

CHAPTER 551. OVERLAY DISTRICTS (adopted 8/2007)

ARTICLE I. GENERAL PROVISIONS

551.10. Purpose. Overlay districts are established to preserve and protect the natural environment, to encourage pedestrian-oriented design, to promote redevelopment and rehabilitation, to promote mixed-use development, and to protect the public health, safety and welfare by preserving the unique character of existing areas for future use and development.

551.20. Establishment of overlay districts. The overlay district names are:

PO Pedestrian Oriented Overlay District

LH Linden Hills Overlay District

TP Transitional Parking Overlay District

FP Floodplain Overlay District

DP Downtown Parking Overlay District

DH Downtown Height Overlay District

HA Harmon Area Overlay District

(2003-Or-018, § 1, 1-31-03)

IL Industrial Living Overlay District

SH Shoreland Overlay District

MR Mississippi River Critical Area Overlay District

B4H Downtown Housing Overlay District

NM Nicollet Mall Overlay District

NP North Phillips Overlay District

551.30. Relationship to other applicable regulations. Property located within an overlay district shall be subject to the provisions of both the primary zoning district and the overlay district. Because overlay district regulations may be more or less restrictive than the primary zoning district, where the provisions of the overlay and primary zoning districts are in conflict, the provisions of the overlay district shall govern.

551.40. Established boundaries. Overlay district boundaries shall be as specified in the individual overlay district regulations. The overlay district designation shall be shown on the zoning map in addition to the primary zoning district designation.

551.50. Eligible areas outside of established boundaries. The city council may designate areas outside of the established boundaries in the manner provided for zoning amendments in Chapter 525, Administration and Enforcement. In addition, any person having a legal or equitable interest in property located within eligible areas, as specified in the individual overlay district regulations, but outside of the established boundaries, may file a petition to request the addition of an overlay district classification to their property in the manner provided for zoning amendments in Chapter 525, Administration and Enforcement.

ARTICLE II. PO PEDESTRIAN ORIENTED OVERLAY DISTRICT

551.60. Purpose. The PO Pedestrian Oriented Overlay District is established to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity by regulating building orientation and design and accessory parking facilities, and by prohibiting certain high impact and automobile-oriented uses.

551.70. Established boundaries. The boundaries of the PO Overlay District shall be the areas shown on the official zoning map.

551.80. Eligible areas outside of established boundaries. Any person having a legal or equitable interest in property located outside of the established boundaries may file a petition to request the addition of the PO Overlay District classification in the manner provided for zoning amendments in Chapter 525, Administration and Enforcement. The following criteria shall be considered when designating a PO Overlay District:

- (1) The level of pedestrian interest and activity.
- (2) The variety of retail sales and services activities.
- (3) The extent to which properties have limited or no front setbacks.
- (4) The availability of public transit service in the area.

551.90. Prohibited uses. The following uses shall be prohibited in the PO Overlay District:

- (1) Drive-through facilities.
- (2) Automobile services uses.
- (3) Transportation uses.

551.100. Fast food restaurants. Fast food restaurants shall be located only in storefront buildings existing on the effective date of this ordinance, provided further that no significant changes shall be made to the exterior of the structure and freestanding signs shall be prohibited.

551.110. Building placement. The placement of buildings shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation. The first floor of buildings shall be located not more than eight (8) feet from the front lot line, except where a greater yard is required by this zoning ordinance. In the case of a corner lot, the building wall abutting each street shall be located not more than eight (8) feet from the lot line, except where a greater yard is required by this zoning ordinance. The area between the building and the lot line shall include amenities such as landscaping, tables and seating. Buildings shall be oriented so that at least one (1) principal entrance faces the public street rather than the interior of the site.

551.120. Building facade. (a) *Window area.* At least forty (40) percent of the first floor facade of any nonresidential use that faces a public street or sidewalk shall be windows or doors of clear or lightly tinted glass that allow views into and out of the building at eye level. Windows shall be distributed in a more or less even manner. Minimum window area shall be measured between the height of two (2) feet and ten (10) feet above the finished level of the first floor.

(b) *Awnings and canopies.* Awnings and canopies are encouraged in order to provide protection for pedestrians and shall be placed to emphasize individual uses and entrances. Back-lighted awnings and canopies shall be prohibited.

551.130. Prohibited on-premise signs. The following on-premise signs shall be prohibited in the PO Overlay District:

- (1) Pole signs.
- (2) Back-lighted awning and canopy signs.
- (3) Back-lighted insertable panel projecting signs.

551.140. Accessory parking.

(a) *Location.* On-site accessory parking facilities shall be located to the rear or interior side of the site, within the principal building served, or entirely below grade.

(b) *Dimensions.* Parking lots shall be limited to not more than sixty (60) feet of street frontage.

(c) *Driveways.* The driveway width for all parking facilities shall not exceed twenty (20) feet of street frontage.

(d) *Shared parking.* The development of shared parking is encouraged, subject to the provisions of Chapter 541, Off-site Parking and Loading.

(e) *Off-site parking.* When off-site parking is allowed as specified in Chapter 541, Off-Street Parking and Loading, parking may be located an additional five hundred (500) feet from the use served, subject to the requirements of Chapter 541, Off-Street Parking and Loading, governing the location of off-site parking.

(f) *Maximum number of accessory parking spaces.* The number of accessory parking spaces for nonresidential uses shall not exceed one hundred fifty (150) percent of the minimum required parking spaces, as specified in Chapter 541, Off-Street Parking and Loading, or ten (10) spaces, whichever is greater, except where it is determined by the zoning administrator that such excess parking spaces serve to provide parking for another use or uses subject to the requirements of this section.

551.150. Lake and Hennepin area. The following additional regulations shall govern development within the PO Overlay District in and around the intersection of West Lake Street and Hennepin Avenue South, as shown on the official zoning map:

(1) *Travel demand management plan.* All development containing more than four thousand (4,000) square feet of new or additional gross floor area, or more than four (4) new or additional parking spaces, shall include a travel demand management plan (TDM) that addresses the transportation impacts of the development on air quality, parking and roadway infrastructure. The planning director, in consultation with the city engineer, shall conduct the administrative review of the TDM. The planning director shall recommend to the zoning administrator any mitigating measures deemed reasonably necessary, who shall include such recommendation as a condition of the issuance of any building permit, zoning certificate or other approval required by this zoning ordinance or other applicable law. All findings and decisions of the planning director shall be final, subject to appeal to the city planning commission, as specified in Chapter 525, Administration and Enforcement.

551.155. Nicollet Franklin area. The following additional regulations shall govern development within the PO Overlay District along Nicollet Avenue from Franklin Avenue on the north to the Midtown Greenway/Hennepin County Regional Railroad Authority right-of-way on the south, and generally from the alley to the east to the alley on west unless other wise shown; Franklin Avenue between LaSalle Avenue and I35W; and 26th Street between Nicollet Avenue and the alley between Stevens Avenue and 2nd Avenue S., as shown on the official zoning map:

(1) *Bicycle parking requirement.*

a. *Nonresidential uses.* Each nonresidential use shall provide a minimum of two (2) bicycle parking spaces or one (1) space for each ten (10) accessory automobile parking spaces, whichever is greater.

b. *Multiple-family dwellings.* For multi-family residential uses, a minimum of one (1) secured bicycle parking space shall be provided for each dwelling unit. Bicycle parking spaces shall be in enclosed and secured or supervised areas providing protection for each bicycle from theft, vandalism and weather.

(2) *Travel demand management plan.* All development containing more than ten thousand (10,000) square feet of new or additional commercial gross floor area or more than seventy-five (75) residential units, shall include a travel demand management plan (TDM) that addresses the transportation impacts of the development on air quality, parking and roadway infrastructure. The planning director, in consultation with the city engineer, shall conduct the administrative review of the TDM. The planning director shall recommend to the zoning administrator any mitigating measures deemed reasonably necessary, who shall include such recommendation as a condition of the issuance of any building permit, zoning certificate or other approval required by this zoning ordinance or other applicable law. All findings and decisions of the planning director shall be final, subject to appeal to the city planning commission, as specified in Chapter 525, Administration and Enforcement.

- (3) *Building alteration or replacement.* The alteration of an existing building shall not result in a reduction of the existing number of stories (e.g., a two-story building shall not be reduced to a one-story building or be replaced by less than a two-story building).
- (4) *Minimum floor area.* New development in Commercial, OR2 and OR3, and Industrial districts shall be subject to a minimum floor area ratio requirement of one (1.0). Individual phases of a phased development may be less than this minimum, provided the entire development meets the minimum requirement. This requirement shall not apply to the expansion of buildings existing on the effective date of this section.
- (5) *Corner cuts.* New development on the corner of two (2) street rights-of way shall have a setback at the sidewalk level on the corner of the building. This setback shall be no less than two (2) feet and no greater than eight (8) feet from the corner of the property.
- (6) *Linear frontage of one (1) use.* No single commercial use in one (1) building shall extend along more than one hundred and twenty (120) linear feet of the first floor facade fronting any street. (2007-Or-068, § 1, 8-31-07)

551.160. Dinkytown area. The following additional regulations shall govern development within the PO Overlay District in and around the intersection of Fourth Street Southeast and Fourteenth Avenue Southeast, as shown on the official zoning map:

- (1) *Off-street parking.* Nonresidential uses shall not be required to provide accessory off-street parking facilities, provided that existing accessory parking facilities shall not be reduced below the requirements for a similar new use, or if existing accessory parking facilities are less than the requirements specified in Chapter 541, Off-Street Parking and Loading, they shall not be reduced further.

551.165. South Lyndale Avenue area. The following additional regulations shall govern development within the PO Overlay District along South Lyndale Avenue south of Minnehaha Parkway, as shown on the official zoning map:

- (1) *Bicycle parking requirement.*
- a. *Nonresidential uses.* Each nonresidential use shall provide a minimum of two (2) bicycle parking spaces or one (1) space for each ten (10) accessory automobile parking spaces, whichever is greater.
 - b. *Multiple-family dwellings.* For multi-family residential uses, a minimum of one (1) secured bicycle parking space shall be provided for each dwelling unit. Bicycle parking spaces shall be in enclosed and secured or supervised areas providing protection for each bicycle from theft, vandalism and weather. (2007-Or-072, § 1,9-21-07)

551.170. Central and Lowry area. The following additional regulations shall govern development within the PO Overlay District in and around the intersection of Central Avenue Northeast and Lowry Avenue Northeast, as shown on the official zoning map:

- (1) *Drive-through banking facilities.* Notwithstanding any other provision to the contrary, an existing drive-through banking facility may be rebuilt or may add one (1) additional drive-through lane provided the drive-through banking facility or additional drive-through lane is located within the boundaries of the zoning lot existing on the effective date of this ordinance, and subject to all other applicable regulations of this zoning ordinance.
- (2) *Building alteration or replacement.* The alteration of an existing building shall not result in a reduction of the existing number of stories (e.g., a two-story building shall not be reduced to a one-story building or be replaced by less than a two-story building). (2002-Or-089, § 1, 8-23-02; 2004-Or-088, § 1, 8-6-04)

551.175. Transit Station areas. The following additional regulations shall govern development within PO Overlay Districts in and around the following existing or proposed transit stations, as shown on the official zoning maps:

Cedar-Riverside LRT Station
 Franklin Avenue LRT Station
 Lake Street/Midtown LRT Station
 38th Street LRT Station
 46th Street LRT Station
 University Avenue Southeast and 29th Avenue Southeast

- (1) *Prohibited uses* . The following uses shall be prohibited in the PO Overlay District:
- a. Self service storage.
 - b. Commercial parking lots, including the expansion of any existing commercial parking lot.
 - c. The conversion of any accessory parking lot to a commercial parking lot.
- (2) *Wholesaling, warehousing and distribution; furniture moving and storage* . Uses shall be limited to thirty thousand (30,000) square feet of gross floor area.
- (3) *Density bonuses*. Where the primary zoning district provides a density bonus, such bonus shall be thirty (30) percent.
- (4) *Minimum floor area*. New development shall be subject to a minimum floor area ratio requirement, as specified in Table 551-0, Transit Station Area Minimum Floor Area Ratio Requirements. Individual phases of a phased development may be less than this minimum, provided the entire development meets the minimum requirement. This requirement shall not apply to the expansion of buildings existing on the effective date of this section.

Table 551-0 Transit Station Area Minimum Floor Area Ratio Requirements

TABLE INSET:

Transit Station Area	Minimum FAR		
	Commercial, OR2 and OR3 Districts	Industrial Districts	Residence and OR1 Districts
Cedar-Riverside	1.0	1.0	none
Franklin Avenue	1.0	1.0	none
Lake Street/Midtown	1.0	1.0	none
38th Street	1.0	1.0	none
46th Street	1.0	1.0	none
University Avenue Southeast and 29th Avenue Southeast	1.0	1.0	none

- (5) *Off-street parking*.
- (a) *Nonresidential uses*. The minimum off-street parking requirement shall be seventy-five (75) percent of the number specified in Chapter 541, Off-Street Parking and Loading.
 - (b) *Multiple-family dwellings*. The minimum off-street parking requirement shall be ninety (90) percent of the number specified in Chapter 541, Off-Street Parking and Loading.
- (6) *Bicycle parking requirement*.
- (a) *Nonresidential uses*. Each nonresidential use shall provide a minimum of two (2) bicycle parking spaces or one (1) space for each ten (10) accessory automobile parking spaces, whichever is greater.
 - (b) *Multiple-family dwellings*. For multi-family residential uses, a minimum of one secured bicycle parking space shall be provided for each dwelling unit. Bicycle parking spaces shall be in enclosed and secured or supervised areas providing protection for each bicycle from theft, vandalism and weather. (2005-Or-006, § 1, 1-14-05; 2005-Or-062, § 1, 7-22-05; 2007-Or-038, § 1, 6-15-07).