

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

ORDINANCE NO. 11-2023

AN ORDINANCE OF THE CITY OF EDEN PRAIRIE, MINNESOTA AMENDING CITY CODE CHAPTER 11 BY ADDING SECTION 11.23 RELATING TO THE CREATION OF A FLEX SERVICE ZONING DISTRICT AND MAKING RELATED AMENDMENTS TO SECTIONS 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 11.23 Flex Service by inserting the following new text:

SECTION 11.23 FLEX SERVICE DISTRICT

Subd. 1. Purpose.

The intent of the Flex Service (FS) Zoning District is to provide areas for a variety of compatible land uses outside of the Town Center and Transit Oriented Development districts that create a flexible industrial-commercial environment for the community. The purposes of the Flex Service Zoning District are to:

- A. Convert areas previously utilized as industrial office hybrid into places with a diverse and innovative mix of uses that are better situated in these areas than in other areas of the City;
- B. Provide alternative locations for businesses that meet auto service-oriented, indoor recreational and amusement, commercial, and light industrial needs that are inconsistent with the goals and visions of Town Center, TOD, and Industrial Flex Tech areas;
- C. Provide opportunities for adaptive reuse of properties that provide a mutually beneficial relationship to land use and community needs;
- D. Provide development opportunities that can be auto service-oriented as well as pedestrian accommodating and complement the scale of surrounding areas;
- E. Provide a mix of uses and a more efficient, compact, and connected development pattern;
- F. Guide future development to provide for and adapt to market and transportation demands;

Subd 2. Permitted Uses.

- A. Automotive Repair, Major, when conducted exclusively in an enclosed building.
- B. Automotive Repair, Minor, when conducted exclusively in an enclosed building.
- C. Small Brewer with Brewer Taproom
- D. Microdistillery with Cocktail Room
- E. Funeral Homes
- F. Gymnasium
- G. Retail sales and services

- a. Properties with frontage along a principal arterial street may utilize up to 100 percent of the building's gross floor area for retail sales and services.
- b. Properties without frontage along a principal arterial street may utilize up to 25 percent of the building's gross floor area for retail sales and services.

- H. Manufacturing
- I. Warehousing
- J. Processing
- K. Wholesaling
- L. Distribution
- M. Packaging
- N. Assembling
- O. Compounding
- P. Showrooms
- Q. Business and professional offices, up to 15% of the building's gross floor area
- R. Public facilities and services
- S. Transit facilities
- T. Antennas and Towers, in those locations and subject to the limitations contained in City Code Section 11.06

Subd. 3. Required Conditions

- A. Redevelopment shall be in substantial conformance with any special area study applicable to the property.
- B. Streetscaping must be incorporated to improve the aesthetics and provide cohesiveness.
- C. Parking structures may not be included in the calculation of number of floors and FAR.
- D. All permitted uses must be conducted within a building except for patio seating areas associated with taprooms, cocktail rooms, or other restaurant uses.

Subd. 4. Building Bulk and Dimension Standards.

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

Standard	FS
Lot Size	15,000 sq ft
Lot Width	100 ft. min.
Lot Depth	150 ft. min.
Front Yard Setback	20 ft
Side Yard Setback	10 ft, both sides 20 ft total
Rear Yard Setback	15 ft
Maximum Building Height	40 ft
Maximum Floor Area Ratio	0.3 - 1 Story 0.5 - Multi story

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

Standard	FS
Side Yard Setback	15 feet
Rear Yard Setback	15 feet
Maximum Height	40 feet

Subd. 5. Performance Standards.

All new development, redevelopment, and subdivisions within the Flex Service district must comply with architectural standards established in Section 11.03. Sites must also comply with all other requirements of this Chapter, including but not limited to parking, landscaping, and signage unless otherwise specified in this Section.

Subd. 6. Off-Street Parking Standards.

- A. All properties in the FS district must comply with the off-street parking dimensional and location requirements established in Section 11.03. The number of required parking stalls must either comply with parking requirements in Section 11.03 or comply with a parking plan approved through the following review process:
1. The City may approve a reduction of the number of required parking spaces in conjunction with a parking plan upon a finding that there are no negative impacts on traffic circulation and neighboring properties. This approval is not subject to the requirements or standards of either a variance or PUD review. As part of an approved parking plan, an agreement between the City and the property owner may be recorded against the property to ensure that additional parking will be provided should parking needs exceed the provided parking onsite.
 2. The parking plan must include the following elements:
 - a. At least five (5) off-street parking stalls provided for each property.
 - b. A site plan showing all structures, parking stalls, drive aisles, and parking and structure setbacks.
 - c. Existing and proposed impervious surface coverage.
 - d. Parking lot calculations, including sizes of parking lot islands, percentage of property used for parking, etc.
 - e. Snow storage areas and/or snow removal plan.
 - f. Stormwater management and water resources.
 - g. Garbage, recycling, and organics container locations.
 - h. A list of building uses/users and the area(s) they will occupy in square feet.
 - i. Operating hours of the uses/users, including peak demand
 - j. Typical parking need of the uses/users based on performance at other locations, current site function, etc.
 - k. Traffic and parking data for the proposed use(s) on the site from ITE or other professional transportation organization or licensed engineer.
 - l. Any shared parking or cross-access easements or agreements recorded against the property.
 - m. Other items as may be requested by City staff to provide a thorough review of the site.

Subd. 7. Pedestrian and Off-Street Bicycle Facility Standards.

- A. Required public sidewalks and/or trails must be constructed in conformance with the Comprehensive Guide Plan and the City’s 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 each front door of principal buildings to adjacent public sidewalks, trails, or other pedestrian areas that are either existing or contemplated in the Comprehensive Guide Plan, an approved City trail plan, or the City’s Capital Improvement Plan.
- C. Off-street bicycle parking must be provided at the following ratios:
 - 1. Commercial and industrial uses – 1 space per 20,000 square feet of gross floor area
 - 2. Office uses - 1 space per 15,000 square feet of gross floor area.
 - 3. Public uses - 5 spaces
- D. Bicycle racks must be securely anchored to the ground and on a hard surface. Required bicycle parking may be seasonal.
- E. 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.

All development or redevelopment in the FS district must provide exterior pedestrian furniture in appropriate locations along public trails, sidewalks, and other public gathering areas adjacent to public rights-of-way at a minimum rate of one seat for every ten thousand (10,000) square feet of gross floor area.

Section 2. City Code Chapter 11, Section 11.03, Subd. 1.A (Table) is amended by inserting the following new row after the “Mixed Use District” row:

Flex Service District	FS
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Section 3. City Code Chapter 11, Section 11.03, Subd. 3.K.3 is amended by adding the following new text:

(d) The following provisions apply in the FS district.

- (1) A minimum of seventy-five percent, (75%), of each façade of the exterior building finish fronting on an arterial roadway shall consist of at least three (3) contrasting, yet complementary materials, with at least one (1) color variation therein, comparable in grade and quality to the following Class I materials:
 - i. Face brick;
 - ii. Natural stone;
 - iii. Glass;
 - iv. Cast Stone;

- v. Cultured Stone;
 - vi. Architectural Precast;
 - vii. Precast Concrete Panel with an exposed aggregate of granite, marble, limestone, or other natural stone material with at least two (2) architectural reveals per panel; and
 - viii. Other materials equal to or better than these listed above, submitted with specifications for installation and maintenance per industry standard and as approved by the City Planner.
 - a. If glass is included as one (1) of the two (2) materials, the other material is required to have no less than two (2) distinct color variations.
 - b. Use of brick, natural stone, and glass may be considered as one of several grounds upon which the City Council may grant waivers from Exterior Building requirements through the PUD process.
 - c. Thin brick may be used in place of full brick only when it is integrally cast or connected to the substrate with mortar or grout, and not applied post-casting. Thin brick is excluded from the waiver opportunity in section 3(d)(viii)(b).
- (2) Building façades with street frontage along roadways classified as anything other than arterial may also use the following as Class I materials towards the required seventy five percent (75%) with two (2) contrasting materials with one (1) color variation therein:
- i. Specially designed precast concrete units if the surfaces have been integrally treated with an applied decorative material or texture and smooth concrete block if scored at least twice;
 - ii. Rock face;
- (3) Building façades not fronting any street shall be required to have a minimum of sixty percent (60%) Class I materials comprised of any combination of the above listed Class I materials with two (2) contrasting materials with one (1) color variation therein.

Section 4. City Code Chapter 11, Section 11.03, Subd. 3.K.4 is amended by adding “and FS,” after the word “I-Gen”.

Section 5. City Code Chapter 11, Section 11.03, Subd. 3.M is amended by adding the word “FS,” after the word “I-GEN”.

Section 6. City Code Chapter 11, Section 11.70, Subd. 5 is amended by adding the following new text:

J. Flex Service District: FS

1. Free-standing Signs.

- a. A lot or parcel of record having one (1) street frontage may have one (1) free-standing sign not to exceed eighty (80) square feet.

- b. Where a building site has two (2) or more street frontages, one (1) free-standing sign not to exceed eighty (80) square feet is permitted on one frontage, and the additional frontages are each permitted a free-standing sign not to exceed fifty (50) square feet. Each allowed sign must be located on the street frontage generating the allowance.
- c. Setback. No sign may be placed closer than ten (10) feet from any public right-of-way line.
- d. Height. No free-standing sign may exceed eight (8) feet in height.
- e. Sign Base. The sign base may not exceed one-half (½) the maximum permitted sign area.
- f. The total sign area of any multi-faced free-standing sign may not exceed twice the permitted area of a single-faced sign.
- g. Free-standing signs that are double-faced signs must be placed back to back with not more than thirty (30) inches between facings.

2. Wall Signs.

- a. For façades with street frontage, the total wall signage may not exceed eighty (80) square feet.
- b. For multi-tenant buildings, one (1) wall sign per leasable space attached to the exterior wall of the building at the ground floor is permitted, not to exceed fifteen percent (15%) of the wall area that tenant occupies of the wall to which it is affixed, up to a maximum of fifty (50) square feet.
- c. Temporary Signs are only permitted as provided in Subdivision 4.
- d. Sign Design. All signs shall be uniform in design, color, and placement.
- e. Incidental signs are permitted as provided in Subdivision 4.
- f. Sandwich board signs are permitted as provided in Subdivision 4.

Section 7. City Code Chapter 9, Section 9.01, Subd. 5 is amended by adding the word “FS,” after every instance of “I-GEN” in the subdivision.

Section 8. 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 9. 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 11th day of July, 2023, and finally read and adopted and ordered published at a regular meeting of the City Council of said City on the 15th day of August, 2023.

ATTEST:



Nicole Tingley, City Clerk



Ronald A. Case, Mayor

Published in the *Sun Sailor* on the 24th day of August, 2023.

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

SUMMARY OF ORDINANCE 11-2023

AN ORDINANCE OF THE CITY OF EDEN PRAIRIE, MINNESOTA, AMENDING CITY CODE CHAPTER 11 BY ADDING A NEW SECTION 11.23 ENTITLED FLEX SERVICE ZONING DISTRICT AND MAKING RELATED AMENDMENTS TO SECTIONS 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:

Summary: This Ordinance amends Chapter 11, by adding Section 11.23 Flex Service Zoning District and associated regulations. There are a number of minor amendments to other sections of Chapter 11 and Chapter 9 to include reference to the Flex Service district and to provide consistency between the Flex Service Zoning District language and other parts of Chapter 11. The amendments include the following:

- Architectural Standards
- Permitted Uses
- Building Bulk and Dimension Standards
- Required Conditions
- Parking Standards
- Pedestrian and Off-street Bicycle Facility requirements
- Signage requirements
- Refuse and trash regulations in Chapter 9

Effective Date: This Ordinance shall take effect upon publication.

ATTEST:


Nicole Tingley, City Clerk


Ronald A. Case, Mayor

PUBLISHED in the *Sun Sailor* on August 24, 2023.

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

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss

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:

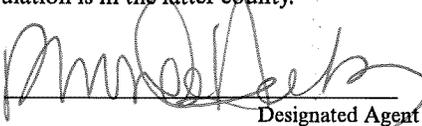
HENNEPIN

with additional circulation in the counties of:
HENNEPIN

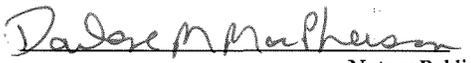
and has full knowledge of the facts stated below:

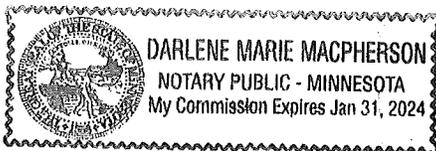
- (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.
- (B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 08/24/2023 and the last insertion being on 08/24/2023.

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 08/24/2023 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 1335902

CITY OF EDEN PRAIRIE HENNEPIN COUNTY, MINNESOTA SUMMARY OF ORDINANCE 11-2023

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

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