

**DRAFT AMENDED C/I DISTRICT FOR PLANNING COMMISSION DISCUSSION  
MAY 18, 2022**

**§ 152.08 ~~C/I SERVICE COMMERCIAL INDUSTRIAL~~ HMU HIGHWAY MIXED USE DISTRICT.**

- (A) *Purpose.* The ~~C/I Service Commercial Industrial~~ HMU Highway Mixed Use District is intended to provide areas ~~suitable for the location of commercial enterprises and light manufacturing and warehousing activities which require special traffic access considerations due to the nature of use. It is the intent of this district to guide the development of these uses in a manner which will be beneficial to the residents, the land use growth pattern of the city, and the natural environmental.~~ for a broad mix of uses suitable for a highway corridor outside of the core downtown, including auto-oriented commercial, service, light industrial, warehousing, lodging, and higher density residential uses. The uses and/or scale of development in this district will generally require or benefit from direct highway access and will be designed to provide a buffer area for adjacent development that is a different use and/or scale.
- (B) *Permitted principal uses.* Within a C/I District, unless otherwise provided by this chapter, no uses are permitted except for the following:
- (1) Automobile dealers, new or used car lots, boat, trailer and mobile home display lots and structures;
  - (2) Lodging and automobile trailer camps;
  - (3) Retail businesses with a building floor area not exceeding 5,000 gross square feet;
  - (4) Services;
  - (5) Service stations and repair garages for motor vehicles;
  - (6) Taverns and restaurants, to include drive-in type facilities;
  - (7) Truck and machinery sales and service;
  - ~~(8)~~ Laundry and dry cleaning processing centers;
  - ~~(9)~~ (8) Accessory uses; and
  - (9) Enclosed storage structures;
  - (10) Cottage courtyard development;
  - (11) Attached rowhouse or townhouse dwelling;
  - (12) Small apartment dwelling; and
  - ~~(10)~~ (13) Large apartment dwelling.
- (C) ~~U~~ Principal uses by conditional use permit. Buildings or land may be used for the following if granted a conditional use permit as provided in § 152.48:
- (1) Improvements to existing dwellings as regulated in § 152.04;
  - (2) Light manufacturing and processing operations, excluding sawmill operations;
  - (3) One-family dwellings; and
  - (4) Enclosed warehousing structures.
- (D) Permitted accessory uses.
- (1) Accessory uses customary to permitted uses.
- ~~(D)~~ (E) Heights, yard setbacks and lot coverage requirements. The height, yard setbacks and lot coverage requirements shall be those stated in § 152.16.
- ~~(E)~~ (F) Performance standards. In order to ensure compliance with the performance standards set forth below, the Council may require the owner or operator of any permitted industrial use to have made such investigations or tests as may be required to show adherence to the performance standards. Such investigation or tests as are required shall be carried out by an independent testing organization selected by the city. Such investigations or testing shall be ordered by the owner or operator. The cost of same shall be shared equally by the owner or operator and the city, unless the investigation or tests disclose non-compliance with the

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performance standards, in which situation the entire cost shall be paid by the owner or operator.

- (1) *Noise.* At any property line the sound pressure level of noise radiated from an industrial operation shall not exceed the values given in Table 1 below. The sound pressure level shall be measured with a Sound Level Meter and an associated Octave Band Analyzer, both of which are manufactured to specifications published by the American Standard Specifications for an Octave Band Filter Set for the Analysis of Noise and Other Sounds, 224. 10-1953, American Standards Association Inc., New York, New York. Measurements shall be made using the flat network of the sound level meter.

<i>Frequency Band Cycles Per Second</i>	<i>Maximum Permitted Sound Level (Decibels)</i>
20 - 75	72
75 - 150	67
150 - 300	59
300 - 600	52
600 - 1,200	46
1,200 - 2,400	40
2,400 - 4,800	34
4,800 - Over	32

- (2) *Odors.* No odors shall be detectable beyond the limits of the property.
- (3) *Exterior lighting.* Any lights used for exterior illumination shall direct light away from adjoining property. Glare, whether direct or reflected, such as from floodlights, spotlights or high-temperature processing, and as differentiated from general illumination, shall not be visible beyond the limits of the property.
- (4) *Vibration.* No vibration shall be discernible at any property line to the human sense of feeling for an accumulated total of three or more minutes during any hour.
- (5) *Smoke.* The Ringelman Smoke Chart, published by the United States Bureau of Mines, shall be used for measuring smoke at the point of emission. Smoke not darker or more opaque than No. 4 on said chart may be emitted, except that smoke darker or more opaque than No. 2 on said chart may not be emitted for periods longer than four minutes in any 30 minutes. These provisions, applicable to visible gray smoke, shall also apply to visible smoke of a different color but an equivalent apparent opacity.
- (6) *Dust.* Solid or liquid particles shall not be emitted at any point in concentrations exceeding 0.3 grains per cubic foot of the conveying gas or air. For measurements of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of 500°F and 50% excess air.
- (7) *Fumes or gases.* Fumes or gases shall not be emitted at any point in concentrations or amounts that are noxious, toxic or corrosive. The values given in Table 1 (Industrial Hygiene Standards - Maximum Allowable Concentration for eight hour day, five days per week), Table III (Odor Thresholds), Table IV (Exposure to Substances Causing Pain in the Eyes), and Table 1 (Exposure to Substances Causing Injury to Vegetation) in the latest revision of Chapter 5, "Physiological Effects," that contain such tables, in the Air Pollution, Inc., Washington, DC, are hereby established as guides for the determination of permissible concentration or amounts. Detailed plans for the elimination of fumes or gases may be required before the issuance of a building permit.

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(8) *Sewer and water.* The design and construction of water supply facilities and treatment of all industrial sewage and waste shall comply with city and state health standards and requirements.

~~(F)~~(G) *Regulations on screening, landscaping, lighting, storage and outdoor displays.*

(1) *Screening from adjacent residential districts.* All principal and accessory non-residential uses, except business signs, which are situated within 50 feet of a residential district, shall be screened from such district by a wall or fence of not less than 90% opacity and not less than five nor more than seven feet in height above the level of the residential district property at the district boundary. Walls or fences of lesser heights or planting screens may be permitted by the Council if there is a finding that the nature or extent of the use being screened is such that a lesser degree of screening will as adequately promote and protect the use and enjoyment of the properties within the adjacent residential district, or if there is a finding that a screening of the type required by this chapter would interfere with the provisions of adequate amounts of light and air to same said properties. Loading docks in the Commercial-Industrial-Highway Mixed Use District shall be screened so as not to be visible from any public street right-of-way within a residential district. All required screening devices shall be designed so that they are architecturally harmonious with the principal structures on the site and they shall be properly maintained so as not to become unsightly, hazardous or less opaque than when originally constructed.

(2) Buffering between differing land uses within HMU district. A buffer area is required when a proposed development consist of land uses that are different from adjacent land uses within the HMU district. These requirements are applicable at the time of development; development of an adjacent property at a later time will not require an existing development to install a buffer area.

Minimum width of buffer areas for different land use adjacencies are provided in the table below. The buffer area shall be located along the shared rear or side property line.

<u>Proposed Land Use:</u>	<u>Commercial/Lodging</u>	<u>Industrial</u>	<u>Residential</u>
<u>Adjacent Use</u>			
<u>Commercial/Lodging</u>	<u>None</u>	<u>10 ft.</u>	<u>15 ft.</u>
<u>Industrial</u>	<u>None</u>	<u>None</u>	<u>20 ft.</u>
<u>Residential</u>	<u>15 ft.</u>	<u>20 ft.</u>	<u>None</u>

The buffer area shall be provided using one of two options:

Option A – A landscape buffer consisting of natural landscape materials, such as grass, ground cover, shrubs, and trees. [Insert specific quantity of trees and shrubs required here.]

Option B – A wall, fence, or berm of not less than 90% opacity and not less than five nor more than seven feet in height above the level of the adjacent. [Insert additional specific requirements here, e.g. level of finish facing adjacent property, setback from shared property line, any planting required on outside of wall/fence.]

~~(2)~~(3) *Landscaping.* All exposed ground areas surrounding or within a principal or accessory use, including street boulevards, which are not devoted to drives, sidewalks, patios or other such uses shall be landscaped with grass, shrubs, trees or other ornamental landscaped materials. All landscaped areas shall be kept neat, clean and

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uncluttered. No landscaped area shall be used for the parking of vehicles or the storage or display of materials, supplies or merchandise.

~~(3)~~(4) Lighting. All sources of artificial light situated in a Commercial-Industrial-Highway Mixed Use District site shall be so fixed, directed, designed or sized that the sum total of their illumination will not increase the level of illumination on any nearby residential property by more than 0.1 footcandle in or within 25 feet of a dwelling nor more than 0.5 footcandle on any other part of the property. "Glare," whether direct or 54 Grand Marais - Land Usage reflected, as differentiated from general illumination, shall not be visible from beyond the limits of the immediate site from which is originates.

~~(4)~~(5) Storage; displays. All materials, supplies, merchandise or other similar matter not on display for a direct sale, rental or lease to the ultimate consumer or user shall be stored within a completely enclosed building within the Commercial-Industrial-Highway Mixed Use District, or within the confines of a 100% opaque wall or fence not less than five feet high. Merchandise which is offered for sale as described above may be displayed beyond the confines of a building in the Commercial-Industrial-Highway Mixed Use District, but the area occupied by such outdoor display shall not constitute a greater number of square feet than 10% of the ground floor area of the building housing the principal use, unless such merchandise is of a type customarily displayed outdoors, such as garden supplies. No storage or any type shall be permitted within the one-half of the required front or side street setback nearest the street.

~~(G)~~(H) Requirement for vehicular and pedestrian circulation.

- (1) Traffic and circulation: all commercial, industrial, and warehouse buildings or structures and their accessory uses shall be accessible to and from nearby public streets and sidewalks by driveways and walkways surfaced with a hard, all-weather, durable, dust-free material and property drained. Vehicular traffic generated by a commercial, industrial, or warehouse use shall be channeled and controlled in a manner that will avoid congestion on the public streets, traffic hazards and excessive traffic through residential areas, particularly truck traffic. The adequacy of any proposed traffic circulation system to accomplish these objectives shall be determined by the City Engineer who may require such additional measures for traffic control as he or she may deem necessary, including, but not limited to, the following: directional signalization, channelization, standby turn lanes, illumination and storage area and distribution facilities within the commercial, industrial, or warehouse site to prevent back-up of vehicles on public streets.
- (2) No area used by motor vehicles other than driveways serving as ingress and egress to the commercial, industrial, or warehouse site shall be located within the public street right-of-way.
- (3) All driveways to or from public streets shall be subject to the following restrictions:
  - (a) Driveway widths (measurement between roadway edges):

<b>Type</b>	<b>Maximum Feet</b>	<b>Minimum Feet</b>
One-way	20	14
Two-way	30	24

- (b) Minimum driveway angle to street: 30 degrees when street is one-way or divided, otherwise 60 degrees;

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- (c) Minimum distance between driveways: 20 feet between roadway edges measured along street curb line; and
- (d) Minimum distance of driveway from street intersections (measured along street curb line between nearest driveway edge and intersecting street curb line):

<i>If the driveway enters a street classified as a</i>	<i>And the intersecting street is classified as a</i>	<i>And the driveway lane approaching or leaving intersection</i>	
		<i>Approach</i>	<i>Leaving*</i>
Minor street	Minor street, collector street or minor arterial	15 feet	15 feet
	Major arterial	20 feet	15 feet
Collector street	Minor street	20 feet	15 feet
	Collector, minor arterial	25 feet	15 feet
	Major arterial	35 feet	20 feet
Major arterial	Minor street	20 feet	15 feet
	Collector, minor arterial	25 feet	15 feet
	Major arterial	40 feet	20 feet

\*Note: Minimum distance to be the same as that specified for approaching land if left turns are permitted into or out of driveway.

(H)(I) General regulations. Additional regulations applicable to the CAHMU District are set forth in §§ 152.30 through 152.45.