

CITY OF ST. CHARLES

ORDINANCE #554

AN ORDINANCE OF THE CITY OF ST. CHARLES, MINNESOTA, AMENDING ST. CHARLES CODE TO ESTABLISH A REGIONAL COMMERCIAL/INDUSTRIAL (C-3) ZONING DISTRICT

THE CITY OF ST. CHARLES DOES ORDAIN (deleted material is enclosed in brackets and lined out; new material is underlined; subsections which are not being amended are omitted):

Section 1. Title XV: Land Usage, Chapter 152: Zoning, Section 152.15 Districts., of the City Code of St. Charles, Minnesota, be amended as follows:

§ 152.15 DISTRICTS.

(A) *Establishment of districts.* For the purpose of zoning, the city is divided into the following districts:

- (1) A-1: Agriculture-Conservation;
- (2) R-1: One and Two-family Residence;
- (3) R-1M: Modular and Mobile Home;
- (4) R-1-0: High Density Residence; "0" lot line;
- (5) R-2: Multiple Family Residence;
- (6) R-3: Mixed Used Residence;
- (7) C-1: Central Business;
- (8) C-2: Service-Commercial;
- (9) C-3: Regional Commercial/Industrial;
- ~~(9)~~(10) I-1: Light Industrial;
- ~~(10)~~(11) I-2: General Industry; and
- ~~(11)~~(12) PUD: Planned Unit Development.

Section 2. Title XV: Land Usage, Chapter 152: Zoning, of the City Code of St. Charles, Minnesota, be amended to add a new section and renumber the subsequent sections as follows:

§ 152.24 REGIONAL COMMERCIAL/INDUSTRIAL (C-3).

(A) *Purpose.* The purpose of the C-3 Regional Commercial/Industrial District is to accommodate professional offices and larger scale businesses that sell goods and provide services to the general public. The businesses located in this district include those that benefit from access and visibility from the Interstate 90 and Highway 74 corridors. The majority of the customers will access these businesses in automobiles, and therefore adequate vehicle parking must be provided on the business property. Through a combination of excellent site planning, architectural design, landscaping, design standards and improvements both within and adjacent to the public right-of-way, this district is intended to project the image and character of an attractive and distinctive gateway into St. Charles.

(B) *Generally.*

(1) To the extent the provisions of this Section conflict with regulations elsewhere in the City Code, the provisions of this Section shall govern development within the Regional Commercial/Industrial (C-3) District. Additional zoning regulations applicable to the C-3 District are set forth in § 152.41.

(2) Any use not listed as either permitted, conditional or accessory in this district or any use not determined by the Zoning Administrator to be substantially similar to a use listed as permitted, conditional or accessory shall be prohibited in this district.

(C) *Permitted principal uses.* The following uses shall be permitted:

- (1) Enclosed warehousing and storage structures;
- (2) Manufacturing, processing, packaging, or assembly;
- (3) Office;
- (4) Wholesaling and distributing operations;
- (5) Research;
- (6) Retail;
- (7) Personal services;
- (8) Professional services;
- (9) Repair Services;
- (10) Entertainment and amusement services;
- (11) Motor vehicle, boat, recreational vehicle, or trailer sales and service;
- (12) Auto/truck washing services;
- (13) Farm implements sales and service;

- (14) Lumberyards and construction material sales;
- (15) Garden and landscaping sales and service including produce sales;
- (16) Hotels, motels;
- (17) Private clubs and lodges, civic organizations;
- (18) Restaurants, taverns, night clubs, supper clubs and delicatessens;
- (19) Convenience stores and gas stations;
- (20) Drive-in or drive through facilities associated with banks, restaurants, etc.;
- (21) Public utility facility; and
- (22) Contractors' offices and yards.

(D) Permitted accessory uses. Accessory uses permitted are uses incidental to the principal uses such as off-street parking and loading and unloading areas and storage of merchandise and/or material. Signs as regulated by § 152.41(K).

(E) Prohibited uses. The following uses shall be prohibited in the C-3 district:

- (1) Junkyards;
- (2) Rental storage units;
- (3) Manufacture and/or storage of explosives or fireworks;
- (4) Fuel refineries or production;
- (5) Asphalt or concrete plants;
- (6) Landfills;
- (7) Sludge disposal;
- (8) Permanent or temporary storage of hazardous waste as a principal use;
- (9) Acid manufacturing;
- (10) Creosote treatment or manufacturing;
- (11) Rendering plants;
- (12) Dwelling units;
- (13) Adult uses;
- (14) Mining operations; and

(15) Any other uses not permitted in paragraphs C, D or F of this section.

(F) Conditional uses. The following uses may be permitted subject to issuing a conditional use permit as provided in § 152.43:

(1) Firearms dealers and indoor shooting and archery ranges;

(2) All industries that have outside or open storage of parts, products, or fuels, which are not enclosed or screened within the confines of a 100% opaque wall or fence, excluding merchandise offered for direct sale, rental, or lease up to an area of 15% of the ground floor area of the principal-use building;

(3) Structures that exceed 55 feet in height;

(4) Bulk storage of more than 1,000 gallons of fuel, fertilizer, agricultural chemicals, or agricultural products;

(5) Ground floor building sizes less than 5,000 sq. ft.;

(6) Ground floor building sizes greater than 80,000 sq. ft.;

(7) Roof signs; and

(8) Electronic segmented or traveling message signs.

(G) Minimum lot requirements, setbacks, and building size.

(1) Lot area: 20,000 square feet.

(2) Lot width: 100 feet.

(3) Front yard: 30 feet from public street.

(4) Rear yard depth: 20 feet.

(5) Side yard, interior lot: One-half of building height (minimum of ten feet).

(6) Side yard, corner lot: 20 feet.

(7) Ground floor building size: 5,000 sq. ft., unless authorized by conditional use permit.

(H) Maximum lot coverage, building height and size.

(1) Buildings shall cover no more than 50 percent of the lot area.

(2) Total impervious area including buildings and other hard surfaces shall be limited to 80 percent of the lot area.

(3) Height: 55 feet, unless authorized by conditional use permit.

(4) Ground floor building size: 80,000 sq. ft., unless authorized by conditional use permit.

(I) Performance standards.

(1) All federal, state and local regulations, including those of the Environmental Protection Agency, Minnesota Pollution Control Agency and the Minnesota Department of Health, as applicable.

(2) All fabrication, manufacturing, processing or production shall be undertaken within an enclosed building.

(3) All uses shall be subject to applicable local, state, and federal regulations governing discharge into a public storm or sanitary sewer or waterway. Pretreatment requirements may be set by the Dover-Eyota-St. Charles Area Sanitary Sewer District or by the City for discharge into the public sanitary sewer system.

(4) All uses within the C-3 District shall be subject to and comply with the performance standards as stated in § 152.23(F), unless otherwise provided in this section.

(J) Architectural control. Exterior building materials shall be attractive, of a durable finish, and of a quality that is compatible and harmonious with adjacent structures. All buildings shall be compatible with the prevailing character of the surrounding district to ensure they will maintain and enhance the property values of neighboring properties and not adversely affect the community's public health, safety and general welfare. Exception to the following architectural controls is only allowed with a recommendation for approval from the Planning Commission and approval by the City Council. The exception must be deemed equal to or better in strength and appearance, than the required control.

(1) Exterior Building Materials. The building exterior wall siding materials allowed in the district include brick, natural stone, stucco, exterior insulation and finish systems (E.I.F.S.), glass, decorative concrete with pattern or integral color, decorative pre-cast concrete panels with pattern or integral color, textured concrete masonry units, smooth faced concrete masonry units with integral color, fiber cement, concealed-fastener lap-seam metal wall panels and metal-faced composite wall panels, commercial grade vinyl, steel, or aluminum siding, wood siding (not plywood, composite or engineered wood).

(2) Building Accent. A minimum of 20 percent of the exterior building walls shall be an accent material providing a contrast in texture and/or material type. Accent materials may be any of the materials allowed in paragraph 1, above.

(3) Front Facade. In addition to doors, the front entry shall include a different treatment of a projected or recessed entry or distinguishing trim; and a minimum of two of the following design elements:

(a) Accent material providing a contrast in texture and/or material type on at least 25 percent of the wall.

(b) Window treatment of at least 25 percent of the wall.

(c) A combination of horizontal and vertical design features.

(d) Irregular shaped building footprint and/or façade.

(4) Multi-sided Architecture. Any rear or side building elevation which faces a public street or highway shall include a minimum of two of the additional design elements listed under (3), Front Facade.

(5) Visual relief. No wall shall exceed 100 feet in length without visual relief. "Visual relief" is defined as the incorporation of design features such as windows, horizontal and vertical patterns, accent materials, or varying wall depths. Varying paint or material color does not qualify for visual relief.

(K) Regulations on screening, landscaping, lighting, storage and outdoor displays.

(1) Screening.

(a) All loading docks and garbage/recycling containers shall be screened so as not to be visible from any public street.

(b) All rooftop equipment and related piping, ducting, electrical and mechanical utilities that can be viewed from ground level shall be painted to match the building, designed to be compatible with the architectural treatment of the principal structure or screened by the use of parapet walls or metal screening systems. (Wood fencing shall not be used for the screening of rooftop mechanical equipment.)

(c) Ground mechanical equipment shall be screened from adjacent properties and adjacent streets.

(d) The screening required in this section shall not extend within 15 feet of any street. The screening shall be at least 80 percent opaque within two years and not less than five feet or greater than eight feet in height.

(e) All principal and accessory uses, except business signs, which are situated within 50 feet of a residential district, shall be screened from the district by a wall or fence of not less than 90% opacity and between 5 and 7 feet in height above the level of the residential district property at the district boundary.

(f) Walls or fences of lesser heights or planting screens may be permitted by the Council if the type of screen required by this code is found to interfere with the provisions of adequate amounts of light and air to the properties.

(g) All required screening devices shall be designed so that they are architecturally harmonious with the principal structures on the site and they shall be properly maintained so as not to become unsightly hazardous, or less opaque than when originally constructed.

(2) Landscaping. All exposed ground areas surrounding or within a principal or accessory use, including boulevards, which are not devoted to drives, sidewalks, patios or other uses shall be landscaped with grass, shrubs, trees or other ornamental landscape material.

(3) Lighting. Exterior lighting shall be arranged to limit direct illumination and glare upon or into any contiguous parcel. Direct or reflected glare or spill light shall not exceed one foot-candle on any abutting parcel. Lights within the public right-of-way are exempt from this standard. No flickering or flashing lights shall be permitted.

(4) Storage; Displays.

(a) All materials, supplies, merchandise or other similar matter not on display for a direct sale, rental or lease to the ultimate consumer or user shall be stored within a completely enclosed building or within the confines of a 100% opaque wall or fence not less than 5 feet nor greater than 8 feet in height.

(b) Merchandise which is offered for direct sale, rental or lease to the ultimate consumer may be displayed beyond the confines of a building, but the area occupied by the outdoor display shall not constitute a number of square feet greater than 15% of the ground floor area of the principal-use building.

(c) No storage or any type shall be permitted within half of any required setback nearest a property line or street.

(L) Requirements for vehicular and pedestrian circulation.

(1) All buildings or structures and there accessory uses shall be accessible from nearby public streets by driveways, parking areas, and walkways, all surfaced with a hard, all-weather resistant, dust free material. All surfaces shall have adequate drainage.

(2) Vehicular traffic generated by a commercial use shall be channeled and controlled in a manner that will avoid congestion on the public streets, traffic hazards and excessive traffic through residential areas, particularly truck traffic.

(3) The adequacy of any proposed traffic circulation system to accomplish these objectives shall be determined by the City Engineer who may require additional measures for traffic control, including but not limited to the following: directional signalization, channelization, standby turn lanes, illumination and storage area and distribution facilities within the commercial site to prevent back-up of vehicles on public streets.

(4) No area used by motor vehicles other than driveways serving as ingress to and egress from the site shall be located within the public street right-of-way.

(5) All driveways to or from the public street shall be subject to the restrictions found in § 152.23 (H)(3), unless otherwise provided in this section.

(M) Sign regulations.

(1) Signs adjacent to Interstate 90 and State Highway 74 shall meet all applicable state and federal regulations.

(2) The total surface area of all business signs on a lot, whether attached or detached from the building, shall not exceed 3 square feet per lineal foot of all lot frontage on a public right-of-way.

(3) *Building Signs.*

(a) *Wall signs.* A maximum of one sign per building plus one sign per business may be attached to or painted on each wall face. The total sign area per wall face shall not exceed four hundred (400) square feet or twenty percent (20%) of the wall surface (whichever is less). Nameplate (address) signs up to two (2) square feet are exempt.

(b) *Projecting signs.* A maximum of one projecting sign, which is one that extends perpendicularly out from a building's wall surface, is allowed for each building or each business. Each projecting sign shall not exceed more than one hundred (100) square feet total (all faces) in area and shall not project more than ten (10) feet from the building wall. Projecting signs shall not exceed twenty (20) feet in height about the average ground elevation along the side of the building the sign is attached. No projecting sign shall be more than fifteen (15) feet directly above a driveway, alley or sidewalk or less than ten (10) feet above a driveway, alley or sidewalk. No projecting sign shall extend into the required setbacks or encroach into a public right-of-way.

(c) *Roof signs.* Roof signs, erected upon or over a roof or parapet, are only allowed by Conditional Use Permit, but shall in no case exceed fifteen (15) feet in height above the roof or parapet line nor higher than thirty (30) feet above the average ground elevation at the building line.

(4) *Freestanding signs.* A maximum of two detached signs are allowed on each lot. The maximum area of all freestanding sign faces for each lot shall be four hundred (400) square feet. One sign shall not exceed forty-five (45) feet in height and the second sign shall not exceed fifteen (15) feet in height above the average ground elevation at the building line. No portion of the sign shall extend within half of any required setback nearest a property line or street. Consolidation of signage is encouraged, and if two or more lots share a freestanding sign, the maximum surface shall be the sum of that allowed for each lot represented.

(5) *Signs may be illuminated with a static graphic.* When a sign is indirectly illuminated, from a source of light separated from the sign, the light source shall not be visible from any public right-of-way and shall not be directed as to cause glare, either direct or indirect, on adjacent property. Flashing illumination is prohibited.

(6) *Electronic signs.* Electronic signs whose message may be changed by electronic process must only advertise activities conducted on the premises, including such messages as copy, art, graphics, and or advertising of products or services for sale on the premises. The display must not change or move more often than once every five (5) minutes. Flashing illumination is prohibited. Additional data such as time, date, and/or temperature may also be displayed and may be updated as applicable. Segmented messages and traveling messages are only allowed by Conditional Use Permit. Signs having continuous graphic animation or video are prohibited.

(7) Advertising signs. Advertising signs, which are those that direct attention to a business not on the premises, shall be prohibited, except for those included in a Sign Master Plan for the C-3 District, as approved by the City Council. Specific standards shall be developed and approved for the Sign Master Plan, and signs erected per the Sign Master Plan shall be in addition to the sign limits set for each lot in the C-3 District sign regulations.

(8) Sign construction. All signs shall be constructed in a safe structural manner in accordance with the governing building and electrical codes. No sign shall be placed so as to obstruct or interfere with traffic visibility.

(9) Sign maintenance. All signs, including supports and attachments, shall be properly maintained and kept in good structural condition. The signs shall be kept neat and clean in appearance and if painted, repainted as needed.

Section 3: This Ordinance shall take effect thirty days after its publication.

Adopted this 26th day of June, 2012 by the City Council of the City of St. Charles, Minnesota.

Mayor William J. Spitzer

Attest:

Nick Koverman, City Administrator

First Reading:

Date: _____

Ayes: _____

Nays: _____

Absent: _____

Abstain _____

Second Reading:

Date: _____

Ayes: _____

Nays: _____

Absent: _____

Abstain _____

Published:

Date: _____