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**Date:** January 8, 2013  
**To:** Planning Commission  
**From:** Comprehensive Planning Committee  
**Subject:** **Industrial Zoning Study Public Hearing Testimony and Recommendations**

### **Public Hearing.**

On June 1, 2012, the Planning Commission held a public hearing on draft Zoning Code amendments pertaining to industrial districts and regulations, including the following:

1. Amendments to the industrial use list to support the primary intent and purposes of industrial districts for employment and economic activities, adding uses to reflect Planning Commission determinations of similar use in recent years, and providing better cross-references to specific land use definitions and development standards in Chapter 65.
2. Tighter standards for residential uses in industrial districts to provide greater protection for primary commercial and industrial functions and uses in these districts, while also providing for mixed residential uses of upper floors.
3. Eliminating the I3 Restricted Industrial District and incorporating its uses into the I2 General Industrial District as conditional uses, along with additional standards and conditions for these uses to meet the intent of these districts and to protect the public health, safety and welfare.
4. Renaming and amending the intent language for the IT Transitional Industrial District (currently IR Light Industrial Restricted District) to better reflect how this district is used and distinguish it from the other industrial districts, and amending the industrial district abbreviations to provide a logical sequence and avoid confusion.
5. Amendments to Chapter 65 to provide standards for uses being incorporated into the General Industrial District and based on Planning Commission determinations of similar use in recent years, and providing consistent language for separation requirements for industrial uses.
6. Amendments to required conditions in industrial districts, including providing design standards specifically tailored to the IT Transitional Industrial District (there is now simply a reference to some traditional neighborhood district design standards), and adding some basic design standards for the I1 Light Industrial and I2 General Industrial Districts.

19 people spoke at the public hearing and 16 letters were received.

## **Public Hearing Testimony and Recommendations.**

### **1. Amendments to Table 66.521. Principal Uses in Industrial Districts.**

#### **1.1 Background.**

Policy 2.22 in the Land Use chapter of the *Saint Paul Comprehensive Plan* is to “revise the list of principal uses permitted in industrial districts to ensure compatibility with the primary industrial function of the district for the purpose of protecting the employment base.”

#### **1.2 Public hearing draft amendments.**

Draft amendments to Table 66.521, Principal Uses in Industrial Districts, considered at the June 1, 2012, Planning Commission public hearing included deleting churches, grades K-12 schools, theaters and assembly halls from the list of uses permitted in industrial districts.

#### **1.3 Testimony.**

There was general agreement on the goal of protecting industrial functions and employment in industrial districts, but a range of testimony about how to achieve it. There was some testimony in support of the draft amendments for greater restriction on uses permitted in industrial districts. There was also some testimony that the amendments don't go far enough, and that residential uses should be entirely prohibited in industrial districts. Most of the testimony was that the proposed amendments are too restrictive, and that churches, schools, theaters, assembly halls, and residential uses can be supportive of and compatible with industrial functions and employment in industrial districts.

The Midway and Saint Paul Area Chambers of Commerce said they appreciate the focus on maintaining industrial property and support for jobs, tax base and economic growth that industrial property provides. The Midway Chamber and the District 6 Planning Council generally agreed with the proposed use changes to protect the employment base.

The District 6 Planning Council said that above all industrial districts need to be used for economic purposes, and that industrial sites and character and the employment base of industrial districts need to be protected. They said they feel that industrial sites should not be used for any residential uses, but rather should stay industrial and thereby raise the tax base.

Ramsey County Commissioner Rettman said she believes residential uses should be prohibited in industrial zones, which should be used for jobs and higher tax capacity.

The St. Anthony Park Community Council/District 12 said that prohibiting residential uses in industrial districts would unreasonably limit the ability of people to rationally choose where they want to live, and that mixed use development in industrial districts where artists and others can live in or near the building where they work adds vibrancy and interest in industrial districts that serves both residential and industrial uses.

Catherine Reid Day, South Saint Anthony Park Creative Enterprise Zone, said narrowing and restricting the mix of uses allowed in industrial districts as proposed would negatively affect community goals for attracting more industry and jobs along with other activities that make

the area a community. Businesses have told them they would not be interested in locating in the area if the mix of uses allowed is narrowed and restricted as proposed. She said that removing activities such as theaters, schools and live/work housing, and trying to predict the kinds of industries that will flourish in the future, might make it more difficult to respond to economic, technological, and demand changes and innovation, and to attract new and innovative business and industry to the area.

The deletion of churches and schools as permitted uses in industrial districts generated the most testimony in opposition at the public hearing. District 6 specifically said they support the elimination of churches and schools from the list of uses permitted in industrial districts. The District 1 Community Council said concerns about churches, schools, and residential uses can be addressed through conditional use permits, which provide for case-by-case consideration in the context of a particular area.

Attorneys from Fagre Baker Daniels said that deleting churches from the list of uses permitted in industrial districts where nonreligious assemblies and institutions (such as clubs, fraternal organizations, lodge halls, museums, funeral homes and reception halls) are allowed would violate the federal Religious Land Use and Institutional Persons Act (RLUIPA).

The St. Anthony Park Community Council/District 12 and others opposed deleting schools and churches from the list of uses permitted in industrial districts, noting that it is challenging for churches and schools to find an appropriate site. With limited options, buildings and sites in industrial areas may be most ideal. Further constraining permitted uses in industrial districts, including not allowing churches and schools, could create higher vacancy rates and be bad economic policy. Churches and schools can have impact on surrounding property that can make them problematic and difficult to locate in residential areas.

Tate Danielson Castillo, Frogtown Neighborhood Association/District 7 agreed with the District 12 comments and said they are excited that Piercing Faith Church has purchased land and is planning to build a new church in an industrial district in their neighborhood.

Pastors from Piercing Faith Church, the Living Word Church and others noted the broad, holistic investment in human capital that churches and schools bring to communities (social services, training, etc.). They serve the whole community, not just residents on Sunday, and are supportive of and compatible with business, industry and employment. A pastor at the Living Word Church said they provide a day care facility and work well with their industrial neighbors including American Paper, that they lease space to American Paper and a trucking company, and they all get along just fine.

An architect working for Piercing Faith Church said there are limited options to grow or establish a church or school in built up residential areas. Many churches serve an ethnic or denominational group that draws from the metropolitan area, and they are looking for central locations with capacity and parking to serve large groups.

Robert Straughn, a commercial real estate attorney, said industrial properties are often the best facilities for new churches and schools in a built-up city. He noted an 800 seat church in a wing of a large warehouse facility for over 20 years, with adequate parking for worshippers on Sundays and warehouse activities during the week, as a good example of the type of flexible, mixed use arrangement that should be encouraged in built-up cities like Saint Paul.

Chad Blihovde and Mark Krog, Java Properties, talked about a mixed-use development they are working on that would include industry, technology companies, and a theater that would efficiently use parking on evenings and weekends that is used by other businesses during weekdays. The companies will employ a lot of people and like locations with a mix of uses. They noted the synergy of high schools in industrial areas working with and providing training for such things as technology and robotics skills needed by industry in the area. They are concerned that the draft amendments to limit schools and theaters in industrial districts would hurt the kind of creative mixed-use development they are working on.

Kevin Ward, a Hamline-Midway resident who works at Avalon School, said deleting grades K-12 schools from the list of uses permitted in industrial districts would make it even more difficult for a school to find an appropriate transit accessible building, and would hurt schools like High School for the Recording Arts that may want to expand.

Kurt Schreck, At Last! Gourmet Foods, wrote that they are exploring locations for a new plant, and want a location in a mixed-use industrial district with a diversity of light industrial, residential, institutional, commercial retail and business office uses that helps create lively, vibrant, flexible districts that many residents and businesses find productive and attractive. Saint Paul industrial districts should provide for this. There are plenty of “homogenized” industrial zones in the metro area.

#### **1.4 Analysis.**

The testimony provides a compelling case that churches, schools, theaters, assembly halls, and residential uses can be supportive of and compatible with industrial functions and employment in the IT (now IR), I1 and I2 industrial districts.

Deleting churches from the list of uses permitted in industrial districts where nonreligious institutions and places of assembly are allowed would violate the federal Religious Land Use and Institutional Persons Act (RLUIPA). There are currently two churches in the I1 Light Industrial District, nine K-12 schools in the I1 district, and one school in the I2 General Industrial District.

The zoning code, as typical in most cities, has always allowed residential uses in industrial districts. Since 1975 the St. Paul code has limited residential uses in industrial districts to mixed residential-commercial uses and congregate residential facilities. Review of standards and conditions for congregate living facilities and where they should be permitted is being done as part of the current comprehensive congregate living zoning study so that what is permitted in industrial districts is coordinated with what is permitted in other districts to adequately provide for congregate living facilities in the city.

There is increased interest on the part of incubator business owners, web designers, architects, artists and others to live in or near the building in which they work. As noted by District 12, mixed-use residential buildings in industrial areas are constructed with an understanding of the industrial uses there. Businesses and residents make rational choices to locate and live in such buildings and areas because they find it productive and attractive, and the mix of uses helps create lively, vibrant, flexible districts with a sense of community.

Key to allowing limited residential uses while protecting industrial functions and employment in industrial districts is to ensure that residential uses don't displace business, industry and employment from first floor space. Allowing mixed residential uses of upper floors while ensuring employment generating uses on the first floor provides for efficient use of land and enhanced property values and tax base, goals identified in the Comprehensive Plan.

Also key is to avoid displacing industrial uses because of separation requirements from residential uses in industrial districts. Separation requirements for industrial uses can be from residential and traditional neighborhood *districts*, for example, rather than from residential *uses*. As District 12 noted, residents make rational choices to live in industrial districts, with an understanding of the industrial uses there.

Guidelines for zoning ordinances published by the American Planning Association recommend against too much reliance on conditional use permits. Requirements for conditional use permits should be reserved for infrequent and "unique uses that defy regulation by objective standards." "Most land uses should be as-of-right, subject to compliance with clear and objective standards and criteria for that particular use category or zoning district." Overuse of conditional use permits, "especially without (or with few) standards or criteria, opens up both individual zoning decisions and the zoning ordinance itself to constitutional challenges as being arbitrary and capricious. Even where such a challenge would not necessarily succeed, the uncertainty to landowners and citizens alike created by discretionary and/or standardless zoning review should be avoided."

The uncertainty created by discretionary conditional use permit review for limited residential uses, churches, schools, theaters, and similar institutions and places of assembly is unnecessary in the I1 Light Industrial District. Such uses are not uncommon in the I1 district, have always been allowed in the I1 district, and are compatible with the types of uses permitted in the I1 district, which have limited external effects. Location of such uses in the I1 Light Industrial District does not defy regulation by objective standards.

Adding a conditional use permit requirement for limited residential uses, churches, schools, theaters, and similar institutions and places of assembly in the I2 General Industrial District, where these uses are infrequent and some permitted uses can have greater external effects that could be incompatible with such uses, may be useful to ensure the public health, safety and welfare, orderly development, conformance with subarea plans, and compatibility with nearby industrial uses. The conditional use permit process provides for case-by-case consideration of a proposed use, and the imposition of special conditions for the use, in context of the unique characteristics of an I2 district, the specific site, and plans for the area.

### **1.5 Recommendation.**

Continue to include churches, schools, theaters, assembly halls, and certain limited residential uses in the list of uses in Table 66.521, Principal Uses in Industrial Districts, as they are currently permitted in the IT (currently IR) and I1 districts. Add a conditional use permit requirement for mixed residential and commercial use, churches, schools, theaters, and similar institutions and places of assembly in the I2 General Industrial District. Avoid separation requirements for industrial uses from residential uses in industrial districts.

## **2. Amendments to § 65.143 Standards for Residential Uses in Industrial Districts.**

### **2.1 Background.**

Policy 2.21 in the Land Use chapter of the *Saint Paul Comprehensive Plan* is to “prepare regulations for conditional use review of specified uses (to be identified in a study of principal uses permitted in industrial districts) for the purposes of ensuring compatibility of non-industrial uses with the primary industrial function of the district and of protecting the employment base.”

### **2.2 Public hearing draft amendment.**

The draft amendments considered at the June 1, 2012, Planning Commission public hearing included amendments to § 65.143, *Mixed residential and commercial use*, that would require a conditional use permit for mixed residential and commercial use with more than 6 dwelling units in the I1 Light Industrial and I2 General Industrial Districts, and not allow dwelling units in the basement or first floor of buildings in these districts, to provide greater protection for primary commercial and industrial functions and uses in these districts.

### **2.3 Testimony.**

The Port Authority appreciated the added restriction on residential use. Ramsey County Commissioner Rettman and the District 6 Community Council said they think residential uses should be prohibited in industrial districts.

District 12, South Saint Anthony Park Creative Enterprise Zone, and others noted above opposed the draft amendments to further narrow and restrict residential uses in industrial districts. They testified about the importance of a broad mix of uses, including residential uses, to create community and the kind of lively, vibrant, flexible industrial districts that many residents, artists, incubator business owners, and innovative business and industry find productive and attractive, and that zoning regulations for industrial districts should be designed to welcome and encourage.

### **2.4 Analysis.**

The draft added restrictions in § 65.143(b) that would not allow dwelling units in the basement or first floor of buildings in the I1 Light Industrial and I2 General Industrial Districts, and require at least 80% of the first floor of buildings in these districts to be devoted to a principal uses other than residential uses, are to ensure that residential uses don't displace business, industry and employment from first floor space, thus protecting the employment base. Allowing mixed residential uses of upper floors while ensuring employment generating uses on the first floor provides for efficient use of land and enhances property values, goals identified in the Comprehensive Plan. It also provides for the mix of uses including residential uses supported in testimony by District 12, the Raymond Creative Enterprise Zone, and others to help create lively, vibrant, flexible industrial districts with a sense of community, in response to the increased interest of residents and businesses in such industrial districts resulting from economic, technological, and demand changes and innovation.

The uncertainty created by discretionary conditional use permit review for mixed residential and commercial uses is unnecessary in the I1 Light Industrial District, where permitted uses

have limited external effects and are therefore more compatible with residential uses. Permitting mixed residential and commercial uses in the I1 district, subject to the draft clear and objective standards limiting residential use of the basement and first floor of buildings for consistency with the Comprehensive Plan policy to protect the employment base, would be more welcoming and encouraging of such mixed use as called for by the South St. Anthony Park Creative Enterprise Zone. As noted by District 12, mixed-use residential buildings in industrial areas are constructed with an understanding of nearby industrial uses. Businesses and residents make rational choices to locate and live in such buildings and areas because they find it productive and attractive. Requirements for conditional use permits should be reserved for unique uses that defy regulation by objective standards, which is not the case for mixed residential and commercial uses in the I1 district.

Adding a conditional use permit requirement for mixed residential and commercial use with more than 6 dwelling units in the I2 General Industrial District, where some permitted uses can have greater external effects that could be incompatible with larger residential use, may be useful to ensure compatibility with nearby industrial uses while not discouraging smaller-scale residential use by artists, entrepreneurs, and others interested in living in or near the building in which they work.

### **2.5 Recommendation.**

Revise the draft amendments to § 65.143, *Mixed residential and commercial use*, to apply the addition of a requirement for a conditional use permit for mixed residential and commercial use with more than 6 dwelling units only to the I2 General Industrial District.

## **3. Elimination of the I3 Restricted Industrial District.**

### **3.1 Background.**

There are only two I3 parcels in the city (an 8 acre tank farm on James Ave. at Shepard Road and a 16 acre tank farm on Red Rock Road) and only 4 uses permitted only in the I3 district. The industrial zoning study suggests that one of the 4 uses, rendering plants, no longer needs to be listed in the industrial use table. It suggests that the other 3 uses (petroleum and gasoline tank farm; concrete, asphalt and rock crushing facility; and infectious waste incinerator) could be consistent with the intent and purpose of the I2 General Industrial District as conditional uses with appropriate standards and conditions including a distance requirement from non-industrial zoning districts to meet the intent of the I3 district to provide an industrial district buffer between these uses and non-industrial districts.

### **3.2 Public hearing draft amendment.**

The draft amendments considered at the June 1, 2012, public hearing include simplification of the Zoning Code through elimination of the I3 Restricted Industrial District, and incorporating three I3 uses (petroleum and gasoline tank farm; concrete, asphalt and rock crushing facility; and infectious waste incinerator) into the I2 General Industrial District as conditional uses, with appropriate standards and conditions including a 300 foot distance requirement from non-industrial zoning districts, to ensure that the extent, location and intensity of these uses would comply with the *Saint Paul Comprehensive Plan* and any applicable subarea plan, to

ensure that the use would not be detrimental to the existing character of development in the area, and to protect the public health, safety and general welfare.

### **3.3 Testimony.**

There was a lot of testimony against this change at the June 1, 2012, Planning Commission public hearing, from district councils (1, 2, 6, 7 and 12) and Brown & Bigelow. They expressed concern that providing for conditional use permits in the I2 district for 3 uses currently permitted solely in the I3 district may be inadequate to protect nearby property. Ramsey County Commissioner Rettman said the distance requirement should be 660 feet rather than 300 feet, from residential *uses* rather than from non-industrial zoning districts.

### **3.4 Analysis.**

Ensuring that the three I3 uses the draft amendments incorporate into the I2 General Industrial District would comply with the *Comprehensive Plan*, and protect the public health, safety, general welfare, and character of existing development, can be done by restricting them to the I3 district or by a conditional use permit process. Both are reasonable and effective options. The Minneapolis zoning code, for example, does not have a “heavy” industrial district equivalent to the I3 Restricted Industrial District, and these uses are provided for in their General Industrial District.

Before the Planning Commission may grant approval of a conditional use permit, the commission must make all of the following required findings:

- (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.*
- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.*
- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.*
- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.*

If any of the required findings can not be made, or if any one of the specific standards and conditions for the particular conditional use in Chapter 65 is not met, then the Planning Commission must deny the conditional use permit. This provides for protection of adjacent uses and the public health, safety and general welfare.

Given that the three I3 uses the draft amendments prepared for the public hearing incorporated into the I2 General Industrial District can be effectively regulated by restricting them to the I3 district or by a conditional use permit process, and given that several district councils and an industrial property owner expressed concern that regulating them through a conditional use permit process may be inadequate, it may be best to retain the I3 district and continue to restrict these uses to the I3 district.



“*Heavy industrial*” is a more commonly used term to describe the I3 district and the types of uses permitted in the I3 district than “*restricted industrial*.” It might avoid confusion with the way the term *restricted* has been used to describe the IR Light Industrial *Restricted* District to change the name of the I3 district from “*I3 Restricted Industrial District*” to “*I3 Heavy Industrial District*.”

### **3.5 Recommendation.**

Retain the I3 district (currently I3 Restricted Industrial District) as the I3 Heavy Industrial District. Continue to permit the uses currently permitted only in the I3 district as they are currently permitted only in the I3 district, and do not incorporate them into the I2 General Industrial District.

## **4. Dimensional, Density and Design Standards.**

### **4.1 Background.**

Policy 2.23 in the Land Use chapter of the *Saint Paul Comprehensive Plan* is to “establish site plan review standards for the I1, I2, and I3 districts for the purposes of providing for the efficient use of land and enhancing the aesthetic quality of the district.”

### **4.2 Public hearing draft amendment.**

The draft amendments considered at the June 1, 2012, Planning Commission public hearing include amendments to required conditions in industrial districts, including providing design standards specifically tailored to the IT Transitional Industrial District (there is now simply a reference to some traditional neighborhood district design standards), and adding some basic design standards for the I1 Light Industrial and I2 General Industrial Districts.

#### **4.3a Testimony on floor area ratio (FAR), height and job density standards.**

Brian McMahon, University United, suggested removing FAR and height limits from industrial districts, and perhaps adding minimum job density requirements, to increase job density and thus improve the employment base and tax base as called for in the Comprehensive Plan.

#### **4.3b Analysis.**

The industrial district height limits are needed to ensure adequate light and air to adjacent property and compatibility with nearby uses. The existing 50 foot IT (IR) / I1 height limit and 75 foot I2 height limit, along with the existing provision to allow greater height provided the structure is set back from all exterior property lines equal to the additional height, reasonably provide for increasing job density and thus improving the employment base and tax base as called for in the Comprehensive Plan. Fifty feet is consistent with the height of a 3 story commercial or industrial building. [This paragraph amended 4-5-13 to correct an inaccuracy pertaining to the existing 50 foot IT (IR) Transitional Industrial District height limit.]

With a height limit in feet, the 3 story height limit in the IT district is unnecessary. The traditional neighborhood districts and the other industrial districts do not limit the number of stories, but rather only limit the height in feet.

With height limits to ensure adequate light and air to adjacent property and compatibility with nearby uses the floor area ratio (FAR) limits in industrial districts are unnecessary, and could artificially limit the job density, employment, tax base and land use efficiency called for in the Comprehensive Plan.

Many businesses that have relatively low job density may nonetheless be important parts of the industrial mix of uses in St. Paul, and provide important services and products for businesses with higher job density and the economy as a whole. Adding a minimum job density requirement could hurt such businesses and lead to a less optimal mix of businesses and services in the city. The economy, market forces, and other factors that affect business location and the potential for job creation are too complex to try to regulate through minimum job requirements in the zoning code. It's generally better left to the market. The key for the zoning code is not to artificially limit job density through such things as FAR limits. Where the market exists for higher job density the value of land is likely to be greater for businesses with higher job density and land use will therefore shift toward these businesses. At locations where a market does not exist for higher job density it would be pointless to require it. Enforcement of job density requirements in a zoning code would be time consuming and problematic at best.

#### **4.4a Testimony on design standards.**

The District 1 and District 2 community councils support the proposal to create design standards for industrial districts. The St. Anthony Park Community Council/District 12 generally supports the draft design standards except for specific language in the design standards providing zoning administrator discretion to permit up to two rows of parking between a building and the street. Rather than some options for "holding the corner" in design standard (1), they encourage requiring industrial buildings to be closer to the sidewalk. They also encourage adding precast concrete panels to the list of unacceptable materials, and requiring a variety of materials to articulate the building.

The District 6 Planning Council supports some design standards for industrial districts as long as they aren't cost prohibitive and don't make it difficult to attract new businesses to St. Paul. The Union Park District Council encourages pedestrian-friendly amenities (sidewalks, streetscaping and pedestrian access) in industrial districts, especially in the IT Transitional Industrial District.

The Midway and Saint Paul Area Chambers of Commerce and the Port Authority generally support the draft design standards for the IT Transitional Industrial District, which is specifically intended to be compatible with nearby residential and traditional neighborhood districts. They oppose the draft design standards for the I2 General Industrial District, and oppose most of the draft design standards for the I1 Light Industrial District. They noted the importance of industrial and manufacturing development for creating good jobs, reducing poverty, increasing employment, and improving St. Paul's tax base. They expressed concern about the effect the draft design standards would have on attracting new industrial

development and jobs. While aesthetic concerns are important, especially in commercial and residential districts, they argued that the need for industrial development, jobs and tax base is more important in I1 and I2 districts.

The Midway Chamber of Commerce and the Port Authority cited comments from industrial brokers and developers about the draft design standards. There is a very small margin in the cost of constructing industrial buildings. It is very cost sensitive and competitive with other cities. The draft standards won't work for manufacturers essentially needing a building that is a shell around their process and fits their process. The draft design standards would result in St. Paul losing business growth and jobs to other locations.

The Port Authority cited a recent Brookings Institution study concluding that it's important for cities to retain and recruit manufacturing jobs to central locations, and not to zone manufacturing out of the city.

The Midway Chamber said that design standards (1) *buildings anchor the corner* and (5) *parking location and design* should only apply to the IT district, and not to the I1 and I2 districts, because contemporary industrial development in I1-I2 districts demands flexibility in the design of parking and circulation.

The Port Authority said they would support draft design standards (4) *door and window openings*, (6) *landscaping and street trees*, and (7) *sidewalks* for the I1 Light Industrial District. They do not support design standards (2) *building facade articulation* and (3) *materials and detailing* for the I1 Light Industrial District.

#### **4.4b Analysis.**

The new Baldinger Bakery in the IT (now IR) Transitional Industrial District along Phalen Boulevard is an example of a business needing a building that is a shell around their process, with parking and circulation around the building that fits the building and process. This can substantially limit options for parking location and design, a situation that draft design standard (5) *parking location and design* reasonably provides for. The District 12 recommendation to eliminate the flexibility in standard (5) for the zoning administrator to permit up to two rows of parking spaces between the principal building and a street in such cases would discourage such businesses from locating in the district.

Further limiting options for development to "hold the corner," and for building materials and facade articulation, would have similar impact. While there has been concern about unappealing use of precast concrete panels, they are a standard and economical industrial building material, and there are many examples of effective use of them in visually appealing industrial buildings. Standard (2) *building facade articulation*, is intended to help ensure that new industrial buildings are visually appealing.

Draft design standards (4) *door and window openings*, (6) *landscaping and street trees*, and (7) *sidewalks*, which are supported by the Port Authority for the I1 Light Industrial District, are the standards most relevant to this district. The design standards are not as relevant in the I2 General Industrial District, which is generally separated from residential and pedestrian-oriented commercial areas. There was credible testimony that the additional draft design standards for these districts could harm ability to attract the kind of new industrial

development and manufacturing jobs that are important for reducing poverty, increasing employment and improving St. Paul's tax base, counter to comprehensive plan goals to protect and improve the city industrial, employment and tax base.

#### **4.5 Recommendation.**

Remove the floor area ratio (FAR) limits from Table 66.531, Industrial District Dimensional Standards, and remove the 3 story height limit for the IT Transitional Industrial District. Revise draft new § 66.543, *I1 Light industrial design standards*, to subject development in the I1 district only to draft design standards (4) *door and window openings*, (6) *landscaping and street trees*, and (7) *sidewalks*, not to design standards (2) *building facade articulation* and (3) *materials and detailing*. Delete draft new § 66.544, *I2 general industrial district design standards*.

### **Committee Recommendation for Action**

In response to *Saint Paul Comprehensive Plan* policies and Leg. Code § 61.801 requirements for periodic review of the zoning code, to reflect current city policies, to address current technology and market conditions, to bring the zoning code up-to-date, and based on the public hearing testimony and analysis summarized above, the Comprehensive Planning Committee recommends that the Planning Commission forward this report and the following draft zoning code amendments pertaining to industrial districts and regulation of industrial uses to the Mayor and City Council with a recommendation for adoption.

NOTE: Existing language to be deleted shown by ~~strikeout~~. New language to be added shown by underlining. [Drafting notes are included in brackets.]

## **Chapter 60. Zoning Code – General Provisions and Definitions; Zoning Districts and Maps Generally**

### **Sec. 60.301. Zoning Districts established.**

- (d) Industrial districts.
  - I1R transitional ~~river corridor~~ industrial district
  - I1 light industrial district
  - I2 general industrial district
  - I3 heavy ~~restricted~~ industrial district

[Amended to correspond to changes to § 66.500, Industrial Districts.]

**Sec. 60.307. More restrictive or less restrictive districts.**

When the code refers to more restrictive districts or less restrictive districts, the districts in order from more to less restrictive are: CV, CO, RL, R1, R2, R3, R4, RT1, RT2, RM1, RM2, RM3, T1, OS, B1, BC, T2, B2, T3, B3, T4, B4, B5, ITR, I1, I2, I3. The VP district shall be as restrictive as the district for which the VP district provides accessory parking.

[Amended to correspond to change to § 66.500, Industrial Districts.]

**Chapter 62. Zoning Code – Nonconforming Lots, Uses and Structures**

**Sec. 62.106. Nonconforming uses of structures, or structures and land in combination.**

- (q) Existing municipal yard waste sites that are legally nonconforming in the ~~ITR transitional light industrial restricted~~ districts may expand as a conditional use under the provision of sections 61.501-61.504 and section 65.331 even though new municipal yard waste sites are not permitted in the ITR transitional light industrial restricted districts.

[Amended to correspond to changes to § 66.500, Industrial Districts.]

**Chapter 63. Zoning Code – Regulations of General Applicability**

**Sec. 63.113. Reserved Outdoor storage near residential districts and uses.**

~~In reviewing the site plan for outdoor storage in industrial districts, the zoning administrator may permit outdoor storage to be within three hundred (300) feet of a residential district or of a park parkway, or major thoroughfare, provided that:~~

- ~~(a) A visual screen, a minimum of six (6) feet in height, is placed between the outdoor storage and such residential district or use;~~
- ~~(b) The zoning administrator has considered the location and design of the outdoor storage area and visual screen in relation to any plans or guidelines approved by the city council and in relation to the design character and building materials of adjacent areas; and~~
- ~~(c) The zoning administrator has notified by mail the property owners within three hundred fifty (350) feet of the outdoor storage area at least ten (10) days before the administrator is to approve the site plan and has considered the property owners' comments.~~

[Moved to § 66.541, Required conditions in the IT-I3 industrial districts, para. (a) *Outdoor storage*, which is what it applies to, for simplicity and clarity.]

**Chapter 64. Zoning Code – Signs**

**Sec. 64.504. B2-B3 and ITR industrial districts.**

[Amended to correspond to changes to § 66.500, Industrial Districts.]

## Chapter 65. Zoning Code – Land Use Definitions and Development Standards

### Sec. 65.143. Mixed residential and commercial use.

*Standards and conditions in B1-B3 business and ~~IR-12~~ industrial districts:*

- (a) In B1-B3 business and IT industrial districts, dwelling units shall be limited to not more than fifty (50) percent of the basement and first floor and fifty (50) percent of a basement. The entire upper floors may be used for residential use. At least fifty (50) percent of the basement and first floor shall be devoted to a principal use permitted in this the district, other than residential uses.
- (b) In I1-I2 industrial districts, dwelling units shall not be located in the basement or first floor and at least eighty (80) percent of the first floor shall be devoted to principal uses permitted in the district, other than residential uses. In the I2 district, a conditional use permit is required for a mixed residential and commercial use with more than six (6) dwelling units.

[The Zoning Code in Saint Paul (as in many other cities) has always allowed residential uses in industrial zones. Since 1975 it has been limited to this provision for mixed residential and commercial uses, and some congregate residential facilities. The amendment restricts residential use a bit more in the I1-I2 industrial districts in order to provide greater protection for primary commercial and industrial uses in these districts, while also providing for reasonable mixed residential uses on upper floors. The amendment also makes it clear that in B1-B3 and IT districts the limit on residential use of first floor and basement space applies to each separately.

For I1-I2 industrial districts, the amendment prohibits dwelling units in the basement or first floor, but would allow residential parking in a basement. For I2, this use would be changed from “P” to “P/C” in Table 66.521, Principal Uses in Industrial Districts, with a conditional use permit requirement for more than 6 dwelling units while not discouraging smaller-scale residential use by artists, entrepreneurs and others who find it productive and attractive to live in or near the building in which they work. A key finding for a conditional use permit is that “the extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any subarea plans which were approved by the city council.” The comprehensive plan and subarea plans may provide guidance about how much this use should be limited in a particular area.]

### Sec. 65.645. Reserved Outdoor (drive-in) theater.

*Standards and conditions:*

- (a) ~~The proposed internal design shall receive approval from the city engineer as to the adequacy of drainage, lighting and other technical aspects.~~
- (b) ~~Outdoor theaters shall abut directly upon a major thoroughfare, with ingress and egress available only from said major thoroughfare.~~
- (c) ~~There shall be off street stacking space for no less than fifty (50) automobiles waiting to enter the facility.~~
- (d) ~~The area shall be laid out so as to prevent the movie screen from being viewed from residential areas or adjacent thoroughfares.~~

[This use deleted from the industrial districts use table.]

**Sec. 65.701. Auto body shop.**

*Standards and conditions:*

In the ~~ITR transitional light industrial restricted~~ district this use shall be limited to . . .

[Amended to correspond to changes to § 66.500, Industrial Districts.]

**Sec. 65.703. Auto service station.**

*Additional standards and conditions in traditional neighborhood and ITR industrial districts:*

(h) In the T2 traditional neighborhood and ~~ITR transitional light industrial restricted~~ districts this use shall be limited to parcels within one-quarter (1/4) mile of University Avenue.

[Amended to correspond to changes to § 66.500, Industrial Districts.]

**Sec. 65.705. Auto repair station.**

(e) In the ~~ITR transitional light industrial restricted~~ district this use shall be limited to . . .

[Amended to correspond to changes to § 66.500, Industrial Districts.]

**Sec. 65.706. Auto sales and rental, outdoor.**

(d) Except in the ~~ITR transitional light industrial restricted~~ district, the . . .

(e) In the ~~ITR transitional light industrial restricted~~ district this use shall be limited to parcels within one-quarter (1/4) mile of University Avenue, limited to . . .

[Amended to correspond to changes to § 66.500, Industrial Districts.]

**Sec. 65.731. Parking facility, commercial.**

*Standards and conditions in traditional neighborhood and ITR industrial districts:*

[Amended to correspond to changes to § 66.500, Industrial Districts.]

**Sec. 65.753. Helistop.**

(a) In business districts and the ~~ITR transitional river corridor~~ industrial district . . .

[Amended to correspond to changes to § 66.500, Industrial Districts.]

**Sec. 65.811. General industrial.**

(a) Production, processing, . . . except those uses specifically first allowed as permitted uses in the I3 heavy ~~restricted~~ industrial district;

[Amended to correspond to changes to § 66.500, Industrial Districts.]

**Sec. 65.812. General outdoor processing.**

*Standards and conditions:*

- (a) Outdoor servicing, processing, manufacturing or the storage of materials used in these operations shall be ~~no closer than~~ at least three hundred (300) feet from a residential or traditional neighborhood district boundary to a property occupied with a one-, two-, or multiple family dwelling.

[The 300 foot separation from residential and traditional neighborhood districts, where one-, two-, and multi-family dwellings are permitted, is consistent with the Minneapolis zoning standard that *outdoor production or processing* in their General Industrial District “shall be located at least 300 feet from a residence or office residence district boundary.” Because zoning district boundaries typically follow the centerlines of streets and highways, property in residential or traditional neighborhood districts occupied by a one-, two-, and multi-family dwelling is typically farther from the industrial use than the zoning district boundary. A separation requirement based on traditional neighborhood as well as residential zoning district boundaries is broader, covering more uses, and provides more certainty than one based on location of a particular use, which is more likely to change. The amendment covers sites in residential and traditional neighborhood districts where a dwelling may be constructed in the future as well as where dwellings are located at the time. It also protects the primary industrial, economic and employment functions of industrial districts as called for in the Comprehensive Plan by avoiding a separation requirement from dwellings that might be located in industrial districts.]

**Sec. 65.822. Cement, asphalt cement, and asphalt manufacturing.**

*Standards and conditions:*

- (a) All cement (including Portland cement), asphalt cement and asphalt processing and storage shall be ~~located~~ at least three hundred (300) feet from a residentially or traditional neighborhood district boundary zoned property or property occupied by a residential use.

[The 300 foot separation from residential and traditional neighborhood districts, where one-, two-, and multi-family dwellings are permitted, is consistent with the separation requirement for *general outdoor processing* and with the Minneapolis zoning standard under which this use is regulated that *outdoor production or processing* in their General Industrial District “shall be located at least 300 feet from a residence or office residence district boundary.” Because zoning district boundaries typically follow the centerlines of streets and highways, property in residential or traditional neighborhood districts occupied by a one-, two-, and multi-family dwelling is typically farther from the industrial use than the zoning district boundary. A separation requirement based on traditional neighborhood as well as residential zoning district boundaries is broader, covering more uses, and provides more certainty than one based on location of a particular use, which is more likely to change. The amendment covers sites in residential and traditional neighborhood districts where a dwelling may be constructed in the future as well as where dwellings are located at the time. It also protects the primary industrial, economic and employment functions of industrial districts as called for in the Comprehensive Plan by avoiding a separation requirement from dwellings that might be located in industrial districts.]

**Sec. 65.823. Concrete, asphalt and rock crushing facility, outdoor.**

A facility for outdoor crushing, grinding, compacting sorting and recycling of concrete, asphalt, rock, or other similar paving or building materials generated off-site.



[Outdoor processing of recyclable materials, except for concrete, asphalt and rock, is covered by §§ 65.844, *Recycling processing center*, and 65.846, *Recycling processing center, outdoor*, of the Zoning Code. Pre-2004 code language simply subjected crushing of concrete, asphalt and rock “to the conditions for uses which service, process or manufacture outside a completely enclosed building,” the basis for the current code language.]

*Standards and conditions:*

- (a) All concrete, asphalt and rock processing and storage shall be located at least three hundred (300) feet from a residential or traditional neighborhood district boundary ~~residentially zoned property or property occupied by a residential use.~~

[The 300 foot separation from residential and traditional neighborhood districts, where one-, two-, and multi-family dwellings are permitted, is consistent with the separation requirements for *general outdoor processing, cement, asphalt cement, and asphalt manufacturing, outdoor recycling processing center, and solid waste compost facility*, and with the Minneapolis zoning standard that *outdoor production or processing and concrete, asphalt and rock crushing facilities* in their General Industrial District “shall be located at least 300 feet from any residence or office residence district.” Because zoning district boundaries typically follow the centerlines of streets and highways, property in residential or traditional neighborhood districts occupied by a one-, two-, and multi-family dwelling is typically farther from the industrial use than the zoning district boundary. A separation requirement based on traditional neighborhood as well as residential zoning district boundaries is broader, covering more uses, and provides more certainty than one based on location of a particular use, which is more likely to change. The amendment covers sites in residential and traditional neighborhood districts where a dwelling may be constructed in the future as well as where dwellings are located at the time. It also protects the primary industrial, economic and employment functions of industrial districts as called for in the Comprehensive Plan by avoiding a separation requirement from dwellings that might be located in industrial districts.]

- (b) ~~The use~~ All outdoor servicing, processing shall be conducted, operated and maintained in accordance with any necessary ~~permits of MPCA, the county and the city permits, copies of which shall be provided to and maintained on file by the zoning administrator.~~

[Requiring that necessary state and local permits be provided to the zoning administrator is an aid to enforcement. Lack of necessary permits is evidence that a use has ceased.]

- ~~(c) The applicant shall provide a site plan showing the location of buildings; areas of outdoor storage, servicing, processing or manufacturing; and fences and walls. A narrative shall accompany the plan stating the measures the applicant will take to contain on the property any dust, odor, noise or other potentially adverse effects.~~

[Replaced in more detail in (c) below.]

- (c) The following shall be provided with an application for a conditional use permit:

- (1) A site plan drawn to scale showing the location of buildings; areas of outdoor processing and storage; fences, walls, landscaping and screening vegetation; and the location of any stream, river (including the ordinary high water level), lake, wetland and major topographical feature within three hundred (300) feet of the site.
- (2) A description of sources of sound, including hours of operation and measures to conform to noise regulations laid out in Sec. 293 of the Legislative Code.
- (3) A dust management plan describing dust emission sources, their quantity and composition, and indicating conformance with all applicable air quality regulations.
- (4) A drainage plan for stormwater management and runoff indicating conformance with all applicable stormwater regulations.

- (5) A traffic plan describing the number of truck/vehicle trips the proposal will generate and the principal access routes to the facility including a description of the facility's traffic impact on the surrounding area.

[These are similar to requirements in the Minneapolis zoning code for *concrete, asphalt and rock crushing facilities* in their General Industrial District, and provide useful guidance for what is needed for a complete conditional use permit application.]

(C.F. No. 09-341, § 4, 4-22-09)

**Sec. 65.831. Hazardous waste recycling transfer facility.**

A facility that collects recyclable hazardous and industrial non-hazardous wastes from very small quantity generators (VSQG), as defined in Minnesota Rules 7045.0320, and consolidates these wastes into larger containers that meet minimum shipment requirements (generally 55 gallon drums), and transfers them to an appropriate processing facility within ten (10) days of receipt.

Standards and conditions:

- (a) The facility shall be at least 300 feet from a residential or traditional neighborhood district boundary.
- (b) The facility shall meet all state requirements of a VSQG collection site, including a license issued by the Saint Paul-Ramsey County Department of Public Health.
- (c) The facility shall document the safety of any outdoor storage of collected materials.
- (d) The facility shall collect the waste or shall ensure that customers are trained to safely transport the material to the facility.
- (e) The facility shall not accept or collect household hazardous waste or explosive, radioactive, infectious, or putrescible materials.
- (f) The facility shall be kept free of litter and any other undesirable materials and cleaned of loose debris on a daily basis.

[Definition and standards from a 12/19/03 Planning Commission determination of similar use. The 10 day transfer deadline is in the definition because it is in state law.]

**Sec. 65.832~~1~~. Infectious waste incinerator.**

Standards and conditions:

See section 65.833~~2~~, infectious waste processing facility, standards and conditions (a)-(c).

**Sec. 65.833~~2~~. Infectious waste processing facility.**

A site, including the land and any structures thereon, where infectious waste or pathological waste is accepted, transferred, stored, handled, treated, decontaminated, processed or disposed.

Infectious waste processing facility does not include the site of a generator of infectious waste which is governed by the state department of health, as set forth in Minnesota Statutes, section 116.81, subdivision 2.

*Standards and conditions:*

- (a) The treatment of waste shall be conducted within completely enclosed buildings.
- (b) The storage of the waste shall be within completely enclosed buildings, except that the storage of the waste may be within trailers, provided the trailers are securely locked and are temperature controlled to prevent putrescence, as directed by the department of safety and inspections. The waste shall be stored for no more than forty-eight (48) hours, except that waste accepted on Friday must be disposed of no later than the following Monday.
- (c) All structures containing the waste operations shall be at least three hundred (300) ~~one thousand (1,000)~~ feet from a residential or traditional neighborhood district boundary ~~the closest property line of a one, two, or multiple-family dwelling~~.
- (d) The incineration of infectious waste shall be prohibited.

(C.F. No. 07-149, § 38, 3-28-07)

[The 300 foot separation requirement for this *indoor* use from residential and traditional neighborhood districts, where one-, two-, and multiple family dwellings are permitted, is consistent with the separation requirements for *general outdoor processing, cement, asphalt cement, and asphalt manufacturing, outdoor concrete, asphalt and rock crushing, outdoor recycling processing center, and solid waste compost facility*, and with the Minneapolis zoning standard that *outdoor production or processing and concrete, asphalt and rock crushing facilities* in their General Industrial District “shall be located at least 300 feet from any residence or office residence district.”

Because zoning district boundaries typically follow the centerlines of streets and highways, property in residential or traditional neighborhood districts occupied by a one-, two-, and multi-family dwelling is typically farther from the industrial use than the zoning district boundary. A separation requirement based on traditional neighborhood as well as residential zoning district boundaries is broader, covering more uses, and provides more certainty than one based on location of a particular use, which is more likely to change. The amendment covers sites in residential and traditional neighborhood districts where a dwelling may be constructed in the future as well as where dwellings are located at the time. It also protects the primary industrial, economic and employment functions of industrial districts as called for in the Comprehensive Plan by avoiding a separation requirement from dwellings that might be located in industrial districts.

This use must comply with all provisions of the Minnesota Infectious Waste Control Act. The Infectious Waste Control Act does not have a requirement for separation of this use from residential uses or zoning districts, and there does not appear to be a basis for a separation requirement of more than 300 feet. The Minneapolis zoning code does not specify a separation requirement for indoor industrial uses such as this.

This use is also subject to the requirements of Chapter 429, Infectious Waste, of the City Legislative Code, which requires a city license for an infectious waste processing facility that can be granted by the City Council only after the City Council holds a public hearing. This use is currently listed as a conditional use in the I2-I3 Industrial Districts, with an additional public hearing by the Planning Commission required, and the ability of the Planning Commission to impose additional reasonable conditions and limitations in granting a conditional use permit, on top of the protections afforded by other city and state regulations, the City Council license hearing, and the objective standards and conditions in Zoning Code § 65.833.

Before the Planning Commission may grant approval of a conditional use permit, the commission must be able to make all of the following required findings:

- (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.*
- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.*
- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.*

- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.*

If any one of these required findings can not be made, or if any one of the standards and conditions in § 65.833 is not met, then the Planning Commission must deny the conditional use permit. This provides for protection of adjacent uses and the public health, safety and general welfare.]

**Secs. ~~65.8343~~ - ~~65.8389~~. Reserved.**

**Sec. 65.839. Metal shredder, intermediate.**

A facility that accepts, stores and shreds intermediately sized metal products, including crushed and logged motor vehicles cut into smaller sections. The facility shall be incapable of handling whole crushed motor vehicles, closed containers and heavy-dense scrap with a thickness of more than ¼ inch.

Standards and conditions:

- (a) Facilities for motor vehicle recycling shall be located on the site of an existing legal motor vehicle salvage operation.
- (b) The size of the shredder intake shall be 60 inches by 60 inches or less and the power generated by the shredder shall be 1500 horsepower or less.
- (c) All processing activities and material storage shall be contained within enclosed buildings that meet all requirements of the State Building Code.
- (d) The facility shall meet noise standards as set forth in MPCA (Minnesota Pollution Control Agency) Noise Pollution Control Rules and local ordinances. The applicant shall perform a noise analysis to determine whether the facility will conform to the standards and propose any mitigation measures necessary to meet the rules and regulations. Buildings shall be insulated as required by the State Building Code and sound proofed as required by the noise analysis.
- (e) The shredder shall be equipped with a closed loop dust collection system or similar system to ensure safe indoor and outdoor air quality. The applicant shall prepare an air quality analysis showing how air quality will be in compliance with state, federal, and local rules and regulations.
- (f) The applicant shall provide a traffic analysis identifying automobile and truck trips, peak hour trips, and potential impacts on existing transportation systems. Intermediate shredders shall not be permitted in any instance where negative impacts on the existing transportation system cannot be mitigated by the applicant.
- (g) Vehicular access to the facility shall not include local or collector streets that also provide vehicular access to residential uses, schools, churches or hospitals.
- (h) The applicant shall prepare an evaluation of surrounding subsurface soils, utilities, and surrounding buildings to determine the likelihood of adverse vibration issues, and shall

design a foundation and footing system to address any issues that are discovered.

- (i) The applicant shall prepare a surface and ground water quality analysis that complies with state, local, and federal regulations regarding stormwater pollution prevention and groundwater quality.
- (j) Intermediate shredders shall be at least three hundred (300) feet from a residential or traditional neighborhood district boundary.
- (k) A site plan and supporting documentation showing how the proposed facility complies with all standards and conditions shall be submitted with the application for a conditional use permit.

[Definition and standards based on a Planning Commission determination of similar use. The 300 foot separation requirement for this *indoor* use from residential and traditional neighborhood districts is consistent with the separation requirements for *general outdoor processing, cement, asphalt cement, and asphalt manufacturing, outdoor concrete, asphalt and rock crushing, outdoor recycling processing center, and solid waste compost facility*, and with the Minneapolis zoning standard that *outdoor production or processing and concrete, asphalt and rock crushing facilities* in their General Industrial District “shall be located at least 300 feet from any residence or office residence district.” The Minneapolis zoning code does not specify a separation requirement for indoor industrial uses such as this. Because zoning district boundaries typically follow the centerlines of streets and highways, property in residential or traditional neighborhood districts occupied by a one-, two-, and multi-family dwelling is typically farther from the industrial use than the zoning district boundary. A separation requirement based on traditional neighborhood as well as residential zoning district boundaries is broader, covering more uses, and provides more certainty than one based on location of a particular use, which is more likely to change. The separation standard covers sites in residential and traditional neighborhood districts where a dwelling may be constructed in the future as well as where dwellings are located at the time. It also protects the primary industrial, economic and employment functions of industrial districts as called for in the Comprehensive Plan by avoiding a separation requirement from dwellings that might be located in industrial districts.]

#### **Sec. 65.845. Recycling processing center, indoor.**

*Standards and conditions:*

- (a) All processing activities shall be conducted within a wholly enclosed building.
- (b) Outdoor storage of materials shall be within covered containers or behind an opaque visual screen meeting the requirements of section ~~63.114~~ 63.114, visual screens, on three (3) sides. Such outdoor storage shall be located at least three hundred (300) feet from any residential district.

...

#### **Sec. 65.846. Recycling processing center, outdoor.**

*Standards and conditions:*

- (a) Outdoor processing, salvaging and storage of the materials and motor vehicles shall be ~~no closer than~~ at least three hundred (300) feet from a residential or traditional neighborhood district boundary to a property occupied with a one-, two- or multiple family dwelling. The area used for the outdoor processing, salvaging and storage shall be behind an ~~eight-foot-high~~ obscuring wall, fence, structure, or landscaped buffer at least eight (8) feet high

~~providing for reasonable operation of the business. The planning commission may modify this requirement where a wall, fence or buffer may interfere with the operation of the business.~~

...

- (c) There shall be no stacking of material above the height of the obscuring structure, wall or fence, except that material set back three hundred (300) feet from the nearest residential zoning district property line may be stacked one (1) foot higher than the obscuring structure, wall or fence, ~~up to a maximum of sixty (60) feet~~, for every additional five (5) feet the material is set back from the nearest residential ~~property line~~ zoning district, up to a maximum of sixty (60) feet.

[Edited for clarity, simplicity and consistency. The 300 foot separation from residential and traditional neighborhood districts, where one-, two-, and multi-family dwellings are permitted, is consistent with the separation requirement for *general outdoor processing* and with the Minneapolis zoning standard under which this use is regulated that *outdoor production or processing* in their General Industrial District “shall be located at least 300 feet from a residence or office residence district boundary.” Because zoning district boundaries typically follow the centerlines of streets and highways, property in residential or traditional neighborhood districts occupied by a one-, two-, and multi-family dwelling is typically farther from the industrial use than the zoning district boundary. A separation requirement based on traditional neighborhood as well as residential zoning district boundaries is broader, covering more uses, and provides more certainty than one based on location of a particular use, which is more likely to change. The amendment covers sites in residential and traditional neighborhood districts where a dwelling may be constructed in the future as well as where dwellings are located at the time. It also protects the primary industrial, economic and employment functions of industrial districts as called for in the Comprehensive Plan by avoiding a separation requirement from dwellings that might be located in industrial districts.]

#### **Sec. 65.847. Solid waste compost facility.**

...

- (e) The facility shall be located ~~no closer than~~ at least three hundred (300) feet from any residentially or traditional neighborhood district boundary, ~~used or zoned property as~~ measured from the edge of the nearest compost pile to the nearest residentially or traditional neighborhood district boundary ~~used or zoned property~~.

...

[The 300 foot separation from residential and traditional neighborhood districts, where one-, two-, and multi-family dwellings are permitted, is consistent with the separation requirement for *general outdoor processing* and with the Minneapolis zoning standard under which this use is regulated that *outdoor production or processing* in their General Industrial District “shall be located at least 300 feet from a residence or office residence district boundary.” Because zoning district boundaries typically follow the centerlines of streets and highways, property in residential or traditional neighborhood districts occupied by a one-, two-, and multi-family dwelling is typically farther from the industrial use than the zoning district boundary. A separation requirement based on traditional neighborhood as well as residential zoning district boundaries is broader, covering more uses, and provides more certainty than one based on location of a particular use, which is more likely to change. The amendment covers sites in residential and traditional neighborhood districts where a dwelling may be constructed in the future as well as where dwellings are located at the time. It also protects the primary industrial, economic and employment functions of industrial districts as called for in the Comprehensive Plan by avoiding a separation requirement from dwellings that might be located in industrial districts.]

## **Chapter 66. Zoning Code – Zoning District Uses, Density and Dimensional Standards**

### ARTICLE V. 66.500. INDUSTRIAL DISTRICTS

#### Division 1. 66.510. Intent.

##### **Sec. 66.511. Intent, IT transitional ~~IR-light industrial restricted~~ district.**

The IT transitional ~~IR-light industrial restricted~~ district is intended to provide sites for commercial, office and light industrial uses that are compatible with ~~any~~ nearby residential and traditional neighborhood districts, parks, and parkways, ~~or residential uses~~.

(Ord. No. 17511, § 3, 11-12-87; C.F. No. 06-112, § 1, 2-22-06)

[Amendments to reflect how this district is being used (including adjacent to LRT station area traditional neighborhood districts), better distinguish it from the I1 *Light Industrial District*, and avoid confusion with the I3 *Restricted Industrial District*.]

##### **Sec. 66.512. Intent, I1 light industrial district.**

The I1 light industrial district is intended to accommodate wholesale, warehouse, and industrial operations whose external physical effects are restricted to the area of the district and in no manner affect surrounding districts in a detrimental way. The I1 district is intended to permit, along with other specified uses, the manufacturing, compounding, processing, packaging, assembly, or treatment of finished or semifinished products from previously prepared material.

(Code 1956, § 60.531)

##### **Sec. 66.513. Intent, I2 general industrial district.**

The I2 general industrial district is intended primarily for manufacturing, assembling and fabrication activities, including large scale or specialized industrial operations whose external effects will be felt in surrounding districts. The I2 district is intended to permit the manufacturing, processing and compounding of semifinished products from raw material and prepared material. The processing of raw material in bulk form to be used in an industrial operation is a permitted use in the I2 district.

(Code 1956, § 60.541)

##### **Sec. 66.514. Intent, I3 heavy ~~restricted~~ industrial district.**

The I3 heavy ~~restricted~~ industrial district is intended to provide sites for uses which are or can be objectionable or hazardous unless surrounded by other types of industrial districts.

(Code 1956, § 60.551)

[*Heavy industrial* is a more commonly used term to describe this district and the types of uses permitted in this district. It helps to avoid confusion with the way the term *restricted* has been used to describe the IR Light Industrial *Restricted District*.]

Division 2. 66.520. Principal Uses in Industrial Districts

**Sec. 66.521. Principal uses.**

Table 66.521, principal uses in industrial districts, lists all permitted and conditional uses in the IRIT-I3 industrial districts, and notes applicable development standards and conditions.

**Table 66.521. Principal Uses in Industrial Districts**

Use	<u>IR</u> <u>IT</u>	I1	I2	I3	Definition (d) Development Standards (s)
<b>Residential Uses</b>					
<i>Mixed Commercial-Residential Uses</i>					
Home occupation	P	P	P		(d), (s) ✓
Mixed residential and commercial use	P	P	P/C		(s) ✓
<i>Congregate Living</i>					
<del>Foster home, freestanding foster care home</del>	<del>P</del>	<del>P</del>	<del>P</del>		✓
Community residential facility, licensed human service	P	P	P		(d), (s) ✓
Community residential facility, licensed correctional		C	C		(d), (s) ✓
Community residential facility, health department licensed		C	C		(d), (s) ✓
Correctional facility		C	P	€	
Emergency housing facility		C	C		(d), (s) ✓
Overnight shelter		C	C		(d), (s) ✓
Shelter for battered persons	P	P	P		(d), (s) ✓
Transitional housing facility	P	P	P		(d), (s) ✓
Sober house	P/C	P/C	P/C		(d), (s) ✓
Roominghouse, boardinghouse			C		(d), (s) ✓
Hospice	P	P	P		(d), (s) ✓
<b>Civic and Institutional Uses</b>					
<i>Educational Facilities</i>					
Group day care	P	P	P/C		(d), (s) ✓
School, grades K-12	P	P	P/C		(s)
College, university, seminary, etc.	P	P	P/C		(d), (s) ✓
Trade school, arts school, dance school, etc.	P	P	P/C		
<i>Social, Cultural, and Recreational Facilities</i>					
Club, fraternal organization, lodge hall	P	P	P/C		(d)
<u>Museum</u>	<u>P</u>	<u>P</u>	<u>C</u>		
Public Library	P	P	P/C		
Public and private park, playground	P	P	P		
Recreation, noncommercial	P	P	P		(d)



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Use	<b>IR IT</b>	<b>I1</b>	<b>I2</b>	<b>I3</b>	<b>Definition (d) Development Standards (s)</b>
<b>Religious Institutions</b>					
Church, chapel, synagogue, place of worship	P	P	<del>P</del> C		
Rectory, parsonage	<del>P</del>	<del>P</del>	<del>P</del>		
Convent, monastery, religious retreat	<del>P</del>	<del>P</del>	<del>P</del>		
<b>Public Services and Utilities</b>					
Antenna, cellular telephone	<del>P/C</del>	<del>P/C</del>	P	P	(d), (s) ✓
Antenna, public utility microwave	C	C	P	P	(d), (s) ✓
Antenna, radio and television transmitting	C	C	P	P	(d), (s) ✓
Antenna, satellite dish	C	C	P	P	(d), (s) ✓
Electric transformer or gas regulator substation	P	P	P	P	
Municipal building or use	P	P	P		
Municipal incinerator			P	P	
Power plant			P	P	
Public utility heating or cooling plant		P	P	P	
Public works yard or maintenance facility		P	P	P	
Sewage treatment plant			P	P	
Utility or public service building or yard	P	P	P	P	(d)
Water supply plant	P	P	P	P	
Yard waste site, commercial and municipal		C	C	P	(d), (s) ✓
<b>Commercial Uses</b>					
<b>Offices</b>					
Administrative office	P	P	P		
Artist, photographer studio, etc.	P	P	P		(d)
Insurance office, real estate office, sales office	P	P	P		
Professional office	P	P	P		(d)
<b>Medical Facilities</b>					
Clinic, medical or dental	P	P	P		(d)
Hospital	P	P	P		(d)
Medical laboratory	P	P	P		
Veterinary clinic	P	P	P		(d), (s) ✓
<b>Retail Sales and Services</b>					
General retail	P	P	P		(d)
Alternative financial establishment		C	P		(d), (s) ✓
Bank, credit union	P	P	P		
Business sales and services	P	P	P		(d)
Drive-through sales and services, primary and accessory	P	P	P		(s) ✓
Dry cleaning, commercial laundry	P	P	P		
Food and related goods sales	P	P	P		(d)

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Use	<u>IR</u> <u>IT</u>	I1	I2	I3	Definition (d) Development Standards (s)
Food shelf	P	P	P		(d)
Garden center, outdoor	P	P	P		(d), (s) ↙
Greenhouse	P	P	P		(d), (s) ↙
Gun shop, shooting gallery		C	P	P	(d), (s) ↙
Laundromat, self-service	P	P	P		
Liquor store	P	P	P		
Massage center	P	P	P		(d)
Mortuary, funeral home		P	<del>P</del> C		
Outdoor uses, commercial		C	P		(s) ↙
Outdoor uses, commercial sales of consumer fireworks		C	C		(d), (s) ↙
Package delivery service	P	P	P		(d)
Pawn shop		C	P		(d), (s) ↙
Photocopying	P	P	P		
Post office	P	P	P		
Service business	P	P	P		(d)
Service business with showroom or workshop	P	P	P		(d)
Small appliance repair	P	P	P		
Small engine repair, automotive bench work	P	P	P		
Tattoo shop	P	P	P		
Tobacco products shop	P	P	P		(d), (s) ↙
<b><i>Food and Beverages</i></b>					
Bar	P	P	P		(d)
Brew on premises store	P	P	P		(d), (s)
Catering	P	P	P		
Coffee kiosk	P	P	P		(d), (s)
Coffee shop, tea house	P	P	P		(d)
Restaurant	P	P	P		(d)
Restaurant, carry-out-deli	P	P	P		(d)
Restaurant, fast food	P/C	P	P		(d), (s) ↙
Restaurant, outdoor	P	P	P		(s) ↙
<b><i>Commercial Recreation, Entertainment and Lodging</i></b>					
<del>Bed and breakfast residence</del>	<del>P</del>	<del>P</del>	<del>P</del>		
Bingo hall, auction hall	P	P	<del>P</del> C		
Health/sports club	P	P	P		(d)
Hotel, inn, motel	P	P	P		
Indoor recreation	P	P	P		(d), (s) ↙
Outdoor (drive-in) theater sports/entertainment		C	P	P	↙
<del>Race track</del>		<del>C</del>	<del>P</del>	<del>P</del>	
Reception hall	P	P	<del>P</del> C		
Steam room/bathhouse facility	P	P	P		(d)
Theater, assembly hall, concert hall	P	P	<del>P</del> C		

Use	<b>IR IT</b>	<b>I1</b>	<b>I2</b>	<b>I3</b>	<b>Definition (d) Development Standards (s)</b>
<b><i>Adult Entertainment</i></b>					
Adult use		C	C		(d), (s) ✓
<b><i>Automobile Services</i></b>					
Auto body shop	C	P	P	P	(d), (s) ✓
Auto convenience market	C	P	P		(d), (s) ✓
Auto service station	C	P	P		(d), (s) ✓
Auto specialty store	C	P	P		(d), (s) ✓
Auto repair station	C	P	P		(d), (s) ✓
Auto sales, indoor	P	P	P		
Auto sales and rental, outdoor	C	P	P		(d), (s) ✓
Car wash		P	P		(s) ✓
<b><i>Parking facilities</i></b>					
Parking facility, commercial	C	P	P	C	(d), (s) ✓
<b><i>Transportation</i></b>					
Airport		C	C	C	(d)
Bus garage, station, lot, or turnaround		P	P	C	
Heliport		C	C	C	(d), (s) ✓
Helistop	C	C	C	C	(d), (s) ✓
Intermodal freight yard			C	C	(d), (s) ✓
Motor freight terminal			C	C	(d), (s) ✓
Railroad right-of-way, transfer and storage tracks	P	P	P	P	
Railroad station or terminal freight facility	P	P	P	C	
Railroad yard or shop	C	C	P	P	
Taxi dispatching, maintenance and storage		P	P	P	
<b><i>Limited Production, Processing and Storage</i></b>					
Finishing shop	P	P	P		(d), (s) ✓
Limited production and processing	P	P	P		(d), (s) ✓
Mail order house	P	P	P		
Malt liquor production	P	P	P		
Plastic products	P	P	P		(d)
Printing and publishing	P	P	P		
Recycling collection center		P	P		(d), (s) ✓
Recycling drop-off station	P	P	P		(d), (s) ✓
Storage facility, rental	P	P	P	P	
Toiletries and cosmetic manufacturing	P	P	P		
Warehousing and storage	P	P	P		
Wholesale establishment	P	P	P		(d)
<b>Industrial Uses</b>					

Use	<u>IR</u> <u>IT</u>	I1	I2	I3	<u>Definition (d)</u> <u>Development</u> <u>Standards (s)</u>
Light manufacturing	P	P	P	<u>PC</u>	(d)
General industrial			P	P	(d)
General outdoor processing			C	C	(d), (s) ✓
Brewery, micro and regional	P	P	P		(d)
Brewery, national			P		(d)
Cement, asphalt cement, and asphalt manufacturing			C	C	(s) ✓
Concrete, asphalt and rock crushing facility, <u>outdoor</u>				C	(d), (s) ✓
<u>Crematorium</u>		<u>P</u>	<u>P</u>	<u>P</u>	
Greenhouse, industrial	P	P	P		(d)
Hazardous waste processing facility			C	C	(d), (s) ✓
<u>Hazardous waste recycling transfer facility</u>			<u>C</u>	<u>C</u>	(d), (s)
Infectious waste incinerator				C	(s) ✓
Infectious waste processing facility			C	C	(d), (s) ✓
Lumber yard	P	P	P		
<u>Metal shredder, intermediate</u>			<u>C</u>	<u>C</u>	(d), (s)
Mining			C	C	(d)
Motor vehicle salvage operation			C	C	(d), (s) ✓
Petroleum and gasoline tank farms				P	
Recycling processing center, indoor		P	P	P	(d), (s) ✓
Recycling processing center, outdoor			C	C	(d), (s) ✓
<u>Rendering plants and tanning</u>				<u>P</u>	
Research, development and testing laboratory	P	P	P		
Solid waste compost facility			C	C	(d), (s) ✓
Solid waste transfer station			P	<u>PC</u>	(d)
Tire retreading		P	P	P	
<b>Accessory Uses</b>					
Accessory use	P	P	P	P	(d), (s)

**Notes to table 66.521, principal uses in industrial districts:**

(d) Definition for the use in Chapter 65, Land Use Definitions and Development Standards.

(s) Standards and conditions for the use in Chapter 65, Land Use Definitions and Development Standards.

(C.F. No. 05-441, § 2, 8-24-05; Ord. No. 06-112, § 2, 2-22-06; C.F. No. 07-633, § 3, 8-15-07; C.F. No. 08-640, § 6, 7-9-08; C.F. No. 09-341, § 6, 4-22-09; Ord. No. 10-33, 10-27-10; Ord. No. 11-26, § 2, 3-23-11; Ord. No. 11-27, § 1, 4-20-11; Ord. No. 12-26, § 1, 5-23-12)

[Deleted uses don't need to be separately listed or do not support the primary intent and purposes of industrial districts. Added uses reflect Planning Commission determinations of similar use in recent years. Detail is added to the "Definition, Standards" column to make it more helpful in knowing when to look to Chapter 65 for a particular land use definition or for standards and conditions for a particular use.]

Division 3. 66.530. Industrial District Density and Dimensional Standards

**Sec. 66. 531. Density and dimensional standards table.**

Table 66.531, industrial district dimensional standards, sets forth density and dimensional standards that are specific to industrial districts. These standards are in addition to the provisions of chapter 63, regulations of general applicability.

**Table 66.531. Industrial District Dimensional Standards**

Zoning District	Floor Area Ratio (FAR)	Height Maximum		Yard Setbacks Minimum (feet)		
		Stories	Feet	Front	Side	Rear
<b>ITR</b> <del>Transitional Light Industrial Restricted</del>	2.0	3 <del>(a),(b)</del>	50 (a),(b)	0(c),(d),(e),(f)	0 <del>(e)(e),(f)</del>	0 <del>(e)(e),(f)</del>
<b>I1</b> Light Industrial	2.0	<del>(b)</del>	50 (b)	0(c),(d),(e),(f)	0 <del>(e)(e),(f)</del>	0 <del>(e)(e),(f)</del>
<b>I2</b> General Industrial	3.0	<del>(b)</del>	75 (b)	0(c),(d),(e),(f)	0 <del>(e)(e),(f)</del>	0 <del>(e)(e),(f)</del>
<b>I3</b> <del>Heavy Restricted Industrial</del>	1.0	<del>(b)</del>	75 (b)	0(c),(d),(e),(f)	0 <del>(e)(e),(f)</del>	0 <del>(e)(e),(f)</del>

[With height limits to ensure adequate light and air to adjacent property and compatibility with nearby uses the floor area ratio (FAR) limits in industrial districts are unnecessary, and could artificially limit the job density, employment, tax base and land use efficiency called for in the Comprehensive Plan.

With a height limit in feet, the 3 story height limit in the IT district is unnecessary. The traditional neighborhood districts and the other industrial districts do not limit the number of stories, but rather only limit the height in feet. The fifty foot IT Transitional Industrial District height limit is consistent with the height of a 3 story commercial or industrial building.]

**Notes to table 66.531, industrial district dimensional standards:**

- (a) Buildings exceeding this height limit, to a maximum height of seventy-five (75) feet, may be permitted with a conditional use permit.
- (b) The height of the structure may exceed the maximum building height allowed in the district provided the structure is set back from all exterior property lines of the parcel a distance equal to the height which said structure exceeds the maximum building height allowed in the district.
- (c) On those lots or parcels, or portions of lots or parcels, ~~which where the frontage adjoins or is are located~~ directly across a street ~~or abut a side or rear~~ from a required front yard lot line in any use district other than an industrial ~~IR, I-1, I-2, I-3,~~ or ~~VPV~~ vehicular parking district, the required front setbacks ~~requirements of from~~ said abutting districts shall ~~apply be equal to a minimum of one and one half (1½) times the height of the buildings, except as noted in section 63.102.~~

[Revised to relate only to front setbacks, and combined with existing language in (e), which also applies just to front setbacks. Language in new (e) applies just to side and rear setbacks. Requiring setbacks to be 1½ times the height of a building would be inconsistent with other zoning districts and with new IT district design standard (1) that calls for buildings to hold the corner and be located up to the public sidewalk.]

- (d) On those lots or parcels, or portions of lots or parcels, which adjoin a right-of-way line of a parkway, the required setbacks from the parkway right-of-way line shall be equal to that required for residential uses in effect along the parkway right-of-way or twenty-five (25) feet, whichever is greater. The following parkways and portions of parkways are excluded from this setback requirement: Ford Parkway (from Kenneth Street to Finn Street and north side between Finn Street and Mississippi River Boulevard), Gannon Road, and Lexington Parkway (from Pierce Butler Route to the nearest Burlington Northern Railroad tracks).
- (e) ~~Where the frontage of any block is divided into two (2) or more zoning districts, the front yard requirements of the district with the largest front yard depth shall be applied to the entire block frontage. No side or rear yards are required except as specified in the building code, and except that side and rear yard setbacks of at least six (6) feet shall be required where an industrial district adjoins a side yard in an adjacent residential district.~~

[Language about front yard setback requirements is moved to (c) above.]

It is useful to reference the building code setback requirements, which depend on the type of construction and wall openings. The amendments incorporate reference to the building code setback requirements into the industrial dimensional standards table using the same language that is already in the traditional neighborhood and business district dimensional standards table footnotes. They also require 6 foot setbacks from side yards in residential districts as required in the traditional neighborhood and business district dimensional standards table footnotes.]

- (f) ~~Nonrequired front yards and all required and nonrequired side and rear yards shall be permitted to be used for off street parking.~~ Loading and unloading shall not be permitted in any required front, side or rear yards.

[Provisions for yard setbacks for off street parking are covered in § 63.312, *Setback*, in the off-street parking facility standards in chapter 63, and don't need to be covered here. Allowing off street parking in a front yard may be inconsistent with new IT district design standard (5) that calls for surface parking to be located to the side or rear of buildings to the greatest extent possible.]

(Code 1956, § 61.104; Ord. No. 17204, 1-15-85; Ord. No. 17778, § 2, 10-11-90; C.F. No. 92-1479, § 19, 12-15-92; C.F. No. 93-1718, § 64, 12-14-93; C.F. No. 96-462, § 7, 6-5-96; C.F. No. 06-112, §§ 3, 4, 2-22-06)

#### Division 4. 66.540. Required Conditions

##### **Sec. 66.541. Required conditions in the ITR -I3 industrial districts.**

- (a) *Outdoor storage.* Outdoor storage is permitted subject to the following conditions:
- (1) ~~Except as provided in section 63.113, Outdoor storage shall be no closer than at least three hundred (300) feet to from a residential or traditional neighborhood district boundary or to a property occupied with a one , two , three , four , townhouse or multiple family dwelling, and in the ~~IR~~ IT transitional light industrial restricted district shall also be no closer than at least three hundred (300) feet to from a park, parkway, or major thoroughfare., except that in reviewing a site plan for outdoor storage in industrial districts, the zoning administrator may permit outdoor storage to be within three hundred (300) feet of a residential or traditional neighborhood district, or of a park, parkway, or major thoroughfare, provided that: a) a visual screen, a minimum of~~

six (6) feet in height, is placed between the outdoor storage and such district, park, parkway or major thoroughfare; b) the zoning administrator has considered the location and design of the outdoor storage area and visual screen in relation to any plans or guidelines approved by the city council and in relation to the design character and building materials of adjacent areas; and c) the zoning administrator has notified by mail the property owners within three hundred fifty (350) feet of the outdoor storage area at least ten (10) days before the administrator is to approve the site plan and has considered the property owners' comments.

[The 300 foot separation from residential and traditional neighborhood districts, where one-, two-, and multi-family dwellings are permitted, is consistent with separation requirements in Chapter 65 and the Minneapolis zoning standard that *outdoor production or processing* in their General Industrial District “shall be located at least 300 feet from a residence or office residence district boundary.” Because zoning district boundaries typically follow the centerlines of streets and highways, property in residential or traditional neighborhood districts occupied by a one-, two-, and multi-family dwelling is typically farther from the industrial use than the zoning district boundary. A separation requirement based on traditional neighborhood as well as residential zoning district boundaries is broader, covering more uses, and provides more certainty than one based on location of a particular use, which is more likely to change. The amendment covers sites in residential and traditional neighborhood districts where a dwelling may be constructed in the future as well as where dwellings are located at the time. It also protects the primary industrial, economic and employment functions of industrial districts as called for in the Comprehensive Plan by avoiding a separation requirement from dwellings that might be located in industrial districts.

The existing provisions on § 63.113 moved to this paragraph, which is what they apply to, for simplicity and clarity.]

- (2) Outdoor storage shall be fenced or walled. Outdoor storage which abuts a thoroughfare, a business district or a PD district shall be behind a six-foot-high obscuring fence. However, an obscuring fence shall not be required if the outdoor storage is screened by a building or topography. On sites where the topography renders an obscuring fence ineffectual as a screen, landscape screening shall be required.
- (b) *Outdoor uses.* In the ~~ITR~~, I1, and I3 industrial districts, all business, servicing, processing or manufacturing shall be conducted within completely enclosed buildings, except for off-street parking, off-street loading, and outdoor uses specifically allowed as permitted or conditional uses.
- (c) Activities involving storage, utilization or manufacture of materials or products which contain their own oxidizing agent and which decompose by detonation are not permitted in the ~~ITR~~-I1 industrial districts; provided that storage of small arms ammunition for retail sale shall be permitted; and further provided that research, medical and hospital laboratories, when operating under the direct supervision of scientifically trained personnel, may use the above material for research, medical and development purposes. Such activities are allowed in the I2 general industrial district when specifically authorized under the codes and ordinances of the city.
- (d) Meat packing plants, large metal shredders, the refining of petroleum or gasoline, and stock yards are prohibited.

(Code 1956, §§ 60.533, 60.543; Ord. No. 16913, 4-27-82; Ord. No. 17039, 7-7-83; C.F. No. 92-1479, §§ 11, 12, 12-15-92; C.F. No. 93-906, § 3, 11-4-93; C.F. No. 93-1718, §§ 54, 55, 12-14-93; C.F. No. 97-1406, § 3, 12-10-97; C.F. No. 06-112, § 5, 2-22-06)

**Sec. 66.542. Required conditions in the IT transitional ~~IR-light industrial restricted~~ district.**

(a) Design standards. Development shall be consistent with the following design standards unless the applicant can demonstrate that there are circumstances unique to the property that make compliance impractical or unreasonable:

(1) Buildings anchor the corner. At intersections in pedestrian-oriented areas characterized by such things as buildings located up to the public sidewalk, pedestrian-scale street lighting, a mix of uses, and availability of transit service, buildings shall "hold the corner," that is, have street facades within fifteen (15) feet of the lot line along both streets, or the site plan shall include pedestrian-oriented elements such as substantial landscaping, public art, monument signage, and vertical structural elements that "hold the corner."

[Replaces IR reference in (c) to § 66.343(b)(6), *Buildings anchor the corner*, for traditional neighborhood districts. New language parallels §63.110, *Building Design Standards* (c), which also has language about *holding the corner*, including the option of "vertical structural elements that 'hold the corner.'"]

(2) Building facade articulation. The bottom 25 feet of building facades facing a public street shall include human-scale elements- including, but not limited to, doors and windows, awnings and canopies, vertical or horizontal variations in color, texture, and material, and/or ornamentation, offset or recessed structural bays, projecting elements such as colonnades or bay windows, or other roof or wall features.

[Replaces and modifies IR reference in (c) to § 66.343(b)(9), *Building facade articulation*, for traditional neighborhood districts. The language mirrors similar language in Port Authority covenants.]

(3) Materials and detailing. Buildings shall be constructed of high-quality materials, including, but not limited to, brick, stone, textured cast stone, tinted masonry units, concrete, glass and architectural metal. The following materials are generally not acceptable:

- Unadorned plain or painted concrete block or panels;
- Synthetic stucco products;
- Corrugated metal;
- Reflective glass; and
- Vinyl, fiberglass, asphalt or fiberboard siding.

[Replaces IR reference in (c) to § 66.343(b)(14), *Materials and detailing*, for traditional neighborhood districts to be more appropriate for industrial/office building types, deleting "tilt up concrete panels" from the list of unacceptable materials.]

(4) Door and window openings. For office portions of principal buildings, above grade window and door openings shall comprise at least fifteen (15) percent of the total area of exterior walls facing a public street. Such windows shall be clear or translucent to improve visibility, add visual interest, and provide daylighting of interior spaces.



[Replaces IR reference in (c) to § 66.343(b)(13), *Door and window openings – minimum and character*, to focus solely on the office portions of principal buildings (instead of a requirement of 50% of the length and 30% of the area of ground floor facades of commercial/civic buildings). New language parallels §63.110, *Building Design Standards* (b), which exempts industrial, production, processing, storage, public service, and utility buildings, and requires 15% of the total area of principal building exterior walls facing a public street or sidewalk to be windows and door openings.]

(5) *Parking location and design.* Surface parking shall be located to the side or to the rear of principal buildings to the greatest extent possible, or on a separate lot in compliance with section 63.304. In reviewing a site plan, the zoning administrator may permit up to two (2) rows of parking spaces between the principal building and a street.

[Replaces IR reference in (c) to § 66.343 (b)(18), *Parking location and design*, and replaces/simplifies IR condition in § 66.542 (a), *Placement of parking*, which is shown as deleted below.]

(6) *Landscaping and street trees.* Landscaping shall be provided along the public streets and sidewalks to define the street edge, buffer pedestrians from vehicles, and provide shade. Any fence along a public street and sidewalk shall be decorative. Street trees in the street right-of-way, as prescribed by the city forester and section 69.600 of the subdivision regulations, shall be provided along all streets. Street trees shall be located in a planting strip at least five (5) feet wide between the curb and sidewalk, or in structural soil or its equivalent.

[Replaces IR reference in (c) to § 66.343 (b)(22), *Street trees*. Also discusses private or other landscaping along public streets and sidewalks that may have the same function as street trees (define the street edge, buffer pedestrians, etc.). The zoning administrator will prepare a document with examples of acceptable decorative fence types, materials, and designs.]

(7) *Sidewalks.* When redevelopment occurs, public streets shall be designed with a public sidewalk along the frontage of the property being developed.

[Replaces IR reference in (c) to § 66.343(b)(23), *Sidewalks*, to be more appropriate for industrial areas.]

~~(a) *Placement of parking.* Surface parking may be located to the rear of the principal building, within the rear yard area of the parcel, in an interior side yard if rear parking is impractical or insufficient, or on a separate lot in compliance with section 63.304. In reviewing a site plan the zoning administrator may permit up to twenty five (25) percent of required parking spaces between the principal building and a street, not to exceed two (2) rows of parking spaces, and the planning commission may permit more, if necessary because of special needs, site conditions, or site constraints, provided that owners of property within three hundred fifty (350) feet of the parking spaces are notified by mail at least ten (10) days before approval of the site plan, their comments are considered, there is good pedestrian connection between the sidewalk and building entrance, and the area is well landscaped.~~

[Replaced by (a)(5) above.]

(b) *Park setbacks.* In any yard which adjoins a publicly owned park, buildings may be constructed at the lot line subject to setbacks being provided in accordance with the table below:

#### Park Setbacks

<b>Building Height (stories)</b>	<b>Setback from Lot Line</b>
<del>1, 2, and 3</del> <u>Up to 35 feet</u>	0
<del>4</del> <u>35 – 50 feet</u>	15 feet
<del>5</del> <u>More than 50 feet</u>	30 feet
<del>6 and over</del>	45 feet

(Ord. No. 17511, §1, 11-12-87)

~~(e) — *Design standards.* Development shall be consistent with the design standards in section 66.343(b)(6), (7), (9), (10), (12), (13), (14), (15), (18), (20), (21), (22), and (23), unless the applicant can demonstrate that there are circumstances unique to the property that make compliance impractical or unreasonable.~~

(C.F. No. 06-112, § 6, 2-22-06; Ord. No. 11-27, § 1, 4-20-11)

[Replaced by design standards in new (a) above specifically tailored to the IT Transitional Industrial District and industrial building types. The design standards in § 66.343, *Traditional neighborhood district design standards*, and simply referred to in § 66.542(c), are specifically tailored to traditional neighborhood districts and have often been problematic when applied to industrial districts and building types.]

**Sec. 66.543. I1 light industrial district design standards.**

In the I1 light industrial district, development is subject to design standards (4), (6), and (7) in section 66.542(a).