

## Rochester, Minnesota Transit-Oriented Development: New TOD District

*In Chapter 62, add new tables and additional standards for TOD district*

### 62.XXX TOD TRANSIT-ORIENTED DISTRICT

This article lists the standards applicable to uses allowed in the TOD, Transit-Oriented District.

#### Subd. 1: Applicability

1. The TOD District applies in the area shown on the TOD District map. [See Map on Exhibit A].<sup>1</sup>
2. Standards applicable to TOD Nodes apply in areas designated as TOD-Node on the TOD District Map.
3. Standards applicable to TOD Corridors apply in areas designated as TOD-Corridor on the TOD District Map.

### 62.XXX TOD GENERAL ZONING DISTRICT REGULATIONS

The following table identifies the general zoning district standards applying to uses in the TOD Zoning District.

Use Category	Location	Maximum Floor Area Ratio:	Minimum Percentage of Landscape Area	Maximum Permitted Height	Minimum Lot Size	Minimum Setbacks See Also Section 62.XXX Building Placement for Maximum Setbacks	Corner Yards
Building Containing Permitted Nonresidential Primary Uses as listed in Article 62.XXX, TOD Site Appearance Standards	TOD Node	3.0	5%	70 feet Bonus: See 62.XXX, Subd. 3	None	Minimum Front Yard: 0 Feet Minimum Required Side Yard: 0 Feet Minimum Sum of Side Yards: 0 Feet Minimum Rear Yard: 0 Feet	A front yard or side street side yard equal in width to the front yard required in the adjacent residential zoning districts shall be provided on any lot abutting a side lot line of any lot in the R-1 or R-2 Zoning District.
	TOD Corridor	2.0	5%	60 feet Bonus: See 62.XXX, Subd. 3	None	Minimum Front Yard: 5 Feet Minimum Required Side Yard: 5 Feet Minimum Sum of Side Yards: 10 Feet Minimum Rear Yard: 5 Feet	
Building Containing Permitted Residential Primary Uses as listed in Article 62.XXX, TOD Site Appearance Standards	TOD Node	4.0	5%	70 feet Bonus: See 62.XXX, Subd. 3	None	Minimum Front Yard: 10 Feet Minimum Required Side Yard: 5 Feet Minimum Sum of Side Yards: 10 Feet Minimum Rear Yard: 5 Feet	A front yard or side street side yard equal in width to the front yard required in the adjacent residential zoning districts shall be provided on any lot abutting a side lot line of any lot in the R-1 or R-2 Zoning District.
	TOD Corridor	3.0	5%	60 feet Bonus: See 62.XXX, Subd. 3	None		
Building Containing a mix of Permitted Nonresidential and Residential Primary Uses as listed in Article 62.XXX TOD Site Appearance Standards	TOD Node	5.0	5%	70 feet Bonus: See 62.XXX, Subd. 3	None	Minimum Front Yard: 0 Feet Minimum Required Side Yard: 0 Feet Minimum Sum of Side Yards: 0 Feet Minimum Rear Yard: 0 Feet	A front yard or side street side yard equal in width to the front yard required in the adjacent residential zoning districts shall be provided on any lot abutting a side lot line of any lot in the R-1 or R-2 Zoning District.
	TOD Corridor	4.0	5%	60 feet Bonus: See 62.XXX, Subd. 3	None	Minimum Front Yard: 5 Feet Minimum Required Side Yard: 5 Feet Minimum Sum of Side Yards: 10 Feet Minimum Rear Yard: 5 Feet	

<sup>1</sup> The area shown on the map generally shows properties all or part of which are located (1) within 350 feet of the right-of-way line of the Primary Transit Network (PTN) alignments shown in the P2S Comprehensive Plan on N. Broadway, S. Broadway, SE. 4<sup>th</sup> Street, and SW. 2<sup>nd</sup> Street (but excluding the segment of SW. 2<sup>nd</sup> Street between the SW 6<sup>th</sup> Avenue and Highway 52), and (2) within 660 feet of points of intersection of the closest rights-of-way of the proposed transit nodes located at (a) S. Broadway/SW. 14<sup>th</sup> St., (b) SE. Collegeview Rd./SE. Silvercreek Rd. /SE. 4<sup>th</sup> St., (c) N. Broadway/NE. 7<sup>th</sup> St. /NW 7<sup>th</sup> St., (d) N. Broadway/NW. Elton Hills Dr./NE. 17<sup>th</sup> St., and (e) N. Broadway/NE. 37<sup>th</sup> St./NE. Circle Dr.

Use Category	Location	Maximum Floor Area Ratio:	Minimum Percentage of Landscape Area	Maximum Permitted Height	Minimum Lot Size	Minimum Setbacks See Also Section 62.XXX Building Placement for Maximum Setbacks	Corner Yards
<b>References</b>							
			Definition of Landscape Area & Section 63.130	Definition of Height/Exceptions in Paragraph 60.424	Paragraph 62.116 & Definitions of Lot, Site	<i>General Yard Requirements in Section 63.100 Paragraph 63.110(1) &amp; Definition of Front Yard Paragraph 63.110(3) &amp; Definition of Side Yard Paragraph 63.110(2) &amp; Definition of Rear Yard</i>	

**62.XXX TOD SITE APPEARANCE STANDARDS**

The standards in this table identify the site appearance standards applying to uses in the TOD Zoning District.

COMMENTARY: The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found. The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed. ABBREVIATIONS/SYMBOLS in the table: Stnd is the abbreviation for "Standards"												
CATEGORY OF STANDARDS	List of Permitted Uses	Use Type	Applicable Detailed Regulations	Additional Regulations	APPEARANCE CONTROL STANDARDS							REQUIRED OFF-STREET PARKING
					Hours of Operation	Exterior Lighting	Sign Regulations	Landscape Material Point Base	Exterior Storage Regulations	Site Location Requirement	Bufferyard Indicator	
PRIMARY REFERENCE	PARAGRAPH 62.111	PARAGRAPH 62.112	PARAGRAPH 62.113		PARAGRAPH 62.123	PARAGRAPH 62.132	PARAGRAPH 62.133	PARAGRAPH 62.135	PARAGRAPH 62.134	PARAGRAPH 62.124	PARAGRAPH 62.125	SEE DEFINITION OF PARKING AND PARAGRAPH 62.121
NOTES	Description of each Use category found in Section 62.140		Regulations found in Sec. 62.380	Primarily found in Par. 65.263		Section 63.210	Section 63.220	Section 63.230	Section 63.240	Section 63.250	To Determine Req. Buffer see 63.260	Regulations for Off-street parking in Section 63.400
	Multi-Family Residential	I	62.727(1) 62.263 (5)	62.266 (1) (3)		C	R	12	T		VII	MINIMUM: 0.5 PER UNIT MAXIMUM: 1.5 PER UNIT
	Semi-Transient Accommodations	I	62.727(1)	62.266 (1) (3) 64.132		C	R	12	T		VII	MINIMUM: 0.5 PER UNIT MAXIMUM: 1 PER UNIT
	Medical Stay Dwelling Unit	I	62.141 (11)	62.263 (6) 62.266 (1)								
	Congregate Housing	I	62.727(1)	62.266 (1) (3)		C	R	12	T		VII	MINIMUM: 0.5 PER UNIT MAXIMUM: 1 PER UNIT
	Transient Accommodations	I				D	D	5	T,A		VIII	MINIMUM: 0.5 PER UNIT MAXIMUM: 1 PER UNIT
	Offices	I				D	C	5	T,A		VIII	MINIMUM: 1 PER 700 SQFT F.A. MAXIMUM: 1 PER 400 SQFT F.A.
	Research and Testing	I				D	C	5	T,A		VIII	MINIMUM: 1 PER 700 SQFT F.A. MAXIMUM: 1 PER 400 SQFT F.A.
	Business Service	I				D	C	5	T,A		VIII	MINIMUM: 1 PER 600 SQFT F.A. MAXIMUM: 1 PER 300 SQFT F.A.
	Personal Service	I				D	C	5	T,A		VIII	MINIMUM: 1 PER 600 SQFT F.A. MAXIMUM: 1 PER 300 SQFT F.A.
	Educational Services	I				D	C	5	T,A		VIII	MINIMUM: 1 PER 5 STUDENTS PLUS 1 PER EMP. PRESENT DURING LARGEST CLASS ATTENDANCE PERIOD MAXIMUM: 1 PER 3 STUDENTS PLUS 1 PER EMP. PRESENT DURING LARGEST CLASS ATTENDANCE PERIOD
	Membership Organizations	I				D	C	5	T,A		IX	MINIMUM: 1 PER 6 PERSONS BASED ON MAXIMUM CAPACITY OF BUILDING MAXIMUM: 1 PER 4 PERSONS BASED ON MAXIMUM CAPACITY OF BUILDING

COMMENTARY:

The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found.

The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

ABBREVIATIONS/SYMBOLS in the table:

Stnd is the abbreviation for "Standards"

CATEGORY OF STANDARDS	List of Permitted Uses	Use Type	Applicable Detailed Regulations	Additional Regulations	APPEARANCE CONTROL STANDARDS							REQUIRED OFF-STREET PARKING
					Hours of Operation	Exterior Lighting	Sign Regulations	Landscape Material Point Base	Exterior Storage Regulations	Site Location Requirement	Bufferyard Indicator	
PRIMARY REFERENCE	PARAGRAPH 62.111	PARAGRAPH 62.112	PARAGRAPH 62.113		PARAGRAPH 62.123	PARAGRAPH 62.132	PARAGRAPH 62.133	PARAGRAPH 62.135	PARAGRAPH 62.134	PARAGRAPH 62.124	PARAGRAPH 62.125	SEE DEFINITION OF PARKING AND PARAGRAPH 62.121
NOTES	Description of each Use category found in Section 62.140		Regulations found in Sec. 62.380	Primarily found in Par. 65.263		Section 63.210	Section 63.220	Section 63.230	Section 63.240	Section 63.250	To Determine Req. Buffer see 63.260	Regulations for Off-street parking in Section 63.400
	Day Care Facility	I				D	C	5	T		VII	MINIMUM: 1 PER 2 EMP. ON LARGEST SHIFT MAXIMUM: 1 PER EMP. ON LARGEST SHIFT
	Medical Facilities	I				C	C	5	T		VII	MINIMUM: 3 PER PRINCIPAL MEDICAL PROFESSIONAL MAXIMUM: 5 PER PRINCIPAL MEDICAL PROFESSIONAL
	Offender Transitional Housing - must meet standards of congregate housing, if single family detached structure, or multi-family housing, depending on structure	III, Phase I	62.381(1), 62.940-62.945	62.263(C)								MINIMUM: 0.5 PER UNIT MAXIMUM: 1 PER UNIT
	Nursing & Personal Care	I				C	A	12	T		VII	MINIMUM: 1 PER 2 EMP. ON LARGEST SHIFT PLUS 1 PER 10 BEDS MAXIMUM: 1 PER EMP. ON LARGEST SHIFT PLUS 1 PER 6 BEDS
	Veterinary Service	I	62.383(C)			D	C	5	T,A		VIII	MINIMUM: 1 PER PRINCIPAL MEDICAL PROFESSIONAL MAXIMUM: 3 PER PRINCIPAL MEDICAL PROFESSIONAL
	Fast Food Restaurant	I				D	C	5	T,A		IX	MINIMUM: 1 PER 8 SEATS PLUS 1 PER EMP. ON LARGEST SHIFT MAXIMUM: 1 PER 3 SEATS PLUS 1 PER EMP. ON LARGEST SHIFT
	Standard Restaurant	I				D	C	5	T,A		VIII	MINIMUM: 1 PER 8 SEATS PLUS 1 PER EMP. ON LARGEST SHIFT MAXIMUM: 1 PER 3 SEATS PLUS 1 PER EMP. ON LARGEST SHIFT
	Retail Trade	I				D	D	5	T,B		VIII	MINIMUM: 1 PER 600 SQFT F.A. MAXIMUM: 1 PER 300 SQFT F.A.
	Communications	II				D	C	5	T,A		VIII	MINIMUM: 1 PER 400 SQFT F.A. MAXIMUM: 1 PER 200 SQFT F.A.

**COMMENTARY:**

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NOTES	Description of each Use category found in Section 62.140		Regulations found in Sec. 62.380	Primarily found in Par. 65.263		Section 63.210	Section 63.220	Section 63.230	Section 63.240	Section 63.250	To Determine Req. Buffer see 63.260	Regulations for Off-street parking in Section 63.400
	Emergency Services	II				D	B	5	T,S,50%		VIII	MINIMUM: 0.75 PER EMPLOYEE MAXIMUM: 1 PER EMPLOYEE
	Parking Facility associated with a City-designated park and ride	I	62.385			E	B	8.5	T,A		VIII	
	Indoor Athletic Facility	I				D	C	5	T,A		VIII	MINIMUM: 1 PER 400 SQFT F.A. MAXIMUM: 1 PER 100 SQFT F.A.
	Indoor Recreation	I				D	C	5	T,A		III	MINIMUM: 1 PER 8 PERSONS BASED ON MAXIMUM CAPACITY OF BUILDING MAXIMUM: 1 PER 4 PERSONS BASED ON MAXIMUM CAPACITY OF BUILDING
	Drinking & Entertainment	I				E	D	5	T,A		IX	MINIMUM: 1 PER 8 PERSONS BASED ON MAXIMUM CAPACITY OF BUILDING MAXIMUM: 1 PER 4 PERSONS BASED ON MAXIMUM CAPACITY OF BUILDING
	Adult Establishment	I				D	B	5	T,A	I	VIII	MINIMUM: 1 PER 400 SQFT F.A. MAXIMUM: 1 PER 200 SQFT F.A.
	Area Accessory Development	I	62.930	62.933		D	A	8.5	T,A	62.936	VIII	MINIMUM: 30% OF REQUIREMENT IN 62.935 MAXIMUM: REQUIREMENT IN 62.935
	Drive-in Facility	Based on underlying use type	62.383(B)	APPEARANCE CONTROLS FOR DRIVE-IN USES CONTROLLED BY UNDERLYING USE TYPE		STACKING REQUIREMENTS: FINANCIAL INSTITUTIONS: 8 INBOUND & 1 OUTBOUND SPACE/LANE RESTAURANTS (FAST FOOD): SAME AS FINANCIAL INSTITUTIONS CAR WASH (MANUAL): 5 INBOUND & 2 OUTBOUND SPACES PER BAY CAR WASH (MACHINE): 10 INBOUND & 1 OUTBOUND SPACE/BAY OTHER USES: 3 INBOUND & 1 OUTBOUND SPACE PER SERVICE LANE						

## 62.XXX ADDITIONAL SITE DEVELOPMENT STANDARDS<sup>2</sup>

Subd 1. **Building Placement:** At least 65 percent of the first floor of the front façade of each primary building shall be located not more than 10 feet from each front lot line. In cases where a recorded easement requires a larger set-back, at least 65 percent of the first floor of the front façade of each primary building shall be located no further than the minimum distance required by the recorded easement.

### Subd. 2. **Building Design**

- A. The maximum building length shall be 150 feet.
- B. Setback areas between a public or private street (excluding alleys) and the structure shall be occupied with pedestrian oriented space as defined in Article 63.275.
- C. Each street-facing facade of a building with a horizontal length greater than 60 feet shall incorporate architectural features that visually interrupt the wall plane to reduce the perceived massing and scale of the building and provide a better pedestrian experience. Street-facing building facades with a horizontal length between 60 and 89 feet shall incorporate at least one of the following elements; street-facing building facades between 90 and 119 feet in horizontal length shall incorporate at least two of the following elements; and street-facing building facades over 120 feet must incorporate at least three of the following elements. Required architectural elements shall be spaced no more than 60 feet apart. Buildings may choose to use a single element more than once, or may choose to use different elements listed below to meet this requirement. Acceptable architectural elements for meeting this standard include:
  - (1) Differences in roof form (e.g. flat or sloped);
  - (2) A change in parapet height of at least 2 vertical feet;
  - (3) Horizontally oriented recesses into the building façade plane at least 8 inches deep and at least 8 inches wide (this element may be installed along the entire building façade, but if so installed shall only count as one of the required elements on any street-facing building façade longer than 60 feet);
  - (4) Horizontally oriented projections at least 8 inches in vertical height extending at least 8 inches outward from the building façade plane; and extending along at least 30 horizontal feet of the building façade (this element may be installed along the entire building façade, but if so installed shall only count as one of the required elements on any street-facing building façade longer than 60 feet);
  - (5) Pilasters extending outward at least 8 inches from the building façade plane and at least 8 inches wide, that have a height equal to at least 80 percent of the building façade height;
  - (6) Vertically oriented recesses extending at least 8 inches into the building façade plane, and at least 8 inches wide, that have a height equal to at least 80 percent of the facade height;
  - (7) Visually significant changes in texture and/or color of wall surfaces, as determined by the Director;
  - (8) Ground level arcades or awnings extending for a horizontal distance of at least 20 feet;
  - (9) Second floor balconies on at least 50 percent of the residential units on the building facade;
  - (10) Cornices at least 8 inches in vertical height extending at least 8 inches outward from the building façade and extending along at least 30 horizontal feet of the building façade (this element may be installed along the entire building façade, but if so installed shall only count as one of the required elements on any street-facing building façade longer than 60 feet); or
  - (11) Pedestrian entries designed so that the doors are recessed at least 2 feet from the building façade or project at least 2 feet outward from the building facade.

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<sup>2</sup> These standards carry over several of the Interim TOD Overlay District standards, with changes as noted, and with greater alignment with (and less overlap) with the existing Pedestrian and Site Design Standards in Sections 63.270 through 63.275.

**Subd. 3. Minimum Building Height**

- A. In TOD Nodes, portions of new primary structures located within 100 feet of N. and S. Broadway St., SW. 2<sup>nd</sup> St., and SE. 4<sup>th</sup> St./Collegeview Rd. shall be a minimum of 40 feet in height.
- B. In TOD Corridors, portions of new primary structures located within 100 feet of N. and S. Broadway Street, SW. 2<sup>nd</sup> St., and SW 4<sup>th</sup> St. shall be a minimum of 25 feet in height.

**Subd. 4. Bonus Building Height:**

- A. Notwithstanding the maximum building height listed in Table 62.XXX *TOD General Zoning District Regulations*, projects located in those areas indicated as Height Bonus Available on the TOD District Map may exceed the maximum building height listed in Table 62.XXX *TOD General Zoning District Regulations* as shown in the following table, except as stated in subsections 4.B and 4.C below.

Element provided	Bonus
At least 20% of the gross floor area is residential	12 additional feet in height
At least 30% of the gross floor area is residential	16 additional feet in height
At least 40% of the gross floor area is residential	22 additional feet in height

- B. No height bonus may result in a maximum building height exceeding 90 feet.
- C. No height bonus may result in a building located in a neighborhood protection area (as defined in Subd. 13 below) exceeding the maximum building height permitted by Subd. 13.

**Subd. 5. Building Entrances**

- A. Each primary structure shall have at least one pedestrian entrance on each façade facing a public right-of-way. If the lot has frontage on those portions of N. and S. Broadway, SW. 2<sup>nd</sup> St., or SE. 4<sup>th</sup> St./Collegeview Rd., the required entrance shall face those streets. If the lot does not have frontage on Broadway, 2<sup>nd</sup> St. W, or 4<sup>th</sup> St./Collegeview Dr. E, the pedestrian entrance shall face the front lot line.
- B. If there are multiple ground-floor tenant spaces facing a public right-of-way, each ground floor tenant space with 25 feet of frontage or more shall have at least one pedestrian entrance facing that public right-of-way. As an exception to this standard, a maximum of two abutting ground floor tenants may share a single pedestrian entrance facing that public right-of-way.
- C. Each required pedestrian entrance shall open directly to the outside and have direct access to the adjacent sidewalk without requiring pedestrians to pass through a lobby area, garage, parking lot, or a non-pedestrian area located between the pedestrian entrance and the street or right-of-way.

**Subd. 6. Ground Floor Windows:** Each ground floor façade facing a public right-of-way shall have transparent windows or other transparent glazed area covering 65 percent or more of the ground floor façade area between three and eight feet above sidewalk grade. Required window or glazed areas shall have a visible light transmittance ratio of 0.6 or higher, and shall not include reflective or heavily tinted windows.

**Subd. 7. Access and Connectivity**

- A. Sidewalks, Pedestrian Circulation, and Vehicular Connectivity
  - (1) The internal vehicular, bicycle, and pedestrian circulation systems (“circulation systems”) of each development shall be designed to allow vehicular, bicycle, and pedestrian cross-access between the circulation systems of the proposed development and the circulation systems of existing or allowable future development on adjoining lots. The Director may adjust or waive this requirement if the

Director determines that it is unlikely that the cross-access provisions will be available on the adjoining lot within a reasonable period of time .

- (2) Sidewalks shall be provided on both sides of the street, and shall comply with the following standards:
  - a. On property fronting N. or S. Broadway, SW. 2<sup>nd</sup>. St, or SE. 4<sup>th</sup> St./Collegeview Dr., sidewalks shall be 10 feet in width, and a planting strip at least five feet in width shall be located between the sidewalk and the street.
  - b. On property fronting any street other than N. or S. Broadway, SW. 2<sup>nd</sup> St., or SE. 4<sup>th</sup> St./Collegeview Rd., sidewalks shall be 7 feet in width, and a planting strip at least 5 feet in width shall be located between the sidewalk and the street.
  - c. At least one walkway shall be provided from an adjacent sidewalk to each building entrance.
  - d. Where a sidewalk, trail, or other walkway crosses a street, driveway, drive aisle, or parking lot, the crossing shall be clearly marked with a change in paving material, color, or height, decorative bollards, or similar elements.
- (3) Where a lot or development site includes more than one primary building, a pedestrian walkway at least 5 feet in width shall be provided between at least one pedestrian entrance in each primary building.

#### Subd. 8. **Parking Design Standards**

- A. In addition to the parking standards in Article 63.400, *Off-Street Parking and Loading Regulations*, parking facilities in the TOD District shall comply with the following requirements:

- (1) **Surface Parking**

- A. No primary use surface parking lot unrelated to a park and ride location designated by the City shall be located within the TOD District.
- B. Primary use surface parking lots in park and ride locations designated by the City, and required or permitted accessory parking lots shall comply with the following standards:
  1. No portion of the parking lot shall be located within 20 feet of any lot line facing a public or private street (not including alleys), or closer to any public or private street (not including alleys) than the façade of a primary structure, whichever requires the greater distance from the front lot line.
  2. The area between each edge of the parking lot facing a public or private street and that street shall be occupied by a pedestrian gathering space with seating, a bicycle parking area, or a landscaped buffer at least 6 feet in width.
  3. Surface parking lots with more than 100 parking spaces shall be organized into smaller modules that contain 50 or fewer spaces each and that are visually separated from other parking modules by buildings or landscaped areas.
  4. Surface parking lots and structures containing more than 50 parking spaces shall provide clearly identified pedestrian routes between parking areas and the primary pedestrian entrance(s) to the building(s) served by the parking areas. The pedestrian routes shall be designed and located to minimize the pedestrian routes interface with traffic circulation routes, and to provide pedestrian walkways with direct pedestrian and ADA access to the primary building entrance(s).

- (2) **Parking Garage**

No primary use parking garage unrelated to a park and ride location shall be located within the TOD District. In park and ride locations designated by the City:

- A. The street-facing façade of the parking garage shall have a minimum floor-to-ceiling height of 13 feet for a depth of at least 30 feet from the street to allow for conversion to a non-parking use in the future.



- B. The façade of a parking structure facing a street shall comply with the Parking Structure/New Building Appearance Guidelines in Section 63.427 Subd. 12. H.

**Subd. 9. Bicycle Parking**

Bicycle parking shall be provided at a rate of 1 per 5 required automobile parking spaces, up to 10 bicycle spaces, and then at a rate of 1 per 20 automobile parking spaces, with a minimum of 5 bicycle parking spaces.

**Subd. 10. Pedestrian and Site Design Standards**

- A. All developments in the TOD District shall comply with the Pedestrian and Site Design Standards in Sections 63.270 through 63.275 of this Land Development Manual with the exception of the following specific standards:
  - (1) 63.272, Subdivisions 2 and 3;
  - (2) 63.273, Subdivisions 3 and 5; and
  - (3) 63.274, Subdivision 4.
- B. Where the standards of the TOD District are in conflict with the Pedestrian and Site Design Standards, the provisions of this TOD District shall govern.

**Subd. 11. Consolidation or Subdivision of Existing Lots:** No consolidation of two or more lots existing on the effective date of this section into a parcel of one acre or larger shall be approved, and no subdivision of lots existing on the effective date of this section shall be approved, unless the applicant has submitted a General Development Plan demonstrating that a high level of pedestrian, bicycle, and motor vehicle connectivity will be maintained through the consolidated or subdivided parcel or parcels, and the City has approved that plan as consistent with the goals of the comprehensive plan and with any other approved connectivity plans for abutting or nearby properties.

**Subd. 12. General Development Plan Required**

- A. Each property located in a TOD Node that contains more than 10 acres of site area (taken individually or with adjacent parcels in common or related ownership) shall obtain approval of a General Development Plan prior to approval of a site plan or issuance of a building permit for construction of a new primary structure.
- B. The General Development Plan required by subsection 12.A above shall cover either (a) all of the property in the TOD Node, or (b) all of the property in common or related ownership within the TOD Node, or (c) all of the property in common or related ownership within a portion of the TOD Node bounded that is separated from other portions of the TOD Node by arterial or collector streets.
- C. The General Development Plan required by subsection 12.A shall designate the following:
  - 1. One pedestrian-oriented street or walkway system extending from the nearest transit stop boundary no further than 300 feet that is located and designed to provide convenient pedestrian access to the transit stop without requiring pedestrians to cross or walk along an arterial or collector street.
  - 2. If a city-designated park and ride is included in the TOD Node, the General Development Plan shall include a street providing automobiles convenient access to that park and ride from collector or arterial streets within or adjacent to the TOD District without crossing the designated pedestrian-oriented street or walkway system.

**Subd. 13. Neighborhood Protection Standards**

- A. Applicability  
These neighborhood protection standards apply to all portions of all properties that are:

1. Located (a) within a TOD Corridor and (b) further than 250 feet from the nearest property line of N. or S. Broadway, SW. 2<sup>nd</sup> St., or SE. 4<sup>th</sup> St. /Collegeview Rd., and (c) abutting R-1, R-1x, or R-2 zoned property; or
- (2) Located within a TOD Node and within 100 feet of R-1, R-1x, or R-2 zoned property.

B. Standards

(1) Height

No primary or accessory building shall exceed a maximum height of 35 feet.

(2) Landscaping

The property line(s) adjacent to the R-1, R-1x, or R-2 zoned property shall include a bufferyard at least equal in design, opacity, and buffering capacity to a Bufferyard Class "F" as regulated in Article 63.265, Definition of Bufferyard Options.

(3) Parking

No drive-through lane shall be located between a primary structure and a property line abutting or across a public right-of-way from a lot containing a single- or two-family dwelling.

(4) Lighting

The maximum height of any light pole or lighting installed on any primary or accessory structure shall not exceed 15 feet.

**Additional changes to support new TOD district (changes are underlined or struck-through)**

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**Amend 60.320: Description of Districts<sup>3</sup>**

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**60.323 Established Districts:**

Subdivision 16. The Transit-Oriented Development (TOD) District is intended to protect opportunities for transit-supportive and transit oriented development. This district requires intensities and patterns of development that support vibrant pedestrian activity, promote the use of transit, and discourage specific land uses and types of development that could potentially interfere with future growth of TOD and transit ridership. The standards of this district are intended to encourage compact urban growth patterns, opportunities for increased transportation mode choice, reduced reliance on the automobile, and a safe and pleasant pedestrian environment.

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**Amend 62.126: Density Determination for Multi-Family Residential Uses<sup>4</sup>**

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62.126 **Density Determination for Multi-Family Residential Uses:** Except in the R-2x District and the TOD District, the density of multi-family residential uses shall be calculated using the following conversion factors:

Efficiency Units are equivalent to 0.70 units

Units with three or more bedrooms are equivalent to 1.30 units

All other units are calculated as 1.00 unit.

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**Modify 62.383: Commercial and Service Uses<sup>5</sup>**

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62.383 **B. Drive-In Facilities:**

**Subd. 1. In All Districts:** That portion of the site area used for vehicle circulation and parking shall be hard-surfaced to control dust. Waste receptacles shall be provided at all exits where readily disposable goods or materials are offered for sale and pick-up through the drive-through. Devices such as speakers shall be designed so that the noise level at the property line does not exceed the maximum decibel level permitted in the zoning district applicable to the adjacent property or the existing ambient noise level as measured at the property line (whichever is greater).

**Subd 2. In the TOD District:**

Drive-in facilities in the TOD District shall not:

- A. Be located or designed so that vehicles using the drive-in facility pass between any public or private street and any portion of any façade of the primary building facing that street; and
- B. Be accessed directly from, or be located on a lot(s) with a curb cut onto, N. or S. Broadway, SW. 2<sup>nd</sup> St., or SE 4<sup>th</sup> St./Collegeview Rd.

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**Modify 62.727: Mixed Use Development, Other Districts**

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62.727 **Mixed Use Development, Other Districts:** The following criteria shall apply to mixed use developments in nonresidential districts:

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<sup>3</sup> Changes proposed to add description of new TOD district.

<sup>4</sup> Changes proposed to include exception for R-2x and TOD district.

<sup>5</sup> Changes proposed to add design limitations for drive-in facilities in the TOD district

- 1) Residential uses in nonresidential areas of the Central Development Core meeting the standards for permitted residential uses in the R-4 District may be approved as a Type I use subject to the provision that the residential use shall not be located on the ground level of such a development in the Central Business District or Fringe area of the Central Development Core. In addition, landscape area need only meet the requirements for permitted nonresidential uses in the district, and the required usable recreation area can be reduced by 75 percent if the development is within 1/4 mile of a city park or recreational area.
- 2) Except in the TOD District, the standards of the R-3 District shall be used as a guide for any residential use in a Mixed Use Development in any Nonresidential District outside of the Central Development Core, and shall be processed under a Type III Review Procedure, with the Phase III Hearing Process used.
- 3) In the TOD District, the standards of the CDC-Fringe District shall be used as a guide for any residential use in a Mixed Use Development, and shall be processed using the type(s) of Review Procedures listed for the included uses in Article 62.XXX TOD District General Development Standards. If the included uses are listed with different Review Procedures, the Review Procedure requiring the higher level of review shall be used.
- 4) Nonresidential uses not normally permitted in the underlying district shall use as guidelines the standards for permitted uses in the underlying zoning district, and shall be processed under a Type III Review Procedure, with the Phase III Hearing Process used.
- 5) Other uses in any development district created pursuant to Minnesota Statutes Chapter 472A may be considered by the Commission and Council subject to the approval criteria applicable to Mixed Use Development, and shall be processed under a Type III Review Procedure, with the Phase III Hearing Process used.

~~Projects under subparagraphs (2), (3), and (4) shall be processed under a Type III Review Procedure, with the Phase III Hearing Process utilized.~~

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### **Modify 63.265: Definition of Bufferyard Types**

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**63.265 Definition of Bufferyard Types:**

- Subd. 5. Except as provided in subdivision 6, the required number of boulevard trees shall be determined based on the length of frontage as specified in this subdivision. The measurement of frontage shall not include boulevard area that abuts city parkland within residential development, or areas determined by the Road Authority Engineer to be unavailable for boulevard tree planting due to Road Authority policy. The planting distance is an average distance that will be used to calculate the total number of boulevard trees for the development under review.
- A. For residential districts R-Sa, R-1, R-1x, R-2, one tree for every 50 feet of frontage.
  - B. For residential districts SD, CDC-Res, R-3, R-4, one tree for every 35 feet of frontage.

- C. For ~~commercial and industrial~~ nonresidential districts, the required number of trees is equal to the total street frontage divided by 35 feet.

Planting locations for individual trees and separation distances will be determined in part by site characteristics, the guidelines established in the Park and Recreation Department Policy on Boulevard Tree Placement and for Standards Associated with New Commercial Buildings with New Business Signs, and the determination of the Park and Recreation Director or designee. Credit will be given for existing boulevard trees as determined by the Park and Recreation Director or designee.

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### Modify 65.503: Traffic Visibility Zone Exemption

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#### 63.503 Exemption:

The requirements for Traffic Visibility Zones shall not apply in the Central Business District area of the Central Development Core (CDC) District or any TOD Node in the TOD District.

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### Modify 65.320: Nonconforming Uses, Expansion

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#### 65.320 NONCONFORMING USES, EXPANSION:

Subdivision 1.

- A. In all districts except the TOD District, nonconforming uses may be expanded in certain situations subject to approval through the Type III review procedure, utilizing a Phase III hearing process.
- B. In the TOD District, nonconforming uses may be expanded in certain situations subject to approval through the Type I process, provided the proposal brings the use closer to compliance with the standards in the TOD District.
- C. In acting on an application for modifying a nonconforming use, the Commission and Council, or staff in the TOD District, shall use the criteria contained in Section 65.330 to compare the impact of the proposed change against the existing development. A proposal where the Commission or staff finds significant injurious impact should be denied or approved with conditions which will mitigate the impact of the proposal.

Subd. 2. Potential expansions which the Commission may include:

- A. Expanding a nonconforming use of structure to a portion of the structure not clearly arranged or designed for such use at the time the use became nonconforming. Such expansion shall not increase the intensity of use (i.e., increasing the number of residential units or increasing amount of nonresidential floor area devoted to the public).
- B. The addition of new principal buildings or accessory structures on the same parcel of land occupied or under the same ownership on the effective date that the use became nonconforming. The new structures added must be for such purpose that if not associated with the nonconforming use they would be permitted by the zoning district on the

property. The applicant must show that the intensity of use will not substantially increase over the current level of activity with the addition of the new structures.

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**Modify 60.200: Add the following Definitions**

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**ARCADE:** A covered passageway, typically found at street level, often comprised of a series of arches supported by columns, and accessible and open to the public.

**AWNING:** A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework, often made of wood, cloth, vinyl, or other flexible material. Can be retractable or fixed.

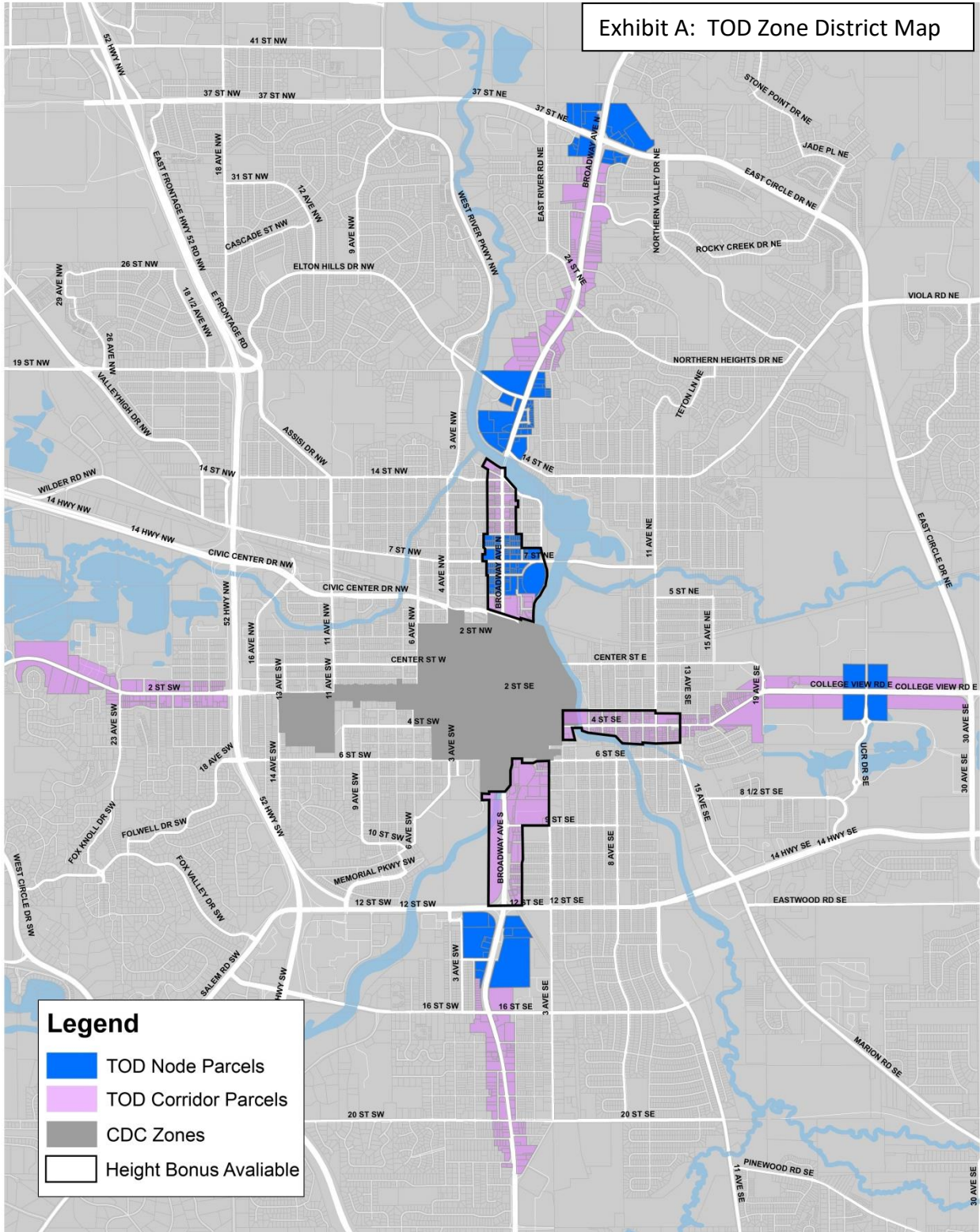
**BALCONY:** A porch or other partially enclosed exterior platform designed for outdoor use attached to the upper floors of a building.

**CORNICE:** A horizontal decorative projection located at the top of a building near the roof line, which may include a roof overhang.

**PARAPET:** An extension of the main walls of a building above the roof line.

**PILASTER:** A rectangular, non-bearing column attached to a building façade as an ornamental design feature.

Exhibit A: TOD Zone District Map



**Legend**

- TOD Node Parcels
- TOD Corridor Parcels
- CDC Zones
- Height Bonus Available