

ORDINANCE NO. 2025-\_\_\_\_

AN ORDINANCE MODIFYING EXTERIOR BUILDING MATERIAL AND COATING STANDARDS, ODOR MITIGATION REQUIREMENTS, FLEXIBILITY MEASURES FOR OFF-STREET PARKING, AND ROOFTOP MECHANICAL EQUIPMENT STANDARDS, THEREBY AMENDING CHAPTER 9, CHAPTER 10, AND CHAPTER 21 OF THE CITY CODE

The City Council for the City of Bloomington, Minnesota, ordains:

Section 1. That Chapter 9 of the City Code is hereby amended by deleting those words within brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

CHAPTER 9: HOUSING OPPORTUNITY AND PRESERVATION

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ARTICLE I: GENERAL PROVISIONS

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§ 9.04 DEFINITIONS.

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**DEVELOPMENT.** A new or existing residential housing development at a site, including a mixed-use development with a housing component, for which approvals have been or are being sought from the city.

**DISTRICT PLAN.** An adopted plan focused on one or more sites within an area that is intended to guide development, land use, transportation, preservation and other factors over a number of years or in several phases for a specific area or district.

**DWELLING.** One or more rooms designed for residential use by a single family that contain cooking, living, sanitary and sleeping facilities and that are physically separated from any other dwelling units in the same structure. Types of **DWELLINGS** are:

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**MARKET RATE UNIT.** A residential dwelling unit marketed for sale or lease above 115% of AMI.

~~[**NEXUS STUDY.** An analysis that estimates new affordable housing demand generated in response to new market rate residential real estate development due to spending by new resident households.]~~

***NATURALLY OCCURRING AFFORDABLE HOUSING (NOAH).*** Existing owner-occupied or rental residential housing that is (a) affordable for at least 20% of the units to a household at or below 60% of AMI, (b) classified in the Class B and C real estate categories, and (c) was constructed between 1940 and 1990.

***NEXUS STUDY.*** An analysis that estimates new affordable housing demand generated in response to new market rate residential real estate development due to spending by new resident households.

***OPPORTUNITY FUND.*** Private investment vehicle, certified by the United States Department of Treasury, to aggregate and deploy capital for eligible uses on property in an opportunity zone.

***OPPORTUNITY HOUSING UNIT.*** A housing unit that has income and affordability restrictions pursuant to this chapter.

~~***[OPPORTUNITY FUND.***~~ Private investment vehicle, certified by the United States Department of Treasury, to aggregate and deploy capital for eligible uses on property in an opportunity zone.]

***OPPORTUNITY ZONE.*** A census tract in the City of Bloomington that has been designated by the United States Department of Treasury as eligible to receive private investments through opportunity funds.

***OWNER.*** The individual or entity who holds title to a property as indicated in Hennepin County's property records.

***PRIMARY RESIDENCE.*** The legal and verified permanent residence of a household.

~~***[DISTRICT PLAN.***~~ An adopted plan focused on one or more sites within an area that is intended to guide development, land use, transportation, preservation and other factors over a number of years or in several phases for a specific area or district.]

***RESIDENTIAL DEVELOPMENT.*** A residential or mixed use development, that includes any single family, duplex, townhouse, condominium dwelling, or other residential unit. *RESIDENTIAL DEVELOPMENT* includes the conversion of rental housing to condominiums or similar residential uses if applicable.

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### **ARTICLE III: AFFORDABLE HOUSING TOOLS AND INCENTIVES**

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#### **§ 9.22 ~~[ALTERNATIVE]~~SECONDARY EXTERIOR MATERIALS ALLOWANCE.**

(a) To incentivize the construction of opportunity housing units affordable to households at or below 60% of AMI, a residential development that includes at least 9% of its total dwelling units affordable to households at or below 60% of AMI may use ~~[the alternative]~~secondary exterior materials of manufactured stone, architectural concrete masonry units (ACMUs), fiber-cement

exterior siding, engineered wood products, phenolic panels, wood, synthetic stucco or exterior insulation finishing system (EIFS) with a continuous mineral or stone wool insulation assembly, and 20-year manufacturer's warranty [metals]architectural metal panel systems on façades not facing public streets where otherwise not allowed by the city code as follows:

(1) A development with 9% of its units qualifying as extremely low income affordable housing may cover up to 100% of qualifying façades with the listed [alternative]secondary exterior materials;

(2) A development with 9% of its units qualifying as very low income affordable housing may cover up to 75% of qualifying façades with the listed [alternative]secondary exterior materials; or

(3) A development with 9% of its units qualifying as low income affordable housing may cover up to 50% of qualifying façades with the listed [alternative]secondary exterior materials.

(b) The [alternative]secondary exterior material allowances provided in this section are not cumulative. Each qualifying development is eligible for only one [alternative construction]secondary exterior material allowance of 50%, 75%, or 100% depending on the level of affordability provided.

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Section 2. That Chapter 10 of the City Code is hereby amended by deleting those words within brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

## CHAPTER 10: ENVIRONMENTAL CONTROL

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### ARTICLE III: ODOR

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#### § 10.24 FOOD ESTABLISHMENT AND FOOD PROCESSING PLANT REQUIREMENTS.

(a) *Odor* ~~[Suppression]~~Mitigation. All food establishments in buildings and food processing plants approved after February 24, 2020 that are located within ~~[2]~~150 feet of properties zoned and guided residential or in a mixed use district with existing residential uses must install an odor ~~[suppression]~~mitigation system if the food establishment or food processing plant~~[-]~~requires a Type I grease exhaust hood or otherwise vents food odors, unless exempted by the Building Official.

- ~~[(1) Requires a Type I grease exhaust hood, or  
(2) Requires a Type II non-dish machine exhaust hood, or  
(3) Otherwise vents food odors.]~~

(b) *Measurement.* The ~~[2]~~150 feet is measured from the ~~[nearest wall of a restaurant space]~~ location where the food odor is exhausted to the nearest wall of a residential dwelling.

(c) ~~[Certification]~~Maintenance. The odor ~~[suppression]~~mitigation system must be ~~[certified by a qualified and licensed professional engineer to successfully mitigate odors for surrounding residential uses, and installed and]~~ maintained according to the manufacturer's recommendations.

(d) *Existing Food Establishments.* Existing food establishments and food processing plants must comply with the requirements listed above in subsection (a) if applicable to them upon:

(1) Issuance of a new food establishment license after a period of vacancy of over one year from the last date of valid food establishment license; or

(2) Installation of an additional or expanded Type I exhaust hood~~[-, Type II non-dish machine exhaust hood]~~ or other food ventilation system in an establishment that previously had no such ventilation system.

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Section 3. That Chapter 21 of the City Code is hereby amended by deleting those words within brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

## **CHAPTER 21: ZONING AND LAND DEVELOPMENT**

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### **ARTICLE III: DEVELOPMENT STANDARDS**

#### **DIVISION A: GENERAL STANDARDS**

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##### **§ 21.301.06 PARKING AND LOADING.**

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(e) *Parking reduction flexibility measures.* The ~~[City Council may reduce the]~~ number of required off-street parking spaces, as specified in subsection (d) above, except for single-family and two-family residential off-street parking, may be reduced through the following flexibility measures when the applicant demonstrates in documented form that parking demand will likely be less than required by this chapter. The ~~[Planning Commission and city issuing authority may reduce the number of required off-street parking spaces, except for single-family and two-family residential off-street parking, through the proof of parking flexibility measure]~~ City entity empowered to approve each parking flexibility measure is noted below.

(1) Proof of parking measures. ~~[An applicant may be eligible for]~~ The City entity with decision-making authority on the site plan, development plan, or other applicable application process may approve a reduction in the required number of off-street parking spaces where the applicant can demonstrate there is lesser need for the required number of off-street parking

spaces, and there is [a]space set aside for code complying off-site parking spaces to be constructed if a need is later indicated by the city issuing authority, provided:

(A) Where the applicant is seeking a reduction in the total number of required constructed parking spaces, the lesser number of constructed spaces may be allowed, provided:

(i) The city may require a parking study conducted in accordance with accepted methodology approved by the city issuing authority, prepared by an independent traffic engineering professional under the supervision of the city and paid for by the applicant, demonstrating that there is not a present need for the portion of parking for which the applicant is requesting proof of parking flexibility. [Where the applicant is seeking a reduction of 10% or less in the total number of required constructed parking spaces, the requirement for a parking study is waived];

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(2) *Shared parking between businesses or other entities.* It is the city's policy to encourage efficient use of land and resources by allowing shared parking for multiple use developments or uses that are located near one another and that have different peak parking demands or different operating hours. The [City Council] issuing authority may approve the shared use of parking facilities under the following conditions:

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(3) *Transportation demand management plan (TDM).* Off-street parking otherwise required by this section may be reduced by up to 10% subject to approval by the issuing authority of a Tier I TDM Plan consistent with the requirements of § 21.301.09.

~~[(A) Off-street parking otherwise required by this section may be reduced by up to 10% subject to approval by the City Council of a Tier I TDM Plan consistent with the requirements of city code § 21.301.09.]~~

(4) *Enhanced linkages to mass transit.* Off-street parking requirements may be reduced subject to approval by the Planning Commission or City Council, where it can be determined that a site is located within one-half mile walking distance of a transit facility that provides regularly scheduled service seven days per week. The issuing authority may require a parking and transportation study conducted in accordance with accepted methodology approved by the city issuing authority, prepared by an independent traffic engineering professional under the supervision of the city and paid for by the applicant, that shows that parking demand will be decreased by access to nearby transit.

(5) *Planned development (PD).* Off-street parking requirements may be reduced by the City Council through the planned development process when an applicant demonstrates the need for a lesser number of off-street parking spaces. The issuing authority may require a parking and transportation study conducted in accordance with accepted methodology approved by the city issuing authority, prepared by an independent traffic engineering professional under the supervision of the city and paid for by the applicant.

(6) *On-street parking.* Off-street parking requirements may be reduced subject to approval by the Planning Commission or City Council, when an applicant demonstrates need for a lesser

number of off-street spaces due to available, nearby, and safely accessible permitted on-street parking spaces. The issuing authority may require a parking study conducted in accordance with accepted methodology approved by the city issuing authority, prepared by an independent traffic engineering professional under the supervision of the city and paid for by the applicant[-], demonstrating that on-street parking is safe and accessible, and that demand for on-street parking would not be deleterious to the area. The issuing authority may also require a sidewalk linkage from the front door of the facility to the sidewalk network.

(7) *Building reuse.* To support the reuse of existing, smaller commercial and industrial buildings or individual tenant spaces that are 10,000 gross square feet or less in floor area, the issuing authority may grant a 25 percent reduction in the number of off-street parking spaces required in subsection (d) provided:

(A) The issuing authority determines the site to be constrained with limited opportunity to add additional off-street parking facilities; and

(B) The City Engineer determines that the site has adequate vehicular access and circulation, and that the proposed reduction in off-street parking will not negatively impact traffic safety in the immediate area.

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#### **§ 21.301.18 SCREENING OF ROOF-MOUNTED EQUIPMENT.**

(a) Roof-mounted mechanical equipment installed on buildings constructed within the city must be screened to block all parts of the roof-mounted equipment from visibility from adjacent public or private streets or sidewalks when visible from the ground level of said adjacent public or private street or sidewalk.

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(c) *Exceptions.* The requirements of this section are exempt for the following:

(1) Solar panels, antennas, exhaust pipes, and chimneys.

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#### **§ 21.301.24 EXTERIOR MATERIALS AND FINISH**

(a) *Purpose.* The City Council finds that it is necessary to regulate the exterior finish and appearance of all [~~primary~~]principal and accessory buildings and structures that are erected in all of the primary nonresidential zoning districts in the city in order to ensure the consistency in quality, compatibility and character of buildings within comparable zoning districts. The regulation of exterior materials and building construction assures consistent provision of both a high level of structural durability relative to impacts from natural and human-made forces over time and a safe environment for those occupants, equipment and goods within the structure. The provision of a quality exterior finish compliments the building construction by reducing maintenance needs, providing a surface more resistant to damage, assisting in maintaining structure and property value over a longer period, contributing substantially to the compatibility and character of its neighborhood. A quality exterior finish also provides for improved health,

safety and welfare of occupants and enclosed goods or equipment by providing increased protection through durability, strength, security, damage resistance and stability.

(b) Applicability. The ~~[following]~~ regulations contained in this section apply to all ~~[nonresidential primary]~~ principal and accessory buildings and their additions in ~~[the following]~~ all zoning districts~~[:]~~, except that residential principal and accessory buildings and their additions in the R-1, RS-1, R-1A, R-3, R-4, RM-12, RM-24, and SC zoning districts are exempt from this section.

~~[Single Family Residential R-1 District~~

~~—Single Family Residential R-1A District~~

~~—Large Lot Single Family Residential RS-1 District~~

~~—Townhouse Residential R-3 District~~

~~—Multiple Family Residential R-4 District~~

~~—Multiple Family Residential RM-12 District~~

~~—Multiple Family Residential RM-24 District~~

~~—Conservation SC District~~

~~(1) Coating of exterior walls. No existing uncoated exterior wall finish material approved by the City Council as part of a development approval process shall be coated after the effective date of this section except for the following:~~

~~(A) As approved in subsections (f), (g), and (h) below;~~

~~(B) Those portions of foundation walls above finished grade may be coated or sealed;~~

~~(C) Secondary materials may be coated or sealed;~~

~~(D) All exterior wall surfaces and secondary materials that were coated prior to the effective date of this section or allowed to be coated after that date by reason of the granting of development approval, administrative approval or a variance may be maintained, to include, sealing and recoating, in a manner appropriate to that wall finish material or trim and consistent with that existing surface treatment or any prior approval by the issuing authority; and~~

~~(E) Murals approved according to the standards and procedures in § 21.301.25 of this city code.]~~

(c) Definitions. When used in this section, the following words and terms have the following meanings, unless the context clearly indicates otherwise. Other words and terms not defined in this section may be defined in § 21.601.

**ARCHITECTURAL CONCRETE.** Any integrally-colored, architecturally patterned precast concrete panel or cast-in-place concrete having an exposed aggregate, light sandblast, acid etch, form liner, natural stone veneer, brick face and/or cast stone type textured finish (excluding a

raked or vertical striation finish). **ARCHITECTURAL CONCRETE** does not include smooth, unfinished, or painted precast concrete panels or cast-in-place concrete.

**ARCHITECTURAL CONCRETE MASONRY UNITS (ACMUs)**. An integrally-colored concrete masonry unit on which the face has been shaped, ground, glazed, scored, split or otherwise processed to produce a unit with specific aesthetic texture or burnished block face. **ARCHITECTURAL CONCRETE MASONRY UNITS** do not include smooth, unfinished or painted concrete masonry units.

**ARCHITECTURAL METAL PANEL SYSTEMS**. A set of metal panels working together to create a building's exterior wall as part of the building envelope. Metal panels used in an **ARCHITECTURAL METAL PANEL SYSTEM** can include single skin metal panels, metal composite material (MCM) metal panels and insulated metal panels. All panels must have a minimum 30-year manufacturer's warranty and an appropriate gauge as approved by the Planning Manager.

([e]d) *Multiple-family residential, commercial, office, mixed use and transitional industrial zoning districts.* The following regulations apply to all ~~[primary]~~principal and accessory buildings and their additions in the ~~[following]~~RM-50, RM-100, B-1, B-2, B-4, C-1, C-2, C-3, C-4, C-5, CR-1, FD-2, CS-0.5, CS-1, CO-1, RO-24, HX-R, CX-2, LX, IT, and TI zoning districts[;].

~~[— Multiple Family Residential RM 50 District~~

~~Multiple Family Residential RM 100 District~~

~~Neighborhood Office B 1 District~~

~~General Commercial B 2 District~~

~~Neighborhood Commercial Center B 4 District~~

~~Freeway Office and Service C 1 District~~

~~Freeway Commercial C 2 District~~

~~Freeway Commercial Center C 3 District~~

~~Freeway Office C 4 District~~

~~Freeway Mixed Use C 5 District~~

~~Regional Commercial CR 1 District~~

~~Freeway Development FD 2 District~~

~~Commercial Service CS 0.5 and CS 1 Districts~~

~~Commercial Office CO 1 District~~

~~Residential Office RO 24 District~~

~~High Intensity Mixed Use with Residential HX R District~~



Lindau Mixed Use LX District

Innovation and Technology IT District

Transitional Industrial TI District]

(1) *Exterior wall finish.* Exterior wall surfaces of all buildings, excluding those portions of foundation walls extending normally above finished grade, ~~[shall]~~must be faced with ~~[glass,~~ exterior cement plaster (stucco), natural stone, brick, architectural concrete (excluding tilt-up panel construction unless faced with code compliant material), metal in accordance with adopted policies and procedures set forth in the adopted resolution, or an equivalent or better. Except for glass or metal, all color must be integral to the exterior wall finish material unless a colored and opaque coating for all or some part of the exterior wall finish material is specifically approved by the City Council as part of a development approval process and where the application has ~~included]~~any of the primary exterior materials listed in the table below, provided they meet the following standards and all other applicable requirements of the city code:

~~[(A) Certification by the coating manufacturer that the coating is appropriate for the intended purpose and will not damage the exterior wall finish material to which it is to be applied; and~~

~~(B) Certification by the exterior wall finish material manufacturer that the coating to be applied is one that is appropriate for the exterior wall finish material and that its use will not reduce or void the exterior wall finish material warranty.~~

~~(2) Coating of exterior walls. No existing uncoated exterior wall finish material regulated by this section shall be coated after the effective date of this section except for the following:~~

~~(A) As approved in subsections (f), (g), and (h) below;~~

~~(B) Those portions of foundation walls above finished grade may be coated or sealed;~~

~~(C) Secondary materials as listed in subsection (c)(3) below may be coated or sealed;~~

~~(D) All exterior wall surfaces and secondary materials that were coated prior to the effective date of this section or allowed to be coated after that date by reason of the granting of development approval, administrative approval or a variance may be maintained, to include sealing and recoating, in a manner appropriate to that wall finish material or trim and consistent with that existing surface treatment or any prior approval by the issuing authority; and~~

~~(E) Murals are counted as a secondary material. To protect the integrity and durability of exterior building materials, murals may not be applied directly to the surface of a building elevation. Murals may be applied to separate materials and attached to the building elevation.]~~

**Primary Exterior Materials for Principal and Accessory Buildings and Their Additions in RM-50, RM-100, B-1, B-2, B-4, C-1, C-2, C-3, C-4, C-5, CR-1, FD-2, CS-0.5, CS-1, CO-1, RO-24, HX-R, CX-2, LX, IT, and TI Zoning Districts**

Architectural concrete

Architectural concrete masonry units (ACMUs) – embossed with a brick running bond pattern and 4 inch tall masonry units only

Architectural metal panels

Brick

Exterior cement plaster (stucco)

Glass

Natural stone

Equivalent material or better – as approved by the Planning Manager only

**Table Notes:**

1) Except for brick, metal, or stucco, all color must be integral to the exterior wall finish material.

2) Any coating used on brick, metal, or stucco must be appropriate for that purpose and not damage the exterior wall finish material or reduce or void the exterior wall finish material warranty.

3) A minimum of 65 percent of each building elevation must be primary exterior materials.

([3]2) *Secondary materials.* ~~[Up to 15% of the]~~An exterior wall surface of a building elevation may [be] include secondary exterior materials~~[, such as, wood, metal, exterior insulation finish system (EIFS) or other equivalent material as approved by the issuing authority.]~~listed in the table below, provided they meet the following standards and all other applicable requirements of the city code:

**Secondary Exterior Materials for Principal and Accessory Buildings and Their Additions in RM-50, RM-100, B-1, B-2, B-4, C-1, C-2, C-3, C-4, C-5, CR-1, FD-2, CS-0.5, CS-1, CO-1, RO-24, HX-R, CX-2, LX, IT, and TI Zoning Districts**

Architectural concrete masonry units (ACMUs)

Engineered wood products

Exterior insulation finish system (EIFS) or synthetic stucco

Fiber-cement exterior siding

Manufactured stone

Ornamental metal

Phenolic panels

Thin brick veneer

Wood

Equivalent material or better – as approved by the Planning Manager only

**Table Notes:**

1) Except for EIFS or synthetic stucco, ornamental metal, or wood all color must be integral to the exterior wall finish material.

2) Any coating used on EIFS or synthetic stucco, ornamental metal, or wood must be appropriate for that purpose and not damage the exterior wall finish material or reduce or void the exterior wall finish material warranty.

3) All approved secondary exterior materials combined must not exceed 35 percent of each building elevation.

4) EIFS or synthetic stucco must be installed with a continuous mineral or stone wool insulation assembly. Expanded polystyrene (EPS) foam or insulation board materials are not permitted in any EIFS or synthetic stucco installation. Any EIFS or synthetic stucco installation must be at least 18 feet above grade to a maximum height of 40 feet above grade. EIFS or synthetic stucco must be installed and maintained to the manufacturer's specifications. The city may require an inspection and subsequent report of the EIFS installation upon request. EIFS or synthetic stucco is not permitted on an exterior wall surface of a hospital use building.

([4]3) *Canopies and awnings.* ~~Up to 15% of the~~ The exterior wall surface of a building elevation may be covered by canopies and/or awnings intended to provide aesthetic embellishment, shade or weather protection. Exterior wall surface materials covered by canopies or awnings must meet the applicable requirements of this section and, depending on the wall surface material, count as secondary materials. Canopies and awnings must meet all applicable building and fire code requirements to ensure proper installation.

([d]e) *Industrial zoning districts.* The following regulations apply to all ~~primary~~ principal and accessory buildings and their additions in the ~~following~~ I-1, I-2, I-3, and IP zoning districts[=].

Industrial Park I-1 District

~~Limited Industrial I-2 District~~

~~General Industrial I-3 District~~

Industrial Park IP District

(1) *Exterior wall finish.* Exterior wall surfaces of all buildings, excluding those portions of foundation walls extending normally above finished grade, must be faced with any of the primary exterior materials listed in the table below, provided they meet the following standards and all other applicable requirements of the city code:

~~[(A) Exterior wall surfaces of all buildings, excluding those portions of foundation walls extending normally above finished grade, shall be faced with glass, exterior cement plaster (stucco), natural stone, brick, architectural concrete, architectural concrete masonry units metal in accordance with adopted policies and procedures set forth in the adopted resolution, or an equivalent or better. Except for glass or metal, all color shall be integral to the exterior wall finish material unless a colored and opaque coating for all or some part of the exterior wall finish material is specifically approved by the City Council as part of a development approval process and where the application has included:~~

~~(i) Certification by the coating manufacturer that the coating is appropriate for the intended purpose and will not damage the exterior wall finish material to which it is to be applied; and~~

~~(ii) Certification by the exterior wall finish material manufacturer that the coating to be applied is one that is appropriate for the exterior wall finish material and that its use will not reduce or void the exterior wall finish material warranty.]~~

**Primary Exterior Materials for Principal and Accessory Buildings and Their Additions in I-1, I-2, I-3, and IP Zoning Districts**

Architectural concrete

Architectural concrete masonry units (ACMUs)

Architectural metal panels

Brick

Exterior cement plaster (stucco)

Glass

Natural stone

Raked or vertical striation finish precast concrete panels

Equivalent material or better – as approved by the Planning Manager only

**Table Notes:**

1) Except for brick, metal, or stucco, all color must be integral to the exterior wall finish material.

2) Any coating used on brick, metal, or stucco must be appropriate for that purpose and not damage the exterior wall finish material or reduce or void the exterior wall finish material warranty.

3) A minimum of 65 percent of each building elevation must be primary exterior materials.

(~~B~~)A Buildings which do not currently comply with the exterior wall finish materials regulated by this section may be expanded using identical exterior wall finish materials with the approval of the ~~issuing authority~~Planning Manager, provided that:

(i) More than 50% of the total exterior wall surface area of the existing building, excluding secondary materials as listed in subsection (~~d~~e)(~~3~~)2 below, does not comply with the exterior wall finish materials regulated by this section;

(ii) The noncomplying exterior wall finish materials are used in compliance with the State Building Code~~[, current edition]~~; and

(iii) The total floor area of the addition does not exceed 50% of the total floor area of the building existing on the effective date of this section.

~~[(2) Coating of exterior walls. No existing uncoated exterior wall finish material regulated by this section shall be coated after the effective date of this section, except for the following:~~

~~(A) The application of a clear, gas permeable coating on architectural concrete masonry units at the time of construction only upon certification of such recommendation or requirement by the manufacturer of the units when presented to and approved by the issuing authority.~~

Maintenance shall be allowed thereafter, consistent with the recommendations or requirements of the unit manufacturer;

~~(B) As approved in subsections (f), (g), and (h) below;~~

~~(C) Those portions of foundation walls above finished grade may be coated or sealed;~~

~~(D) Secondary materials as listed in subsection (d)(3) below may be coated or sealed;~~

~~(E) All exterior wall surfaces and secondary materials that were coated prior to the effective date of this section or allowed to be coated after that date by reason of the granting of development approval, administrative approval or a variance may be maintained, to include sealing and recoating, in a manner appropriate to that wall finish material or trim and consistent with that existing surface treatment or any prior approval by the issuing authority; and~~

~~(F) Murals are counted as a secondary material. To protect the integrity and durability of exterior building materials, murals may not be applied directly to the surface of a building elevation. Murals may be applied to separate materials and attached to the building elevation.]~~

~~([3]2) Secondary materials. [Up to 15% of the]An exterior wall surface of a building elevation may [be] include secondary exterior materials[, such as, wood, metal, exterior insulation finish system (EIFS) or other equivalent material as approved by the issuing authority.]listed in the table below, provided they meet the following standards and all other applicable requirements of the city code:~~

**Secondary Exterior Materials for Principal and Accessory Buildings and Their Additions in I-1, I-2, I-3, and IP Zoning Districts**

Architectural concrete masonry units (ACMUs)

Engineered wood products

Exterior insulation finish system (EIFS) or synthetic stucco

Fiber-cement exterior siding

Manufactured stone

Ornamental metal

Phenolic panels

Thin brick veneer

Wood

Equivalent material or better – as approved by the Planning Manager only

**Table Notes:**

1) Except for EIFS or synthetic stucco, ornamental metal, or wood all color must be integral to the exterior wall finish material.

2) Any coating used on EIFS or synthetic stucco, ornamental metal, or wood must be appropriate for that purpose and not damage the exterior wall finish material or reduce or void the exterior wall finish material warranty.

3) All approved secondary exterior materials combined must not exceed 35 percent of each building elevation.

4) EIFS or synthetic stucco must be installed with a continuous mineral or stone wool insulation assembly. Expanded polystyrene (EPS) foam or insulation board materials are not permitted in any EIFS or synthetic stucco installation. Any EIFS or synthetic stucco installation must be at least 18 feet above grade to a maximum height of 40 feet above grade. EIFS or synthetic stucco must be installed and maintained to the manufacturer's specifications. The city may require an inspection and subsequent report of the EIFS installation upon request. EIFS or synthetic stucco is not permitted on an exterior wall surface of a hospital use building.

([4]3) *Canopies and awnings.* [~~Up to 15% of the~~]The exterior wall surface of a building elevation[~~, not counting secondary materials,~~]may be covered by canopies and/or awnings intended to provide aesthetic embellishment, shade or weather protection. Exterior wall surface materials covered by canopies or awnings must meet the applicable requirements of this section and, depending on the wall surface material, count as secondary materials. Canopies and awnings must meet all applicable building and fire code requirements to ensure proper installation.

~~[(c) The following regulations apply to all primary and accessory buildings and additions in the following zoning districts:~~

~~Mixed Use CX 2 District.~~

~~(1) *Exterior wall finish.* Exterior wall surfaces of all buildings, excluding those portions of foundation walls extending normally above finished grade, shall be faced with glass, exterior cement plaster (stucco), natural stone, brick, architectural concrete, metal in accordance with adopted policies and procedures set forth in the adopted resolution, or an equivalent or better. An exterior insulation finish system (EIFS) may also be used for exterior wall finish material provided that such system is utilized no lower than 18 feet above grade level. Except for glass or metal, all color shall be integral to the exterior wall finish material unless a colored and opaque coating for all or some part of the exterior wall finish material is specifically approved by the City Council as part of a development approval process and where the application has included:~~

~~(A) Certification by the coating manufacturer that the coating is appropriate for the intended purpose and will not damage the exterior wall finish material to which it is to be applied; and~~

~~(B) Certification by the exterior wall finish material manufacturer that the coating to be applied is one that is appropriate for the exterior wall finish material and that its use will not reduce or void the exterior wall finish material warranty.~~

~~(2) *Coating of exterior walls.* No existing uncoated exterior wall surface material regulated by this section shall be coated after the effective date of this section except for the following:~~

~~(A) As approved in subsections (f), (g), and (h) below;~~

~~(B) Those portions of foundation walls above finished grade may be coated or sealed;~~

~~(C) Secondary materials as listed in subsection (e)(3) below may be coated or sealed;~~

~~(D) All exterior wall surfaces and secondary materials that were coated prior to the effective date of this section or allowed to be coated after that date by reason of the granting of development approval, administrative approval or a variance may be maintained, to include sealing and recoating, in a manner appropriate to that wall finish material or trim and consistent with that existing surface treatment or any prior approval by the issuing authority; and~~

~~(E) Murals approved according to the standards and procedures in § 21.301.25 of this city code.~~

~~(3) *Secondary materials.* Up to 15% of the exterior wall surface of a building elevation may be secondary materials, such as wood, metal, exterior insulation finish system (EIFS) when less than 18 feet above grade level, or other equivalent material as approved by the issuing authority.~~

~~(4) *Canopies and awnings.* Up to 15% of the exterior wall surface of a building elevation, not counting secondary materials, may be covered by canopies and/or awnings intended to provide aesthetic embellishment, shade or weather protection. Exterior wall surface materials covered by canopies or awnings must meet the applicable requirements of this section and, depending on the wall surface material, count as secondary materials. Canopies and awnings must meet all applicable requirements to ensure proper installation.]~~

(f) *Exterior building maintenance.* The International Property Maintenance Code is adopted by the city within this city code and enforced and administered by the city. Buildings and other structures which have been so poorly maintained can cause their physical condition and



appearance to create inconsistency in the quality, compatibility and character of buildings within comparable zoning districts. To ensure quality exterior finishes:

(1) No part of any exterior surface will have deterioration, holes, breaks, gaps, loose or rotting boards or timbers.

(2) Every exterior surface, which has had a surface finish such as paint applied, must be maintained to avoid noticeable deterioration of the finish. No wall or other exterior surface will have peeling, cracked, chipped or otherwise deteriorated surface finish on any one exterior wall surface.

(3) All cornices, moldings, lintels, sills, bay or dormer windows, and similar projections must be kept in good repair and free from cracks and defects which make them hazardous or unsightly.

(4) Decks, canopies, awnings, porches, chimneys, antennae, air vents, and other similar projections must be structurally sound and in good repair. Such projections must be secured properly, where applicable, to an exterior wall or exterior roof.

(g) *Murals.* Murals approved according to the standards and procedures in § 21.301.25 are permitted and exempt from the requirements of this section.

(h) *Previous coating.* All exterior wall surfaces and secondary materials that were coated prior to the effective date of this section or were allowed to be coated by reason of the granting of development approval, administrative approval or a variance may be maintained, to include sealing and recoating, in a manner appropriate to that wall finish material or trim and consistent with that existing surface treatment or any prior approval by the issuing authority.

~~[(f)—Administrative appeal.~~

~~—(1) Relief from the coating restriction of this section can be sought through an application for administrative approval of revised plans unless such relief is contrary to the action of the City Council. The administrative process can only be used for the purpose of allowing the application of a coating to an existing uncoated exterior wall finish material regulated by this section for the following purposes:~~

~~(A)—Application of a coating to address a building maintenance or exterior wall finish material condition; or~~

~~(B)—Application of a graffiti-resistant coating.~~

~~(2) The application for administrative approval shall be filed by the property owner and, in addition to the documentation normally required for such application, shall include the following documentation as may be applicable to the purpose of the coating:~~

~~(A)—For resolution of a building maintenance or exterior wall finish material condition:~~

~~(i) Certification by an architect, engineer or other qualified professional of the existence of a building maintenance or exterior wall finish material condition that requires the application of a coating to the exterior wall finish material; and~~

~~(ii) Certification by an architect, engineer or other qualified professional that the application of a coating to the exterior wall finish material is part of a comprehensive solution to correct the identified condition.~~

~~(B) For application of a graffiti resistant coating:~~

~~(i) Certification that the coating is specifically designed for that purpose and is either sacrificial or permanent in nature; and~~

~~(ii) Certification that the coating is a clear coating which is resistant to weathering, is UV stable, does not change the appearance of the exterior wall finish material, shall have no effect on the substrate, caulking or sealant material, and has a performance guarantee.~~

~~(C) General documentation:~~

~~(i) That the coating to be applied is specially formulated for the exterior wall finish material to which it is to be applied and is warranted to protect that surface;~~

~~(ii) That the coating to be applied does not reduce or void the exterior wall finish material warranty; and~~

~~(iii) That the coating shall be applied strictly in accordance with the instructions of both the coating manufacturer and the exterior wall finish material manufacturer.~~

~~(g) Variance to coating restriction. Relief from the coating restriction of this section can be sought through the variance process as set forth in Chapter 2 of this code, unless contrary to previous specific action by the City Council, in order to allow the application of a coating to an existing uncoated exterior wall finish material regulated by this section for any purpose. The application shall be filed by the property owner and, in addition to the documentation normally required for such application, shall include without limitation that of the following documentation as may be applicable:~~

~~(1) Certification by an architect, engineer or other qualified professional of the existence of a building maintenance or exterior wall finish material condition that requires the application of a coating to the exterior wall finish material;~~

~~(2) Certification by an architect, engineer or other qualified professional that the application of a coating to the exterior wall finish material is part of a comprehensive solution to correct the identified condition;~~

~~(3) Certification that a proposed graffiti resistant coating is specifically designed for that purpose and is either sacrificial or permanent in nature;~~

~~(4) Certification that a graffiti resistant coating is a clear coating which is resistant to weathering, is UV stable, does not change the appearance of the exterior wall finish material, shall have no effect on the substrate, caulking or sealant material, and has a performance guarantee;~~

~~(5) That the coating to be applied is specially formulated for the surface material to which it is to be applied and is warranted to protect that surface;~~

~~(6) That the coating to be applied does not reduce or void the surface material warranty; and~~

~~(7) That the coating shall be applied strictly in accordance with the applicable instructions of both the coating and the exterior wall surface manufacturers.~~

~~(h) Acrylic finishes. Acrylic finish coatings may be applied over portland cement plaster (stucco) when the following requirements are met:~~

~~(1) The applicator complete and submit the installation certification form.~~

~~(2) The surface must be smooth, flat and prepared in accordance with a manufacturer's specifications prior to applying the acrylic finish.~~

~~(3) Brush or roll on application of the acrylic finish is not permitted.~~

~~(4) The acrylic finish must be comprised of sufficient acrylic solids and aggregate to be troweling consistency.~~

~~(5) The following minimum required surface related test criteria must be met in accordance with the testing standards in the exterior materials policy: Accelerated weathering, freeze thaw, salt spray resistance, tensile bond adhesion, water resistance, surface burning, water vapor permeability, mildew, abrasion resistance, and pull off strength of coatings using portable adhesion testers.~~

~~(6) For newly applied stucco, the portland cement plaster basecoat must be allowed to cure for a minimum of seven days before the acrylic finish may be applied. The applicator or contractor must notify the issuing authority when the brown coat has been completed.~~

~~(7) Acrylic finish must not be applied to an exterior with existing acrylic finish until:~~

~~(A) An architect or engineer licensed by the State of Minnesota or certified applicator of the acrylic finish certifies that the application of additional acrylic finish on the existing acrylic finish will not compromise the structural integrity of the wall;~~

~~(B) Certification by an architect, engineer, or certified applicator of the acrylic finish that the acrylic finish will be applied strictly in accordance with the applicable manufacturer's and ASTM standards.]~~

(i) *Exceptions to construction requirements.* When a building is sought to be erected in any zoning district by a governmental agency for the purpose of storage of chemical road materials, to protect against any adverse impact which might be caused by such outside storage, the construction requirements of the zoning district in which the building is to be located need not be complied with so long as the proposed building has been ~~[reviewed]~~approved by the ~~[Planning Commission and has been approved by the City Council]~~City entity with decision-making authority to approve the site plan or development application as:

(1) Necessary for environmental protection;

(2) Not contrary to the purposes of the Zoning Code and the purposes of the zoning district in which the building is to be erected;

(3) Not having an appearance which will adversely affect adjacent uses; and

(4) Having the building sufficiently separated by distance or screening from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and so that there will be no deterrence to development of vacant land.

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## **DIVISION B: USE STANDARDS**

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### **§ 21.302.02 RESIDENTIAL USES IN COMMERCIAL ZONING DISTRICTS**

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(e) *Site and building design.*

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(4) *Odor [~~suppression~~]mitigation.* The nuisance impacts of uses that generate odors are magnified by proximity to residential uses. Therefore, ~~[the issuing authority may require through condition of approval odor generating uses, including, but not limited to, restaurants, on sites containing residential uses to install and utilize]~~ odor [suppression]mitigation systems must be provided for food establishments when required by § 10.24.

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### **§ 21.302.09 MULTIPLE-FAMILY DWELLING DESIGN AND PERFORMANCE STANDARDS**

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(d) *Performance standards.*

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(8) *Mixed use.* In the event residential uses are integrated with non-residential uses on the same site, the following standards apply:

(A) *Land use conflicts.* Sites must be designed to minimize the impact of non-residential uses on residential uses through screening, separation, design or alternative techniques. Features that may create impacts and need to be addressed include but are not limited to headlights, lighted signs, loading areas, delivery areas, trash pick-up areas, and high traffic access drives.

(B) *Odor [~~suppression~~]mitigation.* The nuisance impacts of uses that generate odors including but not limited to restaurants, are magnified by proximity to residential uses. Therefore, ~~[the issuing authority may require through condition of approval odor generating uses, including, but not limited to, restaurants, on sites containing residential uses to install and utilize]~~ odor [suppression]mitigation systems must be provided for food establishments when required by § 10.24.

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### **§ 21.302.16 SELF-STORAGE FACILITIES**

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(b) *Architectural design requirements:*

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(2) Exterior surfaces of all buildings must be faced with ~~[face]~~brick, stone, architectural concrete masonry units (ACMUs), ~~[cast in place or precast concrete panels]~~architectural concrete, or an equivalent or better~~[-]~~as approved by the Planning Manager. The color of exterior surfaces must be harmonious with surrounding development. ~~[Masonry or concrete walls must not be painted;]~~ Except for brick, all color must be integral to the ~~[masonry]~~exterior wall finish material.

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## ARTICLE VI: DEFINITIONS

### § 21.601 DEFINITIONS

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~~[ACRYLIC FINISH. A texturable product with high yield acrylic solids and aggregate that provides a protective and decorative final top coat over portland cement plaster applied by spray or trowel.]~~

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***ARCHITECTURAL CONCRETE.*** Any ~~[cast in place]~~integrally-colored, architecturally patterned precast concrete panel or ~~[pre-cast]~~cast-in-place concrete ~~[where the]~~having an exposed ~~[exterior concrete surface has been shaped, ground, scored, split or otherwise altered to produce a specific aesthetic texture or shadow and in which any color is integral to the concrete]~~ aggregate, light sandblast, acid etch, form liner, natural stone veneer, brick face and/or cast stone type textured finish (excluding a raked or vertical striation finish). ***ARCHITECTURAL CONCRETE*** does not include smooth, unfinished, or painted precast concrete panels or cast-in-place concrete.

***ARCHITECTURAL CONCRETE MASONRY UNITS (ACMUs).*** An integrally-colored concrete masonry unit on which the face has been shaped, ground, glazed, scored, split or otherwise processed to produce a unit with specific aesthetic texture or ~~[shadow and, when used as an external building surface in certain residential and all nonresidential zoning districts, all color is integral to the unit]~~burnished block face. ***ARCHITECTURAL CONCRETE MASONRY UNITS*** do not include smooth, unfinished or painted concrete masonry units.

***ARCHITECTURAL METAL PANEL SYSTEMS.*** A set of metal panels working together to create a building's exterior wall as part of the building envelope. Metal panels used in an ***ARCHITECTURAL METAL PANEL SYSTEM*** can include single skin metal panels, metal composite material (MCM) metal panels and insulated metal panels. All panels must have a

minimum 30-year manufacturer's warranty and an appropriate gauge as approved by the Planning Manager.

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~~[**GRAFFITI-RESISTANT COATING.** May be either permanent or sacrificial and must be restricted to a clear coating certified for that purpose which is resistant to weathering, is UV stable, does not change the appearance of the exterior wall finish material, must have no effect on the substrate, caulking or sealant material, and has a performance guarantee.]~~

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**INTEGRAL COLOR.** Color that is intended to be of uniform composition throughout the entire depth of the material or is a fired glaze on a clay product or a ~~[ement]~~ concrete masonry unit and is not a surface skin application of a liquid or viscous material coating.

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Section 4. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed and adopted this 2nd day of June, 2025.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED:

\_\_\_\_\_  
Secretary to the Council

\_\_\_\_\_  
City Attorney