PLANNING COMMISSION AGENDA

Thursday, September 20, 2012
6:30 p.m.
Coon Rapids City Center
Council Chambers

Call to Order

Pledge of Allegiance

Roll Call

Adopt Agenda

Approval of Minutes from Previous Meetings

Approval of Minutes of July 19, 2012
Approval of Minutes from July 19, 2012 Workshop

New Business

1. Plannning Case 12-15 Home Occupation CUP, Erickson, 8870 Mississippi Blvd.

2. Planning Case 12-16, Home Occupation CUP, Loxtercamp, 11800 Juniper St.

3. PC 12-17, Comp Plan Amendment, 1st National Bank Elk River, 10732 Hanson Blvd.

4. PC 12-18, Zone Change, 1st National Bank Elk River, 10732 Hanson Blvd.

5. PC 9-20 Recodification and Reorganization of Title 11 (Zoning Code)

6. PC 12-21 Zone Change from Industrial to Business Park the area in and around Evergreen Industrial Park

Other Business

Adjourn

Planning Commission Regular
Meeting Date: 09/20/2012
SUBJECT: Approval of Minutes from Previous Meetings

Attachments

Minutes July 19, 2012
Minutes July 19, 2012 Workshop

COON RAPIDS PLANNING COMMISSION MEETING OF JULY 19, 2012

CALL TO ORDER

The regular agenda meeting of the Coon Rapids Planning Commission was called to order by Chairman Naeve at 6:30 p.m.

Members Present:	Chairman Donna Naeve, Commissioners Jenny Geisler, Cedric Lattimore, Jonathan Lipinski, Wayne Schwartz, Zachary Stephenson and Julia Stevens.
Members Absent:	None.
Staff Present:	Community Development Director Marc Nevinski; Planner Scott Harlicker; and, Assistant City Attorney Doug Johnson.

PLEDGE OF ALLEGIANCE

Chairman Naeve led the Commission in the Pledge of Allegiance.

ADOPTION OF THE AGENDA

MOTION BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER LATTIMORE, TO ADOPT THE AGENDA AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

APPROVAL OF THE JUNE 21, 2012 REGULAR MINUTES

Commissioner Geisler requested a correction on Page 3, the second to last paragraph should refer to a neighbor in attendance and not the applicant. In addition, she requested a spelling change on Page 5 for Steve Steffen.

MOTION BY COMMISSIONER GEISLER, SECONDED BY COMMISSIONER STEVENS, TO APPROVE THE PLANNING COMMISSION MINUTES OF THE REGULAR MEETING OF JUNE 21, 2012, AS CORRECTED. THE MOTION PASSED (CHAIRMAN NAEVE ABSTAINED).

OLD BUSINESS

1. PLANNING CASE 12-12 - CHURCH OF THE EPIPHANY CUP AND SITE PLAN FOR CEMETERY – PUBLIC HEARING

MOTION BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER GEISLER, TO REMOVE THIS ITEM FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY.

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It was noted the applicant is requesting site plan approval and a conditional use permit for an expansion of their cemetery. The site plan was reviewed in detail with the Commission along with the roadway easement. Staff received a grading plan from the applicant.
Dave Full, project manager for the City of Coon Rapids, was present to take comments or questions from the Commission.

John Awalt, 11433 Quinn Street NW, introduced himself to the Commission stating he was a representative from the Church of the Epiphany and was available for questions regarding the cemetery expansion.

Commissioner Geisler indicated her concerns last month were with the grading plan. She questioned if all of the grading was complete on the site. Mr. Foe indicated the grading on the site was complete for the cemetery, however, there would be continual digging and removal of dirt on the site for the excavation of graves. He explained an easement was obtained by the City for a trail to the east of the cemetery.

Commissioner Geisler asked the amount of time that was allowed to complete the work within a site plan. Mr. Full noted the church planned to have the phases of the site plan completed over the next two or three years. Community Development Director Nevinski stated if substantial improvements were made the City would not require the applicant to return for further approval or renewal of the plans.

Mr. Full then discussed the flood mitigation efforts on the church property. He stated all wetland issues have been resolved under a previous project.

Commissioner Lattimore inquired if the pond area was being used for dumping. Mr. Full commented the soil removed from gravesites was being placed in this area. The area would be covered and restored to its natural landscape.

Commissioner Lattimore asked if tires or other items were being dumped on this property. Mr. Awalt explained that tires had been dumped at this location.

Commissioner Lattimore encouraged the applicant to clear this area from debris before restoring the site to its natural landscape. Mr. Awalt ensured that the church board would be addressing this issue. Mr. Full explained that a gate had been erected to deter from future dumping.

Commissioner Geisler commented the area of mitigation was not included on the site plan. She questioned how this request should then proceed. Community Development Director Nevinski stated mitigation had separate approval process. The Planning Commission was to review the developable land and any code concerns that the request may have.

Commissioner Stephenson was in favor of adding a stipulation for approval assuring that the mitigated area would be cleaned and restored by the Epiphany Church. In addition, future grading work and soil removal for gravesites should also be addressed by the Commission. Mr. Full indicated the church had received proper approval for the wetland mitigations. He recommended the future grading for gravesites have a permit associated with it on file with the

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City. It was explained that all dirt removed and stored would be taking place on Epiphany Church property.

Chairman Naeve requested further information regarding the easement with the church and asked if this approved by the City. City Attorney Johnson explained all easements had to be filed and approved by Council. Mr. Full clarified that the easement was obtained for a future trail giving the church the permission to allow traffic to flow through the site for funerals. The easement belonged to the City and was approved for use by the church. In return, the church has provided the City with property to allow for the extension of this trail onto church property.

Commissioner Schwartz noted vehicles were not allowed on City trails. Mr. Full stated this specific trail was designed to handle heavier vehicles and fire trucks, in case of an emergency.

Commissioner Schwartz requested further information on the wetland. Planner Harlicker reviewed the location of the pond with the Commission.

Commissioner Stephenson questioned if conditions could be added to the recommendation for approval. City Attorney Johnson stated this could be done by the Commission, however, the mitigated area has already received proper approval.

Commissioner Stephenson asked if a condition requesting the mitigated area be properly cleaned and restored. City Attorney Johnson indicated this was a code violation and recommended the site plan be reviewed and approved based on the merits of City Code.

Chairman Naeve suggested the site plan area be expanded to include this dumping site. Community Development Director Nevinski indicated this concern could be negated by allowing staff to work with Epiphany to remedy this situation. However, another issue that does need to be resolved was the separate permit for the future grading that will occur at the cemetery. This issue was added as a condition for approval.

Commissioner Schwartz inquired if the cemetery had a permit for the previous digging that occurred at the cemetery. Mr. Awalt stated the church was not aware that a permit was required and dirt was removed for each gravesite and stored on church property.

Commissioner Geisler noted a condition for approval addressed the need for a grading permit. She recommended a condition be added to assure the site was properly mitigated per the conditions for approval. Mr. Full explained the church has successfully fulfilled the wetland requirements.

Chairman Naeve requested language from City Staff for the grading permit. City Attorney Johnson indicated the grading permit would have to comply with the current permitting process for wetland mitigation and storage of dirt.

Chairman Naeve asked if an additional easement was required to allow the church to use this property. City Attorney Johnson did not feel this was necessary as the City already had an easement with Great River Energy to build a trail. The City can allow citizens to use its trails.

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However, the Commission may want to have an agreement with the Church as the trail was necessary for the circulation of traffic through the site plan.

Chairman Naeve inquired if the trail was necessary for traffic circulation. Planner Harlicker stated this was the case and a cross easement would be necessary.

Chairman Naeve continued the public hearing at 7:02 p.m.

Ken Ziegler, 10986 Eagle Street, commented the trail through the site was being taken over by the church and should be available for public use. Mr. Ziegler encouraged the Commissioners to review this site and the dirt that was being dumped onto the site. He stated the area was unsightly and a real mess. He then questioned if a bridge was approved over the Epiphany ditch. Chairman Naeve noted that all wetland mitigations were satisfactorily completed.

Chairman Naeve closed the public hearing at 7:04 p.m.

MOTION BY COMMISSIONER GEISLER, SECONDED BY COMMISSIONER STEVENS, TO APPROVE THE SITE PLAN AND CONDITIONAL USE PERMIT FOR THE CEMETERY EXPANSION FOR EPIPHANY CHURCH WITH THE FOLLOWING CONDITIONS:

1. THE APPLICANT SHALL COMPLY WITH THE PERMIT PROCESS AND RECEIVE A PERMIT FROM THE CITY OF COON RAPIDS ALLOWING EPIPHANY CHURCH TO REMOVE DIRT AND ALLOW IT TO BE PLACED ON THEIR PROPERTY WITHOUT IMPACTING THE WETLANDS.

2. EPIPHANY CHURCH SHALL OBTAIN AND MAINTAIN AN AGREEMENT WITH THE CITY FOR USE OF THE TRAIL THROUGH THEIR SITE PLAN.

Commissioner Stephenson indicated he would be voting in favor of this expansion with the understanding that the church and City would be working together to clean the dumping that has occurred on the site.

Commissioner Geisler agreed stating this could not be added as a condition for approval but that the Commission could direct staff to continue to work on this issue.

Chairman Naeve requested staff report back to the Commission on this issue in three months. Community Development Director Nevinski stated he would report back to the Commission on this item.

THE MOTION PASSED UNANIMOUSLY.

This is a decision made by the Planning Commission and shall stand unless appealed to the City Council within ten days after notification of the decision.

NEW BUSINESS

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2. PLANNING CASE 11-16 - FRISBEE ARCHITECTS SITE PLAN APPROVAL EXTENSION – PUBLIC HEARING

It was noted the applicant is requesting a one-year extension of their site plan approval to August 3, 2013. The applicant was in the process of finalizing bids with a potential ground breaking to take place this fall.

MOTION BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER LATTIMORE, IN PLANNING CASE 11-16, TO APPROVE AN EXTENSION TO THE SITE PLAN APPROVAL UNTIL JULY 6, 2013. THE MOTION PASSED UNANIMOUSLY.

This is a decision made by the Planning Commission and shall stand unless appealed to the City Council within ten days after notification of the decision.

3. PLANNING CASE 12-13 – MERCY HOSPITAL SITE PLAN OFFICE BUILDING – PUBLIC HEARING

Commissioner Stephenson stated he would be recusing himself from this item as his law firm represented Allina.

It was noted the applicant is requesting site plan approval for a 123,000 square foot office building. The property is located at the northwest corner of Blackfoot Street and Coon Rapids Boulevard. He noted the applicant has future plans of connecting the site to the hospital via a walkway. Access and traffic flow through the site was discussed. Staff noted the applicant was requesting design flexibility regarding the parking standards. The grading plan and building elevations were reviewed in detail with the Commission and staff recommends approval.

David Moga, 246 Edgewood, presented the Commission with a site history explaining the position of the proposed building in further detail. He noted the building was rotated to assist with consolidating the public façade of the building, while screening was added along Coon Rapids Boulevard. This location also allowed for the parking lot to be broken up.

Mr. Moga noted there was potential for a skyway over or under Coon Rapids Boulevard in the future. He then discussed the materials board with the Commission noting masonry products would be used and met the City's design requirements. The proposed clinic use was described in further detail. Given the orientation of the building, a small healing garden may be planted in the future for oncology patients.

Commissioner Lattimore commended Mercy on the building design. He questioned how snow would be handled on this site and how many additional parking spaces would be lost for storage. Mr. Moga stated snow would be pushed to the north portion of the property near the stormwater pond.

Chairman Naeve opened the public hearing at 7:25 p.m.

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Jeannine Schlottman, 5720 Washington Street NE, a representative of North Suburban Eye Specialists expressed concern with the traffic volume increases on Blackfoot Street. She requested the parking requirements be held as additional family members would be present during oncology and clinical procedures. She also had concern with the proposed skyway and how this would impact traffic along Coon Rapids Boulevard.

Mr. Moga stated the proposed skyway was under discussion at this time and he did not feel there would be any impact on traffic. He explained that the issue had been discussed with Anoka County and the skyway would have to clear the span of Coon Rapids Boulevard. This would assure there were no blocked sight lines along Coon Rapids Boulevard. Mr. Moga indicated a right-in, right-out on Coon Rapids Boulevard was proposed for service traffic. However, the site traffic would be controlled through the signal at Coon Rapids Boulevard and Blackfoot Street.

Scott Rouse, 11910 Blackfoot Street, requested additional information on the retention pond. City Planner Harlicker reviewed the grading and landscaping plan with the Commission in further detail stating water from the site would drain into the pond. It was noted the pond would be landscaped along 119th Avenue and would not be fenced. Mr. Moga reviewed the design of the pond further stating a berm and plantings were proposed. He noted the pond itself would have a slight grade and would be planted with wild grasses and native flowers. He noted much of the site had sand and drained quickly.

Chairman Naeve requested further information on the holding pond. City Engineer Vierzba indicated every pond now has to have infiltration, which means the base must remain sandy. After a rainfall, the pond would fill slightly with excess overflowing into an outlet pipe to the City storm system. He explained the greatest depth of water within the pond would be four feet. The pond was designed to dry in dryer weather.

William Stevenson, 11911 Blackfoot Street, expressed concern with the construction timeframe along with the noise level that would be generated from the new building. City Planner Harlicker commented the level of the noise generated from the building would have to comply with the City's noise ordinance. Mr. Moga anticipated the hospital would break ground in September or October of 2012 with the building completed in November of 2013. He noted that all heating and cooling equipment would be located on the roof of the building. City Engineer Vierzba indicated Blackfoot Street would be reconstructed in 2013 after all of the heavy equipment was done on the site.

Chairman Naeve closed the public hearing at 7:39 p.m.

Planner Harlicker indicated the applicant would be installing sidewalk along Coon Rapids Boulevard and Blackfoot Street.

Commissioner Geisler commented the proposed sidewalk was five feet in width.

Chairman Naeve requested further information regarding the flexibility issues being sought for this site plan. City Planner Harlicker discussed the floor to area ratio in addition to the parking requirements for the site. He noted this site had a .25 floor to area ratio instead of the required

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.6. He explained the parking requirements could be met with an additional 20 parking spaces, however additional green space would be lost.

Commissioner Geisler stated the applicant was proposing a beautiful building. She commented the typical floor to area ratio requirements may not suit the size of this site. In addition, she was not concerned with the site being only 20 spaces short in order to the parking requirements. For this reason, she supported the flexibility recommended within the site plan. She was pleased with the alignment of the building on the site and the views that would be offered for traffic along Coon Rapids Boulevard.

Commissioner Schwartz was also in favor of the building design. He indicated this would be a nice addition to the Coon Rapids Boulevard corridor. He had no concerns with the floor to area ratio or the parking requirements. He questioned if the three proposed monument signs were necessary. Mr. Moga stated a monument sign would face Coon Rapids Boulevard and Blackfoot Street. Another sign would be located near the building for the clinic tenants while another would assist with directing traffic.

Commissioner Schwartz was in favor of having the tenant signage within the building. Mr. Moga stated the campus may need assistance with defining the tenants within the clinic building. Community Development Director Nevinski stated the City would work with the applicant to assure that the City's sign code was followed.

Commissioner Stevens asked where the trash receptacles would be located outside the building. Mr. Moga reviewed proposed location would be at the drop-off entry.

Commissioner Schwartz inquired if a bike rack would be located at the entrance. Mr. Moga commented this had not been discussed but could be added.

Chairman Naeve questioned the spacing of the overstory trees along the boulevard. Mr. Moga noted the trees were spaced according to the City's landscaping code.

Chairman Naeve suggested additional evergreens be planted on the site to provide year round coverage on the west side of the building. She was pleased with the berms and landscaping around the parking lot. She requested the Commission state in the motion for approval the items being granted flexibility for this site plan.

MOTION BY COMMISSIONER STEVENS, SECONDED BY COMMISSIONER GEISLER, TO APPROVE PLANNING CASE 12-13, APPROVAL OF THE MERCY HOSPITAL SITE PLAN FOR AN OFFICE BUILDING WITH THE FOLLOWING CONDITIONS:

1. COMPLIANCE WITH TITLE 11, LAND DEVELOPMENT REGULATIONS.
2. A SITTING AREA THAT INCLUDES BENCHES AND TRASH RECEPTACLES BE PROVIDED AT THE ENTRANCE.

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3. THE CITY IS OFFERING FLEXIBILITY TO THE PARKING REQUIREMENTS, THE FLOOR TO AREA RATIO, AND ALLOWING THE MAIN ENTRY TO THE BUILDING ON BLACKFOOT STREET.

4. A BIKE RACK SHALL BE ADDED AT THE ENTRANCE OF THE BUILDING.

5. EXTRA EVERGREEN SCREENING ON THE WEST SIDE OF THE BUILDING WILL BE REQUIRED IF THE VAULTS ARE NOT CONSTRUCTED.

THE MOTION PASSED (STEPHENSON ABSTAINED).

This is a recommendation to the City Council that will be considered at the August 8, 2012 City Council meeting.

4. CASE 12-14 – NORTH SUBURBAN EYE SPECIALISTS SITE PLAN OFFICE BUILDING – PUBLIC HEARING

It was noted the applicant is requesting site plan approval for a 32,000 square foot office building at 3789 Coon Rapids Boulevard. The proposed site plan was discussed in detail. A shared access easement would remain on the property offering access to Round Lake Boulevard. Staff explained that the applicant was requesting flexibility with the floor to area ratio. The proposed infiltration pond may be modified to combine with the adjacent property, which has proposed senior housing. The landscaping plan was reviewed and it was noted the applicant did need additional foundation plantings. The building elevations were discussed and staff recommended approval of the site plan for the office building with conditions.

Nick Sperides, Spierides Reiners Architects, thanked the Commission and staff for reviewing his request this evening. He noted the proposed plan does have a great deal of landscaping and noted the shrub plantings would be increased to meet the City's standards. Mr. Serides presented the materials board stating natural colors were selected to provide continuity between this building and the senior housing project planned for the adjacent property.

Chairman Naeve opened and closed the public hearing at 8:14 p.m., as no one wished to address the Planning Commission.

Chairman Naeve asked if metal panels were allowed in this zoning district and what percentage of a building could be covered with EFIS. City Planner Harlicker indicated this material was allowed as an architectural accent. City Attorney Johnson read City Code regarding the use of EFIS stating it was an allowable material in this overlay district.

Commissioner Stephenson questioned why the City required the trees to be 25 feet apart. City Planner Harlicker commented this portion of the City Code may need revision.

Chairman Naeve suggested additional berming along the boulevard to screen the parking in this area.

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Commissioner Stephenson inquired if a berm was considered in this area. Mr. Sperides commented there was not extra soil available for a berm and for that reason, shrubs were chosen along with ornamental tree plantings.

Chairman Naeve commented the applicant was requesting flexibility with the floor to area ratio, along with the number of overstory trees and the reduction of glass along the west elevation.

Commissioner Schwartz expressed concern with the River Rapids Overlay District standards not being met as the building was one-story and 18 feet in height. The overlay district required a two-story expression or 20 feet in height. City Planner Harlicker indicated the applicant understood the building did not meet the building height requirements and was requesting flexibility in this area. Staff recommended flexibility in this area. Community Development Director Nevinski commented this issue was discussed with the applicant and given the proposed architectural design, the overall intent was being met. He indicated that some precedence was set when the building across the street was approved as a one-story building.

Chairman Naeve expressed frustration that the building was not meeting the overlay district standards. She then questioned the material that would be used for the columns. Mr. Sperides noted the columns would be a silver steel material.

Chairman Naeve was not in favor with the amount of EFIS being used on the buildings façade.

Commissioner Geisler stated she was pleased with the overall building design except for the fact it was along the Coon Rapids Boulevard corridor. She was not concerned with the floor to area ratio but did have concern with the landscaping deficiencies in addition to the proposed building materials.

Commissioner Stephenson understood that EFIS was in the stucco family and was therefore allowed in the overlay district.

Commissioner Geisler requested staff to review the allowable accent materials in the overlay district. She commented in the past, EFIS was not considered a high quality building material. City Attorney Johnson read through the list of allowable accent materials in full, in addition to the materials not allowed.

Commissioner Stephenson indicated it was his opinion the building standards were being met. He requested comment from City staff on this issue. City Planner Harlicker approved of the proposed EFIS material. He noted EFIS was in the stucco family.

Mr. Sperides discussed the benefits of using EFIS over stucco but noted he would change his plans and use stucco if required by the City. He indicated there was not cost difference between the two materials.

Commissioner Schwartz requested the applicant review the location of metal panels on the building elevations. Mr. Sperides reviewed this information with the Commission.

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Commissioner Schwartz asked if metal panels were allowed as a building material in the overlay district. City Attorney Johnson noted this was an allowable accent building material.

Mr. Sperides explained that he would use stucco instead of EFIS if this assisted the Commission in their decision this evening.

Commissioner Lattimore thanked the applicant for his willingness to meet the City's overlay building material codes.

Commissioner Stevens questioned if the landscaping recommendation would bring the site into code. City Planner Harlicker revised the second condition noting two overstory trees were needed along with 21 street frontage shrubs and 128 foundation shrubs along Coon Rapids Boulevard building frontage.

Chairman Naeve asked if the overstory trees should be spaced 25 feet or 30 feet apart along the corridor. City Planner Harlicker commented the adjacent property was spacing their trees 30+ feet apart.

Commissioner Stevens inquired if additional trees were requested by the City. City Planner Harlicker indicated this was not a condition of approval.

Commissioner Geisler recommended the spacing near the infiltration pond meet the neighboring property with the other side of the parking lot remain at 25 feet spacing with only ornamental trees along Round Lake Boulevard. Mr. Sperides stated this could be reviewed as this would add dimension to the site.

Commissioner Stephenson agreed with this recommendation.

Commissioner Geisler asked if the Commission was in favor of the one-story building design with a 30- foot entrance canopy. City Attorney Johnson read for the record City Code regarding two-story expression.

Commissioner Schwartz requested staff read City Code 11-2807-1. City Attorney Johnson read this code for the Commission regarding minimum building height.

Commissioner Lattimore understood that two-story buildings were encouraged but not required. The proposed building was 18 feet when 20 feet was the standard. He was in favor of making an exception on this building.

Commissioner Stephenson agreed stating the character of the building fit the character of the neighborhood.

MOTION BY COMMISSIONER STEPHENSON, SECONDED BY COMMISSIONER STEVENS, TO APPROVE PLANNING CASE 12-14, THE PROPOSED SITE PLAN FOR AN OFFICE BUILDING WITH THE FOLLOWING CONDITIONS:

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1. SEATING AREAS AND TRASH RECEPTACLES BE PROVIDED AT THE ENTRANCES.

2. THE LANDSCAPE PLAN BE REVISED TO SHOW AN ADDITIONAL TWO GREEN SPACE OVERSTORY TREES, AN ADDITIONAL FIVE ORNAMENTAL TREES ALONG ROUND LAKE BOULEVARD, AN ADDITIONAL 21 STREET FRONTAGE SHRUBS AND AN ADDITIONAL 128 FOUNDATION SHRUBS ALONG THE COON RAPIDS BOULEVARD BUILDING FRONTAGE.

3. THE PROPERTY OWNER ESTABLISH A MAINTENANCE PROGRAM FOR THE RAIN GARDEN AND PROVIDE THE CITY WITH A COPY.

4. THE CITY IS OFFERING FLEXIBILITY TO THE FLOOR TO AREA RATIO, THE HEIGHT OF THE BUILDING, A REDUCED NUMBER OF OVERSTORY TREES, THE HEIGHT REQUIREMENTS, AND THE REDUCTION OF GLASS ALONG THE WEST ELEVATION.

5. ALL EFIS ON THE BUILDING SHALL BE REPLACED WITH STUCCO.

6. THE TREE PLANTINGS NEAR THE INFILTRATION POND SHALL MATCH THE SPACING OF THE ADJACENT PROPERTY TO THE EAST.

THE MOTION PASSED 6-1 (SCHWARTZ OPPOSED).

This is a recommendation to the City Council that will be considered at the August 8, 2012 City Council meeting.

OTHER BUSINESS

City Planner Harlicker noted the August Planning Commission meeting will be cancelled as there were no items planned for the agenda.

Community Development Director Nevinski explained Chairman Naeve was celebrating her 40th year on the Planning Commission and 36th year as the Commission Chair. He, along with entire City Staff thanked her for her contribution to the City. He then reviewed the areas that have developed since 1972. He presented Chairman Naeve with a plaque and thanked her again for her dedication to the community.

Chairman Naeve indicated when she joined the Planning Commission the City was 25% developed. The City was now 99% developed. She was pleased with the changes made in the City.

Community Development Director Nevinski then discussed the planning letter stating a community center was being considered by the City Council. He reviewed the City's foreclosure data and the efforts the City has taken to secure its housing stock.

ADJOURN

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MOTION BY COMMISSIONER GEISLER, SECONDED BY COMMISSIONER SCHWARTZ, TO ADJOURN THE MEETING AT 9:01 P.M. THE MOTION PASSED UNANIMOUSLY.

Recorded and Transcribed by,
Heidi Guenther
Planning Commission Recording Secretary

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COON RAPIDS PLANNING COMMISSION WORKSHOP MEETING OF
July 19, 2012

The workshop meeting of the Coon Rapids Planning Commission was called to order by Chair Naeve at 9:10 p.m.

Members Present:	Chairman Donna Naeve, Commissioners Jenny Geisler, Cedric Lattimore, Jonathan Lipinski, Wayne Schwartz, Zachary Stephenson and Julia Stevens.
Members Absent:	None
Staff Present:	Community Development Director Marc Nevinski and Planner Scott Harlicker.

City Staff met with the Commission to discuss proposed amendment to eliminate the restriction of only one detached garage/storage structure in the LDr1 and LDR2 zoning districts. The Commission reviewed the changes made to the proposed amendment since the May 17th Commission meeting. They discussed how the proposed changes would impact twin homes, suggested some grammatical changes and asked staff to check for consistency with the building code.

The Commission discussed possible changes to the uses allowed in the industrial district that would support the city's goals of attracting and expansion of high-tech, clean manufacturing and life science companies. The Commission discussed two options. The first option was to eliminate certain vehicle service uses such as warehousing, freight terminals, and vehicle service, sales, rental and repair from the current Industrial zoning district. The second option would be to create a new Industrial zoning district, in addition to the existing district, that would include uses that are more "cleaner" and "high tech". They also discussed options to address the issue non-conforming uses. Both options would make a number of businesses non-conforming.

The Commission also discussed the program of having different Commissioners serve as Acting Chair.

Chair Naeve adjourned the meeting at 10:00 PM.

Respectfully submitted
Scott Harlicker
Planner

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Planning Commission Regular **1.**

Meeting Date: 09/20/2012

Subject: Plannning Case 12-15 Home Occupation CUP, Erickson, 8870 Mississippi Blvd.

From: Scott Harlicker, Planner

INTRODUCTION

The applicant is requesting a conditional use permit to conduct yoga classes as a home occupation.

ACTIONS

Conduct a public hearing
Decision by Planning Commission
Appeal to City Council Available

60 DAY RULE

The applicant submitted this application on: August 1, 2012

To comply with the requirements of Minnesota Statute §15.99, the City must approve or deny the application by: September 30, 2012

LOCATION

The property is located at 8870 Mississippi Boulevard.

	Existing Use	Comprehensive Plan	Zoning
Subject Property	Single Family Residence	Single Family Residential	LDR1
North	Single Family Residence	Single Family Residential	LDR1
South	Single Family Residence	Single Family Residential	LDR1
East	Single Family Residence	Single Family Residential	LDR1
West	Park	Park, Recreation and Preserve	Conservancy

DISCUSSION

The applicant would like to conduct yoga classes. Under the proposal she would use a converted bedroom for classes. If the class is to large to be accommodated in the designated room, the upstairs living room will be used. The house has a finished basement and a total of 1,651 finished square feet. If both rooms are utilized, the home occupation will use 407 square feet of the home. There is room for six cars in the driveway and two in the garage.

The applicant will see from 4-10 clients daily. The hours are from 8:00 am to 8:30 pm Monday - Friday and 8am to noon on Saturday. The business will have no outside employees.

Compliance with Standards for Home Occupations, Section 11-604(5)

Home Occupation Standard–11-604(5)	Staff Comment
(a) Home occupation is incidental and secondary and does not change the residential character of the property.	**OK** - The home occupation involves 407 square feet of the house.
(b) No discernible impacts to surrounding properties.	**OK** - The only visible indication of the home occupation will be client's vehicles, which will be parked in the driveway. All operations will be conducted indoors.
(c) No internal or external alterations are made that are not customarily found in dwellings.	**OK** - No alterations are proposed.
(d) If the home occupation is carried on in the garage, the minimum amount of required garage space is maintained as garage space.	**N/A**
(e) All vehicles brought to the property are parked in the driveway. Residents' vehicles are not parked in the streets to provide these driveway parking spaces. No parking spaces are improved to provide for the home occupation. Any vehicle used in the business is parked in the driveway or garage.	**OK** – Customers' vehicles will be parked in the existing driveway.
(f) No more than one person who does not reside on the premises works on the premises (only permitted for home occupations that would not otherwise require a conditional use permit).	**OK** – No outside employees will work on the premises.
(g) No delivery vehicles larger than 26,000 pounds gross vehicle weight.	**OK** – The home occupation will not involve regularly sending or receiving shipments.
(h) Prohibited home occupations include: repair of internal combustion engines of more than 12 horse power; body shops; machine shops; welding; ammunition manufacturing; flea markets; motor vehicle repair maintenance, service or sale; firearm sales; tattoo parlors or other objectionable uses as determined by the City Council.	**OK** – Yoga classes are an allowed use.
(i) No more vehicles on parcel than authorized by 11-1800.	**OK** – All parking can be accommodated on the existing driveway.
(j) Allowable home occupations include, but are not limited to: beauty shops, taxidermy shops, antique shops, repair shops, seamstress/tailoring/alteration shops, catering, photography studio, clock making shops, pet grooming, repair of small internal combustion, upholstery shops, accounting, bookkeeping and medical practitioner's office.	**OK –** Yoga classes would have similar external effects to the uses listed on the left..

RECOMMENDATION

In Planning Case 12-15, **approve** the home occupation conditional use permit, conditioned on the following:

1. Classes are limited to appointment only and no more than 30 hours per week Monday through Saturday between the hours of 8:00 a.m. and 8:30 p.m.
2. All vehicles associated with the home occupation are parked in the driveway.
3. Compliance with Title 11, City Code of Coon Rapids.

Attachments

Location Map

Narrative

Floor Plan

Location Map

Amy Erickson
8870 Mississippi Blvd NW
Coon Rapids, MN 55433

I am a registered yoga teacher and offer therapeutic yoga instruction to help clients balance stress and help with various physical and emotional ailments. After November when my training is finished, I will be offering Ayurvedic consultations and lifestyle recommendations to help clients achieve optimal physical and emotional health. I also offer Reiki healing which addresses physical, emotional, mental and spiritual imbalances.

I will see anywhere from 4-10 clients daily with Monday through Friday between the hours of 8am and 8:30pm, And Saturdays between 8am and noon. A weekly average of 30 clients is my goal. Most clients will be seen after the morning rush hour over late morning and the noon hour, and then again in the evening.

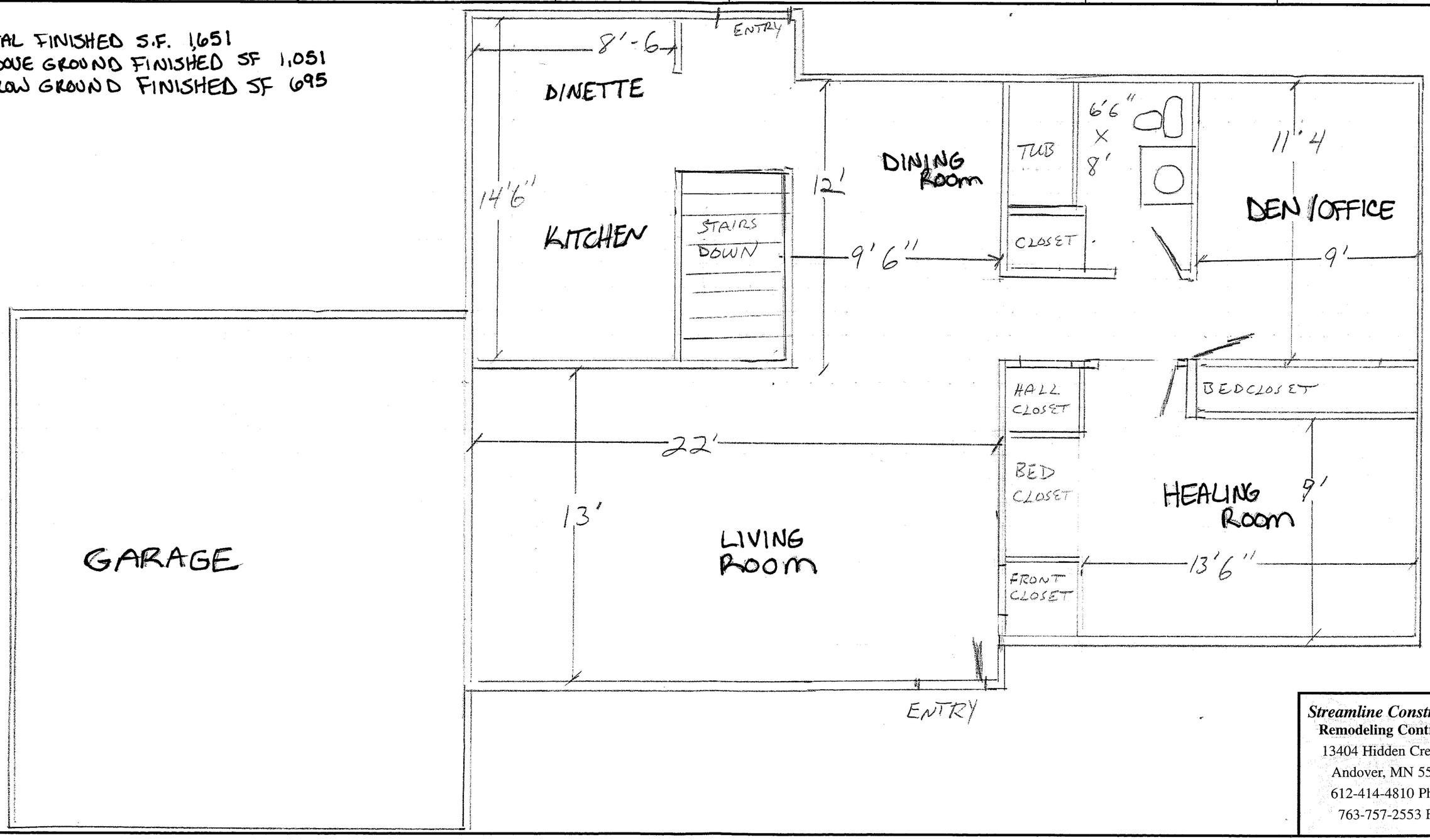
I just recently bought this property after a long search because the floor plan is perfect for a health and wellness business such as mine, and I will be able to help a lot of people in the community live happier, healthier lives. The beautiful neighborhood and the nature park on the backside of the property all lend themselves to healing.

Thank you for your consideration.

Amy Erickson
763-443-1281

AMY ERICKSON	PAGE OF	DOOR #	CAB.HT	❑ STRAIGHT FRONT SINK	WOOD CLEATS Y N	MISC.
CONTRACTOR	SERIES	SHAPE #	CEIL. HT	❑ RECESSED SINK		
JOB LOCATION 8870 - MISSISSIPPI	OTHER	❑ SPLIT	SOFFITS Y N	REF.	OVEN	
CITY COON RAPIDS	WOOD TYPE	❑ CENTER MULL	HDWR #	STOVE	COOKTOP	
PLAN NAME	❑ UNFINISHED	HINGE TYPE	❑ DRILL	D/W	HOOD	
DATE DRAWN 7-2-12	STAIN COLOR	OVERLAY STD FULL	❑ DO NOT DRILL	MICRO	T/C	

TOTAL FINISHED S.F. 1,651
ABOVE GROUND FINISHED SF 1,051
BELOW GROUND FINISHED SF 695



Streamline Construction
Remodeling Contractor
13404 Hidden Creek Dr
Andover, MN 55304
612-414-4810 Phone
763-757-2553 Fax

Planning Commission Regular **2.**

Meeting Date: 09/20/2012

Subject: Planning Case 12-16, Home Occupation CUP, Loxtercamp, 11800 Juniper St.

From: Scott Harlicker, Planner

INTRODUCTION

The applicant is requesting approval of a conditional use permit to operate a home-based beauty shop.

ACTIONS

Conduct a public hearing
Decision by Planning Commission
Appeal to City Council Available

60 DAY RULE

The applicant submitted this application on: August 14, 2012

To comply with the requirements of Minnesota Statute §15.99, the City must approve or deny the application by: October 13, 2012

LOCATION

The property is located at 11800 Juniper Street.

	Existing Use	Comprehensive Plan	Zoning
Subject Property	Single Family Residence	Low Density Residential	LDR2
North	Single Family Residence	Low Density Residential	LDR2
South	Single Family Residence	Low Density Residential	LDR2
East	Single Family Residence	Low Density Residential	LDR2
West	Single Family Residence	Low Density Residential	LDR2

DISCUSSION

The applicant seeks approval to operate a home-based beauty shop. The applicant will utilize a portion of the house located between the garage and the main living space. The salon can be accessed from the outside via a service door. The business will have no outside employees. The proposed hours of operation are 9 am to 9pm Monday through Friday by appointment only.

The area in which the salon will be located is one large room.The applicant will be constructing a wall to create a separate home office space and other wall to separate the stairs to the rest of the house. They are also converting a large closet to a bathroom. Additional plumbing will be needed for the shampoo sinks and the bathroom conversion.

Compliance with Standards for Home Occupations, Section 11-604(5)

Home Occupation Standard–11-604(5)	Staff Comment
(a) Home occupation is incidental and secondary and does not change the residential character of the property.	**OK** - The home occupation involves a 9' x 14' room in the house.
(b) No discernible impacts to surrounding properties.	**OK** - The only visible indication of the home occupation will be customer's vehicles, which will be parked in the driveway. All operations will be conducted indoors.
(c) No internal or external alterations are made that are not customarily found in dwellings.	**OK -** No exterior alterations are proposed. Some minor interior alterations such as a plumbing are proposed.
(d) If the home occupation is carried on in the garage, the minimum amount of required garage space is maintained as garage space.	**NA**
(e) All vehicles brought to the property are parked in the driveway. Residents' vehicles are not parked in the streets to provide these driveway parking spaces. No parking spaces are improved to provide for the home occupation. Any vehicle used in the business is parked in the driveway or garage.	**OK** – Customers' vehicles will be parked in the existing driveway.
(f) No more than one person who does not reside on the premises works on the premises (only permitted for home occupations that would not otherwise require a conditional use permit).	**OK** – No outside employees will work on the premises.
(g) No delivery vehicles larger than 26,000 pounds gross vehicle weight.	**OK** – The home occupation will not involve regularly sending or receiving shipments.
(h) Prohibited home occupations include: repair of internal combustion engines of more than 12 horse power; body shops; machine shops; welding; ammunition manufacturing; flea markets; motor vehicle repair maintenance, service or sale; firearm sales; tattoo parlors or other objectionable uses as determined by the City Council.	**OK -** Beauty shops are an allowed use.
(i) No more vehicles on parcel than authorized by 11-1800.	**OK -** All parking can be accommodated on the existing driveway.
(j) Acceptable home occupations include, but are not limited to: beauty shops, taxidermy shops, antique shops, repair shops, seamstress/tailoring/alteration shops, catering, photography studio, clock making shops, pet grooming, repair of small internal combustion, upholstery shops, accounting, bookkeeping and medical practitioner's office.	**OK -** The conditional use permit is for a beauty shop.

RECOMMENDATION

In Planning Case 12-16, **approve** the home occupation conditional use permit, conditioned on the following:

1. Operation is limited to by appointment only between 9:00am and 9:00pm Monday through Friday.
2. All vehicles associated with the home occupation are parked in the driveway or garage.
3. Compliance with Title 11, City Code of Coon Rapids.
4. The applicant receive all the necessary building permits for the plumbing and construction.

Attachments

Location Map

Narrative

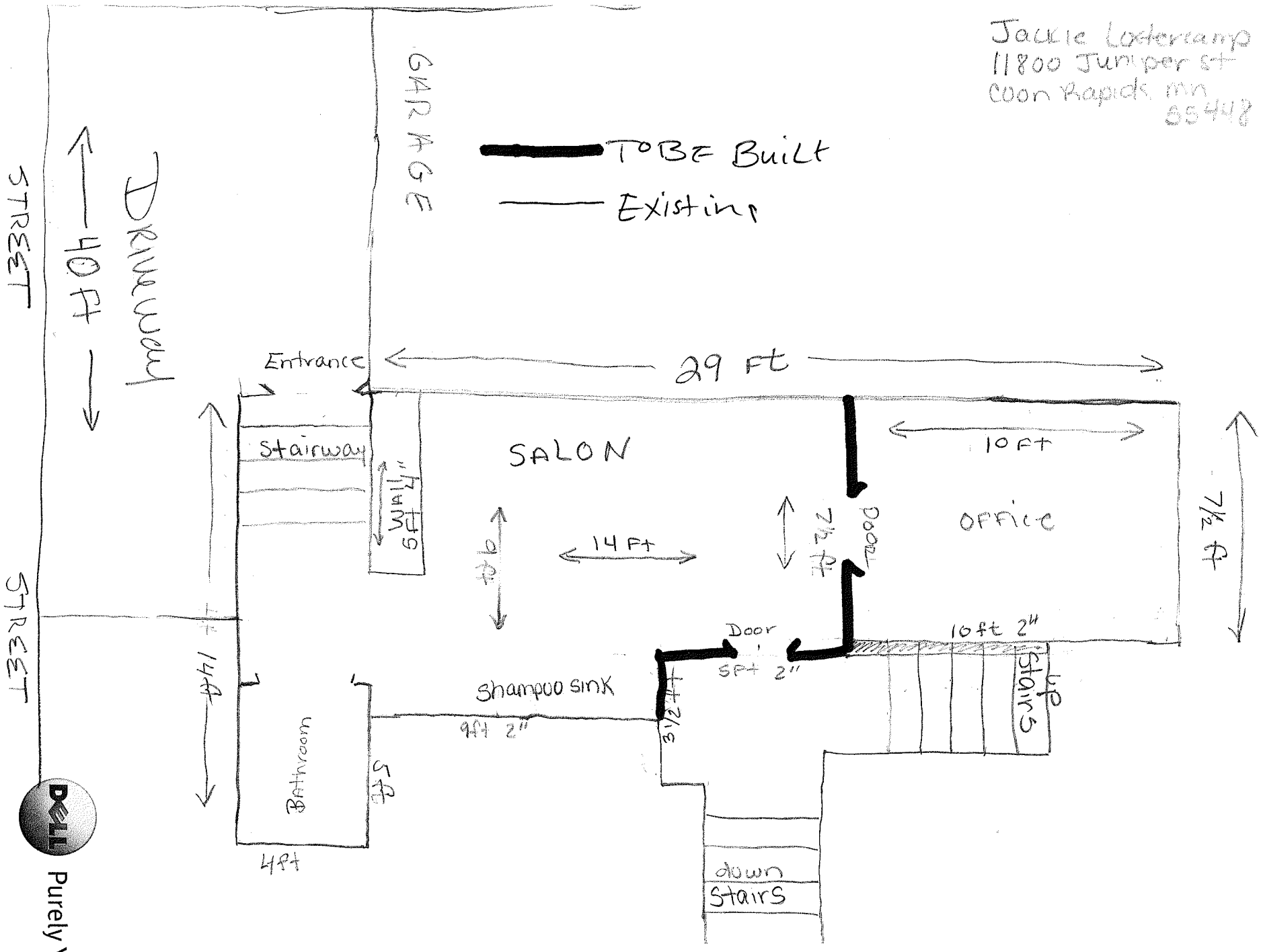
Floor Plan

Location Map

Jacks Beauty Shack
Hair salon (haircuts, colors, perms, styles)
Hours 9 am - 9 pm Monday through friday I operate by appointment only so hours of the day vary. I work any where from 10- 20 hours a week. I'm currently working about 2-3 days a week and roughly about 5-10 clients in that week.

Jackie Loxtercamp

Jackie Lexterkamp
11800 Juniper st
Coon Rapids mn
55448



Purely You

Planning Commission Regular **3.**

Meeting Date: 09/20/2012

Subject: PC 12-17, Comp Plan Amendment, 1st National Bank Elk River, 10732 Hanson Blvd.

From: Scott Harlicker, Planner

INTRODUCTION

The applicant is requesting approval of a land use plan amendment to change the land use designation from Moderate Density Residential to Office.

ACTIONS

Conduct of public hearing
Recommendation by Planning Commission
Decision City Council on: October 16, 2012

60 DAY RULE

The applicant submitted this application on: August 14, 2012

To comply with the requirements of Minnesota Statute §15.99, the time period has been extended to December 12, 2012

LOCATION

The property is located at the corner of Hanson Bouelvard and 108th Avenue.

	Existing Use	Comprehensive Plan	Zoning
Subject Property	Vacant building	Moderate Density Residential	MDR
North	Railroad tracks	Moderate Density Residential	MDR
South	Park	Park, Recreation and Preserve	LDR2
East	Railroad tracks and twin home	Moderate Density Residential	MDR
West	Single family residence	Low Density Residential	LDR2

DISCUSSION

Background

The applicant is requesting a change to the land use designation from *Moderate Density Residential to Office*. The site is 56,326 square feet in size. There is a 7,372 square foot building on the site that is currently vacant and has been vacant for about two years. The prior occupant was a private security firm. The building was constructed in 1968; the most recent work done to the building was in 2001 when the roof was replaced.

The site had a land use designation of Industrial since 1968. In 2010 the property's land use designation was changed from Industrial to Moderate Density Residential as part of the Comprehensive Plan update. The zoning was also changed from Industrial to Moderate Density Residential following approval of the Comprehensive Plan update. These changes were made because Industrial was not appropriate zoning and Moderate Density Residential was compatible with the single family residences and would serve as a buffer to Hanson Boulevard.

Analysis

The stated intent of the *Office* land use designation is to provide for office and other commercial uses generally compatible with adjacent residential uses. The stated intent of the *Moderate Density Residential* designation is that it includes land that could be developed as attached housing at gross density of 4 to 7 units per acres.

When considering this change in land use request, the following factors should be taken into account:

- The subject property abuts the railroad tracks and an arterial street.
- The site abuts a single family residential district and a single family residence to the west.
- It is across the street from a park.
- Is the proposed land use designation compatible with adjacent uses?

A land use designation of Office would serve as an buffer between Hanson Boulevard and the adjacent single family homes. The proposed change will also serve to meet a goal of the Comprehensive Plan to maintain a diversified economic base by allowing the reuse of an existing commercial building that has access to an arterial street.

RECOMMENDATION

In Planning Case 12-17, recommend approval of the proposed land use amendment based on the following findings:

1. The proposed land use amendment would serve as an buffer between the single family district and Hanson Boulevard.
2. The proposed amendment would be compatible with the adjacent single family district as well as the adjacent railroad tracks and arterial street.
3. The proximity to an arterial street (Hanson Boulevard) provides good access to the site without traffic driving through the adjacent residential district.
4. The proposed change is consistent with the Comprehensive Plan in that it helps maintain a diversified economic base by allowing the the reuses or redevelopment of an existing commercial building with access to an arterial street.

Attachments

Location Map

Land Use Map

Zoning Map

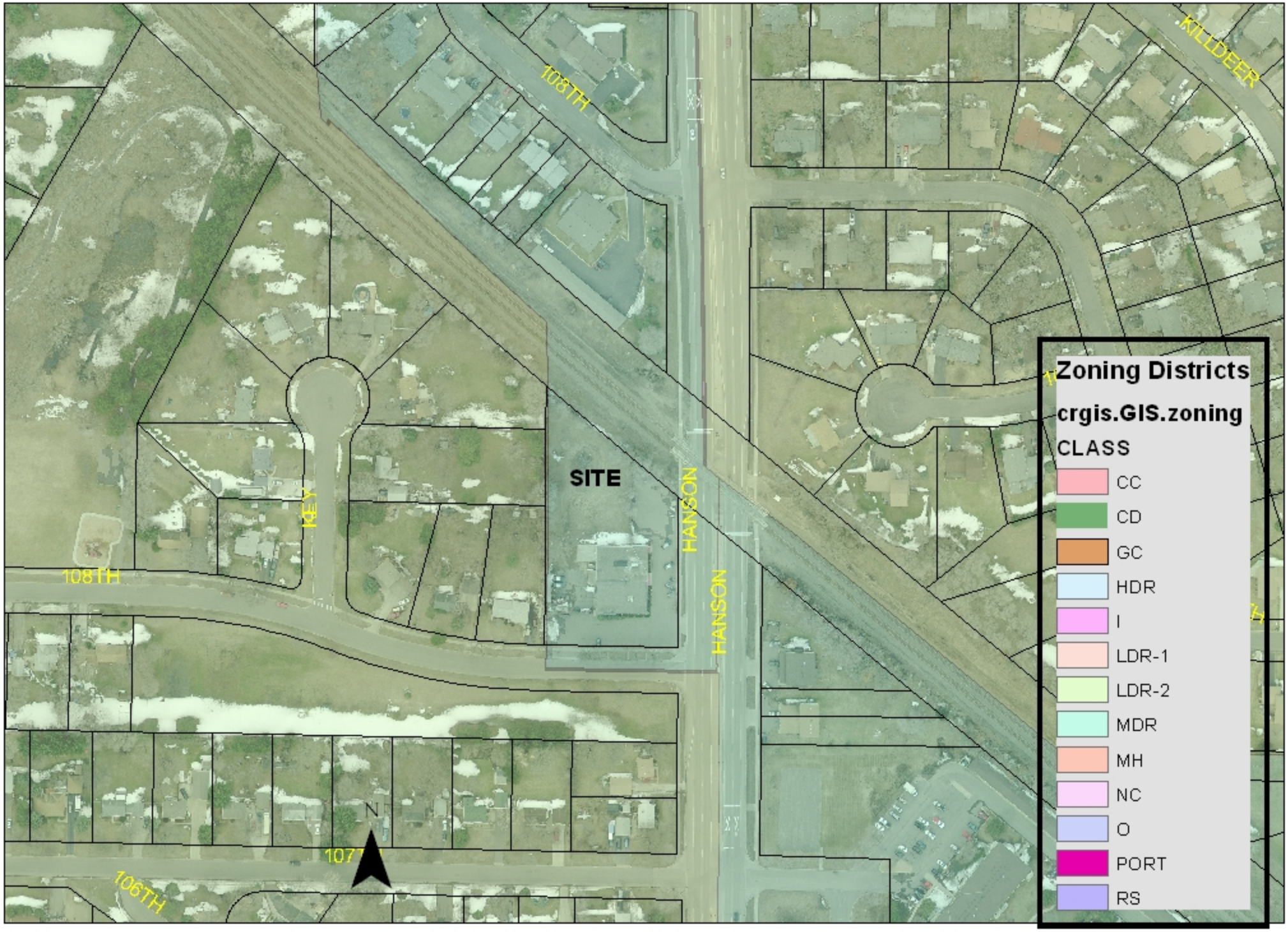
Appicant's Narrative

Location Map

Land Use Map

Land Use
land use
Residential
Low Density (2-4 dwelling units/acre)
Moderate Density (4-7 du/a)
High Density (7-30 du/a)
Residential Mixed Use (7-30 du/a)
Mobile Home (5-10 du/a)
Commercial
Community
Neighborhood
Commercial Mixed use
General
Regional Shopping
Other
Park, Recreation, and Preserve
Office
Industrial
Institutional
ROW
Rail
Water
Utility
Site
N

Zoning Map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FIRST NATIONAL BANK of Elk River

812 Main Street
Elk River, MN 55330
Phone 763 241 3637
Fax 763 441 5784
www.firstnationalfinancial.com

August 15, 2012

City of Coon Rapids
Department of Community Development
11155 Robinson Drive
Coon Rapids, MN 55433

RE: Request for Rezoning/Comprehensive Plan Amendment
Property: 10732 Hanson Boulevard, Coon Rapids, Minnesota
Fee Owner: First National Bank of Elk River
Our File No. 40453-326

Dear Madam or Sir:

The purpose of this letter is to request that the City of Coon Rapids amend its Comprehensive Plan and rezone the Property noted above to office use. The Property was previously zoned as commercial/industrial. The Property was rezoned from commercial/industrial to moderate density residential by the City with the City initiating the rezoning on November 16, 2010. First National Bank of Elk River is the owner of the Property as a result of a foreclosure of a Mortgage which it held on the Property. The former occupant of the Property used the Property for office/warehouse purposes and the Property has been vacant for approximately two (2) years. I am enclosing numerous drawings which identify the location of the Property. As you can see from the drawings and pictures, this is an irregular shaped parcel which is surrounded by single family homes and fronts on 108th Avenue N.W. and Hanson Boulevard. The rear of the property butts up to the Burlington Northern Railroad tracks.

The use of this Property under the current zoning would require that all existing improvements to the Property be demolished to comply with the moderate density residential zoning. Because of the location of the Property adjacent to a major thoroughfare and the railroad, it is the fee owner's opinion that both the cost to construct any new building which would comply with the existing moderate density residential zoning, would far exceed the value of the existing Property and the ability to sell any such residential parcel would be extremely restricted in light of the location of the Property in connection with the thoroughfares and the railroad.

We believe that a mistake was made by rezoning the Property in 2010 to medium density residential and the times and conditions have changed to such an extent that no reasonable use can be made of the Property under the current land use designation. Again, it would be

economically impossible to justify the demolition of all improvements on the current site and expect to recoup any sort of investment or use of the Property by constructing any buildings which would comply with the moderate density residential zoning. We believe that there would be no public interest in owing or even renting any residential facility located on this Property.

A change in the land use and Comprehensive Plan, if necessary, to office would be consistent with the prior use of the Property and would result in the marketability of this Property. It appears that all of the land surrounding the Property within 350 feet are R1/Residential in nature. I am not aware of any compatible land use in the surrounding property. This particular parcel is unique in that it is located on a major thoroughfare and abuts an active railroad line. Again, it is the fee owner's opinion that the use of this Property is not appropriate for residential or medium density residential. It has been and should be used as an office space. Petitioner respectively requests that the Property be rezoned to office and the current land use designation under the Comprehensive Plan be modified to office use.

Sincerely,

FIRST NATIONAL BANK OF ELK RIVER

Scott D. Fritz
Senior Vice President

Planning Commission Regular **4.**

Meeting Date: 09/20/2012

Subject: PC 12-18, Zone Change, 1st National Bank Elk River, 10732 Hanson Blvd.

From: Scott Harlicker, Planner

INTRODUCTION

The applicant is requesting approval of a zone change from *Moderate Density Residential* to *Office.*

ACTIONS

Conduct a public hearing
Recommendation by Planning Commission
Introduction by City Council on: October 2, 2012

60 DAY RULE

The applicant submitted this application on: August 14, 2012

To comply with the requirements of Minnesota Statute §15.99, the time period was extended to December 12, 2012.

LOCATION

The property is located at the corner of Hanson Boulevard and 108th Avenue.

	Existing Use	Comprehensive Plan	Zoning
Subject Property	Vacant building	Moderate Density Residential	MDR
North	Railroad tracks	Moderate Density Residential	MDR
South	Park	Park, Recreation and Preserve	LDR2
East	Railroad tracks and twin home	Moderate Density Residential	MDR
West	Single family residence	Low Density Residential	LDR2

DISCUSSION

Background

The applicant is requesting a rezoning from *Moderate Density Residential* to *Office*. The site is 56,326 square feet in size. There is a 7,372 square foot building on the site that is currently vacant and has been vacant for about two years. The prior occupant was a private security firm. The building was constructed in 1968; the most recent work done to the building was in 2001 when the roof was replaced.

The site had been zoned Industrial since 1968. In 2010 the property's land use designation was changed from Industrial to Moderate Density Residential as part of the Comprehensive Plan update. The zoning was also changed from Industrial to Moderate Density Residential following approval of the Comprehensive Plan update. These

changes were made because Industrial was not appropriate zoning and Moderate Density Residential was compatible with the single family residences and would serve as a buffer to Hanson Boulevard.

Analysis

When considering a request to rezone property, the Commission should evaluate if there was some mistake in the original zoning, or if the character of the neighborhood has changed so that a reasonable use of the property can not be made under the current zoning classification.

Mistake in the Original Zoning

From 1968 to 2010 the subject property was zoned *Industrial.* Included as part of the Comprehensive Plan update approved in 2010, the property was rezoned to *Moderate Density Residential.* The site was developed with an office building and had been occupied consistently up until two years ago. Typically industrial uses are not compatible with residential uses; therefore, industrial was not an appropriate zoning for this site. However, Office is more compatible with residential uses and could serve as a buffer between the adjacent single neighborhood and Hanson Boulevard. The stated purpose of Office is to buffer residential districts from arterial streets and to provide a district which is compatible with and may reasonably adjoin residential districts.

Reasonable Use of the Property

The subject property is located in an area that is, mixed residential with single family residences, twin homes and apartments nearby. The applicant believes that it is cost prohibited to redevelop the site with moderate density housing. The cost involved with demolishing the site and redeveloping with townhomes is not economically feasible. Given the site's location, abutting a railroad and an arterial street, and the lack of a demand for townhomes they could not get a reasonable return on their investment. A more reasonable use of the property could be made under Office zoning.

The Planning Commission should also give consideration to the evaluation criteria found in Section 11- 307 when making their recommendation on rezoning requests.

Section 11-307 Criteria	**Comments**
Effect of public health, safety, order, convenience, and general welfare in the area.	**OK** - The proposed zoning will not adversely impact the area. The property is adjacent to the railroad tracks and an arterial street.
Effect on present and potential surrounding land uses.	**OK** – The proposed zoning will not adversely impact the surrounding residential land uses.
Conformance with the Comprehensive Land Use Plan.	**OK** – Assuming the proposed land use amendment is approved, the proposed zone change will be consistent with the City's Comprehensive Land Use Plan. The proposed land use designation is Office
Conformance with any applicable development district.	**OK** – There is no applicable district plan in this area.

Below is a list of the uses allowed in the **MDR** District:

Permitted Uses.

(1) Two-family dwellings existing, or for which permits were approved, as of January 1, 2005 and combined when necessary with other permitted or conditional uses to achieve a density of at least four dwelling units per acre.
(2) Public uses or utilities, except major buildings, substations, towers, or high voltage transmission lines.
(3) Townhouses.
(4) Multiple dwellings of seven or fewer units per acre.
(5) State licensed community residential facilities or day care facilities serving 16 or fewer persons.

Conditional Uses.
(1) Cemeteries and their accessory structures.
(2) Churches, private schools, nursing and boarding care homes, hospitals, sanitariums, rest, and similar institutions.
(3) Home occupations
(4) Marinas and related uses.
(5) Mining as regulated under Chapter 11-2000.
(6) Public buildings and major utility structures, including the following:
(a) Water pump houses shall conform to principal building setbacks.
(b) Electric power substations shall conform to the principal building setbacks and have a landscaped yard. Electric power substations shall be screened in accordance with Section 11-1838.
(c) Water towers shall conform to principal building setbacks.
(d) High voltage transmission lines shall, whenever possible, be located to avoid diagonal divisions of land.
(e) Railroad uses may include through railroad tracks, but not switching or storage yards.
(f) Any principal public building, other than utility structures.
(7) Recreational facilities such as country clubs, community recreation buildings, golf courses, archery ranges, or trapshooting ranges.
(8) Architecturally-designed earth-sheltered single-family dwelling units not otherwise meeting all the provisions of this Code.
(9) State licensed community correctional facilities
(10) Attached dwelling structures not described as permitted uses, seven dwelling units per acre or less.
(11) Single-family dwellings when combined with permitted and/or other attached dwellings uses to achieve a density of at least four dwelling units per acre.
(12) State licensed community residential facilities or day care facilities serving 17 or more persons.

Below is a list of the uses allowed in the **Office** District:

Permitted Uses.
(1) Medical and dental clinics and medical and dental laboratories.
(2) Offices.
(3) Public parks and their incidental structures.
(4) Public uses or utilities and their accessory structures, except towers of high voltage transmission lines.
(5) Barber shops and beauty shops.
(6) Pet grooming shops, provided no animal is kept overnight or outside and no noise is audible outside of the building or bay occupied by the grooming shop.
(7) Animal hospitals, provided no animal is kept outside and no noise is audible outside of the building or bay occupied by the animal hospital.
(8) Repair and/or servicing of such items as musical, scientific, and medical instruments, photographic equipment, jewelry, watches, clocks, small household appliances (such as televisions, toasters, sewing machines, or computers), office machines (such as adding machines, typewriters, or dictation equipment), shoes and clothes (including tailoring and dressmaking) and similar uses; provided there is no exterior storage of materials as a result of such business, except for motor vehicles used in the business, and no noise, vibrations, or odor is created which is noticeable outside the building or bay occupied by the business.
(9) State licensed day care facilities.
Conditional Uses.
(1) Churches.
(2) Fast food establishments provided they occupy no more than 25 percent of a building, and have no

drive-up facility.

(3) Financial institutions with or without drive in facilities.

(4) High voltage transmission lines and poles.

(5) Mortuaries.

(6) Nonprofit clubs, lodges, and halls.

(7) Private schools, hospitals, sanitariums, rest, boarding, and group homes and similar institutions.

(8) Restaurants.

(9 Retail stores. Other than those subject to license pursuant to Title 5 of this Code, except as specifically provided under this Title 11.

(10) State licensed community residential facilities or State licensed community correctional facilities.

(11) Duplicating, blueprinting, and photostatting services.

(12) Physical Fitness Centers.

(13) Secondhand dealers or antique dealers as defined by Revised City Code-1982 Section 5-2602(22) and 5-2602(2).

(14) City licensed transient merchants, solicitors, and canvassers operating from a fixed location.

(15) Precious metal dealers as defined by Revised City Code-1982 Section 5-2702(6). 2.

RECOMMENDATION

In Planning Case 12-18, recommend approval of the proposed rezoning based on the following findings:

1. The proposed zone change would be consistent with the Comprehensive Land Use Plan.
2. The proposed zone change is compatible with the surrounding zoning districts and land uses.
3. The proposed zone change would not have an adverse impact on the area.
4. The times and conditions have change and the character of the neighborhood has changed so that a reasonable use of the property can not be made under the current zoning.

Attachments

Location Map

Land Use Map

Zoning Map

Applicant's Narrative

Location Map

Land Use Map

Land Use
land use
Residential
Low Density (2-4 dwelling units/acre)
Moderate Density (4-7 du/a)
High Density (7-30 du/a)
Residential Mixed Use (7-30 du/a)
Mobile Home (5-10 du/a)
Commercial
Community
Neighborhood
Commercial Mixed use
General
Regional Shopping
Other
Park, Recreation, and Preserve
Office
Industrial
Institutional
ROW
Rail
Water
Utility
Site
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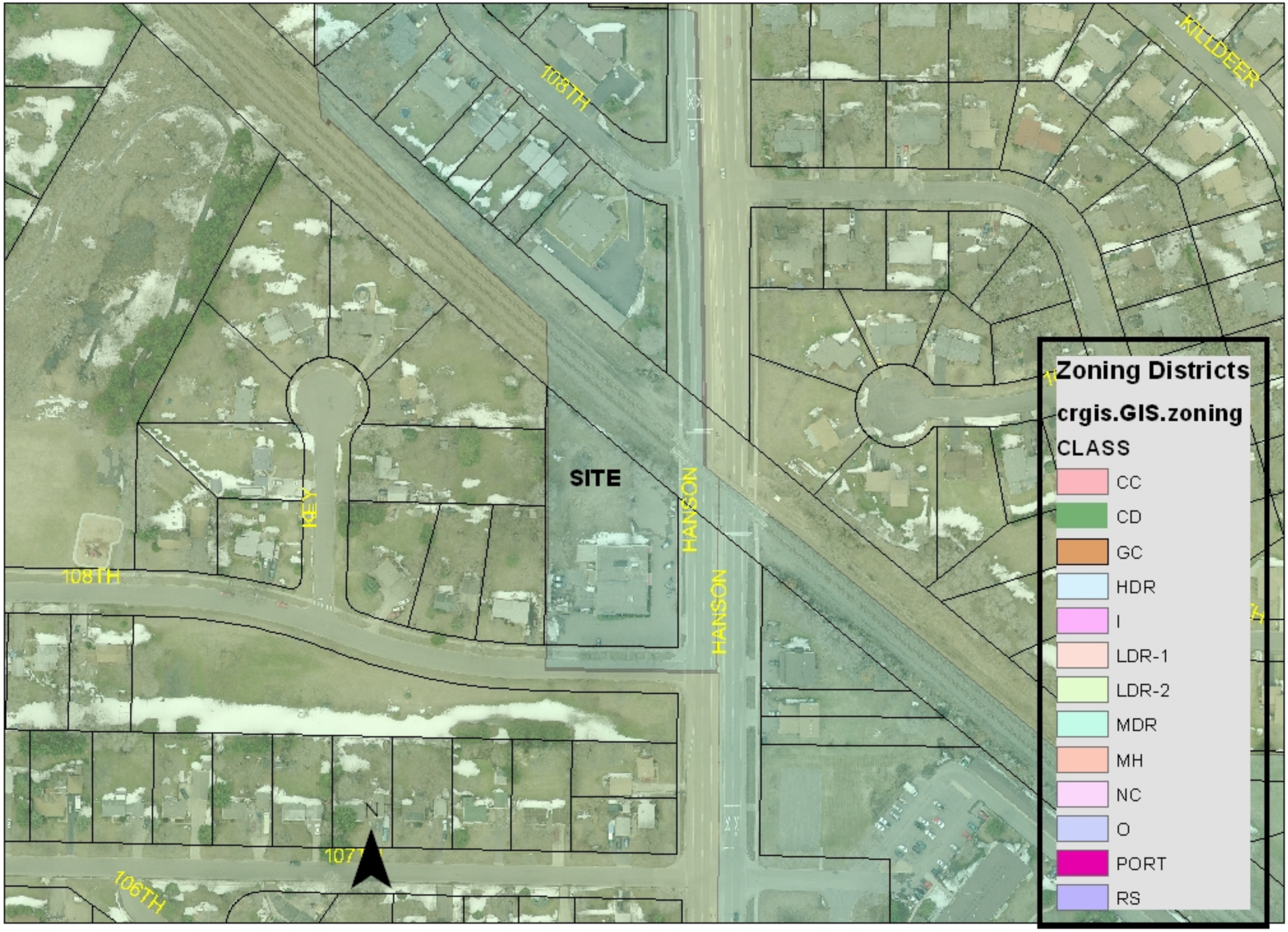
Zoning Map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FIRST NATIONAL BANK of Elk River

812 Main Street
Elk River, MN 55330
Phone 763 241 3637
Fax 763 441 5784
www.firstnationalfinancial.com

August 15, 2012

City of Coon Rapids
Department of Community Development
11155 Robinson Drive
Coon Rapids, MN 55433

RE: Request for Rezoning/Comprehensive Plan Amendment
Property: 10732 Hanson Boulevard, Coon Rapids, Minnesota
Fee Owner: First National Bank of Elk River
Our File No. 40453-326

Dear Madam or Sir:

The purpose of this letter is to request that the City of Coon Rapids amend its Comprehensive Plan and rezone the Property noted above to office use. The Property was previously zoned as commercial/industrial. The Property was rezoned from commercial/industrial to moderate density residential by the City with the City initiating the rezoning on November 16, 2010. First National Bank of Elk River is the owner of the Property as a result of a foreclosure of a Mortgage which it held on the Property. The former occupant of the Property used the Property for office/warehouse purposes and the Property has been vacant for approximately two (2) years. I am enclosing numerous drawings which identify the location of the Property. As you can see from the drawings and pictures, this is an irregular shaped parcel which is surrounded by single family homes and fronts on 108th Avenue N.W. and Hanson Boulevard. The rear of the property butts up to the Burlington Northern Railroad tracks.

The use of this Property under the current zoning would require that all existing improvements to the Property be demolished to comply with the moderate density residential zoning. Because of the location of the Property adjacent to a major thoroughfare and the railroad, it is the fee owner's opinion that both the cost to construct any new building which would comply with the existing moderate density residential zoning, would far exceed the value of the existing Property and the ability to sell any such residential parcel would be extremely restricted in light of the location of the Property in connection with the thoroughfares and the railroad.

We believe that a mistake was made by rezoning the Property in 2010 to medium density residential and the times and conditions have changed to such an extent that no reasonable use can be made of the Property under the current land use designation. Again, it would be

economically impossible to justify the demolition of all improvements on the current site and expect to recoup any sort of investment or use of the Property by constructing any buildings which would comply with the moderate density residential zoning. We believe that there would be no public interest in owing or even renting any residential facility located on this Property.

A change in the land use and Comprehensive Plan, if necessary, to office would be consistent with the prior use of the Property and would result in the marketability of this Property. It appears that all of the land surrounding the Property within 350 feet are R1/Residential in nature. I am not aware of any compatible land use in the surrounding property. This particular parcel is unique in that it is located on a major thoroughfare and abuts an active railroad line. Again, it is the fee owner's opinion that the use of this Property is not appropriate for residential or medium density residential. It has been and should be used as an office space. Petitioner respectively requests that the Property be rezoned to office and the current land use designation under the Comprehensive Plan be modified to office use.

Sincerely,

FIRST NATIONAL BANK OF ELK RIVER

Scott D. Fritz
Senior Vice President

Planning Commission Regular **5.**

Meeting Date: 09/20/2012

Subject: PC 9-20 Recodification and Reorganization of Title 11 (Zoning Code)

From: Scott Harlicker, Planner

INTRODUCTION

Staff is presenting the draft recodification of Title 11. The recodification process included reorganizing and renumbering the chapters, as well as making more significant changes to the language, allowed uses and standards within each chapter where needed.

ACTIONS

Conduct a public hearing
Recommendation by Planning Commission
Introduction by City Council on: October 3, 2012

60 DAY RULE

N/A

LOCATION

N/A

DISCUSSION

Staff is proposing to review Title 11 one chapter at a time beginning with the purpose and goals, and administration chapters, then moving into the individual zoning districts and finishing with the general district standards, the subdivision chapter and antenna tower chapter. Three other new ordinance amendments have been incorporated into the staff report they are:

- PC 12-10 number of detached garages in the LDR District
- PC 12-19 establish a new Business Park zoning district and changes to the nonconforming use section
- PC 12-20 driveway width in the LDR1 zoning district and changes to the maximum length of an off drive parking area

These three ordinances were originally brought forward as separate cases; however, for organizational ease and clarity they are being incorporated into the recodification process.

Chapter 100 Purpose and Goals

Most of the changes to this section are stylistic. The redundant references to the City and some outdated language were removed. There were several substantive changes to this section. In the past, infrastructure was either public or private. A third ownership pattern has emerged recently, public/private partnerships. Goal (5) acknowledges this new ownership pattern. The City is also transforming from a developing community to a fully developed/ redeveloping community. Goal (14) was added to recognize this transformation.

Chapter 200 Definitions

The definitions section has been revised. New definitions have been added, existing definitions have been updated and outdated terms have been eliminated. Definitions from other sections have also been consolidated here.

Chapter 300 Administration

Stylistic Changes

The public hearings and notices processes have been combined into one section. Tables have been added outlining the criteria that trigger site plan review and what actions are required for application approval. All the application requirements have been combined into one section. The revocation standard will be incorporated into an enforcement section. The "Duties" sections for the Director and Zoning Administrator have been removed. These duties are set by the City Manager and Council. The language regarding Conflicts with Other Laws section and Applications of Provisions section have been updated with new sections Conflicting Provisions and Severability

Substantive Changes

- Adds "triggers" for applications and criteria are established that allow for administrative review of some applications and to deny certain applications. Section (101)(2) sets a percent change in square footage (>34% and >15% within an overlay or special district) for additions that need Commission review. Additions less than those can be reviewed administratively. Gives the Director expanded authority to deny applications if the applications does not meet certain findings, and also adds the ability to deny applications if the applicant has outstanding fees on prior projects, or is not in code compliance on prior projects.
- The definition of "potential user" has been tightened. The term potential user is not currently defined. Under the proposed code a potential user must have a legal interest in the property.
- Adds definitions for the types of applications and specifies the reviewing authority. It also outlines the process for the issuance of a new Home Occupation Permit. The permit will replace the current conditional use permit process.
- The statutory requirements of the 60 day rule are incorporated into section. This statute is not referenced in the current code.
- The appeals process has been revised. The current appeals process is procedurally faulty. The appeals time frame is outlined in two sections and does not begin until after the Director notifies the applicant of the Commission's decision. The Director currently has 14 days to notify and then the applicant has 10 days to appeal.
- The standards for dimensional, design and use flexibility have been revised. Specific language has been added that clarifies that the flexibility is specific to the project and is not a variance that runs with the land. Flexibility language from the PORT District standards is proposed for this section. Land use flexibility is included in the current code.

Chapter 400 District Types and Schema

Section 400 has been changed so that existing zoning districts and overlay districts are enumerated. Obsolete sections have been updated to reflect current practices and the use of GIS to store and amend the zoning map. The annexation section has been eliminated , annexation is no longer an issue.

Chapter 600 Residential Districts

Section 11-600 includes the Low Density Residential Districts, Moderate Density Residential District, High Density Residential District and Mobile Home District. There is a residential table at the front of the chapter that lists all the uses allowed in the residential districts. Following the table are regulations that apply to all the residential districts. These are compiled from the Section 11-1800 General Regulations of the current code.

LDR1 and LDR2

In Sections 601 (LDR1) and 602 (LDR2) changes were made to the section that allows for front yard encroachment of decks (601.2(11)(f) and 602.2(11)(g)). The change includes porches as an allowed encroachment. The section on

Variable Setback Plan was also changed. This option is not applicable anymore, so the bulk of it was eliminated and replaced with language that make houses constructed under the provision conforming for the purpose of front setback requirements. A section for exterior building materials for institutional and commercial buildings was added.

MDR and HDR

Changes are proposed to the building character and materials section. Deleted is language that requires all exterior wall surfaces be the same material and the term "interesting". The list of acceptable building materials for townhomes, apartments, and industrial and commercial buildings was expanded and made more detailed.

MH

No changes are proposed to the Mobile Home District.

Chapter 700 Office and Commercial Districts

Section 11-700 includes Office District, Neighborhood Commercial, Community Commercial, General Commercial and Regional Shopping. A use table starts off the section. The layout is similar to the layout used in Section 11-600 Residential Districts. Following the table are regulations that apply to all the commercial and office districts.

Design Standards

The design standards were consolidated and organized into Section 11-701.2 that applies to all the districts. There were several standards that were applicable only to the Regional Shopping District, and those were left in that section.

Dimensional Requirements

The dimensional requirements for each district were not changed except for instances where there was an extra large setback from an arterial street. The existing code requires a 50 foot setback from an arterial street to preserve the opportunity for additional right-of-way. Since most arterial streets no longer need additional right-of-way, staff is proposing to eliminate this requirement and utilize a standard 35 foot setback from all street right-of-ways. Changes were made to clear up discrepancies in the lot area requirements, lot coverage requirements and floor area requirements.

Chapter 800 Industrial Districts

Uses

The most significant change proposed is the replacement of the five different types of limited industrial uses with a single definition, "light industrial".

New Definition

The existing five types of limited industrial uses will be replaced with the definition listed below:

Light Industrial A use that involves the manufacturing, production, processing, fabrication, assembly, treatment, repair, or packaging of finished products or parts, predominantly from previously manufactured, prepared or refined materials (or from raw materials that do not need refining), but excluding basic industrial processing. Warehousing, wholesaling, and distribution of the finished products produced at the site is allowed as part of this use.

Design Standards and Dimensional Requirements

There are some minor changes proposed to the exterior materials standards and the addition of design standards for

loading and service areas. The dimensional requirements for the district were not changed except for the same change to the arterial street setback that is proposed in the office and commercial district.

Chapter 900 Special Districts

Section 11-900 includes Conservancy District, Planned Unit Development District, PORT Districts, Riverdale Station Transit District. There are no changes, other than formatting.

Chapter 1000 Overlay Districts

Section 11-1000 includes Mississippi River Overlay District, Northstar Office Park Overlay District and River Rapids Overlay District. There are no changes, other than formatting.

Chapter 1100 Environmental Districts Regulations

Section 11-1100 includes Floodplain Management, Wetland Management and Mining and Land Reclamation. No changes to the language and standards in Wetland Management and Mining and Land Reclamation Sections are proposed. There are some technical changes made to the Floodplain Management section that reflect changes in State Statute.

Chapter 1200 General District Standards

Section 11-1200 includes parking regulations, sign regulations, fence regulations, screening regulations, allowed encroachments, performance standards and adult uses. The general standards that applied only to residential districts were move to Section 11-600 Residential Districts, those that applied only to Office and Commercial Districts were moved to 11-700 Office and Commercial Districts and if they applied only to the Industrial District they were moved to Section 11-800 Industrial Districts.

Parking Loading and Circulation

The off street parking requirements were updated and placed into a table. To establish the new standards, data from Institute of Transportation Engineer's Parking Generation Manual, findings of a parking study done by Monroe County, New York, parking standards from five adjacent communities were compared. There were no other changes other than formating.

Signage

The layout has been modified to the new format. There are no changes, other than formatting.

Fences

The layout has been modified to the new format. There are no changes, other than formatting.

Screening

The layout has been modified to the new format. There are no changes, other than formatting.

Encroachments into Setbacks

The layout has been modified to the new format. There are no changes, other than formatting.

Miscellaneous Performance Standards

The section on Satellite Dish Antennas has been updated to be consistent with federal regulations. The layout has been modified to the new format.

Adult Uses

The layout has been modified to the new format. There are no changes, other than formatting.

Chapter 1300 Nonconforming Lots, Structures and Uses

The layout has been modified to the new format. A section on expansion of nonconforming uses in the LI district has been added.

Chapter 1400 Towers and Antenna Structures

For towers within residential districts, the Planning Commission will conduct the public hearing and forward a recommendation to the City Council. Under the current code the Council conducts the public hearing. Colocation requests will no longer require a public hearing. The application will be reviewed administratively through the building permit process. Review time frames have been revised so they are consistent with federal regulations.

Chapter 1500 Subdivision Regulations

Changes to the subdivision regulation include consolidation of standards for approval, elimination of redundant and outdated sections, a new expedited process for lot line adjustments, updating the variance process and the use of a developer agreement.

Consolidation of Standards

In the current code, the findings for approval are located in several sections of the subdivision regulations. There are separate findings for plat approval, lot splits, registered land surveys and variances. They have been consolidated into one section at the beginning of the chapter.

Elimination of Outdated and Redundant Sections

The current code was originally drafted when the city was growing and had large tracts of undeveloped land. Sections of the code are a reflection of those times. They include references to unsewered and future developable areas. The City is now fully developed and those sections of the code that reference unsewered area, private septic systems and the Development District have been eliminated.

Expedited Process for Lot Line Adjustments

The current procedure requires that a property owner go through the formal lot split process to make adjustments to an existing common boundary. That has been changed to a Exception for Boundary Adjustment. A subdivision exception may be used with the adjustment of a lot line by the relocation of a common boundary. The adjustment cannot result in the creation of any new lots. The Commission will hold a public hearing and make a determination with an appeal to the City Council available.

Developer Agreement

The current subdivision regulations, Chapter 11-2200, is 22 pages long. Much of the chapter deals with design requirements, necessary improvements, and monetary assurances that public infrastructure will be built. These technical provisions have been revised, consolidated and included a new developer agreement that will detail the obligations of the city and developer. A general description of the type of improvements required and the requirement for a developer agreement remains in the subdivision regulations.

Variance Procedure

The subdivision regulations include a process for an applicant to apply for a variance to the subdivision regulations.

The procedure includes a public hearing and a recommendation by the Commission to the City Council. A 2/3 majority at the Council level is required to approve a plat with variances. Because of vagueness in the language, however, it is difficult to tell if the 2/3 majority is required for preliminary plat, final plat, or both. The draft requires 2/3 majority at both preliminary and final plat.

Other Ordinances

PC 12- 10 - The city is proposing an ordinance amendment to eliminate the restriction of only one detached garage/storage building per dwelling unit in the LDR1 and LDR2 zoning districts.

The proposed code change would allow more than one detached garage/storage building. The current code limits the number of detached garage/storage buildings to one. This language was part of an amendment that was approved in 1997. The amendment also set the limit of a maximum of three detached accessory structures and increased the maximum allowed detached garage/storage building to 1,200 sf.

Under the current code, a property owner with an attached garage can construct a detached garage/storage building to store a motor vehicle or major recreation equipment. However, a property owner with a detached garage does not have this option. This change will allow property owners with a detached garage to construct a second detached garage for storing other motor vehicles, recreational vehicles, snowmobiles and boats. The code prohibits parking these types of vehicles in accessory structures other than garage/storage buildings.

A search of the property data base found 3,006 single family homes with a detached garage. That is about 20% of the total single family homes. Most of the homes are located on smaller lots, around 11,000 square feet in size, and are located in the older areas of the city such as the Northdale Additions, Thompson Heights Additions and Woodcrest subdivision. The proposed change would only impact the homes with detached garages. It will not change the maximum amount (1.200 sf) of garage/storage space allowed. The total number of detached accessory structures currently allowed is three, that will not change.

Previous Discussions

The Planning Commission first considered the proposed changes at the May 17th meeting. The Commission postponed action on the proposed ordinance for discussion at a future workshop. The Commission asked for language changes to clear up possible confusion with the term "two family dwelling unit" and suggested the architectural material and setback information be it own subsection of the ordinance. At the July workshop the Commission suggested some grammatical changes and ask staff to check for consistency with the Building Code regarding setbacks and and required foundation or slab.

The proposed ordinance includes the Commission's suggested changes. It was also compared to the building code; the slab requirement is consistent with the building code and the setback from adjacent structures was changed from six feet to five feet so that it is consistent with the building code.

The proposed changes are reflected in Sections 11-602.2(6) and 11-603.2(6).

PC 12-19 The City is proposing an ordinance amendment to establish a new industrial district, Business Park (BP) .

Background

The City previously adopted an economic development strategy that targets the attraction and expansion of high-tech, life sciences and clean manufacturing businesses. Council considered a moratorium on new industrial development in June, but opted not to enact it. Council did however asked staff to review the industrial code. In consideration of that strategy, the Commission discussed in a July workshop possible changes to the list of allowed uses in the Industrial district. The discussion focused on what changes should be made to the Industrial district so that it is consistent with, and supports the goals identified in the economic development strategy. Staff is proposing a new district, to be known as*Business Park*, that will promote more efficient land use, increased job creation, higher wages, and increased compatibility with existing businesses.

The Commission asked staff to draft an ordinance that establishes a new *Business Park* zoning district. The new district includes uses that are "cleaner" and "high-tech". The new district would be put in place on the current Industrial zoned properties south of Coon Rapids Boulevard, and generally referred to as the Evergreen business park. There is a corresponding rezoning proposed for those industrial properties. The existing Industrial district is proposed remain in place on all other industrial zoned properties.

The dimensional standards, such as setbacks, height, lot coverage, and design standards have not been changed. They are the same as those in the existing Industrial district.

Proposed Changes

The Commission suggested that the vehicle service uses be eliminated. Those uses include the following:

- Vehicle repair major and minor, including the sales of parts in conjunction therewith, but not including a junk yard or salvage business.
- Sales or rental of vehicles licensed for more than 9,000 pounds gross vehicle weight and special mobile equipment as defined in Section 9-121 of the Revised City Code-1982, except for recreational vehicles. Such use may include the sale of parts in conjunction therewith.
- Truck rental.
- Wholesale businesses, warehouses, or freight terminals except for storage of bulk petroleum, scrap or waste material as a primary use.
- Catalog order facilities, provided there is no direct pickup of orders by customers.

Other uses the Commission suggested be eliminated were service uses, including laundry and dry cleaning, animal hospitals, and kennels, duly licensed under Chapter 6-200, printing, blue-printing, duplicating, mailing and graphic arts; non-profit cultural-educational uses and self storage facilities. The proposed changes are reflected in the Use Table found in Section 11-801.1. The text for the Business Park district is in Section 11-803.

Nonconforming Uses

The proposed ordinance would create some nonconforming uses. To address that issue, a code change is proposed that allows for the limited expansion of those uses made non-conforming as a result of the zone change. Below is the proposed language:

Nonconforming Uses in the LI District may be expanded provided:

(i) The expansion does not exceed 30 percent of the gross floor area of the building occupied by the nonconforming use at the time it became nonconforming

(ii) The expansion does not exceed 30 percent the area of the site outside of the building occupied by the nonconforming use at the time it became nonconforming.

(iii) The expansion complies with the LI District standards.

(iv) A conditional use permit in conformance with Chapter 11-300 is obtained.

The proposed changes are reflected in Section 11-1302 General Provisions.

<u>PC 12-20 The city is proposing an ordinance amendment to increase the maximum driveway width in the LDR1 zoning districts and establish design standards for off-drive parking areas. The proposed ordinance would also increase the maximum length of the off drive parking area to 40 feet.</u>

In May, the Commission recommended approval of a proposed ordinance that increased the maximum driveway width in the LDR1 and LDR2 districts to 40 feet and established guidelines and a definition for off drive parking areas. In July, the City Council asked staff to modify the proposed ordinance so it did not include the LDR1 District. The Council was concerned about the impact on the larger LDR1 lots. In August the Council approved the proposed ordinance that did not include the LDR1 district and asked staff to come back with a separate ordinance for the LDR1 district. The Council also asked that the ordinance include a deeper off drive parking area to accommodate full sized RV campers.

To allow the larger lots, most of which are located along the river and have lot depths that exceed 200 feet, staff is proposing the following:

- The maximum driveway width for the first 100 feet from the right-of-way would be 36 feet.
- After 100 feet there is no maximum driveway width
- Lot coverage would not be changed, currently 30%

This would allow wider driveways to accommodate larger garages and detached storage buildings. Most of the houses along the river are setback more than 100 feet from the street. The current code requires an improved surface for driveways within 100 feet of the street, after that the property owner is free to finish the driveway however they want. The distance from the street and vegetation would screen and buffer the wider driveways from the street.

The smaller lots, those that are not as deep as the river lots, would not be able to have the wider driveway. They would fall under the same guidelines as those in the LDR2 district because they are not deep enough to take advantage of the wider driveways.

The proposed language can be found in Section 11-602.(7).

The maximum depth (shown dimension B in Figure A, Sections 11-602.2(7)(f) and 603.2(7)(f)) for off drive parking areas has been changed from 24 feet to 40 feet. This was done to accommodate full size RV campers.

RECOMMENDATION

In Planning Case 9-20, recommend approval of the proposed ordinance amendment to recodify Title 11 (Zoning Code).

Attachments

Draft Revised Title 11

TITLE 11

LAND DEVELOPMENT REGULATIONS

INDEX

Chapter Page

11-100 .....Purpose and Goals 11-100-1

11-200 .....Definitions..... 11-200-1

11-300 .....Administration 11-300-1

11-400 .....District Types and Schema..... 11-400-1

11-500 .....Reserved for Future Use. 11-500-1

11-600 .....Residential Districts:

.....11-601 General Regulations and Tables..... 11-600-1

.....11-602 (LDR-1) Low-Density Residential District ..... 11-600-?

.....11-603 (LDR-2) Low-Density Residential District ..... 11-600-?

.....11-604 (MDR) Moderate-Density Residential District ..... 11-600-?

.....11-605 (HDR) High-Density Residential District..... 11-600-?

.....11-606 (MH) Mobile Home District ..... 11-600-?

11-700 .....Office and Commercial Districts:

.....11-701 General Regulations and Tables..... 11-700-1

.....11-702 (O) Office District ..... 11-700-?

.....11-703 (NC) Neighborhood Commercial District ..... 11-700-?

.....11-704 (CC) Community Commercial District ..... 11-700-?

.....11-705 (GC) General Commercial District..... 11-700-?

.....11-706 (RS) Regional Shopping District ..... 11-700-?

11-800 .....Industrial Districts:

..... 11-801General Regulations and Tables..... 11-800-1

.....11-802 (LI) Light Industrial District..... 11-800-?

..... 11-803 (BP) Business Park District.....11-800-?

DRAFT

11-900 .....Special Districts:
.....11-901 (CD) Conservancy District ..... 11-900-?
.....11-902 Planned Unit Development Districts ..... 11-900-?
.....11-903 Port Districts ..... 11-900-?
..... 11-904 Riverdale Station Transit District..... 11-900-?

11-1000 .....Overlay Districts:
.....11-1001 Mississippi River Overlay District..... 11-1000-?
.....11-1002 Northstar Office Park Overlay District..... 11-1000-?
.....11-1003 River Rapids Overlay District ..... 11-1000-?

11-1100..... Environmental District Regulations:
.....11-1101 Floodplain Management.....11-1100-?
.....11-1102 Wetlands Management.....11-1100-?
.....11-1103 Mining and Land Reclamation.....11-1100-?

11-1200 .....General District Standards:
.....11-1201 Parking, Loading, and Circulation ..... 11-1200-?
.....11-1202 Sign Regulations..... 11-1200-?
.....11-1203 Fences..... 11-1200-?
.....11-1204 Screening ..... 11-1200-?
.....11-1205 Encroachments into Setbacks..... 11-1200-?
.....11-1206 Miscellaneous Performance Standards..... 11-1200-?
.....11-1207 Adult Uses..... 11-1200-?

11-1300.....Nonconforming Lots, Structures and Uses.....11-1300-?

11-1400 .....Towers and Antenna Structures ..... 11-1400-?

11-1500. .....Subdivision Regulations..... 11-1500-?

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11-100 Purpose and Goals

11-101 Intent. The City of Coon Rapids adopts these Land Development Regulations to promote the public health, safety and general welfare, and to achieve the following goals:

(1) To develop a community that provides a full range of opportunities for personal development and participation in community affairs;

(2) To promote orderly development;

(3) To improve and ensure safety in all transportation movements, especially within neighborhoods;

(4) To promote safety from fire and other dangers;

(5) To control the density of development so that property can be adequately served by schools, recreation, public safety, utility systems and other public, private, or franchised infrastructure.

(6) To ensure that the ecology and natural environment are protected;

(7) To build a distinctive physical environment through a desirable and workable network of natural features, land uses, and transportation systems;

(8) To promote an economic base capable of supporting the desired standard of living for all residents;

(9) To enhance the city's image;

(10) To enhance the value of the city's land and structures;

(11) To provide every resident with choices for homes suited to varied needs and lifestyles in an appropriate environment for daily living;

(12) To achieve the goals and objectives documented in the city's Comprehensive Development Plan;

(13) To guide and direct new growth and promote efficient development; and

(14) To ensure that new growth and redevelopment is sensitive to existing conforming development while responding to future needs of the community.

Draft 8-16-12

11-200 Definitions

11-201 Definition. For the purposes of this Title the following definitions apply:

Abutting – Contiguous to, having a common border with.
Adult Oriented Business – "Adult oriented business" includes, but is not limited to,

(a) Adult body painting studios, adult bookstores, adult cabarets, adult conversation or rap parlors, adult entertainment centers, adult health or sports clubs, adult hotels or motels, adult massage parlors, adult modeling studios, adult motion picture theaters, adult novelty businesses, adult saunas, or steam rooms;

(b) any business that is conducted exclusively for the patronage of adults and that excludes minors from the premises, either by operation of law or by the owners of the business;

(c) any business that (i) derives 25 percent or more of its gross receipts during any calendar month from, or (ii) devotes 25 percent or more of its floor area (not including storerooms, stock areas, bathrooms, basements or any portion of the business not open to customers) to items, merchandise, devices, or other materials distinguished or characterized by an emphasis or material depicting, exposing, describing, discussing, or relating to specified sexual activities or specified anatomical areas;

(d) any premises to which public patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separated from the common areas of the premises for the purposes of viewing adult oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. *From Sect 5-2202(1)*

Agricultural Use- The employment of land by raising, harvesting, and selling crops, or feeding (including grazing), breeding, managing, selling, or producing livestock, poultry, fur-bearing animals or honeybees, or by dairying and the sale of dairy products, by any other horticultural, floricultural or viticultural use, by animal husbandry, or by any combination thereof. It also includes the current employment of land for the primary purpose of stabling or training equines including, but not limited to, providing riding lessons, training clinics and schooling shows.

Alley - A public or private right-of-way of at least 18 feet in width which is primarily designed to provide a secondary access to abutting property.

Animal Agricultural - Animals such as cows, sheep, pigs, potbellied pigs, bees, goats, swine, llamas, mules, horses or other hoofed animal, chickens, ducks, or other agricultural animals or domestic fowl.

Animal domestic - Non-poisonous snakes or snakes not prohibited by this Chapter, birds kept indoors, non-poisonous spiders, turtles, lizards, hamsters, chinchillas, mice, rabbits, gerbils, white rats, guinea pigs, or similar small animals capable of being maintained continuously in cages and indoors.

Architecturally Decorated - An element, design, or motif, installed, attached, painted, or applied to the exterior of a building or structure for the purpose of ornamentation or artistic expression.

Automobile Rental Facility - A business whose primary purpose is the rental of automobiles, trucks of one ton or less, or passenger vans, to include associated office activities, parking and storage of rental vehicles, and minor service of those vehicles. "Minor service" for this purpose is limited to activities

Draft 8-16-12

such as fluid top-off, tire inflation, cleaning, and bulb and fuse replacement, but does not include oil changes, mechanical work, or body work.
Automobile Repair, major - General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including body work, framework, welding, and major painting service.
Automobile Repair, minor - The replacement of any part or repair of any part that does not require removal of the engine head or pan, engine transmission or differential; incidental body and fender work, minor painting and upholstering service. Above stated is applied to passenger automobiles and trucks not in excess of 7,000 pounds gross weight.

Basement – That portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.
Block - A tract of land bounded by streets, public parks, cemeteries, railroad right-of-ways, shorelines, or boundary lines of the City.
Boarding House/Rooming House - A single-family dwelling where more than two, but fewer than six rooms are provided for lodging for definite periods of times. Meals may or may not be provided, but there is one common kitchen facility. No meals are provided to outside guests.
Building - Any structure having a roof built for the shelter or enclosure of persons, animals, or chattels.
Building Height - The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.
Business - Any establishment, occupation, employment, or enterprise wherein merchandise is manufactured, exhibited, stored, sold, or where services are offered for compensation.

Channel - That portion of the watercourse normally occupied by a stream under average annual flow conditions, having a natural depression of perceptible extent, with definite bed and banks to confine and conduct flowing water.
City Plans - All plans approved by the City Council.
Clinic, Medical and Dental - Those activities that are of, or connected with, the art of diagnosing, treating, curing, and preventing of disease, relieving pain, and improving or preserving the health of human beings.
Commercial Speech - Speech advertising a business, profession, commodity, service or entertainment.
Commercial Use Antenna - A device used to transmit and/or receive radio or electromagnetic waves directly or indirectly related to commercial wireless telecommunication services and cellular services.
Commercial Use Antenna Tower - Any pole, spire, lattice, or similar structure or combination thereof, greater than 20 feet in height, whether free standing or mounted on a roof or other structure, to which a commercial use antenna is attached or which is designed for an antenna to be attached, and all supporting materials.
Commercial Wireless Telecommunications Service - Licensed wireless telecommunication services including cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

Draft 8-16-12

Common Open Space - Land, water, or a combination of land and water within a planned residential development which is designed and intended for the use and enjoyment of residents of the development. Common open space includes all land within a development, except for individual building lots and land accepted for public dedication

Community Correctional Facility – A facility where one or more persons reside on a 24 hours basis under the care and supervision of a program licensed by the Minnesota Department of Corrections, excluding prisons and jails.

Community Residential Facility –Any facility, public or private, which for gain or otherwise, regularly provides one or more persons with a 24 hour per day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the persons own home. Residential facilities include, but are not limited to: State institutions under the control of the Commissioner of Human Services, foster homes, residential treatment centers, maternity shelters, group homes, residential programs, supportive living residences for functionally impaired adults, or schools for handicapped children.

Compatible - Any uses that do not cause a:

(a) Likeness to a degree to cause monotony.

(b) Difference to a degree to cause incongruity.

(c) Lower value so as to cause depreciation of neighborhood values.

(d) Nuisance; compared to existing or other proposed structures or uses. Types of nuisance characteristics include: noise, dust, odors, glare, unsightly building exterior, unsightly exterior storage, traffic generation signs, refuse, or lack of landscaping.

Convenience Store - A retail store having a maximum floor area of 5,500 square feet that offers for sale household and convenience items, food or other miscellaneous retail goods and gasoline.

Crawl Space - The portion of a building between the underside of the lowest finished floor and the ground under the building. This area may or may not be enclosed.

Curtain Wall - An exterior non-load bearing wall made up of panels of stone, glass, concrete, or masonry.

Day Care Facility - Any facility, public or private, which for gain or otherwise, regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation, or developmental guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the persons own home. Day care facilities include, but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, developmental achievement centers, day treatment programs, adult day care centers and day services.

Developer - Any person who owns or controls land which is to be developed.

Director - The Community Development Director for the City of Coon Rapids or designee.

Dwelling - A building or part of a building, containing living, sleeping, cooking, housekeeping accommodations, and sanitary facilities for occupancy by one or more persons.

Dwelling, Duplex - A building designed as a single structure, containing two separate living units, each of which is designed to be occupied as a separate, independent permanent residence.

Dwelling, Multi-Family- A building or portion thereof containing three or more dwelling units.

Draft 8-16-12

Dwelling, Single Family Attached - A building designed for or used exclusively for residential purposes by one or more persons located on individual lots but joined along one or more lot lines.
Dwelling, Single Family Detached - A detached building designed for or used exclusively for residential purposes by one family located on an individual lot which is not attached to any other dwelling unit by any means.
Dwelling, Two Family – See Dwelling, Duplex

Easement - A grant by a property owner of the use of land for a specific purpose.
Expansion - (a) The enlargement or extension of a use or structure so that it occupies a greater area of land, building space, or floor area.

(b) A change that increases the intensity of a use, the useable floor area, or the height or volume of a structure.

(c) The movement of a use to another area within a lot or to another structure, or within another portion of a structure.

(d) The replacement of non-dynamic with dynamic signage, or the increase in frequency or visual intensity of dynamic signage.

(e) The replacement of more than 25% of the structural components, including, but not limited to, beams, studs, joists, or rafters, or more than 25% of a foundation of a structure.

Equal Degree of Encroachment - A method of determining the location of floodway boundaries so that floodplain lands of both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the effect of encroachment on the hydraulic efficiency of the floodplain along both sides of a stream for a significant distance.
Educational Facility, College - An institution for post-secondary education, public or private, offering courses in general, technical, or religious education and not operated for profit. It operates in buildings owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities, and sororities, but not including colleges or trade schools operated for profit.
Educational Facility, Elementary - A public, private, or parochial school offering instruction for grades K-6.
Educational Facility, High School – A public, private, or parochial school offering instruction for grades 9-12.
Educational Facility, Middle School - A public, private, or parochial school offering instruction for grades 6-9

Family - A family is:

(a) An individual, or a group of persons related by blood, marriage, or adoption, including foster children, living together as a single housekeeping unit.

(b) A group of not more than six persons who need not be related by blood, marriage, or adoption, living together as a single housekeeping unit.

Feedlot - The breeding or confining of animals, except domestic household pets.
Financial Institution - An institution established for the receiving, keeping, lending, or sometimes issuing of money and making easier the exchange of funds by checks, notes, etc. These include, but are not

Draft 8-16-12

limited to, banks, mortgage bankers, savings and loan associations, and similar lending or banking institutions.

Finished Floor Area - The floor area of a dwelling or dwelling unit whose ceiling height is not less than seven feet. To qualify for finished floor area, the room's walls and ceiling must be covered with plaster, paneling, dry-wall, tile, or similar materials, and its floor must be covered with hardwood, carpeting, tiles, or some similar material in a completed and finished manner. Finished floor area includes, for rooms with sloped ceilings, the floor area beneath a ceiling height of at least five feet, provided at least 50 percent of the floor area of the room has a ceiling height of at least seven feet. No portion of finished floor area will consist of exposed concrete, concrete blocks, studs, or joists, whether painted or not. Finished floor area may include bedrooms, family rooms, dens, and similar areas, but will not include basements and areas devoted to uses accessory to the operation of the dwelling including, but not limited to, furnace rooms, laundry rooms, storage rooms, and workshops.

Flood, Regional - A flood which can be expected to occur on an average of once every 100 years.

Flood Fringe - That portion of the floodplain outside the floodway.

Flood Protection Elevation - A point 24 inches above the limit of the regional flood.

Floodplain - The beds proper and the areas adjoining a wetland, lake or a watercourse which have been or hereafter may be covered by the regional flood.

Floodway - The channel of the watercourse and those portions of the adjoining floodplain which are reasonably required to carry and discharge the regional flood.

Floor Area - The gross horizontal area of the main floor of a structure plus the horizontal area of any other floor level having a minimum vertical clearance or ceiling height of five feet.

Floor Area Ratio - The total square footage of the structure divided by the total square footage of the lot.

Foster Child - A child placed in a private home for care and maintenance by a parent, guardian or a duly accredited and established public or private welfare agency. A child shall mean anyone 17 years of age or under or a person 18 years of age or older if for reasons of mental or physical disability they still require the care and protection needed by person 17 years of age or under.

Frontage, Business - An exterior building wall that faces a public street or contains a public entrance.

Frontage, Street - The linear length in feet of the property line adjacent to public street(s). An interior lot has one street frontage and a corner lot has two or more street frontages.

Functionally Impaired - For the purposes of residential facilities and day care facilities, means having a condition that includes having substantial difficulty in carrying out one or more of the essential major activities of daily living, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, or having a disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life and requiring support to maintain independence in the community.

Garage/Storage Structure, Private - An accessory structure or accessory portion of the principal structure which is used by a resident of the property to store motor vehicles, major recreational equipment, or other personal property.

Draft 8-16-12

Garden Center/Nursery, Retail - The retail sales of any article, substance, or commodity related to the planting, maintenance, or harvesting of garden plants, shrubs, trees, packaged fertilizers, soils, chemicals, or other nursery goods and related products in small quantities to the consumer.
Governmental buildings and facilities - Any building, structure, serving certain governmental functions. These uses are intended to include uses that are supportive of governmental functions such as public works facilities, fire stations, correctional facilities, jails, wells, water towers and water treatment facilities and waste handling or processing facilities. These uses are intended to be distinguished from governmental offices and essential services.
Governmental Offices - Any facility, building, and structure for the purpose of providing governmental services to the general public. Uses are generally compatible with office and residential uses and include city offices, county offices, courthouses, jail cells operated exclusively in conjunction with and incidental to Anoka County or City courtroom functions, libraries, and post offices. These uses are intended for the direct provision of governmental services to the public as distinguished from governmental buildings and facilities.
Grade - The slope specified in percent of the feet of vertical change in elevation for each 100 feet horizontally.
Grade Landing - The grade required on all streets intersecting with collector or arterial streets.
Ground Level Storage Container – Any container similar in design to a semitrailer, but not equipped with wheels for travel on a public roadway and which is delivered to the site preassembled, and with or without a ground-level entrance, excluding containers designed and used for the storage of garbage, trash, rubbish, recycling, and similar materials in conformance with the City Code.

Highway Corridor - That strip of land 175 feet in width as measured on a line perpendicular to the rights-of-way for U.S. Highway 10, Trunk Highway 610 and Trunk Highway 47. "Highway corridor" excludes the following areas:

(a) any land within the Mississippi River Corridor as described in Section 11-2404;

(b) Trunk Highway 610 between its Coon Rapids Boulevard interchange and its terminus in the City;

(c) U.S. Highway 10 between its University Avenue interchange and its Foley Boulevard interchange; and

(d) Trunk Highway 47 between its Coon Rapids Boulevard interchange and its Foley Boulevard interchange.[

Home Based Retail Sale - The incidental selling at retail of new and used goods and products from a residential unit, a structure accessory to a residential unit, or outside on the same property as the residential unit including, but not limited to, a garage sale, yard sale, sample sale, estate sale, moving sale, craft sale, or boutique, as those terms are commonly understood. Home Based Retail Sale shall not include the incidental and occasional sale of an individual item from a residential unit unless the item is displayed for sale outside of a structure.
Home Occupation - A gainful occupation engaged in on residential property by a resident of that property. Home Based Retail Sales is not considered a home occupation. Neither are the activities of a foster parent, a live-in child care provider, a live-in domestic worker or attendant, or similar caregiver be considered a home occupation.

Draft 8-16-12

Hotel – An establishment containing rooming units providing temporary lodging accommodations to the general public, and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and which may provide additional services such as restaurants, meeting rooms, entertainment, and recreational facilities

Improvement - A repair that provides newer, longer-lasting, or more efficient materials.
Interchange - That area where a roadway or highway intersects with the highway corridor and includes any portion of an interchange located within the City of Coon Rapids. An "interchange" is measured from the beginning of the highway exit ramp to the end of the entrance ramp, or, in the event of designated exit and entrance lanes, from the point of divergency through convergence with the main lanes of travel.
Interim Use - A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.
Impervious Surface - Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks, patios and paved recreation areas.
Industry, Light - A use that involves the manufacturing, production, processing, fabrication, assembly, treatment, repair, or packaging of finished products or parts, predominantly from previously manufactured, prepared or refined materials (or from raw materials that do not need refining), but excluding basic industrial processing. Warehousing, wholesaling, and distribution of the finished products produced at the site is allowed as part of this use.

Junk Vehicle - Includes any motor vehicle or trailer which is not in an operable condition; or which is partially dismantled; or which is used for the sale of parts; or as a source of repair and replacement parts for other vehicles; or which is kept for scrapping, dismantling, or salvage; or is unlicensed or unregistered; or is parked off pavement in a front or side yard or any combination therein. The following vehicles shall not be considered junk vehicles:

(a) An unlicensed vehicle for sale in an automobile sales lot.

(b) A collector vehicle registered as a pioneer, classic, collector or street vehicle, as defined in M.S.A. 168.10, if actively being restored.

(c) One vehicle being actively repaired by a resident of the premise in which the vehicle is located for a period not to exceed seven days.

Junkyard - An open area where waste and used materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber, wires, and bottles. A junkyard includes an auto wrecking yard, but does not include uses that are entirely within enclosed buildings or City Council-approved recycling centers.

Kennel - A business where three or more dogs, cats, or any combination thereof, are kept, boarded, bred, or offered for sale. The term kennel does not include animal hospitals, veterinary clinics, or pet stores.

Draft 8-16-12

Licensed Engineer - An engineer licensed by the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, and Interior Design.
Live/Work Unit - A live/work unit is a single family dwelling unit, part of which may be used as business.
Lodging Room - A room rented as sleeping and living quarters, but without cooking facilities. In a suite of rooms without cooking facilities, each room which provides sleeping accommodation shall be counted as one lodging room.
Lot - A parcel of land intended for transfer of ownership or for building development.
Lot, Corner - A lot within a plat which is bounded on two sides by intersecting streets.
Lot, Double Frontage or Through Lot - A lot which has a front line abutting on a street and a back or rear line abutting another. A corner lot shall not be considered as a double frontage lot.
Lot, Flag - A lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes a narrow access strip connecting the main building site with the frontage street.
Lot Depth - The shortest distance between the front and rear lot lines, measured at the side yard setback line of the shortest side lot line.
Lot Grade – Lot grade for purposes of this Section means the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and a line five feet from the sidewall of the building.
Lot Line - The lines bounding a lot.
Lot Line, Front - The boundary of a lot abutting a public street right-of-way. In the case of a corner lot, the front shall be the lot side having the shortest dimension on a public street. If the dimensions of a corner lot are within 10 percent of being equal, the owner may select either street lot line as the front lot line.
Lot Line, Rear - Any boundary of a lot which is opposite the front lot line. If the rear lot line is less than 10 feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line 10 feet in length within the lot, connecting the side lot lines and parallel to the front lot line.
Lot Line, Side - Any boundary of a lot which is not a front lot line or a rear lot line.
Lot Split - A subdivision of a parcel of land into two lots along an existing public street not involving the opening, widening, or extension of any public street.
Lot Width - The shortest distance between the side lot lines, measured within the first 30 feet of lot depth, commencing at the front yard setback line.

Major Recreation Equipment – Major recreational equipment includes, but is not limited to: travel trailers, boats, converted busses, coaches, pickup campers, campers, motorized dwellings, race cars, and dune buggies. It does not include vehicles used predominantly for domestic or employment-related transportation.
Maintenance - A Repair that remedies only normal wear and tear, or cleans surfaces.
Manufacturing Uses - All manufacturing, compounding, processing, packaging, treatment, or assembly of products and materials.
Measured Distance - All measured distances shall be to the nearest integral foot. If a fraction is one-half foot or less, the integral foot next below shall be used. Measurements between or up to buildings shall be taken to the nearest point of the vertical building wall.

Draft 8-16-12

Metes and Bounds - A method of property description whereby properties are described by means of their direction and distance from an easily identifiable location.
Mobile Home - A factory-built structure equipped with the necessary service connections and made so as to be readily movable as a unit on its own running gear and designed to be a relocatable structure used for any occupancy without a permanent foundation, but shall not include motor vehicles as defined in Minnesota Statutes Section 169.011, Subdivision 42, or recreational camping vehicles as defined in Minnesota Statutes Section 327.14, Subdivision 7. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon will be moved from time to time at the convenience of the owner.
Mobile Home Lot - A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.
Mobile Home Park - Any site or tract of land upon which two or more occupied mobile homes are set.
Multiple Pet Location - A place not constituting a kennel where three or more dogs, cats, or any combination thereof, over six months of age are kept.
Multiple Tenant Building - A building that has more than one tenant, and each tenant has a separate ground level exterior public entrance.

Non-Commercial Speech - Dissemination of messages not classified as Commercial Speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.
Non-Conforming Use - The lawful use or occupation of land or of a structure existing at the time the City Code is adopted or amended so as to create a nonconformity under Minn. Stat. §462.357, subd.1e.
Nursing Home - A State-licensed facility used to provide care for aged or infirm persons who require nursing care and related services in accordance with these regulations. Examples of nursing care: bedside care, including administration of medications, irrigations, and catheterizations; applications of dressings or bandages; rehabilitative nursing techniques; and other treatments prescribed by a physician which require technical knowledge, skill, and judgment as possessed by a registered nurse.

Office Use - Those commercial activities that take place in office buildings, where goods are not produced, sold, or repaired. These include, but are not limited to: general offices; governmental offices; insurance offices; personal loan agencies; professional offices; real estate offices; travel agency or transportation ticket offices; or telephone exchange offices.
Off Drive Parking Area – An off street, improved surface area connected to a driveway intended for the parking of vehicles.
Off Street Loading Space - A space accessible from a street, alley, or driveway for use while loading or unloading merchandise or materials.
Outdoor Living Room - A structure, attached to an accessory structure or freestanding, containing a hard-surfaced floor on ground level covered by a roof and containing no more than 50 percent permanent, solid walls.
Outdoor Storage - The exterior stockpiling or safekeeping of materials, machinery, equipment, tools, products, vehicles, special mobile equipment, trailers, ground level storage containers, shopping carts and accessories thereto.

Draft 8-16-12

Outlot - A parcel of land on a plat which has not been designated as a buildable lot, due to insufficient size or frontage, peculiar site characteristics, topographical problems; or one which is not ready for development due to lack of public improvements.

Parking Space, Common - A townhouse or multiple dwelling parking space designed and located to be clearly available to all residents and guests alike.
Parking Space, Tandem - The single unstacked parking spaces immediately in front of an attached garage door.
Patio - A hard-surfaced area not covered nor designed or intended to be covered by a roof, excluding sidewalks, walkways around swimming pools, or driveways.
Persons - For the purposes of residential facilities and day care facilities, means an adult who is handicapped by reason of mental retardation, mental illness, chemical dependency, or physical handicap; a child, whether handicapped or not; and, for purposes of adult day care, adult foster care, and supportive living residences, an adult who is functionally impaired.
Phase - A specified portion of a planned unit development that may be developed as an independent entity as delineated in the preliminary development plan and specified within the phasing schedule.
Physical Fitness Center – A facility, other than those defined and regulated by Chapter 5-2200 (Adult Oriented Businesses), whose primary purpose is the on-site provision of physical fitness services or equipment, such as: physical fitness training; exercise, aerobics, and similar classes; weight lifting and similar apparatus; running tracks; treadmills and similar apparatus; courts or areas for sports or play; and swimming pools.
Personal Service Establishment - A place where, for a fee, personal care and appearance services are provided to individuals on the premises. Such uses traditionally include beauty parlors, barber shops, nail salons, day spas and tanning salons, tattoo and body piercing parlors and therapeutic massage establishments when operated by a certified, licensed (by the city) massage therapist.
Place of Assembly – A facility that has organized services, meetings, or programs to benefit, educate, entertain, or promote discourse amongst the residents of the community in a public or private setting. Assembly includes such uses as a community center, theaters, and private clubs and lodges.
Place of Worship - A building or place, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.
Planned Unit Development - An area of land, controlled by a single entity, the plan for which does not correspond in lot size, bulk, or type of dwelling, density, lot coverage, or required open space to the regulations in any conventional zoning district.
Plat - A method of land subdivision.
Plat, Final - The map or plan of record of a subdivision, and any accompanying material required by the City Council.
Plat, Preliminary – The preliminary map or drawing indicating the proposed layout of the subdivision to be submitted to the city for consideration by the planning commission and city council.
Porch - A covered unheated area adjoining an entrance to a building and usually having a separate roof, not more than 60 percent enclosed by walls and attached to the main building for the purpose of sheltering from the rays of the sun and from rain and weather.

Draft 8-16-12

Port or Port District – A Preservation or Renovation Tract is a defined zoning district within the City, created with the intent of encouraging development or redevelopment according to a defined theme, within a defined framework of public and private improvements and amenities.
Port Elements Plan – A city-developed plan, adopted by resolution, to promote Port continuity and theme that may prescribe, in both graphic and verbal form, public and private improvements including, but not limited to, site architecture, landscape materials and treatments, lighting design, building treatments and colors, signage, fences, walls, railings, seating, litter receptacles, and other street furniture and structures.
Port Master Plan – A conceptual plan for an entire Port that includes, but is not limited to, proposed uses and use relationships, densities or Floor Area Ratios for each use classification, site circulation, pedestrian systems, parking plans, open space locations, and examples of proposed building types. A Port Master Plan may be developed by the City or by a private developer, landowner, or other applicant.
Pre-application - A preliminary consultation between a subdivider or developer and administrative officials of the City, in order to discuss the person's intent to subdivide or develop a piece of land. Pre-application is advised to give direction to developers.
Public Improvement - Any facility for which the City of Coon Rapids or other governmental agency may ultimately assume the responsibility for maintenance and operation.

Recreational Equipment - Equipment used as an accessory use by residents of the lot where located. Such equipment shall include swing sets, volleyball sets, tennis courts, horseshoes, and similar equipment.
Repair - A change to a property that restores by replacing a part or putting together what is broken or damaged.
Replacement - A Repair that exactly conforms to the original state or condition of the structure.
Research - Medical, chemical, electrical, metallurgical, or other scientific research.
Reserve Strip - A narrow strip of land between property and a public street right-of-way that acts as a buffer for the property.
Residential Area - An area of the City zoned for residential uses (LDR-1, LDR-2, MDR, HDR, MH) or guided for residential uses under the City's Comprehensive Development Plan, whether or not currently developed, or an area developed for residential uses under a Planned Unit Development, and areas of the City located within 500 feet of such residential uses as measured by a straight, perpendicular line.
Residential Floor Area – The gross horizontal area of the main floor of a structure plus the horizontal area of any other floor level having a minimum vertical clearance or ceiling height of five feet.
Residential Living Space – Includes, but is not limited to, all areas of a dwelling suitable and intended for living such as areas for sleeping, eating, or cooking as well as adjunct areas such as bathrooms, closets, halls, storage and utility space, and attached garages, but shall exclude three season porches and similar, unheated appurtenant structures.
Residential Property – All properties zoned or primarily used for residential purposes.
Restaurant, Fast Food - An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state for consumption either on the premises or off the premises as carry-out or delivered orders, but not including delicatessens within grocery stores or catering businesses.

Draft 8-16-12

Restoration - The process of the renewal and refurbishment to the original state or condition of the structure.
Right-of-Way - A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for other conditional use.
Roadway - The portion of a right-of-way used for vehicular traffic.

Semitrailer – Semitrailer" means a vehicle of the truck type so designed and used in conjunction with the truck-tractor that a considerable part of its own weight or that of its load rests upon and is carried by the truck-tractor and shall include a trailer drawn by a truck-tractor, semitrailer combination.
Service Business - An establishment providing non-personal care or appearance services to individuals on the premises. Such uses traditionally include dry-cleaning (direct customer service; plants servicing more than one retail outlet are not permitted), interior decorating/upholstery, locksmith, mailing and packaging services, repair and/or servicing of carry-in items, tailor shop, picture framing and self serve laundromat.
Setback - The minimum required distance between a sign, parking lot, or the vertical wall of a building and a lot line.
Shopping Center - An integrated grouping of commercial stores, under single ownership or control.
Sidewalk - A paved surface for pedestrian use. A walkway.
Sight Triangle –The minimum sight triangle shall be defined as a triangle located at the corner of intersecting streets. The adjacent sides shall be located along the curb line, or gutter line of streets without curb and gutter, of the intersecting streets and shall be 50 feet in length. The third side shall be a straight line joining the end points of the adjacent sides.
Sign - Any name, identification, description, display, illustration, structure, emblem, or device which is affixed to, painted, or represented upon a building, bench, or other outdoor structure, vehicle, or piece of land, or which is located indoors in such manner so as to attract notice from outside the building, and which directs or is intended to direct attention to an object, product, place, activity, person, organization, or business. The structure supporting or intended to support a sign shall be considered part of that sign.
Sign, Above Roof - A sign which is attached to a building and projects above the roof line.
Sign, Area Identification - A ground sign that identifies a commercial, residential, institutional or industrial complex, unified development or shopping center. An area identification sign shall include the name of the complex development or center and/or its major tenant(s). If the area identification signs do not include the name of the complex or center, they shall be identical in copy.
Sign, Directory - A ground sign which provides space for the names of all tenants of a building.
Sign, Dynamic Display - Any portion of a sign that contains alphanumeric characters, graphics or symbols defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination device within the display area, including computer programmable, microprocessor controlled electronic displays or any other method or technology that allows the sign face to present a series of images or display.
Sign, Ground - A free-standing sign, including whatever structure is needed to support such sign.

Draft 8-16-12

Sign, Ground – Monument - A ground sign that contains a solid or enclosed base and where the sign support brace(s) is/are not visible. The monument sign base must be constructed of materials similar in appearance to those of the principal structure and consist of brick, natural stone, stucco, textured cast stone, or integrally colored concrete masonry units. The structure surrounding the face of the sign from the base to the top of the sign must be solid, continuous, and consist of the base materials or complementary materials that match the appearance and color of the principal building.

Sign, Ground – Pylon - A ground sign supported by visible upright braces placed in the ground.

Sign, Marquee, Awning and Canopy - Any message or identification which is affixed to or part of a marquee, awning, or canopy.

Sign, Municipal Entry Monuments - Signs or monuments located at street or highway entry points to the City which indicate, exclusive of any commercial message, that one is entering the City.

Sign, Off Premise - A sign which directs attention to a business, profession, commodity, service or entertainment which is conducted, offered, sold or manufactured elsewhere than on the premises upon which the sign is placed. "Off-premises sign" does not include the following:

(a) municipal entry monuments as described in Subdivision 11-2112; and

(b) area identification signs for unified developments as described in Subdivision 11-2107(2)(a).

Sign, On Premise - A sign which advertises the business, commodity, service, or entertainment offered upon the same premises as those upon which the sign is built.

Sign, Portable - A sign constructed to be movable from one location to another and not permanently attached to the ground or to any immobile structure. Such sign consists of a mobile structure such as a semi-trailer, carriage, van, sled, or other device whose primary function during a specific time is to serve as a sign.

Sign, Readerboard - A permanent sign which is ancillary to and a part of the same sign structure as an on-premises ground sign, the message of which consists solely of manually changeable words, numbers or symbols. Such a sign is typically used to advertise events or sales rather than the business itself.

Sign, Realestate - A sign advertising the sale, rental, or development of the premises upon which it stands, or directing attention to the opening or location of a new residential development.

Sign, Temporary - Any sign, banner, pennant, poster, or advertising display which is intended to be displayed for a limited period of time, and is not permanently affixed to the ground or a structure. Signs other than temporary signs will be considered permanent signs.

Sign, Wall - A sign affixed or a part of the exterior wall of a building and flush against it.

Sign Area - The area calculated from a figure formed by a line connecting the extreme points of the first and last letter or emblem of each line or the outline differentiating the sign from its background, whichever is larger. However, the area between a readerboard and the permanent message portion of an on-premises ground sign will not be calculated as part of the total sign area provided that the bottom of the readerboard is not more than 10 feet above the unaltered grade immediately below the sign. For a sign with two faces, only the area of one side will be used in computing the sign area.

Special Assistance Shelter - A facility providing temporary housing to indigent, needy, homeless, or transient persons; may also provide ancillary services such as counseling, vocational training, etc.

Special Mobile Equipment –Every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including, but not limited

Draft 8-16-12

to: ditchdigging apparatus, moving dollies, and other machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors, other than truck-tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, power shovels, draglines, self-propelled cranes, and earth-moving equipment.

Street - A public or private right-of-way which permits access by vehicles to abutting properties.

Street, Arterial - A street designed primarily for intercommunication between large land use units.

Street, Collector - A street designed to carry traffic from local streets to the system of major streets, arterials, and highways.

Street, Cul de Sac - A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Street, Local - A street of limited continuity used primarily for access to the abutting properties and higher order streets.

Street, Marginal Access - A service drive or local street that is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.

Street Width - The shortest distance from back-of-curb to back-of-curb.

Structure - Anything constructed or erected that requires location on the ground or attached to something having location on the ground.

Structure, Accessory - A subordinate structure which is clearly and customarily incidental to the principal structure and which is located on the same lot as the principal structure.

Structure, Principal - A structure in which is conducted the principal use of the lot on which it is located.

Subdivision - The separation of an area, parcel, or tract of land under single ownership into two or more parcels, tracts, lots, or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads, or alleys, for residential, commercial, industrial, or other use or any combination thereof, except those separations:

(a) where all the resulting parcels, tracts, lots, or interests will be 20 acres or larger in size and 500 feet in width for residential uses and five acres or larger in size for commercial and industrial uses;

(b) creating cemetery lots;

(c) resulting from court orders, or the adjustment of a lot line by the relocation of a common boundary.

Three Season Porch - An enclosed attached entrance to the primary structure or an enclosed attached room on the outside of the structure which entrance or room is so constructed as not to be intended for habitation during the winter months.

Townhouse Group - A structure containing two or more contiguous Townhouse Units.

Townhouse Unit - One (1) of a group of two or more single-family attached dwellings, in an association established by covenant to regulate common areas, having a wall or walls in common with other dwellings, but separate from any other structure except accessory buildings.

Townhouse Unit Lot - The lot upon which there is built or is proposed to be built one (1) townhouse unit.

Trade or Convention Center - A structure capable of accommodating in excess of 750 persons for purposes such as, but not limited to, concerts, short-term retail or wholesale activities, the large scale marketing, buying, or selling of goods or services, or sporting events.
Truck –Any motor vehicle designed, used, or maintained primarily for the transportation of property and not for the carrying of passengers.
Truck-tractor –Any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Unified Development - A development of three or more principal buildings with common characteristics as determined by the Planning Commission. Common characteristics may include shared access, similar architecture, single ownership or history of site plan review approval.
Urgent Care Center - A medical facility, other than an emergency room, that provides only for the delivery of non-routine and non-scheduled medical care and triage of emergent illnesses and injuries.
Usable Open Space - Land which is not occupied by buildings, streets, or parking, or which is not part of the land required for building setbacks. Usable open space shall be suitable for recreational or scenic use and enjoyment by all the residents in the development.
Use, Accessory - A subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located on the same lot as the principal building or use.
Use, Principal - The primary or predominant use of any lot, building, or structure.
Utilities, major – Electric power substations, high voltage transmission lines, railroads and gas pipelines,
Utility Uses - Transmission facilities and structures for electric power, gas, water, sewer, telephone, railroads, radio, or television.

Vehicle –A device used to transport passengers, goods or equipment that is subject to state registration.

Walkway - A paved surface for pedestrian use. A sidewalk.
Wall Graphics - A graphic design or decorative mural not intended for advertising purposes, which is painted directly on an exterior wall surface.
Warehousing - The storage of materials or equipment within an enclosed building.
Waterway - Any natural passageway in the surface of the earth through which, because of location and topography, surface water flows from other areas before reaching a final ponding area. The term "water way" includes all drainage structures that are constructed to conduct water from one place to another.
Wholesale Business - The selling of goods, equipment, and materials in bulk to another business which sells them to the final customer.

Yard – Open space between buildings and adjoining lot lines.
Yard, Front - A yard extending between the side lot lines across the front of a lot from the principal structure to the street right-of-way.
Yard, Rear - A yard extending between the side yard lines across the rear of the lot from the principal structure to the rear lot line.

Draft 8-16-12

Yard, Side - A yard extending between the principal structure and the side lot lines and the front and rear yards.
Yard, Street Side Yard – A yard extending between principal structure and the side street right-of-way and the front and rear yards.

Zoning - A plan implementation tool designed to reserve specified areas within the City for specific types of land uses. Limitations may be placed on the land, structures, or use, as specified in this Title.

Draft 8-16-12

11-300 Administration

11-301 <u>When Application is Required under this Title.</u>

(1) <u>General Requirements.</u> An application is required for the approval of land use changes or submission of plans for items listed in 11-304.1 through 11-304.11.

(2) <u>Special Rules for Site Plans.</u>

The following table illustrates the requirements of this clause:

Project or Action		Site Plan Application Required	Reviewed by	Appeal to
Modifications to existing structures with no change in SF		No, unless significant modification	Director	Board or Commission
Redevelopment or Additions to Existing Development	< 34% SF change; if located within the an overlay or special district <15%	Discretionary with Director	Director; may refer to Board or Commission	Board or Commission
	>= 34% change in SF; if located within an overlay or special district >=15%	Yes	Board or Commission*	City Council
New Development		Yes, subject to exceptions	Board or Commission decision	City Council
			Board or Commission Recommendation; City Council Decision	N/A

*In some cases (typically in special districts), a Board or Commission is a recommending body.

(a) An approved application is required before the placement of any structure on or development or redevelopment of property, including paving or similar improvement, within the corporate limits of the City of Coon Rapids with the following exceptions:

Draft 8-16-2

(i) Construction of a single-family or two-family home and permitted accessory structures or landscaping on a residential parcel in other than a PORT, overlay, or special district.

(ii) The removal of structures, trees, or other similar appurtenances to real property.

(iii) The placement of utility structures below grade, or the repair, replacement, or removal of utilities above, at, or below grade.

(iv) The grading of less than 1000 cubic yards of earth on the property.

(b) For additions less than 34% of the square footage of the existing structure, the Director may waive an application, require an application for administrative review, or require an application for referral to the appropriate decision maker, at the Director's discretion, based on: visual impact of the change, intensity owing to the change, or a change in traffic, parking, or access.

(c) Modifications to existing structures that result in no change in the square footage of the structure do not require an application unless, in the determination of the Director, a modification varies from the approved development plan, or is a significant modification. In determining whether a modification is significant under this clause, the Director will consider the visual impact of the modification, the extent of the modification, its compatibility with neighboring uses, and whether it goes beyond painting, replacement of awnings or similar cosmetic changes which do not alter the character of the development. For modifications requiring an application under this clause, the Director is the decision maker, subject to appeal to the Planning Commission. The Director may modify the application requirements based on the modification requested.

(d) Driveways or other paving 30 feet or less in width.

(e) Landscaping that does not involve the construction of structures or stacking of retaining materials over four feet above grade.

(3) Nothing herein eliminates the obligation to obtain other permits, licenses, or approvals as otherwise required by Coon Rapids City Code, or state or federal law.

11-302 Who may Apply.

An application may be made by the City Council, the Planning Commission, Board of Adjustment and Appeals, owner, user, or the potential user of the subject property. For this section, "user" or "potential user" means an entity with a legal interest in the property tantamount to ownership or control as pertaining to the application, and includes an option to purchase the property.

11-303 General Standards for Granting Applications. All applications to be granted must conform to the procedural requirements of this Chapter, and must comply with the requirements of the district or districts in which the lands to which they apply are situated, as well as with applicable General District Standards (Section 11-1200), and state and federal laws. Applications which can be granted only

Draft 8-16-12

subject to external considerations, such as the granting of a variance or a permit from another state agency, may be accepted as complete applications; provided, the decision-making body may not approve an application unless conditioned upon the meeting of such external considerations.

11-304 Applications: When Used and Standards for Approval

11-304.1 Commercial Use Antennae.

(1) When used; Process. An application is required to construct or modify a commercial use antenna tower. For applications within a residential area, the Planning Commission, following a public hearing, must make a recommendation to the City Council, which makes a determination on the application. For all other areas of the City, the Director is the decision maker with an appeal available to the City Council

(2) Standards for Approval. Decisions will be based on compliance of the application with the provisions of Section 11- 1400.

11-304.2 Home Occupation Permits

(1) When used; Process. A business, that is accessory to the residential use of the property, that includes clients or customers coming to the residence or if a person not residing at the residence is employed at the residence, requires a Home Occupation Permit. A home occupation cannot include both clients or customers coming to the residence and someone not residing at the residence employed at the residence. The initial Home Occupation Permit is subject to Planning Commission review and approval; subsequent renewals are administrative. The Planning Commission must conduct a public hearing and is the decision maker, subject to appeal to the City Council. The Home Occupation Permit is issued in favor of the applicant, and does not run with the land. Such permit is not, however, transportable from one property to another. A permit is valid for two years, subject to revocation.

(2) Standards for Approval. To maintain the character and integrity of residential areas, and protect the health safety and general welfare of the surrounding neighborhood, home occupations are permitted provided the applicant complies with the following standards:

(a) The establishment or maintenance of the home occupation will not be detrimental to the public health, safety, or general welfare;

(b) The home occupation will not be hazardous, detrimental, or disturbing to present and potential surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, general unsightliness, electrical interference, or other nuisances;

(c) The home occupation will be located, designed, maintained, and operated to be compatible with the existing or intended character of the zoning district in which it will be situated;

(d) The home occupation will generate only minimal vehicular traffic on local streets and will not create traffic congestion, unsafe access, or parking needs that will cause inconvenience to the subject property as well as the adjoining properties: and

Draft 8-16-12

(e) The home occupation is clearly accessory use to the residential use of the property and does not change the character thereof.

(f) Nothing is discernable to surrounding properties indicating that a home occupation is being conducted except for a sign as permitted by Section 11- 1202, a garden, or one motor vehicle whose nature or signage indicates it is used in the business. There is no outdoor storage or display of equipment, merchandise or materials used in the home occupation.

(g) No external alterations are made that are not customarily found in dwellings and accessory buildings.

(h) If the home occupation is carried on in the garage, the minimum amount of required garage space is maintained as garage space.

(i) All vehicles brought to the property in conjunction with the business are parked in the driveway. Residents' vehicles are not parked in the streets to provide these driveway parking spaces. No parking spaces are improved to provide for the home occupation. Any vehicle whose nature or signage indicate it is used in the business is parked in the driveway or garage.

(j) No more than one person who does not reside on the premises works on the premises.

(k) No one is transported from the premises to a job site who does not reside on the premises.

(l) The home occupation is serviced by delivery vehicles no larger than 26,000 pounds gross vehicle weight.

(m) The following home occupations are prohibited: sales, except those items made on the premises or incidental to the service provided; repair of internal combustion engines of more than 12 horsepower; body shops; machine shops; welding; ammunition manufacturing; flea markets; motor vehicle repair, maintenance, service or sale; firearm sales; tattoo parlors or other objectionable uses as determined by the City Council. Machine shops are defined as places where raw metal is fabricated, using machines that operate on more than 110 volts of current.

(n) The hours of operation are limited to between 9:00am and 8:00pm not to exceed a total of 30 hours per week.

(o) The Home Occupation can occupy no more than 400 square feet or 25% of the above grade finished floor area of the principal structure, whichever is smaller.

(p) Storage of hazardous or flammable materials in excess of consumer quantities which are packaged for consumption by individual or household use is prohibited

11-304.3 <u>Conditional Use Permits.</u>

(1) When used; Process. A Conditional Use Permit application is required for approval of those uses designated in a zoning district that require specific conditions for approval. The Planning Commission must conduct a public hearing and is the decision maker, subject to appeal to the City Council.

Draft 8-16-12

(2) Standards for Approval. Some uses, while normally not suitable in a zoning district due to nuisance characteristics or incompatibility with permitted uses, are suitable under special circumstances. A use may be permitted as a conditional use if the decision maker finds the applicant demonstrates:

(a) The conditional use will be in conformity with the city's Comprehensive Land Use Plan, and with the purpose, intent, and applicable standards of this Title;

(b) The establishment or maintenance of the conditional use will not be detrimental to the public health, safety, or general welfare;

(c) The conditional use will be located, designed, maintained, and operated to be compatible with the existing or intended character of that zoning district;

(d) The conditional use will not depreciate property values;

(e) The conditional use will not be hazardous, detrimental, or disturbing to present and potential surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, general unsightliness, electrical interference, or other nuisances;

(f) The conditional use will generate only minimal vehicular traffic on local streets and shall not create traffic congestion, unsafe access, or parking needs that will cause inconvenience to the adjoining properties;

(g) The conditional use will be served adequately by essential public services such as streets, police, fire protection, utilities, schools, and parks;

(h) The conditional use will not create excessive additional requirements at public cost for public facilities and services; and will not be detrimental to the economic welfare of the city;

(i) The conditional use will preserve and incorporate the site's important natural and scenic features into the development design;

(j) The conditional use will cause only minimal adverse environmental effects; and

(k) The City Council may waive one or more of the above requirements upon receipt of an application for a conditional use permit for a public building or utility structure, provided the Council shall first make a determination that the balancing of public interest between political subdivisions of the state would be best served by such waiver.

11-304.4 Elements Plans.

(1) When Used; Process. An Elements plan must be provided in a special district, PORT, or overlay district, unless specifically excluded in that district's special standards. An Elements Plan is adopted by City Council resolution to promote a development area's continuity and theme that may prescribe, in both graphic and verbal form, public and private improvements including, but not limited to, site architecture, landscape materials and treatments, lighting design, building treatments and colors, signage, fences, walls, railings, seating, litter receptacles, and other street furniture and structures. The Planning Commission makes a recommendation prior to City Council determination.

(2) Standards for Approval. An Elements Plan will:

(a) Improve visual appearance;

(b) Improve usability and safety;

Draft 8-16-12

(c) Create a unified corridor or district image;

(d) Provide a common, corridor or district wide theme; and

(e) Provide special enhancements and create unique Port or sub-district identities.

11-304.5 Master Plans.

(1) When used; Process. Master Plans are required in PORT districts and special districts, unless otherwise stated in that district's regulations. A Master Plan is a conceptual plan for a defined development area that includes, but is not limited to, proposed uses and use relationships, densities or Floor Area Ratios for each use classification, site circulation, pedestrian systems, parking plans, open space locations, and examples of proposed building types. The Planning Commission holds a public hearing and make a recommendation to City Council, which makes the determination on the plan.

(2) Standards for Approval. The findings necessary for approval of the Master Plan include, but are not limited to, the following:

(a) The Master Plan is consistent with the intent of this District.

(b) The Master Plan reflects development that

(i) is not detrimental to the public health, safety, or general welfare;

(ii) does not depreciate property values;

(iii) is not hazardous, detrimental, or disturbing to surrounding uses, or that creates pollution, vibration, general unsightliness, electrical interference, or other nuisances;

(iv) does not create traffic congestion, unsafe access, or parking needs that will cause inconvenience to adjoining properties;

(v) is served adequately by essential public services such as streets, police, fire protection, utilities, schools, and parks;

(vi) does not create excessive additional requirements at public cost for public facilities and services; and is not detrimental to the economic welfare of the City; and

(vii) causes minimal adverse environmental effects.

(c) Each phase or stage of the plan can, as an independent unit, meet the requirements of this Chapter and Title 11.

(d) The area surrounding the plan can be developed in coordination with and in substantial compatibility with the plan.

11-304.6 Mining Permits.

(1) When used; Process. Mining permits are required for any person to remove, store, fill or excavate rock, sand, dirt, gravel, clay, peat or similar material. For up to 1,000 cubic yards the permit is available from the Director. If over 1,000 cubic yards, a conditional use permit is required. Exceptions to the required permit are available per Section 11-1103.

(2) Standards for Approval. Mining permits are subject to the standards found in Section 11-1103 Mining and Land Reclamation.

Draft 8-16-17

11-304.7 Planned Unit Developments.

(1) When used; Process. A site plan that allows for design flexibility and creativity not normally allowed under the strict application of zoning regulations. The Planning Commission, following a public hearing, must make a recommendation to the City Council which makes a determination on the application.

(2) Standards for Approval. The findings necessary for approval shall include, but not be limited to, the following:

(a) The plan is consistent with the intent of this Chapter.

(b) The plan meets the standards required for a conditional use in section 11-304.3.

(c) Each stage of the plan can exist as an independent unit.

(d) The area surrounding the plan can be developed in coordination with and in substantial compatibility with the plan.

(e) Any proposed density transfer is consistent with the preservation and enhancement of important natural features of the site.

(f) Any density bonus is consistent with section 11-902.

(g) The plan exceeds the zoning district standards for uses most similar in function to the proposed uses.

11-304.8 Site Plans.

(1) When used; Process. A Site Plan is a plan that shows the structures and integration of uses on the property. The Planning Commission must conduct a public hearing and is the decision maker, subject to appeal to the City Council.

(2) Standards for Approval. The following findings must be made before a site plan may be approved. The site plan must:

(a) Be compatible with the surrounding land uses;

(b) Preserve existing natural features whenever possible;

(c) Achieve a safe and efficient circulation system;

(d) Not place excessive traffic loads on local streets;

(e) Conform to the city's plans for parks, streets, service drives, and walkways;

(f) Conform to the city's Comprehensive Land Use Plan;

(g) Achieve a maximum of safety, convenience, and amenities;

(h) Show sufficient landscaping to reasonably screen undesirable features and to enhance the image of the development;

(i) Not create detrimental disturbances to surrounding properties;

(j) Shall meet all the requirements of this Title, unless a variance has been granted from such requirements; and

(k) Show efforts to conserve energy whenever practical.

11-304.9 Variances.

Draft 8-16-12

(1) When used; Process. A request under Minn. Stat. 462.357 to vary from the standards of this title. A public hearing is required, and the Board of Adjustment and Appeals is the decision maker, subject to appeal to the City Council.

(2) Standards for Approval. A variance may be granted after the following findings are made:

(a) The variance is in harmony with the general purposes and intent of the ordinance from which the variance is requested.

(b) The variance is consistent with the Comprehensive Plan.

(c) The applicant demonstrates there are practical difficulties in complying with the ordinance from which the variance is sought. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Economic considerations alone do not constitute practical difficulties. In determining this standard, all the following must be met:

i. Unless the variance is granted, the property cannot be used in a reasonable manner. If a property can be used reasonably without the granting of a variance, it can be used in a reasonable manner.

ii. The variance requested must be the minimum to make reasonable use of the property.

iii. The plight of the applicant or landowner is due to circumstances unique to the property not created by the applicant or landowner.

iv. The variance, if granted, will not alter the essential character of the locality.

(d) Special exemption for earth-sheltered construction: Variances must be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the ordinance.

11-304.10 Rezonings and Comprehensive Land Use Plan Changes.

(1) When used; Process. An application is required to propose a change in the zoning or land use designation of a property. The Planning Commission, following a public hearing, must make a recommendation to the City Council, which makes a determination on the application.

(2) Standards for Approval. The determination whether to rezone a parcel must consider:

(a) The health, safety, order, convenience and general welfare;

(b) Effect on present and potential surrounding land uses; and

(c) Whether or not the proposal is in conformance with the city's Comprehensive Land Use Plan and any applicable development district.

11-304.11 Subdivisions of Land.

(1) When used; Process. An application is required to propose the subdivision of property. The Planning Commission, following a public hearing, must make a recommendation to the City Council, which makes a determination on the application.

Draft 8-16-12

(2) Standards for Approval. The determination whether to subdivide property must consider:

(a) Surrounding land uses, traffic control, zoning regulations, future developments, plans for parks, walkways, and street extensions, the availability of public sewer and water and conformance with the city's Comprehensive Plan.

(b) Subdivision are also subject to the standards found in Section 11-1500.

11-305 Application Process

11-305.1 Application Contents. The application must be in writing to the Community Development Director or designee ("Director") on such forms as the Director may designate. The application must include, but is not limited to:

(1) The signature of each owner or agent of the affected property;

(2) For zoning and Land Use Plan amendments, the proposed amendment to the text;

(3) The legal description of the property;

(3) The common address, if it exists;

(4) The present use;

(5) Any maps, drawing, and plans that the Director considers to be of value in considering the application.

(6) For conditional use permits, a description of the proposed conditional uses and a plan of the proposed site showing the location of all easements, lot lines, buildings, parking lots, vehicular, bicycle and pedestrian circulation, open spaces, landscaping, and refuse and service areas.

(7) For site plans, a scaled drawing of the following items, unless waived by the Director:

(a) Lot or parcel;

(b) Existing grades and buildings within 100 feet of the site;

(c) Finished grades and proposed drainage;

(d) Proposed buildings and their entrances and exits;

(e) Interior circulation, including: bike and automobile parking spaces, loading spaces, driveways, stacking spaces, walks, curbing, and lighting;

(f) Recreation areas;

(g) Proposed landscaping specifications and locations;

(h) Existing trees of six inches in diameter or more; and

(i) Proposed screening.

(8) For variance requests, a description of the variance request and a statement demonstrating that the variance would conform to the requirements necessary for approval.

(9) For subdivisions of land, a preliminary and final plat under section11-1500.

(10) A non-refundable application fee as set by ordinance. On proof of financial hardship, the City Manager, or the Manager's designee, may waive the application fee.

(11) If a written request is received that does not contain all required information, the Director must, within 15 business days of receipt of the request, notify the applicant in writing what information is missing. The Director may reject as incomplete a request not on a form designated by the Director.

Draft 8-16-12

11-305.2 Time Deadlines for Action. Upon receipt of a completed application for developments regulated by this Title enumerated in Minn. Stat. § 15.99, subd. 1(c), the application must be approved or denied within 60 days, subject to any extension authorized by Minn. Stat. §15.99, subd. 3. For land subdivisions, the time deadline is as regulated by Minn. Stat. § 462.358, or 120 days, whichever period is longer, subject to any extension authorized by Minnesota Statute. These time limits do not apply to city initiated applications, or in circumstances where the applicant waives the time limits.

11-305.3 Action on Application.

(1) The following table illustrates what actions are required for application determination:

Type of Application	Public Hearing	Planning Commission Action	BAA Action	Appeal to	City Council Action
Conditional Use Permit	Yes	Approve, approve subject to conditions or deny	N/A	City Council	Affirm, amend, or reject the decision on appeal
Site Plan	Yes	Approve, approve subject to conditions or deny	N/A	City Council	Affirm, amend, or reject the decision on appeal
Variance	Yes	N/A	Approve, approve with conditions, or deny[1]	City Council	Affirm, amend, or reject the decision on appeal
Master Plan in PORT, overlay, or special district	Yes	Recommendation to approve, deny, or modify	N/A	N/A	Approve or deny
Subdivision	Yes	Recommendation to approve, deny, or modify	N/A	N/A	Approve or deny
Commercial Antenna in a residential area	Yes	Recommendation to approve, deny, or modify	N/A	N/A	Approve or deny
Rezoning and Comprehensive Plan Amendment	Yes	Recommendation to approve, deny	N/A	N/A	Approve or deny

[1] A majority of two-thirds (2/3) of those members voting on the motion is required to grant a variance. The Board of Adjustment and Appeals is not authorized to approve as a variance a use that is not permitted in the zoning district.

Draft 8-16-2

Home Occupation Permit	Yes	Approve, approve subject to conditions or deny	N/A	City Council	Affirm, amend, or reject the decision on appeal

(2) The Director has the authority to, and must deny an application if the Director finds:

(a) The proposed use or uses are not among the allowed uses in the zoning district;

(b) The application is not complete;

(c) The applicant has not paid all fees, charges, taxes, special assessments and other debts that are due from the applicant and payable to the City regarding any matter; or

(d) The applicant is not in compliance with all ordinance requirements and attached conditions regarding other city approvals that have been granted to the applicant for any matter.

(3) For administrative applications, and otherwise where the Director is the decision maker, there is no public hearing. The Director must approve, deny, or approve with conditions the application. The Director may waive the requirements of section 11-305.3(2)(c) or (d) in the following circumstances:

(a) The applicant has provided sufficient safeguards to assure payment of debts or compliance with City requirements within a reasonable time after the City approval; or

(b) Enforcement of the requirements would result in a significant hardship to the applicant through no fault of the applicant, or would result in an otherwise unfair situation.

(4) An appeal of the determination of the Director under subsection (2) is to the Board of Adjustment and Appeals. The sole issue for the appeal is the propriety of the denial. An appeal of the Director under subsection (3) is to the appropriate decision maker for that type of application, who shall affirm, amend, or reject the Director's determination.

(5) When a vote on a resolution or properly made motion to approve an application fails for any reason, the failure shall constitute a denial of the request provided that those voting against the motion state on the record the reasons why they oppose the request.

(6) Except as provided in subsection 11-305.3(5), if an application is denied, the entity denying the request must state in writing the reasons for the denial at the time it denies the application and provide the applicant in writing a statement of the reasons for the denial. If the written statement is not adopted at the same time as the denial, it must be adopted at the next meeting following the denial of the request but before the expiration of the time allowed for making a decision under section 11-305.2. The written statement must be consistent with the reasons stated in the record at the time of the denial. The written statement must be provided to the applicant upon adoption.

11-305.4 <u>Timing of Hearings on Application; Public Notice.</u>

(1) Upon submission of a complete application, the Director must place the matter before the appropriate board or commission, subject to the timing rules herein. On applications where the Director is the decision maker, the decision must be made in accordance with Section 11-305.3.

(2) For applications requiring a public hearing, if not specifically otherwise stated for the use involved, the following notice rules apply:

Draft 8-16-12

(a) The Director must publish notice of the public hearing in the official newspaper of the city at least 10 days and not more than 20 days before the day of the hearing. The notice shall include:

(i) the general description of the property, and the common name designation of its location, if it exists;

(ii) the time, place, and purpose of the hearing;

(iii) the entity before which the hearing will be held.

(b) The notice must also be mailed at least 10 and not more than 20 days before the day of such hearing to each owner of affected property and property situated wholly or partly within 350 feet of the outer boundaries of the property to which such action relates. Failure to give notice or any defects in the notice does not invalidate the proceedings.

11-305.5 Procedure Upon Hearing.

(1) If the application requires a public hearing, the hearing must be closed within 31 days of the initial agenda date, unless the applicant agrees to a continuance. The decision maker must act within 31 days of the date of the closing of the public hearing, if one is held, or within 60 days of the initial agenda date, unless the applicant agrees to a continuance. For actions in which the City Council is the initial decision maker, the Director shall place the item before the Council within 30 days of the action of the recommending body. These time periods do not apply to city initiated applications.

(2) For actions in which the body involved, other than the City Council, makes the initial decision on the application, the decision is final unless the applicant, the Director, or any person aggrieved by the decision appeals the decision to the City Council in the manner prescribed by Section 11.305.6.

11-305.6 Appeals.

(1) An appeal of a decision other than that of the City Council must be made in writing, stating in particular the objection or objections to the decision, to the Director within 10 days of the decision, and on such form and including such information as the Director may require. An appeal of the Director's determination that an appeal is untimely or incomplete must be referred to the Board of Adjustment and Appeals at its next available meeting.

(2) Upon the filing of a proper appeal, the Director must place the appeal before the City Council at its next available meeting, but not less than 10 days after the date of filing, and notify the appellant of the date, time, and place of the meeting. The appellant may appear in person, or by or with counsel, and may present evidence in support of the appeal. The City Council must affirm, amend, or reject the decision of the body making the initial decision.

11-305.7 Termination of Plan Approval. For site plans and planned unit developments, approval of an application is effective for one year. Upon written application by the developer, the City Council, following review and recommendation by the Planning Commission, may extend plan approval for one period of up to one year upon finding:

Draft 8-16-12

(1) The proposed use or uses are consistent with the zoning current at the time of the request for an extension is considered; and

(2) The project design meets applicable City Code standards, including this Chapter, in effect at the time the request for an extension is considered.

11-306 Standards for the Granting of Dimensional, Design Standard, or Use Flexibility. Flexibility is not allowed unless specifically granted in the zoning district for the request involved. Flexibility is specific to the development involved, and does not constitute a variance that runs with the land.

(1) During the site plan consideration process, the Planning Commission shall provide a recommendation to the City Council regarding any proposed dimensional, design standard, or use flexibility request.

(2) Dimensional Flexibility. A request to modify the dimensional standards otherwise required by this Title.

(3) Design Standard Flexibility. A request to modify the design standards otherwise required by this Title

(4) Use Flexibility. A request to allow a use or mix of uses not otherwise allowed by this Title.

(5) The decision maker may approve flexibility only where the applicant demonstrates:

(a) The modification is necessary due to unique circumstances of the development or the site on which the development is placed;

(b) The modification will result in gained efficiencies, including, but not limited to: better integration of uses; a more efficient organization of uses; additional public amenities; or a significant reduction in environmental impact;

(c) The plan provides significant site amenities, buffers, and other elements to offset any potential harmful effects that could be caused by the use; and

(d) The modification significantly advances the intent of this Chapter.

11-307 Enforcement

11-307.1 Compliance with the Zoning Ordinance. No structure or land use will be erected, moved, structurally altered, established, or changed in use without complying with this Title. This Title applies to all lots, parcels, structures, and land uses within the city. Uses not specifically allowed in the district in which they are situated are prohibited.

11-307.2 Construction and Use to be as Provided in Site Plans. Site plans submitted and approved as part of a site plan review, planned unit development, conditional use permit, rezoning, or variance shall authorize only the use, arrangement, and construction set forth in such approved plans.

11-307.3 Development Agreement. Subsequent to approval of the application and prior to issuance of a building permit, the developer must enter into a development agreement with the city for the installation of all improvements necessary for the project.

Draft 8-16-12

11-307.4 Revocation of a Conditional Use Permit. A conditional use permit shall be deemed to authorize only one particular conditional use. Such permit may be revoked by the issuing body after a public hearing if:

(1) The applicant or his agent has not commenced work upon the subject property within one (1) year;

(2) An existing conditional use ceases operation for a period of one year; or

(3) The conditional use is being operated and maintained in a manner contrary to this title, the approved conditional use permit, or its conditions.

11-307.5 Revocation of a Home Occupation Permit. A home occupation permit shall be deemed to authorize only one particular use.

(1) Suspension. The Director may immediately suspend a permit if the permitee or any person working on behalf of the permittee, is determined to be conducting business in an unlawful manner or in any manner that constitutes a breach of the peace, or contrary to this title, or a menace to the health, safety, or general welfare of the public. The suspension must be reviewed by the Planning Commission at the Commission's next regular meeting. The Commission may lift the suspension, lift the suspension with conditions, or continue the suspension with direction that revocation of the license be considered at the next available regular meeting of the Commission.

(2) Revocation. The permit issued pursuant to this Title may be revoked by the Planning Commission after notice and a hearing for any of the following reasons:

(a) Any fraud, misrepresentation, or false statement contained in the application for the permit.

(b) Any fraud, misrepresentation, or false statement made in connection with the operation of the home occupation.

(c) Any violations of this Chapter.

(d) Conducting the business in an unlawful manner or in such a manner as to constitute a breach of the peace, or contrary to this title, or as to constitute a menace to the health, safety, or general welfare of the public.

(e) Violation of any condition of approval.

(3) Appeals. The decision of the Planning Commission is subject to appeal to the City Council per Section 11-305.6 Appeals.

11-307.6 Violations. Violations of this Title will be processed pursuant to Title_____. The Director is authorized to issue citations for violations of this Title.

11-308 General Provisions

11-308.1 Conflicting Provisions. In the event that the provisions of this Title are inconsistent with one another or if the provisions of this Title conflict with provisions found in other adopted regulations of the city, the more restrictive provision will control. When the provisions of this Title impose a greater restriction than imposed by any easement, covenant, deed restriction or private agreement, the provisions of this Title control. In the event of a conflict between the city's Comprehensive Plan and

Draft 8-16-12

Zoning Ordinance, the city reserves the right to reconcile the conflict in any manner it legislatively determines to most effectively promote the public health, safety and welfare.

11-308.2 Severability. If any division, section, subsection, sentence, clause, or phrase of this Title is for any reason held to be invalid, such decision does not affect the validity of the remaining portion of this Title. The City Council hereby declares that it would have adopted the Title in each division, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more divisions, sections, subsections, sentences, clauses, or phrases be declared invalid.

11-308.3 Inspection. The Director is hereby authorized and directed to enter upon private property at any reasonable time for the purpose of inspecting that property for compliance with this title or any conditions attached to any variance or permit granted under this title.

11-308.4 Interference Prohibited. Any person who prevents, delays or interferes with the Director in the performance of any duty set forth in this chapter will be guilty of a misdemeanor.

Draft 8-16-12

11-400 District Types and Schema

11-401 Zoning Districts and Zoning District Ordinances and Maps

11- 401.1 Zoning Districts. For the purpose of this Code, the City is hereby organized into the following primary zoning districts:

(CD) CONSERVANCY DISTRICT
(LDR-1) LOW-DENSITY RESIDENTIAL DISTRICT
(LDR-2) LOW-DENSITY RESIDENTIAL DISTRICT
(MDR) MODERATE-DENSITY RESIDENTIAL DISTRICT
(HDR) HIGH-DENSITY RESIDENTIAL DISTRICT
(MH) MOBILE HOME DISTRICT
(O) OFFICE DISTRICT
(NC) NEIGHBORHOOD COMMERCIAL DISTRICT
(CC) COMMUNITY COMMERCIAL DISTRICT
(GC) GENERAL COMMERCIAL DISTRICT
(I) INDUSTRIAL DISTRICT
(PUD) PLANNED UNIT DEVELOPMENT
(RS) REGIONAL SHOPPING DISTRICT
PORT DISTRICTS
RIVERDALE STATION TRANSIT DISTRICT

11-401.2 Overlay Districts. For the purpose of this Code, the City is hereby organized into the following overlay districts:

MISSISSIPPI RIVER CORRIDOR CRITICAL AREA OVERLAY DISTRICT
RIVER RAPIDS OVERLAY DISTRICT
NORTHSTAR OFFICE PARK OVERLAY DISTRICT

11-401.3 Location of Zoning District Map. The Zoning District Map shall be kept permanently on file in the office of the City Clerk and maintained in an electronic database reflecting ordinances adopted to reclassify property. A copy will also be kept in the Department of Community Development and be available for inspection by the public during normal business hours.

11-401.4 Zoning District Map. The location and boundaries of the primary and overlay zoning districts shall be maintained in an electronic database. In the event of a conflict between an ordinance adopting or amending a zoning district and the Zoning District Map, the ordinance shall control.

11-401.5 Zoning District Map. The location and boundaries of the primary and overlay zoning districts established by this Chapter of the City Code shall be set forth on the Zoning District Map of the City of Coon Rapids in accordance with the ordinances describing those districts, and the Zoning District Map shall be effective as of the date of adoption of these ordinances. The Zoning District Map and all notations, references, and other information shown thereon are hereby made a part of this Chapter by reference and shall have the same force and effect as if such map and all notations, references, and

Draft 8-16-12

other information shown thereon were fully set forth or described herein. The format of the Zoning District Map shall be determined by Community Development Director.

11-401.6 Amendments to the Zoning District Map. Amendments to the zoning districts in this Code and zoning district boundaries as shown in the Zoning District Map must be by ordinance adopted by the City Council in accordance with the procedures set forth in Section 11-304.10 of the City Code.

11-401.7 Maintenance of Zoning District Map. The Department of Community Development shall be responsible for maintaining and updating the Zoning District Map. Any amendments to the Zoning District Map shall be recorded on the appropriate map(s) within thirty (30) days of adoption by the City Council

11-401.8 Interpretation of District Boundaries. Boundaries of the zoning districts shall be interpreted as follows:

(1) Boundaries indicated as approximately following the center lines of streets shall be construed to follow such center lines.

(2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(3) Boundaries indicated as approximately following city limits shall be construed as following city limits.

(4) Boundaries indicated as following railroad lines shall be construed to be midway between the tracks.

(5) Boundaries indicated as approximately following the center lines of streams, rivers, lakes, or other bodies of water shall be construed to follow such center lines.

(6) Boundaries indicated as parallel to or extensions of the above features shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by using the scale of the map.

(7) District boundaries in a wetland area are intended to represent the edge of a swamp, marsh, or other wetland area. The edge shall be defined as the mark delineating the highest water level which has been maintained or a sufficient period of time to leave evidence upon the landscape. The edge is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

11-401.9 Uniform Application. The regulations for each zoning district shall apply uniformly to each type of structure or land.

11-402 Classification of Uses.

11-402.1 Permitted Uses. These are the most suitable uses for a particular zoning district. A permitted use shall be allowed as a matter of right.

Draft 8-16-12

11-402.2 Accessory Uses. A use or structure subordinate to the principal use or building on the same lot and serving a purpose incidental thereto. An accessory use shall be allowed as a matter of right.

11-402.3 Conditional Uses. Certain uses, while normally not suitable in a particular zoning district due to nuisance characteristics or incompatibility with permitted uses, are suitable under special circumstances. A use may be permitted as a conditional use in a zoning district if the standards of Section 11-304.3 are met.

11-402.4 Temporary Conditional Uses. Uses that are generally not suitable within a particular zoning district may be suitable on a temporary basis. This may be due to the lack of development on existing property, to a short-term need (such as highway construction) or to the limited degree of adverse effects upon adjacent land use.

Draft 8-16-12

11-600 Residential Districts

11-601 General Regulations and Tables

11-601.1 Uses.

PRINCIPAL USES					
DWELLINGS	LDR1	LDR2	MDR	HDR	MH
Single family detached dwelling	P	P	NP	NP	NP
Two-family dwellings approved by the City prior to January 1, 2005.	P	P	P	NP	NP
Townhouses	NP	NP	P	NP	NP
Multiple family dwellings	NP	NP	P	P	NP
Mobile homes	NP	NP	NP	NP	P
Single-family dwellings when combined with permitted and/or other attached dwellings uses to achieve a density of at least four dwelling units per acre.	NP	NP	P	NP	NP
Attached dwelling structures not described as permitted uses, seven dwelling units per acre or less.	NP	NP	C	NP	NP
CONGREGATE LIVING	LDR1	LDR2	MDR	HDR	MH
A state licensed residential facility or a housing with services establishment registered under chapter 144D serving six or fewer persons, a licensed day care facility serving 12 or fewer persons, and a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve 14 or fewer children	P	P	P	P	NP
A state licensed residential facility serving from 7 through 16 persons or a licensed day care facility serving from 13 through 16 persons.	C	C	C	P	NP
Nursing homes and assisted living	C	C	C	C	NP
Boarding Homes	NP	NP	NP	P	NP
INSTITUTIONAL	LDR1	LDR2	MDR	HDR	MH
Cemeteries and their accessory structures	C	C	C	C	NP
Governmental buildings and facilities	C	C	C	C	C
Governmental offices	C	C	C	C	C
Places of worship	C	C	C	C	NP
Public parks, their incidental structures and uses	P	P	P	P	P
Schools and colleges	C	C	C	C	NP
State licensed community correctional facilities	C	C	C	C	NP
Public buildings and major utility structures	C	C	C	C	C
Hospitals	C	C	C	C	NP
Places of assembly	C	C	C	C	NP

Draft 8-16-17

COMMERCIAL	LDR1	LDR2	MDR	HDR	MH
Marinas and related uses	C	C	C	C	NP
Mining as regulated under Section 11-1103	C	C	C	C	NP
Recreational facilities such as country clubs, community recreation buildings, golf courses, archery ranges, or trapshooting ranges.	C	C	C	C	NP
Retail shopping uses located within a multiple-dwelling building located within an apartment complex containing at least 100 dwelling units, provided that such uses are clearly incidental to the principal use of the building.	NP	NP	NP	C	NP
Agricultural, except feedlots	P	P	NP	NP	NP
ACCESSORY USES					
	LDR1	LDR2	MDR	HDR	MH
Private garage/storage structures	P	P	NP	P	P
Community garages	NP	NP	NP	P	NP
Private or community garages as regulated by Section 11-604.2(9) and (16)	NP	NP	P	NP	NP
One outdoor living room.	P	P	NP	NP	P
Other detached accessory structures such as fish houses, gazebos, greenhouses, and playhouses incidental to the dwelling unit	P	PNP	NP	P	
Multiple pet locations duly licensed under Chapter 6-200	P	P	NP	NP	P
Home occupations	P	P	P	P	NP
Patios and tennis courts	P	P	P	P	P
Private swimming pools as regulated under Chapter 12-500	P	P	P	P	P
Renting of rooms for not more than two roomers per dwelling unit	P	P	NP	NP	NP
Signs as regulated under Section 11-1202	P	P	P	P	P
Phone booths, bus shelters, and other such incidental structures	P	P	P	P	P
State licensed day care facilities serving 13 or more persons when accessory to a hospital, church, private school, or nursing home	P	P	P	P	NP
Home Based Retail Sales in conformance with Section 11-601.8	P	P	P	P	P
Maintenance, management, or community recreation buildings incidental to the development	NP	NP	P	P	NP
Off-street parking in accordance with Section 11-1201	P	P	P	P	NP
Accessory buildings and uses incidental to a mobile home	NP	NP	NP	NP	P

11-601.2 Truck and Trailer Storage.

(1) Except as provided below, it shall be illegal to park or store, or permit to be parked or stored on residential property a Truck licensed for more than 9,000 pounds gross vehicle weight, a Truck-tractor, a Semitrailer, or Special Mobile Equipment.

(a) This section shall not apply to major Recreational Equipment, to any motor vehicle which is being actively loaded or unloaded or which is being utilized to render a service.

(b) One Truck licensed for more than 9,000 pounds gross vehicle weight or one Truck-tractor per dwelling unit may be parked on residential property, provided that the vehicle

Draft 8-16-12

is owned or operated by a resident of the property, any such vehicle is parked on the paved portion of the driveway or private parking lot of such residential property, and, provided further, that the engine of any such vehicle shall not be allowed to idle for more than a total of one hour within any six hour period.

(2) The regulations of this Section include the streets within and adjacent to such residential property.

11-601.3 Major Recreational Equipment in Residential Districts.

(1) Standards. Major Recreational Equipment in a residential district must conform to the following standards, in addition to the standards in Title 9 (Traffic and Transportation). These standards are enforceable against the property owner, the vehicle owner, and the vehicle possessor(s), joint and severally. For this purpose, the vehicle owner is presumed to be the registered owner, unless rebutted.

(a) No Major Recreational Equipment may be used for living, sleeping, or housekeeping purposes, except that one major recreational vehicle not exceeding the limitations of 11-601.3 is allowed for occasional living purposes, not to exceed three days per 30 day period, to accommodate visitors, provided the vehicle is parked on private property.

(b) Major Recreational Equipment stored outside must be in a condition for the safe and effective performance of its intended function or repaired to put such equipment in such condition. Equipment being repaired may not be stored longer than 20 days.

(c) Maximum Number: Two Major Recreational Equipment vehicles per residential dwelling unit, whether stored inside or outside a building.

(d) Size limitations for Major Recreational Equipment parked or standing in residential districts more than 12 hours:

i. Maximum Height: Thirteen and one half feet measured from the ground to the highest point on the vehicle at the recommended tire pressure. For the purposes of measuring height, all accessories, attachments, and material carried on the vehicle shall be considered part of the vehicle.

ii. Maximum Length: Forty-five feet, measured from the longest point on the vehicle or, if a trailer, the horizontal distance between the front and rear edges of the trailer bed. For the purposes of measuring length, all accessories, attachments, and material carried upon a vehicle is considered a part of the vehicle or trailer bed.

iii. Maximum Width: Eight and one half feet in width, measured from the widest point on the vehicle or, if a trailer, the horizontal distance between the left and right edges of the trailer bed. For the purposes of measuring width, all accessories, attachments, and material carried upon a vehicle is considered a part of the vehicle or trailer bed.

11-601.4 Number of Vehicles.

(1) The number of vehicles on a residential parcel may exceed by only two the number of persons with valid drivers licenses residing on the premises. The following vehicles shall be exempted from this requirement:

(a) Temporary visitor parking.

Draft 8-16-12

(b) Major Recreational Equipment.

(c) A maximum of two collector vehicles registered as pioneer, classic, collector or street rod vehicles. The collector plates must be displayed on the vehicle.

(d) Trailers, trucks, and other vehicles used in loading, unloading, maintenance, or construction on the premises.

(e) Two- or three-wheeled vehicles.

(2) It shall be illegal to park or store or permit to be parked or stored any vehicle on undeveloped residential property. This provision shall not apply to vehicles used in conjunction with City approved projects.

11-601.5 Residential Property.

(1) The parking, storage, repairing, dismantling, demolition, or abandonment of junk vehicles or part thereof on a residential property is prohibited, except that a resident of the premises may repair one vehicle on the property if the vehicle is owned by a resident and such repair does not exceed 20 days.

(2) The parking or storage of a motor vehicle, other than a junk vehicle or Major Recreational Equipment, on residential property is prohibited unless the vehicle is displaying current registration, or is exempt from registration under Minnesota State law, and the property around the vehicle is kept mowed and free of debris. Such vehicles shall be included in the number of permitted vehicles under Section 11-601.4.

11-601.6 Prevailing Front Setbacks. Where adjoining principal structures existing at the time of adoption of this Ordinance have a lesser setback from that required, the minimum front setback of a new structure shall not be less than the average front yards of the principal buildings on each side lot for 240 feet in either direction. In no case shall the front yard setback be less than 20 feet or be required to set back more than 60 feet.

11-601.7 Restrictions on Accessory Structures.

(1) An accessory structure shall not:

(a) Be constructed on any lot prior to the time of construction of the principal building.

(b) Exceed the height of the principal building, except when on a farm and related to a farming operation.

(c) Be located within the required front setback area or within five feet of a lot line.

(d) Be located nearer to the front lot line than the principal building. This provision does not apply to attached garages or to those lots which have the shoreline of the Mississippi River or Crooked Lake as the rear lot line.

(2) An accessory structure larger than 120 square feet of floor area so located such that any one of its walls is within five feet of a wall of any other structure must be attached to and made structurally part of the other structure.

(3) An accessory structure 120 square feet in floor area or larger must have a permanent concrete slab under the entire structure

Draft 8-16-12

(4) Accessory structures other than garage/storage structures can not be used for the storage of motor vehicles or major recreational equipment.

11-601.8 Home Based Retail Sales.

(1) A maximum of six separate and distinct Home Based Retail Sale events may be conducted in conjunction with a residential unit in any calendar year. Each sale event shall be considered a separate event whether it is the same or a different type of sale event from previous sale events at the same location. Each sale event shall be limited to a maximum of four consecutive calendar days and days not used for any one sale event may not be accumulated to lengthen the time of any future sale event. The first and fourth sale events of a calendar year shall be separated by a minimum of 90 days from the previous sale event from the same location and the second, third, fifth, and sixth sale events of a calendar year shall be separated by a minimum of one day from the previous sale event from the same location. A sale event during any part of a day shall constitute a sale event on that day. For purposes of this subsection, the terms "day" and "calendar day" shall mean a consecutive 24-hour period commencing at midnight and concluding at the next following midnight.

(2) One Vehicle may be displayed for sale provided the vehicle is registered to a resident of the property where it is being displayed and is located on an improved driveway. A Community Service Officer or Code Enforcement Technician may issue a citation for a violation of this Section.

(3) No sale event shall include the use of a motor vehicle, trailer, or ground level storage container or similar container.

11-601.9 Public Buildings and Major Utility Structures

(1) Water pump houses shall conform to principal building setbacks.

(2) Electric power substations shall conform to the principal building setbacks and have a landscaped yard. Electric power substations shall be screened in accordance with Section 11-1204.6.

(3) Water towers shall conform to principal building setbacks.

(4) High voltage transmission lines shall, whenever possible, be located to avoid diagonal divisions of land.

(5) Railroad uses may include through railroad tracks, but not switching or storage yards.

11-602 (LDR-1) Low-Density Residential District

11-602.1 Intent. This district is intended to provide single-family housing while preserving natural features such as topography, water, and large stands of trees.

11-602.2 District Standards

(1) Building Height. The maximum building height is 35 feet for principal structures and 20 feet for accessory structures. An accessory structure cannot exceed the height of principal building, except when on a farm and related to a farming operation.

(2) Building Width. The minimum building width is 20 feet over a minimum of 50 percent of building length.

Draft 8-16-12

(3) Institutional and Commercial Building Materials. The exterior of institutional and commercial buildings must include a variation in building materials, which are to be distributed throughout the building facades and coordinated into the architectural design of the structure. Exterior building materials must be primarily brick, stone, fiber cement, non-reflective architectural glass. (i.e. curtain wall), integrally colored split face (rock face), burnished or glazed concrete masonry units (excluding smooth/plain or painted), integrally colored (excluding single-T or double-T panels, aggregate, plain, uncolored, or raked finish) specially designed, cast-in-place concrete panels and approved architectural metal. EIFS can be used as an accent material, provided it does not cover more than 15% of a building face.

(4) Finished Floor Area. The minimum finished floor area shall be 1,200 square feet at or above Lot Grade

(5) Foundation. All Residential Living Space must have a perimeter foundation meeting the requirements of the Minnesota State Building Code as adopted by the City.

(6) Garage/Storage and Accessory Structures.

(a) Each dwelling is permitted up to 1200 square feet of attached or detached garage/storage. Notwithstanding the preceding, the maximum floor area of garage/storage space attached to the principal structure may be increased up to 1600 square feet in lieu of any detached garage/storage structure and any free standing accessory structures otherwise permitted under paragraph (b) of this Section, if the total floor area of any attached garage/storage space does not exceed 80 percent of the finished floor area of the principal structure. At least 484 square feet in floor area of garage/storage structure per dwelling must be accessible to vehicle storage, have a minimum width of 22 feet and a minimum depth of 22 feet. The minimum width of a detached garage/storage structure may be reduced to 12 feet provided the total floor area of the detached garage/structure and an attached garage/storage structure equals or exceeds 528 square feet and the attached garage/storage structure has a minimum width of 12 feet and a minimum depth of 22 feet.

(b) Detached garage/storage structures in excess of 900 square feet in floor area must meet the same setback requirements as the principal structure.

(c)The architectural style, color, and facing material of a garage/storage structure must be compatible with the principal structure

(d) In addition to structures provided for in Section 11-602.2(6)(a) above, each dwelling is permitted other freestanding accessory structures such as an outdoor living room, fish house, gazebo, greenhouse, or playhouse. No accessory structure permitted under this subsection, whether of singular or multiple use, can exceed 200 square feet in floor area. No accessory structure permitted under this subsection can have a door exceeding six feet in width. The total floor area of all such accessory structures permitted under this subsection must not exceed 400 square feet.

(e) The number of detached garage/storage structures and other accessory structures cannot exceed three per dwelling.

(f) For the purpose of this section, floor area means the gross horizontal area of the main floor of a structure plus the horizontal area of any other level having a minimum vertical clearance or ceiling height of five (5) feet.

Draft 8-16-12

(7) Parking and Drives.

(a) The minimum number of required off-street parking spaces is three per dwelling unit. At least two spaces per dwelling unit must consist of an enclosed garage.

(b) A driveway must have a minimum width within the street right-of-way of 10 feet per dwelling unit, excluding the entrance radii. Within the street right-of-way, the total width of all driveways accessing the same street frontage must not exceed 24 feet per dwelling unit, excluding the entrance radii.

(c) Within 100 feet of the street right-of-way, no more than 50 percent of the lot area located between the structure and the front property line may be improved as driveway and parking surfaces, provided, however, that the maximum pavement width, excluding a required turnaround, must not exceed 36 feet, measured on a line parallel to the street.

(d) Driveways may be permitted to be constructed up to the property line. However, driveways and parking must not be located within the sight triangle described in Subsection 11-1206.2(3).

(e) All driveways must be improved with concrete, bituminous, brick pavers or similar hard surfaced material as approved by the Chief Building Official, provided, however, that on a lot which has the shoreline of the Mississippi River as the rear lot line, all driveways and parking areas must be so improved for the first 100 feet of lot depth. Other materials, including decorative landscape rock, crushed rock, gravel, sand, bare soil, or similar materials are prohibited for use as a driveway or parking surfaces. Driveways must be constructed and maintained according to standards on file in the office of the Chief Building Official.

(f) Off-Drive Parking Areas within 100 feet of the right-of-way:

i. Must be within five feet of the side of the garage and attached to the driveway. (Arrow A in Figure A).

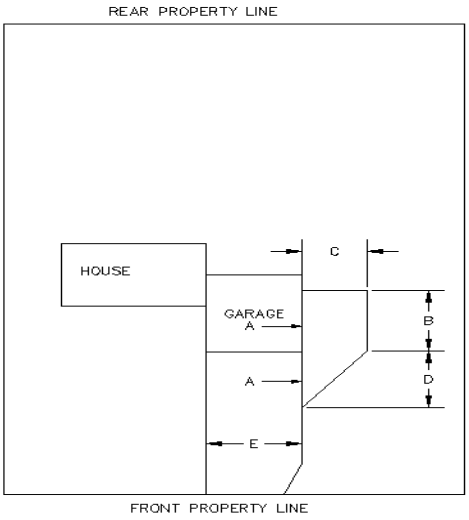
ii. Must not extend more than 40 feet from the front of the garage to the rear. (Arrow B in Figure A).

iii. May extend to the side property line, provided, it is no wider than 12 feet. (Arrow C in Figure A).

iv. Must not extend more than 20 feet from the front of the garage towards the street. (Arrow D in Figure A).

v. The total width of the driveway (Arrow E in Figure A) and the Off-Drive Parking Area (Arrow C in Figure A) cannot not exceed 40 feet or 50 percent of the lot width.

FIGURE A



(g) Off-Drive Parking Areas must be finished with an improved surface material, permeable pavers, patio blocks or concrete pavers, porous paving grids or similar material as approved by the Director. Washed ¾ inch fractured stone may be used as a surface material for that part of the parking area located behind the front line of the garage. The finished area must

Draft 8-16-12

be a continuous surface, of sufficient width to so as to include the drip line of the vehicle that is parked on it and maintained weed free. The finished material must be installed per standards on file with the city or per manufacture's specifications.

(h) Driveway access to arterial and collector streets shall be prohibited, unless approved by the City Council. Where a driveway access is permitted to an arterial street or collector street, a driveway turnaround must be provided in order to eliminate the need for vehicles to back onto the street when exiting.

(i) Parking within the front and side yards must be on a driveway or off drive parking area., however, on a lot which has the shoreline of the Mississippi River as the rear lot line, parking is prohibited within the first 100 feet of lot depth except on improved surfaces.

(8) Landscaping. The following minimum landscaping must be provided:

(a) The front yard setback of all single-family lots must contain sod or alternate landscaping.

(b) The boulevard area abutting each lot must be sodded and contain at least one tree with a minimum caliper of two inches per unit on each street frontage.

(9) Lot Area. The minimum lot area is 15,000 square feet, except that a corner lot must contain a minimum of 16,500 square feet. The area of a lot abutting a railroad or arterial street right-of-way must be increased by the area of the buffer strip required under Section 11-602.2(11)(b).

(10) Lot Coverage. No more than 30 percent of the lot area can be covered by buildings, drives, and parking areas. For the purposes of computing lot coverage under this provision, houses that do not have the minimum finished floor area required by this Code will be assumed to have such minimum finished floor area, and properties with less than the minimum driveway requirements of this Code will be assumed to have such minimum driveway requirements.

(11) Lot Dimensions. The minimum lot dimensions, measured in feet, are as follows:

(a)

Use	Width	Corner Lot Width	Depth
Single Family	100	110	150

(b) Where a lot abuts a railroad or arterial street right-of-way, a buffer strip of at least 30 feet in depth must be added to the lot's side adjacent to abutting the right-of-way. Such buffer strips must be landscaped pursuant to Section 11-1204.6.

(c) A lot fronting on a cul-de-sac must have a minimum depth of 120 feet and a minimum 20 feet of street frontage. Lot area requirements must be maintained.

(d) Lots fronting on Mississippi Boulevard and having the Mississippi River as the rear lot line can not be further developed or subdivided in such a manner that their existing lot depths are reduced.

(12) Setbacks.

(a) The minimum setbacks, measured in feet, are as follows:

Structure	Front Yard	Rear Yard	Side Yard Street*	Side Yard Interior
Principal Structure				
Living Space	40'	50'	20'	15'

Draft 8-16-12

Attached Garage	40’	50’	20’	10’
Porch, Screen Porch, Three Season Porch, Other Attached Structures with a roof	40’	50’	20’	15’
Attached Deck or Balcony	40’	35’	20’	10’
Gazebo or Outdoor Living Room connected to Principal Structure by Unroofed Deck	40’	35’	20’	15’
Accessory Structures				
Detached Garage/Storage Space under 900 square feet	40’	10’	20’	10’
Detached Garage/Storage Space 900 square feet or over	40’	50’	20’	15’
Detached Deck (other than swimming pool deck)	40’	10’	20’	10’
Detached Gazebo or Outdoor Living Room	40’	15’	20’	15’
Playhouse, Greenhouse, Similar Structures	40’	15’	20’	15’
Hard-Surfaced Areas				
Patio	25’	5’	5’	5’

* If the front of the principal structure faces the street side lot line rather than the front lot line then the front yard setbacks requirements also apply to the street side yard.

(b) The following are not considered as encroachments on setback requirements:

i. In any yard: awnings, steps, or chimneys that are no closer than five feet to any lot line, underground garages that are no closer than 10 feet to a lot line, flag poles, light poles, and public utilities (subject to the requirements of Section 11-601.9).

ii. Roof eaves, overhangs, and similar appurtenances that do not encroach more than two feet into a setback area.

(c) An accessory structure cannot be located nearer to the front lot line than the principal building except on a lot which has the shoreline of the Mississippi River or Crooked Lake as the rear lot line. On a corner lot, if the front of the principal structure faces the street side lot line, an accessory structure cannot be located nearer to the street side lot line than the principal building.

(d) On a corner lot when the front of the principal structure faces the street side lot line, the rear yard setback requirements and the interior side yard setback requirements may be exchanged.

(e) The following must meet the setback requirements of the Office Zoning District:

i. Accessory structures for cemeteries.

ii. Places of worship, private schools, nursing homes, hospitals, sanitariums and similar institutions.

Draft 8-16-12

iii. State licensed residential facilities serving seven or more persons.

iv. Principal public buildings.

v. Principal buildings for recreational facilities.

(f) Notwithstanding any provisions herein to the contrary, the Director or designee may approve a deck or porch which encroaches up to 10 feet into the required front setback provided:

i. The deck or porch encroachment does not exceed 100 square feet in area;

ii. The deck or porch provides access to the main entrance of the dwelling.

iii. Except for steps or a handicapped access ramp, the deck or porch is at least 30 feet from the front lot line, five feet from an interior lot line and 20 feet from a street side lot line;

iv. The floor of the deck or porch is no higher than the threshold of the main entrance;

v. The underside of the deck or porch is screened with a material that is at least 50 percent opaque; and

vi. The deck or porch is architecturally compatible with the dwelling.

(12) Variable Setback Plan. Notwithstanding the provisions of this Chapter to the contrary, houses constructed under this Section are to be considered conforming structures for the purposes of front yard setback requirements.

11-602.3 Site Plan Approval. Site plan approval by the Planning Commission is required for all conditional uses indicated in this Chapter. Site plan approval must be pursuant to Sections 11-304.8.

11-603 (LDR-2) Low-Density Residential District

11-603.1 Intent. This district is intended to provide land for attractive and diverse residential developments of single - family dwellings.

11-603.2 District Standards

(1) Building Height. The maximum building height is 40 feet for principal structures and 20 feet for accessory structures. An accessory structure cannot exceed the height of a principal building, except when on a farm and related to a farming operation.

(2) Building Width. The minimum building width is 20 feet over a minimum of 50 percent of building length.

(3) Institutional and Commercial Building Materials. The exterior of institutional and commercial buildings must include a variation in building materials, which are to be distributed throughout the building facades and coordinated into the architectural design of the structure. Exterior building materials must be primarily brick, stone, fiber cement siding, non-reflective architectural glass. (i.e. curtain wall), integrally colored split face (rock face), burnished or glazed concrete masonry units (excluding smooth/plain or painted), integrally colored (excluding single-T or double-T panels,

Draft 8-16-12

aggregate, plain, uncolored, or raked finish) specially designed, cast-in-place concrete panels and approved architectural metal. EIFS can be used as an accent material, provided it does not cover more than 15% of a building face.

(4) Finished Floor Area. The minimum finished floor area is as follows:

	Minimum Finished Floor Area	Minimum Finished Floor Area or Above Lot Grade
Single Family	960 sq. ft	720 sq. ft
Two-Family		
1 bedroom	700 sq. ft./unit	600 sq. ft./unit
2 bedrooms	800 sq. ft./unit	600 sq. ft./unit
3 or more bedrooms	960 sq. ft./unit	720 sq. ft./unit

At least two-thirds of the minimum finished floor area at or above Lot Grade must be on a single floor, provided that if the building has three or more floors at or above grade, at least one-half of the minimum finished floor area must be on a single floor.

(5) Foundation. All Residential Living Space must have a perimeter foundation meeting the requirements of the Minnesota State Building Code as adopted by the City.

(6) Garage/Storage Structures and Accessory Structures.

(a) Each single family dwelling or twin home lot is permitted up to 1200 square feet of attached or detached garage/storage space. At least 484 square feet in floor area of garage/storage structure per single family dwelling must be accessible to vehicle storage and must have a minimum width of 22 feet and a minimum depth of 22 feet. The minimum width of a detached garage/storage structure may be reduced to 12 feet provided the total floor area of the detached garage/structure and an attached garage/storage structure equals or exceeds 528 square feet and the attached garage/storage structure has a minimum width of 12 feet and a minimum depth of 22 feet. At least 264 square feet in floor area of garage/storage structure per two family dwelling unit must be accessible to vehicle storage and shall have a minimum width of 12 feet and a minimum depth of 22 feet.

(b) Detached garage/storage structures in excess of 900 square feet in floor area must meet the same setback requirements as the principal structure.

(c) The architectural style, color, and facing material of a garage/storage structure must be compatible with the principal structure.

(d) In addition to structures provided for in Section 11-603.2(a) above, each dwelling or dwelling unit is permitted other freestanding accessory structures such as an outdoor living room, fish house, gazebo, greenhouse, or playhouse. No accessory structure permitted under this subsection, whether of singular or multiple use, can exceed 200 square feet in floor area. No accessory structure permitted under this subsection can have a door exceeding six feet in width. The total floor area of all such accessory structures permitted under this subsection must not exceed 400 square feet.

Draft 6-16-12

(e) The number of detached garage/storage structures and other accessory structures cannot exceed three per dwelling.

(f) For the purpose of this section, floor area means the gross horizontal area of the main floor of a structure plus the horizontal area of any other level having a minimum vertical clearance or ceiling height of five (5) feet.

(7) Parking and Drives.

(a) The minimum number of required off-street parking spaces for a single family dwelling is three. At least two spaces must consist of an enclosed garage.

(b) A driveway must have a minimum width within the street right-of-way of 10 feet per dwelling unit, excluding the entrance radii. Within the street right-of-way, the total width of all driveways accessing the same street frontage must not exceed 24 feet per dwelling unit, excluding the entrance radii.

(c) No more than 50 percent of the lot area located between the structure and the front property line may be improved as driveway and parking surfaces, provided, however, that the maximum pavement width, excluding a required turnaround, must not exceed 36 feet.

(d) Driveways may be permitted to be constructed up to the property line. However, driveways and parking must not be located within the sight triangle described in Subsection 11-1206.2(3).

(e) All driveways and parking areas must be improved with concrete, bituminous, brick pavers or similar hard surfaced material as approved by the Chief Building Official. Other materials, including decorative landscape rock, crushed rock, gravel, sand, bare soil, or similar materials, are prohibited for use as driveway. Driveways must be constructed and maintained according to standards on file in the office of the Chief Building Official.

(f) Off-Drive Parking Areas:

i. Must be within five feet of the side of the garage and attached to the driveway. (Arrows A in Figure A)

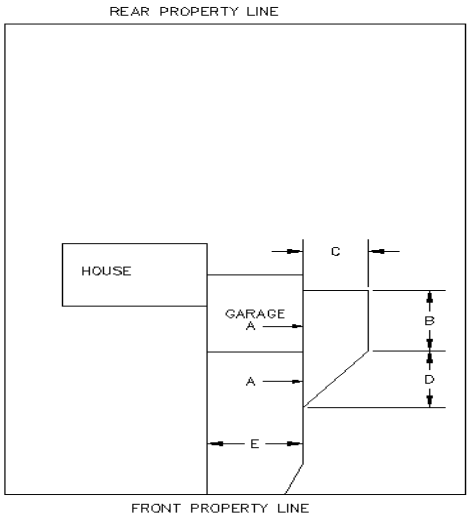
ii. Must not extend more than 24 feet from the front of the garage to the rear. (Arrow B in Figure A).

iii . May extend to the side property line, provided, it is no wider than 12 feet. (Arrow C in Figure A).

iv. Must not extend more than 20 feet from the front of the garage towards the street. (Arrow D in Figure A)

v. The total width of the driveway (Arrow E in Figure A) and the Off-Drive Parking Area (Arrow C in Figure A) cannot not exceed 40 feet or 50 percent of the lot width.[Revised 8/8/12 Ordinance 2092]

FIGURE A



(g) Off-Drive Parking Areas must be finished with an improved surface material, permeable pavers, patio blocks or concrete pavers, porous paving grids or similar

Draft 8-16-12

material as approved by the Director. Washed ¾ inch fractured stone may be used as a surface material for that part of the parking area located behind the front line of the garage. The finished area must be a continuous surface, of sufficient width to so as to include the drip line of the vehicle that is parked on it and maintained weed free. The finished material must be installed per standards on file with the city or per manufacture's specifications.

(h) Driveway access to arterial and collector streets is prohibited, unless approved by the City Council. Where a driveway access is permitted to an arterial or collector street, a driveway turnaround must be provided in order to eliminate the need for vehicles to back onto the street when exiting.

(i) Parking within the front and side yards must be on a driveway or off drive parking area.

(8) Landscaping. The following minimum landscaping must be provided:

(a) The front yard setback of all single-family lots must contain sod or alternate landscaping.

(b) The entire yard of all two-family lots must contain sod or alternate landscaping except that any undisturbed area beyond the first 135 feet of lot depth may be left in its natural vegetative state.

(c) The boulevard area abutting each lot must be sodded and contain at least one tree with a minimum caliper of two inches per unit on each street frontage.

(9) Lot Area.

(a) The minimum lot area for a single-family home is 10,800 square feet, except that a corner lot shall contain a minimum of 12,150 square feet.

(b) The minimum lot area for a two-family dwelling is 14,850 square feet, except that a corner lot shall contain a minimum of 16,200 square feet.

(c) For zero lot line two-family dwellings, the minimum lot area for each unit is 7,425 square feet.

(d) The area of a lot abutting a railroad or arterial street right-of-way must be increased by the area of the buffer strip required by Section 11-603.2(11)(b).

(10) Lot Coverage. No more than 30 percent of the lot area can be covered by buildings, drives, and parking areas. For the purposes of computing lot coverage under this provision, dwelling units that do not have the minimum finished floor area required by this Code will be assumed to have such minimum finished floor area and properties with less than the minimum driveway requirements of this Code will be assumed to have such minimum driveway requirements.

(11) Lot Dimensions.

(a) The minimum lot dimensions, measured in feet, are:

Use	Width	Corner Lot Width	Depth
Single Family	80	90	135
Two-Family	110	120	135

(b) Where a lot abuts a railroad or arterial street right-of-way, a buffer strip of at least 30 feet in depth must be added to the lot's side adjacent to abutting the right-of-way. Such buffer strips must be landscaped pursuant to Section 11-1204.6.

Draft 8-16-12

(c) A lot fronting on a cul-de-sac must have a minimum depth of 105 feet and a minimum 20 feet of street frontage, except that this will be increased to a minimum 40 feet of street frontage for a two-family dwelling. Lot area requirements must be maintained.

(12) Setbacks.

(a) The minimum setbacks, measured in feet, are as follows:

Structure	Front Yard	Rear Yard	Said Yard Street*	Side Yard Interior
Principal Structure				
Living Space	35’	35’	20’	10’
Attached Garage	35’	35’	20’	5’
Porch, Screen Porch, Three-Season Porch, Other Attached Structures with a roof	35’	35’	20’	10’
Attached Deck or Balcony	35’	20’	20’	5’
Gazebo or Outdoor Living Room Connected to Principal Structure by Unroofed Deck	35’	20’	20’	10’
Accessory Structures				
Detached Garage/Storage Space under 900 square feet	35’	5’	20’	5’
Detached Garage/Storage Space 900 square feet and over	35’	35’	20’	10’
Detached Deck (other than swimming pool deck)	35’	5’	20’	5’
Detached Gazebo or Outdoor Living Room	35’	10’	20’	10’
Playhouse, Greenhouse,Similar Structures	35’	10’	20’	10’
Hard-Surfaced Areas				
Patio	20’	5’	5’	5’

*If the front of the principal structure faces the street side lot line rather than the front lot line then the front yard setback requirements also apply to the street side yard.

(b) The following are considered as encroachments on setback requirements:

i. In any yard: awnings, steps, or chimneys that are no closer than five feet to any lot line, underground garages that are no closer than 10 feet to a lot line, flag poles, light poles, and public utilities (subject to the requirements of Section 11-601.9).

ii. Roof eaves, overhangs and similar appurtenances that do not encroach more than two feet into a setback area.

(c) An accessory structure cannot be located nearer to the front lot line than the principal building except on a lot which has the shoreline of the Mississippi River or Crooked Lake as the rear lot line. On a corner lot, if the front of the principal structure faces the street side lot line, an accessory structure cannot be located nearer to the street side lot line than the principal building.

Draft 8-16-12

(d) Not withstanding the provisions of this Chapter to the contrary, the Board of Adjustment and Appeals may permit the rear yard setback for porches including attached outdoor living rooms and three-season porches, to be reduced to not less than 20 feet if no other arrangement is practical, and provided further:

i. The rear property line abuts a park or other publicly owned property, except public rights-of-way,

ii. The porch will not be detrimental to the neighborhood or the public welfare,

iii. The porch is architecturally compatible with the primary structure and

iv. The porch will not be incorporated into the year round living space of the primary structure.

(e) On a corner lot when the front of the principal structure faces the street side lot line, the rear yard setback requirements and the interior side yard setback requirements may be exchanged.

(f) The following must meet the setback requirements of the Office Zoning District:

i. Accessory structures for cemeteries.

ii. Places of worship, private schools, nursing homes, hospitals, sanitariums and similar institutions.

iii. State licensed residential facilities serving seven or more persons.

iv. Principal public buildings.

v. Principal buildings for recreational facilities.

(g) Notwithstanding any provisions herein to the contrary, the Director or designee may approve a deck or porch which encroaches up to 10 feet in the required front setback provided:

i. The deck or porch encroachment does not exceed 100 square feet in area;

ii. The deck or porch provides access to the main entrance of the dwelling;

iii. Except for steps or a handicapped access ramp, the deck or porch is at least 25 feet from the front lot line, five feet from an interior lot line and 20 feet from a street side lot line;

iv. The floor of the deck or porch is no higher than the threshold of the main entrance;

v. The underside of the deck or porch is screened with a material that is at least 50 percent opaque; and

vi. The deck or porch is architecturally compatible with the dwelling.

(13) <u>Reduced Front Yard Setback Permitted.</u> Notwithstanding the provisions of this Chapter to the contrary, the Board of Adjustment and Appeals may permit the front yard setback to be reduced to not less than 25 feet on a property on which is constructed a principal structure, if no other arrangement is practical; provided, however, that the Board may permit such variance for either the principal structure or garage, but not both; and provided, further, that if the variance is given for the garage, the Board will require at least three paved on-site parking spaces whenever practical. Parking spaces within the garage will be considered as on-site parking spaces for purposes of this Section.

Draft 8-16-12

(14) Variable Setback Plan. Notwithstanding the provisions of this Chapter to the contrary, houses constructed under this Section are to be considered conforming structures for the purposes of front yard setback requirements.

(15) Zero Lot Line for Two-Family Residential Lots. Notwithstanding the provisions of this Chapter to the contrary, two-family residential lots may be platted or subdivided in such manner that the common boundary line for the residential units will have a zero lot line setback; provided, however, that each such lot meets the following requirements:

(a) Each lot must have a minimum area of 7,425 square feet.

(b) Separate services must be furnished to each residential unit for sanitary sewer and water.

(c) Two separate dwelling units are maintained.

(d) The two-family unit must be constructed in a side-by-side manner.

(e) All zero lot line two-family dwellings require a party wall agreement relating, at a minimum, to maintenance of the structure, maintenance of open and/or common space, accessory structures, and exterior decoration. The agreement must be approved by the City Attorney and kept on file in the office of the Community Development Director.

11-603.3 Site Plan Approval. Site plan approval by the Planning Commission is required for all conditional uses indicated in this Chapter. Site plan approval will be pursuant to Section 11-304.8.

11-603.4 Exceptions. Notwithstanding any other provisions of this code to the contrary, the following are considered conforming two family residential uses:

(a) Two-family dwellings constructed as permitted uses under the two-family dwelling (R-3) zoning district, now repealed.

(b) Two-family dwelling lots on which conditional use permits were granted prior to February 1, 1989, and which meet the following minimum lot dimensions: width 90 feet; corner lot width 100 feet; depth 135 feet.

(c) Zero lot line two-family residential lots on which conditional use permits were granted prior to February 1, 1989 and which have a minimum area of 6,000 square feet per lot.

11-604 (MDR) Moderate -Density Residential District

11-604.1 Intent This District is intended to provide housing at moderate densities, and at the same time offer special amenities for individual and family living. This district provides land for attractive moderate-density residential development; emphasizes quality common open space and pedestrian/bicycle access in townhouse and multiple dwelling developments; and will be developed at a gross density between four and seven dwelling units per acre. All moderate density residential developments approved pursuant to this Chapter, or any predecessor thereto, prior to May 15, 2002, are deemed conforming developments for purposes of density notwithstanding their actual approved densities.

Draft 8-16-12

11-604.2 District Standards. Single-family and two-family dwellings must comply with Sections 11-603 and Section 11-604.4. Multiple dwellings, state licensed residential facilities serving 17 or more persons, and other attached dwellings determined by the Planning Commission to be similar to multiple dwellings must comply with Sections 11-605 and Section 11-604.5. Congregate living, institutional and commercial uses must comply with Section 11-702 (Office District). Day care facilities serving 16 or fewer persons must comply with the standards for the dwelling unit in which they are located. The following standards apply to townhouses, state licensed residential facilities serving 16 or fewer persons, and similar attached dwelling structures as determined by the Planning Commission.

(1) Building Character. The design of buildings must have a comparable, compatible and complementary relationship to surrounding land uses. Buildings must be designed with varied exterior materials, setbacks and architectural features and details.

(2) Development Guidelines. Developments must satisfy the following guidelines. Determination of whether these guidelines are satisfied will be made by the Planning Commission or by the City Council after receiving a recommendation from the Planning Commission.

(a) Building Massing. Articulate building massing, using methods including, but not limited to, staggering building components, adding columns, recessing doorways, creating interesting shapes and short, or uneven facades. Buildings facing each other across public or private streets must have similar scale, massing and articulation.

(b) Facades. Articulate building facades of both individual housing units and attached housing groups or buildings through the use of staggering, arcades, porches, balconies, special window treatments, ornamentation and unique details. Face entries to public and private streets and orient garage doors away from public and private streets.

(c) Varied Roof Shapes. Provide a variety of roof shapes, including, but not limited to pitched roofs, dormers, chimneys, gable or hip roof accents, and detailed parapets and cornices creating interesting roof profiles.

(d) Focal Features. Provide focal features to add interest or distinction to attached housing groups or buildings using techniques such as elevating parts of buildings towers, or emphasizing a prominent part of the building such as a corner or main entry or by using features such as canopies, porticoes, overhangs, arcades, facade recesses and projections and peaked roofs or raised parapets above doors or windows.

(e) Townhome Building Materials. The exterior of townhome dwelling units must include a variation in building materials, which are to be distributed throughout the building facades and coordinated into the architectural design of the structure. Exterior building materials must be primarily brick, wood, stucco, stone, vinyl siding (with a minimum thickness of .044 millimeters) and fiber-cement siding. EIFS can be used as an accent material, provided it does not cover more than 15% of a building face.

(f) Institutional and Commercial Building Materials. The exterior of institutional and commercial buildings must include a variation in building materials, which are to be distributed throughout the building facades and coordinated into the architectural design of the structure. Exterior building materials must be primarily brick, stone, fiber cement siding, non-reflective architectural glass. (i.e. curtain wall), integrally colored split face (rock face), burnished or glazed concrete masonry units (excluding smooth/plain or painted), integrally colored (excluding

Draft 8-16-12

single-T or double-T panels, aggregate, plain, uncolored, or raked finish) specially designed, cast-in-place concrete panels and approved architectural metal. EIFS can be used as an accent material, provided it does not cover more than 15% of a building face.

(g) Balconies, Decks and Porches. The floors and railings of balconies, decks and porches must have a durable finish complementing the colors of the building or attached housing group.

(h) Entry Steps. The risers and areas under non-masonry, entry steps and landings, must be enclosed with materials consistent with the exterior materials of the building or attached housing group. All surfaces of non-masonry steps and landings, including railings, must have a durable finish complementing the colors of the building or attached housing groups.

(3) Maximum Building Height. 55 feet for principal structures, including attached garages and attached accessory use areas; 20 feet for detached accessory use structures.

(4) Bulk of Townhouse Group. There can be no more than eight townhouse units in any Townhouse Group, and in no event can any group be more than 240 feet in length.

(5) Common Open Space Area.

(a) Minimum common open space area: 700 square feet per unit.

(b) Common open space areas must be contiguous, may include setback areas, be no less than 50 feet in any dimension (except for access points), and be of such condition, size, shape, location, and topography to be suitable for recreational or scenic use by all residents of the development or contain unique natural features to be preserved. The following qualify as common open space:

i. That part of absorption or detention ponds in excess of five year storm requirements.

ii. Provided they shall not exceed 50 percent of the total required open space:

a. Natural ponds;

b. Wetlands;

c. Streams;

d. That part of absorption or detention ponds required for the storage of a five year storm if developed in the form of an artificial lake.

(c) Common open space areas are restricted to recreational, scenic, and conservation purposes, and be so restricted by recorded covenants. These covenants must run with the land and not be defeated or eliminated without the consent of the City Council. Said covenants are be subject to City Attorney approval.

(6) Minimum Development Size. Three units.

(7) Minimum Finished Floor Area:

	Minimum Finished Floor Area	Minimum Finished Floor Area At or above Lot Grade
One bedroom	700 sq. ft./unit	600 sq. ft./unit
Two bedrooms	800 sq. ft./unit	600 sq. ft./unit
Three or more bedrooms	960 sq. ft/unit	720 sq. ft./unit

Draft 8-16-12

(8) Foundation. Residential living space must have a perimeter foundation meeting the requirements of the Minnesota State Building Code as adopted by the City.

(9) Garages. Minimum floor area: 300 square feet. Maximum floor area: 75 percent of the floor area of the dwelling unit to which the garage is an accessory use, but not to exceed 900 square feet. The style, color, and facing material of a garage must be compatible with the dwelling unit. A garage must have a minimum width of 14 feet and a minimum depth of 18 feet. Garage space must either be attached to the dwelling unit it is accessory to or be accessible from the living unit by passing only through private open space accessory to the dwelling unit.

(10) Homeowners' Association. Developments must have a homeowners' association responsible for maintenance of all open space and other common areas, all accessory buildings, and the exterior of the residential units. Homeowners' association agreements are subject to City Attorney approval .

(11) Landscaping and Screening. The landscape design objectives, the landscape plan, and the size, location, quantity and type of landscape and screening plants must meet the requirements of the current version of *Landscape Standards on File with the Community Development Director* and the following requirements:

(a) All landscaped areas must be irrigated with an underground sprinkler system.

(b) Landscaped islands must be provided in parking lots to break up and soften the appearance of large areas of paving.

(c) All areas of the site not covered by impervious surfaces or landscaping must be planted with cultured sod laid over four inches of drought-resistant top soil.

(d) Trash and recycling storage areas, mechanical equipment and other screening are required in accordance with Section 11-1204.6.

(12) Minimum Lot Components. The dwelling unit, the garage accessory to the unit, two parking spaces, at least one such space in an enclosed garage accessory to the dwelling unit, and the private open space accessory to the unit.

(13) Lot Coverage. Not more than 50 percent of the development area can be covered by buildings, drives, and paved areas.

(14) Reserved for future use.

(15) Mailboxes. Mailboxes of uniform design to be used for mail and newspaper delivery must be provided, and located to minimize the number of such structures within the public right-of-way.

(16) Parking and Drives.

(a) Minimum Number of Off-street Parking Spaces: 2.5 spaces per unit, placed so that at least one space is in an enclosed garage accessory to the dwelling unit, at least one space is on the same lot as the dwelling unit, and at least one-half space is in a common parking area.

(b) Except for a tandem parking space, no parking, public streets, or drives are allowed within five feet of the exterior development boundary line or within 20 feet of any right-of-way line. No parking is allowed within the sight triangle described in Section 11-1206.2(3)

(c) Driveways leading from a public street to a garage shall have a minimum width of 10 feet per garage and a maximum width of 30 feet per driveway, excluding the entrance radii.

Draft 8-16-12

(d) Individual driveway access to arterial streets is prohibited unless no practical alternative access exists, as determined by the City Council, and a driveway turnaround is provided.

(e) To the extent not in conflict with this section, parking and drives shall be constructed to the standards of Section 11-1201.1 through 11-1201.8.

(17) Play Area. Developments containing more than eight dwelling units with two or more bedrooms must include a children's play area. All developments must include an adult recreation area. The location, size, and equipment in such areas must be approved by the Planning Commission as to adequacy and ability to meet the needs of the development's residents. The Planning Commission may approve another amenity in lieu of a children's play area in a development, if it finds:

(a) The children's play area would not be useful to the residents of the development;

(b) The proposed amenity will provide a substantially better living environment for the residents than if the amenity is not provided;

(c) At least 50 percent of the project has been sold and control of the association has been assumed by the residents;

(d) The proposed amenity is requested by a majority vote of the members of the homeowners' association, and

(e) The developer agrees with the request or has defaulted on the security agreement given to guarantee the installation of the play area.

(18) Private Open Space. In addition to common open space, at least 400 square feet of private open space must be provided for the private use of each individual dwelling unit. Private open space must be located and designed to maximize its utility to the dwelling unit it serves and maximize its privacy, especially in relation to adjacent dwelling units. Private open space must be set back a minimum of 10 feet from exterior boundaries and a minimum of 10 feet from private open space areas accessory to another Townhouse Group. For purposes of this Section, private open space area includes balcony and deck areas.

(19) Minimum Setbacks:

(a) Townhouses.

Townhouse Group from:	
Another Townhouse Group or an Accessory Use Building	20 feet
Street Right-of-way	35 feet, except that a side wall of a unit may be set back 25 feet from a street right-of-way
Interior Access Drive	15 feet, living area 10 feet, non living area
Exterior Development	
Boundary Line	25 feet, 55 feet living area if abutting a commercial or industrial district, or railroad right-of-way
Accessory Use Building from:	
Street Right-of-way	35 feet, or 20 feet if the accessory building is

Draft 8-16-12

	bermed to a height of five feet and landscaped as approved by the Planning Commission
Interior Access Drive	10 feet
Exterior Development	
Boundary Line	Five feet, storage buildings of less than 900 square feet 25 feet, other buildings

(b) The following may encroach on setback areas:

i. In any yard: patios, steps, or chimneys that are no closer than three feet to the exterior development boundary line, flag poles, light poles, and public utilities (subject to the requirements of Section 11-601.9).

ii. Roof eaves, overhangs, balconies, decks, and similar appurtenances, but no more than two feet into a setback area.

11-604.3 Site Plan Approval. Site plan approval is required pursuant to Section 11-304.8.

11-604.4 Special Provisions For Two-family Dwellings. Two-family dwelling lots of record in the Office of the County Recorder for Anoka County on or before February 1, 1984, must meet the following minimum standards for lot dimensions and area instead of those found in Chapter 11-603:

Lot width - 90 feet;
Corner lot width - 100 feet;
Lot depth - 135 feet
Lot area - 12,150
Corner lot area - 13,500

11-604.5 Special Provisions For Multiple Dwellings. In addition to the standards found in Chapter 11-605, multiple dwellings are subject to the following:

(1) Common open space areas may be reduced, up to 100 square feet per dwelling unit by one square foot for each square foot of private open space provided for the private use of each individual dwelling unit.

(2) The following qualify as Common open space, subject to the requirements of Section 11-604.2(5)(c):

(a) That part of absorption or detention ponds in excess of five year storm requirements.

(b) Provided they shall not exceed 50 percent of the total required open space:

i. Natural ponds;

ii. Wetlands;

iii. Streams;

iv. That part of absorption or detention ponds required for the storage of a five year storm if developed in the form of an artificial lake.

Draft 8-16-12

11-605 (HDR) High-Density Residential District

11-605.1 Intent. This district provides housing at high densities and at the same time offers amenities for individual and family living. It provides land for attractive, well designed development convenient to shopping, public transit and recreation. These areas are located adjacent to collector or arterial streets. Minimum density is seven dwelling units per acre.

11-605.2 District Standards. The District Standards are as follows:

(1) Building Character. The design of buildings must have a comparable, compatible and complementary relationship to surrounding land uses. Buildings must be designed with varied exterior materials, setbacks and architectural features and details.

(2) Development Guidelines. Developments must satisfy the following guidelines. Determination of whether these guidelines are satisfied will be made by the Planning Commission or by the City Council after receiving a recommendation from the Planning Commission.

(a) Building Massing. Articulate building massing, using methods including, but not limited to, staggering building components, adding columns, recessing doorways, creating interesting shapes and short, or uneven facades. Buildings facing each other across public or private streets must have similar scale, massing and articulation.

(b) Facades. Articulate building facades of both individual housing units and attached housing groups or buildings through the use of staggering, arcades, porches, balconies, special window treatments, ornamentation, and unique details. Face entries to public and private streets and orient garage doors away from public and private streets.

(c) Varied Roof Shapes. Provide a variety of roof shapes, including, but not limited to pitched roofs, dormers, chimneys, gable or hip roof accents, and detailed parapets and cornices creating interesting roof profiles.

(d) Focal Features. Provide focal features to add interest or distinction to attached housing groups or buildings using techniques such as elevating parts of buildings towers, or emphasizing a prominent part of the building such as a corner or main entry or by using features such as canopies, porticoes, overhangs, arcades, facade recesses and projections and peaked roofs or raised parapets above doors or windows.

(e) Residential, Institutional and Commercial Building Materials. The exterior of residential, institutional and commercial buildings must include a variation in building materials, which are to be distributed throughout the building facades and coordinated into the architectural design of the structure. Exterior building materials must be primarily brick, stone, fiber cement siding, non-reflective architectural glass. (i.e. curtain wall), integrally colored split face (rock face), burnished or glazed concrete masonry units (excluding smooth/plain or painted), integrally colored (excluding single-T or double-T panels, aggregate, plain, uncolored, or raked finish) specially designed, cast-in-place concrete panels and approved architectural metal. EIFS can be used as an accent material, provided it does not cover more than 15% of a building face.

Draft 8-16-12

(f) Balconies, Decks and Porches. The floors and railings of balconies, decks and porches must have a durable finish complementing the colors of the building or attached housing group.

(g) Entry Steps. The risers and areas under non-masonry entry steps and landings must be enclosed with materials consistent with the exterior materials of the building or attached housing group. All surfaces of non-masonry steps and landings, including railings, must have a durable finish complementing the colors of the building or attached housing groups.

(h) All residential living space must have a perimeter foundation meeting the requirements of the Minnesota State Building Code as adopted by the City.

(3) Landscaping and Screening. The landscape design objectives, the landscape plan and the size, location, quantity and type of landscape and screening plants must meet the requirements of the current version of *Landscape Standards on File with the Community Development Director* and the following requirements:

(a) All landscaped areas must be irrigated with an underground sprinkler system.

(b) Landscaped islands must be provided in parking lots to break up and soften the appearance of large areas of paving.

(c) All areas of the site not covered by impervious surfaces or landscaping must be planted with cultured sod laid over four inches of drought-resistant top soil.

(d) Trash and recycling storage areas, mechanical equipment and other screening is required in accordance with Section 11-1204.6.

(4) Maximum Building Height. 70 feet.

(5) Maximum Lot Coverage. Not more than 50 percent of the development area can be covered by buildings, drives, and parking areas.

(6) Minimum Development Area. 15,000 square feet in single ownership or control.

(7) Minimum Finished Floor Area. 500 square feet per unit plus 100 square feet for each bedroom.

(8) Minimum Lot Area: Square Feet of Lot Area for Each Dwelling Unit.

Building Height	Efficiency	One Bedroom	Two Bedroom	Three Bedroom
One Story	2,000	2,800	3,500	3,700
Two Stories	2,000	2,500	3,200	3,400
Three Stories	2,000	2,200	2,900	3,100
Four or More Stories	1,800	2,000	2,700	2,900

For each underground parking space, 400 square feet may be deducted from the minimum lot area requirements.

(9) Minimum Lot Dimensions. The minimum width of a lot is 100 feet and the minimum depth is 150 feet.

(10) Open Space Area. The following minimum square footage of a multiple dwelling lot area must consist of usable open space. This area must be contiguous, may include setback areas, be no less than 50 feet in any dimension, and must be landscaped or remain in natural vegetation or be of such condition, size, and shape, as to be usable for outdoor recreation.

Draft 8-16-12

Open Space per Residential Unit:

Efficiency	250 square feet
One Bedroom	250 square feet
Two Bedrooms	350 square feet
Three or More Bedrooms	450 square feet

(11) Parking and Garages:

(a) Minimum spaces per Unit:

Development Type	Common	Garage (enclosed)	Total
Apartment	.25	.75	2.25
Condominium	.25	1.00	2.25

(b) No above grade garage parking space will be less than 200 square feet. An above-grade garage must have a minimum width of 10 feet and a minimum depth of 18 feet. An underground garage parking space must have a minimum width of nine feet and a minimum depth of 18 feet.

(c) To the extent not in conflict with this section, parking and drives shall be constructed to the standards of Section 11-1201.1 through 11-1201.8.

(12) Play Area. A multiple-dwelling development containing more than eight dwelling units with two or more bedrooms must include a children's play area. All multiple dwelling developments must include an adult recreation area. The location, size and equipment in such areas must be approved by the Planning Commission as to adequacy and ability to meet the needs of the development's residents. The Planning Commission may approve another amenity in lieu of a children's play area in a condominium project upon the following findings:

(a) The children's play area would not be useful to the residents of the project.

(b) The proposed amenity will provide a substantially better living environment for the residents than if the amenity is not provided.

(c) At least 50 percent of the condominium project has been sold and control of the association has been assumed by the residents.

(d) The proposed amenity is requested by a majority vote of the members of the condominium association.

(e) The developer is in agreement with the request.

(13) Minimum Setback.

(a) Principal Use Building From:

Another Principal Use Building	25 feet, plus one foot for each foot of height over 25 feet
Arterial street right-of-way	50 feet, 35 feet if the property abuts a service drive
Other streets	35 feet

Draft 8-16-12

CD, LDR1, LDR2 , MH Districts	35 feet, plus one foot for every one foot of height and of the principal use building over 25 feet. If the area of the side of the principal use building facing the LDR-1 or LDR-2 District exceeds 2,000 square feet in size, the setback shall be increased by five feet of additional setback, for each 500 square feet or part thereof of wall area in excess of 2,000 square feet unless screening approved by the Planning Commission is provided.
MDR and HDR Districts	25 feet, plus one foot for each one foot of height over 25 feet
NC District	25 feet
O, GC, CC, I Districts:	
Living area of principal use building	50 feet
Other areas of principal use building	25 feet

(b) Accessory Building From:

Principal use building	Six feet if no overlap of adjacent faces; 10 feet if one to 20 feet overlap; 15 feet if 21 to 30 feet overlap; 20 feet if 31 to 40 feet overlap; 25 feet if more than 40 feet overlap.
Arterial street right-of-way	50 feet, can be reduced to 20 feet if the accessory building is bermed to a height of five feet and landscaping approved by the Planning Commission is provided.
Other streets	35 feet, can be reduced to 20 feet if the accessory building is bermed to a height of five feet and landscaping approved by the Planning Commission is provided.
Adjacent Lot	Five feet

(c) Parking and Drives From:

Principal use building:	
Living areas	15 feet
Non living areas	10 feet
Street right-of-ways	20 feet

Draft 8-16-12

Adjacent lot:

Parking	Eight feet
Drives	Five feet

d) Daycare facilities serving 17 or more persons must meet the (NC) Neighborhood Commercial district standards for setback requirements.

(14) Storage Space. In addition to normal closet space, at least 150 cubic feet of storage space per unit must be provided convenient to each multiple-dwelling unit.

(15) Walkways. Walkways must be provided from parking and recreation areas to a multiple dwelling's main entrance.

11-605. 3 Site Plan Approval. Site plan approval is required pursuant to Section 11-304.8

11-605.4 Retirement or Handicapped Residential Developments. Notwithstanding the provisions of Section 11-605 to the contrary, retirement or handicapped residential developments must meet the requirements of Section 11-605, except as hereinafter modified:

(1) Minimum Floor Area per Unit:

Efficiency	440 square feet
One Bedroom Units	520 square feet
Two or More Bedroom Units	500 square feet, plus 100 square feet for each bedroom

(2) Minimum Lot Area. The minimum lot areas contained in City Code Section 11-605.2 may be reduced by 15 percent.

(3) Open Space. 250 square feet per unit, plus an on-site walkway system with sitting areas.

(4) Parking and Garages. These facilities must provide a minimum of one and two-tenths off-street parking spaces per unit, at least eight-tenths of which must be common parking space, and at least two-tenths of which must be enclosed garage space.

(5) Recreation Area. Adequate recreational areas for elderly, handicapped, and children must be provided. The location, size, and equipment thereof must be approved by the Planning Commission

11-606 (MH) Mobile Home District

11-606.1 Intent The intent of this Chapter is to establish a Mobile Home District for the planned regulation of mobile homes. Such homes are grouped together due to their particular space requirements, construction, and style. The mobile home park shall be within a reasonable proximity of schools, shopping, and public facilities. Properly located parks will not be adversely affected by surrounding land uses and will not depreciate adjoining properties.

Draft 8-16-12

11-606.2 Application. In order to obtain approval for a mobile home park, the property owner shall first apply in writing to the Director on such form as he may from time to time designate. Such application shall include a development plan and a plat plan prepared by and bearing the seal of a Minnesota Registered Surveyor or Engineer, showing the following:

(1) The location and legal description of the site.

(2) A drawing of the proposed foundation, support system, and tiedowns for individual mobile homes.

(3) All streets, streetlights, driveways, parking areas, and sidewalks.

(4) The size and arrangement of mobile home lots and foundations and the location of all accessory buildings.

(5) The size, location, and species of existing and proposed vegetation.

(6) The topography by two foot contour intervals and a grading plan.

(7) Areas to be set aside for recreation and open space.

(8) Fencing and screen-planting along the exterior boundaries of the mobile home park site and an overall landscape plan.

(9) The provisions for the removal of trash and garbage.

(10) All gas, electric, phone, water, and sewer lines.

(11) A typical lot plan.

11-606.3 District Standards. The District Standards which follow supersede any conflicting requirements of Chapter 11-1500 (Subdivision Regulations).

(1) Additional Structures. No building or structure not required by this chapter shall be added to a mobile home lot, except an unheated porch, storage shed, car port, or garage. The total square footage of all such additional structures cannot exceed 570 square feet.

(2) Community Building Setback.

(a) Minimum front yard: 50 feet.

(b) Minimum side yard: 25 feet.

(c) Minimum rear yard: 25 feet or 35 feet if the rear yard abuts a public right-of-way.

(3) Exterior Antennas. There can be no exterior television or radio antennas except for a community-type antenna for the use of all park residents or a ham radio antenna.

(4) Foundations and Tiedowns. Each mobile home must have a foundation support system and tiedowns meeting the requirements of the State of Minnesota.

(5) Parking and Garages.

(a) Two and one-half spaces must be provided per mobile home, at least one of which shall be in an enclosed garage. Up to one-half space per mobile home may be in a common parking area.

(b) Garages cannot contain less than 300 square feet and not more than 75 percent of the floor area of the dwelling unit to which the garage is an accessory use. No garage can exceed 900 square feet of floor area. The style and material of a garage must be compatible with the dwelling unit.

Draft 8-16-12

(c) To the extent not in conflict with this section, common parking areas shall be constructed to the standards of Section 11-1201.1 through 11-1201.8.

(6) Frame and Grade Level. The frame of each mobile home must be at grade level on the side opposite the entry way and no more than 15 inches above grade on the ends and entry side.

(7) Site Conditions. The soil, ground water level, drainage, rock formations, or other topographical features shall be such as not to create hazards to the property or to the health and safety of the occupants.

(8) Interior Circulation.

(a) The mobile home park must be arranged so that all mobile home lots and accessory buildings have access to the park interior streets. All park streets must be public. Any lots abutting a collector or arterial street must be screened as required in Section 11-1204.6.

(b) Interior streets must connect to an external public street at a minimum of two different points. Pavements must be at least 32 feet wide at entrances and exits and 30 feet on all other roadways, the width being measured from back of curb to back of curb. All walkways within the park must be maintained in a safe condition by the park developer and kept free of snow and other obstructions.

(c) A five foot concrete sidewalk must be installed along two sides of arterials and collectors and along one side of other streets.

(9) Maximum Density. Six units per acre.

(10) Maximum Height of an Accessory Building. 16 feet.

(11) Maximum Height of a Mobile Home. 16 feet.

(12) Minimum Development Area. 25 acres.

(13) Minimum Floor Area. 600 square feet.

(14) Minimum Lot Area. 4,500 square feet.

(15) Minimum Lot Depth. 100 feet.

(16) Minimum Lot Width. 45 feet. A corner lot must be 60 feet in width.

(17) Mobile Home Park Community Building. Each mobile home park will contain one (1) or more enclosed community buildings which provide space for an office, basement storm shelter, and laundry, toilet, and recreation facilities. The building must provide at least 12 square feet of space per mobile home lot. In no case can the building be less than 2,500 square feet. The storm shelter must provide at least nine square feet of unencumbered space per mobile home lot.

(18) Mobile Home Setbacks.

(a) Minimum front yard setback: 25 feet.

(b) Minimum rear yard setback: 10 feet.

(c) Minimum side yard setback on the entry side of the mobile home: 20 feet.

(d) Minimum side yard setback on the opposite entry side of a mobile home: Five feet or 20 feet if on a corner lot.

(e) Mobile homes shall not be closer together than 25 feet at side yards.

(19) Driveways and Sidewalks. Each mobile home lot must provide a hard surfaced driveway at least 10 feet in width meeting the standards on file with the Chief Building Official. A 30-inch sidewalk from the driveway or street to the entrance of each unit must be constructed.

Draft 8-16-12

(20) Retail Sales. There will be no retail sales of mobile homes or mobile home accessories within the limits of the mobile home park, except that no more than six skirted model units, erected upon permanent foundations, may be sold and remain in place once the sales program is completed.

(21) Skirting. The mobile home must be skirted with a material of the same color and style as the mobile home. The skirting must extend from the frame of the chassis of the mobile home to the ground.

(22) Storage Buildings. There must be a storage building for each two mobile home lots, located within 50 feet of the mobile homes which they serve, containing not less than 600 cubic feet of space per lot. The storage buildings must be uniform in appearance, weather-tight, constructed of break-off block or brick, and be so designed as to be in keeping with the overall design of the park. The buildings must be completely enclosed, including a door. The buildings must be placed on the mobile home lots so that the entry to the storage area faces the side lot lines of the mobile home lot and only a finished side faces the street. The storage building may be incorporated into the required garage.

(23) Storage of Major Recreational Equipment. An area must be provided within the park that is fenced and screen planted for the storage of major recreational equipment. At least 100 square feet must be provided for each mobile home lot.

(24) Utility Installation. All utility installations, including, but not limited to, electric power lines, gas lines, telephone lines, television lines, and service connections must be underground and approved by the City Engineer.

11-606.4 Site Plan Approval. Site plan approval shall be required in accordance with Section 11-304.8. In addition, plans must be submitted for tiedowns, foundations, support systems, and storage sheds.

11-606.5 Security Agreement. In addition to the security agreement required in Section 11-307.3 the owner must give the City a security agreement in the amount of the estimated cost of the storm sewers, sanitary sewers, water lines, street paving, corner markers, storage sheds, and incidentals necessary to complete the construction of the project. The security agreement must be executed by the owner with a surety satisfactory to the City Attorney, guaranteeing the completion of improvements within the time proposed by the owner and approved by the City Council.

11-606.6 Permit. A permit is required from the Director before a mobile home may be occupied. Such permit shall certify that the requirements of this Chapter and the site plan review have been met for the lot for which the permit is requested.

Draft 8-16-12

11-700 Commercial and Office Districts

11-701 General Regulations and Tables

11-701.1 Uses

PRINCIPAL USES					
COMMERCIAL USES					
Retail Sales and Service	O	NC	CC	GC	RS
General retail sales	NP	NP	P	P	P
General retail sales less than 15,000 square feet total building size	P	P	P	P	P
Art gallery or studio	NP	P	P	P	P
Bank or financial institution	P	NP	P	P	P
Building material sales or lumber yard	NP	NP	P	P	NP
Child care center, state licensed	P	P	P	P	P
Commercial self storage with no outdoor storage	NP	NP	NP	C	NP
Contractors office	NP	NP	NP	P	NP
Dry cleaning establishment	NP	NP	NP	C	NP
Farmers market	NP	P	P	P	NP
Firearms dealer	NP	NP	P	P	P
Funeral home	C	NP	P	P	NP
Greenhouse, lawn and garden supply store	NP	NP	P	P	NP
Laundry, self service	NP	P	P	P	NP
No adult oriented business, as defined by Section 5-2202, is permitted, except adult book stores, adult cabarets, adult conversation parlors, adult motion picture theaters, and adult novelty businesses, subject to regulation under Chapter 5-2200 and Section 11-1208, or state or federal law.	NP	NP	NP	P	NP
Non-on-premises consumption adult bookstores and adult	NP	NP	P	NP	NP

Draft 8-16-1

novelty stores, as defined by Revised City Code 1982 Section 5-2202, subject to regulation under Revised City Code 1982 Chapter 5-2200 and Section 11-1208					
Pawnbroker	NP	NP	P	P	NP
Performing, visual or martial arts school	NP	NP	P	P	NP
Personal service establishment	P	P	P	P	P
Pet grooming shops, provided no animal is kept overnight or outside and no noise is audible outside of the building or bay occupied by the grooming shop	NP	P	P	P	P
Pet store	NP	P	P	P	P
Photocopying, duplicating services	P	P	P	P	NP
Precious Metal Dealers defined and regulated by Chapter 5	NP	P	P	p	NP
Printing and publishing	NP	NP	C	C	NP
Rental business – no outdoor storage	NP	NP	P	P	NP
Rental business – with outdoor storage	NP	NP	NP	C	NP
Secondhand Dealers or Antique Dealers defined and regulated by Chapter 5	NP	P	P	P	P
Self storage facility with no outdoor storage	NP	NP	NP	C	NP
Service Business	P	P	P	P	NP
Transient Merchants, Solicitors, and Canvassers, defined and regulated by Chapter 5	NP	P	P	P	NP
Veterinary clinic, animal hospital, kennel – no outdoor runs	P	NP	p	P	NP
Video store	P	P	P	P	P
Automobile Services	O	NC	CC	GC	RS

Draft 8-16-12

Automobile rental facility	NP	NP	C	C	NP
Automobile repair, major	NP	NP	NP	C	NP
Automobile repair, minor	NP	NP	P	P	NP
Automobile sales provided that: (a) Must have minimum of 40,000 square foot building; (b) Indoor display area, and (c) The building meets the development guidelines found in Section 11-701.2.	NP	NP	C	P	NP
Car wash	NP	NP	P	P	NP
Convenience store	NP	NP	P	P	NP
Convenience store provided that: (a) The fuel sales are incidental to a retail store; (b) No separate building, structure, or store is used as part of the fuel sales; (c) No more than four dispensing hoses may be operable simultaneously per neighborhood shopping center, and (d) The fuel sales shall be accessible from off the parcel of property on which it is located by way of at least two in and out vehicular accesses.	NP	C	P	P	NP
Major recreational equipment sales, service and rental	NP	NP	NP	C	NP
Food and Beverage	O	NC	CC	GC	RS
Catering	NP	P	P	P	NP
Coffee shop	P	P	P	P	P
Liquor, off sale	NP	NP	P	P	P
Restaurant, delicatessen	P	P	P	P	P
Restaurant, fast food	NP	NP	P	P	P
Restaurant, sit down including the serving of alcohol beverages provided they	P	P	P	P	P

Draft 8-16-12

occupy no more than 25% of a building and have no drive up facility					
Restaurant, sit down including the serving of alcohol beverages	C	C	P	P	P
Tavern or bars	NP	NP	P	P	NP
Commercial Recreation, Entertainment and Lodging	O	NC	CC	GC	RS
Amusement centers	NP	NP	NP	P	NP
Hotel	NP	NP	P	P	P
Indoor recreation	NP	NP	P	P	NP
Outdoor recreation	NP	NP	C	C	NP
Physical fitness center	NP	NP	P	P	P
Physical fitness center 3,000 square feet floor area or less	NP	P	P	P	P
Radio or television station	NP	NP	P	P	NP
Reception or meeting hall	NP	C	P	P	NP
Theater	NP	NP	P	P	NP
Office and Medical Facilities	O	NC	CC	GC	RS
Blood/ plasma collection facility	NP	NP	NP	P	NP
Clinic, medical or dental	P	NP	P	P	P
Clinic, medical or dental less than 15,000 square feet total building size	P	P	P	P	P
General Office	P	NP	P	P	P
General Office less than 15,000 square feet total building size	P	P	P	P	P
Hospital	NP	NP	C	C	NP
Laboratory, medical or dental	P	NP	P	P	NP
Transportation	O	NC	CC	GC	RS
Ambulance service	NP	NP	NP	C	NP
Limousine service	NP	NP	NP	C	NP
Package delivery service	NP	NP	NP	C	NP

Draft 8-16-12

Taxi cab service	NP	NP	NP	C	NP
INSTITUTIONAL AND PUBLIC USES					
Educational Facilities	O	NC	CC	GC	RS
Non-classroom, personalized instructional services for students in grades K-12. The total floor area of all such uses shall not exceed 4,000 square feet of the total gross lease area of the regional shopping center where they are located	NP	NP	P	P	P
Social, Cultural, Charitable and Recreation Facilities	O	NC	CC	GC	RS
Club, lodge or hall	C	C	C	P	NP
Community Center	NP	NP	C	C	NP
Community Garden	P	P	P	P	P
Library	P	P	P	P	NP
Museum	C	C	P	P	NP
Public parks and their incidental structures	P	P	P	P	NP
Place of Worship	C	C	C	P	NP
Public Services and Utilities	O	NC	CC	GC	RS
Electric or gas substation	C	C	C	C	C
Governmental buildings and facilities	C	C	C	C	C
Governmental offices	C	C	C	C	C
ACCESSORY USES	O	NC	CC	GC	RS
In building primarily used for office or medical purposes: (a) Restaurants provided they occupy no more than ten percent of the building (b) Retail sales of drugs and other medical supplies	P	P	P	P	P

Draft 8-15-12

Medical and dental laboratories in conjunction with medical and dental clinics	NP	P	NP	NP	NP
Outdoor sales area of materials available for active sales as shown on an approved site plan	NP	NP	P	P	NP

11-701.2 Development Guidelines. Developments must satisfy the following guidelines. Determination of whether these guidelines are satisfied will be made by the Planning Commission or by the City Council after receiving a recommendation from the Planning Commission.

(1) Vary building massing, using methods including staggering building components, adding columns, recessing doorways, creating interesting shapes and short, uneven facades.

(2) Articulate building facades using techniques such as staggering, arcades, awnings, special window treatments, ornamentation and unique details. Face primary entries to public or private streets and orient doors for loading and unloading goods away from public or private streets.

(3) Provide a variety of roof shapes using techniques including pitched, gable or hip roofs or detailed parapets and cornices or creatively shaped cornice lines creating interesting roof line profiles.

(4) Every building must include a focal element or feature adding interest or distinction, using techniques such as elevating parts of buildings, towers, or emphasizing a prominent part of the building such as a corner or main entry or by using features such as canopies, porticoes, overhangs, arcades, facade recesses and projections, and peaked roofs or raised parapets above doors or windows.

(5) All exterior wall surfaces must include a variation in building materials, which are to be distributed throughout the building facades and coordinated into the architectural design of the structure. Exterior building materials must be primarily brick, stone, fiber cement siding, stucco, non-reflective architectural glass. (i.e. curtain wall), integrally colored split face (rock face), burnished or glazed concrete masonry units (excluding smooth/plain or painted), integrally colored (excluding single-T or double-T_panels, aggregate, plain, uncolored, or raked finish) specially designed, cast-in-place concrete panels and approved architectural metal. Other materials may be used as accents if found they are compatible with the listed materials and provided it does not cover more than 15% of a building face.

(6) Where approved, the motor vehicle fuel pump canopy roof must have the same shape, materials and color as the roof of the principal building. Canopy supports shall be enclosed in decorative masonry or metal columns.

(7) The maximum horizontal length of any continuous front building face not varied by a 45 degree or greater change in the plane of the face is 300 feet. A building face greater than 100 feet in length must incorporate wall plane projections or recesses having a depth of at least three percent of the length of the face and extending at least 20 percent of the length of the face. No uninterrupted length of any face can exceed 100 horizontal feet. The maximum horizontal length of any continuous building faces, excluding the front building face, not varied by a 45 degree of greater change in the plane of the face is 300 feet. A building face greater than 100 feet in length must incorporate design features to provide a varied appearance.

Draft 8-16-12

(8) Bike racks must be provided in an area that is convenient to each major building entrance, but which will not disrupt pedestrian or vehicular traffic or fire lanes.

(9) All mechanical equipment on the ground or roof, such as heating and air conditioning units and electrical transformers, must be screened on all sides so as not to be visible from public streets or other properties. Such screening must be compatible with the building. Evergreen plant materials may be used to screen such equipment located on the ground.

(10) Public sidewalks must be installed at all locations designated in the Sidewalk System Plan adopted by the City Council and elsewhere as deemed necessary by City Council. The location, design and elevation of such sidewalks must be in conformance with the standards on file in the office of the City Engineer. If the Planning Commission determines that sidewalk construction is not feasible because of future street construction, the Planning Commission may postpone such construction, provided a cash payment is made to the City in an amount determined by the City Engineer sufficient to cover the cost of constructing the sidewalk when it is feasible. On-site sidewalks must be provided where necessary for pedestrian safety and convenience.

(11) Access to buildings within a shopping center must be planned so as to avoid pedestrian crossings of vehicular traffic lanes. Adjacent commercial uses must be designed to encourage pedestrian movement between uses. Common drives, parking, walks and green space must be used whenever possible.

(12) Parking, Driveways and Driving Areas. Such areas must be provided as specified in Sections 11-1201 and 11-1206.2 of City Code. With appropriate supporting technical documentation, the Planning Commission may approve alternatives to the minimum number of parking spaces required by Section 11-1201.9 of the City Code. All vehicles must be parked on a paved surface.

(13) Dumpster, trash and recycling containers must be placed within Service Areas where practical or screened according to Section 11-1204.4 of the City Code.

11-701.3 Outdoor Storage. Outdoor storage is prohibited with the following exceptions:

(1) Materials and equipment directly related to site maintenance and safety provided they are stored and completely screened in an enclosure constructed of materials similar to and compatible with the principal structure subject to an approved site plan and subject to the following:

(a) restricted to the rear or side yards only;

(b) 10 foot minimum setback from property lines; and

(c) cannot impact emergency access, traffic flow, parking or sidewalk access;

(2) Items available for active sales covering no more than 20 square feet.

(3) Shopping cart corrals shown on an approved site plan and used for the temporary storage of carts.

11-701.4 Junk Vehicles. The parking, storage, or maintenance of junk vehicles is allowed only if incidental to a permitted use and if the vehicles are being actively repaired. Such vehicles must be stored within an enclosed building or be so screened that they are not visible from public streets or adjoining properties.

Draft 8-16-17

11-701.5 Landscaping and Screening. The landscape design objectives, the landscape plan and the size, location, quantity and type of landscape and screening plants must meet the requirements of the current version of *Landscape Standards on File with the Community Development Director* and the following requirements:

(1) All landscaped areas must be irrigated with an underground sprinkler system.

(2) Landscaped islands will be provided in parking lots to break up and soften large areas of paving.

(3) All areas not covered by impervious surfaces or landscaping must be planted with cultured sod laid over four inches of drought-resistant top soil.

(4) Trash and recycling areas, mechanical equipment and other screening are required in accordance with Section 11-1204.1

(5) At least 25 percent of the lot area must be landscaped. As recommended by the Planning Commission and approved by the City Council, the area of landscaped water retention areas and landscaped spaces within buildings which are an integral part of the development, may be used to partially satisfy the landscaped area requirement.

11-702 (O) Office District

11-702.1 Intent. The (O) Office District is intended to buffer residential districts from arterial streets or from (CC) Community Commercial or (GC) General Commercial Districts and to provide a district which is compatible with and may reasonably adjoin residential districts. The (O) Office District provides for the location and development of offices and other commercial uses which are subject to more restrictive controls.

11-702.2 Dimensional Requirements.

(1) Minimum Lot Area. None

(2) Maximum Lot Coverage. No more than 40 percent of a lot can be covered by buildings.

(3) Minimum Lot Width. 100 feet.

(4) Minimum Setbacks.

(a) Buildings from:

i. Another Building: 25 feet.

ii. Street right-of-way: 35 feet

iii. Adjacent LDR-1, LDR-2, MH, MDR districts: 50 feet plus two and one-half feet for every foot (or fraction of a foot) of building height over 30 feet. In granting site plan approval the Planning Commission may approve a reduction to 10 feet for a side yard or 25 feet for a rear yard when the use on the abutting property is institutional, commercial or a utility use including, but not limited to, a pump house, sewage lift station, substation, water tower, reservoir, or water treatment facility.

iv. Adjacent HDR district:

a. side yard: 20 feet, provided, however, in granting site plan approval the Planning Commission may approve a reduction to 10 feet when the use on the abutting property is institutional, commercial or a utility use

Draft 8-16-12

including, but not limited to, a pump house, sewage lift station, substation, water tower, reservoir, or water treatment facility.

b. rear yard: 25 feet

v. Other adjacent property

a. side yard: 10 feet

b. rear yard: 25 feet

c. parking and drives: five feet

(b) Parking and drives from:

i. Street right-of-way: 20 feet

ii. Adjacent residential district: 20 feet. Provided, however, in granting site plan approval, the Planning Commission may reduce to five feet when the use on the abutting property is a non-residential conditional use.

Iii Other adjacent property - five feet

11-703 (NC) Neighborhood Commercial District

11-703.1 Intent. The intent of this District is to preserve land for the use of attractive neighborhood shopping centers that are compatible with residential neighborhoods. These are small centers that cater to the daily shopping needs of the surrounding neighborhood. Emphasis should be placed on convenience and pedestrian and bicycle access. The center should be designed to eliminate any nuisance or incompatibility with surrounding land uses.

11-703.2 Dimensional Requirements

(1) Building Height. The maximum building height is 25 feet.

(2) Floor Area. The minimum floor area is 2,000 square feet.

(3) Lot Area. The minimum lot area is one acre in a single ownership or control.

(4) Lot Coverage. No more than 40 percent of a lot can be covered by buildings.

(5) Minimum Setbacks.

(a) Principal use buildings from:

i. Another principal use building: 25 feet

ii. Street Right-of-Way: 35 feet

iii. Adjacent LDR-1, LDR-2 or MH districts: 50 feet. In granting site plan approval the Planning Commission may approve a reduction to 10 feet for a side yard or 25 feet for a rear yard when the use on the abutting property is institutional, commercial or a utility use including, but not limited to, a pump house, sewage lift station, substation, water tower, reservoir, or water treatment facility.

iv. Other adjacent property: 25 feet

v. Parking and drives: five feet

(b) Parking and drives from:

i. Street Right-of-Way: 20 feet

ii. Adjacent MDR or HDR districts: 25 feet. The Planning Commission may reduce this to five feet when the use on the abutting property is a nonresidential use.

Draft 8-16-12

iii. Adjacent LDR-1, LDRI-2 or MH districts: 35 feet. The Planning Commission may reduce this to five feet when the use on the abutting property is a non-residential conditional use.

iv. Other adjacent property: 5 feet

11-704 (CC) Community Commercial District

11-704.1 Intent. The intent of the (CC) Community Commercial District is to minimize detrimental influences on surrounding residential neighborhoods, while encouraging efficient and attractive large-scale shopping centers. To achieve this goal, such centers should be designed as a unit and have access to arterial streets. Businesses that would disrupt the center or its circulation pattern should be excluded.

11-704.2 Dimensional Requirements

(1) Building Height. The maximum building height is 70 feet.

(2) Floor Area. The minimum floor area is 40,000 square feet.

(3) Lot Area. The minimum lot area for the overall development is five acres in a single ownership or control, and one acre for individual lots.

(4) Lot Coverage. No more than 40 percent of a lot can be covered by buildings.

(5) Minimum Setbacks.

(a) Principal use buildings from:

i. Another principal use building: 25 feet

ii. Street Right-of-Way: 35 feet

iii. Adjacent residential districts: 50 feet In granting site plan approval the Planning Commission may approve a reduction to 10 feet for a side yard or 25 feet for a rear yard when the use on the abutting property is institutional, commercial or a utility use including, but not limited to, a pump house, sewage lift station, substation, water tower, reservoir, or water treatment facility.

iv. Other adjacent property: 25 feet

v. Parking and drives: five feet

(b) Parking and drives from:

i. Street Right-of-Way: 25 feet

ii. Adjacent residential districts: 45 feet. The Planning Commission may reduce this to five feet when the use on the abutting property is a nonresidential use.

iii. Other adjacent property: five feet

11-705 (GC) General Commercial District

11-705.1 Intent. These areas are intended to encourage businesses that do not belong in shopping centers, businesses which are highway-oriented, or businesses that tend to service industries, other businesses, and residences. These areas tend to include businesses which are less compatible with residential areas than other commercial districts. Therefore, such uses should be buffered from

Draft 8-16-12

residential areas. The site plan should be designed to produce the maximum efficiency for the business, while protecting the interests of the surrounding land uses.

11-705.2 Dimensional Requirements

(1) Minimum Lot Area. None

(3) Lot Coverage. No more than 40 percent of a lot can be covered by buildings.

(4) Minimum Lot Width. The minimum lot width is 100 feet.

(5) Minimum Setbacks.

(a) Buildings from:

i. Another principal use building: 25 feet

ii. Street Right-of-Way: 35 feet

iii. Adjacent LDR1, LDR2, MH and MDR districts: 50 feet plus 2.5 feet for every foot (or fraction of a foot) of building height over 30 feet. In granting site plan approval the Planning Commission may approve a reduction to 10 feet for a side yard or 25 feet for a rear yard when the use of the abutting property is institutional, commercial or a utility use including, but not limited to, a pump house, sewage lift station, substation, water tower, reservoir, or water treatment facility.

iv. Adjacent HDR

a. Side Yard: 20 feet, provided, however, in granting site plan approval the Planning Commission may approve a reduction to 10 feet when the use on the abutting property is institutional, commercial or a utility use including, but not limited to, a pump house, sewage lift station, substation, water tower, reservoir, or water treatment facility.

b. Rear yard: 25 feet

v. Other adjacent property

a. Side Yard: 10 feet

b. Rear Yard: 25 feet

vi. Parking and drives: five feet

(b) Parking and drives from:

i. Street Right-of-Way: 20 feet

ii. Adjacent residential districts: 20 feet. Provided, however, in granting site plan approval, the Planning Commission may reduce to five feet when the use on the abutting property is a non-residential conditional use.

iii. Other adjacent property: five feet

11-706 (RS) Regional Shopping District

11-706.1 Intent. The (RS) Regional Shopping District is intended to promote large-scale commercial development, including retail, entertainment, restaurant and other complementary uses, serving a trade area beyond the City boundaries and designed in an integrated and unified manner according to an overall plan emphasizing pedestrian convenience. The District is intended to serve a multi-community trade area with some features not already present in other shopping centers in the trade area, provide varied buying and shopping opportunities and offer varied exercise, entertainment and community activities. The district is intended to provide a desirable place where a variety of

Draft 8-16-12

persons want to go, offer varied ways to shop, dine, socialize and have fun which are conveniently accessible to pedestrians, and have attractive and high quality, decorative lighting, landscaping, signs, sidewalks and trails. The District is intended to encourage access to several destinations from single parking locations and walking from destination to destination, provide attractive designs and quality materials for building exteriors, and offer a safe environment for visitors.

11-706.2 Pedestrian Circulation. Internal pedestrian systems must be provided within the development to provide for user-friendly pedestrian access to buildings and pedestrian safety, shelter, comfort and convenience as follows:

(1) Pedestrian crossings of major vehicular drives must be minimized.

(2) The maximum distance from parking spaces to buildings is 550 feet. The maximum distance for 80 percent of parking spaces to buildings is 450 feet.

(3) Pedestrian movements between adjacent uses will be encouraged and accommodated.

(4) Pedestrian walks must be a minimum of eight feet wide.

(5) Building orientation and design must be used to provide weather protection for pedestrians to the greatest practical extent.

11-706.3 Service Areas. Areas for loading, truck parking, trash compaction and other service functions must be designed with the same exterior materials and to complement the overall design of the buildings being served by them. Such areas must be screened from view of adjacent lots, public streets, and building entries. Such service areas must also comply with Sections 11-1200.1 through 11-1201.7 and 11-1201.10 of the City Code.

11-706.4 Outdoor Display and Sales. The outdoor display and sale of merchandise is prohibited, except as allowed with a Special Event Permit.

11-706. Special Events. The Community Development Director may grant to the property owner or agent a special event permit for the gathering for a common purpose, including but not limited to musical presentation, festivals, carnivals, dances, and the display and sale of merchandise, for a time period not to exceed three days per event pursuant to such application the Director may require. The total number of days available to each property owner cannot exceed 90 days within a calendar year. The Director shall approve or deny the permit based on public safety considerations, and communicate the determination and reasons therefore to the applicant within 30 days of the receipt of a completed application. The appeal of a denial of a special event permit, if any, must be to the City Council, who shall affirm, rescind, or modify the determination within 30 days of the appeal.

(a) Every applicant must pay a fee for each special event permit regulated by this Section before being granted a permit.

(b) Special event permit fees will be established from time to time by ordinance of the City Council.

11-706.5 Dimensional Requirements

Draft 8-16-12

(1) Floor Area. The minimum aggregate building floor area for the entire development shall be 740,000 square feet. The minimum aggregate building floor area for the initial phase of the development shall be 445,000 square feet. The minimum floor area of a primary building shall be 40,000 square feet. The minimum floor area of a secondary building shall be 5,000 square feet.

(2) Lot Area. The minimum aggregate area of lots in the entire development shall be 120 acres.

(3) Lot Coverage. No more than 40 percent of the lot shall be covered by buildings.

(4) Setbacks. Minimum setbacks shall be as follows:

(a) Principle use buildings from:

i Another Building: 25 feet (does not apply to buildings with common walls or parallel building walls less than 6 inches apart)

ii Street right-of-way: 50 feet

iii Other adjacent property: 25 feet

(b) Parking and drives from:

i Street right-of-way: 25 feet

ii Other adjacent property: five feet

11-706.6_ Development Plan Approval. Approval is required pursuant to Sections 11-902.5 through 11-902.13 of the City Code. Approval also requires a finding that the proposed development is an integrated project. Final development plan approval must be conditioned upon the developer entering into a development agreement with the City. This agreement will obligate the developer to comply with the requirements of this Chapter of the City Code, require the developer to comply with all conditions of final development plan approval by the City Council and define a financing plan for the developer's responsibilities for the payment of public improvements needed to serve the project.

Draft 8-16-12

11-800 Industrial Districts

11-801 General Regulations and Tables

11-801.1 Uses

PRINCIPLE USES		
INDUSTRIAL USES		
Manufacturing	I	BP
Light Industry	P	P
Vehicle Service and Transportation	I	LI
Vehicle repair major and minor, including the sales of parts in conjunction therewith, but not including a junk yard or salvage business.	C	NP
Sales or rental of vehicles licensed for more than 9,000 pounds gross vehicle weight and special mobile equipment as defined in Section 9-121 of the Revised City Code-1982, except for recreational vehicles. Such use may include the sale of parts in conjunction therewith.	C	NP
Truck rental.	C	NP
Wholesale businesses, warehouses, or freight terminals except for storage of bulk petroleum, scrap or waste material as a primary use.	P	NP
Catalog order facilities, provided there is no direct pickup of orders by customers.	P	NP
Office and Research	I	BP
Office uses	P	P
Research and development activities, experimental or testing laboratories.	P	P
Medical and dental clinics and laboratories.	P	P
Services	I	BP
Service business	P	NP
Animal hospitals, and kennels, duly licensed under Chapter 6-200,	P	NP
Printing, blue-printing, duplicating, mailing and graphic arts.	P	NP
Self service storage facility.	P	NP
Outdoor storage accessory to self service storage.	C	NP
Repair, servicing or parts sales businesses, except for	P	NP

Draft 8-16-12

businesses related to vehicles.		
Physical fitness centers	P	P
Child care center, state licensed	P	P
Public Services and Utilities	I	BP
Public parks and their incidental structures.	P	P
Governmental buildings and facilities	C	C
Governmental offices	C	C
Electric or gas substation	C	C
ACCESSORY USES	I	BP
Any accessory use that is permitted in the (O) Office District.	P	P
Retail sales incidental to the manufacture, processing or wholesaling of products manufactured on, processed on, or wholesaled from the premises.	P	P

11 – 801.2 Development Guidelines. Developments must satisfy the following guidelines. Determination of whether these guidelines are satisfied will be made by the Planning Commission or by the City Council after receiving a recommendation from the Planning Commission.

(1) The design of buildings must have a comparable, compatible and complementary relationship to surrounding land uses. Buildings must be designed with varied exterior materials, setbacks and architectural features and details.

(2) Vary building massing, using methods including staggering building components, adding columns, recessing doorways, creating interesting shapes and short, uneven facades.

(3) Articulate building facades using techniques such as staggering, arcades, awnings, special window treatments, ornamentation and unique details. Face primary entries to public or private streets and orient doors for loading and unloading goods away from public or private streets.

(4) Provide a variety of roof shapes using techniques including pitched, gable or hip roofs or detailed parapets and cornices creating interesting roof profiles for flat roofs.

(5) Every building must include a focal element or feature adding interest or distinction, using techniques such as elevating parts of buildings, towers, or emphasizing a prominent part of the building such as a corner or main entry or by using features such as canopies, porticoes, overhangs, arcades, facade recesses and projections and peaked roofs or raised parapets above doors or windows.

(6) High quality, exterior building materials must be used. Such materials include brick, natural stone, integrally colored (excluding single-T or double-T panels, aggregate, plain, uncolored, or raked finish) specially designed, cast-in-place concrete panels, integrally colored, concrete masonry units and similar materials, prefinished architectural metal panels, non-reflective architectural glass. (i.e. curtain wall). Accent materials may include metal, glass block, EIFS and similar materials. Exterior materials shall not include smooth-faced concrete block, pre-fabricated steel panels, reflective glass or aluminum, fiberglass or vinyl siding.

Draft 8-16-12

(7) Where approved, the motor vehicle fuel pump canopy roof must have the same shape, materials, and color as the roof of the principal building. Canopy supports shall be enclosed in decorative masonry or metal columns.

11 – 801.3 Landscaping and Screening. The landscape design objectives, the landscape plan and the size, location, quantity and type of landscape and screening plants shall meet the requirements of the current version of *Landscape Standards on File with the Community Development Director* and the following requirements:

(1) All landscaped areas shall be irrigated with an underground sprinkler system.

(2) Landscaped islands shall be provided in parking lots to break up and soften large areas of paving.

(3) All areas not covered by impervious surfaces or landscaping shall be planted with cultured sod laid over four inches of drought-resistant top soil.

(4) Trash and recycling areas, mechanical equipment and other screening shall be required in accordance with Section 11-1204.1

11 – 801.4 Open Storage Areas. Open storage areas must be located to the rear of the principal building and are permitted only when accessory to an allowed principal use. Open storage areas must be screened by walls, fences, landscaping, or combination thereof, in conformance with Subsection 11-1204.6(1), so as to conceal these areas from surrounding land uses and from adjoining public streets.

11 – 801.5 Loading Spaces, Overhead Doors and Service Areas.

(1) Loading spaces, overhead doors and service areas must be located in designated side or rear yards.

(2) Loading and service areas must be separated from visitor parking areas and general traffic circulation.

(3) Loading spaces, overhead doors and service areas must be designed to be compatible with the principal building. Architectural techniques, color, and landscaping must be employed to eliminate visual impacts from adjacent properties and roadways.

(4) Materials and equipment directly related to site maintenance and safety must be stored in and completely screened by an enclosure constructed of materials compatible with the principal structure subject to an approved site plan. The structure:

(a) must be located in the rear or side yards only;

(b) must be set back a minimum of 10 feet from property lines; and

(c) cannot impact emergency access, traffic flow, parking or sidewalk access.

(5) Dumpster and refuse enclosures must be gated and completely screened using enclosures constructed of materials compatible with the principal building, and must be located in designated rear yards.

11 – 802 (I) Industrial District

Draft 8-16-12

11 – 802.1 Intent. This District is appropriate for manufacturing, warehousing, and similar industrial uses because of access to arterials and railroads, suitable topography, and insulation from residential districts. These areas are intended to encourage the development of industrial uses which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, glare, or other pollutants. These industries should be compatible with each other and with surrounding land uses.

11 – 802.2 Dimensional Requirements.

(1) Minimum Lot Area. 25,000 square feet.

(2) Minimum Width. 150 feet.

(3) Lot Coverage. No more than 50 percent of a lot shall be covered by buildings. At least 15 percent of the lot shall be landscaped.

(4) Maximum Building Height. 70 feet.

(5) Minimum Floor Area. 2,000 square feet.

(6) Minimum Setbacks Required.

(a) Buildings from:

i. Street right-of-way: 35 feet.

ii. Adjacent LDR-1, LDR-2, MH, MDR districts: 50 feet

iii. Other adjacent property: 25 feet

iv. Parking and drives: five feet

(b) Parking, outdoor storage areas, loading areas and drives from:

i. Street right-of-way: 20 feet.

ii. Adjacent residential district: 20 feet. (The Planning Commission may reduce to five feet when the use on the abutting property is a non-residential conditional use.)

iii. Other adjacent property: five feet.

11- 803 (BP) Business Park District

11-803.1 Intent. The intent of this District is to allow office, high tech, life science and other clean manufacturing uses that are consistent with the City's goal of creating high quality jobs that support a strong economic base. The District will promote high intensity and efficient use of remaining undeveloped land and in the reuse of existing buildings.

11-803.2 Dimensional Requirements.

(1) Minimum Lot Area. 25,000 square feet.

(2) Minimum Width. 150 feet.

(3) Lot Coverage. No more than 50 percent of a lot shall be covered by buildings. At least 15 percent of the lot shall be landscaped.

(4) Maximum Building Height. 70 feet.

(5) Minimum Floor Area. 2,000 square feet.

(6) Minimum Setbacks Required.

(a) Buildings from:

Draft 8-16-12

i. Street right-of-way: 35 feet.

ii. Adjacent LDR-1, LDR-2, MH, MDR districts: 50 feet

iii. Other adjacent property: 25 feet

iv. Parking and drives: five feet

(b) Parking, outdoor storage areas, loading areas and drives from:

i. Street right-of-way: 20 feet.

ii. Adjacent residential district: 20 feet. (The Planning Commission may reduce to five feet when the use on the abutting property is a non-residential conditional use.)

iii. Other adjacent property: five feet.

Draft 8-16-12

11-900 Special Districts

11-901 (CD) Conservancy District

11-901.1 Intent. These areas are unsuitable for most residential, commercial, or industrial development due to flooding, high water table, bad drainage, slope, adverse soil conditions, important natural features, or by reason of being designated a public park or a common open space area. Most of these areas contain valuable environmental qualities which should be retained in a substantially undeveloped state in order to conserve the City's natural resources, preserve the amenities of its environment, protect ground water recharge areas, prevent the overcrowding of land, curtail pollution and siltation, and alleviate flooding problems.

11-901.2 Permitted Uses.

(1) Agricultural uses, including the cultivation and harvesting of crops according to recognized soil conservation practices and the pasturing and grazing of animals, except feedlots.

(2) Conservation uses, including drainage control, forestry, wildlife sanctuaries, and facilities for making same available and useful to the public.

(3) Open space areas.

(4) Outdoor recreational uses and facilities.

11-901.3 Conditional Uses.

(1) All grading, stripping, excavation, mining, or filling of land in accordance with the mining requirements of Section 11-1103, provided that the findings of Subsection (2) below are met.

(2) Other Land Uses. A request for a conditional use permit must be accompanied by an overall plan of the entire site showing roads, parking areas, lot lines, easements, the location of tree cover, including the designation of trees of six inches or more in diameter, the location of other natural and biological features such as wetlands and areas of valuable wildlife habitat, the location of proposed structures, existing contours, proposed grading, drainage, utilities, and landscaping. The approval of such a request must require findings that:

(a) The effect of the development upon the natural features such as ponds, streams, wetlands, or woods has been considered.

(b) The location of the natural features and the site's topography have been considered in the designing and siting of all physical improvements.

(c) Adequate assurances have been received that only those areas approved for the placement of physical improvements may be cleared.

(d) The development does not significantly reduce the natural retention storage capacity of any watercourse or impede the flow of flood waters.

(e) The soil conditions are suitable for excavation and site preparation and the drainage is designed to prevent erosion and environmentally-harmful surface runoff.

(f) The petitioner will be substantially damaged by being required to place the intended development outside the CD (Conservancy District).

(g) The conditions of Section 11-304.3 are met.

Draft 8-16-12

11-901.4 District Standards. The following standards are not meant to abridge or otherwise alter any Minnesota Department of Natural Resources or watershed district authority regulations:

(1) Development Area. Unless intended for a permitted use, the minimum area for a subdivision development is five acres.

(2) Standards for lot area, setbacks, floor area, height, parking, and screening within a development are governed by the standards of the residential, commercial, or industrial zoning district most similar to the proposed as determined by the Planning Commission. Deviation from those standards may be permitted only if the deviation is consistent with the total design of the development, encourages a desirable living environment, is not detrimental to the welfare of the City of Coon Rapids, or is required in order to conserve or protect the site's natural features.

(3) Lot Coverage. No more than 10 percent of the development area located in a district can be occupied by structures, parking facilities, or roadways.

(4) Within residential developments, it shall be permissible to utilize total land area in calculating total residential units permitted for the entire development area.

(5) Areas of districts which are located in a floodplain shall be additionally subject to Section 11-1101, Floodplain Management Regulations.

11-902 (PUD) Planned Unit Development

11-902.1 Intent. This Chapter is intended to encourage residential, commercial, and industrial planned unit developments offering greater creativity and flexibility in site plan design than is provided under the strict application of zoning regulations, while at the same time preserving the health, safety, order, convenience, prosperity, and general welfare of the City of Coon Rapids. Planned unit developments may include one or a variety of land uses. Mixed uses may include any combination of residential, commercial, industrial, or agricultural uses planned and developed in an orderly and compatible relationship to one another.

11-902.2 Prohibited Districts. No new Planned Unit Developments may be approved in the following zoning districts: CD, LDR-1, River Rapids Overlay, Port.

11-902.3 Permitted Uses.

(1) Uses permitted in a planned unit development may consist, subject to the further limitations in this Section, of one or a mixture of land uses clearly designated by type on the approved final development plan. Mixed uses may occur among or within buildings as long as the uses are compatible with each other. All land uses in the plan must be compatible with the uses allowed in the underlying zoning district, and with planned and existing uses surrounding the planned unit development. Any proposed modification of the final development plan, including the approved uses, is subject to the requirements of Section 11-902.8.

(2) In the MDR and HDR zoning districts, at least 70 percent of the land area must be proposed of the permitted, conditional, and accessory uses allowed in the underlying zoning district, or any combination of such permitted, conditional, and accessory uses and Detached Single-family

Draft 8-16-12

Common Interest Community Developments (DSCs), as defined and regulated in this Chapter, or developments exclusively of DSCs. For mixed uses on a parcel, land area for a particular use is determined by calculating the amount of land the use would need to be code compliant if on a separate parcel. For mixed uses within a building, land area per use is determined using finished floor area percentages. The 70 percent requirement may be reduced to not less than 50 percent for mixed uses on parcels less than three acres that otherwise qualify under Section 11-902.04(8), if no other arrangement is practicable.

(3) In the LDR-2 zoning district, only DSCs, or DSCs in combination with the permitted, conditional, and accessory uses otherwise allowed in the LDR-2 District, may be proposed as Planned Unit Developments.

11-902.4 District Standards.

(1) Access. All land uses must abut on a public street or have adequate access to a public street by means of a private drive. All streets and drives must tie in effectively with the City's existing street system and with those arterial and collector streets proposed in its Future Land Use Plan.

(2) Architectural Style. The architectural style of individual structures must be compatible with other structures in the planned unit development, with the overall site design, and with surrounding land uses.

(3) Common Open Space. Whenever possible, common open space must be linked to the open space areas of surrounding developments. Common open space must be of a size, shape, location, and usability for its proposed purpose.

(4) Density. Density is governed by the underlying zoning designation in residential zoning districts, and by the standards of the zoning districts most similar in function to the proposed use in other districts. A residential planned unit development may provide up to a 25 percent increase in the number of units per acre if the planned unit development provides substantially more site amenities than are found in a conventional residential development. The amount of density increase that may be approved depends on the character, use of existing landscape, design variation, and environmental concern of a planned unit development, the provision of significant amenities, and the extent to which building materials and landscaping exceed minimum standards. Consideration of these same standards may also provide the basis for the approval of a density decrease.

(5) Determining Standards. Standards for lot area, coverage, setbacks, parking, building materials, and screening is governed by the standards of the zoning district most similar in function to the proposed planned unit development use, as determined by the Planning Commission. Deviation from those standards may be permitted only if such deviation is consistent with the total design of the development, encourages a desirable living environment, and is not detrimental to the welfare of the City.

(6) Exterior Boundary Setback. No principal building shall be set back less than 25 feet or the height of the building, whichever is greater, from the exterior of a planned unit development or a public street right-of-way. No commercial or industrial structure shall be nearer than 50 feet to its side or rear property lines where such line abuts a single-family use.

Draft 8-16-12

(7) Homeowners Association. Membership in a homeowner's association is mandatory for all residents of the planned unit development. The homeowners association must own and maintain all common open space and private interior drives.

(8) Minimum Planned Unit Development Area. Three acres of land in single ownership or control. A land use of less than three acres may qualify if one or more of the following conditions exist:

(a) The planned unit development is to include two or more principal land uses;

(b) Natural features of the land are such that development under standard zoning regulations would not be appropriate in order to conserve such features;

(c) The land is adjacent to or across the street from property which has been developed as a planned unit development and is to be developed in relationship to such prior development; or

(d) The planned unit development process is desirable to ensure compatibility and careful consideration of the effect of a development on surrounding land uses.

(9) Minimum Usable Open Space. At least 20 percent of the area of the residential portion of a planned unit development shall be Usable open space.

11-902.5 Application for Plan Approval. Before the Planning Commission may review a Planned Unit Development, the plan and an application must be submitted to the Community Development Director in accordance with the submission schedule on file in the office of the Community Development Director. The application must be signed by the property owner and the developer. The plan must include the following items:

(1) Summary sheet indicating the number of any proposed dwelling units by type and density, amount of land in Common open space, and number of parking spaces provided.

(2) Site plan showing lot lines, building locations, and interior circulation, including, but not limited to, pedestrian walkways and bicycle lanes, stacking and parking spaces, drives and loading areas, Common open space areas, development amenities, and recreational facilities, including a list of equipment.

(3) Existing significant features, including but not limited to: buildings on and within 100 feet of the site, wetlands, and vegetation.

(4) Summary sheet providing a detailed description and area of each proposed use, the density calculation under Section 11-902.3(2), and residential density calculations, as applicable, and a site plan showing the location of each use.

(5) Landscape plan meeting the requirements of the current version of *Landscape Standards on File with the Community Development Director.*

(6) Grading and drainage plan including existing and proposed elevations at two foot contour intervals and spot elevations within parking lots.

(7) Lighting, mailbox, sign, entry monument, and other plans as necessary.

(8) Preliminary plat in accordance with Section 11-1500 (Subdivision Regulations), as applicable.

(9) Utility plan for all public utilities.

(10) Building elevations and exterior materials for all sides, including color building exterior drawings and materials samples.

Draft 8-16-12

(11) Vicinity map showing sufficient area surrounding the proposed planned unit development to demonstrate the development's relationship to the adjacent land uses and street system.

(12) Description and location of all public and private easements.

11-902.6 Planned Unit Development Approval. After a complete application for a development plan is received, the Planning Commission shall conduct a public hearing, in accordance with Section 11-305, to consider the Planned Unit Development, and make a recommendation on the proposal to the City Council, in accordance with time requirements under Minnesota law. Upon receiving the Planning Commission's recommendation, the City Council shall approve, subject to conditions, or deny the plan. The findings necessary for approval shall include, but not be limited to, the following:

(1) The plan is consistent with the intent of this Chapter.

(2) The plan meets the standards required for a conditional use in Section 11-304.3.

(3) Each stage of the plan can exist as an independent unit.

(4) The area surrounding the plan can be developed in coordination with and in substantial compatibility with the plan.

(5) Any proposed density transfer is consistent with the preservation and enhancement of important natural features of the site.

(6) Any density bonus is consistent with Section 11-902.4(4).

(7) The plan exceeds the zoning district standards for uses most similar in function to the proposed uses.

11-902.7 Official Map Designation. After approval, the planned unit development shall be designated on the City's Official Zoning Map.

11-902.8 Modification of Approved Plan. An approved Planned Unit Development may be modified if the City Council, after public hearing and recommendation from the Planning Commission, finds:

(1) Any use modification conforms to the use restrictions of this Chapter in effect at the time the modification request is considered;

(2) Any use or design modification meets applicable City Code standards, including this Chapter, in effect at the time the modification request is considered.

11-902.9 Termination of Plan Approval. Approval of a development plan is effective for one year. Upon written application by the developer, the City Council, following review and recommendation by the Planning Commission, may extend plan approval for one period of up to 12 months upon finding:

(1) The proposed use or uses are consistent with the zoning current at the time of the request for an extension is considered; and

(2) The project design meets applicable City Code standards, including this Chapter, in effect at the time the request for an extension is considered.

Draft 8-16-12

11-902.10 Additional Submissions Required Prior to Final Approval.

(1) Security Agreements in accordance with Sections 11-307.3, and 11-1506.

(2) Homeowners Association or Condominium documents and declarations of covenants and restrictions, as applicable, must be filed with the Community Development Director, are subject to City Attorney approval, and must be recorded against the property in their approved form. These materials must provide, among other elements,

(a) A prohibition on outdoor storage;

(b) That all exterior areas and site improvements, including principal structures, are maintained by the association; and

(c) That the City is allowed, in accordance with its code violation procedures, reasonable access to abate violations of City ordinances and other laws and may assess the association therefore.

11-902.11 Building Permit Approval. No building permit shall be issued for a building in a planned unit development until the plans have been reviewed and approved by the Community Development Director and Chief Building Official.

11-902.12 Application Fee. A non-refundable application fee, to be set by ordinance shall accompany an application. On proof of financial hardship, the City Manager, or the Manager's designee, may waive an application fee.

11-902.13 Existing Planned Unit Developments. Notwithstanding any provisions in this Chapter to the contrary, a Planned Unit Development that received final approval prior to March 17, 2004 and has been substantially developed is deemed a conforming use, provided uncompleted work conforms, to the extent practicable, to state and local building code requirements, and to the requirements of this Title, in force at the time a building permit is issued. For the purposes of this Section, substantially developed means complete installation of utilities, or completion of at least 50 percent of the proposed floor area.

11-902.14 Detached Single-family Common Interest Community Developments (DSCs)

(1) Defined. A development consisting of detached single-family living units that share common open space, and are part of a homeowners association regulating items including, but not limited to, the maintenance and use of the units, private drives, and common open space.

(2) Additional Standards for Developments that include DSCs.

(a) The standards for this Chapter and Section 11-1200 apply; provided, unless specifically otherwise stated, where the standards for this Section and other Sections of this Chapter are in conflict, the more restrictive standards apply. The Moderate Density Residential (MDR) district must be used for purposes of applying Section 11-902.4(5).

(b) Development Standards. DSCs in Planned Unit Developments must meet the following standards:

i. Maximum Building Height. As allowed in the underlying zoning district.

ii Maximum Lot Coverage (building, drives, and paved areas). 75 percent.

Draft 8-16-12

iii. Common Open Space. 400 square feet minimum per unit, laid out in a contiguous fashion, no less than 50 feet in any dimension, except for access points. Must be of such condition, size, shape, location, and topography to be suitable for recreational or scenic use by all residents of the development, or contain unique natural features to be preserved. Open space must qualify under Section 11-605.5(5)(b) clauses (i) and (ii), and is restricted as stated in Section 11-605.5(5)(c). Developments must include a recreational amenity whose location, size, and equipment are adequate to meet the residents' needs.

iv. Building Character. Must be comparable, compatible, and complementary to surrounding land uses.

v. Building Materials. Buildings must use high quality varied exterior materials, including, but not limited to brick, natural stone, woods naturally resistant to decay, and fiber-cement siding. Prohibited exterior materials: smooth-faced concrete block, prefabricated steel panels, reflective glass, aluminum or fiberglass siding. Vinyl siding is prohibited on the portion of the building facing the street.

vi. Building Design. Must emphasize interesting architectural features and details, and articulation or fenestration on exposed walls.

vii. Roof Shapes. Must provide a variety of roof shapes and treatments, including, but not limited to: pitched roofs, dormers, chimneys, gable or hip roof accents.

viii. Balconies, Decks, and Porches. Floors and railings must have a durable finish complementing the colors of the building. Structural members must be hidden with finish materials consistent with and comparable in quality to the exterior materials of the building.

ix. Entry Steps. Masonry entry steps are required for the main entry. For other entries, landings must be enclosed with materials consistent with and comparable in quality to the exterior materials of the building. Surfaces must have a durable finish complementing the colors of the building.

x. Minimum Finished Floor Area. 960 square feet per unit at or above Lot grade. At least 75 percent of the finished floor area must be at or above grade level. At least two-thirds of the finished floor area must be on a single floor. Lot grade for purposes of this Section means the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and a line five feet from the sidewall of the building.

xi. Foundation. Residential living space must have a perimeter foundation meeting the requirements of the Minnesota State Building Code as adopted by the City. For the purposes of this paragraph, residential living space includes, but is not limited to, all areas of a dwelling suitable and intended for living such as areas for sleeping, eating, or cooking as well as adjunct areas such as bathrooms, closets, halls, storage and utility space, and attached garages, but excludes three-season porches and similar appurtenant structures.

Draft 8-16-12

xii. Garages. Minimum floor area: 484 square feet. Maximum floor area: 75 percent of the floor area of the dwelling unit to which the garage is an accessory use, but not to exceed 900 square feet. The style, color, and facing material of a garage must be compatible with the dwelling unit. A garage must have a minimum width of 20 feet and a minimum depth of 20 feet. Garage space must either be attached to the dwelling unit it is accessory to or be accessible from the living unit by passing only through private open space accessory to the dwelling unit. For other than corner lots, garage walls with vehicle entry doors facing the street may not exceed 60 percent of the width of the building wall facing the street.

xiii. Homeowners Association. Developments must have a homeowners association

xiv. Landscaping and Screening. The landscape design objectives, the landscape plan, and the size, location, quantity and type of landscape and screening plants must meet the requirements of the current version of *Landscape Standards On File With The Community Development Director* and the following requirements:

1. Underground sprinkler system irrigation for landscaped areas.

2 Landscaped islands in parking lots to break up and soften the appearance of large areas of paving.

3 Planting of cultured sod laid over four inches of drought-resistant top soil for areas not covered by impervious surfaces or landscaping.

4. Trash and recycling storage areas, mechanical equipment, and other screening that meet Sections 11-1204.

xv. Minimum Lot Components. The dwelling unit, the garage accessory to the unit, required parking spaces, and the private open space accessory to the unit.

xvi. Parking and Drives. Parking is restricted to paved surfaces, and the following requirements apply:

1. Minimum Number of Off-street Parking Spaces. Four and one-half spaces per unit, placed so that at least two spaces are in an enclosed garage accessory to the dwelling unit, at least four spaces are on the same lot as the dwelling unit, and at least one-half space is in a common parking area.

2. Except for a tandem parking space, parking and drives are prohibited within five feet of the exterior development boundary line or within 20 feet of any right-of-way line. Parking is prohibited within the sight triangle described in Section 11-1206.2(3).

3. Driveways leading from a public street to a garage must have a minimum width of 10 feet per garage and a maximum width of 24 feet per driveway, excluding the entrance radii, and a minimum length of 25 feet.

4. Individual driveway access to arterial streets is prohibited unless no practicable alternative access exists and a driveway turnaround is provided.

5. To the extent not in conflict with this Section, parking and drives must meet Sections 11-1201.2 through 11-1201.10.

Draft 8-16-12

xvii. Private Open Space in Addition to Common Open Space. 400 square feet for the private use of each individual dwelling unit, located and designed to maximize its utility to the dwelling unit it serves and maximize its privacy, especially in relation to adjacent dwelling units, and set back a minimum of 10 feet from exterior boundaries and a minimum of 10 feet from private open space areas accessory to another dwelling unit.

xviii. Other Exterior Restrictions. Fences may not exceed six feet, unless a lower height is required under Section 11-1203.

(c) Setbacks.

i. Minimum Building Separation between Residential Structures:

Living Area to Living Area: 15 feet

Living Area to Non-Living Area: 10 feet

Non-Living Area to Non-Living Area: 10 feet

ii. Minimum Separation, Residential Structure and

Accessory Structure: 30 feet

Common Parking Space(s): 20 feet

iii. Minimum Setbacks, DSC unit from:

Interior access drive Front and Rear Yards: 25 feet

Side Yards: 20 feet

Non-arterial street Front and Rear Yards: 35 feet

Side Yards: 25 feet

This Side Yard setback applies notwithstanding Section 11-902.4(6).

Arterial street 50 feet

This setback may be reduced on B Minor Arterial streets to 35 feet, provided driveway access is not directly onto the arterial roadway and the B Minor Arterial street is constructed as a completely improved roadway and no further upgrading of it is proposed, or the full anticipated right-of-way has been dedicated.

(d) Additional Findings. In addition to the requirements of Section 11-902.6, these additional findings must be made for a plan to be approved:

i. The development is designed and located to minimize traffic, noise, and other impacts on existing surrounding neighborhoods;

ii. The development is compatible in structure and overall design with existing adjacent low density residential development; and

iii. To the extent practicable, the development is located at the periphery of low density residential development, if any exists.

11-903 PORT Districts

11-903.1 Intent. This Chapter enables the creation of Port districts to promote the unified development and revitalization of designated areas. Port districts should direct:

(1) compact, vigorous, mixed use development;

Draft 8-16-12

(2) distinct unifying urban design themes, well-maintained properties, and a well-organized vehicular and pedestrian circulation pattern;

(3) higher-density residential developments around community-oriented or destination-oriented commercial, historical, and recreational land uses;

(4) attractive developments constructed of high quality materials that incorporate innovative designs and reflect a distinctive, unique character; and

(5) development consistent with the goals of the Coon Rapids Boulevard Framework Plan including:

(a) businesses concentrated in Port Districts;

(b) residential, institutional, and open space uses between the Port Districts;

(c) mixed use and multi-use development;

(d) housing serving community needs;

(e) increased open space; and

(f) distinct design themes for each Port District.

(6) The mixture of compatible land uses within each Port is essential to establishing the level of vitality and intensity needed to support associated retail and service uses. Each Port shall have a distinct, individual design theme, as exemplified by its landscape, architecture, lighting and color styles, planned public amenities, and allowed uses.

11-903.2 Definitions.

(1) Port or Port District. A Preservation or Renovation Tract is a defined zoning district within the City, created with the intent of encouraging development or redevelopment according to a defined theme, within a defined framework of public and private improvements and amenities.

(2) Port Elements Plan. A city-developed plan, adopted by resolution, to promote Port continuity and theme that may prescribe, in both graphic and verbal form, public and private improvements including, but not limited to, site architecture, landscape materials and treatments, lighting design, building treatments and colors, signage, fences, walls, railings, seating, litter receptacles, and other street furniture and structures.

(3) Port Master Plan. A conceptual plan for an entire Port that includes, but is not limited to, proposed uses and use relationships, densities or Floor Area Ratios for each use classification, site circulation, pedestrian systems, parking plans, open space locations, and examples of proposed building types. A Port Master Plan may be developed by the City or by a private developer, landowner, or other applicant.

11-903.3 Uses.

(1) Use Table. Permitted, conditional, and accessory uses are specified in the following table as “P,” “C,” and “A,” respectively. Uses not permitted in some Port Districts are specified as “NP” and uses not listed in the table are not permitted in any Port District.

Draft 8-16-12

Use	Port District			
	River-walk	Campus Square	Evergreen	Wellness
Residential Uses				
Dwellings				
Townhouse/single-family attached dwelling	P	P	NP	P
Multiple-family dwelling (more than four units)	P	P	P	P
Live-work unit	P	P	P	P
Congregate Living				
Community residential facility serving up to 16 residents	P	P	NP	P
Community residential facility serving more than 16 residents	C	C	NP	C
Dormitories	NP	C	NP	C
Nursing homes, boarding care, assisted living	P	P	P	P
Institutional and Civic Uses				
Educational Facilities				
Group family day care, family day care, group day care	P	P	P	P
Public or private grades K-12 schools	C[1]	NP	NP	NP
College, university, seminary, etc.	C	C	C	C
Trade school, arts school, dance school, etc.	C	C	C	C
Social, Cultural, Religious and Recreational Facilities				
Public library	P	P	P	P
Community center, art center, museum	P	P	P	P
Public and private park, playground	P	P	P	P
Private nonprofit recreation center, pool	P	P	P	P
Place of worship and place of assembly	P	P	P	P
Public Service and Utilities				
Governmental buildings and structures without outdoor storage	C	C	C	C
Public utility buildings and structures without outdoor storage	C	C	C	C

Draft 8-16-12

Commercial and Office Uses				
Offices	P	P	P	P
Medical and dental clinics and offices	P	P	P	P
Bed and breakfast residence (up to six rooms)	C	C	NP	C
Parking – principal use	C	C	C	C
Service businesses [2]	P	P	P	P
Bank, financial institution	P	P	P	P
Food and related goods [3]	P	P	NP	NP
General retail [4]	P	P	P	P
Eating places [5]	P	P	P	P
Day care center	P	P	P	P
Funeral home, mortuary	P	P	P	P
Laundromat (self-service)	P	P	P	P
Hospital	NP	NP	NP	P
Motel, hotel, inn	C	C	P	C
Photocopying	P	P	P	P
Veterinary clinic (no exterior animal runs)	P	P	NP	NP
Printing and publishing	C	C	C	C
Studios of artists or craftspeople	P	P	P	
Service businesses with showroom or workshop, including office - warehouses (contractor, painter, etc.)	C	C	C	C
Small appliance repair (excluding internal combustion engines)	P	P	NP	NP
Theaters, assembly halls	C	C	NP	NP
Health clubs and fitness centers	C	C	C	C
Indoor recreation (bowling, billiards, etc.)	C	C	NP	P
Commercial outdoor recreation (swim club, miniature golf, etc.)	C	C	NP	NP
Limited production and processing [6]	C	C	C	
Vehicle Services				
Convenience stores with accessory car washes and/or fuel sales, provided no more than eight dispensing hoses may be operable simultaneously	C	C	C	NP

Draft 8-16-12

Convenience stores with accessory car washes and/or fuel sales, provided no more than 16 dispensing hoses may be operable simultaneously	NP	NP	C	NP
Auto repair, detailing or servicing with or without fuel sales	C	C	NP	NP

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[1] May not occupy more than five percent of the total development area in Port Riverwalk.

[2] Service businesses: Service businesses include provision of services to the general public that produce minimal off-site impacts. Service businesses include but are not limited to the following:

barber and beauty shops
dry-cleaning (direct customer service; plants servicing more than one retail outlet are not permitted)
interior decorating/upholstery
locksmith
mailing and packaging services
radio and television service and repair
shoe repair
tailor shop
watch repair, other small goods repair
picture framing

[3] Food and related goods: These uses include the following uses, characterized by the sale of food and related goods to the public for consumption off the premises.

grocery store, supermarket
butcher shops
bakeries
candy
greengrocer, other specialty food
catering

[4] General retail: General retail sales include the retail sale of products, sometimes with provision of related services, to the general public that produce minimal off-site impacts. General retail sales include but are not limited to the following:

antiques and collectibles store
art gallery
bicycle sales and repair
book store, music store
clothing and accessories
drugstore, pharmacy
electronics sales and repair

Draft 8-16-12

florists
jewelry store
hardware store
liquor store
news stands, magazine sales
photographic equipment; film developing
stationery store
picture framing

[5] Eating places:
restaurants with or without liquor sales,
delis, take-out establishments
cafés, coffee shops

[6] Limited production and processing. These uses produce minimal off-site impacts due to their limited nature and scale, and are considered compatible with office, retail and service uses. Limited production and processing may include wholesale and off-premises sales. Limited production and processing includes:

apparel and other finished products made from fabrics
computers and accessories, including circuit boards and software
electronic components and accessories
film, video and audio production
food and beverage products, except no live slaughter, grain milling, cereal, vegetable oil or vinegar processing
precision medical and optical goods
signs, including electric and neon signs
watches and clocks
wood crafting and carving
wood furniture and upholstery

(2) Conditional Use Standards. Drive-through uses or any use that exceeds the size requirements listed may be allowed as conditional uses. To the extent not otherwise required by Section of 11-304.3 (Conditional Use Permit Procedures and Requirements), no conditional use may be granted unless the applicant demonstrates the proposed use:

(a) advances the intent of this Chapter;
(b) allows for development of the property in an efficient, well-organized way; and
(c) is incorporated into a plan that provides substantial site amenities, buffers, and other elements.

(3) Licensing Standards Apply. Uses allowed herein are allowed only to the extent of further requirements under Title 5 (Licensing Procedures).

(4) Varied density residential under Chapter 11-1003 is not permitted.

Draft 8-16-12

11-903.4 Mixed Uses Encouraged. Compatible permitted and conditional uses may be combined within the same building.

(1) A development area, as defined by a Port Master Plan, of five acres or more must include at least two of the following Table 11-903.3(1) use categories:

(a) Commercial Uses.

(b) Residential Uses.

(c) Institutional Uses.

(d) Office Uses.

(e) Civic Uses.

(2) If over 50 dwelling units are proposed in a site plan or Port Master Plan, at least two housing types must be included from the Table 11-903.3(1) use categories.

11-903.5 Gross Densities.

(1) Minimum Density. Eight units per acre, to include live-work units and units in mixed use buildings.

(2) Maximum Density.

(a) Townhouses or live-work units: 15 units per acre

(b) Multi-family buildings: 30 units per acre

(c) Mixed use buildings and senior apartments: 30 units per acre

11-903.6 Dimensional Standards, Residential, and Live-Work Uses.

(1) Height. The majority of all buildings on any parcel or development site shall be a minimum of 20 feet in height. Buildings with two floors above grade are encouraged.

(2) Minimum Lot Area. 2,000 square feet for attached units such as townhouses; 6,000 square feet for all other buildings.

(3) Minimum Lot Width. 24 feet for attached units; 50 feet for all other buildings.

(4) Setbacks.

(a) Principal or accessory structures from:

(i) Arterial Streets: a minimum of 30 feet as measured from the curb except that in no event shall the setback be less than 22 feet from the street right-of-way.

(ii) Collector and Local Streets: Minimum 10 feet; zero feet for live-work units, and maximum 20 feet as measured from the street right-of-way.

(iii) Side or Rear Property Line: 10 feet minimum; add one foot of setback for each additional one foot of height above 35 feet.

(b) Parking areas:

(i) From Street Rights-of-Way: No less than the setback of the principal structure.

(ii) From Adjacent Properties: 10 feet.

(c) Notwithstanding these requirements, no structure may encroach into any right-of-way, sidewalk, or similar easement.

(5) Maximum impervious coverage: 80 percent of development area.

Draft 8-16-12

(6) Minimum Finished Floor Area Per Unit.

Number of bedrooms	Townhouse or Live - Work Unit	Multiple Family/Retirement or Handicapped
Efficiency	NA	500 square feet/440 square feet
One	700 square feet	600 square feet/520 square feet
Two	800 square feet	700 square feet/600 square feet
Three or more	960 square feet	800 square feet plus 100 square feet for each additional bedroom over three

(7) Open Space. The following minimum square footage of private and common open space must be provided. The common open space area must be contiguous, may include setback areas, and must be suitable for recreational or scenic use by residents of the development.

Open Space	Private	Common	Common
	Townhouse or Live-Work Unit	Multiple Family	Retirement or Handicapped
Square feet of open space required per unit	500	Efficiency - 250 One Bedroom - 250 Two Bedrooms - 350 Three or more Bedrooms - 450	250

(8) Parking.

Residential Type	Minimum Parking Spaces Per Unit			
	Common Off-street	Garage	Private Off-street	Total
Live-Work	.5	1	1.5	3
Townhouse	.5	1	1.5	3
Multiple Family	.25	1	1	2.25
Retirement or Handicapped	.8	.2	.2	1.2

(9) Garages. Garages must contain a minimum of 300 square feet and a maximum of 75 percent of the floor area of the unit to which the garage is an accessory use to a maximum of 900 square feet. A garage must have a minimum width of 12 feet and a minimum depth of 22 feet. A common garage parking space shall have a minimum width of nine feet and minimum depth of 20 feet.

Draft 8-6-12

11-903.7 Dimensional Standards, Nonresidential and Mixed Uses.

(1) Height. All buildings must be a minimum of 20 feet in height. Buildings with two or more floors above grade are encouraged.

(2) Minimum Lot Area. The lot area must be sufficient to accommodate principal and accessory buildings, and required parking, setbacks, and landscaped areas.

(3) Minimum Lot Width. Free-standing buildings, 50 feet; attached storefronts, 20 feet.

(4) Setbacks.

(a) Principal or accessory structures in Ports Campus Square and Riverwalk from:

(i) Arterial Streets: a minimum of 30 feet as measured from the curb except that in no event shall the setback be less than 22 feet from the street right-of-way.

(ii) Collector and Local Streets: minimum 10 feet; zero feet for live-work units, and maximum of 20 feet as measured from the street right-of-way.

(b) Principal or accessory structures in Ports Evergreen and Wellness from:

(i) Arterial Streets: 50 feet, except if the arterial street boulevard exceeds 20 feet, the building setback from the right-of-way may be reduced to a minimum of 10 feet, provided a minimum of 70 feet is maintained between the building and the arterial street curb.

(ii) Collector and Local Streets: a maximum of 50 feet

(c) Principal or accessory structures in all ports:

(i) Side or rear yard: 10 feet minimum unless attached.

(ii) Between principal structures: 20 feet minimum unless attached.

(d) Parking areas in all Ports:

(i) From street rights-of-way: 20 feet minimum.

(ii) From adjacent residential properties: 10 feet minimum.

(iii) From adjacent nonresidential properties: five feet, unless parking areas are combined or shared.

(5) Minimum Floor Area Ratio. .6 (based on lot area for a specific building).

(6) Maximum Impervious Coverage. 80 percent of development area.

(7) Building Floor Areas. In Ports Campus Square and Riverwalk, minimum 2,000 square feet; maximum 20,000 square feet with no single use in a building exceeding 15,000 square feet. In Ports Evergreen and Wellness, minimum 5,000 square feet and no maximum floor area requirement.

11-903.8 Development Guidelines. The guidelines in Section 11-1003.11 shall apply, except in Ports Evergreen and Wellness where Sections 11-1003.11(1), (3), and (4) may be waived to ensure compatibility between proposed and desirable existing buildings.

11-903.9 Street Design.

(1) Intent. Local and connecting streets within each Port shall be designed to encourage walking and cycling, to calm traffic, and to maximize pedestrian connections to adjacent neighborhoods and land uses. To achieve these goals, local streets should be relatively narrow and should include street

Draft 8-16-12

trees and sidewalks on both sides. The following criteria and standards apply to all new streets and extensions of existing streets.

(2) Connectivity. Streets shall connect with or terminate at other streets unless no other arrangement is practical. Cul-de-sac streets are prohibited unless necessitated by physical or site constraints.

(3) Sidewalks. Public streets shall be designed with sidewalks on both sides. Nonresidential sidewalk width shall be five feet or more, and eight feet or more in areas of high pedestrian activity.

(4) Street Trees. Street trees shall be provided along all streets at regular intervals to define street edges, to buffer pedestrians from vehicles, and to provide shade. Trees should be located in a planting strip at least five feet wide between the curb and sidewalk, or in an approved planter or planting structure.

(5) Public Residential Streets.

(a) Right-of-way: 50 feet minimum

(b) Pavement width: 32 feet minimum with parallel parking on one side.

(6) Nonresidential Streets.

(a) Right-of-way: 60 feet minimum

(b) Pavement width: 38 feet minimum with parallel parking on both sides; 40 feet minimum with diagonal parking on both sides.

(7) Traffic Calming. Traffic calming methods such as reduced curb radii, narrowed pavement at pedestrian crosswalks, speed tables, and bump-outs at mid-block or intersections should be used where appropriate to improve pedestrian safety and slow through traffic.

11-903.10 Master Plan Procedure and Requirements.

(1) Plan Review. A Port Master Plan must be approved prior to the submission of a site plan for development. The Port Master Plan shall be approved in preliminary and final form. The Port Master Plan, and individual site plans under it, shall be in such form and according to standards on file with the Community Development Director. A Port Master Plan must conform to the requirements of this Chapter and applicable Port Elements Plan.

(2) Preliminary Port Master Plan Procedure. A complete Preliminary Port Master Plan must be submitted at least 30 days prior to the Planning Commission meeting. The Planning Commission shall conduct a public hearing in accordance with Section 11-305.4 and shall make a recommendation to the City Council, which must approve or deny the Plan.

(3) Final Port Master Plan Procedure. A complete Final Port Master Plan in substantial conformity to the Preliminary Port Master Plan must be submitted at least 30 days prior to the Planning Commission meeting. The Planning Commission shall make a recommendation to the City Council, which shall approve or deny the Plan.

11-903.11 Site Plan Procedure.

(1) Preliminary and Final Site Plan. A preliminary site plan may be submitted separately, and may be so required by the Community Development Director for large, phased, or complicated developments; otherwise, a preliminary and final site plan may be submitted concurrently. The plan

Draft 8-16-12

must be in conformity with the Port Master Plan and Port Elements Plan, and must be submitted at least 30 days prior to the Planning Commission meeting.

(2) Planning Commission Procedure. The Planning Commission shall, for a preliminary site plan or for combined preliminary and final site plans, conduct a public hearing in accordance with Section 11-305.4 and make a recommendation to the City Council.

(3) Final Plan Procedure. When not submitted concurrently, a complete final site plan in substantial conformity to the approved preliminary site plan must be submitted at least 30 days prior to the Planning Commission meeting. The Planning Commission shall make a recommendation to the City Council, which shall approve or deny the Plan.

(4) The duration of the final site plan approval shall be governed by Section 11-305.7.

11-903.12 Use and Standards Flexibility Rules.

(1) During the site plan consideration process, the Planning Commission must provide a recommendation to the City Council regarding any proposed dimensional, design standard, or use flexibility request.

(2) Dimensional Flexibility. The City Council may approve modification of one or more area or dimensional standards of an underlying district if an applicant demonstrates such modification will result in better integration of uses or additional public amenities that will further the intent of this Chapter.

(3) Design Standard Flexibility. The City Council may approve an alternative approach to meeting any of the design standards in this Chapter if an applicant demonstrates such modification is necessary to respond to site conditions, will result in better integration of uses or additional public amenities, and will further the intent of this Chapter.

(4) Use Flexibility. The City Council may approve a use, density of use, or mix of uses different from what is allowed upon findings that:

(a) The modification significantly advances the intent of this Chapter;

(b) The modification is necessary to develop the property in an efficient, well-organized way; and

(c) The plan provides significant site amenities, buffers, and other elements to offset any potential harmful effects that could be caused by the use.

11-903.13 Severability. If any section or portion of any section of this Chapter is deemed invalid or unconstitutional by a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other sections or portions of sections of this Chapter.

11-904 Riverdale Station Transit District

11-904.1 Intent. The Riverdale Transit District is intended to promote a lively, prosperous neighborhood center that is an attractive place to live, work, and shop with less reliance on the automobile. Specifically the purposes of this District are:

Draft 8-16-12

(1) to reinforce the use of transit by encouraging a mix of moderate and high density development for people of a variety of income levels and stages of life, within walking distance of the Riverdale Station;

(2) to create a pedestrian friendly environment that encourages walking, bicycling, and transit use; and

(3) to create a neighborhood identity that promotes human interactions and safety.

11-904.2 Applicability. The regulations of this Chapter apply to new development and to alterations to existing development that change its use or intensity of use.

11-904.3 Compatibility with Public Improvements Required. Site plans must demonstrate compatibility with applicable improvement, amenity, or design elements as adopted by resolution of the City Council and with the Riverdale Station Area Transit Oriented Development Design Guidelines adopted by the Coon Rapids City Council in 2008, as amended. Such elements include, but are not limited to, sculpture, fountains, benches, lighting, signage, fencing, pavement, and landscape materials.

11-904.4 Station Area Plan Procedure. No new development or redevelopment may occur, and no building permit will be issued, without approval of a Station Area Plan conforming to the requirements of this Section. Approval of individual site plans must conform to the Station Area Plan. Upon the submission of the Station Area Plan, the Planning Commission will conduct a public hearing in accordance with Section 11-305.4 and make a recommendation to the City Council, which must approve, modify, or deny the Station Area Plan.

(1) The Station Area Plan must include the following:

(a) a drawing showing existing conditions such as property boundaries, generalized contours, site features such as wetlands and wooded areas, and surrounding land uses and development;

(b) a conceptual development plan showing public and private open space, and general site data such as building locations, density, setbacks, ponding areas, parking areas and generalized screening, buffering and landscaping concepts;

(c) generalized traffic information including proposed new streets and alley connections, and improvements to existing roads; and

(d) an elements plan that includes, but not limited to, lighting, public art, planters, fountains, litter receptacles, benches or seating areas.

(2) The findings necessary for approval of the Station Area Plan include, but are not limited to, the following:

(a) the Station Area Plan is consistent with the intent of this District;

(b) the Station Area Plan is consistent with the Riverdale Station Area Transit Oriented Development Design Guidelines;

(c) the Station Area Plan reflects development that:

(i) is not detrimental to the public health, safety, or general welfare;

Draft 8-16-12

(ii) is not hazardous, detrimental, or disturbing to surrounding uses, or that creates pollution, vibration, general unsightliness, electrical interference, or other nuisances;

(iii) does not create traffic congestion, unsafe access, or parking needs that will cause inconvenience to adjoining properties;

(iv) is served adequately by essential public services such as streets, police, fire protection, utilities, and parks;

(v) does not create excessive additional requirements at public cost for public facilities and services; and is not detrimental to the economic welfare of the City; and

(vi) causes minimal adverse environmental effects; and

(d) each phase or stage of the Station Area Plan can exist as an independent unit.

(3) Design Considerations

(a) Building Scale.

(i) A mixed-use development must provide a range of building types.

(ii) Buildings along Northdale Boulevard must match the scale of the houses across the street and increase in height and density towards the interior of the site.

(iii) Development shall provide sensitive transition between adjacent uses and scales

(b) Edges.

(i) New development along the north edge must be oriented to be compatible with the future development of the retail center.

(ii) Blocks on the north edge of the site must accommodate future street connections to the north.

(iii) Development along the station will face the platform to provide added public safety, access and marketability.

(c) Open Space Connections. Development will incorporate public and private open space, and open space connections via sidewalks or trails.

(d) Views.

(i) Development must highlight and frame views into the site from north and south on Northdale Boulevard with artistic and architectural elements.

(ii) Buildings, open spaces and street designs will be used to emphasize important views.

(e) Access.

(i) Development will be designed to accommodate future accesses to the properties to the north.

(ii) Development must emphasize interconnectivity by utilizing a street grid system, and multi-modal street network.

Draft 8-16-12

11-904.5 Individual Site Plan Procedure. Following City Council approval of a Station Area Plan, application may be made for approval for the development of individual or multiple sites. All proposals must include a site plan application and may include a subdivision application. Site plans and subdivisions must be consistent with the approved Station Area Plan and this Chapter. The decision of the Planning Commission with respect to individual site plan review is final, subject to appeal to the City Council meeting the requirements of Section 11-305.6. Subdivision applications must meet the requirements of Section 11-1500.

11-904.6 Uses

(1) Permitted Uses.

(a) Residential

(i) Townhouses

(ii) Apartments/Condominiums

(iii) Upper story residential uses above commercial or office uses

(b) Non-Residential

(i) Retail sales

(ii) Restaurants without drive thru

(iii) Financial institutions without drive thru

(iv) Medical and professional offices

(v) Commuter rail station

(vi) Parking structures

(vii) Bakeries, delicatessens, coffee shops

(viii) Daycares

(ix) Neighborhood service as defined in City Code Section 11-2803(1)

(x) Physical fitness centers not to exceed 3,000 square feet

(2) Conditional Uses. Live/work units for retail, professional and service providers, small scale manufacturing and artisans, and food preparation and sales that do not involve frying, provided the work area does not exceed 50% of the floor area of the dwelling unit. Live/work units must meet the following criteria:

(a) No one is transported from the premises to a job site who does not reside on the premises;

(b) The business is serviced by delivery vehicles no larger than 26,000 pounds gross vehicle weight;

(c) There is no outdoor storage or display of equipment or materials used in the business;

(d) The following uses are prohibited: repair of internal combustion engines; body shops; machine shops; welding; ammunition manufacturing; flea markets; motor vehicle repair maintenance, service or sale; firearm sales; tattoo parlors or other objectionable uses as determined by the City Council;

(e) The business area is restricted to the first floor and must have a direct access to the street;

Draft 8-16-12

(f) No more than one person who does not reside on the premises works on the premises;

(g) The workspace must meet the requirements of the building code for the type of activity/use being undertaken;

(h) The commercial component of the unit, as shown on the approved plans, cannot be converted to residential use;

(i) The commercial component will not detract from, or otherwise be a nuisance to, the other residential units in the building;

(j) The commercial use will not generate external noise, odor, glare, vibration, or electrical interference detectable to the normal sensory perception by adjacent neighbors; and

(k) No explosive, toxic, combustible, or flammable materials in excess of what would be allowed incidental to normal residential use can be stored or used on the premises.

(3) Accessory Uses.

(a) Customary accessory uses on the same lot.

(b) Accessory dwelling units above garages.

(c) Outdoor seating associated with a food service business.

11-904.7 Development Standards.

(1) Building Design. Building design standards apply to all buildings unless specifically noted.

(a) Each building and separate leased space must have a primary entrance from a street sidewalk. Public entrances must be easily identified and distinct from the remainder of the building by use of architectural form, materials, colors, awnings, or canopies. Entries will clearly define their function, and be in scale to people and surrounding buildings.

(b) Windows will be vertically proportioned and in scale with buildings and may vary in size. Ground floor commercial and office uses must contain a minimum of 50% glass per ground floor wall area on all street frontages and must not extend to the unit edges. Tinted glass and opaque glass are prohibited. Ground floor wall area is that area from three feet above grade to nine feet above grade the entire width of the street-facing elevation.

(c) Buildings must display a distinct base, middle, and top. Similar materials and design must be used on all sides of a building.

(d) Buildings must appear varied in their vertical and horizontal planes through design techniques including, but not limited to: variations in rooflines and building height; offsets in the building face; use of multiple rooflines and building corners; cornice detailing; and changes in parapet elevations.

(e) The mass, proportion and scale of the building, roof pitch, and the proportions and the relationship between doors and windows must be compatible with surrounding buildings.

(f) Buildings may have flat, pitched or mansard roofs. Roof material and colors must be complementary to and consistent with the exterior building materials. Dormers and projecting bays are encouraged, especially on larger and longer roofs.

Draft 8-16-12

(g) The design and construction of new buildings, or reconstruction of existing buildings must incorporate Leadership in Energy and Environmental Design (LEED) principles to achieve at least a "LEED Certified" rating.

(h) Rooftop mechanical equipment must be screened from view using materials incorporated into and compatible with the building.

(i) Balconies and/or porches are required for all residential units and must face the sidewalk and street.

(j) Permitted Materials Exterior Building and Parking Structures: brick; natural or cut stone; fiber cement siding; and stucco on upper floors. Factory-finished architectural metal and metal that develops an attractive oxidized finish, such as copper or weathered steel, may be used as architectural accents.

(2) Dimensional Requirements.

(a) Minimum Lot Size: None

(b) Maximum Lot Size: 2 acres

(c) Maximum Impervious Coverage: Residential 85%
Other Uses 95%

(d) Density
Residential
Minimum 7 units/acre
Maximum None

(e) Maximum Building Height
Buildings within 100 feet of Northdale Boulevard 30 feet
Other 60 feet

(f) Minimum Building Height: Two stories

(g) Building Setbacks (Including Parking Structures)

Street Type and Property Lines	Residential Buildings	Office, Commercial and Mixed Use Buildings
Station Streets*	0 feet Minimum 10 feet Maximum	0 feet Minimum 5 feet Maximum (may be increased to 20 feet if area is used for plaza, courtyard or seating)
Residential Streets*	0 feet Minimum 10 feet Maximum	0 feet Minimum 5 feet Maximum (may be increased to 20 feet if area is used for plaza, courtyard or seating)
Collector Streets*	0 feet Minimum 20 feet Maximum	0 feet Minimum 10 feet Maximum
Side Property Lines	0 feet Minimum	0 feet Minimum
Rear Property Lines	15 feet Minimum	5 feet Minimum

*Setbacks are measured from the right-of-way.

Draft 8-16-12

(h) Paving Setbacks**

Property Lines or Sidewalks	7 feet minimum
From Buildings:	5 feet minimum

** Parking must not be located closer to the street than the principal building.

(3) Street Design.

(a) Street network must include provisions for future street extensions and connections with the property to the north.

(b) Streets must be multi-modal and be able accommodate cars, bicycles and pedestrians.

(c) Sidewalks are required on both sides of streets.

(d) Streets shall be organized according to a hierarchy (collector, station and residential streets) based on function, size, capacity, and design speed; streets and rights-of-way are therefore expected to differ in dimension.

(e) No block face may exceed 300 feet in length without a dedicated alley or pathway providing through access for pedestrians.

(f) On street parking is encouraged where possible.

(g) The layout of the street system must be in a grid pattern or modified grid pattern emphasizing interconnected streets.

(4) Parking.

(a) Minimum per dwelling unit: 1.5 parking spaces. At least one space per unit must be enclosed.

(b) Non-residential uses: maximum three spaces per 1,000 square feet (gross) and minimum one per 500 square feet (gross) for uses covering less than 1,000 square feet.

(c) On lots serving more than one use, the total number of parking spaces may be reduced by 20% provided the applicant demonstrates the peak parking demand does not coincide among the uses and the total parking demand at any one time will not exceed the total capacity of the facility.

(d) Driveway access to parking lots must be from side streets or alleys. Adjacent properties may share driveway access where practical to do so.

(e) Surface parking lots must be located to the rear or side of the building, must include pedestrian walkways and connections to the street sidewalks, and must not cover more than 50% of the lot.

(f) Parking located to the side of a building must not cover more than 33% of the lot width.

(g) Surface parking lots with more than 60 spaces must be divided into separate sections using landscaped areas at least 10 feet wide.

(h) Maximum number of contiguous parking spaces is 10. Breaks and ends of spaces must incorporate landscaped islands 10 feet or more wide.

(i) Minimum surface parking lot landscaping will be three percent of gross square footage.

(j) Surface parking lots must be screened along all sidewalks by a landscaped buffer including a three foot high wall or fence compatible with adjacent structures.

(k) Structured parking must be designed to be and constructed of material that is architecturally compatible with the principle building.

Draft 8-16-12

(l) Parking structures must include well designed and identified pedestrian walkways connecting to the sidewalk system.

(m) Commercial or office uses must occupy at least 80% of the ground level frontage of parking structures along all streets.

(5) Loading spaces, overhead doors, and service areas.

(a) Loading spaces, overhead doors, and service areas must be located in or face designated rear yards.

(b) Loading and service areas must be separated from visitor and employee parking areas and general traffic circulation.

(c) Loading spaces, overhead doors, and service areas must be designed to be compatible with the principle building. Architectural techniques, color, and landscaping must be used to eliminate visual impacts from adjacent properties and roadways.

(d) Outdoor storage is prohibited.

(6) Landscaping and Site Design.

(a) The plan for landscaping must include ground cover, bushes, trees, foundation plantings, sculpture, fountains, decorative walks, or other similar site design features or materials. In addition to the table below, landscaping must conform to City of Coon Rapids *Landscaping Standards on file with the Director of Community Development*.

Street Frontage	Foundation	Parking Lot	Screening
One over-story per 35 linear feet of frontage.	One deciduous or evergreen shrub per one linear foot of foundation.	Minimum of 3% of parking area must contain landscaped islands with a minimum width of 10 feet Two over-story trees per parking lot island	Parking and drive aisles must be screened by a three to four foot high hedge in combination with a fence or wall. The hedge must consist of individual shrubs with a minimum width of 24 inches, spaced no more than 36 inches on center. The fence or wall not to exceed four feet in height. An over story tree must be planted a minimum of every 35 feet within the seven feet of required landscape buffer, located on the street side of the fence. The spacing of these trees must

Draft 8-16-12

			alternate with street trees so that the final effect is a staggered tree line.

(b) Landscaped areas must be irrigated.

(c) Landscaping and site design must incorporate the current Low Impact Development (LID) principles as published by the U.S. EPA in LID Design Manual (*Low Impact Development Design Strategies: An Integrated Design Approach*) in force at the time the application is to be approved.

(d) Public open space will be provided as shown on the Station Area Plan at the rate of 15% of the area included in the Station Area Plan. The public space must include neighborhood parks and playgrounds, a signature park space adjacent to the station area, street center medians where appropriate, and public gathering spaces. Private plazas and patios must be integrated into residential, mixed use, and other commercial buildings at a rate of 50 square feet per 1,000 square feet of floor area.

(e) Public art must be incorporated into building sites around the station area.

(7) Dumpster and Refuse Enclosures.

(a) Dumpsters must be gated and screened using enclosures constructed of materials compatible with the principle building.

(b) Dumpster enclosures must be located in designated rear yards.

(c) Enclosures must be integrated into the design of the principal building.

(8) Awnings.

(a) Awnings must be of a weather treated canvas or fabric.

(b) The bottom of the fringe must not be lower than seven feet four inches or higher than eight feet from the sidewalk. Awnings must extend between three and four feet from the face of the building.

(c) Illuminated and backlit awnings are prohibited.

(d) Awning colors must coordinate with building facade color scheme, adjoining buildings, and the streetscape.

(9) Lighting.

(a) Site lighting must be designed so that it is coordinated in style, design, height, size, and color with the general street lighting in the district and Elements Plan.

(b) Full cut-off lighting must be used.

(c) Maximum pole height is 25 feet for parking lots and streets; 12 feet for sidewalks and pedestrian areas.

11-904.8 Sign Regulations.

(1) General Requirements. Unless otherwise specified in this Chapter, the requirements of Section 11-1202 (Sign Regulations) apply. Off-premises signs are prohibited. Signs must demonstrate compatibility with associated structures and be standardized in terms of style with other approved signs on the site. Wall signs must be standardized in terms of location on building. Back-lit signs (excluding

Draft 8-16-12

individual letters), molded plastic canister signs, signs with strobe lights, flashing elements, and distracting actions are prohibited.

(2) Ground Signs. Ground signs, except kiosks and signs placed and owned by the City of Coon Rapids, are prohibited.

(3) Wall Signs, Projecting Signs, and Other Signs.

(a) Wall sign maximum size and location is a total of one square foot of wall mounted signage per one linear foot of unit or building width, not to exceed 32 square feet. Wall signs must not extend higher than 12 inches below the sill of second story windows.

. (b) One wall mounted sign and one projecting sign are permitted on each storefront. A projecting sign may also be additionally permitted on the side façade.

(c) Projecting signs must not exceed eight square feet, extend more than four feet from the building face, extend higher than 12 inches below the sill of second story windows, and must not be lower than seven feet four inches from the sidewalk.

(d) Projecting signs on a single lot must not be within 20 feet of one another.

(e) Sign boards are limited to unlit A-frame signs, and must not exceed three feet in height nor six square feet per side. Signs must not obstruct pedestrian traffic nor impede vehicular traffic. Only one sign board may be displayed per business at any given time. The sign must be between the side walls of and in front of the business, and may be displayed only during business hours.

(f) Window signs are allowed provided they do not cover more than 30% of any window.

(g) Business logos or emblems up to four square feet are permitted, and must be located on the top or angled portion of an awning. No more than one emblem or logo is permitted on an awning.

11-904.9 Dimensional and Design Standard Flexibility Rules.

(1) Dimensional Flexibility. The Planning Commission may approve modification of one or more area or dimensional standard if an applicant demonstrates such modification will result in better integration of uses, provide significant site amenities, buffers, and other elements to offset any potentially harmful effect that could be caused by this use or provide additional public amenities that will further the intent of this Chapter.

(2) Design Standard Flexibility. The Planning Commission may approve an alternative approach to meeting any of the design standards in this Chapter if an applicant demonstrates such modification is necessary to respond to site conditions, will result in better integration of uses, be more energy efficient, or provide significant site amenities, buffers, and other elements to offset any potentially harmful effect that could be caused by the use and will further the intent of this Chapter.

(3) Use Flexibility. Not allowed.

Draft 8-16-12

11-1000 Overlay Districts

11-1001 Mississippi River Corridor Critical Area Overlay District Boundaries

11-1001.1 Findings. The City of Coon Rapids finds that the Mississippi River Corridor is a unique and valuable local, state, regional, and national resource. The river is an essential element in local, regional, state, and national transportation, sewer and water, and recreational systems, and serves important biological and ecological functions. The prevention and mitigation of irreversible damage to this resource and the preservation and enhancement of its natural, aesthetic, cultural, and historic values is in furtherance of the health, safety, and general welfare of the City.

11-1001.2 Intent. The intent of this Chapter is to protect the health, safety, and public welfare through the adoption of controls that will:

(1) Promote orderly development of residential and recreational uses within the length of the Corridor located in the City.

(2) Conserve the natural and scenic beauty of the river Corridor.

(3) Conserve and develop the natural resources of the Corridor.

(4) Provide for the compatibility of different land uses and the most appropriate use of land throughout the Critical Area.

11-1001.3 Establishment of Critical Area Overlay District. A Critical Area Overlay District with its attendant regulations is hereby established as a part of the zoning ordinance of the City. This District shall overlay the zoning districts presently in existence, or as amended, so that any parcel of land lying in the Overlay District shall also lay in one or more of the underlying established zoning districts. Territory within the Overlay District shall be subject to the requirements established in this Ordinance as well as restrictions and the requirements established by other applicable ordinances. Within the Overlay District, all uses shall be permitted in accordance with the regulations for the underlying zoning district or districts; provided, however, that such uses shall not be entitled to or be issued the appropriate development permit until they have first satisfied the additional requirements established in this Chapter.

11-1001.4 Land to Which Regulations Apply.

(1) This Chapter applies to public and private lands within the Mississippi River Corridor Critical Area as set forth and legally described in the Metropolitan Council's “Recommendations for Critical Area Designation of the Mississippi River Corridor” (February 1975).

(2) The following regulations govern, but wherever there is a conflict between these regulations and other Title 11 Chapters, the more restrictive of the two shall apply.

11-1001.5 Permitted Uses. The “Urban Developed District” classification for the Coon Rapids Critical Area permits and encourages residential and recreational development.

(1) Residential uses permitted by the underlying zoning district.

(2) Recreational uses including public parks, trails, and easements.

Draft 8-16-12

11-1001.6 Accessory Uses.

(1) Accessory uses permitted and regulated by the underlying zoning district;

(2) Docks and boat houses; and

(3) Retaining walls as permitted by the State Department of Natural Resources and the Army Corps of Engineers.

11-1001.7 Conditional Uses. Permitted subject to regulations contained in the underlying zoning district; Section 11-1200--General District Standards; applicable county, state, and federal regulatory controls and policies, criteria contained in Sections 11-1001.8--District Standards, 11-1001.9--Natural Resource Management, and 11-1001.10--Guidelines for Review of Conditional Use Permit Applications.

(1) Transportation facilities;

(2) Utility distribution systems including water, sewer, electric (lines under 200 KV), and pipelines;

(3) Essential public services and public safety facilities; i.e., water towers, pumping stations, fire houses, and similar structures.

(4) Signs, except temporary and recreational or transportation related and regulated by 11-2100;

(5) Limited retail uses associated with recreational uses of the river corridor; and

(6) Conditional uses permitted by underlying zoning district.

11-1001.8 District Standards.

(1) Lot Size. Lot size shall be governed by the underlying zoning district.

(2) Structure Heights. Structure height shall be governed by the underlying zoning district.

(3) Structure Setback. In addition to setbacks detailed in the underlying zoning standards, the following shall apply:

(a) All new structures and facilities shall be placed no less than 40 feet from the top of the bluff line overlooking the Mississippi River;

(b) All new structures and facilities shall be placed no less than 100 feet from the Mississippi River's normal high water mark as defined by the United States Department of Housing and Urban Development's Coon Rapids Flood Insurance Study dated March 15, 1977. In areas subject to flooding (identified in the study), the City floodplain ordinance Section 11-1101 shall apply; and

(c) Exceptions to setback requirements may include public safety facilities, public bridges and approaches, minor public roadways serving water-related uses, public recreational facilities, scenic overlooks, regional and local trails, docks and boat launching facilities, approved river crossings of essential services, and distribution systems and historical sites designated in National and State Registers of Historical Places.

(4) Placement of Structures. No land with slopes, before alteration, in excess of 20 percent will be developed for use by any structure except for the construction of erosion control structures. Development on land with a slope, before alteration, in excess of 12 percent but less than 20 percent will be permitted, providing the applicant can ensure the project meets the following conditions:

Draft 8-16-12

(a) The foundation and underlying material of any structure, including roads, shall be adequate for the slope condition and soil type.

(b) The developer can demonstrate that development during and after construction can be accomplished without increasing erosion and there is a proper utilization of controls to reduce runoff to nondestructive levels.

(c) The proposed development presents no danger of falling rock, mud, uprooted trees, and other material to structures, recreational facilities, public lands, and public waters downhill.

(5) Line of Sight. Development of new expansion of existing structures shall be placed so that the development is consistent with the reasonable preservation of the view of the River Corridor from other properties on both sides of the river and by the public. The walling off of view of the River Corridor from other properties and public right-of-ways shall be minimized.

11-1001.9 Natural Resource Management.

(1) Grading and Filling. Grading and filling or otherwise changing the topography landward of the ordinary high water mark shall not be conducted without a permit. A permit may only be issued if the provisions of Section 11-1103, Mining and Land Reclamation, are complied with.

(2) Retaining Walls and Erosion Control Structures. Retaining walls and erosion control structures waterward of the normal high water mark are permitted structures if the applicable permits issued by the Army Corps of Engineers and the Minnesota Department of Natural Resources have been obtained.

(3) Vegetation Management.

(a) Clear cutting of trees on the slope or face of bluffs, within 40 feet of creeks and river banks, and within 40 feet landward of bluff lines shall not be permitted.

(b) The selective cutting of trees greater than four inches in diameter may be authorized by the Zoning Administrator when cutting in appropriately spaced and staged to maintain a continuous natural cover.

(c) Existing and planned vegetation shall be considered in structure siting and design. The development of new and reconstruction of existing structures shall be accomplished so as to minimize the need for tree removal.

(d) The applicant shall demonstrate that all grading which takes place will be conducted so as to preserve root zone aeration and stability of trees and provide an adequate watering area equal to at least one-half of each tree's crown cover.

(e) Exceptions to the above include the removal of diseased or damaged trees and vegetation removal required for the development of permitted uses.

(4) Standards for Surface Water Management and Erosion Control.

(a) Storm water runoff may be directed into public water bodies and drainage systems, provided that it is substantially free from silt, debris, and chemical pollutants, and only at rates that will not disturb vegetation or increase turbidity;

(b) Recontouring of areas within 300 feet landward of the bluff line will only be permitted if the developer can show that care will be taken to slow the rate of storm water runoff to levels that will not cause or exacerbate erosion problems; or

Draft 8-16-12

(c) Structures, trails, and roads shall be sited to minimize levels of pedestrian and vehicular traffic in areas where soil compaction and loss of vegetative cover can contribute to erosion problems.

11-1001.10 Guidelines for Review of Conditional use Permit Applications. The Planning Commission may grant a conditional use permit if the developer can show he has addressed the following concerns:

(1) New Construction Guidelines.

(a) Primary consideration will be given to facilities within or adjacent to existing right-of-ways and locations.

(b) Structures shall be as compatible as practical with the natural area with regard to height and width, materials used, and color.

(c) Facilities shall be located so as to avoid steep slopes.

(2) Scenic intrusions into streams, valleys, and open exposures of water.

(3) Creating tunnel vistas by, for example, building deflections into utility and transportation routes.

(4) Soils susceptible to erosion which would create sedimentation and pollution problems.

(5) Areas of unstable soils which would be subject to extensive slippage.

(6) Areas with high water tables, especially if construction requires excavation.

(7) Open space recreation areas, unless no other option, excluding the destruction of residences, is possible.

(8) Transmission Services.

(a) Primary consideration shall be given to underground placement in order to minimize aesthetic, environmental, and public safety impacts. When considering overhead placement, the proposer shall explain the economic, technological, or land characteristic factors that make underground placement feasible.

(b) If overhead placement is necessary, the crossing shall be hidden from view as much as practical.

(c) As noted above, consideration shall be given to placing services on existing right-of-ways. Joint ownership of easements to facilitate this goal is encouraged. Consideration should also be given to locating new river crossings on the North Crosstown Bridge.

(9) Transportation Facilities.

(a) Careful consideration should be given to the provision of scenic overlooks for motorists and safe pedestrian and/or bicycle pathways on new or rebuilt transportation facilities.

(b) Where possible provide access to the riverfront in public ownership and allow reasonable public use of the land between the river and transportation facility. River crossings should be designed to permit the co-development of trail corridors both on and under the crossing.

(10) Right-of-way Maintenance.

(a) If possible, natural vegetation of value to fish or wildlife which does not pose a hazard to or restrict reasonable use of the utility shall be allowed to grow in the right-of-way.

Draft 8-16-12

(b) Where vegetation has been removed, new vegetation consisting of native grasses, herbs, shrubs, and low growing trees, shall be planted and maintained on the right-of-way.

(c) Chemical control of vegetation should be avoided when practical, but where such methods are necessary, chemicals used, and the manner of their use must be in accordance with rules, regulations, and other requirements of all State and Federal agencies with authority over the use.

11-1001.11 Definitions. For purposes of this Chapter, the following definitions of terms shall apply:

(1) Bluff. Those steep slopes lying between the normal high water mark and the River Corridor boundary having a angle of ascent, proceeding landward from the river, of more than 12 percent from the horizontal.

(2) Bluff Line. A line delineating the top of a slope connecting the points at which the slope becomes less than 12 percent. More than one bluff line may be encountered proceeding landward from the river.

(3) Clear Cutting. The indiscriminate cutting down of large numbers of trees in a given area.

(4) Critical Area. The area known as the Mississippi River Corridor Critical Area designated by the Governor in the Executive Order No. 130 dated November 1976.

(5) Development. The making of any material change in the use or appearance of any structure or land including, but not limited to, a reconstruction, alteration of the size, the land, alteration of a shore or bank of the river, stream, lake, or pond; a commencement of drilling (except to obtain soil samples), mining or excavation; demolition of a structure, clearing of land as an adjunct to construction; deposit of refuse, solid or liquid waste, or fill on a parcel of land; and the dividing of land into three or more parcels.

(6) Essential Services. Means underground or overhead gas, electrical, steam, or water distribution systems, including poles, wires, mains, drains, sewer pipes, conduits, cables, and other similar equipment and accessories in conjunction therewith.

(7) Public Safety Facilities. Hydrants, fire alarm boxes, streetlights, railway crossings signals, and similar accessories including buildings.

(8) Retaining Wall. A structure utilized to hold a slope in a position in which it would not naturally remain in.

(9) Terrace. A relatively level area bordered on one or more sides by retaining walls.

(10) Utility Facility. Physical facilities of electric, telephone, telegraph, cable, television, water, sewer, solid waste, gas, and similar service operations.

(11) Wetlands. Low-lying areas which may be covered with shallow and sometimes intermittent water. They are frequently associated with a high water table. Wetlands are generally too wet for cultivation or development without artificial drainage. Swamps, bogs, marshes, potholes, wet meadows, and sloughs are wetlands.

11-1002 Northstar Office Park Overlay District

11-1002.1 Intent.

Draft 8-16-12

(1) This Chapter intends to protect the health, safety, and public welfare through the adoption of official overlay controls to preserve the historic qualities and the economic vitality of the existing ammunitions facility while ensuring that redevelopment of the district will be consistent with the City's long term vision of a business park or corporate headquarters development.

(2) The vision for this district includes a campus-like setting that encourages a planned, integrated and unified environment combining corporate and administrative offices, research and development facilities, and associated overnight accommodations and meeting spaces. Specific uses, development standards, landscaping and architectural amenities are intended to create a sense of place and an attractive environment.

(3) For future development, only mutually compatible uses shall be allowed through a combination of careful planning, innovative urban design, and coordinated public and private investment. Uses, building designs, placement of building edges, and landscaping, parking, and walkway treatments must create a neighborhood-oriented, pedestrian-friendly environment.

(4) Individual uses must be connected by a series of pedestrian sidewalks and bicycle trails, and must be compatible with the overall development theme, as exemplified by their landscape, architecture, building materials, lighting and color schemes, and infrastructure.

11-1002.2 Establishment of Northstar Office Park Overlay District.

(1) There is hereby established the Northstar Office Park Overlay District, with its attendant regulations, as a part of the zoning ordinance of the City. This District shall overlay the zoning districts presently in existence, or as amended, so that any parcel of land lying in the District shall also lie in one or more of the established underlying zoning districts.

(2) Territory within the District is subject to the requirements established in this Ordinance as well as the restrictions and requirements established by other applicable ordinances.

(3) Unless otherwise specified in this Chapter, all uses within the District are governed in accordance with the regulations for the underlying zoning district or districts. No use shall be entitled to or be issued the appropriate development permit unless that use has satisfied the additional requirements of this Chapter.

11-1002.3 Land to Which Regulations Apply; Scope of Regulations; Severability.

(1) This Chapter applies to public and private lands within the City of Coon Rapids as delineated by metes and bounds and set forth in a separate ordinance.

(2) Wherever there is a conflict between these regulations and Title 11 Sections other than 11-1101 (Floodplain Management Regulations), 11-1001 (Mississippi River Corridor Area Overlay District), those regulations control.

(3) Severability. If any section or portion of any section of this Chapter is deemed invalid or unconstitutional by a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other sections or portions of sections of this Chapter.

11-1002.4 Applicability. The regulations of this Chapter apply as follows. Nothing herein shall be construed to allow uses, structures, or changes not otherwise allowed in the underlying zoning district:

(1) The following improvements are not subject to the requirements of this Chapter:

Draft 8-16-12

(a) The construction of additional buildings of up to 6,000 square feet, to a maximum of two additional buildings for the use of propellant storage as a permitted use, and ammunitions assembly as a conditional use; or

(b) associated access and utilities required for Subsection 11-1002.4(1)(a) improvements; or

(c) reconstruction of an existing building on its existing footprint.

(2) For all other development: This Chapter applies to new development or alterations to existing development that change its use or intensity of use.

11-1002.5 Compatibility with Public Improvements Required. Site plans must demonstrate compatibility with applicable improvement, amenity, or design elements as adopted by resolution of the City Council. Such elements include, but are not limited to, sculpture, fountains, benches, lighting, signage, fencing, pavement, and landscape materials.

11-1002.6 Sign Regulations.

(1) General Requirements. Unless otherwise specified in this Chapter, the requirements of Section 11-1202 (Sign Regulations) apply. Off-premises signs are prohibited. Signs must demonstrate compatibility with associated structures and be standardized in terms of style with other approved signs on the site. Wall signs must be standardized in terms of location on building.

(2) Ground Signs.

(a) Ground signs must be designed as monument signs.

(b) Ground signs must incorporate architectural elements and materials used in the principal building.

(c) Ground sign limit: one sign per street frontage; maximum size: 100 square feet; maximum height: 15 feet, property line setback: 10 feet.

(3) Wall Signs.

(a) Wall signs must consist of individual letters incorporated into the architectural design of the building.

(b) Wall sign maximum size: 10% of the wall face to which it is attached, to a maximum of 200 square feet.

11-1002.7 Uses.

(1) Except as expressly regulated by this Chapter, existing uses maintain their legal status, as governed by the underlying zoning district, in effect immediately prior to the enactment of this District, subject to future amendment of that zoning district.

(2) Development subject to Section 11-1002.4:

(a) Permitted Uses. Corporate and administrative offices, research and development facilities, hotels, conference centers, restaurants located within a hotel or conference center.

(b) Accessory Uses. Child care centers, recreation and fitness facilities, cafeterias, health care services, financial services and similar uses may be permitted as accessory uses, provided they (1) are located wholly within the principal building, except for outdoor recreation

Draft 8-16-12

and fitness facilities, (2) are conducted primarily for the convenience of the employees of the principal use, and (3) have no exterior advertising or displays.

11-1002.8 Overlay Standards.

(1) Loading Spaces, Overhead Doors and Service Areas.

(a) Loading spaces, overhead doors and service areas must be located in designated rear yards.

(b) Loading and service areas must be separated from visitor and employee parking areas and general traffic circulation.

(c) Loading spaces, overhead doors and service areas must be designed to be compatible with the principal building. Architectural techniques, color, and landscaping must be employed to eliminate visual impacts from adjacent properties and roadways.

(d) Outdoor storage is prohibited.

(e) Materials and equipment directly related to site maintenance and safety must be stored in and completely screened by an enclosure constructed of materials compatible with the principal structure subject to an approved site plan. The structure:

i. must be located in the rear or side yards only;

ii. must be set back a minimum of 10 feet from property lines; and

iii. cannot impact emergency access, traffic flow, parking or sidewalk access.

(2) Dumpster and Refuse Enclosures.

(a) Dumpsters must be gated and completely screened using enclosures constructed of materials compatible with the principal building.

(b) Dumpster enclosures must be located in designated rear yards.

(c) Enclosures must be integrated into the design of the principal building.

(3) Exterior Building Permitted Materials: Brick; natural or cut stone; integrally colored split face (rock face), burnished, or glazed concrete masonry unit; glass, architectural metal, provided such panels are factory fabricated and finished with a durable non-fade surface and their fasteners are of a corrosion resistant design; integrally colored and exposed aggregate precast concrete panels (excluding single-T or double-T panels, plain, uncolored, or raked finished).

(4) Building Design.

(a) Public entrances must be easily identified and distinct from the remainder of the building, using architectural form, materials, colors, awnings, or canopies.

(b) Building elevations visible from a public street, trail, or sidewalk must be of a mix of materials listed in Subsection 11-1002.8(3). These elevations must not consist of more than 50 percent of any one material and must not exceed 100 feet in length without a minimum four foot depth change, such as a recess, protrusion, or combination thereof, extending the entire height of the façade.

(c) Similar materials and design must be used on all sides of a building.

(d) The building must be designed to prevent the appearance of straight unbroken lines in the vertical and horizontal planes through design techniques including, but not limited to: the use of variations in rooflines and building height, offsets in the building face, use of

Draft 8-16-12

multiple rooflines and building corners, cornice detailing, and changes in parapet elevations. Variations in building materials may be used to supplement these design techniques.

(e) Rooftop mechanical equipment must be screened from view. Screening for rooftop facilities must be incorporated into the architectural design of the building.

(f) The design must incorporate Leadership in Energy and Environmental Design (LEED) principles to achieve at least a "LEED Certified" rating.

(5) Surface Parking Areas.

(a) Parking areas, drive aisles and loading areas must be paved with curb and gutter.

(b) Parking lots must be subdivided into a collection of smaller parking areas by at least a 10 foot wide vegetated break. Each parking area must not have a capacity over 100 cars.

(c) No more than 25 parking stalls may stand in a row without a landscaped island. All parking rows must end with a landscaped island.

(d) A minimum of three percent of the parking area's interior must be landscaped.

(e) Parking lot lighting must not exceed 30 feet in height and must use 90 degree cutoff luminaries.

(f) Parking areas must be screened from adjacent streets through the use of berms and landscaping.

(6) Structured Parking.

(a) The Floor to Area Ratio may be increased from 0.75 to 0.90 when structured parking is utilized for at least 90% of the required parking spaces.

(b) Structured parking when used must be designed to be and constructed of material that is architecturally compatible with the principal building.

(7) Sidewalks and Trails.

(a) Sidewalks and/or trails according to standards on file with the City Engineer are required along all public streets.

(b) An internal comprehensive pedestrian and bicycle circulation system must be integrated with sidewalks and trails along public streets.

(8) Landscaping and Site Design.

(a) The plan for landscaping must include ground cover, bushes, shrubbery, trees, sculpture, fountains, decorative walks or other similar site design features or materials. Landscaping must adhere to the *Landscaping Standards on File with the Community Development Director* unless this Section requires a different standard.

(b) Landscaped areas must be irrigated.

(c) Landscaping and site design must incorporate the current Low Impact Development (LID) principles as published by the U.S. EPA in LID Design Manual (*Low Impact Development Design Strategies: An Integrated Design Approach*) in force at the time the application is to be approved.

(d) Foundation plantings for structures will be provided at a rate of one deciduous or evergreen shrub per one linear foot of foundation.

(9) Lighting.

Draft 8-16-12

(a) Site lighting must be designed so that it is coordinated in style, design, height, size and color with the general street lighting in the district.

(b) Full cut-off lighting must be used.

(c) Maximum pole height: 30 feet

(d) Bollard lighting (under four feet high), low wattage, garden or pathway lighting must be used for pedestrian areas.

(e) Lighting must be located and directed to avoid glare outside of property lines.

(10) Dimensional Requirements.

(a) Minimum Master Development Area Size: 75 acres

(b) Minimum Lot Size: 20 acres

(c) Minimum Floor to Area Ratio (FAR): 0.75, subject to Section 11-1002.8(6)(a)

(d) Maximum Impervious Coverage: 70%, subject to Section 11-1002.8(c)

(e) Maximum Bldg. Height: None.

(f) Building Setbacks (including parking structures)

Street right-of-way	50 feet
Side	30 feet
Rear	30 feet

(g) Paving Setbacks

Street right-of-way	20 feet
Property Line	20 feet
From Buildings	5 feet

11-1002.9 Master Plan Procedure. No development subject to Section 11-1002.4 may occur prior to the approval of a Master Plan for each development area conforming to the requirements of Subsection 11-1002.8(10)(a), and approval of individual site plans conforming to that Master Plan.

(1) The Master Plan must include the following:

(a) A drawing showing existing conditions such as property boundaries, generalized contours, site features such as wetlands and wooded areas, and surrounding land uses and development.

(b) A conceptual development plan showing proposed uses and general site data such as building locations, density, setbacks, ponding areas, parking areas and generalized screening, buffering and landscaping concepts.

(c) Generalized traffic information including maximum traffic volumes generated by the development, proposed new roadways and proposed connections and improvements to existing roads.

(d) An Elements Plan that includes lighting and street furniture, including, but not limited to, litter receptacles and benches.

(2) After a complete application for a Master Plan is received, the Planning Commission shall conduct a public hearing, in accordance with Section 11-305.4, to consider the Master Plan, and make a recommendation on the proposal to the City Council, in accordance with time requirements under Minnesota law. Upon receiving the Planning Commission's recommendation, the City Council shall approve, subject to conditions, or deny the plan.

Draft 8-16-12

(3) The findings necessary for approval of the Master Plan include, but are not limited to, the following:

(a) The Master Plan is consistent with the intent of this District.

(b) The Master Plan reflects development that

(i) is not detrimental to the public health, safety, or general welfare;

(ii) does not depreciate property values;

(iii) is not hazardous, detrimental, or disturbing to surrounding uses, or that creates pollution, vibration, general unsightliness, electrical interference, or other nuisances;

(iv) does not create traffic congestion, unsafe access, or parking needs that will cause inconvenience to adjoining properties;

(v) is served adequately by essential public services such as streets, police, fire protection, utilities, schools, and parks;

(vi) does not create excessive additional requirements at public cost for public facilities and services; and is not detrimental to the economic welfare of the City; and

(vii) causes minimal adverse environmental effects.

(c) Each phase or stage of the plan can, as an independent unit, meet the requirements of this Chapter and Title 11.

(d) The area surrounding the plan can be developed in coordination with and in substantial compatibility with the plan.

(4) The decision of the Planning Commission with respect to individual site plan review is final subject to appeal to the City Council meeting the requirements of Section 11-305.6.

11-1002.10 Dimensional and Design Flexibility Rules.

(1) Dimensional Flexibility. The Planning Commission may approve modification of one or more area or dimensional standards of an underlying district if an applicant demonstrates such modification will result in better integration of uses or additional public amenities that will further the intent of this Chapter.

(2) Design Standard Flexibility. The Planning Commission may approve an alternative approach to meeting any of the design standards in this Chapter if an applicant demonstrates such modification is necessary to respond to site conditions, will result in better integration of uses, be more energy efficient, or provide significant site amenities, buffers, and other elements to offset any potential harmful effect that could be caused by the use and will further the intent of this Chapter.

(3) Use Flexibility. Not allowed.

11-1003 River Rapids Overlay District

11-1003.1 Intent.

(1) This Chapter intends to protect the health, safety, and public welfare through the adoption of official overlay controls that encourage compact, vigorous, mixed use development, tied to a common theme that encompasses the heritage and qualities of the Mississippi River, along the Coon Rapids Boulevard corridor.

Draft 8-16-12

(2) A linear system of Ports, as regulated by Chapter 11-903, will promote clustering of commercial uses. Varied density residential development throughout the district, and especially between the Ports, will establish the level of vitality and intensity needed to support compatible retail and service uses. Especially between the Ports, uses should serve the needs of nearby neighborhoods. Development throughout the District should foster a sense of community, that is, the opportunity for people to travel comfortably throughout the District, conduct business, and meet neighbors.

(3) Only mutually compatible uses shall be allowed through a combination of careful planning, innovative urban design, and coordinated public and private investment. Uses, building designs, placement of building edges, and landscaping, parking, and walkway treatments must create a neighborhood-oriented, pedestrian-friendly environment.

(4) Ports shall be connected by a series of pedestrian sidewalks and bicycle trails, with linkages to the Mississippi River and access to public parks, exhibits, and other amenities. Each Port's theme shall be compatible with the overall district theme, as exemplified by its landscape, architecture, lighting and color schemes, infrastructure, and allowed uses.

11-1003.2 Establishment of River Rapids Overlay District.

(1) There is hereby established the River Rapids Overlay District, with its attendant regulations, as a part of the zoning ordinance of the City. This District shall overlay the zoning districts presently in existence, or as amended, so that any parcel of land lying in the District shall also lie in one or more of the established underlying zoning districts.

(2) Territory within the District shall be subject to the requirements established in this Ordinance as well as the restrictions and requirements established by other applicable ordinances.

(3) Unless otherwise specified in this Chapter or Chapter 11-903, all uses within the District shall be governed in accordance with the regulations for the underlying zoning district or districts. No use shall be entitled to or be issued the appropriate development permit unless that use has satisfied the additional requirements of this Chapter.

11-1003.3 Land to Which Regulations Apply; Scope of Regulations; Severability.

(1) This Chapter applies to public and private lands within the City of Coon Rapids as delineated by metes and bounds and set forth in a separate ordinance.

(2) Wherever there is a conflict between these regulations and Title 11 Chapters other than 11-1101 (Floodplain Management Regulations), 11-1001 (Mississippi River Corridor Area Overlay District) and 11-903 (Port Districts), these regulations control.

(3) Severability. If any section or portion of any section of this Chapter is deemed invalid or unconstitutional by a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other sections or portions of sections of this Chapter.

11-1003.4 Framework Plan Adopted. The April 2000 Coon Rapids Boulevard Framework Plan is hereby adopted as general guidance for development within the District.

11-1003.5 Applicability. The regulations of this Chapter apply to new development, and to alterations to existing development that change its use or percentage of uses, or require a building

Draft 8-16-12

permit, except that the regulations of this Chapter shall not apply to single-family dwellings zoned LDR-1 or LDR-2.

11-1003.6 Compatibility with Public Improvements Required. Site plans must demonstrate compatibility with applicable improvement, amenity, or design elements as adopted by resolution of the City Council. Such elements include, but are not limited to, sculpture, fountains, benches, lighting, signage, fencing, pavement, and landscape materials.

11-1003.7 Sign Regulations.

(1) General Requirements.

(a) Unless otherwise specified in this Chapter, the requirements of Section 11-1202 (Sign Regulations) apply.

(b) All signage that includes the River Rapids Logo must be in the same font, relative typeface size, orientation, and weight as the River Rapids Logo as approved by resolution of the City Council.

(c) Off-premises signs are prohibited.

(d) Ground signs shall be designed as monument signs, as specified under Section 11-1003.7(2).

(e) Signs must demonstrate compatibility with associated structures and be standardized in terms of style with other approved signs on the site. Wall signs must be standardized in terms of location on building.

(f) Temporary signs, in conformance with Section 11-1202.6, are permitted

(2) Monument Signs.

(a) One monument sign, limited to two faces, is allowed per property or residential development. The areas of sign base, the supporting background structure, and the sign copy shall be combined for determining the total square footage and height of the monument sign. The total allowable square footage shall not exceed 100 square feet. The base and supporting material shall constitute at least 25 percent of the total square footage. A changeable copy message board may be part of the monument sign but shall not exceed 50 percent of the area containing sign copy. The sign copy area or message board shall have a minimum clearance of 20 inches above ground level. No portion of the sign or sign structure shall exceed 10 feet above ground level. Signs shall be located a minimum of 10 feet from a public street right-of-way, except that along Coon Rapids Boulevard the minimum setback shall be 20 feet from the curb of the roadway, two feet behind a public sidewalk, or two feet from the right-of-way of Coon Rapids Boulevard, whichever places the sign farthest from the roadway.

(b) The monument sign base shall be constructed of materials similar in appearance to those of the principal structure and shall consist of brick, natural stone, stucco, textured cast stone, or integrally colored concrete masonry units. The structure surrounding the face of the sign from the base to the top of the sign must be solid, continuous, and consist of the base materials or complementary materials that match the appearance and color of the principal building.

Draft 8-16-12

(c) The 200 square feet of ground area around the base of a monument sign shall be landscaped with shrubs or perennials. Landscape material shall be selected to withstand the environmental conditions of the site and provide seasonal interest.

11-1003.8 Uses.

(1) Permitted and conditional uses are as allowed by the underlying zoning district, except as expressly regulated by this Chapter.

(2) Where the underlying zoning district is Industrial, the following uses are allowed:

Permitted Uses.

(a) Light Industrial

(b) Office uses.

(c) Public parks and their incidental structures.

(d) Research, experimental or testing laboratories.

(e) Service uses, including laundry and dry cleaning, animal hospitals, and kennels, duly licensed under Chapter 6-200, printing, blue-printing, duplicating, mailing and graphic arts.

(f) Public uses or utilities.

(g) Catalog order facilities, provided there is no direct pickup of orders by customers.

(h) Repair, servicing or parts sales businesses, except for businesses related to vehicles.

(i) State licensed day care facilities.

(j) Medical and dental clinics and laboratories.

(k) Physical fitness centers providing services and equipment such as exercise classes, including but not limited to aerobics, nautilus, weight lifting and similar apparatus, locker rooms and showers.

(l) Non-profit cultural-educational uses.

Accessory Uses.

(a) Any accessory use that is permitted in the (O) Office District.

(b) Retail sales incidental to the manufacture, processing or wholesaling of products manufactured on, processed on, or wholesaled from the premises.

(3) Varied density residential development, as regulated by this Chapter, is allowed throughout the District.

(4) Parcels zoned other than LDR-1, LDR-2, MDR, or HDR may be developed in any mix using varied density residential uses with the following permitted, conditional, and accessory uses:

(a) Permitted Uses. Office Uses; public parks and their incidental structures; public uses except public utility uses; medical and dental clinics; state licensed day care facilities; barber and beauty shops; photocopying or desktop publishing; carry-in small item repair and servicing shops, excluding repair of internal combustion engines.

(b) Conditional Uses. Retail stores except marine sales and those licensed under Title 5, provided, incidental tobacco sales subject to Title 5 are allowed; secondhand dealers or antique dealers defined in and regulated by Title 5; financial institutions; hotels or motels; mortuaries; pet grooming shops or animal hospitals where animals remain inside at all times;

Draft 8-16-12

churches; nonprofit clubs or lodges; nonprofit cultural-educational uses; private schools, hospitals, sanitariums, rest, boarding, and group homes and similar institutions; motor vehicle fuel sales and service stations provided no more than eight dispensing hoses may be operable simultaneously; and restaurants without drive-through facilities, except that no restaurant located within 100 feet, as measured from the structure or the boundary of the parking area, whichever is closer, of property zoned or used for residential purposes, including property with a mix of uses that includes residential, may provide alcoholic beverages.

(c) Accessory Uses.

(i) Motor vehicle washes attached to motor vehicle fuel sales, service stations, or convenience stores;

(ii) Low-intensity food, coffee shops, juice bars, accessible only from within the building. Uses providing alcoholic beverages are prohibited.

(5) Conditional Uses.

(a) To the extent not otherwise required by Section of 11-304.3 (Conditional Use Permit Procedures and Requirements), no conditional use permit may be granted unless the applicant demonstrates the proposed use:

(i) advances the intent of this Chapter;

(ii) will not interfere with Port Development;

(iii) allows for development of the property in an efficient, well-organized way; and

(iv) is incorporated into a plan that provides substantial site amenities, buffers, and other elements.

(b) Commercial and self-service storage facilities, adjacent to Coon Rapids Boulevard and in the General Commercial or Industrial zoning districts may be granted a conditional use permit based on the following findings:

(i) It is not feasible to install public sidewalk to serve the facility; and

(ii) The facility is screened from view from Coon Rapids Boulevard.

6) The following uses are prohibited.

(a) Quad homes.

(b) Townhouse units that share walls other than side walls.

(c) Adult-oriented businesses as regulated by Chapter 5-2200.

(d) Automobile sales lots.

(e) Motor vehicle body work or spray painting.

(f) Motor vehicle fuel sales and service stations with more than eight dispensing hoses simultaneously operable.

11-1003.9 Residential Gross Densities.

(1) Parcels up to three acres: No more than seven units per acre.

(2) Parcels three acres or larger: At least four units per acre, no more than seven units per acre.

11-1003.10 Overlay Standards.

Draft 8-16-12

(1) Underlying Zoning Application. Allowed uses shall be as governed by the standards of the underlying zoning district, except as modified by this Chapter.

(2) Computation of Percentages. Percentages, when used, are calculated as a fraction of total Floor Area per parcel or contiguous parcels in single ownership developed in an integrated way.

(3) New Access to Coon Rapids Boulevard Prohibited. New access onto Coon Rapids Boulevard is prohibited unless no practical alternative exists. The City may require access points to be removed as future development allows.

(4) Maximum Building Height. 45 feet. Buildings with two or more floors above grade are encouraged.

(5) Nonresidential Building Floor Area. Minimum, 2,000 square feet; maximum, 20,000 square feet with no single use in a building exceeding 15,000 square feet.

(6) Drive-through and Related Facilities.

(a) Drive-through windows, drop boxes, menu boards, and associated or similar structures are not permitted outside Port Districts boundaries within the Overlay District.

(b) Drive-through windows, drop boxes, menu boards, and associated or similar structures, where allowed, shall be located to the rear of the principal building, or to the side of the principal building if a rear location is not feasible, and must incorporate landscape screening, decorative fences, walls, or a combination of these elements to minimize their view from the street.

(c) These structures, including associated canopies, arcades, and roofs, shall be constructed of the same materials as and shall be integrated into the design of the principal building. Queuing spaces or areas shall not interfere with parking spaces, aisles, loading areas, internal circulation, or driveway access. Menu boards shall not be parallel to a public street or sidewalk unless screened from direct view.

(d) Systems for placing of orders shall be located and designed so that noise is not perceptible on adjacent residential properties.

(7) Building Setbacks along Roadways. Buildings shall be set back a minimum of 40 feet as measured from the curb on arterial streets without service drives and 30 feet as measured from the curb on other roadways except that in no event shall the setback be less than 22 feet from the property line abutting any roadway.

(8) Outdoor Merchandise Display. Temporary display of merchandise is permitted on a hard surface within four feet of the principal building if at least three feet of open walkway and unrestricted principal building access is maintained. “Temporary” means that merchandise is brought inside at the close of business hours or at a minimum from 12:01 a.m. to 5:00 a. m.

(9) Mixed Uses. When mixed uses are allowed, they are allowed within development and within individual buildings. In mixed use buildings, residential units, if any, shall be located above the first floor or behind nonresidential uses.

11-1003.11 Development Guidelines. Developments shall meet the following guidelines:

(1) Two Story Expression. Incorporate building treatments such as:

(a) Pitched roofs with roof dormers and gables to create a two story expression. Gables shall contain a window, trimmed vent, or similar accent element; or

Draft 8-16-12

(b) An intermediate cornice line, a change in building materials, an awning or arcade, or a change in window shape or treatment to distinguish ground and upper levels.

(2) Building Massing. Articulate building massing, using methods including, but not limited to, staggering building components, adding columns, or recessing entry areas, to create interesting shapes. Avoid long, even facades. Buildings that face each other across other than an arterial street shall be similar in scale, massing, and articulation.

(3) Facades.

(a) All Structures. Articulate building facades, in intervals that approximate the width of a residential unit or storefront, generally 20 to 30 feet, using arcades, awnings, special window reveals and frames, and unique details and ornaments. No garage doors shall face Coon Rapids Boulevard.

(b) Residential Structures. Provide more formal treatment to sides of buildings directly visible to the public; locate trash/recycling storage, play equipment, and outdoor storage adjacent to nonpublic sides; face all primary entries to the street, except that the side walls of units may face an arterial street when the size, depth, or shape of the site preclude a well designed development; face garages away from streets.

(4) Varied Roof Shapes. Provide a variety of roof shapes, including, but not limited to, pitched roofs, dormers, chimneys, gable or hip roof accents, detailed parapets, and cornices, to create interesting building profiles.

(a) Sloped roofs shall have an average roof pitch of at least one foot of rise to three feet of run, and a variety of roof slopes and overhanging eaves shall be incorporated to increase visual interest.

(b) Rooftop mechanical equipment, and headhouses for elevators and stairs, shall be concealed from public view.

(5) Focal Features. Every development or major building shall include a focal element or feature that adds interest or distinction, using techniques such as elevating parts of buildings, adding a tower, or emphasizing a prominent part of the building such as a corner or the main entry, using features including, but not limited to, canopies, porticoes, overhangs, arcades, arches, recesses and projections in the building facades, and peaked roofs or raised parapets over doors.

(6) Canopies and Awnings; Entry Treatments. Entries to principal buildings shall face the primary street; provided, where such access is unworkable, buildings may substitute for the primary street entry a focal feature facing the primary street. Corner entries may be used on corner lots. Nonresidential entries shall incorporate, and building street facades shall, where practical, incorporate, canopies and awnings to enliven the building appearance and provide a sense of shelter for pedestrians.

(7) Building Materials. Building exteriors shall use high quality materials, including, but not limited to: brick, natural stone, stucco, textured cast stone, fiber-cement siding and shingles, and integrally colored concrete masonry units. Accent materials may include metal, glass block, copper flashing, or similar materials. Exteriors may not include smooth-faced concrete block, pre-fabricated steel panels, reflective glass, or aluminum, vinyl, or fiberglass siding. At least 30 percent of facades that face a street shall be brick or natural stone.

(8) Windows and Doors. The primary street level facade of retail or office uses shall be transparent between the height of three and eight feet above grade for at least 60 percent of the

Draft 8-16-12

horizontal length of the building facade; provided, blinds or draperies may be approved where necessary. "Transparent" means the interior of the building can, from the vantage of a pedestrian, be seen into a distance of at least four feet.

(9) Outdoor Spaces. Include outdoor plazas, seating, dining, or similar areas that incorporate umbrellas and other outdoor furniture.

(10) Parking. Locate surface parking to the rear or sides of buildings unless no other arrangement is practical. Parking to the front of a building if approved shall be limited to one 60 foot wide parking bay, consisting of one drive aisle with a parking row on each side. Developments may propose shared parking arrangements in conformity with standards on file with the Community Development Director. Site plan approval may be conditioned on the provision of shared parking agreements in a recordable form approved by the City Attorney.

(11) Pedestrian Access and Circulation. Include a complete and convenient pedestrian and bicycle circulation system for access to buildings from the public right-of-way, and for on-site circulation. Nonresidential sidewalks shall be at least five feet in width.

(12) Urban Design Furniture and Amenities. Include compatible street furniture and amenities, such as benches, litter receptacles, pedestrian-scale lighting, and bicycle racks, to enhance the pedestrian environment.

(13) Screening and Landscaping. Include extensive site landscaping and foundation plantings.

(a) Landscaping shall not be used to create barriers or visual screens between uses; provided, where developments adjoin residential neighborhoods, negative impacts on those neighborhoods shall be mitigated by appropriate buffering screening or landscaping.

(b) All parking, loading, and service areas, including drive-through facilities and pump island service areas, shall include:

(i) Along Coon Rapids Boulevard, a landscaped yard located behind the sidewalk or, in the absence of a sidewalk, at least 18 feet from the curb. The landscaped yard shall be at least 22 feet wide, contain screening meeting the requirements of Section 11-1003.11(13)(b)(ii), and incorporate decorative elements according to standards on file with the Community Development Director. In other areas, a landscaped yard consistent with Section 11-1003.11(13)(b)(ii) along any adjacent public or private street, sidewalk, or property boundary.

(ii) Screening consisting of a masonry wall, fence, berm, hedge, or combination of these elements that forms a screen a minimum of three feet high, a maximum of five feet high, not less than 50 percent opaque.

(iii) One tree for each 50 linear feet of street frontage. Trees must be spaced throughout the screening area.

(iv) In parking lots containing more than 200 spaces, an additional landscaped area of at least 150 square feet for each 25 spaces or fraction thereof, containing one canopy tree per 150 square feet spaced throughout the landscaped area. The remainder shall be covered with turf grass, native grasses, or other perennial flowering plants, vines, or shrubs.

Draft 8-16-12

(v) Openings in screening for sidewalks or trails to provide access between adjacent uses.

(vi) Interior landscaping. The corners of parking lots and all other areas not used for parking or vehicular circulation shall be landscaped with turf grass, native grasses, or other perennial flowering plants, vines, shrubs, or trees, and may include architectural features such as benches, kiosks, or bicycle racks.

(vii) Irrigation. All landscaped areas shall be irrigated with an underground sprinkler system.

(14) Lighting. Incorporate accent lighting for building facades, focal points, and landscape treatments, compatible with applicable lighting district standards approved by ordinance or resolution.

(15) Fuel Pump Canopies. Where approved, the motor vehicle fuel pump canopy roof shall have the same shape, materials and color as the roof of the principal building. Canopy supports shall be enclosed in decorative masonry or metal columns.

(16) Balconies, Decks and Porches. The floors and railings of balconies, decks, and porches shall have a durable finish complementing the colors of the building or attached housing group.

(17) Entry Steps. The risers and areas under non-masonry entry steps and landings shall be enclosed with materials consistent with the exterior materials of the building or attached housing group. All surfaces of non-masonry steps and landings, including railings, shall have a durable finish complementing the colors of the building or attached housing group.

(18) Loading Spaces, Overhead Doors and Service Areas.

(a) Loading spaces, overhead doors and service areas cannot face Coon Rapids Boulevard and must be located in designated rear yards.

(b) Loading and service areas must be separated from visitor and employee parking areas and general traffic circulation.

(c) Loading spaces, overhead doors and service areas must be designed to be compatible with the principal building. Architectural techniques, color, and landscaping must be employed to eliminate visual impacts from adjacent properties and roadways.

11-1003.12 Private and Common Open Space. Residential developments shall:

(1) Clearly define all outdoor open spaces, distinguishing between those reserved for residents and those open to the public.

(2) Clearly define, using fencing, landscaping, or a combination of both, private open space such as a yard, deck, or porch whose direct access is from inside the unit.

(3) Clearly define the boundaries of private open spaces with elements such as fencing, sidewalks, and vegetation.

(4) Clearly define the boundaries and transitions between private and common open spaces.

(5) Enclose common open spaces with buildings, low fences or hedges, and paths.

(6) Provide convenient access to common open spaces and other amenities such as play equipment, seating, and tables to encourage their use.

(7) Landscape common open spaces and other amenities to provide shade, privacy, and wind protection.

Draft 8-16-12

(8) Inhibit access by nonresidents to private and common open spaces using gateways, fences, plantings, or enclosed locations.

(9) Provide opportunities for surveillance from adjacent buildings of common open spaces and other shared outdoor areas such as streets, sidewalks, and parking areas.

11-1003.13 Varied Density Residential Uses.

(1) All housing types allowed within the LDR-1, LDR-2, MDR, and HDR Districts, except quad homes.

(2) Developments in residential districts may contain up to 40 percent floor area, or 4,000 square feet, whichever is less, in any combination of the following uses:

(a) Office uses, attached to dwelling units.

(b) Businesses, without drive-throughs and attached to dwelling units, that provide services on the premises, such as photocopying, small item repair, tailoring, dry cleaning drop off and pickup, beauty shop, and barbershops.

(c) Day care centers.

(d) Restaurants or coffee shops without drive-throughs, attached to dwelling units.

11-1003.14 Varied Residential Standards. In addition to the standards found in this Chapter, the following standards apply to varied density residential developments; provided, the Planning Commission may reduce setbacks to achieve greater density and a more urban development plan where appropriate:

(1) Single-family dwellings not part of a common interest community shall comply with Chapter 11-700 except as follows:

(a) Building Height. The maximum building height shall be 45 feet for principal structures and 20 feet for accessory structures. An accessory structure shall not exceed the height of the principal building.

(b) Garage/Storage Structures and Accessory Structures. Garage/storage structures and accessory structures shall be as allowed by Section 11-603.2(6) except that each single-family dwelling is permitted only one garage/storage structure of not more than 900 square feet in area.

(c) Lot Area. The minimum lot area for a single-family dwelling shall be 6,000 square feet, except that a corner lot shall maintain a minimum of 7,200 square feet.

(d) Lot Coverage. No more than 75 percent of the lot area shall be covered by buildings, drives, and parking areas.

(e) Lot Dimensions.

(i) The minimum lot dimensions, measured in feet, shall be as follows:

Use	Width	Corner Lot Width	Depth
Single-family	50	60	100

Draft 8-16-12

(ii) A lot abutting a cul-de-sac shall have a minimum depth of 100 feet and such lot shall have a minimum 20 feet of street frontage. Lot area requirements shall be maintained.

(f) Parking and Drives. Parking and drives shall be as permitted by Section 11-603.2(7) except that no more than 25 percent of the lot area located between the structure and the front property line may be improved as driveway, and no parking areas shall be located between the structure and the front property line.

(g) Setbacks. Setbacks shall be as required by Section 11-603.2(12) except:

(i) The front and rear yard setbacks for the principal structure may be reduced by 10 feet.

(ii) A garage/storage structure shall not be located nearer to the front lot line than the rear of the principal structure.

(2) Townhouses and single-family dwellings that are part of a common interest community, shall comply with the standards for townhouses found in Section 11-604 except as follows:

(a) Building Height. The maximum building height shall be 45 feet for principal structures and 20 feet for detached accessory use structures.

(b) Lot Coverage. No more than 75 percent of the development area shall be covered by buildings, drives, and paved areas.

(c) Bulk of Townhouse Group. There shall be no more than eight townhouse units in any townhouse group, and in no event shall any townhouse group be more than 240 feet in length. Townhouse units shall share only side walls.

(d) Common Open Space. Common open space shall be as required by Section 11-604.2(5) except that the amount of common open space may be reduced to 500 square feet per unit.

(e) Setbacks. The minimum setbacks shall be as follows:

Townhouse group or single-family dwelling from:

Another principal use structure or an accessory use building	20 feet
Non-arterial street	30 feet from the curb but not less than 22 feet from the right-of-way
Arterial street	40 feet from the curb but not less than 22 feet from the right-of-way
Interior access drive	10 feet
Exterior development property line	25 feet from property not within the Overlay District, 15 feet from property within the Overlay District

Accessory Use Building from:

Draft 8-16-12

Non-arterial street	30 feet from the curb but not less than 22 feet from the right-of-way
Arterial street	40 feet from the curb but not less than 22 feet from the right-of-way
Interior access drive	10 feet
Exterior development property line	five feet for storage building of less than 900 square feet; 25 feet for other accessory structures; 15 feet if abutting nonresidential development

(3) Multiple dwellings shall comply with the standards for multiple dwellings as found in Section 11-605 and Section 11-604.5 except as follows:

(a) Maximum Building Height. 45 feet.

(b) Maximum Lot Coverage. No more than 75 percent of the development area shall be covered by buildings, drive, and paved areas.

(c) Minimum Setbacks. Minimum setbacks shall be as follows:

Principal Use Building From:

Another principal use building	25 feet, plus one foot for each one foot of height over 25 feet
Non-arterial street	30 feet from the curb but not less than 22 feet from the right-of-way
Arterial street	40 feet from the curb but not less than 22 feet from the right-of-way
CD, LDR-1, LDR-2 and MH not in Overlay District	35 feet, plus one foot for each one foot of height of the principal use building over 25 feet. If the area of the side of the principal use building facing the LDR-1 or LDR-2 District exceeds 2,000 square feet in size, the setback shall be increased by five feet of additional setback for each 500 square feet or part thereof of wall area in excess of 2,000 square feet unless screening approved by the Planning Commission is provided.
MDR and HDR not in Overlay District	25 feet, plus one foot for each one foot of height of the principal use building over 25 feet
NC not in Overlay District	25 feet

Draft 8-16-12

Other zoning districts not in Overlay District	35 feet
Other property in Overlay District	25 feet
Accessory Building From:	
Adjacent property	five feet
Principal use building	20 feet; six feet if no overlap of adjacent faces
Parking and Drives from:	
Principal use building	10 feet
Street right-of-way	20 feet
Adjacent lot	five feet; 10 feet if residential property not in Overlay District

(4) For purposes of this Chapter, a multiple dwelling is a residential structure that contains more than two dwelling units which are located such that at least one dwelling unit intrudes on the vertical airspace of another dwelling unit.

11-1003.15 Site Plan Procedure and Requirements. Site plan procedure and requirements outside Port Districts shall be regulated by Section 11-903.10, with the following exceptions:

(1) No Port Master Plan is required.

(2) The decision of the Planning Commission shall be final subject to appeal to the City Council meeting the requirements of Section 11-305.6, except as provided in Section 11-1003.15(3).

(3) Where the final plan, or the combined preliminary and final plan, contains a Use Flexibility under Section 11-1003.16(3), the Planning Commission shall make a recommendation to the City Council, which shall approve or deny the plan.

11-1003.16 Use and Standards Flexibility Rules.

(1) Dimensional Flexibility. The Planning Commission may approve modification of one or more area or dimensional standards of an underlying district if an applicant demonstrates such modification will result in better integration of uses or additional public amenities that will further the intent of this Chapter.

(2) Design Standard Flexibility. The Planning Commission may approve an alternative approach to meeting any of the design standards in this Chapter if an applicant demonstrates such modification is necessary to respond to site conditions, will result in better integration of uses, or provide significant site amenities, buffers, and other elements to offset any potential harmful effect that could be caused by the use and will further the intent of this Chapter.

(3) Use Flexibility. The Planning Commission may recommend a use, a density of use, or a mix of uses different from what is allowed upon findings that:

(a) The modification significantly advances the intent of this Chapter;

Draft 8-16-12

(b) The modification is necessary to develop the property in an efficient, well-organized way;

(c) The plan provides significant site amenities, buffers, and other elements to offset any potential harmful effects that could be caused by the use; and

(d) The use does not detract from uses in Port Districts.

Draft 8-16-12

11- 1100 Environmental District Regulations

Section 11-1101 Floodplain Management Regulations

11-1101.1 Purpose.

(1) A portion of the land within the City is subject to periodic inundation by the overflow of streams, rivers, ponds and lakes causing hazards to life and property, disruption of governmental services, extraordinary public expenditures for flood protection and relief, impairment of the tax base, and an adverse effect on the public health, safety, and general welfare. These flood losses are caused by:

(a) The cumulative effect of obstructions in floodplains which create increases in flood heights and velocities and a reduction in the natural flood retention storage capacity;

(b) Structures within flood hazard areas which are vulnerable to flood; and

(c) Structures and uses within flood hazard areas which become hazardous to other property in times of flood.

(2) The public interest necessitates that development of the floodplains be controlled to eliminate loss of life, threat to health, and economic loss. Increasing urban development upstream will produce floods of greater intensity in the future. Because of the aforementioned reasons, the City Council has determined it is the best interests of the citizens of Coon Rapids to establish floodplain management regulations to promote the public health, safety, and general welfare, and to minimize flood losses by provisions designed to:

(a) Restrict or prohibit the development or subdivision of lands for uses which are dangerous to health, safety, or property in times of flood or which, with reasonably anticipated improvements, will cause excessive increases in flood heights and/or velocities, or reduction in the natural flood retention storage capacity.

(b) Require that all proposed uses and subdivision lots have building sites, streets, and public facilities that are free from flood hazard.

(c) Protect individuals from buying and developing lands which are unsuited for development because of flood hazard by:

i. Prohibiting the development and subdivision of unprotected flood hazard lands;

ii. Requiring that flood hazard areas be delineated on final subdivision plats; and

iii. Reserving areas not suitable for development through deed restrictions.

11-1101.2 Land to Which Regulations Apply. This Chapter shall apply to all property within the boundaries of the floodway, flood fringe or general floodplain as contained in the Official Zoning Map. It shall also apply to areas adjacent to ditches and ponds that are part of the City's storm drainage facilities.

11-1101.3 Designation of Floodway, Flood Fringe, and General Floodplain.

Draft 8-16-12

(1) The water surface profile, floodways, and flood fringes within the City shall be designated on the official maps prepared by the United States Geological Survey for the City of Coon Rapids and shall be attached to and made a part of the Official Zoning Map. The Flood Insurance Study for the City of Coon Rapids prepared by the Federal Emergency Management Administration, dated March 15, 1977, and the water surface profiles, and Flood Boundary and Floodway Maps therein are attached to and made part of the Official Zoning Map and this Ordinance. Such maps shall be kept on file in the office of the City Clerk and Community Development Director for public viewing.

(2) The general floodplain shall include all unnumbered A zones as designated on the Flood Insurance Rate Maps contained in the Flood Insurance Study.

11-1101.4 Removal of Floodway and Flood Fringe Designation. The floodway and flood fringe designation on the Official Zoning Map shall not be changed unless the designation is in error or such areas are filled to at least the elevation of adjacent lands as approved by the City Council. Any changes in the floodway or flood fringe designation shall be approved by the Commissioner of Natural Resources, Federal Emergency Management Agency (FEMA) and appropriate watershed districts before such changes may be adopted. The City Engineer shall prepare a map showing the approved change in the same detail as contained in the official map prepared by the United States Geological Survey and such map, when adopted by the City Council by ordinance, shall be considered as an amendment to the official map. A copy shall be kept on file in the offices of the City Clerk and the Community Development Director for public viewing.

11-1101.5 Rules for Interpretation of Floodway and Flood Fringe Boundaries. The Boundaries of the floodway and flood fringe shall be determined by scaling distances on the Official Zoning Map. Where a conflict exists between the floodway or flood fringe limits illustrated on the Official Zoning Map and actual field conditions, the surface level of the regional flood shall be the governing factor in locating the regulatory floodplain limits.

11-1101.6 Warning and Disclaimer of Liability. These regulations do not imply that property outside of the floodplain, or development within the floodplain, shall be free from flooding or flood damage. These regulations shall not create liability on the part of the City of Coon Rapids or any officer or employee thereof for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

11-1101.7 Permitted Uses in the General Floodplain and in the Floodway. The following uses are permitted in the floodway or general floodplain, provided they are permitted uses within the zoning district in which the floodway and general floodplain are located, provided they do not obstruct flood flows or increase flood elevations, and provided they do not include structures, fill, obstructions, excavations or storage of materials or equipment.

(1) Agricultural uses - general farming, pasture, grazing, outdoor plant nurseries, truck farming, forestry, horticulture, and sod farming.

(2) Industrial or Commercial - parking areas, loading areas and airplane landing strips.

Draft 8-16-12

(3) Recreation - tennis courts, public parks, picnic grounds, ball fields, nature preserves, archery ranges, boat launching ramps, golf courses, driving ranges, recreational trails, and swimming areas but not including lodging facilities or campgrounds.

(4) Residential - lawns and gardens.

11-1101.8 Conditional Uses in the General Floodplain and in the Floodway.

(1) Structures accessory to permitted uses.

(2) Placement of fill.

(3) Extraction of sand, gravel, or other materials, including accessory structures.

(4) Marinas, docks, piers, and other water control structures, including accessory structures.

(5) Railroads, streets, bridges, pipelines, and utility transmission lines including accessory structures.

(6) Any use permitted under Section 11-1101.7 which is a conditional use in the zoning district in which the floodway or general floodplain is located.

(7) Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures.

(8) Levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 10 year frequency flood event.

(9) Parking areas for non-residential uses that would be inundated to a depth of one foot or less and the flood velocity upon occurrence of the regional flood would be more than four feet per second, or that would be inundated to a depth of more than one foot, provided in either case the following conditions are satisfied:

(a) The property was a separate lot of record as of June 1, 1992;

(b) The parking area is required to make reasonable use of the property;

(c) Elevating the parking area on fill is not possible because the resulting increase in flood elevation cannot be mitigated;

(d) Such areas shall be used only for the parking of employee and company vehicles that can move under their own power;

(e) The vehicles can be removed from the area within the time available after a flood warning.

11-1101.9 Permitted Uses in the Flood Fringe.

(1) Any permitted use within the zoning district in which the flood fringe is located.

11-1101.10 Conditional Uses in the Flood Fringe.

(1) Any conditional use within the zoning district in which the flood fringe is located.

(2) Any non-residential principal structure for which floodproofing to the FP-1 or FP-2 standards as defined in the Minnesota State Building Code is proposed in lieu of elevating to the flood protection elevation.

Draft 8-16-12

11-1101.11 Prohibited Uses in the Floodplain.

(1) The disposal of any solid waste that is potentially injurious to human, animal, or plant life, is prohibited within the floodplain.

(2) Community-wide structural works for flood control intended to remove areas from the floodplain shall not be allowed in the floodway.

(3) Campgrounds and lodging facilities shall not be allowed in the floodplain.

11-1101.12 Nonconforming Uses in Floodplains.

(1) Floodway Uses. A nonconforming use within the floodway may be continued, provided that it shall not be expanded, changed, enlarged, or altered in a way which increases its nonconformity.

(2) Flood Fringe Uses. A nonconforming use within the flood fringe may be continued, provided that any expansion, change, enlargement, alteration, or modification is in conformance with the provisions of this Chapter.

(3) Structural Alterations and Additions. The cumulative cost of structural alterations and additions made after June 1, 1992, shall not exceed 50 percent of the market value of the structure unless the standards for new structures are met. The cost of structural alterations shall be calculated at current cost and include the value of all materials and labor.

11-1101.13 District Standards. In addition to the district standards for the zoning district in which the floodplain is located the following district standards shall apply. In the event of a conflict between the zoning district standards and these standards, the more stringent standard shall apply.

(1) Access All developments shall have at least one means of ingress and egress that is at or above the flood protection elevation.

(2) Building Elevation.

(a) Principal Structures. Unless floodproofing pursuant to subsection 11-1101.10(2) has been approved, principal structures (including mobile homes) and campsites shall be constructed on fill so that the lowest floor elevation or grade elevation under a crawl space is at or above the flood protection elevation. The area surrounding a structure shall be filled to or above one foot below the flood protection elevation for a minimum of 15 feet beyond the limits of such structure.

(b) Accessory Structures. Accessory structures shall be floodproofed or constructed on fill so that the lowest floor elevation or grade elevation under a crawl space is at or above the flood protection elevation. The area surrounding a structure shall be filled to or above one foot below the flood protection elevation for a minimum of 15 feet beyond the limits of such structure. Accessory structures that are not elevated above the flood protection elevation shall:

i. Have a low flood damage potential;

ii. Be constructed and placed so as to offer the minimum obstruction to the flow of floodwaters, whenever possible, having the longitudinal axis parallel to the direction of flood flow and as far as practical being placed approximately on the same flood flow lines as those of adjoining structures;

Draft 8-16-12

iii. Be firmly anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls;

iv. Not be intended for human habitation;

v. Be structurally dry floodproofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be floodproofed to the FP-3 or FP-4 flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size and is not necessary to meet the minimum standards for the zoning district in which it is located.

vi. Any mechanical and utility equipment must be elevated to or above the Flood Protection Elevation or properly floodproofed.

(3) Maximum Flood Water Increase. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses allowed as a conditional use within the floodplain shall cause any increase in the water surface elevation of regional flood or cause an increase in flood damages in the reach or reaches affected. Areas filled must be mitigated by creating compensating volume storage at a one to one ratio such that there would be no net affect on the 100 year flood level.

(4) Parking, Driveways and Loading Facilities.

(a) Residential uses. Parking, driveways, and loading facilities accessory to residential uses, including residential institutions, shall be elevated to at least six inches above the flood elevation.

(b) Non-residential uses. Parking, driveways, and loading facilities accessory to other uses shall be elevated to at least six inches above the flood elevation unless either the parking area would be inundated to a depth of one foot or less and the flood velocity upon occurrence of the regional flood would be four feet per second or less, or a conditional use permit is granted as provided in Section 11-1101.8(9).

If the parking area would be subject to flood velocities greater than four feet per second or would be inundated to a depth of more than one foot, a warning and evacuation plan approved by the City Council shall be required, in addition to the conditional use permit.

(5) Sanitary Sewer, Water, and Public Utilities and Facilities.

(a) Public Utilities. Sanitary sewer structures, water main valve box tops and other public utilities and facilities located at ground surface in floodplain areas shall be elevated to the flood protection elevation or floodproofed in accordance with the State Building Code.

(b) Private sewer and water systems. New or replacement on-site sanitary sewer and water facilities in floodplain areas shall be designed to eliminate infiltration of flood waters into them and discharges from them into flood waters.

(6) Storage of Materials and Equipment. The storage or processing of materials that are buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited within the floodplain. The storage of any materials or equipment shall be elevated on fill to the flood protection elevation.

Draft 8-16-12

(7) Streets. All streets within a floodplain area shall be at or above the flood protection elevation. Fill may be used to raise streets to such levels; however, such fill shall not restrict the flow of water so as to unduly increase flood heights.

(8) Erosion Control. Fill, dredge spoil, and all other similar materials deposited or stored in the floodplain shall be properly compacted and protected from erosion by vegetative cover, mulching, riprap or other method acceptable to the Zoning Administrator.

11-1101.14 Enforcement.

(1) The Zoning Administrator shall administer and enforce these regulations.

(2) Any violation of these regulations within the floodplain which would increase the level of the 100 year flood or would interfere with the ability of the floodway to convey the 100 year flood is hereby declared to be a nuisance and may be abated according to Chapter 8-1100.

(3) If the structure and/or use is under construction or development the Zoning Administrator may order the construction or development immediately halted until the proper permits or approvals are obtained.

(4) If the structure and/or use is completed the Zoning Administrator may order the premises vacated until the proper permits or approvals are obtained.

(5) The Zoning Administrator shall notify the Commissioner of Natural Resources and the Federal Emergency Management Agency of the violations and the corrective action taken.

11-1101.15 Record of First Floor Elevations. The Zoning Administrator shall maintain a record of the elevation of the first floor, including basement, of all new structures or additions to existing structures in the floodplain areas. The Zoning Administrator shall also maintain a record of the elevations to which structures or additions to structures are floodproofed.

11-1101.16 Certificate of Zoning Compliance for New, Altered, or Non-conforming Uses. It shall be unlawful to use, occupy, or permit the use of any building or premises, or part thereof, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its uses or structure until a Certificate of Zoning Compliance shall have been issued therefor by the Zoning Administrator stating that the use of the building or land conforms to the requirements of these regulations. Before such certificate is issued, a statement shall be submitted to the Zoning Administrator by a registered professional engineer or land surveyor indicating that the finished fill and building floor elevations or other flood protection measures are in compliance with these Floodplain Management provisions.

11-1101.17 State and Federal Permits. Prior to granting a building permit or processing an application for a conditional use permit or variance, the Zoning Administrator shall determine that the applicant has obtained all necessary State, Federal and watershed permits.

11-1101.18 Rules and Procedures for Subdivision, Conditional Use Permit, and Variance Requests. Requests for subdivisions, conditional use permits, and variances shall be subject to the same rules and procedures as requests in areas not located in a floodplain, except as provided below:

(1) Subdivisions.

Draft 8-16-12

(a) The application for a subdivision of lands where buildable lots are to be created within the floodplain shall contain the following information in addition to normally required subdivision requirements: A plan showing the elevation of streets, drives and building lots, grading plans, including methods to protect utility installations from flood hazard, proposed floodproofing, fill, levees, channel modifications, and other methods to overcome flood or erosion hazard, designation of all land to be reserved or dedicated for open space or recreational use, identification of floodway and flood fringe areas, flood protection elevation, draft of restrictive covenants to be filed with the final plat that provide that the floodplain area be left substantially in the same state as shown on the plat, establish streets and roads, and require that any additions or modifications to these facilities be in conformance with the City's Floodplain Management Regulations. It is the developer's responsibility to obtain a LOMR-F from FEMA and a watershed permit prior to final plat approval.

(b) Approval of a subdivision within a floodplain may be made subject to any conditions and assurances, guaranteed by a security agreement in the amount of 150 percent of the estimated cost of proposed improvements, that the City Council may deem necessary to substantially secure the intent and purpose of these regulations.

(2) Conditional Use Permits and Variances.

(a) The application for conditional use permits and variances for property located in a floodplain shall contain the following information in addition to normally required use permit and variance requirements: A plan indicating the proposed elevation of buildings and structures; material storage locations; grading of site; utility plans, including methods to protect utility installations from flood hazard, proposed flood proofing, fill, levees, channel modifications, and other methods to overcome flood or erosion hazard; and identification of floodway and flood fringe areas.

(b) A notice of public hearing as well as a copy of the application for a conditional use permit or variance within a floodplain area shall be submitted to the Commissioner of Natural Resources in order to provide the Commissioner with at least 10 days notice of the hearing.

(c) A copy of all decisions granting conditional use permits or variances within floodplain areas shall be forwarded to the Commissioner of Natural Resources within 10 days of such action.

(d) No variance shall permit a lower degree of flood protection than the flood protection elevation for the particular area or permit standards lower than those required by State law.

(e) Prior to issuance of a conditional use permit for property within a general floodplain the floodway, flood fringe, and flood protection elevation shall be determined pursuant to Minnesota Regulations 1983, Parts 6120.5000 through 6120.6200 and the Official Zoning Map amended to include these elevations.

(f) In addition to the Standards for Conditional uses found in Section 11-304.3, the Planning Commission or City Council shall consider the following when reviewing a conditional use permit in the floodplain:

Draft 8-16-12

i. The danger to life and property due to increased flood heights or velocities caused by encroachments.

ii. The danger that materials may be swept into other lands or downstream to the injury of others or they may block bridges, culverts, or other hydraulic structures.

iii. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

iv. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

v. The importance of the services provided by the proposed facility to the community.

vi. The requirements of the facility for a waterfront location.

vii. The availability of alternative locations not subject to flooding for the proposed use.

viii. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

ix. The safety of access to the property in times of flood for ordinary and emergency vehicles.

x. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

xi. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

xii. Other such factors which are relevant to the purposes of this Ordinance.

11-1102 Wetland Management Regulations

11-1102.1 Purpose. The purpose of these regulations is to achieve the policies described in the City's Wetland Management Plan relating to the protection and management of wetlands.

11-1102.2 Administration. The City Council hereby designates the Director of Public Services as the Administrator of these regulations. The City of Coon Rapids is the Local Government Unit (LGU) for the Wetland Conservation Act (WCA).

11-1102.3 Definitions. For the purpose of this Title the following definitions apply:

(1) Buffer. An upland area covered with natural vegetation (preferably native vegetation) that experienced little to no human impact such as mowing or fertilizer application.

(2) Best Management Practices (BMPs). Guidance and design criteria for storm water management facilities contained within the Minnesota Pollution Control Agency's publication entitled, "Protecting Water Quality in Urban Areas", dated March 2000 and as amended.

(3) City Wetland Management Plan Map. This map was developed as part of the Wetland Management Plan and shows the general locations of wetlands within the City. While an attempt was made to locate all wetlands within the City, omission of a wetland from this map does not exclude that wetland from this regulation.

Draft 8-16-12

(4) Minnesota Department of Natural Resources ("DNR") Protected Waters/Wetlands. Those water bodies that the Minnesota Department of Natural Resources has jurisdiction over up to the Ordinary High Water Level as noted on the DNR Protected Water and Wetland Inventory Map.

(5) Growing Season. The portion of the year when soil temperatures are above biologic zero in the upper part. In the Metro Area, the growing season is generally between April 21 and October 15.

(6) High Water Level (HWL). The 100-year water elevation of a water body determined by a hydrologic/hydraulic model.

(7) New Wetland Credit (NWC). Wetland replacement credit that can be used for any portion of wetland replacement as specified in the Wetland Conservation Act, as amended.

(8) Normal Water Level (NWL). The water elevation of the water body at the lowest controlling elevation as determined by an outlet structure, pump, etc. The Normal Water Level does not reflect the lowest elevation that may be attained naturally by infiltration, evaporation, or transpiration.

(9) Public Value Credit (PVC). The wetland replacement credit that can only be used for the portion of wetland replacement required above a 1:1 ratio.

(10) Sequencing. A five-step process outlined in the Wetland Conservation Act that evaluates the necessity of a project's impact on a wetland.

(11) Technical Evaluation Panel (TEP). A panel consisting of the Local Government Unit, the local Board of Water and Soil Resources board conservationist, a member of the Soil and Water Conservation District. This panel provides technical wetland support to the Local Government Unit.

(12) Wetland. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface of the land is covered by shallow water. See also Minnesota Rules 8420.0110, Subp. 52.

11-1102.4 Wetland Management.

(1) Boundaries. This regulation shall apply to those areas which are defined as jurisdictional wetland as per the *1987 Manual for Delineating and Identifying Jurisdictional Wetlands*. These areas are shown in general on the City's Wetland Management Plan map. This map also shows the management classifications for each wetland that pertain to this regulation.

These areas shall be field identified by the applicant's trained wetland professional and reviewed for accuracy by the Administrator if work is proposed within or adjacent to the wetland. The presence or absence of a wetland on the City's Wetland Management Plan map does not represent a definitive determination as to whether a wetland covered by this regulation is present or not. It is the responsibility of the applicant to determine whether a wetland exists on a subject property.

(2) Application. The applicant shall submit the Minnesota Local/State/Federal Application Forms for Water/Wetland Projects to the Administrator for approval prior to any work that will impact wetlands. The Administrator shall follow the review timelines and notice requirements as outlined in the Wetland Conservation Act as set forth in Minnesota Rules Chapter 8420, as amended.

(3) Wetland Regulations. The Wetland Conservation Act, as amended, and the rules implementing the Wetland Conservation Act as set forth in Minnesota Rules Chapter 8420, as amended, are incorporated as part of these regulations and shall govern draining, filling, and dredging in wetlands.

Draft 8-16-12

Where the City's Wetland Management Plan deviates from the Wetland Conservation Act, the Wetland Management Plan shall apply.

(4) Wetland Management. Wetlands within the City shall be managed as outlined below:

(a) Wetland Buffers. Average buffer zones with a minimum buffer width of 15 feet around existing wetlands will be required for all new or redevelopment as follows:

Preserve:	40 feet
Manage 1:	25 feet for wetlands less than two acres 35 feet for wetlands larger than two acres
Manage 2:	15 feet for wetlands less than two acres 25 feet for wetlands larger than two acres
Manage 3:	15 feet
Restore:	25 feet
Storm Ponds:	15 feet

These buffer zones will be platted as easements and marked with monumentation. Public trails or sidewalks that are a maximum of 10 feet in width can be included within the buffer provided the designated buffer width is maintained. Private access to a water body will be allowed provided that the dock or access is no more than 30 feet wide along the shoreline or one-half the width of the lot, whichever is less. Public water body access is not regulated by this ordinance. Storm water ponds are allowed within the buffer. A buffer commensurate with the width required for the wetland impacted is also required around newly created wetland mitigation sites.

If the applicant believes that implementation of the buffer is a hardship, the applicant may apply for a variance in accordance with Section 11-304.9.

(b) Storm Water Management. Storm water runoff directed to the wetlands will be required to be managed as follows and as outlined in the Comprehensive Storm Water Management Plan:

Preserve: Maintenance of existing bounce for a 10-year storm if feasible; Pretreatment for sediment and nutrients.

Manage 1: Limit bounce to existing plus 0.5 ft for 10-year storm if feasible. Pretreatment for sediment and nutrients

Manage 2: Limit bounce to existing level plus 1.0 ft for 10-year storm if feasible. Pretreatment for sediment and nutrients.

Manage 3: No limit on bounce. Can be used for storm water management and treatment

Restore: Limit bounce to existing level plus 1.0 ft for a 10-year storm if feasible. Pretreatment for sediment and nutrients.

Storm Ponds: Use for storm water management

If the applicant believes that implementation of the buffer is a hardship, the applicant may apply for a variance in accordance with Section 11-304.9.

(c) Wetland Sequencing. Sequencing for the different management classifications will be as follows:

Draft 8-16-12

Preserve: Impacts allowed only under extreme hardship. Sequencing must be in conformance with the WCA. .

Manage 1: Sequencing in conformance with WCA

Manage 2: Sequencing in conformance with WCA.

Manage 3: Significant sequencing flexibility provided.

Restore: Sequencing in conformance with WCA.

Storm Ponds: No sequencing required as storm ponds not within the jurisdiction of the WCA.

(d) Wetland Mitigation Requirements. Wetland mitigation for unavoidable impacts is required as described below. Actions eligible for wetland mitigation credit are outlined within the Wetland Conservation Act.

Preserve: Replacement at 3:1 ratio with 1.5 acres of NWC minimum and 1.5 acres of PVC maximum.

Manage 1: 2:1 with 1 acre of NWC minimum and 1 acre of PVC maximum.

Manage 2: 2:1 with 1 acre of NWC minimum and 1 acre of PVC maximum.

Manage 3: 2:1 with 1 acre of NWC minimum and 1 acre of PVC maximum.

Restore: 2:1 with 1 acre of NWC minimum and 1 acre of PVC maximum.

Storm Ponds: No mitigation required.

Mitigation for passive recreation projects such as trails, scenic overlooks, and benches will be at a 1:1 ratio with 0.5 acres of NWC minimum and 0.5 acres of PVC maximum for every acre of impacted wetland. The City will maintain an overall 2:1 ratio of mitigation in the City as outlined in the Wetland Management Plan.

11-1102.5 Exemptions. Those exemptions outlined in the Wetland Conservation Act as set forth in Minnesota Rules Chapter 8420.0122 are exempt from this Section.

11-1102.6 Performance Bond Required. If an Application includes wetland or buffer strip alteration, the Applicant must file with the Administrator prior to release of the final plat, or if there is no plat involved, prior to the first building permit for the subject property, a performance bond, cash escrow, or letter of credit, surety, or other guarantee acceptable to the Administrator and in an amount determined by the Administrator.

11-1102.7 Appeals and Enforcement.

(1) Enforcement. Enforcement of the Wetland Conservation Act shall be in accordance with Minnesota Rules 8420.1070.

(2) Appeals. The management classification of a wetland can be appealed by the landowner, project proposer, or other interested party. This appeal must be submitted to the Administrator in writing and include documentation supporting the reasons for placing a wetland into a

Draft 3-16-12

different management category. This written appeal must be submitted to the Administrator prior to or along with the wetland impact permit application. A fee will be required for each wetland being appealed. The appeal will be reviewed by City Staff and the Technical Evaluation Panel. A decision will be made regarding the appeal within 60 days of receipt of the appropriate documentation. If the appeal is submitting outside of the growing season, the decision will be made 60 days after the start of the growing season.

11-1103 Mining and Land Reclamation

11-1103.1 Permit Required. It is unlawful for any person to remove, store, fill, or excavate rock, sand, dirt, gravel, clay, black dirt, peat, or similar material in the amount of up to 1,000 cubic yards without obtaining a mining permit from the City, nor more than 1,000 cubic yards without first having obtained a conditional use permit through the required procedure.

11-1103.2 Exceptions. This Chapter does not apply to:

(1) The excavation, removal, or storage of rock, sand, dirt, gravel, clay, black dirt, peat, or other like material for the purpose of compliance with a grading plan approved as part of a subdivision plat or site plan, or for the purpose of the yard, accessory structure, foundation, or basement of a building in the process of being erected, built, or placed thereon contemporaneously with, or immediately following, such excavation, removal, or storage.

(2) Grading in an isolated, self contained area, provided there is no danger to the public, and that such grading will not adversely affect adjoining properties.

(3) The excavation, removal, or storage of rock, sand, dirt, gravel, clay, black dirt, peat, or other like material by a public agency incidental to the construction or maintenance of streets or utilities.

11-1103.3 Application. Application for a mining or conditional use permit will be made in writing to the Director on such form as the Director may designate and must include such information as may be required, including, but not limited to, the following:

(1) The signature and address of the applicant and owner of the land.

(2) The correct legal description of the premises from which the storage, removal, or excavation of rock, sand, dirt, gravel, clay, black dirt, peat, or similar materials shall occur.

(3) The purpose of the removal, storage, or excavation.

(4) The estimated time required to complete the removal, storage, or excavation.

(5) The public rights-of-way within the City upon which the material excavated or removed shall be transported.

(6) A map of the proposed excavation, the proposed finished elevations, and the land uses within 100 feet of the site.

11-1103.4 Mining Standards.

(1) Fencing. Any pit or excavation that constitutes a danger or safety hazard must be enclosed by a fence or equivalent barrier of at least six feet in height.

Draft 8-16-12

(2) Banks. The banks of any pit or excavation must be sloped to prevent sliding or caving of banks.

(3) Drainage. Any pit or excavation must be so drained that it will not collect stagnant water.

(4) Streets or Drives. Dust must be controlled on interior drives or streets so that it does not annoy other people.

(5) Rehabilitation Plan. Upon completion of the removal, storage, or excavation of material, the site must be rehabilitated to the following minimum standards:

(a) The banks of all excavation sites must be sloped at a grade of not less than two feet horizontal to one foot vertical. This slope must be maintained 20 feet beyond the water line, if water exists.

(b) The finished grade of all excavation sites must not adversely affect the surrounding land or the development of the site on which the excavating is being conducted.

(c) Soil banks must be graded to ground level.

(d) All banks and extracted areas must be covered with at least four inches of black dirt and seeded with grass.

(e) All excavation below the water table must be backfilled with non-noxious solid material to at least two feet above the water table. If the applicant can show that leaving the excavation as a permanent lake can serve a useful purpose to the development of the site or surrounding area, the applicant may be permitted to create such lake, provided that the lake has a flow of water through it to prevent stagnation of the water.

(6) Time Period. A permit issued by the Director or Planning Commission for mining is valid for a period up to one year, with renewal permitted for subsequent one year periods.

(7) Security Agreement. The applicant must submit security bond, cash escrow, or irrevocable letter of credit, in such form and sum as the City may require, conditioned to pay the City the cost and expense of repairing any public right-of-ways made necessary by the special burden resulting from hauling and transporting thereon by the applicant in the removal of rock, sand, dirt, gravel, clay, black dirt, peat, or other like material and conditioned further to comply with all the requirements of this Chapter and the particular mining or conditional use permit and to save the City free and harmless from any and all suits or claims for damages resulting from the negligent excavation, removal, or storage of rock, sand, dirt, gravel, clay, black dirt, peat, or similar material within the City. The security agreement must contain a clause indicating that cancellation shall only be by written release by the City of Coon Rapids.

11-1103.5 Land Reclamation Permit. The reclaiming of land by depositing of material so as to elevate the grade is permitted only after issuance of a land reclamation permit. Such permit is required in all districts on any lot or parcel upon which 200 cubic yards or more of fill is to be deposited for land reclamation. Such permits may be issued by the Director for deposits of up to 1,000 cubic yards of fill. Deposits of over 1,000 cubic yards must be processed as conditional use permits.

11-1103.6 Conditions of Permit. The permit must include as a condition thereof a finished grading plan which will not adversely affect adjacent land, and as a condition thereof must regulate the type of

Draft 8-16-12

fill permitted, plans for the general maintenance of the site and adjacent area, and make provision for control of material dispersed from wind or hauling material to the site. All filled areas must be covered with a minimum of four inches of black dirt and seeded with grass. The use of solid waste materials as fill is subject to the provisions of Section 11-1206.1(11).

The City may require a security agreement as a condition of the land reclamation permit in accordance with Section 11-1103.4(7).

Draft 8-16-12

11-1200 General District Standards

11-1200.1 Compliance.

(1) All future development will be required to meet the standards of this Chapter. These standards also apply to existing development where so stated. No structure can be erected, substantially altered, or its use changed unless in compliance with the provisions of this Chapter.

(2) No property can be used in a manner that violates the standards of this chapter.

(3) Violation of these standards will be determined by the Director, the Chief Building Official, or the City Engineer and will be processed pursuant to Section 11-307.

In matters where technical complexity or great expense makes it difficult to determine if a violation has occurred, the City may retain the necessary personnel to make a determination of the existence of the violation. If a violation is found, the cost of the determination must be paid by the violator, in addition to such penalties as may be appropriate.

(4) No building permit will be approved for any structure at the end of a street which would impede the further extension of such street. This provision applies only to dead-end streets and streets possessing temporary cul-de-sacs. It does not apply to permanent cul-de-sacs.

11-1201 Design Standards for Parking, Driving, Loading, and Open Storage Areas Accessory to Institutional, Commercial, Industrial, Townhouse, Mobile Home, and Multiple Dwelling Uses

11-1201.1 Location.

(1) Each use must, at a minimum, provide the number of parking, loading, and stacking spaces required in Sections 11-1201.7 and 11-1201.9. Such spaces must be located:

(a) On the same lot or tax parcel or within the same common interest community as the use they serve, or

(b) On an adjoining lot or tax parcel to the use they serve, provided:

i. The parking area serves more than one use,

ii. No public street separates the parking spaces and the uses, and

iii. A recorded legal instrument, approved by the City Attorney, provides for the perpetual joint use and maintenance of the parking area.

(2) Spaces on a public street may not be counted toward the minimum requirements.

11-1201.2 Access and Driveways.

(1) No parking or loading space can directly access a public street. All parking, driving, open storage, and loading areas must be designed so that any vehicle entering or leaving such areas is traveling forward. Driveways must be located so any vehicle entering or leaving a parking, open storage, or loading area is clearly visible to oncoming motorists or pedestrians.

(2) The maximum driveway width within the boulevard is 36 feet in an Industrial District and 30 feet in all other districts and a minimum width within the boulevard is 14 feet for one-way traffic, and 24 feet for two-way traffic, all excluding entrance radii.

(3) Notwithstanding Section 11-1201.(1) and (2), a design may allow vehicles leaving tandem parking spaces or attached garage spaces accessory to dwelling units to back onto a public

Draft 8-16-12

street other than a Principal, A Minor or B Minor Arterial public street. Driveways for such parking spaces must have a minimum width within the boulevard of 10 feet per garage to a maximum of 48 feet per driveway, both excluding the entrance radii.

11-1201.3 Circulation.

(1) Parking, driving, open storage areas, and loading and street approaches must be designed to preclude traffic congestion and promote the safe and efficient movement of vehicular and pedestrian traffic on and adjacent to the site. Drives must allow continuous circulation within the paved area. Truck traffic, and other traffic must unless no other arrangement is possible, be excluded from residential streets. Within the site, service traffic must be separated from customer traffic.

(2) Parking and loading areas must be designed so that vehicles are parked in an orderly pattern. All parking and loading spaces must be striped. The design must include traffic safety islands, barriers, planting strips, signs, markings, or other methods of traffic control as necessary for vehicular and pedestrian safety. Fire lanes must be installed and marked as required by the Fire Chief.

11-1201.4 Paving. All parking, driving, loading, and open storage areas must be paved in accordance with specifications on file in the office of the Chief Building Official. The paved areas must be designed to prevent any damage to adjacent properties by surface water runoff and to minimize the amount of paved area on a site. Pavement may be deleted on any portion of an open storage area which is used for the storage of heavy equipment that would damage pavement.

11-1201.5 Curbing.

(1) Concrete curb or curb and gutter must be used around the entire perimeter of the paved areas required under Section 11-1201.4 and around any traffic safety or landscape islands. Bituminous curb may be substituted for concrete curb for those portions of the perimeter where expansion of the paved area will occur. Curb may be deleted for low use portions of parking and driving areas for quads, townhouses, multiple dwellings, and public utility buildings. All dimensions including, but not limited to, setbacks, driveway widths, and parking space widths must be measured from the face of the curb, not the back of the curb.

(2) Notwithstanding 11-1201.5, concrete curb and gutter must be used where a gutter is required for drainage purposes.

(3) A sidewalk may be substituted for a curb when the parking lot directly abuts the sidewalk and the grade of the sidewalk is at least six inches above the grade of the paved area.

(4) Curbs or curb and gutter must be constructed according to standards on file in the office of the Chief Building Official.

(5) Curb and gutter may be waived with a City Engineer approved Low Impact Design (LID) stormwater management plan.

(6) Notwithstanding 11-1201.5(1), upon approval of the Planning Commission a fence may be substituted for a curb if all of the following conditions are met:

(a) The area enclosed by the fence is used solely for the storage of vehicles or other items in conjunction with a commercial, industrial or institutional use.

(b) The entire area used for storage is enclosed by fence or building.

Draft 8-16-17

(c) The enclosed area is located in the side or rear yard of the principal structure.

(d) The enclosed area is not used for the parking of customer or employee vehicles.

(e) The fence is at least 80 percent opaque, is at least six feet in height and is constructed of masonry, cedar, redwood, treated lumber or other durable material approved in advance by the City.

(f) The fence shall be located no more than 12 inches from the edge of the paved area.

(g) Gates meeting the same requirements as a fence are provided at all openings in the enclosure. Gates will be open only to permit the passage of vehicles, other items or individuals into or out of the enclosure in conjunction with the operation of the use. Gates must remain closed at all other times.

(h) Curb and gutter is not required for drainage purposes.

(i) Curb is not required to protect landscaping from snow removal operations.

(j) Movement of vehicles and other items within or into the fenced area is restricted to employees of the use or of delivery services for the use.

(k) Such other conditions as the Planning Commission may determine are reasonably necessary to meet the intent of this Code.

(l) Upon the failure of any party to conform to the conditions provided for herein, the Planning Commission may amend or revoke its approval. Any party whose approval has been revoked by the Planning Commission will be subject to the provisions of Section 11-1201.5(1). Any person aggrieved by the decision of the Planning Commission may appeal that decision to the City Council in the same manner as an appeal from an application for Conditional Use Permit under Section 11-305.6.

11-1201.6 Lighting. Parking, loading, and stacking spaces must be illuminated to a minimum level of one footcandle at ground level over the entire surface of the paved area, provided that additional lighting may be required as necessary for safety and security.

11-1201.7 Stall, Aisle, Stacking and Loading Space Dimensions. Stall, aisle, stacking and loading spaces must be constructed to the following minimum specifications:

(1) Standard Parking Stalls.

				Bay Width	
Parking Angle	Stall Width (Including Striping)	Stall Length	Aisle Width	Interlock to Interlock	Wall to Wall
90 degrees	nine feet	20 feet	24 feet	64 feet	64 feet
60 degrees	nine feet	20 feet	16 feet	55.5 feet	60 feet
45 degrees	nine feet	20 feet	16 feet	50.5 feet	57 feet
Parallel	eight feet	22 feet	12 feet (one way) 24 feet (two way)	n/a	n/a
Tandem	eight feet	25 feet	24 feet	n/a	n/a

Stall length for 90, 60, and 45 degree angles parking stalls may be reduced by the amount of the curb overhang up to a maximum of two feet.

Draft 8-16-12

(2) Accessible Parking Stalls. Accessible parking spaces must be provided according to Chapter 1341 of Minnesota Rules (the Minnesota Accessibility Code).

(3) Off-Street Loading or Stacking Space. An off-street loading or stacking space must be a minimum of 12 feet wide, 50 feet long and 15 feet high, unless the maximum size of trucks used does not necessitate such space.

(4) Drive-Thru Stacking Space. A stacking space shall be a minimum of 12 feet wide and 20 feet long.

11-1201.8 Private Streets. Private streets must be a minimum of 24 feet wide when intended for two-way traffic and 14 feet wide when intended for one-way traffic.

11-1201.9 Minimum Number of Parking Spaces Required.

Parking Requirements

Residential Uses	
Single family detached dwelling	3 spaces
Two-family dwellings	3 spaces per unit
Townhouses	2.5 spaces per unit
Multiple family dwellings	2.25 spaces per unit;
Mobile homes	2.5 spaces per dwelling
Nursing homes and assisted living	1.2 spaces per unit
Boarding Homes	1 space per room plus 2 spaces

Retail Sales and Service	
General retail sales	1 space per 250 sf of floor area
Banks and financial institutions	1 space per 300 sf of floor area
Building material sales	200 spaces for bldg. 50,000 to 130,000 sf
Greenhouse, lawn and garden supply store	8 + 1/800sf over 1,000 sf
Personal service establishment	2 spaces per chair or tanning bed or 1 per 300 sf of floor area
Service Business	1 space per 300 sf of floor area
Daycare facility	1 space per 5 students
Self service storage	30 foot wide drive aisles plus one employee space
Furniture store/retail showroom	1 space per 1000 sf of floor area

Draft 2-16-12

Automobile Services	
Vehicle repair	4 spaces plus 2 per stall
Vehicle sales	6 spaces plus 1per 500 sf over 1,000 sf
Convenience store	12 spaces plus pumps
Vehicle rental	2 spaces plus 1 per rental car

Food and Beverage	
Coffee shop/deli	25 spaces with drive thru, 35 spaces without drive thru
Restaurant	1 space per 2 seats plus 1 space for every 40 sf of banquet or meeting area
Bar/tavern	1 space per 100 sf of floor area

Commercial Recreation, Entertainment and Lodging	
Hotel	1 space per guest room plus 1 space per employee plus 1 space per 40 sf of banquet area
Fitness center	<50,000sf = 1/400 sf >50,000sf = 1/667 sf
Theater	1 space per 4 seats
Bowling alley	5/alley

Office and Medical Facilities	
General office	1 space per 200 sf. for the first 20,000 sf, plus 1 space per 450 sf for any additional square footage over 20,000 sf.
Medical office or clinic	1 space per 300 sf of floor area
Hospital	4.5 spaces per bed

Social, Cultural and Places of Assembly

Draft 8-16-12

Club, banquet or meeting hall	1 space per 4 seats
Place of worship	1 space per 4 seats
Library	1 space per 350 sf of floor area
Museum	1 space per 750 sf of floor area
Community center	1 space per 312 sf of floor area
College	.18 spaces per school population

Industrial Uses	
Research and development	1 space per 1,000 sf of floor area
Light industry	1 space per 1,000 sf of floor area
Wholesale business, warehouse, truck terminal	1 space per 2,000 sf of floor area

Parking requirements for uses not listed above will be based on the parking requirements for similar uses and the needs of the proposed use. The minimum parking requirement may be reduced for a specific project if the applicant provides documentation supporting the reduction.

11-1201.10 Maintenance and Use.

(1) The surface and curbs of all parking, driving, and loading areas must be maintained in good condition, and remarked or striped when worn or faded.

(2) Parking, driving, and loading areas must be kept clear of trash and debris.

(3) Lighting for parking, driving, and loading areas must be kept in good working order. Broken or burned-out light bulbs must be replaced within 24 hours.

(4) No vehicle, trailer, or truck, truck-tractor, semitrailer, or special mobile equipment may be driven, towed or parked off a paved surface except as provided by Section 11-1201.4.

11-1201.11 Nonconforming Parking, Driving, Loading, and Open Storage Areas. Nonconforming parking, driving, loading and open storage areas must comply with Section 11-1300.2(5).

11-1203.1 Land Dedication. The City Council may require a developer to dedicate land planned for public streets and service drives before a building permit may be issued. The purpose of such dedication would be to assure safe and efficient traffic circulation.

11-1202 Sign Regulations

11-1202.1 Purpose and Intent. It is not the purpose or intent of this sign ordinance to regulate the message displayed on any sign; nor is it the purpose or intent of this Chapter to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this Chapter is to:

Draft 8-16-12

(1) Regulate the number, location, size, type, illumination and other physical characteristics of signs within the City in order to promote the public health, safety, and welfare;

(2) Maintain, enhance and improve the aesthetic environment of the City by preventing visual clutter that is harmful to the appearance of the community;

(3) Improve the visual appearance of the City while providing for effective means of communication, consistent with constitutional guarantees and the City's goals of public safety and aesthetics; and

(4) Provide for fair and consistent enforcement of the sign regulations set forth herein.

11-1202.2 Definitions. For the purposes of this Chapter, definitions in Chapter 11-200 apply.

11-1202.3 General Provisions.

(1) Permit Required. The following general provisions are applicable to all signs. It shall be unlawful for any person to erect, alter, replace, or relocate any sign or other advertising structure without first obtaining a permit and paying the required fees, except as herein otherwise provided.

(2) Exempted Signs. The following signs are exempt from the requirements of this Chapter:

(a) Signs erected by a public agency in a public right-of-way.

(b) Private traffic directional signs not exceeding eight square feet.

(3) Prohibited Signs.

(a) No sign will be attached to trees or utility poles.

(b) No sign will be painted directly on any exterior building surface. Sign letters and symbols may be attached directly to a wall by adhesive or mechanical means.

(c) No sign will overhang the public right-of-way, sidewalk easement, walkway easement or bicycle path easement except a bus bench or approved trash container at a designated public transportation pick up location.

(d) No sign will extend above the roof line of a building.

(e) Projecting signs must not project further than two feet from the wall to which they are anchored.

(f) No sign will be installed that by reason of position, movement, shape, illumination, or color would constitute a traffic hazard by obstructing a driver's vision or by interfering, confusing, or misleading traffic.

(g) No sign will noticeably move either by mechanical means or as a result of normal wind pressure.

(h) All other signs not expressly permitted by this Chapter.

(4) Permit Application. An application for a sign permit must be made on blanks provided by the Zoning Administrator and state or have attached thereto the name and address of the person or company that will be erecting the sign; the location of the building, structure, or lot on which the sign is to be erected; the position of the sign in relation to nearby buildings or structures; the written consent of the owner of the land on which the sign is to be erected; and any other information the Zoning Administrator considers necessary. These requirements may be waived by the Zoning Administrator where they are not applicable. The Zoning Administrator will approve or deny a sign permit application in an expedited manner no more than 30 days from the receipt of the complete application, including

Draft 8-16-12

the applicable fee. Any application not approved or denied within 30 days will be deemed denied. If the permit is denied, the Zoning Administrator will issue a written notice of denial within 10 days of the decision, describing the applicant's appeal rights under Section 11-305.6.

(5) Fees. Every applicant must pay a fee for each sign regulated by this Chapter before being granted a permit.

(a) The City Council will establish the permit fee by ordinance.

(b) Except for maintenance, any substantial alteration, replacement of the business message, or relocation of a sign constitutes a new sign, requiring an additional permit and fee.

(c) A double fee will be charged if a sign is erected without first obtaining a permit for such sign.

(d) The permit fee for a temporary sign erected without first obtaining a permit may be charged against the lot or parcel of land if the property owner fails to comply with a written request from the Zoning Administrator to obtain a permit. The amount so charged against the lot or parcel of land together with a description of the premises and the name of the owner will be certified to the County Auditor and will be collected in the same manner as taxes or special assessments against said premises. The charge is a perpetual lien on the premises until paid.

(6) Revocation of Permit. The Zoning Administrator is hereby authorized to revoke a sign permit upon failure of the holder thereof to comply with any provision of this Chapter. Any party aggrieved by such revocation may appeal the action to the Board of Adjustment and Appeals within 10 days after the revocation.

(7) Expiration of Permit. A permit expires if the sign is not erected within 180 days after issuance and no permit fees or inspection fees for such sign will be refunded.

(8) Initial Inspection. All sign installations for which a permit is required are subject to inspection by the Zoning Administrator to ensure that such signs are erected according to the permit.

11-1202.4 Maintenance and Removal of Signs.

(1) All signs must be maintained by the sign owner in a safe, neat, clean and attractive condition. A sign must be replaced or refurbished so as to restore the original appearance thereof whenever it begins to fade, chip or discolor, rust, ceases to be in good repair or becomes unsightly.

(2) Removal of signs will be governed by the following:

(a) On-premises signs shall be removed from the building and property by the owner of such property within 14 days after the use is terminated.

(b) Off-premises signs shall be removed within 30 days after discontinuation of use of the sign. A sign shall be considered discontinued if the message is removed, the subject of the message no longer exists, or the sign is not maintained.

(3) If the Zoning Administrator finds that any sign is unsafe, a detriment to the public, not maintained, or constructed, erected, or maintained in violation of the provisions of this Chapter, the sign owner shall be notified of the violation in writing personally or by U.S. Mail. If the sign owner fails to comply with the standards of this Chapter within 20 days after such notice is given or mailed, if no appeal is taken pursuant to the provisions of Section 11-305.6 or if no owner, occupant, or agent can be found, such sign may be removed or altered to comply by the Zoning Administrator; provided, that for

Draft 8-16-17

temporary signs, the notice and appeal period is seven days. The records showing the cost of such work attributable to each separate lot or parcel shall be delivered to the City Clerk. The amount so charged against said lot or parcel of land, together with a description of the premises and the name of alleged owner, will be certified to the County Auditor and will be collected in the same manner as taxes or special assessments against said premises. The charge shall be a perpetual lien on the premises until paid.

11-1202.5 Design of Illuminated Signs.

(1) Signs must not have blinking, flashing, or fluttering lights or change in brightness or color.

(2) On-premises signs may include dynamic displays, except as regulated in Table 11-1202.7(2), provided that the message is changed at intervals of not less than four seconds by electronic process or remote control and the only movement is the periodic changing of information against a solid, colorless background, engineered for maximum legibility and readability, and having a constant light level and glare-reducing screens. Fading, dissolving, scrolling, traveling, or any transition that creates the illusion of movement is prohibited.

(3) The light from illuminated signs must not reflect direct rays of light onto adjacent property or public streets.

(4) No incandescent lamps may be used on exterior surfaces of any sign that exceeds 15 watts during nighttime hours.

11-1202.6 Temporary Signs.

(1) Banners, Streamers, Spinners, Revolving Beacons, Search Lights, and Portable Signs.

(a) The Zoning Administrator may issue permits for the use of portable signs 12 square feet or less in area, banners, streamers, spinners, revolving beacons, search lights or other exterior temporary signs in commercial and industrial districts, as well as for institutional uses in residential districts.

(b) Permits for portable signs 12 square feet or less in area, banners, streamers, spinners and other exterior temporary signs must not be issued in conjunction with the same business activity for more than 60 days in any calendar year.

(c) No more than three portable signs or banners may be displayed under a single permit.

(d) A business activity may only be issued one permit at any given time. A separate permit is required for each display period.

(e) Search lights and revolving beacons must not be directed into residential areas or onto streets and are not to be permitted more than six days per calendar year.

(f) Twenty days will be subtracted as a penalty from a business activity's allotted number of days when that activity maintains a temporary sign past the expiration date for the permit, irrespective of compliance during the period under Section 11-1202.(2)(e). If the business activity has fewer than 20 allotted temporary sign days remaining for the calendar year in which the penalty is imposed, the balance of those penalty days will be subtracted from that activity's allotted temporary sign days in the following calendar year.

Draft 8-16-12

(2) Other Temporary Signs:

(a) No permit or permit fee is required, however, all other provisions of this Chapter shall apply.

(b) A temporary sign under this section must be set back at least one foot from a public sidewalk or 18 feet from the street pavement if there is no sidewalk. In no case will a sign be located within a public right-of-way or within 10 feet from any other property line.

(c) A temporary sign under this section must be removed within 10 days after its use has been terminated.

(d) A temporary sign under this subsection must not exceed eight square feet in a residential district and 32 square feet in all other districts and no more than one temporary sign will be allowed on each street frontage.

(e) Limitations on size and number of non-commercial speech signs do not apply from 46 days before the state primary in a state general election year until 10 days following the state general election and 46 days before a primary for a special election, or, in the event there is no primary, 46 days before the special election until 10 days following the special election.

(f) The City may, without notice, remove any sign erected in violation of this Section or any other federal, state, or local law or ordinance. Any signs not claimed within 30 days after removal may be destroyed by the City.

(g) Temporary window signs will only be permitted in a commercial district, provided that they do not occupy more than 40 percent of the window area on any building frontage.

(h) One temporary real estate sign constructed of durable materials located on the premises is permitted for sale or lease of building or vacant lot for each street frontage.

(i) One temporary construction sign constructed of durable materials is permitted on each street frontage of a development under construction.[Revised 12/18/07, Ordinance 1971]

11-1202.7 On-Premises District Sign Provisions.

(1) Wall Signs. Wall signs will be permitted by zoning district in accordance with the standards established in Table 11-1202.7(1):

Draft 8-16-12

Table 11-1202.7(1) Wall Sign Allowances by Zoning District

Use Type/Zoning District	Number/Location	Maximum Area per Wall on which signs are permitted
Multi-Family Buildings/ Residential Developments in LDR1, LDR2, MDR, HDR, MH	One per street frontage identifying the name of the building only. A wall containing a public entrance may be signed in lieu of a wall facing a street frontage.	20 square feet
O, Institutional Uses in LDR1, LDR2, MDR, HDR, MH	Unlimited number of signs permitted on one business frontage.	32 square feet or 10 percent of the building face to which the sign is attached whichever is greater, to a maximum of 100 square feet.
Shopping Centers/ Multiple Tenant Buildings in O, NC, I	Unlimited number of signs permitted on each business frontage, not to exceed two walls per business.	40 square feet or 10 percent of the area of the front of the building, whichever is greater, to a maximum of 100 square feet
Other Developments in NC, I	Unlimited number of signs permitted on each business frontage, not to exceed two walls per building, subject to standards in 11-1202.7(1)(a).	40 square feet or 10 percent of the area of the front of the building, whichever is greater, to a maximum of 100 square feet
Shopping Centers/ Multiple Tenant Buildings in CC, GC	Unlimited number of signs permitted on each business frontage, not to exceed two walls per business, subject to standards in 11-1202.7(1)(b).	40 square feet or 10 percent of the face of the building to which the sign is attached, whichever is greater, to a maximum of 200 square feet
Other Developments in CC, GC	Unlimited number of signs permitted on each business frontage, not to exceed two walls per building.	80 square feet or 10 percent of the wall to which it is attached, whichever is greater, to a maximum of 200 square feet
RS	Unlimited number of signs permitted on each building wall facing a street or parking field.	80 square feet or 10 percent of the wall to which it is attached, whichever is greater, to a maximum of 200 square feet

Draft 8-16-12

Use Type/Zoning District	Number/Location	Maximum Area per Wall on which signs are permitted
RRO, PORT	Governed by underlying zoning outside of PORT districts. Within PORT districts, governed by district most similar to use.	Governed by underlying zoning outside of PORT districts. Within PORT districts, governed by district most similar to use.
Permitted Uses in CD	One wall or ground sign per street frontage.	32 square feet
Conditional Uses in CD	Governed by district most similar to use, unless otherwise specified in development plans.	
PUD	Governed by the approved development plan. This Chapter is the standard by which the PUD sign plan will be evaluated.	
Nonconforming Uses	No additional signs permitted.	

Zoning Districts

Abbreviation	Zoning District
LDR1	Low-Density Residential 1 District
LDR2	Low-Density Residential 2 District
MDR	Moderate-Density Residential District
HDR	High-Density Residential District
MH	Mobile Home District
O	Office District
NC	Neighborhood Commercial District
CC	Community Commercial District
GC	General Commercial District
I	Industrial District
RS	Regional Shopping District
RRO	River Rapids Overlay District
PORT	Port Evergreen, Port Riverwalk, Port Campus Square, and Port Wellness Districts
CD	Conservancy District
PUD	Planned Unit Development

(a) Shopping Center Signs in NC. No sign will be erected to the rear of a business except for an identification sign of up to four square feet. Signs in shopping centers and multiple tenant buildings must be standardized in terms of location on building and style. Sign criteria will be documented in standards to be approved by the Zoning Administrator prior to issuance

Draft 6-16-12

of any sign permit for the center. A copy of the standards will be kept on file with the Zoning Administrator.

(b) Shopping Centers/Multiple Tenant Buildings in CC, GC, RS, and I. No sign will be erected to the rear of a business except for an identification sign of up to four square feet if the rear of the business faces a residential district. Signs in shopping centers must be standardized in terms of location on building, method of construction, and style. Sign criteria will be documented in standards to be approved by the Zoning Administrator prior to issuance of any sign permit for the center. A copy of the standards will be kept on file with the Zoning Administrator.

(2) Ground Signs. Ground signs are permitted by zoning district in accordance with the standards established in Table 11-1202.7(2).

Table 11-1202.7(2) Ground Sign Allowances by Zoning District

Use/District	Number	Maximum Area	Maximum Height	Min. Setback
Multi-Family Buildings/ Residential Developments in LDR,1 LDR2, MDR, HDR, MH	One per frontage.	32 square feet	10 feet	See 11-2108.
Other Residential Uses, including Home Occupations in LDR1 LDR2, MDR, HDR, MH	One per lot. Cannot be illuminated.	Six square feet	Three feet	See 11-2108.
O, Institutional Uses in LDR1, LDR2, MDR, HDR, MH	One per building	100 square feet A sign greater than 25 square feet may only be displayed on a frontage greater than 100 feet	See 11-2109.	See 11-2108.

Draft 8-16-12

Use/District	Number	Maximum Area	Maximum Height	Min. Setback
Shopping Centers/ Multiple Tenant Buildings in O, NC, I	One area identification sign per center.	100 square feet	See 11-2109.	See 11-2108.
Other Developments in NC, I	One	100 square feet	See 11-2109.	See 11-2108.
Shopping Centers/ Multiple Tenant Buildings in CC, GC	For centers less than 15 acres, One identification sign is permitted per arterial/ collector frontage. For centers greater than 15 acres, two identification signs are permitted or two area identification signs per arterial/ collector street frontage, whichever is greater.	For centers less than 15 acres, the maximum size of an identification sign is 264 square feet, but no more than 200 square feet may be devoted to the permanent message portion of the sign with the remainder being reader board or electronic display. For centers greater than 15 acres, the maximum size of an identification sign is 300 square feet.	See 11-2109.	See 11-2108.
Unified Developments in CC, GC	One per business frontage, not to exceed two per building. One area identification sign per development subject to standards in 11-2107(2)(a)	100 square feet for individual building signs; 300 square feet for area identification signs if there are no other ground signs on the same frontage.	See 11-2109.	See 11-2108.

Draft 8-16-12

Use/District	Number	Maximum Area	Maximum Height	Min. Setback
Other Developments in CC, GC	One per building frontage.	For properties with less than 300 feet of frontage-100 square feet; for properties with 300 feet of frontage or more-100 square feet + one square foot for each additional foot of frontage over 300 feet for a maximum of 200 square feet	See 11-2109.	See 11-2108.
RS	Governed by the approved development plan.	Governed by the approved development plan.	See 11-2109.	See 11-2108.
RRO PORT	One; must be monument sign, limited to two faces, per property or residential development, subject to standards in 11-2107(2)(b).	100 square feet, including base and supporting material. Base and supporting material must constitute at least 25 percent of the total area. A reader board or electronic display must not exceed 50 percent of the area containing sign copy.	10 feet	See 11-2108(4)
Permitted Uses in CD	One wall or ground sign per street frontage.	32 square feet	See 11-2109.	See 11-2108.
PUD	Governed by the approved development plan. This Chapter will be the standard by which the PUD sign plan will be evaluated.			
Nonconforming Uses	No additional signs permitted.			

(a) Signs for Unified Developments. All ground signs on the same frontage must be the same height. All ground signs must be mounted on supports of identical design. Area identification signs for shopping centers 20 or more acres in size located within unified

Draft 8-16-12

developments may be placed on a lot within the unified development less than 20 acres in size. The following requirements apply to such signs:

(i) The sign must be located within 500 feet of the shopping center.

(ii) The sign must not be separated from the shopping center by an arterial street.

(iii) The sign will be subject to the height, setback and separation requirements of a ground sign in the zoning district in which it is located. It will otherwise be subject to the requirements of 11-1202.7(2).

(iv) The sign will not be included in the total signage permitted for the property on which it is located.

(v) The general location of area identification signs for shopping centers within unified developments must be approved by the Planning Commission as part of the site plan approval.

(b) Monument Sign Design in River Rapids Overlay District. The monument sign base must be constructed of materials similar in appearance to those of the principal structure and consist of brick, natural stone, stucco, textured cast stone, or integrally colored concrete masonry units. The structure surrounding the face of the sign from the base to the top of the sign must be solid, continuous, and consist of the base materials or complementary materials that match the appearance and color of the principal building. The 200 square feet of ground area around the base of a monument sign must be landscaped with shrubs or perennials. Landscape material must be selected to withstand the environmental conditions of the site and provide seasonal interest.

(3) Fuel Pump Canopy Signs. Signs may be placed on two faces of a fuel pump canopy. Canopy signs are limited to a business logo and/or graphic design not to exceed 10 percent of each canopy face area or 24 square feet on each canopy face, whichever is greater. Canopy signage will be deducted from the permitted wall signage area for the business. Fuel pump canopy signs must not project above or below the canopy area. Dynamic displays are not permitted on fuel pump canopies.

11-1202.8 On-Premises Sign Setbacks.

(1) Permanent pylon signs must be set back at least 15 feet from any right-of-way line and at least 10 feet from any other property line. Permanent monument signs must be set back at least 10 feet from any property line or right-of-way line.

(2) A sign (including supporting structure) within the sight triangle must either have maximum height of two and one half feet or a minimum clearance of 10 feet above the center line grade of the intersecting streets.

(3) A ground sign of over 25 square feet may be displayed only on a frontage of 100 feet or more and must not be closer than 100 feet to any other ground sign of over 25 square feet.

(4) Signs must be located a minimum of 10 feet from a public street right-of-way, except that along Coon Rapids Boulevard the minimum setback is 20 feet from the curb of the roadway, two feet behind a public sidewalk, or two feet from the right-of-way of Coon Rapids Boulevard, whichever location places the sign farthest from the roadway.

Draft 8-16-12

11-1202.9 On-Premises Sign Height. Ground signs must not exceed the following height as measured perpendicularly from the highest point of the sign structure to the grade level directly below the sign. Existing grade may not be altered for the purpose of increasing the sign height.

(1) River Rapids Overlay District. Maximum height for ground signs in the River Rapids Overlay district is 10 feet.

(2) Zoning Districts Outside of River Rapids Overlay District. Maximum height for monument signs is 10 feet. Maximum height for pylon signs is established in Table 11-1202.9.

Table 11-1202.9: Maximum Permitted Pylon Sign Height

Square Footage of Sign	Maximum Height Permitted
40 square feet or less	20 feet
41 to 80 square feet	24 feet
81 to 264 square feet	30 feet
Over 264 square feet	36 feet

Draft 8-16-12

11-1202.10 Off-Premises Signs.

(1) Applicability. No off-premises sign may be placed, erected, or maintained in the City, nor may an owner or lessee permit property under the control of the owner or lessee to be used for such a sign, except in accordance with this Chapter.

(2) Prohibition. No off-premises signs not already existing as of September 10, 2001 may be placed or erected in the City except that a non-conforming off-premises sign located outside the highway corridor may be replaced with a conforming off-premises sign placed or erected within the highway corridor in accordance with this section.

(3) Conforming Off-premises Signs. Off-premises signs located within the highway corridor are conforming signs and may be structurally maintained and replaced as needed provided they otherwise comply with this Chapter.

(4) Requirements. All off-premises signs must meet the following requirements:

(a) May not exceed 250 square feet of display area on any single side. The sign faces must be roughly perpendicular to the roadway. A sign will have no more than two display sides with the two sides mounted back-to-back. The angle of intersection between the display sides will be no greater than 15 degrees.

(b) May not exceed 30 feet in height as measured perpendicularly from the highest point of the sign structure to the grade level directly below the sign. The existing grade level may not be altered for the purpose of increasing sign height.

(c) Must be of mono-pole design. Any exposed metal on the supporting structure must be painted a single dark color.

(d) May be located only in areas zoned Community Commercial, General Commercial or Industrial.

(e) May not be located within an interchange.

(f) Maintain the following setbacks and separations:

Public parks and rest areas	
Measured laterally along roadway	500 feet
Measured in any other direction	200 feet
Residentially zoned property	
Measured laterally along roadway	500 feet
Measured in any other direction	200 feet
Non-residential buildings	200 feet
On-premises sign	100 feet
Property line	100 feet
Right-of-way line	50 feet
Another off-premises sign on same side of roadway	1,000 feet

(5) Dynamic Display Techniques. Nonconforming off-premises signs may not use dynamic display techniques. Any conforming off-premises sign using dynamic display techniques in whole or in part must meet the following operational standards:

Draft 8-16-12

(a) Duration. In all districts the full sign image or any portion thereof must have a minimum duration of 60 seconds and must be a static display. No portion of the image may flash, scroll, twirl, change color, or in any manner imitate movement.

(b) Transition. In all districts where the full sign image or any portion thereof changes, the change sequence must be accomplished by means of instantaneous re-pixalization. Fading, dissolving, scrolling, traveling, or any transition that creates the illusion of movement is prohibited.

(c) Brightness. The sign must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness.

(d) Dimmer Control. Electronic graphic display signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half-hour before sunset and one half-hour after sunrise.

(e) Fluctuating or Flashing Illumination. No portion of any sign may fluctuate in light intensity or use intermittent, strobe or moving light or light that changes in intensity in sudden transitory bursts, streams zooms, twinkles, sparkles, or in any manner creates the illusion of movement.

(f) Video Display. No portion of any sign may change its message or background in a manner or by a method of display characterized by motion or pictorial imager, or depicts action or a special effect to imitate movement, or the presentation of pictorials or graphics displayed in a progression of frames that give the illusion of motion or the illusion of moving objects, moving patterns or bands of light or expanding or contracting shapes.

11-1202.11 Wall Graphics. Wall graphics are considered wall signs for purposes of calculating area and are subject to the size requirements established in table 11-1202.7(1). The Board of Adjustment and Appeals may permit a larger wall graphic if:

(1) It is compatible in scale, color, and size with the surrounding land uses;

(2) There is a unique feature to the design which requires more area than is permitted; and

(3) The wall graphic is the minimum size necessary for the effective presentation of the design.

11-1202.12 Municipal Entry Monuments. Signs or monuments located at street or highway entry points to the City which indicate, exclusive of any commercial message, that one is entering the City are permitted in all districts, subject to the following requirements:

(1) Municipal entry monuments must be of a design approved by the City Council and shall be owned and maintained exclusively by the City.

(2) Municipal entry monuments must be set back at least 10 feet from any street right-of-way or property line.

Draft 8-16-12

(3) Any municipal entry monument located within 25 feet of the intersection of a street right-of-way line and a driveway entrance must have a minimum vertical clearance of 10 feet above the centerline of the street pavement.

(4) The message portion of a municipal entry monument cannot exceed 60 square feet in area. Nor more than four additional square feet in area may be used to set forth the name or logo of any donor.

(5) The monument or sign structure cannot exceed 30 feet in height as measured perpendicularly from the height of the highest point of the structure to the grade level directly below the monument or sign. Existing grade may not be altered for the purpose of increasing monument or sign height.

11-1202.13 Nonconforming Signs. It is recognized that signs exist within the zoning districts which were lawful before this Chapter was enacted but will be prohibited under the terms of this Chapter. Nonconforming signs must not be enlarged or expanded nor used as grounds for adding other signs or uses prohibited elsewhere in the same district. Permitting legal nonconforming signs existing on the effective date of this Chapter may continue as legal nonconforming signs provided such signs are safe and are maintained as not to be unsightly, and have not been abandoned or removed, subject to the following provisions:

(1) No sign will be enlarged or altered in a way which increases its nonconformity.

(2) If the use of the nonconforming sign or sign structure is discontinued for a period of one year the sign or sign structure cannot be reconstructed or used except in conformity with the provisions of this Chapter.

(3) Should such nonconforming sign or sign structure be damaged or structure be destroyed by any means to an extent greater than 50 percent of its market value and all required permits for its reconstruction have not been applied for within 180 days of when the sign or sign structure was damaged, it must not be reconstructed or used except in conformity with the provisions of this Chapter.

(4) Should such non-conforming sign or sign structure be moved for any reason for any distance whatsoever, it must conform to the regulations for the zoning district in which it is located.

(5) No existing sign devoted to a use not permitted in the zoning district in which it is located will be enlarged, expanded, or moved except to change the sign to a sign permitted in the zoning district in which is it located.

(6) When a building loses its nonconforming status all signs devoted to the structure must be removed, and all signs painted directly on the structure must be repainted in a neutral color or a color which will harmonize with the structure.

11-1202.14 Enforcement.

(1) The Zoning Administrator or designated agent will be responsible for enforcement of this Chapter.

(2) Violation of any provision of this Chapter shall be a misdemeanor. Each day the violation continues in existence shall be deemed a separate violation. All signs are subject to penalty for violation even when not required to pay a fee or acquire permit.

Draft 8-16-12

(3) Inspections to determine compliance with the provision of this Chapter will be carried out periodically.

(4) The owner of any sign which is otherwise allowed by this Code may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

11-1202.15 Severability. If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have adopted the Chapter and each section, sub-section, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases may be deemed invalid.

12-1203 Fences

11-1203.1 Fences and Walls. For the purpose of this Section, "Fence" includes any non-vegetative freestanding structure, including a wall, designed or functioning to impede movement across or mark a boundary, act as a barrier or enclosure, or obstruct vision; "Wall" is a fence made of rock, brick, concrete, or similar materials.

(1) Construction and Maintenance.

(a) Fences must be constructed in accordance with applicable building code and City Code provisions, in a professional and workmanlike manner, and of materials suitable and intended for the purpose for which they are used.

(b) Fences must be maintained in accordance with applicable building code provisions and Chapter 12 of the Coon Rapids Revised City Code – 1982. Every fence must be maintained in a condition of good repair and must not be allowed to become a danger or fall into a state of disrepair. Any fence that becomes a danger or falls into a state of disrepair is hereby declared a nuisance. Any side of a fence facing a neighboring property or street must be finished. For this clause, a "finished" side means a side whose framing, supports, or posts are not visible.

(c) Electric, barbed, razor, wire, and chain link less than 11 gauge fences are prohibited.

(d) Maximum height without building permit: Six feet.

(e) Fences must be constructed of the same material for a minimum run length of 30 feet. No fence less than six feet in height may have boards, planks, or panels larger than 12 inches in width.

(f) No temporary fence may be permitted on any property for a period in excess of 30 days unless otherwise approved in writing by the City for good cause. Snow fences are allowed between November 1st and April 15th. A temporary fence is any fence that is not permanently secured or anchored to the ground by posts which are suitable to the fencing material used. Prohibited materials are not acceptable as a temporary fence.

Draft 8-16-12

(2) Location.

(a) A fence placed within a drainage or utility easement must not impede the flow of runoff or interfere with planned or installed utilities. The City or any utility company having authority to use such easement will not be liable for any damages, or to repair or replace such a fence, in the event it is moved, damaged, or destroyed in the maintenance of the easement or the installation, maintenance, or repair of utilities thereto.

(b) Walls are prohibited within drainage or utility easements.

(c) Fences are prohibited within site triangles as defined in Section 11-1206.2(3).

(3) Setbacks.

(a) Property Boundary: Within the boundary lines.

(b) Public Rights of Way, Trail or Sidewalk Easements: Three feet.

(4) Height Maximums.

(a) Front Yard Setback: Four feet, except as provided in subsection (4)(f).

(b) Street Side Yard, Single Family or Two-Family Residential Uses: Four feet; provided, if the front of the house faces the front yard, six feet between the rear lot line and the front of the house.

(c) Interior Side Yard: Six feet.

(d) Rear Yard: Six feet.

(e) Side and Rear Yards where a Residential District abuts a Commercial, Industrial, or Office District: Eight feet.

(f) Front or Street Side Yard, Commercial, Industrial or Office Districts: Four feet, except in an approved site plan.

11-1204 Screening

11-1204.1 Screening must satisfy the requirements of Sections 11-1204.2 through 1204.6 and the requirements of the current version of the *Landscape Standards on File in the Office of the Community Development Director.*

11-1204.2 Residential Uses.

(1) Where any multiple-family use with more than four parking spaces adjoins another residential use, the off-street parking for such use must be screened from adjoining properties. Parking for two-family homes is exempt from this requirement.

(2) The light from automobile headlights and other sources must be screened whenever it may be directed onto residential windows to the extent that it will cause an unreasonable disturbance.

11-1204.3 All Districts.

(1) Exterior storage of goods or materials which unreasonably annoys or endangers the property values of surrounding property users must be screened.

(2) All parking areas containing more than four spaces which adjoin a public street must be screened.

Draft 8-16-12

11-1204.4 Trash and Recycling Storage Screening. Trash, recycling, and similar containers provided in conjunction with institutional, public, commercial, or industrial uses, or with residential uses where a common collection location is designated for three or more dwelling units must be screened by a masonry enclosure constructed on three sides with materials compatible with the exterior materials of the principal structure being served by the enclosure. For all residential uses where such screening is required, the fourth side must consist of a durable gate. For all other uses requiring such screening, a durable gate must be provided where the open side of the enclosure is visible from a public street or from an abutting residential zoning district. All gates must provide 100 percent opaqueness and must be constructed in conformance with standards on file in the office of the Community Development Director. Enclosures for trash, recycling, and similar containers must be of sufficient size to accommodate the containers and any mechanical means of servicing the containers. Screening enclosures must be located in the side or rear yard of the property in such a manner as to provide easy access thereto, and must conform to the setback requirements for accessory structures. Screening enclosures may be attached to principal or accessory structures with Fire Department approval. Screening enclosures must be maintained in a good condition.

11-1204.5 Mechanical Screening. Except for mobile homes, townhouses, and single- and two-family homes, all mechanical equipment on the ground or roof, such as heating and air conditioning, must be screened, located or painted so as not to be readily visible from public streets or adjoining property. Screening structures, if used, must be designed and constructed of a material that is compatible with the principal building.

11-1204.6 Screening Materials and Maintenance.

(1) Requirements. The screening requirements of Sections 11-1204.1 through 11-1204.5 must be satisfied by the use of one or more of the following:

(a) Screening Fence. A screening fence or wall at least six feet in height, or of sufficient height to completely block the view of items within the screening fence enclosure from surrounding properties, with a minimum opaqueness of 80 percent. The fence must be constructed of wood, masonry or other durable material and must be compatible with the principal building and surrounding properties. Screening fences must be painted or stained, whenever necessary, to prevent fading, chipping or discoloration. Damaged or destroyed fences must be repaired or restored.

(b) Planting Screen. A planting screen consisting of a row of evergreen trees planted 10 feet on center in two parallel rows. When planted, the evergreen trees must have a minimum height of six (6) feet. The planting screen must be maintained in a neat and healthy condition. Dead trees must be replaced.

Draft 8-16-12

(c) Berm. A berm no less than six feet in height with a side slope of no greater than one and one-half to two. The berm must be sodded. Slopes greater than one and one-half to one may be used if the slopes are stepped using retaining walls. Plant materials resistant to erosion may be substituted for sod with the approval of the Planning Commission. Dead sod or plant materials must be replaced.

(d) Parking Areas. Except in the River Rapids Overlay and Port Districts where Sections 11-1003.11(13)(b)(i) and (ii) apply, a continuous hedge or sodded berm not less that three feet in height.

(e) Others. Topography, existing vegetation, permanent buildings, or other barriers may be substituted for the above if, the Planning Commission finds, they provide equivalent screening.

(f) Maintenance. The owner or occupant of the premises must maintain screening in good condition. Screening fences must be promptly repaired, replaced or refinished as necessary. All diseased, damaged or dead sod and plant materials must be promptly replaced with the same materials or equivalent materials approved by the Community Development Director.

(2) The Planning Commission or, where required by this Title, the City Council, with a recommendation from the Planning Commission, must approve how the screening requirement is satisfied.

(3) Compliance. Existing uses must comply with the screening requirements of this Title within three months of notice by the Community Development Director and with the maintenance requirements within three weeks of notice. The Community Development Director must specify in what manner the screening requirement must be satisfied and specify the compliance dates to correspond with appropriate planting seasons.

(4) Bufferyard. A bufferyard must provide plant materials between adjacent residential and non-residential districts and abutting residential and non-residential uses in residential districts. A bufferyard must meet the requirements of the *Landscape Standards on File in the Community Development Director's Office* and the following requirements.

(a) Bufferyard width and type and number of plants required abutting an adjacent residential district must be in conformance with the following table.

Adjacent District or Use	Required Along Boundary Between Adjacent Residential and Non-Residential Districts and Between Adjacent Residential and Non-Residential Use in Residential Districts	
	Minimum Bufferyard Width in Feet (Bufferyard width may include width of required rear and side yard setbacks)	Bufferyard Landscape

Draft 8-16-12

	Low Density Residential-1	Low Density Residential-2	Mobile Home	Moderate Density Residential	High Density Residential	Units (1) Required for Each 100 Feet of Adjacent Residential
Moderate Density Residential	25	25	0	0	0	40
High Density Residential	30	30	30	20 (2)	20 (2)	80
Office	20	20	20	20	20	80
Neighbor-hood Commercial	30	30	30	30	30	120
General Commercial	30	30	30	30	30	120
Community Commercial	30	30	30	30	30	120
Industrial	50	50	50	50	50	160
Regional Shopping	30	30	30	30	30	120
Ports	30	30	30	0	0	80
Adjacent District	Low Density Residential-1	Low Density Residential-2	Mobile Home	Moderate Density Residential	High Density Residential	Bufferyard Landscape Units (1) Required for Each 100 Feet of Adjacent Residential
	Minimum Bufferyard Width in Feet (Bufferyard width may include width of required rear and side yard setbacks)					

Draft 8-16-12

	Required Along Boundary With Adjacent Residential and Non-Residential Districts and Between Adjacent Residential and Non-Residential Use in Residential Districts
(1) Landscape Units: Over story tree = 10, Evergreen or Ornamental Tree = 8 and Shrub = 1. No single plant type may exceed one third of the number of required Landscape Units. (2) Applies only to day care facilities serving more than 17 persons.	

(b) There can be no buildings, patios, decks, stairways, walkways or mechanical equipment within a bufferyard.

(c) The width of required building rear and side yard setbacks may be used as part of the required width of the bufferyard.

(d) The owner or the occupant of the premises must maintain bufferyard in good condition. All diseased, damaged or dead plant materials must be promptly replaced with the same materials, or equivalent materials approved by the Community Development Director.

11-1205 Encroachments into Setbacks and Street Frontage.

11-1205.1 The following are not considered as encroachments on setback and height requirements:

(1) In any yard: patios, awnings, steps, or chimneys that are no closer than three feet to any lot line, underground garages that are no closer than five feet to a lot line, flag poles, light poles, and public utilities (subject to the requirements of Section 11-601.9).

(2) Roof eaves, overhangs, balconies, and similar appurtenances must not encroach more than two feet into a setback area.

(3) In rear yards: recreational equipment, clotheslines, and detached outdoor living rooms that are not closer than five feet to a lot line.

(4) Height limitations for the following uses may be increased by 50 percent:

(a) Antenna--radio and television.

(b) Belfries.

(c) Church spires and steeples.

(d) Cooling towers.

(e) Flag poles.

(f) Elevator penthouse.

(g) Smoke stacks.

(h) Water towers.

(i) Barns, silos, and windmills.

Heights in excess thereof may be permitted only by a conditional use permit after determining that such structure would not be dangerous and would not adversely affect adjacent property.

(5) Parapet walls will not exceed more than four feet above the limiting height of the building.

Draft 8-16-12

(6) Upon written approval of the Director, trash containers may be placed within a public right-of-way at a designated public transportation pick up location provided:

(a) Only one such container is located at any pick up location; and

(b) Approval is received from the State or County before placing the container within any State or County right-of- way; and

(c) The container is of sufficient weight or will be securely anchored to avoid tipping, as determined by the City; and

(d) The container is adequately designed to prevent trash from being blown out of the container or removed by rodents, birds or other wildlife; and

(e) The container is so located as to provide the greatest accessibility with the least possible visual impact; and

(f) Advertising on the container is limited to the business or the product of the container owner, and will not comprise more than 20 percent of the total exterior area of the container; and

(g) The owner of the container enters into a written agreement with the City regarding maintenance and City Code compliance. Such agreement may be executed on behalf of the City by the Director.

11-1205.2 Street Frontage Required. A building is not permitted on a lot unless the lot abuts at least 20 feet on a public street, or has a permanent easement of access to a public street of at least 20 feet in width. A private easement cannot be used as the access for more than one principal building, except by permission of the City Council after a public hearing and recommendation by the Planning Commission. In any case, a private easement cannot be approved for more than one principal building unless there is a minimum of 20 feet of width for each principal building. In no case will more than 60 feet of width be required.

11-1206 Performance Standards

11-1206.1 Environmental Standards

(1) Nuisance Uses. No land, existing building, or proposed structure can be used or occupied in any manner creating dangerous, noxious, or otherwise objectionable conditions which could adversely affect the surrounding area.

(2) Radiation and Electrical Emissions. No activity can emit dangerous radioactivity beyond enclosed areas approved for such use. No equipment, other than domestic household appliances, can be utilized which creates electrical disturbances.

(3) Noise. Noise must be muffled or otherwise controlled so as not to become a nuisance. Noise levels are regulated by the standards of the Minnesota Pollution Control Agency.

(4) Odor. The emission of odorous matter is subject to the regulations established by the Minnesota Pollution Control Agency for Odor Control in Ambient Air.

(5) Vibrations. No vibration is permitted which is discernible without instruments on any adjoining property in a residential district. Within commercial and industrial districts, no vibration is be

Draft 8-16-12

permitted which is discernible beyond the property line to the human sense of feeling for three minutes or more duration in any one hour.

(6) Smoke. The emission of visible smoke is subject to the Minnesota Pollution Control Agency's restrictions on the emission of visible air contaminants.

(7) Particulate Matter.

(a) Particulate matter includes fly ash, soot, and similar materials.

(b) Particulate matter emission from industrial processes, substances, products, or materials subject to becoming airborne must be in accordance with the Minnesota Pollution Control Agency's regulations.

(8) Toxic Matter. The ambient air quality standards of the Minnesota Pollution Control Agency are the guide to the release of airborne toxic materials within the City.

(9) Erosion. No erosion is permitted which will carry objectionable substances onto neighboring properties or into natural waterways. A property owner must not permit his property to be used or built on without applying all such reasonable measures as may be required to prevent wind or water erosion. The City Engineer may require reasonable measures of a property owner or developer to prevent wind or water erosion. The "Minnesota Storm Water Manual," published by the Minnesota Pollution Control Agency, is the guide for the planning, design, and layout of the conservation measures required.

If required, a Nationwide Pollutant Discharge Elimination System (NPDES) Construction Storm Water General Permit must be obtained from the Minnesota Pollution Control Agency prior to commencing construction activities. The associated Storm Water Pollution Prevention Plan (SWPPP) should be submitted to the City for approval. Proof of NPDES permit acquisition must be provided to the City prior to construction.

The City Engineer may review any development plan to ensure that erosion and sedimentation must be effectively controlled. The following conditions must be placed on new developments where applicable:

(a) The development plan must be designed to minimize erosion potential.

(b) Landscaping, streets, storm sewers, and other drainage and erosion controls must be installed as early in the construction schedule as is practical.

(c) The area and duration of exposure of disturbed soils must be kept to a practical minimum, as determined by City staff but in no event can exposure of disturbed soils exceed 14 days.

(d) Whenever feasible, natural vegetation must be retained, protected, and supplemented.

(e) Where there is inadequate vegetation to protect erosion-prone areas during or after development, temporary or permanent vegetation and/or mulching must be established.

(f) Cut and fill slopes must not be steeper than four to one unless stabilized by a retaining wall or cribbing or approved by the City Engineer.

(g) Cut and fill must not endanger adjoining property.

(h) Fill must be placed and compacted so as to minimize sliding or erosion of the soil.

Draft 8-16-12

(i) Fill must not encroach on floodways, natural watercourses, or constructed channels.

(j) Grading must not be done in such a way so as to divert water onto the property of another landowner without the written consent of that landowner.

(k) Provisions must be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills.

(l) The use of temporary and permanent erosion control Best Management Practices including, but not limited to, rock construction entrances, silt fence, turf stabilization mats, and storm drain protection may be required.

(m) If sediment and debris is deposited on paved areas, street sweeping must be performed by and at the cost of the responsible party(ies) as determined by the City Engineer. Cleaning must be performed in a manner acceptable to the City Engineer. If this work is not performed by responsible party(ies), the City may perform street sweeping and bill the appropriate party(ies) for this work.

(n) The use of debris basins, sediment basins, silt traps, or similar measures may be required to trap sediment in runoff water until a disturbed area is stabilized.

(o) The use of ponds for temporary storm water storage is encouraged to reduce peak rainfall runoff and peak stream flows.

(10) Water Pollution. The discharge of raw sewage, industrial wastes, or other pollutants into waterways, lakes, or Municipal Separate Storm Sewer System (MS4) of the City is subject to the regulations of the Minnesota Pollution Control Agency.

(11) Solid Waste. Sanitary landfills or other areas used for the accumulation of solid waste, including garbage, refuse, sludge, slag, fly ash, demolition debris, and other discarded solid materials, is be subject to the solid waste disposal regulations of the Minnesota Pollution Control Agency and Anoka County. In addition, use of all such areas must be approved by the City Council after receiving a recommendation from the Planning Commission. Reasonable measures may be required to ensure that the disposal site will not endanger the public health, safety, or welfare; create a public nuisance; result in scenic blight; adversely affect property values; reduce the usability of the site; or be incompatible with present and future surrounding land uses, including the posting of a bond in an amount determined by the Council to ensure satisfactory compliance.

(12) Glare. Lighting cannot be directed into a residential district from another property or obscure drivers' vision on public streets. No lighting fixture can create more than three footcandles of light intensity at the property line.

(13) Maintenance of Waterway Slopes. The owner or occupant of property on which is located a ditch, creek or man-made and/or natural waterway, that is part of the public drainage system and which was constructed or reconstructed on or after September 1, 1985, is responsible for the maintenance of all slopes of such ditch, creek or man-made and/or natural waterway located on their property. The owner or occupant will, at a minimum, maintain the lawn on such slopes and keep the slopes free of debris. This provision will not apply if the City has waived the requirements of Section 11-1506.

11-1206.2 Miscellaneous Performance Standards

Draft 8-16-12

(1) Semitrailer and Container Storage. The City Council finds that the use of semi-trailers and ground level storage containers for the storage of goods and materials is unsightly, causes public safety concerns, circumvents the intent of the City Code regarding exterior storage, and is detrimental to surrounding property values. The reasonable control of the use of such semitrailer and containers is therefore necessary to protect the public health, safety, and general welfare.

(a) Except as provided below, it is illegal to park, store, or maintain, or permit to be parked, stored, or maintained on any property a semitrailer, a ground level storage container, or similar container.

(b) This section does not apply to:

i. semitrailers parked at or cued for an approved loading dock or, in the absence of a loading dock, which are being actively loaded or unloaded in Neighborhood, Community, Regional and General Commercial and Industrial Zoning Districts and at institutional uses in residential zoning districts;

ii. semitrailers located in parking spaces which have received Site Plan Review approval specifically for such use in the Industrial Zoning District;

iii. semitrailers parked, stored or maintained in an approved, screened open storage area in the Industrial Zoning District; and

iv. semitrailers and ground level storage containers being used as part of an active development, redevelopment, construction, reconstruction, or remodeling project, provided that the container or trailer is removed within five business days after completion of the project or within five business days after the project has been inactive for a period of 30 consecutive calendar days.

(c) For the purposes of this Section, the term "cued for" means waiting to be immediately moved into a loading dock as soon as a dock is available.

(2) Vehicle Sales in Non-residential Areas. No person, firm, business, or other entity of any kind may display a vehicle for sale on any commercial, industrial, office, or institutional property except as provided in this Section.

(a) A state licensed motor vehicle dealer may display vehicles for sale in accordance with the terms of that license and all state and local laws and ordinances.

(b) If no state license is required, one vehicle may be displayed for sale provided such sale is in conjunction with a business or institutional activity.

(c) A vehicle displayed for sale must be displayed on property where the business, firm, or entity offering the vehicle for sale is located.

(d) A vehicle displayed for sale must be located on an improved surface and within a designated parking space. Such vehicle may not interfere with the normal circulation pattern of the property.

(e) For the purposes of this Section, the term "vehicle" will have the meaning provided in Section 11-1206.2(2) as that Section may be amended from time to time.

(3) Visibility at Intersections.

(a) A minimum sight triangle must be established on each corner lot at every street intersection through which motorists have reasonable unobstructed view.

Draft 8-16-12

(b) The minimum sight triangle is defined as a triangle located at the corner of intersecting streets. The adjacent sides are located along the curb line, or gutter line of streets without curb and gutter, of the intersecting streets and must be 50 feet in length. The third side is a straight line joining the end points of the adjacent sides.

(c) The City has the authority to order removal of vision obstructions located within the minimum sight triangle.

(d) A vision obstruction is defined as any object, living or inanimate, which materially obstructs visibility within this minimum sight triangle between the heights of two and one-half and 10 feet above the center line grade of the intersecting streets.

(e) Obstructions must be removed within a reasonable period of time as determined by the City Engineer which time will not exceed 90 days after written notice is given by the City Engineer to the property owner of record.

(f) Visual obstructions which are not removed may be justification for installation of a traffic control device.

(g) An appeal from the Engineer's order to remove a vision obstruction may be made by the aggrieved party to the Safety Commission. The appeal must be filed in writing with the Public Services Director within 10 days after receipt of the order to remove the obstruction. The Public Services Director must refer the appeal to the Chairperson of the Safety Commission within seven days after receipt of the appeal. The appeal must be placed on the agenda of the next regularly scheduled Commission meeting, unless a special meeting of the Commission is called by the Chairperson. Notification of the time and place of the meeting must be given to the property owner. Within 30 days after the hearing the Safety Commission must make its recommendation in writing to the City Council. Such recommendation must take into account whether a vision obstruction exists in a sight triangle, the implications for traffic and pedestrian safety because of the alleged hazard, to what extent the hazard remains even after the vision obstruction is removed, the availability of less burdensome means to reduce or eliminate the hazard and the means by which the vision obstruction can be eliminated. At its next available regular meeting following its receipt of the Safety Commission's written recommendation, the City Council must affirm, repeal, or modify the order of the Engineer.

(4) Sidewalks. A sidewalk must be provided with any new development along any street designated on the City Sidewalk Plan, on any arterial or collector street, or where required by the City Council as part of a permit, rezoning, or subdivision plat. With regard to collector or arterial streets which are adjacent to or extend through the interior of industrial parks, the Council, upon petition of the owner or developer, may postpone the construction of such sidewalks until such time as the Council may determine the need for sidewalks on one or both sides. Such determination must be based upon, but not limited to, consideration of the following factors: the presence of labor-intensive industry; access to public transportation; anticipated frequent use by pedestrians.

(5) Lighting Districts. In order to promote the identity and aesthetic quality of neighborhoods and the welfare, convenience and living environment of residents, the City Council may by resolution establish lighting districts in the City to provide for a uniform street light style within the district. The resolution must establish the boundaries of the district and may set out the style of street lights to be installed therein and such other requirements as the Council shall deem appropriate.

Draft 8-16-12

(6) Restrictions on Accessory Structures. An accessory structure shall not:

(a) Be constructed on any lot prior to the time of construction of the principal building.

(b) Exceed the height of the principal building, except when on a farm and related to a farming operation.

(c) Be located within the required front setback area or within five feet of a lot line.

(d) Be located nearer to the front lot line than the principal building. This provision shall not apply to attached garages or to those lots which have the shoreline of the Mississippi River or Crooked Lake as the rear lot line.

(e) Except as provided in Section 11-601.7(2), an accessory structure so located such that any one of its walls is within six feet of a wall of any other structure shall be attached to and made structurally part of the other structure.

(f) An accessory structure 120 square feet in floor area or larger shall have a permanent concrete slab under the entire structure.

11-1207 Satellite Dish Antennas

11-1207.1 Permits and Exceptions. Unless preempted by federal law, no satellite dish antenna will be erected unless a building permit is first obtained from the Building Department and it complies with the regulations of this section.

11-1207.2 Installation.

(1) In all zoning districts, except for commercial, office and industrial satellite dish antennas larger than one meter must be placed in the rear yard. In commercial, office and industrial districts satellite dish antennas larger than two meters must be placed in the rear yard. The Community Development Director may permit building mounted satellite dish antennas as alternatives to ground mounted antennas if it can be demonstrated that a ground mounted location would result in obstruction of antenna reception window.

(2) Building mounted satellite dishes cannot exceed one meter, 39.37 inches, in diameter in a residential district. In commercial, office and industrial districts, any antenna which exceeds two meters (78.74 inches) in diameter shall be of open mesh (screen) design, must be painted to blend with the background and must not exceed the height of the roof by more than 12 feet and be setback an equal distance from the nearest roof edge.

(3) Satellite dish antennas must comply with the applicable accessory structure setbacks of the district in which it is located.

11-1207.3 Commercial Use Antennas and Antenna Towers. Notwithstanding any provisions of this Code to the contrary, all commercial use antennas and antenna towers shall comply with the zoning and regulatory requirements of Section 11-1400.

11-1208 Adult Oriented Business.

(1) No adult oriented business, as defined by Revised City Code-1982, Section 5-2202(1), can be operated or maintained

Draft 8-16-12

(a) except as specifically authorized by this Title 11.

(b) except in accordance with Revised City Code-1982, Chapter 5-2200.

(c) within 1,000 feet of: a public park; church; public or private educational facility serving persons under the age of 18 years; private or public junior high, middle, or elementary school; public or private high school; or day care facility.

(2) The distances in this section must be measured on a straight line from the nearest lot line of the adult oriented business to the nearest lot line of any use listed in 11-1208(1).

(3) No adult-oriented business can display or allow to be displayed on or from its premises actual or representations of specified anatomical areas, as defined by Revised City Code-1982 Section 5-2202(20), or specified sexual activities, as defined by Revised City Code-1982 Section 5-2202(21), so as to be viewable by either the general public, or a person under the age of 18 years.

Draft 8-16-12

11-1300 Nonconforming Lots, Structures, or Uses

11-1301 Purpose and Intent. It is the purpose and intent of this Chapter to allow nonconformities to continue to exist and be put to reasonable and productive use; to encourage nonconformities to be brought into compliance when reasonable to do so; to establish the requirements under which nonconformities may be operated and maintained; to diminish the impact of nonconformities on adjacent properties by limiting their expansion; to clarify the level of site modifications that may occur before nonconformities are required to be brought into compliance with current standards; and to comply with Minnesota Statutes Section 462.357, Subd. 1e, as amended from time to time.

11-1302 General Provisions.

(1) Rights. A Nonconforming Use or nonconforming structure may be continued subject to the requirements of this Chapter and as regulated by Minnesota Statutes Section 462.357, subd. 1e. The City may impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare or safety.

(2) Uses.

(a) A Nonconforming Use must not be expanded; provided, a non-conforming single family home may be expanded if:

(i) The expansion will not increase the number of dwelling units or buildings.

(ii) Expansion of the principal structure does not exceed 20% of the living square feet of the original structure.

(iii) The home is not located within a PORT District, a Transit Oriented Development District or the River Rapids Overlay District.

(iv) The expansion complies with LDR2 district standards.

(v) The expansion improves the appearance or stability of the neighborhood.

(vi) The expansion is not located in the floodplain.

(b) Notwithstanding the restrictions of 11-1300.2(2)(a),

(i) Attached and detached garages and accessory structures may be constructed and/or expanded provided they are consistent with the LDR2 district standards and appropriate building permits are obtained.

(ii) Decks may be constructed and/or expanded provided they are consistent with the LDR2 district standards.

(c) Expansion of a single family home pursuant to 11-1300.2(2)(a) requires a conditional use permit in conformance with Section 11-304.3. Construction or expansion of a garage, accessory structure or deck pursuant to 11-1300.2(2)(b) does not require a conditional use permit.

(d) Nonconforming Uses in the LI District may be expanded provided;

(i) The expansion does not exceed 30 percent of the gross floor area of the building occupied by the nonconforming use at the time it became nonconforming

(ii) The expansion does not exceed 30 percent the area of the site outside of the building occupied by the nonconforming use at the time it became nonconforming.

(iii) The expansion complies with the LI District standards.

Draft 8-16-12

(iv) A conditional use permit in conformance with Chapter 11-300 is obtained.

(e) When any nonconforming use has been changed to conforming use, it must not thereafter be changed to any nonconforming use.

(f) A conditional use that is subsequently rezoned to a district in which the use is neither permitted nor a conditional use must be a nonconforming use.

(3) Structures.

(a) A structure that does not meet setback, size or other dimensional requirements must not be expanded unless such changes are in conformance with this Title and do not increase the nonconformity, except as required by the Americans with Disabilities Act.

(b) A building permit application under Minnesota Statutes Section 462.357, subd.1e, is subject to the following: the City may impose reasonable conditions upon a building permit that is applied for within 180 days after a structure is destroyed by fire or other peril to the extent of greater than 50 percent of its market value, or is declared unsafe, in order to mitigate any newly created impact on adjacent property.

(4) Termination of Rights.

(a) A nonconforming use must not resume where:

(i) The use is discontinued for a period of more than one year; or

(ii) The use or structure is destroyed by fire or other peril to the extent of greater than 50 percent of its market value and no building permit has been applied for within 180 days of when the property is damaged.

(b) Where any right to continue the nonconformity is terminated, any future use must comply with the City Code.

(5) Conformance Triggers. Nonconformities must be brought into conformance upon the following events:

(a) Nonconforming Uses. Nonconforming uses must be brought into conformance with current requirements of the City Code upon:

(i) Change of the use;

(ii) Discontinuance of the use for more than one year; or

(iii) Destruction of the use by fire or other peril to the extent of greater than 50 percent of its market value, provided no building permit is applied for within 180 days of the date of destruction.

(b) Nonconforming Structures. Structures that do not meet setback, size or other dimensional requirements must be brought into conformance with current requirements of the City Code upon:

(i) Destruction or removal of the structure;

(ii) Relocating the structure; or

(iii) Destruction of the structure by fire or other peril to the extent of greater than 50 percent of its market value, provided no building permit is applied for within 180 days of the date of destruction.

(c) Nonconforming Site Improvements. Nonconforming site improvements, including but not limited to parking lots, landscaping, accessory buildings, trash enclosures, lighting and screening, must be brought into conformance with current site improvement requirements of City Code upon:

Draft 8-16-12

(i) Redevelopment of the site or expansion of total floor area on the site by 25 percent or greater;

(ii) Destruction or replacement of the site improvement;

(iii) Issuance of a permit for a related site improvement, if conformance is stipulated as a condition of permit approval;

(iv) A change of use of the site that triggers a need for change in an associated site improvement;

(v) Other events listed as specific triggers in City Code on site improvement standards; or

(vi) The City determines the site improvement must be brought into conformance to protect the public health, safety, and welfare.

(d) Operational Characteristics. Operational characteristics, including but not limited to hours of operation, parking standards, and laws and regulations having immediate effect, must be brought into conformance immediately upon a change in City Code unless otherwise specified in City Code.

11-1303 Single Nonconforming Lots. A legal lot that is in single ownership at the time of adoption of this Chapter and that does not meet the requirements of this Title for lot area, width, or depth may be used for a conforming structure if:

(1) The lot area, width and depth are 70 percent or greater than that required; or

(2) The lot area, width or depth is less than 70 percent of that required, and:

(a) A combination of lots to create a lot which complies with this Code would be impractical; and

(b) A conditional use permit is obtained.

(3) The principal and any accessory structures must meet all minimum setback requirements and the maximum impervious surface requirement is not exceeded.

11-1400 Commercial Use Antennas and Antenna Towers

11-1401 Purpose. In order to accommodate the orderly growth of wireless communications systems and the communication needs of residents and businesses while protecting the public health, safety and general welfare of the City and its citizens, the City Council finds that the regulation of commercial use telecommunications antennas and antenna towers is necessary in order to provide fair and equal opportunities for Federal Communications Commission licensed providers of commercial wireless telecommunication services (Providers), facilitate the provision of wireless telecommunication services, minimize adverse visual effects of towers through careful design and siting standards, avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements, and reduce the number of towers needed to serve the community by maximizing the use of existing and approved structures to accommodate new wireless communications antennas.

11-1402 Permits

11-1402.1 Permit Required. It is unlawful to construct, operate, or maintain a commercial use antenna or commercial use antenna tower in any residential area of the City except as provided in this

Draft 8-16-12

Chapter and after obtaining a permit from the City Council. It is unlawful to construct, operate, or maintain a commercial use antenna or commercial use antenna tower in any other area of the city except as provided in this Chapter and after obtaining a permit from the Director. The Council or Director may engage the assistance of knowledgeable persons, whether or not employees of the City, and all reasonable costs thereof will be borne by the applicant.

11-1402.2 Permit Fees. In addition to any building permit fees, permit fees are required for each antenna or antenna tower located in the City. The permit fees will be established from time to time by resolution of the City Council and are not refundable. The fee must reflect the costs reasonably incurred by the City in the administration and enforcement of the permit. All permit fees must accompany an application. The fees will be doubled for any applicant who begins construction at a site before a permit is secured for that site.

11-1402.3 Permit Application. Application for a permit must be made to the Director in writing on such forms as the Director may from time to time designate and must contain the following:

(1) Name, address, and telephone number of the applicant.

(2) If the applicant is not a person, the name, address, and telephone number of the applicant's authorized agent.

(3) Brief description of the services proposed to be provided.

(4) Whether the applicant is currently licensed by the Federal Communications Commission to provide those services.

(5) The address and legal description of the property where the antenna and/or tower is to be located.

(6) Height of any proposed tower or antenna if the antenna is to be located on a structure other than a tower.

(7) Design drawings of any proposed tower or antenna.

(8) Design drawings showing method of attachment of antenna to the tower or other structure.

(9) Scale drawing showing the following:

(a) Boundaries of the property on which a tower is to be located.

(b) The leased area of the property if less than the entire parcel.

(c) Location and dimensions of any towers and accessory structures or equipment to be constructed or installed.

(d) Distances of tower from property lines.

(e) Distances of tower to any adjacent structures including, but not limited to, other towers located on or within 100 feet of the leased area.

(f) Location and description of landscape screening of accessory structures.

(g) Location, size, and description of any fences to be installed.

(h) Location of any public and private easements within the leased area.

(10) Number of additional antennas that may be co-located on the tower.

(11) Written and signed recognition by the property owner or the owner's authorized agent, if other than the applicant, that failure to remove the tower and associated facilities within the time

Draft 8-16-12

provided in this Chapter following cessation of use, or upon revocation of the permit, may result in removal of such materials by the City and the assessment of all costs against the property.

(12) Such other information as the Director may reasonably require to adequately review the application for compliance with the provisions of this Chapter.

(13) The application must be signed by the applicant or the applicant's authorized agent and by the property owner or the owner's authorized agent, if different from the applicant.

(14) The applicant must provide the City with the name, address and telephone number of a responsible contact person for the provider. The City must be advised in writing within 15 days of any and all changes to such information.

(15) A written and signed statement by an individual trained and qualified as a radio frequency engineer (Qualified Engineer) that the proposed service meets or exceeds all requirements of the Federal Communications Commission.

11-1402.4 Issuance of Permit and Appeal.

(1) Antenna Towers in Residential Areas Applications for towers to be located in residential areas must be referred to the Planning Commission for consideration and recommendation. The Planning Commission must conduct a public hearing in accordance with Sections 11-305.4 and 11-305.5 and make a recommendation to the City Council which must approve, deny or approve with conditions. The Council decision must be based on compliance of the application with the provisions of this Chapter. The Council may impose reasonable conditions to the permit designed to insure compliance with this Chapter. The decision of the Council must be made in accordance with Section 11-305.2 Time Deadlines for Action, or such lesser time as may be required by federal or state law. The decision of the Council must be submitted to the applicant in writing which will clearly state any conditions imposed and the reasons therefor, or in the case of denial the reasons for the denial.

(2) Antenna Towers in all Other Areas Within 150 calendar days, or such lesser time as required by federal or state law, after receipt of a complete permit application for a tower in any location other than a residential area, the Director must issue or deny the permit. The decision of the Director must be based on compliance of the application with the provisions of this Chapter. The Director may impose reasonable conditions to the issuance of a permit designed to ensure compliance with this Chapter. The decision of the Director must be submitted to the applicant in writing which must clearly state any conditions and the reasons therefore, or, in the case of a denial, the reasons for the denial. The Notice of Issuance or Denial must also contain the appeal rights of the applicant. Failure of the Director to act on an application on or before the issuance date or any extension thereof, will deemed to be approval of the permit without conditions.

(3) Co-location. The placement of wireless telecommunication antennas on roofs, walls, and existing towers may be approved administratively by the Director, provided the antennas and base equipment meet all applicable requirements of this Chapter and the standards enumerated below. Within 90 days, or such lesser time as required by federal or state law, of receipt of a complete application, the Director must issue or deny the permit.

(a) The maximum height of an antenna cannot exceed 20 feet above the roofline and be setback at least 10 feet from the roof edge.

Draft 8-16-12

(b) Wall or façade mounted antennas cannot extend more than five feet above the cornice line and must be constructed of a color that matches the exterior of the building or structure.

(c) The proposed collocation cannot substantially change the physical dimensions of such tower or base station.

(4) Modifications to existing antennas and base stations can be approved administratively provided the changes do not substantially change the character or the physical dimensions of the tower or base station and do not block traffic views, impede access to sidewalks or create other hazards to the public health, safety and general welfare of the City and its citizens

(5) Termination of Permit Approval. For antenna permits, approval of an application is effective for one year. Upon written application by the applicant, the approving authority may extend permit approval for one period of up to one year upon finding:

(a) The permit is consistent with the zoning current at the time of the request for an extension is considered; and

(b) The permit meets applicable City Code standards, including this Chapter, in effect at the time the request for an extension is considered.

(6) An applicant aggrieved by any decision of the Director may appeal that decision in accordance with Section 11-305.6.

11-1402.5 Revocation of Permit.

(1) In addition to or in lieu of any other penalties provided for herein, the City Council may revoke the permit of any Provider who violates the provisions of this Chapter.

(2) No permit may be revoked until after a public hearing at which the Provider may appear with or without counsel and present evidence to support the Provider's position. The public hearing must be held in accordance with Sections 11-305.4 and 11-305.5

(3) The Director must cause written notice setting out the City's intent to revoke the permit and the reasons therefore to be sent to the Provider. Such notice must also state the date, time, and place of the hearing.

(4) Any Provider whose permit has been revoked must remove all towers, antennas, and related accessory structures and equipment subject to the revoked permit in the same manner and time frame as for abandoned towers and antennas under Section 11-1405.

11-1403 Zoning Districts.

(1) Antennas and/or towers may be located in any zoning district in the City provided that before a tower may be located in any residential area the applicant must demonstrate to the satisfaction of the City Council, that no reasonable alternative location exists in another zoning district. The decision of the Council must take into consideration the following:

(a) Spacing and locational needs to achieve adequate service coverage.

(b) Possibility of placement of antenna on a pre-existing structure.

(c) Design and height of any proposed tower.

(d) Topography and other potential service impediments within the necessary locational radius.

(e) Proximity tower to existing residences or future residential properties.

Draft 8-16-12

(f) Efforts made to make the tower compatible with the surrounding neighborhood.

(g) Availability of other potential sites within a reasonable locational radius.

(2) For the purposes of this Chapter, a tower or antenna proposed to be located within a Planned Unit Development must be considered in light of the approved use of the property rather than its underlying zoning.

(3) No tower may be located within the boundaries of the Mississippi River Corridor Critical Area Overlay District unless the applicant demonstrates to the satisfaction of the City that the tower will not be visible from the river or from any public park located within the District.

11-1404 Performance Standards.

11-1404.1 Colocations.

(1) No new commercial use antenna tower may be erected unless the permit issuer finds that the telecommunications equipment proposed to be located on the tower cannot be accommodated on an existing or approved tower or other structure within a one quarter mile search radius, or within the actual search area if larger than a one quarter mile radius, due to one or more of the following:

(a) The planned equipment would exceed the structural capacity of any existing or approved tower or other structure, as documented by a Licensed Engineer, and the existing or approved tower or other structure cannot be reinforced, modified, or replaced to accommodate the planned or equivalent equipment at a reasonable cost.

(b) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or other structure as documented by a Qualified Engineer and the interference cannot be prevented at a reasonable cost.

(c) Existing or approved towers and other structures within the search radius cannot or will not accommodate the planned equipment at a height necessary to function reasonably as documented by a Qualified Engineer.

(d) Other unforeseen reasons that make it not feasible to locate planned equipment on an existing or approved tower or other structure.

(2) Any proposed Commercial Use Antenna Tower must be designed structurally, electrically, and in all respects to accommodate both the applicant's antennas and related equipment and comparable antennas and equipment of at least one additional user if the tower is over 75 feet in height. Towers must be designed to allow for future rearrangement of antennas on the towers and to accept antennas mounted at varying heights.

11-1404.2 Design Requirements. Proposed or modified towers and antennas must meet the following design requirements:

(1) Towers and antennas must be designed to blend into and be compatible with the surrounding environment through the use of color and suitable visual treatment, except in instances where the color is dictated by Federal or State authorities including, but not limited to, the Federal Aviation Administration.

Draft 8-16-12

(2) Tower locations must provide a reasonable amount of screening possible for all sight views of the facility and existing on-site vegetation must be preserved to the extent reasonably possible as determined by the permit issuer.

(3) Commercial Use Antenna Towers must be of a monopole design unless the permit issuer determines that an alternative design would better blend into the surrounding development or is necessary to accommodate structural requirements as documented by a Licensed Engineer.

(4) Commercial Use Antennas or Towers proposed to be mounted on roofs, walls, or existing towers must be shown to meet all structural requirements by a report of a Licensed Engineer indicating the existing structure's suitability to accept the tower, antenna, and related equipment, and indicating the proposed, detailed method of fixing the tower, antenna, or equipment to the structure.

(5) All utility buildings and structures accessory to a tower must be architecturally designed to blend in and be compatible with the surrounding environment. Ground mounted equipment and structures must be screened from view by suitable vegetation approved by the permit issuer, except where the permit issuer finds a design of non-vegetation screening better reflects and compliments the architectural character of the surrounding neighborhood.

(6) Access drives required for the maintenance of equipment must be paved in accordance with City specifications unless the permit issuer finds that some other surface is acceptable due to length, location, and frequency of use.

(7) A tower must be constructed in a manner that conforms to all State and local building code requirements.

11-1404.3 Height.

(1) The maximum height of a free standing tower is 90 feet in a residential area, and 150 feet in other areas of the City, as measured from the ground surface.

(2) The total height of a tower or antenna located on a roof or other structure cannot exceed either the maximum height of a free standing tower in the same area of the City as measured from the ground surface, or 20 feet above the surface of the roof or structure, whichever is greater.

(3) The permit issuer may authorize towers which exceed the limitations provided in paragraph (a) above if the permit issuer finds that the proposed height is the minimum that is reasonably necessary to achieve adequate service coverage due to topographical or other features as documented by a Qualified Engineer.

(4) The height of a tower, whether freestanding or located on another structure, must include any equipment located on top of a tower including, but not limited to, a lightening rod.

11-1404.4 Setbacks.

(1) The setback of a free standing tower from any buildable area on property not owned or under the control of the Provider must be the total height of the tower as measured from the ground surface plus 10 feet. For purposes of this Section the "buildable area" of a property does not include required building setbacks from property lines and streets, Class 3, 4, or 5 wetlands, and easements that preclude construction of a building within them.

(2) The permit issuer may reduce the setback upon documentation from a Licensed Engineer that the tower is so designed that any debris in the event of a collapse or failure will be

Draft 8-16-12

confined to the area of property under the control of the Provider or in any case will not seriously endanger adjacent property.

(3) Ground located structures and/or equipment used by Providers must be located as close as possible to the base of the tower or other structure on which the antenna is located unless another location is approved by the permit issuer.

11-1404.5 Lighting. Towers cannot be illuminated by artificial means and must not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other Federal or State authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.

11-1404.6 Signs and Advertising. No portion of any tower, or the property under the control of the Provider, may be used for signs or advertising other than warning, emergency, or equipment information signs. The name and emergency contact telephone number for each Provider must be conspicuously displayed at each antenna location using a sign not less than three inches by five inches nor larger than five inches by seven inches in size for each.

11-1404.7 Maintenance.

(1) Towers and all accessory structures and equipment, including any fencing, must be kept in good repair and must be repainted as reasonably necessary. Graffiti must be removed upon notification by the Director in accordance with a reasonable schedule determined by the Director.

(2) Vegetation used for screening must be properly maintained and any screening planting that dies or is severely damaged as determined by the Director must be replaced in accordance with a schedule provided or approved by the Director.

(3) All property under the control of a Provider must be maintained with ground cover approved by the Director and must be regularly mowed and kept as weed free as reasonably possible.

(4) Property under the control of a Provider must not be used for the storage of equipment or other items not reasonably necessary for the operation of the Provider's services.

11-1404.8 Interference with Public Safety Telecommunications. No new or existing commercial wireless telecommunications service may interfere with public safety telecommunications.

11-1405 Abandoned, Obsolete, and Unused Towers and Antennas. A Provider must provide written notice to the City of the discontinuation of the use of all or any significant part of any tower. Abandoned and unused towers shall be removed as follows:

(1) All abandoned or unused towers and facilities must be removed from the site within 12 months of cessation of operations unless a time extension is approved by the permit issuer. In the event that a tower is not removed within 12 months of the cessation of operations, the tower and related facilities may be removed by the City and the costs of removal assessed against the property in the same manner as a special assessment.

(2) Any unused portions of a tower above a manufactured connection must be removed within 12 months of cessation of use and may not be replaced without the issuance of a new permit.

Draft 8-16-12

(3) Any equipment and other materials removed by the City pursuant to this Section may be disposed of by the City in the manner of abandoned properties. Any costs of such disposal incurred by the City will be assessed against the property in the same manner as a special assessment.

11-1406 Non Conforming Towers and Antennas. Commercial use antennas and towers in existence prior to the effective date of this ordinance that do not conform to or comply with this Chapter are subject to the provisions found in Chapter 11-1300 Non Conforming Lots, Structures and Uses. Colocation of additional antennas without increasing the height of the existing tower is not considered an expansion of the tower.

Draft 8-16-12

11-1500 Subdivision Regulations

11-1501 Intent Minnesota Statutes Sections 462.358 and 505.03 convey responsibilities and authority to cities for the establishment of platting and subdivision regulations. The purpose of this Chapter is to establish platting and subdivision regulations that provide for the orderly, efficient, and safe development of land, urban services and facilities; promote the public health, safety, and general welfare of the community by establishing physical standards, design requirements, and procedures for the platting and subdivision of land, and establish procedures that permit flexibility in land development.

11-1502 Subdivision Review. The Planning Commission and City Council, in the review of subdivision requests and in the application of this Chapter, must take into consideration the requirements of the City and the best use of the land being subdivided. Particular attention must be given to the width and location of streets, sidewalks, suitable sanitary utilities, surface drainage, lot sizes and arrangements, as well as requirements such as parks and playgrounds, schools, and recreation sites, and other public uses. All of the following findings must be made prior to the approval of a subdivision:

(1) All the applicable provisions of the City Code are complied with;

(2) The proposed subdivision will not be detrimental to the present and potential surrounding land uses;

(3) The area surrounding the subdivision can be planned and developed in coordination and compatibility with the proposed subdivisions;

(4) No land shall be subdivided which is determined by the Planning Commission, after investigation by the City Engineer, to be unsuitable for use because of flooding, drainage, slope, soil conditions, rock formation, or any other feature likely to be harmful to the health, safety, or welfare of the future residents in the proposed subdivision;

(5) The subdivision preserves and incorporates the site's important existing natural features, whenever possible;

(6) No property may be subdivided, platted, nor replatted unless City sewer and City water shall be available to such property, and

(7) The subdivision can be economically served with public facilities and services.

(8) If a variance is requested under 11-1504.7, the following additional findings are needed:

(a) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are generally not applicable to other property;

(b) The literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district;

(c) The special conditions and circumstances do not result from the actions of the applicant; and

(d) Because of the particular natural surroundings, shape, or topographical conditions of the specific property involved, unusual hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.

Draft 8-16-12

11-1503 Conveyance Platting is required to convey land, pursuant to Minnesota Statutes Section 462.358, subd. 4b. No conveyance of land to which these regulations are applicable may be filed or recorded if the land is described in the conveyance by metes and bounds, by reference to an unapproved registered land survey made after April 21, 1961 or by reference to an unapproved plat. The owner or agent of the owner of any parcel of land shall not divide any lot or parcel of land by the use of metes and bounds for the purpose of sale, transfer, or lease with the intent of evading the provisions of this chapter. All such described divisions shall be subject to all the requirements herein. No building permit shall be issued for the construction or expansion of any structure located on a lot or plat subdivided or sold in violation of the regulations of this Chapter. No plat shall be filed with the County which does not bear the signatures of the Chairperson of the Planning Commission, the Mayor, and the City Clerk.

(1) Pursuant to Minnesota Statutes Section 462.358, subd. 4b, the foregoing provision does not apply to conveyance if the land described:

(a) was a separate parcel of record on or prior to March 7, 1962;

(b) subject to a written agreement to convey entered into prior to March 7, 1962;

(c) was a separate parcel of not less than two and one-half acres in area and 150 feet in width on January 1, 1966;

(d) was a separate parcel of not less than five acres in area and 300 feet in width on July 1, 1980;

(e) is a single parcel of commercial or industrial land of not less than five acres and having a width of not less than 300 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five acres in area or 300 feet in width, or

(f) is a single parcel of residential or agricultural land of not less than 20 acres and having a width of not less than 500 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than 20 acres in area or 500 feet in width.

(2) In any case in which compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purpose of the subdivision regulations, the City Council may waive such compliance by adoption of a resolution to that effect and the conveyance may then be filed or recorded. Any owner or agent of the owner of land who conveys a lot or parcel in violation of the provisions of this subdivision shall forfeit and pay to the City a penalty of not less than $100 for each lot or parcel so conveyed. The City may enjoin such conveyance or may recover such penalty by a civil action in any court or competent jurisdiction.

11-1504 Administrative Provisions

11-1504.1 Preliminary Plats. Every proposed subdivision, excluding lot splits and registered land surveys, must be submitted in the form of a preliminary plat, to the Director who must transmit it to the Planning Commission for consideration. The preliminary plat is not intended to be a final plat. The purpose of a preliminary plat is to graphically show all of the facts needed to determine whether the proposed plat meets the requirements of this Chapter. The preliminary plat must be prepared by a

Draft 16-12

qualified professional. Inaccurate or insufficient information supplied by the applicant may be cause for disapproval of a preliminary plat.

(1) Filing a Preliminary Plat. The developer must use the following procedure for approval of a preliminary plat unless waived in writing by the Director.

(a) An application form signed by the property owner(s) or authorized representatives;

(b) the required application fee, and

(c) and other information enumerated in the Preliminary Plat Review Submittal Checklist, a form outlining the information required to support the application, .

(2) Disposition of a Preliminary Plat by the Planning Commission. Within 60 days after the preliminary plat application is received, the Planning Commission must conduct a public hearing in accordance with Sections 11-305.4 and 305.5 and make a recommendation to the Council to approve the plan, deny the plan or approve the plan with modifications or conditions.

(3) Disposition of a Preliminary Plat by the City Council. The City Council must take action on the preliminary plat within 120 days following receipt by the Director of a properly completed application. If the recommendation from the Planning Commission has not been received by the City Council within the 120-day period, the Council may act without such recommendation. The City Council may require such revisions in the preliminary plat as it deems necessary for the health, safety, and general welfare of the City. Approval of a preliminary plat does not constitute approval of a final plat.

(4) Effect of Preliminary Approval. Approval of the preliminary plat by the City Council gives the applicant the following rights for a 12-month period from the date of approval:

(a) That the general terms and conditions under which the approval was granted will not be changed by the City.

(b) That the applicant may submit on or before such expiration date, the whole or any part of the approved plat for final approval.

(c) The City Council may extend the time period of preliminary approval for one additional year, upon written application by the developer and for good cause shown. If the final plat is not filed within one year following approval of the preliminary plat, and an extension of preliminary approval has not been granted, the approval of the preliminary plat shall be considered void.

11-1504.2 Final Plat. After approval of the preliminary plat, the subdivider may, within 12 months, submit to the Director the final plat of subdivision incorporating all modifications required on the preliminary plat. The final plat may constitute the entire land area covered by the preliminary plat or only that portion which the subdivider proposes to record and develop within the succeeding year, provided that the public improvements to be constructed in the area covered by the plat are sufficient to provide for the health, safety, and convenience of the future residents and for access to contiguous area.

(1) Filing a Final Plat. Application for final plat approval must be made in writing to the Director at least three weeks prior to the appropriate meeting of the City Council. The final plat must be accompanied by the following information before it may be placed on the Council agenda:

Draft 8-16-12

(a) An application form signed by the property owner(s) or authorized representatives;

(b) the required application fee, and

(c) and other information enumerated in the Final Plat Review Submittal Checklist, a form outlining the information required to support the application.

(2) Disposition of the Final Plat by the City Council. Within 60 days after the application date, the City Council must approve, approve with conditions or disapprove the final plat and accept or reject the areas reserved for or dedicated for public use. No final plat will be approved by the City Council which does not conform to the approved preliminary plat or which does not meet the requirements of this Chapter. The Director must notify the owner and subdivider in writing of the Council's decision.

(3) Recording the Final Plat. Within 90 days after the City Council takes final action on a subdivision plat, the owner must record the plat with the County. Any final plat not so recorded will become void unless the Council has granted an extension, which cannot exceed 90 additional days. The subdivider must furnish the City with a receipt from the County showing evidence of the recording of the final plat. Failure of the subdivider to comply with the requirements of recording will be cause for rescission of approval. Prior to releasing the final plat for recording, the applicant must provide the following:

(a) A signed Developers Agreement, if applicable;

(b) easement documents as required by conditions of approval;

(c) private common utility and access agreements, if applicable;

(d) park dedication payment, if applicable;

(e) signed petition and agreement for the installation of public improvements if applicable, and

(f) any other documents, as required by conditions of approval.

11-1504.3 Vacation of a Plat or Subdivision.

(1) Any plat or any part of a plat may be vacated by the owner of the property, before the sale of any lot therein, by a written instrument, with a copy of the plat attached, declaring the same to be vacated. Such vacation shall require the approval of the City Council in the same manner as for plats of subdivisions. The City Council may reject any such instrument which abridges or destroys any public rights in any of its streets or alleys. Such an instrument shall be approved and recorded in the same manner as plats or subdivisions. After being recorded, such instrument shall nullify the recording of the plat so vacated and divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described in such plat.

(2) When lots have been sold, the plat may be vacated as stated in Subsection 11-1504.3(1), provided that all the owners of lots in such plat join in the execution of such instrument.

(3) Platted areas may be replatted, provided that they follow the provisions of this Chapter.

11-1504.4 Lot Splits A lot split may be used with any division of a lot, parcel or tract of land into two parcels and when no street right-of way is needed.

(1) Application. Application for a lot split must be made on forms furnished by the Planning Department and must include the following:

Draft 8-16-12

(a) An application form signed by the property owner(s) or authorized representatives;

(b) the required application fee, and

(c) and other information enumerated in the Lot Split and Registered Land Survey Review Submittal Checklist, a form outlining the information required to support the application.

(2) The division of a lot, parcel or tract of land into two parcels when one or both divided parcels has a width which is less than 70 percent of the required minimum lot width as provided in Section 11-1300.3 of this Code may be recommended for approval provided that:

(a) The lot or parcel is zoned for single family residential uses and the Comprehensive Development Plan is in conformity with that zoning; and

(b) Two separate dwelling structures were constructed on the lot or parcel prior to July 1, 1985 and are currently being used for residential purposes or were so used within six months prior to the application for the lot split; and

(c) Following the division, each of the dwelling structures will be located on separate parcels; and

(d) Each of the structures will be served by separate utility services; and

(e) Neither resulting lot will have a width less than the width of the parcel prior to the lot split.

(3) Disposition of a Lot Split by the Planning Commission. Within 60 days after the application is received, the Planning Commission must conduct a public hearing in accordance with Sections 11-305.4 and 305.5 and make a recommendation to the Council to approve the plan, deny the plan or approve the plan with modifications or conditions.

(4) Disposition of the Lot Split by the City Council. The City Council must take action on the lot split within 120 days following receipt by the Director of a properly completed application. If the recommendation from the Planning Commission has not been received by the City Council within the 120-day period, the Council may act without such recommendation. The City Council must approve, approve with conditions or disapprove by resolution. If approved, following compliance with all conditions of approval, a certified copy of the resolution approving the lot split shall be attached to the notice of approval and forwarded to the petitioner. The lot split, together with a certified copy of the resolution, can then be recorded with the County. Within 90 days from the date of approval, the petitioner must furnish the City with a receipt from the County showing evidence of the recording of the lot split. Failure of the petitioner to comply with the requirements of recording will be cause for rescission of approval.

11-1504.5 Registered Land Survey A registered land survey (RLS) may be used with any division of a lot, parcel or tract of land into two parcels and when no street right-of way is needed.

(1) Application. Application for a RLS shall be made on forms furnished by the Planning Department and must include the following:

(a) An application form signed by the property owner(s) or authorized representatives;

(b) the required application fee, and

Draft 8-16-12

(c) and other information enumerated in the Lot Split and Registered Land Survey Review Submittal Checklist, a form outlining the information required to support the application.

(2) Disposition of a Lot Split by the Planning Commission. Within 60 days after the application is received, the Planning Commission must conduct a public hearing in accordance with Sections 11-305.4 and 305.5 and make a recommendation to the Council to approve the plan, deny the plan or approve the plan with modifications or conditions.

(3) Disposition of the Registered Land Survey by the City Council. The City Council must take action on the Registered land Survey within 120 days following receipt by the Director of a properly completed application. If the recommendation from the Planning Commission has not been received by the City Council within the 120-day period, the Council may act without such recommendation. The City Council must approve, approve with conditions or disapprove by resolution.

(4) All Registered Land Surveys shall be prepared in conformance with M.S. 508.47, Subdivision 4, which is incorporated herein by reference.

(5) Prior to approval of a Registered Land Survey, the Council reserves the right to require the dedication of street or utility easements or public park land to the City.

(6) Within 90 days from the date of approval, the subdivider must furnish the City with a receipt from the County showing evidence of the recording of the Registered Land Survey. Failure of the subdivider to comply with the requirements of recording will be cause for rescission of approval.

11-1504.6 Exception for Boundary Adjustment. A subdivision exception may be used with the adjustment of a lot line by the relocation of a common boundary. The adjustment cannot result in the creation of any new lots.

1) Application. Application for a Subdivision Exemption must be made on forms furnished by the Planning Department and must include the following:

(a) An application form signed by the property owner(s) or authorized representatives;

(b) the required application fee, and

(c) and other information enumerated in the Subdivision Exemption Checklist, a form outlining the information required to support the application.

(2) Disposition of a Exception for Boundary Adjustment

(a) Within 60 days of receiving a complete application the Planning Commission must conduct a public hearing in accordance with Sections 11-305.4 and 305.5 and must approve, approve with conditions or deny the application. The Director must notify by letter the applicant of the decision. If the application is denied, the letter must include the reason(s) for denial.

(b) If approved, following compliance with all conditions of approval, a certified copy of a Certificate of Exception from Subdivision Regulations approving the subdivision exemption must be recorded with the County. Within 90 days from the date of approval, the petitioner must furnish the City with a receipt from the County showing evidence of the recording of the exemption. Failure of the petitioner to comply with the requirements of recording will be cause for rescission of approval.

Draft 16-12

11-1504.7 Variances. The City Council may grant a variance to the subdivision regulations when compliance would create an unusual hardship to the development of the land.

(1) Procedure for a Variance. A petition for any such variance must be submitted in writing by the subdivider at the time the subdivision application is filed with the Director. The petition must state fully the grounds for application and all pertinent facts.

(a) Planning Commission Action. Prior to recommending a variance, the Planning Commission must conduct a public hearing in accordance with Sections 11-305.4 and 305.5 and make a recommendation to the Council on the proposed variance. The variance may be reviewed concurrently along with the preliminary plat or lot split. The recommendation on the variance must be forwarded to the City Council along with the recommendation on the subdivision. As part of such recommendation, the Planning Commission may suggest any conditions deemed advisable. Such recommendation must give consideration to the health, safety, order, convenience, general welfare, effect on present and potential land uses, and whether or not the proposal is in conformance with the City's Comprehensive Plan and its Goals and Policies.

(b) City Council Action. The City Council must make a final determination on the application within 60 days after receipt of the Planning Commission's recommendation. Any variance from the terms of the Subdivision Regulations must be adopted by a vote of at least two-thirds of all members of the City Council at the time of preliminary plat and again at the time of final plat. The City Council cannot grant a variance to these regulations unless it finds that all of the following are met:

i. The intent of this Chapter is met;

ii The granting of the variance will not be detrimental to the public safety, health or welfare, or injurious to other property or improvements in the neighborhood in which the property is located.

iii The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are generally not applicable to other property;

iv The literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district;

v The special conditions and circumstances do not result from the actions of the applicant; and

vi Because of the particular natural surroundings, shape, or topographical conditions of the specific property involved, unusual hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.

(2) Conditions of Variance. The City Council may require conditions for approving a variance that will substantially achieve the intent and requirements of these regulations. Violations of such conditions will be deemed a violation of this Chapter.

Draft 8-16-12

11-1504.8 Planned Unit Developments. The requirements of this Chapter may be modified or excepted in the case of planned unit developments pursuant to Chapter 11-902.

11-1504.9 Alternative Construction Methods, Design Standards, and Required Improvements. Within a subdivision or planned unit development, alternative construction methods, design standards, and required improvements may be recommended by the Planning Commission and approved by the City Council if such methods, improvements, and design features are proven to meet the intent of the regulations in this Chapter or are required due to the physical features or the state of development of the property and its surrounding area.

11-1505 Design Standards. In addition to the design standards, all subdivisions must comply with all provisions of the City Code and applicable State Statutes.

11-1505.1 Streets.

(1) New streets must provide continuation of existing streets or street network in the surrounding area.

(2) Streets must be laid out to intersect at right angles, whenever possible. Intersection angles must not be less than 75 degrees unless otherwise approved by the City Engineer.

(3) The grade of arterial streets shall not exceed five percent unless necessitated by exceptional topography and approved by the City Planning Commission. The grade of all other streets shall not exceed eight percent. The minimum grade of all streets shall be 0.5 percent. Sidewalks or crosswalks shall not exceed 12 percent grade.

(4) Cul de Sacs.

(a) A cul-de-sac street shall not exceed 500 feet in length.

(b) The diameter of a cul-de-sac turnaround (measured at the rights-of-way) shall be not less than 120 feet. Pavement diameter of a cul-de-sac turnaround shall be not less than 91 feet measured to back of curb.

(c) Where a subdivision adjoins unsubdivided land, streets must be extended to the subdivision's boundary line and a temporary cul-de-sac constructed. The cul de sac must have a turnaround having an outside roadway diameter of at least 75 feet. Such temporary cul-de-sac must remain in existence until the street is extended beyond the subdivision's boundary line.

(5) Street right-of-way and pavement widths:

Street Type	Right-of-way width (feet)	Pavement width (feet)
Local	60	31(back of curb)
Collector	80	45 or state aid standard as approved by City Engineer
Arterial	80 (minimum)	N/A

(a) The right-of-way for a local street may be reduced to 50 feet where no other arrangement is practical and a larger right-of-way would result in deficiencies in the depth of

Draft 8-16-12

adjacent lots or in severely limited buildable areas on adjacent lots due to extremely poor soil conditions or topography.

(6) Proposed streets must be extended to the boundary lines of the subdivision, unless prevented by topography or other physical conditions or unless in the opinion of the City Planning Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

(7) Where a new subdivision abuts an existing street which lacks the required right-of-way width, the additional right-of-way width may be required to be dedicated by the subdivider.

11-1505.1.1 Easements

(1) A minimum ten foot drainage and utility easement must be provided along all street frontages.

(2) A minimum five foot drainage and utility easement must be provided along side and rear lot lines, unless exempted by the City Engineer

(3) A minimum twenty foot drainage and utility easement must be provided over public stormsewer, sanitary sewer or water main.

(4) Where a subdivision contains a natural ponding area or is traversed by a watercourse, drainageway, channel, or stream, a storm water drainage easement must be provided which substantially conforms to the ponding area or lines of such watercourse up to the 100 year flood elevation. Such easement must be approved by the City Engineer.

(5) Sidewalk and/or trail easements must be provided when needed.

11-1505.3 Lots.

(1) The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of use proposed. Lot dimensions must meet the zoning regulations. Lots fronting on a cul-de-sac shall have a minimum depth of 105 feet. No such lot shall have less than 20 feet of frontage on a cul-de-sac.

(2) Every lot shall abut a public street or have access to a public street by means of a private drive.

(3) Double frontage lots are prohibited except when lots abut a collector or arterial street. The minimum lot depth shall be increased by 15 feet for all double frontage lots whenever possible.

(4) Side lot lines shall be approximately at right angles or radial to street lines.

11-1506 Public Improvements Related to a Development. Subsequent to approval of the final plat and prior to releasing the final plat for recording, the developer must enter into a developer agreement with the city for the installation of all improvements necessary for the subdivision. The developer must cause all street, water, sewer, drainage and other improvements required by the city to be completed pursuant to the developer agreement.

11-1505.1.2 Park Dedication

11-1506.1 Park Dedication Fee.

(1) Because the subdivision of land results in additional development in the community and this causes additional demand upon the recreational and park facilities located therein, the subdivider

Draft 8-16-12

shall dedicate lands for park purposes or pay a park dedication fee as hereinafter determined. Because of the current status of the park and recreational system for the City, and particularly the amount of undeveloped parkland, the need for additional lands for parks does not necessarily coincide with the areas being subdivided. Consequently, the Council determines that contributions by subdividers to the development of recreational park facilities should be primarily by payment of park dedication fees rather than land dedication.

(2) Park dedication fees shall be deposited in the Park Improvement Fund and used solely for the purchase of parks or improvement of parks, playgrounds, community centers, or other recreational facilities in accordance with the park and recreational segment of the City's Comprehensive Plan. The Planning Commission and Parks and Recreation Commission shall make a recommendation to the City Council as to the location of any sites or facilities to be purchased with the above funds.

11-1507.2 Determination of Land to be Dedicated or Fees to be Paid.

(1) Amount. The amount of land required to be dedicated by a developer will be based on the gross area included in the subdivision which could be developed for residential, commercial, or industrial purposes and will be determined by the following formula:

(a) Residential

Dwelling Unit/Acre	Land to be Dedicated
0-1	5%
2-3	10%
4-5	12%
6-7	14%
8-12	16%
13-16	18%

For each unit over 16/acre, add 0.5%.

Provided that if a lot, which is a platted lot as of January 1, 1981, is split into two lots, the land to be dedicated shall be five percent.

(b) Industrial. The park dedication requirement for an industrial subdivision is five percent of the gross area included in the subdivision. Should the City elect to require a park dedication fee rather than a dedication of land, the fee must be equal to five percent of the fair market value of the subdivision land, but not to exceed three times the park dedication fee for a single-family residential unit as determined by the City Council.

(c) Commercial. The park dedication requirement for a commercial subdivision is three percent (3%) of the gross area included in the subdivision. Should the City elect to require a park dedication fee rather than a dedication of land, the fee must be equal to three percent of the fair market value of the subdivision land, but not to exceed three times the park dedication fee for a single-family residential unit as determined by the City Council.

(2) Procedure. Because differing amounts of land, or no lands at all, will be required in different subdivisions, the following procedure will be used:

(a) If land is desired by the City, the subdivider must convey by deed or dedication the land selected by the City.

Draft 8-16-12

i. If the amount of land is less than the percentage required to be dedicated pursuant to Section 11-1507.1(1), the subdivider must pay in addition a fraction of the park dedication fee otherwise payable, the nominator of which is the difference between the percentage of land dedicated and the percentage of land required to be dedicated and the denominator of which is the percentage of land to be dedicated.

ii. If the amount of land is greater than the percentage required to be dedicated, the City must pay to the subdivider the fair market value of the land in excess of the percentage required to be dedicated.

(b) If the City elects to accept a fee in lieu of land dedication, the subdivider must pay to the City the amount of the fee as determined by the City Council by resolution.

(3) Savings Clause. If any of the procedures for the determination of the park dedication fee as contained in (2) above are determined by any Court to be invalid for any reason whatsoever, the park dedication fee must then be determined as follows:

(a) The City Assessor will determine the fair market value of the land to be divided at the time of the final approval.

(b) A percentage equal to the percentage of land to be dedicated as contained in paragraphs (1) a, b, and c above, will be applied to the fair market value and will be the park dedication fee.

(4) For purposes of Section 11-1507.1 "fair market value" means a price that a willing buyer would pay and a willing seller would accept for the property including but not limited to zoning, financing, street, sewer, water and storm drain improvements or influences as determined by the City Assessor but excluding any buildings or structures located thereon.

11-1507.3 Credit for Private Open Space. Where private open space for park or recreation purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision, a credit of up to 25 percent of the requirements of Section 11-1507.1 may be given, provided that the following conditions are met:

(1) That such land area is not occupied by non-recreational buildings and is available for the use of all the residents of the proposed subdivision.

(2) That required setbacks shall not be included in the computation of such private open space.

(3) That the use of the private open space is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of the property within the tract and which cannot be defeated or eliminated without the consent of the City Council.

(4) That the proposed private open space is of a size, shape, location, topography, and usability for park and recreational purposes or contains unique national features that are important to be preserved.

(5) That the proposed private open space reduces the demand for public recreational facilities to serve the development.

Draft 8-16-12

11-1507.4 Other Required Land Dedication. A developer of a mobile home park, multiple-family, institutional, commercial, or industrial development, for which no subdivision of property is required, must comply with the above requirement of dedication of land for park and recreation purposes or the payment of fees in lieu thereof, prior to receiving City approval of the site plan for such development.

Draft 8-16-12

Planning Commission Regular **6.**

Meeting Date: 09/20/2012

Subject: PC 12-21 Zone Change from Industrial to Business Park the area in and around Evergreen Industrial Park

From: Scott Harlicker, Planner

INTRODUCTION

The city is proposing a zone changes of industrial property in and around the Evergreen Industrial Park from Industrial to Business Park.

ACTIONS

Conduct a public hearing
Recommendation by Planning Commission
Introduction by City Council on: October 2, 2012

60 DAY RULE

N/A

LOCATION

The properties are located in and around Evergreen Industrial Park. The area is generally bounded by Coon Rapids Boulevard on the north, Springbrook Drive on the east, 85th Avenue on the south and East River Road and the railroad tracks on the west. The attached location map identifies the boundaries.

DISCUSSION

Staff is proposing the creation of a new zoning district, named *Business Park*, based on discussions at several Council meetings earlier this year, as well as workshops with the Planning Commission, regarding land uses in the industrial district. The proposed district would promote more efficient land use, increased job creation with higher wages, and increased compatibility with existing businesses.

This proposed zone change will implement that zoning district. Staff is proposing the new *Business Park* zoning district to be placed over an area generally known as the Evergreen business park. The area includes 535 acres, with approximately 81 vacant acres. In recommending this new district, Staff and the Planning Commission considered both of the main industrial areas of the city, specifically the area bounded by Northdale Boulevard, U.S. Highway 10, and Xeon Street, and the area around Evergreen business park. The new district is proposed to be applied in the Evergreen area for the following reasons:

- The Evergreen area offers the **most opportunities** for new development. The area around Northdale Boulevard has fewer undeveloped lots and most of those lots have developmental limitations such as wetlands and floodplain. The Evergreen area has about 81 acres of vacant land, most of it without development limitations. The Northdale area has about 35 acres vacant and almost half of it has development limitations.
- Implemenation of the new district in the Evergreen area will create **fewer non-conforming** uses. If the district was implemented in the Northdale area, there are five trucking and distribution facilities and two auto

related uses that would become non-conforming. Implementation in the Evergreen area will create two non-conforming uses, a distribution facility and a bus company.

The industrial zoned properties north of Coon Rapids Boulevard and west of the railroad (includes DOT mini storage) were not included in the new district. They are located within the River Rapids Overlay District (RRO) and are subject to those additional standards.

RECOMMENDATION

In Planning Case 12-21 staff recommends the Planning Commission recommend approval of the proposed zone change from Industrial to Busioness Park.

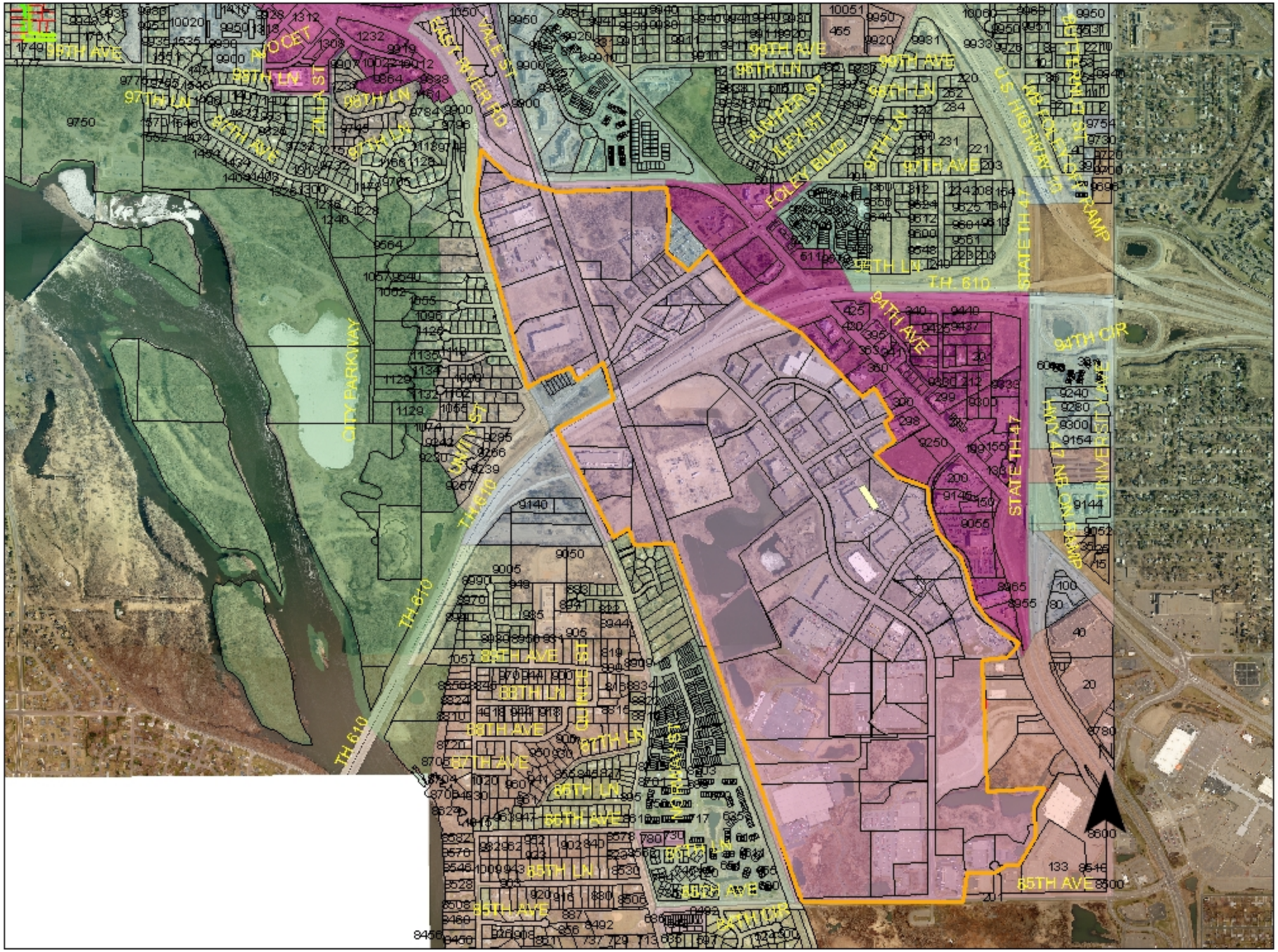
Attachments

Zoning District Boundary

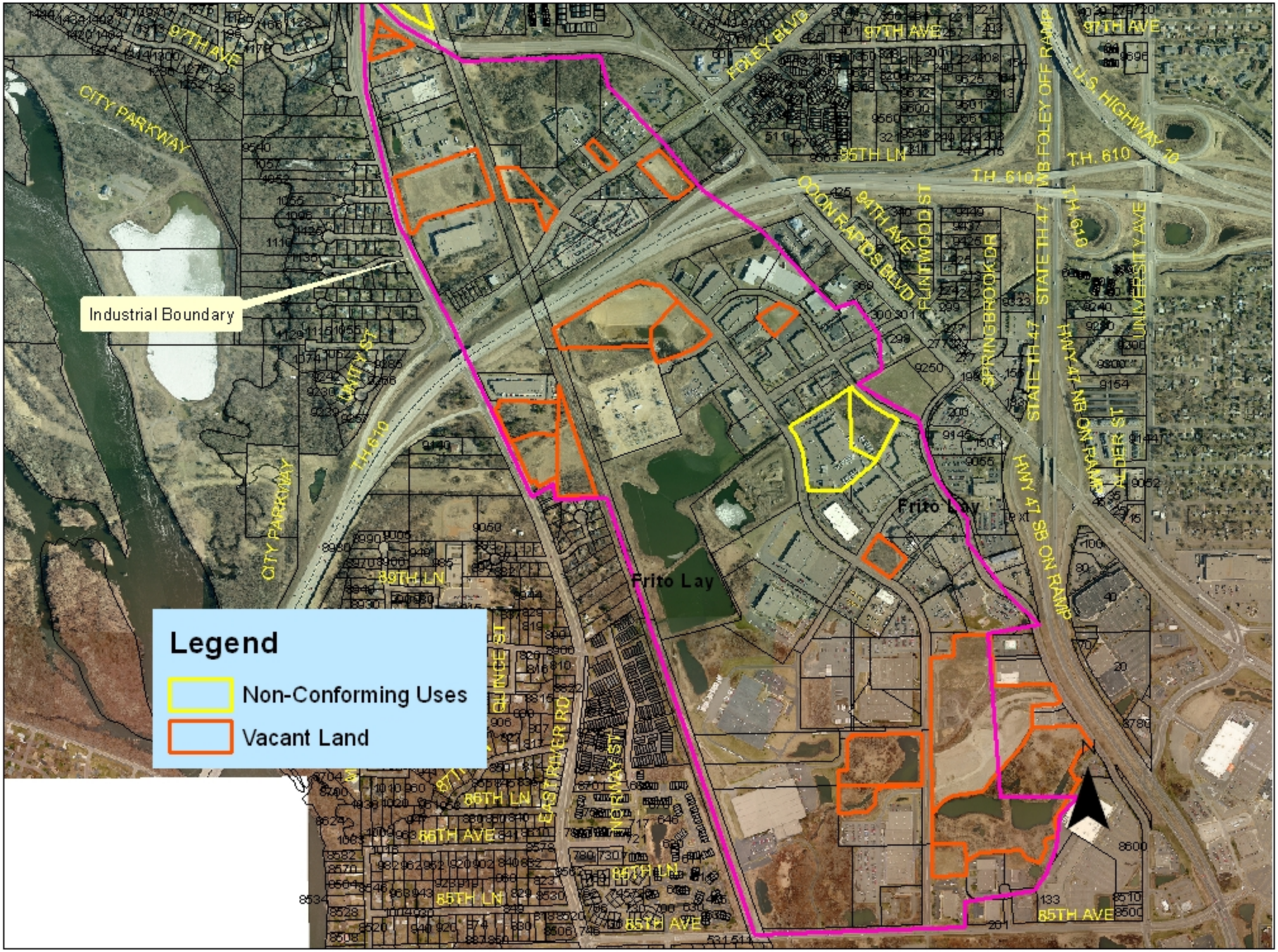
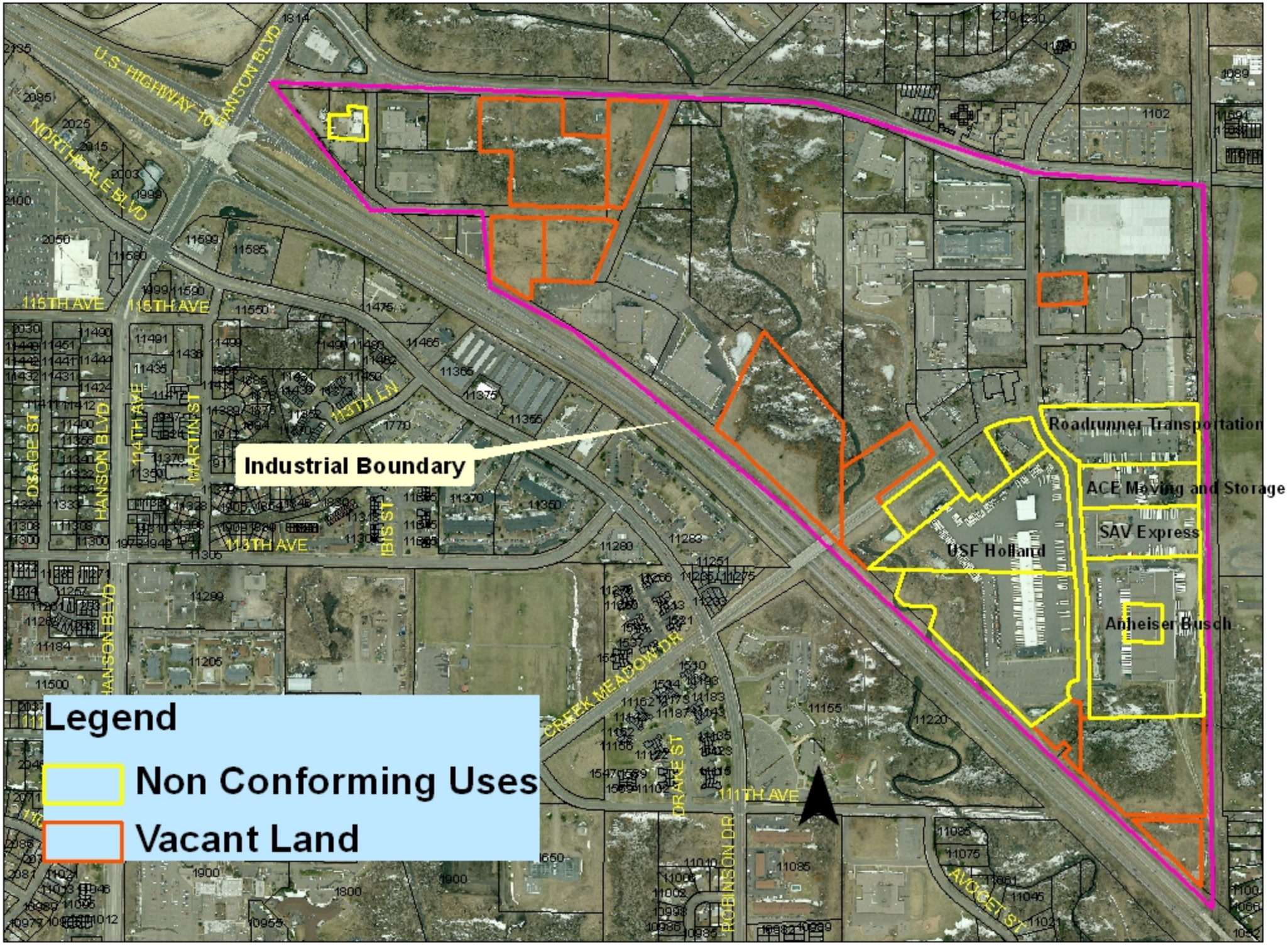
Evergreen Area Vacant Land and Non-conforming Uses

Northdale Area Vacant Land and Non-conforming Uses

New Industrial District Boundary



Vacant Land and Non-Conforming Uses



Vacant Land and Non-conforming Uses