

# CHAPTER 5. LAND USE REGULATIONS

## CONTENTS:

[Section 500](#) - S-1, Suburban

[Section 505](#) - R-1, Residential

[Section 510](#) - R-2, Residential

[Section 515](#) - R-3, Residential

[Section 520](#) - C, Commercial

[Section 525](#) - C-1, Office/Light Industrial

[Section 530](#) - C-1A, Office/Light Industrial/Adult Uses

[Section 535](#) – BLM, Business and Light Manufacturing

[Section 540](#) - M-2, Manufacturing, Heavy Industrial

[Section 545](#) - O, Open

[Section 550](#) - P, Public

[Section 555](#) - SH, Shoreland

[Section 560](#) - W, Wetland

[Section 565](#) - R-3a, Multiple Family Residential

[Section 570](#) – HM- Hermantown Marketplace

### *Cross-reference:*

*Floodplain regulations, see [Chapter 15](#) of these Zoning Regulations*

## **Section 570 – HM – Hermantown Marketplace**

**Subdivision 1. Purpose.** The Hermantown Marketplace zone district is intended to create a dynamic, easily identifiable commercial district that can accommodate daytime, evening, and weekend activity, incorporating a mix of uses that feature superior design and are easily accessible and pedestrian friendly.

**Subdivision 2. Permitted Uses.** The following uses are permitted upon issuance of a Zoning Certificate finding that the use is in compliance with the applicable development guidelines identified in this section. Compliance shall be determined by the Zoning Officer following staff review of a complete land use application, site plan, and other information as required by this section.

- A. Retail sales and services, including pharmacies, up to 20,000 square feet of gross floor space.
- B. Business and professional offices, not including medical or dental clinics, up to 20,000 square feet of gross floor space.
- C. Banks, credit unions and financial institutions, including drive-in establishments, up to 5,000 square feet of gross floor space.
- D. Personal services and health clubs up to 10,000 square feet of gross floor space.
- E. Restaurants, bars and brewpubs up to 5,000 square feet of gross floor space.
- F. Indoor entertainment and recreation including theaters up to 7,500 square feet of gross floor space.

**Subdivision 3. Uses Allowed with a Commercial Industrial Development Permit.** The following uses shall be permitted after the issuance of a Commercial Industrial Development Permit.

- A. Retail sales and services, including pharmacies, over 20,000 but less than 50,000 square feet of gross floor space.
- B. Business and professional offices, not including medical and dental clinics over 20,000 square feet of gross floor space.
- C. Banks, credit unions, and financial institutions, including drive-in establishments, over 5,000 square feet of gross floor space.
- D. Restaurants, bars and brewpubs over 5,000 square feet of gross floor space.
- E. Indoor entertainment and recreation, including theaters, over 7,500 square feet of gross floor space.
- F. Medical and dental clinics
- G. Assembly and manufacturing of products available for on-site retail sales
- H. Hotels
- I. Craft breweries and craft distilleries with or without taprooms, including retail and wholesale operations.
- J. Any combination of the above uses up to 20,000 square feet of gross floor space.

**Subdivision 4. Uses Allowed with a Special Use Permit.** The following uses shall be permitted after the issuance of a special use permit.

- A. Retail sales and phased development over 75,000 square feet of gross floor space.
- B. Multiple family dwelling.

- C. New vehicle sales (service and repair of vehicles allowed as an accessory use).
- D. Any building over 65 feet in height.
- E. Businesses with drive-throughs.

**Subdivision 5. Dimensional Requirements.**

Dimension Type	Requirement	
<b>Non-Residential Uses</b>		
1. Minimum lot area	None	
2. Minimum lot width	None	
3. Minimum depth of front yard	5 feet	
4. Minimum depth of front yard from Highway 53 R.O.W	35 feet	
5. Minimum depth of corner side yard from R.O.W.	5 feet	
6. Minimum depth of corner side yard from Highway 53 R.O.W.	35 feet	
7. Minimum side yard setbacks	5 feet	
8. Minimum rear yard setbacks	5 feet	
9. Maximum lot coverage	50 %	
10. Maximum building height	65 feet, or 15 stories with S.U.P.	

**Subdivision 6. Design Guidelines.**

- A. Applicability. The design guidelines of this Section set required and encouraged criteria and concepts for development within the Hermantown Marketplace (HM) zone district that meet one or more of the following conditions: (a) new development, or (b) additions or alterations to the exterior of the building or site totaling more than 25 percent of the assessed value.

**Subdivision 7. Building Design (Architecture).**

- A. Intent. The character of development in Hermantown varies widely across the city. However, there are some design traditions used over the city’s history that have helped establish a design context. Many of these traditions are expressed by buildings constructed by early settlers and the historic Jackson Project buildings that can still be

found in the city. Developers are not expected to imitate the design of early buildings. Rather, they should take inspiration from and respect traditions such as:

1. Authenticity. Buildings reflected the best design practices of the time and location, including materials and ways of building.
2. Simplicity. Buildings and other structures were generally simple in their design.
3. Durability. Buildings and structures were made to last.
4. Functionality. Buildings and other structures expressed their functions clearly.
5. Integrity of design. Buildings had simple design concepts, featuring muted colors, simple geometric designs, and simple materials.
6. Integrated site planning. The site is designed to be compatible with the building, nearby properties, neighborhood, and natural features, and to minimize impact on vehicular and pedestrian traffic.

B. Materials. The following standards shall apply to all sides of any building and all sides of a building shall be finished with the same materials.

1. The primary materials shall consist of the following or a combination the following wood, brick, architectural concrete panels, natural stone, stone panels, architectural metal, E.I.F.S. (exterior insulations and finish systems) or stucco.
  - i. E.I.F.S is only permitted above a height of eight (8) feet as measured from the average finished ground floor level of the structure.
  - ii. Wood materials shall be of high quality and incorporate or display the natural grain or texture of the material.
2. Prohibited primary building materials include, Masonite, asphaltic exterior wall or roof material, aluminum or steel siding, non-architectural sheet metal, non-textured concrete block, and vinyl.
3. The materials listed in (1) and (2) above may be used as building trim or ornamental design features.

C. Color. Color is an integral element of the overall design and must include the following:

1. A coordinated palette of colors shall be created for each development. If a development is part of a phased in project the palette of each phase must be compatible with the overall development.
2. Set the color theme by choosing the color for the material with the most area. This will set the tone for the rest of the colors.
3. The number of color choices in each development shall be limited. Generally, there is a wall color, trim color, accent color, and roof color.
4. Use color variations to break up the mass of a building and provide visual interest.

- D. Form and mass. Buildings and structures shall be designed to avoid blank facades, particularly those that face streets and public spaces. Storefront windows, doors, entries, transoms, awnings, cornice treatments, and other architectural features shall be incorporated to add visual interest.
- E. Roofs. Long, unbroken roof lines are prohibited. Full gabled, hipped, and shed roofs are encouraged. Parapets, gables, high roofs, or dormers shall be used to conceal flat roofs and rooftop equipment from public view.

### **Subdivision 8. Site Planning.**

- A. Parking and circulation.
1. Automobile spaces. The number, size, and design of parking spaces and aisles shall conform to the standards for uses set in the C – Commercial zone district.
  2. Bicycle parking. Bicycle racks are required and shall be conveniently located. Bicycle racks shall be durable and visually subdued. Loop racks and ribbon bars are encouraged. A minimum of four bicycle spaces shall be provided.
  3. Pedestrian circulation. Clearly defined pedestrian walkways or paths shall be provided from parking areas to primary building entrances. Walkways and parking lots shall be designed so that pedestrians do not have to cross parking aisles and landscape islands to reach building entries. All internal walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
  4. Parking lot landscaping. Parking lots shall include landscaping that accents the main entryways, frames major circulation aisles, and highlights pedestrian pathways.
    - i. Ten (10) percent of any parking lot with ten or more spaces is required to be internally landscaped.
    - ii. Off street parking areas with more than 50 parking stalls shall contain interior landscaped islands.
    - iii. Landscaping that is a functional part of on-site stormwater treatment or provides usable public space is encouraged.
  5. Screening.
    - i. Landscape plans shall be developed with an emphasis upon the boundary or perimeter of the proposed site, to the immediate perimeter of the structure, parking areas, and along areas to be screened

- ii. All parking lots shall be screened from the adjacent properties. The height and depth of the screening shall be consistent with the height and size of the area for which screening is required. All walls and fences shall be architecturally harmonious with the principal structure.
- iii. Parking lots adjacent to a residential property shall be screened by landscape or fence material of no less than five feet in height.

6. Parking lot lighting.

- i. The style and color of parking lot lighting standards in a parking lot shall relate to the overall architectural design of the site and the Hermantown Marketplace design scheme.
- ii. The type and location of parking lot lighting shall prevent direct glare onto adjoining property, streets, or skyward.
- iii. Parking lot lighting shall be consistent with pedestrian scale and shall be between 18 and 30 feet high.

7. Paving.

- i. Decorative paving treatments are encouraged.
- ii. Pervious paving systems are encouraged.

B. Loading and delivery areas.

- 1. Loading and delivery facilities shall generally be located at the rear of the site. When this portion of the site is adjacent to residential uses, loading and delivery facilities shall be screened from view by appropriate setbacks and screening.

C. Utilities and mechanical equipment.

- 1. Utilities, electrical boxes and mechanical equipment shall be screened from the view of public streets and neighboring properties and located away from the primary site and building entrances.
- 2. Mechanical equipment shall be concealed by building elements that are designed as an integral part of the building or site design, unless prohibited by local utility practices.
- 3. Utilities shall be buried when feasible.

D. Trash and storage areas.

- 1. Whenever possible, trash enclosures shall be architecturally integrated into the design of the structure, at the rear of the building.
- 2. Trash enclosures shall be located away from sensitive uses, such as residences and designated pedestrian paths, to minimize nuisances.

3. Trash enclosures shall be architecturally and aesthetically compatible with the building and site design.
4. All trash enclosures shall be screened from public view to the greatest extent possible.

E. Lighting.

1. Lighting shall be designed to satisfy both functional and decorative needs. All security lighting shall be designed as part of an overall lighting plan rather than as standalone elements.
2. All project exterior lighting, with the exception of lighting for public streets, shall be consistent with the architectural style of the building.
3. All lighting fixtures for each project shall be the same family of fixtures with respect to design, materials, color, and color of light.

F. Outdoor and rooftop dining areas.

1. Outdoor and rooftop seating or dining areas shall be incorporated into the building design and site plan with the purpose of providing a high quality functional space.
2. Outdoor seating and dining areas shall be setback from the parking lot or street by at least five feet and buffered by use of planters, low walls or fences, landscaping or other means.
3. Outdoor seating and dining areas shall be screened from adjacent residential uses by a four foot high masonry wall.

**Subdivision 9. Landscaping.**

- A. Landscaping required. A landscaping plan professionally prepared by a registered landscape architect or civil engineer shall be completed for all areas not covered by structures, service yards, walkways, driveways, and parking spaces. Landscaped areas shall incorporate a multi-tiered planting design system including grasses and ground covers, shrubs, trees, and hardscape or decorative features such as benches, boulders, fountains, and other features.
- B. Landscaping is encouraged to play an integral, functional part in on-site stormwater management and traffic circulation. Stormwater ponds, rain gardens and other appropriate stormwater management methods will count as landscaping.
- C. Landscaping around buildings is required to soften the edge between the parking lot and structure.
- D. Plants used in landscape plans shall be resistant to drought, disease, and insects and shall be hardy to the area. Native plants are preferred.

- E. Landscape plans shall be developed with an emphasis upon the boundary or perimeter of the proposed site, to the immediate perimeter of the structure, parking areas, and along areas to be screened

#### **Subdivision 10. Specific Use Standards.**

In addition to the standards presented elsewhere in this ordinance additional standards shall apply to the following special uses:

##### A. Fueling stations.

1. All structures shall be architecturally and aesthetically consistent to an overall architectural theme.
2. The roof design of all structures, including roof canopies and car washes, shall be architecturally and aesthetically consistent to an overall architectural theme.
3. A traffic circulation plan shall be developed and approved. The plan shall, at a minimum, minimize potentially dangerous traffic movements, provide adequate and safe access to the site, separate pedestrian and auto circulations where practical, and minimize curb cuts.

##### B. Businesses with drive-throughs

1. The building, not the drive through aisles or queuing areas, shall be the predominant visual element along the street frontage.
2. Drive-through aisles shall be located to the rear of the building and screened from adjacent properties by landscaping or walls.
3. Drive-throughs shall not exit directly onto the street or to the main entrance.
4. A traffic circulation plan shall be developed and approved. The plan shall, at a minimum, minimize potentially dangerous traffic movements, provide adequate and safe access to the site, separate pedestrian and auto circulations where practical, and minimize curb cuts.

##### C. New car dealerships

1. A traffic circulation plan shall be developed and approved. The plan shall, at a minimum, minimize potentially dangerous traffic movements, provide adequate and safe access to the site, separate pedestrian and auto circulations where practical, and minimize curb cuts.
2. No outside public address systems are allowed.

##### D. Multifamily dwellings

1. A traffic circulation plan shall be developed and approved. The plan shall, at a minimum, minimize potentially dangerous traffic movements, provide adequate

and safe access to the site, separate pedestrian and auto circulations where practical, and minimize curb cuts.

2. Landscaping plans shall include strategies for public areas and usable open spaces such as a neighborhood park.
3. Underground parking and parking integrated into the building design is encouraged. Surface parking shall be landscaped to be compatible with the building and site design. A minimum landscaped area of ten feet must be included between a parking lot and building.
4. All accessory structures must be architecturally and materially compatible and consistent in quality as the primary buildings.
5. The location and nature of utility structures, waste and recycling facilities, mail, and other shared services and structures must be included in the site plan and approved by the City.

**Subdivision 11. Signage.**

- A. Signs for each development should be carefully integrated with the site, landscape and architectural design of the site. Size, shape and proportions should be compatible with the size and scale of the surroundings and should not compete with or obscure other design features of the site, landscape or structures. Signage should be of compatible colors and materials.
- B. Marketplace Signage. The Hermantown Marketplace zoning district will feature coordinated gateway signage owned and operated by the City at main entry points and key interior locations. Such signage is intended to be used only by businesses within the HM zoning district and the overall area of the Hermantown Marketplace as set forth in the Comprehensive Plan. Private developments within the Marketplace zoning district will be given the opportunity to display signage for the purpose of wayfinding and identification.

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