

- (a) *Purpose.* The purpose of the North Concord mixed-use (NCMU) district is to provide an area for compact, mixed-use development made mutually compatible through a combination of careful planning, urban design and coordinated public and private investment. The mixture of land uses within the district is essential to establishing the level of vitality and intensity needed to support retail and service uses. The placement of building edges and the treatment of building, parking, landscaping, and pedestrian spaces is essential to creating the pedestrian-friendly environment envisioned for the NCMU. The standards in this section are intended to implement and effectuate the principles and relationships established in the city's Concord Gateway Framework Plan, a copy of which is on file in the office of city clerk and which will be carried out through specific standards related to site planning, signage, architecture, building materials, and landscaping. The NCMU district is depicted on the official zoning map.
- (b) *Permitted uses.* Within the NCMU district, no structure less than 10,000 square feet in area or land may be used, except for one or more of the following uses:
- (1) Accessory store, apparel.
 - (2) Altering, pressing and repair of wearing apparel.
 - (3) Appliance store.
 - (4) Art gallery.
 - (5) Bakery.
 - (6) Banks and other financial institutions, without drive-through facilities.
 - (7) Barbershop.
 - (8) Beauty shop.
 - (9) Bookstore.
 - (10) Cafe, cafeteria, coffee shop, restaurant, or delicatessen, without drive-through facilities.
 - (11) Camera store.
 - (12) Candy, nut or confectionery store.
 - (13) Church.
 - (14) Club or lodge, private.
 - (15) Copy service or printing service.
 - (16) Department store.
 - (17) Flower shop.
 - (18) Furniture store.
 - (19) Gift, novelty, or souvenir store.
 - (20) Grocery store.
 - (21) Hardware store.
 - (22) Hotel or motel.
 - (23) Laundromat or dry cleaning.
 - (24) Library.
 - (25) Locksmith.
 - (26) Luggage store.
 - (27) Machines, business sales and service.
 - (28) Magazine stand or newsstand.
 - (29) Massage therapy (licensed pursuant to article XII of [chapter 18](#) of the City Code).
 - (30) Meat market for retail sale to the public.
 - (31) Medical or dental office or clinic (for humans only).
 - (32) Museum.
 - (33) Musical instrument and musical recording store.
 - (34) Notions store.
 - (35) Office.
 - (36) Optician.
 - (37) Painting, wallpaper and decorating store for retail sales and service.
 - (38) Pet store.
 - (39) Repair and servicing of items the sale of which is permitted in this district.
 - (40) Residential multifamily dwelling units, within a structure containing at least four units.
 - (41) School, public or private.
 - (42) Shoe store.
 - (43) A small wireless facility, as defined in [section 54-402](#), that is located in the right-of-way, as long as all provisions of sections [54-400](#)—[54-429](#) have been met.
 - (44) Sporting goods store.
 - (45) Stationery store.
 - (46) Tanning salon.
 - (47) Tobacco store.
 - (48) Toy store.
 - (49) Variety store.
 - (50) Video sales and rental.
- (c) *Accessory uses.* Within the NCMU district, the following uses shall be permitted accessory uses:
- (1) Off-street parking of automobiles for patrons or employees of a permitted use.
 - (2) Off-street loading areas as regulated herein.
 - (3) Signs, fences, and decorative landscape features as regulated herein.
 - (4) Customary uses incidental to the principal use as determined by the city council.
- (d) *Conditional uses, NCMU.* Within the NCMU district, no structure or land may be used for the following uses, except by conditional use permit:
- (1) On-sale and off-sale liquor, beer, and wine establishments as regulated by this Code.
 - (2) Amusement or entertainment, as defined and regulated by this Code.
 - (3) Drive-through facilities for a permitted use, if provisions for vehicle stacking, vehicle maneuvering, outdoor speaker devices, appearance and lighting of outdoor menu boards, and other related issues can be shown to be in keeping with the intent and character of the NCMU district and compatible with surrounding uses.
 - (4) Residential dwelling units within the same building as nonresidential uses, if provisions for parking, security, noise, odors, and other related issues affecting the residential units can be shown to be handled adequately and in keeping with the best interests of the residents.
 - (5) Theaters.
 - (6) Pet boarding, kenneling, and grooming during daytime hours, only.
 - (7) Construction contractors (with no exterior storage or exterior trailer and vehicle fleeting and storage).
 - (8) Parking ramps or parking garages.

- (9) Buildings in excess of 50 feet in height, if such buildings will not block significant views from existing uses or views to significant features within the NCMU district, and can be shown to be in keeping with the intent and character of the NCMU district and compatible with surrounding uses.
 - (10) Any permitted use or conditional use, if 10,000 square feet or more in land area or floor area, if such use is in keeping with the intent and character of the NCMU district and compatible with surrounding uses.
 - (11) Automotive repair (with no exterior storage of vehicles in an obvious state of disrepair and disassembly, unlicensed vehicles, and automotive parts, accessories, and equipment).
 - (12) Gasoline service stations (with accessory car wash facility).
 - (13) Other uses determined by the city council to be similar in purpose and character to other permitted and conditional uses in the NCMU district.
- (e) *Lot area, lot width, and yard requirements.* The following standards apply the NCMU district.
- (1) Principal structure setback standards shall be as follows:

Front yard:	Build-to line (0—10 feet)
Side yard/interior:	0 feet minimum
Side yard/corner:	Build-to line (0—10 feet)
Rear yard:	20 feet minimum

- (2) Accessory structure setback standards shall be as follows:

Front yard:	20 feet minimum
Side yard:	0 feet minimum
Side yard (street):	20 feet minimum
Rear yard:	5 feet minimum

- (3) Parking setback standards shall be as follows:

Front yard:	5 feet minimum
Side yard:	5 feet minimum
Side yard (street):	5 feet minimum
Rear yard:	5 feet minimum

- (4) In the NCMU district, a front yard build-to line is established which provides a minimum and maximum front setback for buildings and other structures, from the right-of-way or property line. The minimum front building setback shall be zero feet and the maximum shall be ten feet from the right-of-way or property line, for all properties on streets within the NCMU district. (See official zoning map.)
 - (5) There is no maximum setback for parking.
 - (6) In the NCMU district at least 60 percent of the street frontage of any lot shall be occupied by building facades meeting the build-to line. Other portions of a building beyond the 60 percent may be set back farther than required by the build-to line.
 - (7) The length of the building facade shall be measured as the maximum width of the building projected to the front lot line on lines perpendicular to the front lot line.
 - (8) On lots with more than one street frontage, the build-to line shall apply on each side fronting a street.
 - (9) The build-to line may be met either with an enclosed building or an arcade constructed with a permanent roof of the same materials as the remainder of the building.
 - (10) At least the first and second floor must meet the build-to line. Arcades at street level and terracing of building facades above the second floor are encouraged.
 - (11) Not less than 50 feet of the lot frontage on each side of a street intersection must be occupied by buildings meeting the build-to line. Parking or other space open to the sky is not allowed within this area.
 - (12) Wherever a surface parking area faces a street frontage, it shall be screened with a decorative wall, railing, hedge, or a combination of these elements, to a minimum height of two and one-half feet and a maximum height of three and one-half feet above the level of the parking lot at the build-to line.
 - (13) New parking structures shall maintain a setback equal to the setbacks required in this section for other structures, except that where such parking structure is adjacent to other parking on adjoining lands, the parking structure may have a zero setback. Where a new parking structure is adjacent to an existing use on adjoining land, the parking structure must maintain at least a ten-foot setback.
 - (14) Drive-through or drive-in lanes are not allowed within the build-to line or in front of any building; they must be located to the side or rear of a building.
 - (15) Building height is defined as the vertical distance from the average elevation of the finished elevation of the site to:
 - a. The top of the cornice of a flat roof;
 - b. The top of a mansard roof;
 - c. A point directly above the highest wall of a shed roof;
 - d. The uppermost point of a round or other arch-type roof;
 - e. The mean distance from the eave line to the peak of the highest gable on a pitched or hip roof.
 - (16) The maximum height of buildings in the NCMU district shall be 50 feet, except as otherwise allowed by conditional use permit. The minimum height shall be 24 feet.
- (f) *Parking.*
- (1) Parking for residential units in the NCMU district shall be provided on site, and shall be calculated as required under this section. Residential parking spaces shall be specifically reserved for the use of residents and visitors only; they shall be separate from the parking for commercial, office, or other uses on site or nearby, and shall not be counted as part of any shared parking or joint parking arrangement. Parking in driveways at the rear of townhomes may be counted towards the requirements of this subsection if it does not interfere with other traffic movement.
 - (2) Parking for nonresidential uses shall be as required under this subsection. If present, available on-street parking directly in front of a building or lot shall count toward fulfilling the total parking requirement.
 - (3) On-grade parking is prohibited in the front yard directly in front of a building. Parking shall be provided to the side or rear of buildings in midblock areas.
 - (4) Where parking fronts a public street the maximum parking lot width shall be 65 feet measured at the lot frontage.
 - (5) Parking shall be prohibited within 50 feet of the intersection of any public streets.
- (g) *Building and architectural provisions.*
- (1) All buildings shall be designed to accomplish the goals and policies of the comprehensive plan and the Concord Gateway Framework Plan ("framework plan"). Building materials shall be attractive in appearance, durable with a permanent finish, and of a quality that is consistent with the standards and intent of the framework plan. Where appropriate, buildings shall carry over materials and colors of adjacent buildings, with the exception of prohibited materials.
 - (2) All buildings shall include the following elements:
 - a. Accent materials, which shall be wrapped around walls that are visible from a public street or open space;

- b. Buildings containing office and retail uses shall maintain 40 percent minimum window coverage on each first floor front that faces a street or public open space;
 - c. Compatible major material colors;
 - d. A combination of vertical and horizontal pattern designs in the building facade.
- (3) Exterior building walls may not exceed 50 feet in length without significant visual relief consisting of one or more of the following:
- a. The facade shall be divided architecturally by means of significantly different materials or textures;
 - b. Horizontal offsets of at least four feet in depth;
 - c. Vertical offsets in the roofline of at least four feet; or
 - d. Fenestration at the first floor level that is recessed horizontally at least one foot into the facade.
- (4) Building facades shall be divided into similar bays of roughly equal width between 20 and 40 feet in width.
- (5) Exterior building materials shall be classified primary, secondary, or accent materials. Primary materials shall cover at least 60 percent of the facade of a building. Secondary materials may cover no more than 30 percent of the facade. Accent materials may include door and window frames, lintels, cornices, and other minor elements, and may cover no more than ten percent of the facade. Allowable materials are as follows:
- a. Primary exterior building materials may be brick, stone, or glass. Bronze-tinted or mirror glass are prohibited as exterior materials.
 - b. Secondary exterior building materials may be decorative block or integrally-colored stucco.
 - c. Synthetic stucco may be permitted as a secondary material on upper floors only.
 - d. Accent materials may be wood or metal if appropriately integrated into the overall building design and not situated in areas that will be subject to physical or environmental damage.
 - e. All primary and secondary materials shall be integrally colored.
 - f. Decorative block shall be colored only by means of a pigment integral to the block material, not applied to the surface.
 - g. All primary and secondary materials shall be earth tones, compatible with the natural stone and brick of existing historic buildings in the district.
 - h. Sheet metal, corrugated metal, asbestos, iron, shakes, and plain flat concrete block (whether painted or integrally colored or not) are not acceptable as exterior wall materials on buildings within the NCMU district.
- (6) All mechanical equipment, whether roof-mounted or ground-mounted, shall be completely screened from ground-level view of adjacent properties and public streets or be designed to be compatible with the architectural treatment of the principal building.
- (7) All exterior trash enclosures or other accessory structures shall be constructed of the same materials and colors as the principal building.
- (8) Consistent interior window treatments are required for windows that are visible from a public street or open space in offices and multiple residential complexes and adjacent buildings.
- (9) All buildings containing nonresidential uses on the ground floor shall meet the following standards:
- a. The building shall have entrances to a street or public open space spaced no more than 100 feet apart.
 - b. Entrances shall be oriented conveniently to the street frontage and to on-street and off-street parking serving the use.
- (10) All buildings containing residential uses on the ground floor shall have a first floor elevation at least two and one-half feet above the adjacent street level.
- (11) All trash, recyclable materials, and equipment for handling them, including compactors, shall be totally screened from eye-level view from public streets and adjacent properties, whether in the front, side or rear, either by being stored within the principal structure, totally screened from view by the principal building, or stored within an accessory structure enclosed by a roof and readily served through swinging doors or an overhead door on tracks.
- (12) Loading docks shall not be located in the front yard and shall be completely screened from eye-level view of public streets and public open spaces by means of landscaping which is at least 80 percent opaque year-round within two years from planting, or by a screen wall of the same materials and colors as the principal building.
- (13) All landscaping shall comply with the following:
- a. All land area not occupied by buildings, structures, accessory structures, parking areas, driveways, sidewalks, or other hard surface areas shall be sodded or mulched and landscaped with approved ground cover, flowers, shrubbery and trees.
 - b. At least ten percent of the total land area within the perimeter of private parking and driveway areas shall be landscaped. Landscaped areas provided within the build-to line may be credited toward this ten percent landscaping requirement on a square-foot-for-square-foot basis, for up to half of the ten percent requirement, or five percent.
 - c. Parking lot landscaped islands shall be not less than 150 square feet in area and include at least one overstory or evergreen tree meeting the requirements of this subsection.
 - d. Where parking abuts the lot perimeter, there shall be provided at least one overstory tree per 25 feet of lot perimeter.
 - e. At least one overstory tree shall be provided for every 500 square feet of landscaped area on the entire lot.
 - f. The landscape plan shall include a full complement of overstory, ornamental and evergreen trees, shrubbery, and ground covers that are hardy and appropriate for the locations in which they are planted, and which provide year-round color and interest.
 - g. Plant selection shall be as follows:
 - 1. The following trees may not be used to satisfy the landscaping requirement:

<i>Acer negundo</i>	Box elder
<i>Acer saccharinum</i>	Silver maple
<i>Catalpa speciosa</i>	Northern catalpa
<i>Elaeagnus</i>	Russian olive
<i>Ginkgo biloba</i>	F. Ginkgo (female prohibited, male permitted)
<i>Morus alba</i>	Mulberry
<i>Populus deltoides</i>	Cottonwood
<i>Populus species</i>	Poplars

- 2. The following trees may be used to satisfy the landscaping requirement, but only in areas that are reasonably protected from winter wind conditions:

<i>Picea pungens glauca</i>	Colorado blue spruce
<i>Pinus alba</i>	White pine
<i>Pinus resinosa</i>	Red pine

- 3. The following trees may be used to satisfy the landscaping requirement, but only in areas that are not on or immediately adjacent to a public street boulevard, including the public sidewalk:

<i>Tilia cordata</i>	Little leaf linden
<i>Fraxinus mandshurica mandchana</i>	Manchana ash

(14) Reserved.

(15) Lighting shall comply with the following regulations:

- a. All exterior lighting in the NCMU district shall be downcast cutoff type fixtures, and shall follow the styles and types identified in the framework plan. No light source may be more than 16 feet above the ground, except by conditional use permit for buildings more than 20 feet in height.
- b. The applicant for any permit shall provide a photometric lighting diagram prepared by a qualified professional showing light levels, in footcandles, from all exterior artificial lighting for all points on and within ten feet of the site.
- c. Lighting levels in exterior parking areas shall average one-half footcandle, with a minimum of one-tenth footcandle in all locations.
- d. Lighting levels in interior parking areas shall average two footcandles, with a minimum of one-half footcandle in all locations.
- e. Lighting levels shall not exceed one-half footcandle at the abutting property line or right-of-way line, and no direct glare from lighting on site shall extend onto the public street, public open space or neighboring properties.

(h) *Nonconforming uses.* Nonconforming buildings and sites, as defined by this Code, can be maintained. Nonconforming buildings and sites that are damaged up to 50 percent of their market value may be rebuilt. Nonconforming buildings and sites may be expanded up to ten percent of their floor area or assessed value, over the life of the current building and site, provided that this expansion is consistent with the zoning that existed prior to the effective date of the ordinance from which this section is derived. Expansion of nonconforming buildings or sites between ten percent and 50 percent of their floor area or assessed value will be required to come into reasonable partial compliance with the provisions of this section as determined by the city council. Expansion of nonconforming buildings or sites, or rebuilding of sites or buildings damaged, by more than 50 percent of their market value, and no building permit has been applied for within 180 days of when the property was damaged, is not allowed unless the entire building and site is brought into compliance with this section.

(i) *Administration.* Permitted uses in the NCMU must first be submitted to the city, in accordance with the site plan provisions of this chapter, which shall determine conformance of the proposed projects with the intent and requirements of this chapter and make recommendations to the city council. All development plans are subject to city council review and approval. Conditional use permits shall be processed in accordance with section 118-40.

(j) *Prohibited uses.* The following uses of land or buildings in the NCMU are prohibited:

- (1) State-licensed residential care facilities;
- (2) Housing with services establishments registered under Minn. Stat. ch. 144D;
- (3) Within the NCMU district, no structure or land may be used for small wireless facilities located outside of the right-of-way.

(Code 1992, § 1500.18; Ord. No. 1216, § 2, 5-18-2009; Ord. No. 1260, § 3, 8-20-2012; Ord. No. 1318, § 6, 6-5-2017; Ord. No. 1321, § 2, 9-18-2017)