	Non-Front Street Setback	5 ft. min.	5 ft. min.	5 ft. min.	5 ft. min.	
<b>4</b>	Side Setback & Space Between Buildings	12 ft. min.	12 ft. min.	10 ft. min.	15 ft. min.	See XXX for measuring and allowed encroachments into setbacks.
<b>5</b>	Rear Setback	20 ft. min.	20 ft. min.	30 ft. min.	200 ft. min.	
<b>6</b>	Impervious Site Coverage Additional Semi-Pervious Coverage	70% max. +15%	65% max. +15%	60% max. +15%	75% max. +15%	See XXX for measuring site coverage.

**Figure 3.100-C. Row Building Parking Siting**



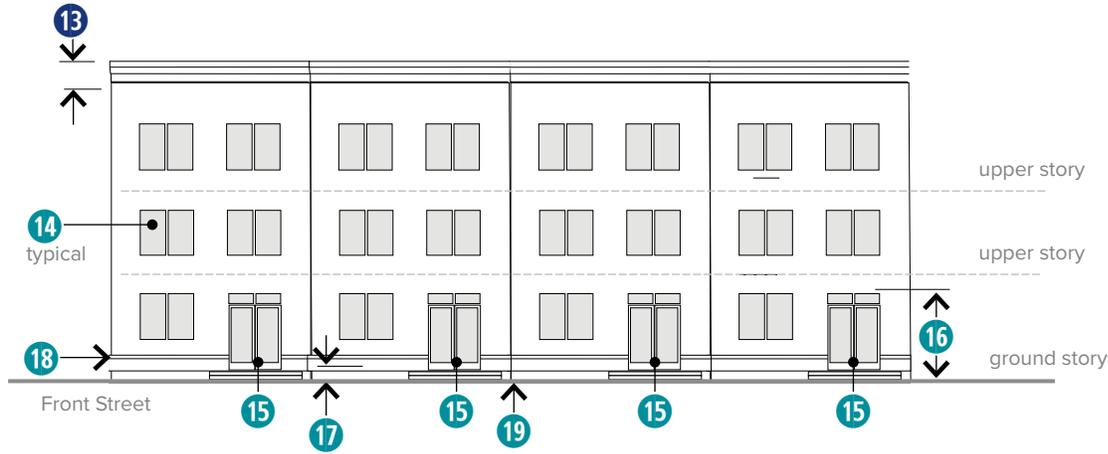
		ZONES				Additional/References
		RX-TOD RX-D	RX-N NX2	NX1	IX-TOD	
<b>120-3100 (e) PARKING &amp; ACCESSORY STRUCTURES.</b> See <a href="#">Figure 3.100-C</a> .						
<b>7</b>	Parking & Driveway Access  Size Number	Off alley or non-front street; if no alley or non-front street exists or is planned, off front street is allowed Max. 12 ft. width at sidewalk without median max. 1 access per building per street				An administrative exception may be approved a different drive access configuration.
<b>8</b>	Attached Garage Setback Allowed Garage Door Location (facade)	Rear of building, min. 15 ft. behind front facade Rear; not visible from a front street and screened from non-front streets				See supplemental regulations in <a href="#">102-3100 (i)</a> for garage door screening.
<b>9</b>	Parking Lot & Accessory Structure Location	Rear yard	Rear yard	Rear yard	Rear yard	See XXX for definition of yards. See <a href="#">Article 6</a> for accessory structures.
	Street-Side Setback	No closer to lot line than principal building				
	Non-Street Setback	3 ft. min.	3 ft. min.	3 ft. min.	3 ft. min.	
<b>MAJOR ACCESSORY STRUCTURES</b>		RX-TOD RX-D	RX-N NX2	NX1	IX-TOD	See <a href="#">Article 6</a> for additional regulations governing accessory uses and structures.  <b>KEY:</b> ● = Allowed ○ = Requires a Special Permit
Backyard Cottage		–	–	–	–	
Outbuildings		●	●	●	●	
Drive-Through Facilities		–	–	–	–	
Fuel Pumps		–	–	–	–	
Parking Structure		–	–	–	–	
Outdoor Storage Areas		–	–	–	–	

**Figure 3.100-D. Row Building Height**



		ZONES				Additional/References
		RX-TOD RX-D	RX-N NX2	NX1	IX-TOD	
<b>120-3100 (f) HEIGHT.</b> See <a href="#">Figure 3.100-D</a>						
10	Height	2 stories min. 3 stories max.	2 stories min. 2.5 stories max.	1.5 stories min. 2.5 stories max.	2 stories min. 3 stories max.	See supplemental regulations on half stories in <a href="#">102-3100 (i)</a> . See XXX for measuring height.
11	Floor-to-Floor Height	9 ft. min. 14 ft. max.	9 ft. min. 14 ft. max.	9 ft. min. 11 ft. max.	9 ft. min. 16 ft. max.	
<b>120-3100 (g) ROOFS.</b> See <a href="#">Figure 3.100-D</a>						
12	Roof Types	Pitched, Flat, Parapet	Pitched, Flat, Parapet	Pitched	Pitched, Flat	See XXX for roof types and towers.
	Tower	1 per unit; max. width 12 ft.	1 per building	–	–	

Figure 3.100-E. Row Building Facades and Roofs



ZONES				
RX-TOD RX-D	RX-N NX2	NX1	IX-TOD	Additional/References

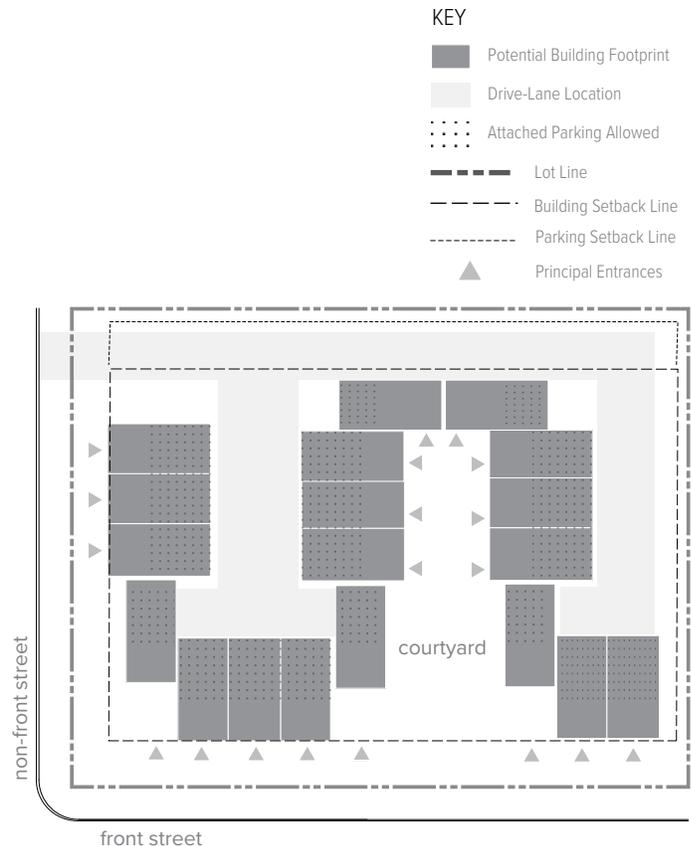
120-3100 (h) STREET FACADES. See Figure 3.100-E						
14	Transparency: Front Facades Non-Front Facades	20% min. 10% min.	20% min. 10% min.	20% min. 10% min.	15% min. 10% min.	Per story, Includes any half stories, visible basement, or full floor height towers See XXX for measuring transparency.
		On the front facade, no bays or 10 ft. wide sections of any story may be without transparency.				
15	Building Entrances Location	One per unit on front facade except 1 per every 3 units may be located off a courtyard.				See 102-3100 (i). for courtyards.
16	Entrance Transition Type	Porch or Stoop	Porch or Stoop	Porch or Stoop	Porch or Stoop	See XXX for entrance transition types.
17	Ground Story Elevation above Grade	Between 18 in. and 30 in. above grade or between 30 in. and 4 ft. with a visible basement except in floodplain locations.				See 102-3100 (i) for floodplain locations.
18	Horizontal Divisions with Shadow Lines	One between any basement, ground story, and the top of the ground story				See XXX for definition and measuring of shadow lines.
19	Vertical Divisions with Shadow Lines	One for every unit on the ground story facade				

**102-3100 (i) SUPPLEMENTAL ROW BUILDING REGULATIONS**

- (1) **Multiple Buildings on a Lot.** Multiple buildings may be located on a lot with the following regulations:
  - a. The minimum space between buildings is met.
  - b. Each building must fulfill all of the requirements of the building type unless otherwise expressly stated.
  - c. Each building must be located in the setback zone, contributing to the Front Streetwall requirements, except one of every 2 units may front a courtyard. See [Figure 3.100-F](#).
    - 1. The courtyard counts as Front streetwall as long as 3 sides are enclosed at the minimum Front Streetwall percentage.
    - 2. Facade requirements apply to courtyard facades. If a unit is located on the corner of the courtyard and the street, the entrance must be located on the street.
- (2) **Minimum Pedestrian Area.** Where the area from the back of curb/edge of pavement to the lot line is less than 12 feet, the setbacks shall be measured from 12 feet off the back of curb/edge of pavement.

The extended pedestrian area shall be treated with streetscape per XXX.

- (3) **Garage Door Visibility.** Garage doors must be screened from any street by building or by a wing wall. See XXX for design regulations.
- (4) **Visible Basements.** For basement levels located more than 3 ft. above grade, street facades must meet the transparency regulations.
- (5) **Fee Simple.** Each vertically oriented unit may be located on a separate lot with the lot line located along the common wall between units, provided the multi-unit building meets the regulations for the Row building.



**Figure 3.100-F. Courtyard Layout for Row Buildings**

**102-3110 Traditional House Building Type**

**102-3110 (a) DESCRIPTION AND INTENT**

The Traditional House building incorporates characteristics typical of houses of those built prior to World War II. Parking, when provided, is located in the rear yard and accessed off an alley or a narrow, side driveway. The Traditional House building includes characteristics similar to a single-unit home, such as windows and doors on the front, a small yard, and a pitched roof; but, the Traditional House building can accommodate multiple units as well.

**102-3110 (b) ILLUSTRATIVE IMAGES**

The images shown in [Figure 3.110-A](#) are intended to illustrate the general character of the building type. The buildings and sites in each image may not fulfill all of the building type regulations.

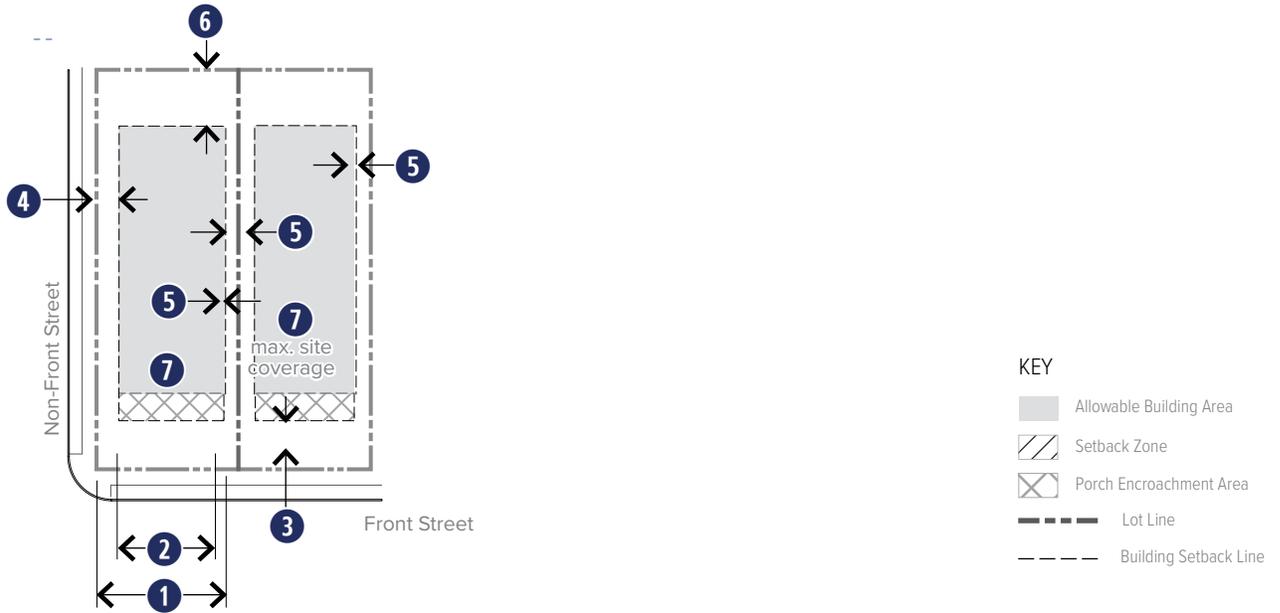
**102-3110 (c) BUILDING REGULATIONS**

The following tables and illustrations regulate this specific building type. See [102-360](#) for general regulations for all building types. See XXX for definitions and measuring table regulations.



**Figure 3.110-A. Examples of Traditional House Building Type**

**Figure 3.110-B. House Building Siting**



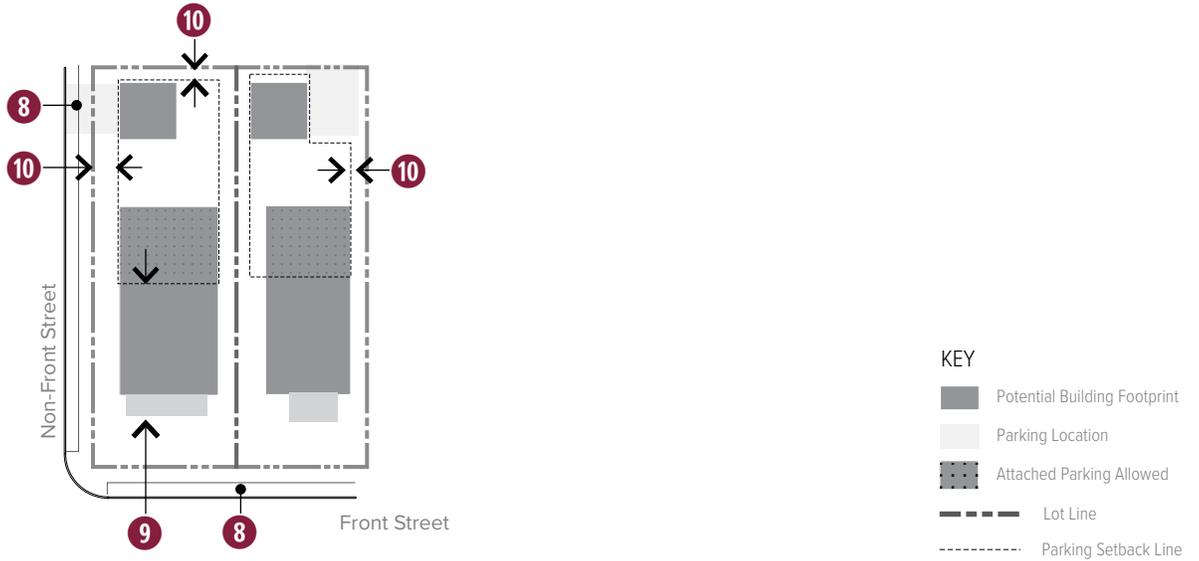
**ZONES**

**NX1  
 NX2**

Additional/References

120-3110 (d) BUILDING LOCATION. See Figure 3.110-B			
	Multiple Principal Buildings	Allowed per 102-3110 (j)	Additional/References
1	Lot Width	35 ft. min. for a single unit, 50 ft. min. for multi-unit building	
2	Front Streetwall	65 ft. max.	Measured within the setback zone along any front street.
3	Front Street Setback	10 ft. min. 25 ft. max.	Contextual setbacks apply. See XXX for measuring.
4	Non-Front Street Setback	10 ft.	See 102-3110 (j) for allowed encroachments and enclosed porch configurations.
5	Side Setback	5 ft. min.	See XXX for measuring and allowed encroachments into setbacks.
6	Rear Setback	25 ft. min.	
7	Impervious Site Coverage Additional Semi-Pervious Coverage	70% max. +15%	See XXX for measuring site coverage.

**Figure 3.110-C. House Parking Siting**



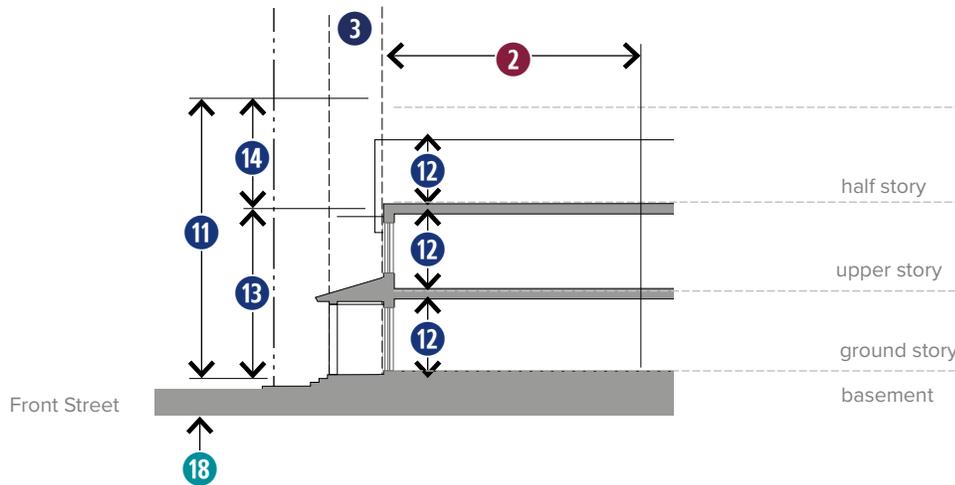
**ZONES**

**NX1  
 NX2**

Additional/References

120-3110 (e) PARKING & ACCESSORY STRUCTURES. See <a href="#">Figure 3.110-C</a> .			
<b>8</b>	Parking & Driveway Access	Off alley or non-front street; if no alley or non-front street exists or is planned, off front street is allowed max. 9 ft. max. width in front yard max. 1 driveway per lot	
	Size Number		
<b>9</b>	Attached Garage Setback Allowed Attached Garage Door Location	30 ft. min. behind front facade in rear of building Rear or non-front facade	
<b>10</b>	Surface Parking and Accessory Structure Location	Rear yard	See <a href="#">Article 6</a> for accessory structures.
	Street-Side Setback	No closer to lot line than principal building	
	Non-Street Setback	3 ft. min.	
<b>MAJOR ACCESSORY STRUCTURES</b>		<b>NX1, NX2</b>	See <a href="#">Article 6</a> for additional regulations governing accessory uses and structures.
	Backyard Cottage	●	<b>KEY:</b> ● = Allowed ○ = Requires a Special Permit
	Outbuildings	●	
	Drive-Through Facilities	–	
	Fuel Pumps	–	
	Parking Structure	–	
	Outdoor Storage	–	

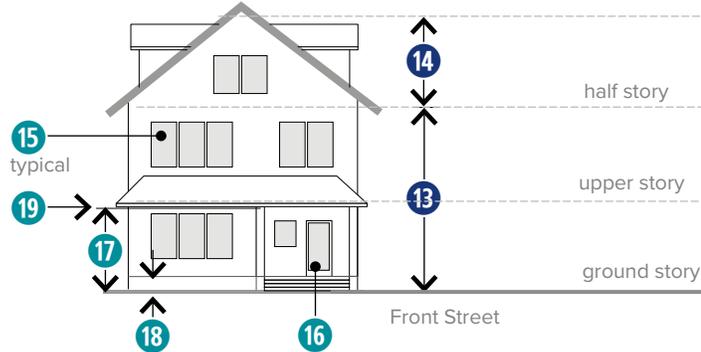
**Figure 3.110-D. House Height**



		<b>ZONES</b>		
		NX1	NX2	
				Additional/References
<b>120-3110 (f) HEIGHT.</b> See <a href="#">Figure 3.110-D</a>				
<b>11</b>	Height		1.5 stories min. <sup>1</sup> 2.5 stories max.	See <a href="#">102-3110 (i)</a> for half story regulations.
<b>12</b>	Story Height		9 ft. min. 11 ft. max.	Measure floor-to-floor per XXX.
<b>13</b>	Height to Eaves		20 ft. max.	
<b>120-3110 (g) ROOFS.</b> See <a href="#">Figure 3.110-E</a>				
<b>14</b>	Roof Types		Pitched	See XXX for roof types and towers.
	Tower		Allowed	

<sup>1</sup> Minimum height in current code is 14 ft. to address manufactured housing

**Figure 3.110-E. House Facades**



**ZONES**

**NX1**

**NX2**

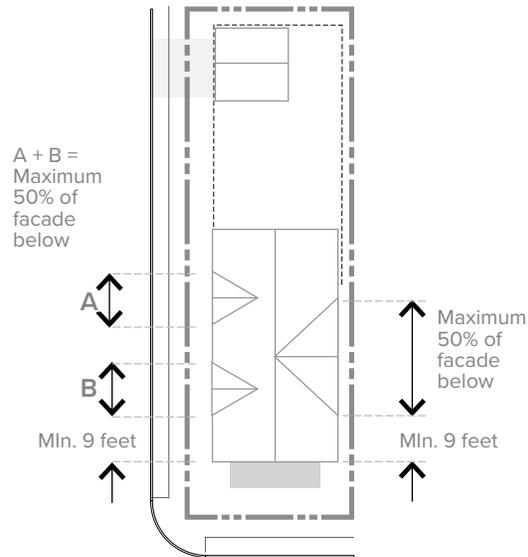
Additional/References

**120-3110 (h) STREET FACADES.** See [Figure 3.110-E](#)

			Additional/References
<b>15</b>	Transparency: Front Facades Non-Front Facades	18% min. 12% min.	Measured per story, includes any half stories, visible basement, or full floor height towers. See XXX for measuring.
		No bays or 10 ft. wide sections of any story may be without transparency	
<b>16</b>	Building Entrance Location	Front facade or bay, max. 2 doors	
<b>17</b>	Entrance Transition Type	Porch or Stoop	See XXX for entrance types.
<b>18</b>	Ground Story Elevation above Grade	Between 12 in. and 30 in. above grade or between 30 in. and 4 ft. with a visible basement except in floodplain locations	
<b>19</b>	Horizontal Divisions with Shadow Lines	At ground story floor elevation; and between 2nd and half story	

**102-3110 (i) SUPPLEMENTAL HOUSE BUILDING REGULATIONS**

- (1) **Multiple Houses on a Lot.** Multiple House buildings may be located on a single lot if the following applies:
- a. The minimum space between buildings is twice the minimum side setback.
  - b. Rear setbacks apply to any lot line located opposite of any courtyard or street frontage.
  - c. Each building must fulfill all of the requirements of the building type unless otherwise expressly stated.
  - d. Each building must be located within 5 feet of the minimum front setback line, except one of every 2 units may front a courtyard.
    - 1. Street facade requirements apply to courtyard facades.
    - 2. If a unit is located on the corner of the courtyard and the street, the entrance must be located on the street.
    - 3. Rear setbacks apply to any lot line located opposite of any courtyard or street frontage.
- (2) **Minimum Pedestrian Area.** Where the area from the back of curb/edge of pavement to the lot line is less than **9 feet**, the setbacks shall be measured from **9 feet** off the back of curb/edge of pavement. The extended pedestrian area shall be treated with streetscape per XXX.
- (3) **Visible Basements.** For basement levels located more than 3 ft. above grade, street facades must meet the transparency regulations on front facades. Visible basements count as a half story.
- (4) **Half Stories.**
- a. Dormers or gabled ends of roofs on half stories are limited to no more than 50% of the facade length of the story below, and must be set back from the front facade a minimum of 9 feet. See [Figure 3.110-F](#).
  - b. The occupiable footprint in half stories under the roof of the House building is limited to no more than 65% of the footprint of story below.



**Figure 3.110-F. Dormers and Gable Ends on Half Stories.**

**102-3120 Workshop-Warehouse Building Type**

**102-3120 (a) DESCRIPTION AND INTENT**

The Workshop-Warehouse building is a modified General building with a minimum level of orientation to the sidewalk and pedestrians, while allowing loading or garage bays on the front facade. In some zones, the number of bays on the front facade are limited.

**102-3120 (b) ILLUSTRATIVE IMAGES**

The images shown in [Figure 3.120-A](#) are intended to illustrate the general character of the building type. The buildings and sites in each image may not fulfill all of the building type regulations.

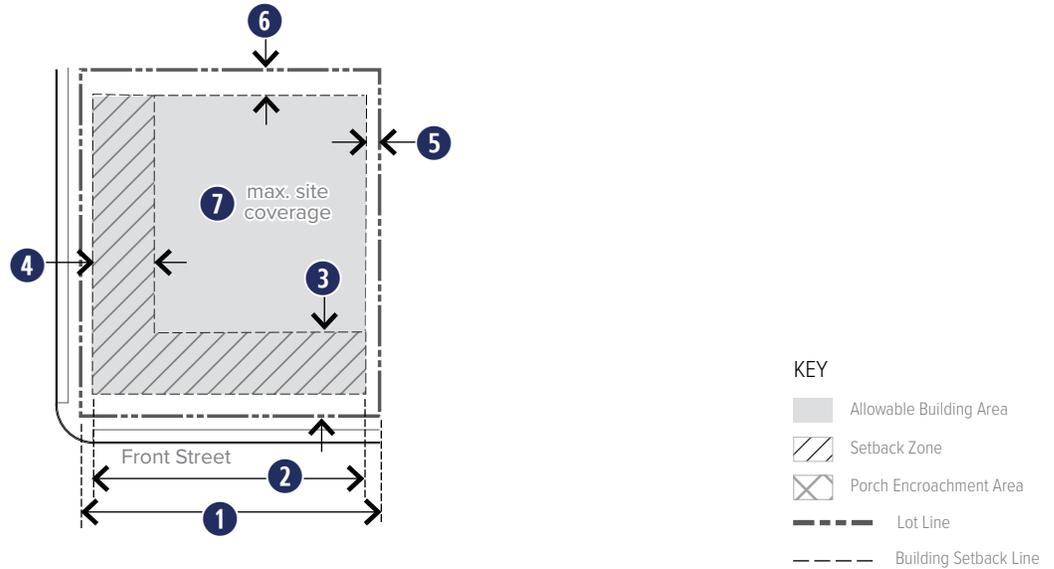
**102-3120 (c) BUILDING REGULATIONS**

The following tables and illustrations regulate this specific building type. See [102-360](#) for general regulations for all building types. See XXX for definitions and measuring table regulations.



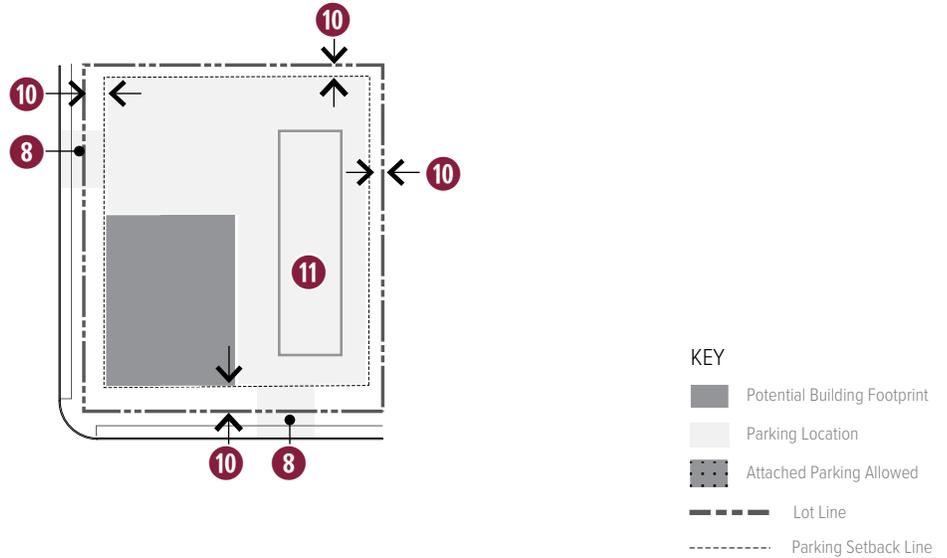
**Figure 3.120-A. Examples of Workshop-Warehouse Building Type**

**Figure 3.120-B. Workshop-Warehouse Building Siting**



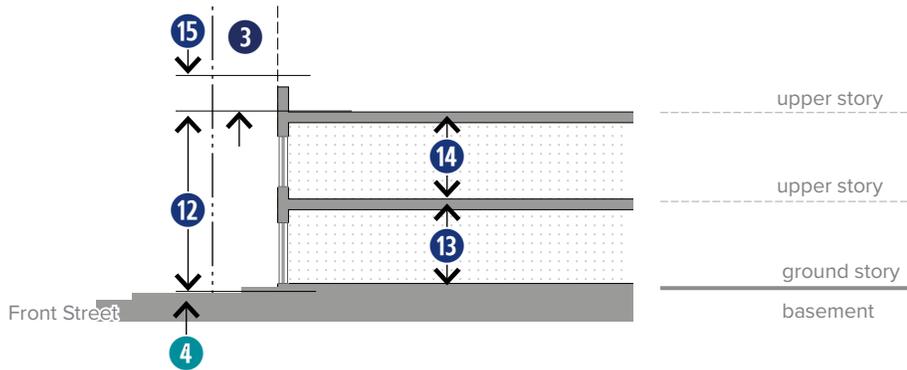
		ZONES			
		IX-TOD	I-TOD	IX-S	Additional/References
<b>120-3120 (d) BUILDING LOCATION.</b> See <a href="#">Figure 3.120-B</a>					
	Multiple Principal Buildings	Allowed	Allowed	Allowed	
<b>2</b>	Front Streetwall	65% min.	45% min.	–	
<b>3</b>	Front Street Setback	10 ft. min. 30 ft. max.	10 ft. min. 35 ft. max.	30 ft. min.	See <a href="#">102-3120 (j)</a> minimum pedestrian area.
<b>4</b>	Non-Front Street Setback	10 ft. min. 35 ft. max.	10 ft. min. 35 ft. max.	20 ft. min.	
<b>5</b>	Side Setback Space between Buildings	10 ft. min. 10 ft. min.	10 ft. min. 10 ft. min.	10 ft. min. 10 ft. min.	
<b>6</b>	Rear Setback	10 ft. min. at alley or rail r.o.w.; 20 ft. min.	20 ft. min.	30 ft. min.	See XXX for measuring and allowed encroachments into setbacks. See <a href="#">XXX</a> for landscape buffer adjacent to N and NX zones.
<b>7</b>	Impervious Site Coverage Additional Semi-Pervious Coverage	70% max. +15%	70% max. +15%	60% max. +15%	See XXX for measuring site coverage.

**Figure 3.120-C. Workshop-Warehouse Building Parking Siting**



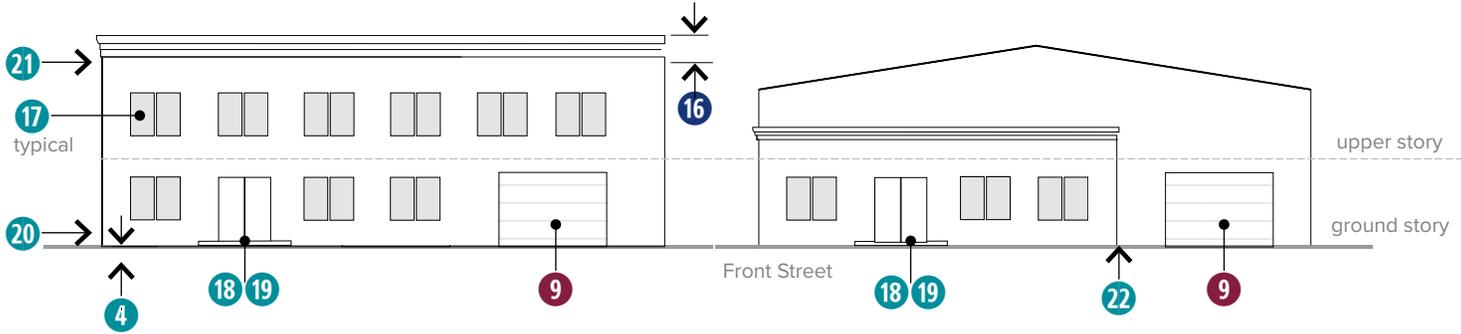
		ZONES			
		IX-TOD	I-TOD	IX-S	Additional/References
<b>120-3120 (e) PARKING &amp; ACCESSORY STRUCTURES.</b> See <a href="#">Figure 3.120-C</a>					
<b>8</b>	Parking & Driveway Access	Per development, one allowed per every 300 feet of street frontage			
<b>9</b>	Allowed Loading/Garage Door Location	Rear, side	Rear, side, non-front	Any facade	
	Spacing of Street Facade Doors	–	No more than one 30-foot wide bay per 120 ft. of street facade		
<b>10</b>	Surface Parking Location	Rear, limited side yard	Rear, side yard	Rear, side yard	
	Street Setback	No closer to lot line than principal building			
	Non-Street Setback	same as building setback			
<b>11</b>	Accessory Structure Location	Rear, side yard	Rear, side yard	Rear, side yard	See <a href="#">Article 6</a> for accessory structures
	Street Setback	No closer to lot line than principal building			
	Side & Rear Setback	same as building setback			
<b>MAJOR ACCESSORY STRUCTURES</b>		<b>IX-TOD</b>	<b>I-TOD</b>	<b>IX-S</b>	See <a href="#">Article 6</a> for additional regulations governing accessory uses and structures.  <b>KEY:</b> ● = Allowed ○ = Requires a Special Permit
Backyard Cottage		–	–	–	
Outbuildings		–	●	●	
Drive-Through Facilities		–	–	●	
Fuel Pumps		●	●	–	
Parking Structure		●	●	●	
Outdoor Storage		–	●	–	

**Figure 3.120-D. Workshop-Warehouse Building Height**



		ZONES			
		IX-TOD	I-TOD	IX-S	Additional/References
<b>120-3120 (f) HEIGHT.</b> See Figure 3.120-D.					
<b>12</b>	Height	6 stories max.	6 stories max.	6 stories max.	See XXX for measuring height.
<b>14</b>	Ground Story Height	10 ft. min. 24 ft. max.; any story over 20 ft. counts as 2 stories	24 ft. max.; any story over 20 ft. counts as 2 stories	24 ft. max.; any story over 20 ft. counts as 2 stories	Measured floor-to-floor. Mezzanine transparency regulations apply. Tall story transparency regulations apply per XXX. See XXX for step backs required adjacent N or NX zones.
<b>15</b>	All Other Stories Height	9 ft. min. 16 ft. max.	9 ft. min. 16 ft. max.	9 ft. min. 16 ft. max.	
<b>120-3120 (g) ROOFS.</b> See Figure 3.120-D.					
<b>16</b>	Roof Types	Flat, parapet	Flat, parapet	Flat, parapet, pitched	See XXX for roof types and tower regulations
	Tower	-	-	-	

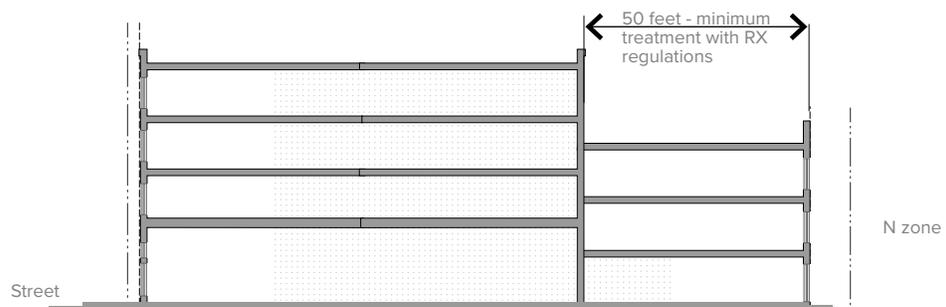
**Figure 3.120-E. Workshop-Warehouse Building Facades**



		ZONES			
		IX-TOD	I-TOD	IX-S	Additional/References
<b>120-3120 (h) STREET FACADES.</b> See <a href="#">Figure 3.120-E</a>					
<b>17</b>	Transparency: Front Facades Non-Front Facades	12% min. 12% min.	12% min. –	12% min. 12% min.	Measured per story, includes any half stories, visible basements, or full floor height towers. See XXX for measuring.
		No bays or 15 ft. wide sections of any story on the front facade may be without transparency.			
<b>18</b>	Building Entrances Location	One per every 150 ft. of front facade			See XXX for measuring.
<b>19</b>	Entrance Transition Type	Stoop	Stoop	–	See XXX for entrance transition types
<b>20</b>	Ground Story Elevation	Less than 30 in. above grade or between 30 in. and 4 ft. with a visible basement			See XXX for definition of visible basement.
<b>21</b>	Horizontal Divisions with Shadow Lines	Within 3 ft. of the top of any story between the basement and 3rd story on front facade			Horizontal shadow lines to run a min. 80% of length of facade. See XXX for definition and measuring shadow lines.
<b>22</b>	Vertical Divisions with Shadow Lines	One per every 120 ft. of street facade on ground story of front facade			

**102-3120 (i) SUPPLEMENTAL WORKSHOP-WAREHOUSE BUILDING REGULATIONS**

- (1) **Minimum Pedestrian Area.** Where the area from the back of curb/edge of pavement to the lot line is less than **9 feet**, the setbacks shall be measured from **9 feet** off the back of curb/edge of pavement. The extended pedestrian area shall be treated with streetscape per XXX.
- (2) **Through-Lots.** Lots extending between two front streets shall treat each as a front frontage facade, unless otherwise approved as administrative exception. Any front frontage facing an MX or RX zone across a street must incorporate the following:
  - a. Within the first 50 feet of lot depth from the MX or RX zone front frontage, the regulations for the any building types allowed in the RX-TOD apply.
  - b. **All regulations for the building type in an RX-TOD zone apply including building siting, parking and accessory structures, roof types, and street facades, except the maximum height is 6 stories.**
  - c. **Uses permitted in those building types within the RX-TOD zone are allowed on the frontage, except household living category uses.**
- (3) **Transition at N or NX Zones.** Above the 3rd story, facades abutting or across the street from an N or NX zone must be stepped back a minimum of 50 feet from the lower facades.



**Figure 3.120-F. Through-Lot Illustration (section)**

**102-3130 Civic Building Type**  
.....

**102-3130 (a) DESCRIPTION AND INTENT**

The Civic building is the most flexible building type, but is limited to buildings with civic and institutional uses. This building type is intended to allow distinctive buildings within the urban fabric, set back within a landscape setting or designed as unique, iconic structures.

A front entrance on the street with a minimum amount of windows promotes walking to the buildings, while parking is located on the side or in the rear.

**102-3130 (b) ILLUSTRATIVE IMAGES**

The images shown in [Figure 3.130-A](#) are intended to illustrate the general character of the building type. The buildings and sites in each image may not fulfill all of the building type regulations.

**102-3130 (c) BUILDING REGULATIONS**

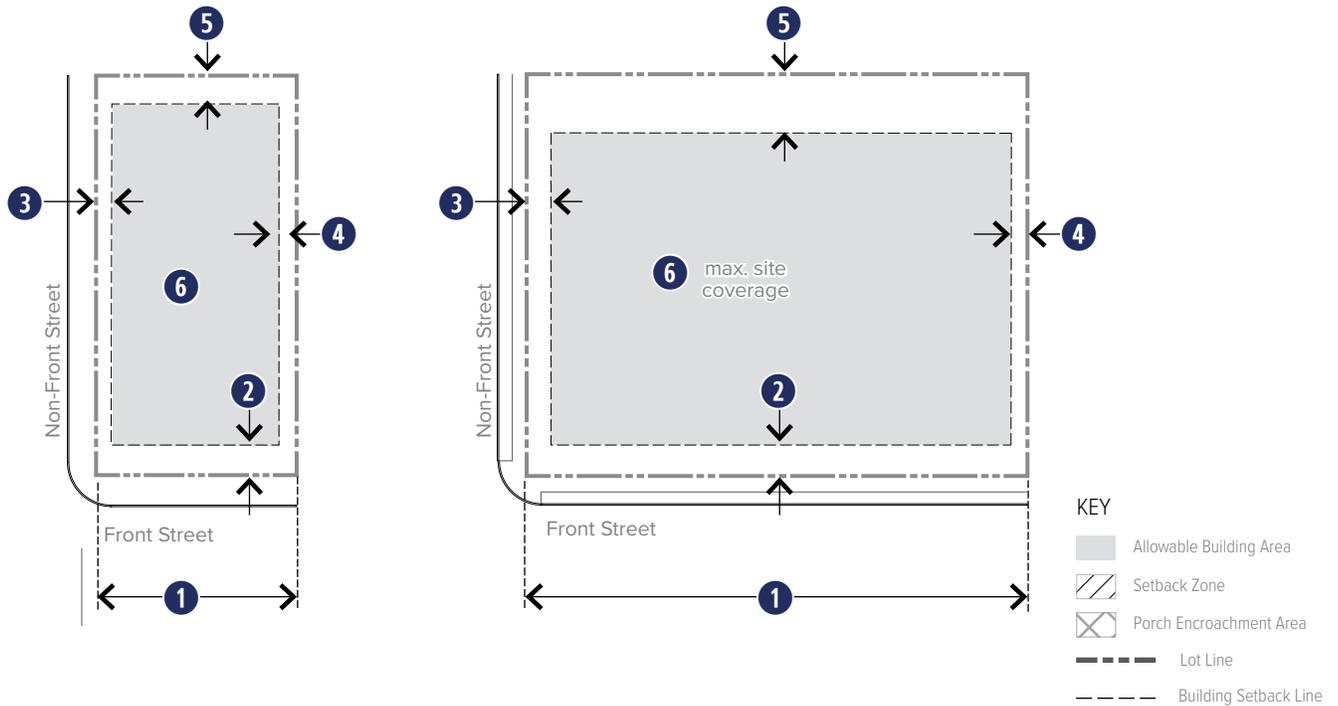
- (1) Use of the Civic building type is limited to public and institutional uses only, as defined in XXX.
- (2) The following tables and illustrations regulate this specific building type. See [102-360](#) for general regulations for all building types. See [Article 15](#) for definitions and measuring table regulations.



**Figure 3.130-A. Examples of Civic Building Type**



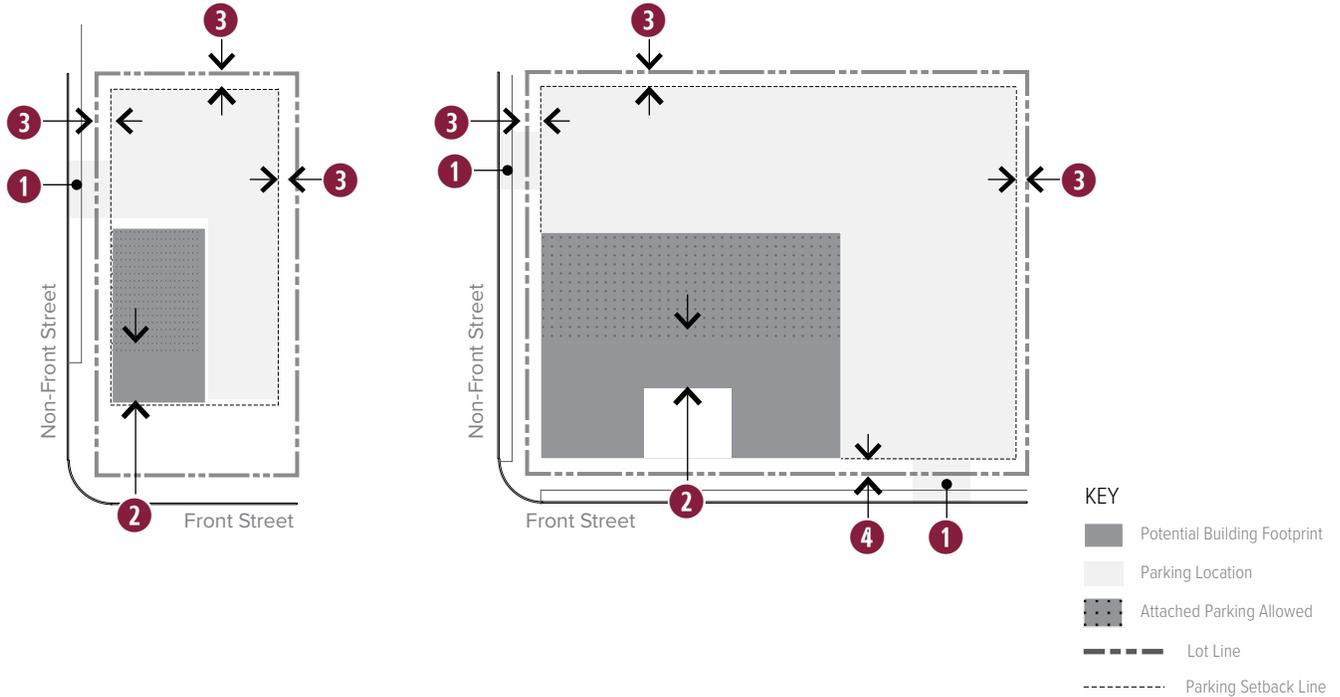
**Figure 3.130-B. Civic Building Siting**



ZONES	
ALL ZONES ALLOWED EXCEPT	P1

120-3130 (d) BUILDING LOCATION. See Figure 3.130-B		P1	P1	Additional/References
	Multiple Principal Buildings	Allowed	Not allowed	See <a href="#">102-3130 (j)</a> for P3 master plan requirements.
1	Lot Width	50 ft. min	50 ft. min	
	Front Streetwall	–	–	
2	Front Street Setback	10 ft. min.	10 ft. min.	See <a href="#">102-3130 (j)</a> minimum pedestrian area.
3	Non-Front Street Setback	5 ft. min.	5 ft. min.	
4	Side Setback	5 ft. min.	5 ft. min.	See XXX for measuring and allowed encroachments into setbacks.
	Space between Buildings	12 ft. min.	12 ft. min.	
5	Rear Setback	10 ft. min.	10 ft. min.	See XXX for landscape treatment adjacent to N zones.
6	Impervious Site Coverage Additional Semi-Pervious Coverage	80% max. +15%	55% max. +15%	See XXX for measuring site coverage.

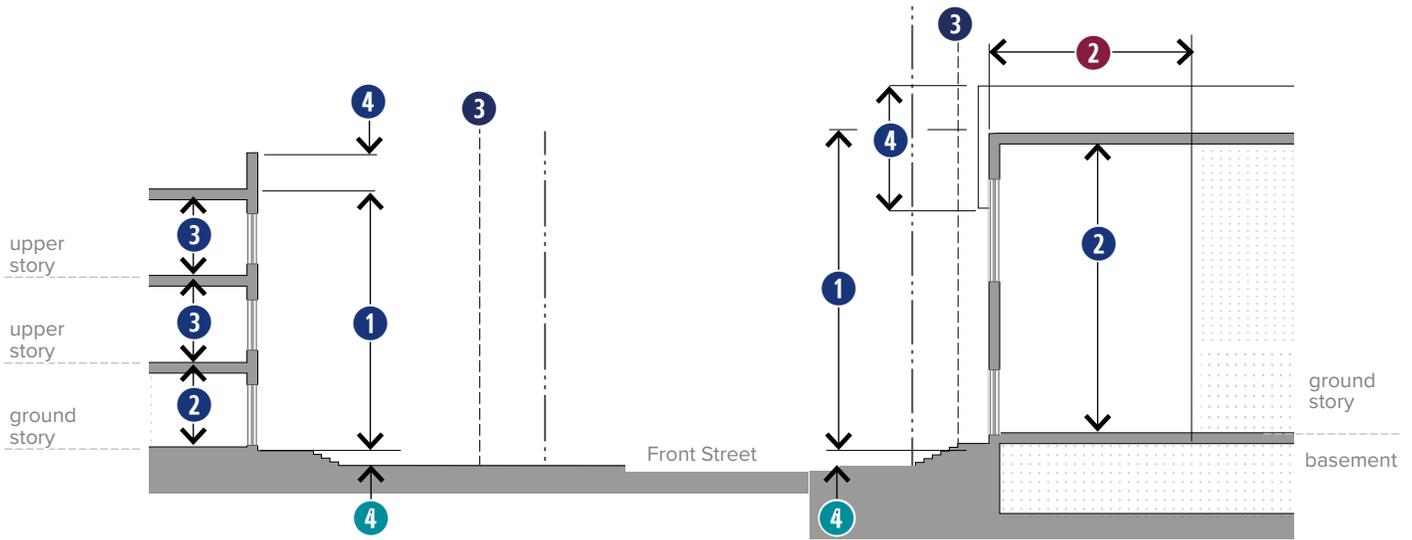
**Figure 3.130-C. Civic Building Parking Siting**



ZONES	
ALL ZONES ALLOWED EXCEPT P1	P1

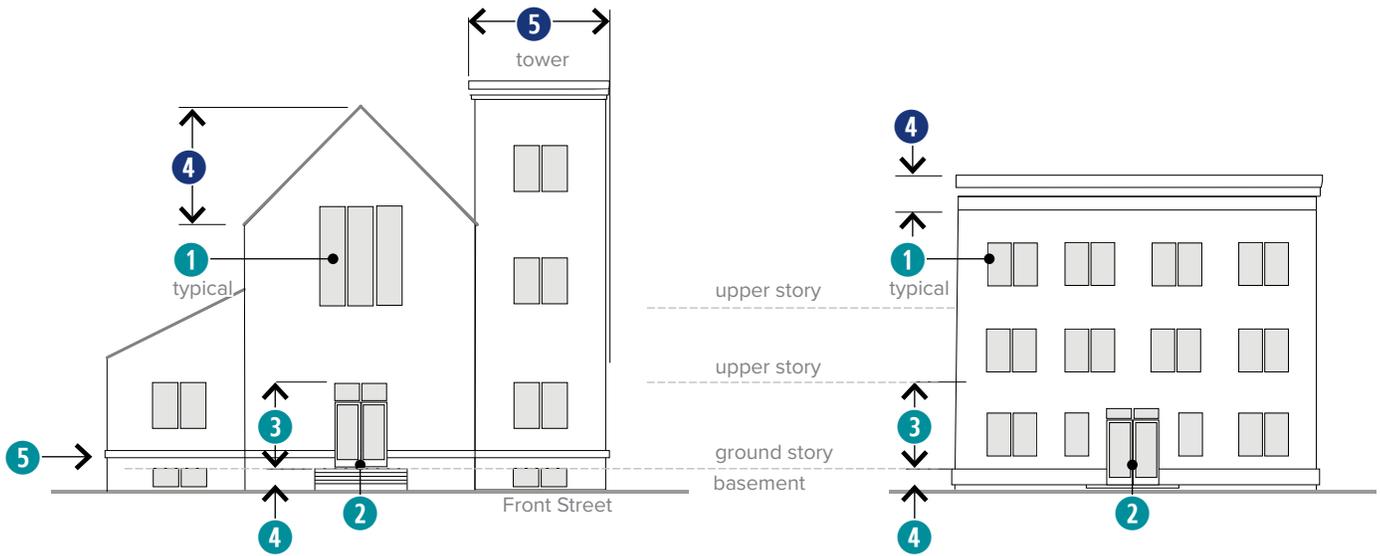
120-3130 (e) PARKING & ACCESSORY STRUCTURES. See Figure 3.130-C.			Additional/References
<b>1</b> Parking & Driveway Access	1 per every 300 feet of street frontage		See XXX for parking.
<b>2</b> Attached Garage Setback Allowed Garage Door Location	Rear of building; minimum 20 feet from front facade Side, rear, interior side facade		
<b>3</b> Surface Parking Location	Rear, limited side yard, internal		See 102-3130 (i) for limited street yard parking.
Street Setback	No closer to lot line than principal building		
Side & Rear Setback	5 ft. min.	5 ft. min.	
<b>4</b> Accessory Structure Location	Rear yard		See Article 6 for accessory structures.
Street Setback	No closer to lot line than principal building		
Side & Rear Setback	3 ft. min.	3 ft. min.	
<b>MAJOR ACCESSORY STRUCTURES</b>	<b>ALL ZONES ALLOWED EXCEPT P1</b>	<b>P1</b>	See Article 6 for additional regulations governing accessory uses and structures.
Backyard Cottage	-	-	<b>KEY:</b> ● = Allowed ○ = Requires a Special Permit
Outbuildings	●	●	
Drive-Through Facilities	-	-	
Fuel Pumps	-	-	
Parking Structure	●	-	
Outdoor Storage	-	-	

**Figure 3.130-D. Civic Building Height**



		<b>ZONES</b>		
		<b>ALL ZONES ALLOWED EXCEPT P1</b>	<b>P1</b>	Additional/References
<b>120-3130 (f) HEIGHT. See Figure 3.130-D</b>				
<b>1</b>	Height	3 stories max.; additional height approved through an administrative exception		See XXX for measuring height.
<b>2</b>	Ground Story Height	10 ft. min. 24 ft. max. additional height approved through an administrative exception		Measured floor-to-floor.
<b>3</b>	All Other Stories Height	9 ft. min. 14 ft. max.	9 ft. min. 14 ft. max.	
<b>120-3130 (g) ROOFS. See Figure 3.130-D</b>				
<b>4</b>	Roof Types	Flat, parapet, pitched; others approved through an administrative exception		See XXX for roof types and tower regulations
<b>5</b>	Tower	Allowed	Allowed	

**Figure 3.130-E. Civic Building Facades**



ZONES	
ALL ZONES ALLOWED EXCEPT P1	P1

120-3130 (h) STREET FACADES. Figure 3.90-E				
		ALL ZONES ALLOWED EXCEPT P1	P1	Additional/References
1	Transparency: Front Facades Non-Front Facades	10% min. –	10% min. –	Measured per story, includes any half stories, visible basements, or full floor height towers. See XXX for measuring.
		No bays or 15 ft. wide sections of any story on the front facade may be without transparency.		
2	Building Entrances Location	One per every 100 ft. of front facade	One per every 100 ft. of front facade	See XXX for measuring.
3	Entrance Transition Type	Stoop, porch	Stoop, porch	See XXX for entrance transition types
4	Ground Story Elevation	Less than 30 in. above grade or between 30 in. and 4 ft. with a visible basement		See XXX for definition of visible basement.
5	Horizontal Divisions with Shadow Lines	–	–	
6	Vertical Divisions with Shadow Lines	–	–	

**102-3130 (i) SUPPLEMENTAL CIVIC BUILDING REGULATIONS**

- (1) **Minimum Pedestrian Area.** Where the area from the back of curb/edge of pavement to the lot line is less than 12 feet, the setbacks shall be measured from 12 feet off the back of curb/edge of pavement. The extended pedestrian area shall be treated with streetscape per XXX.
- (2) **Limited Side Yard Parking.** Where allowed, limited side yard parking may be located in the interior side yard and must be configured as one double- or single-loaded aisle of parking with the centerline of the aisle located perpendicular to the street.

## **ARTICLE 4 SPECIAL ZONES**

102-410	Special District Zones .....	4-2
102-420	Master Plan Developments (MPDs) [MODULE 2] .....	4-3

**102-410 Special District Zones**

**102-410 (a) ZONES ESTABLISHED**

The city's special district zones are listed in [Table 4-1](#).

- (1) When this zoning ordinance refers to “public and institutional” zones or “P” zones, it is referring to the the P1 and P2 zones.
- (2) When this zoning ordinance refers to “industrial” zones or “I” zones, it is referring to the I1 and I2 zones.

**Table 4-1. Public & Institutional Zones**

SYMBOL	ZONE NAME
P1	Open-Social Space
P2	Public & Institutional
I1	Light Industrial
I2	Waste & Energy

**102-410 (b) ZONE DESCRIPTIONS**

- (1) **P1, Parks & Open Space.** The P1 zone is intended for parks and other types of open space or natural areas, whether publicly or privately held.
- (2) **P2, Public & Institutional.** The P2 zone is intended to accommodate public, civic, and institutional uses in buildings, while minimizing the potential for adverse impacts on surrounding areas.
- (3) **I1, Light Industrial.** The I1 zone is intended for light industrial uses.
- (4) **I2, Waste & Energy.** The I2 zone is intended to accommodate solid waste processing and disposal and generation of energy.

**102-410 (c) MAPPING**

The P zones may be applied regardless of ownership of the land on which the use is located. P2 zone is intended to identify the public or institutional use of the subject property, not necessarily the ownership or control of the property.

**102-410 (d) ALLOWED USES**

Uses are allowed in the P and I zones in accordance with the use regulations of [Article 5](#).

**102-410 (e) SITE AND BUILDING REGULATIONS**

- (1) **P Zones.** The size, location, and design of all buildings, structures, activity areas and other site improvements in any P zone must comply with the regulations of the Civic building type in [102-3130](#).

- (2) **I Zones.** The regulations of [Table 4-2](#) apply to all I zones.

**Table 4-2. Industrial Zones**

	I1	I2
Lot Area	10,000 s.f. min.	12,000 s.f. min.
Lot Width	100 ft. min.	100 ft. min.
Lot Depth	100 ft. min.	120 ft. min.
FAR <sup>1</sup>	0.60	0.60
Front Setback	20 ft. min; 75 ft. min. across street from N zone	20 ft. min; 50 ft. min. across street from N zone
Side & Rear Setback	20 ft. min.; 40 ft. min. abutting N zone	20 ft. min.; 40 ft. min. abutting N zone
Rear Setback	20 ft. min.; 40 ft. abutting N zone	20
Height	45 ft. max.; 35 ft. abutting N zone	

**102-410 (f) OTHER REGULATIONS**

Development in P & I zones is subject to all other applicable regulations of this zoning ordinance, including parking, landscaping and other regulations of general applicability.

<sup>1</sup> Proposing to remove this. Is it meant to be a minimum or maximum in current code?

**ARTICLE 5 PRINCIPAL USES**

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102-520 Use Classifications Generally ..... 5-2  
102-530 Residential Use Group ..... 5-4  
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**102-510 Allowed Uses**

**102-510 (a) PRINCIPAL USE TABLE**

Principal uses are allowed in accordance with [Table 5-1](#).

**102-510 (b) INTERPRETING THE USE TABLE**

- (1) **Use Classification System.** Uses are listed in the first column of [Table 5-1](#). This code classifies uses into categories and subcategories, as explained in [102-520](#).
- (2) **Permitted Uses.** Uses identified with a “●” are permitted as-of-right in the subject zone, subject to compliance with all other applicable regulations of this code.
- (3) **Permitted in Upper Stories Only.** Uses identified with a “○” are permitted as-of-right in the subject zone but only when located above the ground-floor in upper stories of the building.
- (4) **Permitted in Limited Portion of Building Footprint.** Uses identified with a “◐” are permitted as-of-right in the subject zone but such use may not occupy more than 25% of the building footprint.
- (5) **Conditional Uses.** Uses identified with a “○” are allowed only if reviewed and approved in accordance with the conditional use procedures of **XXX**.
- (6) **Prohibited Uses.** Uses identified with a “—” are expressly prohibited. Uses that are not listed in the use table and that cannot be reasonably interpreted (as stated in [102-520](#)) to fall within any defined use category or subcategory are also prohibited.
- (7) **Reference.** The final (“Reference”) column of [Table 5-1](#) includes a cross-reference to the use category description and, in some cases, references to supplemental (use-specific) regulations that apply to the subject use.
- (8) **Accessory Uses.** Many customary accessory uses and structures are allowed in conjunction with principal uses. See [Article 6](#) for regulations.

**102-520 Use Classifications Generally**

This section establishes and describes the use classification system used to categorize principal uses in this code.

**102-520 (a) USE GROUPS**

This code classifies principal land uses into 5 major groupings. These are referred to as “use groups.” The use groups are as follows:

- (1) Residential (see [102-530](#));

- (2) Commercial (see [102-540](#));
- (3) Manufacturing & Industry (see [102-550](#));
- (4) Civic & Institutional (see [102-560](#)); and
- (5) Other Uses (see [102-570](#)).

**102-520 (b) USE CATEGORIES**

Each use group is further divided into more specific categories. Use categories classify principal land uses and activities based on common functional, product or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, or relevant building or site conditions.

**102-520 (c) USE SUBCATEGORIES**

Some use categories are further broken down to identify specific subcategories of uses.

**102-520 (d) CLASSIFICATION OF USES**

The zoning administrator is authorized to classify individual uses on the basis of the use group, category, and subcategory descriptions of this article. When a use cannot be reasonably classified into a use group, category, or subcategory, or appears to fit multiple groups, categories, or subcategories, the zoning administrator is authorized to assign the use to the most similar and thus most appropriate group, category, or subcategory based on the actual or projected characteristics of the principal use or activity in relationship to the use group, category, or subcategory descriptions. In making such determinations, the zoning administrator must consider:

- (1) The types of activities that will occur in conjunction with the use;
- (2) The types of equipment and processes to be used;
- (3) The existence, number and frequency of residents, customers or employees;
- (4) Parking demands associated with the use; and
- (5) Other factors deemed relevant to a use determination.
- (6) If a use can reasonably be classified in multiple groups, categories, or subcategories, the zoning administrator is authorized to categorize each use in the category, subcategory that provides the most exact, narrowest and appropriate “fit.”
- (7) Appeals of use classification determinations may be taken to the board of adjustments and appeals in accordance with the appeal procedures of **XXX**.

**Table 5-1. Principal Use Table**

	ZONES																Reference	
	MX-TOD	MX-D	MX-N	MX-S	RX-TOD	RX-D	RX-N	IX-TOD	I-TOD	IX-S	I1, I2	N1, N2	N3-A	N3-B	NX1	NX2		P1
<b>RESIDENTIAL</b>																		<a href="#">102-530</a>
Household Living, 1 unit	●	●	●	●	●	●	●	-	-	-	-	●	●	●	●	●	-	-
Household Living, 2 units	●	●	●	●	●	●	●	-	-	-	-	-	●	-	●	●	-	-
Household Living, 3-4 units	●	●	●	●	●	●	●	-	-	-	-	-	-	-	●	●	-	-
Household Living, 5+ units	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	●	-	-
Manufactured Home Park	-	-	-	-	-	-	-	-	-	-	-	-	○	○	○	○	-	-
Group Living (except as below)	●	●	●	●	●	●	●	-	-	-	-	-	-	-	○	○	-	-
Residential Facility (6 or fewer)	●	●	●	●	●	●	●	-	-	-	-	●	●	●	●	●	-	-
<b>COMMERCIAL</b>																		<a href="#">102-540</a>
Adult-Oriented Business	-	-	-	●	-	-	-	-	-	●	●	-	-	-	-	-	-	-
Animal Boarding	-	-	-	-	-	-	-	●	●	●	●	-	-	-	-	-	-	-
Consumer Service	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	●
Day Care, Small	●	●	●	●	●	●	●	●	-	-	-	●	●	●	●	●	-	-
Day Care, Large	●	●	●	●	●	●	●	●	-	-	-	-	-	-	○	○	-	-
Entertainment Venue, Large	-	-	-	●	-	-	-	-	-	-	-	-	-	-	-	-	○	●
Funeral & Mortuary Service	-	-	-	-	-	●	●	●	-	●	●	-	-	-	-	-	-	-
Lodging (except as below)	●	●	●	●	●	●	●	-	-	●	-	-	-	-	-	-	-	-
B&B or Short-Term Rental	●	●	●	●	●	●	●	-	-	-	-	○	○	○	○	○	-	-
Office	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-
Personal Credit Establishment	○	○	○	○	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Retail & Entertainment	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	●
Self-Service Storage	-	-	-	-	-	-	-	●	●	●	●	-	-	-	-	-	-	-
Vehicle Sales & Service (except as below)	-	-	-	●	-	-	-	-	●	●	●	-	-	-	-	-	-	-
Major Vehicle Repair & Maintenance	-	-	-	-	-	-	-	-	●	-	●	-	-	-	-	-	-	-
<b>MANUFACTURING &amp; INDUSTRY</b>																		<a href="#">102-550</a>
Manufacturing, Artisan	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-
Manufacturing, Limited	-	-	-	-	-	-	-	●	●	●	●	-	-	-	-	-	-	-
High-Impact Industry	-	-	-	-	-	-	-	-	-	-	●	-	-	-	-	-	-	-
Warehousing & Distribution	-	-	-	-	-	-	-	-	●	●	●	-	-	-	-	-	-	-
<b>CIVIC &amp; INSTITUTIONAL</b>																		<a href="#">102-560</a>
College	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	●
Community Assembly	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	●
Cultural Facility	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	●	●
Detention or Correctional Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	○
Hospital	-	-	-	-	○	○	-	-	-	-	-	-	-	-	-	-	-	●
Parks and Open Space	-	-	●	●	●	●	●	●	●	●	●	●	-	-	-	-	●	●
School	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	●
Utilities & Services, Minor	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Utilities & Services, Major	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○

**KEY:** ● = Permitted ● = Permitted in Upper Stories Only ● = Limited to No More than 25% of Footprint ○ = Requires Conditional Use Approval -- = Prohibited

**102-530 Residential Use Group**

The residential use group includes uses that provide for long-term residential occupancy by individual households or by groups of people living together in a non-household setting.

**102-530 (a) HOUSEHOLD LIVING**

(1) **Description.** The household living use category is characterized by a single household occupying a dwelling unit that is self-contained, with facilities for cooking, eating, sleeping, and hygiene. Tenancy is typically 30 days or longer. Examples of household living uses include living in houses, residential buildings containing multiple dwelling units, mixed-use buildings, and other buildings containing self-contained dwelling units. Housing that includes shared facilities (e.g., assisted living facilities, co-housing, and intentional communities) is considered household living if residents occupy self-contained dwelling units.

**102-530 (b) GROUP LIVING**

(1) **Description.** The group living use category is characterized by residential occupancy of all or a portion of a building by a group other than a household. Individuals typically occupy rooms or areas that do not include separate cooking, eating, or bathroom facilities necessary to provide for self-contained living. Group living uses typically have a common eating area for residents. Tenancy is typically 30 days or longer. Examples of group living uses include convents, dormitories, monasteries, fraternity and sorority houses, nursing homes, rooming houses, and similar living arrangements, including the following subcategories:

- a. **Residential Facility.** A state-licensed residential facility or a housing with services establishment registered under Minnesota Statutes chapter 144D, except that residential facilities whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses are classified in the detention or correctional facility use category (see [102-560 \(d\)](#)).

**102-540 Commercial Use Group**

The commercial use group includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public.

**102-540 (a) ADULT-ORIENTED BUSINESS**

The adult entertainment use category includes all business types defined in Sec. 10-495(b) of the Hopkins city code. Such uses are subject to all applicable regulations of Part II, Article XIV, Chapter 10 of the Hopkins city code.

**102-540 (b) ANIMAL BOARDING**

(1) **Description.** Establishments that keep and care for companion animals for remuneration or profit. Typical uses include boarding kennels, pet resorts/hotels, doggy or pet day care facilities, pet foster care homes, dog training centers and animal rescue shelters.

**102-540 (c) CONSUMER SERVICE**

- (1) **Description.** The consumer service use category includes establishments that provide personal or small business-oriented services to individuals or small businesses.
- a. **Personal Improvement Service.** Establishments that provide personal grooming, cosmetic or health and well-being-related services. Typical uses include barbers, hair and nail salons, tanning salons, day spas, body art services and fortune telling services.
  - b. **Studio, Artist or Instructional Service.** Establishments that focus on providing individual or small group instruction or training in fine arts, music, dance, drama, fitness, language or similar activities. Also includes dance studios, ballet academies, yoga studios, martial arts instruction, tutoring, artist studios and photography studios.
  - c. **Business Support Service.** Establishments that provide personnel services, printing, copying, package (delivery) drop-off, photographic services or communication services to businesses or consumers. Examples include employment agencies, copy and print shops, delivery/courier service drop-off location for consumers, and photo developing labs.
  - d. **Business Training.** Establishments and facilities, including classrooms, providing vocational, trade, business or professional training services in a completely enclosed building.
  - e. **Consumer Maintenance & Repair Service.** Establishments that provide maintenance, cleaning and repair services for consumer goods on a site other than that of the customer (i.e., customers bring goods to the site of the repair/maintenance business). Examples include laundry and dry cleaning pick-up shops, tailors, taxidermists, dressmakers, shoe repair, picture framing shops,

gunsmiths, locksmiths, vacuum repair shops, electronics repair shops and similar establishments.

**102-540 (d) DAY CARE**

(1) **Description.** The day care use category includes establishments licensed by the state that provide non-medical care to children or aged, infirm, or disabled adults for only part of a day, typically during normal working hours. Examples include adult day care centers, group family day care facilities, child care centers, and similar use types.

- a. **Day Care, Small.** A state-licensed day care facility serving 12 or fewer persons or a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve 14 or fewer children.
- b. **Day Care, Large.** All day care uses that do not meet the definition of a small day care.

**102-540 (e) ENTERTAINMENT VENUE, LARGE**

- (1) **Description.** Large entertainment venue uses are characterized by activities and structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature. Typical uses include stadiums, sports arenas, auditoriums, and meeting and exhibition areas.
- (2) **Exceptions.** Exhibition and meeting areas with no more than 10,000 square feet of total gross floor area are classified as general entertainment uses (see the retail and entertainment use category).

**102-540 (f) FUNERAL & MORTUARY SERVICE**

(1) **Description.** The funeral and mortuary service use category includes establishments that provide services related to the death of a human or domestic, household pet, including funeral homes and mortuaries.

**102-540 (g) LODGING**

- (1) **Description.** Establishments that provide temporary lodging for less than 30 days to transient guests who maintain a permanent place of residence elsewhere. Examples include hotels and motels, bed and breakfast inns, and short-term rentals.
  - a. **Bed and Breakfast Inn (B&B).** A suburban house or traditional house in which a full-time resident and owner/operator offers up to 3 sleeping rooms and meal service to overnight guests for compensation. Larger establishments are considered a form of lodging under the consumer service use category. Bed and breakfast inns are subject to compliance

with all applicable supplemental use regulations of [102-580 \(a\)](#).

- b. **Short-Term Rental.** All or a portion of a residential dwelling unit offered for rent to overnight guests for fewer than 30 consecutive days. Short-term rentals are subject to compliance with all applicable supplemental use regulations of [102-580 \(b\)](#).

**102-540 (h) OFFICE**

- (1) **Description.** The office use category includes workplaces of private companies, organizations (for-profit and non-profit), and public agencies providing professional, executive, management, medical, administrative, or design services, including the following subcategories:
  - a. **Business & Professional Office.** Workplaces of firms, organizations, or agencies providing professional, executive, management, administrative, financial, accounting, or legal services, but excluding walk-in offices. Examples of business and professional offices include accounting, architecture, computer software design, engineering, graphic design, interior design, investment, insurance, and law offices.
  - b. **Broadcast or Recording Studio.** Establishments that provide for audio or video production, recording or broadcasting.
  - c. **Financial Service.** Establishments involved in the exchange, lending, borrowing and safe-keeping of money. Examples include banks and credit unions. Automatic teller machines, kiosks and similar facilities that do not have on-site employees or amplified sound are not classified in the financial service subcategory if they meet the criteria for classification as an accessory use. This use subcategory does not include personal credit establishments (see [102-540 \(i\)](#)).
  - d. **Complementary and Alternative Health Care Practice.**<sup>1</sup> Any establishment defined in [Minn. Stats. Chapter 146A](#). Such establishments are subject to compliance with the regulations of [Minn. Stats. Chapter 146A](#). Massage therapy establishments are also subject to the regulations in Part II, Chapter 10, Article XVII of the Hopkins city code.

<sup>1</sup> Regulations governing "massage therapy establishments" were added to Hopkins city code by ordinance no. 2021-1170. Under this draft, such establishments would be classified/ allowed under this broader umbrella term used by the state.

- e. **Medical or Dental Office.** Workplaces of medical doctors, dentists, and similar practitioners of medical and healing arts licensed for such practice by the state. This subcategory includes outpatient clinics, but excludes hospitals providing inpatient care. Veterinary offices and animal grooming businesses are classified as medical or dental offices, provided they have no outdoor animal boarding areas. Uses with outdoor animal boarding areas are classified in the animal boarding use category.
- f. **Research Service.** Establishments engaged in scientific research and testing services leading to the development of new products and processes. Uses that involve the mass production, distribution or sale of products or that produce odors, dust, noise, vibration or other external impacts that are detectable beyond the property lines of the subject property are classified in the limited manufacturing use category (see [102-550](#)).
- g. **Walk-In Office.** Workplaces primarily providing direct services to patrons or clients, typically not requiring appointments. This subcategory classification includes employment agencies, insurance agencies, real estate agent offices, travel agencies, utility company offices, and offices for elected officials. It does not include medical or dental offices or uses more specifically classified as financial services.

**102-540 (i) PERSONAL CREDIT ESTABLISHMENT**

- (1) **Description.** The personal credit establishment use category any one or more of the following:
  - a. **Bail Bond.** A use that provides surety and pledged money or property as bail for the appearance of persons accused in court.
  - b. **Check Cashing Establishment.** Any person, except a bank, trust company, savings bank, savings and loan association, credit union, industrial loan and thrift company, engaged in the business of cashing checks, drafts, money orders or traveler's checks for a fee. Person who provide their services incidental to their principal business are not classified as check cashing establishments if the charge for cashing a check or draft does not exceed \$1.00 or one percent of the value of the check or draft, whichever is greater, in accordance with Minnesota Statutes § 53A.01
  - c. **Pawnshop.** An establishment that is engaged to any extent in any of the following business or activities:

- 1. The lending of money on the deposit or pledge of personal property, other than chosen in action, securities or written evidence of indebtedness;
- 2. The purchase of personal property either from an individual, another pawn business or any other business with an expressed or implied agreement or understanding to offer the property for sale to the public, and if that sale is unsuccessful, then to sell it back to the previous owner at a subsequent time at a stipulated price or negotiated price;
- 3. The purchase of precious metals with the intent to melt down, provided that such activity is not clearly incidental to the principal use of the establishment; or
  - i. The lending of money upon personal property, goods, wares, or merchandise pledge, stored or deposited as collateral security.
- d. **Payday Lender.** Any person or entity that is substantially in the business of negotiating, arranging, aiding, or assisting a consumer in procuring payday loans.

**102-540 (j) RETAIL & ENTERTAINMENT**

- (1) **Description.** The retail and entertainment use category includes establishments involved in the sale, lease or rental of products or goods to the ultimate consumer and those that provide food, beverage, or entertainment services.
  - a. **Retail Sales.** Establishments that sell or otherwise provide pharmaceuticals, groceries, sundry goods, convenience goods, consumer shopping goods, household goods, plants and flowers, or hardware.
  - b. **Eating and Drinking Places.** Establishments that prepare and serve food or beverages for on- or off-premise consumption. Includes prepared food shops, take-out restaurants, brewpubs (as defined in Minnesota Statutes § 340A.101), sit-down (full-service) restaurants, banquet halls, bars, taverns, and off-street mobile food truck venues.
  - c. **Entertainment, General.** Establishments that provide gathering places for participant or spectator entertainment and that have no more than 10,000 square feet of total gross floor area. Entertainment-related uses with more than 10,000 square feet of total gross floor area are classified as large

**102-550 Manufacturing & Industry Use Group**

entertainment venues (see 102-540 (e)). Typical general entertainment uses include cinemas, theaters, bowling centers, and experienced-based entertainment establishments.

**a. Experience-based Entertainment**

**Establishment.** An establishment offering group or team-based entertainment activities such as axe throwing, escape rooms, cooking or painting classes, and arts and crafts workshops. Does not include bingo or other forms of charitable gambling, live music venues, karaoke, arcade or video game centers, hookah lounges, art galleries, spas, oxygen bars, event centers, or adult-oriented businesses.

**c. Personal Vehicle Sales and Rentals.** Establishments that provide for the sale or rental of new or used autos, small trucks or vans, trailers, motorcycles, motor homes or recreational vehicles, including recreational watercraft. Typical examples include automobile dealers and car rental agencies. Car-share vehicles that are parked or stored when not being used by members of a car-share program are not regulated as personal vehicle sales and rental uses, but are instead considered accessory parking. Personal vehicle sales and rental establishments that occur in completely enclosed buildings with no outdoor storage or display are classified as retail sales uses in the retail and entertainment use category (see 102-540 (j)).

**d. Fueling Station.** Establishments engaged in retail sales of vehicle fuels for personal vehicles, other than fleet fueling facilities and truck stops. Fueling stations may dispense conventional vehicle fuels and/or alternative vehicle fuels. Fleet vehicle fueling facilities and truck stops are classified in the high-impact industry use category (see 102-550 (c)).

**102-540 (k) SELF-SERVICE STORAGE**

(1) **Description.** The self-service storage facility use category includes enclosed, climate-controlled establishments providing separate, small-scale, self-service storage area leased or rented to individuals or small businesses. Such facilities are designed and used to accommodate only interior access to storage lockers or drive-up access only from passenger vehicles and two-axle non-commercial vehicles. Self-storage facilities with external entrances to storage spaces and outdoor storage areas for consumers or small businesses are classified under the warehouse and distribution use category (see 102-550 (b)).

**102-540 (l) VEHICLE SALES & SERVICE**

(1) **Description.** The vehicle sales and service use category includes uses that provide for the sale, rental, ordinary maintenance, or limited repair of new or used passenger vehicles. Examples of vehicle sales and service uses include the following subcategories:

- a. **Vehicle Repair and Maintenance, Major.** General repair, rebuilding or reconditioning of engines, vehicles, trailers, including body work, frame work, welding and major painting service. Servicing and repair of heavy trucks is classified as a high-impact industry use (see 102-550 (c)).
- b. **Vehicle Repair and Maintenance, Minor.** The replacement of any part or repair of any part that does not require the removal of the engine head or pan, engine, transmission or differential, incidental body and fender work, minor painting and upholstery service when such services are performed on passenger automobiles, motorcycles, snowmobiles, small engines and trucks not exceeding 9,000 pounds rated capacity. Also includes car washes, whether self-service or automatic.

**102-550 Manufacturing & Industry Use Group**

The manufacturing and Industry use group includes established involved in the manufacturing, processing, fabrication, packaging or assembly of goods. Natural, human-made, raw, secondary or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of the principal use. Relatively few customers come to the site.

**102-550 (a) MANUFACTURING, ARTISAN**

The artisan manufacturing use category includes Indoor work spaces used by artists for creation of art or the practice of their artistic endeavors or by craftspeople that produce consumer goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment in a completely enclosed building with no outdoor operations, storage or regular commercial truck parking/loading. Typical uses include woodworking; custom furniture shops; cabinet-making; ceramic studios; jewelry manufacturing; confections and custom-made food items; and artwork including painting, printmaking and sculpture.

**102-550 (b) MANUFACTURING, LIMITED**

(1) **Description.** The general manufacturing use category includes uses with Indoor work spaces used for processing, fabricating, assembling, recycling, treating,

or packaging finished parts or products that customarily have limited external impacts in terms of nuisance, odors, noise, vibrations, heavy truck traffic, or other public safety impacts.

**102-550 (c) HIGH-IMPACT INDUSTRY**

(1) **Description.** The high-impact industry use category includes establishments engaged in manufacturing of finished or unfinished products, primarily from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of such products and materials. It also includes Industrial service firms engaged in the repair or servicing of heavy trucks (exceeding 9,000 pounds rated capacity) industrial or commercial machinery, equipment, products, or by-products, such as welding shops; machine shops; industrial tool repair; and laundry, dry-cleaning and carpet cleaning plants. Few customers, especially the general public, come to the site.

**102-550 (d) WAREHOUSING & DISTRIBUTION**

(1) **Description.** The warehousing and distribution category includes wholesale sales establishments and other uses that store or distribute goods in large quantities, principally to other commercial, manufacturing, or industrial businesses (rather than the general public). It also includes self-service storage facilities (mini-warehouses) with external entrances to storage spaces and outdoor storage areas for consumers or small businesses Indoor-only self-service storage facilities are classified and regulated as self-service storage facilities (see [102-540 \(k\)](#)).

**102-560 Civic & Institutional Use Group**  
.....

The civic and institutional use group includes public, quasi-public, and institutional uses that provide services that benefit the public at-large.

**102-560 (a) COLLEGE**

(1) **Description.** The college use category includes Institutions of higher learning that offer courses of general or specialized study and are authorized to grant academic degrees. The college use subcategory includes classrooms and instructional spaces, as well as on-campus residence halls, fraternity and sorority houses, administrative buildings, auditoriums and other on-campus uses and facilities that provide customary accessory and support functions for college or university uses.

**102-560 (b) COMMUNITY ASSEMBLY**

(1) **Description.** The community assembly use category includes facilities for hosting public or private

meetings including senior centers, community centers, and religious institutions. It also includes fraternal organizations and similar not-for-profit clubs restricted to use by dues-paying members and their guests. It does not include auditoriums, stadiums, convention centers, arenas, or sports facilities.

**102-560 (c) CULTURAL FACILITY**

(1) **Description.** Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art or library collections of books, manuscripts and similar materials operated by a public or quasi-public agency.

**102-560 (d) DETENTION OR CORRECTIONAL FACILITY**

(1) **Description.** An institution operated by the city, the state, the federal government or a private party under contract with the city, the state or the federal government for the confinement and punishment and treatment or rehabilitation of offenders under the jurisdiction of a court.

**102-560 (e) HOSPITAL**

(1) **Description.** The hospital use category includes state-licensed public, private, and non-profit facilities providing inpatient medical, surgical, mental health, or emergency medical services. Hospitals may also provide outpatient treatment.

**102-560 (f) PARKS & OPEN SPACE**

(1) **Description.** The parks and open space use category includes recreational, social, or multi-purpose uses associated with public parks, public open spaces, public play fields, public or private golf courses, or other outdoor open space or recreation areas. It also includes urban agriculture uses, such as community gardens, outdoor urban farms and beekeeping. The parks and open space use category includes the following subcategories:

- a. **Cemetery.** Land or structures used for burial or permanent storage of the dead or their cremated remains. Typical uses include cemeteries and mausoleums. Also includes pet cemeteries.
- b. **Community Garden.** An area of land managed and maintained by a public or non-profit organization or a group of individuals to grow and harvest food crops and/or ornamental crops, such as flowers, for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained

and used by group members. Community gardens may be principal uses or accessory to other public or semi-public uses, such as parks, schools, community centers, or community assembly uses. This classification does not include gardens that are accessory to residential uses when access is limited to those who reside on the subject property. Sales of products produced in association with a community garden is permitted as an accessory use in zones in which retail sales & entertainment uses are allowed.

- c. **Natural Resource Preservation.** Undeveloped land left in a natural state for specific use as visual open space or environmental purposes. Typical uses include wildlife or nature preserves, arboretums, flood management projects and reservoirs.
- d. **Parks and Recreation.** Parks, playgrounds, recreation facilities, and related open spaces that are open to the general public. This subcategory also includes playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts, boat docks, and golf courses, as well as related food concessions or clubhouses within a principal structure or in an accessory structure on the same site.

**102-560 (g) SCHOOL**

- (1) **Description.** Public and private schools at the primary, elementary, middle school or high school level that provide basic, compulsory, state-mandated education.

**102-560 (h) UTILITIES & SERVICES**

- (1) **Description.** The utilities and services use category includes utilities and essential public service uses and facilities. The infrastructure use category includes the following subcategories:
  - a. **Utilities & Services, Minor.** Facilities that need to be located in or close to the area where the service is provided. Minor utilities generally do not have regular employees at the site and typically have few if any impacts on surrounding areas. Typical uses include water and sewer pump stations; gas regulating stations; underground electric distribution substations; electric distribution lines and transformers; bus turnarounds and on-street transit stops, water conveyance systems; stormwater storage and conveyance systems; and emergency communication warning/broadcast facilities. Also includes establishments that provide fire, police or life protection, together with the incidental storage and maintenance of necessary vehicles.

- b. **Utilities & Services, Major.** Facilities that typically have substantial visual or operational impacts on nearby areas. Typical uses include water and wastewater treatment facilities, high-voltage electric substations, regional electrical transmission lines, regional gas or oil pipelines, utility-scale power generation facilities (including wind, solar and other renewable and nonrenewable energy sources), and sanitary landfills.

**102-570 Other Uses**

RESERVED

**102-580 Supplemental Use Regulations**

**102-580 (a) BED & BREAKFAST INNS**

Bed & breakfast inns are allowed in accordance with [Table 5-1](#), subject to compliance with the following supplemental use regulations:

- (1) The bed and breakfast inn must be the principal residence of the bed and breakfast property owner.
- (2) At least one off-street parking space must be provided for each guestroom (in addition to parking required for the principal residence).
- (3) Parking is prohibited in the front yard.
- (4) No new bed and breakfast inn may approved on a lot that is located within 600 feet of a lot occupied by another bed and breakfast inn.
- (5) Meal service is restricted to registered guests only.
- (6) A bed and breakfast inn may host no more than one special event each calendar month for not more than 25 guests, subject to the following requirements:
  - a. At least 2 weeks before an event, the owner/ operator of the bed and breakfast inn must notify the zoning administrator in writing of the upcoming event, including date and time of the event and information on how the property's exterior areas will be used during the event (music, temporary structures, etc.).
  - b. Food and beverages may be furnished by and to special event guests, provided all required permits, licenses, and authorizations have been obtained.
  - c. The owner of the bed and breakfast inn must be present during special events and must provide adequate supervision of the event.

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**DRAFT**

- d. Special events may not be conducted before 9:00 a.m. or after 10:00 p.m.

**102-580 (b) SHORT-TERM RENTALS**

Short-term rentals are allowed in accordance with Table 5-1, subject to compliance with the following supplemental use regulations:

- (1) Short-term rentals must comply with all licensing and permit requirements of the city.
- (2) No more than 6 adults and their dependent children may occupy rooms within a short-term rental.
- (3) Short-term rentals are not permitted on lots occupied by accessory dwelling units.
- (4) External structural alterations or site improvements that change the residential character of the lot upon which a short-term rental is located are prohibited. Examples of such prohibited alterations include the construction of a parking lot, the addition of commercial-like exterior lighting, and signage.
- (5) A register of short-term rental guests must be maintained and made available to the city upon request.
- (6) Short-term rentals may not be used for special events to be attended by individuals who are not registered guests of the short-term rental unit.

**102-580 (c) MORE TO COME**

- (1) **Editor's Note:** the existing ordinance includes several use-specific regulations and conditions. Some of these supplemental use regulations seem dated and/or unnecessary. Additional supplemental use regulations will be added to this section after further discussions with city.

## **ARTICLE 6 ACCESSORY USES AND STRUCTURES**

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**102-610 General**

**102-610 (a) USES AND STRUCTURES AUTHORIZED**

Accessory uses and structures are allowed only in connection with lawfully established principal uses and principal structures. Allowed accessory uses and structures are limited to those expressly identified in this code as well as those that, in the determination of the zoning administrator, satisfy all of the following criteria:

- (1) They are customarily found in conjunction with the subject principal use and structure;
- (2) They are subordinate and clearly incidental to the principal use of the property;
- (3) They are operated and maintained by the owners or lessees of the principal use; and
- (4) They serve a necessary function for or contribute to the comfort, safety or convenience of the owners or lessees of the principal use.

**102-610 (b) GENERALLY APPLICABLE REGULATIONS**

The regulations of this section apply to all accessory uses and structures unless express provisions of this code establish more specific regulations for a particular type of accessory use or accessory structure.

- (1) **Location.** Accessory uses and structures must be located on the same lot as the principal use and principal structure to which they are accessory.
- (2) **Time of Establishment.** No accessory building or structure other than a fence or temporary construction office or may be placed on a lot before construction of the principal building.
- (3) **Size and Number of Buildings.**
  - a. **N1 Zone.** No more than 3 accessory buildings may be located on a single lot in an N1 zone. The total aggregate ground coverage (footprint) of all such accessory buildings may not exceed 1,400 square feet, and no single building may exceed a footprint of 1,000 square feet.
  - b. **N2 and N3 Zones.** No more than 2 accessory buildings may be located on a single lot in any N2 or N3 zone. The total aggregate ground coverage (footprint) of all such accessory buildings may not exceed 1,000 square feet.
  - c. **NX Zones.** In NX zones, the total aggregate ground coverage (footprint) of all accessory buildings may not exceed 528 square feet per dwelling unit.

(4) **Building Height**

- a. **Residential.** Accessory buildings on lots occupied by a principal residential use may not exceed 15 feet 2 stories in height or the height of the principal building, whichever is less.
- b. **Nonresidential.** Accessory buildings on lots occupied by a principal nonresidential may not exceed the building height limit that applies to principal buildings in the subject zone or the height of the tallest principal building on the subject lot, whichever is less.

(5) **Building Setbacks.** The accessory structure tables for each building type (see [Article 2](#) and [Article 3](#)) establish siting and setback regulations for accessory buildings.

(6) **Design.** Accessory buildings with a building footprint of 200 square feet or more must be substantially similar to the principle building on the lot in terms of roof form, building materials, and overall appearance.

**102-620 Backyard Cottages<sup>1</sup>**

**102-620 (a) APPLICABILITY**

The regulations of this section apply to backyard cottages.

**102-620 (b) DESCRIPTION**

Backyard cottages are small, habitable accessory buildings located on the same lot as a (traditional or suburban) house building type. Backyard cottages are not contained in or attached to the principal building. See the secondary suite regulations of for information regarding accessory dwelling units that are contained withing the principal building (house).

**102-620 (c) PURPOSE**

The backyard cottage regulations of this section are intended to help advance the city's housing and planning policies by:

- (1) Accommodating additional housing units while at the same time preserving the physical form of existing neighborhoods;
- (2) Allowing efficient use of the city's existing housing stock and infrastructure;
- (3) Providing housing options and choices that respond to varying income levels, ages, household sizes, and lifestyle choices;

<sup>1</sup> New. Proposed.

- (4) Providing a means for older residents to remain in their homes and neighborhoods, and obtain extra income, security, companionship and assistance; and
- (5) Promoting a broader range of accessible and more affordable housing.

**102-620 (d) WHERE ALLOWED**

The table of regulations for each building type identified in [Article 2](#) and [Article 3](#) indicate the zones in which backyard cottages are allowed.

**102-620 (e) ALLOWED USE**

Backyard cottages may be occupied only by accessory dwelling units.<sup>2</sup>

**102-620 (f) NUMBER**

No more than one backyard cottage is permitted on a single lot. Backyard cottages are not permitted on lots occupied by a secondary suite (see ).

**102-620 (g) HOUSEHOLD SIZE**

The total number of residents that reside in the backyard cottage and the principal building combined, may not exceed the number permitted for a household, plus 2.

**102-620 (h) SITING ON LOT**

The accessory structure tables for each building type (see [Article 2](#) and [Article 3](#)) establish siting and setback regulations for backyard cottages. In addition, backyard cottages must be separated from the principal building by a minimum distance of 15 feet.

**102-620 (i) HEIGHT**

- (1) Backyard cottages may not exceed 1.5 stories in height or the height of the principal building, whichever is less.
- (2) Floor-to-floor height regulations applicable to the principal building on the lot apply to backyard cottages.

**102-620 (j) SIZE AND FLOOR AREA**

The floor area of a backyard cottage may not exceed 800 square feet. Note: Lot coverage limitations for the subject zone and principal building type may further limit the size of a backyard cottage.

**102-620 (k) PARKING**

No additional parking is required for an backyard cottage, but all off-street parking requirements for the principal dwelling must continue to be met.

**102-620 (l) DESIGN**

The design regulations of this subsection apply to all newly

<sup>2</sup> Accessory dwelling unit (ADU) definition: Dwelling units that are subordinate and ancillary to the principal residential use of the subject lot.

constructed backyard cottages.

- (1) **Exterior Finish Materials.** The exterior finish material must be the same or visually match in type, size and placement, the exterior finish material of the principal building on the lot.
- (2) **Roof Pitch.** The roof pitch must be the same as the predominant roof pitch of the principal building on the lot.
- (3) **Trim.** Type, size and location of trim elements must match those of the principal building on the lot.
- (4) **Entrances.** Entrances to backyard cottages may not face the nearest side or rear lot line of the subject lot unless there is an alley abutting that lot line.

**102-620 (m) UTILITIES**

All water and wastewater service for a backyard cottage must be tied to the principal building on the lot. Separate water and wastewater connections serving backyard cottages are prohibited.

**102-620 (n) OWNER OCCUPANCY AND RENTAL**

- (1) At least one of the dwelling units on a lot occupied by a backyard cottage must be occupied by an owner with at least a 50% interest in the subject lot. The owner must occupy either the principal dwelling unit or the accessory dwelling unit as their permanent residence for a majority of the days each calendar year.
- (2) Backyard cottages may not be used as short-term rentals and may not be rented for periods of less than 31 consecutive days.

**102-620 (o) DEED RESTRICTION**

Before issuance of a permit to establish a backyard cottage, the owner of the subject lot must file an affidavit with the zoning administrator and record a deed restriction stating that the owners of the subject property agree to (1) comply with the owner occupancy, rental and other applicable restrictions of this code; and (2) notify all prospective purchasers of such requirements. The deed restriction runs with the land is binding upon the property owner, their heirs and assigns, and upon any parties subsequently acquiring any right, title, or interest in the property. The affidavit and deed restriction must be in a form prescribed by the zoning administrator.

**102-620 (p) BUILDING PERMIT APPROVAL**

Before the issuance of a building permit for the construction of any new backyard cottage, plans must be reviewed and approved by the building official to determine compliance with all applicable building and life safety codes.

**102-620 (q) SALE OF BACKYARD COTTAGE**

Backyard cottages may not be sold separately from the principal detached house and lots may not be divided so that a backyard cottage is located on its own lot or a separate tax parcel.

**102-630 Outbuildings**

**102-630 (a) APPLICABILITY**

The regulations of this section apply to completely enclosed accessory buildings, other than backyard cottages, that are detached from the principal building. Typical outbuildings include detached garages and carports, sheds, barns, workshops, and greenhouses. Note: Parking garages with more than one level or floor of parking are considered and regulated as "parking structures" (see [102-690](#)).

**102-630 (b) BUILDING TYPE REGULATIONS**

The accessory structure tables for each building type identify the zones in which outbuildings are allowed.

**102-630 (c) ALLOWED USE**

Outbuildings may be occupied by any allowed accessory use other than an accessory dwelling unit.

**102-630 (d) HEIGHT**

Outbuildings may not exceed 1.5 stories in height or the height of the principal building, whichever is less.

**102-630 (e) LOCATION**

The accessory structure tables for each building type establish siting and setback regulations for outbuildings (see [Article 2](#) and [Article 3](#)).

**102-630 (f) UTILITIES**

Any water or wastewater service for an outbuilding must be tied to the principal building on the lot. Separate water and wastewater connections serving outbuildings are prohibited.

**102-640 Secondary Suites<sup>3</sup>**

**102-640 (a) APPLICABILITY**

The regulations of this section govern all secondary suites.

**102-640 (b) DESCRIPTION**

Secondary suites are accessory dwelling units contained wholly within a (traditional or suburban) house building type.

**102-640 (c) PURPOSE**

The secondary suite regulations of this section are intended to help advance the city's housing and planning policies by:

- (1) Accommodating additional housing units while at the same time preserving the physical form of existing neighborhoods;
- (2) Allowing efficient use of the city's existing housing stock and infrastructure;
- (3) Providing housing options and choices that respond to varying income levels, ages, household sizes, and lifestyle choices;
- (4) Providing a means for older residents to remain in their homes and neighborhoods, and obtain extra income, security, companionship and assistance; and
- (5) Promoting a broader range of accessible and more affordable housing.

**102-640 (d) METHODS OF CREATION**

A secondary suite may be created through any of the following methods:

- (1) Converting existing floor area within the interior of a house (e.g., attic or basement) into an secondary suite;
- (2) Adding floor area to an existing house building type to accommodate an secondary suite; or
- (3) Constructing a new house with that contains an internal secondary suite.

**102-640 (e) WHERE ALLOWED**

Secondary suites are permitted by right only on lots occupied by a house building type containing a single principal dwelling unit.

**102-640 (f) NUMBER**

No more than one secondary suite is permitted on a single lot. Secondary suites are not permitted on lots occupied by a backyard cottage (see [102-620](#)).

**102-640 (g) HOUSEHOLD SIZE**

The total number of residents that reside in the secondary suite and the principal dwelling unit combines, may not exceed the number permitted for a household, plus 2.

**102-640 (h) FLOOR AREA**

The floor area of an secondary suite may not exceed 800 square feet.

**102-640 (i) PARKING**

No additional parking is required for an secondary suite, but all off-street parking requirements for the principal dwelling unit must continue to be met.

**102-640 (j) DESIGN**

Only one entrance to a principal building containing a

<sup>3</sup> New. Proposed.

secondary suite may be located on a façade that faces a street, unless the principal building contained an additional street-facing entrance before the secondary suite was created.

**102-640 (k) OWNER OCCUPANCY AND RENTAL**

- (1) At least one of the dwelling units on a lot occupied by a secondary suite must be occupied by an owner with at least a 50% interest in the subject lot. The owner must occupy either the principal dwelling unit or the secondary suite as their permanent residence for a majority of the days each calendar year.
- (2) Secondary suites may not be used as short-term rentals and may not be rented for periods of less than 31 consecutive days.

**102-640 (l) DEED RESTRICTION**

Before issuance of a permit to establish a secondary suite, the owner of the subject lot must file an affidavit with the zoning administrator and record a deed restriction stating that the owners of the subject property agree to (1) comply with the owner occupancy, rental and other applicable restrictions of this code; and (2) notify all prospective purchasers of such requirements. The deed restriction runs with the land is binding upon the property owner, their heirs and assigns, and upon any parties subsequently acquiring any right, title, or interest in the property. The affidavit and deed restriction must be in a form prescribed by the zoning administrator.

**102-640 (m) BUILDING PERMIT APPROVAL**

Before the issuance of a building permit for the construction of any new secondary suite, plans must be reviewed and approved by the building official to determine compliance with all applicable building and life safety codes.

**102-650 Home Occupations<sup>4</sup>**

**102-650 (a) APPLICABILITY**

The regulations of this section apply to home occupations, which are jobs or professions conducted as an accessory use to an allowed household living use.

**102-650 (b) PURPOSE**

The home occupation regulations of this section are intended to allow residents to engage in customary home-based work activities, while also helping to ensure that neighbors are not subjected to adverse operational and land use impacts (e.g., noise levels, traffic patterns or public safety hazards) that are not typical of residential neighborhoods.

**102-650 (c) TYPES OF HOME OCCUPATIONS**

These regulations establish 2 types of home occupations: home offices and home-based businesses.

- (1) **Home Offices.** Home offices are home occupations in which household residents use their home as a place of work, with no employees, customers or clients coming to the site. Typical examples include telecommuting office workers, writers, consultants, and artists.
- (2) **Home-Based Businesses.** Home-based businesses are home occupations in which household residents use their home as a place of work and in which either employees or customers come to the site. Typical examples include tutors, teachers, barbers, stylists, photographers, counselors and real estate agents. Home-based businesses require approval of a home occupation permit. Home occupation permits may be revoked for uncorrected violations of applicable home occupation regulations.

**102-650 (d) EXEMPTIONS**

Nonresidential uses that are expressly allowed in conjunction with residential uses (e.g., bed and breakfast inns and home-based day care uses) are not subject to home occupation regulations.

**102-650 (e) ALLOWED USES**

The home occupation regulations of this section establish performance standards for all home occupations rather than listing specific uses and activities allowed to be conducted as part of a home occupation.

**102-650 (f) PROHIBITED USES**

The following uses are expressly prohibited as home occupations:

- (1) Any type of assembly, cleaning, maintenance, painting or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators);
- (2) Dispatch centers or other businesses where employees come to the site and are dispatched to other locations;
- (3) Equipment or supply rental businesses;
- (4) Taxi, limo, van or bus services;
- (5) Tow-truck services;
- (6) Restaurants;
- (7) Funeral or interment services;
- (8) Animal care, shelter or boarding establishments;

<sup>4</sup> New, proposed more expansive provisions.

- (9) Commercial food preparation;
- (10) Any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building; and
- (11) Any home-based work activity that does not comply with regulations of this section.

**102-650 (g) HOME OFFICES**

Home offices are allowed as of right as an accessory use to a principal use in the household living use category. Home offices are subject to the following regulations:

- (1) Home offices must be accessory and subordinate to the principal residential use of the property.
- (2) No clients, customers, patients, or students are allowed in conjunction with a home office.
- (3) Only residents of the dwelling in which the home office is located may be engaged in a home office use. No nonresident owners, employees or contractors may be present on the property.
- (4) Home offices that change the physical form of the residential building they occupy or that adversely affect the surrounding neighborhood are prohibited. Home offices may not, for example, produce light, noise, vibration, odor, parking demand, or traffic impacts that are not typical of a residential neighborhood. Home offices must be operated so as not to create or cause a nuisance.
- (5) External structural alterations or site improvements that change the residential character of the lot upon which a home office is located are prohibited. Examples of such prohibited alterations include construction of parking lots, the addition of commercial-like exterior lighting, the addition of a separate building entrance that is visible from abutting streets or the exterior display of signs.
- (6) No outdoor display of any material or merchandise is allowed in conjunction with a home office.
- (7) The use or storage of hazardous substances is prohibited, except at the “consumer commodity” level, as that term is defined in 49 C.F.R. Sec. 171.8.
- (8) Home offices and all related activities must be conducted entirely within the principal residential building or an allowed accessory structure.

- (9) Deliveries or pickups of supplies or products associated with a home office are allowed only between 8:00 a.m. and 8:00 p.m. Vehicles used for delivery and pickup are limited to those normally serving residential neighborhoods.
- (10) More than one home office is allowed, but the home office regulations of this section apply to the combined home office uses.

**102-650 (h) HOME-BASED BUSINESSES**

Home-based businesses are allowed as an accessory use to a principal use in the household living use category only upon approval of a home occupation permit. Home-based businesses are subject to the following regulations.

- (1) Home-based businesses must be accessory and subordinate to the principal residential use of the property and may not occupy more than 49% of the gross floor area of the principal building, whether the home-based business is located in the principal residential building, an accessory building, or both.
- (2) At least one individual engaged in the home-based business must reside in the dwelling unit in which the home-based business is located as their primary place of residence.
- (3) Customers or clients may visit the site only from 8:00 a.m. to 8:00 p.m. No more than 2 clients or customers may be present at any one time, except that up to 3 students may be present at one time in a teaching-related home occupation (e.g., tutor or music/dance instructor).
- (4) A maximum of 2 nonresident employees are allowed with a home-based business if the business does not serve customers or clients on site. Home-based businesses that serve customers or clients on site may not have nonresident employees. For the purpose of this provision, the term “nonresident employee” includes an employee, contractor, business partner, co-owner or any other person affiliated with the home-based business, who does not live at the site, but who visits the site as part of the home-based business.
- (5) Face-to-face or walk-in retail sales activities are prohibited as a principal home-based business activity. Any face-to-face or walk-in retail sales of goods must be entirely accessory to any services provided on the site. This retail sales restriction is not intended to prohibit on-line retail sales.
- (6) Home-based businesses that change the physical form of the residential building they occupy or that adversely

affect the surrounding neighborhood are prohibited. Home-based businesses may not, for example, produce light, noise, vibration, odor, parking demand, or traffic impacts that are not typical of a residential neighborhood. Home-based businesses must be operated so as not to create or cause a nuisance.

- (7) External structural alterations or site improvements that change the physical residential form of the lot upon which a home-based business is located are prohibited. Examples of such prohibited alterations include construction of parking lots, the addition of commercial-like exterior lighting, the addition of a separate building entrance that is visible from abutting streets or the exterior display of signs.
- (8) Any tools or equipment used as part of a home-based business must be operated in a manner or sound-proofed so as not to be audible beyond the lot lines of the subject property.
- (9) The use or storage of hazardous substances is prohibited, except at the “consumer commodity” level, as that term is defined in 49 C.F.R. Sec. 171.8.
- (10) Home-based businesses and all related activities, including storage (other than the lawful parking of passenger vehicles), must be conducted entirely within the principal residential building or an allowed accessory structure.
- (11) Deliveries or pickups of supplies or products associated with a home office are allowed only between 8:00 a.m. and 8:00 p.m. Vehicles used for delivery and pickup are limited to those normally serving residential neighborhoods.
- (12) No more than one home-based business is allowed on a single property, and a home-based business may not be conducted on a lot occupied by an accessory dwelling unit.

**102-660 Fences**

**102-660 (a) PERMITS**

- (1) Except as otherwise expressly stated in this section, a fence permit must be obtained before any fence is erected. Fence permit applications must be filed with the zoning administrator.
- (2) Temporary or seasonal fences (such as snow fences, erosion control fences, and fences to protect newly seeded areas) are allowed without a fence permit provided that:

- a. No such fence may be left in place for more than 6 months without written city approval; and
- b. Any such fence must be removed within 15 days of the city providing written notice to the landowner that the city has determined the fence no longer serves its originally intended, temporary or seasonal purpose.

**102-660 (b) LOCATION**

- (1) Boundary line fences must be located entirely upon the private property of the person constructing or causing the construction of such fence.
- (2) The zoning administrator is authorized to require that any applicant for a fence permit or any property owner with an existing fence to establish the boundary lines of their property by means of a property survey produced by a registered land surveyor.
- (3) Fences located in recorded easements are at the sole responsibility and risk of the subject property owner, and the cost of any removal, relocation, or replacement caused by any activity permitted in the recorded easement is the sole responsibility of the property owner.

**102-660 (c) CONSTRUCTION AND MAINTENANCE**

- (1) All fences must be constructed in a substantial, workmanlike manner of substantial material widely accepted in the fencing industry and reasonably suitable for the purpose for which the fence is intended. No plywood boards, canvas, plastic sheeting, metal sheeting or similar materials may be used for any fence construction.
- (2) Link fences must be installed so that the barbed end is at the bottom of the fence and the knuckle end is at the top thereof Link fences must be constructed so that no barbed ends are exposed at the top of the fence. The finished side of all fences (i.e. the side of the fence without posts or visual structural support elements) must face outward toward the abutting lot or right-of-way.
- (3) All fences must be maintained in a condition of reasonable repair and may not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private.

**102-660 (d) NUISANCES**

Any fence that is, or has become dangerous to the public safety, health or welfare, is a public nuisance. The zoning administrator is authorized to commence proper proceedings for the abatement such a nuisance.

**102-660 (e) BARBED WIRE OR ELECTRIC FENCE**

- (1) Electric boundary fences are prohibited in the city.
- (2) Barbed wire fences are permitted only in I zones.

**102-660 (f) FENCES IN N AND NX ZONES**

- (1) **Height.** The maximum allowed height of a fence in an N or NX zone depends on the fence's location in relationship to the front of the existing principal building, excluding porches or entry features. Fences located between the front of the principal building and the front property line may not exceed 4 feet in height subject to **XXX (existing 102-12-Traffic visibility)**. Fences located between the front of the principal building and the rear property line may not exceed 6 feet in height. Fences enclosing swimming pools must have a minimum height of 4 feet.
- (2) **Opacity.** Any fence along the side of an N- or NX-zoned lot abutting a state or county road may be 100% opaque. In all other cases, fences up to 4 feet in height in N or NX zones may be 100 percent opaque. Fences greater than 4 feet in height in N or NX zones may not exceed 75% opacity, leaving at least 25% of the fence open. The opacity of a fence is determined by calculating the average openness from the top to the bottom of the fence structure over a distance of 50 feet.

**102-660 (g) FENCES IN MX, RX, AND IX ZONES**

Boundary line fences in MX, RX, and IX zones may not exceed 6 feet in height. Fences up to 8 feet in height may be approved as a conditional use in MX, RX, and IX zones for:

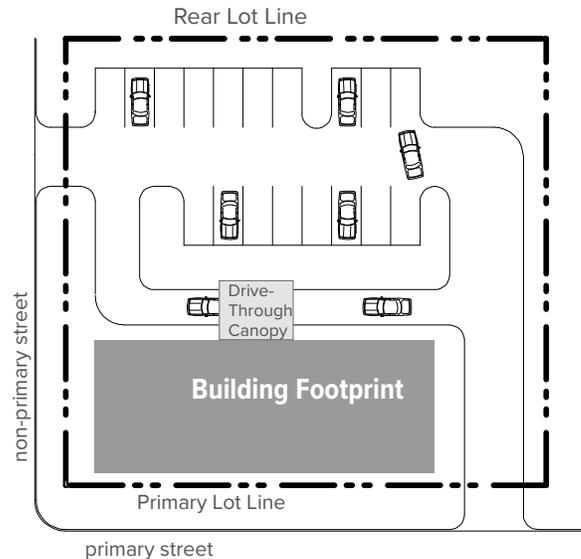
- (1) Approved or nonconforming open sales lots;
- (2) Commercial or industrial operations that require the storage of equipment outside an enclosed building;
- (3) Sites that pose a danger to the public; and
- (4) Uses that are an attractive nuisance.

**102-660 (h) FENCES IN I ZONES**

Boundary line fences in I zones may not exceed 8 feet in height except that:

- (1) Fences in I zones that are erected primarily as a security measure may have arms projecting toward the applicant's property on which barbed wire can be fastened commencing at a point at least 7 feet above the ground; and
- (2) A fence located in the front yard of premises in an I zone abutting a right-of-way with a width of 50 feet or

more must comply with the setback requirements for principal buildings in the subject zone. The setback area must be landscaped in accordance with a plan approved by the city.



**Figure 6.200-A. Drive-Through Facility**

**102-660 (i) FENCES IN P ZONES**

Boundary line fences in P zones may not exceed 4 feet in height except that, fences adjacent to parking lots may be up to 6 feet in height.

**102-660 (j) SPECIAL PURPOSE FENCES**

Fences for special purposes and fences differing in construction, height or length may be approved through the conditional use procedures of **XXX** upon a determination that such alternative fence is necessary to protect, buffer or improve the subject property. The conditional use permit must stipulate and provide for the allowed height, location, construction and type of fence.

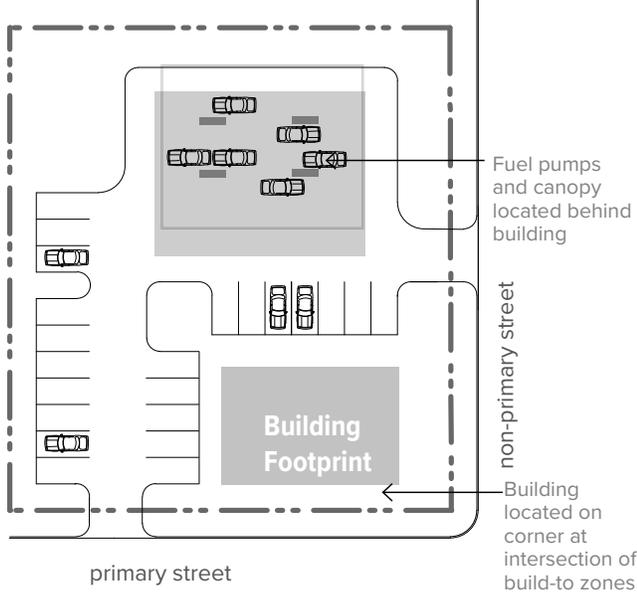
**102-670 Garage Sales**

A maximum of 2 garage sales events may be conducted on any lot in N and NX zones per calendar year. Such sales events may not exceed 3 days in duration.

**102-680 Vehicles and Equipment**

- (1) A maximum of one non-passenger vehicle or one building for winter ice fishing may be parked or stored outside of a building in an N or NX zone, provided that such vehicle or building:
  - a. Does not exceed provided 22 feet in length;

- b. Does not occupy a required parking space; and
  - c. Is not located in a street yard, except that a boat may be parked in driveway from May 1 to October 31.
- (2) A maximum of one non-passenger vehicle over 22 feet in length may be parked or stored outside of a building in an N or NX zone. This non-passenger vehicle must be set back at least 5 feet from interior side and rear lot lines and surrounded by a fence and shrubs or



**Figure 6.200-B. Fuel Station**

trees that will, upon maturity, provide complete visual

screening of the vehicle when viewed from abutting lots and rights-of-way.<sup>5</sup>

- (3) Any other provisions of this section notwithstanding, recreational vehicles may be parked on a driveway for up to 48 hours for loading, unloading or routine maintenance purposes. All loading, unloading and maintenance activities must occur in a driveway, not the street.

**102-690 Parking Structures<sup>6</sup>**

**102-690 (a) APPLICABILITY**

The regulations of this section apply to stand-alone, accessory structures occupied by decked, multi-level motor vehicle parking.

**102-690 (b) BUILDING TYPE REGULATIONS**

The accessory structure tables for each building type identify which zones allow accessory parking structures.

**102-690 (c) LOCATION**

Accessory parking structures must be located in the rear yard and be screened from view of any primary street by the principal building. Parking structures on lots with multiple primary street frontages must be screened from view of all primary streets.

**102-690 (d) ADDITIONAL REGULATIONS**

- (1) **Setbacks.** Parking structures may not be located closer to any street or interior side lot line than the principal structure.
- (2) **Height.** The overall height of a parking structure must be at least one story lower than the tallest principal structure.
- (3) **Facade Design.** On non-primary street frontages, accessory parking structures must meet the facade regulations of a principal parking structure (See **XXX**).

**102-6100 Drive-Through Facility<sup>7</sup>**

**102-6100 (a) APPLICABILITY**

The regulations of this section govern accessory drive-through facilities, which are structures or portions of a building that permit customers to purchase goods or receive services while remaining in their motor vehicle.

**102-6100 (b) BUILDING TYPE REGULATIONS**

The accessory structure tables for each building type identify the zones in which drive-through facilities are

<sup>5</sup> It's not clear whether the max is one or 2 vehicles?  
<sup>6</sup> New. Proposed.  
<sup>7</sup> New. Proposed.

allowed.

**102-6100 (c) LOCATION**

The drive-through facility must be located in the rear yard or be attached to the rear of the building and be completely fully screened from view of the primary street by the principal building, except in the MX2 zone. In the MX2 zone drive-through facilities may be located on any non-street-facing side of the building.

**102-6100 (d) ADDITIONAL REGULATIONS**

- (1) **Vehicle Stacking.** Vehicle stacking lanes must be located in the rear yard or the interior side yard.
- (2) **Accessory Structures/Signs.** The menu board and speaker must be located in the rear yard or the interior side yard.
- (3) **Rear Buffer.** When a drive-through facility is located on a lot that abuts an R zone to the rear, the drive-through facility, including the window, any canopy, and any stacking area for vehicles, must be set back at least 50 feet from the rear lot line.
- (4) **Structure.** Drive-through canopies and roofs must match the roof of the principal building. Materials used for the drive-through supports or other features must be repeated from the principal building design.
- (5) **Lighting.** See **XXX**.

**102-6110 Fuel Pumps<sup>8</sup>**

**102-6110 (a) APPLICABILITY**

The regulations of this section apply to motor vehicle fuel pumps and canopies. They do not apply to electric vehicle charging equipment.

**102-6110 (b) WHERE ALLOWED**

The accessory structure tables for each building type identify the zones in which fuel pumps are allowed.

**102-6110 (c) PRINCIPAL BUILDING**

Fuel pumps must be accessory to a principal building, a building type allowed in the subject zone. Fuel pumps on sites without a principal building may be approved in accordance with the conditional use approval procedures of **XXX**.

**102-6110 (d) ADDITIONAL REGULATIONS**

- (1) **Height.** Fuel pump canopies may not exceed 18 feet in height.

- (2) **Materials.** The roof of the canopy must match the principal building in type and material. Columns and supports must be clad in a major material used on the principal building facade.
- (3) **Lighting.** See **XXX**.
- (4) **Car Wash Facility.** Accessory car wash facilities are considered and regulated as outbuildings (see [102-630](#)).

**102-6120 Electric Vehicle Charging<sup>9</sup>**

**102-6120 (a) GENERAL**

- (1) Private (restricted-access) electric-vehicle (EV) charging stations are permitted as accessory uses in all zones.
- (2) Public EV charging stations are permitted as accessory uses to allowed nonresidential uses in all zones.

**102-6120 (b) PARKING**

- (1) Electric vehicle charging stations may be counted toward satisfying minimum off-street parking requirements.
- (2) Public electric vehicle charging stations must be reserved for parking and charging electric vehicles. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that apply to any other motor vehicle.

**102-6120 (c) EQUIPMENT**

Vehicle charging equipment must be designed and located so as to not impede pedestrian, bicycle or wheelchair movement or create safety hazards on sidewalks.

**102-6120 (d) POSTED INFORMATION**

- (1) Information must be posted identifying voltage and amperage levels and any type of use, fees, or safety information related to the electric vehicle charging station.
- (2) Public electric vehicle charging stations must be posted with signs indicating that the space is reserved for electric vehicle charging purposes only. For purposes of this provision, “charging” means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment.

**102-6120 (e) MAINTENANCE**

Electric vehicle charging stations must be maintained in all respects, including the functioning of the equipment. A phone number or other contact information must be

<sup>8</sup> New. Proposed.

<sup>9</sup> New. Proposed.

provided on the equipment for reporting when it is not functioning or other problems are encountered.

**102-6130 Small Wind Energy Systems<sup>10</sup>**

**102-6130 (a) APPLICABILITY**

The regulations of this section govern accessory small wind energy systems.

**102-6130 (b) WHERE ALLOWED**

- (1) One small wind energy system is permitted per lot as an accessory use to a lawfully established principal use in all zones, provided that such systems comply with all applicable requirements of this section.
- (2) Up to 3 small wind energy systems may be allowed on a single lot if the lot is more than one acre in area and the systems are approved in accordance with the conditional use procedures of XXX.

**102-6130 (c) HEIGHT**

- (1) The maximum allowed height of a small wind energy system, measured as the distance from ground level at the base of the structure to the highest point of the structure, varies based on the size of the lot on which the system is located, as indicated in [Table 6-1](#). These regulations apply whether the system is ground-mounted or building-mounted.

**Table 6-1. Wind Energy Systems Height**

LOT AREA (SQ. FT)	MAXIMUM HEIGHT
10,000 or less	35
10,001 to 43,560	45
More than 43,560	65

- (2) The lowest point of any moving elements, such as blades or vanes, must be at least 10 feet above the ground level immediately beneath the moving element.

**102-6130 (d) SITING**

Small wind energy systems are subject to the setback regulations that apply to principal buildings. In addition, systems must be set back from all property lines by a distance at least equal to 110% of the overall height of the system, measured from grade at the base of the structure to the highest point of the system structure, which includes the tip of the top blade when the blade is in its highest position.

**102-6130 (e) DESIGN AND OPERATION**

All small wind energy systems must be equipped with manual and automatic over-speed controls to limit the blade rotation speed to within the design limits of the system.

<sup>10</sup> New. Proposed.

- (1) The rotating turbine may not produce vibrations that are perceptible to humans standing at ground level outside the property lines of the subject lot.
- (2) Operational noise of a small wind energy system may not exceed 60 db(A) at the nearest property line except during short-term high wind speed events such as storms.
- (3) Lattice-type towers and towers using guy wires are prohibited.
- (4) All power transmission and telemetry lines from a ground-mounted small wind energy system to any building or other structure must be placed underground.
- (5) Towers, rotors and turbines may not be illuminated unless required by a state or federal agency, such as the FAA.
- (6) All structures and equipment must maintain factory colors or be finished in a non-reflective, matte finished, neutral color.
- (7) No commercial messages may be placed or painted on the tower, rotor, turbine, generator or tail vane that is legible from off-site. This provision is not intended to prohibit warning signs or manufacturer’s logos.
- (8) All climbing pegs, ladders and similar apparatus on ground-mounted small wind energy systems must be located at least 12 feet above the ground at the base of the structure.

**102-6140 Solar Energy Systems<sup>11</sup>**

**102-6140 (a) APPLICABILITY**

The regulations of this section govern accessory solar energy systems.

**102-6140 (b) GENERAL**

- (1) Solar energy systems are permitted as an accessory use to all lawfully established principal uses in all zones.
- (2) Accessory solar energy systems must comply with all applicable building and electrical code requirements.

**102-6140 (c) BUILDING-MOUNTED SYSTEMS**

- (1) Building-mounted solar energy systems may be mounted on principal or accessory structures.
- (2) Building-mounted solar energy systems may not encroach into required street setbacks. Systems

<sup>11</sup> New. Proposed.

mounted on principal structures may encroach into interior side setbacks by up to 2 feet and into rear building setbacks by up to 5 feet.

- (3) Only building-integrated or flush-mounted solar energy systems may be installed on street-facing building elevations.
- (4) Solar energy systems may not extend more than 3 feet above the applicable maximum building height limit for the subject building type or more than 5 feet above the highest point of the roof line, whichever is less.

**102-6140 (d) GROUND-MOUNTED SYSTEMS**

- (1) In N and NX zones, ground-mounted solar energy systems may not be located in a street yard area.
- (2) Ground-mounted solar energy systems may be located within interior and rear yard areas but must be set back at least 2 feet from all lot lines.

**102-6150 Chicken Keeping**

**102-6150 (a) WHERE ALLOWED**

Chicken-keeping is allowed as an accessory use only on lots occupied by a single-household living in a detached house.

**102-6150 (b) REGULATIONS**

The regulations governing chicken-keeping are set forth in Part II, Chapter 6, Article II of the Hopkins city code.

**102-6160 Swimming Pools**

**102-6160 (a) PERMITS**

A permit must be obtained before any swimming pool is installed, repaired or modified. Swimming pool permit applications must be filed with the zoning administrator. Swimming pools must be constructed and maintained in accordance with this section and all other applicable city or state regulations.

**102-6160 (b) SETBACKS AND OTHER RESTRICTIONS**

Every permit issued under this code is subject to the following provisions, which govern the issuance and continued validity of all permits.

- (1) Swimming pools are prohibited in street yards.
- (2) Swimming pools must be set back at least 10 feet from side and rear property lines.
- (3) Filtering units, pumps, heating units, and any other noise-making equipment must be set back at least 10

feet from all side and rear lot lines and at least 20 feet from any adjacent residential building.

- (4) Outdoor swimming pools may not be located beneath overhead utility lines.
- (5) Underground utility lines may not be located under or within 15 feet of any swimming pool. Utility connections for swimming pool lighting and accessories are permitted if installed in accordance with the electrical code.
- (6) All lighting for outdoor swimming pools must be directed toward the swimming pool and away from adjacent properties.
- (7) A non-climbable structure or fence, with no hand or foot holds, at least 4 feet in height must completely surround outdoor swimming pools. All fence openings must be equipped with a keyed, self-locking, self-closing gate. Fence and gates must be installed so that there is no more than a 5-inch distance beneath the bottom of the fence or gate and the ground below.
- (8) All swimming pools must be installed in conformance with all other applicable city and state laws.
- (9) A ground level deck at least three feet in width, measured from the swimming pool water's edge, must be provided and completely surround the swimming pool. Above-ground pools must be provided with decking of at least 4 feet by 4 feet in dimensions at all pool entry points. All ladders must be retractable.

**102-6160 (c) PUBLIC SWIMMING POOLS**

Public swimming pools require approval of a conditional use permit.

**102-6170 Outdoor Display Areas**

**102-6170 (a) APPLICABILITY**

The regulations of this section govern outdoor display of merchandise or other items offered for viewing and sale as an accessory use of the principal use of the property.

**102-6170 (b) BUILDING AND SITE REGULATIONS**

The following regulations apply to all outdoor display areas:

- (1) Outdoor displays are subject to all applicable setback regulations that apply to the principal building unless otherwise expressly stated in this code .
- (2) Outdoor displays on corner lots must be confined to a single frontage.

- (3) Merchandise or other items may be displayed only during hours of operation of the principal use.
- (4) Outdoor display areas may not interfere with pedestrian or automobile traffic on the subject lot or on public rights-of-way, and may not interfere with the enjoyment or operation of adjacent properties and uses.

**102-6180 Outdoor Storage Areas**  
.....

**102-6180 (a) DESCRIPTION**

The regulations of this section govern the outdoor storage of goods that are not typically stored or sold indoors.

**102-6180 (b) GENERAL REGULATIONS**

The following regulations apply to all outdoor storage areas:

- (1) Outdoor storage areas are subject to all applicable setback regulations that apply to the principal building unless otherwise expressly stated in this code.
- (2) Outdoor storage areas count toward maximum building coverage limitations.
- (3) All materials or wastes stored outdoors that cause fumes or dust or that constitute a fire hazard or that may be edible by or otherwise attractive to rodents or insects must be stored in closed containers.
- (4) All outdoor storage areas must be enclosed by a durable, permanent fence that is at least 6 feet in height and maintained to prevent any unauthorized access. Such storage area must be screened from view of streets and neighborhood zones in accordance with the screening regulations of **XXX**.

**102-6190 Temporary Family Health Care**  
.....

The city opts out of the temporary family health care dwelling regulations of Minnesota Statutes § 462.3593.

**102-6200 Portable Storage Units**  
.....

Portable storage units are allowed in all zones for temporary storage during building construction or remodeling. Such units must be removed immediately upon issuance of a certificate of occupancy or final building permit inspection, whichever applies. Portable storage units may also be used for a maximum of 30 days in conjunction with moving and relocation activities. Portable storage units may not be placed in the public right-of-way.

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# Zoning Regulations Update Project

## What we've heard so far...

As one of the first steps of the zoning update project, city staff and the consultant team held a series of meetings to solicit early input about the types of issues that should be addressed in the updated regulations. So far, we've met with the project working group, which consists of city council members, planning and zoning commissioners, and citizens. We've also conducted small-group listening sessions with citizens representing neighborhood, business, civic, social and development interests.

*Many issues and questions have been posed in early project meetings, with the following representing some of the most common themes:*



### Protect & Grow Mainstreet

Folks are understandably proud of Main St. and want to protect this special place. Many support extension of the vibrant, walkable elements west to Shady Oak Road.



### Respect Context

New infill and redevelopment should fit the context of the area in which it is located.



### Protect Established Neighborhoods

Need to provide appropriate transitions between new higher intensity development and existing neighborhoods.



### Economic Development

The city's economic development goals should help inform the zoning update, including growing the tax base, but growth needs to be thoughtful and in context.



### Increase Housing Choice and Ownership Opportunities

Ensure that zoning allows for a broad range of housing types for all ages, incomes, and lifestyles.



### Promote Walkability

Zoning regulations should promote pedestrian safety and comfort through activation of the street-level experience.



### Support Cycling

Maintain Hopkins' reputation as a very bike friendly community, and promote as an economic/competitive advantage.



### Focus on Built Environment

Focus on building form and urban design should be expanded beyond Mainstreet and LRT station areas.



### Enhance Clarity, Usability and Predictability

Regulations should be clear, richly illustrated and produce predictable results. The code should be easy to navigate for all users.



### Make Procedures Clear

Processes should be streamlined, and procedures should be written so citizens understand how and when they can participate in decision-making.



### Modernize & Right-Size Parking

Excessive parking requirements can be a powerful barrier to private investment and redevelopment.



### Promote Sustainability

Make greater use of green infrastructure, reduce parking lots and other hard surface areas, and encourage energy efficiency.



### Strive for Balance

Seek to balance need for growth with importance of preserving what is special about Hopkins.



### Manage Auto-oriented Uses

Drive-through and other auto-oriented uses that detract from the character of Mainstreet and other walkable areas should be addressed through zoning.



### Reduce Need for Variances

Nonconforming (undersized) lots should be reclaimed for productive use and other standards that are a frequent subject of variance requests should be examined for possible adjustment.

**Virtual Open House Summary**  
**February 10, 2021**

**What is the ultimate goal of a new zoning code?**

The ultimate goal of the of the zoning update process is to create a new, modernized and user-friendly zoning code that will implement the vision, goals and policies of the 2040 Comprehensive Plan – Cultivate Hopkins. The vision statement from the Comprehensive Plan is “Hopkins will cultivate the best elements of the Built, Natural, Social and Economic Environments into a complete and sustainable community that is rooted in tradition, characterized by vibrant and unique places, physically and socially connected and resilient to changing conditions.” The new zoning regulations are intended to establish the development standards (type, scale, design, etc.) to implement this community vision.

**How can the public participate in the formation of the new zoning code?**

The City Council established that public participation in the zoning regulations update process is vital to creating new zoning standards that reflect the vision, goals and policies of the 2040 Comprehensive Plan and the community at large. To this end, the City Council appointed a group of citizen and business owners from a wide variety of backgrounds to help guide the code development process and built in a series of on-going public engagement events to gather feedback from the general public. In addition to their formal role to help guide the code development process, members of this group are encouraged to be “Community Ambassadors” and serve as another informal channel to both provide information to the public and gather feedback.

[The Zoning Regulations Update Project webpage](#) serves as the information hub for the zoning update process and will include all information reviewed by the advisory group, feedback from the public and up-coming opportunities for the public to participate in the process. Information will also be provided in the City’s email newsletters and on social media accounts (Facebook & Twitter). At any time throughout the process, questions and comment can be directed to City Planner Jason Lindahl at 952-548-6342 or [jlindahl@hopkinsmn.com](mailto:jlindahl@hopkinsmn.com).

Once a final draft of the updated zoning code is completed, the City will conduct the formal review and approval process that will include a least one public hearing before the Planning & Zoning Commission and review and action by the City Council.

**How will the new zoning regulations work to include meaningful and inclusive community engagement and participation?**

The City’s current development review process already goes beyond the public engagement and participation process required by state law. Minnesota law requires local governments to hold public hearings when considering most land use applications. This law also requires cities to mail notice of the public hearing to all property owners within 350’ of the development parcel under consideration. These public hearings are held before the Planning & Zoning Commission and provide the public an opportunity to learn about and comment on development proposals.

The City of Hopkins also has two additional processes designed to increase public participation in the land use review process. These processes are founded in the City Council's "Take it to them" engagement goal which directs staff to reach out to the community and engage the public on city issues. First, the current zoning regulations offer developers an optional concept review process to take their development proposal to the public, Planning & Zoning Commission and City Council for review and discussion before even applying for formal project review. This concept review process allows the public to be involved at the early planning stages of a project. Second, Hopkins is one of only a few communities in the state to require developer hosted neighborhood meetings for either residential rezoning or conditional use permit applications. These neighborhood meetings require developers to directly engage the surrounding neighborhood and seek their comments before going through the City's formal land use review process.

The City will work with the public and its consultant team to consider other options for increasing engagement and participation in the land use application review process.

### **What values are guiding the zoning regulations update process?**

The zoning regulation update process is being guided by the vision, goals and policies of the 2040 Comprehensive plan, the Advisory Group appointed by the City Council and feedback from the general public. At the beginning of the process, the consultant team held a series of community listening session and met with the Advisory Group to review the comprehensive plan and gather feedback. That process produced [a list of common themes](#) for the City to consider while updating the zoning regulations.

### **In what zoning districts are accessory dwelling units (ADUs), duplexes, triplexes and other "missing middle" housing types being considered?**

These types of housing units have been discussed by 2040 Comprehensive Plan Advisory Group, the Zoning Update Project Advisory Group, the Planning & Zoning Commission and the City Council at various times over the last few years. Each group expressed some level of interest in changes to the current zoning regulations that would allow additional housing options, provided the character of the surrounding neighborhood can be maintained. Currently, the R-1-A zoning district allows One or Two Unit Dwellings on lots that are at least 7,000 square feet. The R-2 district also allows One or Two Unit Dwellings.

Based on the 2040 Comprehensive Plan, the initial aim is to preserve the Suburban (R-1-C and R-1-D zones) and Estate (R-1-E zones) neighborhoods as One Unit Dwelling areas while considering broader housing options in the Traditional Urban (R-1-A and R-1-B) areas. [The Zoning Regulations Directions Report](#) identified a potential list of new zoning district for the City and a draft zoning map, including the new NX-1 and NX-2 form-based zones intended to accommodate a range of Missing Middle housing options. The first draft of the new zoning regulations will also include additional guidance for other housing options (such as ADU's) for further consideration and discussion.

### **How is racial equity and anti-displacement initiatives being supported through the zoning code?**

The zoning code provides limited opportunities to directly improve racial equity and prevent displacement. However, the City is committed to educational opportunities and potential policy changes to address both issues. Two initiatives the City is participating in that can help inform the discussion of racial equity and anti-displacement during the zoning update process are detailed below.

The Hopkins Race and Equity Initiative (HREI) is a collaboration between the City of Hopkins, Hopkins Police, Hopkins Public Schools, and Gethsemane Lutheran Church that focuses on increasing awareness and understanding of race, equity and diversity and promoting a sense of community that welcomes and values all residents. HREI hosted a town hall forum on September 9, 2020 featuring a special screening of the TPT documentary “Jim Crow of the North,” which revealed the impact of racist real estate restrictive covenants in the Twin Cities. The screening was followed by a panel discussion with Dan Bergin, the producer of the documentary; Dr. Kirsten Delegard of the University of Minnesota’s Mapping Prejudice Project; and Kersten Elverum, Planning and Economic Development Director for the City of Hopkins, who talked about the racial restrictive covenants and housing in Hopkins. A recording of the HREI event can be viewed by [clicking here](#) and is also available on the City’s [website](#).

On March 16, 2021, the Hopkins City Council passed a resolution condemning the use of discriminatory covenants and approving participation in [the Just Deeds Coalition](#), which provides free legal and title services to discharge racially restrictive covenants.

**Is the City considering a Housing Policy Plan, Inclusionary Housing Policy (requiring a certain percent of new development to have affordable housing units) or use of a racial equity tool to evaluate development proposals?**

The zoning code is being developed in order to implement the 2040 Comprehensive Plan and will identify the level of housing density that can be developed in specific zoning districts within the city. Higher levels of density may make it more feasible for the creation of affordable housing. Duplexes and accessory dwelling units (ADUs) may help provide other affordable housing options. On a larger scale and in areas that will see higher levels of density, Hopkins has been successful in working with mission based organizations that develop affordable housing buildings that are dedicated to long term affordability. Three of the last four multi-family housing developments approved in Hopkins are 100% affordable buildings (Oxford Village, Vista 44 and Raspberry Ridge II) and will provide a total of 144 affordable units within walking distance of light rail.

How best to preservation Hopkins’ existing affordable housing is also an important consideration for the community. However, it’s important to remember that the zoning code focuses on types of uses and development standards to guide urban growth and development. It does not directly provide tools for preservation of existing affordable housing.

Hopkins has evaluated an inclusionary housing policy that would require a certain percentage of units in a multi-unit development to be affordable to households making less than the area median income (AMI). Currently the market in Hopkins is not at a level where the market rate rents could offset the rents for the affordable units. So an inclusionary housing policy would require some form

of financial assistance from the City. At present, the City considers financial support for housing that includes affordable units on a case by case basis, rather than enacting a policy that would require financial assistance for all projects. The City of Hopkins has a limited tax base, so it must weigh the impact of providing financial assistance on our overall taxes, which affects rents for existing residents. The market in Hopkins may change in the future where an inclusionary housing policy may not require City subsidy. The City will continue to monitor the market and reevaluate an inclusionary housing policy in the future as the market changes.

### **Would a development moratorium be considered to put a hold on development until after the zoning update is complete?**

In some situations, communities have the ability to place a moratorium that pauses certain types of development or development in some areas of the community while it considers changes to the zoning regulations. To this point, staff city staff believes the 2040 comprehensive plan and the existing zoning regulations (specifically the Mixed Use District) provide sufficient guidance to allow development to move forward until the new zoning regulations can be properly crafted, reviewed and approved by the community. At this time, there has been no direction from the City Council that they wish to put in place any kind of development moratorium.

### **How will the new zoning regulation address off-street parking requirements?**

The city's existing zoning regulations establish mandatory minimum off-street parking requirements for all residential and nonresidential uses, except within the downtown area. Excessive parking requirements can be a powerful barrier to private investment and redevelopment and drive up the cost and affordability of housing and commercial space. As part of the zoning regulations update, the City will review the need for and effectiveness of existing parking regulations and, where appropriate, propose changes that modernize and "right-size" existing standards. Hopkins' land use pattern and urban form is already pedestrian and transit supportive in many areas. It is anticipated that the City's pedestrian and bicycle planning efforts, technological improvements in automobiles and future light rail service will likely reduce the need for individual automobile parking.

### **General Statements**

- Hopkins needs to preserve its existing affordable housing and establish policies to require additional affordable housing. Those policies should include a requirement for larger family units (i.e. at least 3 bedrooms)
- Formal affordable housing rates based on the area median income (AMI) are still rather expensive for many.
- Downtown needs more parking for workers.
- The new zoning regulations should promote home ownership opportunities including more affordable, senior and condominium options.
- Hopkins has too many apartments and should preserve and promote the construction of single family owner-occupied housing.
- Future public engagement processes should focus on renters as they make up 65 percent of the City's housing units.
- General concerns with gentrification from light rail displacing existing affordable housing.