

**CITY OF EDEN PRAIRIE
HENNEPIN COUNTY, MINNESOTA**

ORDINANCE NO. 7-2023

AN ORDINANCE OF THE CITY OF EDEN PRAIRIE, MINNESOTA AMENDING CITY CODE CHAPTER 11 BY ADDING SECTION 11.24 RELATING TO THE CREATION OF A MIXED USE ZONING DISTRICT AND MAKING RELATED AMENDMENTS TO SECTIONS 11.02, 11.03, AND 11.70; AMENDING CITY CODE CHAPTER 9, SECTION 9.01 TO ADD REFERENCES TO NEW ZONING DISTRICTS; AND ADOPTING BY REFERENCE CITY CODE CHAPTER 1 AND SECTIONS 9.99 AND 11.99 WHICH AMONG OTHER THINGS CONTAIN PENALTY PROVISIONS

THE CITY COUNCIL OF THE CITY OF EDEN PRAIRIE, MINNESOTA ORDAINS:

Section 1. City Code Chapter 11, is hereby amended by adding a new Section 11.24 Mixed Use by inserting the following new text:

SECTION 11.24 MIXED USE DISTRICT

Subd. 1. Intent and Purpose. The intent of the Mixed Use (MU) Zoning District is to promote the reinvestment in and economic vitality of the major shopping center and surrounding areas by providing a mix of differing but compatible land uses in select areas of the community not eligible for the Transit Oriented Development (TOD) or Town Center (TC) zoning districts. The purposes of the MU zoning district are to:

- A. Provide a site at an appropriate location for a major shopping center which serves a wider region than the City itself consistent with the intent of the Comprehensive Plan.
- B. Provide concentrated opportunities for multi-family residential buildings, retail stores, offices, service establishments, and amusement establishments for the convenience of the public and in mutually beneficial relationship to each other;
- C. Ensure development occurs in accordance with high standards of cohesive site planning, architecture, and landscape design.
- D. Maximize connections between various land uses, including promoting mobility for pedestrians and bicycles.
- E. Provide adequate space to meet the needs of modern commercial development, including off-street and bicycle parking and truck loading areas;
- F. Provide opportunities for attached family living at a reasonable density consistent with sound standards of public health and safety.

Subd 2. Design Guidelines. All new development, redevelopment, and subdivisions within the MU zoning district must comply with the architectural standards established in Section 11.03.

Subd. 3. Use Classifications and Permitted Uses. The MU zoning district is intended to provide for a mix of use classifications. More than one use classification must be included within a development project area in the MU zoning district. The mix of uses may be found vertically (two uses within single building), or horizontally (two or more uses in separate buildings on the same or adjacent lots).

The following use classifications are permitted in the MU zoning district. Within each use classification, permitted uses are listed below:

A. Commercial Permitted Uses

1. Direct retail sales to users of goods and services conducted within structures and accessory uses.
2. Day care facility
3. Small brewer with brewer taproom
4. Microdistillery with cocktail room

B. Office Permitted Uses

1. Business and professional offices
2. Medical and dental clinics

C. Residential Permitted Uses

1. Multiple family attached dwellings Offices for the sole purpose of leasing on-site residential units are not considered an office use for the purpose of determining if a project is mixed use.

D. Public Infrastructure Permitted Uses

1. Antennas and towers, in those locations and subject to the limitations contained in Section 11.06. Antennas and towers may not be a principal use.
2. Public infrastructure

Subd. 4. Required Conditions

A. An application to rezone property to MU will be considered only based on the Comprehensive Guide Plan for the entire area to be rezoned and specific plans for structures and site development or redevelopment.

B. Proposals for development or redevelopment in the MU zoning district will be reviewed by the City as part of the Site Plan and Architectural Design Review processes outlined in Section 11.03 or as part of the PUD review process as provided in Section 11.40.

C. To be considered a mixed-use project permitted in the MU district, the project must incorporate two or more use classifications, i.e., residential, commercial, or office. Proposals for development or redevelopment proposals in the MU zoning district must establish a cohesive site design through the use of complementary elements including but not limited to building materials, architectural style,

landscaping, lighting fixtures, and signage. Proposals may include the incorporation of elements found in nearby mixed-use projects as a means of establishing a cohesive design.

E. Acceptable, approved sanitary sewer, and water services must be provided to all occupied structures.

F. Any provision contained in this section that is inconsistent with or in conflict with any other provision of the City Code will supersede such other provisions.

Subd. 5. Building Bulk and Dimension Standards.

A. The following minimum standards apply in the MU district, unless otherwise noted:

Standard	MU
Lot Size	10,000 sq ft
Lot Width	80 ft. min.
Lot Depth	100 ft. min.
Front Yard Setback	25 ft
Side Yard Setback	20 ft
Rear Yard Setback	10 ft
Maximum Building Height	60 ft
Street Façade Building Step-back	8 ft min.
	(above 4 floors)
Usable Outdoor Open Space	5% of lot area min.
Usable Open Space	Park Dedication plus 150 sq ft / residential unit
Residential Density	40-75 Units/acre
Maximum Floor Area Ratio	0.5-1 Story
	1.0-Multi story

	2.0 Multi-story with Residential
Maximum Base Area Ratio	0.5

B. The following minimum standards apply for all accessory structures in the MU district.

Standard	MU
Maximum Height	40 feet
Min. Distance to Side lot line	20 feet
Min. Distance to Rear Lot Line	10 feet

Subd. 6. Vehicular and Pedestrian Safety Standards. Development in the MU district will include vehicular and pedestrian transportation systems serving the development. Development or redevelopment proposals in the MU district must include design elements that prioritize safe and efficient vehicular and pedestrian mobility. Development or redevelopment proposals must incorporate site design that will accomplish the following:

- A. Minimize vehicular interaction with pedestrians and bicycles and where necessary as determined by the City, highlight this interaction through color, materials, and texture.
- B. Promote pedestrian visibility throughout the site.
- C. Drive thrus are permitted only in compliance with the following standards:
 1. Drive-thru stacking lanes must be screened as required by Section 11.03.
 2. The site must accommodate adequate on-site vehicle queuing. Overflow stacking may not occur on public or private roads.

Subd. 7. Off-Street Parking Standards. Because the sharing of trips generated within a development is a primary facet of mixed-use development, it is expected that access drives, parking, and internal circulation for sites in the MU district will be shared between uses on site and with adjacent sites. This shared access supports the lowering of parking requirements, reduction of parking lot setbacks, and coordination of site accesses. The following minimum parking standards apply to all properties in the MU district:

Use	# of spaces (min)
Multiple-Family Residential	2 per dwelling unit (d.u.); 1 per studio or efficiency unit Half of all spaces must be enclosed
Independent Senior Living	1.5 per d.u. Half of all spaces must be enclosed
Nursing Home/Assisted Senior Living	1/4 beds at design capacity, plus 1 space for each employee on largest shift. Half of all spaces must be enclosed
Retail Stores & Services	4.5/1,000 sq. ft. of gross leasable area (G.L.A.)
Shopping Center	4.25/ 1000 sq ft of G.L.A
Restaurant, Type 1	1 / 2.5 seats based on capacity
Restaurant, Type 2	1 / 3 seats based on capacity
Restaurant, Type 3	1 / 2 seats based on capacity
Office	3/1,000 sq. ft. G.F.A.
Hotel	1/guest room + 1/employee
Other Uses	Refer to parking requirements in Section 11.03 or as designated by the City Manager.

A. *Location.* Off-street parking facilities must be on the same parcel of land as the structure they are intended to serve, except where a shared parking or cross access easement agreement exists.

B. *Reduction.* The on-site, off-street parking requirements for a project may be reduced up to 20% if the following standards can be met:

1. Parking spaces will be shared between two complimentary uses, subject to the following:

a. The applicant must demonstrate that, because of the hours, size, and operation of the respective and future uses, there is no substantial conflict in the peak parking demands of the uses for which shared use of off-street parking facilities is proposed, and there will be an adequate amount of parking available to meet the needs for each use.

b. A shared parking plan must be submitted that includes specific analysis on the peaking characteristics of the various and future uses that will share parking.

c. Prior to the earlier of the City's issuance of a building permit for the project or release of a final plat for the project, whichever occurs first, a shared parking, cross access easement, or similar agreement documenting the shared parking arrangement must be approved by the City Planner and filed against both properties with the County Recorder and/or Registrar of Titles' office, as appropriate. The City shall be party to the agreement and no changes shall be made to the agreement unless all parties agree.

C. *Surface Parking Lot Setbacks.* The following setbacks apply for surface parking lots in the MU district:

1. Front Yard: A surface parking lot may not occupy the required front yard. On a corner lot, a surface parking lot may not occupy more than one-half (1/2) of the required front yard closest to the street.

2. Side yard: 10 feet.

3. Rear Yard 10 feet.

4. If two adjoining sites share parking, setbacks for common side and rear yards may be reduced to zero.

D. *Parking Structures.* Parking structure façades must architecturally complement the building(s) the parking structure serves through the use of exterior materials, architectural elements, or color. Parking structures must include architectural elements that enhance the structure and break up its mass. Examples of specific architectural elements that assist in meeting this requirement include decorative piers and pilasters, banding, reveals, architectural accents, wall plane articulation, decorative artwork, ornamental grillwork, recessed window openings, façade treatment variations, and locating tenant signs on the side of parking ramps. Parking structures must be appropriately screened as required in Section 11.03.

Subd. 8. Pedestrian and Off-Street Bicycle Facility Standards.

A. Public sidewalks and/or trails must be constructed in conformance with the Comprehensive Guide Plan or the City Pedestrian and Bicycle Plan. Design must conform to the requirements of the City Engineer and the City Parks and Recreation Director.

B. An off-street sidewalk or multi-use trail must be provided that connects the front door of any primary building to adjacent public sidewalks, trails, or other pedestrian areas that are either existing or contemplated in an approved City trail plan or the City's Capital Improvement Plan.

C. *Bicycle Parking.* A proposal for development or redevelopment in the MU district must incorporate the following Pedestrian and Off-Street Bicycle facilities:

1. Off-street bicycle parking must be provided at the following ratios for each use classification in a project:

- a. *Office* - minimum of 5 spaces, plus 1 space per 15,000 square feet of gross floor area.
 - b. *Commercial* –Commercial spaces with gross floor area less than 100,000 sq ft, 1 space per 10,000 square feet of gross floor area. Commercial spaces greater than 100,001 sq ft in gross floor area, 1 space per 20,000 sq ft.
 - c. *Residential* - 1 space per 5 dwelling units.
2. Required bicycle parking must be located within 50 feet of the primary building entrance(s) except as approved through a shared bicycle plan. Bicycle parking may not obstruct sidewalks when in use.
 3. Bicycle racks must be securely anchored to the ground and on a hard surface. Up to 25 percent of required bicycle parking may be temporary or seasonal, but all temporary or seasonal bicycle parking must be included within the Site Plan.
 4. Covered spaces. If twenty (20) or more bicycle spaces are required, then at least fifty (50) percent of the required bicycle spaces must be covered. Coverage may be provided under roof overhangs or awnings, in bicycle lockers, in an indoor room, within adjacent parking structures, or within underground parking structures.
 5. Shared Bicycle Parking. Shared off-street bicycle parking facilities may collectively provide bicycle parking for more than one structure or use upon the City’s approval of a shared parking plan and agreement.
 6. Proof of Bicycle Parking. If the applicant demonstrates to the City’s satisfaction that the required bicycle parking is in excess of the actual demand, all of the required bicycle parking need not be constructed prior to the issuance of the initial certificate of occupancy for the building being served. Any spaces not constructed, as shown on the site plan, must be constructed when determined necessary by the City Planner. If outdoors, the area of future parking must be landscaped, which landscaping may not be used to satisfy minimum landscaping requirements. The City Planner will notify the property owner in writing of the need to construct the additional proof of bicycle parking spaces. No more than 50 percent of the required bicycle parking stalls may be placed in proof of bicycle parking.
- D. Exterior pedestrian furniture must be provided in appropriate locations at a minimum rate of one seat for every ten thousand (10,000) square feet of gross floor area.

Subd. 9 Signage.

- A. Signage in the form of free standing and incidental signs, wall lighting, or other features can be a compelling proponent in the development of a cohesive mixed use project. Signage proposed for any development or redevelopment in the MU zoning district must be included in a Sign Master Plan. Signage must comply with standards outlined in Section 11.70.
- B. The Sign Master Plan must identify location, size, design, lighting, and other pertinent features of the unified signage proposed for the site. The City Planner will determine the level of review

required for the Sign Master Plan in accordance with the Site Plan and Architectural Design Review process outlined in Section 11.03.

Subd. 10 Supplemental Analyses or Studies.

A. *Traffic.* All proposed development or redevelopment projects, regardless of size, in the MU district require documentation of the expected traffic impacts of the development. The appropriate scope of the traffic analysis will be determined by the City Engineer based on several factors including the size, type, and location of the development. The required analysis may range from a trip generation memo including daily, a.m. peak, and p.m. peak traffic generation estimates to a traffic impact study including but not limited to turning movement counts, roadway capacity analysis, and infrastructure improvement recommendations.

B. *Transportation Demand Management (TDM) for Office Uses.* All development or redevelopment proposals that include office uses will be reviewed by the Engineering Division for applicable TDM requirements, which may include submittal of a TDM Plan or commitment of the property owner or developer to implement chosen TDM strategies from a City-approved checklist. TDM Plan requirements include measures to be implemented, a two-year budget, and an evaluation plan. TDM strategies that must be considered in the TDM plan include, but are not limited to, financial incentives for car poolers, van poolers, and bicyclists, subsidized transit passes, preferential location of carpool/vanpool parking, bicycle racks and storage, access to shower and lockers, and promotion of commuter programs. As a condition of approval of a TDM Plan, a TDM cash escrow, letter of credit with a corporation approved by the City Manager, or other guarantee acceptable to the City Manager equal to one hundred percent (100%) of the cost of implementing the first two (2) years of the TDM Plan will be required. All new residential development or redevelopment are encouraged to consider TDM strategies such as bikeshare and carshare memberships, subsidized transit passes, and an information kiosk onsite.

C. *Major Center Area.* All applications for rezoning or development or redevelopment for property located in the Major Center Area are subject to the standards and findings of the City's Major Center Area Plan.

D. *Staff exemption.* The City Engineer or City Planner are authorized to exempt or otherwise reduce the requirement for supplemental analyses outlined in Items A-C above if they determine that the scope of the proposed project will not increase traffic, trips, or parking demand in a demonstrable way.

Section 2. City Code Chapter 11, Section 11.02, Subd. 2. is amended by inserting alphabetically the following new definitions

Shopping Center means a group of two or more retail, service, or other commercial establishments that is planned, developed, owned, or managed as a single entity having a gross floor area exceeding 200,000 square feet.

Gross Leasable Area means the total floor area within a building that may be rented to tenants excluding common areas and space devoted to the heating and cooling of the building and other utility areas.

Use Classification means a group of similar uses that are associated with each other to such an extent that they perform a specific land use function.

Section 3. City Code Chapter 11, Section 11.03, Subd. 1.A (Table) is amended by inserting the following new row after the “Transit Oriented Development District” row:

Mixed Use District	MU
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Section 4. City Code Chapter 11, Section 11.03, Subd. 2.A.14 is amended in the first line by adding the words “and MU” after the word “C-HWY”.

Section 5. City Code Chapter 11, Section 11.03, Subd. 3.H.4 is amended by adding the following sentence after the last sentence of item 4: “Specific parking requirements for the Mixed Use Zoning District can be found in Section 11.24 of Chapter 11.”

Section 6. City Code Chapter 11, Section 11.03, Subd. 3.I.2(c) is amended by adding “MU,” before the words “TOD-MU”.

Section 7. City Code Chapter 11, Section 11.03, Subd. 3.K.3(a) is amended by adding “MU,” after the words “TC-MU”.

Section 8. City Code Chapter 11, Section 11.03, Subd. 3.M is amended by adding the word “MU,” after the word “GC”.

Section 9. City Code Chapter 11, Section 11.70, Subd. 5.B is amended in the first line by adding “, and MU” after the word “C-Reg”.

Section 10. City Code Chapter 9, Section 9.01, Subd. 5 is amended by adding the phrase “TOD, and MU” after every instance of “TC” in the subdivision.

Section 11. City Code Chapter 1 entitled “General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation” and Sections 9.99 and 11.99 entitled “Violation a Misdemeanor” are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Section 12. This ordinance shall become effective from and after its passage and publication.

FIRST READ at a regular meeting of the City Council of the City of Eden Prairie on the 4th day of April, 2023, and finally read and adopted and ordered published at a regular meeting of the City Council of said City on the 2nd day of May, 2023.

ATTEST:



Nicole Tingley, City Clerk



Ronald A. Case, Mayor

Published in the *Sun Current* on the 11th day of May, 2023.

**CITY OF EDEN PRAIRIE
HENNEPIN COUNTY, MINNESOTA**

SUMMARY OF ORDINANCE 7-2023

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THE CITY COUNCIL OF THE CITY OF EDEN PRAIRIE, MINNESOTA, ORDAINS:

Summary: This Ordinance amends Chapter 11, by adding Section 11.24 Mixed Use District and associated regulations. There are a number of minor amendments to other sections of Chapter 11 to provide reference and consistency between the Mixed Use Zoning District language and other parts of the Chapter 11. The amendments include the following:

- Architectural Standards
- Permitted Uses
- Building Bulk and Dimension Standards
- Required Conditions
- Vehicular and Pedestrian Safety standards
- Parking Standards
- Pedestrian and Off-street Bicycle Facility requirements
- Signage requirements

Effective Date: This Ordinance shall take effect upon publication.

ATTEST:



Nicole Tingley, City Clerk



Ronald A. Case, Mayor

PUBLISHED in the *Sun Sailor* on May 11th, 2023.

(A full copy of the text of this Ordinance is available from City Clerk.)

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA) ss
COUNTY OF HENNEPIN

Rhonda Herberg being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

SS Mtka_Excelsior_Eden Prairie

with the known office of issue being located in the county of:

HENNEPIN

with additional circulation in the counties of:

HENNEPIN

and has full knowledge of the facts stated below:

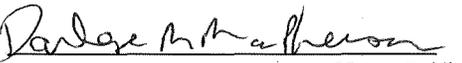
(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.

(B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 05/11/2023 and the last insertion being on 05/11/2023.

MORTGAGE FORECLOSURE NOTICES Pursuant to Minnesota Stat. §580.033 relating to the publication of mortgage foreclosure notices: The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

By: 
Designated Agent

Subscribed and sworn to or affirmed before me on 05/11/2023 by Rhonda Herberg.


Notary Public



Rate Information:
(1) Lowest classified rate paid by commercial users for comparable space:
\$999.99 per column inch

Ad ID 1313008

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Ronald A. Case, Mayor
ATTEST: Nicole Tingley, City Clerk

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