Monday, June 24, 2024
6:00 p.m.

Brooklyn Park Council Chambers
5200 85th Avenue North

REGULAR CITY COUNCIL MEETING – AGENDA #26

Si usted necesita esta información en español: 763-424-8000. Yog xav tau kev pab, thov hu rau 763-424-8000 lawv mam li nrhiav ib tus neeg txhais lus rau koj. If you need this information in another language or alternative format, email access@brooklynpark.org or call 763-424-8000.

Our Vision: Brooklyn Park, a thriving community inspiring pride where opportunities exist for all.

Our Brooklyn Park 2025 Goals:

• A united and welcoming community, strengthened by our diversity • Beautiful spaces and quality infrastructure make Brooklyn Park a unique destination • A balanced economic environment that empowers businesses and people to thrive • People of all ages have what they need to feel healthy and safe • Partnerships that increase racial and economic equity empower residents and neighborhoods to prosper • Effective and engaging government recognized as a leader

I. ORGANIZATIONAL BUSINESS

1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE

2. PUBLIC COMMENT AND RESPONSE 6:00 p.m. Provides an opportunity for Brooklyn Park residents and business owners in Brooklyn Park to address the Council about matters relating to City business not otherwise on the agenda. Public Comment may not be used to make personal attacks, to air personality grievances, to make political endorsements, or for political campaign purposes. Council Members will not engage in a dialogue with speakers. Questions from the Council will be for clarification only. Public Comment will not be used as a time for problem solving or reacting to the comments made, but rather for informational purposes only. Public Comment will be limited to 15 minutes and individual comments are limited to three minutes.

2A. RESPONSE TO PRIOR PUBLIC COMMENT

2B. PUBLIC COMMENT

3A. APPROVAL OF AGENDA (Items specifically identified may be removed from Consent or added elsewhere on the agenda by request of any Council Member.)

3B. PUBLIC PRESENTATIONS/PROCLAMATIONS/RECEIPT OF GENERAL COMMUNICATIONS

- **3B.1** ASEZ WAO Partnership Presentation
  - **A.** MOU
- **3B.2** METRO Blue Line Extension Presentation from Project Office
- **3B.3** Mayor's Proclamation Proclaiming June 24, 2024 as the Day of Celebration and Congratulating the Brooklyn Park Lion's Club Drum and Dance Team
  - **A.** PROCLAMATION

II. STATUTORY BUSINESS AND/OR POLICY IMPLEMENTATION

4. CONSENT (All items listed under Consent, unless removed from Consent in agenda item 3A, shall be approved by one council motion.) Consent Agenda consists of items delegated to city management or a commission but requires council action by State law, City Charter or city code. These items must conform to a council approved policy, plan, capital improvement project, ordinance or contract. In addition, meeting minutes shall be included.

- **4.1** DEV 24-109 (BP Teen and Youth Center) Site Plan Review
  - **A.** RESOLUTION
  - **B.** LOCATION MAP
  - **C.** PLANNING COMMISSION MINUTES
  - **D.** PLAN SET
- **4.2** Development Bond and Escrow Reductions/Releases
- **4.3** Resolution to Allow City Managers/Directors to Sign Contracts of 10K or Less
  - **A.** RESOLUTION

4.4 SECOND READING – Ordinance Prohibiting Cannabis and Hemp Use in Public Places
A. ORDINANCE
4.5 Approve Change Order No. 1 for 2024 Municipal State Aid (MSA) West River Road and 73rd Ave Avenue Mill and Overlay, CIP 4002-24
A. RESOLUTION
B. LOCATION MAP
C. CHANGE ORDER
4.6 Approve Amendment to Joint Powers Agreement for Pets Under Police Security (PUPS)
A. RESOLUTION
B. AGREEMENT
4.7 Approval of the 2024-2025 Collective Bargaining Agreement with the International Association of Firefighters Union, Local 5031
A. RESOLUTION
4.8 Approval of the 2024-2025 Collective Bargaining Agreement with the Law Enforcement Labor Services Union, Local 470
A. RESOLUTION
4.9 SECOND READING - Ordinance Amending the City Code Associated with the Sale of Cannabis
A. ORDINANCE

The following items relate to the City Council's long-range policy-making responsibilities and are handled individually for appropriate debate and deliberation. (Those persons wishing to speak to any of the items listed in this section should fill out a speaker's form and give it to the City Clerk. Staff will present each item, following in which audience input is invited. Discussion will then be closed to the public and directed to the council table for action.)

5. PUBLIC HEARINGS
None.

6. LAND USE ACTIONS
6.1 Zoning Code Text Amendments (Chapters 150, 151, 152, and 153); First Reading
A. ORDINANCE
B. ZONING MAP
C. SUPPORTING DOCUMENTS
D. PLANNING COMMISSION MINUTES

7. GENERAL ACTION ITEMS
7.1 Appointment to the Shingle Creek Watershed Management Commission

III. DISCUSSION – These items will be discussion items but the City Council may act upon them during the course of the meeting.

8. DISCUSSION ITEMS
None.

IV. VERBAL REPORTS AND ANNOUNCEMENTS

9A. COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS
9B. CITY MANAGER REPORTS AND ANNOUNCEMENTS

V. WORK SESSION – Recess to Room A203
10.1 Waste Container Ordinance and Environmental Health Enforcement Priorities
A. APRIL 24, 2034 RESOLUTION – ENVIRONMENTAL HEALTH ENFORCMENT PRIORITIES
B. PROACTIVE SWEEP NEIGHBORHOODS - 2024

VI. ADJOURNMENT

Since we do not have time to discuss every point presented, it may seem that decisions are preconceived. However, background information is provided for the City Council on each agenda item in advance from city staff and appointed commissions, and decisions are based on this information and past experiences. If you are aware of information that has not been discussed, please raise your hand to be recognized. Please speak from the podium. Comments that are pertinent are appreciated. Items requiring excessive time may be continued to another meeting.

City of Brooklyn Park
Request for Council Action

Agenda Item:	3B.1	**Meeting Date:**	June 24, 2024
Agenda Section:	Public Presentations/ Proclamations/Receipt of General Communications	**Originating Department:**	Operations and Maintenance
Resolution:	N/A		
Ordinance:	N/A	**Prepared By:**	Dan Ruiz, O&M Director
Attachments:	1	**Presented By:**	Dan Ruiz, O&M Director Tami Williams, ASEZ WAO
Item:	ASEZ WAO Partnership Presentation		

City Manager's Proposed Action:

The Mayor shall sign a Memo of Understanding (MOU) on behalf of the City of Brooklyn Park to partner with ASEZ WAO for sustainable development of humanity and the earth.

Overview:

ASEZ WAO, which stands for Saving the Earth from A to Z, We Are One family, carries out international campaigns on environmental protection, crime prevention, cultural exchange and more under the concepts of unity, love, and well-being within the community. They are a global volunteer organization comprising primarily of high school students, college students, and young adult workers from the Church of God.

ASEZ WAO is looking to partner with the City of Brooklyn Park on several potential campaigns and is completing a clean-up at Village Creek Park along Shingle Creek on Sunday, June 23rd. They will share a brief presentation on their initiatives and their work on the clean-up.

Additional campaign possibilities include:

- Local seminars on violence prevention featuring young adult professionals
- Summer basketball or soccer tournaments for the youth.
- Environmental clean-ups to support sustainable development

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

3B.1A MOU

MOU for Achieving the SDGs

ASEZ WAO and The City of Brooklyn Park

shall make efforts to cooperate

for sustainable development of humanity and the earth.

_____ . _____ . 20_____

ASEZ WAO	**Mayor**
Branch Manager	**City of Brooklyn Park**
_____	_____

Contents of MOU

The followings are the contents of the MOU in detail between ASEZ WAO and the organization concerned. (Hereinafter referred to as 'both organizations'.)

Article 1 (Purpose) By taking the lead for sustainable development of humanity and the earth, the MOU aims to define the requirements of both organizations in carrying out the human task of the "coexistence of humanity and the earth" and the "coexistence of present and future generations."

Article 2 (Basic Principle) Both organizations shall faithfully carry out the contents of this agreement in accordance with mutual respect, good faith, sincerity.

Article 3 (Period of Agreement) The period of this agreement shall be one year from the date of signature, but shall be automatically extended unless an objection is raised in writing no later than one month before the expiration of the agreement.

Article 4 (What to Cooperate) Both organizations shall select items from the eight Campaigns below to cooperate and shall endeavor to carry them out. (Write in hand if details are required)

Campaigns for Humanity

- ☐ Campaign 1. Educational Support
- ☐ Campaign 2. Well-Being Promotion
- ☐ Campaign 3. Emergency Relief
- ☐ Campaign 4. Cultural Exchanges

Campaigns for Earth

- ☐ Campaign 5. Climate Change Response
- ☐ Campaign 6. Reduce Plastic Use
- ☐ Campaign 7. Terrestrial Ecosystem Protection
- ☐ Campaign 8. Marine Ecosystem Protection

Article 4-1 (Details) If implementation details of the "Campaigns" selected in the list above are required, write them in hand.

To certify this agreement, two copies of this agreement shall be completed and signed by the representatives of both parties, and each copy shall be kept by both parties.

City of Brooklyn Park
Request for Council Action

Agenda Item:	3B.2	**Meeting Date:**	June 24, 2024
Agenda Section:	Public Presentations/ Proclamations/Receipt of General Communications	**Originating Department:**	Community Development
Resolution:	N/A		
Ordinance:	N/A	**Prepared By:**	Paul Mogush, Planning Director
Attachments:	N/A	**Presented By:**	Paul Mogush, Planning Director
Item:	METRO Blue Line Extension Presentation from Project Office		

City Manager's Proposed Action:

Representatives from the METRO Blue Line Light Rail Transit (LRT) Extension project will present updates to the Council and will be available to answer any questions that the Council may have. The presentation will focus on architectural design details of the Operations and Maintenance Facility (OMF), as well as the planned Park and Ride facility at the Oak Grove station.

Overview:

The METRO Blue Line LRT Extension project has been under consideration for decades and is currently on track to open for service in 2030. The project will extend the existing Blue Line from Target Field Station northwest to Brooklyn Park and connect communities along the way. Brooklyn Park is preparing for five stations as part of this almost $3 billion transportation investment.

BLRT Project Information:

Brooklyn Park's website – provides information about Brooklyn Park's beyond the rails planning
https://www.brooklynpark.org/city-projects/light-rail-transit/

Brooklyn Park's Station Area Plans (2016) – provides a vision for the station areas to reinforce and strengthen the unique characteristics of each of the neighborhoods around the five planned stations in Brooklyn Park
www.brooklynpark.org/wp-content/uploads/2019/12/160816_FINAL-Station-Area-Plan-Lo-Res-reducedsize.pdf

Brooklyn Park's West Broadway Streetscape Framework Manual (2017)
https://www.brooklynpark.org/wp-content/uploads/2019/12/171027-West-Broadway-Streetscape-FrameworkManual.pdf

Brooklyn Park's Transit Oriented Development (TOD) Zoning Ordinance
https://codelibrary.amlegal.com/codes/brooklynpark/latest/brooklynpark_mn/0-0-0-38653

Blue Line Extension website
https://yourblueline.org/

Anti-Displacement report
https://yourblueline.org/anti-displacement

Hennepin County's website – Bottineau Community Works
https://www.hennepin.us/residents/transportation/bottineau-community-works

Met Council's project website
https://metrocouncil.org/Transportation/Projects/Light-Rail-Projects/METRO-Blue-Line-Extension.aspx
Press release with Ridership and Cost Data (Feb 28, 2024)
https://metrocouncil.org/NewsEvents/Transportation/Newsletters/Blue-Line-Extension-ridership-and-cost-Feb-2024.aspx

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park
Request for Council Action

Agenda Item:	3B.3	**Meeting Date:**	June 24, 2024
Agenda Section:	Public Presentations/ Proclamations/Receipt of General Communications	**Originating Department:**	Administration
Resolution:	N/A		
Ordinance:	N/A	**Prepared By:**	Devin Montero, City Clerk
Attachments:	1	**Presented By:**	Hollies Winston, Mayor
Item:	Mayor's Proclamation Proclaiming June 24, 2024 as the Day of Celebration and Congratulating the Brooklyn Park Lion's Club Drum and Dance Team		

City Manager's Proposed Action:

The Mayor shall proclaim June 24, 2024 as "the day of celebration and congratulating the Brooklyn Park Lion's Club Drum and Dance team" in the City of Brooklyn Park by one of the following:

1. "I, Hollies Winston, Mayor of the City of Brooklyn Park, Minnesota, do hereby proclaim June 24, 2024 as "the day of celebration and congratulating the Brooklyn Park Lion's Club Drum and Dance team."

OR

2. By reading the proclamation.

Overview:

The Brooklyn Park Lion's Club Drum and Dance team received a first-place award at the May 25, 2024, Drill or Die 2k24 competition in Zion, Illinois. The team also has won a national championship in August 2023, at the Live on the Sands Nationals in Miami, Florida. They would also like to recognize Evelyn Stevenson, a longtime resident of the city and the Dancer Coach of the Brooklyn Park Drum and Dance team, who has impacted a lot of youth in Brooklyn Park and has been with the team since the beginning. Also, present tonight will be Nate Vinson, President of the Nonprofit and Administrator and Johnnie Gurley, Drummer Coach.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

3B.2A PROCLAMATION

PROCLAMATION

PROCLAIMING JUNE 24, 2024, AS THE DAY OF CELEBRATION AND CONGRATULATING THE BROOKLYN PARK LION'S CLUB DRUM AND DANCE TEAM ON THEIR FIRST PLACE AWARD

WHEREAS, the Brooklyn Park Lions Drum and Dance team has demonstrated unwavering dedication, remarkable talent, and unyielding spirit; and

WHEREAS, their rhythmic cadence and harmonious melodies have resonated through the streets, captivating hearts and inspiring awe; and

WHEREAS, their synchronized steps and vibrant costumes have graced countless parades and community festivals, leaving audiences spellbound; and

WHEREAS, they have stood tall, representing Brooklyn Park with pride, commitment, and excellence; and

WHEREAS, their performance at the May 25, 2024, Drill or Die 2k24 competition in Zion, Illinois resulted in a resounding victory, securing first place in their category; and

WHEREAS, in August 2023, their performance at the Live on the Sands Nationals, in Miami, Florida resulted in a national championship; and

WHEREAS, they have continued to shine, earning accolades at various events, including the Midwest Drill and Drumline Competition, the Raspberry Festival Parade, the Center Point Energy Torchlight Parade and Tater Daze Parade; and

WHEREAS, their dedication to community service and positive mentorship has touched the lives of countless youth, fostering discipline, camaraderie, and joy; and

WHEREAS, the Brooklyn Park Lions Drum and Dance team is celebrated and honored for their outstanding achievements, their unwavering commitment, and their harmonious spirit.

NOW, THEREFORE, I, Hollies Winston, Mayor of the City of Brooklyn Park, Minnesota, do hereby proclaim June 24, 2024, as the day of celebration and on behalf of the City and City Council Members, congratulate the Brookyn Park Lion's Club Drum and Dance team on their August 2023 national championship in Miami, Florida and May 25, 2024, first-place award in Zion, Illinois.

Brooklyn Park

5200 85th Avenue North
Brooklyn Park, MN 55443

_____
Hollies Winston, Mayor

City of Brooklyn Park
Request for Council Action

Agenda Item:	4.1	**Meeting Date:**	June 24, 2024
Agenda Section:	Consent	**Originating Department:**	Community Development
Resolution:	X		
Ordinance:	N/A	**Prepared By:**	Erin McDermott, Associate Planner
Attachments:	4	**Presented By:**	Paul Mogush, Planning Director
Item:	**Brooklyn Park Teen and Youth Center –** An application by Design by Melo for Site Plan Review at 7100 Zane Ave N		

City Manager's Proposed Action:

MOTION_____, SECOND_____, TO WAIVE THE READING AND ADOPT RESOLUTION #2024-_____, APPROVING A SITE PLAN REVIEW OF A SITE PLAN FOR THE CONSTRUCTION OF A TWO-STORY YOUTH CENTER AT 7100 ZANE AVENUE NORTH.

Overview:

The applicant, Design by Melo, on behalf of the City of Brooklyn Park Recreation & Parks Department, has applied for a site plan review for improvements to the City-owned property located at 7100 Zane Avenue.

A site plan review is required prior to the construction of buildings. The proposal is for the construction of a two-story teen and youth center, which is in conformance with the Comprehensive Plan. The proposed Teen & Youth Center will add approximately 24,530 square feet to the existing Zanewood Recreation Center and will be attached to the existing building by a breezeway. This building will include a gymnasium, tech center, workforce development space, game lounge, art facilities and many other services to the City's youth.

Planning Commission:

The Brooklyn Park Planning Commission heard this request at the June 12, 2024 Planning Commission Regular Meeting. The Planning Commission voted unanimously (5-0) to recommend approval of this application. A public hearing was held, and multiple members of the community spoke in favor of this request.

Current Conditions:

Planning and Zoning Information		
	Current	**Proposed**
Land Use Plan	Split: Parks / Open Space and Institution	Split: Parks / Open Space and Institution
Current Zoning	Split: CD – Conservancy District and PI – Public Institution	Split: CD – Conservancy District and PI – Public Institution
Site Area	7.8 acres	
Neighborhood	Future 3	Future 3
Conforms to	Land Use Plan – Yes Zoning Code – Yes	
Public Notice	Notices were mailed to 67 properties within 500 feet. Legal notice was published in the Sun Post on May 30, 2024.	

60-Day	July 2, 2024
120-Day	August 31, 2024

Previous Approvals:

Zanewood Elementary was constructed in 1967, it consisted of the heptagonal structure visible in Attachment C. In 1991, a variance was granted to both the property on which Zanewood Elementary was located, but also the City Owned property to the north to allow for a zero lot line development for an addition to the school, which is now known as Zanewood Recreation Center. As this was a joint development between the City and Osseo Area Schools with both owning a portion of the property, the lots could not be combined. The approvals for this development address that the Osseo Area Public Schools property was zoned PI – Public Institution, where the City property was zoned CD – Conservancy. The Conservancy district does not have design standards for schools or structures, so these approvals used the development standards of the PI district, to remain consistent with the original approvals of Zanewood Elementary. As the current proposal is an expansion of the existing use, staff review of the new proposal was consistent with existing approvals, using the more permissive zoning requirements of the PI zoning district.

Land Use/Zoning and Overlay:

The site is zoned CD – Conservancy District and is within the Village Creek neighborhood. The future land use for the property is Parks/ Open Space. This property is anticipated to be rezoned to PI – Public Institution with the Land Use Code Update. This request is consistent with precedent set by the approvals granted by Planning Case 1990-190, and the development of Zanewood Recreation Center, and will be brought into conformance with the adoption of the proposed Planning Case 2024-102 Land Usage Code Update. This site is impacted by the Crystal Airport Zoning Overlay District in which it is required that the Federal Aviation Administration (FAA) review the plans prior to construction, however, the proposed development does not penetrate FAA airspace.

The property to the north and east of the subject property is zoned R6 – Multiple Family Residential. The properties to the west of the subject property, across Zane Avenue, are zoned R3 – Detached Single-Family Residential and R4 - Detached Single and Two-Family Residential.

Proposed Development:

The applicant is proposing a 24,530 square foot addition to the existing Zanewood Recreation Center to accommodate additional programming. This proposal modifies the placement of the existing basketball courts, as well as rearranging the parking lot to maximize the useable park space upon construction of the new facility.

Site Plan Review:

Site plans must be reviewed against the evaluation criteria required by the Code (§ 152.033).

Lighting:

Due to modifications to pedestrian connections internal to the site, the applicant is working on a new photometric plan, which will be submitted prior to City Council approvals. This plan will meet lighting requirements as prescribed in § 152.111.

Pedestrian Connections:

The site has existing pedestrian connections along Zane Avenue, as well as connecting this property to Zanewood Elementary, Zanewood Park, and a gate to the Huntington Place Apartments to the east of the property. The proposed sidewalk improvements exceed Code requirements as prescribed in § 152.131.

Parking:

This project will modify the existing parking lot, reducing the total paved area, but increasing the number of stalls from the existing 96 stalls to a proposed 97. The plan includes 92 general stalls, 3 accessible stalls, and 2 bus stalls. Government buildings are not a listed use in § 152.142 Required Quantity of the Off-Street Parking, Drive Aisle Standards Garage and Driveway Regulations of the Zoning Code. However, Code dictates that for uses not specifically listed, off-street parking requirements may be established by the City Manager based on characteristics of the use. This use serves youth in the community, many of whom are dropped off by parents or a bus, or they walk to the facility. Based on these factors, staff has determined that the proposed parking provided is adequate for this use.

Enclosures and Screening:

The proposed site has an existing waste enclosure which meets screening requirements for waste. There are 3 rooftop HVAC units on the proposed structure, two of which would be visible and screening is proposed. Due to elevation changes at the property line, with screening considerations, the third and most centrally located HVAC unit will be painted to minimize visibility to ensure adequate screening as permitted in § 152.375.

Landscaping:

A tree protection plan was submitted in which 22 mature trees existing on the site will remain.
The remaining trees will be 11 deciduous, 8 evergreen, and 5 ornamental trees. The landscaping ordinance includes credits for mature trees as exchange credits, which counts trees over a designated caliper as 2 trees. There is 189,850 square feet of open space on this property, indicating the requirement of 41 deciduous trees, 47 evergreen trees, 116 ornamental trees, and 1,899 shrubs. The proposed landscaping plan meets the requirements of § 152.374. The applicant has indicated that there may be a need to revise the landscaping plan prior to building permit issuance. Planning staff will work with the architect and the Recreation and Parks Department to ensure the final landscaping plan is consistent with code.

Architectural standards:

The building materials include brick, architecturally textured precast concrete, architectural metal panels, and glass. The façade is made up of 100% Class I materials and exceeds the 65% Class I requirement of § 152.392.

Roadways:

Vehicular access to the site will be from the existing access on Zane Avenue. There is a left turn lane serving southbound traffic.

Utilities:

Sewer and water services will be provided through the existing service to Zanewood Recreation Center, with a separate water meter to the proposed structure. City services were deemed to be adequate for this development.

Conditions of Approval:

Staff recommends the adoption of a resolution subject to the following conditions:

5.01 The applicant must submit an airspace review to the Federal Aviation Administration (FAA) and receive confirmation from the FAA that the project does not penetrate FAA airspace surfaces prior to building permit issuance.
5.02 Provide revised calculations for landscape requirements and any revisions to plans prior to building permit.
5.03 Provide a photometric plan meeting lighting requirements as prescribed in § 152.111 prior to City Council consideration.

Primary Issues/Alternatives to Consider:

1. Approve the site plan as presented.
2. Approve the site plan with modifications.
3. Deny the requests based on certain findings.

Budgetary/Fiscal Issues:

Although full funding has not yet been secured, the project is moving through the planning process to ensure the project is shovel ready as soon as funding has been secured.

Attachments:

4.1A RESOLUTION
4.1B LOCATION MAP
4.1C PLANNING COMMISSION MINUTES
4.1D PLAN SET

RESOLUTION #2024-

RESOLUTION APPROVING A SITE PLAN REVIEW OF A SITE PLAN FOR THE CONSTRUCTION OF A TWO-STORY YOUTH CENTER AT 7100 ZANE AVENUE NORTH

Planning Commission File #24-109

WHEREAS, an application has been made by Designs by Melo on behalf of the City of Brooklyn Park's Recreation and Parks Department for a Site Plan Review under the provisions of the City Code on properties legally described as:

THAT PART OF W 333 FT OF E ½ OF SW ¼ LYING S OF N 548 FT THOF AND N OF A LINE WHICH IS PARALLEL WITH AND 30 FT S OF FOL DESC LINE BEG AT A PT ON E LINE OF SAID E ½ OF SW ¼ DIS 1151.1 FT N FROM SE COR THOF TH W PARALLEL WITH S LINE OF SAID E ½ OF SW ¼ DIS 874.18 FT TH NWLY ON A TANG CURVE CONCAVE TO N HAVING A RADIUS OF 1500 FT AND A ENTRAL ANGLE OF 11 DEG 32 MIN 23 SEC A DIS OF 302.11 FT TH NWLY TANG TO SAID CURVE TO THE W LINE OF SAID E 1/2 OF SW ¼ AND THERE TERMINATING EXCEPT ROAD*, Hennepin County, Minnesota*

;and

WHEREAS, the future land use of this property is Parks/Open Space, and this request was made to construct a government building to improve a City park; and

WHEREAS, the effect of the proposed use upon the health, safety, and welfare of surrounding lands, existing and anticipated traffic conditions, and its effect on the neighborhood have been considered; and

WHEREAS, the matter has been referred to the Planning Commission who held the public hearing on June 12, 2024.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park:

The Site Plan Review for the construction of an addition to the existing structure is hereby approved with the following conditions:

1.00 DRAWINGS

1.01 Site, landscaping, and grading plans for the property on file in the City Clerk's office dated February 2, 2024 are approved, subject to conditions listed below.

2.00 BONDS, ESCROWS AND DIRECT PAYMENTS

2.01 All bonding and escrow requirements outlined in § 152.023 shall be waived for this project, as it is a City owned property, and the City has vested interest in the adequate completion of this development.

3.00 REQUIRED DOCUMENTS

3.01 All utility construction, drainage, grading and development plans must be approved by the City Engineer prior to receiving a building permit.

4.00 GENERAL CONDITIONS

4.01 No burying of construction debris shall be permitted on the site.

4.02 Dust control and erosion measures must be in place to prevent for dust and erosion including, but not limited to, daily watering, silt fences, and seeding. The City Engineer may impose measures to reduce dust and run-off.

4.03 Adequate dumpsters must be on site during construction. When full, they must be emptied immediately or replaced with an empty dumpster.

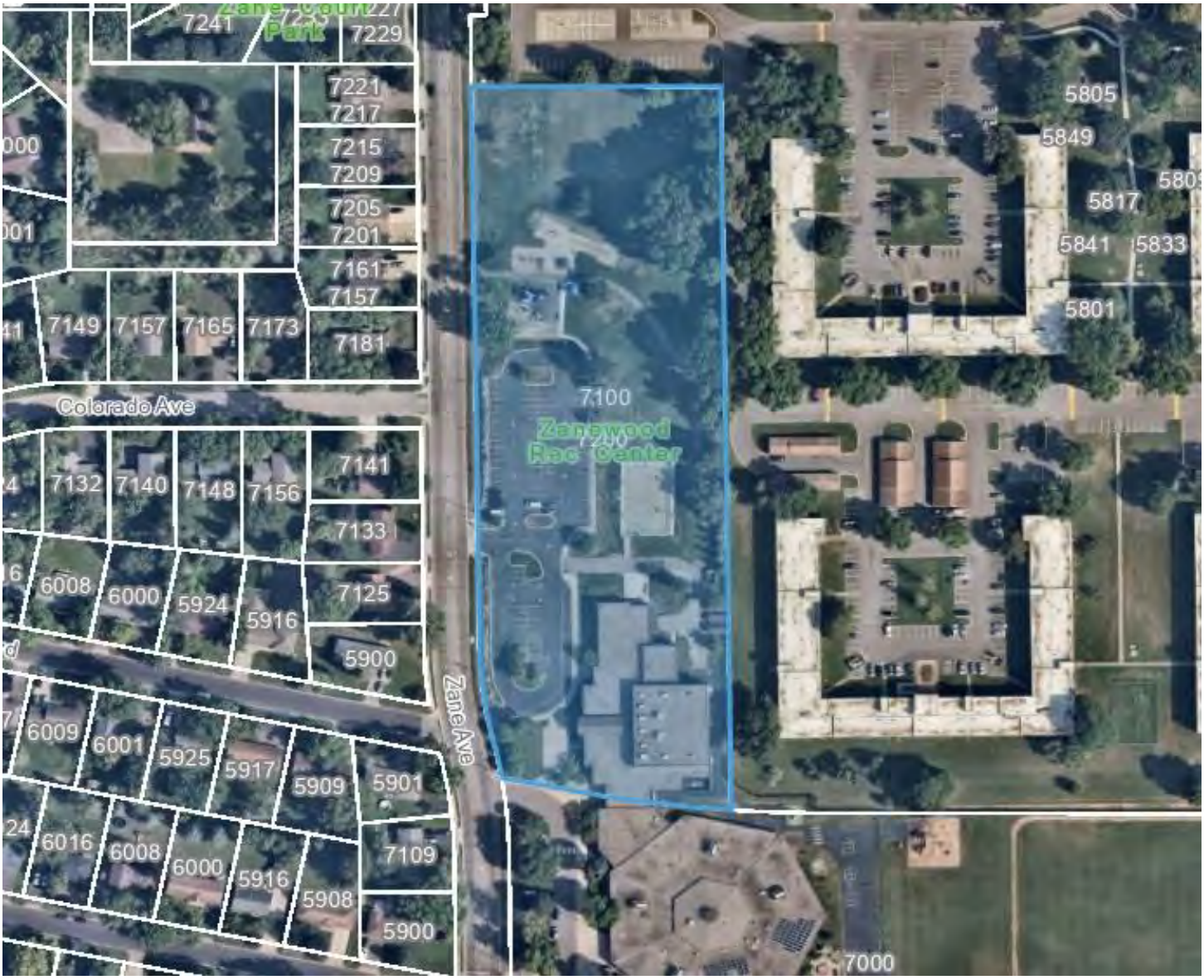
4.04 Signs must conform to the requirements of Chapter 150. The sign plans will be approved by staff to verify code compliance at time of building permit.

5.00 CONDITIONS

5.01 The applicant must submit an airspace review to the Federal Aviation Administration (FAA) and receive confirmation from the FAA that the project does not penetrate FAA airspace surfaces prior to building permit issuance.

5.02 Provide revised calculations for landscape requirements and any revisions to plans prior to building permit.

5.03 Provide a photometric plan meeting lighting requirements as prescribed in § 152.111 prior to City Council consideration.



Site Plan Review
Case #24-109 – Brooklyn Park Teen and Youth Center
Area of Request (August 2023 Air Photo)
7100 Zane Ave N

Brooklyn Park



UNAPPROVED MINUTES

MINUTES OF THE BROOKLYN PARK PLANNING COMMISSION
Regular Meeting – June 12, 2024

1. PUBLIC HEARING

A. Planning Case #24-109 (Brooklyn Park Teen and Youth Center) – 7100 Zane Avenue N – Site Plan Review

Commission Chair Cavin noted that he will be recusing himself from this discussion and vote because of a potential conflict of interest.

Associate Planner McDermott introduced a request for a 24,530-square-foot addition to the existing Zanewood Recreation Center. They identified the subject property, noting that the site is unique in that the building sits on two parcels that are separately owned and zoned. They stated that under a previous consideration, the site was determined that it would be considered under the PI zoning district. They reviewed the adjacent uses and zoning, proposed architectural rendering, and proposed reconfiguration of the site. They provided details on proposed rain gardens for the site noting that there would also be an outdoor art garden. They provided the site rendering which provides for the site configuration and proposed greenspace. They highlighted the different amenities that would be offered within the building. They stated that staff recommends approval as proposed.

Acting Commission Chair Fraser invited parks staff to provide input.

Recreation and Parks Director Tollberg commented that he is excited that this project is moving towards the final stages as the project has been in the works for the past few years. He highlighted all the staff members and design partners that have helped to get to this point. He commented that the site will serve as a much-needed hub for youth programing and family services. He stated that the existing building will be K-5 space, while the programing space within the new building will be focused on teens aged through 24. He stated that there is also a teen tech center, through partnership with Best Buy, which will provide a unique opportunity for young people to explore and imagine new things. He provided additional details on other programing opportunities that this site will provide.

Ashley Adamma Ochiagha Meeks, Design by Melo, commented that as someone who grew up in Brooklyn Park, it has been great to work on this project. She explained the assessment and review that they completed to design the space in a way that provides unique opportunities.

Acting Commission Chair Fraser opened the public hearing.

Cindy Hill commented that she has been active in this project from the beginning and her nonprofit, Minnesota Chill Foundation, has been involved as well. She explained that they engaged the youth in the community to determine their wants for the space. She stated that her foundation put in the Chill Tech space at the current Zanewood location. She stated that space continues to be a limitation, but commended staff for the offerings they are able to provide within that space. She stated that she has reached out to many people in the community to determine what could be provided to assist with this project, as this is something that is needed for the community.

Collette Hemple, 9277 Trinity Gardens, commented that she greatly appreciates the location for the teen center as families in that area live in overcrowded apartments in an overcrowded area. She stated that the City has failed to provide a safe location for the teens to be. She stated that she supports this project and asked that the Commission encourage the City Council to seek funding wherever it could be available including a referendum question on the ballot this fall.

Melvin Sambola, 5900 Century Boulevard, asked when this would become effective and open.

Acting Commission Chair Fraser closed the public hearing but reminded the public that comments can be submitted via email to City Staff for consideration in the City Council agenda packet.

Acting Commission Chair Fraser commented that she is very excited to see this come to fruition as this is something she has supported through long-range planning and as a parent whose children have used the community center.

Commissioner Turner commented that she was excited to see this moving forward, noting that she also has children that have participated in activities at the community center. She commented that this is exactly what the city needs right now and is something the community should be proud of. She expressed thanks to everyone who has been a part of this project.

Commissioner Gaye-Bai asked if this is a City project or whether this is a partnership project.

Associate Planner McDermott replied that this is a City project, although Best Buy is funding the tech program.

Commissioner Gaye-Bai commented that this project is much overdue and will provide a positive experience for youth.

Commissioner Wako echoed the same thoughts as his colleagues in that this is long overdue. He also thanked everyone that provided input tonight and those that have worked on this project for so long.

Associate Planner McDermott commented that the recommendation from this group will go to the City Council on June 24th with anticipated groundbreaking this fall and grand opening next summer.

Recreation and Parks Director Tollberg provided details on the communication methods that the City would continue to use related to the project. He estimated six to nine months for construction, with groundbreaking this fall. He stated that staff would do everything they can to continue to notify the public and neighbors of the plans. He stated that staff intends to have the existing space open while construction is underway and once construction is completed, programing would shift to the new location to allow refurbishment of the existing space.

MOTION TURNER, SECOND GAYE-BAI TO RECOMMEND APPROVAL OF A SITE PLAN REVIEW FOR THE CONSTRUCTION OF A TWO-STORY YOUTH CENTER AT 7100 ZANE AVENUE NORTH.

MOTION CARRIED UNANIMOUSLY.

BROOKLYN PARK TEEN & YOUTH CENTER

SITE PLAN REVIEW - PLANS (REVISED)

(EXISTING CONDITIONS, PROPOSED SITE PLAN, GRADING/DRAINAGE PLAN, UTILITY PLAN, LANDSCAPE PLANS, LIGHTING PLAN)

CLIENT
CITY OF BROOKLYN PARK
BRAD TULLBERG
7100 ZANE AVE N
BROOKLYN PARK, MN 55429
t 763.493.8344
e BRAD.TULLBERG@BROOKLYNPARK.ORG

ARCHITECT
DESIGN BY MELO, LLC
DAMARIS HOLLINGSWORTH
1600 UTICA AVE SOUTH SUITE 900
ST LOUIS PARK, MN 55416
t 612.289.8419
e DAMARIS@DESIGNBYMELO.COM

INTERIOR DESIGNER
FMYH STUDIO
ASHLEY ADAMMA OCHIAGHA MEEKS
1316 66TH AVENUE NE
MINNEAPOLIS, MN 55432
t 612.389.8691
e ASHLEY@FMYH.CO

CIVIL ENGINEER
WSB
BOB BARTH
701 XENIA AVENUE S, SUITE 300
MINNEAPOLIS, MN 55416
t 763.541.4800
e BBARTH@WSBENG.COM

LANDSCAPE ARCHITECT
TEN x TEN
SATOKO MURATAKE
807 BROADWAY ST NE, SUITE 221
MINNEAPOLIS, MN 55413
t 612.440.8369
e SATOKO@TENXTENSTUDIO.COM

STRUCTURAL ENGINEER
AST
DAVID C. BUCHANAN
7301 OHMS LAKE - SUITE 215
EDINA, MN 55439
t 952.208.5213
e DBUCHANAN@ASTENG.COM

MEP ENGINEER
EMANUELSON-PODAS, INC.
JOHN NORDSTROM
7705 BUSH LAKE ROAD
EDINA, MN 55439
t 952.930.0050
e JNORDSTROM@EPINC.COM

DRAWING LIST

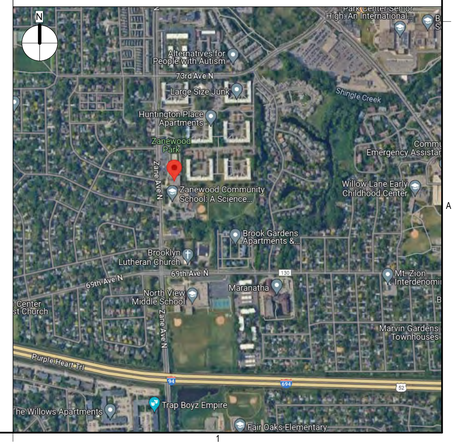
1 - SURVEY
C101 - DEMOLITION PLAN
C201 - SITE PLAN
C301 - GRADING PLAN
C302 - EROSION CONTROL PLAN
C401 - STORM SEWER PLAN
C402 - FILTRATION BASINS 1 AND 2
C403 - FILTRATION BASINS 3 AND 4
C404 - FILTRATION BASIN 5
C405 - WATER & SANITARY SEWER PLAN
C501 - SITE DETAILS
C502 - SITE DETAILS
C503 - SITE DETAILS
C504 - SITE DETAILS

P100A - UNDERGROUND PLUMBING PLAN

L100 - ORIENTATION PLAN
L03 - TREE PROTECTION PLAN
L110 - MATERIAL PLAN
L200 - PLANTING PLAN - TREE
L201 - PLANTING PLAN - UNDERSTORY



SITE MAP



DESIGN BY MELO, LLC
1600 Utica Ave South Suite 900
St Louis Park MN 55416
612.280.8419 p
www.designbymelo.com

These drawings including all design, details, specifications and information, are the sole copyright of Design By Melo, LLC and are for use on this specific project and shall not be used on any other work without agreement and written permission of Design By Melo, LLC ©

BROOKLYN PARK TEEN & YOUTH CENTER

7150 ZANE AVE N
BROOKLYN PARK, MN 55429

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly Licensed Architect under the laws of the State of Minnesota.

Printed Name: _____

Signature: _____

Date: _____ **License #:** _____

No.	Date	Revision Description
1	5/3/2024	SITE PLAN REVIEW
2	5/31/2024	SITE PLAN REVIEW

Project	2023.52.01
Date	5/31/2024
Drawn by	SH
Checked by	DH

COVER SHEET

Drawing Number

G000

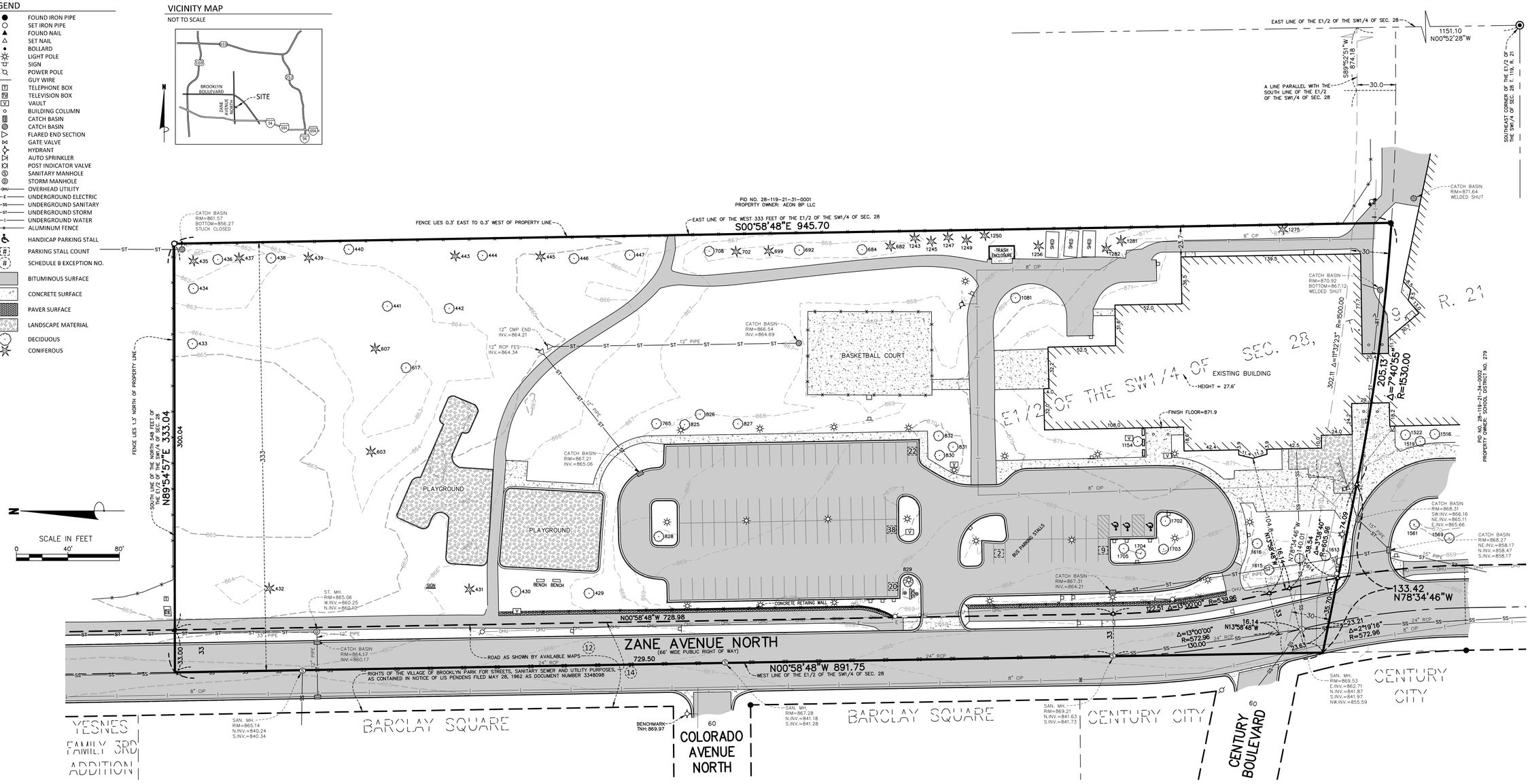
Autodesk Docs://Brooklyn Park Teen Center/BPTYC_Architecture_R23.rvt
5/31/2024 2:25:42 PM

LEGEND

- FOUND IRON PIPE
- SET IRON PIPE
- FOUND NAIL
- SET NAIL
- BOLLARD
- LIGHT POLE
- SIGN
- POWER POLE
- GUY WIRE
- TELEPHONE BOX
- TELEVISION BOX
- VAULT
- BUILDING COLUMN
- CATCH BASIN
- CATCH BASIN
- FLARED END SECTION
- GATE VALVE
- HYDRANT
- AUTO SPRINKLER
- POST INDICATOR VALVE
- SANITARY MANHOLE
- STORM MANHOLE
- OHU — OVERHEAD UTILITY
- E — UNDERGROUND ELECTRIC
- SS — UNDERGROUND SANITARY
- ST — UNDERGROUND STORM
- W — UNDERGROUND WATER
- ALUMINUM FENCE
- HANDICAP PARKING STALL
- PARKING STALL COUNT
- SCHEDULE B EXCEPTION NO.
- BITUMINOUS SURFACE
- CONCRETE SURFACE
- PAVER SURFACE
- LANDSCAPE MATERIAL
- DECIDUOUS
- CONIFEROUS

VICINITY MAP

NOT TO SCALE



TREE NO.	ELEV.	TREE TYPE	TREE SIZE	TREE NO.	ELEV.	TREE TYPE	TREE SIZE
429	867.82	MAPLE	29	827	868.36	ELM	11
430	866.92	ASH	23	828	869.21	ELM	6
431	866.61	PINE	21	829	870.20	ELM	6
432	864.11	PINE	13	830	870.52	ELM	8
433	864.65	ASH	17 21	831	870.59	ELM	4 4 5
434	862.52	ASH	22	832	870.51	ELM	8
435	861.48	PINE	6 7 8 9	1081	869.23	ASH	14
436	861.88	ASH	26	1154	871.65	ELM	11
437	861.92	PINE	13	1243	868.17	PINE	5
438	862.81	ASH	20	1245	867.87	PINE	6
439	863.42	PINE	15	1247	867.87	PINE	9
440	864.50	COTTONWOOD	44	1249	868.03	PINE	8
441	863.99	COTTONWOOD	20 38 52	1250	867.70	PINE	8
442	864.59	ASH	36	1256	868.97	PINE	14
443	864.31	PINE	11	1275	872.55	PINE	10
444	864.91	ASH	21	1281	871.09	PINE	4
445	865.13	PINE	16	1282	870.24	PINE	9
446	865.61	ASH	17	1516	871.32	ELM	10
447	866.65	MAPLE	44	1519	870.67	ELM	8
603	863.57	PINE	22	1522	871.55	ELM	9
607	863.56	PINE	11	1561	870.04	ASH	9
617	863.52	ASH	21	1569	870.06	MAPLE	12
682	868.51	PINE	25	1613	870.98	ELM	9
684	868.77	ASH	21	1614	871.95	ELM	9
692	868.64	ASH	25	1615	872.64	ELM	6
699	868.44	PINE	13	1616	870.57	MAPLE	12
702	868.27	PINE	10 14	1702	870.56	ELM	4
708	868.36	ASH	31	1703	870.23	MAPLE	8
765	867.73	BASSWOOD	31	1704	870.01	ELM	4
825	868.41	ELM	10	1705	870.00	ELM	4
826	868.07	ELM	13				

SURVEYED PROPERTY

Legal Description:

The West 333 feet of the East 1/2 of the Southwest 1/4 of Section 28, Township 119, Range 21, lying South of the North 548 feet thereof and lying North of a line which is parallel with and 30 feet South of the following described line: Commencing at a point on the East line of said East 1/2 of Southwest 1/4, distant 1151.10 feet North of the Southeast corner thereof; thence West parallel with the South line of said East 1/2 of Southwest 1/4, a distance of 874.18 feet; thence Northwesterly on a tangential circular curve, having a central angle of 11 degrees 32 minutes 23 seconds and a radius of 1500 feet, for a distance of 302.11 feet; thence Northwesterly on a line tangential to said curve to its intersection with the West line of said East 1/2 of Southwest 1/4 and there terminating, Hennepin County, Minnesota.

Abstract Property

Per Title Commitment No. 684615, dated 9/15/2023, issued by Land Title, Inc. as agent for First American Title Company.
Easements and servitudes benefiting or burdening the surveyed property, listed in Schedule B-II of the Commitment, are listed below using the same numbering system as in said Schedule B-II. Items 1-11, 15 are not survey-related items and are not listed below.

12. Subject to road as shown by available maps. **The road is shown on the survey.**
13. Drainage Easement in favor of the Village of Brooklyn Park, a Minnesota municipal corporation, dated July 22, 1957, filed September 10, 1957 as Document Number 3082721. **The easement is not on, or does not touch, the surveyed property, and is not shown on the survey**.
14. Rights of the Village of Brooklyn Park, a Minnesota municipal corporation, for streets, sanitary sewer and utility purposes, as contained in Notice of Lis Pendens filed May 28, 1962 as Document Number 3348098. **The easement is shown on the survey.**

"TABLE A" NOTES

1. Monuments have been placed at all corners of the boundary of the property, unless already marked or referenced by existing monuments or witnesses in close proximity to the corner, as shown on the survey.
2. The subject property address is 7200 Zane Avenue North, and its property identification number is 28-119-21-31-0002.
3. The subject property lies within Flood Plain Zone X (areas determined to be outside the 0.2% annual chance flood plain) per Federal Insurance Rate Map No. 27053C0203F dated 11/4/2016.
4. The gross area of the surveyed property is 7.055 Acres or 307,321 Square Feet.
5. The vertical datum is NAVD88.
   Benchmark
   Top nut of hydrant located at northwest quadrant of Zane Avenue North and Colorado Avenue North. Elevation: 869.97
7. a) The building and exterior dimensions of the outside wall at ground level are shown on the survey. It may not be the foundation wall.
   b) Square footage of the existing building is shown on the survey.
   c) Measured height of the the building above grade is shown on the survey.
8. Substantial features observed in the process of conducting the fieldwork are shown on the survey.
9. The parking areas and striping on the surveyed property are shown. There are 3 handicap parking stalls and there are 91 regular parking stalls and there are 4 bus parking stalls for a total of 98 parking stalls.
11. b) Underground utilities are shown per:
    Gopher State One Call, Ticket No. 232414322, dated 9/6/2023.
    A Gopher State One Call (GSOC) request was placed on 8/29/2023 for utility locates on this site. Source information from plans and markings has been combined with observed evidence of utilities to develop a view of underground utilities. However, lacking excavation, the exact location of underground features cannot be accurately, completely, and reliably depicted. In addition, some utility locate requests from surveyors may be ignored or result in an incomplete response. The surveyor has compiled the markings made on the ground, the maps provided, and the observed evidence to show utilities hereon. Where additional or more detailed information is required, the client is advised that excavation and/or a private utility locate request may be necessary. Pursuant to MS 216.D contact Gopher State One Call at 651-454-0002 prior to any excavation.
13. The names, address and property identification numbers of adjoining owners according to current public records are shown on the survey.

SURVEY NOTES

1. The bearing system is based on the east line of East Half of the Southwest Quarter of Section 28, Township 119,Range 21, which is assumed to bear North 00 degrees 58 minutes 48 seconds West.

CERTIFICATION

To: Village of Brooklyn Park, a Minnesota municipal corporation; Land Title, Inc.; and First American Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 7(a), 7(b)(1), 7(c), 8, 9, 11(b), and 13 of Table A thereof.
The fieldwork was completed on September 27, 2023.

Date of Plat or Map: October 11, 2023
James R. Hill, Inc.

Marcus F. Hampton, Land Surveyor, MN License No. 47481

James R. Hill, Inc.
PLANNERS / ENGINEERS / SURVEYORS
2999 WEST C.R. 42, SUITE 100, BURNSVILLE, MN 55306
PHONE: 952.890.6044 mhampton@jrhinc.com
www.jrhinc.com

7200 ZANE AVENUE NORTH

BROOKLYN PARK, MINNESOTA

ALTA/NSPS LAND TITLE SURVEY

FOR

CITY OF BROOKLYN PARK

5600 85TH AVENUE NORTH, BROOKLYN PARK, MN 55443

DRAWN BY: PLM

DATE: 10/10/2023

REVISIONS

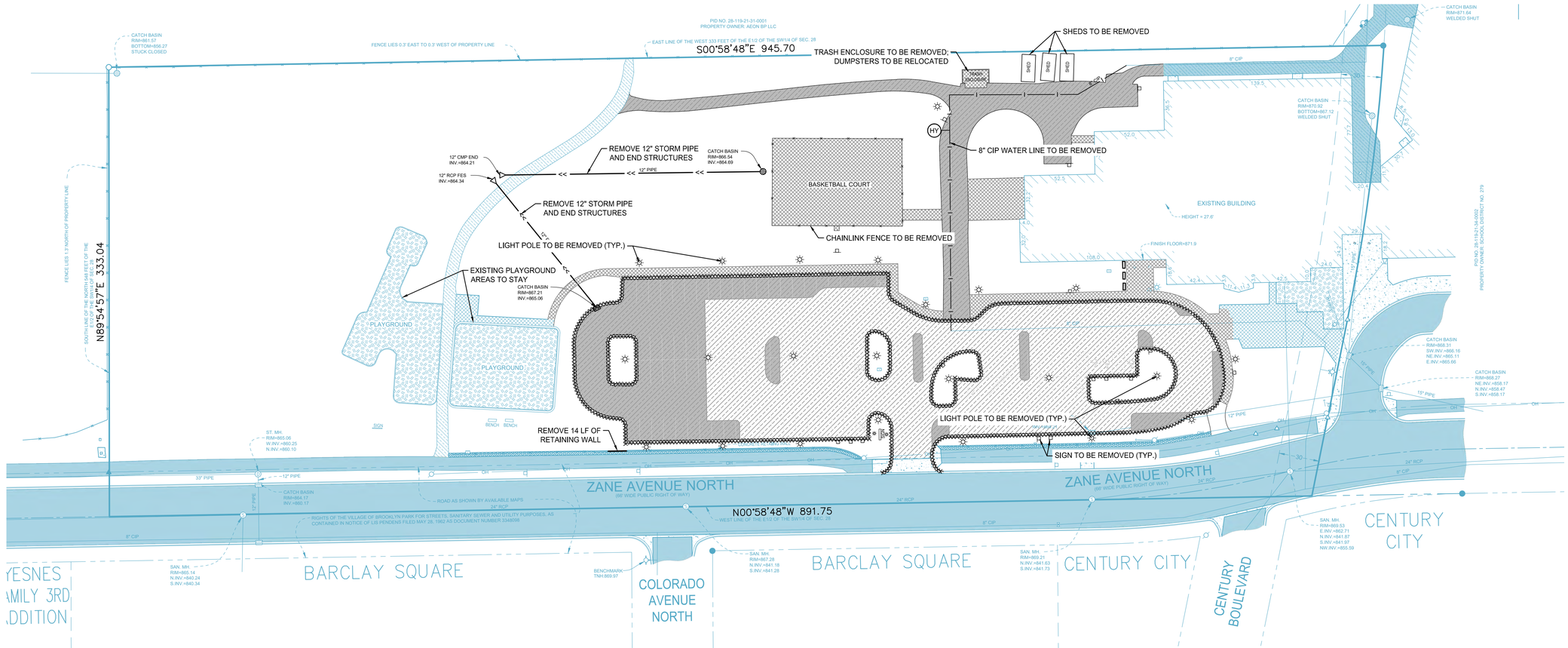
CAD FILE: 24109m.dwg

PROJECT NO.: 24109-00

FILE NO.: 1-23-041

SHEET 1 OF 1

F:_Civil 3D Projects\24109\24109m.dwg — 10/13/2023 12:08PM



DEMOLITION NOTES

1. THE CONTRACTOR SHALL VISIT THE SITE PRIOR TO SUBMITTING A BID TO BECOME FAMILIAR WITH ALL SITE CONDITIONS. ALL SURFACE FEATURES THAT CONFLICT WITH PROPOSED CONDITIONS SHALL BE REMOVED OR RELOCATED WHETHER OR NOT SHOWN ON SURVEY OR SPECIFICALLY CALLED OUT. THIS INCLUDES BUT IS NOT LIMITED TO CLEARING AND GRUBBING.
2. EROSION AND SEDIMENT CONTROL MEASURES ARE TO BE INSTALLED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. INSTALL EROSION AND SEDIMENTATION CONTROL PRIOR TO DEMOLITION. (SEE SHEET C302)
3. USE TEMPORARY CONSTRUCTION FENCING TO SECURE BUILDING SITE FOR PROTECTION OF PERSONS AND PROPERTY.
4. MAINTAIN FIRE ACCESS WITHIN 150 FEET OF EXTERIOR AREAS OF ALL BUILDINGS DURING CONSTRUCTION.
5. CONTRACTOR SHALL COORDINATE WITH ALL SMALL UTILITY OWNERS FOR THE DEMOLITION & RELOCATION OF EXISTING UTILITY STRUCTURES AND LINES AS NECESSARY TO ACCOMMODATE PROPOSED IMPROVEMENTS.
6. THE CONTRACTOR SHALL OBTAIN AND CONFORM TO ALL PERTINENT CITY, COUNTY AND STATE DETAILS, SPECIFICATIONS, PERMITS, AND COORDINATE INSPECTIONS AS REQUIRED BY THE GOVERNING BODY DURING THE ENTIRE PROJECT DURATION.
7. CONTACT PUBLIC AND PRIVATE UTILITY OWNERS A MINIMUM OF 72 HOURS PRIOR TO THE START OF WORK. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO LOCATE AND PROTECT ALL EXISTING UTILITIES AND TOPOGRAPHIC FEATURES NOT SCHEDULED FOR REMOVAL. NO ADDITIONAL PAYMENT WILL BE MADE FOR REPAIRING DAMAGE TO EXISTING UTILITIES, RELOCATING, WORKING AROUND, OR PROTECTING EXISTING UTILITIES OR OTHER APPURTENANCES.
8. COORDINATE WITH PRIVATE UTILITY COMPANIES (ELECTRIC, GAS, COMMUNICATIONS) FOR TERMINATION REMOVAL AND OR RELOCATION OF EXISTING SERVICES THROUGHOUT SITE AND REPLACEMENT WITH NEW SERVICES FOR THE PROPOSED DEVELOPMENT.
9. REMOVE TOPSOIL WITHIN LIMITS OF CONSTRUCTION. STOCKPILE ON-SITE FOR USE IN AREAS NOT SCHEDULED FOR BUILDING, PAVEMENT, OR SIDEWALK.
10. A DIAMOND EDGE SAWBLADE SHALL BE USED FOR CUTTING ALL PAVEMENT MARKED FOR REMOVAL.
11. SAWCUT EXISTING PAVEMENT WHICH ABUTS ALL NEW PAVEMENTS TO PROVIDE A STRAIGHT VERTICAL EDGE. SAWCUT AT CURB AND GUTTER REMOVAL (SEE DETAIL 1/CS502)
12. PROTECT BY WHATEVER MEANS REQUIRED ALL FENCES, SIGNS, STRUCTURES, DRIVES, SIDEWALKS, STREETS, BUSHES, TREES, ETC. WHICH ARE NOT DESIGNATED FOR REMOVAL, OR OUTSIDE THE LIMITS OF CONSTRUCTION.
13. CONTRACTOR IS RESPONSIBLE FOR REPAIRING ALL DAMAGE INCURRED DURING CONSTRUCTION. THIS INCLUDES, BUT IS NOT LIMITED TO, DAMAGE CAUSED BY SUBCONTRACTORS TO THE GENERAL CONTRACTOR. REPAIRS SHALL EQUAL OR EXCEED THE QUALITY OF EXISTING CONDITIONS.
14. CONTRACTOR SHALL REMOVE AND/OR RELOCATE ALL ITEMS NECESSARY TO ACCOMMODATE THE PROPOSED IMPROVEMENTS WHETHER SPECIFICALLY CALLED OUT BY NOTE OR NOT.
15. THE LOCATIONS OF ALL AERIAL AND UNDERGROUND UTILITY FACILITIES ARE APPROXIMATE OR MAY NOT BE INDICATED IN THESE PLANS. UNDERGROUND FACILITIES, WHETHER INDICATED OR NOT, SHALL BE LOCATED PRIOR TO CONSTRUCTION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT ALL EXISTING UTILITIES, PAVEMENT AND OTHER IMPROVEMENTS. ANY DAMAGE TO EXISTING UTILITIES AND/OR PAVED STREETS CAUSED BY CONSTRUCTION OPERATIONS SHALL BE REPAIRED OR REPLACED AT THE CONTRACTOR'S EXPENSE, IN ACCORDANCE WITH CITY OF BROOKLYN PARK PUBLIC WORKS DEPARTMENT STANDARD SPECIFICATIONS FOR CONSTRUCTION, LATEST EDITION.
16. ALL DEBRIS AND REFUSE RESULTING FROM CONSTRUCTION OPERATIONS SHALL BE HAULED OFF-SITE AND DISPOSED OF PROPERLY AT THE CONTRACTOR'S EXPENSE.

N

0 40 80
H: SCALE IN FEET

LEGEND

- (HY) REMOVE HYDRANT, VALVE & LEAD
- xxxxxxxxxxxxxxxxxx REMOVE CURB AND GUTTER
- REMOVE BITUMINOUS ONLY. BASE TO REMAIN INTACT.
- REMOVE BITUMINOUS AND BASE.
- REMOVE CONCRETE

ALL LINEWORK AND HATCHING IN BLUE ARE EXISTING FEATURES TO REMAIN.

NOT FOR CONSTRUCTION

DESIGN BY MELO

DESIGN BY MELO, LLC

1600 Utica Ave South Suite 900
St Louis Park MN 55416

612.280.8419 p

www.designbymelo.com

These drawings including all design, details, specifications and information, are the sole copyright of Design By Melo, LLC and are for use on this specific project and shall not be used on any other work without agreement and written permission of Design By Melo, LLC ©

BROOKLYN PARK TEEN & YOUTH CENTER

7100 ZANE AVE N
BROOKLYN PARK, MN 55429

wsb

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly Licensed Civil Engineer under the laws of the State of Minnesota.

Printed Name: Vicki Van Dell

Signature:

Date: **License #:** 41352

No.	Date	Revision Description
1	5/3/2024	SITE PLAN REVIEW
2	5/31/2024	SITE PLAN REVIEW

CONSTRUCTION DOCUMENTS

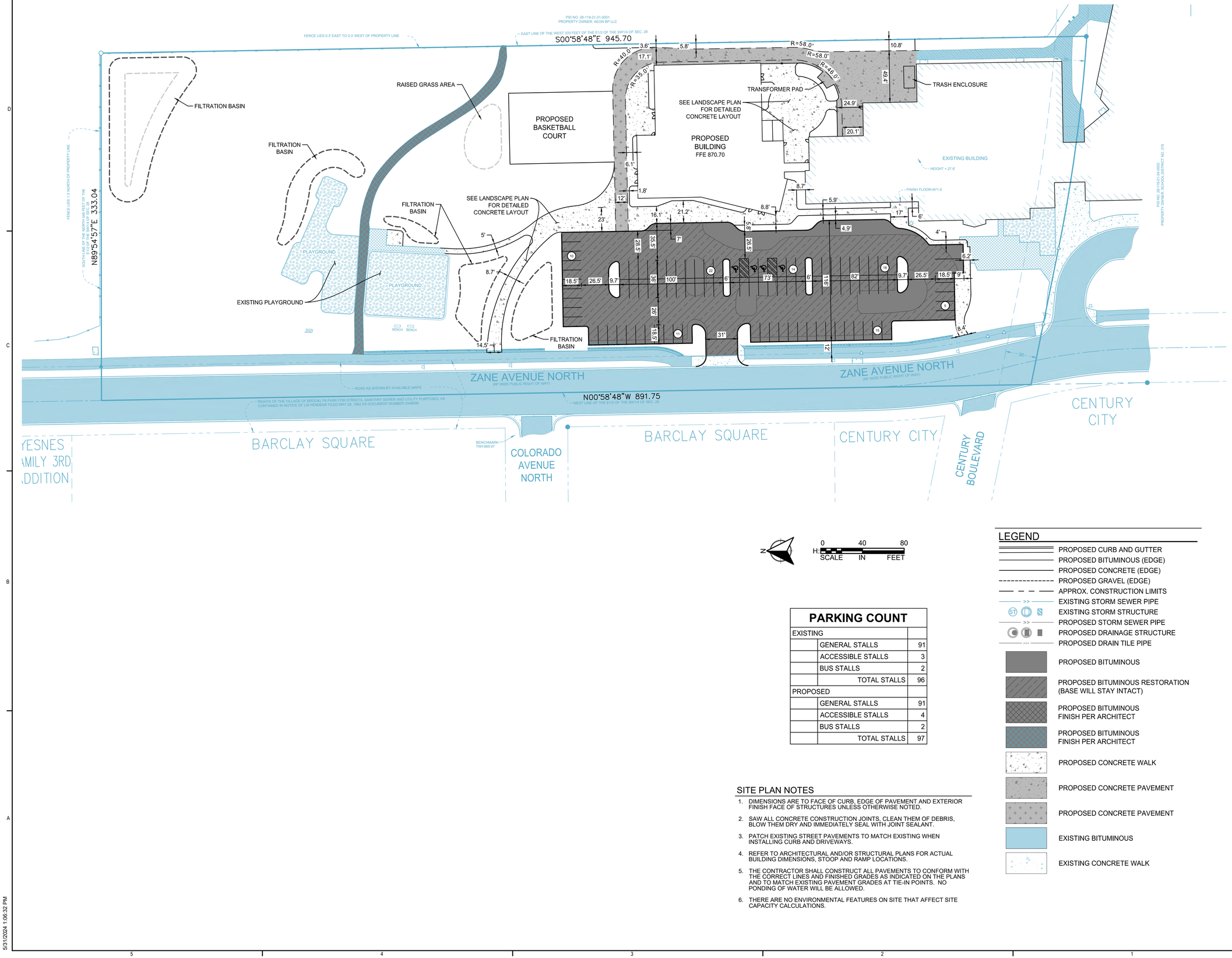
Project	2023.52.01
Date	02.19.2024
Drawn by	MSG
Checked by	VJV

DEMOLITION PLAN

Drawing Number

C101

k:\023401-000\cad\plan\023401-000-cp-demo-plan
5/31/2024 11:21:19 AM



N

0 40 80
H: SCALE IN FEET

PARKING COUNT

EXISTING		
	GENERAL STALLS	91
	ACCESSIBLE STALLS	3
	BUS STALLS	2
	TOTAL STALLS	96
PROPOSED		
	GENERAL STALLS	91
	ACCESSIBLE STALLS	4
	BUS STALLS	2
	TOTAL STALLS	97

SITE PLAN NOTES

1. DIMENSIONS ARE TO FACE OF CURB, EDGE OF PAVEMENT AND EXTERIOR FINISH FACE OF STRUCTURES UNLESS OTHERWISE NOTED.
2. SAW ALL CONCRETE CONSTRUCTION JOINTS, CLEAN THEM OF DEBRIS, BLOW THEM DRY AND IMMEDIATELY SEAL WITH JOINT SEALANT.
3. PATCH EXISTING STREET PAVEMENTS TO MATCH EXISTING WHEN INSTALLING CURB AND DRIVEWAYS.
4. REFER TO ARCHITECTURAL AND/OR STRUCTURAL PLANS FOR ACTUAL BUILDING DIMENSIONS, STOOP AND RAMP LOCATIONS.
5. THE CONTRACTOR SHALL CONSTRUCT ALL PAVEMENTS TO CONFORM WITH THE CORRECT LINES AND FINISHED GRADES AS INDICATED ON THE PLANS AND TO MATCH EXISTING PAVEMENT GRADES AT TIE-IN POINTS. NO PONDING OF WATER WILL BE ALLOWED.
6. THERE ARE NO ENVIRONMENTAL FEATURES ON SITE THAT AFFECT SITE CAPACITY CALCULATIONS.

LEGEND

- PROPOSED CURB AND GUTTER
- PROPOSED BITUMINOUS (EDGE)
- PROPOSED CONCRETE (EDGE)
- PROPOSED GRAVEL (EDGE)
- APPROX. CONSTRUCTION LIMITS
- EXISTING STORM SEWER PIPE
- EXISTING STORM STRUCTURE
- PROPOSED STORM SEWER PIPE
- PROPOSED DRAINAGE STRUCTURE
- PROPOSED DRAIN TILE PIPE
- PROPOSED BITUMINOUS
- PROPOSED BITUMINOUS RESTORATION (BASE WILL STAY INTACT)
- PROPOSED BITUMINOUS FINISH PER ARCHITECT
- PROPOSED BITUMINOUS FINISH PER ARCHITECT
- PROPOSED CONCRETE WALK
- PROPOSED CONCRETE PAVEMENT
- PROPOSED CONCRETE PAVEMENT
- EXISTING BITUMINOUS
- EXISTING CONCRETE WALK

NOT FOR CONSTRUCTION

DESIGN BY MELO

DESIGN BY MELO, LLC

1600 Utica Ave South Suite 900
St Louis Park MN 55416

612.280.8419 p

www.designbymelo.com

These drawings including all design, details, specifications and information, are the sole copyright of Design By Melo, LLC and are for use on this specific project and shall not be used on any other work without agreement and written permission of Design By Melo, LLC ©

BROOKLYN PARK TEEN & YOUTH CENTER

7100 ZANE AVE N
BROOKLYN PARK, MN 55429

wsb

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly Licensed Civil Engineer under the laws of the State of Minnesota.

Printed Name: Vicki Van Dell

Signature:

Date: **License #:** 41352

No.	Date	Revision Description
1	5/3/2024	SITE PLAN REVIEW
2	5/31/2024	SITE PLAN REVIEW

CONSTRUCTION DOCUMENTS

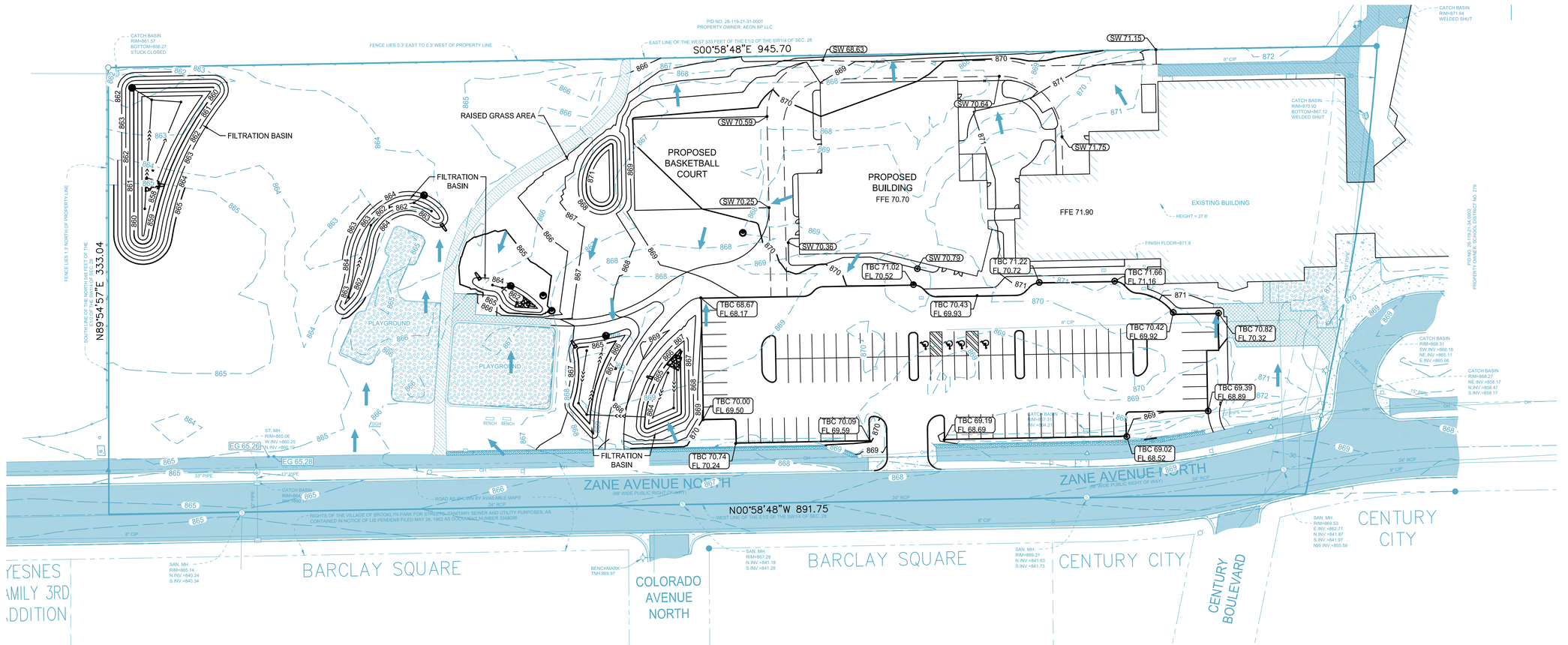
Project	2023.52.01
Date	02.19.2024
Drawn by	MSG
Checked by	VJV

SITE PLAN

Drawing Number

C201

k:\023401-000\cad\plan\023401-000-cp-site-plan
5/31/2024 1:06:32 PM



SITE GRADING NOTES

1. THE CONTRACTOR SHALL APPLY FOR A CITY OF BROOKLYN PARK GRADING PERMIT BEFORE STARTING WORK. THE INSPECTOR AND THE CITY OF BROOKLYN PARK PUBLIC WORKS DEPARTMENT SHALL BE NOTIFIED BY THE CONTRACTOR 48 HOURS BEFORE START OF CONSTRUCTION. NO WORK MAY BEGIN UNTIL THE PERMIT HAS BEEN RECEIVED AND THE CONTRACTOR MUST COMPLY WITH THE TERMS OF THE PERMIT.
2. GRADING ACTIVITY WHICH BLOCKS TRAFFIC OF ANY STREET, ALLEY, OR DRIVE IS SUBJECT TO APPROVAL BY THE CITY.
3. IF NECESSARY, CONTRACTOR SHALL REQUEST/OBTAIN ANY ADDITIONAL GRADING EASEMENTS FROM ADJACENT PROPERTY OWNER.
4. CONTRACTOR SHALL STOP WORK IMMEDIATELY AND NOTIFY THE ENGINEER AND OWNER IF CONTAMINANTS ARE FOUND IN THE EXISTING SOILS.
5. FIRST FLOOR ELEVATION (FFE) AS INDICATED ON THE DRAWINGS CORRESPONDS TO ELEVATION 100'-0" ON ALL OTHER DISCIPLINE SHEETS (ARCHITECTURAL, STRUCTURAL, ETC).
6. THE PROPOSED GRADES SHOWN ON THE GRADING PLAN ARE FINISHED GRADES. SPOT ELEVATIONS ALONG CURB LINES REPRESENT THE TOP BACK OF CURB UNLESS OTHERWISE NOTED.
7. SIDEWALK CROSS-SLOPES SHALL NOT EXCEED 1.8% AND LONGITUDINAL SLOPES SHALL NOT EXCEED 4.8%.
8. PROVIDE POSITIVE DRAINAGE AT ALL TIMES WITHIN THE CONSTRUCTION AREA. DO NOT ALLOW WATER TO POND IN EXCAVATION AREAS, AND MAINTAIN ALL EXISTING DRAINAGE PATTERNS.
9. UNLESS OTHERWISE NOTED, FINISH GRADE SHALL BE SIX INCHES BELOW FINISHED FLOOR IN NON-PAVED AREAS.
10. ALL GRADES WITHIN THE LANDSCAPED AREA SHALL NOT EXCEED 3 HORIZONTAL TO 1 VERTICAL AND HAVE A MINIMUM GRADE OF 1.5%, UNLESS OTHERWISE NOTED.
11. ALL NON-PAVED AREAS SHALL RECEIVE A FOUR-INCH (4") LAYER OF TOPSOIL.
12. THE CONTRACTOR SHALL ADJUST TO GRADE ALL MANHOLE STRUCTURES AND APPURTENANCES THAT FALL WITHIN THE LIMITS OF THIS CONTRACT. THE CONTRACTOR SHALL KEEP ALL SAID EXISTING UTILITIES AND THEIR APPURTENANCES FREE OF DEBRIS AND OPERABLE AT ALL TIMES DURING CONSTRUCTION.
13. THE CONTRACTOR SHALL BE RESPONSIBLE TO COMPLY WITH ALL OSHA REGULATIONS IN THE EXECUTION OF WORK UNDER THIS CONTRACT.

TOTAL PARCEL AREA = 6.34 AC
DISTURBED AREA = 2.93 AC
BITUMINOUS RESTORATION (BASE WILL REMAIN INTACT) = 0.63 AC

H: 0 40 80
SCALE IN FEET

LEGEND

- APPROX. CONSTRUCTION LIMITS
- PROPERTY LINE
- EXISTING EASEMENT
- PROPOSED EASEMENT
- EXISTING CONTOUR (MAJOR)
- EXISTING CONTOUR (MINOR)
- PROPOSED CONTOUR (MAJOR)
- PROPOSED CONTOUR (MINOR)
- EXISTING SANITARY SEWER MAIN
- PROPOSED SANITARY SEWER MAIN
- EXISTING SANITARY SEWER SERVICE
- PROPOSED SANITARY SEWER SERVICE
- EXISTING SANITARY STRUCTURE
- PROPOSED SANITARY STRUCTURE
- EXISTING STORM SEWER PIPE
- EXISTING STORM STRUCTURE
- PROPOSED STORM SEWER PIPE
- PROPOSED DRAINAGE STRUCTURE
- PROPOSED DRAIN TILE PIPE
- PROPOSED 4" WIDE TRENCH DRAIN
- EXISTING FENCE
- PROPOSED FENCE
- PROPOSED SPOT ELEVATION
- EXISTING SPOT ELEVATION

NOT FOR CONSTRUCTION

DESIGN BY MELO

DESIGN BY MELO, LLC

1600 Utica Ave South Suite 900
St Louis Park MN 55416

612.280.8419 p

www.designbymelo.com

These drawings including all design, details, specifications and information, are the sole copyright of Design By Melo, LLC and are for use on this specific project and shall not be used on any other work without agreement and written permission of Design By Melo, LLC ©

BROOKLYN PARK TEEN & YOUTH CENTER

7100 ZANE AVE N
BROOKLYN PARK, MN 55429

wsb

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly Licensed Civil Engineer under the laws of the State of Minnesota.

Printed Name: Vicki Van Dell

Signature:

Date: **License #:** 41352

No.	Date	Revision Description
1	5/3/2024	SITE PLAN REVIEW
2	5/31/2024	SITE PLAN REVIEW

CONSTRUCTION DOCUMENTS

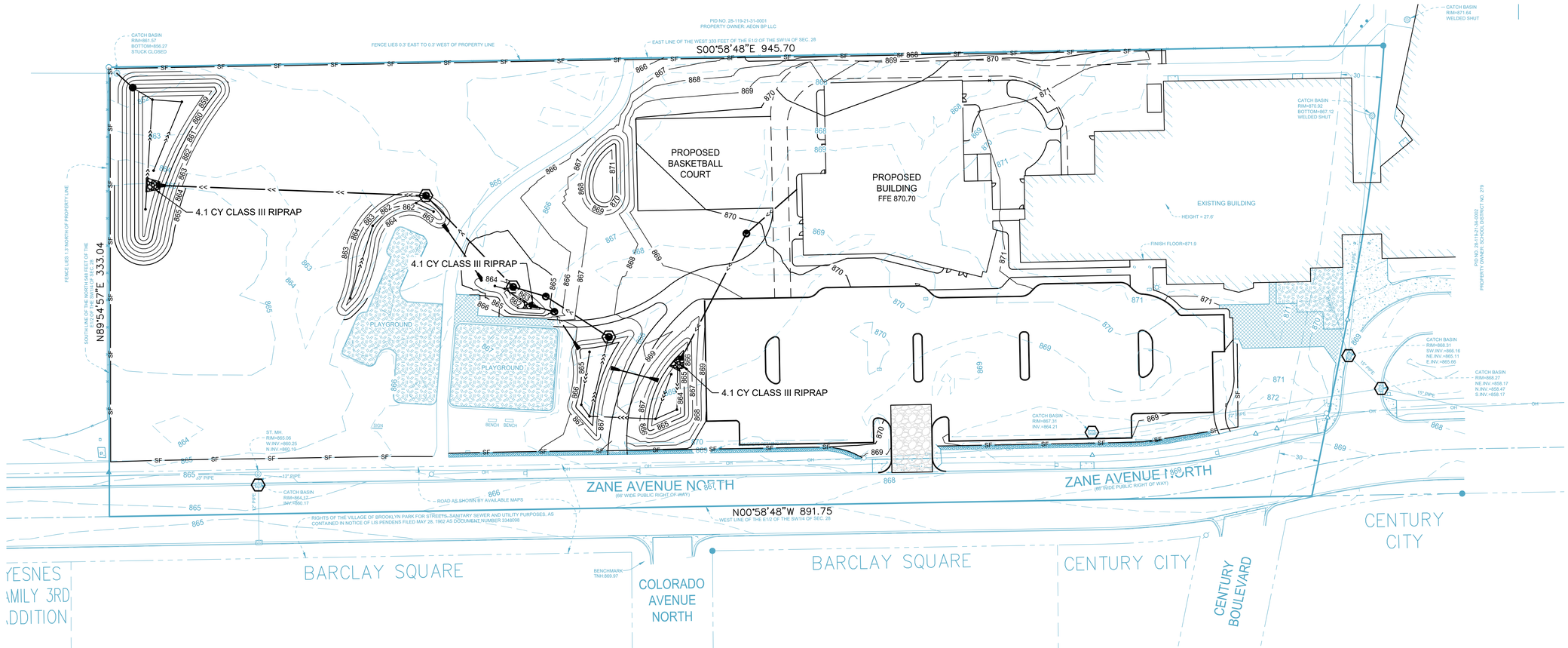
Project	2023.52.01
Date	02.19.2024
Drawn by	MSG
Checked by	VJV

GRADING PLAN

Drawing Number

C301

k:\023401-000\cad\plan\023401-000-cp-grad-plan
5/31/2024 11:25:29 AM



EROSION CONTROL NOTES

1. A STORMWATER POLLUTION PREVENTION PLAN (SWPPP) IS INCLUDED WITH THIS PROJECT. FAILURE TO IMPLEMENT THE CONTROLS AND PRACTICES OUTLINED WOULD RESULT IN VIOLATION OF THE ENVIRONMENTAL POLICY ACT AND CLEAN WATER ACT AND IS GROUNDS FOR PENALTIES.
2. ESTABLISH EROSION AND SEDIMENT CONTROL MEASURES AT THE BEGINNING OF CONSTRUCTION AND MAINTAIN DURING THE ENTIRE LENGTH OF CONSTRUCTION. AREAS WHICH ARE SUBJECT TO SEVERE EROSION AND OFF-SITE AREAS WHICH ARE ESPECIALLY VULNERABLE TO DAMAGE FROM EROSION AND/OR SEDIMENTATION ARE TO BE IDENTIFIED AND RECEIVE ADDITIONAL EROSION CONTROL AND SEDIMENT MEASURES AS DIRECTED BY THE OWNER'S CONSTRUCTION REPRESENTATIVE.
3. LOCATIONS OF STABILIZED CONSTRUCTION ENTRANCES INDICATED ON PLANS ARE APPROXIMATE. CONTRACTOR SHALL ADJUST LOCATION AND SIZE OF ENTRANCES TO ACCOMMODATE CONSTRUCTION VEHICLES AND ACTIVITIES.
4. COORDINATE ALL LAND DISTURBING ACTIVITIES AND CONDUCT SO AS TO MINIMIZE THE SIZE OF THE AREA TO BE EXPOSED AT ANY ONE TIME AND MINIMIZE THE TIME OF EXPOSURE. MASS CLEARING AND GRADING OF THE ENTIRE SITE SHOULD BE AVOIDED. COORDINATE ALL LAND DISTURBING ACTIVITIES SO AS TO MINIMIZE OFF-SITE SEDIMENTATION DAMAGE. RESTABILIZE DISTURBED AREAS AS SOON AS POSSIBLE AFTER CONSTRUCTION IS COMPLETED.
5. PERIODICALLY CLEAN OUT AND DISPOSE OF ALL SEDIMENT ONCE THE STORAGE CAPACITY OF THE DRAINAGE FEATURE OR STRUCTURE RECEIVING THE SEDIMENT IS REDUCED BY ONE-HALF. CLEAN OUT AND DISPOSE OF ALL SEDIMENT AT THE COMPLETION OF THE PROJECT. ALL STREETS IN AND ADJACENT TO THE PROJECT SHALL REMAIN CLEAN AND PASSABLE AT ALL TIMES. ANY SEDIMENT OR DEBRIS SHALL BE REMOVED WITHIN 24 HOURS, OR AS OFTEN AS NEEDED TO ENSURE PUBLIC SAFETY.
6. INLET PROTECTION WILL BE INSTALLED AT ALL CATCH BASINS WITHIN THE PROJECT AREA. THE CONTRACTOR SHALL PROVIDE APPROPRIATE EROSION CONTROL DEVICES FOR STOCKPILE AREAS, INLETS, AND DITCHES MUST BE STABILIZED WITHIN 200 LINEAL FEET FROM THE PROPERTY EDGE, OR FROM THE POINT OF DISCHARGE TO ANY SURFACE WATER. STABILIZATION MUST BE COMPLETED WITHIN 24 HOURS OF CONNECTING TO SURFACE WATER.
7. REMOVE THE TEMPORARY EROSION AND SEDIMENT CONTROL DEVICES AND VERIFY THE CLEANING OUT OF ALL STORM DRAINAGE STRUCTURES, INCLUDING FLUMES, PIPES, AND DITCHES ONCE FINAL STABILIZATION HAS OCCURRED.
8. PIPE OUTLETS NEED TEMPORARY OR PERMANENT ENERGY DISSIPATION WITHIN 24 HOURS OF GOING ONLINE.
9. WHERE GROUND WATER EXISTS, CONTRACTOR MUST SUBMIT A DEWATERING TREATMENT PLAN TO THE ENGINEER FOR APPROVAL. THE PLAN MUST INCLUDE A DEWATERING SYSTEM PRIOR TO DISCHARGING INTO RECEIVING WATER. IF DEWATERING IS REQUIRED THROUGH DISCHARGING INTO THE CITY OF ROCHESTER'S STORM SEWER SYSTEM, THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS OR APPROVALS. THE DEWATERING PLAN MUST ENSURE THAT THE DISCHARGE WATER IS FREE OF SEDIMENT AND TURBID WATER.
10. ADDITIONAL EROSION AND SEDIMENT CONTROLS MAY BE ADDED DURING ANY PHASE OF CONSTRUCTION AS DIRECTED BY THE ENGINEER.
11. THE CONTRACTOR SHALL PROVIDE PERIMETER CONTROL DAY - TO - DAY AT DISTURBED, UNSTABILIZED AREAS WHERE EROSION OR SEDIMENTATION COULD BE A PROBLEM. THE ENGINEER SHALL DIRECT THE CONTRACTOR AS TO WHERE PLACEMENT OF PERIMETER CONTROL WILL BE REQUIRED.
12. THE CONTRACTOR SHALL SOD ALL DISTURBED AREAS.

N

0 40 80
H: SCALE IN FEET

LEGEND

- INLET PROTECTION
- FLOW DIRECTION
- RIP RAP
- WOOD FIBER BIOROLL
- SF — SILT FENCE
- STABILIZED CONSTRUCTION ENTRANCE

SEE LANDSCAPE PLAN FOR SEED/SOD SPECIFICATIONS.

NOT FOR CONSTRUCTION

DESIGN BY MELO

DESIGN BY MELO, LLC

1600 Utica Ave South Suite 900
St Louis Park MN 55416

612.280.8419 p

www.designbymelo.com

These drawings including all design, details, specifications and information, are the sole copyright of Design By Melo, LLC and are for use on this specific project and shall not be used on any other work without agreement and written permission of Design By Melo, LLC ©

BROOKLYN PARK TEEN & YOUTH CENTER

7100 ZANE AVE N
BROOKLYN PARK, MN 55429

wsb

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly Licensed Civil Engineer under the laws of the State of Minnesota.

Printed Name: Vicki Van Dell

Signature:

Date: License #: 41352

No.	Date	Revision Description
1	5/3/2024	SITE PLAN REVIEW
2	5/31/2024	SITE PLAN REVIEW

CONSTRUCTION DOCUMENTS

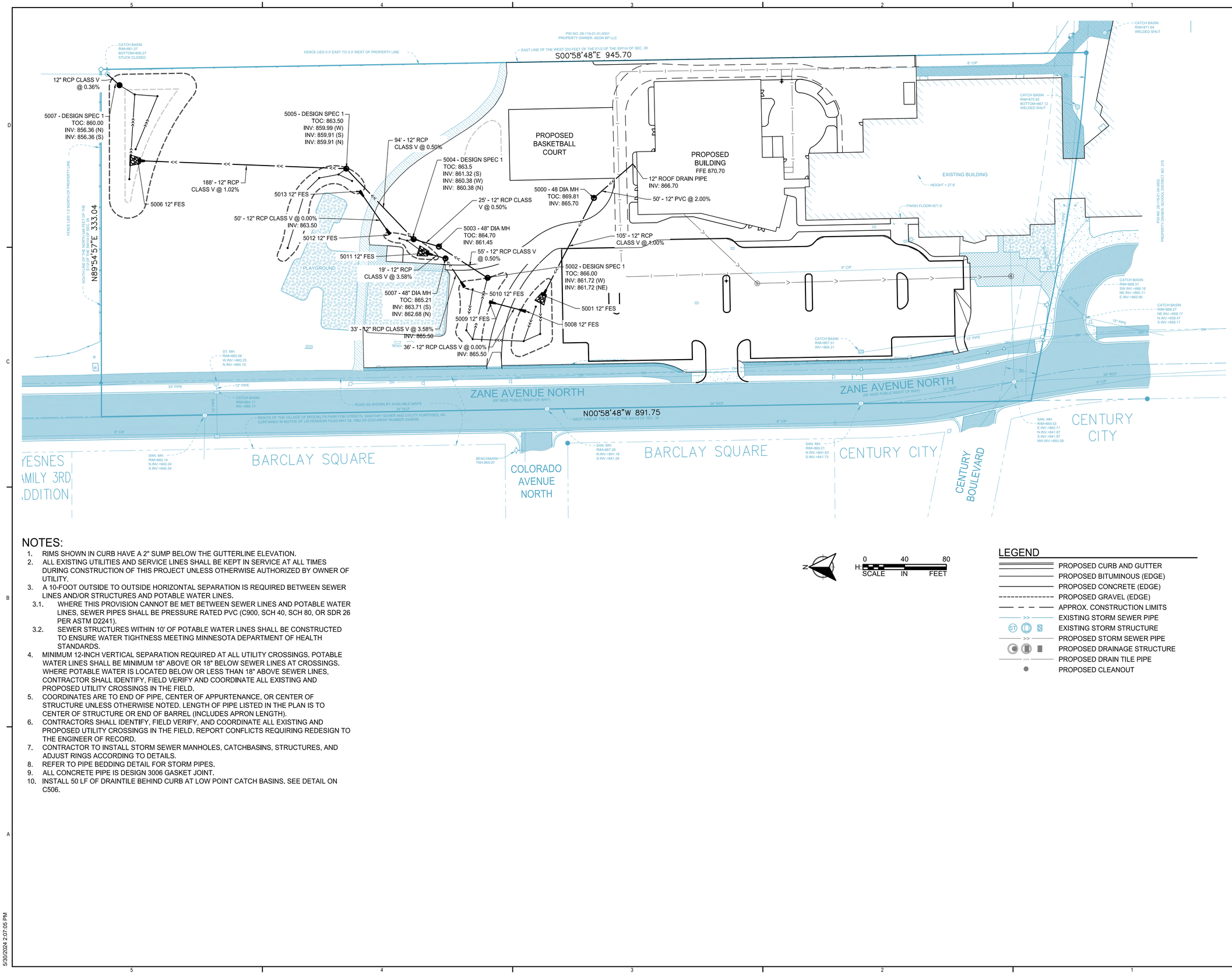
Project	2023.52.01
Date	02.19.2024
Drawn by	MSG
Checked by	VJV

EROSION CONTROL PLAN

Drawing Number

C302

k:\023401-000\cad\plan\023401-000-cp-eros-ctrl-plan
5/30/2024 1:26:17 PM



NOTES:

1. RIMS SHOWN IN CURB HAVE A 2" SUMP BELOW THE GUTTERLINE ELEVATION.
2. ALL EXISTING UTILITIES AND SERVICE LINES SHALL BE KEPT IN SERVICE AT ALL TIMES DURING CONSTRUCTION OF THIS PROJECT UNLESS OTHERWISE AUTHORIZED BY OWNER OF UTILITY.
3. A 10-FOOT OUTSIDE TO OUTSIDE HORIZONTAL SEPARATION IS REQUIRED BETWEEN SEWER LINES AND/OR STRUCTURES AND POTABLE WATER LINES.
   - 3.1. WHERE THIS PROVISION CANNOT BE MET BETWEEN SEWER LINES AND POTABLE WATER LINES, SEWER PIPES SHALL BE PRESSURE RATED PVC (C900, SCH 40, SCH 80, OR SDR 26 PER ASTM D2241).
   - 3.2. SEWER STRUCTURES WITHIN 10' OF POTABLE WATER LINES SHALL BE CONSTRUCTED TO ENSURE WATER TIGHTNESS MEETING MINNESOTA DEPARTMENT OF HEALTH STANDARDS.
4. MINIMUM 12-INCH VERTICAL SEPARATION REQUIRED AT ALL UTILITY CROSSINGS. POTABLE WATER LINES SHALL BE MINIMUM 18" ABOVE OR 18" BELOW SEWER LINES AT CROSSINGS. WHERE POTABLE WATER IS LOCATED BELOW OR LESS THAN 18" ABOVE SEWER LINES, CONTRACTOR SHALL IDENTIFY, FIELD VERIFY AND COORDINATE ALL EXISTING AND PROPOSED UTILITY CROSSINGS IN THE FIELD.
5. COORDINATES ARE TO END OF PIPE, CENTER OF APPURTENANCE, OR CENTER OF STRUCTURE UNLESS OTHERWISE NOTED. LENGTH OF PIPE LISTED IN THE PLAN IS TO CENTER OF STRUCTURE OR END OF BARREL (INCLUDES APRON LENGTH).
6. CONTRACTORS SHALL IDENTIFY, FIELD VERIFY, AND COORDINATE ALL EXISTING AND PROPOSED UTILITY CROSSINGS IN THE FIELD. REPORT CONFLICTS REQUIRING REDESIGN TO THE ENGINEER OF RECORD.
7. CONTRACTOR TO INSTALL STORM SEWER MANHOLES, CATCHBASINS, STRUCTURES, AND ADJUST RINGS ACCORDING TO DETAILS.
8. REFER TO PIPE BEDDING DETAIL FOR STORM PIPES.
9. ALL CONCRETE PIPE IS DESIGN 3006 GASKET JOINT.
10. INSTALL 50 LF OF DRAINTILE BEHIND CURB AT LOW POINT CATCH BASINS. SEE DETAIL ON C506.

N

H: 0 40 80
SCALE IN FEET

LEGEND

- PROPOSED CURB AND GUTTER
- PROPOSED BITUMINOUS (EDGE)
- PROPOSED CONCRETE (EDGE)
- PROPOSED GRAVEL (EDGE)
- APPROX. CONSTRUCTION LIMITS
- EXISTING STORM SEWER PIPE
- EXISTING STORM STRUCTURE
- PROPOSED STORM SEWER PIPE
- PROPOSED DRAINAGE STRUCTURE
- PROPOSED DRAIN TILE PIPE
- PROPOSED CLEANOUT

NOT FOR CONSTRUCTION

DESIGN BY MELO

DESIGN BY MELO, LLC

1600 Utica Ave South Suite 900
St Louis Park MN 55416

612.280.8419 p

www.designbymelo.com

These drawings including all design, details, specifications and information, are the sole copyright of Design By Melo, LLC and are for use on this specific project and shall not be used on any other work without agreement and written permission of Design By Melo, LLC ©

BROOKLYN PARK TEEN & YOUTH CENTER

7100 ZANE AVE N
BROOKLYN PARK, MN 55429

wsb

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly Licensed Civil Engineer under the laws of the State of Minnesota.

Printed Name: Vicki Van Dell

Signature:

Date: **License #:** 41352

No.	Date	Revision Description
1	5/3/2024	SITE PLAN REVIEW
2	5/31/2024	SITE PLAN REVIEW

CONSTRUCTION DOCUMENTS

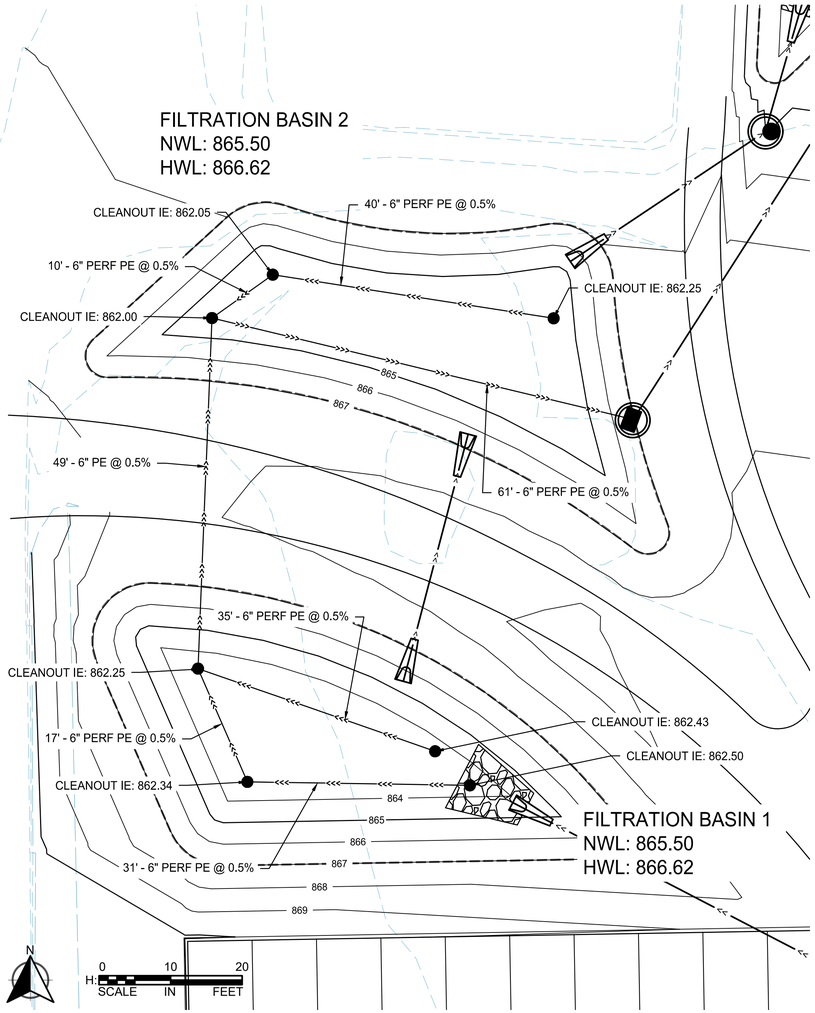
Project	2023.52.01
Date	02.19.2024
Drawn by	MSG
Checked by	VJV

STORM SEWER PLAN

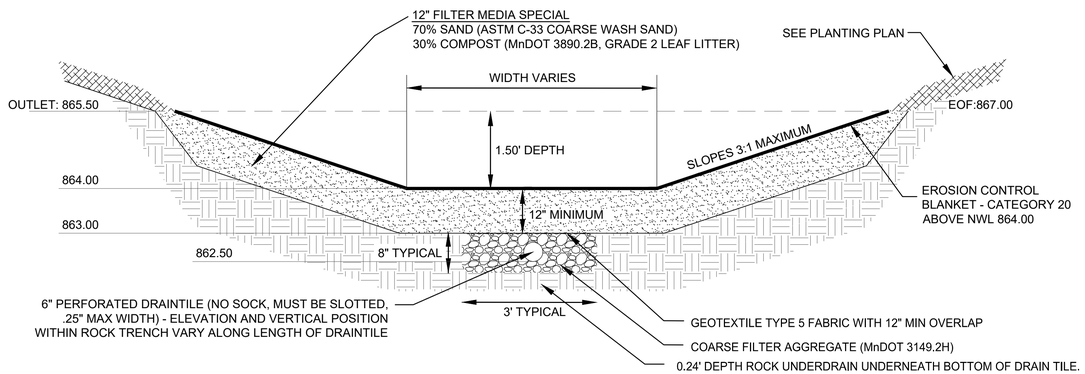
Drawing Number

C401

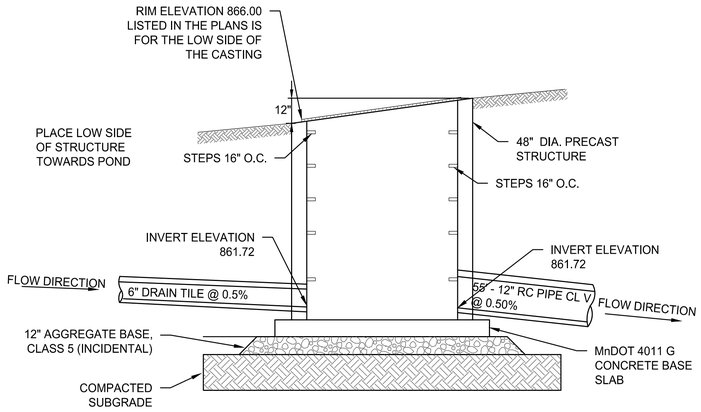
k:\023401-000\cad\plan\023401-000-cp-strm-plan
5/30/2024 2:07:05 PM



FILTRATION BASIN 1 AND 2



FILTRATION BASIN 1 DETAIL
NOT TO SCALE



5002 - DESIGN SPECIAL 1

NOTE:

CONTRACTOR SHALL PROVIDE A POST CONSTRUCTION TEST ON THE BIOFILTRATION BASIN. TEST SHALL BE CONDUCTED BY FILLING BASIN WITH WATER TO A DEPTH OF 6" AND MONITORING THE TIME NECESSARY TO DRAIN. THE ENGINEER SHALL BE NOTIFIED NO LESS THAN 3 DAYS PRIOR TO THE TEST TO WITNESS THE RESULTS.

NOT FOR CONSTRUCTION

DESIGN BY MELO

DESIGN BY MELO, LLC

1600 Utica Ave South Suite 900
St Louis Park MN 55416

612.280.8419 p

www.designbymelo.com

These drawings including all design, details, specifications and information, are the sole copyright of Design By Melo, LLC and are for use on this specific project and shall not be used on any other work without agreement and written permission of Design By Melo, LLC ©

BROOKLYN PARK TEEN & YOUTH CENTER

7100 ZANE AVE N
BROOKLYN PARK, MN 55429

wsb

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly Licensed Civil Engineer under the laws of the State of Minnesota.

Printed Name: Vicki Van Dell

Signature:

Date: **License #:** 41352

No.	Date	Revision Description
2	5/31/2024	SITE PLAN REVIEW

CONSTRUCTION DOCUMENTS

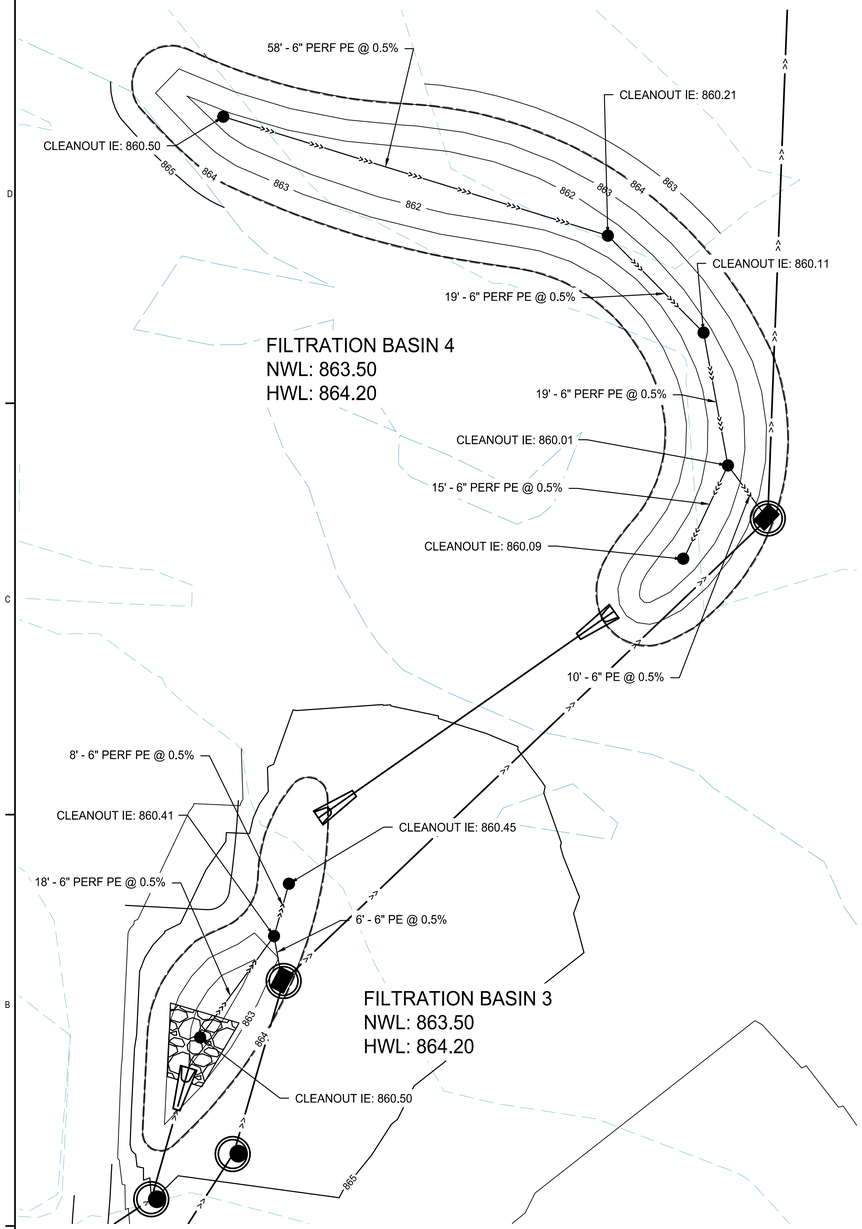
Project	2023.52.01
Date	02.19.2024
Drawn by	MSG
Checked by	VJV

FILTRATION BASINS 1 AND 2

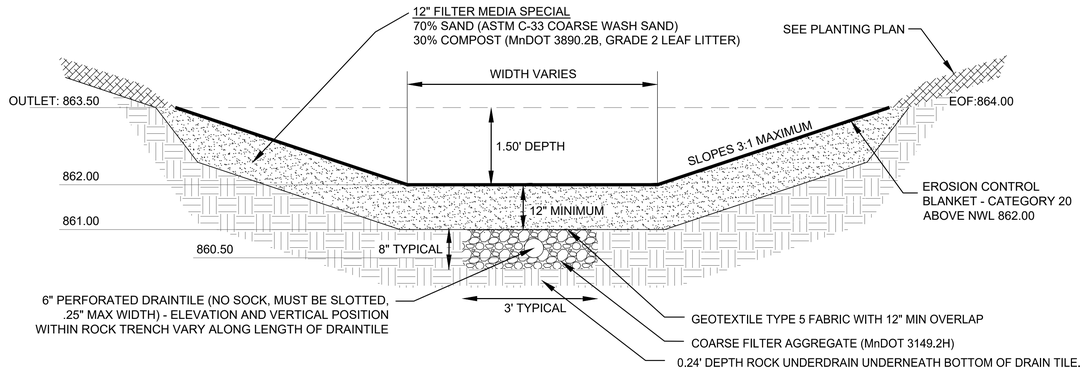
Drawing Number

C402

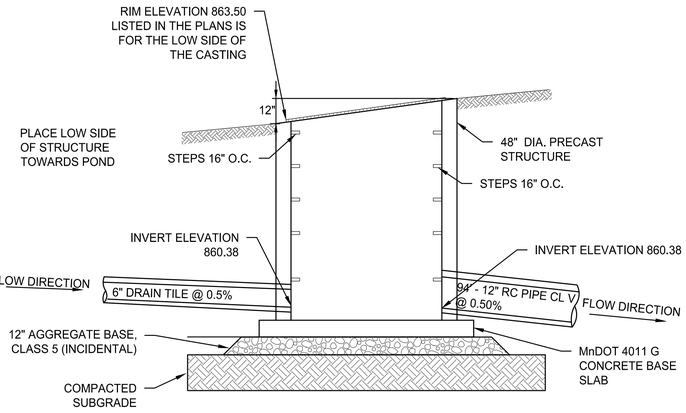
K:\023401-000\Cad\Plan\023401-000-CP-BASIN-PLAN.dwg 5/31/2024 1:08:22 PM



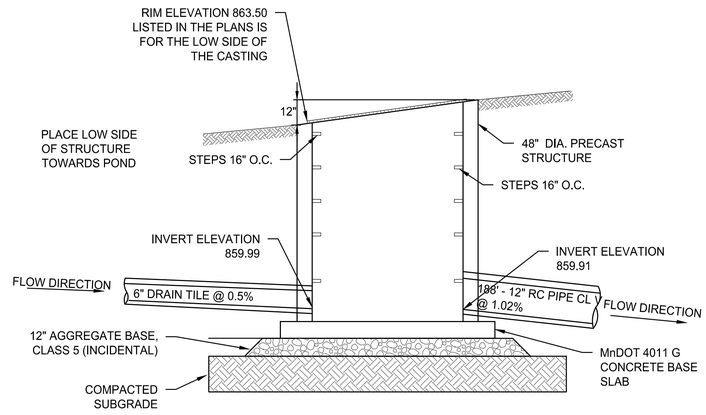
FILTRATION BASIN 3 AND 4



FILTRATION BASIN 1 DETAIL
NOT TO SCALE



5004 - DESIGN SPECIAL 1



5005 - DESIGN SPECIAL 1

NOTE:

CONTRACTOR SHALL PROVIDE A POST CONSTRUCTION TEST ON THE BIOFILTRATION BASIN. TEST SHALL BE CONDUCTED BY FILLING BASIN WITH WATER TO A DEPTH OF 6" AND MONITORING THE TIME NECESSARY TO DRAIN. THE ENGINEER SHALL BE NOTIFIED NO LESS THAN 3 DAYS PRIOR TO THE TEST TO WITNESS THE RESULTS.

NOT FOR CONSTRUCTION

DESIGN BY MELO, LLC

1600 Utica Ave South Suite 900
St Louis Park MN 55416

612.280.8419 p

www.designbymelo.com

These drawings including all design, details, specifications and information, are the sole copyright of Design By Melo, LLC and are for use on this specific project and shall not be used on any other work without agreement and written permission of Design By Melo, LLC ©

BROOKLYN PARK TEEN & YOUTH CENTER

7100 ZANE AVE N
BROOKLYN PARK, MN 55429

wsb

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly Licensed Civil Engineer under the laws of the State of Minnesota.

Printed Name: Vicki Van Dell

Signature:

Date: **License #:** 41352

No.	Date	Revision Description
2	5/31/2024	SITE PLAN REVIEW

CONSTRUCTION DOCUMENTS

Project	2023.52.01
Date	02.19.2024
Drawn by	MSG
Checked by	VJV

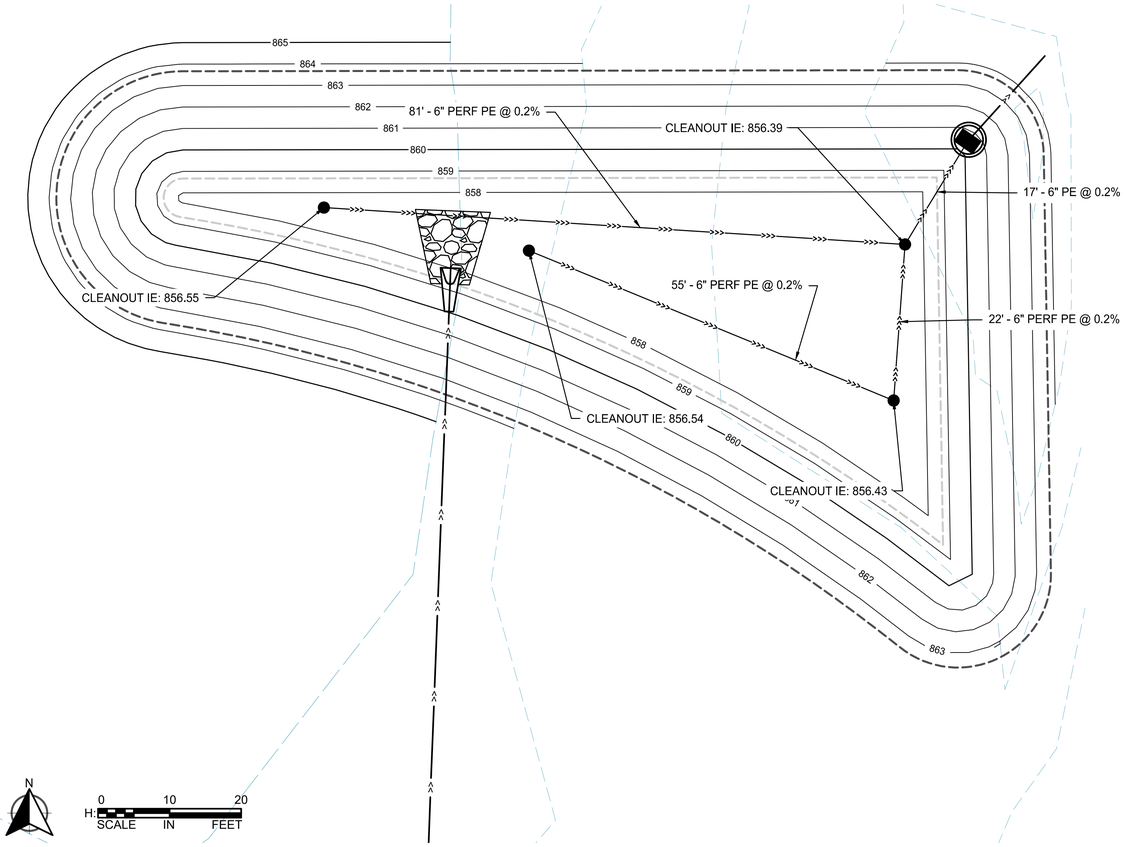
FILTRATION BASINS 3 AND 4

Drawing Number

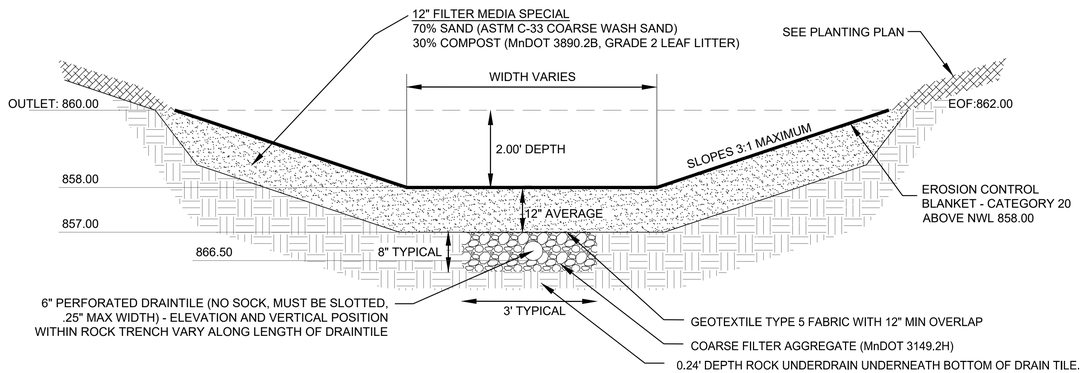
C403

K:\023401-000\Cad\Plan\023401-000-CP-BASIN-PLAN.dwg 5/31/2024 1:08:23 PM

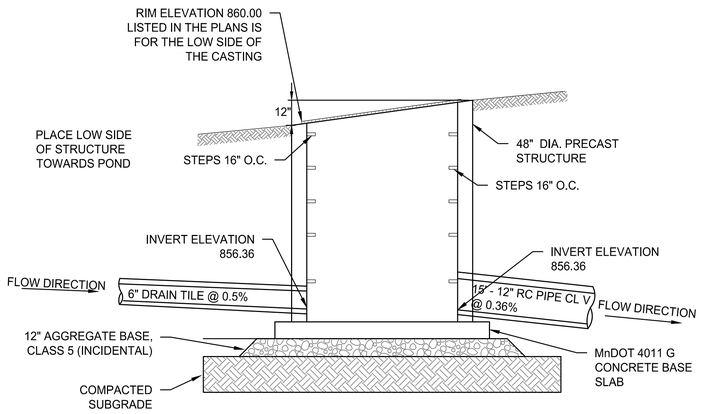
FILTRATION BASIN 2
NWL: 860.00
HWL: 866.67



FILTRATION BASIN 5



FILTRATION BASIN 1 DETAIL
NOT TO SCALE



5007 - DESIGN SPECIAL 1

NOTE:

CONTRACTOR SHALL PROVIDE A POST CONSTRUCTION TEST ON THE BIOFILTRATION BASIN. TEST SHALL BE CONDUCTED BY FILLING BASIN WITH WATER TO A DEPTH OF 6" AND MONITORING THE TIME NECESSARY TO DRAIN. THE ENGINEER SHALL BE NOTIFIED NO LESS THAN 3 DAYS PRIOR TO THE TEST TO WITNESS THE RESULTS.

NOT FOR CONSTRUCTION

DESIGN BY MELO

DESIGN BY MELO, LLC

1600 Utica Ave South Suite 900
St Louis Park MN 55416

612.280.8419 p

www.designbymelo.com

These drawings including all design, details, specifications and information, are the sole copyright of Design By Melo, LLC and are for use on this specific project and shall not be used on any other work without agreement and written permission of Design By Melo, LLC ©

BROOKLYN
PARK TEEN &
YOUTH CENTER

7100 ZANE AVE N
BROOKLYN PARK, MN 55429

wsb

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly Licensed Civil Engineer under the laws of the State of Minnesota.

Printed Name: Vicki Van Dell

Signature:

Date: **License #:** 41352

No.	Date	Revision Description
2	5/31/2024	SITE PLAN REVIEW

CONSTRUCTION DOCUMENTS

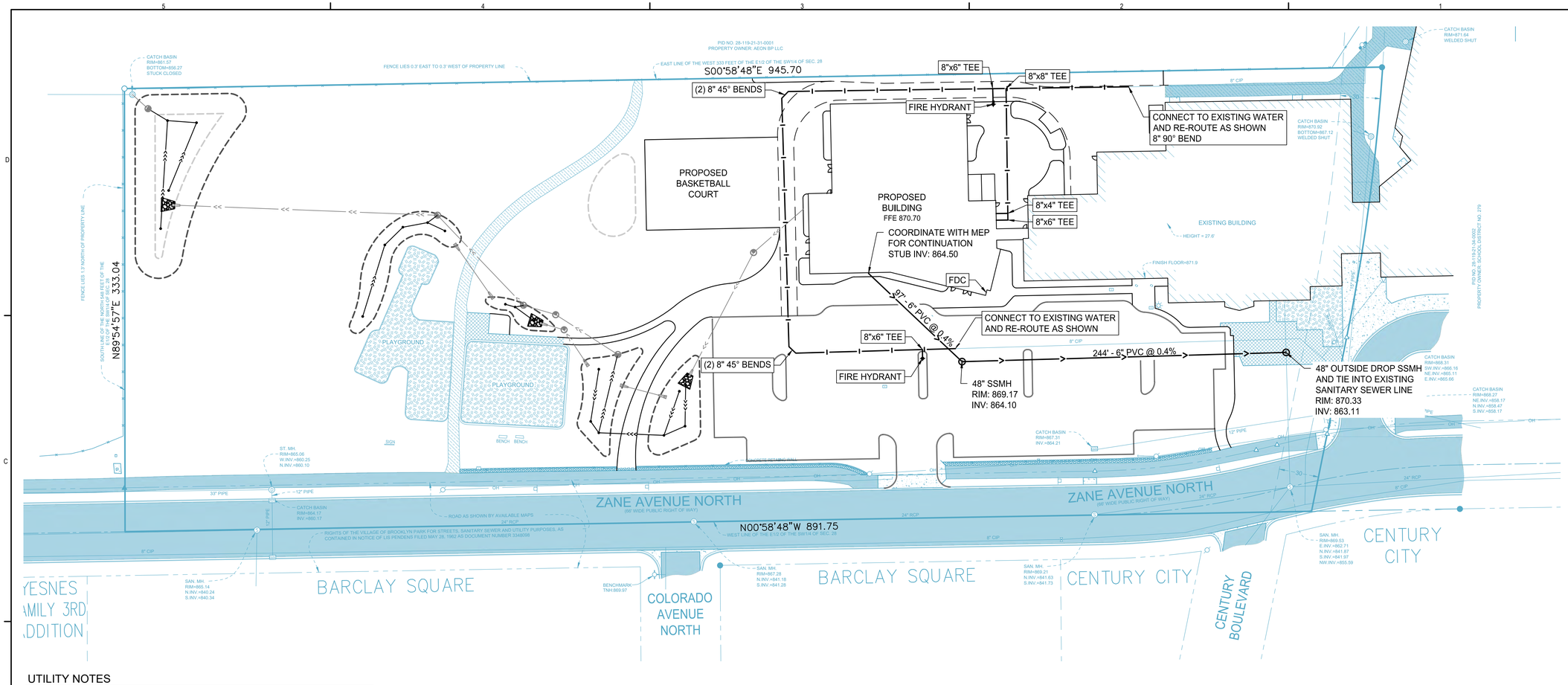
Project	2023.52.01
Date	02.19.2024
Drawn by	MSG
Checked by	VJV

FILTRATION
BASIN 5

Drawing Number

C404

K:\023401-000\Cad\Plan\023401-000-CP-BASIN-PLAN.dwg 5/31/2024 1:08:25 PM



UTILITY NOTES

1. COORDINATE INSPECTION AND TESTING FOR ALL UNDERGROUND UTILITIES WITH THE APPROPRIATE AUTHORITIES PRIOR TO COVERING TRENCHES. COMPLY WITH ALL LOCAL REQUIREMENTS. CONDUCT ALL TESTS TO THE SATISFACTION OF THE LOCAL AUTHORITIES.
2. COORDINATES ARE TO END OF PIPE, CENTER OF APPURTENANCE, OR CENTER OF STRUCTURE UNLESS OTHERWISE NOTED.
3. ALL UTILITIES AND CONDUITS SHALL TERMINATE 5' OUTSIDE THE FACE OF THE BUILDING UNLESS OTHERWISE NOTED.
4. ALL EXISTING UTILITIES AND SERVICE LINES SHALL BE KEPT IN SERVICE AT ALL TIMES DURING CONSTRUCTION OF THIS PROJECT, UNLESS OTHERWISE AUTHORIZED BY OWNER.
5. REPORT ANY DISCREPANCIES TO THE ENGINEER. RECONNECT ALL SERVICES NOT MARKED FOR REMOVAL OR AS DIRECTED BY THE OWNER.
6. INSTALL ALL WATER MAINS AND APPURTENANCES IN ACCORDANCE WITH CITY OF BROOKLYN PARK STANDARDS, AWWA AMERICAN WATERWORKS ASSOCIATION AND THE NATIONAL FIRE PREVENTION ASSOCIATION (NFPA) STANDARDS.
7. PROVIDE ANY ADDITIONAL BENDS WITH THRUST BLOCKS AND OTHER APPURTENANCES REQUIRED TO ASSURE PROPER INSTALLATION OF WATER MAINS AND LATERALS. PROVIDE A VERTICAL TIE-DOWN BLOCK FOR ANY VERTICAL BEND DOWN AND PROVIDE A CRADLE FOR ANY VERTICAL BEND UP.
8. IN THE EVENT OF A CONFLICT BETWEEN WATER LINES AND STORM OR SANITARY SEWER PIPING, ADJUST THE WATER LINE DOWNWARDS IN SUCH A MANNER SO THAT THE PIPE MANUFACTURER'S RECOMMENDATIONS ON PIPE DEFLECTION AND JOINT STRESS ARE NOT EXCEEDED.
9. CONDUCT A PRESSURE TEST ON ALL WATER MAIN AND FIRE PROTECTION LINES TO THE SATISFACTION OF THE LOCAL APPROVAL AUTHORITY AND THE OWNER'S INSURANCE CARRIER.
10. PROVIDE ALL WATER AND FIRE LINES WITH A MINIMUM DEPTH OF COVER OF 7 FEET.
11. HYDRANTS PLACED WHERE THE GROUNDWATER TABLE IS ABOVE THE DRAIN HOLE OUTLET SHALL HAVE THE DRAIN HOLE PLUGGED AND BE EQUIPPED WITH A TAG STATING THE NEED FOR PUMPING AFTER USE.
12. ALL POTABLE WATER PIPES, FITTINGS AND FIXTURES SHALL MEET THE 'REDUCTION OF LEAD IN DRINKING WATER ACT' WHICH ESTABLISHES A MAXIMUM LEAD CONTENT OF 0.25 PERCENT BY WEIGHTED AVERAGE OF THE WETTED SURFACES. HYDRANTS AND WATER DISTRIBUTION GATE VALVES 2 INCHES IN DIAMETER OR GREATER ARE EXEMPT.
13. THE CONTRACTOR SHALL ADJUST TO GRADE ALL WATER AND GAS VALVE BOXES AND MANHOLES THAT FALL WITHIN THE LIMITS OF THIS CONTRACT. THE CONTRACTOR SHALL KEEP ALL SAID WATER, GAS AND EXISTING SEWERS AND THEIR APPURTENANCES FREE OF DEBRIS AND OPERABLE AT ALL TIMES DURING CONSTRUCTION.
14. A #11 AWG TRACER WIRE SHALL BE INSTALLED ON ALL NON-METALLIC PIPES, THE WIRE SHALL BE TAPED TO THE PIPE EVERY 20 FEET, AND SHALL BE CONTINUOUS AND ACCESSIBLE ABOVEGROUND AT ALL VALVES AND BUILDING RISERS.
15. REFER TO MECHANICAL PLANS FOR CONTINUATION OF UTILITIES INTO THE BUILDING.
16. 10-FOOT HORIZONTAL SEPARATION REQUIRED BETWEEN SEWER LINES AND/OR STRUCTURES AND POTABLE WATER LINES.
    16.a. WHERE THIS PROVISION CANNOT BE MET BETWEEN SEWER LINES AND POTABLE WATER LINES, SEWER PIPES SHALL BE A MATERIAL APPROVED FOR WATER DISTRIBUTION PER TABLE 604.1 OF CHAPTER 6 IN THE 2016 MINNESOTA PLUMBING CODE.
    16.b. UNDER NO CIRCUMSTANCES SHALL POTABLE WATER LINES BE WITHIN 10' OF SEWER STRUCTURES UNDER THE JURISDICTION OF THE DEPARTMENT OF LABOR & INDUSTRY (DLI). SEWER STRUCTURES WITHIN 10' OF POTABLE WATER LINES THAT ARE NOT UNDER THE JURISDICTION OF DLI SHALL BE CONSTRUCTED TO ENSURE WATER TIGHTNESS MEETING MINNESOTA DEPARTMENT OF HEALTH STANDARDS.
17. MINIMUM 6-INCH VERTICAL SEPARATION REQUIRED AT ALL UTILITY CROSSINGS. POTABLE WATER LINES SHALL BE MINIMUM 18" ABOVE OR 18" BELOW SEWER LINES AT CROSSINGS. WHERE POTABLE WATER IS LOCATED BELOW OR LESS THAN 18" ABOVE SEWER LINES, SEWER PIPES SHALL BE A MATERIAL APPROVED FOR WATER DISTRIBUTION PER TABLE 701.1 OF CHAPTER 7 IN THE 2015 MINNESOTA PLUMBING CODE.
    17.a. MATERIALS FOR SEWERS CROSSING POTABLE WATERMAIN SHALL BE PLASTIC PIPE IN ACCORDANCE WITH ASTM D2321 (PVC SCHEDULE 40 ASTM D 1785, ASTM D2665, ASTM F 794, OR APPROVED EQUAL) FOR A MINIMUM OF 10; EITHER SIDE OF THE WATER CROSSING. TRANSITIONS WILL BE MADE WITH LISTED ADAPTER FITTINGS.
18. CONTRACTOR SHALL IDENTIFY, FIELD VERIFY AND COORDINATE ALL EXISTING AND PROPOSED UTILITY CROSSINGS IN THE FIELD. REPORT CONFLICTS REQUIRING REDESIGN TO THE ENGINEER OF RECORD.
19. REFER TO ELECTRICAL AND MECHANICAL PLANS FOR CONNECTIONS AT BUILDING FOR GAS, POWER AND COMMUNICATIONS. CONTRACTOR TO COORDINATE SERVICES WITH LOCAL UTILITY PROVIDERS.



LEGEND

- APPROX. CONSTRUCTION LIMITS
- EXISTING WATERMAIN
- PROPOSED WATERMAIN
- EXISTING WATER SERVICE W/ CURBSTOP
- PROPOSED WATER SERVICE W/ CURBSTOP
- EXISTING HYDRANT W/ VALVE
- PROPOSED HYDRANT W/ VALVE
- PROPOSED WATER FITTINGS
- EXISTING SANITARY SEWER MAIN
- PROPOSED SANITARY SEWER MAIN
- EXISTING SANITARY SEWER SERVICE
- PROPOSED SANITARY SEWER SERVICE
- EXISTING SANITARY STRUCTURE
- PROPOSED SANITARY STRUCTURE

NOT FOR CONSTRUCTION

DESIGN BY MELO

DESIGN BY MELO, LLC

1600 Utica Ave South Suite 900
St Louis Park MN 55416

612.280.8419 p

www.designbymelo.com

These drawings including all design, details, specifications and information, are the sole copyright of Design By Melo, LLC and are for use on this specific project and shall not be used on any other work without agreement and written permission of Design By Melo, LLC ©

BROOKLYN PARK TEEN & YOUTH CENTER

7100 ZANE AVE N
BROOKLYN PARK, MN 55429

wsb

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly Licensed Civil Engineer under the laws of the State of Minnesota.

Printed Name: Vicki Van Dell

Signature:

Date: **License #:** 41352

No.	Date	Revision Description
1	5/3/2024	SITE PLAN REVIEW
2	5/31/2024	SITE PLAN REVIEW

CONSTRUCTION DOCUMENTS

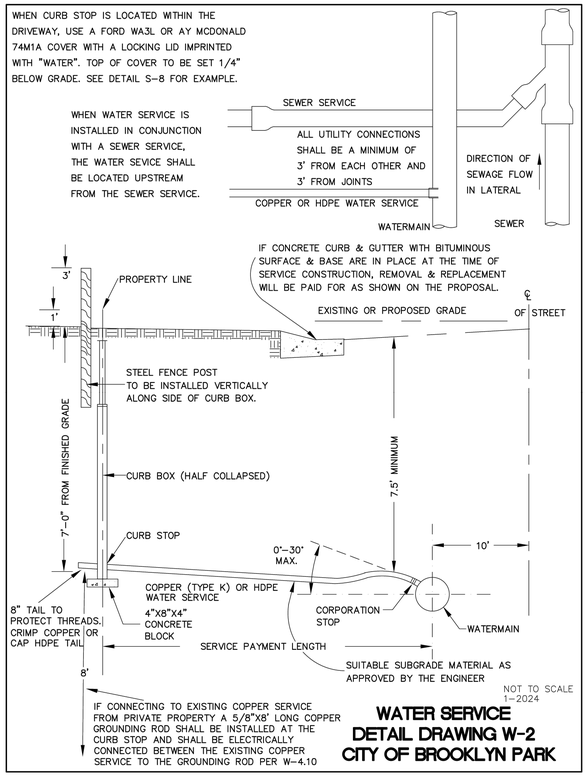
Project	2023.52.01
Date	02.19.2024
Drawn by	MSG
Checked by	VJV

WATER & SANITARY SEWER PLAN

Drawing Number

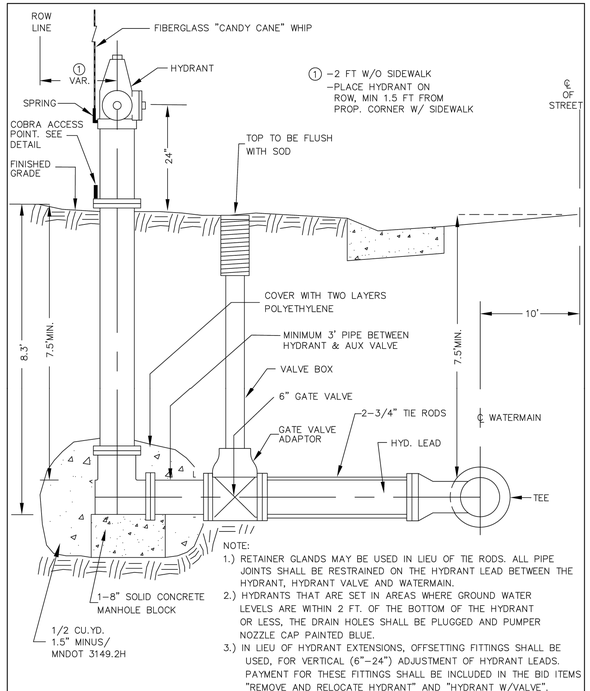
C405

k:\023401-000\cad\plan\023401-000-cp-swvt-plan
5/31/2024 12:12:47 PM



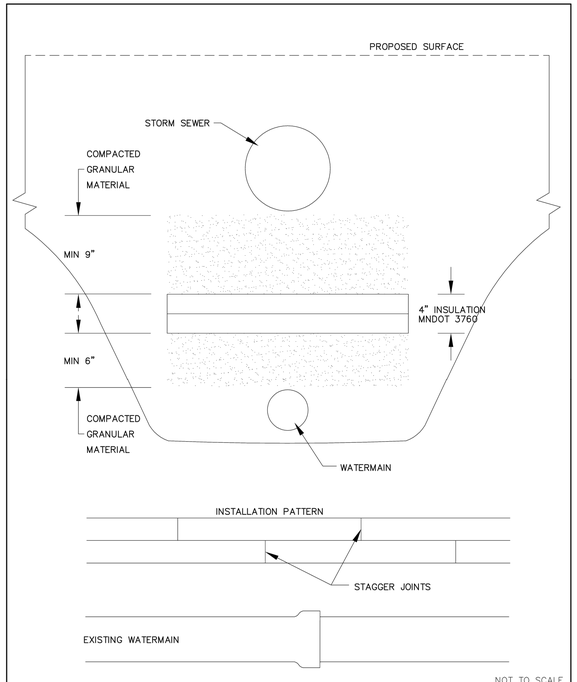
NOT TO SCALE
1-2024

WATER SERVICE DETAIL DRAWING W-2 CITY OF BROOKLYN PARK



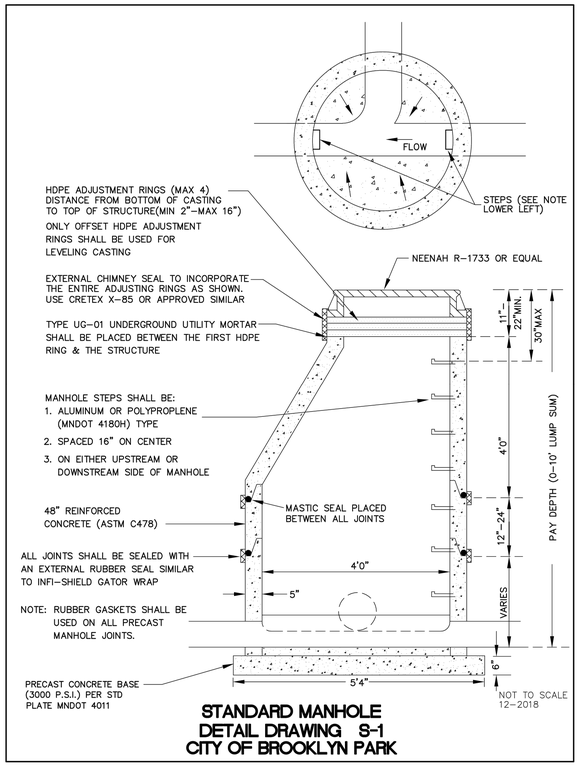
HYDRANT DETAIL DRAWING W-3 CITY OF BROOKLYN PARK

NOT TO SCALE
2-98 1-22
3-07
3-11
11-15



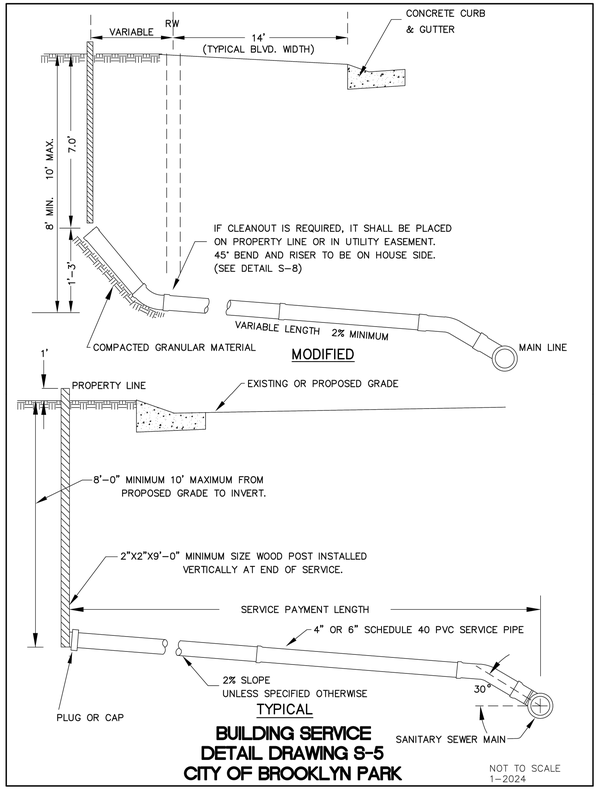
NOT TO SCALE
4-96

WATERMAIN INSULATION DETAIL DRAWING W-6 CITY OF BROOKLYN PARK



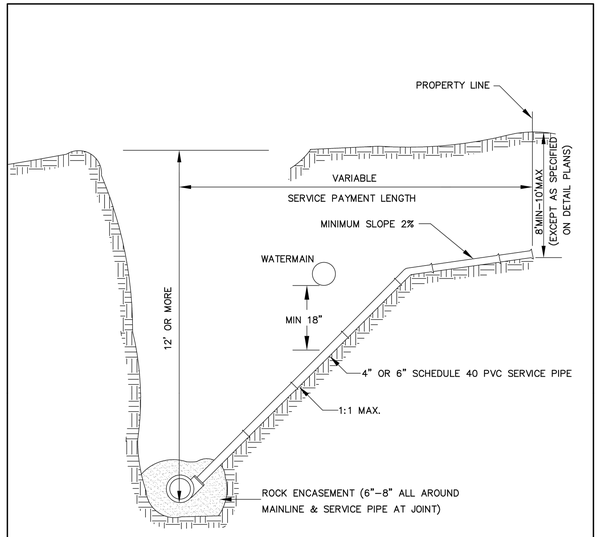
NOT TO SCALE
12-2018

STANDARD MANHOLE DETAIL DRAWING S-1 CITY OF BROOKLYN PARK



BUILDING SERVICE DETAIL DRAWING S-5 CITY OF BROOKLYN PARK

NOT TO SCALE
1-2024



NOT TO SCALE
1-2024

SANITARY SEWER RISER SERVICE CONNECTION DETAIL DRAWING S-6 CITY OF BROOKLYN PARK

NOT FOR CONSTRUCTION

DESIGN BY MELO

DESIGN BY MELO, LLC

1600 Utica Ave South Suite 900
St Louis Park MN 55416

612.280.8419 p

www.designbymelo.com

These drawings including all design, details, specifications and information, are the sole copyright of Design By Melo, LLC and are for use on this specific project and shall not be used on any other work without agreement and written permission of Design By Melo, LLC ©

BROOKLYN PARK TEEN & YOUTH CENTER

7100 ZANE AVE N
BROOKLYN PARK, MN 55429

wsb

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly Licensed Civil Engineer under the laws of the State of Minnesota.

Printed Name: Vicki Van Dell

Signature:

Date: **License #:** 41352

No.	Date	Revision Description
2	5/31/2024	SITE PLAN REVIEW

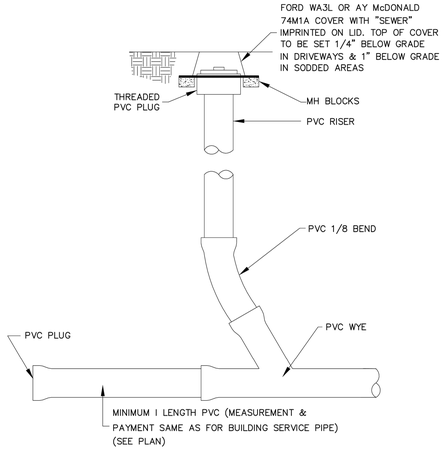
CONSTRUCTION DOCUMENTS

Project	2023.52.01
Date	02.19.2024
Drawn by	MSG
Checked by	VJV

SITE DETAILS

Drawing Number

C501



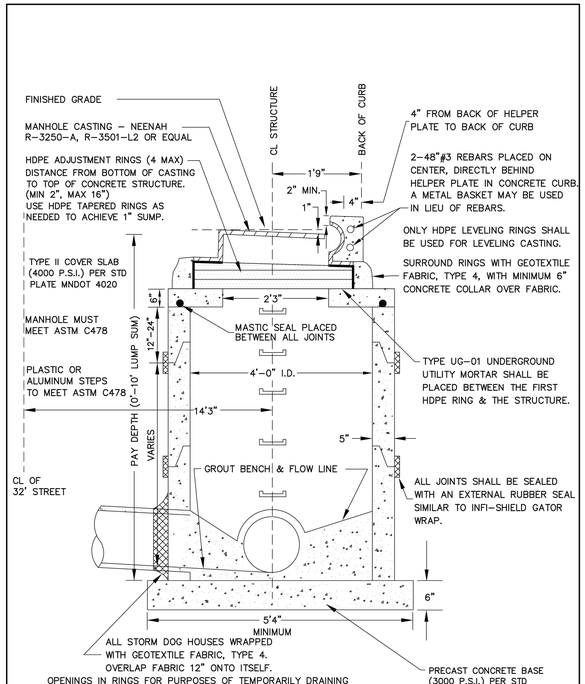
NOTE : LUMP SUM BID PRICE TO INCLUDE :

1. PVC WYE
2. 1/8TH PVC BEND
3. PVC RISER
4. PVC PLUG
5. 4", 6" OR 8" SDR 26 PVC PIPE
6. THREADED PVC PLUG
7. 2 MH BLOCKS
8. COVER W/ LOCKING LID

SIZE OF CLEAN-OUT STRUCTURE SHALL BE THE SAME AS SERVICE PIPE.

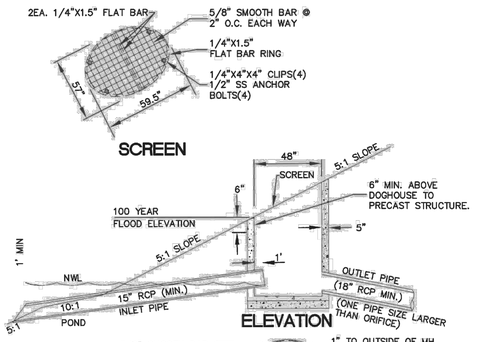
NOT TO SCALE
3-2007

CLEAN - OUT STRUCTURE
DETAIL DRAWING S-8
CITY OF BROOKLYN PARK



STANDARD CATCH BASIN
DETAIL DRAWING S-10
CITY OF BROOKLYN PARK

NOT TO SCALE
11-2021

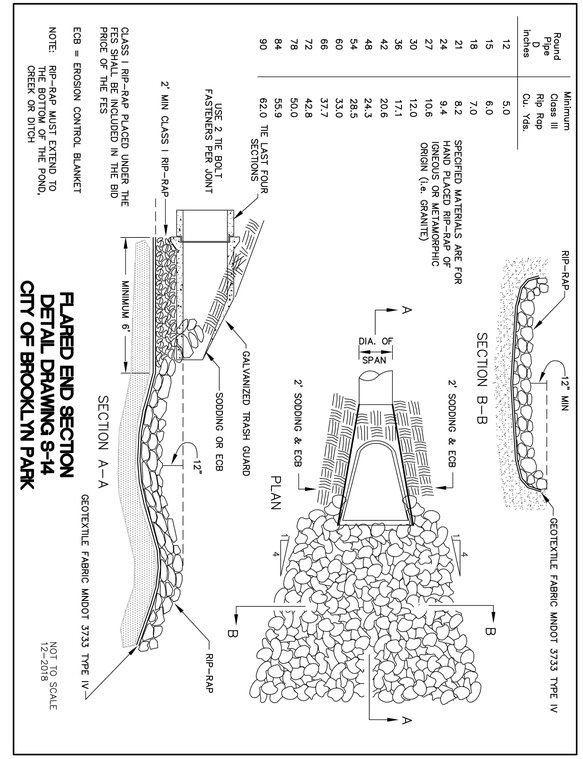


POND	100 YR	NWL	INLET	INLET EL	OUTLET	OUTLET EL	OUTLET %

STRUCTURE TABLE

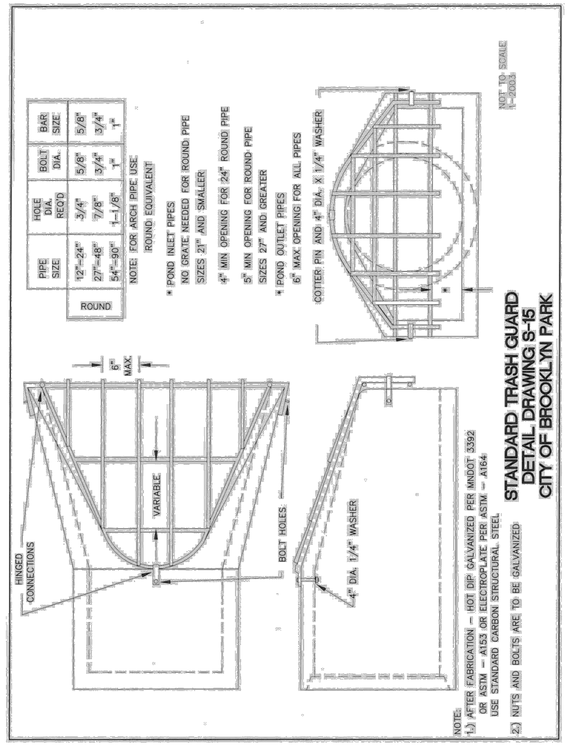
POND OUTLET STRUCTURE
DETAIL DRAWING S-13
CITY OF BROOKLYN PARK

NOT TO SCALE
11-2021

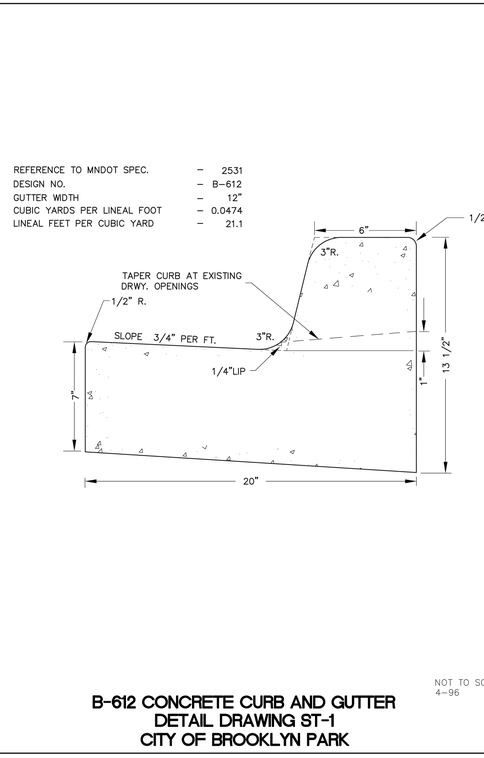


NOT TO SCALE
12-2018

FLARED END SECTION
DETAIL DRAWING S-14
CITY OF BROOKLYN PARK



STANDARD TRASH GUARD
DETAIL DRAWING S-15
CITY OF BROOKLYN PARK



NOT TO SCALE
4-96

B-612 CONCRETE CURB AND GUTTER
DETAIL DRAWING ST-1
CITY OF BROOKLYN PARK

NOT FOR CONSTRUCTION

DESIGN BY MELO

DESIGN BY MELO, LLC

1600 Utica Ave South Suite 900
St Louis Park MN 55416

612.280.8419 p

www.designbymelo.com

These drawings including all design, details, specifications and information, are the sole copyright of Design By Melo, LLC and are for use on this specific project and shall not be used on any other work without agreement and written permission of Design By Melo, LLC ©

BROOKLYN PARK TEEN & YOUTH CENTER

7100 ZANE AVE N
BROOKLYN PARK, MN 55429

wsb

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly Licensed Civil Engineer under the laws of the State of Minnesota.

Printed Name: Vicki Van Dell

Signature:

Date: **License #:** 41352

No.	Date	Revision Description
2	5/31/2024	SITE PLAN REVIEW

CONSTRUCTION DOCUMENTS

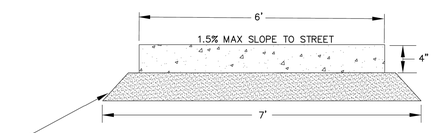
Project	2023.52.01
Date	02.19.2024
Drawn by	MSG
Checked by	VJV

SITE DETAILS

Drawing Number

C502

NOTE:
ALL SIDEWALK SHALL BE 4" THICK EXCEPT AT DRIVEWAYS WHERE THE THICKNESS SHALL BE 6" FOR SINGLE FAMILY & TOWNHOUSE PROPERTIES AND 8" FOR COMMERCIAL, INDUSTRIAL AND HIGH DENSITY PROPERTIES.



4" CLASS 5 AGGREGATE BASE COMPACTED TO 100% STANDARD PROCTOR DENSITY (CLASS 7 MAY BE SUBSTITUTED IF APPROVED BY OWNER/ENGINEER).

MATERIALS: MNDOT 3A32 CONCRETE MIX W/6.5% ± 1.5% AIR ENTRAINMENT

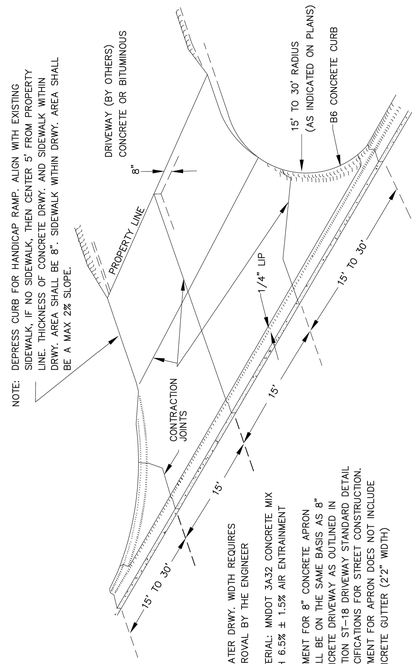
4" CONCRETE
CUBIC YARDS PER LINEAL FOOT – 0.0733
LINEAL FEET PER CUBIC YARD – 13.64

4" AGGREGATE BASE
CUBIC YARDS PER LINEAL FOOT – 0.0815
LINEAL FEET PER CUBIC YARD – 12.27

NOT TO SCALE
1–2016

CONCRETE SIDEWALK
DETAIL DRAWING ST-6
CITY OF BROOKLYN PARK

NOTE: DEPRESS CURB FOR HANDICAP RAMP. ALIGN WITH EXISTING SIDEWALK, IF NO SIDEWALK, THEN CENTER 5' FROM PROPERTY LINE. THICKNESS OF CONCRETE DRWY. AND SIDEWALK WITHIN DRWY. AREA SHALL BE 8". SIDEWALK WITHIN DRWY. AREA SHALL BE A MAX 2% SLOPE.



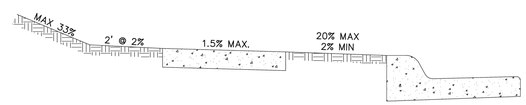
NOTE: GREATER DRWY. WIDTH REQUIRES APPROVAL BY THE ENGINEER

MATERIAL: MNDOT 3A32 CONCRETE MIX WITH 6.5% ± 1.5% AIR ENTRAINMENT

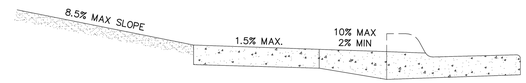
PAYMENT FOR 8" CONCRETE APRON SHALL BE ON THE SAME BASIS AS 8" CONCRETE DRIVEWAY AS OUTLINED IN SECTION ST-18 DRIVEWAY STANDARD DETAIL SPECIFICATIONS FOR STREET CONSTRUCTION. PAYMENT FOR APRON DOES NOT INCLUDE CONCRETE GUTTER (2'2" WIDTH)

NOT TO SCALE
1–2016
12–2016

TYPICAL DRIVEWAY OPENING COMMERCIAL OR INDUSTRIAL
DETAIL DRAWING ST-8
CITY OF BROOKLYN PARK



SLOPES FOR TYPICAL SIDEWALK
(EXCLUDING DRIVEWAY RAMPS)



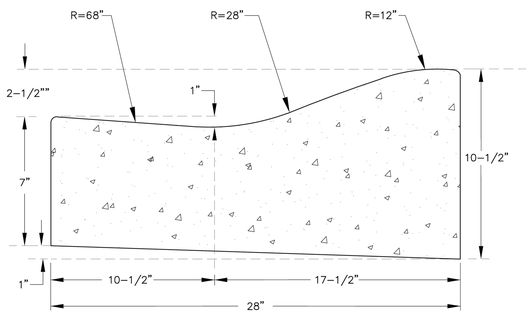
SLOPES FOR TYPICAL SIDEWALK
(DRIVEWAY RAMPS)

NOTES:
INSTALL ADA COMPLIANT PEDESTRIAN RAMPS WHERE SIDEWALK INTERSECTS STREETS AND COMMERCIAL INDUSTRIAL DRIVEWAYS.

NOT TO SCALE
1–2016

TYPICAL CROSS SECTIONS FOR SIDEWALKS
DETAIL DRAWING ST-13
CITY OF BROOKLYN PARK

NOTE: FOR DRIVEOVER CASTING USE NEENAH R–3501–L2 OR EQUAL

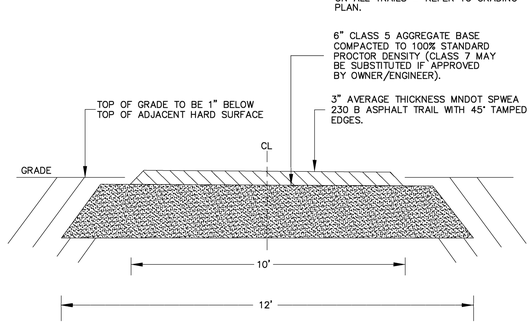


REFERENCE TO MNDOT SPEC.	– 2531
DESIGN NO.	– CR–312
CUBIC YARDS PER LINEAL FOOT	– 0.056
LINEAL FEET PER CUBIC YARD	– 17.89

CR-312 CONCRETE CURB and GUTTER
DETAIL DRAWING ST-3
CITY OF BROOKLYN PARK

NOT TO SCALE
1–2016

NOTE: PROVIDE 1.5% CROSS SLOPE IN DIRECTION OF POSITIVE DRAINAGE FLOW OR 1% SLOPE FROM CENTERLINE ON ALL TRAILS – REFER TO GRADING PLAN.

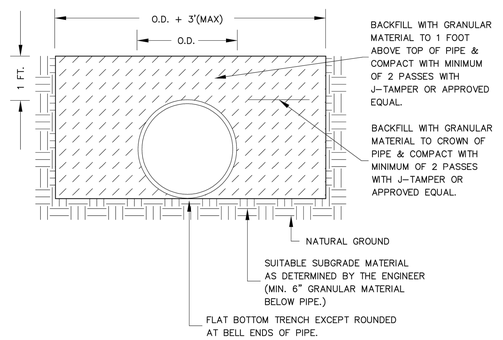


NOT TO SCALE
1–2024

6" AGGREGATE BASE

CUBIC YARD PER LINEAL FOOT – 0.213
LINEAL FEET PER CUBIC YARD – 4.69

BITUMINOUS TRAIL
DETAIL DRAWING ST-20
CITY OF BROOKLYN PARK



NOT TO SCALE
4–96

BEDDING FOR 8" PIPE AND LARGER
DETAIL DRAWING B
CITY OF BROOKLYN PARK

NOT FOR CONSTRUCTION

DESIGN BY MELO

DESIGN BY MELO, LLC

1600 Utica Ave South Suite 900
St Louis Park MN 55416

612.280.8419 p

www.designbymelo.com

These drawings including all design, details, specifications and information, are the sole copyright of Design By Melo, LLC and are for use on this specific project and shall not be used on any other work without agreement and written permission of Design By Melo, LLC ©

BROOKLYN PARK TEEN & YOUTH CENTER

7100 ZANE AVE N
BROOKLYN PARK, MN 55429

wsb

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly Licensed Civil Engineer under the laws of the State of Minnesota.

Printed Name: Vicki Van Dell

Signature:

Date: **License #:** 41352

No.	Date	Revision Description
2	5/31/2024	SITE PLAN REVIEW

CONSTRUCTION DOCUMENTS

Project	2023.52.01
Date	02.19.2024
Drawn by	MSG
Checked by	VJV

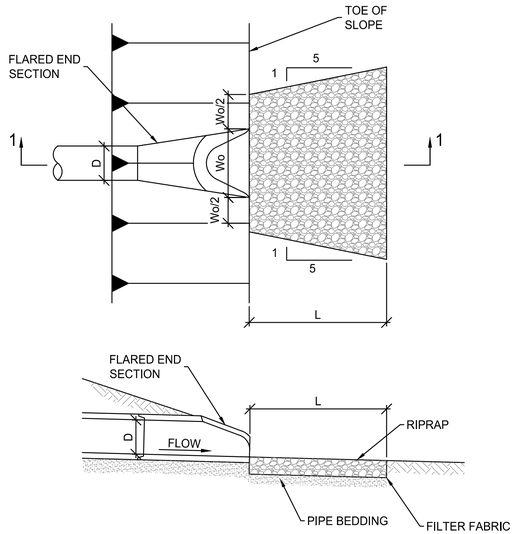
SITE DETAILS

Drawing Number

C503

NOTES:

1. RIPRAP SHALL CONFORM TO SECTION 2511 "RIPRAP" OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR CONSTRUCTION.
2. FILTER FABRIC SHALL CONFORM TO SECTION 3733 "GEOTEXTILES" OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR CONSTRUCTION.



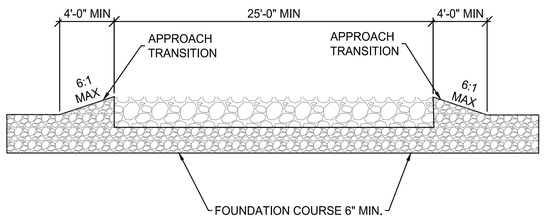
SECTION 1

STORM DRAIN OR CULVERT OUTLET W/O DITCH RIPRAP INSTALLATION DETAILS

3 C504 RIPRAP INSTALLATION
SCALE: NO SCALE

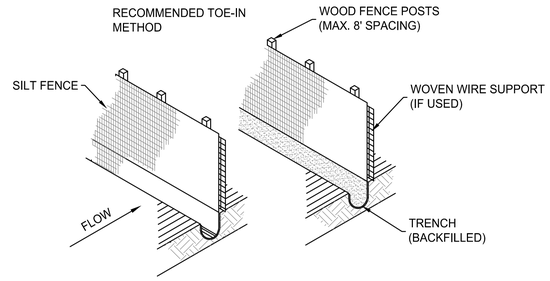
STABILIZATION CONSTRUCTION EXIT NOTES:

1. THE LENGTH OF THE TYPE 1 CONSTRUCTION EXIT SHALL BE AS INDICATED ON THE PLANS, BUT NOT LESS THAN 50'.
2. THE COARSE AGGREGATE SHOULD BE OPEN GRADED WITH A SIZE OF 1" TO 1 1/2".
3. THE APPROACH TRANSITIONS SHOULD BE NO STEEPER THAN 6:1.
4. THE CONSTRUCTION EXIT FOUNDATION COURSE SHALL BE FLEXIBLE BASE, BITUMINOUS CONCRETE, PORTLAND CEMENT CONCRETE, GEOWEB LOAD SUPPORT SYSTEM (OR EQUIVALENT GEOTEXTILE SYSTEM) OR OTHER MATERIAL CAPABLE OF SUPPORTING ANTICIPATED CONSTRUCTION TRAFFIC WHILE MAINTAINING OPERABLE EXIT.
5. THE CONSTRUCTION EXIT SHALL BE GRADED TO ALLOW DRAINAGE TO A SEDIMENT TRAPPING DEVICE.
6. THE GUIDELINES SHOWN HEREON ARE GUIDELINES ONLY AND MAY BE MODIFIED BY THE CONTRACTOR AS NEEDED TO MEET NPDES AND ALL OTHER PERMITTING REQUIREMENTS.



PROFILE

4 C504 STABLIZED CONSTRUCTION ENTRANCE
SCALE: NO SCALE



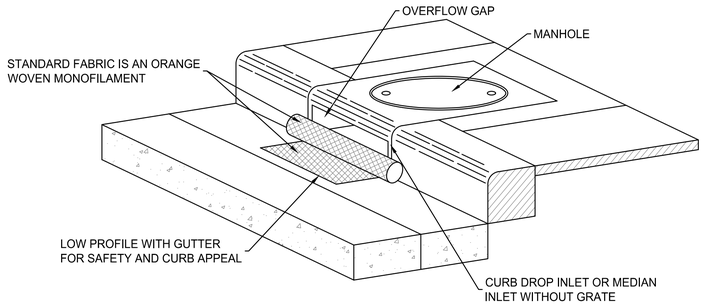
NOTES:

1. WOOD POSTS WHICH SUPPORT THE SILT FENCE SHALL BE INSTALLED ON A SLIGHT ANGLE TOWARD THE ANTICIPATED RUNOFF SOURCE.
2. SILT FENCE SHALL BE TRENCHED IN WITH A SPADE OR MECHANICAL TRENCHER SO THAT THE DOWNSLOPE FACE OF THE TRENCH IS FLAT AND PERPENDICULAR TO THE LINE OF FLOW.
3. THE TRENCH SHOULD BE A MINIMUM OF 6" DEEP AND 3"-4" WIDE TO ALLOW FOR THE SILT FENCE TO BE PLACED IN THE GROUND AND BACKFILLED.
4. SILT FENCE SHOULD BE SECURELY FASTENED TO EACH WOOD SUPPORT POST OR TO WOVEN WIRE WHICH IS IN TURN ATTACHED TO THE WOOD FENCE POSTS.
5. INSPECTION SHALL BE FREQUENT AND REPAIR OR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED.
6. SILT FENCE SHALL BE REMOVED WHEN IT HAS SERVED ITS USEFULNESS SO AS NOT TO BLOCK OF IMPEDE STORM FLOW OR DRAINAGE.
7. SEDIMENT TRAPPED BY THIS PRACTICE SHALL BE UNIFORMLY DISTRIBUTED ON THE SOURCE AREA PRIOR TO TOPSOILING.

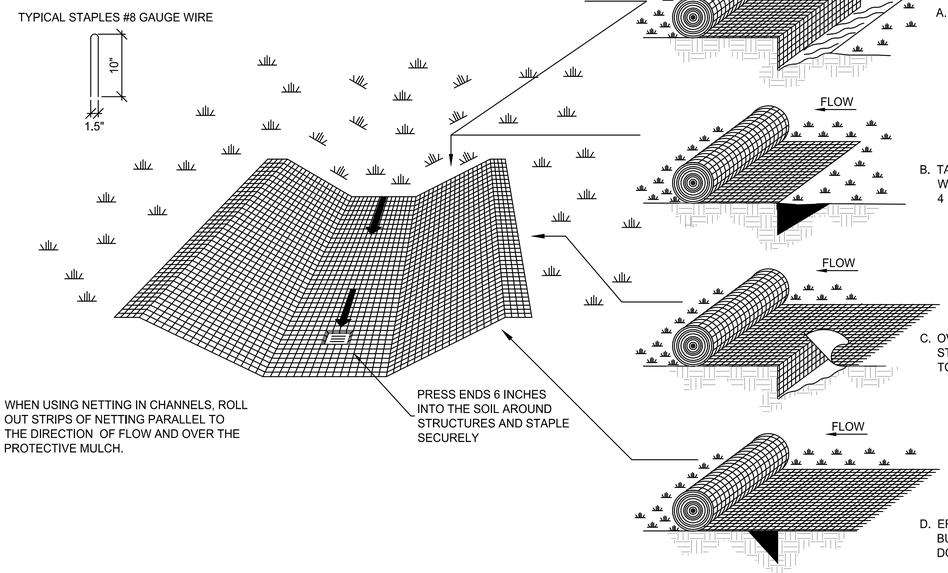
1 C504 SILT FENCE
SCALE: NO SCALE

INSTALLATION:

PLACE TRUE DAM ON GROUND WITH AGGREGATE POUCH ON THE STREET SIDE (UPHILL SIDE) OF THE FLOW. OPEN VELCRO ACCESS POUCH LOCATED ON THE STREET SIDE EDGE OF THE UNIT. FILL POUCH WITH AGGREGATE TO A LEVEL THAT WILL KEEP THE UNIT IN PLACE DURING A RAIN EVEN AND CREATE A SEAL BETWEEN THE TRUE DAM AND THE SURFACE ON THE STREET. RESEAL VELCRO ACCESS.



2 C504 CURB INLET BARRIER
SCALE: NO SCALE



MAINTENANCE:

INSPECT ALL MULCHES PERIODICALLY, AFTER RAINSTORMS TO CHECK FOR HILL EROSION, DISLOCATION, OR FAILURE. WHEN EROSION IS OBSERVED, APPLY ADDITIONAL MULCH. IF WASHOUT OCCURS, REPAIR THE SLOPE GRADE, RESEED, AND REINSTALL MULCH. CONTINUE INSPECTIONS UNTIL VEGETATION IS FIRMLY ESTABLISHED.

NOTES:

1. APPLY LIME, FERTILIZER AND SEED BEFORE LAYING THE NET OR MAT.
2. START LAYING THE NET FROM THE TOP OF THE CHANNEL OR SLOPE AND UNROLL IT DOWN THE 2. GRADE. ALLOW NETTING TO LAY LOOSELY ON THE SOIL BUT WITHOUT WRINKLES - DO NOT STRETCH. MAT OR BLANKET - TYPE PRODUCT SHOULD PROVIDE AT LEAST 30% COVERAGE OF THE SURFACE WHERE IT IS APPLIED.
3. TO SECURE THE NET, BURY THE UPSLOPE END IN A SLOT OR TRENCH NO LESS THAN 6 INCHES DEEP, COVER WITH SOIL, AND TAMP FIRMLY AS SHOWN. STAPLE THE NET EVERY 12 INCHES ACROSS THE TOP END AND EVERY 3 FOOT AROUND THE EDGES AND BOTTOM. WHERE 2 STRIPS OF NET ARE LAYED SIDE BY SIDE, THE ADJACENT EDGES SHOULD BE OVERLAPPED 3 INCHES AND STAPLED TOGETHER. EACH STRIP OF NETTING SHOULD ALSO BE STAPLED DOWN THE CENTER, EVERY 3 FOOT. DO NOT STRETCH THE NET WHEN APPLYING STAPLES.
4. TO JOIN TWO STRIPS, CUT A TRENCH AND ANCHOR THE END OF THE NEW NET. OVERLAP THE END OF 4. THE PREVIOUS ROLL 18 INCHES, AS SHOWN, AND STAPLE EVERY 12 INCHES JUST BELOW THE ANCHOR SLOT.

5 C504 EROSION CONTROL BLANKET
SCALE: NO SCALE

NOT FOR CONSTRUCTION

DESIGN BY MELO

DESIGN BY MELO, LLC

1600 Utica Ave South Suite 900
St Louis Park MN 55416

612.280.8419 p

www.designbymelo.com

These drawings including all design, details, specifications and information, are the sole copyright of Design By Melo, LLC and are for use on this specific project and shall not be used on any other work without agreement and written permission of Design By Melo, LLC ©

BROOKLYN PARK TEEN & YOUTH CENTER

7100 ZANE AVE N
BROOKLYN PARK, MN 55429

wsb

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly Licensed Civil Engineer under the laws of the State of Minnesota.

Printed Name: Vicki Van Dell

Signature:

Date: License #: 41352

No.	Date	Revision Description
2	5/31/2024	SITE PLAN REVIEW

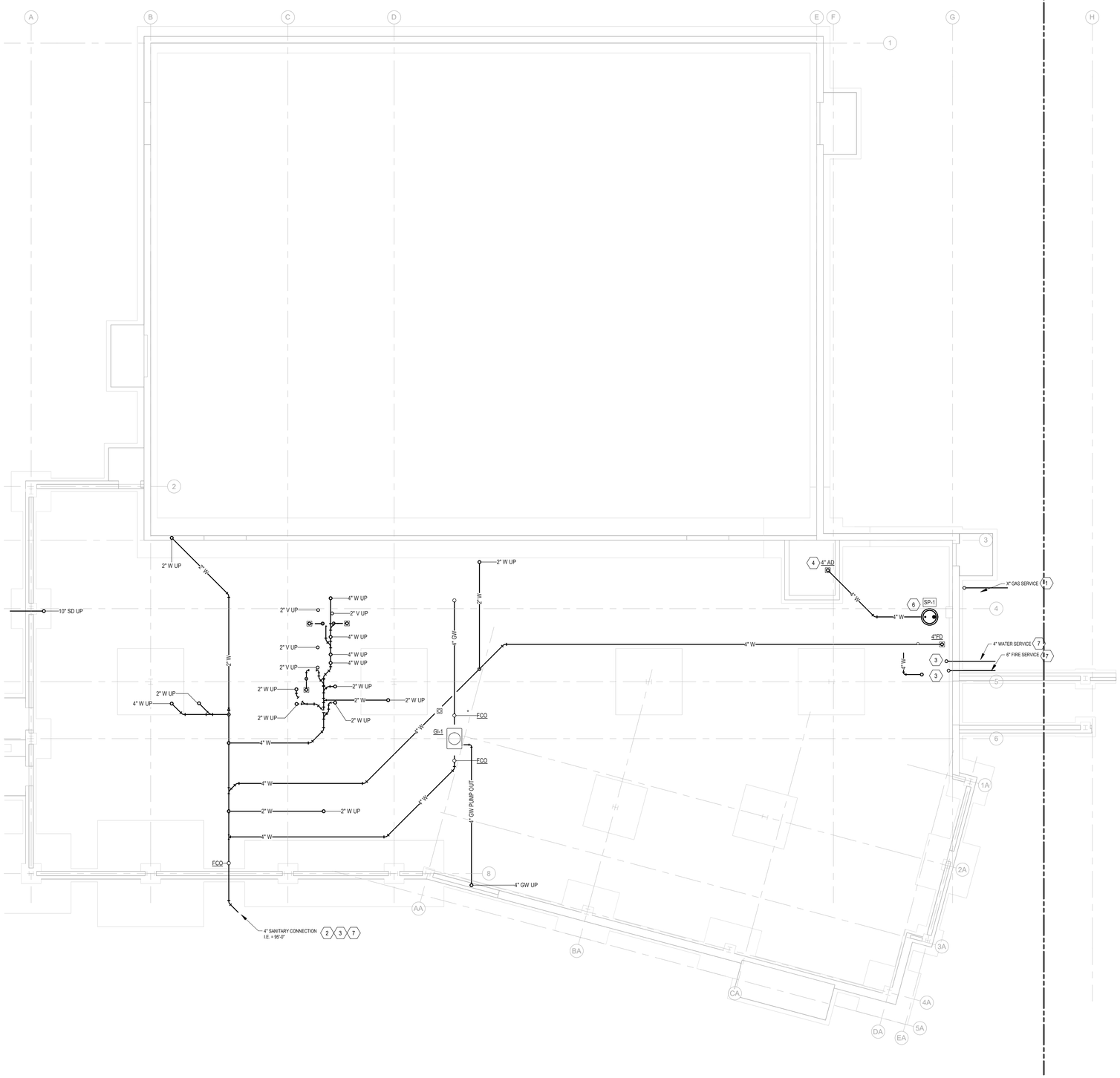
CONSTRUCTION DOCUMENTS

Project	2023.52.01
Date	02.19.2024
Drawn by	MSG
Checked by	VJV

SITE DETAILS

Drawing Number

C504



1 UNDERGROUND PLUMBING PLAN - AREA A
SCALE: 1/8" = 1'-0"

GENERAL NOTES:

A. REFER TO SHEET P000 FOR GENERAL NOTES.

B. SEE RISERS FOR ADDITIONAL SIZES.

C. REFER TO ARCHITECTURAL DRAWINGS FOR LOCATIONS OF FLOOR SINKS AND FLOOR DRAINS. FOR FLOOR SINKS AND DRAINS WITHIN THE KITCHEN REFER TO THE FOOD SERVICE DRAWINGS.

D. PLUMBING CONTRACTOR SHALL BE RESPONSIBLE FOR TESTED & RATED FIRE STOP SYSTEMS FOR ALL THRU-PENETRATION OF FIRE STOPPED WALLS, FLOORS AND ROOF ASSEMBLIES RESULTING FROM PIPING & OTHER WORK UNDER HIS CONTRACT. REFER TO SPECIFICATION SECTION 07841 -FIRESTOPPING FOR REQUIREMENTS.

E. PLUMBING CONTR. SHALL PROVIDE CROSS CONNECTION CONTROL PER LOCAL CODE.

F. PLUMBING CONTRACTOR SHALL COORD. WITH MASONRY SUBCONTRACTOR THAT NO GROUT TOUCHES COPPER PIPING AT ANY TIME. P.C. SHALL REMAIN ON SITE DURING MUDDING OF CMU BLOCKING WHERE PIPING IS WITHIN CMU BLOCK WALL.

G. PLUMBING CONTRACTOR SHALL TEST AND PURGE ALL GAS PIPING PER THE REQUIREMENTS OF THE LOCAL GAS COMPANY, LOCAL APPLICABLE CODES, AND NFPA 54. FLUSH AND CLEAN OUT ALL GAS PIPING OF ALL DEBRIS PRIOR TO MAKING FINAL CONNECTIONS. SEE GENERAL NOTE J.

H. PLUMBING CONTR. SHALL CLOSELY COORDINATE INSTALLATION OF SANITARY BUILDING DRAIN INVERTS. WASTE PIPE SHALL MEET INVERT AT BUILDING EXITS.

I. FLOOR CLEANOUTS SHALL NOT BE LOCATED IN CORRIDORS.

J. SEE SPECIFICATIONS FOR DRAIN TYPES.

K. ALL PIPING 4" AND LARGER SHALL BE SLOPED AT 1/8" PER FOOT (1 PERCENT) TO MEET PIPING INVERTS. ALL PIPING SMALLER THAN 4" SHALL BE SLOPED AT 1/4" PER FOOT (2 PERCENT).

L. PIPE OR PIPE TRENCH MAY NOT IMPEED ON ANGLE OF REPOSE (45° FROM BOTTOM OF FOOTING). COORDINATE LOCATION WHEN DIGGING TRENCH.

KEY NOTES:

(NOT ALL NOTES MAY BE USED ON THIS SHEET)

1. GAS SERVICE UP TO METER. SEE GAS RISER FOR SIZES, CAPACITY AND PRESSURE REQUIREMENTS.
2. 4" SANITARY SERVICE. SEE CIVIL DRAWING FOR CONNECTION REQUIREMENTS.
3. PROVIDE SLEEVES DURING FOOTING POUR. COORDINATE LOCATIONS WITH STRANDS FOR WALL PANELS. SHIFT SLEEVES AS REQUIRED.
4. PROVIDE 4" AREA DRAIN WITHOUT TRAP. ROUTE TO SUMP PUMP PIT.
5. EXTEND 2" VENT FROM GREASE INTERCEPTOR SEPERATELY THROUGH ROOF.
6. ELEVATOR DRAIN SUMP PIT. SEE SPECIFICATIONS AND PLUMBING SCHEDULES.
7. SEE CIVIL DRAWINGS FOR CONTINUATION.

NOT FOR CONSTRUCTION

DESIGN BY MELO

DESIGN BY MELO, LLC

1600 Utica Ave South Suite 900
St Louis Park MN 55416

612.280.8419 p

www.designbymelo.com

These drawings including all design, details, specifications and information, are the sole copyright of Design By Melo, LLC and are for use on this specific project and shall not be used on any other work without agreement and written permission of Design By Melo, LLC ©

BROOKLYN PARK TEEN & YOUTH CENTER

7100 ZANE AVE N
BROOKLYN PARK, MN 55429

emanuelson-podas
consulting engineers

Emanuelson-Podas, Inc.
7705 Bush Lake Road
Edina, MN 55439

(952) 930-0050 | www.epinc.com

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Printed Name:

Signature:

Date: **License #:**

No.	Date	Revision Description
1	5/3/2024	SITE PLAN REVIEW - REFERENCE ONLY
2	5/31/2024	SITE PLAN REVIEW - REFERENCE ONLY

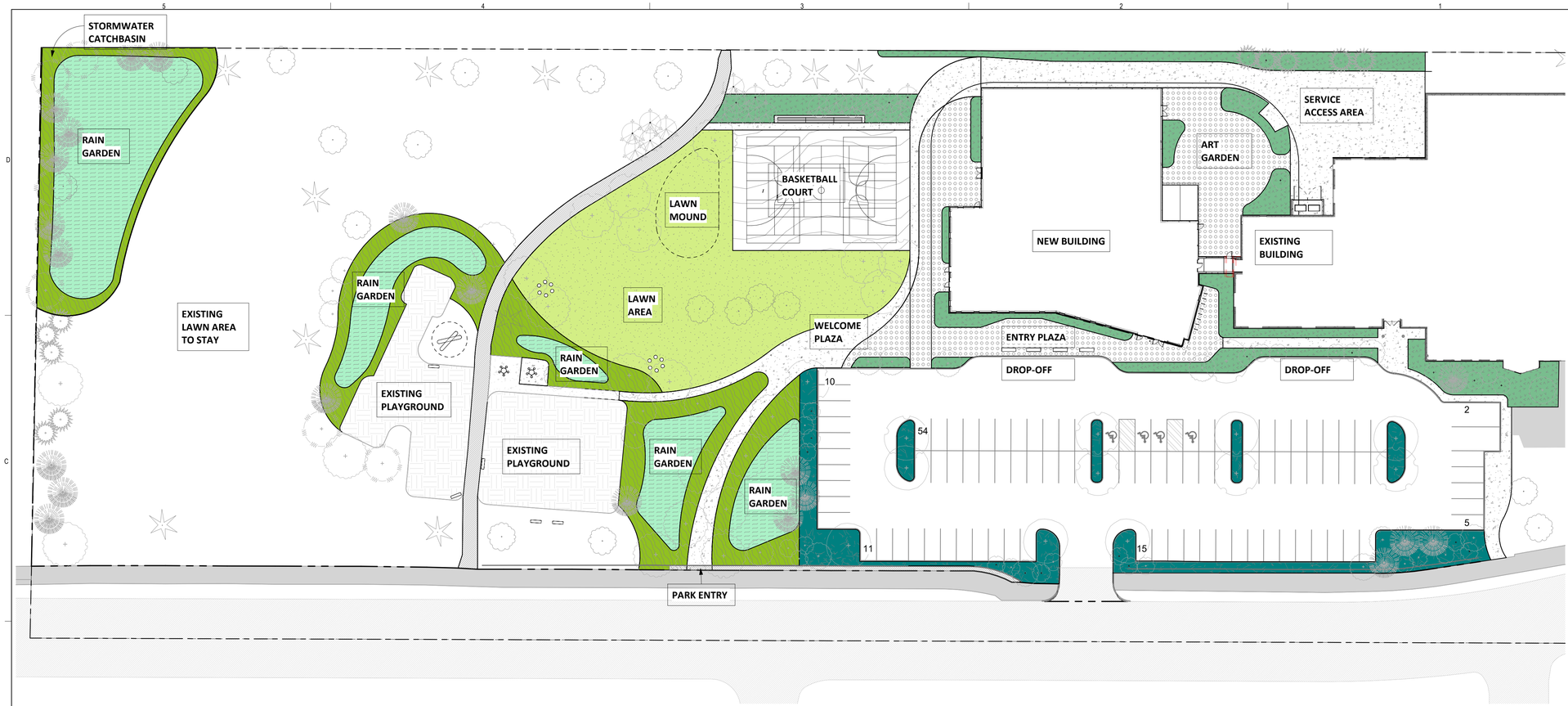
Project	4808.0000
Date	05/03/2024
Drawn by	SMI
Checked by	ATB

UNDERGROUND PLUMBING PLAN - AREA A

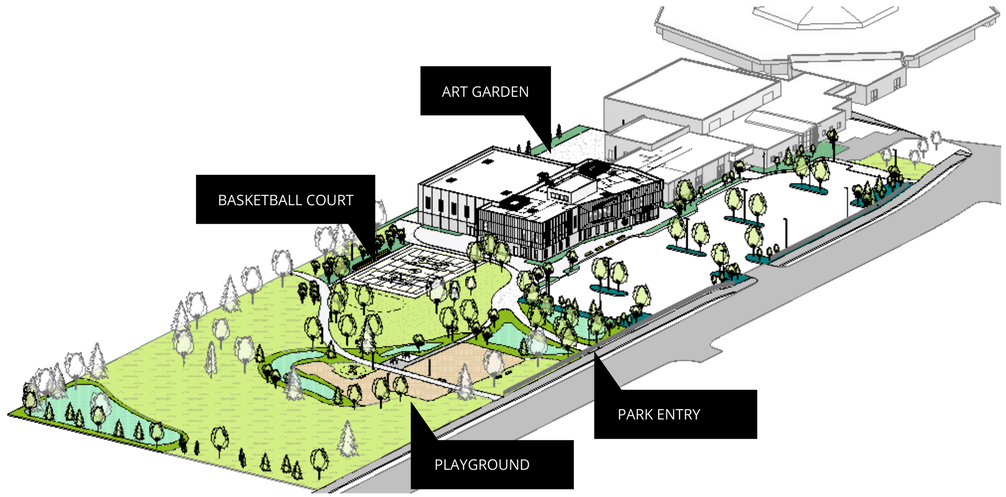
Drawing Number

P100A

Autodesk Docs://Brooklyn Park Teen Center/BPTYC_MEP_2023.rvt
5/3/2024 12:59:42 PM



1 **SITE ORIENTATION PLAN**
1" = 30'-0"



2 **Axon**

NOT FOR CONSTRUCTION

DESIGN BY MELO

DESIGN BY MELO, LLC
30 S 9TH STREET
MINNEAPOLIS, MN 55402
612.280.8419 p
www.designbymelo.com

BROOKLYN PARK TEEN & YOUTH CENTER

7100 ZANE AVE N
BROOKLYN PARK, MN 55429

TEN X TEN STUDIO
TEN X TEN
Landscape Architecture and Urbanism
807 Broadway St NE
Suite 221
Minneapolis, MN 55413
612.440.8369
www.tenxtenstudio.com

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly Licensed Architect under the laws of the State of Minnesota.

Printed Name: _____

Signature: _____

Date: _____ License #: _____

No.	Date	Revision Description
1	2024 05 03	Site Plan Review
2	2024 05 31	Site Plan Review

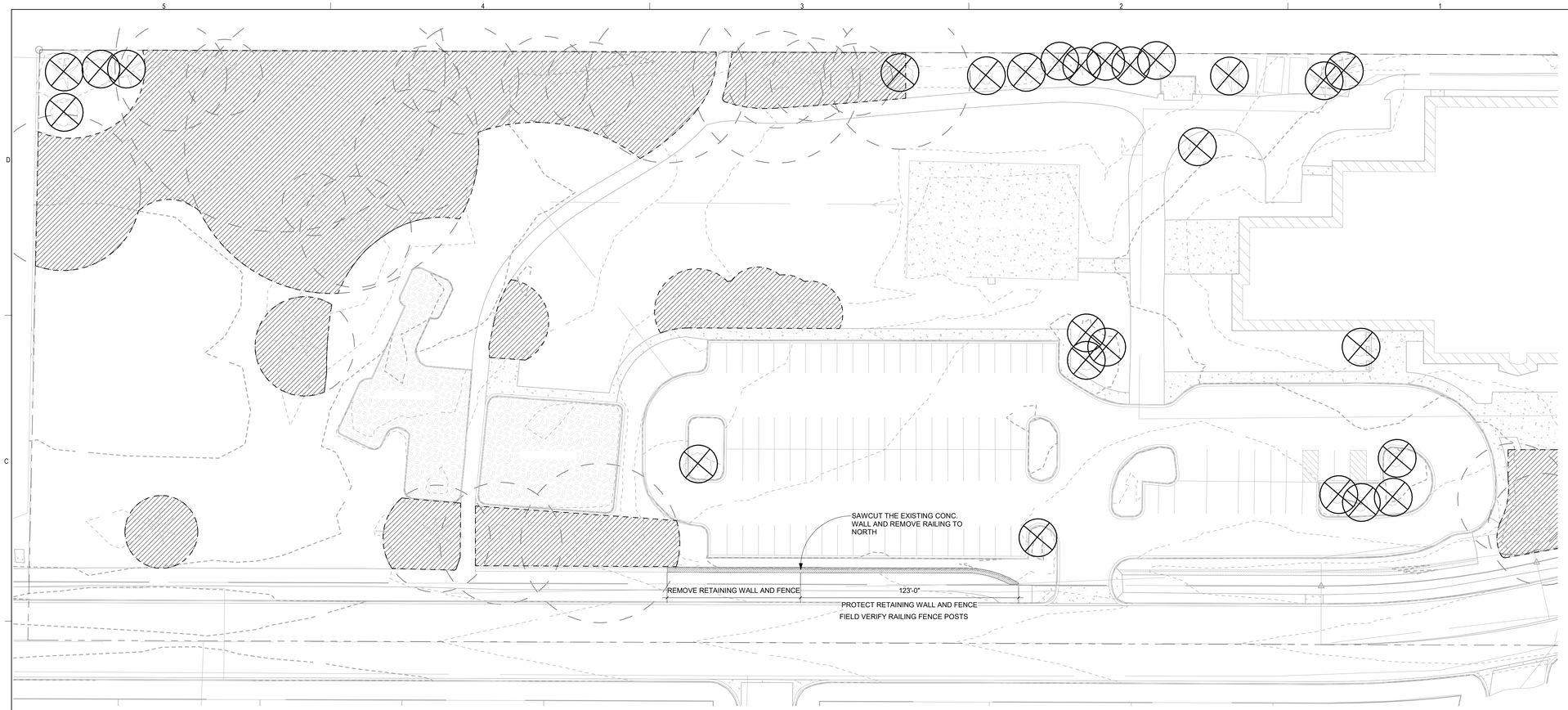
Project	2023005
Date	2024 02 19
Drawn by	Author
Checked by	Checker

ORIENTATION PLAN

Drawing Number

L100

Autodesk Docs://Brooklyn Park Teen Center/23005_Zanewood_Landscape_ver23.rvt
5/31/2024 1:08:38 PM



1 **TREE REMOVAL AND PROTECTION PLAN**
1" = 30'-0"

LEGENDS:

EXISTING TREES TO BE REMOVED

TREE PROTECTION ZONE

NOT FOR CONSTRUCTION

DESIGN BY MELO

DESIGN BY MELO, LLC

30 S 9TH STREET
MINNEAPOLIS, MN 55402

612.280.8419 p

www.designbymelo.com

BROOKLYN PARK TEEN & YOUTH CENTER

7100 ZANE AVE N
BROOKLYN PARK, MN 55429

TEN X TEN STUDIO
TEN X TEN Landscape Architecture and Urbanism
807 Broadway St NE
Suite 221
Minneapolis, MN 55413
612.440.8369
www.tenxtenstudio.com

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly Licensed Architect under the laws of the State of Minnesota.

Printed Name: _____

Signature: _____

Date: _____ **License #:** _____

No.	Date	Revision Description
1	2024 05 03	Site Plan Review
2	2024 05 31	Site Plan Review

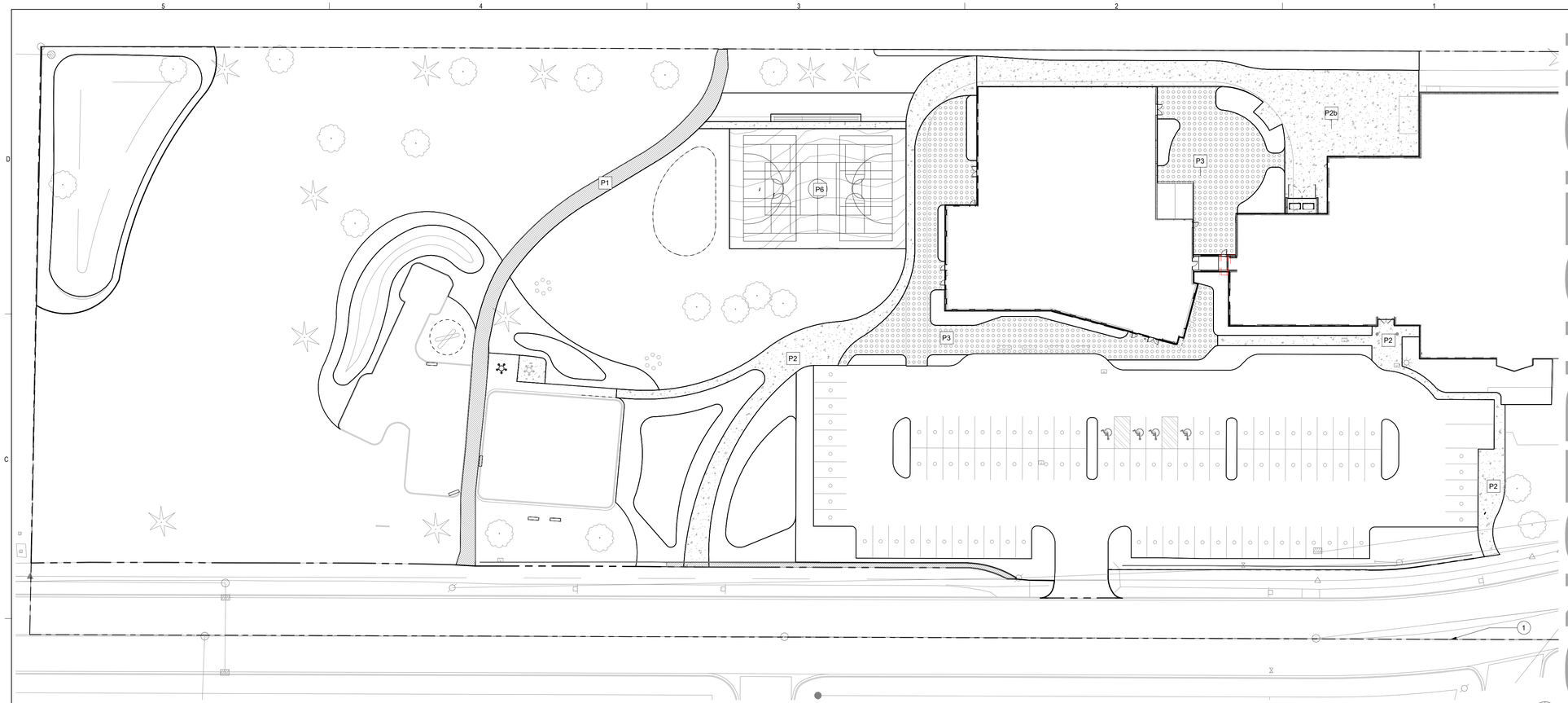
Project	2023005
Date	2024 02 19
Drawn by	Author
Checked by	Checker

TREE PROTECTION PLAN

Drawing Number

L03

Autodesk Docs://Brooklyn Park Teen Center/23005_Zanewood_Landscape_ver23.rvt
5/31/2024 1:03:43 PM



1 **SITE MATERIAL PLAN**
1" = 30'-0"

MATERIAL SCHEDULE

Type Mark	Description	Area	Type Comments
P1	Vehicular Asphalt Paving	3589 SF	See Civil dwgs.
P2	Cast in Place Concrete	7039 SF	See specs.
P2b	Cast in Place Concrete	7375 SF	See specs.
P3	Decorative Cast in Place Concrete	10457 SF	Pedestrian concrete with painted artwork finish, design TBD, see specs.
P6	Athletic Recreational Court Surfacing	6801 SF	Concrete base with painted artwork finish. Design & artist TBD, see specs.
Grand total: 9		35262 SF	

NOT FOR CONSTRUCTION

DESIGN BY MELO

DESIGN BY MELO, LLC

30 S 9TH STREET
MINNEAPOLIS, MN 55402

612.280.8419 p

www.designbymelo.com

BROOKLYN PARK TEEN & YOUTH CENTER

7100 ZANE AVE N
BROOKLYN PARK, MN 55429

TEN X TEN STUDIO
TEN X TEN
Landscape Architecture and Urbanism
807 Broadway St NE
Suite 221
Minneapolis, MN 55413
612.440.8369
www.tenxtenstudio.com

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly Licensed Architect under the laws of the State of Minnesota.

Printed Name: _____

Signature: _____

Date: _____ **License #:** _____

No.	Date	Revision Description
1	2024 05 03	Site Plan Review
2	2024 05 31	Site Plan Review

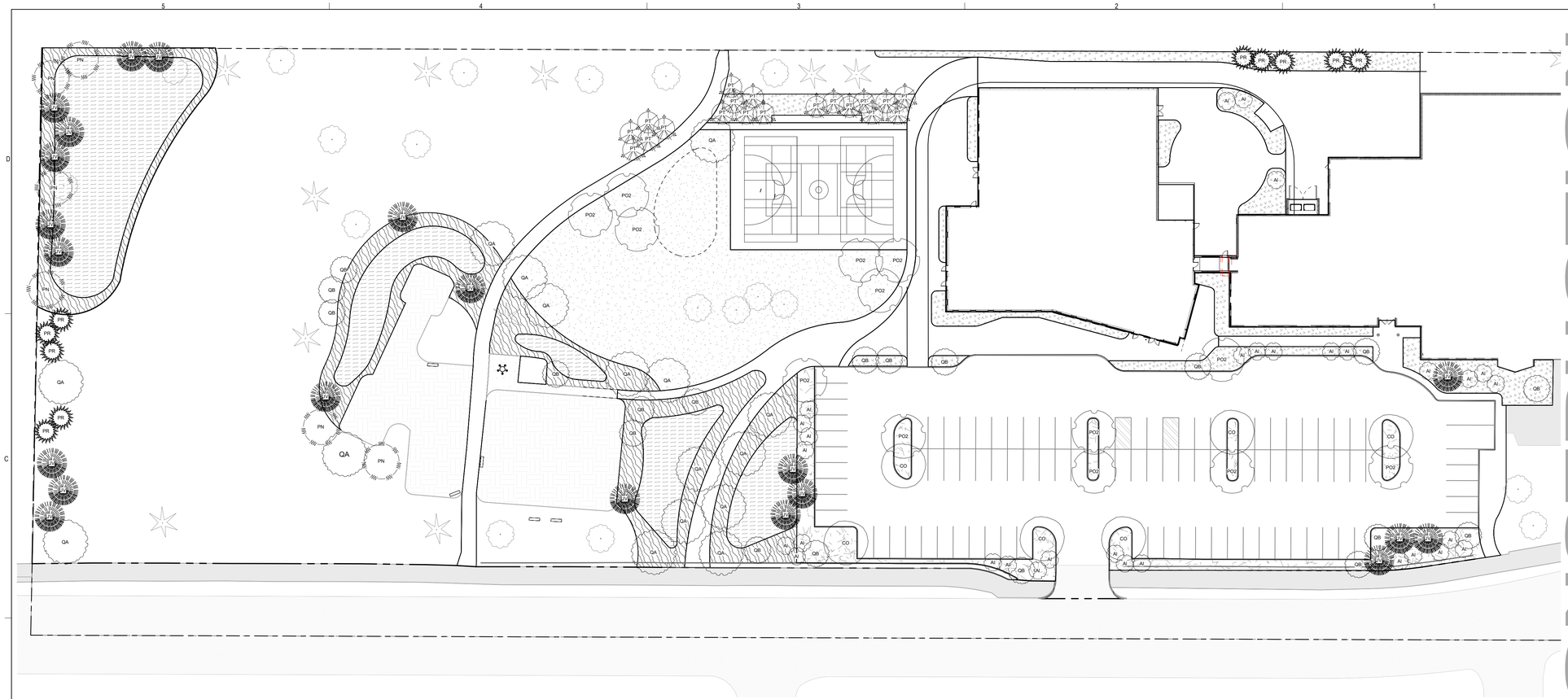
Project	2023005
Date	2024 02 19
Drawn by	XL
Checked by	SD

MATERIAL PLAN

Drawing Number

L110

Autodesk Docs://Brooklyn Park Teen Center/23005_Zanewood_Landscape_ver23.rvt
5/31/2024 1:03:46 PM



1 **SITE PLANTING PLAN - TREES**
1" = 30'-0"

0' 15' 30' 60'

N

TREE SCHEDULE

TYPE MARK	COMMON NAME	SCIENTIFIC NAME	CALIPER	CONTAINER SIZE	COUNT	Tree Type
Canopy Tree						
CO	HACKBERRY	CELTIS OCCIDENTALIS	0' - 3"	B&B	6	Canopy Tree
PN	COTTONWOOD	POPULUS NIGRA	0' - 3"	B&B	6	Canopy Tree
PO2	AMERICAN SYCAMORE	PLATANUS OCCIDENTALIS	0' - 3"	B&B	13	Canopy Tree
QA	WHITE OAK	QUERCUS ALBA	0' - 3"	B&B	16	Canopy Tree
Canopy Tree: 41					41	
Evergreen Tree						
JV	EASTERN RED CEDAR	JUNIPERUS VIRGINIANA	0' - 0"	#25 CONTAINER	21	Evergreen Tree
PR	RED PINE	PINUS RESINOSA	0' - 0"	#25 CONTAINER	10	Evergreen Tree
Evergreen Tree: 31					31	
Ornamental Tree						
AI	ALLEGNENY SERVICEBERRY	AMELANCHIER LAEVIS	0' - 0"	#25 CONTAINER	31	Ornamental Tree
PT	QUAKING ASPEN	POPULUS TREMULOIDES	0' - 1 1/2"	B&B	19	Ornamental Tree
QB	SWAMP WHITE OAK	QUERCUS BICOLOR	0' - 1 1/2"	B&B	19	Ornamental Tree
Ornamental Tree: 69					69	
Grand total: 141					141	

REQUIRED SHRUB COUNT:
Open Space: 189,850 SF (Property: 307,236 SF Bldg: 4,5188 SF, Impervious Surface: 35,187 SF Street 189,850 SF)

Existing Trees: 11 deciduous trees (greater than 4"), 8 Evergreen trees greater than 8ft tall & 5 ornamental trees greater than 2"

Required Tree Counts:
Deciduous Trees: 41
Evergreen Trees: 47
Ornamental Trees: 116

NOTE:
- Evergreen trees are concentrated at Norhern edge of the property for providing the windbreak. Interior of the park has to maintain site lines in any directions and evergreen trees are placed for providing winter interest but not in mass planting. Thus the proposed evergreen tree numbers are less than required amounts.
- Area of open space boundary depends on interpretations of the project boundary due to complex ownership of the site. this needs furtheer discussions.

NOT FOR CONSTRUCTION

DESIGN BY MELO

DESIGN BY MELO, LLC

30 S 9TH STREET
MINNEAPOLIS, MN 55402

612.280.8419 p

www.designbymelo.com

BROOKLYN PARK TEEN & YOUTH CENTER

7100 ZANE AVE N
BROOKLYN PARK, MN 55429

TEN X TEN STUDIO
TEN X TEN Landscape Architecture and Urbanism
807 Broadway St NE
Suite 221
Minneapolis, MN 55413
612.440.8369
www.tenxtenstudio.com

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly Licensed Architect under the laws of the State of Minnesota.

Printed Name: _____

Signature: _____

Date: _____ **License #:** _____

No.	Date	Revision Description
1	2024 05 03	Site Plan Review
2	2024 05 31	Site Plan Review

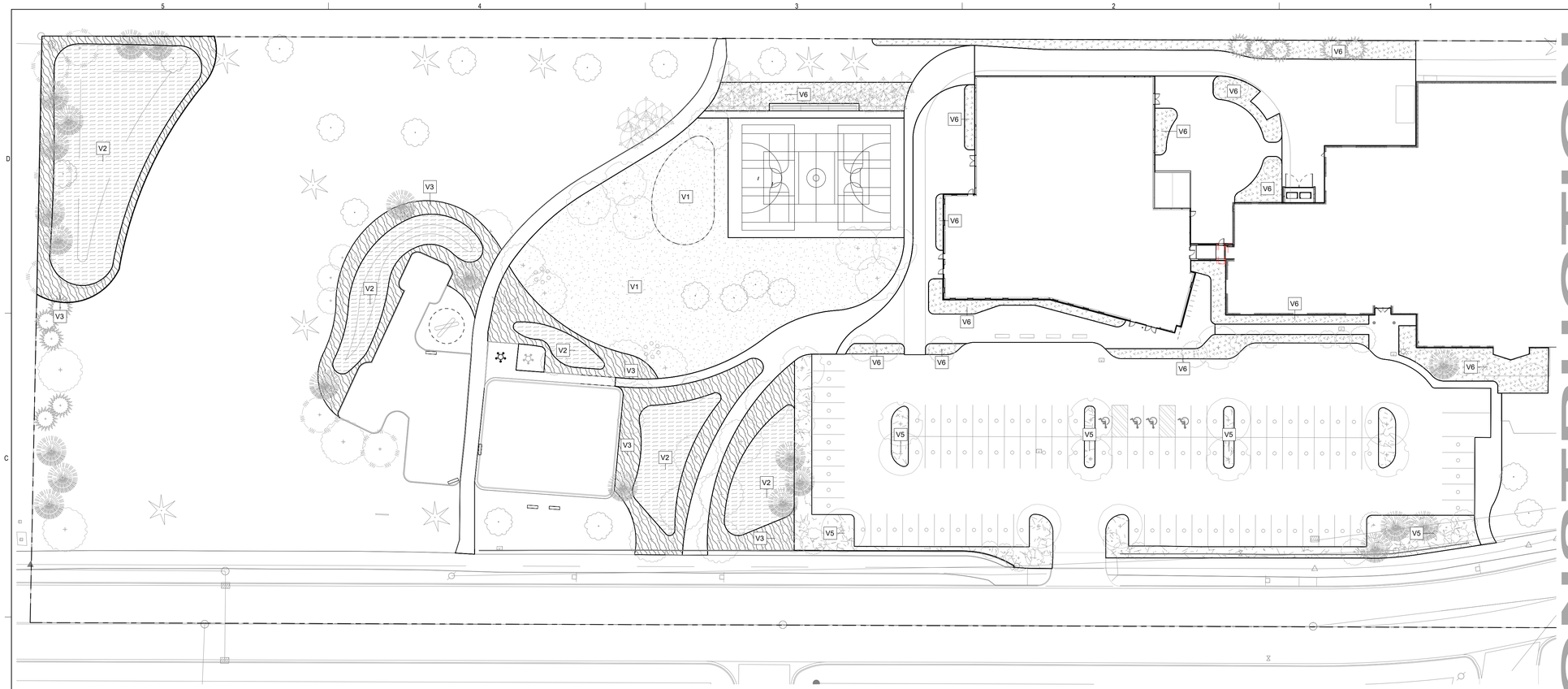
Project	2023005
Date	2024 02 19
Drawn by	XL
Checked by	SD

PLANTING PLAN - TREES

Drawing Number

L200

Autodesk Docs://Brooklyn Park Teen Center/23005_Zanewood_Landscape_ver23.rvt
5/31/2024 1:03:51 PM



1 **SITE PLANTING PLAN - UNDERSTORY**
1" = 30'-0"

PLANTING SCHEDULE

Type Mark	Description	Area	Type Comments	Counts
V1	Lawn	16344 SF	Turf grass seed mix with reinforced soil	N/A
V2	Rain Garden Planting	14297 SF	70% Native Shrubs (#5 container, 36" o.c.) 10% Native Perennials Sedges & Ferns (#1 container, 18" o.c.) and Sedge seed mix	Shrubs: 600 Perennials: 1,500 and seed
V3	Fescue Mix (No-Mow Grass)	11489 SF	No-Mow Grass Seed Mix	N/A
V5	Parking Lot Planting	5891 SF	80% Native Shrubs (#5 Container, 36" O.C.) 20% Native Flowering Perennials (#1 container 18" O.C.)	Shrubs: 771 Perennials: 500
V6	Building Asjacent Program Area	9581 SF	60% Native Shrubs (#5 container, 36" o.c.) 20% Native Flowering Perennials (#1 container, 18" o.c.) and grass seed mix	Shrubs: 500 Perennials: 500 and fescue seed

REQUIRED SHRUB COUNT:
Open Space: 189,850 SF
Shrubs: 1,899

NOT FOR CONSTRUCTION

DESIGN BY MELO

DESIGN BY MELO, LLC

30 S 9TH STREET
MINNEAPOLIS, MN 55402

612.280.8419 p

www.designbymelo.com

BROOKLYN PARK TEEN & YOUTH CENTER

7100 ZANE AVE N
BROOKLYN PARK, MN 55429

TEN X TEN STUDIO
TEN X TEN Landscape Architecture and Urbanism
807 Broadway St NE
Suite 221
Minneapolis, MN 55413
612.440.8369
www.tenxtenstudio.com

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly Licensed Architect under the laws of the State of Minnesota.

Printed Name: _____

Signature: _____

Date: _____ **License #:** _____

No.	Date	Revision Description
1	2024 05 03	Site Plan Review
2	2024 05 31	Site Plan Review

Project	2023005
Date	2024 02 19
Drawn by	Author
Checked by	Checker

PLANTING PLAN - UNDERSTORY

Drawing Number

L201

Autodesk Docs://Brooklyn Park Teen Center/23005_Zanewood_Landscape_ver23.rvt
5/31/2024 1:03:54 PM

LIGHT FIXTURE SCHEDULE

GENERAL NOTES:

A. CATALOG NUMBER INDICATES BASIC FIXTURE TYPE REQUIRED FOR THIS PROJECT AND MAY NOT BE COMPLETE. VERIFY WITH MANUFACTURER TO INCLUDE ALL OPTIONS AND ACCESSORIES REQUIRED FOR THIS INSTALLATION.
B. ELECTRICAL CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING FIXTURE LOCATIONS, MOUNTING, AND REQUIREMENTS WITH ARCHITECTURAL PLANS, SECTIONS, ELEVATIONS, AND REFLECTED CEILING PLANS PRIOR TO ORDERING...
C. ALL FINISHES SHALL BE VERIFIED WITH THE ARCHITECT PRIOR TO ORDERING FIXTURES. FINISH SELECTION TO BE FROM MANUFACTURER'S STANDARD FINISHES UNLESS NOTED OTHERWISE. FINISHES SHALL BE VERIFIED AT THE TIME O...
D. SEE SPECIFICATIONS FOR EXTRA MATERIALS REQUIRED FOR LIGHT FIXTURES.
E. SAMPLES OF ALL FIXTURES SHALL BE AVAILABLE AT THE ENGINEERS REQUEST DURING SHOP DRAWING REVIEW.
F. NO SUBSTITUTIONS SHALL BE ACCEPTED WITHOUT PRIOR APPROVAL BY THE ENGINEER.

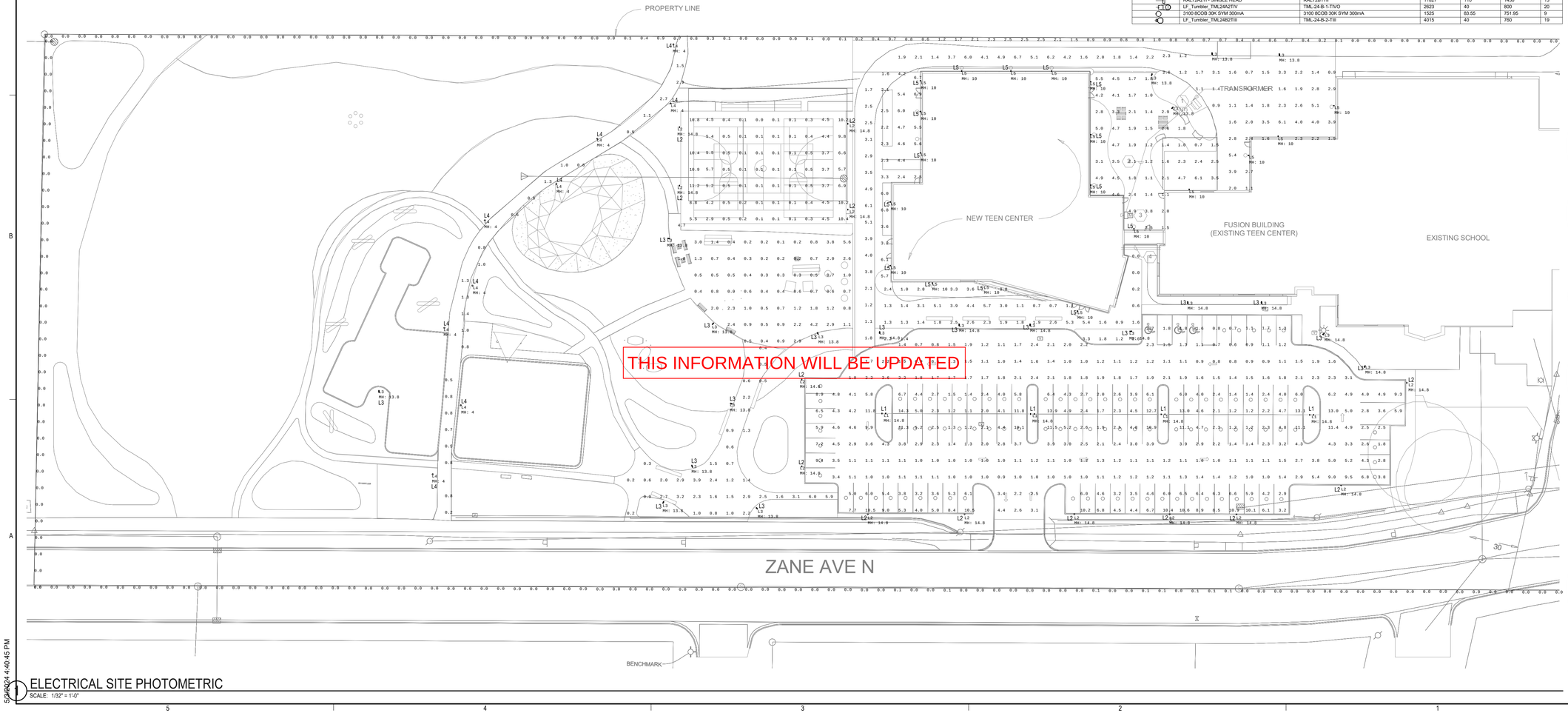
FIXTURE NOTES:

1. XXXXXX.

TYPE	DESCRIPTION	VOLT	LAMPS		VA / FIXT.	MANUFACTURER	CATALOG NUMBER	TYPE
			TYPE	QTY / FIXT.				
L1	DUAL-HEAD TYPE LED POLE MOUNT FIXTURE. TYPE 4 DISTRIBUTION FOR EACH FIXTURE. 14' ROUND STEEL POLE W/ VIBRATION DAMPERS. VERIFY FINISH COLOR OF HEAD AND POLE WITH ARCHITECT. 11827 NOMINAL DELIVERED LUMENS PER HEAD. PROVIDE CONCRETE BASE PER DETAIL. PROVIDE BASE COVER. POLE AND FIXTURE SHALL BE PROVIDED BY THE SAME MANUFACTURER. PROVIDE AN ALLOWANCE OF $x,xxx.00 PER LOCATION. 500mA DRIVER. VERIFY WITH ARCHITECT DURING SHOP DRAWING REVIEW.	MULTI	LED 3000K	NA	220	LANDSCAPE FORMS	RAL72BTIV RAA02 POLE: RAF11	L1
L2	SINGLE HEAD TYPE LED POLE MOUNT FIXTURE. TYPE 2 DISTRIBUTION FOR EACH FIXTURE. 14' ROUND STEEL POLE W/ VIBRATION DAMPERS. VERIFY FINISH COLOR OF HEAD AND POLE WITH ARCHITECT. 11827 NOMINAL DELIVERED LUMENS PER HEAD. PROVIDE CONCRETE BASE PER DETAIL. PROVIDE BASE COVER. POLE AND FIXTURE SHALL BE PROVIDED BY THE SAME MANUFACTURER. PROVIDE AN ALLOWANCE OF $x,xxx.00 PER LOCATION. 500mA DRIVER. VERIFY WITH ARCHITECT DURING SHOP DRAWING REVIEW.	MULTI	LED 3000K	NA	110	LANDSCAPE FORMS	RAL72BTII RAA01 POLE: RAF11	L2
L3	SINGLE HEAD TYPE LED POLE MOUNT FIXTURE. TYPE 4 DISTRIBUTION FOR EACH FIXTURE. 14' ROUND STEEL POLE W/ VIBRATION DAMPERS. VERIFY FINISH COLOR OF HEAD AND POLE WITH ARCHITECT. 3498 NOMINAL DELIVERED LUMENS PER HEAD. PROVIDE CONCRETE BASE PER DETAIL. PROVIDE BASE COVER. POLE AND FIXTURE SHALL BE PROVIDED BY THE SAME MANUFACTURER. PROVIDE AN ALLOWANCE OF $x,xxx.00 PER LOCATION. 500mA DRIVER. VERIFY WITH ARCHITECT DURING SHOP DRAWING REVIEW.	MULTI	LED 3000K	NA	40	LANDSCAPE FORMS	TML24B1TIVO POLE: TMF21P	L3
L4	32" TALL x 7" IMPACT RESISTANT SQUARE SOLAR LED BOLLARD. 350 NOMINAL DELIVERED LUMENS. 360 DEGREE SYMETRICAL DISTRIBUTION. FIXTURE SHOWN FOR REFERENCE ONLY, PROVIDED AND INSTALLED BY LANDSCAPING VENDOR.	NA	LED 3000K	NA	0	SELS	SG9100	L4
L5	LED WALL PACK TYPE IV DISTRIBUTION 3391 NOMINAL DELIVERED LUMENS. PROVIDE AN ALLOWANCE OF $x,xxx.00 PER LOCATION. VERIFY WITH ARCHITECT DURING SHOP DRAWING REVIEW. 500mA DRIVER,TYPE 3 DISTRIBUTION	MULTI	LED 3000K	NA	40	LANDSCAPE FORMS	TML24B2TIII	L5

Calculation Summary						
Label	CalcType	Units	Avg	Max	Min	Avg/Min
Basketball Court_Top	Illuminance	Fc	2.87	11.8	0.0	N.A.
East Pavillian_Top	Illuminance	Fc	2.86	6.1	0.7	4.09
Front Entry_Top	Illuminance	Fc	2.25	5.7	0.0	N.A.
North Drive_Top	Illuminance	Fc	3.39	6.7	1.4	2.42
North Lot_Top	Illuminance	Fc	2.44	7.1	0.7	3.49
Park - Walkway - 1_Top	Illuminance	Fc	1.80	6.0	0.2	9.00
Parking Lot_Top	Illuminance	Fc	3.43	14.3	0.6	5.72
Pavilian_Top	Illuminance	Fc	1.21	5.6	0.1	12.10
Property Line - North	Illuminance	Fc	0.38	2.5	0.0	N.A.
Property Line - South	Illuminance	Fc	0.01	0.1	0.0	N.A.
Property Line - West	Illuminance	Fc	0.00	0.0	0.0	N.A.
Walkway - North South_Top	Illuminance	Fc	1.02	2.9	0.2	5.10
Walkway East_Top	Illuminance	Fc	3.08	6.1	1.1	2.80
West Exterior_Top	Illuminance	Fc	4.73	8.4	2.2	2.15

Luminaire Schedule						
Symbol	Label	Description	Luminaire Lumens	Luminaire Watts	Total Watts	Qty
	RAL72A2TIV - DUAL HEAD	RAL72B1TIV	11586	110	880	4
	RAL72A2TI - SINGLE HEAD	RAL72B1TII	11827	110	1430	13
	LF_Tumbler_TML24A2TIV	TML-24-B-1-TIVO	2623	40	800	20
	3100 8COB 30K SYM 300mA	3100 8COB 30K SYM 300mA	1525	83.55	751.95	9
	LF_Tumbler_TML24B2TIII	TML-24-B-2-TIII	4015	40	760	19



1 ELECTRICAL SITE PHOTOMETRIC
SCALE: 1/32" = 1'-0"

NOT FOR CONSTRUCTION

DESIGN BY MELO, LLC

1600 Utica Ave South Suite 900
St Louis Park MN 55416

612.280.8419 p

www.designbymelo.com

These drawings including all design, details, specifications and information, are the sole copyright of Design By Melo, LLC and are for use on this specific project and shall not be used on any other work without agreement and written permission of Design By Melo, LLC ©

BROOKLYN PARK TEEN & YOUTH CENTER

7100 ZANE AVE N
BROOKLYN PARK, MN 55429

emanuelson-podas
consulting engineers

Emanuelson-Podas, Inc.
7705 Bush Lake Road
Edina, MN 55439
(952) 930-0050 | www.epinc.com

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Printed Name: NOT FOR CONSTRUCTION

Signature:

Date: License #:

No.	Date	Revision Description
1	5/3/2024	SITE PLAN REVIEW
2	5/31/2024	SITE PLAN REVIEW

Project	4808.0000
Date	05/03/2024
Drawn by	DBR
Checked by	MAB / JTK

ELECTRICAL PHOTOMETRIC

Drawing Number

E011

Autodesk Docs://Brooklyn Park Teen Center/BPTYC_MEP_2023.rvt
5/31/2024 4:40:45 PM

City of Brooklyn Park
Request for Council Action

Agenda Item:	4.2	**Meeting Date:**	June 24, 2024
Agenda Section:	Consent	**Originating Department:**	Community Development
Resolution:	N/A	**Prepared By:**	Matt Hayes-Regan, Planning Program Assistant
Ordinance:	N/A		
Attachments:	N/A	**Presented By:**	Paul Mogush, Planning Director
Item:	Development Bond and Escrow Reductions/Releases		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO FULLY RELEASE THE DEVELOPERS' ESCROW ($2,000.00) FOR COMPLETION OF THE "EDINBURGH PLAZA (MCDONALDS)" PROJECT #19-112.

MOTION _____, SECOND _____, TO FULLY RELEASE THE DEVELOPERS' ESCROW ($782.13) FOR COMPLETION OF THE "STONE MOUNTAIN PET LODGE" PROJECT #19-126.

MOTION _____, SECOND _____, TO FULLY RELEASE THE DEVELOPERS' ESCROW ($321.53) AND THE PERFORMANCE DEPOSIT ($9,600.00) FOR COMPLETION OF THE "GARDENER BROOKWOOD ESTATES" PROJECT #19-129.

MOTION _____, SECOND _____, TO FULLY RELEASE THE DEVELOPERS' ESCROW ($5,000.00) FOR COMPLETION OF THE "TWIN CITIES ORTHOPEDICS" PROJECT #20-001.

MOTION _____, SECOND _____, TO FULLY RELEASE THE DEVELOPERS' ESCROW ($1,504.00) FOR COMPLETION OF THE "BROOKLYN BLVD AUTOMOTIVE" PROJECT #20-125.

MOTION _____, SECOND _____, TO FULLY RELEASE THE DEVELOPERS' ESCROW ($12,419.18) AND THE PERFORMANCE DEPOSIT ($326,000.00) FOR COMPLETION OF THE "TWIN CITIES ORTHOPEDICS" PROJECT #20-127.

MOTION _____, SECOND _____, TO FULLY RELEASE THE DEVELOPERS' ESCROW ($17,474.95) AND THE PERFORMANCE DEPOSIT ($36,100.00) FOR COMPLETION OF THE "ENCLAVE APARTMENTS" PROJECT #21-104.

MOTION _____, SECOND _____, TO FULLY RELEASE THE DEVELOPERS' ESCROW ($298.19) FOR COMPLETION OF THE "SICHENEDER ESTATES" PROJECT #21-106.

MOTION _____, SECOND _____, TO FULLY RELEASE THE DEVELOPERS' ESCROW ($1,324.48) FOR COMPLETION OF THE "CARMAX" PROJECT #21-120.

MOTION _____, SECOND _____, TO FULLY RELEASE THE DEVELOPERS' ESCROW ($707.84) FOR COMPLETION OF THE "CAMS BAR & EATERY" PROJECT #22-106.

MOTION _____, SECOND _____, TO FULLY RELEASE THE DEVELOPERS' ESCROW ($1,679.60) FOR COMPLETION OF THE "LEOPOLD'S MISSISSIPPI GARDENS" PROJECT #22-109.

MOTION _____, SECOND _____, TO FULLY RELEASE THE DEVELOPERS' ESCROW ($1,229.13) FOR COMPLETION OF THE "NORTHERN LIGHT CHURCH OF CHRIST" PROJECT #22-110.

MOTION _____, SECOND _____, TO FULLY RELEASE THE DEVELOPERS' ESCROW ($332.06) FOR COMPLETION OF THE "TARGET REFRESH" PROJECT #22-126.

MOTION _____, SECOND _____, TO FULLY RELEASE THE DEVELOPERS' ESCROW ($641.32) FOR COMPLETION OF THE "PICKLE IN THE MIDDLE" PROJECT #23-103.

MOTION _____, SECOND _____, TO FULLY RELEASE THE DEVELOPERS' ESCROW ($3,847.40) FOR COMPLETION OF THE "COMCAST BROOKLYN PARK" PROJECT #23-108.

Overview:

City Code requires performance bonds and developer's escrows be established as part of the development process. As projects progress, staff works with developers on the release of financial securities. For many large projects the City requires performance bonding as well as escrows be filed with the City. The performance bonds are established at the time of site plan review. City Staff feels it is appropriate to release either the full or a portion of the performance bonds and developer's escrows included in this release request at this time.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park
Request for Council Action

Agenda Item:	4.3	**Meeting Date:**	June 24th, 2024
Agenda Section:	Consent	**Originating Department:**	Finance
Resolution:	X		
Ordinance:	N/A	**Prepared By:**	Catrice O'Neal
Attachments:	1	**Presented By:**	Jay Stroebel
Item:	Consider Authorizing the Brooklyn Park City Manager to Delegate Signing Authority to Brooklyn Park Managers to approve Contracts and purchases up to $10,000.00 dollars.		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2024-_____, TO AUTHORIZE THE BROOKLYN PARK CITY MANAGER TO DELEGATE SIGNING AUTHORITY TO BROOKLYN PARK MANAGERS (DEPARTMENT DIVISION MANAGERS AND DEPUTY CHIEFS) TO ENTER INTO CONTRACTS AND APPROVE ONE TIME PURCHASES UP TO $10,000.00 DOLLARS.

Overview:

This action is to request Council approval to authorize the Brooklyn Park City Manager to delegate signing authority to city managers (department division managers and deputy chiefs) to approve one time purchases and enter into contracts up to $10,000 dollars.

This action was previously brought before the Economic Development Authority (EDA) on June 17th, 2024 to authorize the EDA Interim Executive Director to delegate authority for entering into contracts of up to $10,000 dollars to the Economic Development and Housing Director and Workforce Development Program Director. The resolution was approved and adopted at that meeting on June 17th, 2024.

Primary Issues/Alternatives to Consider:

The request to authorize additional signatories will improve the timeliness of contract execution and allow for improved delivery of programs and services across the City and is consistent with the policies of similarly situated units of government.

Budgetary/Fiscal Issues: N/A

Attachments:

4.3A RESOLUTION

RESOLUTION #2024-

RESOLUTION APPROVING THE BROOKLYN PARK CITY MANAGER TO DELEGATE SIGNING AUTHORITY TO BROOKLYN PARK MANAGERS (DEPARTMENT DIVISION MANAGERS AND DEPUTY CHIEFS) TO ENTER INTO CONTRACTS AND APPROVE ONE TIME PURCHASES UP TO $10,000.00 DOLLARS.

WHEREAS, the Council recognizes that certain contracts agreements are routine in nature, and it is desirable to allow the City Manager to delegate signing authority for certain agreements to be designated staff; and

WHEREAS, the Economic Development Authority (EDA), authorized the EDA Interim Executive Director to delegate authority to sign contracts of up to $10,000 dollars to the Economic Development and Housing Director and the Workforce Development Program Director at the EDA meeting on June 17th, 2024, and desires to implement this citywide to managers and directors; and

WHEREAS, the City Manager has requested approval from the City Council to delegate signing authority to Brooklyn Park managers (department division managers and deputy chiefs) to enter into contracts and approve one time purchases up to $10,000; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Brooklyn Park to authorize the City Manager to delegate their signing authority for contracts and one time purchases with total expenditures of up to $10,000.00 dollars to all city managers (department division managers and deputy chiefs).

City of Brooklyn Park
Request for Council Action

Agenda Item:	4.4	**Meeting Date:**	June 24, 2024
Agenda Section:	Consent	**Originating Department:**	Recreation and Parks
Resolution:	N/A	**Prepared By:**	Brad Tullberg, Director of Recreation and Parks
Ordinance:	SECOND READING		
Attachments:	1	**Presented By:**	Brad Tullberg, Director of Recreation and Parks
Item:	SECOND READING – Ordinance Prohibiting Cannabis and Hemp Use in Public Places		

City Manager's Proposed Action:

MOTION_____, SECOND_____, TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2024-_____ ADDING A SUBCHAPTER TO CHAPTER 133 OF THE BROOKLYN PARK CITY CODE PROHIBITING SMOKING OF CANNABIS OR HEMP IN PUBLIC PLACES AND AMENDING SECTION 95.03 OF THE BROOKLYN PARK CITY CODE REGARDING TOBACCO USE RESTRICTIONS IN PUBLIC PLACES.

Overview:

In 2011, the City of Brooklyn Park adopted a Tobacco-Free Parks policy prohibiting use of tobacco at city-owned parks including playgrounds, athletic fields, trails, parks, spectator areas and excluding the two golf courses and designated smoking area outside of the Community Activity Center.

The City of Brooklyn Park recognizes that the second-hand effects of smoking tobacco, vaping and cannabis in public spaces pose a threat to public health and safety. The purpose of this section is to protect the public health, safety, and welfare of citizens, especially vulnerable populations including children, the elderly, those with chronic health conditions and employees.

With the adult-use cannabis law in effect August 1, 2023, the City of Brooklyn Park is proposing changes to two sections of the City Code.

- Section 1 applies to smoking or vaporizing cannabis and hemp products in defined public places.
- Section 2 applies to smoking or vaporizing any substance in city parks.

The term "public place" is used in Section 1 because the statute (Minnesota Statutes, section 152.0263) related to prohibiting cannabis use allows a city to define "public place" and then make cannabis use within that defined public place a petty misdemeanor. This ordinance defines "public place" to only include smoking or vaporizing cannabis and hemp products in:

- Inside any building owned by a government entity, aligning with the Minnesota Indoor Clean Air Act.
- All parks
- All trails
- Parking lots of city-owned facilities
- Within 100 feet of the public entrance of city-owned buildings

Section 2 applies to smoking or vaporizing of any substance in city parks. There is some overlap between Section 1 and Section 2 (smoking and vaporizing cannabis and hemp is prohibited in parks by both sections) but since each, Section 1 includes land outside of parks (e.g., within 100 feet of city buildings) and Section 2 applies to other substances besides cannabis and hemp (e.g., tobacco), the ordinance was drafted to include both sections.

These changes do not apply to cannabis or hemp products that are not smoked or vaporized (e.g., edibles and beverages). The First reading of the ordinance was help at he June 10, 2024 City Council Meeting.

Primary Issues/Alternatives to Consider:

The Recreation and Parks Advisory Commission recommended approval of an update to the City Code 95 prohibiting smoking or vaporizing of any substance in city parks at the October 2023 meeting.

Budgetary/Fiscal Issues: N/A

Attachments:

4.4A ORDINANCE

CITY OF BROOKLYN PARK

ORDINANCE NO. _____.

AN ORDINANCE ADDING A SUBCHAPTER TO CHAPTER 133 OF THE BROOKLYN PARK CITY CODE PROHIBITING SMOKING OF CANNABIS OR HEMP IN PUBLIC PLACES AND AMENDING SECTION 95.03 OF THE BROOKLYN PARK CITY CODE REGARDING TOBACCO USE RESTRICTIONS IN PUBLIC PLACES

The City of Brooklyn Park does ordain:

Section 1. Chapter 133 of the City Code is amended by adding a new Subchapter to read:

SMOKING OF CANNABIS OR HEMP IN PUBLIC PLACES

§ 133.20 DEFINITIONS.

For the purpose of this subchapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

(A) "Cannabis flower," "cannabis products," and "hemp-derived consumer products" shall have the meanings given to them in Minnesota Statutes, section 342.01, as it may be amended from time to time.

(B) "Public place" means the following locations when owned or operated by a governmental entity:

(1) Places where smoking is prohibited under the Minnesota Indoor Clean Air Act; and
(2) Parks, trails, the parking lots of city-owned facilities, and locations within 100 feet of the public entrance(s) of city-owned or operated buildings, but does not include the driving range, practice areas, and course area of city-owned golf courses.

§ 133.21 PROHIBITED CONDUCT.

No person shall consume by means of smoking, vaporizing, or otherwise consuming smoke or vapor produced by heating or igniting cannabis flower, cannabis products, or hemp-derived consumer products in a public place.

§ 133.22 PENALTY.

Notwithstanding any other penalty provision in the city code, a violation of this subchapter shall be considered a petty misdemeanor punishable by a maximum fine of $100.

Section 2. Section 95.03 of the City Code is amended by adding Paragraph (G) to read as follows:

(G) *Smoking Prohibited*. It shall be unlawful for any person to consume any substance by means of smoking, vaporizing, igniting, or otherwise heating the substance to produce smoke or vapor which is then inhaled. Notwithstanding any other penalty provision in the city code, a violation of this section shall be considered a petty misdemeanor punishable by a maximum fine of $100.

City of Brooklyn Park
Request for Council Action

Agenda Item:	4.5	**Meeting Date:**	June 24, 2024
Agenda Section:	Consent	**Originating Department:**	Operations and Maintenance Engineering Services Division
Resolution:	X	**Prepared By:**	Craig Runnakko, Construction Engineer
Ordinance:	N/A		
Attachments:	3	**Presented By:**	Mitch Robinson, Interim City Engineer
Item:	Approve Change Order No. 1 for 2024 Municipal State Aid (MSA) West River Road and 73rd Ave Avenue Mill and Overlay, CIP 4002-24		

City Manager's Proposed Action:

MOTION_____, SECOND_____TO WAIVE THE READING AND ADOPT RESOLUTION #2024-_____, APPROVING CHANGE ORDER NO. 1 FOR 2024 MUNICIPAL STATE AID (MSA) WEST RIVER ROAD AND 73RD AVENUE MILL AND OVERLAY, CIP 4002-24.

Overview:

Project CIP 4002-24 includes a mill and overlay on West River Road between Newton Avenue N and Brookdale Drive and on 73rd Avenue N between CSAH 81 and West Broadway. The project will include curb and gutter replacement, water system and storm sewer rehabilitation, bituminous mill and overlay. West River Road and 73rd Avenue are both part of the city's municipal state aid (MSA) system.

Prior to construction, staff found that the end points for previous overlays on adjacent streets were further away from West River Road than we realized at the time of design. It made sense to extend the paving and construction limits for the West River Road project to match into the previous overlaid streets.

It is not unusual for projects of this type to require additional items due to circumstances or conditions that were not expected at the time of plan preparation or during construction. All the items noted above as additions to Schedule A were not included in the original contract and therefore they are included as a change order. This change order will increase the original contract value ($996,240.10) by $52,058.59 or 5.22%. Staff recommends that the City Council approve Change Order No. 1.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: These additional costs will be paid with Municipal State Aid funds.

Attachments:

4.5A RESOLUTION
4.5B LOCATION MAPS
4.5C CHANGE ORDER

RESOLUTION #2024-

RESOLUTION APPROVING CHANGE ORDER NO. 1
FOR 2024 MUNICIPAL STATE AID (MSA) WEST RIVER ROAD AND 73RD AVENUE N MILL AND OVERLAY, CIP 4002-24

WHEREAS, the City of Brooklyn Park has an existing contract with Northwest Asphalt, Inc., dated March 4, 2024, said contract being let pursuant to statute and after advertising for bids; and

WHEREAS, said contract was awarded on a unit price basis; and

WHEREAS, in the proper performance of the contract unforeseen conditions were encountered requiring construction units exceeding that normally required and bid; and

WHEREAS, it is now the desire of the council to include additional units at the same unit price and units for which no item in the contract is provided to complete the following improvements:

CHANGE ORDER #1

CIP PROJECT 4002-24 Total Additions: $52,045.05

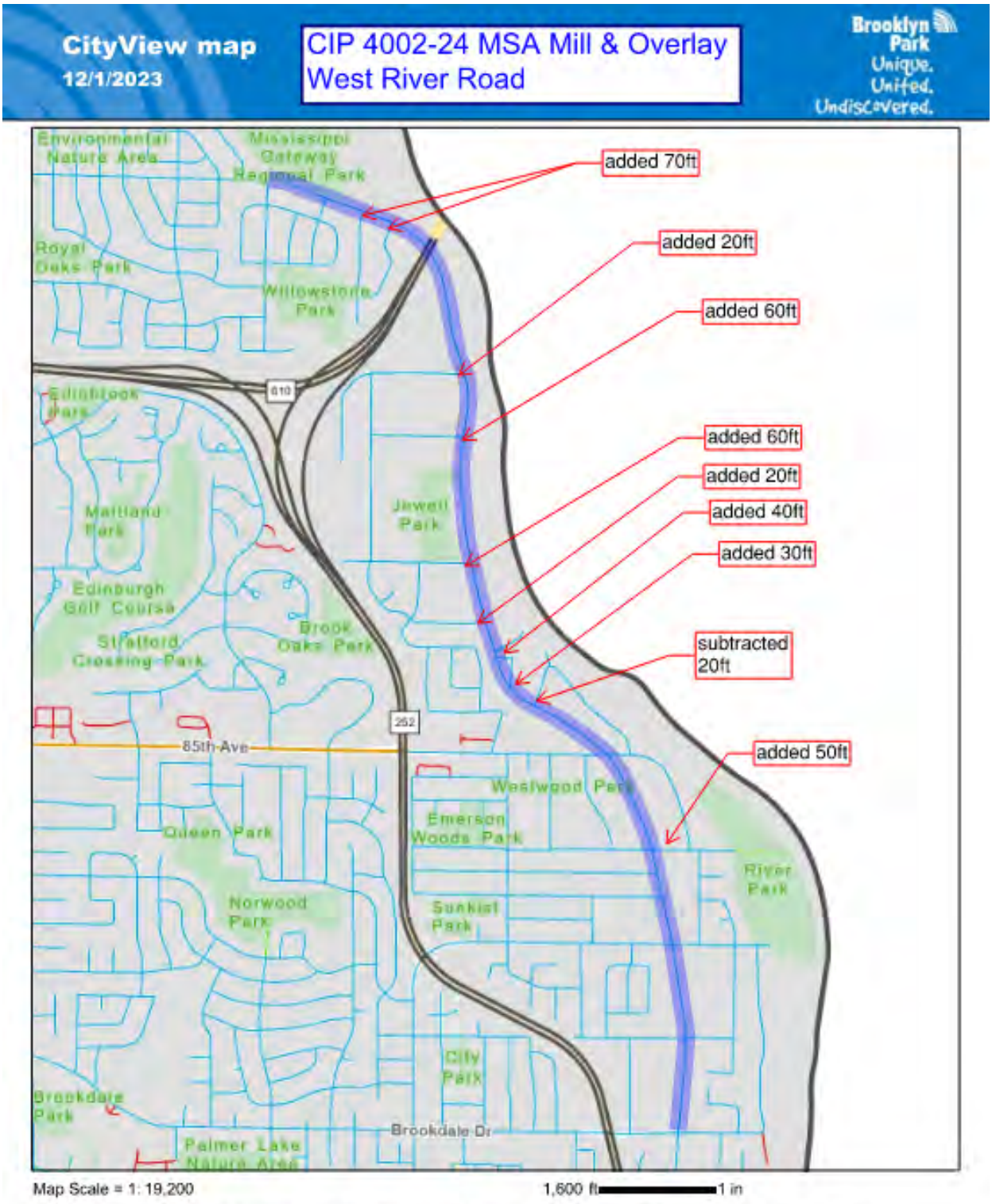
WHEREAS, the additional units do not exceed 25% of the original contract value; and

WHEREAS, the contractor, Northwest Asphalt, Inc., has agreed to add such additional units at the same unit price in accordance with the mutually agreed upon compensation in accordance with the General Conditions Section of the Contract Specifications Paragraphs GC 4.3, 4.4 and 7.4 and all in accordance with Chapter 429.041 Subd. 7 of the Minnesota Laws.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park.

1. The Mayor and City Manager are hereby authorized and directed to enter into a contract with Northwest Asphalt, Inc. for additional units of work, at a cost of $52,045.05 in the name of the City of Brooklyn Park for the aforesaid improvements, according to the plans and specifications on file in the Office of the City Clerk.

2. The Contractor shall file an increased bond to cover $1,048,298.69, the full contractual amount, and the contractor's written agreement to add to the existing contract shall be placed on file with the Clerk and made a part of the original contract, all in accordance with Chapter 429.041, Subd. 7 of Minnesota Laws.



Map provided by the City of Brooklyn Park, MN. This map is for general reference only. It is not for legal, engineering, or surveying use. Please contact the sources of the information if you desire more details. www.brooklynpark.org

STATE AID FOR LOCAL TRANSPORTATION
CHANGE ORDER

Rev. December 2023

SP/SAP(s)	SAP 110-139-003	MN Project No.:	N/A	Change Order No.	1

Project Location			
Local Agency	Brooklyn Park	Local Project No.	CIP 4002-24
Contractor	Northwest Asphalt, Inc.	Contract No.	CIP 4002-24
Address/City/State/Zip	1451 Stagecoach Rd / Shakopee / MN / 55379		
Total Change Order Amount	$52,058.59		

Issue: The Engineer has determined the Contract needs to be revised in accordance with specification 1402.5 - Extra Work

WHEREAS: This contract provides for, among other things, Bituminous Mill and Overlay, Concrete Rehabilitation, Storm Sewer Work and Miscellaneous Utility Work on SAP 110-115-010 on West River Road between Newton Ave N and Brookdale Drive and on 73rd Ave N between CSAH 81 and West Broadway; and WHEREAS: The Engineer decided additional work on streets intersecting West River Road was needed; and WHEREAS: Most of this work will be done at unit prices; and WHEREAS: The cost to mill and pave stub streets is much higher than mainline milling and paving; and WHEREAS: Additional costs for Flagging, Traffic Control, Bond and milling stub ends before paving mainline are warranted .

Resolution:
Click or tap here to enter text.
The Contractor will The Contractor will complete milling, paving, curb, storm sewer and sanitary sewer, traffic control and edge milling work in the extended construction limits at 88th Ave, 89th Ave, 92nd Ave, Irving Ave and James Ave N.

Entitlement: Payment for this work will be at the contract and negotiated price of $52,045.05 which includes all mark ups.

Contract Time - is increased by 5 calendar days

Estimate Of Cost: *(Include any increases or decreases in contract items, any negotiated or force account items.)*

Group/Funding Category**	Item No.	Description	Unit	Unit Price	+ or – Quantity	+ or – Amount $
SAP 110-139-003 State Aid / SAP 110-139-003 Roadway	2012.602	TRAFFIC CONTROL SPECIAL	EACH	$250.00	1	$250.00
SAP 110-139-003 State Aid / SAP 110-	2041.601	BOND INTEREST		$172.28	1	$172.28

STATE AID FOR LOCAL TRANSPORTATION
CHANGE ORDER

Rev. December 2023

SP/SAP(s)	SAP 110-139-003	MN Project No.:	N/A	Change Order No.	1

139-003 Roadway						
SAP 110-139-003 State Aid / SAP 110-139-003 Roadway	2104.503	Remove Curb & Gutter All Types		$7.66	78	$597.48
SAP 110-139-003 State Aid / SAP 110-139-003 Roadway	2104.504	Remove Bituminous Roadway		$2.16	15	$32.40
SAP 110-139-003 State Aid / SAP 110-139-003 Roadway	2231.509	Bituminous Patching Mixture		$225.59	5	$1,127.95
SAP 110-139-003 State Aid / SAP 110-139-003 Roadway	2232.501	MILL BITUMINOUS SURFACE		$5.21	2153	$11,217.13
SAP 110-139-003 State Aid / SAP 110-139-003 Roadway	2232.604	MILL BITUMINOUS PAVEMENT (SPECIAL)		$3,537.43	1	$3,537.43
SAP 110-139-003 State Aid / SAP 110-139-003 Roadway	2331.603	Joint Adhesive		$0.28	2286	$640.08
SAP 110-139-003 State Aid /	2357.506	Bituminous Material For Tack Coat		$3.70	237	$876.90

STATE AID FOR LOCAL TRANSPORTATION
CHANGE ORDER

Rev. December 2023

SP/SAP(s)	SAP 110-139-003	MN Project No.:	N/A	Change Order No.	1

SAP 110-139-003 Roadway						
SAP 110-139-003 State Aid / SAP 110-139-003 Roadway	2360.509	MNDOT 2360 Type SP 9.5 SPWEA 240 B		$102.46	246	$25,205.16
SAP 110-139-003 State Aid / SAP 110-139-003 Roadway	2531.503	Concrete Curb & Gutter Design B-618		$35.70	78	$2,784.60
SAP 110-139-003 State Aid / SAP 110-139-003 Roadway	2563.610	FLAGGER		$1,395.23	1	$1,395.23
SAP 110-139-003 State Aid / SAP 110-139-003 Roadway	2575.504	Sodding Type Lawn		$19.25	35	$673.75
SAP 110-139-003 State Aid / SAP 110-139-003 Storm Sewer	2506.602	Structure Repair Type A		$709.64	5	$3,548.20
					Net Change this Change Order	**$52,058.59**

***Group/funding category is required for federal aid projects*

2012.602 & 2041.601 & 2104.503 & 2104.504 & 2231.509 & 2232.501 & 2232.604 & 2360.509 & 2531.503 & 2563.610 & 2575.504 are funded 100% from Group 1

2331.603 is funded 97.22% from Group 1 & 2.78% from Group 2

STATE AID FOR LOCAL TRANSPORTATION
CHANGE ORDER

Rev. December 2023

SP/SAP(s)	SAP 110-139-003	MN Project No.:	N/A	Change Order No.	1

2506.602 is funded 100% from Group 2

1 - SAP 110-139-003 State Aid / SAP 110-139-003 Roadway (100% Municipal (MSAS > 5000))

2 - SAP 110-115-010 Roadway (100% Municipal (MSAS > 5000))

2 - SAP 110-139-003 State Aid / SAP 110-139-003 Storm Sewer (100% Municipal (MSAS > 5000))

Project Engineer: [1#first_last#1] Date: [1#obtained#3]

Print Name: [1#first_last#2] Phone: [1#phone#0]

Contractor: [2#first_last#5] Date: [2#obtained#7]

Print Name: [2#first_last#6] Phone: [2#phone#4]

DSAE Portion: The State of Minnesota is not a participant in this contract. Signature by the District State Aid Engineer is for FUNDING PURPOSES ONLY and for compliance with State and Federal Aid Rules/Policy. Eligibility does not guarantee funds will be available.

This work is eligible for:
[3#fund_fed3#9] Federal Funding
[3#fund_state3#11] State Aid Funding
[3#fund_local3#10] Local/Other Funds

District State Aid Engineer: [3#first_last#8] Date: [3#obtained#12]

City of Brooklyn Park
Request for Council Action

Agenda Item:	4.6	**Meeting Date:**	June 24, 2024
Agenda Section:	Consent	**Originating Department:**	Police
Resolution:	X	**Prepared By:**	Stephanie Heiberger, Administrative Assistant
Ordinance:	N/A		
Attachments:	2	**Presented By:**	Mark Bruley, Police Chief
Item:	Approve Amendment to Joint Powers Agreement for Pets Under Police Security (PUPS)		

City Manager's Proposed Action:

MOTION_____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2024-_____, APPROVING AN AMENDMENT TO THE JOINT POWERS AGREEMENT FOR PETS UNDER POLICE SECURITY.

Overview:

In April 2023, City Council approved a Joint Powers Agreement for Pets Under Police Security (PUPS). This agreement is between the cities of Brooklyn Center, Champlin, Crystal, Maple Grove, New Hope, Plymouth and Robbinsdale. The partner cities utilize PUPS for animal-control-related boarding and management. Through this agreement, the city of Maple Grove serves as the owner, operator, and fiscal agent of PUPS. The partner cities have representation on the PUPS board and contribute to the management and maintenance of the facility through cost sharing.

The purpose of this amendment is to provide the PUPS manager the daily operational authority/decision making for veterinary care, release of animals, or other needs as they arise. The PUPS board will maintain its oversight.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues:

This amendment is intended to address day-to-day oversight of the facility. It is not anticipated to have a budgetary impact.

Attachments:
4.6A RESOLUTION
4.6B AGREEMENT

RESOLUTION #2024-

RESOLUTION APPROVING AN AMENDMENT TO THE JOINT POWERS AGREEMENT FOR PETS UNDER POLICE SECURITY

WHEREAS, in April of 2023, the City Council approved the Joint Powers agreement for Pets Under Police Security; and

WHEREAS, the partner cities utilize PUPS for animal-control-related boarding and management; and

WHEREAS, the partner cities have representation on the Pets Under Police Security board and contribute to the management and maintenance of the facility through cost sharing; and

WHEREAS, the proposed amendment provides the PUPS manager the daily and operational authority for veterinary care, release of animals, and other needs as they arise.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park that the City approve an amendment to the joint powers agreement for Pets Under Police Security.

FIRST AMENDED JOINT POWERS AGREEMENT
for
PETS UNDER POLICE SECURITY ("PUPS")

This JOINT POWERS AGREEMENT ("Agreement") is made and entered into pursuant to Minn. Stat. § 471.59 by the cities of Maple Grove, Brooklyn Center, Brooklyn Park, Champlin, Crystal, New Hope, Plymouth, and Robbinsdale ("Members") as of the Effective Date specified herein.

WHEREAS, the Members acknowledge that in the course of operations of their respective municipal animal control efforts, they encounter animals that require safe, efficient, and economical impoundment;

WHEREAS, the Members desire and intend to maintain an organization by which they may jointly and cooperatively provide for the impoundment of such animals in a jointly operated animal control impound facility ("PUPS Facility");

WHEREAS, the Members desire to provide for the joint use and shared financial responsibilities of operation of the PUPS Facility;

WHEREAS, the PUPS Facility is located at 11350 89th Ave N, Maple Grove, MN 55369;

BASED UPON AND IN CONSIDERATION OF THE FOREGOING, the Members agree as follows:

1. **Term**. This Agreement shall commence on July 1 1, 2024 ("Effective Date") and expire on December 31, 2053 unless earlier terminated as specified herein. Upon expiration of the initial term, the Members may negotiate and may agree to extend this Agreement.
2. **Membership**
    a. *Initial membership*. By executing this Agreement, municipalities noted above are the initial Members of PUPS and are subject to the terms and conditions of this Agreement.
    b. *Additional members*. Any governmental unit may make application to become a member of PUPS. In order to apply, a governmental unit must contact the Board and inform the Board of the governmental unit's intent to join. Applications will be considered in the sole discretion of the Board and according to terms and conditions set by the Board in accordance with this Agreement. The terms and conditions of additional membership shall be documented in an addendum to this Agreement.
    c. *Withdrawal*. Members may elect to withdraw from PUPS upon written notice to the Board no later than June 30 in any year specifying an effective date no earlier than January 1 of the subsequent year. All obligations of the withdrawing Member continue through the effective date of withdrawal.

3. **Board**
    a. *Composition and voting*. The governing body of PUPS shall be a Board of Directors ("Board") consisting of one board member from each Member city. Each Member has one vote and proxy voting shall not be allowed. Maple Grove's representative shall be the board chair.
    b. *Meetings*. Except as otherwise provided in this Agreement, the Board shall meet either virtually or in person as often as it is deemed necessary and keep minutes, in either electronic or written form, of the substance of each meeting. Minutes of the Board meetings shall be made available to Members for their review.
    c. *Board authority*. The Board by majority vote of its members must approve the annual operation budget and any significant budgetary impacts or changes, any capital improvements, and any new members. The Maple Grove City Administrator may overturn any decision by the Board resulting in additional building maintenance expenditures, modification of the PUPS Facility, or increased capital improvement needs.
4. **Management and Use**
    a. *Animal Containment Coordinator*. Maple Grove will appoint, employ, and supervise an Animal Containment Coordinator for the PUPS Facility. The Animal Containment Coordinator will be employed by Maple Grove, the costs of which, including wages, benefits, and other related expenses, shall be proportionally paid for by the Members. The Animal Containment Coordinator shall be empowered to act in the best interests of the PUPS Facility, including staff and animal safety and well-being.
    b. *Operational Control*. The Animal Containment Coordinator shall have day-to-day operational control of the PUPS Facility, including policies and procedures applicable to all animals in possession of the PUPS Facility, regardless of where the animal originated. The Animal Containment Coordinator, in consultation with the Board, shall act in the best interests of the PUPS Facility and is responsible for setting the hours of operation, public hours, incidental fees and charges to be reimbursed by Members, records management, animal care including care provided by third parties, and disposition subject to state law and the rights and obligations of the Members as specified herein.
    c. *Use by non-Members*. The Board will establish guidelines, policies, rates, and fees for any use of the PUPS Facility by non-Members.
    d. *Maintenance.* Maple Grove shall be responsible for all maintenance, repair, replacement, and upkeep of the PUPS Facility necessary to keep it in good repair and clean condition, the costs for which will be paid by the Members in proportion to their share set forth herein. If the Board determines that Maple Grove has failed to perform the maintenance or make any of the repairs or changes required by this Agreement, the Board shall notify Maple Grove in writing of the required maintenance, repairs, or changes. Maple Grove has 30 days after receipt of such notice to perform or make the required maintenance, repairs, or changes, after which time upon authorization by the Board any other Member may but are not obligated to perform or make the required

maintenance, repairs, or changes, the costs of which shall be shared among all Members in proportion to their share set forth herein. In such event, Maple Grove shall allow reasonable access to the PUPS Facility to any person authorized by the Board to perform maintenance, repairs, or changes. If Maple Grove fails to timely cure under this Article, it shall be liable for any damage to property or loss sustained by the other Members, except damage or loss caused by any other Members' negligent or willful conduct. Maple Grove's failure to timely cure under this Article shall not constitute a default of this Agreement unless such failure significantly impairs the other Members' use of PUPS.

5. **Operations**
   a. *Owner-Operator*. Maple Grove shall be the owner, operator, and fiscal agent of PUPS, subject to the rights and obligations of the Members set forth in this agreement. Maple Grove shall control all PUPS operations including but not limited to staffing and billing. No Member shall take any action to install equipment or modify the PUPS Facility or the real property on which the PUPS Facility is located without express, written, advance approval from the Board.
   b. *Operating Costs*. Operating Costs include all expenses and costs incurred and normally required with respect to repair, replacement, maintenance, and operation of the PUPS Facility and equipment, improvements, sidewalk, driveways, and parking facilities. Operating costs shall include but are not limited to the following:
      i. Wages, salaries, benefits, and related expenses of all employees engaged in the operation, management, maintenance, and care of animals within the PUPS Facility, including, without limitation, the Animal Containment Coordinator;
      ii. All supplies and materials used in the operation and maintenance of the PUPS Facility;
      iii. Cost of utilities, including but not limited to water, sewer, heating, lighting, electricity, air conditioning, and ventilation for the PUPS Facility;
      iv. Maintenance and service agreements for PUPS and the maintenance, service, and replacement of the equipment in the PUPS Facility or parking facilities;
      v. Costs of all insurance for PUPS, including but not limited to premiums, deductibles, and the costs to purchase and maintain fire, property, casualty, and liability insurance;
      vi. Any and all common area maintenance costs related to public areas of the PUPS Facility, including but not limited to all bathrooms, sidewalks, landscaping, drives, and, service areas;
      vii. Capital expenditures including but not limited to the cost to maintain, repair, or replace all structural components of the PUPS Facility, fixtures, equipment, and site improvements.
   c. *Operating Budget.* Maple Grove shall provide Members and the Board a copy of the proposed budget of the estimated Revenue and Operating Costs for PUPS

(the "Operating Budget") by June 1 for the following calendar year. The Board shall approve the operating budget on or before August 31 of each year.

d. *Cost Sharing.* Members shall share in all Operating Costs for PUPS. The Board must adopt an annual Operating Budget by June 1 of each year and provide each Member a reasonable opportunity to comment on the proposed budget before adoption. Notification of the adopted budget must be provided promptly to the chief administrative officer of each member. Cost sharing shall be determined based on the actual number of impounded animals per Member or according to other methodology adopted by a 2/3 majority of the Board. Each Member shall pay Maple Grove the Member's share of Operating Costs in two equal installments due on May 31 and August 31. The final operations bill back will be due on February 28 of the following year. Maple Grove shall submit an invoice to the Members approximately 30 days in advance to assure timely payment. If a Member ceases to be a Member at any time other than the end of a calendar year, the exiting Member's portion of Operating Costs shall be reallocated to the remaining Members according to their Percentage Share.

e. *Unanticipated Expenses*. An "unanticipated expense" is an expenditure that is not included in an approved Operating Budget but is necessary for the continued operation of PUPS. Maple Grove shall have discretion in consultation with the Board to approve and incur any unanticipated expense.

f. *Reconciliation and Reserve Account*. On or before June 30 of each year, Maple Grove shall provide the other Members documentation of the net surplus or deficit of Operating Costs in relation to payments made in the preceding year. Any such surplus or deficit in payments shall be treated as follows:

    i. If there is an actual deficit, each Member will be responsible for its Percentage Share of the deficit.

    ii. If there is an actual surplus, the amount overpaid by the Members shall be deposited into a PUPS account to be maintained by Maple Grove (the "PUPS Capital") and used by Maple Grove for PUPS-related expenses. If Maple Grove cancels this Agreement as provided in Paragraph 12, any funds remaining in the PUPS Account at the time of such cancellation or termination shall be distributed to all Members in accordance with their Percentage Share determined at that time. Upon any other termination or cancellation of this Agreement, Maple Grove shall retain all funds in the PUPS Account.

g. *Capital Contribution*. All Members shall by June 30 of each year make a collective annual capital investment in the PUPS Facility of $25,000, or in a different amount as may be determined by the Board, divided among membership according to the following percentage formula: the total annual number of animal-impounds attributable to the Member divided by the total annual number of all PUPS animal impounds in the prior year. Partial year capital contributions will be prorated.

    e.g., PUPS impounds 900 animals in a given year, including 100 animals from Maple Grove. Maple Grove is responsible for 11.1% of the total

impounds. Maple Grove's capital contribution for that year would be $2,775 (11.1% of $25,000).

h. *Inspection*. Maple Grove agrees that Members, at their own expense and through their duly authorized representatives, at any time during normal business hours and as often as reasonably necessary, shall have the right to examine, audit, excerpt, and transcribe any books and records which are pertinent to or involve transactions relating to this Agreement, including verification of amounts and types of expenses which appear on the Operating Budget or statements of actual Operating Costs.

6. **Compliance with Rules and Regulations**. The Members agree to comply with all applicable federal, state, municipal, and local laws, ordinances, and regulations while occupying PUPS. The Members shall comply with Maple Grove's reasonable rules for the safety, care, cleanliness, and preservation of good order of PUPS, provided that the rules are submitted to them in writing and do not conflict with the terms of this Agreement.
7. **Insurance**. Maple Grove will, at all times during the Term and any renewal period of this Agreement, either self-insure or have and keep in force a single limit or excess umbrella commercial general liability insurance policy of an amount not less than $500,000 per claimant for death, bodily injury, personal injury, property loss and/or damages and $1,500,000 for total personal injury, bodily injury, property loss and/or damages arising from any one occurrence or greater limits which may be subsequently allowed under Minn. Stat. §§ 466.02 and 466.04, as amended. Maple Grove will furnish Members with Certificates of Insurance documenting the insurance coverage required by this Agreement upon request. All Certificates shall provide that the insurance company shall give 10 days' written notice to the Members of cancellation, non-renewal, or any material change in the policy.
8. **Liability**.
    a. *Cooperative Activity*. Pursuant to Minn. Stat.§ 471.59, subd. la(a), as amended, this Agreement is intended to be and shall be construed as a "cooperative activity" and it is the intent of the Members that they shall be deemed a "single governmental unit" for the purposes of liability; provided, however, that each Member expressly declines responsibility for the acts or omissions of the other Member. Nothing in this Agreement shall be construed to waive or limit any immunity from, or limitation on, the liability of either Member as provided by law.
    b. *Third Party*. To the extent that tort damages or other related costs or fees become payable to a third party as a result of this Agreement or the activities carried out pursuant to this Agreement, the Members shall each pay an amount equal to their respective percentage of liability. Notwithstanding the foregoing, this Agreement is solely for the benefit of the Members, it being the express intent of the Members that no other entity or person shall have any right, claim, or interest in this Agreement.
    c. *Employee Liability Limitation*. No Member shall be responsible or liable for injuries or death of the other Members' employees or officers. Each Member will

maintain worker's compensation coverage to the extent required by law on its employees and officers who perform work or use the PUPS Facility pursuant to this Agreement.

d. *No Immunity Waiver*. Nothing in this Agreement is intended or should be construed in any manner as a waiver of any Member's immunities or of the tort limits contained in Minnesota Statutes chapter 466.

9. **Indemnification**. Subject to the limitations, immunities, and defenses in Minnesota Statute chapter 466, each Member shall defend, indemnify, and hold harmless the other Members and their officers and employees from and against any and all liability, loss, damages, costs, and expenses which it or its employees or agents may hereafter sustain, incur, or be required to pay arising out of or resulting from the performance of this Agreement, provided that any such claim, damage, loss, or expense is (1) attributable to personal or bodily injury, sickness, disease, or death or to injury to or destruction of tangible property including the loss of use therefrom; and (2) caused by any negligent acts or omissions of the indemnifying Member or its employees, agents, or any other person or entity for whose actions it may be liable.
10. **Dispute Resolution; Applicable Law; Venue.** In the event some or all of the Members are unable to reach agreement regarding interpretation of their rights and obligations under this Agreement, the disagreeing Members shall participate in mediation pursuant to the Minnesota Civil Mediation Act, as amended (currently codified at Minn. Stat.§ 572.31 et seq.) prior to initiating any other form of dispute resolution, including legal action. This Agreement is created under and shall be read and construed according to Minnesota law. Any legal action between the Members related to this Agreement shall be venued in a court of competent jurisdiction in Hennepin County, Minnesota.
11. **Default.** If any payment by a Member required by this Agreement remains unpaid for 30 days after written notice or a Member fails to comply with any of the terms and conditions of this Agreement and such failure continues for 30 days after written notice, such Member shall be deemed in default. Upon the occurrence of such default, Maple Grove may in its discretion in consultation with the Board terminate the defaulting Member's membership in this Agreement and recover damages from the defaulting Member including but not limited to all unpaid amounts due and owing under this Agreement plus any sum of money as may be determined fair and equitable by a court having jurisdiction over this matter, plus interest at the maximum rate allowed by law.
12. **Termination By Maple Grove.** Maple Grove may, in its sole discretion, elect to terminate this Agreement upon written notice to the Members. Such notice shall provide for no less than one full budget year (January 1 – December 31) prior to its effective date of termination e.g., if notice under this provision were provided on March 1, 2026, the effective date of termination could be no earlier than January 1, 2028.
13. **Miscellaneous Provisions**
    a. *Waiver*. Failure by any Member to insist, in any one or more instances, upon strict performance of any term, covenant, or condition of this Agreement or to exercise any option contained in this Agreement shall not be construed as a waiver or a relinquishment for the future of such term, covenant, condition, or option, but the same shall continue and remain in full force and effect. The

Members shall not be deemed to have waived any provision of this Agreement until expressed in a signed writing.

b. *Counterparts*. This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

c. *No Assignment*. This Agreement may not be assigned except by the advance, express written consent of all other Members.

d. *Entire Agreement; Modification*. This Agreement shall constitute the entire agreement among the Members as to the subject matter and any understandings or representations of any kind preceding the execution of this Agreement shall not be binding upon the Members. This Agreement may not be amended or modified except by a written instrument executed by all Members.

e. *Authority*. Each Member represents and warrants that it has the power and authority to enter into this Agreement. Each Member further represents and warrants that the person or persons executing this Agreement on its behalf have full and complete legal authority to do so, and thereby bind the Member and, to the extent permitted by this Agreement, its successors and assigns.

f. *Notices*. Any notice or demand, which may or must be given or made by any Member under the terms of this Agreement or any statute or ordinance shall be in writing and be sent registered or certified mail to the other Members addressed as follows:

To: Maple Grove
City Clerk
City of Maple Grove
12800 Arbor Lakes Parkway
Maple Grove, MN 55369

To: Brooklyn Park
Police Chief
City of Brooklyn Park
5400 85th Ave. N
Brooklyn Park, MN 55443

To: Brooklyn Center
Police Chief
City of Brooklyn Center
6645 Humboldt Ave
Brooklyn Center, MN 55430

To: Champlin
Police Chief
City of Champlin
11955 Champlin Drive
Champlin, MN 55316

To: Crystal
Police Chief
City of Crystal
4141 Douglas Drive N
Crystal, MN 55427

To: New Hope
Police Chief
City of New Hope
4401 Xylon Ave N
New Hope, MN 55428

To: Plymouth
City Clerk
City of Plymouth
3400 Plymouth Blvd.
Plymouth, MN 55447-1448

To: Police Chief
City of Robbinsdale
4101 Hubbard Ave N
Robbinsdale, MN 55442

Each Member may designate a different addressee or form of accepting notice at any time by giving written notice to the other Members as provided in this paragraph. Notice delivered by hand shall be deemed received upon delivery.

g. *Acknowledgement.* Each of the Members affirms and acknowledges that it has fully read, appreciates, and understands the words, terms, conditions, and provisions of this Agreement and is fully satisfied with the same. Each Member affirms and acknowledges that it has been, or had the opportunity to be, represented by legal counsel of its choice.

IN WITNESS WHEREOF, each party to this Agreement has caused it to be executed on the date indicated below:

[Signature Pages to Follow]

CITY OF MAPLE GROVE

_____
By: Mark Steffenson
Its: Mayor
Dated: _____, 2024

_____
By: Heidi Nelson
Its: City Administrator
Dated: _____, 2024

CITY OF BROOKLYN CENTER

_____
By:
Its: Mayor
Dated: _____, 2024

_____
By:
Its: City Manager
Dated: _____, 2024

CITY OF BROOKLYN PARK

_____
By:
Its: Mayor
Dated: _____, 2024

_____
By:
Its: City Manager
Dated: _____, 2024

CITY OF CHAMPLIN

_____
By:
Its: Mayor
Dated: _____, 2024

_____
By:
Its: City Administrator
Dated: _____, 2024

CITY OF CRYSTAL

_____
By:
Its: Mayor
Dated: _____, 2024

_____
By:
Its: City Manager
Dated: _____, 2024

CITY OF NEW HOPE

_____
By:
Its: Mayor
Dated: _____, 2024

_____
By:
Its: City Manager
Dated: _____, 2024

CITY OF PLYMOUTH

_____
By:
Its: Mayor
Dated: _____, 2024

_____
By:
Its: City Manager
Dated: _____, 2024

CITY OF ROBBINSDALE

_____
By:
Its: Mayor
Dated: _____, 2024

_____
By:
Its: City Manager
Dated: _____, 2024

City of Brooklyn Park
Request for Council Action

Agenda Item:	4.7	**Meeting Date:**	June 24, 2024
Agenda Section:	Consent	**Originating Department:**	Administration
Resolution:	X		
Ordinance:	N/A	**Prepared By:**	Mike Freske, Employment Attorney
Attachments:	1	**Presented By:**	Jay Stroebel, City Manager
Item:	Approval of the 2024-2025 Collective Bargaining Agreement with the International Association of Firefighters Union, Local 5031		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2024-_____ APPROVING STAFF TO ENTER INTO A TWO-YEAR COLLECTIVE BARGAINING AGREEMENT WITH THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS UNION, LOCAL 5031, FOR 2024-2025.

Overview:

City staff and union representatives from the International Association of Firefighters Union, Local 5031, were able to come to a tentative agreement on a collective bargaining agreement for the period of January 1, 2024 through December 31, 2025. Terms of the contract were included under separate cover with Council packet materials for the June 24, 2024 Council meeting. Union membership voted to approve the agreement on May 20, 2024.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues:

Funds are available in the 2024 general fund budget.

Attachments:

4.7A RESOLUTION

RESOLUTION #2024-

RESOLUTION APPROVING STAFF TO ENTER INTO A TWO-YEAR COLLECTIVE BARGAINING AGREEMENT WITH THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS UNION, LOCAL 5031, FOR 2024-2025

WHEREAS, the City of Brooklyn Park has reached a negotiated agreement with the International Association of Firefighters Union, Local No. 5031; and

WHEREAS, section 4.02 of the Employee Handbook, dated September 2013, gives City Council sole authority to enter into a collective bargaining agreement covering City employees.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park that the labor agreement between the City of Brooklyn Park and the International Association of Firefighters Union, Local No. 5031 is hereby approved for the years 2024 and 2025, and the City Manager is hereby authorized to execute the same on behalf of the City.

City of Brooklyn Park
Request for Council Action

Agenda Item:	4.8	**Meeting Date:**	June 24, 2024
Agenda Section:	Consent	**Originating Department:**	Administration
Resolution:	X	**Prepared By:**	Mike Freske, Employment Attorney
Ordinance:	N/A		
Attachments:	1	**Presented By:**	Jay Stroebel, City Manager
Item:	Approval of the 2024-2025 Collective Bargaining Agreement with the Law Enforcement Labor Services Union, Local 470		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2024-_____ APPROVING STAFF TO ENTER INTO A TWO-YEAR COLLECTIVE BARGAINING AGREEMENT WITH THE LAW ENFORCEMENT LABOR SERVICES UNION, LOCAL 470, FOR 2024-2025.

Overview:

City staff and union representatives from the Law Enforcement Labor Services Union, Local 470, (Police Inspectors) were able to come to a tentative agreement on a collective bargaining agreement for the period of January 1, 2024 through December 31, 2025. Terms of the contract were included under separate cover with Council packet materials for the June 24, 2024 Council meeting. Union membership voted to approve the agreement on May 28, 2024.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues:

Funds are available in the 2024 general fund budget.

Attachments:

4.8A RESOLUTION

RESOLUTION #2024-

RESOLUTION APPROVING STAFF TO ENTER INTO A TWO-YEAR COLLECTIVE BARGAINING AGREEMENT WITH THE LAW ENFORCEMENT LABOR SERVICES UNION, LOCAL 470, FOR 2024-2025

WHEREAS, the City of Brooklyn Park has reached a negotiated agreement with the Law Enforcement Labor Services Union, Local No. 470 (Police Inspectors); and

WHEREAS, section 4.02 of the Employee Handbook, dated September 2013, gives City Council sole authority to enter into a collective bargaining agreement covering City employees.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park that the labor agreement between the City of Brooklyn Park and the Law Enforcement Labor Services Union, Local No. 470 (Police Supervisors) is hereby approved for the years 2024 and 2025, and the City Manager is hereby authorized to execute the same on behalf of the City.

City of Brooklyn Park
Request for Council Action

Agenda Item:	4.9	**Meeting Date:**	June 24, 2024
Agenda Section:	Consent	**Originating Department:**	Police
Resolution:	N/A	**Prepared By:**	Stephanie Heiberger, Administrative Assistant
Ordinance:	SECOND READING		
Attachments:	1	**Presented By:**	Chief Mark Bruley
Item:	SECOND READING - Ordinance Amending the City Code Associated with the Sale of Cannabis		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2024-_____ AMENDING CHAPTERS 126 AND 95 OF THE BROOKLYN PARK CITY CODE PERTAINING TO CRIMINAL PENALTIES ASSOCIATED WITH THE SALE OF UNAUTHORIZED PRODUCTS CONTAINING TETRAHYDROCANNABINOL

Overview:

City Council is asked to consider amending Chapter 126, Tetrahydrocannabinol (THC) Products, and Chapter 95, Park Regulations, related to the sale and use of cannabis. The first reading of the proposed amendment was on June 10, 2024.

Cannabis is no longer a controlled substance under Minnesota state law. The proposed ordinance change under Chapter 126 is designed to address misdemeanor prosecution for any alleged sales violation within the chapter. The proposed ordinance change under Chapter 95 of the City Code is designed to regulate the use, sale, and distribution of cannabis products in city parks.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

4.9A ORDINANCE

ORDINANCE 2024-

ORDINANCE AMENDING CHAPTERS 126 AND 95 OF THE BROOKLYN PARK CITY CODE PERTAINING TO CRIMINAL PENALTIES ASSOCIATED WITH THE SALE OF UNAUTHORIZED PRODUCTS CONTAINING TETRAHYDROCANNABINOL

Underlined text is proposed to be added
Text with strikeout is proposed for deletion

The City Council of Brooklyn Park does ordain:

Section 1. Title XI, Chapter 126.99 (A) (6) of the City Code is amended to read as follows:

§ 126.99 VIOLATIONS AND PENALTY.

(6) *Misdemeanor prosecution*. Nothing in this section prohibits the city or any other legitimate jurisdiction from seeking criminal prosecution for an alleged violation of this chapter or any other state or federal law regulating licensed products. This includes seeking misdemeanor prosecution for any alleged violation of this Chapter under City Code, section 10.99.

Section 2 Title IX, Chapter 95.03 (A) (4) of the City Code is amended to read as follows:

(A) *Drug, cannabis, and alcohol use and sales.* It shall be unlawful for any person to:

(1) Use, possess or sell any alcoholic beverage in violation of state statutes or City Code § 112.047 and unless expressly approved by city permit or license.

(2) Consume or display any alcoholic beverage at sites where the city or its agent is a licensed vendor of alcoholic beverages, unless purchased at that site, or authorized by special permit.

(3) Possess or bring beer or wine into a park in kegs, barrels, or other bulk tap quantities, except by city permit.

(4) Use, manufacture, possess, constructively possess, sell, give away, barter, exchange, distribute, or otherwise transfer any controlled substance, except on a lawful prescription by a person licensed by law to prescribe and administer controlled substances as specifically defined in City Code Chapter 135.

(5) Inhale, breathe, or drink or be or become intoxicated by reason of inhaling, breathing, or drinking any substance defined as "glue."

(6) Sell, furnish or deliver intoxicating liquor for any purpose to any minor or to any person obviously intoxicated or to any other person to whom sale is prohibited by state statute or by the City Code.

(7) Sell, give away, barter, exchange, distribute, or otherwise transfer any product or substance containing or consisting of cannabis flower or any cannabinoid, synthetic cannabinoid, or artificially derived cannabinoid, including by not limited to tetrahydrocannabinol (THC), unless specifically allowed under Minnesota Statutes, section 342.09, subdivision. 1 (6), or authorized by city permit.

Section 3 Title IX, Chapter 95.04 (A) (1) of the City Code is amended to read as follows:

(1) Solicit, sell, or in any manner charge admission, or otherwise peddle any goods, wares, merchandise, services, liquids or edibles in a park except by authorized concessionaire with a city permit and the required licenses from the city. Including any product or substance containing or consisting of cannabis flower or any cannabinoid, synthetic cannabinoid, or artificially derived cannabinoid, including by not limited to tetrahydrocannabinol (THC).

Section 4 Title IX, chapter 95.08 of the City Code is amended by adding a new subdivision (F) to read as follows:

(F) Misdemeanor prosecution. Nothing in this section prohibits the city or any other legitimate jurisdiction from seeking criminal prosecution for an alleged violation of this chapter unless a different penalty is explicitly set in this Chapter. This includes seeking misdemeanor prosecution for any alleged violation of this Chapter under City Code, section 10.99.

Section 5. Effective Date. This ordinance shall be effective on _____ following passage and publication.

City of Brooklyn Park
Request for Council Action

Agenda Item:	6.1	**Meeting Date:**	June 24, 2024
Agenda Section:	Land Use Actions	**Originating Department:**	Community Development
Resolution:	N/A	**Prepared By:**	Erin McDermott, Associate Planner
Ordinance:	FIRST READING		
Attachments:	4	**Presented By:**	Paul Mogush, Planning Director
Item:	Zoning Code Test Amendments (Chapters 150, 151, 152, and 153); First Reading		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT ON FIRST READING AN ORDINANCE AMENDING CHAPTERS 150, 151, 152, AND 153, TITLE XV: LAND USAGE OF THE BROOKLYN PARK CODE FOR CONSISTENCY WITH THE BROOKLYN PARK 2040 COMPREHENSIVE PLAN.

Overview:

Planning Commission:

The Code update was taken to the Planning Commission in portions to allow for dedicated focus and to manage the amount of information at each meeting. The Commission held work sessions on February 28, March 27, and April 24, 2024 to discuss proposed changes to the Code. During those work sessions, Commissioners and staff reviewed and thoroughly discussed each chapter by section.

The Planning Commission voted unanimously to transmit amendments to Chapters 150, 151, 152, and 153 of the Brooklyn Park Code of Ordinances to the City Council with a recommendation to approve. Public Hearings were held on March 13, April 10, and May 8, 2024, during the regular meeting of the Planning Commission.

Summary:

The Brooklyn Park City Council (Council) adopted the Brooklyn Park 2025 community plan in February 2017. Over 2,000 participants supported this yearlong effort which captured resident and staff input and documented the City's goals. That process involved many public engagement sessions to understand the vision that Brooklyn Park residents had for the city as it grows and changes, including a visioning session in 2016, public open house in 2017, mailed notices, door knocking, and surveys sent to residents. Building upon that work, the Brooklyn Park Planning Commission held a public hearing in 2018 over a two month period in March and April on the 2040 Comprehensive Plan (2040 Plan). The Council voted on the final draft on May 29, 2018, with the comment period closing on October 26, 2018. The 2040 Plan was approved for submission to the Metropolitan Council (Met Council) for final review on December 10, 2018.

The 2040 Plan looked at the entire community with an emphasis on special planning areas. The City identified a need to address community-wide issues and desires, redevelopment and reinvestment in the older parts of the community, sustainability of new development, and to create a "community of the whole".

The City Council adopted the 2040 Comprehensive Plan on March 30th, 2020. State law requires that official controls – the Zoning Code – be updated within 9 months of Plan adoption. The consultant firm, WSB, who worked on the 2040 Plan was retained to work on the Zoning Code Update. The challenges associated with

the COVID-19 pandemic, staff turnover in the Planning Division, and the 2023 development moratorium all contributed to a delay in completing this work.

Along with the statutorily required changes, technical updates were made to the entire Land Usage Title of the Brooklyn Park Code of Ordinance. Title XV includes four chapters, which are listed below with a highlight of the changes:

Chapter 150 Signs
Technical changes that clarify regulations in zoning districts.

Chapter 151 Subdivisions
Technical changes to update referenced information.

Chapter 152 Zoning Code
The bulk of the proposed changes to the Land Usage Title are in the Zoning Code. Following is a summary of the changes:

Consistency with 2040 Comprehensive Plan
The menu of zoning districts in the code will now match the future land use categories in the 2040 Comprehensive Plan, and the zoning map will match the future land use map in the 2040 Comprehensive Plan. This is required by state statute and is good practice in ensuring that property owners have the development rights conferred by the Comprehensive Plan.

Code Streamlining

- Reorganization of the code into more into a more intuitive order of topic areas, improving readability and making the code much easier to administer.
- Reducing the number of Residential zoning districts from 11 to 5
- Replacement of the PUD, PCDD, and VR districts with Neighborhood Mixed Use, and Mixed Use districts. The PUD and PCDD districts were established to facilitate greenfield development that has since been completed and have served their purpose. They are difficult to administer when property owners make changes to their property. Properties with these districts will be rezoned primarily to Residential districts as shown in the Comprehensive Plan. The VR district was established to facilitate redevelopment of the Village Creek area with traditional urban form. The district lacks the detail necessary to administer on a day-to-day basis and all uses are conditional, making routine use changes difficult for business owners. The VR district is replaced with the Neighborhood Mixed Use district.

Improvements for Businesses
Some uses in the Business zoning districts will be moving from Conditional (requiring a Conditional Use Permit) to Permitted (allowed without the need to obtain a Conditional Use Permit). For these uses, staff and the Planning Commission have observed that requiring a CUP has been an unnecessary process for businesses to go through, adding time and expense to the process of starting a business or relocating to Brooklyn Park. The following uses will move from Conditional to Permitted:

- Restaurant, Class II
- Restaurant, Brewpub
- Theater, excluding drive-ins

The updated code also newly allows outdoor seating as an accessory use, making it easier for restaurants to incorporate patios into their businesses. This had been allowed temporarily during COVID restrictions, and this update would make it permanent.

Mississippi River Corridor Critical Area (MRCCA)

In 2017, the Minnesota Legislature passed a law requiring all cities within the Mississippi River Corridor Critical Area (MRCCA) to adopt updated regulations protecting the river. The proposed amendment

must be adopted into the Zoning Ordinance to comply with state law (Minn. Rule 6106.0070 Subp. 5.). The Department of Natural Resources (DNR) provided a model ordinance for each municipality affected by the MRCCA to adopt. The standards within this amendment are the same standards against which the DNR was previously reviewing development. By adopting this language into ordinance, it provides transparency to the property owners impacted by these regulations.

Staff mailed an informational letter to all impacted property owners prior to the mailing of the public hearing notice, as well as posted the proposed Ordinance text on the City website. There were 6 emails and 47 phone calls received by staff from the property owners with questions regarding the changes and how they would impact each property.

At the March 13, 2024, regular meeting, the Planning Commission held a public hearing on the MRCCA ordinance and directed staff to hold additional public engagement and meet with impacted property owners. Staff held an open house for the MRCCA Code Update on April 24, 2024. Attendees proposed a few changes to the draft ordinance that would have increased flexibility for property owners. The DNR rejected these changes as inconsistent with the intent of the MRCCA. Documentation of the open house is available at https://www.brooklynpark.org/planning-zoning-and-development/2024-land-usage-code-update/

Crystal Airport Zoning

The Metropolitan Airports Commission led a process with the communities surrounding the Crystal Airport to develop an update zoning ordinance to ensure that development surrounding the airport is compatible with aviation safety. The ordinance is already in effect, and cities are required by state statute to incorporate the ordinance into their own zoning codes.

This is a very technical ordinance, which is necessary to meet the requirements of state statute and the needs of aviation safety. The ordinance will have minimal practical effect on properties near the airport, because in most cases the maximum height of structures allowed by the airport ordinance exceeds the maximum height requirement of the underlying zoning. The land use restrictions of the airport ordinance are similarly more permissive than the underlying City of Brooklyn Park zoning.

Chapter 153 Stormwater Management

Technical changes to update referenced information.

City Staff made additional technical changes to ensure all chapters in the land use title of the code was in compliance with the Comprehensive Plan. Those changes are outlined in the tables below, organized by chapter.

Chapter 150 Signs:

Section	Title	Summary of Changes
150.01	Short title	Updated for consistency across LU chapters
150.02	Purpose and Intent	Grammar, and the addition of a severability clause
150.03	Definitions	Updated for consistency across LU chapters
150.04	General Provisions Applicable to All Zoning Districts	Grammar, and added Minnesota Building Code requirement. Removed content restrictions per legal recommendation. Added projecting signs as permitted with size requirements.
150.05	Prohibited Signs	Removed prohibition from projecting signs.
150.06	Temporary Signs	Removed content restrictions per legal recommendation. Added clarification to requirements for enforcement purposes at the request of the Environmental Health Division.
150.08	Variances	Updated for consistency across LU chapters, all variances are governed by MN Statute and must be processed consistently.

150.09	Sign Application	Technical changes for consistency
150.10	Bond and License	Technical changes for consistency
150.11	Construction Standards	Removed specific Building Code citation, replacing with a broader citation to reduce the need for future amendments.
150.13	Enforcement	Technical changes for consistency
150.14	Violations	Technical changes for consistency
150.15	Right of Appeal	Technical changes for consistency
150.25	R-1, R-2, R-3 and R4 Residential Districts	Updated name of section and zoning district references to reflect the residential districts that will exist once Chapter 152 is amended.
150.26	Multiple Residential Districts	Updated name of section and zoning district references to reflect the residential districts that will exist once Chapter 152 is amended.
150.29	BP Business Park and I General Industrial Districts	Technical changes for consistency
150.30	PCDD Planned Community Development District and PUD Planned Unit Development District	Struck to reflect the districts that will exist once Chapter 152 is amended.
150.32	Highway Overlay	Struck to reflect the districts that will exist once Chapter 152 is amended.

Chapter 151 Subdivisions:

Section	Title	Summary of Changes
151.001	Purpose	Technical changes for consistency • 151.001(A) Insert “This chapter may hereafter be known and cited as the ”Brooklyn Park Subdivision Code”.”
151.004	Pre-Application Procedural Requirements	Technical changes • 151.004(A) Spelling of “planning”
151.011	Structures Abutting Public Streets	Technical changes for consistency • 151.011(A) strike “abut upon” replace with “have access to” • 151.011(B)(1) strike “and approved” replace with “, as approved by City Engineer”
151.026	Supplementary Information Required	Technical changes for consistency • 151.026(H) strike “designated” replace to read as “All plats within the Mississippi River Corridor Critical Area Overlay district as adopted in the Brooklyn Park Zoning Map, and” • 151.026(H)(2) strike “Planner” replace with “Manager” • 151.026(H)(3) strike “and City Planner”
151.040	Final Plat Requirements	Technical changes for consistency • 151.040 strike “1” replace with “2”
151.060	Lots	Technical changes for consistency • 151.060(F) strike “Planner” replace with “Manager”

Chapter 152 Zoning:

Section	Title	Summary of Changes
152.101	Severability	Added severability clause
152.104	Application	Revised tone – affirmative statement
152.105	Interpretation	Text removed, consistent with City Policy
152.107	Definitions	Definitions updated for consistency with MN Statute, industry standards, and organization. Added definition for Nightclubs.
152.205	Nonconformities	Updated standards consistent with MN Statute.
152.301	Public Hearings	Text removed, consistent with City Policy
152.302	General Procedures	Text removed, redundancy
152.303	Concept Plan	Added process adopted with 610 Moratorium
152.303	Site Plan	Revised tone – affirmative statement
152.305	Conditional Use Permit	Requires filing of CUPs
152.308	Alternative Compliance	Added language
152.311	Relocating Structures	Removed discriminatory statement
152.401	Zoning Districts	Updated Zoning District names for consistency
152.500-152.505	Residential Districts	Updated to reflect simplification of residential zoning districts in line with 2040 Comp Plan
152.506	Residential District Lot Area and Dimensional Requirements	Removed statement of ownership, amended lot size requirements, made changes for clarity of intent, added height table for clarity
152.507	Residential District Land Uses	Updated use tables for principal and accessory/temporary uses.
152.600	B-1 Office Park District	Updated district name
152.605	I General Industrial District	Reworded for clarity
152.606	PI Public Institution District	Technical changes
152.607	OP Open Spaces and Parks District	Changed name, and updated for consistency with 2040 Comp Plan
152.608	Nonresidential Lot Area and Dimensional Requirements	Technical changes for consistency
152.609	Nonresidential District Land Uses	Updated use tables for principal and accessory/temporary uses.
Section 4	Mixed Use Districts	Updates consistent with the 610 Moratorium Zoning Text Amendment, and recently approved Comprehensive Plan Amendment
152.800	Crystal Airport Overlay	Amended as recommended at the February Planning Commission Regular Session
152.802	Highway Overlay	Removed
152.803	MRCCA	Amended as recommended at the February Planning Commission Regular Session
152.901	Accessory Residential Performance Standards	Overly restrictive. Technical changes for consistency.
152.903	Nonresidential Performance Standards (Principal Uses)	Removing restrictions on beehives. Technical changes for consistency. Removing landscape restrictions imposed only on places of worship.
152.904	Accessory Nonresidential Performance Standards	Technical changes for consistency.

Chapter 153 Stormwater Management:

Section	Title	Changes
153.05	Incorporation by Reference	153.05(A)(1)Updated MPCA regulations incorporation. 153.05(A)(2) Updated plan name from “Surface Water Management Plan” to “Local Water Management Plan”. 153.05(A)(3) Added incorporation of the watershed regulations.
153.06	Definitions	Added the following definitions, consistent with MPCA standards: Fully reconstructed impervious Full depth reclamation Linear project
153.07	Stormwater Management Plan	153.07(A)(5)(c) Updated to reflect change made in 153.05(A)(2) 153.07(C)(2) Updated to reflect correct permit name of “NPDES Construction Stormwater General Permit” consistent with the update in 153.05(A)(1) 153.07(C)(5)(a) Updated to reflect correct permit name of “NPDES Construction Stormwater General Permit” consistent with the update in 153.05(A)(1) 153.07(C)(5)(b)(1)(b)and (c) updated regulations to meet MPCA standards. 153.07(D) updated regulations to meet MPCA standards.
153.08	Erosion Control Plan	153.08(A)(2)(k) Updated to reflect correct permit name of “NPDES Construction Stormwater General Permit” consistent with the update in 153.05(A)(1) 153.08(B)(2) Updated to reflect correct permit name of “NPDES Construction Stormwater General Permit” consistent with the update in 153.05(A)(1) 153.08(B)(2)(a) Updated to reflect correct permit name of “NPDES Construction Stormwater General Permit” consistent with the update in 153.05(A)(1) 153.08(B)(2)(e)(3) updated regulations to meet MPCA standards. 153.08(B)(2)(i) Updated to reflect correct permit name of “NPDES Construction Stormwater General Permit” consistent with the update in 153.05(A)(1) 153.08(D) Updated to reflect correct permit name of “NPDES Construction Stormwater General Permit” consistent with the update in 153.05(A)(1)

Zoning Map Update:

Consistent with the goal of the overall update of the Zoning Code, the Zoning Map (Attachment E) was updated for consistency with the 2040 Comprehensive Plan.

Primary Issues/Alternatives to Consider:

1. Approve the amendments as presented.
2. Approve the amendments with modifications.
3. Decline to approve the amendments.

Budgetary/Fiscal Issues: N/A

Attachments:

6.1A ORDINANCE
6.1B ZONING MAP
6.1C SUPPORTING DOCUMENTS
6.1D PLANNING COMMISSION MINUTES

ORDINANCE 2024-___

AN ORDINANCE AMENDING CHAPTERS 150, 151, 152, AND 153, TITLE XV: LAND USAGE OF THE BROOKLYN PARK CODE FOR CONSISTENCY WITH THE BROOKLYN PARK 2040 COMPREHENSIVE PLAN

~~Text with strikeout is proposed for deletion~~
Underlined text is proposed for insertion

Section 1. Chapter 150: Subdivisions of the Brooklyn Park City Code are amended to read as follows:

Chapter 150: Signs

CHAPTER 150: SIGNS 1
Article 1. Administration 2
§ 150.01 SHORT TITLE. 2
§ 150.02 PURPOSE AND INTENT. 2
§ 150.03 DEFINITIONS. 3
§ 150.04 GENERAL PROVISIONS APPLICABLE TO ALL ZONING DISTRICTS. 6
§ 150.05 PROHIBITED SIGNS. 8
§ 150.06 TEMPORARY SIGNS. 8
§ 150.07 NON-CONFORMING SIGNS. 11
§ 150.08 VARIANCES. 11
§ 150.09 SIGN APPLICATION. 12
§ 150.10 BOND AND LICENSE. 12
§ 150.11 CONSTRUCTION STANDARDS. 13
§ 150.12 PERMIT AND FEE EXEMPTIONS. 13
§ 150.13 ENFORCEMENT. 13
§ 150.14 VIOLATIONS. 13
§ 150.15 RIGHT OF APPEAL. 14
Article 2. DISTRICT REGULATIONS 14
§ 150.25 SINGLE- AND TWO- FAMILY RESIDENTIAL DISTRICTS. 14
§ 150.26 MULTIPLE RESIDENTIAL DISTRICTS 15
§ 150.27 B-1 OFFICE PARK DISTRICT. 15
§ 150.28 B-2 NEIGHBORHOOD RETAIL BUSINESS DISTRICT, B-3 GENERAL BUSINESS DISTRICT, AND B-4 VEHICLE SALES AND SHOWROOM DISTRICT. 16
§ 150.29 BP BUSINESS PARK AND I GENERAL INDUSTRIAL DISTRICTS. 17
§ 150.31 PI PUBLIC INSTITUTIONAL DISTRICT. 19
§ 150.33 TRANSIT ORIENTED DEVELOPMENT (TOD) AND MIXED-USE DISTRICT. 20

~~*Article 1. Administration* 3~~

~~*§ 150.01 SHORT TITLE.* 3~~

~~*§ 150.02 PURPOSE AND INTENT.* 3~~

~~*§ 150.03 DEFINITIONS.* 3~~

~~*§ 150.04 GENERAL PROVISIONS APPLICABLE TO ALL ZONING DISTRICTS.* 9~~

~~*§ 150.05 PROHIBITED SIGNS.* 10~~

~~*§ 150.06 TEMPORARY SIGNS.* 11~~

~~*§ 150.07 NON-CONFORMING SIGNS.* 15~~

~~*§ 150.08 VARIANCES.* 16~~

~~*§ 150.09 SIGN APPLICATION.* 16~~

~~*§ 150.10 BOND AND LICENSE.* 17~~

~~*§ 150.11 CONSTRUCTION STANDARDS.* 17~~

~~*§ 150.12 PERMIT AND FEE EXEMPTIONS.* 17~~

~~*§ 150.13 ENFORCEMENT.* 18~~

~~*§ 150.14 VIOLATIONS.* 19~~

~~*§ 150.15 RIGHT OF APPEAL.* 19~~

~~*Article 2. DISTRICT REGULATIONS* 19~~

~~*§ 150.25 R-1, R-2, R-2A, R-2B, R-3, R-3A, R-4 AND R-4A RESIDENTIAL DISTRICTS AND AREAS GUIDED FOR LOW- AND MEDIUM-DENSITY RESIDENTIAL IN THE PLANNED COMMUNITY DEVELOPMENT DISTRICT AND PLANNED UNIT DEVELOPMENT DISTRICT.* 19~~

~~*§ 150.26 R-5, R-6 AND R-7 MULTIPLE RESIDENTIAL DISTRICTS AND AREAS GUIDED FOR HIGH-DENSITY RESIDENTIAL IN THE PLANNED COMMUNITY DEVELOPMENT DISTRICT AND PLANNED UNIT DEVELOPMENT DISTRICT.* 20~~

~~*§ 150.27 B-1 OFFICE PARK DISTRICT.* 21~~

~~*§ 150.28 B-2 NEIGHBORHOOD RETAIL BUSINESS DISTRICT, B-3 GENERAL BUSINESS DISTRICT, AND B-4 VEHICLE SALES AND SHOWROOM DISTRICT.* 22~~

~~*§ 150.29 BP BUSINESS PARK AND I GENERAL INDUSTRIAL DISTRICTS.* 23~~

~~*§ 150.30 PCDD PLANNED COMMUNITY DEVELOPMENT DISTRICT AND PUD PLANNED UNIT DEVELOPMENT DISTRICT.* 25~~

~~*§ 150.31 PI PUBLIC INSTITUTIONAL DISTRICT.* 27~~

~~*§ 150.32 HIGHWAY OVERLAY.* 28~~

Article 1. Administration

§ 150.01 SHORT TITLE.

This chapter may hereafter be known and cited as the ~~"Sign Ordinance."~~ "Brooklyn Park Sign Code". ('72 Code, § 356:00) (Ord. 1988-602(A), passed 8-22-88)

§ 150.02 PURPOSE AND INTENT.

(A) This chapter is established to protect and promote the health, safety, general welfare and order within the

City of Brooklyn Park through the establishment of a comprehensive and impartial series of standards, regulations and procedures governing the type, numbers, size, structure, location, height, lighting, erection, maintenance, use and/or display of devices, signs or symbols serving as a visual communicative media to persons situated within or upon public ~~right-of-ways~~ rights-of-way or properties.

(B) The provisions of this chapter are intended to establish an opportunity for effective communication, and a sense of concern for visual amenities on the part of those designing, displaying or otherwise utilizing needed communicative media of the types regulated by this chapter; while at the same time, assuring that the public is not endangered, annoyed or distracted by the unsafe, disorderly, indiscriminate or unnecessary use of such communicative media.

(C) The City's Sign Code is not intended to and does not restrict speech on the basis of its content, viewpoint, or message. Any provision in this Code that permits speech by reason of the type of sign, identity of the sign user or otherwise, shall permit any type of speech or message on the sign. No part of this Code shall be construed to favor commercial speech over non-commercial speech. To the extent that any provision of this Code is ambiguous, the term shall be interpreted to not regulate on the basis of speech content and the interpretation resulting in the least restriction on the content of the sign message shall prevail.

('72 Code, § 356:05) (Ord. 1988-602(A), passed 8-22-88)

§ 150.03 DEFINITIONS.

For the purpose of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning. The singular number includes the plural and the plural includes the singular. The present tense includes the past and future tenses and the future the present. The word "must" is mandatory and the word "may" is permissive. The masculine gender includes the feminine and neuter genders. Whenever a word or term defined hereinafter appears in the text of this chapter, its meaning is construed as set forth in such definition thereof. All measured distances must be expressed in feet and inches.

~~ADVERTISEMENT. Displayed information that calls public attention to a business, product, service, political or non-profit organization, idea, or event.~~

ADMINISTRATOR. The officer charged by the City Manager with the administration and enforcement of this chapter.

AGRIGULTURAL PROPERTY. Includes property used to cultivate soil, produce crops, raise animals, harvest timber, harvest fish and other animals from a farm, ranch, or natural habitat.

ALTERATION. This refers to any alteration to a sign excluding routine maintenance, painting, or change of copy of an existing sign.

AREA IDENTIFICATION SIGN. ~~A sign which identifies a development such as a shopping center consisting of three or more separate business concerns, a singular free-standing commercial or institutional building 50,000 square feet or larger, an industrial building in excess of 100,000 square feet, an industrial area, an office or institutional complex consisting of three or more buildings or any combination of the above. An area identification sign must not contain advertisement, except on a reader board.~~ A sign containing primarily the name of the individual or establishment occupying the premises, and which may also include the street address, telephone number or other information identifying the use

AWNING. A temporary roof like structure or cover which projects from the wall of a building or projects over any entrance and can be retracted, folded or collapsed against the face of a supporting building.

BANNER. Refers to temporary sign made from non-rigid material, which is secured or mounted to a structure by its ends or corners. ~~such as used to announce open houses, grand openings or special announcements or sales.~~

BENCH SIGN. A sign which is affixed to or painted on a bench, such as at a public transit terminal or stop.

BILLBOARD SIGN. ~~A sign which is erected and used for the purpose of selling or leasing advertising space or for the purpose of selling goods and/or services other than those offered on the premises.~~ An off-premises, double faced sign erected primarily alongside highways, which is constructed in a monopole or bi-pole fashion.

BUILDING. Any structure having a roof which may provide shelter or enclosure for persons, animals or chattel, and when the structure is divided by party walls without openings, each portion of such building so separated is deemed a separate building.

BUILDING FACADE. That area of any exterior elevation of a building extending from grade to the top of the exterior wall and the entire width of the building elevation, including parapets, awnings, canopies, mansards or other appendages or architectural treatments to the wall. The facade does not include flat roof sections of multi-level buildings nor the shingled faces of hip roofs or gable roofs.

CANOPY/WALKWAY. A permanent roof-like structure or cover which projects from the wall of a building, or

projects over any entrance or walkway.

CANOPY/VEHICULAR SERVICE. A permanent roof-like structure, either attached or detached from a permitted building, designed to provide cover for off-street vehicle service areas, (such as gasoline station pump islands, drive-in establishments, truck loading berths, and the like).

CITY CODE. The 1972 Ordinance Code of the City of Brooklyn Park, as amended from time to time. Also referred to as the Code of Ordinances. This sign ordinance is a part of the City Code.

CONSTRUCTION SITE SIGN. ~~A sign placed at a construction site identifying the project or the name of the architect, engineer, contractor, developer, financier or other involved parties.~~ A temporary free-standing sign erected on premises on which development is taking place during the period of such development.

DIRECTIONAL SIGNS. ~~A sign which bears only directional arrows or information on location plus the address and/or name of a business, institution, or other use activity, provided the primary message and purpose is to provide directional information.~~ A sign indicating entrances and exits, including those for parking lots, garages, and structures.

~~DISTRICT. Refers to a specific zoning district as defined in the Brooklyn Park Zoning Ordinance, Chapter 152.~~

DWELLING. A building of one or more portions thereof occupied or intended to be occupied for residential purposes; but not including rooms in motels, hotels, nursing homes ~~hones~~, boarding houses, trailers, tents, cabins or trailer coaches.

DWELLING UNIT. A single-family dwelling.

~~EVENT. For the purposes of this chapter, an event is defined as an organized function, which occurs on two consecutive weekends or over a period of no more than ten consecutive days, that serves to advertise and/or promote a non-profit agency or organization as defined by the State of Minnesota. Section 150.06(A)(1) regulates those events that use banners or mobile reader boards.~~

FEATHER FLAG. A free-standing, temporary sign constructed of a singular vertical pole, tube, or post supporting one edge of a single sheet of weather resistant cloth, vinyl, or similar material ~~printed with advertising, graphics, or other messages on each opposing side~~, incorporating movement only as provided by surrounding winds or other unassisted ambient air movement.

FLASHING SIGN. A sign which contains rotating, flashing, or intermittent lights, animation, or exhibits noticeable changes in color, intensity, texture, shape, pattern or light intensity.

FREE-STANDING SIGN. Any stationary, self-supporting sign not affixed to any other structure and supported by a pole(s). A reader board or electronic message center may be attached to the free-standing sign structure, but the reader board must not exceed 30% of the area containing the sign copy. The reader board must be included in calculating the allowable sign square foot area as required in the individual district.

GOVERNMENTAL SIGN. A sign which, is erected by a governmental unit ~~for the purpose of identification, direction, and/or guiding traffic.~~

GRADE. The main elevation of curb along public street frontage closest to the sign to which reference is made, or center line of street-if no curb is available.

~~HOME OCCUPATION SIGN. A sign directing attention to a home occupation as defined in the city's zoning ordinance, Chapter 152.~~

IDENTIFICATION SIGN (NAME PLATE). Any sign which identifies the address or the structure on which they are located, in compliance with the Minnesota Building Code. ~~states the name and/or address of the business or occupant of the lot or building where the sign is placed or may be a directory listing the names, addresses and/or businesses of occupants. IDENTIFICATION SIGNS must contain no advertisement.~~

ILLUMINATED SIGN. Any sign which is designed to be and/or is lighted by an artificial light source either directed upon it or illuminated from an interior source. All illuminated signs must have light sources shielded to confine direct illumination to the face area of the sign.

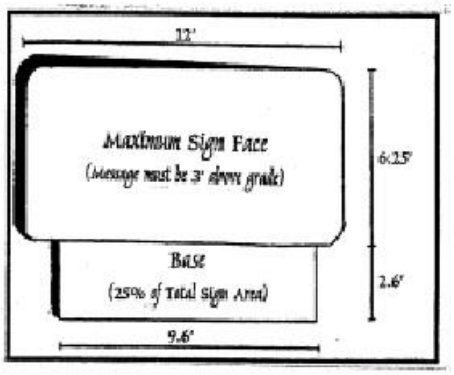
INSTITUTION. Includes churches, schools, sanitariums, hospitals, government buildings, nursing homes.

INSTITUTIONAL SIGN. A sign and/or reader ~~board which identifies the name and other characteristics of an institutional use~~ located on institutional property within any zoning district and allowed by ~~z~~Zoning code. ~~Institutional signs must not contain advertisement (examples: churches, schools, sanitariums, hospitals, government buildings, nursing homes).~~

INTEGRAL SIGN. A sign carrying the name of a building, its date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type of construction and made an integral part of the building walls.

MONUMENT SIGN. A sign which is attached to or supported by a monument structure which bears entirely on the ground, extending horizontally for a minimum of 80% of the entire length of the sign face. The sign base

must be constructed of any one or combination of the following materials: brick, stone, decorative masonry, plastic, aluminum, colored metals, or decay resistive wood. The base and supporting material must constitute at least 25% of the total allowable sign square footage. A reader board or electronic message center may be attached to the monument sign but must not exceed 30% of the area. The sign copy, reader board or message must have a minimum clearance of three feet above grade. The area containing sign copy, including reader board, and the area of the monument structure itself must be combined for determining the total square footage and height. A sign attached to a retaining wall is considered to be a monument sign provided the message or copy does not exceed the allowable sign area as specified for the applicable zoning district, and all other provisions for a monument sign are met.



An example of a 100 square foot monument sign.

MOTION SIGN. Any sign which revolves, rotates, has any moving parts or gives the illusion of motion, electronically or otherwise.

MURAL. A hand-painted, hand-tiled, or digitally printed work of visual art that is either affixed to or painted directly on the exterior wall of a structure with the permission of the property owner. A mural does not include displays with electrical or mechanical components or changing image art display.

NON-CONFORMING SIGN. A sign which was lawfully constructed prior to the time of the passage of this chapter or amendment thereto, but which does not conform with the regulations of this chapter.

NON-PROFIT ORGANIZATION. An incorporated organization organized under the laws of the state for civic, fraternal, social, or business purposes, for intellectual improvement, or for the promotion of sports, a congressionally chartered veterans' organization, or religious institution. For the purposes of this chapter, this definition includes the governments of the City of Brooklyn Park, Hennepin County, State of Minnesota, United States of America, and any school district within the city limits.

OFF-SITE DIRECTIONAL SIGN. A sign that is located on the same pole and beneath an existing street name sign ~~for the purpose of providing directional information for a public or institutional use that is located on a local street. The City Engineer may determine whether a sign or signs are warranted to direct traffic in this manner on a case by case basis.~~ No more than one off-site directional sign may be located on a single pole, the sign must have same color, size and font as the accompanying street name sign and must contain only the name of the use and a directional arrow and must be constructed and maintained by the city at the expense of the benefitting property.

PEDESTRIAN SIGN. A temporary sign, which is constructed of durable materials and is designed to be readily moved from one location to another (ex. sandwich board sign or any item containing a message). For purposes of this chapter, any sign mounted to, or conveyed by means of, a vehicle shall not be considered a pedestrian sign.

PENNANT. Attention getting devices (such as streamers) constructed of paper, cloth, plastic or similar materials, (excluding banners and flags).

PERMANENT SIGN. Any sign which is not a temporary sign.

PORTABLE SIGN. A temporary sign and/or reader board so designed as to be movable from one location to another and which is not permanently attached to the ground, or any permanent structure.

~~PRODUCT IDENTIFICATION SIGNS. A sign that is not necessary to identify a business and identifies a product or service either sold on or off the premises on which the sign is located.~~

PROJECTING SIGN. A sign, other than a wall sign, which is affixed to a building and which has sign faces extending perpendicular from the building wall.

READER BOARD (ELECTRONIC MESSAGE CENTER). That portion of the sign used for removable or electronically changeable graphics, letters, and/or numbers to convey messages.

~~REAL ESTATE SIGN. A business sign placed upon a property advertising that particular property for sale, rent or lease.~~

~~RESIDENTIAL DEVELOPMENT SIGN. A sign that identifies the name of a neighborhood, a residential subdivision, or a multiple residential complex.~~

ROOF SIGN. Any sign which is erected, constructed or attached wholly or in part upon or above the roof of a building.

~~RUMMAGE OR GARAGE SALE. The infrequent, temporary display and sale of used personal property by a tenant or owner on the tenant's or owner's residential premises.~~

SEARCHLIGHT. An apparatus containing a source of light and a reflector that projects the light produced in a concentrated, far-reaching beam for the purpose of advertisement.

SETBACK. The minimum horizontal distance from the closest part of a sign to the property line, or public street easement or right-of-way.

SIGN. Any structure, device, advertisement, or visual representation intended to advertise, identify, or communicate information, or attract the attention of the public for any purpose; and without prejudice to the generality of the foregoing includes: any symbols, letters, figures, illustrations, or wall graphics painted or otherwise affixed to a building or structure.

SIGN AREA. That area measured within the perimeter lines of the sign which bears the advertisement; or in the case of messages, figures, or symbols, including those attached directly to any part of a building. That area which is included in the smallest rectangle which can be made to circumscribe the message, figure, or symbol displayed for the purpose of advertisement. The specified maximum sign area for a free-standing or monument sign refers to a single facing and not to the aggregate area of both faces. The sign area for a monument sign includes the sign structure.

SIGN, MAXIMUM HEIGHT OF. The vertical distance measured from grade or other reference elevation as herein specified to the upper limit of such a sign.

SIGN, MINIMUM HEIGHT OF. The vertical distance measured from grade or other reference elevation as herein specified to the lower limit of such sign.

SIGN STRUCTURE. The base, supports, uprights, bracing and framework for a sign including the sign area.

STREET. Refers to a public highway, road, or thoroughfare which affords the principal means of access to adjacent lots.

STREET FRONTAGE. 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 street frontages.

TEMPORARY SIGN. Any sign which is erected or displayed with or without a permit for a specified period of time (such as banners, portable signs, searchlights, window signs, and the like).

UNLAWFUL SIGN. A sign which exists prior to or after the passage of this chapter or amendments thereto, which does not conform with the regulations of this chapter and is not an existing legal, or is not a legal nonconforming sign, or is not a sign erected with a sign permit, is an unlawful sign.

WALL. The building facade area that defines the front of the building. The front is the continuous line of a building that connects side wall to side wall and faces one public right-of-way. For a multi-tenant building on a corner lot, the front is the continuous line of a building which faces either a public right-of-way or a private road in a planned unit development.

WALL SIGN. A sign with permanent lettering which is affixed to the exterior wall of a building and has a sign face which is parallel to the building wall. A wall sign must not project more than 12 inches from the surface to which it is attached, nor may it extend beyond the top of the building wall.

WALL GRAPHICS. A graphic design or decorative mural not intended for identification or advertising purposes, which is painted directly on or affixed to an exterior wall surface.

WINDOW SIGN. A temporary sign affixed to the interior of a window in view of the general public. This does not include merchandise that is for sale and on display.

ZONING DISTRICT. Refers to a specific zoning district as defined in the Brooklyn Park Zoning Code, Chapter 152.

('72 Code, §§ 356:10 - 356:15) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92; Am. Ord. 1994-766, passed - -94; Am. Ord. 1999-900, passed 5-24-99; Am. Ord. 1999-914, passed - -99; Am. Ord. 2000-935, passed 11-13-00; Am. Ord. 2000-939, passed 11-13-00; Am. Ord. 2003-1002, passed 8-25-03; Am. Ord. 2004-1026, passed 12-13-04; Am. Ord. 2012-1152, passed 10-22-12; Am. Ord. 2014-1165, passed 2-3-14; Am. Ord. 2014-1186, passed 12-15-14)

§ 150.04 GENERAL PROVISIONS APPLICABLE TO ALL ZONING DISTRICTS.

(A) Nothing in this chapter will be interpreted as authorizing the erection or construction of any sign not permissible under the ~~zoning or building ordinances~~ Zoning Code of the city, or Minnesota Building Code.

(B) All electrical signs, temporary or permanent, are subject to the State Electrical Code and approval of the Electrical Inspector.

(C) No sign other than bench signs at public transit stops and governmental traffic safety or roadway information signs and off-site directional signs as defined in § 150.03 may be permanently or temporarily erected within any street right-of-way or upon any public easement.

(D) Directional signs are permitted in all districts provided the directional signs are located on the property referred to by the sign or within a planned unit development. The area of such signs must not exceed ten square feet per sign face for a single tenant building or 20 square feet per sign face for a multiple tenant building or a multi-building complex. Such signs must not have more than two sign faces. Maximum sign height for free-standing or monument-type directional signs is six feet above grade.

~~(E) It is unlawful to park any vehicle or trailer on a public right-of-way or public property or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of directing people to a business or activity located on the same or nearby property or any other premises.~~

(E) Businesses that utilize permanent, legal outdoor sales, (such as lumber yards, nurseries, and the like are allowed ~~generic product identification~~ signs ~~for customer convenience, and to assist in traffic movement~~. These signs must not exceed 36 square feet in area, nor exceed eight feet in height, and may be illuminated. These signs are allowed for orientation information purposes only and must not be visible from public streets. These product identification signs must be setback 100 feet or more from all public streets.

(F) If a free-standing sign or monument sign is constructed so that the faces are not constructed so as to be back to back, the total area of all sides added together must not exceed the maximum allowable sign area for the district.

(G) Architectural building extensions such as awnings or canopies, other than vehicular service canopies, primarily built as shelter for entrances or for aesthetic purposes, are allowed to display signage. These signs are considered as wall signs for the purpose of determination of the maximum allowable sign area.

(H) Vehicular service canopy signs are ~~limited to a business logo and/or graphic design~~ not to exceed ten percent of each canopy face area or ten square feet on each canopy face, whichever is smaller. Service station canopy signs are restricted to two faces of the canopy and must not be located above or below the canopy area.

(I) Service stations may advertise gasoline prices on reader boards attached to a permitted free-standing sign or attached to canopy supports. If attached to the canopy supports, these signs must be no larger than 15 square feet in area. In no case may a free-standing sign be constructed for the sole purpose of advertising prices. Service stations may have gas pump topper signs ~~advertising products for sale on the premises~~, not to exceed two square feet per gas pump.

(J) No sign except bench signs and billboards, may in its entirety, separately advertise a product, commodity, service, or contain other miscellaneous language that is not directly related to the business name, except as allowed by § 150.06(B)(5)(h).

(K) A product identification sign may be integrated into a permitted free-standing, monument or wall business sign and will be included as part of the maximum allowable sign area. Product identification sign area must not exceed ten percent of the maximum allowable sign area.

(L) Buildings, premises or lots are not allowed to have pennants, pinwheels, or other attention attracting devices, or temporary signs except in, accordance with § 150.06 of this chapter.

(M) One flagpole may be erected for each 100 feet of street frontage, not to exceed a total of three flagpoles. Height of the poles must not exceed the building height regulations, as specified by the ~~zoning ordinance~~ Zoning Code for the district where the poles are located, and flag length must not exceed 25% of the pole height, and no more than two flags per pole are permitted.

(N) It is unlawful for a sign permitted by this chapter, by reason of its location, color intensity, to create hazard to the safe, efficient movement of vehicular or pedestrian traffic. A private sign must not contain alarming words which might be construed as traffic controls, such as “stop,” “caution,” “warning,” and the like, unless such sign is intended to direct traffic on the premises.

(O) A sign must not contain any indecent or offensive picture or written matter.

(P) State and federal government agencies and their political subdivisions are exempt from the provisions of the sign ordinance except for setback requirements.

(Q) All sign permits for multiple tenant buildings require the signature of the property owner or the property owner's agent.

(R) Projecting signs are permitted in all districts provided the projecting signs are located on the property referred to by the sign or within a planned unit development. The area of such signs must not exceed ten square feet per sign face for a single tenant building or 20 square feet per sign face for a multiple tenant building or a multi-building complex. Such signs must not have more than two sign faces. Minimum sign height for projecting signs is eight feet above grade. The area of the projecting sign faces are to be included in the total area of signs placed on a single façade when the total area of signage on that façade is limited in area.

('72 Code, § 356:20) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92; Am. Ord. 2000-939, passed 11-13-00; Am. Ord. 2014-1165, passed 2-3-14) Penalty, see § 10.99

§ 150.05 PROHIBITED SIGNS.

The following signs are specifically prohibited in all districts:

(A) Motion signs - exempted are temporary search lights and permanent electronic message center signs which only display time and/or temperature information or have a message that does not change more frequently than once every sixty seconds.

(B) Flashing signs except electronic motion signs as exempted above.

(C) Roof signs - signs installed above the building facade.

~~(D) Projecting signs.~~

(D) Signs which have more than two sign faces.

(E) Signs which are attached to trees, fences, utility poles or other such permanent supports, not specifically intended as sign structures.

(F) Signs painted directly on building walls. Exempted are murals ~~non-commercial non-lettered wall graphics~~ in accordance with § 150.03 of this chapter.

(G) Wall signs are not permitted on any building wall facing an abutting residential property or properties, unless separated by a city street or highway right-of-way.

(H) Signs affixed to the exterior side of windows, except addresses and other minor directional information.

(I) Billboards in the T.H. 610 Corridor as delineated in the T.H. 610 Corridor Plan.

(J) Portable reader board signs unless specifically allowed in other sections of this code.

('72 Code, § 356:25) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92; Am. Ord. 1994-766, passed 9-12-94; Am. Ord. 1999-900, passed 5-24-99; Am. Ord. 2010-1121, passed 12-6-10; Am. Ord. 2017-1227, passed 12-4-17) Penalty, see § 10.99

§ 150.06 TEMPORARY SIGNS.

(A) Multi-family apartment, commercial, industrial, organization, and institutional users in all zoning districts. The following sections concern temporary signs in all zoning districts. The signs are regulated according to the requirements set forth below:

(1) Temporary banner ~~advertisement~~ signs~~. Temporary advertisement signs~~ in the form of durable, weather resistant banners, may be erected with a sign permit, provided:

(a) A temporary sign permit is necessary for all signs identified in this section.

(b) Minimum setbacks: All temporary ~~advertisement~~ signs in the form of banners and feather flags must be set back at least 10 feet from all property lines and may in no case be permitted within the 30 foot clear-view triangle at public or private streets or driveway intersections.

(c) The total area of all temporary signs in the form of banners must not exceed 200 square feet.

(d) Banners are allowed to be displayed on existing fences, accessory buildings, and principle building facades providing they meet the setback requirements.

(e) In a multi-tenant structure the banner must not exceed the width of the front of the space to be occupied or 200 square feet, whichever is less.

(f) Businesses possessing a valid and current temporary sign permit may display for that allotted time period (in addition to the permitted banner), up to three feather flags for advertising purposes. Feather flags must be less than or equal to 15 feet in height, displayed on the property where the permit holding business is located, may not impede vehicle or pedestrian traffic, and are not allowed to be displayed in a public right-of-way or other prohibited areas.

(2) Permit required. Each business concern or organization is allowed a maximum of three permits in a calendar year, except temporary non-profit organization events which are allowed an unlimited number of permits. Each permit for a banner will be for 30 consecutive days. Permit fee is set by the City Council. No temporary sign permit will be issued to any business, institution, or organization found guilty of violating the

provisions of the temporary sign code more than once in a calendar year for the period of one year from the second occurrence.

(a) Exceptions :

(i) Grand opening banner. A business must receive a one-time permit at no cost to place a "grand opening" banner for 60 consecutive days from the opening date. The banner must follow size and setbacks described in the section above. This permit will not count towards the three allotted annual permits.

(ii) Window signs. Window sign area must not exceed 25% of the total area of the window(s) located on the wall face in which it is displayed. No permit is required for signs located on the inside of windows or for interior store displays.

~~(4) Flashing or rotating signs prohibited. Flashing or rotating signs or lights are not permitted on temporary signs. However, search lights may be used on site for four days for the calendar year.~~

(iii) Itinerant produce sales signs. ~~Vendors who have received permits to operate at the Brooklyn Park Farmers' Market, are allowed one sign without a permit. That sign must be no larger than 16 square feet in size and be located no more than five feet of the merchant's stand, table, vehicle, or the like, and~~ No permit is required for signs associated with a farmer's market that has been approved in accordance with the Zoning Code. Signs can only be displayed the day and time of the sale. This sign limitation does not include small price signs, less than one-half square foot in size, located on or near the produce. The signs must be removed from the site at the end of each sale day.

(iv) Pedestrian signs. Each business is allowed one pedestrian sign not to exceed 10 square feet on each of two sides displayed outside only during regular business hours. Pedestrian signs must be located within 20 feet of a customer entrance to the building in which the business is located, but must not block pedestrian walkways. Pedestrian signs must be located on the same parcel as the business and must not be located within the public right-of-way.

(3) Flashing or rotating signs prohibited. Flashing or rotating signs or lights are not permitted on temporary signs. However, search lights may be used on site for four days for the calendar year.

(B) All zoning districts. The following sections concern temporary campaign signs, temporary construction signs, temporary real estate signs, temporary non-profit organization event signs, and temporary residential garage and/or rummage sale signs in all zoning districts, and the signs are regulated according to the requirements set forth below:

(1) Temporary campaign signs. Temporary campaign signs posted by a candidate for public office or by a person or group promoting a political issue or a political candidate may be erected subject to the following:

(a) Signs must not exceed sizes authorized by state statute for state general elections.

(b) Pursuant to M.S. § 211B.045, campaign signs may be posted 46 days before the state primary in a state general election year until ten days following the state general election.

(c) Minimum setbacks: There is no setback requirement; however, these signs must not be erected on the public right-of-way, on public property or in the public street intersection 30 foot clear-view triangle.

(d) Maximum height of signs: No temporary campaign sign may exceed 12 feet above grade.

(2) Temporary construction sign. One temporary identification sign may be installed upon a construction site ~~denoting the names of involved parties~~ provided:

(a) Sign area must not exceed 100 square feet.

(b) Sign must be removed within two years after issuance of first building permit or upon issuance of a certificate of occupancy, whichever is sooner.

(c) Minimum setbacks: These signs must comply with setback requirements of subdivision (B)(1)(c) of this section. Signs must be erected only on the property where work is being done.

(d) Maximum height of signs: No temporary construction sign may exceed 12 feet above grade.

(3) Temporary real estate signs.

(a) Free-standing sign. A temporary free-standing sign ~~for the purpose of selling or leasing individual lots, parcels, homes or buildings~~ may be erected provided:

1. Sign area must not exceed six square feet for residential property and 20 square feet for non-residential property.

2. Sign must be removed within seven days following the closing of a sale or lease of the property.

3. Minimum setbacks: There is no setback requirement; however, these signs must not be erected on the public right-of-way nor in the public street intersection 30 foot clear- view triangle. Sign must be erected only on the property being sold or leased.

4. Maximum height of signs: No temporary freestanding real estate sign may exceed eight feet above grade.

5. Banners, streamers, pennants, balloons, directional signs, and the like, may be erected for two 21-day periods per year to coincide with the spring “Preview of Homes” and the fall “Parade of Homes.”

6. Temporary open house and/or directional signs: Temporary open house and/or directional signs may be placed in public view no earlier than 9:00 a.m. on the actual day of the open house and must be removed no later than 9:00 p.m. on the same day. Only one sign per intersection is allowed for each open house. Placement of open house directional signs should not block pedestrian or bicycle pathways or sidewalks. Signs must not be placed within the 30 foot clear view triangle at public street intersections. Open house directional signs may not be attached to federal, state, county or city sign posts. The signs may not be placed on center medians or street islands or within four feet of the roadway surface.

(b) Area identification sign on residential or non-residential project sites. A temporary area identification sign ~~for the sale or lease of residential projects of two or more dwelling units or lots, and for non-residential projects,~~ may be erected provided:

1. Sign area must not exceed 100 square feet.
2. Such sign must be removed when the project is 80% sold or leased.
3. Minimum setbacks: All temporary ~~real estate~~ area identification signs must be set back at least 25 feet from all property lines. Sign must be erected only on the impacted property ~~being sold or leased~~.
4. Maximum height of sign: No temporary real estate area identification sign may exceed eight feet above grade.

(4) Temporary commercial ~~residential garage and/or rummage sale~~ signs on residential property.

(a) Sign area must not exceed four square feet.

(b) Signs must be erected for no longer than four days and must be removed by the owner immediately following this time. Signs which remain in place for more than four days are deemed litter. The beginning and end date of sale, and address of the sale must be prominently displayed on every sign erected.

(c) Minimum setbacks: There is no setback requirement; however, these signs must not be erected in the public right-of-way, on public property, or in the public street intersection 30 foot clear-view triangle. Signs may be erected on private properties other than the property where the sale is conducted with the permission of the property owner.

(d) Maximum height of signs: No temporary ~~residential garage and/or rummage sale sign~~ commercial sign on residential property may exceed six feet above grade.

(5) Temporary non-profit organization ~~event~~ signs.

(a) Signs must not exceed eight square feet per sign face.

(b) An unlimited number of signs are allowed per event, but must be located as follows:

1. No more than one sign per event may be located on a single parcel, and
2. No more than four signs per event may be located in a single street intersection.

(c) A map or list of addresses designating the specific sites of each sign must be kept by the applicant.

(d) Signs must not be posted in excess of 15 days prior to the event and must be removed no later than two days following the final date of the event. The promoting organization, location and date(s) of the event must be prominently placed on each sign.

(e) Minimum setbacks: There is no setback requirement; however, these signs must not be erected on the public right-of-way, on public property, or in the public street intersection 30 foot clear-view triangle.

(f) Maximum height of signs: A temporary non-profit organizational event sign must not exceed six feet in height above grade.

(g) A portable reader board must not be used off the premises from which the event is being held nor may this type of ~~advertising~~ promotion precede or exceed the actual dates of the event. A portable reader board must not be used on public property. An on-site reader board must not exceed 32 square feet. These signs must be set back 15 feet from all property lines but not within the 30 foot clear-view triangle of entrances or public street intersections.

(h) A non-profit organization may display messages ~~directly related to their organization~~ on the reader board of any lawful sign with the permission of the sign owner.

(6) Temporary roadside ~~agricultural products advertisement~~ sign on agricultural property. Temporary ~~advertisement~~ roadside signs may be erected with a sign permit, provided:

(a) Signs are ~~advertise agricultural products grown on the property~~ in compliance with this chapter of the City Code.

(b) Maximum size: Signs may not exceed 16 square feet in area per sign face. No more than three signs are allowed, per property, and only two of which may be permitted off the site ~~where the agricultural products is~~

~~grown~~ of the agricultural property. For all off-site signs, written permission from the property owner of the proposed sign location shall be submitted with the sign application.

(c) Signs are allowed to be posted for a period of time not to exceed three months. The specific time period requested must be specified in the permit application.

(d) Minimum setbacks: There is no setback requirement; however, these signs may not be erected on the public right-of-way, on public property, or in the clear view triangle as defined in this chapter of the City Code.

(e) Maximum height of signs: No temporary roadside agricultural products advertisement sign may exceed eight feet in height above grade.

('72 Code, § 356.35) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1990-657(A), passed 8-27-90; Am. Ord. 1992-694, passed 5-11-92; Am. Ord. 1997-848, passed 6-9-97; Am. Ord. 2000-933, passed 10-9-00; Am. Ord. 2000-935, passed 11-13-00; Am. Ord. 2004-1026, passed 12-13-04; Am. Ord. 2012-1147, passed 8-20-12; Am. Ord. 2012-1152, passed 10-22-12; Am. Ord. 2014-1165, passed 2-3-14) Penalty, see § 10.99

§ 150.07 NON-CONFORMING SIGNS.

(A) Any lawfully constructed non-conforming or any legal sign existing upon the effective date of this chapter may be maintained and continued at the size and in the manner of operation existing upon such date except as hereinafter specified.

(B) Upon adoption of this chapter, a non-conforming sign must not be:

(1) Changed to another non-conforming sign.

(2) Structurally altered or moved except to bring such nonconforming sign into conformance with this chapter.

(3) Expanded or enlarged.

(4) Repaired or otherwise rehabilitated after damage or deterioration of more than 50%, except to bring into conformance with this chapter.

(C) Notwithstanding the foregoing divisions of this section, all signs which are made non-conforming by this sign ordinance, must be brought into conformance, on a sign-by-sign basis, at the time that a sign face or copy is changed or altered except for routine maintenance as required by this chapter. Billboard signs must be brought into conformance at the time that the main structure is removed and must follow the provisions of § 150.29(F).

(D) Temporary signs as provided in § 150.06 are not entitled to non-conforming status. Such signs must be brought into compliance with § 150.06 as directed by the sign enforcement office, or it may be summarily removed from display by the enforcement officer.

('72 Code, § 356:40) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92) Penalty, see § 10.99

§ 150.08 VARIANCES.

(A) Purpose. Pursuant to Minn. Stat. Sec. 462.357, subd. 6, as it may be amended from time to time, the City Council, acting as a Board of Appeals and Adjustments, may issue variances from the provisions of this zoning code. A variance is a modification or variation of the provisions of this zoning code as applied to a specific piece of property.

(B) Review Standards.

(1) Variances shall only be permitted:

(a) When they are in harmony with the general purposes and intent of the ordinance.

(b) When the variances are consistent with the Comprehensive Plan.

(2) Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that:

(a) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.

(b) The plight of the landowner is due to circumstances unique to the property not created by the landowner.

(c) The variance, if granted, will not alter the essential character of the locality.

(d) Economic considerations alone do not constitute practical difficulties.

(C) Conditions. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance. No building permit may be issued except in compliance with the conditions of the variance.

~~(A) Any request for a variance to the sign ordinance must follow the same procedure as outlined in the zoning code.~~

~~(B) (1) In considering all variance requests and in taking subsequent action, the Planning Commission and the City Council must make a finding showing that all of the following conditions exist:~~

~~(a) There are special conditions or circumstances affecting the property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of the applicant's land.~~

~~(b) The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.~~

~~(c) The granting of the variance will not be detrimental to the public welfare or injurious to the other property in the area in which the property is situated and will not have an adverse effect upon traffic or traffic safety.~~

~~(2) In making an application for a variance, the petitioner must state in writing why the petitioner believes the above conditions exist. Upon granting a variance, the Council may attach those conditions it deems desirable or necessary to protect the public interest.~~

('72 Code, § 356.45) (Ord. 1988-602(A), passed 8-22-88)

§ 150.09 SIGN APPLICATION.

(A) Permits required. Except as specifically provided by this chapter, it is unlawful for any person to erect, alter, or relocate within the city any sign, without first obtaining a permit(s) from the Sign Code ~~Ordinance~~ Administrator and making payment of the fee required. Application for permits must be made upon application forms provided by the City of Brooklyn Park and must be accompanied by:

(1) A site plan drawn to scale based on and accompanied by a certificate of survey, or on a certificate of survey, showing the relation of the sign to the nearest buildings, private and public streets, right-of-ways and property lines.

(2) Sign plans, specifications and methods of construction.

(3) A copy of structural calculations and details showing the structure is designed for live and dead loads including wind velocity in the amount required by all ordinances of the city. Electrical permits will be required by the State Board of Electricity.

(B) Permit issued if application in order. It is the duty of the Sign Code ~~Ordinance~~ Administrator, upon the filing of the application for a permit, to examine such plans and specifications and other data, and the premises upon which the sign is proposed to be erected, and if it appears that the proposed structure is in compliance with all other laws and ordinances of Brooklyn Park, the Sign Code Administrator must then issue the permit. If the work authorized under a permit has not been completed within 90 days after the date of issuance, the permit will become null and void.

(C) Permit fees. Every applicant, before being granted a permit hereunder, must pay to the city the permit fee for each sign regulated by this code in an amount as established by the fee resolution, set forth in the Appendix to this code.

(D) Permit revocable at any time. All rights and privileges acquired by obtaining a permit under the provisions of this chapter or any amendment thereto are mere licenses, revocable for cause at any time by the Council, and all such permits must contain this provision.

('72 Code, § 356.50) (Ord. 1988-602(A), passed 8-22-88)

§ 150.10 BOND AND LICENSE.

(A) It is unlawful to engage in the business of erecting signs, and no person is entitled to a permit to erect a sign under this chapter unless licensed to do so by the City of Brooklyn Park, except as provided in division (B) of this section. Such license may be granted on written application accompanied by an annual license fee in the amount set by the Council, to the Sign Code ~~Ordinance~~ Administrator in such form as the Sign Code Administrator prescribes. The license may be terminated by the Council at any time for cause. No license will take effect until the licensee files with the city a bond with corporate surety in a form approved by the City Attorney in the penal sum of $2,000, conditioned that the licensee will pay all permit fees required under this chapter, pay any fines imposed upon the licensee for violation thereof, will conform to all of the provisions of this chapter, and will indemnify and hold the city, its officers and agents harmless from any damage or claim resulting from or related to the erection or maintenance of any sign in the city by the licenses.

(B) Bonding and licensing requirements are not required of a property owner(s) erecting signs on their own property. All other provisions of this chapter apply.

('72 Code, § 356.55) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92) Penalty, see § 10.99

§ 150.11 CONSTRUCTION STANDARDS.

The design and construction standards for signs and sign structures as set forth in ~~Chapter 4 of the 1997 Edition of the Uniform Sign Code~~ the Minnesota Building Code as amended from time to time are adopted by reference, a copy of which is on file and on record with the City Clerk.

('72 Code, § 356.60) (Ord. 1988-602(A), passed 8-22-88) Penalty, see § 10.99

§ 150.12 PERMIT AND FEE EXEMPTIONS.

The exemptions permitted by this section apply only to the requirement of a permit and/or fee, and are not construed as relieving the installer of the sign, or the owner of the property upon which the sign is located, from conforming with the other provisions of this chapter:

(A) Temporary signs erected by non-profit organizations must obtain a permit but are exempted from any fee.

(B) No permit or fee is required for the following:

(1) Temporary signs displayed in accordance with § 150.06(A)(2), (B)(1), (B)(2), (B)(3), (B)(4) and (B)(5).

(2) Integral signs.

(3) Residential identification (name plate) signs.

(4) Directional signs.

(5) Signs which are located completely on the interior of a building and not visible from the outside of the building.

('72 Code, § 356.65) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92)

§ 150.13 ENFORCEMENT.

(A) Unsafe, non-maintained and unlawful signs.

(1) If the Sign Code ~~Ordinance~~ Administrator finds that any permanent sign regulated herein is unsafe or insecure, or adversely affects the health safety and general welfare of the public, or has been constructed or erected or is being maintained in violation of the provisions of this chapter; the Sign Code ~~a~~Administrator must give written notice by mail to the permittee thereof.

(2) If the permittee fails to remove or alter the structure so as to comply with the standards herein set forth within 14 days after the mailing notice, the sign or other advertising structure may be removed or altered at the expense of the permittee or owner of the property upon which it is located or legal action may be taken to force compliance with this chapter. The Sign Code ~~ordinance~~ Administrator must refuse to approve and the City of Brooklyn Park must refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed.

(3) The Sign Code ~~Ordinance~~ Administrator may cause any sign or other advertising structure which is a safety hazard to persons to be removed summarily and without notice. The Sign Code ~~Ordinance~~ Administrator may cause any temporary sign erected not in conformance with the sign ordinance to be removed summarily and without notice or legal action may be taken to force compliance with this chapter.

(B) Painting required. The owner of any sign as defined and regulated by this chapter is required to have the sign and sign structure properly painted upon order of the Sign Code ~~Ordinance~~ Administrator. It is the intent of this provision that the sign appearance does not create a blighting influence upon the neighborhood where the sign is located.

(C) Wood supports to be decay resistive. All posts, anchors and bracing of wood must be decay resistive or approved wood preventative treated to protect them from physical or aesthetic deterioration.

(D) Premises to be kept free of weeds, and the like. All the premises surrounding signs must be maintained by the owner thereof in a clean, sanitary and inoffensive manner and free and clear of all obnoxious substances, rubbish and weeds.

('72 Code, § 356.70) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92; Am. Ord. 1997-848, passed 6-9-97) Penalty, see § 10.99

§ 150.14 VIOLATIONS.

(A) If the Sign Code ~~Ordinance~~ Administrator finds any permanent sign in violation of the terms of this chapter, a written notice will be issued to the owner, and/or possessor (tenant in possession, operator or manager of the premises on which the sign is located), specifying the violation and allowing the time period specified in § 150.13(A) above in which to correct or remove the violation. After the expiration of the time period specified by written notice, if the violation is not corrected or discontinued, the owner and/or possessor of the property will be guilty of a misdemeanor, and each day of violation after the initial time period as specified by written notice constitutes a separate offense.

(B) It is unlawful to display any temporary sign in violation of the terms of this chapter. The owner, and or possessor (tenant in possession, operator, or manager of the premises on which the sign is located) of the property is guilty of a misdemeanor and each day of the violation constitutes a separate offense.

('72 Code, § 356.75) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1997-848, passed 6-9-97) Penalty, see § 10.99

§ 150.15 RIGHT OF APPEAL.

When it is alleged by any person to whom a compliance order is directed that such compliance order is based upon erroneous interpretation of this chapter, or upon a misstatement or mistake of fact, the person may appeal the compliance order to a Board of Appeals and Adjustments as established in the zoning code portion of the city code. The Board as an advisory body must forward their recommendation to the City Council. Such appeals must be in writing, must specify the grounds for the appeal, must be accompanied by a filing fee as designated by the City Council in cash or cashier's check, and must be filed with the compliance official within five business days after service of the compliance order. The filing of an appeal stays all proceedings in furtherance of the action appealed unless such a stay would cause imminent peril to life, health or property.

('72 Code, § 356.76) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92)

Article 2. DISTRICT REGULATIONS

§ 150.25 ~~R-1, R-2, R-2A, R-2B, R-3, R-3A, R-4 AND R-4A~~ SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICTS ~~AND AREAS GUIDED FOR LOW- AND MEDIUM-DENSITY RESIDENTIAL IN THE PLANNED COMMUNITY DEVELOPMENT DISTRICT AND PLANNED UNIT DEVELOPMENT DISTRICT.~~

The following provisions concern signs in the ~~R-1, R-2, R-2A, R-2B, R-3, R-3A, R-4 and R-4A~~ Single- and Two-Family Residential Districts ~~and area guided for low- and medium-density residential in the Planned Community Development District and Planned Unit Development District~~, and said signs are regulated according to the requirements set forth below:

(A) Identification signs (name plate). One free-standing or wall sign/name plate per dwelling unit, not greater than two square feet in area, indicating the name and/or address of the occupant. A sign must not be constructed so as to have more than two surfaces.

(B) Institutional signs. Institutional uses which do not meet the criteria stated in § 150.03 of this chapter for area identification signs, are allowed only one monument sign per street frontage. Such sign must not exceed 60 square feet in area.

(C) Residential development signs. These signs shall be reviewed and approved as part of a preliminary plat, site plan review, conditional use permit, or development plan application. Sign area shall be determined by the text copy area only and be limited to 60 square feet per structure face.

(D) Home occupation signs. One non-illuminated sign with a maximum square footage of two feet for each dwelling unit wherein a permitted home occupation exists.

(E) Minimum setbacks. A sign must not be erected in the public right-of-way. For divisions (A) and (B) of this section, signs must be set back at least 15 feet from front property lines, at least ten feet from side and rear property lines and at least 15 feet from the property lines of corner lots. For division (C) signs, no setback is required. For division (D) of this section, signs must be set back at least 20 feet from front property lines. All signs must allow for an unobstructed view of traffic at intersections of streets or driveways.

(F) Maximum height of signs. For signs described in divisions (A) and (D) of this section, no sign may exceed six feet above grade. For signs described in divisions (B) and (C) of this section, no sign may exceed ten feet above grade.

(G) Residential development signs. Signs must be constructed of durable materials. Residential development signs may be placed in median islands, roundabouts, or cul-de-sac islands provided that the island is a separate platted lot privately owned and maintained by a homeowners association, management company, or

the like, and approved through the preliminary plat, site plan review, or conditional use permit application.
('72 Code, § 356.30(1)) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92; Am. Ord. 2000-935, passed 11-13-00; Am. Ord. 2003-1002, passed 8-25-03) Penalty, see § 10.99

§ 150.26 ~~R-5, R-6 AND R-7~~ MULTIPLE RESIDENTIAL DISTRICTS~~ AND AREAS GUIDED FOR HIGH-DENSITY RESIDENTIAL IN THE PLANNED COMMUNITY DEVELOPMENT DISTRICT AND PLANNED UNIT DEVELOPMENT DISTRICT.~~

The following sections concern signs in the ~~R-5, R-6, and R-7~~ Multiple Residential Districts ~~and areas guided for high-density residential development in the Planned Community Development District and Planned Unit Development District~~, and said signs are regulated according to the requirements set forth below:

(A) Identification signs (name plate). One wall sign/name plate per institution or multiple residential building, not to exceed six square feet in area, or one wall sign/name plate per dwelling unit where separate entrances occur, not to exceed two square feet in area.

(B) Institutional signs. Institutional uses which do not meet the criteria stated in § 150.03 of this chapter for area identification signs, are allowed only one monument sign per street frontage, not to exceed 60 square feet in area.

(C) Residential development signs. These signs shall be reviewed and approved as part of a preliminary plat, site plan review, conditional use permit, or development plan application. Sign area shall be determined by the text copy area only and be limited to 60 square feet per structure face.

(D) Minimum setbacks. For division (B) of this section, monument signs must be set back at least 15 feet from front property lines and at least ten feet from side and rear property lines. On corner lots, all monument signs must be set back at least 15 feet from front and side corner property lines. All signs must be set back a minimum of three feet from driveways to edge of sign, and a 30 foot clear-view triangle must be maintained at public street intersections. All signs must allow for an unobstructed view of traffic at intersections of streets or driveways.

(E) Maximum height of signs. For division (B) of this section, no sign may exceed eight feet above grade. For division (C) of this section, no sign may exceed ten feet above grade.

(F) Residential development signs. Signs must be constructed of durable materials. Residential development signs may be placed in median islands, roundabouts, or cul-de-sac islands provided that the island is a separate platted lot privately owned and maintained by a homeowners association, management company, or the like, and approved through the preliminary plat, site plan review, or conditional use permit application.
('72 Code, § 356.30(2)) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-69, passed 5-11-92; Am. Ord. 2003-1002, passed 8-25-03) Penalty, see § 10.99

§ 150.27 B-1 OFFICE PARK DISTRICT.

The following sections concern signs in the B-1 Office Park District, and said signs are regulated according to the requirements set forth below:

(A) In B-1 Districts, a business property may erect only signs described in subdivisions (1) and (3) below, or in subdivisions (1) and (4) below, or in subdivision (2) and (3) below, or in subdivisions (2) and (4) below, or in subdivision (5) unless modified by a planned unit development.

(1) Free-standing or monument sign. One free-standing sign, not to exceed 75 square feet in area, or one monument sign not to exceed 120 square feet.

(2) Area identification sign. One free-standing or monument sign per development, as described by § 150.03 of this chapter not to exceed 100 square feet in area.

(3) Wall signs. One and two story, single or multiple tenant buildings: Signs attached to two walls, immediately adjacent to a public street or the parking lot which serves customers of the site, not to exceed ten percent of the building facade to which the signs are attached.

(4) Wall signs. Multiple story buildings (three or more stories).

(a) Identification signs: One identification sign per building facade identifying the name and/or address of the building, not to exceed ten percent in area of the building facade to which it is attached or 300 square feet, whichever is less. The measured area is that building facade above the second story.

(b) In addition to the identification signs described above in subdivision (a), wall signs may be attached to only one wall not to exceed ten percent of the building facade to which it is attached and must be located on the first story. The measured area is that building facade of the first and second story.

(5) Three wall signs. Wall signs are allowed on up to three walls only when immediately adjacent to a public

street or the parking lot that serves customers of the site, subject to City Manager approval. The wall signs on each wall must individually conform to the area limitations defined in subdivisions (3) or (4) of this division.

(B) Institutional signs. Institutional uses which do not meet the criteria stated in § 150.03 of this chapter for area identification signs, are allowed only one monument sign with reader board per street frontage. The sign and reader board must not exceed 60 square feet in area.

(C) Minimum setbacks. Free-standing signs must be set back at least 25 feet from the front property line and at least ten feet from side and rear property lines; monument signs must be set back at least 15 feet from the front property line and at least ten feet from side and rear property lines. On corner lots, all monument signs must be set back at least 15 feet from front and side corner property lines, and all free-standing signs must be set back at least 25 feet from all front and side corner property lines. All signs must be set back a minimum of three feet from driveways to edge of sign, and a 30 foot clear-view triangle must be maintained at public street intersections.

(D) Maximum height of signs. Signs described in divisions (A)(1), (A)(2) and (B) of this section may not exceed 15 feet above grade for monument signs and 25 feet above grade for free-standing signs.

(E) Minimum height of signs. Free-standing signs must have a minimum height of seven feet from grade to the bottom of sign.

('72 Code, § 356.30(3)) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92; Am. Ord. 2000-935, passed 11-13-00; Am. Ord. 2003-1002, passed 8-25-03; Am. Ord. 2014-1186, passed 12-15-14) Penalty, see § 10.99

§ 150.28 B-2 NEIGHBORHOOD RETAIL BUSINESS DISTRICT, B-3 GENERAL BUSINESS DISTRICT, AND B-4 VEHICLE SALES AND SHOWROOM DISTRICT.

The following sections concern signs in the B-2 Neighborhood Retail Business District and in the B-3 General Business District, and said signs are regulated according to the requirements set forth below:

(A) In B-2 and B-3 Districts, a business property may erect only signs described in subdivisions (1) and (3) below, or in subdivisions (1) and (4) below, or in subdivisions (2) and (3) below, or in subdivisions (2) and (4) below, or (5) below, unless modified by a planned unit development.

(1) Free-standing or monument sign. One free-standing sign not to exceed 100 square feet in area, or one monument sign not to exceed 120 square feet in area.

(2) Area identification sign. One free-standing or monument per development, as described by § 150.03 of this chapter not to exceed 320 square feet in area.

(3) Wall signs. One and two story, single or multiple tenant buildings: Signs attached to two walls immediately adjacent to a public street or the parking lot which serves customers of the site, not to exceed ten percent of the building facade to which the signs are attached.

(4) Wall signs. Multiple story buildings (three or more stories):

(a) Identification signs: One identification sign per building facade identifying the name and/or address of the building, not to exceed ten percent in area of the building facade to which it is attached or 300 square feet, whichever is less. The measured area is that building facade above the second story.

(b) In addition to the identification signs described above in subdivision (a), wall signs must be attached to only one wall, not to exceed ten percent of the building facade to which the signs are attached and must be located on the first story. The measured area is that building facade of the first and second story.

(5) Three wall signs. Wall signs are allowed on up to three walls only when immediately adjacent to a public street or the parking lot that serves customers of the site, subject to City Manager approval. The wall signs on each wall must individually conform to the area limitations defined in subdivisions (3) or (4) of this division.

(B) Institutional signs. Institutional uses which do not meet the criteria stated in § 150.03 of this chapter for area identification signs are allowed only one monument sign with reader board per street frontage. The sign and reader board must not exceed 60 square feet in area.

(C) Minimum setbacks. Free-standing signs must be set back at least 25 feet from the front property line and at least ten feet from side and rear property lines; monument signs must be set back at least 15 feet from the front property line and at least ten feet from side and rear property lines. On corner lots, all monument signs must be set back at least 15 feet from front and side corner property lines, and all free-standing signs must be set back at least 25 feet from all front and side corner property lines. All signs must be set back a minimum of three feet from driveways to edge of sign, and a 30 foot clear-view triangle must be maintained at public street intersections.

(D) Maximum height of signs. Signs described in division (A)(1), (A)(2) and (B) of this section may not exceed 15 feet above grade for monument signs and 25 feet above grade for free-standing signs.

(E) Minimum height of signs. Free-standing signs must have a minimum height of seven feet from grade to the bottom of sign.

('72 Code, § 356.30(4)) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92; Am. Ord. 2000-935, passed 11-13-00; Am. Ord. 2003-1002, passed 8-25-03; Am. Ord. 2014-1186, passed 12-15-14) Penalty, see § 10.99

§ 150.29 BP BUSINESS PARK AND I GENERAL INDUSTRIAL DISTRICTS.

The following sections concern signs in the BP Business Park District and I General Industrial District, and said signs are regulated according to the requirements set forth below:

(A) In BP and I Districts, a business property may erect only signs described in subdivisions (1) and (3) below, or in subdivisions (1) and (4) below, or in subdivisions (2) and (3) below, or in subdivisions (2) and (4) below, or subdivision (5) below unless modified by a planned unit development.

(1) Free-standing or monument sign. One free-standing sign, not to exceed 100 square feet in area, or one monument sign not to exceed 120 square feet.

(2) Area identification sign. One free-standing or monument sign per development, as described by § 150.03 of this chapter not to exceed 220 square feet in area.

(3) Wall signs. One and two story buildings, single or multiple tenant buildings: Signs attached to two walls, not to exceed ten percent of the building facades to which the signs are attached.

(4) Wall signs. Multiple story buildings (three or more stories).

(a) Identification signs: One identification sign per building facade identifying the name and/or address of the building, not to exceed ten percent in area of the building facade to which it is attached or 300 square feet, whichever is less. The measured area is that building facade above the second story.

(b) In addition to the identification signs described above in subdivision (a), wall signs must be attached to only one wall not to exceed ten percent of the building facade to which it is attached and must be located on the first story. The measured area is that building facade of the first and second story.

(5) Three wall signs. Wall signs are allowed on only three walls only when immediately adjacent to a public street or the parking lot that serves customers of the site, subject to City Manager approval. The wall signs on each wall must individually conform to the area limitations defined in subdivisions (3) or (4) of this section.

(B) Institutional signs. Institutional uses which do not meet the criteria stated in § 150.03 of this chapter for area identification signs are allowed only one monument sign and/or reader board per street frontage. The sign and reader board must not exceed 60 square feet in area.

(C) Minimum setbacks. For subdivisions (A)(1) and (A)(2) of this section, free-standing signs must be set back 25 feet from the front property line and ten feet from side and rear property lines; monument signs must be set back at least 15 feet from the front property lines and ten feet from side and rear property lines. For division (B) of this section, signs must be set back at least 15 feet from the front property line and at least ten feet from side and rear property lines. On corner lots, all free-standing signs must be set back at least 30 feet from all property lines, and all monument signs must be set back at least 15 feet from all property lines. All signs must be set back a minimum of three feet from driveways to edge of sign, and a 30 foot clear-view triangle must be maintained at public street intersections.

(D) Maximum height of signs. For signs described in subdivisions (A)(1) and (A)(2) of this section, signs may not exceed 15 feet above grade for monument signs and 25 feet above grade for free-standing signs. For signs described in division (B) of this section, no sign may exceed 15 feet above grade.

(E) Minimum height of signs. Free-standing signs must have a minimum height of seven feet from grade to the bottom of sign.

(F) Billboard signs. Billboard signs are allowed in the I District by conditional use permit as provided by the Zoning Code ~~city zoning ordinance~~. A billboard sign must be the principal use on the lot on which it is located. The lot must meet the minimum lot requirements for the I District in accordance with the ~~z~~Zoning ~~c~~Code. A billboard must not be erected within 300 feet of any Residential District. A billboard must not be located within a 1,320 foot radius of an existing or approved billboard. ~~A billboard must not be located in the T.H. 610 Corridor or Highway Overlay area as delineated in the T.H. 610 Corridor Plan and the zoning code.~~

(1) Sign area. Billboard signs must not exceed one square foot of sign area for each lineal foot of street frontage nor may sign area exceed 300 square feet on any side. On corner lots or lots with more than one street frontage, only one street frontage will be considered in determining the sign area. Signs must have no more than two sides.

(2) Minimum setbacks. Billboard signs must be set back at least 50 feet from front and rear property lines and at least 25 feet from side property lines.

(3) Maximum height of signs. Billboard signs may not exceed 25 feet above grade.

(4) Minimum height of signs. Billboard signs must have a minimum height of 12 feet from grade to the bottom of the sign.

(5) Sign illumination. Billboard sign illumination must meet the requirements of § 150.03 of this chapter.

('72 Code, § 356.30(5)) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92; Am. Ord. 1994-766, passed 9-12-94; Am. Ord. 1999-914, passed 11- -99; Am. Ord. 2000-935, passed 11-13-00; Am. Ord. 2010-1117, passed 9-7-10;. Am. Ord. 2014-1186, passed 12-15-14) Penalty, see § 10.99

~~§ 150.30 PCDD PLANNED COMMUNITY DEVELOPMENT DISTRICT AND PUD PLANNED UNIT DEVELOPMENT DISTRICT.~~

~~The following sections concern signs in the PCDD Planned Community Development District, and the PUD Planned Unit Development District, and said signs are regulated according to the requirements set forth below:~~

~~(A) In the PCDD or PUD Districts, a property used for single-family, two-family, residential townhouse or apartment use may erect only signs as allowed by § 150.25 and § 150.26 of this chapter, as established for Residential Districts.~~

~~(B) In PCDD and PUD Districts, a property used for other than single-family, two-family, residential townhouse or apartment use may erect only signs described in subdivisions (1) and (3) below, or in subdivisions (1) and (4) below, or in subdivisions (2) and (3) below, or in subdivisions (2) and (4) below, or in subdivision (5) below unless modified by a General Plan of Development or a planned unit development.~~

~~(1) Monument sign. One monument sign, not to exceed 120 square feet in area.~~

~~(2) Area identification sign. One free-standing or monument sign per development, as described by § 150.03 of this chapter not to exceed 220 square feet in area.~~

~~(3) Wall signs. One and two story, single or multiple tenant buildings: Signs attached to two walls immediately adjacent to a public street or the parking lot which serves customers of the site, not to exceed ten percent of the building facade to which the signs are attached.~~

~~(4) Wall signs. Multiple story buildings (three or more stories):~~

~~(a) Identification signs: One identification sign per building facade identifying the name and/or address of the building, not to exceed ten percent in area of the building facade to which it is attached or 300 square feet, whichever is less. The measured area is that building facade above the second story.~~

~~(b) In addition to the identification signs described above in subdivision (a), wall signs may be attached to only one wall not to exceed ten percent of the building facade to which the signs are attached and must be located on the first story. The measured area is that building facade of the first and second story.~~

~~(5) Three wall signs. Wall signs are allowed on up to three walls only when immediately adjacent to a public street or the parking lot that serves customers of the site, subject to City Manager approval. The wall signs on each wall must individually conform to the area limitations defined in subdivisions (3) or (4) of this division.~~

~~(C) Institutional signs. Institutional uses which do not meet the criteria stated in § 150.03 of this chapter for area identification signs are allowed only one monument sign and/or reader board per street frontage. The sign and reader board must not exceed 60 square feet in area.~~

~~(D) Minimum setbacks.~~

~~(1) For subdivision (B)(1) of this section, monument signs must be set back at least 15 feet from the front property line and at least ten feet from side and rear property lines. For subdivision (B)(2) of this section, free-standing signs must be set back at least 30 feet from all property lines, and monument signs must be set back at least 15 feet from all property lines. For division (C) of this section, signs must be set back at least 15 feet from front property line and at least ten feet from side and rear property lines.~~

~~(2) On corner lots, all free-standing signs must be set back at least 30 feet from all property lines, and all monument signs must be set back at least 15 feet from all property lines. All signs must be set back a minimum of three feet from driveways to edge of sign, and a 30 foot clear-view triangle must be maintained at public street intersections.~~

~~(E) Maximum height of signs. For signs described in subdivision (B)(1) of this section, no sign may exceed 15 feet above grade. For signs described in subdivision (B)(2) of this section, no free-standing sign may exceed 25 feet above grade and no monument sign may exceed 15 feet above grade. For signs described in division (C) of this section, no sign may exceed 15 feet above grade.~~

~~(F) Minimum height of signs. Free-standing signs must have a minimum height of seven feet from grade to the bottom of sign.~~

~~('72 Code, § 356.30(6)) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92; Am. Ord. 2000-935, passed 11-13-00; Am. Ord. 2003-1002, passed 8-25-03; Am. Ord. 2014-1186, passed 12-15-14) Penalty,~~

~~see § 10.99~~

§ 150.30 PI PUBLIC INSTITUTIONAL DISTRICT.

The following sections concern signs in the PI Public Institutional District, and said signs are regulated according to the requirements set forth below:

(A) In PI Districts, a property may erect only signs described in subdivisions (1) and (3) below, or in subdivisions (1) and (4) below, or in subdivisions (2) and (3) below, or in subdivisions (2) and (4) below, or subdivision (5) below unless modified by a conditional use permit.

(1) Free-standing or monument sign. One freestanding sign, not to exceed 50 square feet in area, or one monument sign not to exceed 120 square feet.

(2) Area identification sign. One free-standing sign or monument sign per development, as described by § 150.03 of this chapter not to exceed 320 square feet in area.

(3) Wall signs. One and two story, single or multiple tenant buildings: Signs attached to one wall not to exceed ten percent of the building facade to which the signs are attached.

(4) Wall signs. Multiple story buildings (three or more stories):

(a) Identification signs: One identification sign per building facade identifying the name and/or address of the building, not to exceed ten percent in area of the building facade to which it is attached or 300 square feet, whichever is less. The measured area is that building facade above the second story.

(b) In addition to the identification signs described above in subdivision (a), wall signs may be attached to only one wall, not to exceed ten percent of the building facade to which the signs are attached and must be located on the first story. The measured area is that building facade of the first and second story.

(5) Two wall signs. Wall signs are allowed on only two walls. The wall signs on each wall must individually conform to the area limitations, defined in subdivisions (3) or (4) of this division.

(B) Minimum setbacks. For subdivisions (A)(1) and (A)(2) of this section, all signs must be set back at least 15 feet from the front property line and at least ten feet from side and rear property lines. On corner lots, all signs must be set back at least 15 feet from all property lines. All signs must be set back a minimum of three feet from driveways to edge of sign, and a 30 foot clear-view triangle must be maintained at public street intersections.

(C) Maximum height of signs. For signs described in subdivision (A)(1) of this section, no sign may exceed 20 feet above grade. For signs described in subdivision (A)(2) of this section, no sign may exceed 25 feet above grade.

(D) Minimum height of signs. Free-standing signs must have a minimum height of seven feet from grade to the bottom of sign.

('72 Code, § 356.30(7)) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92; Am. Ord. 2000-935, passed 11-13-00; Am. Ord. 2014-1186, passed 12-15-14) Penalty, see § 10.99

~~§ 150.32 HIGHWAY OVERLAY.~~

~~The following provisions concern signs in the Highway Overlay area, and the signs are regulated according to the requirements set forth below. In the Highway Overlay, properties may erect only signs described in divisions (A), and (C) below, or in divisions (A) and (D) below, or in divisions (B) and (C) below, or in divisions (B) and (D) or in division (E) below unless modified by a Development Plan.~~

~~(A) Monument sign. One monument sign, not to exceed 100 square feet in area.~~

~~(1) Minimum setbacks. Monument signs must be setback at least 15 feet from the property lines adjacent to public rights-of-way, at least ten feet from side and rear property lines, at least three feet from driveways to the edge of sign, and must maintain a 30-foot clear-view triangle at public street intersections.~~

~~(2) Maximum height of signs. No sign may exceed 15 feet above grade.~~

~~(3) Design and materials. Monument bases must be constructed of the same materials as the principal building.~~

~~(B) Area identification sign. One monument sign per development, as described by § 150.03, not to exceed 220 square feet in area.~~

~~(1) Minimum setbacks. Signs must be setback at least 15 feet from the property lines adjacent to public rights-of-way, at least ten feet from side and rear property lines, at least three feet from driveways to the edge of sign, and must maintain a 30-foot clear-view triangle at public street intersections.~~

~~(2) Maximum height of signs. No sign may exceed 15 feet above grade.~~

~~(3) Design and materials. Monument bases must be constructed of the same materials as the principal~~

~~building.~~

~~(C) Wall signs. Signs attached to only one wall, not to exceed 10% of the building facade to which the signs are attached.~~

~~(D) Wall signs. Multiple story buildings (three or more stories).~~

~~(1) Identification signs - One identification sign per building facade identifying the name and/or address of the building, not to exceed 10% in area of the building facade to which it is attached or 300 square feet, whichever is less. The measured area is that building facade above the second story.~~

~~(2) In addition to the identification signs described above, wall signs may be attached to only one wall not to exceed 10% of the building facade to which the signs are attached and must be located on the first story. The measured area is that building facade of the first and second story.~~

~~(E) Two wall signs. Wall signs are allowed on only two walls. The wall signs on each wall must individually conform to the area limitations defined in division (B) above.~~

~~(Ord. 1999-914, passed 11--99)~~

§ 150.31 TRANSIT ORIENTED DEVELOPMENT (TOD) AND MIXED-USE DISTRICT.

(A) In the TOD or MU Districts, a property used for single-family, two-family, residential townhouse or apartment use may erect only signs as allowed by § 150.25 and § 150.26 of this chapter, as established for Residential Districts.

(B) In TOD and MU Districts, a business property may erect only signs described in subdivisions (1) and (3) below, or in subdivisions (1) and (4) below, or in subdivisions (2) and (3) below, or in subdivisions (2) and (4) below, or (5) below, unless modified through the approval of a sign plan at the time of Site Plan Review as approved by City Council.

(1) *Monument sign.* One monument sign not to exceed 120 square feet in area.

(2) *Area identification sign.* One monument per development, as described by § 150.03 of this chapter not to exceed 320 square feet in area.

(3) *Wall signs.* One and two story, single or multiple tenant buildings: Signs attached to two walls immediately adjacent to a public street or the parking lot which serves customers of the site, not to exceed ten percent of the building facade to which the signs are attached.

(4) *Wall signs.* Multiple story buildings (three or more stories):

(a) Identification signs: One identification sign per building facade identifying the name and/or address of the building, not to exceed ten percent in area of the building facade to which it is attached or 300 square feet, whichever is less. The measured area is that building facade above the second story.

(b) In addition to the identification signs described above in subdivision (a), wall signs must be attached to only one wall, not to exceed ten percent of the building facade to which the signs are attached and must be located on the first story. The measured area is that building facade of the first and second story.

(5) *Three wall signs.* Wall signs are allowed on up to three walls only when immediately adjacent to a public street or the parking lot that serves customers of the site, subject to City Manager approval. The wall signs on each wall must individually conform to the area limitations defined in subdivisions (3) or (4) of this division.

(C) *Institutional signs.* Institutional uses which do not meet the criteria stated in § 150.03 of this chapter for area identification signs are allowed only one monument sign with reader board per street frontage. The sign and reader board must not exceed 60 square feet in area.

(D) *Minimum setbacks.* Monument signs must be set back at least 1 foot from the front property

line and at least ten feet from side and rear property lines. On corner lots, all monument signs must be set back at least 15 feet from front and side corner property lines. All signs must be set back a minimum of three feet from driveways to edge of sign, and a 30 foot clear- view triangle must be maintained at public street intersections.

(E) *Maximum height of signs.* Signs described in division (A)(1), (A)(2) and (B) of this section may not exceed 8 feet above grade for monument signs.

Section 2. Chapter 151: Subdivisions of the Brooklyn Park City Code are amended to read as follows:

Section 1. Section 151.001 of the City Code, titled “PURPOSE” is amended to read as follows:

§ 151.001 PURPOSE.

(A) This chapter may hereafter be known and cited as the ”Brooklyn Park Subdivision Code”.

~~(A)~~ (B) - The process of dividing raw land into home sites, or separate parcels for other uses, is one of the most important factors in the growth of any community. Few activities have a more lasting effect upon its appearance and environment. Once the land has been subdivided and the streets, homes and other structures have been constructed, the basic character of this permanent addition to the community has become firmly established. It is then virtually impossible to alter its basic character without substantial expense. In most subdivisions, roads and streets must be maintained and various public services must be provided. The welfare of the entire community is thereby affected in many important respects. It is, therefore, to the interest of the general public, the developer, and the future owners that subdivisions be conceived, designed and developed in accordance with sound rules and proper standards.

(~~B~~C) All subdivisions of land hereafter submitted for approval must fully comply, in all respects, with the regulations set forth herein. It is the purpose of these regulations to:

(1) Encourage well planned, efficient, and attractive subdivisions by establishing reasonable standards for design and construction;

(2) Provide for the public health, safety and general welfare of residents by requiring properly designed streets, park land, and adequate sanitary sewer, storm sewer and water service;

(3) Place the cost of improvements against those benefitting financially from their construction; and

(4) Secure the rights of the public with respect to public lands and waters. (~~C~~D)

The Council of the City of Brooklyn Park deems these regulations to be necessary for the preservation of the health, safety and general welfare of this community. These regulations have been developed under the authority contained in M.S. § 462.358, and are supplemented by appropriate sections of § 150.01, as indicated. ('72 Code, § 345:00) (Am. Ord. 1984-447(A), passed 4-9-84)

Sec. 2. Section 151.011 of the City Code, titled “STRUCTURES ABUTTING PUBLIC STREETS” is amended to read as follows:

§ 151.011 STRUCTURES ABUTTING PUBLIC STREETS.

(A) With respect to parcels of land not subject to the provisions of M.S. § 462.358, Subd. 4b,

and § 151.010 of this chapter, a building or structure must not be constructed or erected on such parcels, nor must any building permit be issued for such construction or erection, unless such parcels ~~abut upon~~ have access to a public street which has been dedicated to and accepted by the city. This provision does not apply if the structure is to be used solely for agricultural purposes and the property is served by a private street or private easement.

(B) This requirement may be waived by the City Council if the Council makes the following findings:

(1) That the proposed structure is located on a properly designed ~~and approved~~ private street, as approved by the City Engineer; and

(2) The development is not in conflict with the city's growth management principles. ('72 Code, § 345:92) Penalty, see § 10.99

Sec. 3. Section 151.026 of the City Code, titled “SUPPLEMENTARY INFORMATION REQUIRED” is amended to read as follows:

§ 151.026 SUPPLEMENTARY INFORMATION REQUIRED.

The information set forth in this section must be filed with the preliminary plat:

(A) A complete topographic map at a scale of 1”:100', 1”:50', 1”:40' or 1”:20' and with contour intervals not greater than two feet showing water courses, flood plain limits, marshes, rock outcrops and other significant features, at least 150 feet beyond the boundary of the proposed plat, at least one print of the preliminary plat must be superimposed on a copy of the topographic map. U.S. Geodetic Survey datum must be used for all topographic mapping. Fulfillment of this requirement may be requested by the city staff, Planning Commission or City Council.

(B) Soil absorption tests where septic tanks are proposed, and any other subsoil information requested by the city staff, including soil bearings and water table.

(C) Plans for water supply, sewage disposal, proposed grades, drainage and flood control including the proposed locations, size and gradient of proposed sewer lines and water mains and such other supporting data as may be required by the city staff, Planning Commission, or the City Council.

(D) Center line gradients of proposed streets and alleys.

(E) Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Planning Commission may require that the subdivider submit a sketch plan of the rest of the subdivider’s properties so as to show the relationship of the proposed subdivision to the future development of the adjacent property.

(F) Indicate if the land is registered or abstract property.

(G) Indicate other information as requested by the Departments of Community Development, Public Works or Parks and Recreation such as sidewalks, walkways, bikeways, berming or landscaping with a schedule of plantings or anticipated ground level building elevation(s).

(H) All plats within the ~~designated~~ Mississippi River Corridor Critical Area Overlay district as

adopted in the Brooklyn Park Zoning Map, and defined by Executive Order No. 79-19 of the Critical Area Act of 1973, M.S. Chapter 116G, must indicate:

(1) Existing and proposed grades at two foot contour intervals.

(2) A landscaping plan as requested by the City ~~Planner~~ Manager to compensate as transitioning, erosion control or improving the living environment.

(3) Submit an erosion and sedimentation control plan as requested by the City Engineer ~~and the City Planner~~.

(4) Calculate and graphically describe the amounts and location of cut and fill determined in cubic yards. Length of storage and prevention measures for wind and water erosion must also be indicated.

(I) Drainage ponds. Determination shall be made between drainage ponds designed to hold water on a continuous basis and those designed to hold water on an infrequent basis. Areas designed for intermittent water storage shall be landscaped and maintained in accordance with required landscape provisions. Creation of larger, regional ponds is encouraged.

(J) Erosion and sediment control shall be addressed as follows:

(1) The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.

(2) Erosion and siltation control measures shall be coordinated with the different stages of construction. Appropriate control measures shall be installed prior to development when necessary to control erosion.

(3) Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.

(4) When soil is exposed, the exposure shall be for the shortest feasible period of time, as specified in the development agreement.

(5) Where the topsoil is removed, sufficient topsoil shall be set aside for respreading over the developed area. Topsoil shall be restored or provided to a minimum depth of three inches and shall be of a quality at least equal to the soil quality prior to development.

(6) Natural vegetation shall be protected wherever practical.

(7) Runoff shall be diverted to a sedimentation basin before being allowed to enter the natural drainage system.

(8) Development shall comply with and follow the applicable best management practices for erosion and sedimentation control as described in the Minnesota Pollution Control Agency's (MPCA) Best Management Practices Handbook as may be amended.

(9) All stormwater facilities are subject to inspection for conformance to approved plans prior to acceptance by the city.

(10) Projects initiated or directed by the city shall not be exempt from these rules. ('72 Code, § 345:16) (Am. Ord. 1984-447(A), passed 4-9-84; Am. Ord. 2001-961, passed 11-26-01; Am. Ord. 2002-985, passed 11-25-02)

Sec. 4. Section 151.060 of the City Code, titled “LOTS” is amended to read as follows:

§ 151.060 LOTS.

(A) Location. All lots must abut for their full frontage on a publicly dedicated street.

(B) Size. The lot dimensions must be such as to comply with the minimum lot areas specified in the zoning ordinance. Lot square footages must be designated on the preliminary plat. A letter must accompany the final plat, certified by an engineer or surveyor, stating that all lot sizes meet plat requirements.

(C) Transition lots. When platting is adjacent to incompatible land uses, except parks, depth of lots must be increased to allow for space, berming or other landscaping techniques to buffer each land use.

(D) Side lot lines. Side lines of lots must be substantially at right angles to straight street lines or radial to curved street lines.

(E) Water courses. Lots abutting upon a water course, drainageways, channel, or stream must have sufficient depth and width to provide a minimum area of land not subject to flooding equal to the minimum lot dimensions specified in the zoning ordinance for the district in which the lots are located.

(F) Drainage. Lots must be graded so as to provide drainage away from building locations. All landscaping features, such as retaining walls, and filling or grading, within drainage and utility easements must be reviewed and approved by the City Engineer and the City ~~Planner~~ Manager.

(G) Natural features. In the subdividing of land, due regard must be shown for all natural features, such as tree growth, water courses, historic spots, or similar conditions, and plans must be adjusted to preserve those which will add attractiveness and stability to the proposed development.

(H) Lot remnants. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots rather than allowed to remain as unusable or non-conforming parcels.

(I) Adequate setbacks. All plats with lots or tracts abutting on collector or arterial streets must have adequate width and depth to provide for the minimum setbacks to build in accordance with all city codes.

(J) Minimum rear lot line. Where practical, all lots should have a minimum of 30 feet in width at the rear lot line.

(K) Double frontage lots. Double frontage (lots with frontage on two parallel streets) or reverse frontage lots are not permitted except where lots back against a collector or arterial street. Such lots must have additional depth to allow for screening and/or planting along the back lot line in accordance with the Zoning Code, Environmental Quality. Vehicular access may be restricted as a condition of the plat.

(L) Cul-de-sac lots. If the front line of any lot is a curve or partly a curve with a radius of 175 feet, the frontage for purposes of minimum requirements, will be measured at the building line. In addition thereto, the front footage of the front lot line will be 60 feet or as modified under special procedure provisions as established by the zoning ordinance.

('72 Code, § 345:58) (Am. Ord. 1978-266(A), passed 6-12-78; Am. Ord. 1984-447(A),

passed 4-9-84; Am. Ord. 1996-801, passed 3-25- 96) Penalty, see § 10.99

Section 3. The existing Chapter 152 shall be struck in its entirety, and replaced with the following:

CHAPTER 152: ZONING CODE

CONTENTS

ARTICLE 1. ADMINISTRATION 29
SECTION 1. INTENT AND PURPOSE 29
§152.100 TITLE 29
§152.101 SEVERABILITY. 29
§152.102 AUTHORITY. 29
§152.103 PURPOSE. 29
§152.104 APPLICATION. 29
§152.105 INTERPRETATION. 29
§152.106 EFFECTIVE DATE. 30
§152.107 DEFINITIONS. 30
SECTION 2. ADMINISTRATION AND ENFORCEMENT 44
§152.200 PURPOSE. 44
§152.201 CITY MANAGER. 44
§152.203 ENFORCEMENT AND PENALTIES. 44
§152.204 EASEMENTS 44
§152.205 NONCONFORMITIES. 45
§152.206 NUISANCES 46
SECTION 3. APPLICATIONS AND PROCEURES 46
§152.300 PURPOSE. 47
§152.301 PUBLIC HEARINGS 47
§152.302 GENERAL PROCEDURES. 47
§152.303 SITE PLAN. 48
§152.304 CONCEPT, DEVELOPMENT, AND REGULATING PLANS 49
§152.305 CONDITIONAL USE PERMIT 50
§152.306 INTERIM USE PERMIT 51
§152.307 VARIANCE 52
§152.308 RESERVED 53
§152.309 ZONING TEXT AND MAP AMENDMENTS 53
§152.310 DEVELOPMENT CONTRACTS, FINANCIAL GUARANTEES, AND CASH ESCROWS 53
§152.311 RELOCATING STRUCTURES 54

§152.312 SPECIAL EVENT PERMIT 55
ARTICLE 2. ZONING DISTRICTS 55
SECTION 1. ESTABLISHMENT OF ZONING DISTRICTS 55
§152.400 PURPOSE. 55
§152.401 ZONING DISTRICTS. 55
§152.402 ZONING MAP. 56
SECTION 2. RESIDENTIAL DISTRICTS 57
§152.500 UR URBAN RESERVE DISTRICT 57
§152.501 R-1 DETACHED SINGLE-FAMILY ESTATE DISTRICT 57
§152.502 R-2 DETACHED SINGLE-FAMILY DISTRICT 57
§152.503 R-3 DETACHED SINGLE-FAMILY AND TWO-FAMILY DISTRICT 57
§152.504 R-4 MULTIPLE FAMILY DISTRICT 57
§152.505 R-5 MULTIPLE FAMILY DISTRICT 57
§152.506 RESIDENTIAL DISTRICT LOT AREA AND DIMENSIONAL REQUIREMENTS 57
§152.507 RESIDENTIAL DISTRICT LAND USES 60
SECTION 3. NONRESIDENTIAL DISTRICTS 61
§152.600 B-1 OFFICE PARK DISTRICT 61
§152.601 B-2 NEIGHBORHOOD RETAIL BUSINESS DISTRICT. 61
§152.602 B-3 GENERAL BUSINESS DISTRICT. 61
§152.603 B-4 VEHICLE SALES AND SHOWROOM DISTRICT. 61
§152.604 BP BUSINESS PARK DISTRICT. 62
§152.605 I GENERAL INDUSTRIAL DISTRICT 62
§152.606 PI PUBLIC INSTITUTION DISTRICT 62
§152.607 OP OPEN SPACES AND PARKS DISTRICT 62
§152.608 NONRESIDENTIAL LOT AREA AND DIMENSIONAL REQUIREMENTS 62
§152.609 NONRESIDENTIAL DISTRICT LAND USE USES 63
SECTION 4. MIXED USE DISTRICTS. 66
§152.700 LW LIVE WORK DISTRICT 66
§152.701 NMU NEIGHBORHOOD MIXED USE DISTRICT 66
§152.702 MU MIXED USE DISTRICT 66
§152.703 TOD-C TRANSIT ORIENTED DEVELOPMENT CENTER DISTRICT 66
§152.704 TOD-E TRANSIT ORIENTED DEVELOPMENT EMPLOYMENT DISTRICT 67
§152.705 TOD-G TRANSIT ORIENTED DEVELOPMENT GREENFIELD DISTRICT 67
§152.706 MIXED USE DISTRICT LOT AREA AND DIMENSIONAL REQUIREMENTS 67
§152.707 MIXED USE DISTRICT LAND USES 70
SECTION 5. OVERLAY DISTRICTS 73
§152.800. CAZ CRYSTAL AIRPORT ZONING 73
§152.801 FLOOD HAZARD OVERLAY 89

§152.803 MISSISSIPPI RIVER CRITICAL AREA OVERLAY 102
§152.804 PLANNED DEVELOPMENT OVERLAY 118
§152.805 PEDESTRIAN PRIORITY OVERLY DISTRICT (PPOD) 119
ARTICLE 3. STANDARDS 120
SECTION 1. LAND USE PERFORMANCE STANDARDS. 120
§152.900 RESIDENTIAL PERFORMANCE STANDARDS, PRINCIPAL USES) 120
§152.901 ACCESSORY RESIDENTIAL PERFORMANCE STANDARDS 121
§152.902 TEMPORARY RESIDENTIAL PERFORMANCE STANDARDS 123
§152.903 NONRESIDENTIAL PERFORMANCE STANDARDS, PRINCIPAL USES 124
§152.904 ACCESSORY NONRESIDENTIAL PERFORMANCE STANDARDS 129
§152.905 TEMPORARY AND SEASONAL NONRESIDENTIAL PERFORMANCE STANDARDS 131
SECTION 2. DEVELOPMENT STANDARDS 133
§152.1000 ACCESSORY USES AND STRUCTURES. 133
§152.1001 ALTERNATIVE ENERGY SYSTEMS 134
§152.1002 BUILDING AND SITE DESIGN STANDARDS,RESIDENTIAL 137
§152.1003 BUILDING AND SITE DESIGN STANDARDS, MIXED USE 140
§152.1004 BUILDING AND SITE DESIGN STANDARDS, NONRESIDENTIAL 150
§152.1005 CIVIC SPACES 152
§152.1006 CLEAR VIEW TRIANGLE 153
§152.1007 COMMERCIAL VEHICLE PARKING STANDARDS 153
§152.1008 DRIVEWAYS 154
§152.1009 FENCES AND RETAINING WALLS 154
§152.1010 LANDSCAPING STANDARDS, RESIDENTIAL 155
§152.1011 LANDSCAPING STANDARDS, MIXED USE 157
§152.1012 LANDSCAPING STANDARDS, NONRESIDENTIAL 161
§152.1013 LIGHTING STANDARDS 164
§152.1014 LOADING DOCKS AND STAGING AREAS 165
§152.1015 LOWEST FLOOR ELEVATION 166
§152.1016 NOISE POLLUTION CONTROL 166
§152.1017 OUTDOOR STORAGE 166
§152.1018 PARKING 167
§152.1019 PARKING AREA DESIGN 171
§152.1020 PARKING RAMP 175
§152.1021 PEDESTRIAN CIRCULATION (SIDEWALKS AND WALKWAYS) 176
§152.1022 SATELLITE DISHES 177
§152.1023 SCREENING 177
§152.1024 STREETSCAPE, MIXED USE 178
§152.1025 TELECOMMUNICATION TOWERS 183

§152.1026 TRANSPORTATION DEMAND MANAGEMENT. 187
§152.1027 WASTE ENCLOSURES..... 187

ARTICLE 1. ADMINISTRATION

SECTION 1. INTENT AND PURPOSE

§152.100 TITLE.

Chapter 152 may be known, cited, and referred to as the “Brooklyn Park Zoning Code” except as referred to herein, where it may be known as “this chapter.”

§152.101 SEVERABILITY.

Every section or subdivision of this chapter is declared separable from every other section or subdivision. If any section or subdivision is held to be invalid by competent authority, no other section or subdivision shall be invalidated by such action or decision.

§152.102 AUTHORITY.

This chapter is enacted pursuant to the authority granted by the Municipal Planning Act, M.S. §§ 462.351 to 462.364, as amended from time to time.

§152.103 PURPOSE.

The intent of this chapter is to protect the public health, safety, and general welfare of Brooklyn Park and its people through the establishment of minimum regulations governing the development and use of property within the city. Such regulations are established to:

(A) Implement the Comprehensive Plan. The City Council recognizes the Comprehensive Plan as the official policy for land use and development in Brooklyn Park.

(B) Promote orderly development and redevelopment.

(C) Provide adequate light, air, and convenience of access to property.

(D) Prevent congestion in the public right-of-way.

(E) Prevent overcrowding of land and undue concentration of structures and population by regulating land, building, setbacks, and density of development.

(F) Provide for the compatibility of different land uses and protect from incompatible uses.

(G) Provide for the administration of this chapter and any amendments.

(H) Prescribe penalties for violation of such regulations.

(I) Define powers and duties of the City Staff, the Planning Commission, and the City Council in relation to this chapter.

§152.104 APPLICATION.

(A) All buildings, structures, and land uses must be erected, used, relocated, or altered in conformance with this chapter. No buildings, structures or and land may must be erected, used, relocated, or altered except in conformance with this chapter.

(B) The provisions of this chapter are the minimum requirements. Where the requirements imposed by any other section of City Code are more restrictive than this chapter, the more restrictive regulation shall prevail.

§152.105 INTERPRETATION.

(A) Construction of language:

(1) The present tense includes the past and future tenses and the future the present.

(2) The singular number includes the plural and the plural the singular.

(3) The word “must” is mandatory and the word “may” is permissive.

(4) If a word or term defined in this chapter appears in the text, its meaning may be construed as set forth in the definition of the word or term.

(5) All measured distances expressed in feet must be to the nearest tenth of a foot.

(B) Except as otherwise specifically provided for in this chapter, the following may apply to a use not provided for within a zoning district.

(1) If in any zoning district a use is neither specifically permitted nor allowed, the use may be considered prohibited.

§152.106 EFFECTIVE DATE.

This chapter shall become effective upon passage and posting according to law, following the date of repeal and re-enactment of the official zoning map. All plans approved under previous zoning regulations shall be valid and may be used to obtain permits for a period of not more than one year after the effective date of this chapter, except where subject to developer agreement provisions.

§152.107 DEFINITIONS.

For the purposes of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning. If a word or term defined in this chapter appears in the text of this chapter, its meaning may be construed as set forth below.

ABUTTING. See ADJACENT.

ACCESSORY ALTERNATIVE ENERGY SYSTEM. A secondary energy system wherein the power generated is used primarily for on-site consumption.

ACCESSORY FEATURE. A landscape design feature, not enclosed, subordinate to, incidental to, and/or serving the principal structure on the same lot. Examples include decorative fences, gazebos, fire pits, etc.

ADJACENT. When referring to adjacent lots or land, adjacent means a lot that shares all or part of a common lot line with another lot. For the purposes of this definition, adjacent also includes lots or land separated only by a railroad; utility right-of-way; public street classified as a low-density minor arterial, collector, or local street; or a trail corridor less than 50 feet wide.

ADULT DAY CARE. A facility that is licensed by the State of Minnesota in which care is provided to adults with disabilities or persons who receive supportive person to person assistance.

ALTERNATIVE ENERGY SYSTEM. A wind energy conversion system or a solar energy system. ANIMAL UNIT. The following animals constitute one animal unit equivalency: one cow, horse, donkey, llama, or burro, or three sheep or emus. Any animal not listed except domestic animals may be considered one animal unit equivalency. Animals are further defined and regulated in other sections of the City Code.

ANIMAL, DOMESTIC. A domestic animal is a common house pet which can be contained within a principal structure throughout the entire year, provided that containment can be accomplished without special modification to the structure requiring a building permit from the city.

ANIMAL, FARM. Animals not typically sheltered within the principal structure throughout the entire year. This includes, but is not limited to, cattle, pigs, sheep, goats, horses, and other animals commonly accepted as farm animals in the State of Minnesota.

ANIMAL SERVICES. Any place where domestic animals are kept for the primary purpose of commercial pet sitting or “doggie daycare.”

ANTENNA. Any structure or device used for the purpose of collecting or transmitting communication signals. This includes, but is not limited to, directional antennas, such as panels and microwave and satellite dishes, and omni-directional antennas, such as whip antennas.

APPLICANT. The owner, their agent, or representative having interest in land where an application for city review of any permit, use or development is required by this chapter.

APPLICATION. The form and accompanying documentation required by this chapter or by city policy for city review purposes.

ASSEMBLY, BANQUET, CONVENTION HALLS, or CONFERENCE CENTER. A facility available for private rental for private events such as weddings, conferences, or meetings. This definition does not include rental for uses that are open to the public such as night clubs or general parties.

ASSISTED LIVING HOUSING. Housing designed for persons who need assistance with their daily living needs including special support services such as meal preparation, housekeeping, limited medical care, and transportation.

AUCTION LICENSED AUTO DEALER. May sell used motor vehicles belonging to others.

BASEMENT. Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground

level) on all four sides, regardless of the depth of excavation below ground level.
BB or bb. An abbreviation meaning balled and burlapped and used to describe the root treatment of certain plant materials.
BEEKEEPING. The breeding of honeybees in colonies, commonly in hives, to produce honey and other products to pollinate plants or to produce bees for sale to other beekeepers.
BERM. A landscaped mound of earth used to separate incompatible uses, screen offsite views of development, mitigate noise impacts, and create aesthetic interest.
BIORETENTION SYSTEMS. Shallow, landscaped depressions commonly located in parking lot islands or within areas that receive stormwater runoff.
BLACK DIRT (as used for top soil). Organic soils added on top of existing soil that are darker in color and richer in organic materials compared to the existing.
BLUFF. A natural topographic feature having:

(A) A slope that rises at least 25 feet and the grade of the slope averages 18 percent or greater, measured over a horizontal distance of 25 feet, from the toe of the slope to the top of the slope. Where the slope begins below the ordinary high water level, the ordinary high water level is the top of the slope. See Figure 152.107.1; or

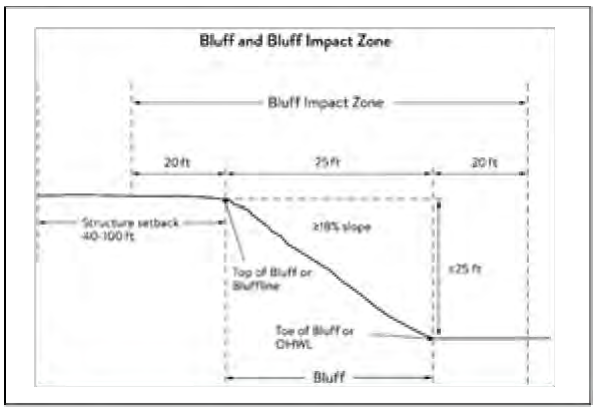


Figure 152.107.1. Bluff and Bluff Impact Zone

(B) A natural escarpment or cliff with a slope that rises at least ten feet above the ordinary high water level or toe of the slope, whichever is applicable, to the top of the slope, with a slope of 75 degrees or greater. See Figure 152.107.2.

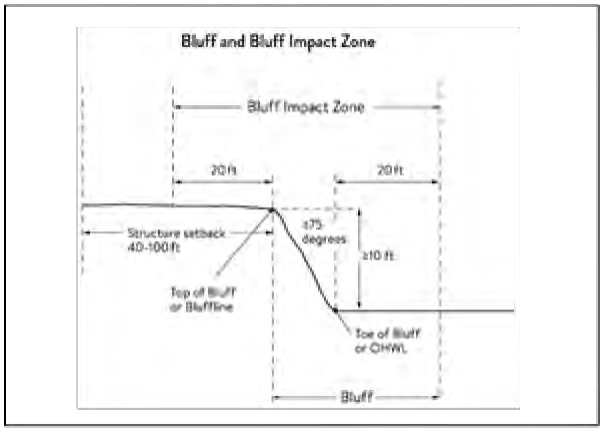


Figure 152.107.2. Natural Escarpment and Bluff Impact Zone

BLUFF IMPACT ZONE. A bluff and land located within 20 feet of the bluff. See Figures 152.107.1 and 152.107.2
BODY ART. Physical body adornment using, but not limited to, the following techniques: body piercing, tattooing, branding, body modification and cosmetic tattooing, as regulated by M.S. Chapter 146B and Chapter 123 of this code. This definition does not include practices that are considered part of a medical procedure performed by a state board certified medical or dental personnel, such as, but not limited to,

implants under the skin. Such medical procedures may not be performed in a body art establishment. This definition does not include piercing of the outer perimeter of lobe of the ear using pre-sterilized single use stud and clasp ear piercing system.

BREWERY. A facility that manufactures or produces malt liquor as defined in M.S. § 340A.101, Subd. 16.

BROKER LICENSED AUTO DEALER. May arrange for the sale or lease of new or used motor vehicles.

BUFFER. The use of land, topography, water bodies and vegetation to separate and mitigate the impacts of land uses upon another property.

BUILDABLE AREA. The area upon which structures may be placed on a lot or parcel of land and excludes areas needed to meet requirements for setbacks, rights-of-way, bluff impact zones, historic properties, wetlands, designated floodways, land below the ordinary high water level, and other unbuildable areas.

BUILDING. Any structure having a roof supported by columns, walls, or other means of support for the shelter or enclosure of persons or property, and when said structure is divided by party walls without openings, each portion of such building so separated may be deemed a separate building. In sections of this ordinance where minimum sized buildings are required, areas which are part of basements, open porches, canopies, awnings, breeze-ways, covered patios, and other similar features are not included in calculating the required building size.

BUILDING HEIGHT. The distance measured from the average proposed ground elevation adjoining the building at the front building line to the top of the cornice of a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch-type roof, or to the average distance of the highest gable on a pitched or hip roof.

CARE CENTER/CONVALESCENT HOME. Housing for dependent persons including personal nursing care, meal preparation in a common dining hall, hygiene services, laundry, etc.

CALIPER. The diameter of a tree trunk measured six inches above the ground for trees less than four inches in diameter and 12 inches above the ground for trees more than four inches in diameter.

CERTIFICATE OF COMPLIANCE. A document written after a compliance inspection, certifying that the development complies with applicable requirements at the time of inspection.

CITY CODE. The 1972 Ordinance Code of the City of Brooklyn Park, as amended from time to time. Also referred to as the Code of Ordinances. This zoning ordinance is a part of the City Code.

CLEAR VIEW TRIANGLE. An area around the convergence of two streets or a street and an access driveway where visibility is not impeded. At the intersection of two streets. The clear view triangle is an area that begins at the intersection of the projected curb lines of two intersecting streets and is measured back along both streets the distance specified in §152.1006 and marked with a point. Those points are then connected with a straight line. At the intersection of an access driveway and a street. The clear view triangle is an area that begins at the intersection of the projected curb line of the access driveway and the private street or public right-of-way and is measured back along both the street and the access driveway the distance specified in §152.1006 and marked with a point. Those points are then connected with a straight line.

CLOSED LOOP GROUND SOURCE HEAT PUMP SYSTEM. A system that circulated a heat transfer fluid, typically food-grade antifreeze, through pipes or coils buried beneath the land surface or anchored to the bottom of a body of water.

CLUB.

(A) An incorporated organization organized under the laws of the state for civic, fraternal, social, or business purposes, for intellectual improvement, or for the promotion of sports, or a congressionally chartered veterans' organization, which:
  (1) Has more than 30 members;
  (2) Has owned or rented a building or space in a building for more than one year that is suitable and adequate for the accommodation of its members;
  (3) Is directed by a board of directors, executive committee, or other similar body chosen by the members at a meeting held for that purpose.

(B) No member, officer, agent, or employee shall receive any profit from the distribution or sale of beverages to the members of the club, or their guests, beyond a reasonable salary or wages fixed and voted each year by the governing body.

CLUB, SOCIAL. An establishment not included in the definition of CLUB that is open to the public or by private membership where the purpose of the establishment is to provide a place for social interaction between patrons.

COCKTAIL ROOM. A facility on or adjacent to the premises of a micro-distillery where the on-sale consumption of distilled spirits produced by the distiller is permitted pursuant to M.S. § 340A.22.

COMMERCIAL INDOOR RECREATIONAL FACILITIES. Private recreational facilities operated for profit and open to members and/or the general public including health centers, tennis and racquetball clubs, indoor swimming pools, video arcades (amusement centers), indoor batting cages, pool halls, and the like.
COMMERCIAL OUTDOOR RECREATIONAL FACILITIES. Private recreational facilities operated for profit and open to members and/or the general public including golf courses and driving ranges, miniature golf, riding stables, skating rinks, outdoor swimming pools, archery or trapshooting ranges, batting cages, softball, baseball, volleyball, soccer, or football facilities, and the like.
COMMERCIAL VEHICLES. A vehicle that meets one or more of the following:

(A) A dump truck, step van, construction vehicle or equipment (bobcats, backhoes and the like), semi-tractor, semitrailer, or trailer, tank truck, tow truck, tractor, bus, cargo truck, or any vehicle that has a registered gross weight of more than 12,000 pounds, except the following:
    (1) A vehicle that is used for private, personal, or recreational use; is not defined as a commercial vehicle in division (A) above; and is not altered with commercial equipment, such as a 1-ton pickup truck.
    (2) A properly licensed recreational vehicle or recreational equipment with sole and consistent use for private recreational purposes.

(B) A vehicle that has commercial equipment added to the vehicle such as a snowplow or other externally attached equipment, except recreational vehicles or recreational equipment used only for private, recreational, and residential use.

(C) A limousine or taxi.

(D) A trailer loaded with a commercial vehicle(s) or commercial equipment.

COMPREHENSIVE PLAN. The long range plan to guide the future growth and development as a formal document, and associated maps, as adopted by the City Council as amended from time to time.
COMMUNITY GARDEN. An area of land that is managed and maintained by a group of individuals to grow and harvest food crops and/or non-food ornamental crops such as flowers for personal or group use, consumption, or donation.
CONCRETE PRECAST PANELS. A material composed of concrete sheets, also commonly referred to as tip-up-tilt-up or poured-in-place panels, etc. For purposes of this chapter, concrete precast panels are divided into the following:

(A) Architecturally textured panels. Smooth concrete precast panels, steel form panels, exposed imprint panels (with exposed aggregate), ribbed, grooved, random relief, or the like, with additional colors, removed patterns, and/or graphics like bands, patterns, and geometric designs that are used to add distinctiveness to building I.

(B) Industrial grade panels. Panels with the following textures or those deemed similar: raked, corduroy, broomed, or panels exposed aggregate (except exposed imprint panels).

CRITICAL FACILITIES. Facilities necessary to a community's public health and safety, those that store or produce highly volatile, toxic, or water-reactive materials, and those that house occupants who may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include hospitals, correction facilities, schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.
CURRENCY EXCHANGE. Any business, except a bank, trust company, savings bank, savings association, credit union, or industrial loan and thrift company, engaged in the business of cashing checks, drafts, money orders, or travelers' checks for a fee. CURRENCY EXCHANGE does not include a business that provides these services incidental to the person's primary business if the charge for cashing a check or draft does not exceed $1 or one percent of the value of the check or draft, whichever is greater.
DAY CARE FACILITIES. A facility that is licensed by the State of Minnesota in which care is provided for children or adults.
DENSITY. The number of dwelling units per acre as regulated by this chapter and the Comprehensive Plan. Density is calculated by dividing the gross acreage of a property excluding wetlands designated by federal and state agencies and those classified by the Wetland Conservation Act, by the number of dwelling units existing or proposed for the property.
DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations of storage or equipment or materials.
DEVELOPMENT CONTRACT. A legal instrument that defines the representations and obligations of an

applicant and the city for the development of property.
DEVELOPMENT PLAN. A document or set of drawings required by the city that depicts elements that contribute to a cohesive planned area or neighborhood.
DISTILLERY. A facility that manufactures or produces distilled spirits as defined in M.S. § 340A.101, Subd. 9.
DISTRIBUTION CENTER. An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including transshipment by boat, rail, air, or motor vehicle.
DWELLING UNIT. One or more rooms designed or intended for occupancy within a building by one family or housekeeping unit with sanitary, culinary, and sleeping facilities separate from those of other units and intended for the exclusive use of a single- family or housekeeping unit.
DWELLING, ATTACHED TWO-FAMILY. A building designed for occupancy by two families or housekeeping units with a physical separation between the two dwelling units.
DWELLING, DETACHED SINGLE-FAMILY. A building surrounded by open space containing one dwelling unit that is not attached to any other dwelling by any means.
DWELLING, MULTIPLE FAMILY. A building designed or intended for occupancy by three or more families or housekeeping units, with separate dwelling units either designed one over another and connected by interior or exterior hallways and/or common entries or as townhouse dwellings.
DWELLING, SENIOR INDEPENDENT LIVING. A residential complex or development that is age restricted to people 55 and older without any on-site or staffed nursing or other types of assistance.
DWELLING, TOWNHOUSE. A single structure consisting of not more than 16 dwelling units each, with no other dwelling or portion of other dwelling directly above or below, with each dwelling unit connected to the other dwelling by a common separation with no opening, except for one unit townhouse structures.
EASEMENT. A grant of one or more of the property rights by the owner, to or for the use by the public, another person, or entity.
ENTERTAINMENT, LIVE. Disc jockeys, live music, comedy performances, theatrical performances, and the like. This definition does not include mixed martial arts or boxing.
EQUAL DEGREE OF ENCROACHMENT. A method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
ESSENTIAL SERVICES. The utilization, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electricity, steam, fuel, water supply or distribution system(s); sanitary sewage disposal system; including accessory facilities necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.
EVAPOTRANSPIRATION. Water lost to the atmosphere from the ground surface, evaporation from the capillary fringe of the groundwater table, and the transpiration of groundwater by plants whose roots tap the capillary fringe of the groundwater table.
FAMILY. An individual or two or more persons each related by blood, marriage, or adoptions, including foster children, living together as a single housekeeping unit; or no more than four unrelated persons maintaining a common household and using and maintaining common cooking and kitchen facilities as distinguished from a group occupying a boarding or rooming house, or licensed residential facility.
FARM. A parcel of land having five acres or more which is under cultivation or a parcel ten acres or more which is fenced and used as pasture, or a parcel ten acres or more of any combination. No farm may exceed one animal unit per acre in aggregate.
FARMER'S MARKET. Outdoor sales of fruits, vegetables, meats, honey, flowers, plants, homemade bakery goods, cheeses, soaps, and other similar products.
FARMING AND CULTIVATION OF AGRICULTURAL PRODUCTS. Agricultural and horticultural uses that are not enclosed or covered by a structure.
FINISHED SQUARE FOOTAGE (MINIMUM). The above grade areas of a house that are planned to be completed under the original building permit, excluding garages or other attached accessory buildings, open porches, breezeways, three season rooms, covered patios and the like. All unfinished areas of residential dwellings must be so noted on residential building plans submitted for permit. "Finished" interior areas of residential buildings must comply with the UBC requirements for finished habitable space and have one or more of the listed materials used on each of the following:

(A) Floors – wood; carpet; tile; rock; brick; linoleum; and similar decorative materials.

(B) Ceilings – sheet rock with paint, texturing, or a similar decorative trim; suspended ceiling systems; tile; heavy timber construction; wood paneling; and similar decorative materials

(C) Walls – sheet rock with paint, wallpaper, or a similar decorative trim; wood or rock paneling; mirrors;

heavy timber construction, brick; and similar decorative materials.
FLOOD. A temporary increase in the flow or stage of a stream, lake, or wetland that results in the inundation of normally dry areas.
FLOOD FREQUENCY. The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
FLOOD FRINGE (OR FLOODWAY FRINGE). All the land in a flood plain not lying within a delineated flood way. Land within a floodway fringe is subject to inundation by relatively low velocity flows and shallow water depths. The flood fringe includes at a minimum, the areas designated as zone AE on the Flood Insurance Rate Map outside of the floodway, except as modified on the Zoning Overlay Map.
FLOOD HAZARD AREA. The flood plain consisting of the flood way, the flood fringe, and/or the general floodplain area.
FLOOD INSURANCE RATE MAP ("FIRM"). An official map on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
FLOODPLAIN. The areas adjoining a watercourse which has been or hereafter may be covered by a regional flood, as defined in Minnesota Rules Chapter 6120, and as shown on the Flood Insurance Rate Map where floodway and flood fringe boundaries and/or 100-year flood elevations have not been determined. These areas include areas designated as Zone A on the Flood Insurance Rate Map, and Zone AE where a floodway is not shown.
FLOOD PRONE AREA. Any land susceptible to being inundated by water from any source (see FLOOD).
FLOODPROOFING. A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
FLOODWAY. The channel of a natural stream or river and portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge the flood water or flood flow of any natural stream or river. The floodway, at a minimum, includes the floodway areas shown on the Flood Insurance Rate Map and as depicted on the Zoning Overlay Map.
FLOOR AREA, GROSS. The sum of all the floor(s) of a building or structure excluding any space where the floor-to-ceiling height is less than six feet.
FLOOR AREA RATIO (FAR). The gross floor area of all buildings or structures on a lot divided by the area of that lot.
FLUSH-MOUNTED SOLAR ENERGY SYSTEM. A roof-mounted system mounted directly abutting the roof. The pitch of the solar collector may exceed the pitch of the roof up to 5% but shall not be higher than ten inches above the roof.
FOUNDATION FOOTPRINT. The area of the largest level of a dwelling unit at or near grade as determined by the outside dimensions of a building, excluding attached garages or other attached accessory buildings, decks, patios, three-season porches, etc.
GARAGE. An accessory structure that is primarily used for the parking and storage of vehicles, and storage of goods and equipment owned by the same property owner or resident or the principal structure. GARAGE SALE. The sale of used personal goods from a private residence or religious institution.
GAS/FUEL TANKS (ABOVE GROUND). A tank used to store fuel used for energy purposes in buildings and structures. This definition does not include portable propane cylinders used with barbeque grills, or the like.
GLARE. The effect produced by the intensity and direction of any artificial illumination sufficient to cause annoyance, discomfort, or temporary loss or impairment of vision.
GREYWATER. Wastewater, containing no fecal matter (human feces), that is generated from domestic activities such as laundry, dishwashing, and bathing and which can be recycled on-site for uses such as landscape irrigation and constructed wetlands.
GREEN ROOFTOPS. Veneers of living vegetation installed atop of buildings that act to manage stormwater by mimicking a variety of hydrologic processes normally associated with open space.
GROUND COVER. Perennial plants that are not classified as noxious weeds as defined elsewhere in the City Code, other than turf grass, normally reaching an average maximum height of not more than 24 inches at maturity.
GROUND SOURCE HEAT PUMP SYSTEM. A system that uses the relatively constant temperature of the earth or a body of water to provide heating in the winter and cooling in the summer. System components include open or closed loops of pipe, coils, or plates; fluid that absorbs and transfers heat; and a heat pump unit the processes heat for use or disperses heat for cooling; and an air distribution system.
HARDSURFACE COVERAGE. The amount of a lot covered by building, pavement, concrete, or other impervious material.

HEAT ISLAND REDUCTION. Use of vegetative cover to minimize heat islands on hard cover areas and to reduce impact on microclimate and human and wildlife habitat.
HOME OCCUPATION. Any occupation carried out by the occupant of a residential dwelling unit that occurs within the principal or accessory building on the property and does not change the nature of the primary use of the property.
HORIZONTAL AXIS WIND TURBINE. A wind turbine design in which the rotor shaft is parallel to the ground and the blades are perpendicular to the ground.
IMPERVIOUS SURFACE. The area of a lot, above the ordinary high water level, covered with buildings including all appurtenances, driveways and sidewalks, and similar impervious materials. For the purpose of this chapter, driveways that have a gravel base shall be considered impervious. Decks that allow drainage through the decking and that do not have plastic weed barrier or some other material that would impede drainage into the ground and swimming pool water surface area shall not be considered impervious.
INDOOR SALES OF AUTOMOBILES. All sales and display take place within a building.
INTERSECTION (OF TWO STREETS). The point of intersection is the location where the extended curb lines of two streets meet.
IRRIGATION SYSTEM. A permanent, underground watering system designed to transport and distribute water to landscaped areas of property.
LANDSCAPING. Any combination of living plants, (such as grass, perennials, shrubs, vines, hedges, or trees) and non-living material, (such as rocks, pebbles, mulch, decorative walls, fences, or decorative paving materials) used to enhance the appearance and use of the natural and built environment.
LANDSCAPING, ARID. That combination of living plants, (such as grass, perennials, shrubs, vines, hedges, or trees) and non-living material, (such as rocks, pebbles, mulch, decorative walls, fences, or decorative paving materials) used to enhance the appearance and use of the natural and built environment that is designed for needing no additional irrigation above natural rainfall.
LICENSED RESIDENTIAL FACILITY. A facility where one or more persons reside on a twenty-four-hour per day basis under the care and supervision of a program licensed by the Minnesota Department of Human Services (DHS).
LIVE/WORK UNITS. A habitable structure that allows for a professional office or commercial retail or service use to be operated in the same structure, with the business owner's residence located behind the business use on the ground floor or on the upper floor.
LOADING DOCK. A platform adjacent to a building at which trucks load or unload cargo.
LOT or PARCEL. A portion of land occupied or used, or intended for occupancy or use, for a purpose permitted or conditionally permitted in this chapter and of sufficient size to provide the yards and area required by this chapter.
LOT AREA. The total area within the lot lines of a lot or parcel, excluding any street rights-of- way given by fee dedication.
LOT CORNER. A lot situated at the junction of, and adjacent to two or more intersecting streets.
LOT DEPTH. The average distance between the front lot line and the rear lot line of a lot or parcel.
LOT, DOUBLE FRONTAGE. A lot which is adjacent to two substantially parallel streets and is not a corner lot.
LOT, FRONT. A lot line abutting the right of way of a public street or property or easement line of a private street. On a corner lot, the shortest of the sides abutting the public street shall be the front. If the dimensions of a corner lot are within 10% of being equal, the front lot line shall be that street designated by the owner. Once it has been established, with the address assigned and the principal entrance determined, the front shall not be reversed.
LOT LINE. A line of record bounding a lot that divides one lot from another lot, a public right-of-way, or private street.
LOT, REAR. The boundary of a lot that is opposite the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet in length within the lot, connecting the side lot lines and parallel to the front lot line.
LOT WIDTH. The distance between the side lot lines as measured along the required front-yard setback.
LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built to render the structure in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3.
LUMINAIRE. A complete lighting unit extending from a support structure consisting of a light source and all

necessary mechanical, electrical and decorative parts. The light source, shield and other components do not extend below the cutoff angle for the luminaire. A luminaire does not include a pole or other support.
MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. MANUFACTURED HOME does not include the term RECREATIONAL VEHICLE.
MICRODISTILLERY. A distillery that manufactures or produces distilled spirits not exceeding 40,000 proof gallons in a calendar year.
MISSISSIPPI RIVER CRITICAL AREA. The Mississippi River and adjacent lands in the Twin Cities region were designated a Critical Area by the State of Minnesota under the Critical Areas Act. Executive Order No. 79-19 established the Mississippi River Critical Area.
MIXED USE DEVELOPMENT. The development of a designated area of land with two or more different land uses.
MOBILE FOOD UNIT. A self-contained food service operation, located in a readily movable motorized wheeled or towed vehicle, used to store, prepare, display, or serve food intended for individual portion service that is readily movable without disassembling, or as defined in M.S. § 157.15, Subd 9.
MODEL HOME. A home which is like others in a new residential development and is temporarily open to regular public inspections for the purpose of selling other homes in the development.
MODIFIED SPLIT ENTRY. A dwelling unit with a front entrance that is midway between the lower level and the upper level. This type of home has a lower level separated by more than three risers or 24 inches of height difference below the front entry elevation and will not be counted towards the minimum square footage requirements of the home.
MODIFIED TWO STORY. A dwelling unit which has some part of the building that is a minimum of a full two stories in height at, or above the front entry elevation. Not all parts of the home will be a full two stories (or more) in height. There may be a lower level separated by no more than three risers or 24 inches of height difference above or below the front entry elevation that may be counted towards the minimum square footage of the home.
MONOPOLE TOWER. A tower constructed of tapered tubes that fit together symmetrically and are stacked one section on top of another and bolted to a concrete foundation without support cables. MOTOR HOME. A vehicle that provides temporary living quarters and is self-propelled or capable of being towed on public roads. Temporary living quarters within this definition mean:

(A) The vehicle is not used as a residence on private property in this city.

(B) The vehicle is used for temporary living quarters by the owner or occupant while engaged in recreational or vacation activities away from the property.

(C) The vehicle is not a junk vehicle defined elsewhere in the City Code.

NATIVE SPECIES. Plants that are indigenous to a particular region. Plants are considered native if they were present at the time of the public land survey (1847-1907) that was conducted before and during the early stages of European settlement.
NATURAL AREA. A designated area within a Neighborhood Development Plan where limited human activity is planned and uses are of an undeveloped nature. Examples of natural areas include but are not limited to parks, gardens, recreational uses, trails, nature areas, and open space.
NEIGHBORHOOD COMMERCIAL. Limited commercial areas that provide compact centers for retail sales and services to adjacent neighborhoods.
NEW CONSTRUCTION. Structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of §§ 152.801.
NIGHTCLUB. An assembly use engaged in the sale of alcoholic beverages for consumption on the premises within a building, facility, room, or portion thereof containing a stage used for live or recorded music and with minimal or no seating. Providing entertainment is the predominant attraction during business hours open to the public and an entrance fee is typically charged.
NON-CONFORMITIES. Any land use, site, structure, building, lot of record, or sign legally established prior to the effective date of this chapter or subsequent amendment to it which would not be permitted by or is not in full compliance with the regulations of this chapter.
NON-PASSENGER VEHICLE OR EQUIPMENT. A recreational vehicle or equipment that is not self-propelled or cannot receive a vehicle license. This definition does not include junk vehicles as defined elsewhere in the City Code.
NURSING HOME. A state licensed facility used to provide care for aged or infirm persons who require

nursing and personal care and related services in accordance with state regulations. A nursing home may be a residential healthcare facility, an intermediate care facility, or a long-term care facility.
OBSTRUCTION. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain that may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.
OFFICE. Services that are predominantly administrative, professional and/or clerical in nature and conducted within a building or part of a building.
ONE HUNDRED YEAR FLOOD PLAIN. Lands that are inundated by a regional flood.
OPEN SPACE. An area of land that does not contain any buildings except those constructed for recreational or gardening purposes, and is intended for environmental, scenic, or recreational purposes. ORDINARY HIGH WATER LEVEL. The boundary of water basins, watercourses, public waters, and public waters wetlands, and:

(A) The OHWL is an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial;

(B) For watercourses, the OHWL is the elevation of the top of the bank of the channel; and,

(C) For reservoirs and flowages, the OHWL is the operating elevation of the normal summer pool.

ORNAMENTAL TREE. A self-supporting woody plant or species normally growing to a mature height of at least ten feet but no more than 20 feet.
OUTDOOR SALES AND DISPLAY. An outdoor area designated for sales and display of product carried by the primary business.
OUTDOOR STORAGE. Storage of any property not fully enclosed in a building.
OUTLOT. An unbuildable lot that must be replatted into a lot of record before a building permit can be issued to the property.
OVERLAY DISTRICT. A zoning district applied over one or more previously established zoning districts, establishing additional or stricter standards and criteria for covered properties in addition to those of the underlying zoning district.
OVERSTORY TREE. A self-supporting woody plant or species normally growing to a mature height of at least 20 feet.
PARK, ACTIVE. A park with structures or designated areas for formal recreation activities. Examples of active park areas include but are not limited to golf courses, ballfields, and playgrounds.
PARK, PASSIVE. A park or designated area where limited human activity is planned and uses are of an undeveloped nature. Examples of passive park areas include but are not limited to largely undeveloped parks, gardens, trails, nature areas, and open space.
PARK, PRIVATE. A recreation area, either passive or active, owned and operated by a private group, most commonly a homeowner's association or multiple dwelling tenants.
PARK, PUBLIC. A recreation area, either passive or active, owned or operated by the City of Brooklyn Park, county, state, or another governmental unit.
PARK AND RIDE FACILITY. A parking area used for passenger vehicle storage by persons who travel by mass transit facilities or share rides to other locations.
PARKING AREA. A designated portion of a lot used for the temporary storage of motor vehicles on a surface improved by pavement. This definition does not include private residential driveways.
PARKING SPACE. A storage area for a vehicle that has means of access to a public or private street and has an impermeable surface.
PARKING IN RESERVE. Proof on an approved site plan that additional land for parking has been set aside for which construction may be required should conditions warrant as determined by the City Manager.
PAWNSHOP. A business that lends money on deposit or pledge of personal property, or other valuable thing on condition of selling the same back again at a stipulated price, or that lends money secured by chattel mortgage on personal property, taking possession of the property or any part so mortgaged.
PERVIOUS PAVEMENT. A paving system that allows water to infiltrate through the pavement to accurately reflect the predevelopment hydrologic cycle and includes, but is not limited to, porous concrete, porous asphalt, porous pavers, open jointed paving blocks, and open cell paving blocks.
PHOTOVOLTAIC SYSTEM. A solar energy system that converts solar energy directly into electricity.
PLANNED UNIT DEVELOPMENT. A method of land development that merges zoning and subdivision controls, allowing developers to plan and develop a large area as a single entity, characterized by a unified

site design, a mix of structure types and land uses, and an organized phasing of development over an amount of time agreed upon by the developer and the City.

PUBLIC & UTILITY FACILITIES. Government and utility facilities and structures, i.e., maintenance buildings, water towers, pumping and lift stations, electrical substations, government buildings, mass transit facilities, and minor cable TV facilities.

PUBLIC UTILITY. Persons, corporations, or governments supplying gas, electric, transportation, water, sewer, or land line telephone service to the public. For this chapter, commercial wireless telecommunication service facilities may not be considered public utility uses and are defined separately.

RAIN GARDENS/BIORETENTION SYSTEMS. Shallow landscaped depressions commonly located in parking lot islands or adjacent to land cover areas that receive stormwater and filter the runoff or allow it to infiltrate in the soil bed.

REACH. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

RECREATIONAL EQUIPMENT. Recreational equipment which does not meet the definition for a vehicle in the City Code, including, but not limited to, boats, pull-behind trailers or campers, ice fishing structures, personal watercraft, and other similar uses that do not necessarily remain on the property during the entire calendar year. This term does not include semi-tractor trailers or other trailers over 15 feet, junk vehicles as defined elsewhere in the City Code, detached snow plowing equipment, or swing sets, trampolines, and other private outdoor recreational equipment.

RECREATIONAL EQUIPMENT, PRIVATE OUTDOOR. Private swimming pools, hot tubs, tennis courts, trampolines, swing sets, other large play equipment, and other similar equipment if it is designed for outdoor use and used solely for the private enjoyment of the resident.

RECREATIONAL VEHICLE. Non-commercial vehicles used for private recreational purposes, including motor homes, campers, dirt bikes, motor-cross cycles, snowmobiles, go-carts, vehicles that are not registered for operation on public rights-of-way, and similar vehicles. This may not include junk vehicles as defined elsewhere in the City Code.

REGIONAL FLOOD. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term “base flood” used in the Flood Insurance Study.

REGULATORY FLOOD PROTECTION ELEVATION. An elevation no lower than two feet above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

RELIGIOUS INSTITUTION. A building or campus in which worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held.

REPETITIVE LOSS. Flood related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

RESTAURANT, BREWPUB. An establishment that serves food and hold an intoxicating liquor license and produces in whole or in part beer and/or malt liquor on the premise.

RESTAURANT, CLASS I. An establishment that serves food and is eligible for a 3,2 non- intoxicating beer and wine license without a cover charge.

RESTAURANT, CLASS II. An establishment that serves food and is eligible for an intoxicating liquor license without a cover charge.

RESTAURANT, FAST FOOD. An establishment whose principal business is the sale of food and/or beverages in a ready to consume state for consumption:

(A) Within the restaurant building; or

(B) Within a motor vehicle parked on the premises; or

(C) Off the premises as carryout orders, and whose principal method of operation includes the following characteristics: food and/or beverages are usually served in paper, plastic or other disposable containers.

RESTAURANT, TAPROOM. An establishment that serves beer or malt liquor in accordance with M.S. § 340A.301, Subd. 6b, as amended from time to time.

RESIDENTIAL WIND TURBINE. A wind turbine of ten-kilowatt (kW) nameplate generating capacity or less.

RETAIL BUSINESS. An establishment engaged in selling goods or merchandise to the general public for

personal or household consumption and rendering services incidental to the sale of such goods.
RETAINING WALL. A vertical or nearly vertical structure constructed of mortar and rubble masonry, rock or stone regardless of size, vertical timber pilings horizontal timber planks with piling supports, sheet pilings, poured concrete, concrete blocks, or other durable materials.
RIGHT-OF-WAY. A strip of land occupied or intended to be occupied by a street, sidewalk, trail corridor of at least 50 feet, snow storage, highway, railroad, transmission cable, pipeline, landscaping, and utility structures.
SCHOOL. A public or private elementary, middle, secondary, post-secondary, or vocation school having a course of instruction approved by the Minnesota Board of Education.
SCREENING. A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.
SEAMLESS METAL PANELS. Smooth, prefinished, architectural metal panels without seams or joints that protrude from the surface. This term excludes textured metal, standing seam, pole or “Butler building” metals, any kind of corrugated panel, or metal siding that is residential in appearance or quality.
SEASONAL (TEMPORARY) GARDEN CENTER. A retail use for the sale of primarily plants and other related garden materials such as flowerpots, seeds, garden tools, and landscape rock and mulch.
SEASONAL (TEMPORARY) GREENHOUSE. A temporary structure, commonly with glass or durable plastic walls and roof, designed for the cultivation or exhibition of plants under controlled conditions during the spring and summer seasons.
SENIOR MULTIPLE FAMILY DWELLINGS. Those multiple family dwellings marketed to and predominately occupied by persons 70 years of age or older.
SERVICE BUSINESS. An establishment primarily engaged in providing assistance, as opposed to products, to individuals, business, industry, government, and other enterprises, including hotels and other lodging places; personal, business, repair, and amusement services; health, legal engineering, and other professional services; educational services; membership organizations; and other miscellaneous services and sales of such goods incidental to the service.
SETBACK. The required minimum space between property lines and buildings, structures, accessory uses, or other features as specifically set forth in this chapter.

(A) Front. The area extending the full width of the lot between the public right-of-way from which the dwelling is addressed, and a distance specified by the applicable district. Front setbacks are measured in feet from the property line.

(B) Rear. The area between the rear lot line and the rear setback line. Rear setbacks are measured in feet from the property line.

(C) Side. The area between the side lot line and the side setback line, bounded by the front yard and rear yard. Side setbacks are measured in feet from the property line.

SEXUALLY ORIENTED BUSINESS. Any one of a number of establishments which offers goods and/or services for sale or rent of a sexual or titillating nature as its primary business and which excludes minors by virtue of age. This may include, but is not limited to bookstores, car washes, entertainment centers, modeling studios, motion picture theaters, cabaret/nightclubs, video rental, etc.
SHORELINE. An area 40 feet wide as measured above the ordinary high water level on both sides of the Mississippi River.
SIGN. All structures, either stationary or movable, containing writing, announcement, declaration, demonstration, display, illustration, insignia, or illumination used to advertise or promote the interest of any person when the same is displayed outside. Signs are further defined and regulated in Chapter 150 of the City Code.
SITE PLAN. A document or group of documents containing text, drawings to scale, maps, photographs, and other materials intended to present existing and proposed conditions of property development, including topography, vegetation, wetlands, ingress/egress, parking, grading, drainage, utilities, landscaping, buildings, signs, lighting, and other information as may be reasonably required.
SLOPE. The change in elevation on the land. For the purposes of the Critical Area Overlay District, land with a slope of 12% or greater is regulated. A 12% slope means that for every eight feet of horizontal distance, the elevation changes by at least one foot.
SMALL WIND TURBINE. A wind turbine of 100 kW nameplate generating capacity or less.
SOLAR ENERGY SYSTEM. A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation or water heating.

SPECIAL FLOOD HAZARD AREA. A term used for flood insurance purposes synonymous with ONE HUNDRED YEAR FLOOD PLAIN.
SPLIT LEVEL. A single-family dwelling unit that is almost entirely a full one-and-a-half stories in height at or above the front entry elevation.
STAGING AREA. An unobstructed paved surface area provided and maintained for the temporary parking, unloading, and maneuvering of commercial vehicles incidental and related to the principal permitted use of the property.
START OF CONSTRUCTION. Includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement that occurred before the permit's expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
STEALTH DESIGN. State-of-the-art design techniques used to blend the object into the surrounding environment and to minimize the visual impact as much as reasonably possible. Examples of stealth design techniques include, but are not limited to architecturally screening roof-mounted antennas and accessory equipment; integrating telecommunications facilities into architectural elements; nestling telecommunications facilities into the surrounding landscape so that the topography or vegetation reduces their view; using the location that would result in the least amount of visibility to the public, minimizing the size and appearance of the telecommunications facilities; and designing telecommunications towers to appear other than as towers, such as light poles, power poles, flag poles, and trees.
STORAGE. For the purpose of this chapter storage shall have the meaning of storing, locating, or parking. Storage does not include current property maintenance activities occurring on the property. Storage does not include temporary parking or vehicles in a staging area.
STORY. That portion of a building included between the upper surface of any floor and the upper surface of the next floor above, except that the topmost story must be that portion of the building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, as defined in this chapter, is more than six feet above grade for more than 50% of the total perimeter or is more than 12 feet above grade at any point, and then the basement counts as a story.
STREET. A thoroughfare, either owned publicly or privately, and accompanying boulevard located between right-of-way or property lines used or intended to be used for passage or travel by vehicles, pedestrians, bicyclists, and related maintenance activities. Streets may be local, collector, or arterials as defined by the Comprehensive Plan.
STREETS, ARTERIAL. A type of road that is characterized by limited access and a design capacity to move relatively large volumes of traffic in an expedient manner. Arterials are divided into principal arterials and minor arterials based on their access, the traffic volume they carry and the areas they serve. The roadway classification system is further defined and illustrated in the City's Comprehensive Plan.
STREETS, COLLECTOR. A type of road that functions to provide connections between neighborhoods and from neighborhoods to areas with concentrations of businesses. They typically have lower traffic volumes and speeds than arterials, but higher volumes and speeds than local roads. Collectors are divided into those roads that are designed to distribute traffic from major generators or from minor collectors to arterial roads (major collectors) and those roads that are designed to distribute traffic from
major collectors or arterials to local streets (minor collectors). Examples of major collectors include Candlewood Drive, Regent Avenue, and West River Road. Examples of minor collectors are Pearson Parkway, Lad Parkway, and Northland Drive. The roadway classification system is further defined and illustrated in the City's Transportation Plan
STREETS, LOCAL. A type of road that functions to provide access to adjacent properties and from properties to collectors and/or arterials. Speeds and traffic volumes are typically lower than collectors or arterials. The roadway classification system is further defined and illustrated in the City's Transportation Plan.
STREET TREES. Trees planted or growing on public easements (public right-of-way and public use), parks and public buildings grounds.

STRUCTURE. A material or combination of materials that form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.
STRUCTURE,ACCESSORY. A structure subordinate to, incidental to, and/or serving the principal structure on the same lot. Examples include garages (attached or detached), greenhouses, ice-fishing shacks, storage sheds, etc.
STRUCTURE, PRINCIPLE. The main structure on a parcel of land designed to house the principle use.
SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.
SUBSTANTIAL IMPROVEMENT. Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures, which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

(A) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

(B) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure. For the purpose of this chapter, historic structure shall be as defined in Code of Federal Regulations, Part 59.1.

TAPROOM. A facility on or adjacent to the premises of a brewery where the on-sale consumption of malt liquor produced by the brewer is permitted pursuant to M.S. § 340A.301, Subd. 6b.
TELECOMMUNICATIONS FACILITIES. Includes antennas, accessory equipment, and telecommunications towers.
TELECOMMUNICATIONS TOWER OR COMMERCIAL TOWER. A free-standing, self-supporting lattice, guyed, or monopole structure constructed from grade intended to support antennas, except towers used for amateur radio operations.
TEMPORARY PORTABLE STORAGE CONTAINERS. An enclosed portable storage container placed on a residential property for temporary use.
THREE SEASON PORCH. A roofed and enclosed porch, deck, or similar space with windows that is not heated.
TOWER. Any ground or roof mounted pole, spire, structure, or combination taller than 15 feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, wind turbine, or similar apparatus above grade.
TOWNHOUSE. A single-family dwelling in a row of similar units. Such dwellings are constructed as slab- on-grade with no basement and may be detached or attached, each with its own front and rear entrance. Each dwelling extends from the foundation to the roof with units not stacked.
TRAILER. A vehicle that is an open-bed style trailer, enclosed trailer, or trailer as defined in M.S. § 169.01, as amended from time to time, or any machine or equipment designed to travel along the ground by use of wheels, treads, runners or slides, and transport persons or property or pull machinery. A trailer by this definition does not include a semi-tractor trailer, commercial vehicle as defined in this chapter, or a trailer with a registered gross weight over 12,000 pounds.
TRANSIENT MERCHANT. A person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty store front for the purpose of exposing or displaying for sale, selling, or attempting to sell, and delivering, goods, wares, products, merchandise or other personal property and who does not remain or intend to remain in any one location for more than 14 consecutive days. The term transient merchant does not apply to mobile food unit, as defined in §§ 114.03 and 152.107.
TRANSIENT SALES. The informal or temporary sale of items, such as rugs, Christmas trees, flowers and plants, pumpkins, and fruit and beverages, by persons other than the owner or occupant of the premises.
TRANSPORTATION PLAN. A chapter or element of the Comprehensive Plan, as amended from time to time, that describes the existing and planned transportation related facilities and policies of the city.
TRUCK OR MOTOR FREIGHT TERMINAL. A loading dock facility allowing truck freight operators to redistribute loads of their truck fleets at an intermediate transfer point. These facilities are primarily used for staging loads and possess very little, if any, indoor storage area.
TWO STORY. A single-family dwelling unit which is almost entirely a full two stories in height at or above the front entry elevation.
USE. The purpose or activity for which a property or structure is designed, arranged, or intended or for which

it is or may be occupied or maintained.
USE, ACCESSORY. A use subordinate to and serving the principal use or structure on the same lot and incidental to such principal use.
USE, CONDITIONAL. A use that may be allowed in a particular zoning district only upon demonstration that the use and its operation will be compatible with the surrounding area and will comply with all standards of this chapter. The city may impose additional conditions above those specified in this chapter in specific instances to protect the public health, safety or welfare and to ensure compatibility with the surrounding area.
USE, INTERIM. A use of property that is consistent with the city's comprehensive plan and zoning ordinance, which may exist temporarily until a particular date or until an occurrence of a particular event deemed by the City Council.
USE, PERMITTED. Any use that is allowed by this chapter and subject to the restrictions of the zoning district and this chapter.
USE, PRINCIPLE. The main use of land or buildings as distinguished from accessory uses. UTILITY WIND TURBINE. A wind turbine of more than 100 kW nameplate generating capacity.
VEHICLE. Any vehicle, motor vehicle, semitrailer, or trailer as those terms are defined in M.S. § 169.01, as it may also be amended from time to time, including pioneer, classic collector, and street rod vehicles. It also includes, without limitation, automobile, truck, trailer, motorcycle, and tractor.
VERTICAL AXIS WIND TURBINE. A type of wind turbine where the main rotor shaft runs vertically.
WETLAND. Land transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is
covered by shallow water, as defined in Minnesota Statue, Section 103G.005
WHOLESALE LICENSE AUTO DEALER. May sell vehicles to licensed dealers only with no outdoor display or any storage on site.
WIND ENERGY CONVERSION SYSTEM (WECS). An electrical generating facility that consists of a wind turbine, feeder line(s), associated controls and may include a tower.
WIND TURBINE. Any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture the wind.
WIRELESS COMMUNICATION SERVICE PROVIDER. Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.
XERISCAPING. A landscaping method that uses plants that have low water requirements, making them able to withstand extended periods of drought without irrigation. Xeriscaping landscapes are a conscious attempt to develop plantings which are compatible with the environment and make a conscious effort to minimize use of water.
YARD. An open space unobstructed from the ground upward except for landscape materials and minor fixtures of a non-structural nature commonly found in a yard. The front yard, side yard and rear yard shall have the following meanings:

(A) Yard, Front. The area between the front lot line and a line drawn along the front face or faces of the principal structure on the property and extended to the side property lines. Where a lawful existing garage is located closer to the front lot line than the principal structure, the front yard is the area between the front lot line and a line drawn along the front face or faces of the principal structure to the perpendicular line following the accessory structure to the front face of the accessory structure and extended to the side property line. For properties where the front yard definition is not applicable, the city will determine the front yard area.

(B) Yard, Rear. The area between the rear lot line and the closest portion of the principal structure and abutting the side and front yard.

(C) Yard, Side. The area extending from the front yard to the rear yard along a side lot line measured perpendicularly from the side lot line to the closest point of a structure.

ZERO LOT LINE. A setback where one or more of building's sides rests directly on a lot line and shares a common wall with one or more buildings.
ZONING DISTRICT, UNDERLYING. The official district supporting and further regulated by a zoning overlay district.
ZONING MAP. The official map that is part of this chapter and delineates the geographic boundaries of zoning districts.
ZONING ORDINANCE AMENDMENT. A text change to this chapter or a map change to the official zoning or

zoning overlay map that the City Council has authorized.
ZONING OVERLAY MAP. The official map that is part of this chapter and delineates the geographic boundaries of zoning overlay districts.

SECTION 2. ADMINISTRATION AND ENFORCEMENT

§152.200 PURPOSE.

This article establishes the administration and enforcement powers of this chapter.

§152.201 CITY MANAGER.

The City Manager may designate such additional persons as necessary to administer and enforce this chapter. In addition to the duties defined elsewhere in City Code, the duties of the City Manager include:

(A) Oversee the creation and maintenance of permanent and current records of this chapter, including, but not limited to, all maps, amendments, conditional uses, variances, appeals, applications, permits, and other records required by law.

(B) Oversee the receiving and forwarding of all applications, including but not limited to, zoning amendments, conditional uses, variances, and appeals.

(C) Interpret the application and provisions of this chapter, which may be appealed to the Planning Commission pursuant to the procedures in §152.302.

(D) Serves as a liaison to the Planning Commission and is responsible for the preparation of application for zoning related matters, the preparation and submission of public hearing notices to the official newspaper, the preparation of reports and other information for Planning Commission and City Council meetings and enforces all zoning regulations, provisions and conditions pertaining to the approval of applications by the Planning Commission and City Council.

§152.203 ENFORCEMENT AND PENALTIES.

(A) Enforcement: The City Manager may in the name of the City of Brooklyn Park take any appropriate actions or proceedings to enforce this chapter. These actions may include, but are not limited to:

(1) Conduct periodic inspections of buildings, structures, and use of land to determine compliance with terms of this chapter.

(2) Notify, in writing, any person responsible for violating a provision of this chapter, indicating the nature of the violation and ordering the action necessary to correct it and a time frame for compliance.

(3) Order discontinuance of illegal use of land, buildings, or structures; order removal of illegal buildings, structures, additions or alteration; order discontinuance of illegal work being done; or take any other legal action as may be necessary to ensure compliance with or to prevent violation of its provisions, including cooperation with the City Attorney in the prosecution of complaints.

(4) The City Manager has the authority to issue stop work orders of any and all site improvement activities when and where a violation of the provisions of this chapter has been documented.

(B) Penalties. The City Manager may institute in the name of the City of Brooklyn Park any appropriate legal actions or proceedings against a violator of this chapter. Any person who violates, fails to comply with or assists, directs or permits the violation of any provision of this chapter or who knowingly makes or submits any false statement or document in connection with any application or procedure required by this chapter is guilty of a misdemeanor. Any person who violates, fails to comply with or assists, directs or permits the violation of any performance standard of this chapter must reimburse the city or its agent for the actual cost of the tests, measurements or other procedures necessary to demonstrate such violation.

§152.204 EASEMENTS

(A) No private buildings, structures, or uses may be in or on any easements, except fences or retaining walls and public or quasi-public facilities regulated by City Franchise, or other provisions of the City Code.

(B) The City Council may grant an encroachment agreement if it is determined to be appropriate for the structure and if it is not detrimental to the operation of the easement.

§152.205 NONCONFORMITIES

(A) Authority. This section is pursuant to Minnesota Statutes §462.357.

(1) Nonconforming Uses. Except as otherwise provided by law, any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:

(a) The nonconformity or occupancy is discontinued for a period of more than one year; or

(b) Any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged. In this case, reasonable condition may be imposed upon a zoning or building permit to mitigate any newly created impact on adjacent property or water body.

(c) Any established use legally existing prior to adoption of this ordinance and which is herein classified by this Chapter as requiring a Conditional Use Permit may be continued in like fashion and activity. Any change to such a use shall require a new Conditional Use Permit be processed according to §152.305.

(d) Any established use legally existing prior to adoption of this ordinance and which is herein classified by this Chapter as requiring an Interim Use Permit may be continued in like fashion and activity. Any change to such a use or building shall require a new IUP be processed according to §152.306

(B) Nonconforming structures. Expansion of an existing nonconforming structure, reconstruction of a partially destroyed nonconforming structure, or other intensification of a site may be subject to § 394.36, Minn. Stats.

(1) Nonconforming principal structures may not be enlarged or altered in a way that increases their nonconformity unless in compliance with the following:

(a) Expansion or alteration of buildings found to be nonconforming only by reason of height, setback or lot area may be permitted, provided the structural nonconformity is not increased and the expansion complies with the performance standards of this chapter.

(b) Legal nonconforming single-family and two-family dwellings may be expanded or altered to improve the livability provided the nonconformity of the structure is not increased.

(c) The expansion or alteration must follow the requirements of §152.300 through 152.311.

(2) A nonconforming structure which has deteriorated or is damaged to the extent of 50% or more of its market value (excluding land value) as determined by the City Manager may be replaced or reconstructed only in compliance with this chapter.

(3) Any non-conforming structure which is damaged to an extent of less than 50% of its value, excluding land, as determined by the City Manager may be restored to its former foundation footprint, structure height, and gross floor area if building permit is issued within six months of the date of documented damage.

(C) Nonconforming lot of record.

(1) Any lot which was legally created but became nonconforming due to changes in area or dimensional requirements because of the adoption of this chapter may be subject to the following:

(a) May be combined for tax purposes with a contiguous parcel or parcels but may not be re-subdivided into a nonconforming lot even if the division is consistent with the original lot configurations.

(b) If an owner has an interest in more than one lot of record contiguous to other lots of record, all such lots must be combined to meet the requirements of this section or the provisions of the zoning district in which the property is located, whichever is more restrictive. If sufficient contiguous property is held in one ownership to comply with the provision of the zoning district where the property is located, the zoning district provisions will apply. In no circumstances will there be approval of any proposal for multiple lot developments based upon lots of record, and not conforming with the provisions of the existing zoning district.

(c) A vacant lot may be used for a single-family detached dwelling (if permitted by the district

regulations), if the lot area or width measurements meet at least 75% of the requirements for both the lot area and width requirements.

(d) Additions to principal or accessory buildings or structures located on nonconforming lots may be permitted provided that any such addition will meet all minimum setback requirements of the zoning district in which it is located.

(e) If the lot is nonconforming due to public action after the lot was created or has no buildable area outside the floodplain or critical area overlay setbacks, then no variance may be required for the reconstruction of a single-family dwelling on a non-conforming lot that is damaged to the extent of 50% or more of its market value (excluding land value), so long as the replacement dwelling has a footprint, building height and gross floor area size equal to that of the destroyed dwelling.

(D) Nonconforming site improvements.

(1) If nonconforming uses, structures, or buildings suffer damage to at least 50% of the value of the structure excluding land, as determined by the City Assessor, or the property owner applies for a building addition or an accessory structure amounting to 25% of the value of the principal structure, the site must be brought into conformance with the requirements of this chapter. At no time will a building or grading permit be issued if the proposed construction will increase any nonconformity on the site.

(2) Upon any change in occupancy, nonconforming paved parking areas may continue to be used without improvement if the number of parking spaces supplied remains adequate according to the regulations in this chapter, and the paved surface has not, in the city's judgment, deteriorated so as to be beyond repair. If the parking lot cannot be repaired for the new occupancy, then the parking lot surface must be replaced or otherwise brought into compliance with this chapter.

(3) A building permit may be issued for a portion of a multiple occupancy building without bringing the existing site improvements for the entire property into compliance with this chapter so long as no non-conformity is increased. If a multiple occupancy building becomes completely vacant, its site improvements must be brought into compliance with this chapter prior to any future occupancy.

(4) When expansion of existing sites occurs, the newly constructed portion of the site improvements must fully comply with all of the requirements of this chapter, unless the expansion portion of the property contains physical limitations that make full compliance unfeasible, then site plan review shall be required to determine the level of compliance required as approved by the Planning Commission and City Council.

(E) Nonconformities in the Flood Hazard Overlay.

(1) Structures in the designated floodway may be considered nonconforming uses.

(2) All reconstruction in the Flood Hazard Overlay must comply with Minnesota Rules parts 6120.5000 – 6120.6200. The only acceptable method of elevating the lowest floor, including the basement (as defined for the Flood Hazard Overlay), is with the placement of earthen materials (fill). Other methods require a variance.

(3) Reconstruction commences within one year of the date of the destruction of the original building and reasonable progress must be made in completing the project for this division to be applicable. A building permit must be obtained prior to construction of the new dwelling and the new structure must be constructed in compliance with all other City Codes regulations.

§152.206 NUISANCES

(A) No use may use or create noise, dust, vibration, odor, glare, electrical interference, fire hazards, garbage, hazardous chemicals that exceed standards published in the City Code, or by the PCA or Department of Health standards.

(B) No use may create traffic or parking congestion to a degree that cannot be proportionally accommodated by adjacent street or private driveways and garages,

(C) No use may create any other public health, safety or general welfare hazard or nuisance to any greater or more frequent extent than that usually experienced in an average dwelling unit or private garage, sewer, or water services under normal circumstances wherein no vocation or avocation exists in the zoning district where the vocation or avocation exists, except as superseded by state or county ordinance, statute, or law.

SECTION 3. APPLICATIONS AND PROCEURES

§152.300 PURPOSE.

The purpose of this article is to establish procedural requirements for processes enabled or required by this chapter, including amendments to the regulations of this chapter, zoning map amendments, site plans, conditional use permits, interim use permits, administrative permits, alternative compliance, variances, interpretations, appeals, and violations and penalties. This chapter also addresses development contracts, financial guarantees, and cash escrows related to development projects and applications.

§152.301 PUBLIC HEARINGS

(A) The following applications require a public hearing:
  (1) Conditional use permits, amendments, and revocations.
  (2) Interim use permits.
  (3) Site plans, except those eligible for administrative review per §152.303(G).
  (4) Variances.
  (5) Zoning map or text amendments (Rezonings).
  (6) Concept, Development, and Regulating Plans.

(B) Notification. All applications requiring a public hearing must be advertised in the following manner:
  (1) Notice of the time, place, and purpose hearing must be published in the newspaper in general circulation in the municipality at least 10 days before the day of the hearing.
  (2) A similar notice must be mailed at least 10 days before the day of the hearing to each owner of affected property and property situated completely or partly within 350 feet of the subject property.

§152.302 GENERAL PROCEDURES.

Applications. The City Manager determines if the required information is complete. If the information is determined to be incomplete, such that a thorough review of the application is not possible, the item may not be placed on the Planning Commission or City Council agenda for consideration until the required information is submitted. The applicant will be notified within ten days following the receipt of the application describing the information that is missing.

(A) Application requirements.
  (1) Notification. All applications for development proposals requiring a public hearing must be advertised to allow informed participation by all interested parties and conform with the applicable state statute. The City Manager may maintain copies of the city policy concerning notification.

(B) Planning Commission and City Council action.
  (1) The Planning Commission may recommend such actions or conditions relating to the application as it deems necessary to carry out the intent and purpose of this chapter and the Comprehensive Plan.
  (2) The City Council may adopt, modify or reject any recommendation of the Planning Commission.
  (3) At any time before final action is taken on an application, the applicant may request a continuance of action by the Planning Commission and City Council, or withdraw the application by submitting a letter to the City Manager stating the applicant's desire to do so. Any portion of fees spent in the processing of the application may be retained by the city. The City Manager may establish a time limit on any continuation.

(C) Appeals. This division is established to allow those aggrieved by the decision of the City Manager to attempt to remedy the grievance by appealing the decision to the City Council. Any unresolved dispute as to an administrative interpretation of City Code, ordinance, or policy requirements may be appealed to the Planning Commission in its role as the Board of Adjustments and Appeals subject to §§ 31.15 through 31.19 of the City Code. The appeal must be submitted in writing to the City Manager on or before the next application filing deadline for a Planning Commission meeting.

(D) Re-submitting denied applications. No application which has been denied wholly or in part may be resubmitted for at least one year from the date of its denial, unless substantial changes have been made which warrant reconsideration, as determined by the City Manager.

(E) Expiration of action. Unless otherwise specified in this Chapter, or as approved by the City Council, the approved applications for projects become null and void by December 31 of the year following

the date of its approval, unless the property owner or applicant has begun construction of any building, structure, addition or alteration, or use as evidenced by the issuance of a building permit or grading permit in compliance with the approved plan. The property owner or applicant has the right to submit an application for a time extension in accordance with this chapter.

(F) Request for time extensions.

(1) A request for a time extension may be considered by the City Manager. Time extensions must be submitted to the City Manager prior to the expiration of a final action by the City Council. If an action has officially expired, no time extension may be granted. If the time extension request is delayed in the review process and, through no fault of the applicant, cannot be reviewed by the City Manager as anticipated, the request may proceed through the process to final resolution without jeopardy. The applicant may request a maximum of one time extension. Time extensions are valid for a maximum of one year from the original expiration date.

(2) The request may be reviewed with consideration of the following:

(a) The Comprehensive Plan or any other city plan.

(b) City policy changes.

(c) Transportation conditions.

(d) Applicable changes to any city, county, state or federal statutes, rules, requirements, or ordinances.

(e) Park dedication fees and other financial guarantees may be redetermined as required by City Code to the date of approval of the extension.

(f) Any negative escrow accounts from previous reviews must be paid and the escrow account must be updated to current minimum requirements prior to the City Manager's consideration of the extension.

§152.303 SITE PLAN.

(A) Purpose. This section establishes site plan review procedures and provides regulations pertaining to the enforcement of site design standards consistent with the requirements of this chapter. These procedures are established to promote high quality development and enhance the built and natural environment within the city as new development and redevelopment activities occur.

(B) Applicability. Site plan approval is required for the following development:

(1) Construct a structure.

(2) Relocate a structure from one property to another in the city.

(3) Expand or change the use of a building or parcel of land or modify a building, accessory structure or site or land feature in any manner that results in a different intensity of use, including the requirement for additional parking.

(4) Grade or take any action to prepare a site for development, except in conformance with the requirements for a grading permit, an approved neighborhood development plan or an approved conditional use permit.

(5) Remove earth, soils, gravel, or other natural material from or place the same on a site, except in conformance with the requirements for a building or grading permit or an approved neighborhood development plan or an approved conditional use permit.

(C) Exemptions. The following are exempt from the site plan review process:

(1) Agricultural structures in the UR Urban Reserve district provided they comply with all other code provisions.

(2) Accessory structures in residential zones under 200 square feet and 18 feet in height or the height of the principal structure, whichever is less, provided they comply with all other code provisions.

(D) Review authority. Except in cases of administrative site plan review per §152.303(G), the Planning Commission and City Council shall have the review and approval authority to approve a site plan.

(E) Conditions. The City Council may impose conditions that affect the intent of this chapter to the approval of a site plan review.

(F) Modification to approved site plan. A modification to plans previously approved through the site plan review process that do not qualify for an administrative Site Plan Review under §152.303(G) must

follow the City Council approved site plan review procedure.

(G) Administrative site plan review. Sites plans shall be reviewed by the City Manager in lieu of City Council approval if they meet the following criteria, except as otherwise expressly provided in this chapter:

(1) Residential properties with one dwelling unit per parcel that comply with the approved plan.

(2) Modifications or expansions of parking lots or driveways.

(3) Sites, buildings and uses that are permitted in the zoning district and do not require variances from this chapter or any other city code, except for the following:

(a) Nonresidential uses in or adjacent to a residential district.

(b) Uses with drive-through service.

(c) Uses in the Public Institution District (PI).

(d) Religious institutions, either free-standing or within a multi-tenant building.

(e) Projects that received a conditional use permit or are in a special zoning overlay.

(f) Public and private elementary and secondary schools, including charter schools.

(4) Procedure.

(a) Administrative site plan review may be combined with the established building permit process when applicable. The City Manager may impose conditions on the approval to implement the intent of this chapter.

(b) Administrative approval, including all applicable conditions and requirements, may be made either in writing separately or attached to the submitted plans. The applicant must fulfill all applicable conditions of the approval prior to the issuance of any permits.

(H) Term of approval.

(1) If application has not been made for final site plan review for all or part of the property within the development plan 365 days following the date of its approval, the development plan approval will lapse unless the applicant requests an extension of that approval. An extension may be valid for one year and may be approved by the City Council.

(2) If no construction has occurred on the property included within the development plan within 365 days following the date of final site plan approval, approval for the development plan will lapse unless an extension has been approved by the City Council. An extension may be valid for one year and may be approved by the City Council.

(I) Conformance to the approved site plan. All developments must remain in continual conformance with the approved site plan review until or unless amended in compliance with this chapter.

§152.304 CONCEPT, DEVELOPMENT, AND REGULATING PLANS

(A) *Purpose*. This section is to establish procedures, and regulations for the adoption and enforcement of concept, regulating and development plans consistent with the requirements of this chapter. These procedures are established to promote high quality development to ensure the long-term stability of mixed uses and enhance the built and natural environment within the city as new development and redevelopment activities occur. The specific goals of these plans are:

(1) To ensure the application of quality design principles within new and redevelopment projects.

(2) To ensure the active participation and review of site plans by the affected public.

(3) To mitigate to the extent possible, the impact of one development upon another.

(4) To ensure new developments contain elements of internal and external cohesiveness to promote good neighborhood atmosphere.

(B) *Procedures*. All requests for concept, regulating, or development plan approval must include the following items:

(1) Grading plan, including drainage and storm water management plans.

(2) Utility plan.

(3) Landscaping plan.

(4) Placement of buildings, parking lots, driveways, pedestrian connections, drainage areas, and amenities.

(5) Public rights-of-way.

(6) Illustrative architectural designs. This plan will show the general architectural style or parameters in which all buildings within the plan will follow.

(7) Sign plan. This plan will articulate the location of all monument and directional signage, as well as a calculation of the maximum signage on the proposed structures.

(8) Additional information as required by the zoning district in which the development will occur.

(9) A narrative containing the following information:

(a) Anticipated mix of uses and approximate area/ number of each use.

(b) Anticipated completion schedule.

(C) Environmental review may be necessary as required by Minnesota Rules Chapter 44110. The environmental review and development plan review process may run concurrently with each other, provided that final approval of the plan does not precede the City Council's approval of the environmental review.

(D) In addition to the other application materials, the applicant provides a general plan of development, consisting, at a minimum, of the components specified in the district provisions and those required for a Conditional Use Permit in compliance with § 152.035. The city has the right to approve, or refuse items in the application.

(E) Amendments and revocation must follow the procedures for Site Plan Review and revocations as outlined in § 152.033.

(F) Duration. A concept, regulating or development plan is in effect for five years from the date of approval.

§152.305 CONDITIONAL USE PERMIT

(A) Purpose. Pursuant to Minn. Stats. § 462.3595, the purpose of this section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed conditional uses.

(B) Applicability. Only the specific uses classified as "conditional" in the zoning district where the property is located may qualify for a conditional use permit.

(C) Review authority. The Planning Commission shall review and make recommendation to City Council. The City Council shall have the review and approval authority to grant conditional use permits.

(D) Review standards. The Planning Commission and City Council shall consider the following factors when making its determination on a conditional use permit application.

(1) Consistency with the Comprehensive Plan.

(2) Traffic generation, volume, and safety associated with the use and driveway location on adjacent roads, sidewalks, and trail connections.

(3) The characteristics of the parking area of the use, including the number and design of parking spaces, landscaping, traffic circulation, drainage, and lighting.

(4) The provision of adequate public infrastructure to the site where the use is proposed.

(5) The ability to screen and buffer incompatible off-site impacts of the proposed use on adjacent property and the surrounding neighborhood.

(6) The degree that the site or building associated with the proposed use meets or exceed the architectural design standards for the district in which it is located.

(7) Compliance with any other applicable section of this chapter or the city code.

(E) Conditions. The Planning Commission may recommend, and the City Council may impose, reasonable conditions relating to this chapter. Such conditions must be related to the purpose of the ordinance and be based on factual evidence. The City may, however, impose conditions that are additional to or above those standards contained in this Chapter.

(F) Permit issuance. Conditional use permits shall be issued by resolution of the City Council and shall include the legal description of the property included.

(G) Recordation. A certified copy of all conditional use permits shall be recorded with the Hennepin County recorder prior to issuance of a building permit.

(H) Construction. No building or grading permit can be issued except in compliance with the conditions of the conditional use permit.

(I) Duration. The conditional use permit remains with the property as long as the property and use comply with the conditions attached to the permit by the City Council.

(J) Certification. Upon request by the City Manager, the holder of a conditional use permit certifies that the use, building, and site are in conformance with the conditional use permit and city codes, in conjunction with §152.205. The City Manager may maintain copies of the city policy concerning certification.

(K) Revocation.

(1) The City may revoke a conditional use permit if there is not substantial compliance with conditions. The revocation must be based upon factual evidence, after appropriate notice and public hearing per §152.302.

(2) If the city finds that exigent circumstances exist requiring immediate permit revocation, the city may revoke the permit and provides a post revocation hearing before the City Council not more than 15 days after holder's receipt of written notice of the hearing. Following such hearing, the City Council may sustain or rescind the revocation, or may impose such other and further discipline as it deems appropriate.

(3) Any decision to impose a penalty or other discipline must be in writing and supported by substantial evidence contained in a written record.

(L) Amendment. Holders of a conditional use permit may propose amendments to the approved permit at any time, subject to the procedures of § 152.302, except where administrative site plan review may be granted as outlined in §152.303(G).

(M) Changes in zoning classification. In the event a property is rezoned to a district where the use becomes permitted, or a text amendment makes the use permitted in the zoning district, the conditional use permit is voided.

§152.306 INTERIM USE PERMIT

(A) Purpose. The purpose of interim use permits is:

(1) To allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction.

(2) To allow a use that is presently judged acceptable by the City Council, but that with anticipated development or redevelopment will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the respective district.

(3) To allow a use that complies with the Comprehensive Plan, provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.

(B) Applicability. An interim use permit applies to those uses that fit the criteria of subsection (A), above.

(C) Review standards. The Planning Commission and City Council shall consider the following factors when making its determination on an interim use permit application.

(1) The use conforms to the zoning regulations.

(2) The date or event that will terminate the use can be identified with certainty.

(3) Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
(4) The user agrees to any conditions that the governing body deems appropriate for permission of the use.

(D) Conditions. The Planning Commission may recommend, and the City Council may impose, reasonable conditions relating to this chapter. Such conditions must be related to the purpose of the ordinance and be based on factual evidence. The City may, however, impose conditions that are additional to or above those standards contained in this Chapter.

(E) Duration. An interim use permit shall terminate on the happening of any of the following events, whichever occurs first:
(1) The date stated in the interim use permit.
(2) Upon violation of conditions under which the permit was issued.
(3) Upon change in the city's zoning regulations, which render the use nonconforming.
(4) The redevelopment of the use and property.

(F) Changes in zoning classification. In the event a property is rezoned to a district where the use becomes permitted, or a text amendment makes the use permitted in the zoning district, the interim use permit is voided.

§152.307 VARIANCE

(A) Purpose. Pursuant to Minn. Stat. Sec. 462.357, subd. 6, as it may be amended from time to time, the City Council, acting as a Board of Appeals and Adjustments, may issue variances from the provisions of this zoning code. A variance is a modification or variation of the provisions of this zoning code as applied to a specific piece of property.

(B) Review Standards.
(1) Variances shall only be permitted:
(a) When they are in harmony with the general purposes and intent of the ordinance.
(b) When the variances are consistent with the Comprehensive Plan.
(2) Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that:
(a) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.
(b) The plight of the landowner is due to circumstances unique to the property not created by the landowner.
(c) The variance, if granted, will not alter the essential character of the locality.
(d) Economic considerations alone do not constitute practical difficulties.
(e) Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

(C) Conditions. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance. No building permit may be issued except in compliance with the conditions of the variance.

(D) Variances for Communication Towers.
(1) Initial criteria. The City Council may grant a variance to the setback, separation or buffer requirements, and/or maximum height provision of this subdivision based on the criteria set forth elsewhere in this chapter.
(2) Additional criteria. In addition to taking the criteria set forth in §152.1025 into consideration, the City Council may also grant a variance if the applicant demonstrates with written or other satisfactory evidence that:
(a) The location, shape, appearance or nature of the use of the proposed tower will not substantially detract from the aesthetics of the area nor change the character of the neighborhood in which the tower is proposed to be located.
(b) The variance will not create a threat to the public health, safety, or welfare.
(c) If the request is for a modification to the setbacks, the size of the parcel upon which the tower is

proposed to be located makes compliance impossible, and the only alternative for the applicant is to locate the tower at another site that poses a greater threat to the public health, safety or welfare or is closer in proximity to residentially zoned land.

(d) If the request is for a modification of separation requirements, the applicant must provide technical evidence from an engineer that the proposed tower and antennas must be located at the proposed site in order to meet the coverage needs of the applicant's wireless communications system. The applicant must also submit a landscape plan showing buffers to screen the tower base from being visible from a residential area.

(e) If the request is for modification of the maximum height limit, the applicant must provide evidence documented by a qualified professional engineer licensed by the State of Minnesota, showing the modification is necessary to facilitate collocation of telecommunication antennas and ground equipment to avoid the construction of a new tower, or to meet the coverage requirements of the applicant's wireless communications system.

§152.308 RESERVED

[RESERVED]

§152.309 ZONING TEXT AND MAP AMENDMENTS

(A) Purpose. This section specifies the procedures for text amendments to this chapter or the amendments to the official zoning map.

(B) Initiation. Amendments may be initiated by a simple majority of the City Council or Planning Commission. Any person owning property within the city, or their designated agent, may initiate an application to amend the district boundaries or designation on the official zoning map for property in which they have a real estate interest.

(C) Procedures. The procedures for application and public hearing of zoning amendment applications are described in §152.302.

(D) Effective date. Any amendment to this chapter adopted by the City Council may be effective 30 calendar days after its publication or at such later date as may be specified in the amendment.

§152.310 DEVELOPMENT CONTRACTS, FINANCIAL GUARANTEES, AND CASH ESCROWS

(A) Purpose. The purpose of a development contract is to guarantee satisfactory completion of public and private improvements and otherwise document the terms of subject development projects. The contract provides the city and the developer with assurances, thereby providing more certainty in the land development process.

(B) Development Contract.

(1) A development contract, incorporating any conditions or requirements imposed on the applicant must be executed by and between the City Council and the applicant before a building or grading permit can be issued for any development project that includes public off-site and private on-site improvements, including, but not limited to earthwork, erosion control, site utilities, curb, gutter, walks, paving, striping, landscaping, irrigation, sign monuments and site lighting.

(2) The development contract shall be prepared by the city and may be reviewed by the City Attorney. The agreement shall define the required work, reflect the terms, and guarantee the performance of the work by the applicant.

(C) Escrow.

(1) An engineering/administrative escrow must be paid and held in a non-interest-bearing city escrow account to be used to cover costs of city services, expenses, and materials provided in reviewing and processing an application. This includes, but is not limited to staff time, legal expenses incurred in the application approval, office and field checking, and similar expenses.

(2) For projects that include public off-site improvements, the engineering/administrative escrow must be 6.5% of the estimated costs of the project, but not less than $1,000. For projects with only on- site private improvements, the cash escrow account shall be 3% of the estimated project cost but not less than $1,000.

(3) If at any time the balance of the engineering/administrative escrow account is depleted to less than 5%

of the originally required cash escrow amount, the applicant must deposit additional funds in the account sufficient to cover all costs to be incurred by the city.

(D) Financial Guarantee.

(1) Any financial guarantee required by the development contract guarantees conformance and compliance with the conditions of the application approval and the ordinances of the city. If the conditions are not met, the financial guarantees may be forfeited to the city to cure the default or reimburse the city the cost of enforcement measures.

(2) The amount of the financial guarantee must be established by the city, based upon an itemized estimate of the cost of all required work as documented by the applicant.

(a) An irrevocable letter of credit or similar financial security as approved by the City Attorney must be posted with the city in the amount of 95% of the approved estimated cost. This financial security must be automatically renewed and shall not expire until released by the city.

(b) The remaining 5% of the approved estimated costs must be posted with the city in cash to be held in a non-interest-bearing city account.

(3) Upon completion and city acceptance of the project, any remaining financial securities must be returned to the depositor by the Finance Department after all claims and charges have been paid and following approval by City Council.

(a) If part of a project has been completed, inspected, and accepted by the city, the financial securities posted may be reduced by the city and partial payment be returned to the applicant.

(b) Landscaping improvements may not be deemed complete until the city has verified survivability of all required plantings through two winter seasons, which is defined for the purpose of this chapter as October 31 through May 31.

(4) The city may hold the financial guarantee until the project is completed and approved by the city.

(a) The financial guarantee can only be released by the City Council.

(b) Periodically, the amount of the financial guarantee may be reduced by the City Council based on the projects progress, as determined by the city.

(c) Reduction and release actions will only be initiated after proper request from the applicant.

(5) Failure to comply with the conditions of the application approval, the development contract, or a city ordinance may result in forfeiture of the financial guarantee to the extent necessary to achieve the project's total compliance with the approved site plan.

§152.311 RELOCATING STRUCTURES

All relocated structures must meet the requirements of the district in which they will be located. In addition, the applicant provides the following:

(A) A report from the Building Official which specifies, at a minimum:

(1) The improvements to the house that may be required for the structure to meet all applicable, current codes, based on an inspection.

(2) If the applicant's submitted plans will successfully meet the required improvements.

(3) If the sewer and water connections have been plugged or discontinued at the curb line or at the main and that all other hazards have been eliminated.

(B) Evidence that all taxes and sewer and water charges have been paid against the property the structure is being relocated.

(C) A signed development contract stating that the applicant has agreed to complete the necessary changes specified by the City Manager within a period of one year, and a performance bond or cash deposit in compliance with §152.310.

(D) Evidence that the applicant has secured the necessary permits or permission for the displacement of any overhead electrical or other wires from the person, association, or corporation that owns, operates, or controls the wires.

(E) Evidence that the applicant or their designated person, firm or corporation engaged in moving structures has a license, in compliance with Section 445, before moving any structure over streets controlled by the City of Brooklyn Park.

§152.312 SPECIAL EVENT PERMIT

(A) Purpose. Provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed events or activities.

(A) Review authority. The City Manager shall have the review and approval authority to grant special event permits.

(B) Review standards. The City Manager may consider possible adverse effects of the proposed events or activities based on the following factors:

(1) Compliance with and effect upon the Comprehensive Plan.

(2) Compliance with 152.905(G).

(3) The establishment, maintenance, or operation of the event or activity will not be detrimental to or endanger the public health, safety, morals, or comfort.

(4) The event or activity will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

(5) The establishment of the event or activity will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

(6) Adequate public facilities and services are available or can be reasonably provided to accommodate the event or activity which is proposed.

(7) The event or activity may, in all other respects, conform to the applicable regulations of the district in which it is located as outlined in the applicable sections of this chapter.

(8) The event or activity and site conform to the performance standards as outlined in the applicable provisions of this chapter.

(C) Permit issuance.

(1) The City Manager shall approve or deny the special event permit within 30 days from the date of submission of a complete application.

(2) A written permit may be issued when a determination of compliance has been made. Specific conditions to assure compliance with applicable evaluation criteria, codes, ordinances, and the standards of this chapter must be attached to the permit.

(3) Determination of the applications noncompliance with applicable codes, ordinances, and the standards in this division shall be communicated to the applicant in writing and the application for the permit may be considered denied, unless, within 10 days of the date of such notice, the applicant submits revised plans and/or information with which the City Manager is able to determine compliance.

(D) Revocation. A special event permit may be revoked by the City Manager or by an officer of the Brooklyn Park Police Department if it is determined that the applicant has violated any conditions of the administrative permit, any applicable provisions of the City Code, or any applicable provisions of state or federal law.

ARTICLE 2. ZONING DISTRICTS

SECTION 1. ESTABLISHMENT OF ZONING DISTRICTS

§152.400 PURPOSE.

The area located within the jurisdiction of this chapter is hereby divided into zoning districts of such number as is necessary to achieve compatibility of land uses within each district, to implement the Comprehensive Plan, and to achieve the other purposes of this chapter.

§152.401 ZONING DISTRICTS.

For the purpose of this chapter, all areas within the jurisdiction of this chapter are hereby divided into the following zoning districts:

(A) Residential Districts. The residential districts are intended to balance housing type, choice, affordability, connectivity, style, and promote neighborhood stability and livability. The following

residential zoning districts are hereby established within the City of Brooklyn Park.

(1) UR Urban Reserve District.
(2) R-1 Detached Single-Family District.
(3) R-2 Detached Single-Family District.
(4) R-3 Detached Single-Family and Two-Family District.
(5) R-4 Multiple Family Residential District.
(6) R-5 Multiple Family Residential District.

(B) Nonresidential Districts. The business districts as a whole are designed to balance the community need for employment opportunities, goods, services, and tax base diversification with their impact on neighboring uses. The following business zoning classifications are hereby established within the City of Brooklyn Park.

(1) B-1 Office Park District.
(2) B-2 Neighborhood Business District.
(3) B-3 General Business District.
(4) B-4 Vehicle Sales and Showroom District.
(5) BP Business Park District.
(6) I General Industrial District
(7) PI Public Institution District
(8) OP Open Space and Parks District

(C) Mixed Use Districts.

(1) LW Live Work District
(2) NMU Neighborhood Mixed Use District
(3) MU Mixed Use District
(4) TOD-C Transit Oriented Development – Center District
(5) TOD-E Transit Oriented Development – Employment District
(6) TOD-G Transit Oriented Development – Greenfield District

(D) Overlay Districts.

(1) CA Crystal Airport
(2) FHO Flood Hazard Overlay
(3) MRCCA Mississippi River Corridor Critical Area Overlay
(4) PD Planned Development Overlay
(5) PPOD Pedestrian Priority Overlay District

§152.402 ZONING MAP.

(A) This chapter divides the city into use districts and establishes regulations in regard to location, erection, construction, re-construction, alteration, and use of structures and land. The location and boundaries of the districts established by this text are set forth on the Zoning Map or the Zoning Overlay Map entitled “City of Brooklyn Park Zoning Map” and the “City of Brooklyn Park Zoning Overlay Map,” and referred to as the “Zoning Map” and the “Zoning Overlay Map.” Both maps are on file with the City Manager. The Zoning Map and the Zoning Overlay Map and all the notations, references and other information shown on them have the same force and effect as if fully set forth in this chapter and made a part of this chapter by reference.

(B) The district boundary lines on the Zoning Map are intended to follow street right-of-way lines, the center line of streets, or lot lines unless a boundary line is otherwise indicated on the map. In the case of unsubdivided property or in any case where street or lot lines are not used as boundaries, the district boundary lines may be determined by use of dimensions or the scale appearing on the map.

(C) All Flood Hazard Overlay boundary decisions will be based on elevations on the regional (100-year) flood profile and other available technical data. Persons contesting the location of the district boundaries may be given a reasonable opportunity to present their case to the Board of Appeals and Adjustments and to submit technical evidence as defined in §152.302(D).

SECTION 2. RESIDENTIAL DISTRICTS

§152.500 UR URBAN RESERVE DISTRICT

(A) The “UR" Urban Reserve District is intended to provide the following:

(1) The orderly phasing and development of land until city services, including sanitary sewer, storm sewer, and water, are extended into the area in compliance with the Comprehensive Plan.

(2) A district for uses that typically require significant amounts of open land area such as athletic and cultural facilities, country clubs, government buildings, educational uses, and land reclamation.

(3) Short-term agriculture uses, very low-density residential uses, and those accessory uses customarily incidental to them.

(B) The district may be applied only to those areas guided as an urban reserve area in the Comprehensive Land Use Plan.

§152.501 R-1 DETACHED SINGLE-FAMILY ESTATE DISTRICT

(A) The “R-1" Detached Single-Family Estate District is intended to provide a district which allows for larger lot detached single-family dwellings and for uses customarily incidental to them.

(B) This district may be applied only to those areas guided for low density residential development on the Comprehensive Plan Future Land Use Map.

§152.502 R-2 DETACHED SINGLE-FAMILY DISTRICT

(A) The “R-2" Detached Single-Family District is intended to provide a district which allows for smaller lot detached single-family dwellings and for uses customarily incidental to them.

(B) This district may be applied only to those areas guided for low density residential development on the Comprehensive Plan Future Land Use Map.

§152.503 R-3 DETACHED SINGLE-FAMILY AND TWO-FAMILY DISTRICT

(A) The “R-3" Detached Single and Attached Two-Family District is intended to provide a district which allows for detached single and attached two-family dwellings and for uses customarily incidental to them.

(B) This district may be applied only to those areas guided for medium density residential development on the Comprehensive Plan Future Land Use Map.

§152.504 R-4 MULTIPLE FAMILY DISTRICT

(A) The “R-4" Multiple Family District is intended to provide a district which allows for three story multiple family structures or attached townhomes and for uses customarily incidental to them.

(B) This district may be applied only to those areas guided for medium or medium-high density residential development on the Comprehensive Plan Future Land Use Map.

§152.505 R-5 MULTIPLE FAMILY DISTRICT

(A) The “R-5" Multiple Family District is intended to provide a district which allows for multiple family dwellings three stories or taller and for uses customarily incidental to them.

(B) This district may only be applied to those areas guided for high density residential development on the Comprehensive Plan Future Land Use Map.

§152.506 RESIDENTIAL DISTRICT LOT AREA AND DIMENSIONAL REQUIREMENTS

(A) Purpose. The purpose of this section is to establish minimum area and dimensional requirements for residential properties to allow conformance with the residential densities and policies of the Comprehensive Plan, promote open space around structures, provide green area and space for enjoyment by residents, and protect public easements.

(B) General Requirements. The following standards are established for all lots in the residential zoning districts.

(1) Lot area, width, and coverage.

(a) No required lot area, yard, or open space allocated to a structure or lot in compliance with this chapter may be used to satisfy the minimum lot area, yard, or open space requirement for any other structure or lot, unless modified by this chapter.

(b) The minimum lot areas and lot widths contained in this section do not apply to lot splits along the common wall where an existing two-family dwelling is being converted into two separate attached single-family dwellings.

Figure 152.506.1 Required Minimum Lot Area, Width, and Coverage in Residential Districts

District	Minimum lot area	Lot width in lineal feet as measured at the front setback	Maximum Impervious Area in front yards	Maximum building footprint
UR	20 acres	330 feet	40%	40%
R-1	9,750 square feet	75 feet	40%	40%
R-2	7,250 square feet	50 feet	40%	40%
R-3	5,000 square feet – Detached 3,600 square feet – Attached	60 feet (detached) 40 feet (per unit attached)	40%	40%
R-4	22,000 square feet for multiple family dwellings	100 feet	40%	40%
	3,600 square feet lot equivalent or average per unit for townhomes	N/A	40%	40%
R-5	22,000	120 feet	40%	40%

(2) Setbacks. Setbacks for each residential zone are defined in the Figure 152.506.2.

(a) All residential units must be constructed at the required setback or no more than 10 feet greater than the setback line as established in the respective zoning district. For infill development in residential neighborhoods that do not conform to these setbacks, the minimum setback line is the average depth of the adjacent properties.

(b) If an attached garage has living space constructed above it, the side setback must not be less than five feet on the garage side of the lot.

Figure 152.506.2 Required Setbacks in Residential Districts

District	Front Setback	Front Setback	Side Setback	Side Setback	Side Setback	Rear Setback	Rear Setback	Rear Setback
	Principal and "A" or "B" Minor Arterials	All other public streets	Interior Lots	Corner Lots - Along Principal and "A" or "B" Minor Arterials	Corner Lots - All other public streets when the adjacent lot does not front the side street	Principal, "A" and "B" Minor Arterial and Class I Collectors	All Other Public Streets and Interior Property Lines	Double Frontage Lots
UR	50 ft	25 ft	10 ft	50 ft	20 ft	50	30	Same as

R-1	50 ft	25 ft	7.5 ft	Front setback of the adjacent property	20 ft	50 ft	25 ft	the front setback of any adjacent residential zoned properties
R-2	50 ft	25 ft	10 ft		20 ft	50 ft	25 ft	
R-3	50 ft	25 ft	10 ft		20 ft	50 ft	25 ft	
R-4	50 ft	20 ft	10 ft		20 ft	50 ft	25 ft	
R-5	50 ft	10 ft	15 ft	25 ft	10 ft	10 ft	10 ft	10 ft
Note: Refer to §152.1000 for accessory structure setbacks.								

(3) Setback Encroachments.

(a) The following features may extend 3 feet into the minimum front, back, or rear setback, provided there is no encroachment into existing easements:

(i) Chimneys, flues, belt courses, sills, pilasters, lintels.

(ii) Ornamental features like cornices, eaves, bays, gutters, and other similar projections.

(b) Accessible building entrance components may encroach into the setback to meet the running slopes required by the Minnesota Accessibility Code.

(c) The following are considered a permitted encroachments into the front setback provided they extend no more than 6 feet beyond the setback line:

(i) Balconies and porches, steps, stoops, and the like provided they do not have a floor higher than the entrance floor to the building and are not enclosed with windows, screens, or the like, although they may have a roof.

(d) Sidewalks, driveways, and parking areas are not considered encroachments when in compliance with §152.1018.

(e) Handicap access ramps may encroach into the front setback to meet the running slopes required by the Minnesota Accessibility Code.

(f) The following may not be closer than 5 feet from interior lot lines and 20 feet from public rights-of-way unless further restricted elsewhere in this chapter:

(1) Accessory features, excluding retaining walls.

(2) Accessory structures.

(3) Driveways and vehicle parking areas.

(4) Solar collectors.

(5) Balconies, breezeways, gazebos, decks, patios.

(6) Screened porches, and three season porches.

(7) Private outdoor recreational equipment.

(C) Height.

Figure 152.506.3 Height Restrictions in Residential Districts

Use	**Maximum Height**
Single, Two-Family, and Townhome Dwellings	3 stories or 40 feet
Multiple Family Dwellings	6 stories or 75 feet
Non-Residential in a Residential District*	3 stories, or 40 feet
Exemptions**	Personal radio and television antennas, spires, bell towers, carillons, steeples, and flag poles
* May exceed height restriction by 150% as approved by City Council at time of approval of site plan review or conditional use permit upon satisfactory demonstration that the proposal includes mitigation of any off-site impacts. ** May exceed the three stories or 40 foot height limitations by 125% with a conditional use permit.	

§152.507 RESIDENTIAL DISTRICT LAND USES

(A) Purpose. Establish a listing of the permitted, conditional, accessory, and temporary uses for the residential zoning districts. The uses have been allocated to the individual districts to allow reasonable use of properties in a manner that is compatible with the purpose of each residential zoning district and the overall purpose of this zoning code and the code of ordinances.

(B) Principal permitted and conditional land uses for each residential zone listed in Figure 152.507.1. See §152.900 for additional performance standards for residential uses.

(C) Temporary uses must meet all requirements established in §152.902.Figure 152.507.1 Principal Uses in Residential Districts

P – Permitted A – Accessory
C – Conditional T - Temporary
NP – Not Permitted
* Additional standards required by Section 152.900 or as indicated in this table

Principal Use	UR	R-1	R-2	R-3	R-4	R-5
Single family (detached)	P	P	P	P	NP	NP
Two-family (attached)*	NP	NP	NP	P	P	NP
Townhouse (attached or detached)*	NP	NP	NP	P	P	P
Multifamily	NP	NP	NP	NP	P	P
Manufactured home park	NP	NP	NP	NP	C	NP
Care centers, convalescent homes, assisted living	NP	NP	NP	NP	C	C
Bed and breakfast establishment	C	C	C	C	NP	NP
Essential services	P	P	P	P	P	P
Day care facility (13-16 persons)	NP	NP	NP	NP	P	P
Farming and cultivation of agricultural products	P	NP	NP	NP	NP	NP
Office related to leasing, renting and maintenance of multiple family dwellings and townhouses	P	P	P	P	P	P
Public and utility facilities	P	P	P	P	P	P
Religious assembly*	P	P	P	P	P	P
Residential facility, licensed (6 or fewer persons)	P	P	P	P	NP	NP
Residential facility, licensed (7-15 persons)	NP	NP	NP	NP	C	C
Soil processing and mining	C	NP	NP	NP	NP	NP

Figure 152.507.2 Accessory and Temporary Uses in Residential Districts

P – Permitted A – Accessory
C – Conditional T - Temporary
NP – Not Permitted
* Additional standards required in Section 152.902 or as indicated in this table

Accessory Use	UR	R-1	R-2	R-3	R-4	R-5
Antennas and satellite dishes*	A	A	A	A	C	C
Beekeeping in compliance with Chapter 92.*	A	A	A	A	A	A
Commercial recreational facility (privately owned)	C	NP	NP	NP	NP	NP
Community garden*	A	A	A	A	A	A
Construction debris dumpster (oversize)*	T	T	T	T	T	T
Day care facility (12 or fewer persons)*	P	P	P	P	P	NP
Day care facility in schools and religious institutions*	P	P	P	P	P	P
Domesticated and farm animals	A	NP	NP	NP	NP	NP
Garage sales*	T	T	T	T	T	T

Gas/fuel tanks (above ground)	A	A	A	A	A	A
Ground source heat pump systems in compliance with 152.1001*	P	P	P	P	P	P
Home vocations and avocations in compliance with 152.901*	P	P	P	P	P	NP
Live/work uses within a dwelling unit	P	P	P	P	P	P
Outside storage of agricultural equipment	T	T	T	T	T	NP
Outside storage of recreational vehicles*	T	T	T	T	T	NP
Parking ramp in compliance with 152.1018*	NP	NP	NP	NP	C	C
Parks and playgrounds, open spaces, natural areas	A	A	A	A	A	A
Private residential recreational equipment	A	A	A	A	A	A
Schools located within religious institutions*	C	C	C	C	C	C
Sale of agricultural products grown on the property	A	A	A	A	A	A
Sale of residential motor vehicles and recreational vehicles*	T	T	T	T	T	T
Satellite dish	A	A	A	A	A	A
Seasonal greenhouse and garden center	C	NP	NP	NP	NP	NP
Detached Accessory Structure*	A	A	A	A	A	A
Solar energy system in compliance with 152.1001*	A	A	A	A	A	A
Telecommunication tower*	C	C	C	C	C	C
Portable storage containers*	T	T	T	T	T	T
Residential wind turbine (vertical axis only) in compliance with 152.1001*	A	A	A	A	A	A

SECTION 3. NONRESIDENTIAL DISTRICTS

§152.600 B-1 OFFICE PARK DISTRICT.

(A) Purpose. The “B-1" Office Park District is intended to provide a district primarily for office uses, with other accessory retail and service uses offered on site to serve the primary use or their employees.

(B) This district may be applied only to those properties designated for employment, or commercial, development on the Comprehensive Plan Future Land Use Map.

§152.601 B-2 NEIGHBORHOOD RETAIL BUSINESS DISTRICT.

(A) Purpose. The “B-2" Neighborhood Retail Business District is intended to provide a district which encourages compact centers for retail sales and services that serve the adjacent neighborhoods and to preserve and protect the general character of the adjacent areas. The city has determined that certain uses may present a greater impact on adjacent land uses than others due to characteristics unique to the function and design of the particular use.

(B) This district may be applied only to those properties designated for commercial development on the Comprehensive Plan Future Land Use Map.

§152.602 B-3 GENERAL BUSINESS DISTRICT.

(A) Purpose. The “B-3" General Business District is intended to provide centralized areas for businesses that have a community or regional customer base in that they generally draw customers from farther away than the adjacent neighborhoods.

(B) This district may be applied only to those properties designated for commercial development on the Comprehensive Plan Future Land Use Map.

§152.603 B-4 VEHICLE SALES AND SHOWROOM DISTRICT.

(A) Purpose. The “B-4" Vehicle Sales and Showroom District is intended to provide areas for vehicle

sales businesses that draw from a regional customer base and has outdoor storage, display and/or sales of vehicles and/or recreational equipment.

(B) This district may be applied only to those properties designated for commercial development on the Comprehensive Plan Future Land Use Map.

§152.604 BP BUSINESS PARK DISTRICT.

(A) Purpose. The “BP" Business Park District is designed to provide areas in which to locate businesses that enhance the city's tax base, have few customers coming to the site, but may have a large employee base, involve manufacturing, warehousing, office uses, and other accessory retail and service uses offered on site to service the primary use or their employees. The properties and buildings in this district must be designed to promote a campus-like setting that exhibits a landscape theme and high-quality exterior building materials.

(B) This district may be applied only to those properties designated for Business Park development on the Comprehensive Plan Future Land Use Map.

§152.605 I GENERAL INDUSTRIAL DISTRICT

(A) Purpose. The “I” General Industrial District is designed to provide a district for warehousing and industrial uses that may present negative off-site impacts to adjacent properties and are potentially environmentally sensitive due to the characteristics of the use of the property, and may have outdoor storage requirements.

(B) This district may be applied only to those areas designated for industrial development on the Comprehensive Plan Future Land Use Map.

§152.606 PI PUBLIC INSTITUTION DISTRICT

(A) The “PI” Public Institution District is intended to provide for a district for public buildings, uses and needs that otherwise may not fit into other zoning districts because of their specialized land use needs and public purpose.

(B) This district may be applied only to those properties designated for institutional uses on the Comprehensive Plan Future Land Use Map.

§152.607 OP OPEN SPACES AND PARKS DISTRICT

(A) The “OP” Open Space and Parks District is intended to provide for a district for areas that contain valuable environmental qualities which are to be preserved as park or open space amenities and to prevent the over-crowding of land, to avoid undue concentration of population, a specific public purpose, and/or alleviate the burden of development from environmentally sensitive lands.

(B) This district may be applied only to those properties designated for parks or open space uses on the Comprehensive Plan Future Land Use Map.

§152.608 NONRESIDENTIAL LOT AREA AND DIMENSIONAL REQUIREMENTS

(A) The purpose of this subchapter is to establish minimum area and dimensional requirements for nonresidential zoning districts to allow conformance with the policies of the Comprehensive Plan, promote open space around structures, provide green area and space for the enjoyment of all, and protect public easements.

(B) General Requirements. The following standards are established for the following districts: B-1, B-2, B- 3, B-4, BP, I, PI, and OP:

(1) Unless otherwise approved through a site plan approval all non-residential uses on parcels adjacent to single or two-story residential uses in residential districts must be constructed at a height no greater than 40 feet. Consideration to approve greater height may include, but not limited to, existing conditions, increased setbacks, and buffering.

(2) Height limitations do not apply to radio and T.V. antennas, belfries, steeples, cooling towers, and water towers.

(3) The minimum height for a principal building on any property must be no less than 15 feet in height as

measured from the highest adjacent grade to the top of the roof.

(4) In the PI district, for each one foot greater than 60 feet of building height, as measured from the highest adjacent grade to the top of the roof, the required front, side, and rear setbacks must be increased one foot.

Figure 152.608.1 Minimum Allowable Building Footprint and Maximum Impervious Surface

Zoning District	Minimum Lot Area	Lot Width	Minimum Building Footprint (as a percent of lot area)	Maximum Impervious Surface (as a percent of lot area)	Maximum Height when adjacent to residential use
B-1	15,000 SF	100 feet	NA	70%	40 feet
B-2	25,000 SF	125 feet	NA	75%	40 feet
B-3	25,000 SF	150 feet	NA	80%	40 feet
B-4	87,120 SF	150 feet	10%	80%	40 feet
BP	25,000 SF	100 feet	NA	85%	40 feet
I	40,000 SF	150 feet	NA	85%	40 feet
PI	N/A	N/A	N/A	N/A	60 ft
OP	N/A	N/A	N/A	N/A	NA

(5) Principal buildings and accessory structures must comply with the setback restrictions from property lines within the nonresidential districts. See Figure 152.608.2.

(6) The setback to an interior side or rear property line(s) may be reduced to zero feet where a property has a railroad trackage abutting the interior side of the lot.

(7) The following features may extend into the required setback from a public right-of-way:

(a) 3 feet - Pilasters, lintels, stoops, ornamental features, cornices, eaves, bays, gutters, and similar projections

(b) Canopies, awnings, and other similar features as regulated by the International Building Code. These elements may extend into the right-of-way upon approval of an encroachment agreement by the City Council.

(8) Accessible building entrance components may encroach into the setback to meet the running slopes required by the Minnesota Accessibility Code.

Figure 152.608.2 Minimum Required Setbacks (in feet)

	B-1	B-2	B-3	B-4	BP	I	PI	OP
Front (abutting public right-of-way)	0	0	0	50	10	50	10	10
Side (interior)	0	0	0	15	15	15	10	10
Rear (interior)	30	30	30	30	30	30	10	10
Side or rear if abutting a residential district property line	50	75	75	75	110	110	50	50

§152.609 NONRESIDENTIAL DISTRICT LAND USE USES

(A) Purpose. The following section establishes a listing of the permitted, conditional, and temporary uses for the B-1, B-2, B-3, B-4, BP, I, PI, and CD zoning districts. The uses have been assigned to the appropriate business districts to allow reasonable use of properties in a manner that is compatible with the purpose of each business zoning district and the overall purpose of this zoning code and the code of ordinances.

(B) Permitted and conditional uses for each business district are defined in the following listed in Figure 152.609.1. See §152.903 for additional performance standards for nonresidential uses.

Figure 152.609.1 Principal Uses in Nonresidential Districts

P – Permitted A – Accessory C – Conditional
NP – Not Permitted

PA – Permitted or Accessory
Uses that are italicized are exclusively accessory uses
* Additional standards required by Section 152.903 through 152.904 or as indicated in this table

Use	B-1	B-2	B-3	B-4	BP	I	PI	OP
Sales and Service								
Animal Services	NP	P	P	P	P	P	NP	NP
*Outdoor Pet Runs**	NP	NP	A	A	A	A	A	NP
Bank	P	P	P	P	P	P	P	NP
Body Art	NP	P	P	NP	NP	NP	NP	NP
Care Center, Convalescent Home or Assisted Living	C	C	C	C	NP	NP	NP	NP
Currency Exchange and Pawn Shop*	NP	NP	C	NP	NP	NP	NP	NP
Daycare Facility, licensed*	PA	PA	PA	PA	PA	PA	PA	NP
General Sales*	P	P	P	P	P	P	NP	NP
General Services	P	P	P	P	P	P	NP	NP
Hospital	NP	NP	C	C	C	C	NP	NP
Hotel or Motel	NP	C	C	C	C	NP	NP	NP
Indoor recreational facility 2,450sq ft or under	NP	P	P	P	P	P	A	NP
Indoor recreational facility over 2,450sq ft	NP	C	C	C	C	C	A	NP
Medical or dental clinic	P	P	P	P	P	P	NP	NP
Multiple family dwelling and cluster housing in compliance with 152.1002*	NP	C	C	NP	NP	NP	NP	NP
Office	P	P	P	P	P	P	P	NP
Outdoor recreational facility	NP	C	C	C	NP	NP	P	C
Self Service Storage	NP	NP	C	C	NP	C	NP	NP
Sexually oriented business*	NP	NP	P	NP	NP	NP	NP	NP
*Transient Sales**	A	A	A	A	A	A	A	NP
Theater, excluding drive-ins	NP	C	C	C	NP	NP	NP	NP
Veterinary Clinic	P	P	P	P	P	P	NP	NP
*Farmers' Market**	A	A	A	A	A	A	A	A
Automotive								
Auto repair services	NP	NP	C	C	C	C	NP	NP
Automobile sales and showrooms	NP	NP	NP	C	NP	NP	NP	NP
Bus or truck storage, service shops	NP	NP	NP	NP	NP	C	NP	NP
Car wash	NP	NP	C	C	C	NP	NP	NP
Fabrication/assembly of heavy equipment or vehicles	NP	NP	NP	NP	NP	C	NP	NP
Fuel stations and gas sales*	NP	C	C	C	C	C	NP	NP
*Propane exchanges**	NP	C	C	NP	C	C	NP	NP
Motor vehicle rental	NP	C	C	C	NP	NP	NP	NP
Parking Ramp	NP	NP	C	NP	C	C	C	NP
Vehicle impound yard	NP	NP	NP	NP	NP	C	NP	NP
Truck or motor freight terminal	NP	NP	NP	NP	NP	C	NP	NP
Wholesale broker, auction dealer of motor vehicles	P	P	P	P	P	P	NP	NP
*Overnight recreational vehicle parking or camping**	NP	NP	NP	NP	NP	NP	NP	NP
*Repair of vehicles** (accessory to a vehicle sale business)	NP	NP	NP	C	NP	NP	NP	NP
Assembly								
Banquet, convention hall or conference center	NP	C	C	C	NP	NP	NP	NP
Night Club	NP	NP	NP	NP	NP	NP	NP	NP
Funeral Home and mortuary	C	C	C	C	C	C	C	NP

*Crematory/ crematorium**	A	A	A	A	NP	NP	C	NP
Religious Institution	C	C	C	C	C	C	C	NP
*Rectory**	C	C	C	C	C	C	C	NP
*Columbarium**	C	C	C	C	C	C	C	NP
School	C	C	C	C	C	C	C	NP
Social Club	C	C	C	C	C	C	C	NP
Food Service								
Brewery	NP	P	P	P	P	P	NP	NP
Brewery with a Taproom	NP	P	P	P	P	P	NP	NP
Cocktail Room	NP	P	P	P	P	P	NP	NP
Distillery	NP	P	P	P	P	P	NP	NP
Distillery with a Cocktail Room	NP	P	P	P	P	P	NP	NP
Restaurant	P	P	P	P	P	P	NP	NP
Live entertainment in conjunction with a restaurant, brewery or distillery	NP	A	A	A	A	A	NP	NP
Live entertainment in conjunction with a taproom or cocktail room	NP	NP	NP	NP	A	A	NP	NP
Live entertainment in conjunction with a restaurant, brewery or distillery where a cover charge is required	NP	NP	C	C	C	C	NP	NP
Live entertainment in conjunction with a taproom or cocktail room where a cover charge is required	NP	NP	A	A	C	C	NP	NP
*Mobile food unit**	P	P	P	P	P	P	P	P
Exterior food and beverage vending machines, ice machines	A	A	A	A	A	A	A	A
Manufacturing, processing, fabricating, brewing, distilling								
Construction Based Business	NP	NP	NP	NP	NP	P	NP	NP
*Construction buildings**	P	P	P	P	P	P	P	P
Distribution center	NP	NP	NP	NP	P	P	NP	NP
Fabrication	NP	NP	NP	NP	P	P	NP	NP
Manufacturing	NP	NP	NP	NP	P	P	NP	NP
Processing	NP	NP	NP	NP	P	P	NP	NP
Warehouse	A	A	A	A	P	P	NP	NP
*Outdoor storage**	A	A	A	A	A	A	A	NP
Public Facilities								
Airports and aeronautical uses	NP	NP	NP	NP	NP	NP	P	NP
Cemetery*	C	C	C	C	C	C	C	NP
Communication towers and antennas	C	C	C	C	C	C	C	C
Parks	P	P	P	P	P	P	P	P
Public and Quasi-Public facilities	C	C	C	C	C	C	P	P
Essential services (electric, utilities, etc)	P	P	P	P	P	P	P	P
Conservation	P	P	P	P	P	P	P	P
Accessory Uses Applicable to All Non-Residential Uses								
Drive-through windows	C	C	C	C	C	C	NP	NP
Gas tanks(above ground) for propane, liquid nitrogen, etc. (Excludes motor vehicle fuel)	NP	P	P	P	P	P	NP	NP
*Loading docks**	A	A	A	A	A	A	A	NP
Outdoor sales and display	NP	NP	C	C	NP	NP	NP	NP
*Staging area**	A	A	A	A	A	A	A	NP
*Storage shed**	A	A	A	A	A	A	A	A

Waste and recycling storage as regulated in §98.01 through 98.16 of the City Code	A	A	A	A	A	A	A	A
Electric Fences	NP	NP	NP	NP	NP	NP	NP	NP
Salvage	NP	NP	NP	NP	NP	NP	NP	NP
Multiple Principal Structures on a single lot	C	C	C	C	C	C	C	C

SECTION 4. MIXED USE DISTRICTS.

§152.700 LW LIVE WORK DISTRICT

(A) Purpose. The "LW" Live Work District is intended to provide for compact, pedestrian-oriented mixed-use areas of limited size.

(B) Applicability. This district may be applied to those areas guided for Live Work uses on the Comprehensive 2040 Future Land Use Map.

(C) Use Mix. The mix of uses should include residential at densities between 3 and 12 units per acre as well as small-scale, low intensity employment uses.

(D) Design. Development in these areas shall follow a traditional neighborhood design where buildings are within a close proximity to the street and pedestrian connections are abundant. Both horizontal and vertical mixed use are encouraged in this district.

§152.701 NMU NEIGHBORHOOD MIXED USE DISTRICT

(A) Purpose. The "NMU" Neighborhood Mixed Use District is intended to provide for compact, pedestrian-oriented mixed-use areas of limited size.

(B) Applicability. This district may be applied to those areas guided for Neighborhood Mixed Use on the Comprehensive 2040 Future Land Use Map.

(C) Use Mix. The mix of uses should include residential at densities between 9 and 50 units per acre as well as retail, office and personal service establishments that are oriented to residents of the immediate neighborhood areas that anticipate high pedestrian traffic.

(D) Design. Development in these areas shall follow a traditional neighborhood design where buildings are within a close proximity to the street and pedestrian connections are abundant. Both horizontal and vertical mixed use are encouraged in this district.

§152.702 MU MIXED USE DISTRICT

(A) Purpose. The "MU" Mixed Use District is intended to provide for compact, pedestrian-oriented mixed-use areas.

(B) Applicability. This district may be applied to those areas guided for Mixed Use on the Comprehensive 2040 Future Land Use Map.

(C) Use Mix. The mix of uses should include residential at densities between 12 and 100 units per acre as well as office, commercial, and retail. Housing must be an integral component of the overall development and will encompass at least 30% of the land mass of the district.

(D) Design. Development in these areas shall follow a traditional neighborhood design where buildings are within a close proximity to the street and pedestrian connections are abundant. Both horizontal and vertical mixed use are encouraged in this district.

§152.703 TOD-C TRANSIT ORIENTED DEVELOPMENT CENTER DISTRICT

(A) Purpose. The "TOD-C" Transit Oriented Development Center District is intended to provide both horizontal and vertical mixed uses in areas near light rail transit stations or areas with regular frequent transit service.

(B) Applicability. This district may be applied to those areas and land uses within the LRT Overlay on the 2040 Comprehensive Plan Future Land Use Map and other areas with frequent transit service.

(C) Use Mix. The mix of uses may be in a common site, development area, or building. Individual developments may consist of a mix of two or more complementary uses that are compatible and connected to the surrounding area.

§152.704 TOD-E TRANSIT ORIENTED DEVELOPMENT EMPLOYMENT DISTRICT

(A) Purpose. The "TOD-E" Transit Oriented Development Employment District is intended to provide walkable urbanism with complementary uses in industrial, warehousing, and office park areas.

(B) This district may be applied to those areas and land uses within the LRT Overlay centered on the 93rd Avenue Transit Station on the Comprehensive 2040 Comprehensive Plan Future Land Use Map.

§152.705 TOD-G TRANSIT ORIENTED DEVELOPMENT GREENFIELD DISTRICT

(A) Purpose. The "TOD-G" Transit Oriented Development Greenfield District is intended to provide standards for new walkable, mixed- use communities.

(B) This district may be applied to those areas and land uses within the LRT Overlay centered on the Oak Grove Transit Station on the 2040 Comprehensive Plan Future Land Use Map.

§152.706 MIXED USE DISTRICT LOT AREA AND DIMENSIONAL REQUIREMENTS

(A) The purpose of this subchapter is to establish minimum area and dimensional requirements for mixed use zoning districts to allow conformance with the policies of the Comprehensive Plan.

(B) Minimum frontage buildout indicates that lots must contain buildings along the prescribed length of property line.

(1) At front streets the minimum frontage buildout is a percentage of the length of the abutting property line.

(2) At side streets the minimum frontage buildout is a specified distance along the property line from the corner.

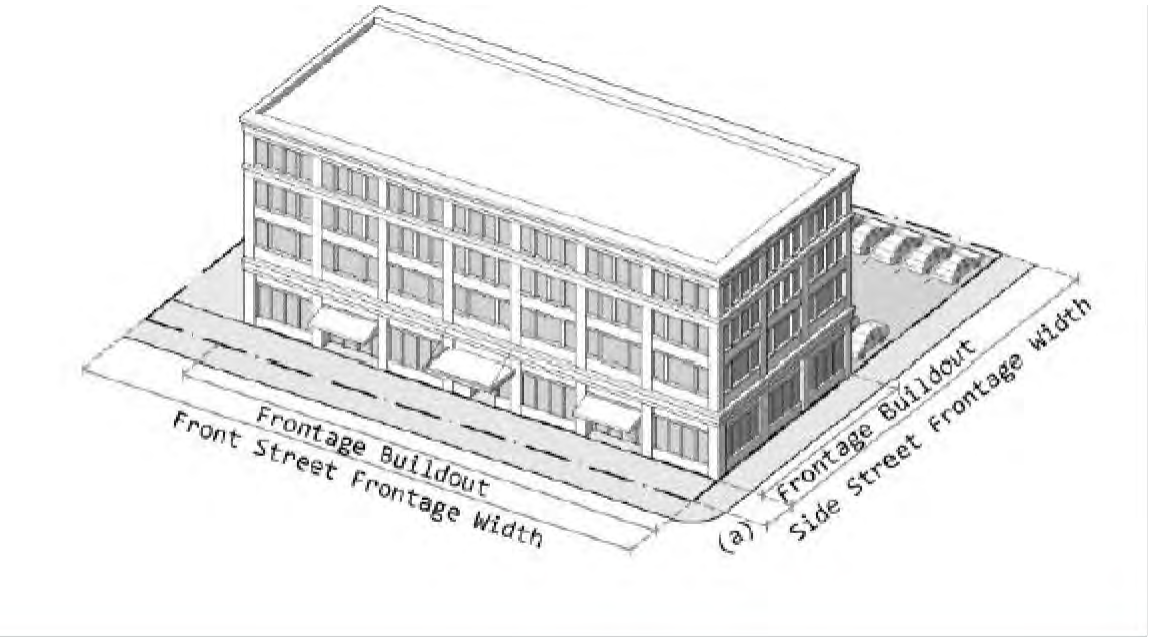
(3) Facades must be within the minimum and maximum setback.

(4) At corner lots the width of the property, for frontage buildout calculation, may be reduced by the setback of the perpendicular lot line as indicated by (a) in the illustration below.

(C) For buildings subject to a maximum front setback, the area between the building and the right-of-way will be maintained as city easement for right-of-way maintenance.

(D) Building width is measured at the front setback. The maximum building width does not apply to buildings with a forecourt frontage type where the forecourt is wider than 40 feet.

Figure 152.706.1 Minimum Frontage Buildout Illustration



(E) The following standards are established for the following districts: LW, NMU, MU, TOD-C, TOD-E, AND TOD-G.

Figure 152.706.2

	LW	NMU	MU	TOD-C	TOD-E	TOD- G
Maximum Building Setbacks						
From public right-of-way	None	12 feet	12 feet	12 feet	16 feet	Low: 20 ft Med: 16 ft High: 12 ft
Side (interior)	None	None	None	6 feet	6 feet	Low: 6 ft Med: 16 ft High: 6 feet
Side (street)	None	None	12 feet	12 feet	16 feet	Low: 20 ft Med: 16 ft High: 12 ft
Minimum Building Setbacks						
Front (abutting public right-of-way)	1 foot	1 foot	1 foot	1 foot	2 feet	Low: 8 ft Med: 1 ft High: 1 ft
Side (interior)	None	None	None	None	None	None
Side (street)	2 feet	2 feet	2 feet	2 feet	2 feet	Low: 5ft Med: 2 ft High: 2 ft
Rear (interior)	3 feet	3 feet	3 feet	3 feet	3 feet	3 feet

Minimum Parking Setbacks						
Front (abutting public right-of-way)	30 feet	30 feet	30 feet	30 feet	30 feet	30 feet
Side (interior)	0 feet if shared, or 5 feet	0 feet if shared, or 5 feet	0 feet	0 feet if shared, or 5 feet	0 feet	0 feet
Side (street)	12 feet	12 feet	12 feet	30 feet	12 feet	12 feet
Rear (interior)	0 feet if shared, or 5 feet	0 feet if shared, or 3 feet	3 feet	0 feet if shared, or 5 feet	3 feet	3 feet
Side or rear if abutting a residential district property line	10ft	10ft	N/A	N/A	N/A	N/A
Maximum Allowable Building Footprint and Impervious Surface						
	LW	NMU	MU	TOD-C	TOD-E	TOD- G
Maximum Impervious Surface	70%	80%	80%	100%	80%	Low: 70% Med: 80% High: 100%
Building Coverage and Building Width						
Minimum Frontage Buildout	None	80%	80%	80%	70%	Low: 60% Med: 70% High:80%
Side Frontage Buildout from Front Street	None	40 feet	50 feet	50 feet	40 feet	Low: 40 ft Med: 40ft High: 50ft
Maximum building width	400 feet	400 feet	400 feet	400 feet	400 feet	Low: 80 ft Med: 100 ft High: 400 feet
Building Height						
Principal structure maximum stories	3 stories	4 stories	8 stories	6 stories	4 stories	Low: 3 stories Med: 4 stories High: 8 stories

Residential Density						
Minimum dwelling units per acre	3	9	12	12	N/A	9
Maximum dwelling units per acre	12	50	100	100	N/A	100
Glazing/Window Coverage						
Front street (minimum)	30%	30%	30%	30%	30%	30%
Side street (minimum)	30%	30%	30%	30%	30%	30%
Upper floors (minimum)	10%	10%	10%	10%	10%	10%
Lot width						
Minimum			20 feet			20 feet
Maximum			400 feet			Low: 100 feet Med: 180 feet High: 300 feet

§152.707 MIXED USE DISTRICT LAND USES

(A) Purpose. Establish a listing of the permitted, conditional, and temporary uses for the LW, NMU, MU, TOD-C, TOD-E and TOD-G zoning districts. The uses have been allocated to the individual districts to allow reasonable use of properties in a manner that is compatible with the purpose of each zoning district and the overall purpose of this zoning code and the code of ordinances.

(B) Land Uses.

(1) Principal permitted and conditional land uses for each mixed-use zone listed in Figure 152.707.1. See §152.900 and §152.904 for additional performance standards for residential and nonresidential uses.

A vertical mix of land uses is encouraged, such as residential and commercial, with a strong pedestrian orientation.

Figure 152.707.1: Principal land uses

P – Permitted A – Accessory

C – Conditional NP – Not Permitted

PA – Permitted or Accessory

Italicized uses are limited to accessory uses.

* Additional standards required by Section 152.903 through 152.904 or as indicated in this table

Use	**LW**	**NMU**	**MU**	**TOD-C**	**TOD-E**	**TOD-G**		
						low	**med**	**high**
Sales and Service								
Animal Services	NP	P	P	P	P	P	P	P
*Outdoor Pet Runs**	NP	NP	C	C	NP	C	C	NP
Bank	P	P	P	P	P	P	P	P
Body Art	NP	P	P	P	NP	NP	P	P
Care Center, Convalescent Home or Assisted Living	C	C	C	P	NP	P	P	P

Currency Exchange or Pawn Shop	NP	NP	C	NP	NP	NP	NP	NP
Daycare Facility, licensed*	PA	PA	PA	PA	PA	P	P	P
General Sales	P	P	P	P	P	P	P	P
General Services	P	P	P	P	P	P	P	P
Hospital	NP	NP	C	C	C	NP	NP	C
Hotel or Motel	NP	C	C	P	P	P	P	P
Indoor recreational facility 2,450sq ft or under	NP	P	P					
Indoor recreational facility over 2,450sq ft	NP	C	C	C	C	C	C	C
Medical or dental clinic	P	P	P	P	P	P	P	P
Office	P	P	P	P	P	P	P	P
Outdoor recreational facility	NP	C	C	C	NP	C	C	C
Sexually oriented business*	NP	NP	C	NP	NP	NP	NP	NP
Theater, excluding drive-ins	NP	C	C	C	NP	NP	NP	C
Veterinary Clinic	P	P	P	P	P	P	P	P
*Farmers' Market**	A	A	A	A	A	A	A	A
*Transient Sales**	A	A	A	A	A	A	A	A
Automotive								
Auto repair services	NP	NP	C	NP	NP	NP	NP	NP
Automobile sales and showrooms	NP	NP	NP	C	NP	N P	N P	NP
Bus or truck storage, service shops	NP	NP	NP	NP	NP	NP	NP	NP
Car wash	NP	NP	C	NP	NP	NP	NP	NP
Fabrication/assembly of heavy equipment or vehicles	NP	NP	NP	NP	NP	NP	NP	NP
Fuel stations and gas sales*	NP	C	C	NP	C	NP	NP	NP
*Propane exchanges**	NP	C	C	NP	A	NP	NP	NP
Motor vehicle rental	NP	C	C	NP	NP	NP	NP	NP
Parking Ramp	NP	NP	C	C	P	P	NP	NP
Vehicle impound yard	NP	NP	NP	NP	NP	NP	NP	NP
Truck or motor freight terminal	NP	NP	NP	NP	NP	NP	NP	NP
Wholesale broker, auction dealer of motor vehicles	P	P	P	P	P	P	P	P
*Overnight recreational vehicle parking or camping**	NP	NP	NP	NP	NP	NP	NP	NP
*Repair of vehicles** (accessory to a vehicle sale business)	NP	NP	NP	NP	NP	NP	N P	NP
Assembly								
Banquet, convention hall or conference center	NP	C	C	C	NP	P	P	P
Business, trade or non-academic colleges	C	C	C	NP	NP	NP	NP	NP
Night Club	NP	NP	NP	NP	NP	N P	N P	NP
Funeral Home and mortuary	C	C	C		NP	NP	NP	NP
*Crematory/ crematorium**	A	A	A	A	NP	NP	NP	NP
Religious Institution	C	C	C	P	NP	P	P	P
*Rectory**	A	A	A	A	NP	A	A	A
*Columbarium**	C	C	C	C	NP	C	C	C
Social Club	C	C	C	NP	NP	NP	NP	NP
Food Service								
Brewery	NP	P	P	P	P	C	C	P
Brewery with a Taproom	NP	P	P	P	P	C	C	P
Cocktail Room	NP	P	P	P	P	C	C	P
Distillery	NP	P	P	P	P	C	C	P
Distillery with a Cocktail Room	NP	P	P	P	P	C	C	P
Restaurant	P	P	P	P	P	P	P	P

Live entertainment in conjunction with a restaurant, brewery or distillery	NP	A	A	A	A	C	C	C
Live entertainment in conjunction with a taproom or cocktail room	NP	NP	NP	A	A	C	C	C
Live entertainment in conjunction with a restaurant, brewery or distillery where a cover charge is required	NP	NP	C	A	A	C	C	C
Live entertainment in conjunction with a taproom or cocktail room where a cover charge is required	NP	NP	A	A	A	C	C	C
Mobile food unit	P	P	P	P	P	P	P	P
Exterior food and beverage vending machines, ice machines	A	A	A	A	A	A	A	A
Manufacturing, processing, fabricating, brewing, distilling								
Construction Based Business	NP	NP	NP	NP	P	NP	NP	NP
*Construction buildings**	P	P	P	P	P	P	P	P

Distribution center	NP	NP	NP	NP	A	NP	NP	NP
Fabrication	NP	NP	NP	NP	P	NP	NP	NP
Manufacturing	NP	NP	NP	NP	P	NP	NP	NP
Processing	NP	NP	NP	NP	P	NP	NP	NP
Warehouse	A	A	A	A	A	NP	NP	NP
*Outdoor storage**	P	P	P	P	P	P	P	NP
Public Facilites								
Airports and aeronautical uses	NP	NP	NP	NP	NP	NP	NP	NP
Cemetery*	NP	NP	NP	NP	NP	NP	NP	NP
Communication towers and antennas	C	C	C	P	C	P	P	P
Schools	P	P	P	NP	NP	P	P	P
Parks	P	P	P	P	NP	P	P	P
Public and Quasi-Public facilities	C	C	C	P	C	C	C	P
Essential services	P	P	P	P	P	P	P	P
Conservation	P	P	P	P	P	P	P	P
Residential								
Single family (detached)	P	P	NP	NP	NP	P	NP	NP
Two-family (attached)	P	P	NP	NP	NP	P	NP	NP
Townhouse (attached or detached)	P	P	P	NP	NP	P	P	NP
Multifamily	P	P	P	P	NP	P	P	P
Manufactured home park	NP	NP	NP	NP	NP	NP	NP	NP
Bed and breakfast establishment	P	P	NP	NP	NP	NP	NP	NP
Essential services, government	P	P	P	P	P	P	P	P
Accessory Uses Applicable to All Non-Residential Uses								
Drive-through windows	C	C	C	C	C	NP	NP	NP
Gas tanks(above ground) for propane, liquid nitrogen, etc. (Excludes motor vehicle fuel)	NP	P	P	NP	P	NP	NP	NP
*Loading docks**	A	A	A	A	A	A	A	A
Outdoor sales and display	NP	NP	NP	A	NP	A	A	A
Outdoor Storage	A	A	A	A	A	A	A	A
*Staging area**	A	A	A	A	A	A	A	A
*Storage shed**	A	A	A	A	A	A	A	A

Waste and recycling storage as regulated in §98.01 through 98.16 of the City Code								
Electric Fences	NP	NP	NP	NP	NP	NP	NP	NP
Salvage	NP	NP	NP	NP	NP	NP	NP	NP

SECTION 5. OVERLAY DISTRICTS

§152.800. CAZ CRYSTAL AIRPORT ZONING

(A) PURPOSE AND AUTHORITY. The CRYSTAL Airport Joint Airport Zoning Board, created and established by joint action of the Metropolitan Airports Commission and the Cities of Crystal, Brooklyn Park, Brooklyn Center, Minneapolis, New Hope, and Robbinsdale, pursuant to the provisions and authority of Minnesota Statutes § 360.063, hereby finds and declares that:

(1) An Airport Hazard endangers the lives and property of users of the Airport and property or occupants of land in its vicinity, and also may reduce the size of the area available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Airport and the public investment therein.

(a) The creation or establishment of an Airport Hazard is a public nuisance and an injury to the region served by the Airport.

(b) For the protection of the public health, safety, order, convenience, prosperity, and general welfare, and for the promotion of the most appropriate use of land, it is necessary to prevent the creation or establishment of Airport Hazards.

(c) The prevention of these Airport Hazards should be accomplished, to the extent legally possible, by the exercise of police power without compensation.

(d) The elimination or removal of existing land uses or their designation as nonconforming uses is not in the public interest and should be avoided whenever possible, consistent with reasonable standards of safety.

(e) In addition, the social and economic costs of disrupting land uses around the Airport often outweigh the benefits of a reduction in Airport Hazards, requiring a balance between the social and economic costs to surrounding communities and the benefits of regulation.

(f) Preventing the creation or establishment of Airport Hazards and eliminating, removing, altering, mitigating, or marking and lighting of existing Airport Hazards are public purposes for which political subdivisions may raise and expend public funds, levy assessments against land, and acquire land and property interests therein.

(B) TITLE AND SHORT TITLE. This ordinance shall be known as the “Crystal Airport Zoning Ordinance.”

(C) DEFINITIONS AND RULES OF CONSTRUCTION

(1) Definitions. As used in this Crystal Airport Zoning Ordinance, unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall have the meanings indicated. All words and phrases not defined shall have their common meaning.

(a) Airport. “Airport” means Crystal Airport located in Hennepin County, Minnesota.

(b) Airport Boundary. “Airport Boundary” means the boundary shown on Figure 152.800.1 – Airport Boundary, attached hereto and made a part hereof.

(c) Airport Hazard. “Airport Hazard” means any Structure, Tree, or use of land that obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the Airport; and, any use of land that is hazardous to Persons or property because of its proximity to the Airport.

(d) Airport Zoning Permit. “Airport Zoning Permit” means zoning permits as required under Section VIII.

(e) Airspace Surfaces. “Airspace Surfaces” means the surfaces established in Section IV.A.

(f) Airspace Zones. "Airspace Zones" means the land use zones established in Section IV.A.

(g) Board of Adjustment. "Board of Adjustment" means the body established in Section XII.

(h) Commissioner. "Commissioner" means the Commissioner of the Minnesota Department of Transportation or, if either the position of Commissioner or the Minnesota Department of Transportation shall no longer exist or serve its present functions, such successor state official or officials or entity or entities as shall either singularly or collectively perform or serve such functions.

(i) Crystal Airport Zoning Map. "Crystal Airport Zoning Map" means the Crystal Airport Zoning Map as defined in Section VI.C.

(j) Effective Date. "Effective Date" means the effective date set forth in Section XVIII.

(k) Existing. "Existing" means the current layout of the airport environment, including alignment, location, and length of each runway at Crystal Airport at the time this Crystal Airport Zoning Ordinance on the Effective Date.

(l) FAA. "FAA" means the Federal Aviation Administration or, if the Federal Aviation Administration shall no longer exist or serve its present functions, such successor federal entity or entities as shall either singularly or collectively perform or serve such functions.

(m) FAA 7460 Obstruction Evaluation. Established FAA process for conducting aeronautical studies conducted under the provisions of Title 14 CFR, Part 77 (for proposed construction or alteration) or Federal Aviation Act of 1958 (for existing structures), or any successor to this process.

(n) Lot. "Lot" means a designated parcel, tract, or area of land established by plat or subdivision, or otherwise permitted by law.

(o) Nonconforming Structure. "Nonconforming Structure" means any Structure in existence in any Airspace Zone or Land Use Zone but not conforming to the provisions of this Crystal Airport Zoning Ordinance on the Effective Date.

(p) Nonconforming Use. "Nonconforming Use" means any use of land in existence in any Airspace Zone or Land Use Zone but not conforming to the provisions of this Crystal Airport Zoning Ordinance on the Effective Date.

(q) Person. "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

(r) Runway. "Runway" means any existing surface of the Airport which is specifically designated and used to be used for the landing and/or taking off of aircraft. The individual Runways at the Airport are defined in this Crystal Airport Zoning Ordinance based on the compass heading of landing and departing aircraft.

(s) Runway 14-32. "Runway 14-32" means the existing 3,750-foot non-precision primary runway. The Runway 14 end is within the City of Brooklyn Park, and the Runway 32 end is within the City of Crystal.

(t) Runway 6L-24R. "Runway 6L-24L" means the existing 2,500-foot visual crosswind runway. Both the Runway 6L and 24R ends are within the City of Crystal.

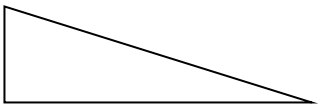
(u) Runway 6R-24L. "Runway 6R-24L" means the existing 1,669-foot visual crosswind runway. Both the Runway 6R and 24L ends are within the City of Crystal.

(v) Runway Protection Zone. "Runway Protection Zone" means a zone mandated by FAA regulations that is longitudinally centered on the extended centerline at each end of Runways 14-32, 6L-24R and 6R-24L, whose inner edge is at the same width and elevation as, and coincides with, the end of the Primary Surfaces for Runway 14-32 (500 feet), Runway 6L-24R (250 feet), and Runway 6R-24L (250 feet). The Runway 14-32 protection zone extends outward a horizontal distance of 1,000 feet, expanding uniformly to a width of 700 feet. Runways 6L-24R and 6R-24L have protection zones extending outward a horizontal distance of 1,000 feet, expanding uniformly to a width of 450 feet.

(w) Land Use Zones. "Land Use Zones" means the land use zones established in Section V.A.

(x) School. "School" means any private or public educational institution for people in kindergarten through grade 12 and any private or public day care or pre-school facility that enrolls more than 50 children.

(y) Slope. "Slope" means an incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude.



Slope = 3:1 = 3 ft. horizontal to 1 ft. vertical

(z) Structure. "Structure" means anything anchored, attached, built, constructed, erected, gathered, located, placed, or piled on the ground or in or over a water body, whether temporary or permanent, moveable or immovable, including antennae, buildings, canopies, cranes, decks, derricks, docks, edifices, equipment, fences, overhead transmission lines, patios, piers, piles, ponds, posts, roadways, signs, smokestacks, towers, utility poles, wires, and anything attached to any of the foregoing either temporarily or permanently.

(aa) Tree. "Tree" means any object of natural growth.

(bb) Zoning Administrator. "Zoning Administrator" means the public official in each affected municipality as set forth in Section XI.B.

(2) Rules Of Construction. In the construction of this Crystal Airport Zoning Ordinance, the following rules shall be observed and applied, except where the context clearly indicates otherwise.

(a) Computing Time. In computing the period of time within which an act may or must be done, the first calendar day from which the designated period of time begins to run shall not be included. The last day of the period shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which case the period shall run until the end of the next day which is not a Saturday, Sunday, or legal holiday.

(b) Conflicts Between Ordinance Provisions. If a provision of this Crystal Airport Zoning Ordinance conflicts with any other provision of this Crystal Airport Zoning Ordinance, the more restrictive provision shall prevail.

(c) Height. "Height" shall be expressed as elevation in feet above Mean Sea Level, North American Vertical Datum, 1988 Adjustment, except in reference to maximum construction height without an Airport Zoning Permit when it shall be expressed as distance in feet above ground shown on the Maximum Construction Heights Without Permit Plates in the Crystal Airport Zoning Map.

(d) Including, Not Limited To. The word "including" means including but not limited to.

(e) Land To Include Water Surfaces And Bodies. The word "land" shall include water bodies and surfaces for the purpose of establishing Airspace Zones and Land Use Zones.

(f) May, Permissive. The word "may" is permissive.

(g) Shall, Mandatory. The word "shall" is mandatory and not discretionary.

(h) Singular And Plural. The singular shall include the plural, and the plural the singular.

(i) Tense. The present tense shall include the future.

(D) AIRSPACE OBSTRUCTION ZONING

(1) Airspace Surfaces And Zones. In order to carry out the purpose of this Crystal Airport Zoning Ordinance as set forth in Section I., the following Airspace Surfaces and Airspace Zones are hereby established, subject to the airspace zoning limits in Section VI.A.

(a) Primary Surface. An imaginary surface longitudinally centered on each Runway extending 200 feet beyond each end of Runways 14-32, 6L-24R, and 6R-24L. Runway 14-32 has uniform width of 500 feet, while Runways 6L-24R and 6R-24L have a uniform width of 250 feet. The elevation of any point on the Primary Surface is the same as the elevation of the nearest point on the Runway centerline.

(b) Primary Zone. All that land which lies directly under a Primary Surface.

(c) Horizontal Surface. An imaginary surface that is 1,019.3 feet above mean sea level, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the Primary Surface of each Runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is 5,000 feet for Runways 14-32, 6L-24R, and 6R-24L.

(d) Horizontal Zone. All that land which lies directly under the Horizontal Surface.

(e) Conical Surface. An imaginary surface extending upward and outward from the periphery of the Horizontal Surface at a Slope of 20 to 1 for a horizontal distance of 4,000 feet as measured radially outward from the periphery of the Horizontal Surface.

(f) Conical Zone. All that land which lies directly under the Conical Surface.

(g) Approach Surface. An imaginary surface longitudinally centered on the extended centerline at each end of Runways 14-32, 6L-24R, and 6R-24L. The inner edge of this surface is at the same width and elevation as, and coincides with, the end of the Primary Surface. For Runways 14-32, 6L-24R, and 6R-24L, this surface inclines upward and outward at a Slope of 20 to 1 for a horizontal distance of 5,000. For Runway 14-32, the outer width of this surface is 2,000 feet. For both Runways 6L-24R and 6R-24L, the outer width of this surface is 1,250 feet.

(h) Approach Zone. All that land which lies directly under an Approach Surface.

(i) Transitional Surface. An imaginary surface extending upward and outward at right angles to the centerline and extended centerline of Runways 14-32. 6L-24R, and 6R-24L at a Slope of 7 to 1 from both sides of each Primary Surface and from both sides of each Approach Surface of Runway 14-32, 6L-24R, and 6R-24L until it intersects the Horizontal Surface or the Conical Surface.

(j) Transitional Zone. All that land which lies directly under a Transitional Surface.

(2) Height Restrictions. Except as otherwise provided in this Crystal Airport Zoning Ordinance, and except as necessary and incidental to Airport operations, the following height restrictions shall apply. Where a Lot is beneath more than one Airspace Surface, the height of the more restrictive (lower) Airspace Surface shall control.

(a) Structures. No new Structure shall be constructed or established; and no existing Structure shall be altered, changed, rebuilt, repaired, or replaced in any Airspace Zone so as to project above any Airspace Surface. Nor shall any equipment used to accomplish any of the foregoing activities be allowed to project above any Airspace Surface.

(b) Trees. No Tree shall be allowed to grow or be altered, repaired, replaced, or replanted in any Airspace Zone so as to project above any Airspace Surface. Nor shall any equipment used to accomplish any of the foregoing activities be allowed to project above any Airspace Surface.

(ii) Public Nuisance; Order. If the whole or any part of any Tree shall be determined to be an Airport Hazard by the FAA, or any successor entity, after proper investigation, the Zoning Administrator may issue an order in writing for the owner or owners, agent or occupant of the property upon which such hazardous tree is located, to forthwith cause such hazardous tree, or portion thereof if the removal of a portion will remove the hazard, to be taken down and removed.

(iii) Notice. Said order is to be mailed to the last known address of the owner, agent or occupant and shall be accompanied by a notice setting forth the authority to remove such hazardous Tree at such owner's, agent's or occupant's expense in the event such owner, agent or occupant fails to comply with or file a notice of appeal from said order within 10 days of mailing. The notice shall include instructions for filing a notice of appeal from said order.

(iv) Removal. If within 10 days after said order has been mailed, as above provided for, the owner or owners, agent or occupant of the property upon which such hazardous Tree is located neglects or refuses to comply with said order, or has failed to file a notice of appeal from said order with the Zoning Administrator, then the Administrator or its designee(s) may enter upon said premises and take down or remove said tree or portion thereof declared to be hazardous, and to do any and all things which in his opinion may be necessary for the protection of life, limb or property.

(v) Assessment of Expense. If, after the notice hereinbefore provided for has been given, the owner, agent or occupant has failed to remove such hazardous tree or portion thereof, and it becomes necessary for the Zoning Administrator to remove same, the Zoning Administrator or its designee shall mail a statement of the expense of such removal to the owner, agent or occupant of the property from which such tree or portion thereof has been removed, and if within 30 days therefrom the owner, agent or occupant has not remitted to the Zoning Administrator for the expense incurred by the Zoning Administrator in said removal, the Zoning Administrator or its designee may forthwith recover the amount of such expense from the owner or owners of said property in any civil court of competent jurisdiction, in the manner provided by law.

(3) FAA 7460 Obstruction Evaluation. All construction of new Structures or alteration of existing Structures in an Airspace Zone shall comply with the requirements for filing notice to the FAA under the FAA 7460 Obstruction Evaluation process.

(E) LAND USE ZONING

(1) Land Use Zones. In order to carry out the purpose of this Crystal Airport Zoning Ordinance, as set forth in Section I., the following Land Use Zones are hereby established, subject to the land use zoning limits in Section VI.B.

(a) Land Use Zone 1. Designated land, the extents of which are shown in Figure 152.800.2. Land Use Zone 1 overlies the Runway Protection Zones.

(b) Land Use Zone 2. All land enclosed within the perimeter of the Horizontal Zone, as shown in Figure 152.800.3, except that land within Land Use Zone 1.

(2) Land Use Restrictions.

(a) General Restrictions. Subject at all times to the height restrictions set forth in Section IV.B. and the FAA 7460 Obstruction Evaluation process, no use shall be made of any land in any of the Land Use Zones that creates or causes interference with the operations of radio or electronic facilities at the Airport or with radio or electronic communications between Airport and aircraft, makes it difficult for pilots to distinguish between Airport lights and other lights, results in glare in the eyes of pilots using the Airport, impairs visibility in the vicinity of the Airport, is deemed a “hazard” to air navigation by FAA or MNDOT as part of an FAA 7460 Obstruction Evaluation, or otherwise endangers the landing, taking off, or maneuvering of aircraft.

(b) Land Use Zone 1 Restrictions. Subject at all times to the height restrictions set forth in Section IV.B. and to the general restrictions contained in Section V.B.1., areas designated as Land Use Zone 1 for each end of Runways 14-32, 6L-24R, and 6R-24L shall contain no buildings, exposed high-voltage transmission lines, or other similar land use structural hazards, and shall be restricted to those uses which will not create, attract, or bring together a dense, confined assembly of persons thereon. Permitted uses may include, but are not limited to, such uses as agriculture (seasonal crops), horticulture, animal husbandry, wildlife habitat, light outdoor recreation, cemeteries, roadways and vehicle parking, railroads, and other approved aeronautical uses. Where Land Use Zone 1 overlies the Runway Protection Zone, land uses and Structures within the Runway Protection Zone will be governed by Federal laws and regulations or by FAA advisory circulars, orders, or guidance.

(c) Land Use Zone 2 Restrictions. No land use in Land Use Zone 2 shall violate the height restrictions set forth in Section IV.B. or the general restrictions contained in Section V.B.1.

(F) AIRPORT ZONING LIMITS AND CRYSTAL AIRPORT ZONING MAP

(1) Airspace Zoning Limits. Figure 152.800.4 – Airport Boundary and Airspace Zoning Limits and Figure 152.800.5 – Airport Boundary and Airspace Contours, attached hereto and made a part hereof, show these limits.

(2) Land Use Zoning Limits. Figure 152.800.6 – Airport Boundary and Land Use Zoning Limits, attached hereto and made a part hereof, shows these limits.

(3) Crystal Airport Zoning Map. The locations and boundaries of the Airspace Surfaces, Airspace Zones, Land Use Zones, and the Maximum Construction Heights without an Airport Zoning Permit established by this Crystal Airport Zoning Ordinance are set forth on the Crystal Airport Zoning Map consisting of 102 plates – Airspace Zones, Plates A-A2 to A-F6; Maximum Construction Heights Without Permit, Plates MCH-A2 to MCH-F6; and Land Use Zones, Plates SZ-A2 to SZ-F6 prepared by the Metropolitan Airports Commission, attached hereto and made a part hereof. These plates, together with such amendments thereto as may from time to time be made, and all notations, references, elevations, heights, data, surface and zone boundaries, and other information thereon, shall be and the same are hereby adopted as part of this Crystal Airport Zoning Ordinance.

(G) NONCONFORMING USES

(1) Crystal Airport Zoning Ordinance. The provisions of this Crystal Airport Zoning Ordinance shall not be construed to require the removal, lowering, other change, or alteration of any Nonconforming Structure or Tree, or otherwise interfere with the continuance of any Nonconforming Use. Nonconforming Structures and Nonconforming Uses are permitted under this Crystal Airport Zoning Ordinance, subject to the provisions in Section VIII. (Airport Zoning Permits) and Section IX. (Variances). Nothing herein contained shall require any change in the construction, alteration, or intended use of any Structure, the construction or alteration of which was begun prior to the Effective Date, and was diligently prosecuted and completed within 2 years of the Effective Date.

(H) AIRPORT ZONING PERMITS

(1) Permit Required. The following activities shall not take place on a Lot in any Airspace Zone or Land

Use Zone unless an Airport Zoning Permit shall have been granted therefore by the Zoning Administrator for the jurisdiction in which the Lot is located.

(a) Existing Structures. Except as specifically provided in Section VIII.B., no existing Structure shall be altered, changed, rebuilt, repaired, or replaced.

(b) New Structures. Except as specifically provided in Section VIII.B., no Structure shall be newly constructed or otherwise established.

(c) Nonconforming Structures. No Nonconforming Structure shall be replaced, substantially altered or repaired, or rebuilt.

(2) Exception To Permit Requirement.

(a) Maximum Construction Height Without A Permit. No Airport Zoning Permit shall be required for an existing Structure to be altered, changed, rebuilt, repaired, or replaced on a Lot, or for a new Structure to be constructed or otherwise established on a Lot, if the highest point on the Structure or on any equipment used to accomplish any of the foregoing activities, whichever is higher (measured in feet from curb level or from natural grade at a point 10 feet away from the front center of the Structure, whichever is lower) does not exceed the "maximum construction height above ground without an Airport Zoning Permit" shown for the Lot on the applicable Maximum Construction Heights Without Permit Plate in the Crystal Airport Zoning Map.

(b) No Violation Of Height Or Land Use Restriction Permitted. Nothing in this Section VIII.B. shall be construed as permitting or intending to permit a violation or a greater violation of any provision of this Crystal Airport Zoning Ordinance.

(3) Permit Application. An Airport Zoning Permit application for activities on a Lot shall be made in the manner and on the form established by the Zoning Administrator of the jurisdiction in which the Lot is located as designated in Section XI.B.

(4) Permit Standard. An Airport Zoning Permit shall be granted unless the Zoning Administrator determines that granting the permit (1) would allow a conforming Structure or use to violate any provision of this Crystal Airport Zoning Ordinance or (2) would permit a Nonconforming Structure or a Nonconforming Use to become a greater violation of any provision of this Crystal Airport Zoning Ordinance. Any Airport Zoning Permit may be granted subject to any reasonable conditions that the Zoning Administrator may deem necessary to effectuate the purpose of this Crystal Airport Zoning Ordinance. In making any determination, the Zoning Administrator need not give public notice of, or hold a public hearing on, the Airport Zoning Permit application or the determination.

(5) Abandoned Or Deteriorated Nonconforming Uses. Whenever a Zoning Administrator determines that a Nonconforming Structure, Nonconforming Use, or Tree has been abandoned or more than 80% torn down, deteriorated, or decayed, no Airport Zoning Permit shall be granted that would allow such Nonconforming Structure, Nonconforming Use, or Tree to exceed the height restrictions of Section IV.B. or otherwise violate any provision of this Crystal Airport Zoning Ordinance. Whether application is made for an Airport Zoning Permit or not, a Zoning Administrator may order the owner of the abandoned, torn down, deteriorated, or decayed Nonconforming Structure, Nonconforming Use, or Tree at the owner's expense, to lower, remove, reconstruct, or equip the same in the manner necessary to conform to the provisions of this Crystal Airport Zoning Ordinance. In the event the owner shall neglect or refuse to comply with such order for 10 days after receipt of written notice of such order, the Zoning Administrator may, by appropriate legal action, proceed to have the Nonconforming Structure, Nonconforming Use, or Tree lowered, removed, reconstructed, or equipped and assess the cost and expense thereof against the land on which the Nonconforming Structure, Nonconforming Use, or Tree is, or was, located. Unless such an assessment is paid within 90 days from the service of notice thereof on the owner of the land, the sum shall bear interest at the rate of 8% per annum from the date the cost and expense is incurred until paid, and shall be collected in the same manner as are general taxes, all as authorized by Minnesota Statutes § 360.067.

(I) VARIANCES

(1) Variance Application. Any Person desiring to use his or her property in violation of any provision of this Crystal Airport Zoning Ordinance, whether to construct or establish a new Structure; to alter, change, rebuild, repair, or replace an existing Structure; to allow a Tree to grow higher; to alter, repair, replace, or replant a Tree; or to otherwise use his or her property in violation of any provision of this Crystal Airport Zoning Ordinance, may apply to the Board of Adjustment for a variance from such provision. A variance application shall be made by sending the application on the form provided by the Board of

Adjustment by certified United States Mail to (1) the members of the Board of Adjustment and (2) the Board of Adjustment at the mailing address specified in Section XII.C. The applicant shall also mail a copy of the application by regular United States Mail to the Zoning Administrator of the jurisdiction in which the Structure or property is located, as designated in Section XI.B. The Board of Adjustment may charge a fee for processing the application.

(2) Failure Of Board To Act. If the Board of Adjustment fails to grant or deny the variance within 4 months after the last Board member receives the variance application, the variance shall be deemed to be granted by the Board of Adjustment, but not yet effective. When the variance is granted by reason of the failure of the Board of Adjustment to act on the variance, the Person receiving the variance shall send notice that the variance has been granted by certified United States Mail to (1) the Board of Adjustment at the mailing address specified in Section XII.C. and (2) the Commissioner. The applicant shall include a copy of the original application for the variance with the notice to the Commissioner. The variance shall be effective 60 days after this notice is received by the Commissioner, subject to any action taken by the Commissioner pursuant to Minnesota Statutes § 360.063, subd. 6.a.

(3) Variance Standard. A variance shall be granted where it is found that a literal application or enforcement of the provisions of this Crystal Airport Zoning Ordinance would result in practical difficulty or unnecessary hardship and relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this Crystal Airport Zoning Ordinance and Minnesota Statutes Chapter 360. Any variance granted may be granted subject to any reasonable conditions that the Board of Adjustment, or the Commissioner acting under Section IX.B., may deem necessary to effectuate the purpose of this Crystal Airport Zoning Ordinance or Minnesota Statutes Chapter 360.

(J) HAZARD MARKING AND LIGHTING

(1) Nonconforming Structure. The Metropolitan Airports Commission may require the owner of any Nonconforming Structure to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Metropolitan Airports Commission to indicate the presence of the Structure to the operators of aircraft in the vicinity of the Airport. Such markers and lights shall be installed, operated, and maintained at the expense of the Metropolitan Airports Commission.

(2) Permits And Variances. Any Airport Zoning Permit or variance granted by a Zoning Administrator or the Board of Adjustment may, if such action is deemed advisable to effectuate the purpose of this Crystal Airport Zoning Ordinance and be reasonable in the circumstances, be granted subject to a condition that the owner of the Structure in question permit the Metropolitan Airports Commission, at its expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an Airport Hazard.

(K) ZONING ADMINISTRATOR

(1) Duties. It shall be the duty of each Zoning Administrator to administer and enforce the provisions of this Crystal Airport Zoning Ordinance. Applications for Airport Zoning Permits shall be made to a Zoning Administrator as provided herein. A Zoning Administrator may charge a fee for processing the application. Airport Zoning Permit applications shall be considered and acted upon by the Zoning Administrator in accordance with the provisions of this Crystal Airport Zoning Ordinance and within the timelines established by Minnesota Statutes § 15.99, as it may be amended. The Zoning Administrator shall remind each applicant that it is the responsibility of the applicant to record any conditions of an Airport Zoning Permit, if required by law.

(2) Designated Zoning Administrators. For the purpose of this Crystal Airport Zoning Ordinance, the Zoning Administrator shall be the official entitled as follows: the Crystal Zoning Administrator for lands located in the City of Crystal; the Brooklyn Park Zoning Administrator for lands located in the City of Brooklyn Park; the Brooklyn Center Zoning Administrator for lands located in Brooklyn Center; the Minneapolis Zoning Administrator for lands located in Minneapolis; the New Hope Zoning Administrator for lands located in New Hope; and the Robbinsdale Zoning Administrator for lands located in Robbinsdale. In the event that 1 or more of the above-described Zoning Administrators fails to administer or enforce this Crystal Airport Zoning Ordinance as provided by law, the Crystal Airport Joint Airport Zoning Board hereby appoints the Metropolitan Airports Commission to administer or enforce this Crystal Airport Zoning Ordinance in the municipality or municipalities. If any official position designated above as a Zoning Administrator ceases to exist or to perform or serve its present function, the successor position as designated by the applicable entity shall become the Zoning Administrator for that entity and shall perform or serve such

functions.

(L) BOARD OF ADJUSTMENT

(1) Establishment Of Board And Selection Of Chair. There is hereby established a Board of Adjustment that shall consist of 5 members appointed by the Metropolitan Airports Commission, and each shall serve for a term of 3 years and until a successor is duly appointed and qualified. Of the members first appointed, 1 shall be appointed for a term of 1) year, 2 for a term of 2 years, and 2 for a term of 3 years. Upon their appointment, the members shall select a chair to act at the pleasure of the Board of Adjustment. Members shall be removable by the Metropolitan Airports Commission for cause, upon written charges, after a public hearing.

(2) Board Powers. The Board of Adjustment shall have the power to hear and decide appeals from any order, requirement, decision, or determination made by any Zoning Administrator or the Metropolitan Airports Commission in the enforcement of this Crystal Airport Zoning Ordinance and to hear and grant or deny variances.

(3) Board Procedures.

(a) Rules, Meetings, And Records. The Board of Adjustment shall adopt rules for its governance and procedure in harmony with the provisions of this Crystal Airport Zoning Ordinance. Meetings of the Board of Adjustment shall be held at the call of the chair and at such other times as the Board of Adjustment may determine. The chair, or in his or her absence the acting chair, may administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustment shall be public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the offices of the Metropolitan Airports Commission and the Zoning Administrator of the jurisdiction in which the affected Structure or Lot is located, and shall be a public record.

(b) Written Findings And Conclusions. The Board of Adjustment shall make written findings of fact and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in affirming, modifying, or reversing an order, requirement, decision, or determination of a Zoning Administrator or the Metropolitan Airports Commission and in granting or denying a variance.

(c) Majority Vote Required. The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to affirm, modify, or reverse an order, requirement, decision, or determination of a Zoning Administrator or the Metropolitan Airports Commission, to decide to grant or deny a variance, or to act on any other matter upon which the Board of Adjustment is required to pass under this Crystal Airport Zoning Ordinance.

(d) Mailing Address. The mailing address for the Board of Adjustment is:

Crystal Airport Zoning Ordinance Board of Adjustment
c/o Executive Director
Metropolitan Airports Commission
6040 28th Avenue South
Minneapolis, MN 55450

(M) APPEALS

(1) Who May Appeal. Any Person aggrieved, or any taxpayer affected by any order, requirement, decision, or determination of a Zoning Administrator made in administration of this Crystal Airport Zoning Ordinance may appeal to the Board of Adjustment. Such appeals may also be made by any governing body of a municipality or county, or any joint airport zoning board, which is of the opinion that an order, requirement, decision, or determination of a Zoning Administrator is an improper application of this Crystal Airport Zoning Ordinance as it concerns such governing body or board.

(2) Commencement Of Appeals. All appeals hereunder must be commenced within 30 days of a Zoning Administrator's decision by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Adjustment the notice of appeal and all papers constituting the record upon which the order, requirement, decision, or determination appealed from was taken.

(3) Stay Of Proceedings. An appeal shall stay all proceedings in furtherance of the order, requirement, decision, or determination appealed from, unless the Zoning Administrator certifies to the Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in the Zoning Administrator's opinion, cause imminent peril to life or property. In

such case, proceedings shall not be stayed except by order of the Board of Adjustment on notice to the Zoning Administrator and on due cause shown.

(4) Appeal Procedures. The Board of Adjustment shall fix a reasonable time for hearing an appeal, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in Person, by agent, or by attorney.

(5) Decision. The Board of Adjustment may, in conformity with the provisions of Minnesota Statutes Chapter 360 and this Crystal Airport Zoning Ordinance, affirm or reverse, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination, as may be appropriate under the circumstances and, to that end, shall have all the powers of a Zoning Administrator.

(N) JUDICIAL REVIEW

Any Person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment or any action of the Commissioner taken under Minnesota Statutes 360.063, subd. 6 or 6a, or any governing body of a municipality or county, or any joint airport zoning board, which is of the opinion that an order, requirement, decision, or determination of the Board of Adjustment or action of the Commissioner is illegal, may seek judicial review as provided in Minnesota Statutes § 360.072. The petitioner must exhaust the remedies provided in this Crystal Airport Zoning Ordinance before availing himself or herself of the right to seek judicial review as provided by this Section XIV.

(O) PENALTIES AND OTHER REMEDIES

Every Person who violates any provision of this Crystal Airport Zoning Ordinance, any zoning approval granted hereunder, any condition of any zoning approval granted hereunder, or any order, requirement, decision, or determination of a Zoning Administrator or the Board of Adjustment shall be guilty of a misdemeanor and shall be punished by a fine, imprisonment, or both of not more than the fine and imprisonment established for misdemeanors by state law. Each day a violation continues to exist shall constitute a separate offense for the purpose of the penalties and remedies specified in this section. This Crystal Airport Zoning Ordinance may also be enforced through such proceedings for injunctive relief and other relief as may be proper under Minnesota Statutes § 360.073, as it may be amended, and other applicable law.

(P) RELATION TO OTHER LAWS, REGULATIONS, AND RULES

(1) Compliance Required. In addition to the requirements of this Crystal Airport Zoning Ordinance, all Structures, Trees, and uses shall comply with all other applicable city, local, regional, state, or federal laws, regulations, and rules, including Minnesota Statutes §§ 360.81-360.91 – Regulation Of Structure Heights, Minnesota Rules 8800.1100 – Regulation Of Structure Heights, and 14 Code of Federal Regulations Part 77 – Objects Affecting Navigable Airspace.

(2) Conflicts With Other Regulations. Where a conflict exists between any provision of this Crystal Airport Zoning Ordinance and any city, local, regional, state, or federal law, regulation, or rule applicable to the same area, whether the conflict be with respect to the height of Structures or Trees, the use of land, or any other matter, the more stringent law, regulation, or rule shall govern and prevail.

(3) Current Versions And Citations. All references to city, local, regional, state, and federal laws, regulations, and rules in this Crystal Airport Zoning Ordinance are intended to refer to the most current version and citation. If such references are no longer valid due to repeal or renumbering, the new laws, regulations, or rules intended to replace those cited, regardless of the citation, shall govern.

(Q) SEVERABILITY

(1) Effect Of Taking. In any case in which the provisions of this Crystal Airport Zoning Ordinance, although generally reasonable, are held by a court to interfere with the use or enjoyment of a particular Structure, Lot, or Tree to such an extent, or to be so onerous in their application to such a Structure, Lot, or Tree, as to constitute a taking or deprivation of that property in violation of the constitution of this state or the constitution of the United States, such holding shall not affect the application of this Crystal Airport Zoning Ordinance as to other Structures, Lots, and Trees, and, to this end, the provisions of this Crystal Airport Zoning Ordinance are declared to be severable.

(2) Validity Of Remaining Provisions. Should any section or provision of this Crystal Airport Zoning Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Crystal Airport Zoning Ordinance as a whole or any part thereof other than the parts so declared to be unconstitutional or invalid.

(R) EFFECTIVE DATE

This Crystal Airport Zoning Ordinance shall take effect on the 1st day of January, 2024. Copies thereof shall be filed with the Commissioner and the Registers of Deeds for Hennepin County, Minnesota.

Passed and adopted after public hearings by the Crystal Airport Joint Airport Zoning Board this 8th day of November, 2024.

Figure 152.800.1 – AIRPORT BOUNDARY

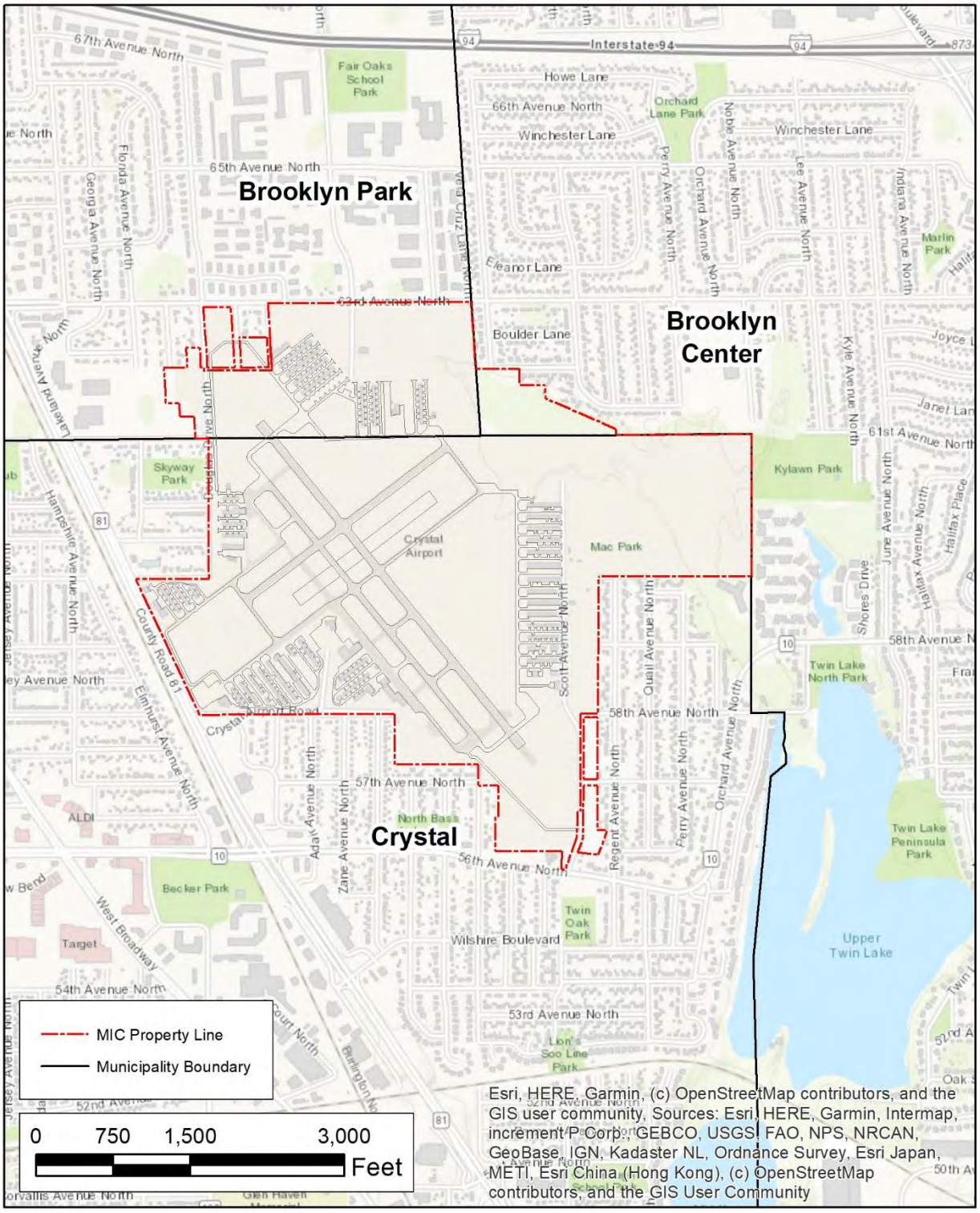


Figure 152.800.2 – JAZB LAND USE ZONE 1

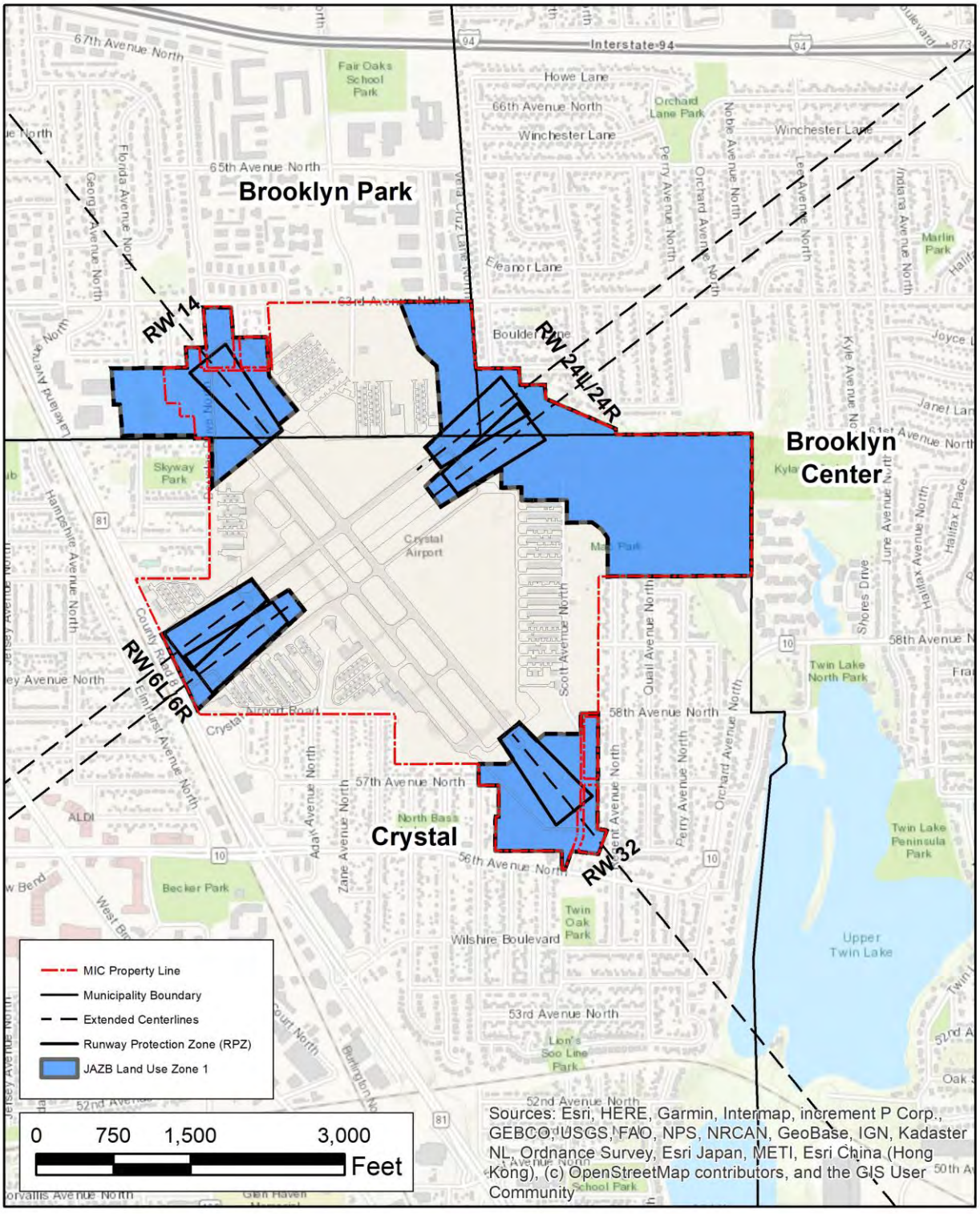


Figure 152.800.3 – JAZB LAND USE ZONE 2



Figure 152.800.4 – AIRPORT BOUNDARY AND AIRSPACE ZONING LIMITS

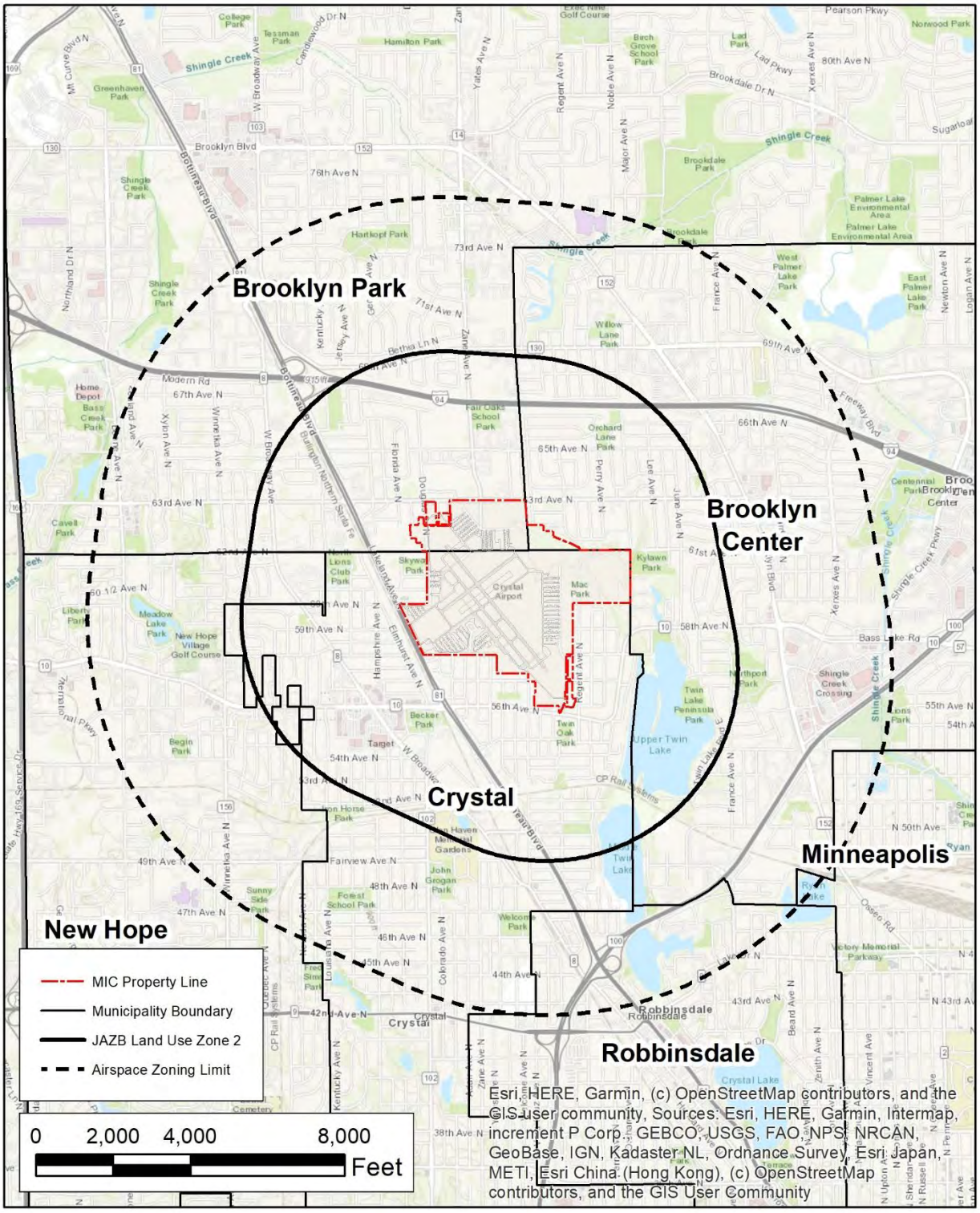


Figure 152.800.5 – AIRPORT BOUNDARY AND AIRSPACE CONTOURS



Figure 152.800.6 – AIRPORT BOUNDARY AND LAND USE ZONING LIMITS



§152.801 FLOOD HAZARD OVERLAY

The legislature of the State of Minnesota has, in M.S. Ch. 103F and 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. The intent of the designation on a property is to protect and preserve areas and investments on properties that are subject to periodic inundation by flood waters. This designation includes Floodway (FW), Flood Fringe (FF) and General Flood Plain (FP). The Official Zoning Map together with all materials attached thereto is hereby adopted by reference and declared to be part of this chapter. The attached material includes the Flood Insurance Study for Hennepin County, Minnesota, and Incorporated Areas, dated November 4, 2016, and the Flood Insurance Rate Map panels enumerated as follows: 27053C0069F, 27053C0088F, 27053C0089F, 27053C0093F, 27053C0182F, 27053C0184F, 27053C0201F, 27053C0202F, 27053C0203F, 27053C0204F, 27053C0206F, 27053C0207F, 27053C0208F, 27053C0209F, dated November 4, 2016, all prepared by the Federal Emergency Management Agency. These materials are on file in the office of the City Clerk.

(A) Purpose. The purpose of these overlays includes:

(1) To protect areas with environmental sensitivity.

(2) To promote the public health, safety, and general welfare of the city.

(3) To minimize losses of life, property, health and safety hazards, disruption of commerce and governmental services, public expenditures for flood protection and relief, and impairment of the tax base due to periodic inundation.

(4) To comply with the rules and regulations of the National Flood Insurance Program codified as 44 CFR Parts 59-78, as amended, to maintain the community's eligibility in the National Flood Insurance Program.

(5) To preserve the natural characteristics and functions of watercourses and flood plains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

(B) General provisions.

(1) This subchapter adopts the flood plain maps applicable to the city and includes three flood plain districts: Floodway, Flood Fringe, and General Flood Plain.

(a) Where Floodway and Flood Fringe districts are delineated on the flood plain maps, the standards in §152.801(D)(3) or (4) will apply, depending on the location of a property.

(b) Locations where Floodway and Flood Fringe districts are not delineated on the flood plain maps are considered to fall within the General Flood Plain District. Within the General Flood Plain District, the Floodway District standards in §152.801(D)(3) apply unless the floodway boundary is determined, according to the process outlined in §152.801(D)(5). Once the floodway boundary is determined, the Flood Fringe District standards in §152.801(D)(4) may apply outside the floodway.

(2) Lands to which subchapter applies. This subchapter applies to all lands within the jurisdiction of the city shown on the official zoning map or the attachments to the map as being located within the boundaries of the Floodway, Flood Fringe, or General Flood Plain Districts.

(a) The Floodway, Flood Fringe and General Flood Plain Districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in this subchapter. In case of a conflict, the more restrictive standards will apply.

(3) Interpretation. The boundaries of the zoning districts are determined by scaling distances on the Flood Insurance Rate Map.

(b) Where a conflict exists between the flood plain limits illustrated on the official zoning map and actual field conditions, the flood elevations shall be the governing factor. The Zoning Administrator must interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory flood plain, and other available technical data.

(c) Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Planning Commission and to submit technical evidence.

(4) Abrogation and greater restrictions. It is not intended by this subchapter to repeal, abrogate, or impair

any existing easements, covenants, or other private agreements. However, where this subchapter imposes greater restrictions, the provisions of this subchapter prevail. All other ordinances inconsistent with this subchapter are hereby repealed to the extent of the inconsistency only.

(5) This subchapter does not imply that areas outside a flood hazard area will be free from flooding or flood damages. This subchapter does not create liability on the part of the city or any officer or employee for any flood damages that result from reliance on this section, or any administrative decision lawfully made based on regulations in this section.

(6) Severability. If any section, clause, provision, or portion of this subchapter is adjudged unconstitutional or invalid by a court of law, the remainder of this subchapter shall not be affected and shall remain in full force.

(7) Annexations. The Flood Insurance Rate Map panels adopted by reference into §152.801 above may include flood plain areas that lie outside of the corporate boundaries of the city at the time of adoption of this subchapter. If any of these flood plain land areas are annexed into the city after the date of adoption of this subchapter, the newly annexed flood plain lands will be subject to the provisions of this subchapter immediately upon the date of annexation.

(8) Detachments. The Flood Insurance Rate Map panels adopted by reference into §152.801 will include flood plain areas that lie inside the city at the time of adoption of this subchapter. If any of these flood plain land areas are detached from the city and come under the jurisdiction of another city after the date of adoption of this subchapter, the newly detached flood plain lands will no longer be subject to the provisions of this subchapter as of the date of detachment.

(C) Amendments and administration.

All amendments to this subchapter must follow the procedures as defined in §152.302.

(1) Designations shown on the Zoning Overlay Map may not be removed unless an applicant provides evidence that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the flood hazard area. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources determined that, through other measures, lands are adequately protected for the intended use.

(2) All amendments, either to the text of this section or the Zoning Overlay Map must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the boundaries for flood hazard area must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given ten days written notice of all hearings to consider an amendment to this section and said notice must include a draft of the amendment or technical study under consideration.

(3) Zoning Administrator: A Zoning Administrator or other official designated by the city shall administer and enforce this chapter. If the Zoning Administrator finds a violation of the provisions of this chapter the Zoning Administrator shall notify the person responsible for such violation in accordance with the procedures stated in § 152.801(H).

(4) Permit requirements:

(a) Permit required. For that portion of the property or structures in the floodplain, a permit issued by the Zoning Administrator in conformity with the provisions of this subchapter shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair over $500), or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on-site septic system; prior to the change or extension of a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source, and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain; relocation or alteration of a watercourse (including new or replacement culverts and bridges), unless a public waters work permit has been applied for; any other type of development as defined in this subchapter. Exceptions to this requirement include dog houses, non-habitable structures such as storage units less than 36 square fee in size, normal household storage, such as lawn furniture or equipment storage, such as a canoe, all of which may easily be moved if necessary and normal landscaping and maintenance, provided no fill is placed within the Flood Hazard Overlay.

(b) Notifications for watercourse alterations. The Zoning Administrator shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the

community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to M.S. Chapter 103G, this shall suffice as adequate notice to the Commissioner of Natural Resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

(c) Notification to FEMA when physical changes increase or decrease the 100-year flood elevation. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Zoning Administrator shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.

(5) The flood plain district regulations adopted by this subchapter will be amended to incorporate any revisions by the Federal Emergency Management Agency to the flood plain maps adopted by § 152.801.

(D) Floodway, flood fringe, and general floodplain performance standards and uses.

(1) Districts.

(a) Floodway District. The Floodway District includes those areas within Zones AE that have a floodway delineated as shown on the Flood Insurance Rate Map adopted in § 152.801. For lakes, wetlands and other basins within Zones AE that do not have a floodway delineated, the Floodway District also includes those areas that are at or below the ordinary high water level as defined in M.S. § 103G.005, Subd. 14.

(b) Flood Fringe District. The Flood Fringe District includes areas within Zones AE that have a floodway delineated on the Flood Insurance Rate Map adopted in § 152.801, but are located outside of the floodway. For lakes, wetlands and other basins within Zones AE that do not have a floodway delineated, the Flood Fringe District also includes those areas below the 1% annual chance (100-year) flood elevation but above the ordinary high water level as defined in M.S. § 103G.005, Subd. 14.

(c) General Flood Plain District. The General Flood Plain District includes those areas within Zones A, AE, or AH that do not have a delineated floodway as shown on the Flood Insurance Rate Map adopted in § 152.801.

(2) Applicability. Within the Flood Plain Districts established in this subchapter, the use, size, type and location of development must comply with the terms of this subchapter and other applicable regulations. In no cases shall flood plain development adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributaries to the main stream, drainage ditches, or any other drainage facilities or systems. All uses not listed as permitted uses or conditional uses in divisions (3), (4) and (5) below are prohibited. In addition, critical facilities, as defined in §152.107, are prohibited in all Flood Plain Districts.

(3) Floodway District (FW).

(a) Permitted uses. The following uses, subject to the standards set forth in division (C)(2) below and § 152.801(E), are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:

(i) General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

(ii) Industrial-commercial loading areas, parking areas, and airport landing strips.

(iii) Open space uses, including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails.

(iv) Residential lawns, gardens, parking areas, and play areas.

(v) Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources Area Hydrologist is notified at least ten days prior to issuance of any permit.

(b) Standards for Floodway permitted uses.

(i) The use must have a low flood damage potential.

(ii) The use must not obstruct flood flows or cause any increase in flood elevations and must not involve structures, obstructions, or storage of materials or equipment.

(iii) Any facility that will be used by employees or the general public must be designed with a

flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

(iv) No on-site sewage treatment, holding tanks or water supply systems are permitted in the floodway.

(c) Conditional uses. The following uses may be allowed as conditional uses following the standards and procedures set forth in § 152.801(K) and further subject to the standards set forth in division (C)(4) below, if otherwise allowed in the underlying zoning district or any applicable overlay district.

(i) Structures accessory to the uses listed in divisions (C)(1)(a) through (c) and the uses listed in divisions (C)(3)(b) and (c).

(ii) Extraction and storage of sand, gravel, and other materials.

(iii) Marinas, boat rentals, docks, piers, wharves, and water control structures.

(iv) Storage yards for equipment, machinery, or materials.

(v) Placement of fill or construction of fences that obstruct flood flows. Farm fencing, as defined in M.S. § 344.02, Subd. 1(a)-(d), is permitted as it relates to this section.

(vi) Travel-ready recreational vehicles meeting the exception standards in § 152.514(F)(2).

(vii) Levees or dikes intended to protect agricultural crops for a frequency flood event equal to or less than the ten-year frequency flood event.

(d) Standards for Floodway conditional uses.

(i) All uses. A conditional use must not cause any increase in the stage of the 1% chance or regional flood or cause an increase in flood damages in the reach or reaches affected.

(ii) Fill; storage of materials and equipment:

a. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

b. Fill, dredge spoil, and other similar materials deposited or stored in the flood plain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.

c. Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the 1% chance or regional flood may only be allowed if the City Council has approved a plan that ensures removal of the materials from the floodway based upon the flood warning time available.

(iii) Accessory structures. Accessory structures, as identified in division (C)(3)(a) above, may be permitted, provided that:

a. Structures are not intended for human habitation;

b. Structures will have a low flood damage potential;

c. Structures will be constructed and placed so as to offer a minimal obstruction to the flow of flood waters;

d. Service utilities, such as electrical and heating equipment, within these structures must be elevated to or above the regulatory flood protection elevation or properly floodproofed;

e. Structures must be elevated on fill or structurally dry floodproofed in accordance with the FP1 or FP2 floodproofing classifications in the State Building Code. All floodproofed structures must be adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls.

f. As an alternative, an accessory structure may be internally wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided the accessory structure constitutes a minimal investment and does not exceed 576 square feet in size. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria: to allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and there must be openings on at least two sides of the structure and the bottom of all openings must

be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

(iv) Accessory structures in the Flood Hazard Area Overlay.

a. Accessory structures shall not be designed for human habitation.

b. Accessory structures shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters:

(v) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow: and

(vi) So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

(a) Accessory structures shall be elevated on fill or structurally dry flood proofed to the regulatory flood protection elevation in accordance with the State Building Code. As an alternative, an accessory structure may be wet flood proofed to the flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment and does not exceed 500 square feet in size. All flood proofed accessory structures must meet the following additional standards:

(i) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls;

(ii) Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly flood proofed; and

(iii) To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a door prior to flooding will not satisfy this requirement for automatic openings.

(2) Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of M.S. § 103G.245.

(3) A levee, dike or floodwall constructed in the floodway must not cause an increase to the 1% chance or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.

(4) Floodway developments must not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system.

(4) Flood Fringe District (FF).

(a) Permitted uses. Permitted uses are those uses of land or structures allowed in the underlying zoning district(s) that comply with the standards in division (4)(b) below. If no pre-existing, underlying zoning districts exist, then any residential or nonresidential structure or use of a structure or land is a permitted use provided it does not constitute a public nuisance.

(b) Standards for Flood Fringe permitted uses.

(i) Except for the structures mentioned in § 152.801(E)(4) only non-habitable accessory structures constructed with less than 120 square feet, fences, or docks for the personal use of the resident(s) of the principal structure that are constructed with flood resistant material to the regulatory flood protection elevation in accordance with the flood proofing classification of the State Building Code may be permitted in the flood fringe, if permitted in the underlying district. No accessory structure may be constructed on the property that will increase flood elevations. All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure.

(ii) Accessory structures. As an alternative to the fill requirements of division (4)(b)(i) above, structures accessory to the uses identified in division (4)(a) above may be permitted to be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State

Building Code, provided that:

a. The accessory structure constitutes a minimal investment, does not exceed 576 square feet in size, and is only used for parking and storage.

b. All portions of floodproofed accessory structures below the regulatory flood protection elevation must be:

- Adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls;
- Be constructed with materials resistant to flood damage; and
- Must have all service utilities be water-tight or elevated to above the regulatory flood protection elevation.

(b) Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria: to allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and there must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

(5) The cumulative placement of fill or similar material on a parcel must not exceed 1,000 cubic yards, unless the fill is specifically intended to elevate a structure in accordance with division (D)(2)(a) above, or if allowed as a conditional use under division (D)(3)(c) below.

(6) The storage of any materials or equipment must be elevated on fill to the regulatory flood protection elevation.

(7) All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.

(8) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

(9) All fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.

(10) All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning or emergency evacuation plan acceptable to the City Council.

(11) Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

(i) Interference with normal manufacturing/industrial plant operations must be minimized, especially along streams having protracted flood durations. In considering permit applications, due consideration must be given to the needs of industries with operations that require a flood plain location.

(12) Manufactured homes must meet the standards of § 152.801(E)(5) and recreational vehicles must meet the standards of § 152.801(E)(6).

(c) Conditional uses. The following uses and activities may be allowed as conditional uses, if allowed in the underlying zoning district(s) or any applicable overlay district, following the procedures in § 152.801(K).

(13) Any structure that is not elevated on fill or floodproofed in accordance with division (D)(2)(a) and (b) above.

(14) Storage of any material or equipment below the regulatory flood protection elevation.

(15) The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in accordance with division (D)(2)(a) above.

(d) Standards for Flood Fringe conditional uses.

(16) The standards listed in divisions (D)(2)(c) through (j) apply to all conditional uses.

(17) Basements, as defined by § 152.008, are subject to the following:
  (a) Residential basement construction is not allowed below the regulatory flood protection elevation.
  (b) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry floodproofed in accordance with division (D)(4)(c) below.

(18) All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be floodproofed in accordance with the structurally dry floodproofing classifications in the State Building Code. Structurally dry floodproofing must meet the FP1 or FP2 floodproofing classification in the State Building Code, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

(19) The placement of more than 1,000 cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.
  (a) The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional (1% chance) flood event.
  (b) The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City Council.
  (c) The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.

(20) Storage of materials and equipment below the regulatory flood protection elevation must comply with an approved emergency plan providing for removal of such materials within the time available after a flood warning.

(2) General Flood Plain District (GF).
  (a) Permitted uses.
    (1) The uses listed in division (C)(1) above, Floodway District permitted uses, are permitted uses.
    (2) All other uses are subject to the floodway/flood fringe evaluation criteria specified in division (E)(2) below. Division (C) above applies if the proposed use is determined to be in the Floodway District. Division (D) above applies if the proposed use is determined to be in the Flood Fringe District.
  (b) Procedures for Floodway and Flood Fringe determinations.
    (1) Upon receipt of an application for a permit or other approval within the General Flood Plain District, the Zoning Administrator must obtain, review and reasonably utilize any regional flood elevation and floodway data available from a federal, state, or other source.
    (2) If regional flood elevation and floodway data are not readily available, the applicant must furnish additional information, as needed, to determine the regulatory flood protection elevation and whether the proposed use would fall within the Floodway or Flood Fringe District. Information must be consistent with accepted hydrological and hydraulic engineering standards and the standards in division (E)(2)(c) below.
    (3) The determination of floodway and flood fringe must include the following components, as applicable:
      (a) Estimate the peak discharge of the regional (1% chance) flood.
      (b) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
      (c) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than one-half (0.5) foot. A lesser stage increase than 0.5 foot is required if, as a result of the stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries.
    (4) The Zoning Administrator will review the submitted information and assess the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary. The assessment must include the cumulative effects of previous floodway encroachments. The Zoning Administrator may seek technical assistance from a designated engineer or

other expert person or agency, including the Department of Natural Resources. Based on this assessment, the Zoning Administrator may approve or deny the application.

(5) After the Floodway and Flood Fringe District boundaries have been determined, the Zoning Administrator must process the permit application consistent with the applicable provisions of divisions (C) and (D) above.

(E) Standards for all flood plain districts.

(1) Public utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain must be floodproofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.

(2) Public transportation facilities. Railroad tracks, roads, and bridges to be located within the flood plain must comply with § 152.513(C) and (D). These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety. None of these uses shall increase flood elevations.

(3) Non-habitable park shelters and other community assembly structures when accessory to park uses shall be permitted, but shall be constructed using flood proofing measures to the regulatory flood protection elevation, in accordance with the State Building Code, and shall not increase flood elevations. Buildings over 500 square feet must be dry flood proofed to the flood proofing standards in the State Building Code.

(4) On-site water supply and sewage treatment systems. Where public utilities are not provided:

(a) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and are subject to the provisions in Minnesota Rules Chapter 4725.4350, as amended; and

(b) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, they must not be subject to impairment or contamination during times of flooding, and are subject to the provisions in Minnesota Rules Chapter 7080.2270, as amended.

(5) Manufactured homes. New manufactured home parks and expansions to existing manufactured home parks are prohibited in any Flood Plain District. For existing manufactured home parks or lots of record, the following requirements apply:

(a) Placement or replacement of manufactured home units is prohibited in the Floodway District.

(b) If allowed in the Flood Fringe District, placement or replacement of manufactured home units is subject to the requirements of § 152.513(D) and the following standards:

(i) New and replacement manufactured homes must be elevated in compliance with § 152.513(D) and must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

(ii) New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in § 152.517(B).

(6) Recreational vehicles. New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any Flood Plain District. Storage of recreational vehicles and equipment shall be in conformance with the regulations of the city, less than 400 square feet in size and equipment may be temporarily stored (for a maximum period of 180 days) if permitted in the underlying district and in compliance with all other sections of the City Code. Placement of recreational vehicles in existing recreational vehicle parks or campgrounds or as storage in the flood plain must meet the exemption criteria below or be treated as new structures meeting the requirements of this subchapter.

(a) Recreational vehicles are exempt from the provisions of this subchapter if they are placed in any of the following areas and meet the criteria listed in division (F)(2) below:

(i) Individual lots or parcels of record.

(ii) Existing commercial recreational vehicle parks or campgrounds.

(iii) Existing condominium-type associations.

(b) Criteria for exempt recreational vehicles:

(i) The vehicle must have a current license required for highway use.

(ii) The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.

(iii) No permanent structural type additions may be attached to the vehicle.

(iv) The vehicle and associated use must be permissible in any pre-existing, underlying zoning district.

(v) Accessory structures are not permitted within the Floodway District. Any accessory structure in the Flood Fringe District must be constructed of flood-resistant materials and be securely anchored, meeting the requirements applicable to manufactured homes in division (E)(2) above.

(vi) An accessory structure must constitute only a minimal investment.

(c) Recreational vehicles that are exempt in (F)(2) above lose this exemption when development occurs on the site that exceeds a minimal investment for an accessory structure such as a garage or storage building. The recreational vehicle and all accessory structures will then be treated as new structures subject to the elevation and floodproofing requirements of § 152.513(D). No development or improvement on the parcel or attachment to the recreational vehicle is allowed that would hinder the removal of the vehicle should flooding occur.

(7) Building sites. If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) must be:

(a) Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(b) Constructed with materials and utility equipment resistant to flood damage;

(c) Constructed by methods and practices that minimize flood damage; and

(d) Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(F) Procedures for submission of technical data for boundary.

(1) Upon receipt of an application for a development for a use within a Flood Hazard Overlay, the applicant is required to furnish as is applicable to the application as determined by the City Manager for the determination of the regulatory flood protection elevation and whether the proposed use is within the flood way or flood fringe. If the proposed use is located within the flood way, § 152.513 of this chapter applies. If the proposed use is located in the flood fringe, § 152.514 of this chapter applies.

(a) A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.

(b) Plan (surface view) showing the following:

(1) Elevations or contours of the ground.

(2) Pertinent structure, fill, or storage elevations.

(3) The size, location, and spatial arrangement of all proposed and existing structures on the site.

(4) Location and spatial arrangement of all proposed and existing structures on the site.

(5) The location and elevations of streets.

(6) Photographs showing existing land uses and vegetation upstream and downstream.

(7) The soil type(s).

(c) Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.

(2) The applicant must be responsible to submit a copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the flood way or flood fringe and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota Rules parts 6120.5000 - 6120.6200 must be followed in this expert

evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis. The designated engineer or expert must:

(a) Estimate the peak discharge of the regional flood.

(b) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.

(c) Compute the floodway necessary to convey or store the regional flood without increasing flood stages and providing compensation storage volumes on a 1:1 basis below the 100-year flood elevation. An equal degree of encroachment on both sides of a stream within the reach must be assumed in computing floodway boundaries.

(G) The City Manager must present the technical evaluation and findings of the designated engineer or expert to the Board of Adjustment and Appeals. The board may formally accept the technical evaluation and the recommended floodway and flood fringe delineations for the Flood Hazard Overlay Area or deny the permit. The Board, prior to official action, must submit the application and all supporting data and analyses to the Federal Emergency Management Agency and Department of Natural Resources for review and comment. Once the flood way and flood fringe boundaries have been determined, the Board will refer the matter back to the City Manager who will process the permit application consistent with the applicable provisions of § 152.300 through §152.311 of this chapter.

(H) Procedures for submission of technical data for all development within a flood hazard overlay. In addition to the requirements of § 152.300 through §152.311, the following additional requirements apply to an application for development within all Flood Hazard Overlays.

(1) Upon receipt of an application for a development for a use within a Flood Hazard Overlay, the applicant is required to furnish the following as is applicable to the application as determined by the City Manager for the determination of the flood hazard area boundary and the adequacy of the proposed use for the particular site:

(a) Plans drawn to scale showing the following information:

(i) The nature, location, dimensions, and elevation of the lot.

(ii) The existing or proposed structures, fill, or storage of materials.

(iii) Flood-proofing measures, and the relationship of the above to the location of the stream channel.

(iv) The relationship of the above to the location of the stream channel.

(b) Specifications for building construction and materials, flood-proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

(c) The applicant is required to submit certification by a registered engineer or surveyor licensed by the State of Minnesota that the floodproofing, finished fill and building elevations were accomplished in compliance with the provisions of this section.

(2) One copy of the plans and specifications defined above must be given to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters. Based upon the

technical evaluation of the designated engineer or expert, the City Manager shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.

(3) Review standards. In addition to the review standards listed in §§ 152.300 through 152.311. The City Council must also consider the following in its review of any application in the Flood Hazard Overlay. These standards include:

(a) The danger to life and property due to increased flood heights or velocities caused by encroachment.

(b) The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.

(c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

(d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(e) The importance of the services provided by the proposed facility to the community.
(f) The requirements of the facility for a waterfront location.
(g) The availability of alternative locations not subject to flooding for the proposed use.
(h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
(i) The relationship of the proposed use to the comprehensive plan and flood plain management programs for the area.
(j) The safety of access to the property in times of flood for ordinance and emergency vehicles.
(k) The expected heights, velocity, duration rate of rise, and sediment transport of the flood waters expected at the site.
(l) Such other factors which are relevant to the purposes of this chapter.

(4) Reasonable conditions. The City Council shall attach any reasonable conditions as it deems necessary to fulfill the purposes of this chapter. Such conditions may include, but are not limited to, the following:
(a) Modification of waste treatment and water supply facilities.
(b) Limitations on period of use, occupancy or operation.
(c) Imposition of operational controls, sureties, and deed restrictions.
(d) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
(e) Flood proofing measures, in accordance with the State Building Code and this chapter. The applicant must submit a plan or documentation certified by a registered professional engineer or architect that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

(5) State and federal permits. Prior to granting approval for any application for development, the City Manager shall determine that the applicant has obtained all necessary state and federal permits.

(I) Subdivision review criteria.
(1) In general. Recognizing that flood prone areas may exist outside of the designated Flood Plain Districts, the requirements of this section apply to all land within the city.
(2) No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions for purposes of this subchapter. All lots within Flood Plain Districts shall be able to contain a building site outside of the Flood Plain Districts. All subdivisions must have water and sewage treatment facilities that comply with the provisions of this chapter and have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation. For all subdivisions in the Flood Plain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required elevations of all access roads and must be clearly labeled on all required subdivision drawings and platting documents.
(3) In the General Flood Plain Overlay, applicants must provide the information required in § 152.515 of this chapter to determine the 100-year flood elevation, the floodway and flood fringe district boundaries and the regulatory flood protection elevation for the subdivision site.
(4) Removal of special flood hazard area designation. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.
(5) If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal must be reviewed to assure that:
(a) All such proposals are consistent with the need to minimize flood damage within the flood prone area,
(b) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
(c) Adequate drainage is provided to reduce exposure of flood hazard.

(J) Conditions for a variance to the flood hazard overlay performance standards.

(1) Applications for variance will be reviewed in accordance with the procedures in § 152.302.

(2) Any projects granted a variance to high water mark must submit an Erosion and Sedimentation Control Plan prepared by a Registered Engineer licensed by the State of Minnesota in accordance with the guidelines of the West Mississippi Watershed District. This plan must be approved by the city prior to issuance of a permit.

(3) Proposals for variance must be the minimum necessary to allow for the reasonable use of the property.

(4) Proposals must meet the requirements defined in § 152.801(E) for development in the Flood Hazard Overlay.

(5) All habitable structures applying for a variance and proposed in the Flood Hazard Overlay must be constructed in accordance with the flood plain management standards for the State of Minnesota as found in Minnesota Rules parts 6120.5000 - 6120.6200 and the Code of Federal Regulations, 44 CFR 60.3(a)-(d).

(6) No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area or permit standards lower than those required by state law.

(7) The City Manager must submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least 10 days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

(8) Required notification. The City Manager must notify the applicant for a variance of the impacts of the action and must maintain a record of such notification. The city must maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program. The impacts necessitating notification include:

(a) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance.

(b) Such construction below the 100-year or regional flood level increases risks to life and property.

(9) Submittal of final decisions to the DNR. A copy of all decisions granting variances must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

(10) The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

(a) Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

(b) Variances shall only be issued by a community upon:

(i) A showing of good and sufficient cause,

(ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and

(iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(11) All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.

(12) Record-keeping. The Zoning Administrator must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

(K) Approval of site plan review, conditional use permits, and/or grading permits.

(1) The City Council may attach conditions to the approval of Site Plan Review or any permits on flood

hazard overlay properties including, but not limited to, the modification of the waste disposal and water supply facilities; limiting the period of use, occupancy, and/or operation; imposing operational controls, sureties, and deed restriction requirements; aesthetic considerations to protect wetlands, open space or those amenities, and requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures; floodproofing measures, in accordance with the State Building Code and this subchapter. The applicant must submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

(2) In passing upon conditional use applications governed by this subchapter, the City Council must consider all relevant factors specified in other sections of this subchapter, and those factors identified in § 152.801(E)(3).

(3) The Zoning Administrator must submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten days notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

(4) Submittal of final decisions to the DNR. A copy of all decisions granting conditional uses must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

(L) Nonconformities. A structure or the use of a structure or premises which was lawful before the passage or amendment of this chapter but which is not in conformity with the provisions of this chapter may be continued subject to § 152.205 and the following:

(1) A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as otherwise provided in division (B) below. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.

(2) Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the regulatory flood protection elevation in accordance with flood plain management standards for the State of Minnesota as found in Minnesota Rules parts 6120.5000 - 5120.6200 and the Code of Federal Regulations, 44 CFR 60.3(a)-(d).

(3) The cost of any structural alterations or additions to any non-conforming structure over the life of the structure must not exceed 50% of the market value of the structure unless the conditions of this section are satisfied. The cost of all structural alternations and additions constructed since the adoption of the city's initial flood plain controls shall be calculated into today's current cost which will include all costs such as construction material and a reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds 50% of the current market value of the structure, then the structure must be located outside the floodway and meet the floodplain management standards for the State of Minnesota as found in Minnesota Rules parts 6120.5000 - 5120.6200 and the Code of Federal Regulations, 44 CFR 60.3(a)-(d).

(4) If any nonconforming use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this subchapter. The Assessor shall notify the Zoning Administrator in writing of instances of nonconforming uses that have been discontinued for a period of 12 months.

(5) If any nonconforming use or structure is substantially damaged, as defined in § 152.008, it shall not be reconstructed except in conformity with the flood plain management standards for the State of Minnesota as found in Minnesota Rules parts 6120.5000 - 5120.6200 and the Code of Federal Regulations, 44 CFR 60.3(a)-(d).

(6) If a substantial improvement occurs, as defined in § 152.008, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition (as required by division (B) above) and the existing nonconforming building must meet the flood plain management standards for the State of Minnesota as found in Minnesota Rules parts 6120.5000 - 5120.6200 and the Code of Federal Regulations, 44 CFR 60.3(a)-(d).

(7) If any nonconforming use or structure experiences a repetitive loss, it must not be reconstructed except in conformity with the provisions of this subchapter

(M) Record of first floor elevation. The City Manager must maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing

structures in the Flood Hazard Overlay. The City Manager must also maintain a record of the elevation to which structures or alterations and additions to structures are flood-proofed.

(N) Enforcement of penalties. In addition to the enforcement and penalties defined in § 152.200 through §152.203 and §152.310, other action may be taken by the city to ensure compliance with this section, including a request to the National Flood Insurance Program to deny flood insurance availability to the subject property. If the structure and/or use suspected to be in violation of this section is in the process of construction, the City Manager must immediately order the construction or development halted until the proper permit or approval is granted. The City Manager will also notify the landowner to restore the land to the condition which existed prior to the violation. Each day a violation exists shall be treated as a separate offense.

§152.803 MISSISSIPPI RIVER CRITICAL AREA OVERLAY

(A) AUTHORITY, INTENT AND PURPOSE

(1) Statutory Authorization. This Mississippi River Corridor Critical Area (MRCCA) section is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 116G, Minnesota Rules, Parts 6106.0010 - 6106.0180, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462 and 473.

(2) Policy. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of designated critical areas and thus preserve and enhance the quality of important historic, cultural, aesthetic values, and natural systems and provide for the wise use of these areas.

(B) GENERAL PROVISIONS

(1) Jurisdiction. The provisions of this section apply to land within the river corridor boundary as described in the State Register, volume 43, pages 508 to 519 and shown on the zoning map (insert reference citation).

(2) Enforcement. The City Manager is responsible for the administration and enforcement of this section. Any violation of its provisions or failure to comply with any of its requirements including violations of conditions and safeguards established in connection with grants of variances or conditional uses constitutes a misdemeanor and is punishable as defined by law. Violations of this section can occur regardless of whether a permit is required for a regulated activity listed in Section 152.803(C)(2).

(3) Severability. If any section, clause, provision, or portion of this section is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section) shall not be affected thereby.

(4) Abrogation and Greater Restrictions. It is not intended by this section to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section imposes greater restrictions, the provisions of this section shall prevail. All other sections inconsistent with this section are hereby repealed to the extent of the inconsistency only.

(5) Underlying Zoning. Uses and standards of underlying zoning districts apply except where standards of this overlay district are more restrictive.

(C) ADMINISTRATION

(1) Purpose. The purpose of this Section is to identify administrative provisions to ensure this section is administered consistent with its purpose.

(2) Permits. A permit is required for the construction of structures and additions (including construction of decks and signs), the installation and/or alteration of sewage treatment systems, vegetation removal consistent with Section 152.803(I) and land alterations consistent with Section 152.803(J).

(3) Variances. Variances to the requirements under this section may only be granted in accordance with Minnesota Statutes, Section 462.357 and must consider the potential impacts of variances on primary conservation areas, public river corridor views, and other resources identified in the MRCCA plan. In reviewing the variance application, the *City Council* shall:

(a) Evaluate the impacts to these resources. If negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts, consistent with Section 152.803(C)(5) and

(b) Make written findings that the variance is consistent with the purpose of this section, as follows.

(i) The extent, location and intensity of the variance will be in substantial compliance with the MRCCA Plan;

(ii) The variance is consistent with the character and management purpose of the MRCCA district in which it is located;

(iii) The variance will not be detrimental to PCAs and PRCVs nor will it contribute to negative incremental impacts to PCAs and PRCVs when considered in the context of past, present and reasonable future actions; and

(4) Conditional and interim use permits. All conditional and interim uses, required under this section, must comply with Minnesota Statutes, section 462.3595 and must consider the potential impacts on primary conservation areas, public river corridor views, and other resources identified in the MRCCA plan. In reviewing the application, the City Council shall:

(a) Evaluate the impacts to these resources and if negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts, consistent with Section 3.5; and

(b) Make written findings that the conditional use is consistent with the purpose of this (section, chapter, or article), as follows.

(i) The extent, location and intensity of the conditional use will be in substantial compliance with the MRCCA Plan;

(ii) The conditional use is consistent with the character and management purpose of the MRCCA district in which it is located;

(iii) The conditional use will not be detrimental to PCAs and PRCVs nor will it contribute to negative incremental impacts to PCAs and PRCVs when considered in the context of past, present and reasonable future actions; and

(5) Conditions of Approval. The *City Council* shall evaluate the impacts to PCAs, PRCVs, and other resources identified in the MRCCA Plan, and if negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts. Mitigation may include:

(a) Restoration of vegetation identified as “vegetation restoration priorities” identified in the MRCCA plan.

(b) Preservation of existing vegetation;

(c) Stormwater runoff management;

(d) Reducing impervious surface;

(e) Increasing structure setbacks;

(f) Wetland and drainageway restoration and/or preservation; and

(g) Other conservation measures.

(6) Application materials. Applications for permits and discretionary actions required under this *section* must submit the following information unless the City Manager determines that the information is not needed.

(a) A detailed project description; and

(b) Scaled maps and plans, dimensional renderings, maintenance agreements, and other materials that identify and describe:

(i) Primary conservation areas;

(ii) Public river corridor views;

(iii) Buildable area;

(iv) Existing and proposed topography and drainage patterns;

(v) Proposed storm water and erosion and sediment control practices;

(vi) Existing and proposed vegetation to be removed and established;

(vii) Ordinary high water level, blufflines, and all required setbacks;

(viii) Existing and proposed structures;

(ix) Existing and proposed impervious surfaces; and

(x) Existing and proposed subsurface sewage treatment systems.

(7) Nonconformities.

(a) All legally established nonconformities as of the date of this ordinance may continue consistent with 462.357 Subd. 1e.

(b) New structures erected in conformance with the setback averaging provisions of Section 152.803(F)(4) are conforming structures.

(c) Site alterations and expansion of site alterations that were legally made prior to the effective date of

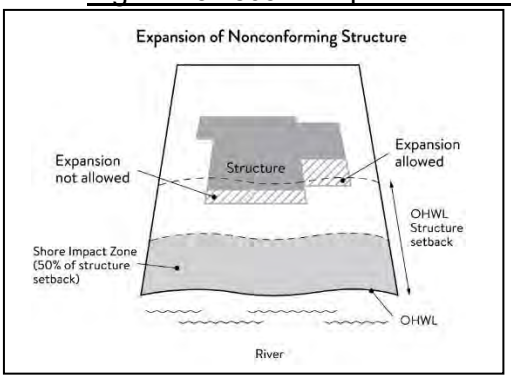
this ordinance are conforming. Site alterations include vegetation, erosion control, storm water control measures, and other nonstructural site improvements.

(d) Legally nonconforming principal structures that do not meet the setback requirements of Section 152.803(F)(3) may be expanded laterally provided that:

(i) The expansion does not extend into the shore or bluff impact zone or further into the required setback than the building line of the existing principal structure (See Figure 5); and

(ii) The expanded structure's scale and bulk is consistent with that of the original structure and existing surrounding development.

Figure 152.803.1. Expansion of Nonconforming Structure



(8) Notifications.

(a) Amendments to this section and to the MRCCA plan must be submitted to the Commissioner as provided in Minnesota Rules, part 6106.0070, Subp. 3, Items B – I.

(b) Notice of public hearings for discretionary actions, including conditional and interim use permits, variances, appeals, rezonings, preliminary plats, final subdivision plats, master plans, and PUDs, must be sent to the following entities at least ten (10) days prior to the hearing:

(i) The Commissioner in a format prescribed by the DNR;

(ii) National Park Service; and

(iii) Where building heights exceed the height limits specified in Section 152.803(F)(2) as part of the conditional use or variance process, adjoining local governments within the MRCCA, including those with overlapping jurisdiction and those across the river.

(c) Notice of final decisions for actions in Section 152.803(C)(7)(A), including findings of fact, must be sent to the Commissioner, the National Park Service, and adjoining local governments within the MRCCA within ten (10) days of the final decision.

(d) Requests to amend district boundaries must follow the provisions in Minnesota Rules, part 6106.0100, Subp. 9, Item C.

(e) The DNR will be notified at time of application submittal of master plans, PUDs, preliminary, and final plats.

(9) Accommodating disabilities. Reasonable accommodations for ramps or other facilities to provide persons with disabilities access to the persons' property, as required by the federal Americans with Disabilities Act and the federal Fair Housing Act and as provided by Minnesota Rules, chapter 1341, must:

(a) Comply with Sections 152.803(F) to 152.803(L); or

(b) If Sections 152.803(F) to 152.803(L) cannot be complied with, ramps or other facilities are allowed with an administrative permit provided:

(i) The permit terminates on either a specific date or upon occurrence of a particular event related to the person requiring accommodation; and

(ii) Upon expiration of the permit, the ramp or other facilities must be removed.

(D) MRCCA DISTRICTS

(1) Purpose. The purpose of this Section is to establish districts under which building height and structure placement are regulated to protect and enhance the Mississippi River's resources and features

consistent with the natural and built character of each district.

(2) District description and management purpose. The MRCCA within the Brooklyn Park is divided into the following MRCCA Districts:

(a) Rural and Open Space (ROS).

(i) Description. The ROS District is characterized by rural and low-density development patterns and land uses, and includes land that is riparian or visible from the river, as well as large, undeveloped tracts of high ecological and scenic value, floodplain, and undeveloped islands. Many primary conservation areas exist in the district.

(ii) Management purpose. The ROS District must be managed to sustain and restore the rural and natural character of the corridor and to protect and enhance habitat, parks and open space, public river corridor views, and scenic, natural, and historic areas.

(b) River Neighborhood (RN).

(i) Description. The RN District is characterized by primarily residential neighborhoods that are riparian or readily visible from the river or that abut riparian parkland. The district includes parks and open space, limited commercial development, marinas, and related land uses.

(ii) Management purpose. The RN District must be managed to maintain the character of the river corridor within the context of existing residential and related neighborhood development, and to protect and enhance habitat, parks and open space, public river corridor views, and scenic, natural, and historic areas. Minimizing erosion and the flow of untreated storm water into the river and enhancing habitat and shoreline vegetation are priorities in the district.

(c) Separated from River (SR).

(i) Description. The SR District is characterized by its physical and visual distance from the Mississippi River. The district includes land separated from the river by distance, topography, development, or a transportation corridor. The land in this district is not readily visible from the Mississippi River.

(ii) Management purpose. The SR district provides flexibility in managing development without negatively affecting the key resources and features of the river corridor. Minimizing negative impacts to primary conservation areas and minimizing erosion and flow of untreated storm water into the Mississippi River are priorities in the district. The RTC district must be managed in a manner that allows continued growth and redevelopment in historic downtowns and more intensive redevelopment in limited areas at river crossings to accommodate compact walkable development patterns and connections to the river. Minimizing erosion and the flow of untreated storm water into the river, providing public access to and public views of the river, and restoring natural vegetation in riparian areas and tree canopy are priorities in the district.

(3) MRCCA district map. The locations and boundaries of the MRCCA districts established by this section are shown on MRCCA Overlay District map which is incorporated herein by reference. The district boundary lines are intended to follow the centerlines of rivers and streams, highways, streets, lot lines, and municipal boundaries, unless a boundary line is otherwise indicated on the map. Where district boundaries cross unsubdivided property, the district boundary line is determined by use of dimensions or the scale appearing on the map.

(E) SPECIAL LAND USE PROVISIONS

(1) Purpose. To identify development standards and considerations for land uses that have potential to negatively impact primary conservation areas and public river corridor views.

(2) Underlying zoning. Uses within the MRCCA are determined by underlying zoning, with additional provisions for the following land uses:

(a) Agricultural use. Perennial ground cover is required within 50 feet of the ordinary high water level and within the bluff impact zone.

(b) Feedlots. New animal feedlots and manure storage areas are prohibited. Existing animal feedlots and manure storage areas must conform with Minnesota Rules, chapter 7020.

(c) Forestry. Tree harvesting and biomass harvesting within woodlands, and associated reforestation, must be consistent with recommended practices in Conserving Wooded Areas in Developing Communities: Best Management Practices in Minnesota.

(d) Nonmetallic mining. Nonmetallic mining requires a conditional use permit or interim use permit issued by the local government, subject to the following:

(i) New nonmetallic mining is prohibited within the shore impact zone and bluff impact zone and within the required structure setback from the bluffline and OHWL;

(ii) Processing machinery must be located consistent with setback standards for structures as provided in Section 152.803(F)(3);

(iii) Only one barge loading area, which must be limited to the minimum size practicable, is permitted for each mining operation;

(iv) New and, where practicable, existing nonmetallic mining operations must not be readily visible and must be screened by establishing and maintaining natural vegetation. The unscreened boundaries of nonmetallic mining areas are limited to only the barge loading area;

(v) A site management plan must be developed by the operator and approved by the local government before new nonmetallic mining commences. Operations must be consistent with the site plan throughout the duration of operations at the site. The site management plan must:

c. Describe how the site will be developed over time with an emphasis on minimizing environmental risk to public waters;

d. Explain where staged reclamation may occur at certain points during the life of the site;

e. Address dust, noise, storm water management, possible pollutant discharges, days and hours of operation, and duration of operations; and

f. Describe any anticipated vegetation and topographic alterations outside the pit, and reclamation plans consistent with the stated end use for the land; and;

(vi) Existing and new nonmetallic mining operations must submit land reclamation plans to the local government compatible with the purposes of this ordinance.

(e) River-dependent uses. River-dependent uses must comply with the following design standards:

(i) Structures and parking areas, except shoreline facilities and private roads and conveyances serving river- dependent uses as provided in Section 152.803(L), must meet the dimensional and performance standards in this *section,* must be designed so that they are not readily visible, and must be screened by establishing and maintaining natural vegetation;

(ii) Shoreline facilities must comply with Minnesota Rules, chapter 6115 and must:

a. Be designed in a compact fashion to minimize the shoreline area affected; and

b. Minimize the surface area of land occupied in relation to the number of watercraft or barges to be served; and

(iii) Dredging and placement of dredged material are subject to existing federal and state permit requirements and agreements.

(f) Wireless communication towers. Wireless communication towers require a conditional or interim use permit and are subject to the following design standards:

(i) The applicant must demonstrate that functional coverage cannot be provided through co-location, a tower at a lower height, or a tower at a location outside of the MRCCA;

(ii) The tower must not be located in a bluff or shore impact zone; and

(iii) Placement of the tower must minimize impacts on public river corridor views.

(iv) Comply with the general design standards in Section 152.803(H)(2).

(F) STRUCTURE HEIGHT AND PLACEMENT AND LOT SIZE

(1) Purpose. To establish standards that protect primary conservation areas and public river corridor views from development impacts and ensure that new development is sited consistent with the purpose of the MRCCA.

(2) Structure height. Structures and facilities must comply with the following standards unless identified as exempt in Section 152.803(L).

(a) Structures and facilities must comply with the following standards unless identified as exempt in Section 152.803(L)

(i) ROS District: 35 feet or lower.

(ii) RN District: 35 feet.

(iii) SR District: Height is determined by underlying zoning, provided the allowed height is consistent with that of the mature treeline, where present, and existing surrounding development, as viewed from the OWHL of the opposite shore.

(b) Height is measured on the side of the structure facing the Mississippi River.

(c) In addition to the conditional use permit requirements of Section 152.803(C)(4), criteria for considering whether to grant a conditional use permit for structures exceeding the height limits must include:

(i) Assessment of the visual impact of the proposed structure on public river corridor views, including views from other communities;

(ii) Determination that the proposed structure meets the required bluff and OHWL setbacks;

(iii) Identification and application of techniques to minimize the perceived bulk of the proposed structure, such as:

a. Placing the long axis of the building perpendicular to the river;

b. Stepping back of portions of the facade;

c. Lowering the roof pitch or use of a flat roof;

d. Using building materials or mitigation techniques that will blend in with the natural surroundings such as green roofs, green walls, or other green and brown building materials;

e. Narrowing the profile of upper floors of the building; or

f. Increasing the setbacks of the building from the Mississippi River or blufflines;

(iv) Identification of techniques for preservation of those view corridors identified in the MRCCA Plan; and

(v) Opportunities for creation or enhancement of public river corridor views.

(3) Structure and impervious surface placement.

(a) Structures and impervious surface must not be placed in the shore or bluff impact zones unless identified as an exemption in Section 152.803(L).

(b) Structures and facilities must comply with the following OHWL setback provisions unless identified as exempt in Section 152.803(L).

(i) ROS District: 200 feet from the Mississippi River and 150 feet from the Minnesota and Vermillion Rivers.

(ii) RN District: 100 feet from the Mississippi River and 75 feet from the Rum and Vermillion Rivers.

(iii) SR District: 75 feet from the Vermillion River.

(c) Structures and facilities must comply with the following bluffline setback provisions unless identified as exempt in Section 152.803(L):

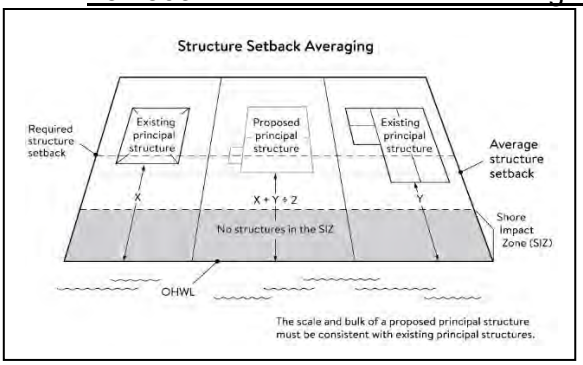
(i) ROS District: 100 feet.

(ii) RN District: 40 feet.

(iii) SR District: 40 feet.

(d) Where principal structures exist on the adjoining lots on both sides of a proposed building site, the minimum setback may be altered to conform to the average of the adjoining setbacks, if the new structure's scale and bulk riverward or bluffward of the setbacks required under Sections 152.803(F)(3)(B) and 152.803(F)(3)(C) are consistent with adjoining development. See Figure 6.

152.803.2. Structure Setback Averaging



(e) Subsurface sewage treatment systems, including the septic tank and absorption area, must be located at least 75 feet from the ordinary high water level of the Mississippi River and all other public waters.

(4) Lot size and buildable area.

(a) The width of lots abutting the Mississippi River in the ROS District must be at least 200 feet, unless alternative design methods are used that provide greater protection of the riparian area.

(b) All new lots must have adequate buildable area to comply with the setback requirements of Sections 152.803(F)(3)(B) and 152.803(F)(3)(C)c so as to not require variances to use the lots for their intended purpose.

(G) PERFORMANCE STANDARDS FOR PRIVATE FACILITIES

(1) Purpose. To establish design standards for private facilities that are consistent with best management practices and that minimize impacts to primary conservation areas, public river corridor views and other resources identified in the MRCCA plan.

(2) General design standards. All private facilities must be developed in accordance with the vegetation management and land alteration requirements in Sections 152.803(I) and 152.803(J).

(3) Private roads, driveways, and parking areas. Except as provided in Section 152.803(L), private roads, driveways and parking areas must:

(a) Be designed to take advantage of natural vegetation and topography so that they are not readily visible;

(b) Comply with structure setback requirements according to Section 152.803(F)(3); and

(c) Not be placed within the bluff impact zone or shore impact zone, unless exempt under Section 152.803(L) and designed consistent with Section 152.803(H)(2).

(4) Private water access and viewing facilities.

(a) Private access paths must be no more than:

(i) Eight feet wide, if placed within the shore impact zone; and

(ii) Four feet wide, if placed within the bluff impact zone.

(b) Private water access ramps must:

(i) Comply with Minnesota Rules, chapters 6115.0210 and 6280.0250; and

(ii) Be designed and constructed consistent with the applicable standards in Design Handbook for Recreational Boating and Fishing Facilities.

(c) Design and construction of private stairways, lifts, and landings are subject to the following standards:

(i) Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties and residential facilities held in common, if approved by the City Manager;

(ii) Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet area allowed for commercial properties and residential facilities held in common, if approved by the City Manager;

(iii) Canopies or roofs are prohibited on stairways, lifts, or landings;

(iv) Stairways, lifts, and landings must be located in the least visible portion of the lot whenever

practical; and

(v) Ramps, lifts, mobility paths, or other facilities for persons with physical disabilities are allowed for achieving access to shore areas according to Section 152.803(G)(4)(C)i-iv., and as provided under Section 152.803(C)(9).

(d) One water-oriented accessory structure is allowed for each riparian lot or parcel less than 300 feet in width at the ordinary high water level, with one additional water-oriented accessory structure allowed for each additional 300 feet of shoreline on the same lot or parcel. Water-oriented accessory structures are prohibited in the bluff impact zone and must:

(i) Not exceed 12 feet in height;

(ii) Not exceed 120 square feet in area; and

(iii) Be placed a minimum of 10 feet from the ordinary high water level.

(5) Decks and patios in setback areas. Decks and at-grade patios may encroach into the required setbacks from the ordinary high water level and blufflines without a variance, when consistent with Sections 152.803(I) and 152.803(J), provided that:

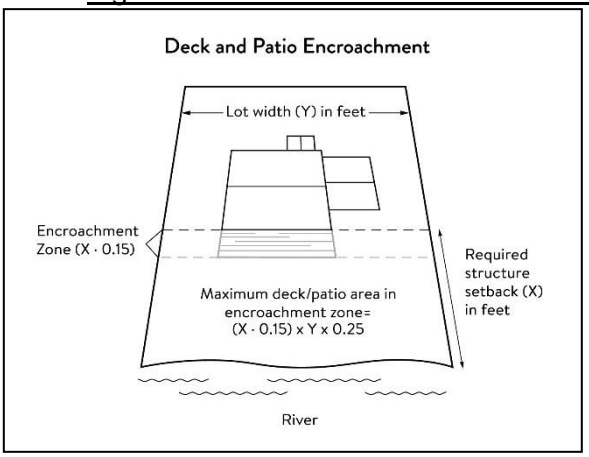
(a) The encroachment of the deck or patio into the required setback area does not exceed 15 percent of the required structure setback;

(b) the area of the deck or patio that extends into the required setback area occupies no more than 25 percent of the total area between the required setback and the 15 percent using the formula:

[Required setback depth (feet) x 0.15 x lot width (feet) x 0.25 = maximum total area]

(c) The deck or patio does not extend into the bluff impact zone. See Figure 7.

Figure 152.803.3. Deck and Patio Encroachment



(6) Directional signs.

(a) Directional signs for patrons arriving at a business by watercraft must comply with the following standards:

(i) They must be consistent with Minnesota Statutes, section 86B.115.

(ii) Only convey the location and name of the establishment and the general types of goods and services available, if located in a shore impact zone.

(iii) Be no greater than ten feet in height and 32 square feet in surface area; and

(iv) If illuminated, the lighting must be shielded to prevent illumination out across the river or to the sky.

(7) Fences. Fences between principal structures and the river are allowed if fences are:

(a) Not higher than six feet.

(b) Not located within 40 feet of slopes greater than 12%.

(c) Not located in the regulatory floodplain.

(H) PERFORMANCE STANDARDS FOR PUBLIC FACILITIES

(1) Purpose. To establish design standards for public facilities that are consistent with best management practices and that minimize impacts to primary conservation areas, public river corridor views and other resources identified in the MRCCA plan. Public facilities serve the public interest by providing public

access to the Mississippi River corridor or require locations in or adjacent to the river corridor and therefore require some degree of flexibility.

(2) General design standards. All public facilities must be designed and constructed to:
   (a) Minimize visibility of the facility from the river to the extent consistent with the purpose of the facility;
   (b) Comply with the structure placement and height standards in Section 152.803(F), except as provided in Section 152.803(L);
   (c) Be consistent with the vegetation management standards in Section 152.803(I) and the land alteration and storm water management standards in Section 152.803(J), including use of practices identified in Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001, where applicable;
   (d) Avoid primary conservation areas, unless no alternative exists. If no alternative exists, then disturbance to primary conservation areas must be avoided to the greatest extent practicable, and design and construction must minimize impacts; and
   (e) Minimize disturbance of spawning and nesting times by scheduling construction at times when local fish and wildlife are not spawning or nesting.

(3) Right-of-way maintenance standards. Right-of-way maintenance must comply with the following standards:
   (a) Vegetation currently in a natural state must be maintained to the extent feasible;
   (b) Where vegetation in a natural state has been removed, native plants must be planted and maintained on the right- of-way; and
   (c) Chemical control of vegetation must be avoided when practicable, but when chemical control is necessary, chemicals used must be in accordance with the regulations and other requirements of all state and federal agencies with authority over the chemical's use.

(4) Crossings of public water or public land. Crossings of public waters or land controlled by the commissioner are subject to approval by the commissioner according to Minnesota Statutes, sections 84.415 and 103G.245.

(5) Public utilities. Public utilities must comply with the following standards:
   (a) High-voltage transmission lines, wind energy conversion systems greater than five megawatts, and pipelines are regulated according to Minnesota Statutes, chapter 216E, 216F, and 216G respectively; and
   (b) If overhead placement is necessary, utility facility crossings must minimize visibility of the facility from the river and follow other existing right of ways as much as practicable.
   (c) The appearance of structures must be as compatible as practicable with the surrounding area in a natural state with regard to height and width, materials used, and color.
   (d) Wireless communication facilities, according to Section 152.803(E)(2)(F).

(6) Public transportation facilities. Public transportation facilities shall comply with structure placement and height standards in Section 152.803(F). Where such facilities intersect or about two or more MRCCA districts, the least restrictive standards apply. Public transportation facilities must be designed and constructed to give priority to:
   (a) Providing scenic overlooks for motorists, bicyclists, and pedestrians;
   (b) Providing safe pedestrian crossings and facilities along the river corridor;
   (c) Providing access to the riverfront in public ownership; and
   (d) Allowing for use of the land between the river and the transportation facility.

(7) Public recreational facilities. Where such facilities intersect or abut two or more MRCCA districts, the least restrictive dimensional standards apply. Public transportation facilities must be designed and constructed to give priority to:
   (a) Buildings and parking associated with pubic recreational facilities must comply with the structure placement and height standards in Section 152.803(F), except as provided in Section 152.803(L);
   (b) Roads and driveways associated with public recreational facilities must not be placed in the bluff or shore impact zones unless no other placement alternative exists. If no alternative exists, then design and construction must minimize impacts to shoreline vegetation, erodible soils and slopes, and other sensitive resources.
   (c) Trails, access paths, and viewing areas associated with public recreational facilities and providing

access to or views of the Mississippi River are allowed within the bluff and shore impact zones if design, construction, and maintenance methods are consistent with the best management practice guidelines in Trail Planning, Design, and Development Guidelines.

(i) Hard-surface trails are not allowed on the face of bluffs with a slope exceeding 30 percent. Natural surface trails are allowed, provided they do not exceed eight feet in width.

(ii) Trails, paths, and viewing areas must be designed and constructed to minimize:

a. Visibility from the river;

b. Visual impacts on public river corridor views; and

c. Disturbance to and fragmentation of primary conservation areas.

(d) Public water access facilities must comply with the following requirements:

(i) Watercraft access ramps must comply with Minnesota Rules chapters 6115.0210 and 6280.0250; and

(ii) Facilities must be designed and constructed consistent with the standards in Design Handbook for Recreational Boating and Fishing Facilities.

(e) Public signs and kiosks for interpretive or directional purposes are allowed in the bluff or shore impact zones, provided they are placed and constructed to minimize disturbance to these areas and avoid visual impacts on public river corridor views.

(f) Public stairways, lifts, and landings must be designed as provided in Section 152.803(G)(4)(C).

(I) VEGETATION MANAGEMENT

(1) Purpose. To establish standards that sustain and enhance the biological and ecological functions of vegetation; preserve the natural character and topography of the MRCCA; and maintain stability of bluffs and steep slopes and ensure stability of other erosion-prone areas.

(2) Applicability. This section applies to:

(a) Shore impact zones;

(b) Areas within 50 feet of a wetland or natural drainage way;

(c) Bluff impact zones;

(d) Areas of native plant communities; and

(e) Significant existing vegetative stands identified in the MRCCA plan.

(3) Activities allowed without a vegetation permit.

(a) Maintenance of existing lawns, landscaping and gardens;

(b) Removal of vegetation in emergency situations as determined by the City Manager;

(c) Right-of-way maintenance for public facilities meeting the standards Section 152.803(H)(3);

(d) Agricultural and forestry activities meeting the standards of Sections 152.803(E)(2)(A) and 152.803(E)(2)(C);

(e) Selective vegetation removal, provided that vegetative cover remains consistent with the management purpose of the MRCCA District, including:

(i) Vegetation that is dead, diseased, dying, or hazardous;

(ii) To prevent the spread of diseases or insect pests;

(iii) Individual trees and shrubs; and

(iv) Removal of invasive non-native species.

(4) Activities allowed with a vegetation permit.

(a) The following intensive vegetation clearing activities are allowed with a vegetation permit:

(i) Clearing of vegetation that is dead, diseased, dying, or hazardous;

(ii) Clearing to prevent the spread of diseases or insect pests;

(iii) Clearing to remove invasive non-native species.

(iv) Clearing to prepare for restoration and erosion control management activities consistent with a plan approved by the City Manager.

(v) The minimum necessary for development that is allowed with a building permit or as an exemption under Section 152.803(L).

(b) Conditions of vegetation permit approval:

(i) Development is sited to minimize removal of or disturbance to natural vegetation;

(ii) Soil, slope stability, and hydrologic conditions are suitable for the proposed work as determined by a professional engineer or (insert name of resource agency, if someone other than professional engineer is desired);

(iii) Clearing is the minimum necessary and designed to blend with the natural terrain and minimize visual impacts to public river corridor views;

(iv) Any native plant communities removed are replaced with vegetation that provides equivalent biological and ecological functions consistent with an approved vegetation restoration plan as provided in Section 152.803(I)(6)(B). If replaced, priorities for restoration are stabilization of erodible soils, restoration or enhancement of shoreline vegetation, and revegetation of bluffs or steep slopes visible from the river;

(v) All other vegetation removed is restored with natural vegetation to the greatest extent practicable consistent with an approved vegetation restoration plan as provided in Section 152.803(I)(6)(B). Priorities for replacement are the same as under Section 152.803(I)(4)(B)iv.;

(vi) Any disturbance of highly erodible soils is replanted with deep-rooted vegetation with a high stem density;

(vii) Vegetation removal activities are conducted so as to expose the smallest practical area of soil to erosion for the least possible time;

(viii) Areas of vegetation restoration priorities identified in the MRCCA plan are restored, if applicable; and

(ix) Any other condition determined necessary to achieve the purpose of this section.

(5) Prohibited activities. All other intensive vegetation clearing is prohibited.

(6) Vegetation restoration plan.

(a) Development of a vegetation restoration plan and reestablishment of natural vegetation is required:

(i) As a condition of a vegetation permit issued under Section 152.803(I)(4)(B)iv and 152.803(I)(4)(B)v;

(ii) Upon failure to comply with any provisions in this section; or

(iii) As part of the planning process for subdivisions as provided in Section 152.803(K).

(b) The vegetation restoration plan must satisfy the application submittal requirements in 152.803(C)(6), and:

(i) Include vegetation that provides suitable habitat and effective soil stability, runoff retention, and infiltration capability. Vegetation species, composition, density, and diversity must be guided by nearby patches of native plant communities and by Native Vegetation Establishment and Enhancement Guidelines;

(ii) Be prepared by a qualified individual; and

(iii) Include a maintenance plan that includes management provisions for controlling invasive species and replacement of plant loss for three years.

(c) A certificate of compliance will be issued after the vegetation restoration plan requirements have been satisfied.

(J) LAND ALTERATION STANDARDS AND STORMWATER MANAGEMENT

(1) Purpose. To establish standards that protect water quality from pollutant loadings of sediment, nutrients, bacteria, and other contaminants; and maintain stability of bluffs, shorelines, and other areas prone to erosion.

(2) Land alteration permit.

(a) Within the bluff impact zone, land alteration is prohibited, except for the following, which are allowed by permit.

(i) Erosion control consistent with Section 152.803(J)(6);

(ii) The minimum necessary for development that is allowed as an exception under Section 152.803(L); and

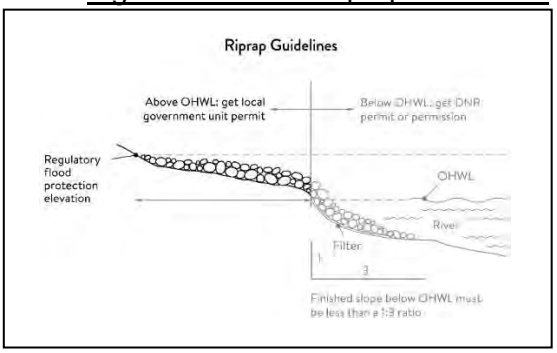
(iii) Repair and maintenance of existing buildings and facilities.

(b) Within the water quality impact zone, land alteration that involves more than ten cubic yards of material or affects an area greater than 1,000 square feet requires a permit.

(3) Rock riprap, retaining walls, and other erosion control structures.

(a) Construction, repair, or replacement of rock riprap, retaining walls, and other erosion control structures located at or below the OHWL must comply with Minnesota Rules, chapters 6115.0215, subpart 4, item E, and 6115.0216, subpart 2. Work must not proceed until approved by the commissioner. See Figure 152.803.4.

Figure 152.803.4. Riprap Guidelines



(b) Construction or replacement of rock riprap, retaining walls, and other erosion control structures within the bluff impact zone and the water quality impact zone are allowed with a permit consistent with provisions of Section 152.803(K)(6) provided that:

(i) If the project includes work at or below the OHWL, the commissioner has already approved or permitted the project.

(ii) The structures are used only to correct an established erosion problem as determined by the City Manager.

(iii) The size and extent of the structures are the minimum necessary to correct the erosion problem and are not larger than the following, unless a professional engineer determines that a larger structure is needed to correct the erosion problem:

a. Retaining walls must not exceed five feet in height and must be placed a minimum horizontal distance of ten feet apart; and

b. Riprap must not exceed the height of the regulatory flood protection elevation.

(c) Repair of existing rock riprap, retaining walls, and other erosion control structures above the OHWL does not require a permit provided it does not involve any land alteration under Section 152.803(J)(2).

(4) Stormwater management.

(a) In the bluff impact zone, storm water management facilities are prohibited, except by permit if:

(i) There are no alternatives for storm water treatment outside the bluff impact zone on the subject site;

(ii) The site generating runoff is designed so that the amount of runoff reaching the bluff impact zone is reduced to the greatest extent practicable;

(iii) The construction and operation of the facility does not affect slope stability on the subject property or adjacent properties; and

(iv) Mitigation based on the best available engineering and geological practices is required and applied to eliminate or minimize the risk of slope failure.

(b) In the water quality impact zone, development that creates new impervious surface, as allowed by exemption in Section 152.803(L), or fully reconstructs existing impervious surface of more than 1 acre requires a storm water permit or approved storm water plan. Multipurpose trails and sidewalks are exempt if there is down gradient vegetation or a filter strip that is at least five feet wide.

(c) In all other areas, storm water runoff must be directed away from the bluff impact zones or unstable areas.

(5) Development on steep slopes. Construction of structures, impervious surfaces, land alteration, vegetation removal, or other construction activities are allowed on steep slopes if:

(a) The development can be accomplished without increasing erosion or storm water runoff;

(b) The soil types and geology are suitable for the proposed development; and

(c) Vegetation is managed according to the requirements of Section 152.803(I).

(6) Conditions of land alteration permit approval.
  (a) Temporary and permanent erosion and sediment control measures retain sediment onsite consistent with best management practices in the Minnesota Stormwater Manual;
  (b) Natural site topography, soil, and vegetation conditions are used to control runoff and reduce erosion and sedimentation;
  (c) Construction activity is phased when possible;
  (d) All erosion and sediment controls are installed before starting any land disturbance activity;
  (e) Erosion and sediment controls are maintained to ensure effective operation;
  (f) The proposed work is consistent with the vegetation standards in Section 152.803(I); and
  (g) Best management practices for protecting and enhancing ecological and water resources identified in Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001.

(7) Compliance with other plans and programs. All development must:
  (a) Be consistent with Minnesota Statutes, chapter 103B, and local water management plans completed under chapter 8410;
  (b) Meet or exceed the wetland protection standards under Minnesota Rules, chapter 8420; and
  (c) Meet or exceed the floodplain management standards under Minnesota Rules, chapter 6120. 5000 – 6120.6200

(K) SUBDIVISION AND LAND DEVELOPMENT STANDARDS

(1) Purpose.
  (a) To protect and enhance the natural and scenic values of the MRCCA during development or redevelopment of the remaining large sites
  (b) To establish standards for protecting and restoring biological and ecological functions of primary conservation areas on large sites; and
  (c) To encourage restoration of natural vegetation during development or redevelopment of large sites where restoration opportunities have been identified in MRCCA Plans.

(2) Applicability.
  (a) The design standards in this section apply to subdivisions, planned unit developments and master-planned development and redevelopment of land involving ten or more acres for contiguous parcels that abut the Mississippi River and 20 or more acres for all other parcels, including smaller individual sites within the following developments that are part of a common plan of development that may be constructed at different times:
    (i) Subdivisions;
    (ii) Planned unit developments; and
    (iii) Master-planned development and redevelopment of land.
  (b) The following activities are exempt from the requirements of this section:
    (i) Minor subdivisions consisting of three or fewer lots;
    (ii) Minor boundary line corrections;
    (iii) Resolutions of encroachments;
    (iv) Additions to existing lots of record;
    (v) Placement of essential services; and
    (vi) Activities involving river-dependent commercial and industrial uses.

(3) Application materials. Project information listed in Section 3.6 must be submitted for all proposed developments.

(4) Design standards.
  (a) Primary conservation areas, where they exist, must be set aside and designated as protected open space in quantities meeting the following as a percentage of total parcel area:
    (i) CA-ROS District: 50%;
    (ii) CA-RN District: 20%;
    (iii) CA-RTC, CA-UM, and CA-UC Districts: 10%; and
    (iv) CA-SR District: 10% if the parcel includes native plant communities or provides feasible connections to a regional park or trail system, otherwise no requirement.

(b) If the primary conservation areas exceed the amounts specified in Section 152.803(K)(4)(A), then protection of native plant communities and natural vegetation in riparian areas shall be prioritized.

(c) If primary conservation areas exist but do not have natural vegetation (identified as restoration priorities in the MRCCA Plan), then a vegetation assessment must be completed to evaluate the unvegetated primary conservation areas and determine whether vegetation restoration is needed. If restoration is needed, vegetation must be restored according to Section 152.803(I)(6)(B).

(d) If primary conservation areas do not exist on the parcel and portions of the parcel have been identified in the MRCCA plan as a restoration area, vegetation must be restored in the identified areas according to Section 152.803(I)(6)(B) and the area must be set aside and designated as protected open space.

(e) Storm water treatment areas or other green infrastructure may be used to meet the protected open space requirements if the vegetation provides biological and ecological functions.

(f) Land dedicated under 151.061 Public Sites and Open Space and Park Land Dedication for public river access, parks, or other open space or public facilities may be counted toward the protected open space requirement.

(g) Protected open space areas must connect open space, natural areas, and recreational areas, where present on adjacent parcels, as much as possible to form an interconnected network.

(5) Permanent protection of designated open space.

(a) Designated open space areas must be protected through one or more of the following methods:

(i) Public acquisition by a government entity for conservation purposes;

(ii) A permanent conservation easement, as provided in Minnesota Statutes, chapter 84C;

(iii) A deed restriction; and

(iv) Other arrangements that achieve an equivalent degree of protection.

(b) Permanent protection methods must ensure the long-term management of vegetation to meet its biological and ecological functions, prohibit structures, and prohibit land alteration, except as needed to provide public recreational facilities and access to the river.

(L) EXEMPTIONS

(1) Purpose. To provide exemptions to structure placement, height and other standards for specific river or water access dependent facilities as provided in Minnesota Statutes 116G.15 Subd. 4.

(2) Applicability.

(a) Uses and activities not specifically exempted must comply with this section. Uses and activities exempted under shore impact zone and bluff impact zone must comply with the vegetation management and land alteration standards in Sections 9 and 10.

(b) Uses and activities in Section 152.803(L)(3) are categorized as:

(i) Permitted - P. This means that the use or activity is allowed;

(ii) Conditional - C This means that the use or activity is allowed only if no alternatives exist, as a conditional use; and

(iii) Permitted with Additional Standards - S. This means that a use or activity is not exempt and must meet the standards of this ordinance.

(iv) Not Permitted – NP. The use is prohibited.

(3) Use and activity exemptions classification.

(a) General uses and activities.

Use or Activity	Set backs	Height Limits	SIZ	BIZ	Applicable standards with which the use or activity must comply
Industrial and utility structures requiring greater height for operational reasons (such as elevators, refineries and railroad signaling towers)	S	P	S	S	Structure design and placement must minimize interference with public river corridor views.

Barns, silos, and farm structures	S	P	S	S	
Bridges and bridge approach roadways	P	P	P	C	Section 152.803(H)
Wireless communication towers	NP	NP	S	S	Section 152.803(E)(2)(F)
Use or Activity	**Set backs**	**Height Limits**	**SIZ**	**BIZ**	**Applicable standards with which the use or activity must comply**
Chimneys, church spires, flag poles, public monuments, and mechanical stacks and equipment	S	P	S	S	
Historic properties and contributing properties in historic districts	P	P	P	P	Exemptions do not apply to additions or site alterations

(b) Public utilities.

Use or Activity	**Set backs**	**Height Limits**	**SIZ**	**BIZ**	**Applicable standards with which the use or activity must comply**
Electrical power facilities	P	P	P	C	Section 152.803(H)
Essential services (other than storm water facilities)	P	P	P	C	Section 152.803(H)
Storm water facilities	P	S	P	C	Section 152.803(J)
Wastewater treatment	P	S	P	NS	Section 152.803(H)
Public transportation facilities	P	S	C	C	Section 152.803(H)

(c) Public recreational facilities.

Use or Activity	**Set backs**	**Height Limits**	**SIZ**	**BIZ**	**Applicable standards with which the use or activity must comply**
Accessory structures, such as monuments, flagpoles, light standards, and similar park features	P	P	C	C	Section 152.803(H); within BIZ, only on slopes averaging less than 30%. Exemptions do not apply to principal structures.
Picnic shelters and other open-sided structures	P	S	C	S	Section 152.803(H)
Parking lots	C	S	C	C	Section 152.803(H); within BIZ, only within 20 feet of toe of bluff; not on face of bluff; and must not affect stability of bluff
Roads and driveways	C	S	C	C	Section 152.803(H)
Natural-surfaced trails, access paths, and viewing areas	P	S	P	P	Section 152.803(H)
Hard-surfaced trails and viewing platforms	P	S	P	C	Section 152.803(H); within BIZ, only on slopes averaging less than 30%

Water access ramps	P	S	P	C	Section 152.803(H)
Public signs and kiosks for interpretive or directional purposes	P	S	P	C	Section 152.803(H)

(d) River-dependent uses.

Use or Activity	Set backs	Height Limits	SIZ	BIZ	Applicable standards with which the use or activity must comply
Shoreline facilities	P	S[1]	P	C	Section 152.803(E)(2)(E). Exemptions do not apply to buildings, structures, and parking areas that are not part of a shoreline facility

[1] River-dependent commercial, industrial, and utility structures are exempt from height limits only if greater height is required for operational reasons.

Use or Activity	Set backs	Height Limits	SIZ	BIZ	Applicable standards with which the use or activity must comply
Private roads and conveyance structures serving river-dependent uses	P	S[1]	P	C)	Section 152.803(E)(2)(E)

(e) Private residential and commercial water access and use facilities.

Use or Activity	Set backs	Height Limits	SIZ	BIZ	Applicable standards with which the use or activity must comply
Private roads serving 3 or more lots	C	S	S	C	Section 152.803(I); in BIZ, only on slopes averaging less than 30%. Exemption does not apply to private roads serving fewer 3 lots or to private driveways and parking areas
Access paths	P	S	P	P	Section 152.803(I)
Water access ramps	P	S	P	S	Section 152.803(I)
Stairways, lifts, and landings	P	S	P	P	Section 152.803(I)
Water-oriented accessory structures	P	S	P	S	Section 152.803(I)
Patios and decks	P	S	N	S	Section 152.803(I)(5)
Directional signs for watercraft (private)	P	S	P	S	Section 152.803(I)(6); exemption does not apply to off-premise advertising signs
Temporary storage of docks, boats, and other equipment during the winter months	P	S	P	S	

Erosion control structures, such as rock riprap and retaining walls	P	S	P	C	Sections 152.803(J)(3), 152.803(J)(5) and 152.803(J)(6)
Flood control structures	P	S	P	C	Section 152.803(J)

§152.804 PLANNED DEVELOPMENT OVERLAY

(A) Purpose. The purpose of the Planned Development Overlay is to promote creative and efficient use of land by providing design flexibility in the application of the provisions of a primary zoning district by providing an overlay district on top of any of the primary zoning districts. It is the applicant's responsibility to demonstrate that the proposed Planned Development is not simply for enhanced gain and accomplishes one or more of the following:

(1) Introduce flexibility of site design and architecture for the conservation of land, natural features and open space through clustering of structures, facilities, amenities and activities for public benefit.

(2) Improve the efficiency of public streets and utilities through a more efficient and effective use of land, open space and public facilities through assembly and development of land in larger parcels.

(3) Internal organization and adequacy of various uses or densities, circulation and parking facilities, urban services, recreation areas, open spaces, screening and landscaping, and the ability to demonstrate that a viable development will be created.

(4) Provide mixed land use and land use transitions in keeping with the character of adjacent land uses and the underlying zoning districts; and,

(5) Provide for the clustering of land parcels for development as an integrated, coordinated unit as opposed to a parcel by parcel, piecemeal approach and to maintain these parcels by central management including integrated and joint use of parking, maintenance of open space and similar features, and harmonious selection and efficient distribution of uses.

(B) Intent. The intent of this designation is to encourage development that is superior in quality and design than could be achieved through traditional zoning. The boundaries of this overlay are amended for each application as approved through on the Development Plan through the rezoning process outlined elsewhere in this chapter.

(C) Flexibilities. The City Council may grant certain flexibility to zoning requirements if the applicant demonstrates to the Council's satisfaction that the purpose and intent have been satisfied. Such flexibilities may include:

(1) Land Use. Flexibility in land use may be provided by a PDO, however, the uses in the underlying zoning district may be further restricted.

(2) Density. Flexibility in density may be granted if consistent with the land use designation in the comprehensive plan.

(3) Site Design. Specific lot area, lot width, setbacks, height, yard, floor area ratio, landscaping, and open space requirements may be established for the PDO.

(4) Parking and Loading. Flexibility in the design and location of off-street parking facilities and loading areas is permitted with the approval of such facilities by the city engineer; however, in no case shall gravel parking areas be permitted.

(5) Signage. Flexibility in the design and location of signage is permitted; however, in no case shall pylon signs be permitted.

(6) Stormwater. Stormwater facilities may be shared between parcels if part of an approved PDO.

(D) Procedures. Planned Development projects shall adhere to the rezoning procedure listed in §152.309 and site plan review listed in §152.303.

(E) Maintenance requirements. If common open space or service facilities are provided within the PDO, the PDO shall contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard. Open space and facilities may be placed under the ownership of one of the following, as approved by the City Council:

(1) Dedicated to the public, where a community-wide use is anticipated, and the City Council agrees to accept the dedication.

(2) Landlord control, where only use by tenants is anticipated.

(3) Property owners' association, provided all the following conditions are met:

(a) Prior to the use, occupancy, sale, or the execution of contract for sale of individual buildings, units, lots, parcels, tracts or common areas, a recorded declaration of covenants, conditions and restrictions, or an equivalent document as specified by state statute, must be filed with the city.

(b) Such document shall be filed with and reviewed and approved by the City Attorney prior to recordation with the county.

(F) Phasing of public and common open space. When a PDO provides for common private or public open space, and is planned for a phased development over a period of time, the total area of common or public open space or land escrow security in any phase of development may, at a minimum, bear the same relationship to the total open space to be provided in the entire PDO as the phases or units completed or under development bear to the entire PDO.

(G) Modifications or amendments. Minor modifications, as determined by the City Manager, are subject to the site plan review process established in §152.303. Major modifications or amendments, including changes in land use, density, maintenance of open space or common areas, or extensive changes to road, utility, or open space must follow the same procedures for submittal, notification, and public hearing as the original PDO.

(H) List of approved active Planned Development Overlays and ordinance numbers:

#2003-998	Unnamed
#2005-1050	Unnamed
#2006-1056	West Broadway and Candlewood Drive
#2009-1109	Gateway 2nd Addition (southwest interchange of Highways 169 and 610)
#2013-1156	7800 Lakeland Avenue North
#2014-1168	North Business Center
#2014-1176	Gateway 3rd Addition (Outlot C)
#2014-1178	NorthCross Business Park
#2014-1179	Six Ten Commerce Center Third Addition
#2014-1181	Mississippi Gardens
#2015-1188	Capstone Quadrangle 2nd Addition
#2015-1193	NorthPark Business Center
#2015-1194	Six Ten Zane
#2015-1199	Villas of Rush Creek Trail
#2016-1210	Midas Station
#2017-1220	Six Ten Zane Second Addition
#2017-1226	Gateway 3rd Addition (Outlots B and D)
#2018-1236	Villas of Rush Creek Trail 4th Addition
#2020-1252	9501 Louisiana Avenue North (unplatted)
#2020-1257	9489 Winnetka Avenue North
#2021-1264	Six Ten Commerce Center 5th Addition

§152.805 PEDESTRIAN PRIORITY OVERLY DISTRICT (PPOD)

(A) Purpose. The Pedestrian Priority Overlay District (PPOD) is established to provide pedestrian-oriented development on streets designated as Pedestrian Priority Streets in the Comprehensive Plan. This district is applied at a 150-foot depth from the front lot line of parcels fronting a Pedestrian Priority Street.

(B) District Standards.

(1) Minimum Floor Area Ratio. Notwithstanding the regulations of the underlying zoning district, the minimum floor area ration for new development in the PPOD is 0.5, subject to all requirements of 152.706.

(2) Required commercial uses. The first floor of all new developments in the PPOD shall provide commercial uses, subject to the requirements of this section.

(3) Size of required commercial use space. In a multi-story building the commercial use or uses shall occupy at least sixty (60) percent of the building's ground-floor street frontage and a minimum depth of twenty (20) feet. In a single-story building the commercial use or uses shall occupy one hundred (100) percent of the building's street frontage and a minimum interior depth of twenty (20) feet.

(4) Use of required commercial space. Required commercial use areas shall be occupied by one or more of the following uses. Building amenities intended for use solely by building occupants and not open to the general public shall not qualify as a required commercial use.

(a) Retail and service.
(b) Restaurant and brewpubs.
(c) Medical clinics.
(d) Child care.
(e) Adult day care.
(f) Breweries and micro-distilleries.
(g) Taprooms and cocktail rooms.

ARTICLE 3. STANDARDS

SECTION 1. LAND USE PERFORMANCE STANDARDS.

§152.900 RESIDENTIAL PERFORMANCE STANDARDS, PRINCIPAL USES)

All residential principal uses shall comply with the following supplemental regulations, which shall be in addition to all other regulations of this Zoning Code. In the event there is a conflict between these supplemental regulations and other portions of this Zoning Code, the more restrictive regulations shall govern.

(A) Single family (detached). All new detached single-family dwellings must comply with the following conditions:

(1) All dwellings, including manufactured or mobile housing, must include a basement.
(2) No single-family dwelling may be constructed less than 25 feet wide, as measured along 50% of its length.
(3) Once the front yard has been established and an address determined, the building or yards may not be reversed.
(4) The minimum required finished floor area must comply with the following:
(a) UR district: 960 square feet.
(b) R-1 district: 1,040 square feet.
(c) R-2 district: 1,040 square feet.
(d) R-3 district: 960 square feet.
(5) All residential parking and driveways shall be paved with bituminous or asphalt surface, or permeable pavement with approval by the City Engineer.

(B) Two-family (attached). The conditions for the construction and zero-lot line subdivision of attached two-family dwellings are as follows.

(1) No attached two-family dwellings may be constructed less than 20 feet wide (per unit).
(2) For a two-unit building that is split by ownership, the applicant or the property owner(s) must execute and record at their expense a declaration of covenants, conditions and restrictions or the equivalent document shall be submitted for review and approval by the City Attorney.
(3) The authority to divide a single structure containing two dwelling units may be subject to Chapter 151 of the City Code and the Council may impose other reasonable conditions as required by the situation.
(4) All residential parking and driveways shall be paved with bituminous or asphalt surface, or permeable pavement with approval by the City Engineer.
(5) Two-family (attached) dwellings existing on the date of this ordinance shall be a permitted use in the R2 Detached Single Family District.

(C) Townhouses. All townhouses, attached or detached, must comply with the following conditions.

(1) All yard requirement areas must be free of encroachments, such as buildings, accessory structures, and interior vehicular circulation systems. Driveways that provide direct access to the garage area are not considered an encroachment.
(2) All buildings within an attached townhouse development must be a minimum of 15 feet apart, except for adjacent garages, which shall be set back a minimum of 10 feet.
(3) All residential parking and driveways shall be paved with bituminous or asphalt surface, or permeable pavement with approval by the City Engineer.
(4) A declaration of covenants, conditions and restrictions or the equivalent document shall be submitted for review and approval by the City Attorney.
(5) Townhouses existing on the date of this ordinance shall be a permitted use in the R2 Detached Single Family District.

(D) Mobile Home Park. Subject to the approval of a site plan which includes:
(1) Internal street system with all-weather hard surfaced roadways, to city standards, not less than 25 feet in width.
(2) All units must be connected to city sewer and water systems prior to occupancy.
(3) All hydrant locations must be approved by the city prior to occupancy of any units.
(4) All mobile homes must be setback a minimum of 25 feet from any internal roadway.
(5) Minimum lot size or lot size equivalent per mobile home must not be less than 40 feet wide by 100 feet long or 4,000 square feet.
(6) Each mobile home park must provide a recreation area(s) equal to 800 square feet per unit and a development plan shall be submitted and approved. None of the 800 square feet must be included in the minimum lot calculation.

(E) Multifamily Housing.
(1) *Community and recreational facilities.* On site amenities and recreational facilities shall be provided in all multi-family developments. Minimum amenities in all developments 50 units or greater shall include outdoor common landscape areas and indoor/outdoor facilities that meet the needs of the intended population including such things as a community/party room, theatre, indoor/outdoor recreation areas such as swimming pools, indoor fitness centers, tennis courts, play equipment, walking trails, community gardens, and basketball courts. Details as to the proposed community and recreational facilities shall be provided during site plan review.

(F) Mixed Income Housing Policy
(1) Purpose. Regulations governing mixed income housing are intended to fulfill the city's housing goals by creating high quality housing for households with a variety of income levels, ages, and sizes.
(2) Applicability. Any rental residential development that adds or creates ten or more residential dwelling units must comply with the city's ,mixed income housing policy.

§152.901 ACCESSORY RESIDENTIAL PERFORMANCE STANDARDS

All accessory residential uses shall comply with the following supplemental regulations, which shall be in addition to all other regulations of this Zoning Code. In the event there is a conflict between these supplemental regulations and other portions of this Zoning Code, the more restrictive regulations shall govern.

(A) Community garden.
(1) Shall adhere to the same standards as a principal use community garden.

(B) Day care (12or fewer persons).
(1) Permitted only within single family structures.

(C) Home Occupations.
(1) All vocations based in a dwelling unit shall have an administrative permit.
(2) All home occupations shall adhere to all applicable city, county, state, and federal regulations. Home occupations that violate or cannot operate in compliance with those regulations are prohibited.
(3) Any hazardous materials handling permits must be reported to the City Manager or his/her designated agent.
(4) Deliveries are limited to the type that typically service residences.

(5) The home occupation may be carried out by the residents of the dwelling unit and no more than one nonresident employee.

(6) Repair Services.

(a) Repair services are limited to those appliances or other goods small enough to be carried by one person.

(b) Motor and recreational vehicles and equipment and small engine repair are not permitted except for minor emergency repairs and minor maintenance to autos, non-commercial trucks, or recreational vehicles and equipment that are licensed to residents of the property, provided they can be completed within a 24-hour period or are conducted inside a garage or accessory structure and are in compliance with the City Code.

(c) Vehicle painting is prohibited in residential districts.

(7) Parking.

(a) Parking for clients or customers coming to the property must comply with Section 152.1018 and all other applicable sections of the City Code.

(b) Parking is limited to five vehicles at any one time.

(8) Sales. No retail sale of merchandise produced off-site is permitted, except those products that are not marketed and sold in wholesale or retail outlets.

(D) Keeping domestic and farm animals on residential properties.

(1) Farm animals may be kept on parcels five acres or larger at the rate of one animal unit per acre.

(2) Boarding or breeding for commercial purposes may not be permitted in residential districts.

(3) The keeping of animals must be in conformance with all other sections of the City Code.

(E) Live/work units.

(1) The commercial portion of a live/work use shall not occupy more than 50 percent of the entire square footage of the structure/or unit.

(2) The residential portion of the live/work use, if located on the ground floor, shall be completely located behind the commercial portion of the structure or unit such that the ground floor street façade is a commercial use and commercial façade.t

(F) Outdoor Storage.

(1) Storage of agricultural equipment may be permitted only on land assessed, used, and zoned as agricultural and must comply with all other applicable sections of the City Code.

(2) Commercial vehicles. Outdoor storage of commercial vehicles is limited to one vehicle per dwelling unit. Additional parking of commercial vehicles is permitted in a garage. Parking of commercial vehicles must comply with §§ 152.1018. Semi trucks, semi trailers, dump trucks, tow trucks, and commercial vehicles with a registered gross weight over 15,000 pounds or in excess of 30 feet in length are not permitted.

(3) Firewood storage.

(a) Firewood must be stacked on an impervious surface or be elevated at least 3.5 inches off the ground and may not include more than two cords of wood per property.

(b) Unrestrained stacks may not exceed 6 feet in height.

(c) Firewood stacks located next to structures and supported by restraints, may not exceed 10 feet in height and may be so contained as not to constitute a safety hazard, as determined by City Manager.

(d) Firewood storage must comply with accessory structure setbacks in §152.1000(A)(2).

(4) Personal vehicles.

(a) Vehicles stored outside on residential property must be owned by a person who resides on that property.

(b) Students who are away at school for periods of time or persons on military leave, but still claim the property as their legal residence, will be considered residents on the property. This does not include vehicles or equipment being used by occasional guests or a commercial vehicle regularly used by a resident of the property.

(5) Private outdoor recreational equipment provided the equipment is not for display, storage or sales in connection with any vocation except a daycare.

(6) Recreational vehicles, equipment, and trailers. If stored in a front yard, the following standards shall

apply:

(a) Items stored in the front yard must be located on a continuous impervious surface.

(b) Storage is not allowed on landscaped or grass areas in the front yard.

(c) Gravel parking areas is not permitted.

(d) All front yard storage must not encroach on any sidewalk or obstruct visibility of vehicle or pedestrian traffic.

§152.902 TEMPORARY RESIDENTIAL PERFORMANCE STANDARDS

All temporary residential uses shall comply with the following supplemental regulations, which shall be in addition to all other regulations of this Zoning Code. In the event there is a conflict between these supplemental regulations and other portions of this Zoning Code, the more restrictive regulations shall govern.

(A) Garage sale.

(1) Each property is limited to 4 garage sales per year.

(2) Each sale is limited to 3 days.

(B) Model homes.

(1) Model home or temporary real estate office lighting must comply with §152.1013.

(2) Signs must comply with the sign regulations as contained in Chapter 150: Signs.

(3) The model home or temporary real estate office is permitted only until all the other lots in the subdivision have active building permits.

(4) The applicant for a model home may be required to submit a cash bond to guarantee the conversion of the model home to a single-family home in a timely manner if alterations to the site have occurred such as the provision of paved parking, removal of lighting, and similar uses. Such conversion includes, but is not limited to, the provision of landscaping, turf restoration and the removal of parking lots, signage, and lighting.

(C) Portable storage containers.

(1) One temporary portable storage container is allowed per dwelling unit for a maximum of 30 consecutive days in a calendar year.

(2) The storage container must be located on the driveway of the dwelling unit it is serving. An alternate location may be approved by the City Manager.

(D) Temporary family healthcare dwellings.

(1) The city opts out of the requirements of M.S. § 462.3593, which defines and regulates temporary family health care dwellings.

(E) Equipment, materials, and dumpsters may be stored outside if in compliance with the following:

(1) All items must be directly related to a current on-site construction or landscaping project.

(2) Except as otherwise allowed in division (3) below, no items may be stored outside for more than three months in any calendar year.

(3) All items directly related to a project for which a valid building permit has been issued are allowed to be stored outside while the permit is active.

(4) All debris must be contained within the dumpster and prevented from becoming airborne.

(F) All items must be located on private property and must not block sidewalks, trails, hydrants, or emergency access.

(1) All items must be immediately removed from the property upon completion of the current on-site project.

(2) Sale of motor and recreational vehicles.

(a) The vehicle(s) must have current registration plates.

(b) The vehicle(s) must be licensed to a resident of the property.

(c) The vehicle(s) must comply with the parking requirements in all applicable sections of the City Code and this chapter.

(d) No more than two vehicle and equipment sales may be permitted per parcel per calendar year.

§152.903 NONRESIDENTIAL PERFORMANCE STANDARDS, PRINCIPAL USES

All nonresidential principal uses shall comply with the following supplemental regulations, which shall be in addition to all other regulations of this Zoning Code. In the event there is a conflict between these supplemental regulations and other portions of this Zoning Code, the more restrictive regulations shall govern.

(A) Automobile sales and showrooms.

(1) Impervious surface. All areas on which motor vehicles are stored or displayed must be paved with concrete or a bituminous surface. No display, sale, or storage of automobiles or other vehicles are permitted on landscaped areas.

(2) Parking. In addition to the requirements of 152.1018, the parking areas must be:

(a) Shown and designated on the site plan.

(b) Kept free of display vehicles, on a continual basis.

(c) Appropriately designated with signs for use by customers and employees.

(3) Damaged and inoperable vehicles. All damaged and inoperable vehicles may be kept in an enclosed building or area completely screened from public streets and adjacent property.

(4) Display vehicle parking.

(a) Each display vehicle parking space must meet the required size of a parking space as defined in 152.1018 and must be striped accordingly.

(b) No vehicles may be displayed on elevated platforms, jacks, or berms; however, parking will be allowed in approved/designated concrete display areas with a maximum height of 6 inches above the parking lot surface.

(c) No rows of display vehicles may be longer than 180 feet. Landscaped areas with overstory deciduous trees are required to separate rows of display vehicles. Required parking lot open space areas may be larger than typically required in the district to accomplish this objective.

(d) No display parking of vehicles may be permitted in the drive aisles.

(5) No outside storage of scrap metal, auto parts, or the like is allowed.

(6) No vehicles may be unloaded from transport trucks in the public rights-of-way.

(7) Signs. In addition to the regulations found elsewhere in the City Code, the following may apply:

(a) No signs may be permitted in or on any display vehicles except the following, and no signs may be readable from a public right-of-way or adjacent property:

(i) Disclosure statements required by state and/or federal law.

(ii) Identification of the displayed vehicles by make, model, year, and price.

(8) All outdoor illumination on sales lots may be provided with lenses, reflectors, or shades that concentrate the light upon the premises to prevent glare or direct rays of light from being visible upon any adjacent public right-of-way or any private property occupied for residential purposes. Lighting from any source on the property may not exceed 3 foot candles as measured from the centerline of any adjacent street nor 3 foot candles at any property line which is not also a public right-of-way line.

(B) Car wash.

(1) All car wash operations shall be staffed during operating hours.

(2) All drive-through car washes shall contain room for a minimum stacking of six cars and must not extend into drive aisles.

(3) All car wash bays shall have a separate entrance and exit.

(4) If within 200 feet of a residential district or use, the car wash bays shall be closed when in operation.

(C) Community garden.

(1) Private community garden areas may be divided into separate garden plots for cultivation by one or more individuals or may be farmed collectively by members of the group.

(2) A community garden may include common areas (e.g., storage sheds) maintained and used by the groups.

(3) The community garden must comply with the lot and building standards for its zoning district.

(4) Community garden or private garden may serve as a permitted accessory use in any residential, business, public institution district or city owned park or open space. A community garden may be permitted as an interim use on a vacant lot in any residential district. A community garden area may

count towards required open space in any zoning district. The following conditions shall be met for all community gardens:

(a) The garden area shall be limited to growth of food crops and/or non-food ornamental crops such as flowers. Maintaining, livestock and poultry shall be prohibited.

(b) Community gardens may not be located within any easement without the property owner obtaining written permission from the easement holder.

(c) The garden shall be set back a minimum of 5 feet from all property lines to provide a vegetated buffer of grass or other plants to minimize the transfer of sediment and to delineate the edges of the garden.

(d) Paths may be installed to access the garden and individual garden plots provided the paths are constructed using natural landscape materials including wood chips, mulch, landscape rock or pea gravel.

(e) Fences are allowed as permitted by this chapter and provided they are made of sturdy, rust resistant woven wire and/or rot resistant wood, are well maintained and neat in appearance.

(f) The garden area shall be properly maintained throughout the year by:

(i) Weekly collecting rotting vegetables/fruits from garden areas and providing off-site disposal of this waste.

(ii) Weekly collecting and removing all trash and debris that is deposited on the site.

(iii) Providing for season end removal of all dead plant growth/waste no later than October 1.

(g) Trash containers may be provided on site provided they have a cover and meet accessory structure setbacks for the underlying zoning district. All trash shall be removed from the site at least once per week.

(h) Compost bins are permitted provided they meet the accessory structure standards of the district in which it is located.

(i) One non-illuminated sign not exceeding 4 square feet in area and 6 feet in height shall be permitted. The content of the sign shall be limited to identification of the site as a community garden, sponsorship contact information and rules/guidelines for the community garden.

(j) Parking for the garden shall be provided on streets where parking is permitted or on an existing parking surface with the written permission of the owner of the parking surface.

(k) Seasonal sales stands shall be permitted but must be removed from the premises or stored inside a building on the premises during that time of the year when the garden is not open for public use. All products sold must be grown within the community garden.

(l) One portable restroom shall be permitted on the site.

(m) One utility shed shall be allowed on the site under the following conditions:

(i) Maximum area of 200 square feet.

(ii) Must be located within the rear yard setback and at least five feet off the side and rear property lines.

(iii) Maximum height of ten feet.

(n) Any power equipment and attachments, hand tools, fertilizer, chemicals and other equipment and materials that is kept on the site shall be stored within a utility shed.

(o) The following miscellaneous improvements shall be permitted on the site:

(iv) Trellises.

(v) Raised planting beds.

(vi) Benches.

(vii) Covered trash receptacles.

(p) Negative impacts. The site shall be designed and maintained to prevent negative impacts to adjacent properties from individual gardeners and gardening activities including, but not limited to, irrigation, fertilizer, soils, stormwater, cultivated areas, trespassing and garden debris.

(q) Site restoration. Upon cessation of the community garden, the site shall be fully restored to the pre-garden status. All aboveground remains of the garden shall be promptly removed, and the ground leveled and restored so it can be utilized for uses permitted in the zoning district.

(D) Currency exchanges.

(1) All entrances to the business, except for emergency fire exits which are not usable by patrons, must be

visible from the public right-of-way. When such businesses are located within an enclosed commercial complex, all patron entrances must open onto the common concourse.

(2) Layout of the publicly accessible areas must be designed so that the management of the establishment and any law enforcement personnel inside the business can observe all patrons while they have access to any merchandise offered for sale.

(3) The site must be at least 500 feet from the property line of a pawnshop, an adult entertainment/adult service, or any residential district and one-half mile from a site containing another currency exchange business. The site plan must show the location of the proposed currency exchange business and any other currency exchange business if any are located within one mile of the proposed site.

(4) All establishments may apply for and obtain a license from the State of Minnesota before a building permit may be issued.

(E) Fuel and service stations.

(1) All applications for fuel and service stations must be accompanied by the following:

(a) An evaluation of subsurface conditions, soil resistivity and groundwater table conditions prepared by a professional engineer, licensed by the State of Minnesota.

(b) Information that demonstrates compliance with the installation requirements of §§ 93.30 through 93.41 of the City Code and the requirements of the Minnesota Pollution Control Agency.

(2) The minimum frontage on any street must be 150 feet for a station with four pump/meter stations or less, and stations with additional pump/meter stations may provide additional frontage and area to provide equivalent and sufficient space for servicing vehicles, off-street parking, safe vehicular approaches into the station, and visibility for pedestrians and drivers.

(3) Canopies or other weather protection structure (free standing or projecting from a building).

(a) Maximum height. 25 feet.

(b) Lighting.

(i) Except for permitted signs, no lighting or the face of the canopy is allowed. This includes a prohibition on backlit panels on the face of the canopy.

(ii) All lighting installed must be recessed into the canopy and lights must be directed downward and away from adjacent properties in compliance with ##.

(4) Pump/meter islands.

(a) Setbacks.

(i) From public right-of-way - 50 feet.

(ii) Interior side or rear - 40 feet.

(iii) From a Residential district or use- 100 feet.

(b) Vehicle stacking.

(5) Vehicle stacking for gas pump dispensing must be provided for at least one car beyond the pump island in each direction in which access can be gained to the pump. The required vehicle stacking area for gas dispensing may not interfere with the internal circulation drive aisles or designated parking aisles.

(6) Vehicle stacking for gas pump dispensing may not be permitted in any public right-of-way, private access easement, or within the required parking setback area.

(7) All paved areas must be surfaced with concrete or bituminous surfacing to control dust and provide adequate drainage, designed to meet the requirements of a minimum seven-ton axle load.

(8) Layout of the publicly accessible areas on the site may be designed so that the employees of the establishment and any law enforcement personnel inside the business can observe all patrons while they have access to any merchandise offered for sale in the building or are at fuel pumping areas.

(F) Funeral home and mortuary.

(1) Loading and unloading areas used by ambulances, hearses or other such service vehicles shall be screened from public off-site views.

(2) If a crematorium is included as part of a funeral home, no more than 33% of the gross floor area of a funeral home may be devoted to the crematory, including area for the cremator, cremation observation, crematory access and maintenance areas, and any additional areas used primarily for services related to cremation.

(3) An employee residence is permitted.

(G) General Sales- and Services
  (1) In BP and I zoning districts general sales are limited to the following:
    (a) Accessory sales of products manufactured or produced on site.
    (b) Structures for retail 25,000 square feet or less, unless otherwise permitted elsewhere in this chapter.
    (c) In multitenant structures retail must not exceed 25,000 square feet of the structure.

(H) Hotel or motel.
  (1) A lodging license pursuant to Chapter 117, shall be provided.
  (2) At least two amenities, such as pool, restaurant, lounge, fitness center, office center, or similar ancillary use, shall be provided in conjunction with the hotel or motel.

(I) Indoor sales of automobiles, trucks, and recreational vehicles and the like.
  (1) Must meet minimum state guidelines for dealer license under M.S., Chapters 168, 168A, and 325F, pertaining to dealer licensing and motor vehicle titles and registration, as well as Minnesota Rule, sections 7400.0100 through 7400.6000.
  (2) Storage and display of vehicles must be completely enclosed inside a building if vehicles are located on site.
  (3) No vehicles may be unloaded from transport trucks in the public rights-of-way.

(J) Licensed daycare facilities.
  (1) The pick-up/drop-off area(s) must be near the front of the building and adjacent to a pedestrian area.

(K) Pawnshops.
  (1) All entrances to the business, except for emergency fire exits which are not usable by patrons, must be visible from the public right-of-way. When such businesses are located within an enclosed commercial complex, all patron entrances must open onto the common concourse.
  (2) Layout of the publicly accessible areas must be designed so that the management of the establishment and any law enforcement personnel inside the business can observe all patrons while they have access to any merchandise offered for sale.
  (3) The site must be at least 500 feet from the property line of a site containing a religious institution, school, day-care/preschool, another pawnshop, an adult entertainment/adult service business, a currency exchange, or any residential district.
  (4) All establishments must apply for and obtain a license from the City of Brooklyn Park, before a building permit may be issued.

(L) Essential services. All uses must provide the following evidence:
  (1) The use is in conformance with the surrounding neighborhood and required setbacks and side-yard requirements are met.
  (2) Equipment is completely enclosed in a permanent structure with no outside storage, except for electrical substation structures.
  (3) Adequate screening and landscaping from neighboring residential districts are provided.

(M) Religious Institution.
  (1) Architectural materials allowed for religious institutions shall follow the regulations for Nonresidential Districts (see §152.1004).
  (2) Residential districts. Places of worship may only be located on sites located directly at the intersections of two collector streets or along an arterial street as designated in the Comprehensive Plan.
  (3) An office for a religious institution is considered an office use provided no worship services, events, or the like are conducted on site.
  (4) Places of worship with additional uses operating concurrently with a worship service must be figured into parking requirements.
  (5) Places of worship may conduct worship and educational programs as permitted accessory uses in public schools in all zoning districts outside of normal school instructional hours. Formal site plan review as described in §152.303 is not required.

(N) Restaurants.
  (1) If the restaurant has an outdoor seating area, refer to the requirements in §152.904(M).
  (2) If the restaurant has a drive-through, refer to the requirements in §152.904(E).

(O) Sexually oriented businesses.

(1) All entrances to the business, except for emergency fire exits which are not usable by patrons, must be visible from the public right-of-way. When such businesses are located within an enclosed commercial complex, all patron entrances may open onto the common concourse.

(2) Layout of the publicly accessible areas must be designed so that the management of the establishment and any law enforcement personnel inside the business can observe all patrons while they have access to any merchandise offered for sale.

(3) The site must be at least 750 feet from any school, daycare/preschool, library, park, playground, or other public or private recreational facilities in any zone and another adult entertainment/adult service business.

(4) No establishment may be open to the public from the hours of 11:00 p.m. and 8:00 a.m.

(5) Signs visible to the public comply with the city's sign ordinance and may not contain graphic descriptions or representations of the adult theme of the operation.

(6) All establishments may apply for and obtain a license from the City of Brooklyn Park before a building permit may be issued.

(P) Schools.

(1) All schools must conform to the minimum guidelines for open space and recreational space of the State of Minnesota.

(2) Schools must conform to the landscaping requirements for business zoning districts (see §152.1012). For sites zoned PI, the B3 landscaping requirements must be used.

(3) Schools located in business zoning districts must conform to the following performance standards:

(a) The city must find that the school use would be compatible with existing or planned adjacent uses.

(b) Schools which include grades kindergarten through eight must be adjacent to another public elementary school. Schools which include only grades nine and higher must be within 1,000 feet to public parks.

(c) The city must find that traffic speeds and volumes on adjacent streets do not pose a safety hazard.

(d) The city must find that the site has adequate space for school bus loading and movement, including turnarounds.

(e) The site must include sidewalks and/or other pedestrian facilities appropriate to the site for student safety.

(4) Non-affiliated schools are allowed by conditional use permit when located within a building primarily used for a religious institution.

(5) Job training programs are not considered schools for zoning purposes, but shall be classified by the skill or job being taught.

(6) Public and private schools in all zoning districts may permit use of their facilities to community, civic, charitable, or religious organizations outside of normal school instructional hours.

(Q) Self-service storage facility. Drive aisles between and around storage buildings must be 30 feet to accommodate through traffic and parking outside individual storage units.

(R) Social clubs.

(1) The hours of operation available to customers are limited to 10:00 am to midnight daily. Minor patrons must follow curfew ordinances.

(2) The business owner must provide an up-to-date security plan that is acceptable to the Police Chief. The security plan must be reviewed annually.

(3) Commercial kitchen facilities must be licensed and maintained on-site for preparation and service of food and non-alcoholic beverages available to patrons.

(4) Disorderly conduct, as listed in Section 112.003(C), shall be grounds for revocation of a Conditional Use Permit.

(5) The establishment may impose a cover charge.

(6) The establishment may have live entertainment (including, but not limited to bands, comedians, and disc jockeys)

(7) The establishment is not eligible for alcoholic beverages under any license type.

(S) Wholesale, broker, and auction dealer of automobiles.

(1) Must meet minimum state guidelines for dealer license under M. S., Chapters 168, 168A, and 325F, pertaining to dealer licensing and motor vehicle titles and registration, as well as Minnesota Rules, sections 7400.0100 through 7400.6000.
(2) No storage and display of vehicles is allowed.

§152.904 ACCESSORY NONRESIDENTIAL PERFORMANCE STANDARDS

(A) Accessory uses listed in Figure 152.601.1 are permitted/conditional in the individual commercial zoning districts provided that:
(1) No accessory use is permitted that changes the character, rating or appearance of the property or any structures on the property.
(2) No accessory use or structure other than a fence or a temporary construction office for a project to be built on the property is permitted in any business district without a principal use occupying the property.
(3) No exterior storage or display of equipment, materials or products is allowed, except as permitted by this section and Chapter 150 of the City Code.

(B) Day care.
(1) All daycares in business districts and as an accessory use within multi-purpose buildings (i.e., places of worship, schools, private businesses) must comply with the following:
(a) Provide parking in compliance with 152.1018.
(b) The pick-up/drop-off area(s) must be near the front of the building and adjacent to a pedestrian area.

(C) Car wash.
(1) The use must be accessory to a vehicle fuel station.
(2) The lot must be a minimum of two acres.
(3) The building/structure housing the car wash must meet the minimum setback of 100 feet to the residential district boundary.

(D) Crematories/crematoriums.
(1) Licensure by the Minnesota Commissioner of Health shall be required and compliance with M.S. § 149A.95.
(2) Crematoriums shall not be used for the disposal of any waste materials.
(3) Crematoriums shall not emit any visible air emissions nor generate odors.

(E) Drive-throughs.
(1) Drive-through facilities and lanes must be located behind the principal building.
(2) All drive-throughs must contain room for a minimum stacking of six cars from the serving window and stacking must not extend into drive aisles.
(3) Queuing lanes must not interfere with pedestrian circulation.
(4) Drive-through canopies and other structures, where present, must be constructed from the same materials as the primary building, and with a similar level of architectural quality and detailing.

(F) Exterior food and beverage machines, ice machines, and propane tank exchanges.
(1) Must be in conjunction with approved businesses
(2) Must be adjacent to and project no further than five feet from the primary building.
(3) Where sidewalks are present, a minimum access width of four feet must be provided and may not be blocked by the vending machines or containers.
(4) Propane tank exchanges must be located within a metal cabinet painted to blend into the building. The cabinet, not to exceed 52 cubic feet, must receive a permit from the Fire Chief.
(5) Exterior food and beverage vending machines, ice machines, and propane tank exchanges must be in good repair at all times.

(G) Farmer's market.
(1) Location.
(a) No portion of the use or event shall take place within 200 feet, as measured in a straight line from the closest point of the property line of the property upon which the farmers' market is located, to the property line of any R-1 zoned property with residential buildings.

(b) Sales merchandise trailers, temporary stands, etc., shall be located on an asphalt or concrete surface.

(2) Displays.

(a) Parking and display areas associated with the sale shall not distract or interfere with existing business operations or traffic circulation patterns.

(b) Display areas and parking spaces shall use those parking lot spaces that are in excess of the minimum required parking for the primary use of that property.

(c) No uses or displays shall be permitted in required green areas, parking setback areas, or any right-of-way or other public property.

(d) Display of items shall be arranged in as compact a manner as reasonably practicable with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.

(3) Signage shall be limited to one sign not to exceed 32 square feet. The sign may be a banner, and shall be mounted or erected in an appropriate location. The sign may be illuminated but must comply with all requirements of Chapter 30 of this title.

(4) Operation and maintenance.

(a) All producer merchandise shall be unloaded prior to the opening of the market and confined to the off-street parking lot area. No on street parking or unloading shall be allowed.

(b) No public address system or speakers shall be used.

(c) The site shall be kept in a neat and orderly fashion, free from litter, refuse, debris, junk, or other waste, which results in offensive odors or unsightly conditions.

(H) Gas tanks (above ground) for propane, liquid nitrogen, etc.

(1) Such tank shall be fully screened or located out of public view.

(2) Motor vehicle fuel is not permitted.

(I) Mobile food units.

(1) The owner/operator shall have written permission of the current property owner to locate at a designated area.

(2) The proprietor of the business must keep copy of the mobile food unit license with the unit and demonstrate compliance with the license upon inspection.

(3) The area(s) designated for the mobile food unit and accessory outdoor seating may not block sidewalks, impede pedestrian or vehicular traffic, or interfere with public safety.

(4) No mobile food unit or accessory outdoor seating area may occupy parking spaces which may be leased to other businesses or used to fulfill its minimum parking requirements or any handicap accessible parking space.

(5) Mobile food unit locations are not permitted in residential districts.

(6) Mobile food units shall be located on an asphalt or concrete surface.

(7) The owner/operator must provide trash receptacles for customer use and keep the site in a neat and orderly fashion, free from litter, refuse, debris, junk or other waste which results in offensive odors or unsightly conditions.

(8) Temporary signage is permitted in accordance with §150.06(A)(6) pedestrian signs.

(J) Outdoor entertainment and the use of sound-amplifying equipment.

(1) The volume of sound shall not violate §152.1016 of this ordinance.

(2) The sound amplifying equipment shall not be used between the hours of 10 p.m. and 8 a.m.

(K) Outdoor sales and display.

(1) The designated sales area must be identified on an approved site plan.

(2) The designated sales area cannot block sidewalks.

(3) The designated sales area must not encroach into setbacks.

(L) Outdoor dining.

(1) Outdoor dining is permitted if depicted on an approved site plan. The following additional standards relate to outdoor dining areas:

(a) Outdoor seating is permitted within any setback area and temporary seating may be permitted with

rights-of-way, provided the sidewalk remains clear to a width of 5 feet.

(b) Service and consumption of alcohol on outdoor patios and decks in conjunction with an intoxicating liquor "on-sale" license or a 3.2 percent malt liquor license may be permitted under the following conditions:

(2) The patio or deck area must be contiguous to the licensed premises and shall be enclosed with a fence that meets standards set forth in this code that does not allow entrance from outside the fenced area onto the patio or deck area.

(3) Receptacles for rubbish, garbage, etc., must be provided and adequately screened.

(4) Lighting must be sufficient to promote public safety, directed downward, and compatible with the surrounding area.

(5) Smoking may be allowed on the patio or deck area, provided it complies with the Minnesota "Freedom to Breathe Act of 2007."

(6) The outdoor patio or deck area must be included in the required liquor liability insurance for the premises.

(7) These areas may be covered with a canopy or awning but may not be enclosed.

(M) Outdoor display.

(1) Outdoor displays of inventory, such as automobiles, tires, nursery stock, lumber and other merchandise customarily displayed or stored in the outdoors are permitted, subject to compliance with standard building setback requirements of the respective zones and all other applicable ordinances and standards.

(2) Outdoor display is limited to no more than 10% of the facade of the structure in which the business is located.

(3) Outdoor display cannot cause a public nuisance, or be located within the required parking areas or ingress or egress aisles of the lot.

(N) Restaurants, retail, or services.

(1) May be located within the principal building or as a single tenant in a multi-tenant building.

(2) The area of the building for restaurants, retail, or service businesses are restricted to one-half of the total gross floor area of the ground level floor of a multistory building but may not be restricted to any location in the building, or 10% of the gross floor area of a single story building.

(O) Detached Accessory Structure

(1) *Setback adjacent to rights-of-way.* No detached accessory structures are permitted between a public right-of-way and the principal structure.

(2) *Interior side or rear setbacks.* No detached accessory structure are permitted closer than five feet from interior side property lines.

(3) *Structure size.* Detached accessory structures may not exceed 2,000 square feet, or 15 percent of the principal structure footprint, whichever is less.

(4) *Structure height.* Detached accessory structures may not exceed 16feet in height, or the height of the principal structure, whichever is less.

(5) No more than one detached accessory structure is permitted per lot of record.

(6) Detached accessory structures shall not be designed or used for human habitation.

(7) Detached accessory structures shall have the same or similar exterior finish as the principal building.

(P) Warehousing, incidental repair, or processing.

(1) In the B1 - B-4 Districts, accessory warehousing may only be conducted in up to 30% of the gross floor area of the principal building.

(2) Must be necessary and related to the permitted principal use.

§152.905 TEMPORARY AND SEASONAL NONRESIDENTIAL PERFORMANCE STANDARDS

(A) Christmas tree sales.

(1) All temporary buildings or trailers associated with the sales lot, as well as all tree-related debris and materials, are permitted between November 15 and December 31.

(2) The sales area shall be separated from vehicular uses by the placement of a fence or barrier to prevent pedestrian and vehicular conflicts.

(3) The sales area shall be on a paved surface that does not interfere with the principal use's minimum parking needs, traffic flow, and emergency access.

(B) Construction buildings.

(1) Buildings temporarily located for purposes of construction may be placed for a period not to extend beyond the issuance of a certificate of occupancy or the end of construction

(C) Firework sales.

(1) An annual retail fireworks permit shall be required per Section 93.25.

(2) Fireworks sales shall only be permitted between June 15 and July 5.

(3) The sales area shall be separated from vehicular uses by the placement of a fence or barrier to prevent pedestrian and vehicular conflicts.

(4) Must be on a paved surface that does not interfere with the principal use's minimum parking needs, traffic flow, and emergency access.

(5) No fireworks shall be sold or dispensed from a motor vehicle or towed vehicle.

(6) Outdoor sales lot for consumer fireworks sales shall meet the specialized requirements laid out in Minnesota statute, section 624.20, and all other applicable ordinances or statutes.

(D) Gas/fuel tanks (above ground).

(1) Above ground gas and fuel tanks shall be screened from view of a public street or adjacent residential property.

(E) Greenhouse and garden centers.

(1) The area(s) designated may not be located in the required parking areas, block sidewalks, or interfere with public safety.

(2) The area(s) designated may not be permitted in the required setback from residential districts or public rights-of-way.

(3) The proprietor of the business must keep a copy of the Conditional Use Permit on the premises and demonstrate compliance with the permit upon inspection.

(4) Conditional Use Permits may be revoked by the City Council if the activity is not used on an annual basis or if violations to any of the above regulations have been documented and were not corrected in a timely manner as determined by the City Manager.

(5) Garden center sales shall only be permitted between April 1 and June 30.

(6) The sales area shall be separated from vehicular uses by the placement of a fence or barrier to prevent pedestrian and vehicular conflicts.

(7) Must be on a paved surface that does not interfere with the principal use's minimum parking needs, traffic flow, and emergency access.

(F) Outdoor storage of snow removal equipment.

(1) The area of storage shall not be placed in any established yard abutting a street.

(2) The area of outdoor storage shall be screened from view from streets and from all abutting properties by an opaque screen; wherever security fencing is desired, it shall be placed on the interior side of the opaque screen.

(3) All areas of storage shall be paved.

(G) Temporary events. The events include outdoor religious events, tent sales, employment fairs, and other similar outdoor uses and events as determined by the City Manager. Construction activities related to the construction, demolition, or rehabilitation of a dwelling, building, or structure are not regulated by this section.

(1) Permits are required for any event with temporary structures or tents, preparation and service of food or beverages for sale, road blockage, or traffic or parking congestion beyond that expected without the event in compliance with §152.312.

(2) All events may be conducted by the proprietor of the business conducted within the principal structure on the property.

(3) Performance standards for temporary events. Temporary events include, but are not limited to, outdoor religious events and rental or employment fairs, but do not include construction activities related to the construction, demolition, or rehabilitation of a dwelling, building, or structure.

(a) Events are limited to ten days per calendar year and all equipment, structures, signs, or other

evidence of the use must be removed from the property one week after termination of the event.

(b) Disturbed turfed areas must be restored to their pre-event condition within three weeks.

(c) Sanitary facilities must be provided as required by the Building Official.

(d) Any impairment to traffic flow must be mitigated to the satisfaction of the City Engineer, Fire Chief, and the Police Chief.

(e) All other sections of the city code, including but not limited to compliance with residential quiet hours and the creation of nuisances, apply.

(H) Temporary uses. Temporary uses may include environmental monitoring of a use and structures for hiding the monitoring equipment and other similar outdoor uses as determined by the City Manager. No administrative approval of temporary uses may be given for structures primarily for storage associated with the principal use.

(1) Permits are required for temporary uses.

(2) The permit must include a specific date, not to exceed one year, during which time the use may exist. By the specified date, the use and any associated structure(s) must be removed from the property and the site returned to a condition that meets or exceeds the pre-use condition.

(3) All uses may be conducted by the proprietor of the business conducted within the principal structure on the property.

(4) Financial guarantees or a cash escrow may be required at the time of permit application to guarantee the restoration of the site to its pre-use condition.

(I) Transient sales.

(1) Location.

(2) The location for the sale must have a minimum 150-foot setback from any intersection.

(3) The location for the sale must meet the minimum setbacks for a principal building on the property and may not be permitted on the following: public rights-of-way, landscaped areas, fire lanes, or drive aisles.

(4) The location for the sale may not occupy more than 100 square feet.

(5) The location for the sale may not occupy the required minimum parking spaces for the principal use(s) on the site.

(6) The location for the sale must be large enough to provide adequate parking.

(7) Hours and duration.

(a) Use of the property for transient sales may not exceed ten days within a maximum period of six months.

(b) Transient sales may not take place between the hours of 6:00 p.m. and 10:00 a.m.

(c) No overnight storage of transient merchant equipment or merchandise may be allowed. Transient merchant equipment may be permitted on the premises only between the hours of 8:00 a.m. and 8:00 p.m.

(8) A license may be issued pursuant to the City Code and may be conspicuously posted in the transient merchant's location.

(9) Written permission to occupy the property must be filed with the application for conditional use permit.

SECTION 2. DEVELOPMENT STANDARDS

(A) Purpose. Establish specific and quantifiable limitations on identified types of structures, uses, and other activities which have a high nuisance potential.

(B) Applicability. The performance standards apply in all zoning districts unless specifically stated to the contrary.

(C) Compliance. All structures shall be in continual compliance with all building, fire, zoning, and health codes of the city and state.

§152.1000 ACCESSORY USES AND STRUCTURES.

(A) Accessory Structures in Residential Districts

(1) Purpose. These standards allow the property owner to use the property in ways that are normally associated with the principal residential use of the property and allow the city appropriate means to

maintain the residential nature of neighborhoods.

(a) No accessory structure shall be permitted without a principal structure on the same lot.

(b) Such uses are subordinate and incidental to the principal residential use of the property.

(c) No accessory use is permitted that changes the residential character, rating or appearance of the lot or any structures on the lot.

(d) No accessory use or structure other than a fence or a temporary construction office for a project to be built on the property may be permitted in a residential district without a principal use occupying the property.

(e) There may be no exterior storage or display of equipment, materials, or products except as permitted by §152.1017.

(2) Accessory structures secondary to primary uses that require a conditional use permit, or those that require site plan review, may also be considered conditional or needing site plan review and may be subject to the applicable standards listed in division (#) below.

(a) Standards for accessory structures (except fences and walls).

(i) Front setbacks. No accessory structures are permitted between a public right-of-way and the dwelling or principal use, except garages which must adhere to the same setbacks as the principal building as described in §152.506.

(ii) Interior side or rear setbacks. No accessory structures are permitted closer than five feet from interior side property lines.

(iii) Side or rear setback adjacent to public right-of-way. Setback requirements are the same as for the principal building as §152.506.

(b) Any accessory structures sheltering or housing more than two animal units on a farm, hobby farm, or the like may not be less than 50 feet from all dwellings other than that of the owner.

(c) Structure size. On any lot zoned UR, R-1, R-2, R-3, or R-4, the combined gross floor area of all accessory structures (including the attached or detached garage) may not exceed the following:

(i) For lots one acre or less: 1,000 square feet or the foundation footprint of the habitable portion of the principal building, whichever is greater.

(ii) For lots greater than one acre: 1,500 square feet or the foundation footprint of the habitable portion of the principal building, whichever is greater.

(d) Accessory structure height. A maximum of 18 feet or the height of the principal building, whichever is less. The highest point of the roof of the accessory structure shall not be higher than the highest point of the roof of the principal structure. No lot of record may have more than two detached accessory structures, except public parks and open space.

(B) Accessory Structures in Nonresidential Districts

(1) *Setback adjacent to rights-of-way.* No detached accessory structures are permitted between a public right-of-way and the principal structure.

(2) *Interior side or rear setbacks.* No detached accessory structure is permitted closer than five feet from interior side property lines.

(3) *Structure size.* Detached accessory structures may not exceed 2,000 square feet, or 15 percent of the principal structure footprint, whichever is less.

(4) *Structure height.* Detached accessory structures may not exceed 18 feet in height, or the height of the principal structure, whichever is less.

(5) No more than one detached accessory structure is permitted per lot of record

(6) Detached accessory structures shall not be designed or used for human habitation.

(7) Detached accessory structures shall have the same or similar exterior finish as the principal building.

§152.1001 ALTERNATIVE ENERGY SYSTEMS

(A) Purpose. Establish standards by which the installation and operation of wind, solar, and ground source energy systems shall be governed within the city.

(B) Applicability. Alternative energy systems standards apply in all zoning districts.

(C) Ground source heat pump system.

(1) System requirements. Only closed loop ground source heat pump systems utilizing heat transfer fluids as defined in §152.107 are permitted. Open loop ground source heat pump systems are not permitted.

(2) Setbacks.

(a) All components of ground source heat pump systems including pumps, borings and loops shall be set back at least 5 feet from interior side lot lines and at least 10 feet from rear lot lines.

(b) Above-ground equipment associated with ground source heat pumps shall not be installed in the front yard of any lot or side yard of a corner lot adjacent to a public right-of-way and shall meet all required setbacks for the application district.

(3) Screening. Ground source heat pumps are considered mechanical equipment subject to screening requirements of §152.1023.

(4) Abandonment. If the ground source heat pump remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained in accordance with the following:

(a) The heat pump and any external mechanical equipment shall be removed.

(b) Pipes or coils below the land surface shall be filled with grout to displace the heat transfer fluid. The heat transfer fluid shall be captured and disposed of in accordance with applicable regulations. The top of the pipe, coil or boring shall be uncovered and grouted.

(D) Solar energy.

(1) Exemption. Passive or building-integrated solar systems are exempt from the requirements of this section and shall be regulated as any other building element.

(2) Standards.

(a) Location.

(i) In residential zoning districts, ground-mounted solar energy systems are limited to the rear yard.

(ii) In non-residential zoning districts, ground- mounted solar energy systems may be permitted in the side yard meeting accessory structure requirements in §152.1000(B).

(b) Height.

(i) Roof-mounted solar energy systems shall comply with the maximum height requirements in the applicable zoning district.

(ii) Ground mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt.

(c) Screening. Solar energy systems shall be screened from view to the extent possible without impacting their function.

(i) Roof-or ground-mounted solar energy systems shall not be restricted for aesthetic reasons if the system is not visible from the closest edge of any public right-of-way other than an alley, or if the system meets the following standards. Roof-mounted systems on pitched roofs that are visible from the nearest edge of the front right-of-way shall have the same finished pitch as the roof and be no more than ten inches above the roof.

(ii) Roof-mounted systems on flat roofs that are visible from the nearest edge of the front right-of-way shall not be more than 5 feet above the finished roof and are exempt from any rooftop equipment or mechanical system screening.

(d) Lot coverage. Ground-mounted systems total collector area shall not exceed half the building footprint of the principal structure.

(i) Ground-mounted systems shall be exempt from lot coverage or impervious surface standards if the soil under the collector is maintained in vegetation and not compacted.

(ii) Ground-mounted systems shall not count toward accessory structure limitations.

(e) Glare. All solar energy systems shall be positioned to minimize glare towards vehicular traffic and adjacent properties.

(f) Feeder lines. The electrical collection system shall be placed underground within the interior of each parcel. The collection system may be placed overhead near substations or points on interconnection to the electric grid.

(g) Structures shall not be located such that solar power access blocks a neighboring property.

(3) Abandonment.

(a) If a solar energy system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained. Removal includes the entire structure including transmission equipment.

(E) Wind energy conversion systems (WECS).

(1) Quantity.

(a) No more than one WECS is allowed per residential parcel.

(b) No more than 10 small or one large WECS is allowed per nonresidential parcel.

(2) Design standards.

(a) Height. The highest point above natural grade reached by a rotor tip or any other part of a wind turbine. The permitted maximum height of a WECS shall be determined on the type of system proposed.

(i) Utility wind turbines. The height of a freestanding WECS located in a BP or I district shall not exceed 125 feet.

(ii) Small wind turbines. The height of a freestanding WECS located in a business district shall not exceed 75 feet.

(iii) Residential wind turbines. Residential wind turbines can be either building mounted a maximum height of 20 feet above the roofline of the principal structure; or mounted on a tower a maximum height of 20 feet above the roof line of the principal structure. Poles must be connected to the principal structure and cannot be freestanding. All residential wind turbines shall be of the vertical axis style.

(iv) The structure upon which the proposed WECS is to be mounted shall have the structural integrity to carry the weight and wind loads of the WECS and have minimal vibration impacts on the structure.

(b) Blade length. A maximum blade length of 15 feet is permitted.

(c) Setbacks for building mounted. A building or roof mounted vertical axis style WECS shall be located only on the side or rear rooflines.

(d) Easements. Wind energy systems shall not encroach on public drainage, utility roadway or trail easements.

(e) Rotor clearance. Blade-arcs created by the WECS shall have a minimum of 30 feet of clearance over any structure or tree within a 300-foot radius.

(f) Feeder lines. The electrical collection system shall be placed underground within the interior of each parcel. The collection system may be placed overhead near substations or points of interconnection to the electric grid.

(g) Aesthetics. All portions of the wind energy system shall be a nonreflective, non-obtrusive color, subject to the approval of the City Manager. Only monopole towers are permitted. The appearance of the turbine, tower and any other related components shall be maintained throughout the life of the wind energy system pursuant to industry standards. Systems shall not be used for displaying any advertising, except for applicable warning and equipment information required by the manufacturer or by federal, state or local regulations. Systems shall not be illuminated.

(3) Noise. Wind energy systems shall comply with Minnesota Pollution Control Agency standards, as outlined in Minn. Rules Chapter 7030, at all property lines.

(4) Screening. Wind energy systems are exempt from the requirements of §152.1023.

(5) Safety.

(a) Standards. Wind energy systems shall meet minimum standards such as International Electrotechnical Commission (IEC) 61400-2 or the American Wind Energy Association's (AWEA) Small Wind Turbine Performance and Safety Standard or other standards as determined by the community development director.

(b) Maintenance. Wind energy systems shall be maintained under an agreement or contract by the manufacturer or other qualified entity.

(c) The WECS shall be equipped with both a manual and an automatic braking device capable of stopping the WECS operation in high winds.

(d) Tower access. To prevent unauthorized climbing, WECS towers must comply with one of the following provisions:

(i) Tower climbing apparatus shall not be located within 12 feet off the ground.

(ii) A located anti-climb device shall be installed on the tower.

(iii) Tower capable of being climbed shall be enclosed by a locked, protective fence at least eight feet high.

(6) Utility connection. All grid connected systems shall have an agreement with the local utility prior to the issuance of a building permit. A visible external disconnect must be provided if required by the utility.

(7) Abandonment. If the wind energy system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained. Removal includes the entire structure including foundations to below natural grade and transmission equipment.

§152.1002 BUILDING AND SITE DESIGN STANDARDS,RESIDENTIAL

(A) Purpose. To encourage the construction of quality structures that exhibit an attractive appearance both to residents and potential future owners.

(B) All residential uses. The following design standards are applicable to all residential uses.

(1) Facades of new additions and accessory structures must be coordinated with the facades of the principal building by integrating some or all the same materials, textures, and colors.

(2) All exterior surfaces must be finished with the appropriate sealant, stain, paint, or other process (to manufacturer's specifications) to withstand the elements and prevent fading, chipping, chalking, cracking, peeling, warping, rot, rust, water damage, or other natural degrading process, except for those materials, like copper, where the degrading process is architecturally desirable.

(3) The following metals are prohibited as facade materials:

(a) Any metal that is not a high-quality commercial thickness/weight (for example, the minimum for architectural steel panels is .024 thickness, architectural aluminum panels is .032 thickness and architectural copper panels is 16-ounce sheets, and the equivalent in other metals).

(b) Any metal that has not been treated with a factory applied color coating system against any applicable degradation listed above.

(c) Metal of any kind as a primary facade material (excluding steel or aluminum lap siding). Metal may be used for trim or accent up to 15% of any facade.

(d) Smooth concrete block is prohibited as a primary facade material. Smooth concrete block used as part of the foundation may be permitted to be exposed at up to 15% of any facade.

(e) Non-durable siding materials such as plywood, corrugated metal or fiberglass, or other materials that decay rapidly when exposed to the elements are prohibited as a facade material.

(C) Multifamily standards: The following design standards are applicable to apartments, condominiums, and townhomes.

(1) Building and Design standards by unit type.

(a) Townhomes.

(i) Controlled access entry systems are required for all multiple family buildings.

(ii) Front elevation:

a. Each front elevation shall have a minimum of 30% comprised of natural material consisting of brick, stone, stucco, hardi-board, redwood, cedar, or other similar materials.

b. Homes on corner lots must relate to both streets with windows, accent and building articulation.

c. Prominent front entry, including but not limited to, covered entry, front porch or similar accent shall be incorporated into the overall front elevation.

d. Design of front exterior elevations shall be varied within the development

(iii) Garages:

a. Garage shall not comprise more than 55% of the viewable ground floor street-facing linear building frontage. This standard is based on the measurement of the entire

garage structure and not on a measurement of the garage door or doors only. Corner lots are exempt from this requirement.

b. Garage doors shall be architectural styled to match the exterior design of the home.

(iv) Roof:

a. Architectural design roofing materials including composition, wood shingles (including shake), architectural asphalt shingles, concrete, clay, or ceramic tile roofs are required on all roofs.

b. Overhangs must be a minimum of 12 inches.

(v) Side and rear facades:

a. Each side elevation that faces an interior lot shall have at least one window or door opening which cannot be garage. Where a side elevation faces a street or is visible from a public street, at least two windows or door openings, which cannot be a garage, shall be provided. Alternatives may be considered for LEED or other efficiency standards.

b. A maximum of 18 inches of the foundation wall may be exposed on any elevation.

(b) Multifamily (stacked) residential development, including condominiums and apartments.

(i) Controlled access entry systems are required for all multiple family buildings.

(ii) Design character:

a. Building materials shall be attractive, durable, and of a quality which is both compatible with adjacent structures.

b. All buildings shall be of good aesthetic and architectural quality, as demonstrated by the inclusion of elements such as accent materials, entrance and window treatments, contrasting colors, irregular building shapes and rooflines, or other architectural features in the overall architectural concept.

(iii) Exterior building finish:

a. A minimum of 60% of the combined area of all building facades shall contain one or more of the following materials- as shown in Figure 152.1002.1.

Figure 152.1004.1 Classes of Materials

Class 1	Class 2
1. Brick 2. Natural or cementitious stone 3. Glass, or other glazing materials 4. Masonry stucco 5. Architectural metal panels 6. Specialty concrete block (including textured, burnished block or rock faced block) 7. Architecturally textured and industrial grade concrete precast panels 8. Other materials not listed elsewhere as approved by the City Manager or as recommended by the Planning Commission	1. Wood 2. Tile (masonry, stone or clay), ceramic 3. Other materials not listed elsewhere as approved by the City Manager or as recommended by the Planning Commission 4. EFIS in conformance with the ICC ES report

b. All building and roofing materials shall meet current accepted industry standards, and tolerances, and shall be subject to review and approval by the city for quality, durability, and aesthetic appeal. The applicant shall submit to the city product samples, color building elevations, and associated drawings which illustrate the construction techniques to be used in the installation of such materials.

c. If complementary building styles, materials, and color schemes are proposed for a development, the developer shall submit to the city a plan showing the distribution of the styles, materials, and colors throughout the development.

d. Building elevations shall be articulated to reduce the mass of the building. Large blank exterior walls shall be prohibited. Variation in elevations can be accomplished with projections, recesses, covered doorways, balconies, covered box or bay windows or other similar features, dividing large facades and walls into human scaled proportions.

(2) Common areas.
  (a) On-site amenities and recreational facilities shall be provided in all multifamily developments.
  (b) Minimum amenities in all developments 50 units or greater shall include outdoor common landscape areas and indoor/outdoor facilities that meet the needs of the intended population including such things as a community/party room, theatre, indoor/outdoor recreation areas such as swimming pools, indoor fitness centers, tennis courts, play equipment, walking trails, community gardens, and basketball courts.
  (c) All common areas not dedicated to the public including, but not limited to, open space, driveways, private drives, parking areas, play areas, recreational facilities, etc., shall be owned in one of the following manners:
    (i) Condominium ownership pursuant to M.S. 515A.1-106.
    (ii) Townhome common areas shall be owned by the owners of each unit lot, with each owner of a unit having an equal and undivided interest in the common area.
    (iii) Homeowners' association (HOA): An HOA shall be established for all townhome developments intended for individual ownership, subject to review and approval of the City Attorney. The HOA shall be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing, and regular maintenance of private driveways and other areas owned in common.

(3) Energy efficiency. All buildings and sites shall be situated on the site and developed to maximize the benefits solar heating and passive cooling, and provide other amenities aimed at promoting energy efficiency and sustainability. Each new building or development shall incorporate a minimum of three elements:
  (a) Buildings oriented to optimize passive solar heating and cooling opportunities.
  (b) Buildings oriented to minimize wind loads on the structure.
  (c) Windows placed and appropriately shaded to maximize solar penetration during the winter months and minimize solar penetration during the summer months.
  (d) Use of white membrane roofing material.
  (e) Installation of a green roof occupying a minimum of 30% of the total roof area.
  (f) Installation of solar panels to provide at least 10% of the project's estimate electricity demand.
  (g) A minimum of 50% of all exterior light fixtures used within the development shall be powered by solar panel energy.
  (h) All lighting shall use LED fixtures.
  (i) Daylight sensors or times shall be installed and used on all exterior lighting.
  (j) Electric vehicle stalls/plug-ins.
  (k) Indoor bicycle parking.
  (l) On-site recycling and organic waste disposal.
  (m) Community garage space available to all residents.
  (n) Other such sustainable elements and amenities as proposed by the applicant to meet desired objectives.

(4) Site design.
  (a) Orient and consolidate structures to complement existing, adjacent development to create a coordinated and visually attractive residential setting.
  (b) Buildings with frontage on a primary street shall orient front facades parallel to the street.
  (c) Buildings shall have a clearly defined primary pedestrian entrance at the street level.
  (d) Pedestrian connections to the surrounding neighborhood shall be provided as feasible.
  (e) Building access and internal hallways shall be so designed that any one single point of building entry cannot provide full access to the floor in which the access is located or the entire building.
  (f) All private driveways for garages in townhouse developments shall have a maximum grade of 11%.
  (g) A minimum 20-foot setback is required between driveways, drive aisles, or parking areas and any building.

(5) Unit Mix. Apartment and condominium buildings, not including age restricted, shall include a mix of unit types with no more than 40 percent of the units constructed as one-bedroom units and no more than 60 percent of any other bedroom type.

§152.1003 BUILDING AND SITE DESIGN STANDARDS, MIXED USE

(A) Purpose. This section regulates the development and modification of buildings and other elements of the built environment so that:

(a) Building form individually and collectively defines and supports the public realm.

(b) Building placement supports walkability, safe streets, and safe public spaces, and creates pedestrian-friendly neighborhoods.

(c) Building articulation. Buildings shall have horizontal and vertical articulation, which may include dormers cornice detailing, recesses and projections, step backs of upper stories, changes in roof types and planes, building materials, and window patterns. The base of the building should relate to the human scale by including doors and windows, texture, projections, awnings, canopies, or similar features.

(B) Building entries.

(1) All main building entrances shall face a public street.

(2) Canopies and awnings may encroach into the public right-of-way over a sidewalk.

(C) Ground-floor residential.

(1) Permanent ground-floor residential uses fronting a public street or walkway, where present, shall be separated from the street by landscaping, steps, porches, grade changes, and low ornamental fences or walls in order to create a private yard area between the sidewalk and the front door.

(2) In mixed-use buildings with a ground floor ultimately intended for non-residential uses, those standards required per subsection 1, above, are not required, however, the first floor shall be built to accommodate future nonresidential uses with a height of not less than 14 feet.

(D) Height transition to residential districts. Where abutting a residential district at the rear or side lot line, building height at the rear or side yard setback line shall not exceed 3 stories. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45º angle) up to the maximum allowed height.

(E) Surface parking.

(1) Parking lots shall be located in the side or rear of the principal structure.

(2) Non-vehicular access.

(3) A separate pedestrian access shall connect the principal building to the public street or a public trail, on all sides of the lot which front on a public right-of-way or public trail.

(4) Sidewalks shall be provided along all sides of the lot that abut a public or private street.

(5) Pedestrian/bicycle accesses shall be separated from parking areas by curbed, landscaped islands which have a minimum width of 20 feet inclusive of sidewalk.

(F) If an existing transit stop is located on any adjacent public street, pedestrian/bicycle access shall be located convenient to that transit stop.

(G) TOD- G Transit Oriented Greenfield District – Low, Medium and High Intensities, Greenfield Neighborhood Building, Site, and Public Realm Standards

(1) *Purpose and applicability.* The structure of the TOD-G district provides the city and future development groups with the regulations and guidelines needed to develop a comprehensive, resilient and pedestrian-oriented TOD. The subdivision regulations in division (D) provide the following:

(a) A network of connected streets and blocks that reflect an approved station area plan;

(b) General block sizes and configurations that support zoning and land use goals;

(c) Maximum block perimeters that foster attractive, safe and walkable environments, while enhancing circulation through the site;

(d) Guidance on meeting regional stormwater requirements as detailed in the Brooklyn Park Subarea Stormwater Master Plan.

(2) *Regulating plan.* The TOD-G district is implemented through a regulating plan, approved with the rezoning to TOD-G, which includes a combination of at least two of the three intensities described below and regulated by Figure 152.1003.01. TOD-G areas must be divided into neighborhoods by the introduction of a primary thoroughfare network, and then into blocks by the completion of the streets and open spaces. As the area is subdivided to generate blocks, parcels and individual

building sites, the regulating plan assigns intensities that may be refined with approval by the City Manager according to § 152.201. Regulating plans, consisting of one or more maps, must show the following:

(a) District boundaries;

(b) Existing infrastructure including streets, parks and open space;

(c) Thoroughfare network according to division (4) with thoroughfare assignments according to Figure 152.1003.03 or Figure 152.1003.04;

(d) Civic area in compliance with §152.1005.

(3) *Intensities.* TOD-G intensities are comprised of:

(a) *Low intensity.* Consists of medium density residential areas, with a mix of uses, home occupations, and accessory buildings. It contains a wide range of building types - houses, courtyard housing, townhouses, duplexes, triplexes, small apartment buildings, and neighborhood commercial uses. This area must be more than 1,500 feet from a high frequency transit service station.

(b) *Medium intensity.* Consists of a mix of uses but is primarily medium to high density residential and neighborhood commercial uses.

(c) *High intensity.* Consists of high density mixed-use buildings that accommodate retail, offices, institutions, and multi-family housing.

Figure 152.1003.01. Regulating Plan Requirements

AREA IN ACRES	***CIVIC SPACE***	***INTENSITY % OF AREA***		
40 min.	**Percentage of Area**	**Low**	**Medium**	**High**
	5 - 10%	20% max.	50 - 70%	10 - 30%

(4) *Subdivision regulations.* The provisions of this section will be used upon re-zoning to Transit Oriented Greenfield (TOD-G) and subdivision within any TOD zoning district.

(a) The thoroughfare network must be laid out according to Figure 152.1003.02 and comply with the standards of division (4)(a)(i) below.

Figure 152.1003.02. Subdivision and Block Standards

BLOCK DIMENSIONS	**DIMENSIONS**
Block length	400 ft. max
Block perimeter	1,600 ft. max.
Alley width	16 ft. min.
MID-BLOCK PEDESTRIAN PASSAGES	
Pedestrian passage width	12 ft. min., 24 ft. max.

(i) Thoroughfare standards.

a. All thoroughfares must connect to other thoroughfares, forming a network.

b. New thoroughfares must connect wherever possible to thoroughfares on adjacent sites. Cul-de-sacs may only be permitted by approval of the City Council at time adoption of the regulating plan to accommodate specific site conditions.

c. New thoroughfares must implement the approved Station Area Plan Street Network and use street section options from Figure 152.1003.03.

d. A section may be chosen according to right-of-way width and functional classification. New thoroughfare sections may be created using the standards in Figure 152.1003.04.

(ii) Block dimensions.

a. Block length and perimeter may be adjusted up to 20% with approval from the City

Manager due to topography, existing development conditions, or if the block is at the perimeter of the TOD regulating plan. Block lengths up to 800 feet may be approved if a mid- block pedestrian passage is provided.

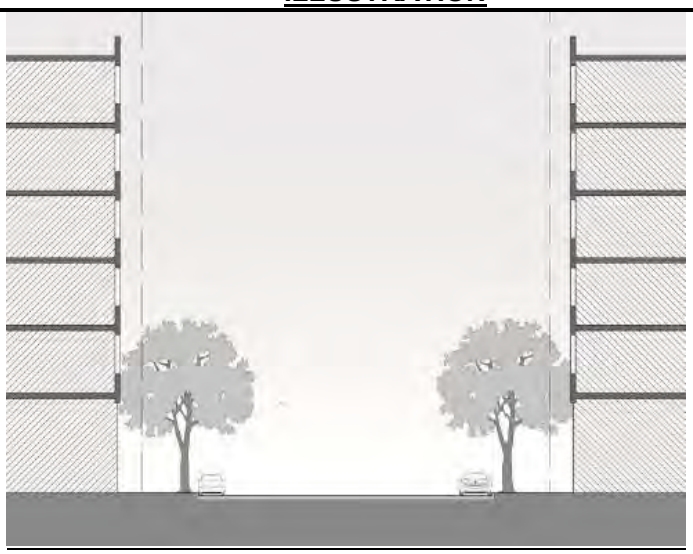
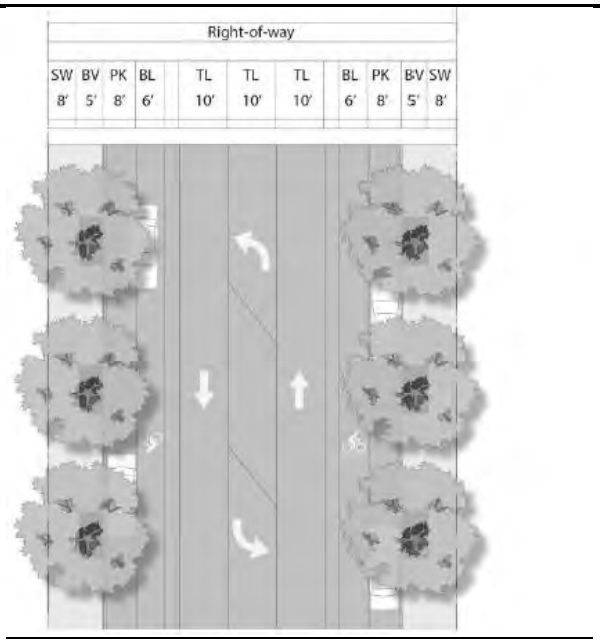
(iii) Mid-block pedestrian passages.

a. In areas with adequate vehicular capacity, pedestrian-only connections may be used mid-block and will count as a new edge in block perimeter calculations.

(iv) Parking lot layout.

a. In addition to the parking regulations of §152.1020(5)(a), parking lots in TOD-G must be laid out as blocks per Figure 152.1003.02, with utilities located in the drive aisles. Drive aisles must have adequate width to redevelop with rights-of-way required by one or more of the thoroughfare sections in Figure 152.1003.03.

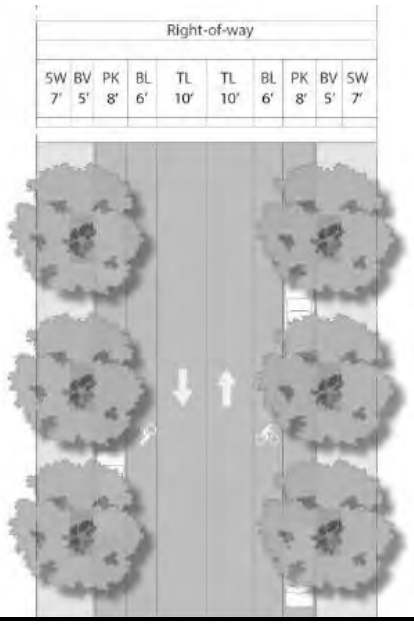
Figure 152.1003.03. Thoroughfare Sections

STREET ST 98 - 72		**ILLUSTRATION**
Functional class	Arterial	
Right-of-way	98 ft. min.	
Design, target speed	30 - 35 mph	
TRAVELED WAY		
(TL) Vehicle lanes	3	
Vehicle lane width	10 ft.[1]	
Movement	Two-way	
(PK) Parking lanes	2	
Parking lane width	8 ft.	
(BL) Bicycle facility	Buffered lane	
Bicycle facility width	6 ft. + 3 ft. buffer	
(MD) Median	n/a	
Turning lanes	At arterial intersections only	
STREETSCAPE		
(SW) Sidewalk width	8 ft. min.	
(BV) Boulevard width	5 ft. min., 7 ft. max.	
Boulevard type	Long tree well, 5 ft. x 14 ft. min.	
Tree spacing	30 ft. on center	

1 Subject to MNDOT approval.

STREET ST 70 - 46	
Functional class	Primary, local, local street
Right-of-way	74 ft. min. primary local 70 ft. min. local street
Design, target speed	25 mph
TRAVELED WAY	
(TL) Vehicle lanes	2
Vehicle lane width	10 ft.2
Movement	Two-way
(PK) Parking lanes	2
Parking lane width	8 ft.
(BL) Bicycle facility	Lane (local street), buffered lane (primary local)
Bicycle facility width	6 ft. + 2 ft. buffer (primary local)
(MD) Median	n/a
Turning lanes	n/a
STREETSCAPE	
(SW) Sidewalk width	7 ft. min.
(BV) Boulevard width	5 ft. min., 7 ft. max.
Boulevard type	Long tree well, 5 ft. x 14 ft. min.
Tree spacing	30 ft. on center



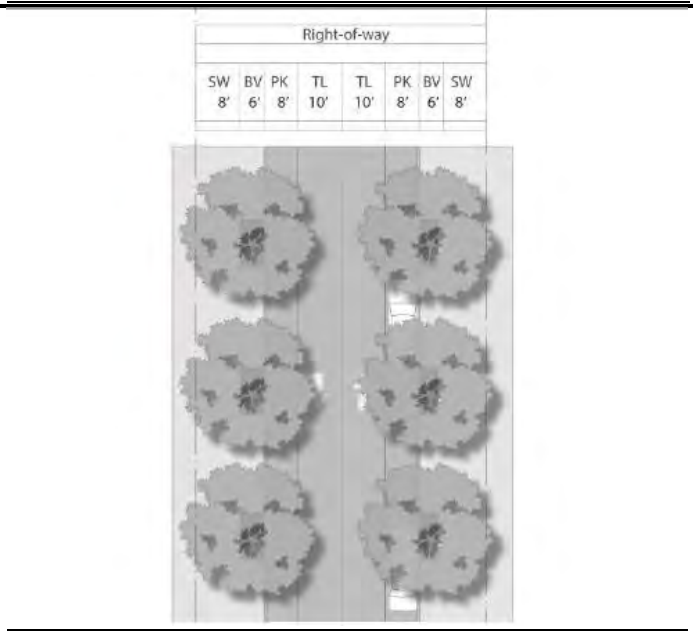


2 Subject to MNDOT approval.

STREET ST 58 - 30	
Functional class	Primary local, local street
Right-of-way	60 ft. min. primary local 58 ft. min. local street
Design, target speed	25 mph
TRAVELED WAY	
(TL) Vehicle lanes	2
Vehicle lane width	10 ft. primary local3
Movement	Two-way
(PK) Parking lanes	2

Parking lane width	8 ft.
(BL) Bicycle facility	sharrow optional
Bicycle facility width	n/a
(MD) Median	n/a
Turning lanes	n/a
STREETSCAPE	
(SW) Sidewalk width	8 ft. min.
(BV) Boulevard width	6 ft. min., 7 ft. max.
Boulevard type	Long tree well, 6 ft. x 14 ft. min.
Tree spacing	30 - 35 ft. on center

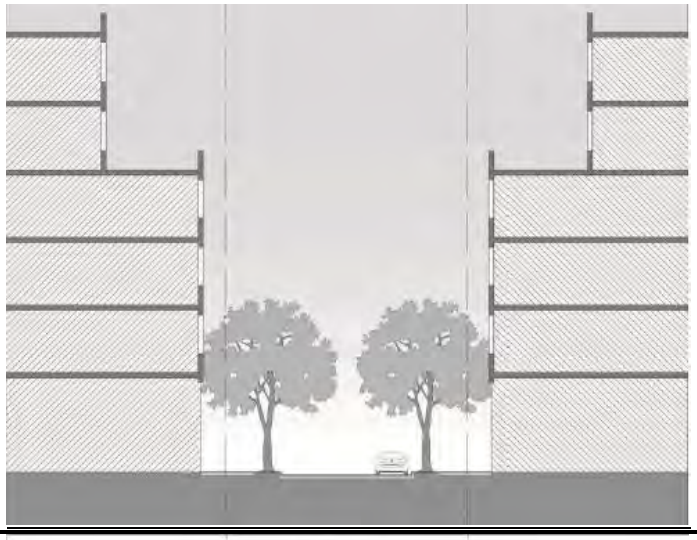


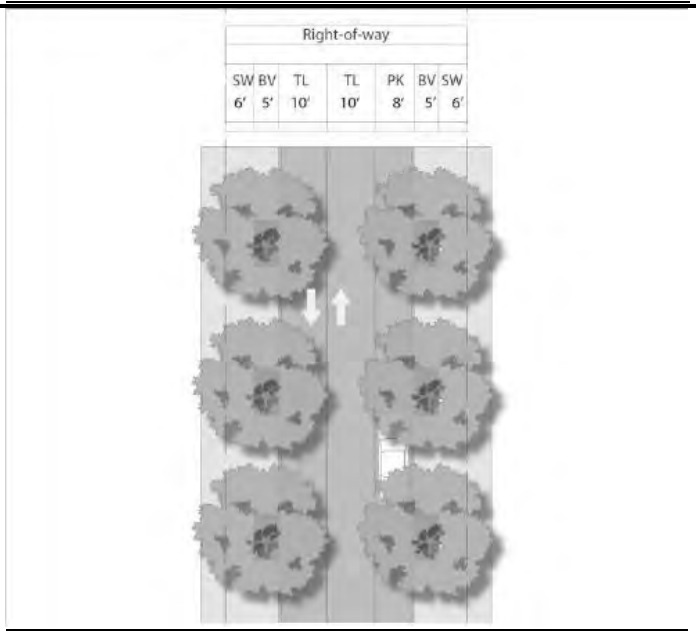


3 Subject to MNDOT approval.

STREET ST 49 - 27	
Functional class	Local street
Right-of-way	49 ft. min.
Design, target speed	20 mph
TRAVELED WAY	
(TL) Vehicle lanes	2
Vehicle lane width	10 ft.4

Movement	Two-way
(PK) Parking lanes	1
Parking lane width	8 ft.
(BL) Bicycle facility	sharrow optional
Bicycle facility width	n/a
(MD) Median	n/a
Turning lanes	n/a
STREETSCAPE	
(SW) Sidewalk width	6 ft. min.
(BV) Boulevard width	5 ft. min., 7 ft. max.
Boulevard type	Long tree well, 5 ft. x 14 ft. min.
Tree spacing	30 ft. on center





4 Subject to MNDOT approval.

152.1003.04. Street Design Criteria			
CRITERIA	***LOCAL STREET***	***PRIMARY LOCAL***	***ARTERIAL***
Sidewalk	5 ft. min. plus boulevard width	6 ft. min. plus boulevard width	8 ft. min. plus boulevard width
Boulevard	6 ft. wide by 6 ft. long min.	7 ft. wide by 14 ft. long min.	7 ft. wide by 14 ft. long min.
Parking lane width	8 ft. min.	8 ft. min.	8 ft. min.
Parking lanes required	0 - 2	2 min.	0 - 2
Travel lane width	9 ft. min., 10 ft. max.	10 ft. min., 11 ft. max.	10 ft. min., 11 ft. max.
Travel lanes required	1 - 2	2 - 4	4+ median
Movement types	one-way, two-way	two-way	two-way
Median	n/a	optional, 8 ft. min	optional, 10 ft. min.
Design speed, target speed	20 mph	25 mph	30 mph
Bike facility required	optional	required	required

Bike facility type	sharrow, lane, route	buffered lane, protected lane	buffered lane, protected lane
Bike lane width	5 ft. min.	6 ft. min.	6 ft. min.
Bike lane buffer	n/a	2 ft. min.	3 ft. min.

(H) MU Mixed Use Building, Site and Public Realm Standards

(1) *Purpose and applicability.* The structure of the MU district provides the city and future development groups with the regulations and guidelines needed to develop a comprehensive, resilient and pedestrian-oriented neighborhood. The subdivision regulations in division (3) provide the following:

(a) A network of connected streets and blocks that reflect an approved station area plan;

(b) General block sizes and configurations that support zoning and land use goals;

(c) Maximum block perimeters that foster attractive, safe and walkable environments, while enhancing circulation through the site;

(d) Guidance on meeting regional stormwater requirements as detailed in the Brooklyn Park Subarea Stormwater Master Plan.

(2) *Regulating plan.* The MU district is implemented through a regulating plan, to be submitted prior to or in conjunction with other required applications. Areas zoned MU must be divided into neighborhoods by the introduction of a primary thoroughfare network, and then into blocks by the completion of the streets and open spaces. Regulating plans must be recorded against all properties governed by the plan and must show the following:

(a) District boundaries;

(b) Existing infrastructure including streets, parks and open space;

(c) Thoroughfare network according to division (3) with thoroughfare assignments according to Figure 152.1003.06or Figure 152.1003.07;

(3) Civic area in compliance with 152.1005.

(4) *Subdivision regulations.* The provisions of this section will be used upon subdivision within the MU zoning district.

(a) The thoroughfare network must be laid out according to Figure 152.1003.05 and comply with the standards of division (4)(a)(i) below.

Figure 152.1003.05. Subdivision and Block Standards	
BLOCK DIMENSIONS	**DIMENSIONS**
Block length	400 ft. max
Block perimeter	1,600 ft. max.
Alley width	16 ft. min.
MID-BLOCK PEDESTRIAN PASSAGES	
Pedestrian passage width	12 ft. min., 24 ft. max.

(i) Thoroughfare standards.

a. All thoroughfares must connect to other thoroughfares, forming a network.

b. New thoroughfares must connect wherever possible to thoroughfares on adjacent sites. Cul-de-sacs may only be permitted by approval of the City Manager to accommodate specific site conditions.

c. New thoroughfares must implement any approved Small Area Plan Street Network and use street section options from Figure 152.1003.06.

d. A section may be chosen according to right-of-way width and functional classification. New thoroughfare sections may be created using the standards in Figure 152.1003.07.

(ii) Block dimensions.

a. Block length and perimeter may be adjusted up to 20% with approval from the City Manager due to topography, existing development conditions, or if the block is at the perimeter of the regulating plan. Block lengths up to 800 feet may be approved if a mid- block pedestrian passage is provided.

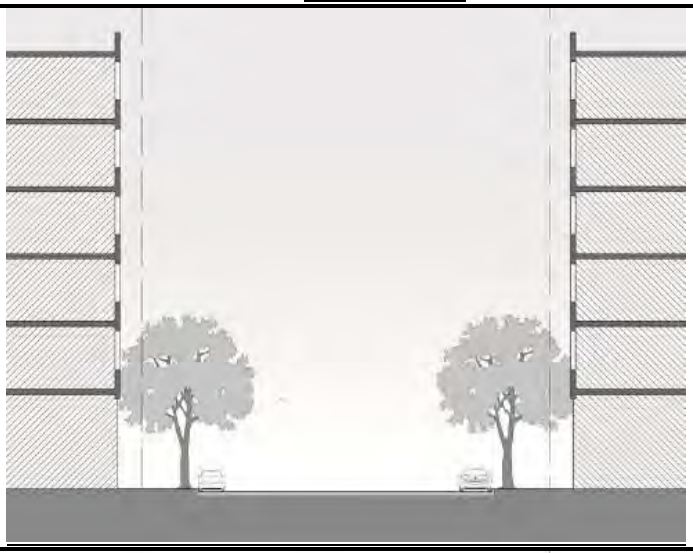
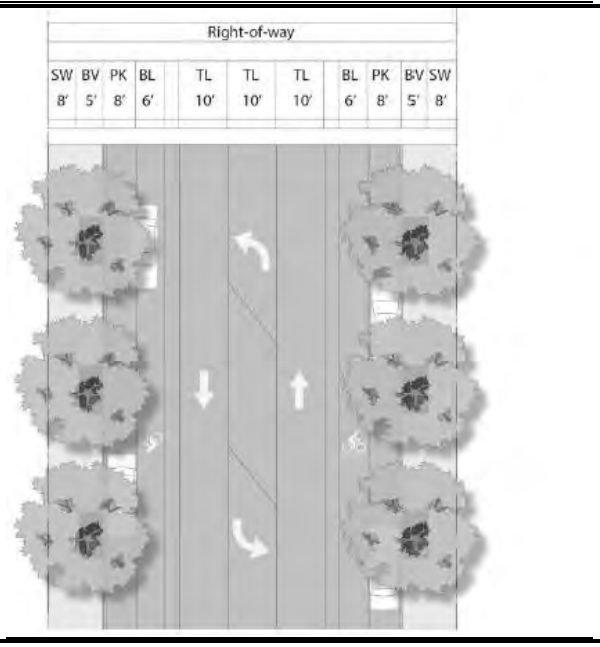
(iii) Mid-block pedestrian passages.

a. In areas with adequate vehicular capacity, pedestrian-only connections may be used mid-block and will count as a new edge in block perimeter calculations.

(iv) Parking lot layout.

a. In addition to the parking regulations of §152.1020(5)(a), parking lots in MU must be laid out as blocks per Figure 152.1003.05, with utilities located in the drive aisles. Drive aisles must have adequate width to redevelop with rights-of-way required by one or more of the thoroughfare sections in Figure 152.1003.06.

Figure 152.1003.06. Thoroughfare Sections

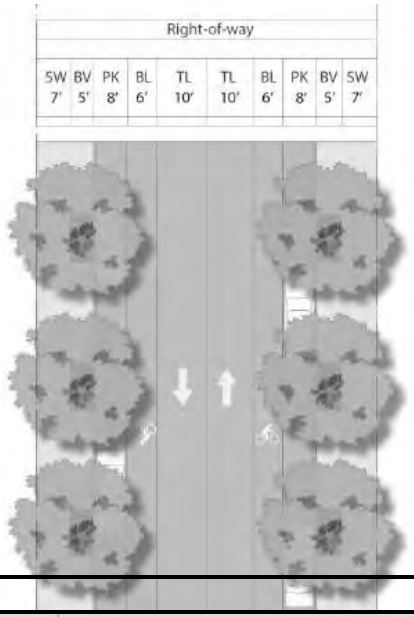
STREET ST 98 – 72		**ILLUSTRATION**
Functional class	Arterial	
Right-of-way	98 ft. min.	
Design, target speed	30 - 35 mph	
TRAVELED WAY		
(TL) Vehicle lanes	3	
Vehicle lane width	10 ft.[1]	
Movement	Two-way	
(PK) Parking lanes	2	
Parking lane width	8 ft.	
(BL) Bicycle facility	Buffered lane	
Bicycle facility width	6 ft. + 3 ft. buffer	
(MD) Median	n/a	
Turning lanes	At arterial intersections only	
STREETSCAPE		
(SW) Sidewalk width	8 ft. min.	
(BV) Boulevard width	5 ft. min., 7 ft. max.	
Boulevard type	Long tree well, 5 ft. x 14 ft. min.	
Tree spacing	30 ft. on center	

1 Subject to MNDOT approval.

STREET ST 70 - 46	
Functional class	Primary, local, local street
Right-of-way	74 ft. min. primary local 70 ft. min. local street
Design, target speed	25 mph

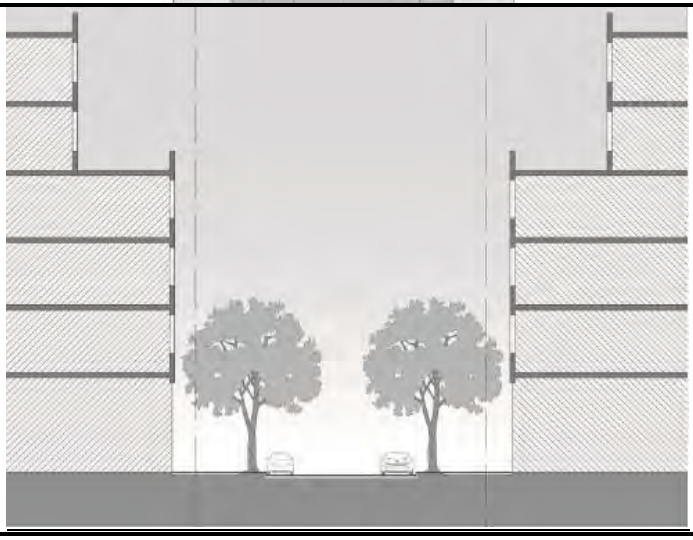
TRAVELED WAY	
(TL) Vehicle lanes	2
Vehicle lane width	10 ft.2
Movement	Two-way
(PK) Parking lanes	2
Parking lane width	8 ft.
(BL) Bicycle facility	Lane (local street), buffered lane (primary local)
Bicycle facility width	6 ft. + 2 ft. buffer (primary local)
(MD) Median	n/a
Turning lanes	n/a
STREETSCAPE	
(SW) Sidewalk width	7 ft. min.
(BV) Boulevard width	5 ft. min., 7 ft. max.
Boulevard type	Long tree well, 5 ft. x 14 ft. min.
Tree spacing	30 ft. on center



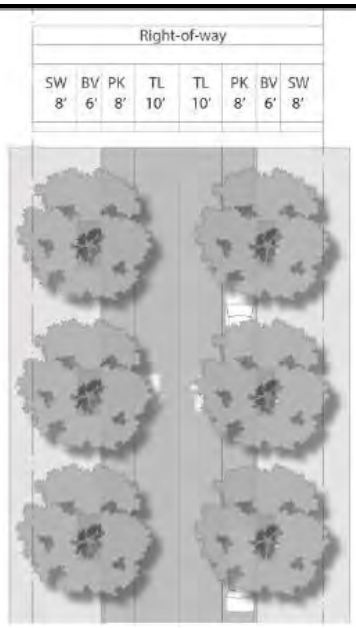


2 Subject to MNDOT approval.

STREET ST 58 - 30	
Functional class	Primary local, local street
Right-of-way	60 ft. min. primary local 58 ft. min. local street
Design, target speed	25 mph
TRAVELED WAY	
(TL) Vehicle lanes	2
Vehicle lane width	10 ft. primary local3
Movement	Two-way
(PK) Parking lanes	2
Parking lane width	8 ft.

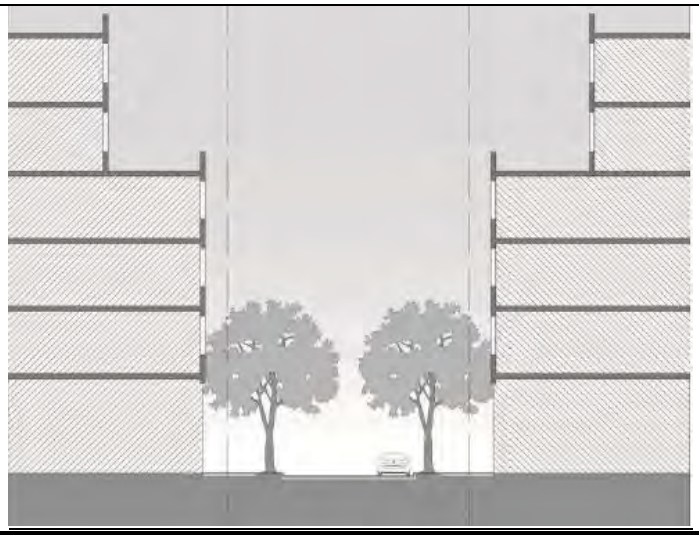


(BL) Bicycle facility	sharrow optional
Bicycle facility width	n/a
(MD) Median	n/a
Turning lanes	n/a
STREETSCAPE	
(SW) Sidewalk width	8 ft. min.
(BV) Boulevard width	6 ft. min., 7 ft. max.
Boulevard type	Long tree well, 6 ft. x 14 ft. min.
Tree spacing	30 - 35 ft. on center

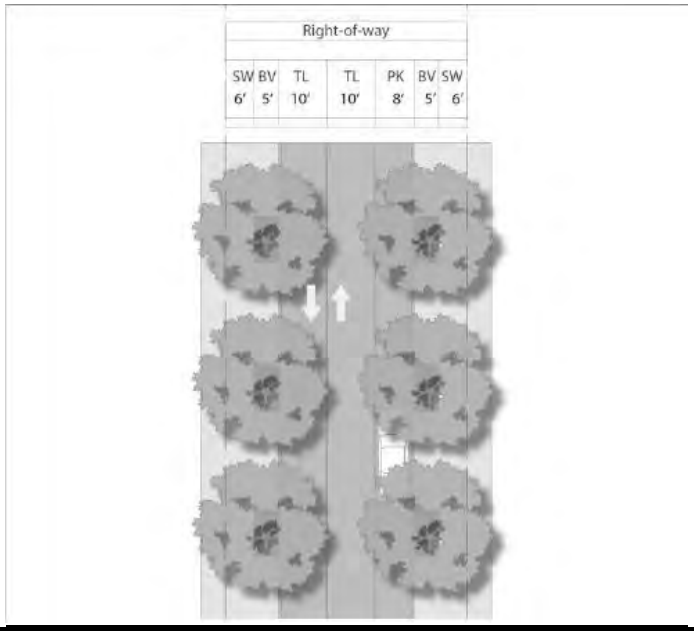


3 Subject to MNDOT approval.

STREET ST 49 - 27	
Functional class	Local street
Right-of-way	49 ft. min.
Design, target speed	20 mph
TRAVELED WAY	
(TL) Vehicle lanes	2
Vehicle lane width	10 ft.4
Movement	Two-way
(PK) Parking lanes	1
Parking lane width	8 ft.
(BL) Bicycle facility	sharrow optional
Bicycle facility width	n/a
(MD) Median	n/a
Turning lanes	n/a
STREETSCAPE	
(SW) Sidewalk width	6 ft. min.
(BV) Boulevard width	5 ft. min., 7 ft. max.



Boulevard type	Long tree well, 5 ft. x 14 ft. min.
Tree spacing	30 ft. on center



4 Subject to MNDOT approval.

Figure 152.1003.07. Street Design Criteria

CRITERIA	***LOCAL STREET***	***PRIMARY LOCAL***	***ARTERIAL***
Sidewalk	5 ft. min. plus boulevard width	6 ft. min. plus boulevard width	8 ft. min. plus boulevard width
Boulevard	6 ft. wide by 6 ft. long min.	7 ft. wide by 14 ft. long min.	7 ft. wide by 14 ft. long min.
Parking lane width	8 ft. min.	8 ft. min.	8 ft. min.
Parking lanes required	0 - 2	2 min.	0 - 2
Travel lane width	9 ft. min., 10 ft. max.	10 ft. min., 11 ft. max.	10 ft. min., 11 ft. max.
Travel lanes required	1 - 2	2 - 4	4+ median
Movement types	one-way, two-way	two-way	two-way
Median	n/a	optional, 8 ft. min	optional, 10 ft. min.
Design speed, target speed	20 mph	25 mph	30 mph
Bike facility required	optional	required	required
Bike facility type	sharrow, lane, route	buffered lane, protected lane	buffered lane, protected lane
Bike lane width	5 ft. min.	6 ft. min.	6 ft. min.
Bike lane buffer	n/a	2 ft. min.	3 ft. min.

§152.1004 BUILDING AND SITE DESIGN STANDARDS, NONRESIDENTIAL

(A) Purpose. The purpose of establishing criteria for architectural design and exterior facing materials is to ensure a high standard of development that is compatible with neighboring development and contributes to a community image of permanence, stability, and visual aesthetics, while preventing impermanent construction and use of materials that are unsightly, rapidly deteriorate, , or cause urban blight. The standards are further intended to ensure coordinated design of building facades, additions, and accessory structures in to prevent visual disharmony.

(B) Applicability. The standards apply in all business districts (B-1, B-2, B-3, B-4, BP, I, PI, OP).

(C) General Requirements.

(1) Building construction and design may be used to create a structure with equally attractive sides, except for those instances specified in this section.

(2) Primary building entrances must be clearly defined to promote visual interest and architectural presence.

(3) Large, uninterrupted expanses of a single material are not permitted, unless approved by the City Manager.

(4) No wall that faces a public right-of-way, park, the public view from adjacent properties, or a residential use or district shall have an uninterrupted length exceeding 100 feet without including at least two of the following: change in plane, change in texture or masonry pattern, two class one materials, windows in a manner that is impactful to the design, or an equivalent element that subdivides the wall into human scale proportions.

(5) Any other building, such as the case with multiple buildings on a single parcel, accessory buildings, or parking structures, should be of compatible design and materials with emphasis on the position(s) of the building(s) to give visual interest.

(6) Additions for principal buildings constructed before the effective date of the chapter may be of similar materials and design as the principal structure.

(D) Class of materials. Acceptable exterior materials are divided into Class 1 and Class 2 categories as shown in Figure 152.1004.1

Figure 152.1004.1. Classes of Materials.

Class 1	Class 2
1. Brick 2. Natural or cementitious stone 3. Glass, or other glazing materials 4. Masonry stucco 5. Architectural metal panels 6. Specialty concrete block (including textured, burnished block or rock faced block) 7. Architecturally textured and industrial grade concrete precast panels 8. Other materials not listed elsewhere as approved by the City Manager or as recommended by the Planning Commission	1. Wood 2. Tile (masonry, stone or clay), ceramic 3. Other materials not listed elsewhere as approved by the City Manager or as recommended by the Planning Commission 4. EFIS in conformance with the ICC ES report

(1) Required combination of materials. Buildings must incorporate classes of materials for each facade in the following manner:

(a) Office, service, and retail buildings.

(i) Front facades and side and rear facades visible from public right(s)-of-way, the public view from adjacent properties, parks, or residential uses or districts must be composed of at least two or more Class 1 materials totaling 65% of the facade.

(ii) Side and rear facades not visible from public right-of-way, parks, public view from adjacent properties or residential uses or districts must use a combination of Class 1 or 2 materials.

(iii) Facades visible from public right-of-way must include windows, doors, canopies or other treatments that help mitigate the appearance of blank walls.

(b) Industrial and warehouse buildings, multi-tenant office/industrial/warehouse or showroom/warehouse or other combinations.

(i) Front facades must be composed of at least two or more Class 1 materials totaling 65%.

(ii) Side and rear facades visible from public right(s)-of-way, parks, public view from adjacent properties, or residential uses or districts must be composed of at least two or more Class 1 materials totaling 50 percent.

(iii) Side and rear facades not visible from public right(s)-of-way, parks, public view from adjacent properties or residential uses or districts must use a combination of Class 1 or 2 materials.

(c) Buildings for uses that do not conform to any of the above list of uses must conform to the materials and proportion of office and retail buildings listed in subdivision (1)(a), above.

(E) Exterior surface finishes. All exterior surfaces must be finished with the appropriate sealant, stain,

paint, or other process (to manufacturer's specifications) to withstand the elements and prevent fading, chipping, chalking, cracking, peeling, warping, rot, rust, water damage, or other natural degrading process, with the exception of those materials, like copper, where the degrading process is architecturally desirable and must not be allowed to become or remain in an unsafe condition as defined by the Uniform Building and Fire Codes.

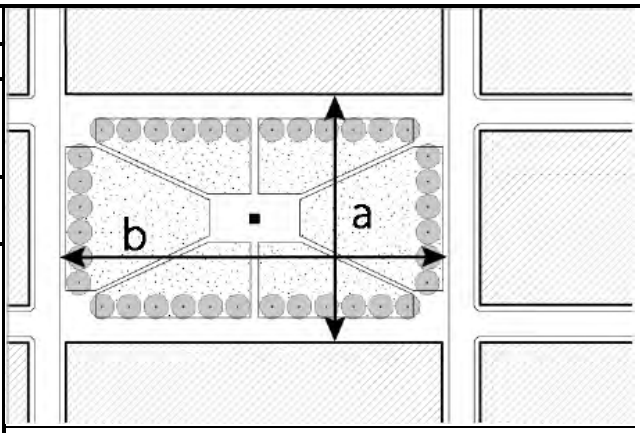
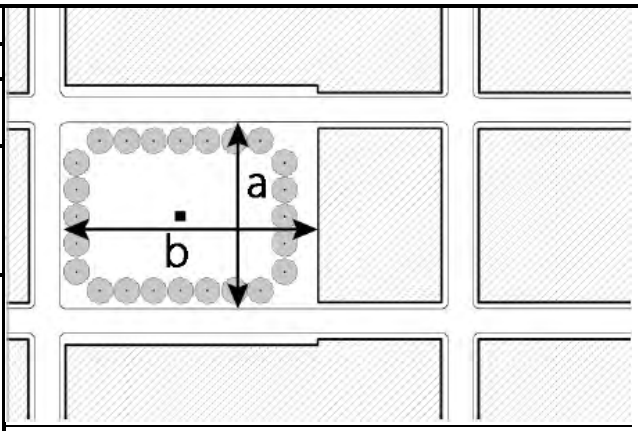
§152.1005 CIVIC SPACES

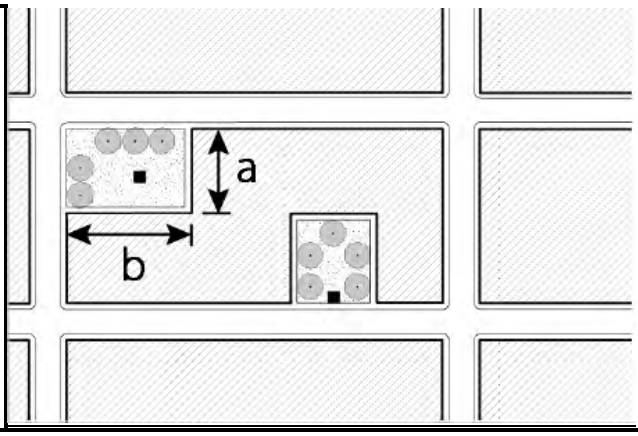
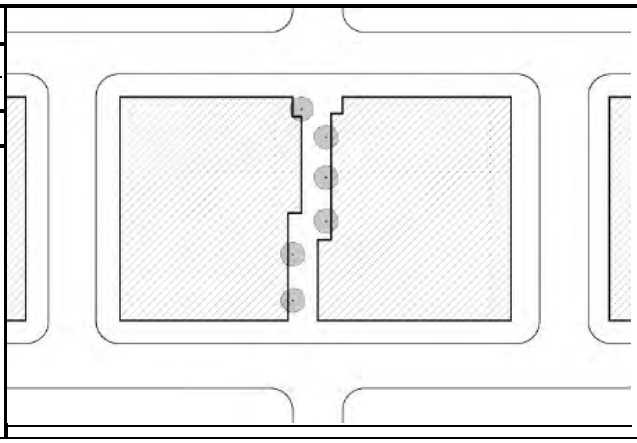
(A) Civic spaces are required to be provided in all mixed use district developments, as part of the regulating plan in compliance with §152.304.

(B) All mixed use district developments must dedicate 5-10% of the total area to civic space.

(C) Civic spaces should be placed in such a manner to enhance pedestrian circulation through the development, and should contain a mixture of civic space types. The civic spaces must be designed according to Figure 152.1005.1.

Figure 152.1005.1. Civic Space Types

SQUARE		
Size in acres	0.25 - 2.5	
Proportion (a:b)	1:5 max.	
Edge condition	Thoroughfares on a minimum of two non-adjacent sides	
Surface	50% maximum paved; pervious paving allowed	
Landscape	1 tree with mature canopy over 25 ft. per 800 sq. ft. of area min.	
PLAZA		
Size in square feet	5,000 - 20,000	
Proportion (a:b)	1:5 max.	
Edge condition	Thoroughfares on a minimum of two sides	
Surface	50% minimum paved; pervious paving allowed; bituminous pavement prohibited	
Landscape	1 tree with mature canopy over 25 ft. per 1,000 sq. ft. of area min.	
POCKET PARK		
Size in square feet	1,000 - 5,000	
Proportion (a:b)	1:4 max.	
Edge condition	1 side minimum along a thoroughfare or pedestrian passage	
Surface	May be paved or landscaped	

Landscape	1 tree with mature canopy over 20 ft. per 600 sq. ft. of area min.	
PEDESTRIAN PASSAGE		
Width	12 ft. min., 24 ft. max.	
Edge condition	Active frontages required in high intensity blocks	
Walkway width	6 ft. min.	
Landscape	3 ft. minimum landscape edge in medium and low intensity blocks	

§152.1006 CLEAR VIEW TRIANGLE

A 50-foot clear view triangle shall be maintained between the rights-of-way of intersecting streets.

(A) No building, structure, fence, or planting may be erected within the clear view triangle except for fences 42 inches or less, trees trimmed to a distance of at least 7 feet above the curb line, or shrubs 3 feet in height or less and do not obstruct visibility across the above-described triangle.

(B) No fence may be erected inside a 30-foot clear view triangle between a public right-of-way and an access driveway.

§152.1007 COMMERCIAL VEHICLE PARKING STANDARDS

(A) Commercial vehicles in nonresidential districts. Parking of commercial vehicles is permitted as an accessory use in nonresidential zoning districts subject to the following:

(1) Commercial vehicles must either be related to the principal use or the owner/operator of the vehicle must have written permission of the property owner.

(2) Outdoor parking of commercial vehicles is restricted to the following locations:

(3) In a parking space in compliance with 152.1018 provided that no vehicle occupies more than one legal parking space.

(4) In a staging area in compliance with § 152.1014.

(5) In the Business Park (BP), General Industrial (I), Transit-Oriented Development Employment (TOD-E), districts, commercial vehicles may be parked on a paved surface behind the front of the building provided that the vehicles do not block drive aisles or public right of way.

(B) Commercial vehicles in residential districts. Outdoor storage of commercial vehicles is limited to one vehicle per dwelling unit. Additional parking of commercial vehicles is permitted in a garage. Parking of commercial vehicles must comply with § 152.1018. Semi trucks, semi trailers, dump trucks, tow

trucks, and commercial vehicles with a registered gross weight over 15,000 pounds or in excess of 30 feet in length are not permitted.

§152.1008 DRIVEWAYS

(A) Except for properties where gravel driveways existed prior to the enactment of this ordinance, all driveways shall be paved with a continuous impervious surface or an approved pervious surface, with the exception of farms and interim or temporary uses in the UR Urban Reserve District.

(B) If a driveway that was installed before the enactment of this ordinance is expanded or enlarged by 20% or more in surface area, the entire driveway must be paved with a continuous impervious surface or an approved pervious surface.

(C) All driveways, regardless of when installed, must be maintained in compliance with Chapter 106 of this code.

(D) No vehicle can be parked so that it blocks a public sidewalk, trail, emergency access way, or a public or private fire hydrant.

(E) All residential driveways must be no wider than 30 feet at the property line.

(F) No residential property may have driveway access to more than one street.

(G) Residential horseshoe driveways must have two access points totaling 30 feet at the property line.

§152.1009 FENCES AND RETAINING WALLS

(A) Residential fences and retaining walls.

(1) Fences or walls which detain or inhibit the flow of surface water drainage to and from abutting properties are prohibited. Retaining walls are prohibited from being placed in easements.

(2) Setbacks.

(a) Front. Fences and walls more than 42 inches in height must be setback 15 feet from the property line. Multiple family dwelling developments or townhouse developments may have wrought iron (or similarly designed) decorative fences constructed up to the front property line.

(b) Interior side or rear. No setback.

(c) Side or rear abutting public right-of-way.

(i) Fences and walls must be set back 15 feet from the property line unless they qualify for one of the following exemptions. Fences may be allowed up to the property line if:

a. Properties are located on corners with controlled intersections, (i.e., stop signs or stop lights).

b. Fence or wall does not encroach into the clear view triangle as defined and regulated in §152.1006.

(d) Fences measuring 42 inches or less may be placed anywhere on a lot, provided they comply with traffic visibility requirements set forth herein.

(3) Access required.

(a) Detached single and attached two-family dwellings. Where any fence connects to a building at least one gate with a minimum width of 2 feet, 6 inches is required to allow access around the building.

(b) All other uses. Plans for fences and gates controlling access to the property must be approved by the Police and Fire Departments before construction begins.

(4) Fence height. No fence may exceed 8 feet, 6 inches as measured from the top of the fence or supports to grade.

(5) Prohibited fence materials. Electric, concertina or barbed wire, or chicken wire fences are prohibited.

(6) Restricted fence materials.

(a) Silt and other construction fences must be removed from the property at project completion.

(b) Snow fences may not be installed before November 1st and must be removed from all properties by April 1st. If snow is present within one foot of the fence location, the presence of the snow fence may be maintained at the discretion of the City Manager.

(c) Chain link fences must have a top rail and posts must be spaced at intervals not to exceed 10 feet.

(d) Chain link fences in the front yard must have a black, brown, or green vinyl coating. Bare galvanized

chain link fences are not allowed in front yards. Privacy slats are not allowed in chain link fences in the front yard.

(B) Finished sides of fences and walls. If the visible facade material is not finished on both sides, the finished side of the material must be on the outside, facing the abutting or adjoining properties, and all posts or structures supporting the fence or wall must be on the inside. Nonresidential and Mixed Use Fences and Retaining Walls.

(1) Fences or walls that detain or inhibit the natural flow of surface water drainage to and from abutting properties are prohibited.

(2) All fences must be constructed of durable, weather resistant materials and properly constructed and anchored in compliance with the Minnesota Building Code.

(3) Setbacks.

(a) Public right-of-way. Fences and walls more than 30 inches in height may not be constructed between the public right-of-way and the facade of the principal building.

(b) Interior side or rear. No setback.

(4) Access required.

(a) Where any fence connects to a building at least one gate with a minimum width of 2 feet, 6 inches is required to allow access around the building.

(b) Fences and gates controlling access to the property must be approved by the City Manager before a building permit may be issued or approval is given through another process.

(5) Height. No fence may exceed 8 feet, 6 inches as measured from the top of the fence or supports to grade. Exceptions to this height may be made for fences enclosing tennis courts and other similar recreational uses with the approval of the City Manager.

(6) Prohibited fence materials include electric, chicken, concertina, or barbed wire fences.

(7) Restricted fence materials.

(a) Silt and other construction fences must be removed from the property at project completion.

(b) Snow fences must be removed from all properties by April 1st. If snow is still present within one foot of the fence location, removal may be extended at the discretion of the City Manager.

(c) Chain link fences must have a top rail, barbed ends must be placed at the bottom of the fence, and posts must be spaced at intervals not to exceed ten feet.

(d) Chain link fences must have a black, brown, or green vinyl coating.

(8) Finished sides. If the material used in fence construction is not finished on both sides, the finished side of the material must be on the outside, facing the abutting or adjoining properties and all posts or structures supporting the fence or wall must be on the inside.

§152.1010 LANDSCAPING STANDARDS, RESIDENTIAL

(A) Purpose. The purpose of establishing minimum landscape standards is to enhance the city's environmental and visual character for its' residents use; and enjoyment; preserve and stabilize the ecological balance in the city; establish a healthy environment by using vegetation to mitigate pollution's ill-effects; and promote high quality development in the city.

(B) Landscape plan required. Prior to the issuance of a building permit for new construction or expansion of a multifamily structure, a landscape plan must be submitted for review and approval to the City Manager in compliance with the site plan review process in §152.303. Landscape plans must be prepared by a landscape architect and be overlaid on the grading plan.

(C) Installation of landscape materials. All landscaping elements must be installed with professional horticultural standards as established with the most current edition of the Landscape Construction Reference Manual as published by the Minnesota Nursery and Landscape Association within 90 days of the issuance of the Certificate of Occupancy, or by June 15 for homes for which a Certificate of Occupancy is issued between September 1 and March 1.

(D) Minimum open space requirements for residential sites.

Figure 152.1010.1. Minimum required open space

	Single and Two-Family Dwellings	Townhouse Developments	Multiple Family Dwellings
Minimum Open Space	25% total, to include a minimum of 50% of front yard	40%	40%
Parking areas	N/A	10% of interior parking lot area. This area counts towards total green area of the site.	

(E) Minimum tree and shrub quantities. All developments and subdivisions that occur in the residential districts after the effective date of this chapter shall provide the minimum number of trees and shrubs as specified in the following table:

Figure 152.1010.2. Minimum required tree and shrub requirements at installation.

Vegetation Type	Size	Single and Two-Family Dwellings	Townhouse Developments	Multiple Family Dwellings
Overstory deciduous trees	2" bb (Caliper)	2 in the front yard, 1 of which must be within 1 foot of the front property line, 3 additional on property	5 per unit or 1/40 lineal feet of site perimeter, whichever is greater	2/dwelling or 1/1,000 gross square feet of building area (grade level floor) or 1/40 lineal feet of site perimeter, whichever is greater
Coniferous trees	6' bb	May be substituted for any of the overstory deciduous trees except the front yard tree at the property line	May be substituted on a 1 for 1 basis for the overstory deciduous trees	Minimum of 30% of required overstory trees must be coniferous
Ornamental deciduous trees	1.5" bb (Caliper)	2 may be substituted for 1 overstory tree	1 per unit required. 2 additional may be substituted for 1 overstory (maximum substitution = 50% of required overstory trees)	2 may be substituted for 1 overstory (maximum substitution = 50% of required overstory trees)
Understory shrubs	3 gal. potted or 18"	10 per unit	5 per unit	1/300 gross square feet of building footprint area or 1/30 lineal feet of site perimeter, whichever is greater

(F) Additional residential landscape requirements. All portions of a site that are not covered by a building, hard surface coverage or water on a permanent basis must be planted with ground cover and landscaping materials.

(1) All site areas must be covered with sod from curb(s) to all interior property lines. Seeding may not be permitted. Rock and mulch may be substituted for sod in landscaping planting beds and along the perimeter of buildings. Native plant communities may be reestablished as a part of a site plan review in compliance with all other sections of the City Code. Exceptions:

(a) Areas for gardens, decorative landscape plantings, and/or native plant communities.

(b) Developments in the Urban Reserve District (UR).

(c) Berms, swales, drainage ponds, and the like with slopes greater than 4 to 1.

(2) Prior to sodding, all single-family and two-family lots subdivided after the effective date of this chapter must have a minimum of three inches of black dirt as topsoil.

(3) Intersection visibility. All landscape materials must comply with the intersection visibility requirements of §152.1006.

(4) Overstory trees may not be installed underneath overhead utility lines, nor may any landscape materials be installed over utility lines except in compliance with city policy.

(5) All sodded or landscaped areas for multiple family dwellings, townhouses, or non-residential uses must have and maintain irrigations systems, including landscaped parking islands and boulevards.

(G) Quantity credits. Existing healthy trees that are not susceptible to disease, alternate sized trees, or decorative landscaping may be credited toward the required trees detailed above and the additional trees required for screening as defined in Figure 152.1010.3. The following table establishes the landscaping credits.

Figure 152.1010.3. Credits.

Vegetation Type	Size	Exchange Credit
Existing trees	2" (Caliper)	1 tree
	4" (Caliper)	2 trees
New larger trees	4" (Caliper) or 14' Coniferous	2 trees
Smaller trees	Min. 1½" Deciduous	2 smaller trees for 1 overstory tree. Maximum substitution = 50% of required overstory trees
Shrubs (non-residential uses only)		10 shrubs for 1 tree (1½" bb ornamental or 2" bb overstory or 6' coniferous)
Decorative Landscape Yard		Exterior sculptures, fountains, decorative walks, courtyards and/or additional ponds beyond those required, shown on a landscape plan that meets the intent of this section to the satisfaction of the City Manager

§152.1011 LANDSCAPING STANDARDS, MIXED USE

(A) Purpose. Enhance the city's environmental and visual character; preserve and stabilize the ecological balance in the city; establish a healthy environment by using vegetation to mitigate pollution's ill-effects; and protect public and private investments.

(B) Landscape plan required. A landscape plan is required prior to the issuance of a building permit for new construction or expansion of a nonresidential or mixed use structure in any district. Landscape plans must be prepared by a landscape architect.

(C) Installation of landscape materials.

(1) All landscaped areas must be in conformance with the approved landscaping plan.

(2) Planted landscaped materials must be replaced if it becomes diseased, dies, or removed.

(3) All landscaped areas and adjacent rights-of-way must be maintained in conformance with Chapter 97: Grass, Weed, and Tree Regulations.

(4) All landscaping elements and plant materials must be installed with current professional horticultural standards.

(5) All landscape materials must comply with the intersection visibility requirements of §152.1006.

(6) Overstory and coniferous trees may not be installed underneath overhead utility lines, nor may any landscape materials be installed over utility lines except in compliance with the City Code and policy.

(D) Landscape Areas. The landscape requirements have been divided into four categories: Canopy Cover (C), Foundation Landscape (FL), Open Areas Landscape (OL), Landscape Screen (LS) and

Street Trees (ST).

(1) Canopy cover (CC). The purpose of this requirement is to mitigate the effects of vehicular hardscape by establishing tree canopy cover to intercept rainfall, protect pavement from sun deterioration, reduce the heat island affect, and improve aesthetics. Vehicular hardscape area shall include all loading drives, parking lots, driveways, drop-offs, and other areas covered with a hard surface intended for vehicles.
   (a) A minimum of one large tree or two medium trees shall be provided per 360 square feet of required parking lot area green space. These trees shall be located within parking areas and not within any required perimeter landscaping area. Pervious pavements are considered 50% hardscape.
   (b) Required canopy trees shall be located within the parking lot area islands (minimum width of six feet and total area of 180 square feet if designed as end island or 9 feet in width if designed as continuous island between bays.

(2) Foundation landscape (FL). The purpose of this requirement is to soften and enhance building architecture, define access points, add color and seasonal interest, and to blend buildings in with the natural environment.
   (a) At least 40 percent of the total building perimeter shall be sodded or landscaped with approved ground cover, low level plantings in an area of no less than 6 feet in width.

(3) Open areas landscape (OL). The purpose of this requirement is to provide general site beautification and high aesthetic quality with a mix of plant materials in open areas. Open areas include all areas not occupied by building or hardscape.
   (a) Each development must have at least the minimum percentage open space shown in the following table.

Figure 152.1011.1. Minimum required open space

	LW	NMU	MU	TOD-C	TOD-E	TOD-G
Total development site	30%	30%	20%	20%	30%	Low: 30% Med: 30% High: 20%

   (b) Open space areas must not be covered by a building or other impervious surface, and must be planted with trees, shrubs, flowers, native plant species or similar and covered with sod, landscape rock or mulch. All site areas and areas that have been disturbed during construction must be covered with sod to property lines and/or adjacent rights-of-way. Rock and mulch may be substituted for sod in landscaping planting beds. Areas used for demonstrated parking cannot be used to fulfill the open space requirement. Interior parking lot landscaping provided on site to meet requirements in §152.1018 counts towards this open space requirement.
   (c) Plant diversity. No more than 25% of any trees planted shall come from the same family and 15% of the same species. In addition, the landscape plan design shall, at a minimum, provide at least 3 of the following required numbers of trees and shrubs in addition to any trees and shrubs required for screening in §152.1023:
      (i) One overstory tree per 3,000 square feet of open area.
      (ii) One ornamental tree per 1,500 square feet of open space.
      (iii) One evergreen tree per 3,000 square feet of open area, except on sites where security, pedestrian or traffic safety are a concern evergreens may be excluded or installed in a reduced number.
      (iv) One deciduous or evergreen shrub per 100 square feet of open area.
   (d) Street trees (ST).
      (i) Street trees are required to meet streetscape requirements established in §152.1024.
      (ii) Evergreens shall not be planted as a street tree.
      (iii) Street trees shall have a minimum trunk diameter of 2 inches measured 6 inches above grade.
      (iv) The street tree planting site must be located as follows:
         a. Fifty feet or greater from street curb intersections as per § 152.1006.
         b. At least 15 feet from curb on Class-I collector and any arterial streets.
         c. At least ten feet from curb on local or Class-II collector streets.

d. At least ten feet from any sewer line, water line, or driveway.
e. At least five feet from a fire hydrant per § 93.26 and the International Fire Code.
f. At least five feet from any gas. electric, telephone, cable TV or other underground utility.
g. At least three feet from any sidewalk or trail.
h. At least 20 feet from overhead utility cables or using an approved ornamental dwarf tree noted in Figure 152.1011.2.

(v) Street trees shall be balled and burlapped and a minimum size of 2" caliper unless noted in 152.1011(E).

(vi) Street tree species and placement will be reviewed and approved by the Operations and Maintenance Department as not to interfere with existing or proposed utility systems.

Figure 152.1011.2.

Acceptable Shade Trees	Acceptable Ornamental Dwarf Trees
Bi-Color Oak (swamp white oak) Columnar Norway Maple Freeman Maple Ginko (no seed producing) Hackberry Imperial Honey Locust Little Leaf Linden New Horizon Elm Northwood Maple Sugar Maple River Birch Triumph Elm (street)	Amur Maple (single stem) Heritage River Birch Ironwood Japanese Lilac Tree Korean Mountain Ash Newport Plum Pink Spire Crabapple Red Splendor Crabapple
Additional species may be allowed with City Manager approval	
Prohibited Tree and Shrub Species	
American Elm Amur Maple Box Elder Common Buckthorn Cottonwood North American Ash Lomardy Poplar Russian Honeysuckle Siberian Elm	
Above listed trees/plants are prohibited due their high maintenance costs, surface roots, intolerance to storms, undesirable fruiting habits, or a susceptibility to disease or pests	

(E) Minimum Size Requirements. The minimum plant size requirements are described in the following table:

Figure 152.1011.3.

Plant Type	Minimum Size*
Large trees	Bare root - 1.75" Balled and burlapped or container - 2" caliper
Medium and small trees	Bare root - 1.5" Balled and burlapped or container - 1.5" caliper

Evergreen trees	6' height
Large shrubs	5 gallon container
Medium shrubs, small shrubs and groundcovers	3 gallon container
Ornamental grasses and perennials	4" pot
* City may limit bare root plantings in areas of high visibility. In selected situations the City may allow ten whip bare root plantings, or five 3/4" caliper bare root plantings to be substituted for 1 large tree. Bare root plantings must be protected with rodent guards.	

(F) Credits. Existing healthy trees that are not susceptible to disease, new larger or smaller sized trees, or decorative landscaping may be credited toward the required trees detailed in this section, and the additional trees required for screening as defined in Figure 152.1011.4. The following table establishes the landscaping credits.

Figure 152.1011.4.

Vegetation Type	Size	Exchange Credit
Existing Trees	2” bb (Caliper) Deciduous or between 6' and 14' Coniferous	1 tree
	4” bb (Caliper) Deciduous or 14' Coniferous or larger	2 trees
New larger trees	4" bb (Caliper) or 14' Coniferous	2 trees
	Two 3" bb (Caliper)	three 2" trees
Ornamental Deciduous Trees or smaller overstory deciduous	min.1.5" (Caliper)	2 trees may be substituted for 1 overstory deciduous tree (maximum substitution = 50% of required overstory trees)
Shrubs	10 large shrubs	1 tree
Decorative Landscape Yard		Exterior sculptures, fountains, decorative walks, courtyards and/or additional ponds beyond those required, shown on a landscape plan that meets the intent of this section to the satisfaction of the City Manager and/or City Council

(G) Irrigation system required.

(1) All landscaped areas, including parking area islands must be equipped with an underground, automatic irrigation system or an alternative if approved by the City Engineer. The irrigation system must include a flow meter, moisture sensing devices and must be calibrated to meet all applicable City Codes. Irrigation of adjacent rights-of-way is required; however, irrigation equipment must not be located within the right-of-way without approval from the City Manager.

(2) In lieu of an underground automatic irrigation system, an alternative irrigation plan may be approved. An alternative plan can include, but is not limited to, rain gardens, closed rain barrels, or greywater systems. Any alternative system must ensure that landscaping will be provided with adequate irrigation.

(a) The greywater shall be contained on the site where it is generated.

(b) Greywater shall be directed to and contained within an irrigation or disposal field.

(c) Ponding or runoff is prohibited and shall be considered a nuisance.

(d) Greywater may be released above the ground surface provided at least two inches of mulch, rock, or soil, or a solid shield covers the release point. Other methods which provide equivalent

separation are also acceptable.

(e) Greywater systems shall be designed to minimize contact with humans and domestic pets.

(f) Greywater shall not contain hazardous chemicals derived from activities such as cleaning car parts, washing greasy or oily rags, or disposing of waste solutions from home photo labs or similar hobbyist or home occupational activities.

(3) Arid landscaping plans are exempt from irrigation requirements.

§152.1012 LANDSCAPING STANDARDS, NONRESIDENTIAL

(A) Purpose. Enhance the city's environmental and visual character; preserve and stabilize the ecological balance in the city; establish a healthy environment by using vegetation to mitigate pollution's ill-effects; and protect public and private investments.

(B) Landscape plan required. A landscape plan is required prior to the issuance of a building permit for new construction or expansion of a nonresidential or mixed use structure in any district. Landscape plans must be prepared by a landscape architect.

(C) Installation of landscape materials.

(1) All landscaped areas must be in conformance with the approved landscaping plan.

(2) Planted landscaped materials must be replaced if it becomes diseased, dies, or removed.

(3) All landscaped areas and adjacent rights-of-way must be maintained in conformance with Chapter 97: Grass, Weed, and Tree Regulations.

(4) All landscaping elements and plant materials must be installed with current professional horticultural standards.

(5) All landscape materials must comply with the intersection visibility requirements of §152.1006.

(6) Overstory and coniferous trees may not be installed underneath overhead utility lines, nor may any landscape materials be installed over utility lines except in compliance with the City Code and policy.

(D) Landscape Areas. The landscape requirements have been divided into four categories: Canopy Cover (C), Foundation Landscape (FL), Open Areas Landscape (OL), Landscape Screen (LS) and Street Trees (ST).

(1) Canopy cover (CC). The purpose of this requirement is to mitigate the effects of vehicular hardscape by establishing tree canopy cover to intercept rainfall, protect pavement from sun deterioration, reduce the heat island affect, and improve aesthetics. Vehicular hardscape area shall include all loading drives, parking lots, driveways, drop-offs, and other areas covered with a hard surface intended for vehicles.

(a) A minimum of one large tree or two medium trees shall be provided per 360 square feet of required parking lot area green space. These trees shall be located within parking areas and not within any required perimeter landscaping area. Pervious pavements are considered 50% hardscape.

(b) Required canopy trees shall be located within the parking lot area islands (minimum width of six feet and total area of 180 square feet if designed as end island or 9 feet in width if designed as continuous island between bays.

(2) Foundation landscape (FL). The purpose of this requirement is to soften and enhance building architecture, define access points, add color and seasonal interest, and to blend buildings in with the natural environment.

(a) At least 40 percent of the total building perimeter shall be sodded or landscaped with approved ground cover, low level plantings in an area of no less than 6 feet in width.

(3) Open areas landscape (OL). The purpose of this requirement is to provide general site beautification and high aesthetic quality with a mix of plant materials in open areas. Open areas include all areas not occupied by building or hardscape.

(a) Each development must have at least the minimum percentage open space shown in the following table.

Figure 152.1012.1. Minimum required open space

	B-1	B-2	B-3, B-4,	BP	I	PI	OP
Total development site	30%	30%	20%	30%	20%	30%	40%

(b) Open space areas must not be covered by a building or other impervious surface, and must be planted with trees, shrubs, flowers, native plant species or similar and covered with sod, landscape rock or mulch. All site areas and areas that have been disturbed during construction must be covered with sod to property lines and/or adjacent rights-of-way. Rock and mulch may be substituted for sod in landscaping planting beds. Areas used for demonstrated parking cannot be used to fulfill the open space requirement. Interior parking lot landscaping provided on site to meet requirements in §152.1018 counts towards this open space requirement.

(c) Plant diversity. No more than 25% of any trees planted shall come from the same family and 15% of the same species. In addition, the landscape plan design shall, at a minimum, provide at least 3 of the following required numbers of trees and shrubs in addition to any trees and shrubs required for screening in §152.1023:

(i) One overstory tree per 3,000 square feet of open area.

(ii) One ornamental tree per 1,500 square feet of open space.

(iii) One evergreen tree per 3,000 square feet of open area, except on sites where security, pedestrian or traffic safety are a concern evergreens may be excluded or installed in a reduced number.

(iv) One deciduous or evergreen shrub per 100 square feet of open area.

(d) Street trees (ST).

(v) Street trees are required at the rate of one tree per 70 linear feet of road frontage, within the property line, where the property fronts any public road. Acceptable and unacceptable species are listed in Figure 152.1012.2 of this Code.

(vi) Evergreens shall not be planted as a street tree.

(vii) Street trees shall have a minimum trunk diameter of 2 inches measured 6 inches above grade.

(viii) The boulevard (planting area) must be at least 8 feet in width.

(ix) The street tree planting site must be located as follows:

i. Fifty feet or greater from street curb intersections as per § 152.1006.

j. At least 15 feet from curb on Class-I collector and any arterial streets.

k. At least ten feet from curb on local or Class-II collector streets.

l. At least ten feet from any sewer line, water line, or driveway.

m. At least five feet from a fire hydrant per § 93.26 and the International Fire Code.

n. At least five feet from any gas. electric, telephone, cable TV or other underground utility.

o. At least three feet from any sidewalk or trail.

p. At least 20 feet from overhead utility cables or using an approved ornamental dwarf tree noted in Figure 152.1012.2.

(x) Street trees shall be balled and burlapped and a minimum size of 2" caliper unless noted in 152.1012(E).

(xi) Street tree species and placement will be reviewed and approved by the Operations and Maintenance Department as not to interfere with existing or proposed utility systems.

Figure 152.1012.2.

Acceptable Shade Trees	Acceptable Ornamental Dwarf Trees
Bi-Color Oak (swamp white oak)	Amur Maple (single stem)
Columnar Norway Maple	Heritage River Birch
Freeman Maple	Ironwood
Ginko (no seed producing)	Japanese Lilac Tree
Hackberry	Korean Mountain Ash
Imperial Honey Locust	Newport Plum
Little Leaf Linden	Pink Spire Crabapple
New Horizon Elm	Red Splendor Crabapple

Northwood Maple Sugar Maple River Birch Triumph Elm (street)	
Additional species may be allowed with City Manager approval	
Prohibited Tree and Shrub Species	
American Elm Amur Maple Box Elder Common Buckthorn Cottonwood North American Ash Lomardy Poplar Russian Honeysuckle Siberian Elm	
Above listed trees/plants are prohibited due their high maintenance costs, surface roots, intolerance to storms, undesirable fruiting habits, or a susceptibility to disease or pests	

(E) Minimum Size Requirements. The minimum plant size requirements are described in the following table:

Figure 152.1012.3.

Plant Type	Minimum Size*
Large trees	Bare root - 1.75" Balled and burlapped or container - 2" caliper
Medium and small trees	Bare root - 1.5" Balled and burlapped or container - 1.5" caliper
Evergreen trees	6' height
Large shrubs	5 gallon container
Medium shrubs, small shrubs and groundcovers	3 gallon container
Ornamental grasses and perennials	4" pot
* City may limit bare root plantings in areas of high visibility. In selected situations the City may allow ten whip bare root plantings, or five 3/4" caliper bare root plantings to be substituted for 1 large tree. Bare root plantings must be protected with rodent guards.	

(F) Credits. Existing healthy trees that are not susceptible to disease, new larger or smaller sized trees, or decorative landscaping may be credited toward the required trees detailed in this section, and the additional trees required for screening as defined in Figure 152.1012.4. The following table establishes the landscaping credits.

Figure 152.1012.4.

Vegetation Type	Size	Exchange Credit
Existing Trees	2” bb (Caliper) Deciduous or between 6' and 14' Coniferous	1 tree
	4” bb (Caliper) Deciduous or 14' Coniferous or larger	2 trees
New larger trees	4" bb (Caliper) or 14' Coniferous	2 trees

	Two 3" bb (Caliper)	three 2" trees
Ornamental Deciduous Trees or smaller overstory deciduous	min.1.5" (Caliper)	2 trees may be substituted for 1 overstory deciduous tree (maximum substitution = 50% of required overstory trees)
Shrubs	10 large shrubs	1 tree
Decorative Landscape Yard		Exterior sculptures, fountains, decorative walks, courtyards and/or additional ponds beyond those required, shown on a landscape plan that meets the intent of this section to the satisfaction of the City Manager and/or City Council

(G) Irrigation system required.

(1) All landscaped areas, including parking area islands must be equipped with an underground, automatic irrigation system or an alternative if approved by the City Engineer. The irrigation system must include a flow meter, moisture sensing devices and must be calibrated to meet all applicable City Codes. Irrigation of adjacent rights-of-way is required; however, irrigation equipment must not be located within the right-of-way without approval from the City Manager.

(2) In lieu of an underground automatic irrigation system, an alternative irrigation plan may be approved. An alternative plan can include, but is not limited to, rain gardens, closed rain barrels, or greywater systems. Any alternative system must ensure that landscaping will be provided with adequate irrigation.

(a) The greywater shall be contained on the site where it is generated.

(b) Greywater shall be directed to and contained within an irrigation or disposal field.

(c) Ponding or runoff is prohibited and shall be considered a nuisance.

(d) Greywater may be released above the ground surface provided at least two inches of mulch, rock, or soil, or a solid shield covers the release point. Other methods which provide equivalent separation are also acceptable.

(e) Greywater systems shall be designed to minimize contact with humans and domestic pets.

(f) Greywater shall not contain hazardous chemicals derived from activities such as cleaning car parts, washing greasy or oily rags, or disposing of waste solutions from home photo labs or similar hobbyist or home occupational activities.

(3) Arid landscaping plans are exempt from irrigation requirements.

§152.1013 LIGHTING STANDARDS

(A) Purpose. The purpose of this subchapter is to provide regulations to balance lighting needs for visibility and personal and property safety with the negative impacts of off-site light spill-over.

(B) Applicability. The following standards shall apply to all new development. Seasonal lighting is not regulated by this section.

(C) Standards.

(1) Wall or roof lighting may be used to illuminate pedestrian walkways, entrance areas, loading docks, and yard areas within 20 feet of the building.

(2) No wall or roof lighting may be used to primarily illuminate areas for motor vehicle parking or access beyond 20 feet from the building.

(3) Any open area used for motor vehicle parking, storage or access must be primarily illuminated with free-standing luminaires.

(4) Free-standing luminaire regulations:

(a) Height maximums, as measured from the average elevation of the finished grade within 10 feet of the structure or fixture to the highest point of the luminaire (including the support structure), may be

as follows:

(i) Within 250 feet of any property zoned residential: 15 feet including any base or support structures.

(b) Farther than 250 feet from any property zoned residential or if the height of the building effectively blocks the light from a residential zone: 25 feet.

(5) Cut-off angles must be equal to or less than 90°.

(6) Low-pressure sodium fixtures may only be used for: single-family, duplex, and townhouse developments.

(7) Lighting intensity must adhere to the standards in Figure 152.1013.1.

Figure 152.1013.1. Required Minimum and Maximum Light Intensities

Use	Minimum Intensity*	Maximum Intensity*	Maximum Intensity at side or interior Property Line*
Parking areas for non-residential uses	1	15	0.5
Private sidewalks and other pedestrian walkways	2	20	0.5
Building entrances and exits	5	20	0.5
Exterior storage areas	NA	15	0.5
*Measured in foot candles at ground level			

(D) Glare. All lighting must be arranged so as not to produce glare. All properties must be in compliance with the following:

(1) All light sources must be controlled and equipped with lenses, louvers, shields, or prismatic control devices designed to prevent off-site views of the light source.

(2) No flickering or flashing lights except those associated with public safety activities may be permitted.

(3) Light sources that are integrated into a canopy must be designed to be recessed and flush with the ceiling of the canopy and equipped with a flat lens surface.

§152.1014 LOADING DOCKS AND STAGING AREAS

(A) Applicability. All business and industrial uses must have an area designated for loading, unloading, or staging of delivery vehicles in compliance with the following.

(B) Loading docks must be provided in the Business Park and Industrial Districts, at a minimum, in compliance with the following:

Building Size (in square feet)	Required Loading Docks
< or = to 10,000	1
>10,000 and < or = to 20,000	2
>20,000 and < or = to 50,000	3
>50,000	4

(C) All staging areas and loading docks must be off-street and must be located on the same lot as the building or use to be served. A loading dock or staging area must not be located between the principal building and a public right-of-way or residential property. All loading docks and staging areas visible from public rights-of-way or residential areas must be screened in compliance with §152.1023.

(D) All loading docks and staging areas must be located with the appropriate means of vehicular access to a street or public alley in a manner which will least interfere with traffic.

(E) Additional standards for loading docks:

(1) Outdoor storage of goods and materials is prohibited in loading dock area.

(2) May not be included as part of the space requirements necessary to meet the off-street parking area.

(F) Additional standards for staging areas:

(1) Temporary parking of commercial vehicles is allowed for 96 hours or less.

(2) Any commercial vehicles in the staging area must be related and necessary to the principal permitted use of the property.

(3) Outdoor storage of goods or materials is prohibited in the staging area.

(4) Temporary parking spaces cannot be blocking drive aisles or public right-of-way and must be properly marked and surfaced for orderly site design.

(5) Must be maintained, organized and free of trash or debris.

(6) Must be in a city-approved designated area of the property.

(7) May not be included as a part of the space requirements necessary to meet the off-street parking area.

§152.1015 LOWEST FLOOR ELEVATION

(A) The lowest floor elevation for any residential basement construction must be at or above the regulatory flood protection elevation.

(B) All nonresidential basements must follow the requirements of 152.608.

§152.1016 NOISE POLLUTION CONTROL

The following state agency regulations are adopted by reference: Minnesota Pollution Control Agency, Noise Pollution Control Section, 6 MCAR 4.2004 and NPC 1.

§152.1017 OUTDOOR STORAGE

Outdoor storage. Outdoor storage of materials, equipment, and products accessory and necessary to the principal use must comply with the following:

(A) The items in the area designated for outdoor storage must be completely screened from view from adjacent public rights-of-way or adjacent properties.

(B) The area must not be used for the storage of junk vehicles, trash, debris, or other nuisance items as defined elsewhere in the City Code.

(C) The area designated for storage must be clearly defined by fencing, striping, paving, or other means.

(D) Height of materials, vehicles, or equipment in outdoor storage area shall not exceed the height of the principal structure.

(E) The following performance standards apply to outside storage:

Figure 152.1017.01: Outdoor Storage Requirements

		Zoning Districts			
		B3	***B4***	***BP***	***I***
Area limit on storage allowed		50% of site	70% of site	15% of building footprint	80% of site
Setbacks		From ROW	15 feet	15 feet	75 feet
Setbacks	From side and rear	5 feet	5 feet	50 feet	15 feet
Setbacks	Adjacent to residential districts	35 feet	35 feet	NP	5 feet

Location restriction	Side or rear yard only	Side or rear yard only	Must be located to the rear of the front entrance	Side or rear yard only	35 feet

§152.1018 PARKING

(A) Purpose. Establish off-street parking standards to allow for the orderly and adequate storage of vehicles on property, to alleviate and prevent congestion on public rights-of-way, and control the appearance and maintenance of parking areas and surfaces.

(B) Applicability. All property in the city must comply with the minimum parking requirements of this subchapter unless an exception is granted per 152.1018(D).

(C) Required parking. Figures 152.1018.1 and 152.1018.2 establish the minimum number of off-street parking spaces required based on land use. For uses not specifically listed, off-street parking requirements may be established by the City Manager based upon the characteristics of the use and the district in which the use is located.

(D) Exceptions to required parking. Parking requirements may be reduced when approved by the City Manager in the following cases.

(1) Industry standards. Based on verifiable information pertaining to industry parking standards.

(2) Proof of future parking. If it is clearly demonstrated by the owner that the required parking is more than anticipated demand, all required parking need not be constructed initially. A minimum number of spaces, as negotiated between the developer and the City Manager, shall initially be constructed. The remainder of the required spaces, as shown on the site plan, may be constructed by the owner if the City Manager determines they are needed. The area of future parking must be sodded with grass and kept free of shrubs or trees. To ensure the construction of the future spaces, a financial guarantee may be required by the city. Any changes to use and/or building size could invalidate the approval.

(3) Shared parking.

(a) Parking areas may be shared by uses on adjoining lots within 500 feet of the entrances to the uses it will serve.

(b) Cross access easements shall be required to accommodate shared parking arrangements and access drives, and evidence of the maintenance of all shared facilities may be provided to the city for review and may be recorded.

(4) Public parking and transit. All uses, other than residential, located in proximity to rapid transit and/or municipal parking facilities shall be entitled to a reduced parking requirement based on the following criteria.

(a) Uses within 650 feet of municipal parking garages or lots shall be entitled to a 10% reduction in required parking.

(b) Uses within 1,000 feet of a bus stop or transit station shall be entitled to a 20% reduction in required parking.

(5) Parking study. A parking study prepared by a registered professional engineer indicates a reduced number of parking stalls can adequately serve the proposed use. Said study shall include, at a minimum, the following:

(a) Size and type of uses or activities on site.

(b) Composition of tenancy on site.

(c) Rate of parking turnover.

(d) Peak traffic and parking loads to be encountered.

(e) Local parking habits.

(f) Availability of public transportation.

(6) Credit for on-street parking. This subsection is intended to reduce the amount of unnecessary parking spaces and to encourage pedestrian activity as an alternative means of transportation. Requests for on street parking shall meet the following requirements:

(a) All on street parking facilities shall be designed in conformance with the standards established by the city.

(b) Prior to approving any requests for on street parking, the development review team shall determine that the proposed on-street parking will not materially adversely impact traffic movements and related public street functions.
(c) Credit for on street parking shall be limited to the number of spaces provided along the street frontage adjacent to the use.
(d) A public sidewalk must be present or installed along the street used for on-street parking for the entire length of the property or the area anticipated for parking, whichever is greater, with a walkway connection to the entrance of the building.

Figure152.1018.1. Minimum parking spaces required for residential uses.

Use	Surfaces Spaces Required	Garage Spaces Required	Bicycle Parking
Single family (detached)	2 (see garage requirements)	2 spaces per unit; 400 square foot garage	None
Two family (attached)	2 (see garage requirements)	2 spaces per unit; 400 square foot garage	None
Townhouse (attached or detached)	2 spaces per unit, plus 1 space for each unit for guest parking	2 spaces per unit; 400 square foot garage	None
Multifamily	2 spaces per unit, plus 0.5 spaces for each unit for guest parking	A minimum of ½ of the number of required parking spaces must be enclosed within garages or an underground parking facility	1 space per unit for the first 20 units, then 1.05 per unit over 20
Mobile home	2 spaces per unit	N/A	None
Mobile home park	2 space per unit, plus 3 per each 6 units as guest parking	N/A	1 space per unit for the first 20 units, then 1.05 per unit over 20
Senior housing (independent living)	1 space per unit, plus 0.5 space for each unit for guest parking, plus 0.5 spaces for parking in reserve in the event the development is converted to regular occupancy	N/A	0.50 spaces per dwelling
Bed and breakfast establishments and boarding and rooming houses	2 spaces for the principal residential dwelling unit plus 1 space for each rental room	N/A	2 spaces
Assisted living housing	0.5 spaces for each unit	N/A	0.25 spaces for each employee
Nursing home	1 space per 6 patient beds, plus 1 space per employee on the largest work shift	N/A	None
Daycare facilities	No additional spaces required if located in a single dwelling or one unit in a multiple dwelling structure	N/A	2 spaces

Model houses/temporary real estate offices in residential units	4 temporary spaces per dwelling or office in compliance with §152.1019.	N/A	None
Offices related to leasing, renting and maintenance of multiple family or attached dwellings	1 space for each employee on the largest shift, plus two visitor spaces or one space for each 100 square feet, whichever is greater.	N/A	2 spaces
Residential facilities (Licensed for over 6 persons)	1 space for each staff person on the largest shift and 0.5 space for each resident of the licensed capacity	N/A	2 spaces

Figure 152.1018.2. Minimum parking spaces required for nonresidential use.

Use	Surface Spaces Required	Bicycle Parking Required
Agricultural uses	N/A	N/A
Airports and aeronautical uses		N/A
Animal services		
Assembly, banquet, convention halls or conference centers	1 space for each 2.5 seats based on the design capacity in the main assembly area, plus parking figured separately for additional gymnasiums, banquet rooms, meeting rooms, offices, and other multiuse spaces	0.05 spaces per each person
Automobile rental containing more than 6 cars on site	1 space for each 2,000 SF of land up to the first 8,000 SF, plus 1 space for each 4,000 SF up to a parcel of 24,000 SF, plus 1 space for each 6,000 square feet over 24,000.	N/A
Bank	See “offices” for parking requirements.	0.05 spaces per each employee
Boat and other recreational equipment and vehicle sales	4 spaces plus 1 additional space for each 500 square feet of gross floor area over the first 1,000 square feet	N/A
Body art	1 per chair	N/A
Bowling alley	5 spaces per lane, plus additional parking calculated separately for restaurants and other related uses	0.05 spaces per lane
Bus or truck storage or service shops, including fuel stations	N/A	N/A
Business, trade, or non-academic colleges	Minimum of 3.5 spaces, with a maximum of 4 spaces per 1,000 square feet of gross floor area	2 spaces or 0.05 spaces per each employee, whichever is greater

Care center, convalescent home, and assisted living		N/A
Carwash	N/A	N/A
Clinics – (medical, dental, chiropractic, etc.)	1 space for each staff doctor or dentist or 1 space for each 150 square feet of gross floor area, whichever is greater	0.05 spaces per each employee
Clubs	1 space per each person at maximum capacity, plus 1 space for each employee	0.05 spaces per each person
Commercial indoor recreational facility 2,450 SF or under	1 for every 2 users at maximum capacity, plus 1 space for each employee	0.05 spaces per each person
Commercial indoor recreational facility over 2,450 SF	1 for every 2 persons at maximum capacity per fire code, plus 1 space for each employee	0.05 spaces per each person
Commercial outdoor recreational facilities	1 for every 2 users at maximum capacity, plus 1 space for each employee	0.25 spaces per each person
Concrete or asphalt mixing plants, concrete block fabrication, builder or contractor yards, brick yards	2 spaces plus 1 space for each 400 square feet of gross floor area	N/A
Conservation uses including drainage control, forestry, wildlife sanctuaries and facilities for making same available and useful to public	N/A	N/A
Daycare, preschools, except residential	1 space per employee plus one space per 7 children of licensed capacity of the facility	0.05 spaces per each employee
Farmer's market	1 ½ spaces per producer and 1 ½ customer parking stalls per producer	0.05 spaces per each vendor
Fuel or service stations	4 spaces plus 3 spaces for each enclosed service stall plus parking figured separately for retail or office space.	2 spaces per every 10,000 square feet of gross floor area
Golf courses, driving ranges	4 spaces for each green, plus 1 for each employee on the largest shift, plus 2 spaces for each driving tee on a driving range	0.05 spaces per each employee
Hotel, motel	1.25 spaces per rental room plus additional parking calculated separately for banquet rooms, meeting rooms, and restaurants	2 spaces or 0.05 spaces per each employee, whichever is greater
Hospitals	2 spaces for each patient bed	4 spaces
Manufacturing, fabricating, or processing of a product or material	4 spaces plus 1 space for each 400 square feet of gross floor area	N/A
Movie theaters	1 space for each 2.5 seats of design capacity	2 spaces per every 10,000 square feet of gross floor area
Offices, including government buildings and other professional offices > 6,000 sq ft of floor area	Minimum of 5 spaces with a maximum of 5.5 spaces per 1,000 square feet of gross floor area	2 spaces or 0.05 spaces per each employee, whichever is greater
Offices, including government buildings and other professional offices 6,000 SF of floor area or less	Minimum of 3.5 spaces, with a maximum of 4 spaces per 1,000 square feet of gross floor area	2 spaces or 0.05 spaces per each employee, whichever is greater

Open sales lots	1 space for each 2,000 SF of land up to the first 8,000 SF, plus 1 space for each 4,000 SF up to a parcel of 24,000 SF, plus 1 space for each 6,000 square feet over 24,000.	N/A
Restaurants and delicatessens	1 space for each 40 SF of gross floor area of dining and bar plus 1 space for each 80 square feet of kitchen area	2 spaces or 0.05 spaces per each employee, whichever is greater
Restaurants, fast food	1 space per 50 square feet of gross floor area, plus 1 space per employee on the largest work shift, plus 6 off street stacking spaces per drive-through lane	2 spaces or 0.05 spaces per each employee, whichever is greater
Restaurants where no interior serving areas are present, such as a drive-in or take out business	1 space for each 15 SF feet of building dedicated to patron service and 5 spaces for employees	N/A
Retail or service use, unless otherwise specified	1 space for each 200 SF of gross floor area. No retail or service use may provide parking in excess of 10 percent above the minimum required parking spaces. Such properties may hold parking in reserve if depicted on an approved site plan.	2 spaces or 0.05 spaces per each employee, whichever is greater
Self-service storage facility	3 spaces, plus 1 per every 75 units.	N/A
Self-service storage facility (indoor or climate-controlled)	3 spaces, plus 1 per every 75 units.	N/A
Shopping centers and retail uses less than 50,000 sq ft	Maximum of 5 spaces per 1,000 SF of gross floor area	2 spaces per every 10,000 square feet of gross floor area
Shopping centers and retail uses 50,000 sq ft or greater	Maximum of 4 spaces per 1,000 SF of gross floor area	2 spaces per every 10,000 square feet of gross floor area
Showrooms for display or sales including furniture stores, carpet stores, etc.	1 space per 400 square feet for first 25,000 square feet, plus 1 space per 600 square feet thereafter.	1 space per every 10,000 square feet of gross floor area
Showrooms for sale of automobiles	5 spaces for customer parking for every acre of total site area, plus 5 spaces for customer service parking for every acre of total site area, plus 1 space for each 400 square feet of gross floor area for employees.	1 space per every 10,000 square feet of gross floor area
Skating rinks (indoor), dance halls, miniature golf, ice arenas (indoor), health and fitness clubs, commercial indoor recreational facility over 2,450 square feet, etc.	1 space per 300 SF of gross floor area, plus 1 space per employee on the largest work shift	2 spaces or 0.05 spaces per each employee, whichever is greater
Warehousing (and storage) in structures < 6,000 sf	1 space for each 600 SF of gross floor area, with a minimum of 5 spaces	N/A
Warehousing (and storage) in structures > 6,000 sf	1 space for each 2,000 SF of gross floor area, with a minimum of 10 spaces	N/A

§152.1019 PARKING AREA DESIGN

(A) Applicability. All new construction, expansion, repaving, or modification of parking areas with more

than four parking spaces must comply with the following parking lot design standards.

(B) Setbacks. parking areas created after the effective date of this chapter must be designed and constructed so that no part of any vehicle may ever be nearer than the following:

(1) Side or rear setback when adjacent to a residential use – 35 feet.

(2) All other interior side or rear setback – 5 feet.

(3) Setback from public rights-of-way – 15 feet.

(C) Drive Aisles. Each parking space and drive aisle must be unobstructed and must adhere to the design requirements included in the following table:

Figure 152.1019.1 Required Length and Width of Parking Spaces

Angle of Parking Space	Type	Minimum Width of Space at Curb (Non-Retail Uses)	Minimum Width of Space at Curb (Retail Uses)	Minimum Length of Space from Curb	Minimum Drive Aisle Width (One Way)	Minimum Drive Aisle Width (Two Way)
90 degrees	Standard Compact	9’ 8’	10’ 8’	18’ 16’	20’ 20’	25’ 25’
60 degrees	Standard Compact	10’ 9’	12’ 9’	21’ 17’	18’ 18’	25’ 25’
45 degrees	Standard Compact	13’ 9’	14’ 9’	21’ 17’	15’ 15’	25’ 25’

(1) Parking spaces for the disabled or for specially equipped vehicles for the disabled must comply with the State Building Code requirements and the Americans with Disability Act standards.

(2) Where parking spaces abut perimeter curbs, the length of the spaces may be shortened to account for the car overhang. They shall not be shorted adjacent to sidewalks.

(3) All parking spaces must be designated by clearly visible painted lines.

(4) Non-residential driveway width shall be approved at the time of site plan review based on expected traffic demands and road classification.

(D) Curbing required. Paving areas must be separated with curb and gutter from all designated landscaping areas, curb islands, and at ingress-egress locations to the traveled roadway. Curbing must be constructed of poured-in-place concrete equipped with a gutter and must be of a six-inch non-surmountable design. Other curb options may be allowed as approved by the city.

(E) Paving requirements.

(1) All areas shall be surfaced with concrete, bituminous, pavers, or pervious paving/paver systems provided appropriate soils and site conditions exist for the pervious systems to function. Gravel driveways are prohibited. This paving requirement includes the entire parking area including parking stalls, aisles and driveways.

(2) The use of pervious paving/paver systems is encouraged for pedestrian walkways, parking areas, overflow parking areas, snow storage areas, within raised medians and islands, emergency vehicle lanes and other low traffic areas. The owner shall provide soils information and the City Engineer shall make the final determination if soils are conducive for use of pervious paving/paver systems. Owners of property in Business, Industrial and Mixed-Use districts shall enter into a maintenance agreement to ensure ongoing maintenance and operation of all pervious paving/paver systems. This requirement also applies to open sales lots, open rental lots, and outdoor storage or display areas. Other materials such as decorative rock, gravel, sand, or bare soil are prohibited.

(3) Any parking spaces proposed in excess over minimum requirements, as listed in §152.1018, shall use a pervious paver system (provided appropriate soil conditions exist, as determined by the City Engineer), within the total square footage of excess parking proposed, as approved by the City Engineer.

(F) Drainage. Driveways shall not exceed a grade of 4% and all parking lots except those for less than four vehicles shall include a minimum of a one percent grade. Catch basins, sumps, and

underground storm sewers must be installed if required by the City Engineer.

(G) Traffic regulatory signs. Stop signs are required at all driveway exits to city streets. Other signs may be required as part of the site plan review process.

(H) Shared parking. Parking areas may be shared by uses on adjoining lots within 500 feet of the entrances to the uses it will serve provided that the following are met:

(1) The marking or signing of parking spaces in multitenant building for the exclusive use of specific tenants is not permitted.

(2) Certain uses that have their highest peak demand for parking at substantially different times of the day or week can consider a plan to provide required parking by sharing parking with adjacent uses based on the following criteria:

(a) Up to 50% of the off-street parking stalls required for a theatre, bowling alley, dance hall, bar, or restaurant may be supplied by the off-street parking facilities provided by types of uses specified as a primarily daytime use in subparagraph (d) below.

(b) Up to 50% of the off-street parking stalls required for any use specified under subparagraph (d) below as primary daytime uses may be supplied by the parking facilities provided by the following nighttime or Sunday uses: auditoriums incidental to a public or parochial school, churches, bowling alleys, dance halls, theatres, bars, or restaurants.

(c) Up to 50% of the off-street parking stalls required by §152.1018 for a religious institution or for an auditorium incidental to a public or parochial school may be supplied by off-street parking facilities provided by uses specified under subparagraph (d) below as primarily daytime uses.

(d) For the purpose of this section, the following uses are considered as primarily daytime uses, such as banks, business offices, retail stores/shopping centers, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing, wholesale, and similar uses.

(3) The parking area must have a pedestrian connection, which includes a trail or walkway, paved with a continuous impervious surface that connects to all users of the shared parking.

(4) The parking plan for the area must demonstrate that all other applicable ordinances can be met.

(5) Any adjacent properties with approved shared parking agreements must have vehicle access between them.

(6) The agreement between all affected property owners may be approved as to content by the City Attorney and may define responsibilities for maintenance. Where shared use of parking exists within the same site or across sites, a properly drawn legal instrument, drafted and executed by the parties concerned, must be filed as a deed restriction on both properties with the records for both properties in the Registrar of Titles' or Recorder's Office of Hennepin County with proof thereof presented to the city. The intent in either case is that the agreement will be in the public record in perpetuity, and not altered unless approved by the city.

(7) Revocation. Failure to comply with the shared parking provisions of this section constitutes a violation of this Code. A shared parking agreement may be revoked by the parties to the agreement only if off-street parking is provided as otherwise set forth in § 152.1018 of this Code, or if an alternative shared parking plan is approved by the city.

(8) Multi-tenant buildings. A parking lot for a building containing more than one tenant or user is considered shared between all users. Exclusive parking spaces are not permitted.

(9) Time-limited (i.e., 10-minute parking) parking spaces are permitted.

(I) Parking areas for interim or temporary uses in the UR Urban Reserve District are exempt from provisions in §152.1018 only when approved through the interim use permit process as described in §§152.306.

(J) Parking lot landscaping and screening. This section is intended to break up large impervious areas and provide greater shading and reduction of heat island effect. Review and approval of a landscape plan shall be required for new parking lots and changes to existing parking areas that create or affect more than four stalls prior to issuance of any permits, including snow removal.

(1) All landscaped areas, including parking area islands must be equipped with an underground, automatic irrigation system. The irrigation system must include a flow meter, moisture sensing devices and must be calibrated to meet all applicable City Codes.

(2) Ten percent of the impervious, interior parking area must be landscape islands, rain gardens or other

green space. The 10% is included as part of the total open space requirement.

(3) Landscape islands.

(a) All parking lots of at least 25 parking stalls or more shall be designed with landscaped parking lot islands distributed throughout the entire parking area.

(b) To ensure adequate distribution of landscaped islands within parking lots no more than the maximum number of stalls as displayed in the table below may be installed without abutting some type of landscaped islands.

(c) Landscaped islands may be designed at the ends of stalls, in a continuous row between bays as shown in the diagram below, or in other patterns, provided that an island is abutting parking stalls based on the table below.

(d) Islands designed at the end of rows shall have a minimum size of 180 square feet. Continuous parking lot islands shall be at least nine feet in width.

(e) Islands can be designed at the end of rows or in a continuous row to meet the maximum number of stalls between island requirements

Figure 152.1019.2: Landscape Island Requirements

Use Type	Maximum Number of Stalls Between Island
Residential – multiple family uses	12 stalls
Commercial, mixed use, civic and institutional uses	22 stalls
Industrial and business park uses	22 stalls
Open storage warehouse and like uses	50 stalls

(f) Type and quantity of landscaping required in islands and within the parking area shall comply with landscaping standards in §152.1012. Each landscape island must be planted with a minimum of one deciduous large or two medium trees, two shrubs and pervious ground cover as required in §152.1012. Rain gardens shall be finished with hardy native plant species that will survive and remain aesthetically pleasing in wet and dry conditions. The trees and shrubs in the landscape islands and rain gardens shall count toward the overall required landscaping in §152.1012.

(4) Parking areas greater than 50,000 square feet shall be divided both visually and functionally into smaller parking courts.

(5) Screening. Screening must be required for any off-street parking or loading area and may be any combination of landscaping, decorative fencing, and berms, approved through the Site Plan Review process or as required elsewhere in this chapter, unless further restricted by the following:

(a) Residential. All parking and loading areas over four spaces must be screened from adjacent residential zoning districts. Screening must be a minimum of six feet in height when installed as measured from the parking area surface to the satisfaction of the City Manager. Fences alone shall not meet this requirement.

(b) Street rights-of-way. All parking areas containing more than four stalls and all loading areas must be screened from adjacent public rights-of-way. Screening must be a minimum of three feet in height as measured from the top of the adjacent parking area surface.

(6) Perimeter parking area landscaping standards. Where a parking area serving a use abuts a street right-of-way, vacant land, or any other development (except another parking use area), perimeter landscaping strips shall be provided and maintained between the vehicle use areas and the abutting right-of-way or property line in accordance with the following standards:

(a) Location.

(i) Perimeter landscaping strips shall be located on the same land where the parking use area is located.

(ii) Perimeter landscaping strips may not be placed within future street rights-of-way as identified on the city's transportation plans.

(b) Minimum width. When the parking use area is located within 50 feet of a street right-of-way, the perimeter landscaping shall be located within a planting strip at least six feet wide. In all other instances, the strip shall be the minimum width necessary to assure required landscaping is not damaged by vehicle or other on-site activity. In no instance shall the strip be less than three feet wide.

(c) Landscaping. Each perimeter landscaping strip shall include landscaping screening of three feet in height as measured from the top of the adjacent parking area surface or screening that is 80% opaque where a parking lot abuts a residential zoning district.

(K) Stormwater management. Rainwater and snowmelt shall be managed to encourage infiltration, evapotranspiration, and water reuses to achieve water quality and quantity measures as required by the applicable watershed district. Additionally, a minimum of two of the following stormwater management techniques shall be implemented. The appropriate watershed district shall have final review and permitting authority for all surface water management measures proposed.

(1) Permeable paving for parking spaces, drive aisles, overflow parking, snow storage areas, and other hard surfaces in the parking lot.

(2) Trees, shrubs, and other absorbent landscaping throughout the parking lot to provide shade and places for water uptake.

(3) Bio-retention areas, such as swales, vegetated islands, and overflow ponds.

(4) Catch basin restrictors and oil/grit separators.

(5) Rainwater harvesting from rooftops and other hard surfaces for landscape irrigation.

(6) Bio-retention areas shall be appropriately designed and located to filter, store, and/or convey the expected stormwater flows from surrounding paved areas.

(7) Cart storage. Where shopping carts are used, ample space shall be provided for cart storage within off-street parking areas (unless all carts are stored and returned at the building entry). The need and specific amount of required cart storage space shall be determined as part of site plan review. When required, cart storage areas shall not occupy required off-street parking space, shall be clearly delineated, and include facilities for cart confinement.

(L) Mixed Use Parking Design Standards

(1) Off-street parking must be set back from frontages according to Figure 152.607.02, except where parking is located underground.

(2) *Location.* Required vehicular parking may be fulfilled in the following locations:

(a) Parking spaces provided on-site, or between multiple connected sites with a recorded shared use parking agreement.

(b) Parking spaces provided along a parking lane on-street corresponding to the site frontages.

(3) *Access.* Parking access must meet the following requirements:

(a) Driveways are limited to 20 feet in width.

(b) Sites with alley access must use the alley for ingress and egress.

(c) Pedestrian access to off-street parking must be provided from frontages with walkways a minimum of six feet in width.

(4) *Screening.* Parking areas must be screened from public streets, sidewalks and paths by a masonry wall or evergreen hedge. The height of the screen must be a minimum of 36 inches and a maximum of 48 inches in height.

(5) *Required parking.* LW, NMU and MU districts must comply with parking minimums and maximum requirements as established by §152.1018. TOD-C, TOD-E and TOD-G districts are exempt from parking requirements established in §152.1018.

§152.1020 PARKING RAMP

(A) Applicability. All new parking ramps or garages shall adhere to the following standards.

(B) Design. Parking ramps comply with the following:

(1) Ground floor active uses are required; in this instance, an active use shall mean a principal nonresidential use.

(2) Design features that facilitate future conversion of parking garages to other uses, including flat floors, are encouraged.

(3) Multi-level parking deck or garage structures, whether stand-alone or part of a larger development, shall comply with the following standards:

(a) Facades of the parking deck or garage that are facing a street or within 100 feet of open space shall be harmonious and complement the principal structure and contain all of the following architectural treatments:

(i) Facade articulation (i.e. wall offsets).
(ii) Horizontal and vertical projections.
(iii) Material and color variation.
(iv) Varied proportions of openings.

(b) No vehicles parked within or on the roof of the deck or garage shall be visible from the street.
(c) All internal elements such as plumbing pipes, fans, ducts, and lighting shall be screened.
(d) No deck or garage ramp areas shall be visible from the street and shall be internal to the building.
(e) Openings off any street shall not exceed two lanes in width or 30' maximum per entrance/exit. Entrances/exits on alleys/service roads are exempt from this requirement.
(f) If the deck or garage is accessed from a street, there shall be only one point of access to the garage area from that street.
(g) Pedestrian entrances to the deck or garage shall be directly from a frontage line through an exterior or interior pedestrian passage or a combination thereof running from the rear to the front of the lot. Parking spaces serving residential units are exempt from these requirements.

(4) Accessory parking ramps in all MU districts shall be one level less than the adjacent principal structure.
(5) *Structured parking.* The ground floor of any parking structure abutting a public street must have habitable space for a depth of 30 feet facing the street. METRO parking structures may be eligible for a waiver from this requirement if a façade that limits vehicle visibility is provided.
(a) Upper floors must be designed and detailed in a manner consistent with adjacent buildings.
(b) Entrances must minimize conflict with pedestrian movement.

§152.1021 PEDESTRIAN CIRCULATION (SIDEWALKS AND WALKWAYS)

(A) Purpose. Establish design criteria for pedestrian circulation facilities to reduce reliance on automobiles, provide opportunities for recreational walking throughout the city, and ensure safe pedestrian movement between properties and from off-street parking areas to building entrances.

(B) Applicability. Except for platted single-family and two-family sites, walkways must be provided within all sites.

(C) Sidewalks Standards.
(1) Sidewalks are required along all existing and future minor arterials (high and low density), all major collectors as designated by the Functional Classification System included in the Comprehensive Plan, and according to the provisions of Chapter 151 of the City Code.
(2) Sidewalks may be required on any street where one or more of the following are present as determined by the city:
(a) Concrete curb and gutter have been constructed on the roadway.
(b) Traffic volumes on the road exceed 1,000 vehicles per day.
(c) A roadway connecting a neighborhood to a commercial area, park, school, religious institution or other community-oriented facility.
(d) Along any street in a business district.
(e) A multi-family, office, commercial, or industrial use that is expected to generate pedestrian traffic.

(D) Walkway Standards.
(1) Walkways must be located to provide convenient, safe pedestrian access, as determined by the city, between principal uses, parking areas, and/or adjacent public sidewalks.
(2) Walkways must be as direct as possible to minimize distance and other impediments to walking.
(3) All parking lots serving multiple family and nonresidential uses shall be subject to the following standards to provide a safe pedestrian environment:
(a) A direct and continuous pedestrian network shall be provided to connect parking lots to building entrances, public sidewalks, transit stops, and other pedestrian destinations.
(b) At least one pedestrian route shall be provided between the main building entrance and the public sidewalk that is uninterrupted by surface parking and driveways.
(c) In larger parking lots, or where parking lots serve more than one building or destination, designated pedestrian pathways for safe travel through the parking lot shall be provided.
(d) All pedestrian routes within a parking lot shall include a clear division from vehicular areas, with a

change in grade, soft landscaping, or a change in surface materials.

(e) Where pedestrian routes cross street access driveways and other major drive aisles, crossings shall be clearly marked and sight distance for both pedestrian and vehicles shall be unobstructed.

§152.1022 SATELLITE DISHES

(A) Satellite or microwave dishes: Dishes may be considered permitted in all districts, provided they meet all of the following:

(1) The communication sending and/or receiving dish is accessory to the primary use on the site.

(2) The dish is not located within any of the building setbacks unless it is one meter or less in diameter and attached to a building.

(3) When placed on a flat roof, the dish must be setback from the edge of the building a distance equal to the height of the dish, unless it is one meter or less in diameter. The height of the dish cannot exceed 15 feet.

(4) Dishes over one meter in diameter may not be placed on a residential roof when visible from a public right-of-way.

(5) When placed on the ground, setbacks from other properties are at least equal to the height of the communication device.

(6) No more than one satellite dish over one meter in diameter may be permitted on any one property zoned for residential uses and two satellite dishes over one meter in diameter are permitted on any one property zoned for business uses.

(7) All other satellite dishes are considered conditional uses, except for the number allowed per parcel, unless otherwise modified in this chapter.

(8) No satellite dishes may exceed five feet in diameter.

§152.1023 SCREENING

(A) Applicability. All mechanical or accessory uses, including, but not limited to, exterior storage areas, exterior loading docks, service areas, mechanical areas, waste and refuse areas, and rooftop equipment, must be screened as follows.

(B) Requirements.

(1) Screening may be accomplished using a wing-wall, fencing, walls, earth berms (not to exceed slopes of 4:1), and/or landscape plantings consisting primarily of evergreens. Must achieve 80% opacity year-round at maturity. Fences and walls are regulated elsewhere in this chapter.

(2) Non-landscaped screening must be designed with the same exterior materials and incorporate similar architectural features as the principal building and be designed so that the equipment is not visible from any public right-of-way or residential development.

(3) Rooftop equipment screening must be provided by the building parapet or incorporate similar architectural features as the building, use the same exterior materials as the principal structure, or be designed so that the equipment is not visible from six feet above ground level on any property line of the applicable site.

(4) Incidental equipment deemed unnecessary to be screened by the City Manager must be of a color to match the building, roof, or the sky, whichever is most effective.

(5) Metal cabinets and/or fences used to enclose and protect mechanical equipment may not substitute as screening.

(6) Residential properties along principal or minor arterial streets shall adhere to the additional screening requirements for residential properties per Figure 152.1023.1.

(7) For all nonresidential and mixed use development projects, a 35 foot berm and landscaped area must be included within the required setback area from residential district property lines.

(8) The City Council may approve alternative screening such as decorative fencing and landscaping meeting minimum opacity requirements in lieu of the berming requirements of Figure 152.1023.1.

Figure 152.1023.1. Additional screening for residential properties.

Along ...	Height of Berming (in feet)	Depth of Berms or Landscaped Area (measured in feet from the property line on private property)	Amount of plant materials

		See Alternate Requirements Below	
Principal and "A" Minor Arterials	6	50-foot bermed and landscaped area	4 coniferous trees and 3 deciduous trees
"B" Minor Arterials and Class I Collectors	3	25-foot landscaped area	4 trees and 5 shrubs

§152.1024 STREETSCAPE, MIXED USE

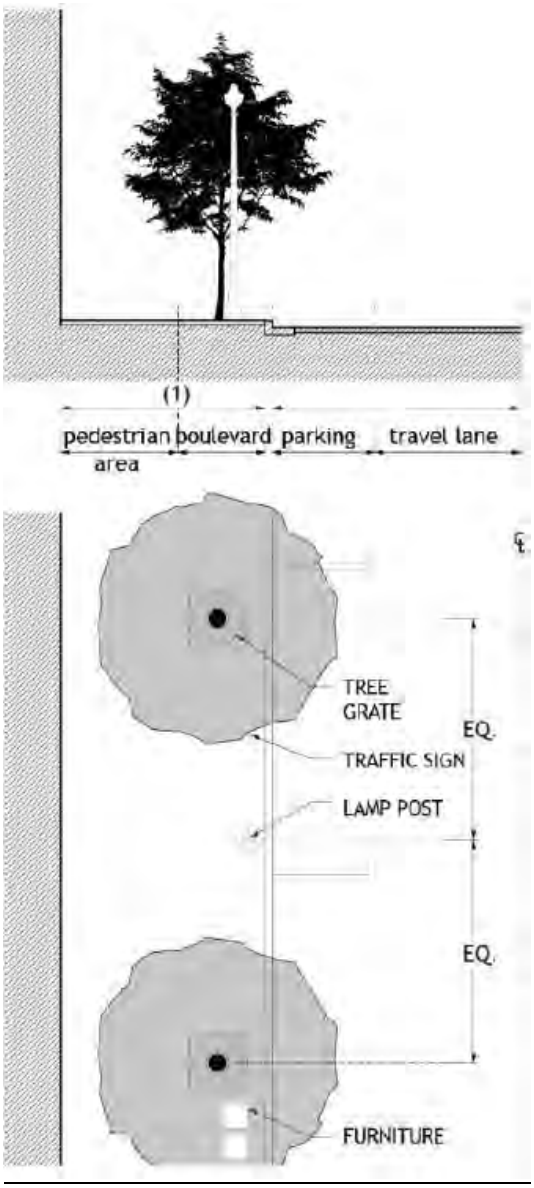
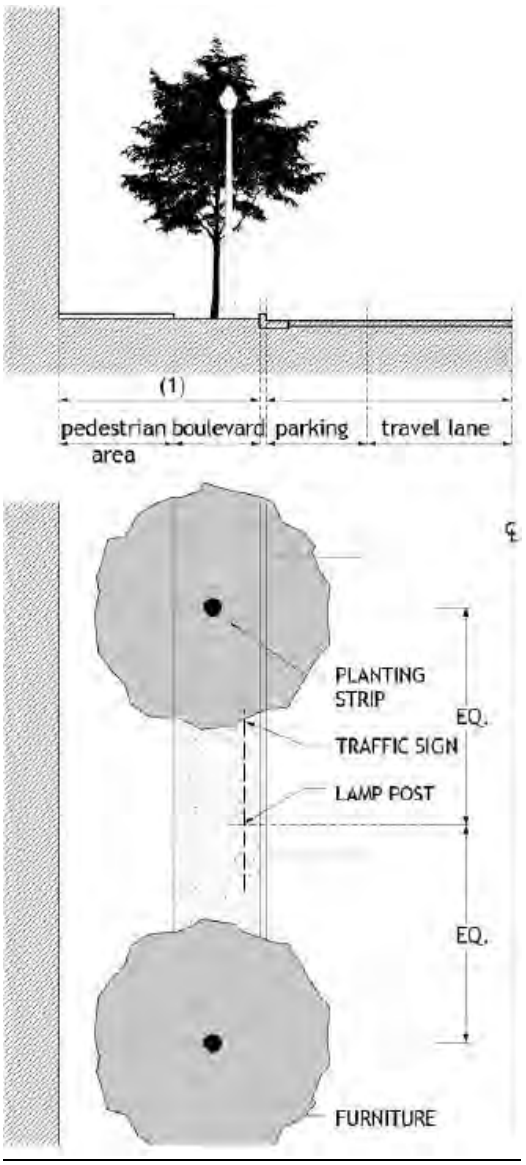
(A) *Applicability.* The provisions of this section apply to all streetscape improvements in all Mixed Use Districts.

(1) Streetscape improvements including sidewalks, boulevards, furniture zones, lights and trees must meet the requirements of Figure 152.1024.01.

(2) Improvements must transition to existing conditions at adjacent properties to preserve pedestrian access and safety.

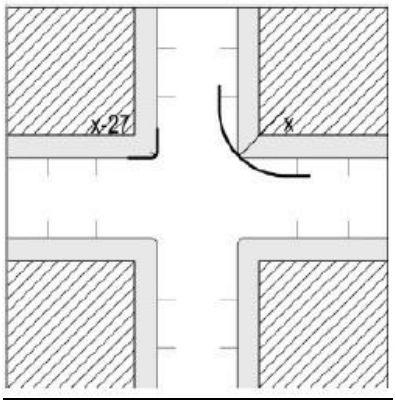
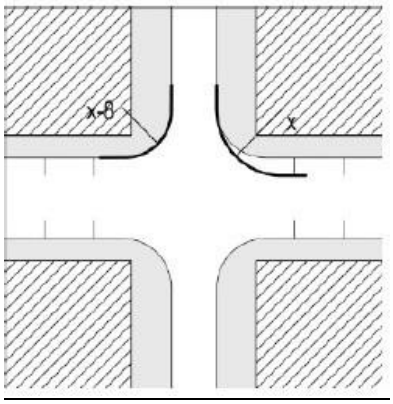
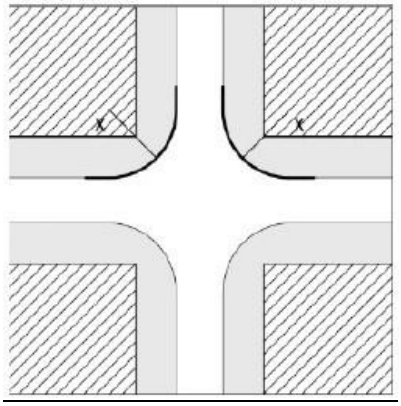
Figure 152.1024.01. Streetscape Requirements

	WITHIN 1/4 MILE OF STATION	**GREATER THAN 1/4 MILE OF STATION**
Zoning district	TOD-C, TOD-E, TOD-G	LW, NMU, MU, TOD-C, TOD-E, TOD-G

Streetscape illustration		
(1) Sidewalk width	10 ft. min. including boulevard width and furniture zone.	6 ft. min. including boulevard width and furniture zone.
Boulevard size	5 ft. min. square or 4 ft. by 6 ft. min.	5 ft. by 14 ft. min.
Tree spacing	Adjusted to accommodate shopfront needs	30 - 40 ft. on center

(3) Curb return radius must meet the standards of Figure 152.1024.02.

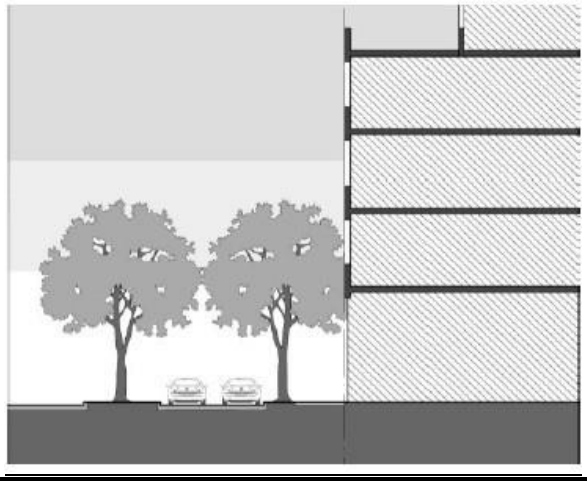
Figure 152.1024.02 Curb Return Radius			
EFFECTIVE RETURN RADIUS	***PARKING LANE ON BOTH STREETS***	***PARKING LANE ON ONE STREET***	***NO PARKING LANES***

			
Minimum Required Curb Return Radius			
Local street to local street: 25 ft.	5 ft. min.	17 ft. min.	25 ft. min.
Local street to primary street: 30 ft.	5 ft. min.	22 ft. min.	30 ft. min.
Primary local to primary local: 35 ft.	8 ft. min.	27 ft. min.	35 ft. min.
Primary local to arterial 40 ft.	13 ft. min.	32 ft. min.	40 ft. min.
Arterial to arterial: 55 ft.	28 ft. min.	47 ft. min.	55 ft. min.
Bike lane reduction	Curb return radius may be further reduced by the width of the bike facility when present.		

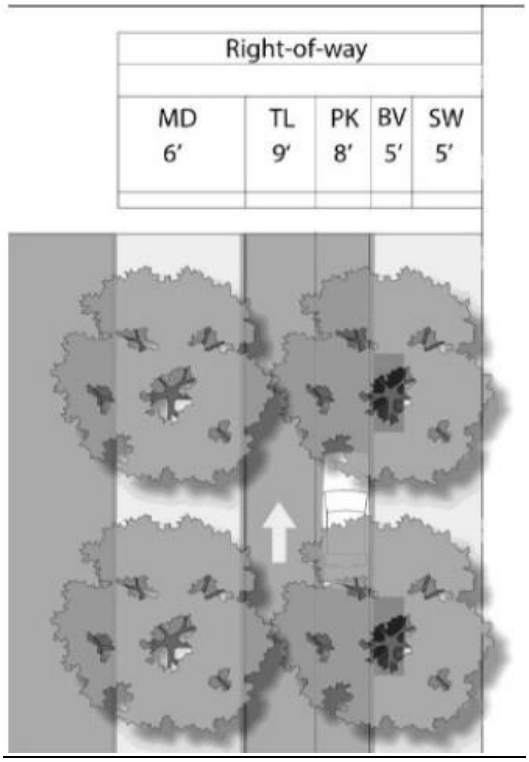
(4) New frontage lanes adjacent to existing arterials may use the 152.1024.03 street sections in the Mixed Use zoning districts.

Figure 152.1024.03. Frontage Lane Sections		
FRONTAGE LANE FL 33-17		**ILLUSTRATION**
Functional class	Local street	
Right-of-way	35 ft. min.	
Design, target speed	15 - 20 mph	
TRAVELED WAY		
(TL) Vehicle lanes	1	
Vehicle lane width	9 ft.	
Movement	One-way	
(Pk) parking lanes	1	

Parking lane width	8 ft.
(BL) bicycle facility	n/a
Bicycle facility width	n/a
(Md) median	6 ft. min.
Turning lanes	n/a

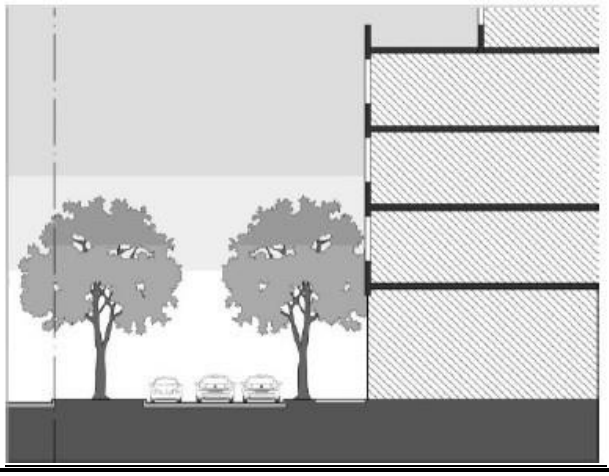


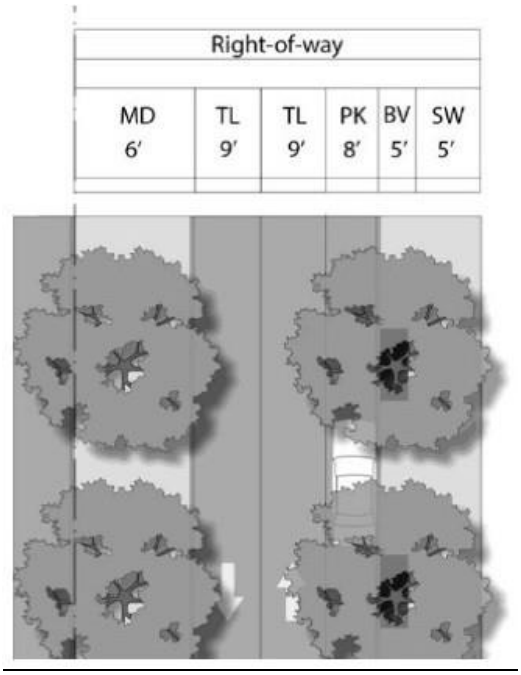
STREETSCAPE	
(SW) Sidewalk width	5 ft. min.
(BV) Boulevard width	5 ft. min.
Boulevard type	Long tree well, 5 ft. x 14 ft. min.
Tree spacing	30 ft. on center



FRONTAGE LANE FL 42-26	
Functional class	Local
Right-of-way	ft. min.
Design, target speed	15 - 20 mph
TRAVELED WAY	
(TL) Vehicle lanes	2
Vehicle lane width	9 ft.
Movement	Two-way

(PK) Parking lanes	1
Parking lane width	8 ft.
(BL) Bicycle facility	n/a
Bicycle facility width	n/a
(MD) Median	6 ft. min.
Turning lanes	n/a
STREETSCAPE	
(SW) Sidewalk width	5 ft. min.
(BV) Boulevard width	5 ft. min.
Boulevard type	Long tree well, 5 ft. x 14 ft. min.
Tree spacing	30 ft. on center





(B) *Drive-through facilities.*

(1) Drive-through facilities are prohibited for new construction after date of passage in TOD-G.

(2) Drive-through facilities and lanes must be located behind the principal building.

(3) Queuing lanes must not interfere with pedestrian circulation.

(4) Drive-through canopies and other structures, where present, must be constructed from the same materials as the primary building, and with a similar level of architectural quality and detailing.

(C) *Outdoor dining areas.* Outdoor seating is permitted within any setback area and temporary seating may be permitted with rights-of-way, provided the sidewalk remains clear to a width of five feet.

(D) *Landscaping requirements.* All open areas of any site, except for that portion used for parking, driveways, and storage, must be landscaped and incorporated in a landscape plan, per the following requirements:

(1) The required landscaped area must be planted with trees, ground cover, low shrubs or flowering plants.

§152.1025 TELECOMMUNICATION TOWERS

(A) Purpose. The Council finds that regulations are necessary to accommodate the communication service facilities to benefit the needs of residents and businesses while protecting the public health, safety, and general welfare of the community. These regulations are necessary to:

(1) Provide for the appropriate locations for the development of communication facilities to serve the residents and businesses of the city.

(2) Minimize adverse visual effects of communication towers and other facilities through careful design and siting standards.

(3) Avoid potential tower failure damage to adjacent properties through structural standards and setback requirements; and,

(4) Maximize the use of existing and approved towers, buildings, and other structures to accommodate wireless telecommunication devices to reduce the number of towers needed to serve the community.

(B) Existing antennas and towers.

(1) Previous licensees, owners, operators, or secured parties must remove all abandoned or unused towers or associated facilities and equipment within 12 months of the cessation of operations at the site. Cessation of operations means the removal of the antennas from the tower or the cessation of electricity and/or phone service to the site.

(2) All hazardous towers or associated facilities and equipment as defined in the Uniform Building Codes definition of hazardous structures must be removed from the property within a maximum of 60 days of the date of the hazardous determination by the city. The city may require more expeditious removal based on the nature of the hazard.

(C) General requirements.

(1) No towers may be constructed in the Mississippi River Critical Area Overlay.

(2) Towers and antennas in parks must obtain a valid lease from the appropriate city, county, or state agency.

(3) Towers and antennas may not be artificially lighted except if required by the FAA unless they are incorporated into the approved design of the tower, such as light fixtures illuminating ball fields, parking lots, or a similar use.

(4) Roof or wall-mounted communication devices (excluding satellite dishes) shall adhere to the following standards.

(a) Roof-mounted antennas must be no more than 15 feet in height.

(b) Roof-mounted antennas and their accessory equipment/buildings must be setback from the edge of the principal building or structure a distance equal to the height of the antenna, equipment, or building.

(c) Installation of the antennas requires a building permit. The applicant must submit a report prepared by a qualified professional engineer licensed by the State of Minnesota indicating the existing structure or tower's suitability to accept the antenna, and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings, and the precise point of attachment must be indicated.

(d) All other antennas may be considered conditional unless otherwise modified in this chapter.

(e) Proof of non-interference with public safety telecommunications: Each application for construction of wireless communication equipment includes a statement from a qualified professional engineer licensed by the State of Minnesota that the construction of the tower, including reception and transmission functions, will not interfere with public safety telecommunications, provided however, that no application requires any statement regarding the environmental effects of radio frequency emissions to the extent that the wireless telecommunication equipment complies with FCC regulations concerning such emissions. Before the introduction of any new service or changes in existing service, telecommunication providers must notify the city and the Hennepin County Sheriff's Radio Systems Manager at least ten calendar days in advance of such changes to allow interference levels to be monitored during the testing process.

(5) Construction and design requirements: Proposed or modified towers and antennas must meet the following design requirements:

(a) All towers and antennas erected, constructed or located within the city, and all wiring must comply with the requirements set forth in the Minnesota Building Code.

(b) Towers and antennas must be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except when otherwise dictated by federal or state authorities. The telecommunications facilities must use as many stealth design techniques as reasonably possible. Economic considerations alone are not justification for failing to provide stealth design techniques.

(c) Commercial wireless telecommunication service towers intended primarily for the support of their related antennas must be self-supporting monopoles unless the City Council determines that an alternative design would better blend into the surrounding environment. The use of guyed towers is prohibited.

(6) Permanent platforms or other structures exclusive of antennas that serve to increase off-site visibility are prohibited.

(7) The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

(8) Accessory buildings and equipment: All accessory equipment related to towers and antennas must be housed within an existing structure whenever possible. Any new accessory buildings, lockers, and/or ground mounted equipment must meet the following:

(a) They must be architecturally designed to blend in with the surrounding environment, subject to the landscaping and screening requirements of §§ 152.1012 and §§ 152.1023.

(b) They must meet the minimum setback requirements of the underlying zoning district, unless they are located on the roof of the principal building, in which case they must be setback from the edge a distance equal to their height.

(c) Unless the accessory equipment is mounted on an existing structure or housed within an existing structure, the city may require a security fence around the base of the tower and/or accessory equipment. If required, the security fence must have a maximum opacity of 50% and meet the fencing requirements elsewhere in the City Code.

(9) Maintenance hours: Nonemergency maintenance of towers, antennas and associated equipment must be completed between the hours of 7:00 a.m. and 7:00 p.m. for all towers within 1,000 feet of a residential district.

(10) Collocation requirements. All towers erected, constructed, or located within the city to support antennas for wireless communication service providers as defined in §152.107, must comply with the following requirements:

(a) The City Council will not approve a proposal for a new tower unless it finds that the antennas cannot be accommodated on an existing or approved tower or building within a one-mile search radius (one half-mile search radius for towers 120 feet or less in height) of the proposed tower due to one or more of the following reasons:

(i) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified professional engineer licensed by the State of Minnesota and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment.

(ii) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified professional engineer licensed by the State of Minnesota and the interference cannot be prevented.

(iii) Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function as documented by a qualified professional engineer licensed by the State of Minnesota.

(iv) Written documentation that the applicant made a good faith, diligent, but unsuccessful effort to install or collocate the antenna(e) within the defined search radius. The documentation must include the names, addresses and telephone numbers of all owners of other towers, buildings, or other structures of appropriate height, including those on city-owned property.

(v) Other unforeseen circumstances as approved by Council.

(b) Any proposed tower intended to support antennas for wireless communication service providers, as defined in § 152.107, and its proposed site must be designed structurally, electrically, and in all respects, to accommodate both the applicant's antennas and accessory equipment and comparable antennas and equipment for at least two additional users if the tower is over 100 feet in height and

for at least one additional user if the tower is between 60 to 100 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights. Alternative designs for towers with more than three users may be approved by the City Council if they prevent the construction of multiple towers and are found to be compatible with the neighborhood.

(c) Any tower proposed at less than 75 feet must be constructed with a foundation adequate to accommodate an additional 20 feet of height to accommodate an additional user. The applicant must provide written evidence that they will allow the extra height added to their tower with a reasonable request for a collocation lease.

(11) Tower and/or antenna setbacks. Towers and antennas must meet the setbacks of the underlying zoning district, unless modified by the following:

(a) A tower's setback may be reduced or its location in relation to a public street varied, at the sole discretion of the City Council, to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device, or similar structure.

(b) In Business Park (BP) and Industrial (I) zoning districts, towers and/or antennas may encroach into the rear setback area, provided that the rear property line abuts another property in the Business Park (BP) or Industrial (I) district and the tower does not encroach upon any easements.

(c) All towers and/or antennas must be set back from planned public rights-of-way as documented in city corridor studies, the Comprehensive Plan, or the appropriate county or state plans, by a minimum distance equal to one half of the height of the tower including all antennas and attachments.

(d) If applicable, setbacks for towers and/or antennas must be determined for the full height of the proposed tower, including extension/expansion height as may be required elsewhere in this chapter.

(e) Towers in residential districts shall be setback a distance equal to four times the height of the structure.

(f) Towers in districts adjacent to residential parcels used primarily or guided for residential purposes shall be setback a distance equal to two times the height of the tower.

(12) Height. Height may be determined by measuring the vertical distance from the tower's point of contact with the ground to the highest point of the tower, including all antennas or other attachments. When towers are mounted upon or attached to other structures, the combined height of the structure and tower must meet the height restrictions of this section. In addition, all towers must meet the following:

(a) In all residential zoning districts on parcels other than those used primarily for residential purposes, the maximum height of any tower, including all antennas and other attachments, may not exceed one foot for each four feet the tower is setback from residential parcels used primarily or guided for residential purposes, up to a maximum height of 125 feet.

(b) In all non-residential zoning districts, the maximum height of any tower, including all antennas and other attachments, may not exceed one foot for each two feet the tower is setback from residential parcels used primarily or guided for residential purposes up to a maximum height of 125 feet.

(13) Preference for identification of tower sites. The following preferences shall be followed in site selection for new towers when collocation is not possible:

(a) Existing buildings or structures;

(b) Public institution sites;

(c) Sites zoned BP or I;

(d) Sites zoned B3 or B4;

(e) Sites zoned B1 or B2;

(f) Other properties consistent with provisions of this subchapter.

(D) Towers and antennas in residential areas. All towers and antennas in the following residential and mixed-use districts: R-1, R-2, R-3, R-4, R-5, and in those areas in the PDO guided for low and medium residential development must comply to the following:

(1) Radio and television towers and antennas: Proposed towers for personal radio and television antennas located on parcels zoned residential and used primarily for residential purposes may be considered permitted if they meet the following conditions:

(a) The tower and/or antennas, including all accessory antennas and other attachments, is (are) at or below the maximum height as regulated elsewhere in the City Code.

(b) It meets the setbacks of the underlying district.
(c) It is located to the rear of the property.
(d) Only one tower is allowed per parcel.

(2) Personal (non-commercial) radio and television towers and antennas that exceed the maximum height defined elsewhere in the City Code and commercial towers shall be considered conditional uses in residential districts. Commercial towers may only be allowed as a conditional use on the following parcels:
(a) Religious institution sites, when constructed in or as part of a steeple, spire, bell tower or similar architectural feature.
(b) Park sites, if conformance with this section are met to the satisfaction of the city.
(c) Government, school, utility, and institutional uses.

(E) Additional submittal requirements. In addition to the information required elsewhere in this Code, Conditional Use Permit applications for towers require the following supplemental information:
(1) A report from a qualified professional engineer licensed by the State of Minnesota which:
(a) Describes the tower's capacity, including the number and type of antennas that it can accommodate.
(b) Documents the height above grade for all potential mounting positions for collocated antennas and the minimum separation distances between antennas.
(2) A letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
(3) A copy of the relevant portions of a signed lease which require the applicant to remove the tower and associated facilities when they are abandoned, unused or become hazardous may be submitted as a requirement of the Conditional Use Permit before any building permits may be issued.
(4) In the event that a tower is not removed within 12 months, the tower and associated facilities may be removed by the city and the costs of removal, as well as any city staff time spent in processing the removal, may be assessed against the property.
(5) Proposals to erect new towers must be accompanied by any required federal or state agency licenses.
(6) A signed statement that certifies that the proposed tower complies with regulations administered by Federal Aviation Administration.
(7) All applications for towers erected, constructed, or located within the city to support antennas for wireless communication service providers, as defined elsewhere in this chapter, may be required to submit a current area plan map showing their existing towers and the search areas for the towers and antennas for which the Conditional Use Permit application has been filed. The area map must include those towers and antennas (including existing and proposed in the Conditional Use Permit application) within the city and a radius of one mile outside the city's boundaries.
(8) Proof of non-interference with public safety telecommunications: Each application for construction of wireless communication equipment includes a statement from a qualified professional engineer licensed by the State of Minnesota that the construction of the tower, including reception and transmission functions, will not interfere with public safety telecommunications, provided however, that no application requires any statement regarding the environmental effects of radio frequency emissions to the extent that the wireless telecommunication equipment complies with FCC regulations concerning such emissions. Before the introduction of any new service or changes in existing service, telecommunication providers must notify the city and the Hennepin County Sheriff's Radio Systems Manager at least ten calendar days in advance of such changes to allow interference levels to be monitored during the testing process.

(F) Evaluation and monitoring. As a condition of approval for telecommunication facilities, the applicant must reimburse the city for its costs to retain outside expert technical assistance to evaluate any aspect of the proposed siting of telecommunications facilities, including but not limited to other possible sites within the city. The owner of a telecommunications facility must provide the city with current, technical evidence of compliance with FCC radiation emission requirements, annually or more frequently at the city's reasonable request. If the owner does not promptly provide the city with satisfactory technical evidence of FCC compliance, the city may carry out tests to ensure FCC radiation compliance using a qualified expert. The owner must reimburse the city for its reasonable costs in carrying out such compliance testing.

§152.1026 TRANSPORTATION DEMAND MANAGEMENT.

(A) Purpose. Lesson congestion on streets and roads, reduce environmental pollution associated with vehicular transportation, and generally protect the public health, safety and welfare.

(B) Intent. The standards and regulations are intended to be components of an overall transportation demand management plan.

(C) Applicability. These standards apply to all new construction in nonresidential districts, mixed use districts, and nonresidential uses in any residential district.

(D) Bicycle parking requirements.

(1) The minimum number of bicycle parking spaces provided for any use shall be 5% of the vehicular parking spaces required for such use.

(2) Design standards for bicycle parking spaces.

(3) Bicycle parking spaces shall be:

(a) Located on the same lot as the principal use.

(b) Located to prevent damage to bicycles by cars.

(c) In a convenient, highly visible, active, well lighted area.

(d) Located so as not to interfere with pedestrian movements.

(e) As near the principal entrance of the building as practical.

(f) Located to provide safe access from the spaces to the right-of-way or bicycle lane.

(g) Consistent with the surroundings in color and design and incorporated, whenever possible, into buildings or street furniture design.

(h) Anchored to resist rust or corrosion, or removal by vandalism.

(E) Transit service.

(1) Parking may be reduced by 10% for any parcel located within one-quarter mile of a transit stop. This 10% shall be shown on the site as proof of parking in the event transit services are altered and additional parking is required. To qualify, the transit stop must be served by regular transit service on all days of the week that the business or use is in operation and adequate pedestrian access must be available between the transit stop and parcel. Regular transit service shall operate at least twice hourly between 7:30 a.m. and 6:30 p.m. on weekdays and once hourly after 6:30 p.m. Regular transit service shall operate on Saturdays, Sundays, and holidays.

(F) Motorcycle/scooter parking.

(1) Two motorcycle/scooter parking spaces may be provided in lieu of one required automobile parking space. The maximum automobile parking space reduction under this provision shall be calculated at a 1:30 ratio (For every 30 required automobile parking spaces, one automobile space may be waived).

(2) Parking areas under 30 spaces may reduce the parking requirement by a maximum of one automobile parking space. Motorcycle parking must be properly labeled with signs and surfaced with concrete. The minimum stall size for one motorcycle shall be four-foot in width by seven foot in depth.

(G) Compact parking stalls.

(1) Parking areas including 30 spaces or more may include 35% compact parking stalls which must be labeled as such on the parking plan and located in areas of anticipated infrequent use. Compact parking stall sizes are stated in Figure 152.1019.1.

(H) Industrial businesses in the General Industrial (I) zoning district may, after five years of operation at their current location, reduce the existing parking space width to 8.5 feet for workforce management.

§152.1027 WASTE ENCLOSURES

(A) Applicability. All uses except single-family dwellings, two-family dwellings, and townhouses must store their trash in compliance with one of the following two options:

(1) Indoors. Within a designated area of the interior of the building in conformance with the following:

(a) The adopted Fire and Building Codes.

(b) The area must be readily accessible by collection vehicles.

(c) The area must be readily accessible to the users by use of a pedestrian access, such as an easily operable door. The door must remain closed, except when servicing.

(d) The interior walls and floor of the area must be finished with smooth, non-absorbent material sealed or finished to withstand frequent cleaning.

(e) All waste storage areas must be kept clean and sanitary, and maintained in good condition.

(B) Outdoors. Outdoors within a four-sided accessory structure designed and sized for this purpose. The enclosure must be in conformance with the adopted Fire and Building Codes. Design standards. All exterior waste enclosures must meet the following design standards:

(1) Walls must be constructed of architectural masonry or similar materials.

(2) Enclosures must have an opaque gate made of metal or decorative wood. Design and materials of the enclosure must be compatible with the principal building.

(3) Additional landscape screening may be required for any enclosure requiring design review.

(4) Trash enclosures may have a pedestrian entrance when shared by multiple units. No more than two openings may be present per enclosure and the openings may not be placed in the same wall section. The opening may be no less than 32 inches and no more than 36 inches. For nonresidential properties, a gate is required for the opening. Where a gate is required or provided for the opening, it must be an opaque metal or decorative wood gate, meeting the design standards of this chapter.

(5) Trash enclosures must have minimum inside dimensions, excluding pedestrian access areas, of 8 feet by 12 feet, and must be sized to accommodate all waste, recycling, organics recycling, and trash storage. Walls and gates must be of a height to fully screen the view of the bins and storage. A maximum 6-inch space may exist at the bottom of the gate to the ground surface. A maximum of two openings on not more than two sides area allowed for drainage. Each opening may not exceed 8 inches by 16 inches per wall section.

(6) Location.

(i) Enclosures may not be located in the front or side yards and may not be closer than five feet of an interior lot line.

(ii) Enclosures must meet all parking setback requirements.

(iii) Enclosure doors must not restrict driveways, extend into adjacent parking spaces, or obstruct fire hydrants or building exits.

(iv) Enclosures must be located so they are accessible to collection vehicles.

(v) Enclosures must remain at least five feet from any combustible construction or building openings.

(C) Construction and maintenance standards.

(1) All waste enclosure structures, including gates, must be maintained in good condition.

(2) All gates and doors must be kept closed, except during servicing.

(3) The enclosure area must be set on a concrete pad at ground level, with a minimum slope to prevent accumulation of water from cleaning and rain runoff.

(D) Trash compactors. Trash compactors that are open to or loaded outside must be located in a waste enclosure meeting the requirements of this chapter. Self-contained trash compactors that are completely enclosed and loaded only from the interior of a building must be located in a waste enclosure or meet the following criteria:

(1) Design and materials of the trash enclosure must conform to the architecture of the buildings in the development and be compatible with the finish of the principal building, such as matching paint.

(2) Landscape screening or other screening may be required to eliminate or minimize the view from adjacent properties.

(3) Appropriate measures must be taken to prevent or eliminate nuisances from noise, trash, or other nuisances created by the location or use of the trash compactor.

(E) Alternative compliance.

(1) The City Manager may consider alternatives to standard trash enclosures. Such alternatives shall be evaluated with respect to the following seven criteria:

(a) The proposal provides adequate capacity for the use.

(b) The proposal blends with the architecture of the site.

(c) The proposal provides convenient access for residents and businesses located within the development.

(d) The proposal meets code requirements for all setback requirements including, but not limited to, the front and street side yards and corner cut-offs.
(e) The proposal is accessible to trash collection vehicles.
(f) The proposal does not generate the potential for undesirable odors, noise, flies or nuisances.
(g) The proposal represents an improvement upon code requirements and more adequately meets the needs of the occupants.

(2) Requests for consideration of alternatives.
(a) Requests for consideration of alternatives must be submitted to the City Manager with the following items: a written letter explaining the request, the reason for it, an explanation of how it meets the above seven criteria, a site plan, and a detail of the proposed alternative including specifications, colors and materials, and measures that will be taken to correct any problems associated with the proposed use if approved.
(b) After consideration, the City Manager may, upon written findings reflecting compliance with the above seven criteria, allow installation of the requested alternative.
(c) Alternatively, the City Manager may deny the request. Such denial shall set forth which criteria are not met.

Section 4. Chapter 153: Subdivisions of the Brooklyn Park City Code are amended to read as follows:

Section 1. Section 153.05 of the City Code, titled "INCORPORATED BY REFERENCE" is amended to read as follows:

§ 153.05 INCORPORATED BY REFERENCE.

(A) The following are hereby incorporated into this chapter by reference:

~~(1) The National Pollutant Discharge Elimination System Permit, MN R100001 (NPDES Construction General Permit) issued by the MPCA, August 1, 2013, as amended. The NPDES Construction General Permit.~~

The Minnesota Pollution Control Agency's NPDES/SDS Construction Stormwater General Permit MNR100001 (CSW Permit) as amended in its entirety as now constituted and from time to time amended. The NPDES Construction Stormwater General Permit.

(2) The city's ~~Surface~~ Local Water Management Plan. These standards shall serve as the official guide for principles, methods, and practices for proposed development activities.

(3) The Shingle Creek and West Mississippi Watershed Management Commissions Rules and Standards.

(Ord. 2017-1217, passed 7-10-17)

Sec. 2. Section 153.06 of the City Code, titled "DEFINITIONS" is amended to add definitions as follows:

§ 153.06 DEFINITIONS.

FULLY RECONSTRUCTED IMPERVIOUS. Areas where impervious surfaces have been removed down to the underlying soils. Activities such as structure renovation, mill and overlay projects, full depth reclamation projects, and other pavement rehabilitation projects that do not expose underlying soils beneath the structure, pavement, or activity are not considered fully reconstructed (see figure below). Maintenance activities such as catch basin repair/replacement, utility repair/replacement, pipe repair/replacement, lighting, and pedestrian ramp improvements are not considered fully reconstructed.

FULL DEPTH RECLAMATION. A rehabilitation method in which the full thickness of the asphalt pavement is pulverized and blended with a predetermined portion of underlying materials (base and/or subbase) to provide an upgraded, homogeneous material.

LINEAR PROJECT. Linear projects are projects with construction of new or fully reconstructed roads, trails, sidewalks, or rail lines that are not part of a common plan of development or sale.

Sec. 3. Section 153.07 of the City Code, titled “STORMWATER MANAGEMENT PLAN” is amended to read as follows:

§ 153.07 STORMWATER MANAGEMENT PLAN.

(A) Approval procedures.

(1) Application. A written application for stormwater management plan approval, along with a proposed stormwater management plan and maintenance agreement, shall be filed with the Engineering Division of the Operations and Maintenance Department. The application shall include a statement indicating the grounds upon which the approval is being requested, that the proposed use is permitted by right or as an exception in the underlying zoning district, and adequate evidence showing that the proposed use will conform to the standards set forth in this chapter and the City Code.

(2) Required plan submittals.

(a) Two sets of clearly legible blue or black lined copies of drawings, electronic copy of drawings, and required information shall be submitted to the Engineering Division of the Public Works Department along with the process and approval fee. The plans shall be drawn at a minimum scale of one inch equals 100 feet and shall contain the following information:

1. Existing site map. A map of existing conditions showing the site and immediately adjacent areas within 200 feet of the site, including:

a. The name and address of the applicant, the section, township and range, north point, date and scale of drawing and number of sheets.

b. The location of the property by showing an insert map at a scale sufficient to clearly identify its location and giving such information as the name and numbers of adjoining roads, railroads, utilities, subdivisions, cities, townships and districts or other landmarks.

c. The existing topography with a contour interval appropriate to the topography of the land but in no case having a contour interval greater than two feet.

d. A delineation of all ponds, infiltration features, streams, rivers, public waters and wetlands located on and immediately adjacent to the site, including the depth of the water, the normal water level (NWL), the 100-year high water level (HWL), the ordinary high water level (OHW), a description of all vegetation which may be found in the water, a statement of general water quality and any classification given to the water body or wetland by the Minnesota Department of Natural Resources (MnDNR), the MPCA or the United States Army Corps of Engineers (USACE).

e. The location and dimensions of existing stormwater drainage systems and natural drainage patterns on and immediately adjacent to the site delineating in which direction and at what rate stormwater is conveyed from the site, identifying the receiving stream, river, public water, or wetland, and setting forth those areas of the unaltered site where stormwater collects.

f. A description of the soils of the site, including a map indicating soil types of areas to be disturbed as well as a soil report containing information on the suitability of the soils for the type of storm water system proposed and describing any remedial steps to be taken by the applicant to render the soils suitable.

g. The location and description of any vegetative cover and a clear delineation of any vegetation proposed for removal.

h. The location of 100-year floodplains, flood fringes and floodways.

i. The locations of any existing overhead or underground utilities.

j. The locations of property lines and easements.

k. A city approved benchmark listing location and elevation.

(3) Site construction plan. A site construction plan including:

(a) Locations and dimensions of all proposed land disturbing activities and any phasing of those activities.

(b) Total site area.

(c) Total area disturbed.

(d) Locations and dimensions of all temporary soil or dirt stockpiles.

(e) Locations and dimensions of all construction site erosion control measures necessary to meet the

requirements of this chapter. A schedule of the anticipated start and completion date of each land disturbing activity including the installation of construction site erosion control measures needed to meet the requirements of this chapter.

(f) Provisions for maintenance of the construction site erosion control measures during construction.

(4) Plan of final site conditions. A plan of final site conditions on the same scale as the existing site map showing the proposed site changes, including:

(a) Finished grading shown at contours at the same interval as provided above or as required to clearly indicate the relationship of proposed changes to existing topography and remaining features.

(b) A landscape plan, drawn to an appropriate scale, including dimensions and distances and the location, type, size and description of all proposed landscape materials which will be added to the site as part of the development.

(c) A drainage plan of the developed site delineating in which direction and at what rate stormwater will be conveyed from the site and setting forth the areas of the site where stormwater will be allowed to collect.

(d) The proposed size, alignment and intended use of any structures to be erected on the site.

(e) A clear delineation and tabulation of all areas which will be paved or surfaced, including a description of the surfacing material to be used.

(f) Any other information pertinent to the particular project which, in the opinion of the applicant or the Engineering Department, is necessary for the review of the project.

(g) Proposed normal water level (NWL), 100-year high water level (HWL), ordinary high water level (OHW) of any ponds, infiltration facilities, streams, rivers, public waters, or wetlands on or downstream from the site.

(h) Building elevations including low floor elevations and low building opening elevations.

(i) Overland emergency overflow routes and their elevations.

(5) Stormwater calculations. Calculations demonstrating the following data shall be provided, according to the method established by the Engineering Department:

(a) Drainage maps that show the site, land that drains onto the site, and land that the site drains onto for existing and proposed conditions. Delineated drainage areas for ponds, wetlands, or other relevant waters should be indicated on these maps.

(b) A stormwater model conforming to Engineering Department standards that includes drainage areas, cover types, pond and wetland sizes, pond and wetland outlets, and natural or piped conveyance systems.

(c) Peak runoff rates from the site before and after development demonstrating that the proposed conditions conform to the policies outlined in the city's ~~Surface~~ Local Water Management Plan and this chapter's design criteria.

(d) Volume of runoff from the site before and after development.

(e) National Urban Runoff Program ("NURP") volume below the normal outlet required and provided in each pond.

(f) Infiltration calculations for proposed conditions.

(g) A narrative summarizing the calculations and demonstrating that proposed drainage alterations do not unreasonably burden upstream or downstream land.

(h) Soil borings, if requested by the Engineering Department.

(6) Maintenance agreement. The applicant shall enter into a maintenance agreement with the city that documents all responsibilities for operation and maintenance of long-term stormwater treatment practices. Such responsibility shall be documented in a maintenance plan and executed through a maintenance agreement. All maintenance agreements must be approved by the city and recorded at the Hennepin County recorder's office prior to final plan approval. At a minimum, the maintenance agreement shall describe the following inspection and maintenance obligations:

(a) The responsible party who is permanently responsible for maintenance of the structural and nonstructural measures.

(b) Pass responsibilities for such maintenance to successors in title.

(c) Allow the city and its representatives the right- of-entry for the purposes of inspecting all permanent stormwater management systems.

(d) Allow the city the right to repair and maintain the facility, if necessary maintenance is not performed

after proper and reasonable notice to the responsible party of the permanent stormwater management system.

(e) Include a maintenance plan that contains, but is not limited to the following:

1. Identification of all structural permanent stormwater management systems.

2. A schedule for regular inspections, monitoring, and maintenance for each practice. Monitoring shall verify whether the practice is functioning as designed and may include, but is not limited to quality, temperature, and quantity of runoff.

3. Identification of the responsible party for conducting the inspection, monitoring and maintenance for each practice.

4. Include a schedule and format for reporting compliance with the maintenance agreement to the city.

(f) The issuance of a permit constitutes a right-of-entry for the community or city, its contractors, and agents to enter upon the construction site. The applicant shall allow the community city, its contractors, agents and any their authorized representatives, upon presentation of credentials, to:

1. Enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations or surveys.

2. Bring such equipment upon the permitted development as is necessary to conduct such surveys and investigations.

3. Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of the permit.

4. Inspect the stormwater pollution control measures.

5. Sample and monitor any items or activities pertaining to stormwater pollution control measures.

6. Correct deficiencies in stormwater and erosion and sediment control measures.

(B) Stormwater management plan review procedure.

(1) Process. Stormwater management plans and maintenance agreements meeting the requirements of this chapter shall be submitted to the Engineering Department for review and approval. The Engineering Division shall recommend approval, approval with conditions, or denial of the stormwater management plan and maintenance agreement to the Planning Commission. Following Planning Commission review, the stormwater management plan and maintenance agreement shall be submitted to the City Council for its review along with the Planning Commission's recommendation.

(2) Duration. Approval of a stormwater management plan and maintenance agreement submitted under the provisions of this chapter shall expire two years after the date of approval by the City Council unless construction has commenced in accordance with the plan. However, if prior to the expiration of the approval, the applicant makes a written request to the Engineering Department for an extension of time to commence construction setting forth the reasons for the requested extension, the City Council may grant one extension of not greater than one single year.

(3) Revisions. A stormwater management plan and maintenance agreement may be revised. All revised plans must contain all information required by this chapter and must be reviewed and approved by the Engineering Department.

(4) Conditions. A stormwater management plan and maintenance agreement may be approved by the City Council subject to compliance with conditions that are necessary to ensure that the requirements contained in this chapter are met. Such conditions may, among other matters, limit the size, kind or character of the proposed development; require the construction of structures, drainage facilities, storage basins and other facilities; require replacement of vegetation; establish required monitoring procedures; require that the work be staged over time; require alteration of the site's design to ensure buffering; or require the conveyance to the city or other public entity of certain lands or interests therein.

(5) Agreement. Upon approval of the stormwater management plan and maintenance agreement by the City Council, the applicant shall enter into an agreement with the city to ensure that any required improvements are constructed, any required easements are granted or dedicated and that there is compliance with any conditions imposed by the City Council. The agreement shall guarantee completion and compliance with the conditions within a specific time, which time may be extended by the City Council. The agreement shall be in a form acceptable to the city.

(6) Financial guarantee. Upon approval of the stormwater management plan and maintenance agreement

by the City Council, the applicant shall submit a letter of credit, or cash escrow, to cover 125% of the amount of the established cost of complying with the stormwater management plan. This financial guarantee shall be in a form acceptable to the city and may be incorporated into the financial guarantee provided for grading activities and/or the financial guarantee provided for street and utility activities.

(7) Fees. All applications for stormwater management plan and maintenance agreement approval shall be accompanied by a processing and approval fee as set by the most recent edition of the city's adopted Fee Schedule.

(C) Stormwater management plan approval and implementation standards.

(1) Compliance with standards. No stormwater management plan which fails to meet the standards contained in this section shall be approved by the City Council.

(2) All stormwater management plans must be submitted to the City Engineer prior to the start of construction activity. At a minimum all applicants shall meet the criteria set forth below and observe the standards established in NPDES Construction Stormwater General Permit requirements.

(3) The city adopts the MPCA's Minnesota Stormwater Manual as its stormwater runoff design standards.

(4) All stormwater management plans must address erosion and sediment control requirements of this chapter.

(5) Stormwater management requirements for permanent facilities.

(a) An applicant shall install or construct, on or for the proposed land disturbing or development activity, all stormwater management facilities necessary to meet the criteria of the NPDES Construction Stormwater General Permit. No private stormwater facilities will be approved by the city unless a maintenance agreement and maintenance plan are provided that defines who will conduct the maintenance, the type of maintenance and intervals of the maintenance to be performed. In the alternative, or in partial fulfillment of this requirement and upon approval of the Engineering Department, an applicant may make an in-kind or monetary contribution to the development and maintenance of regional stormwater management facilities designed to serve multiple land disturbing and development activities undertaken by one or more persons, including the applicant.

(b) Proposed stormwater management plans shall incorporate volume control, water quality control, and rate control as the basis for stormwater management in the proposed development plan on sites without restrictions. All proposed projects shall be in conformance with the most current requirements of the MPCA's Municipal Separate Storm Sewer Systems (MS4) Permit and the Shingle Creek and West Mississippi Watershed Management Commissions, as applicable.

1. Volume control.

a. New development projects less than one acre in size.

i. The applicant shall provide a detailed plan and/or narrative describing the BMPs that will be incorporated in the development to reduce runoff volume and improve water quality.

ii. There shall be no net increase from pre-project conditions (on an annual average basis) of:

1) Stormwater discharge volume, unless precluded by the stormwater management limitations as defined by the MPCA's MS4 Permit.

2) Stormwater discharges of total suspended solids (TSS).

3) Stormwater discharges of total phosphorus (TP).

b. New development. For new, nonlinear developments, stormwater runoff volume~~s~~ abstraction via infiltration will be controlled and the post-construction runoff volume shall be retained on site for ~~1.0~~1.1 inches of runoff from all impervious surfaces on the site that result in a net increase of impervious of one acre or greater. If filtration of the water quality volume is deemed necessary through alternative compliance sequencing, the required stormwater runoff volume shall be multiplied by 1.82 (i.e. 55% filtration credit) and the filtration BMP shall provide this storage volume below the invert of the low overflow outlet of the BMP (perforated drain pipes for filtration will not be considered the low overflow outlet.

c. Redevelopment. For redevelopment projects, stormwater runoff volume abstraction via infiltration~~s~~ will be controlled and the post-construction runoff volume shall be retained on site for ~~1.0~~1.1 inches of runoff from the new impervious surfaces created by the project. If filtration of the water quality volume is deemed necessary through alternative compliance sequencing, the required stormwater runoff volume shall be multiplied by 1.82 (i.e. 55% filtration credit) and the filtration BMP shall provide this storage volume below

the invert of the low overflow outlet of the BMP (perforated drain pipes for filtration will not be considered the low overflow outlet). There shall be a net reduction from pre-project conditions (on an annual average basis) of:

i. Stormwater discharge volume, unless precluded by the stormwater management limitations as defined by the MPCA's MS4 permit.

ii. Stormwater discharges of TSS.

iii. Stormwater discharges of TP.

D. Linear Projects. For linear projects, the water quality volume must be calculated as the larger of one (1) inch times the new impervious surface or one-half (0.5) inch times the sum of the new and the fully reconstructed impervious surface. Where the entire water quality volume cannot be treated within the existing right-of-way, a reasonable attempt to obtain additional right-of-way, easement, or other permission to treat the stormwater during the project planning process must be made. Volume reduction practices must be considered first. Volume reduction practices are not required if the practices cannot be provided cost effectively. If additional right-of-way, easements, or other permission cannot be obtained, owners of construction activity must maximize the treatment of the water quality volume prior to discharge from the MS4.

2. Water quality control. The water quality requirement is met if the project meets the volume control requirement outlined in 153.07C5b1.

a. Where infiltration is not advisable or infeasible due to site conditions, biofiltration must be provided for that part of the abstraction volume that is not abstracted by other BMPs. Where biofiltration is infeasible, at a minimum filtration through a medium that incorporates organic material, iron fillings, or other material to reduce soluble phosphorus must be provided.

b. There shall be no net increase in total phosphorus (TP) or total suspended solids (TSS) from pre-development land cover to post-development land cover. Predevelopment land cover is defined as the predominant land cover over the previous 10 years.

a. Full abstraction of 1.1 inches of runoff from all impervious surfaces will satisfy the water quality requirement.

b. If it is not feasible to achieve the full 1.1-inch abstraction requirement, a combination of BMPs may be used to achieve the no-net-increase requirement using a water quality calculation method as outlined in the Minnesota Stormwater Manual.

~~a.~~c. If permanent sedimentation and water quality ponds are used, they shall be designed to the standards set forth in the Minnesota Stormwater Manual.

~~b.~~d. Runoff may be directed to a downstream facility within the same hydrologic subwatershed that has sufficient capacity to provide the required treatment. This means that no treatment may be required for an individual development provided there is a regional facility designed and constructed to accommodate the flow from this property

~~a. New development. Water quality treatment is required to meet NURP guidelines and to result in no net increase from pre-project conditions (on an annual average basis) of stormwater discharges of TSS and TP for projects that result in a net increase of impervious of one acre or greater.~~

~~b. Redevelopment. Water quality treatment is required to meet NURP guidelines and to result in a net reduction in pre-project conditions (on an annual average basis) of stormwater discharges of TSS and TP for projects that have construction activity that is one acre or greater in size.~~

3. Rate control. Rate control measures are required on new development and redevelopment projects to meet this chapter's design criteria, the Minnesota Stormwater Manual and Shingle Creek and West Mississippi River Watershed Management Commissions requirements.

(c) The applicant shall reduce the need for stormwater treatment practices by incorporating the use of natural topography and land cover such as wetlands, ponds, natural swales and depressions as they exist

before development to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the wetland or pond.

(d) The following stormwater management practices shall be investigated by the applicant in developing a stormwater management plan in the following descending order of preference, and the results of that investigation shall be provided to the city in written form as a part of the application:

1. Natural infiltration of precipitation on-site.
2. Flow attenuation by use of open vegetated swales and natural depressions.
3. Green infrastructure by use of rain gardens, bioswales, constructed wetlands, and other constructed infiltration practices.
4. Stormwater retention facilities.
5. Stormwater detention facilities.

(e) A combination of stormwater treatment practices may be used to achieve the applicable minimum control requirements specified in the subsection above. Justification shall be provided by the applicant for the method selected.

(f) Pond design standards. Stormwater detention facilities constructed in the city shall be designed according to standards established by the Engineering Division of the Operations and Maintenance Department, and shall contain, at a minimum, the following design factors:

1. A permanent pool ("dead storage") volume below the principal spillway (normal outlet) which shall be greater than or equal to the runoff from a 2.5-inch, 24-hour storm over the entire contributing drainage area assuming full development.
2. A permanent pool average depth (basin volume/basin area) of four to ten feet.
3. An emergency overflow (emergency outlet) adequate to control the 100-year frequency critical duration rainfall event.
4. Basin side slopes below the 100-year high water level should be no steeper than 4:1, and preferably flatter. A basin shelf with a minimum width of ten feet and one foot deep below the normal water level is recommended to enhance wildlife habitat, reduce potential safety hazards, and improve access for long-term maintenance.
5. To prevent short-circuiting, the distance between major inlets and the normal outlet shall be maximized.
6. A flood pool ("live storage") volume above the principal outlet spillway shall be adequate so that the peak discharge rate from the 1-, 10- and 100-year frequency critical duration storm is not greater than the peak discharge for a similar storm and predevelopment watershed conditions.
7. Effective energy dissipation devices which reduce outlet velocities to four feet per second or less shall consist of riprap, stilling pools or other such measures to prevent erosion at all storm water outfalls into the basin and at the detention basin outlet.
8. Consideration for aesthetics and wildlife habitat should be included in the design of the pond.
9. A skimming device must be provided to deter floatable pollutants from discharging out of pond.
10. Pond NWL elevations shall be established above the OHW of adjacent MnDNR water bodies, except where topography of the site, floodplain mitigation activities, or other design considerations are determined to be unfavorable for these conditions to occur. This determination shall be performed by an engineer, provided by the applicant, and approved by the Engineering Division of the Operations and Maintenance Department.
11. All constructed ponds shall have a maintenance access bench sufficient to provide access to all inlets and outlets. The maintenance bench shall be located within a designated outlot or within a permanent easement. The maintenance bench shall extend from the outlet elevation to one foot above the outlet elevation and its cross slope shall be no steeper than 10:1. The maintenance bench shall connect to the maintenance access.
12. All constructed ponds shall be provided a maintenance access from an adjacent roadway. The maintenance access shall be provided in the form of an easement no narrower than 20 feet. The maintenance access shall have a longitudinal slope no steeper than 6:1 and minimal cross slope. Maintenance access routes, due to their extra width, also serve well as emergency overflow (EOF) routes.

(g) Infiltration requirements. BMPs will be required to the maximum extent practical as determined by the

Engineering Division of the Operations and Maintenance Department or its designee.

1. Maximum extent practical shall be the infiltration of runoff from the 100-year, 24-hour rainfall event within 48 hours. The maximum extent practical may be less than this if the Engineering Division of the Operations and Maintenance Department determines that one or more of the following conditions apply:

(a) Infiltration characteristics of soils on site are not favorable for infiltration of stormwater.

(b) The site's drainage course is to regional infiltration or detention facilities controlled by the city that reduce runoff volumes.

(c) When the site's impervious areas are not increased due to development.

(d) Other site conditions that make infiltration of stormwater impractical on the site as determined by the Engineering Division of the Operations and Maintenance Department.

(e) If one or more of these conditions apply, the Engineering Division of the Public Works Department shall quantify infiltration that will be deemed as the maximum extent practical for the site.

2. Infiltration will be prohibited where the infiltration BMP will be constructed in any of the following areas:

a. Where documented past, present, or anticipated future land uses have resulted in or may result in contamination coming in contact with stormwater runoff.

b. With less than three feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock.

c. Where vehicle fueling and maintenance occur.

d. Where industrial facilities are not authorized to infiltrate industrial stormwater under and NPDES/SDS Industrial Stormwater Permit issued by the MPCA.

3. Infiltration will be restricted and subject to additional city review where the infiltration BMP will be constructed in any of the following areas:

a. Within 1,000 feet up-gradient, or 100 feet down-gradient of active karst features.

b. Where drinking water supply management areas are present, as defined by Minn. Rules 4720.51000, subp.13, unless precluded by a local unit of government with an MS4 permit.

c. Soils are predominately Hydrologic Soil Group D (clay) soils.

d. Soil infiltration rates are more than 8.3 inches per hour unless soils are amended to slow the infiltration rate below 8.3 inches per hour.

4. Stormwater runoff shall be treated in a stormwater pond or by other means prior to entering an infiltration facility.

5. The minimum infiltration requirements for any region of the city will be the requirements of the Shingle Creek and West Mississippi River Watershed Management Commissions' policies that govern that region. Shingle Creek and West Mississippi River Watershed Management Commissions' standards may be met through the use of regional or downstream systems prior to discharge of runoff to waters of the state.

6. Infiltration systems must not be excavated to final grade until the contributing drainage area has been constructed and fully stabilized. When the infiltration feature is excavated to final grade, rigorous erosion prevention and sediment control BMPs must be implemented to keep sediment and runoff completely away from the infiltration area.

7. To prevent clogging of the infiltration system, a pretreatment device must be used to settle particles before the stormwater discharges into the infiltrations system.

8. Per the stormwater management requirements for permanent facilities section of this chapter, the infiltration system must provide a water quality volume (calculated as an instantaneous volume) of one inch of runoff (or one inch minus the volume of stormwater treated by another system on the site) from the new impervious surfaces created by the project.

9. The applicant must ensure filtration systems with less than three feet of separation from seasonally saturated soils or from bedrock are constructed with an impermeable liner.

10. A minimum maintenance access of 12 feet is required.

(h) Mitigation.

1. Where construction projects cannot meet the TSS and/or TP reduction requirements for new or development projects on the site of original construction, all methods must be exhausted prior to considering alternative locations where TSS and TP treatment standards can be achieved. If the City has determined

that all methods have been exhausted, the permittee will be required to identify alternative locations where TSS and TP treatment standards can be achieved. Mitigation projects will be chosen in the following order of preference:

a. Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.

b. Locations within the same MnDNR catchment area as the original construction activity.

c. Locations in the next adjacent MnDNR catchment area up-stream.

d. Locations anywhere within the City of Brooklyn Park.

2. In addition, mitigation projects must also meet the following criteria:

a. Mitigation projects shall involve the establishment new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP.

b. Previously required routine maintenance of structural stormwater BMPs cannot be considered mitigation.

c. Mitigation projects must be finished within 24 months after the original construction activity begins.

d. A maintenance agreement specifying the responsible party for long-term maintenance shall be identified.

(i) Stormwater and infiltration facilities must be located at least 50 feet away from the top of bluff.

(j) Watershed management plans/groundwater management plans. Stormwater management plans shall be consistent with the Shingle Creek and West Mississippi River Watershed Management Commissions requirements and groundwater management plans prepared in accordance with Minnesota Board of Water and Soil Resources in accordance with state law.

(k) Easement. If the stormwater management plan involves direction of some or all runoff off of the site, it shall be the responsibility of the applicant to obtain from adjacent property owners any necessary easements or other property interests to permit the flow of water across the property.

(l) Low floor/building opening elevations.

1. Any new development or redevelopment shall maintain a minimum building opening elevation of at least three feet above the anticipated 100-year high water elevation as a standard practice. However, if the applicant demonstrates that this requirement would be a hardship, the standard may be reduced to two feet if all of the following can be demonstrated:

a. That, within the two-foot freeboard area, stormwater storage is available which is equal to or exceeds 50% of the storm water storage currently available in the basin below the 100-year elevation.

b. That a 25% obstruction of the basin outlet over a 24-hour period would not result in more than one foot of additional bounce in the basin.

c. That an adequate overflow route from the basin is available that will provide one foot of freeboard for the proposed low building opening.

2. Basement floor elevations must be set to an elevation that meets all of the following criteria:

a. The lowest floor elevation must be at least four feet above the currently observed groundwater elevations in the area.

b. The lowest floor elevation must be at least two feet above the elevation of any known historic high groundwater elevations for the area. Information on historic high groundwater elevations can be derived from any reasonable sources including piezometer data, soil boring data, percolation testing logs, etc.

c. The lowest floor elevation must be at least two feet above the 100-year high surface water elevation for the area unless it can be demonstrated that this standard creates a hardship. If the two-foot standard is determined by the City Council to constitute a hardship, the standard shall be at least one foot above the highest anticipated groundwater elevation resulting from a 100-year critical duration rainfall event. The impact of high surface water elevations on groundwater elevations in the vicinity of the structure should take into consideration the site's distance from the floodplain area, the soils, the normal water elevation of surface depressions in the area, the static groundwater table and historic water elevations in the area. This information shall be provided by a registered engineer or soil scientist.

(m) Impervious surface coverage of each lot must not exceed the impervious surface coverage allowed under the Zoning Ordinance.

(n) Storm sewers shall be designed to accommodate discharge rates associated with a 10-year, 24-hour

rainfall event.
(Ord. 2017-1217, passed 7-10-17)

Sec. 4. Section 153.08 of the City Code, titled “EROSION CONTROL PLAN” is amended to read as follows:

§ 153.08 EROSION CONTROL PLAN.

(A) Applicability.

(1) Application. An erosion control plan shall be submitted to the Engineering Division of the Operations and Maintenance Department when required by this chapter along with a grading permit application. All applications for a grading permit shall be accompanied by a processing and approval fee as set by the city's Fee Schedule.

(2) Required plan submittals. The erosion control plan shall contain all of the following with respect to conditions existing on site during construction and after final structures and improvements have been completed.

(a) A description of and specifications for sediment retention and settling devices.

(b) A description of, specifications for, and detail plates for surface runoff and erosion control devices.

(c) A description of vegetative measures.

(d) A detailed timetable for restoring all disturbed areas.

(e) A graphic representation of the location of all specified erosion and sediment control devices.

(f) An implementation schedule for installing and subsequently removing devices described above.

(g) A maintenance schedule for all sediment and erosion control devices specified.

(h) An estimate of the costs to implement all final and temporary erosion and sediment control measures.

(i) An Information sheet on the parties responsible for constructing and maintaining the erosion control measures as shown on the erosion control plan. The information sheet should contain the phone numbers and addresses of at least two persons and indicate how they can be contacted at all times (days, nights, weekends, etc.) regarding repairing and maintaining the erosion control measures.

(j) The erosion control plan must contain details to specify which erosion and sediment control facilities are permanent and which are temporary.

(k) If required, a NPDES Construction Stormwater General Permit must be obtained from the MPCA prior to commencing construction activities. The associated stormwater pollution prevention plan (SWPPP) should be included in the erosion control plan and approved by the Engineering Division of the Operations and Maintenance Department prior to construction. A copy of the NPDES Construction Stormwater General Permit must be provided to the city prior to construction.

(3) Application review and inspection fees.

(a) The City of Brooklyn Park shall charge an application review fee for the review of the building permit application and the erosion control plan. As part of this review, the city will review the permittee's as-built survey submitted after the completion of grading activities to ensure that it conforms to the overall erosion control plan for the area. The application fee shall be set by the city's Fee Schedule.

(b) An inspection fee will be charged for any inspections of the site by the city that are needed to review corrective erosion control work or to follow up on previously incomplete work. This inspection fee will be deducted from the financial security. The amount will be set by the city's Fee Schedule. If this fee is not paid within 45 days, the fee may be taken from the financial security provided by the applicant.

(B) Implementation of erosion control plan. Prior to the start of any earthwork activities, the permittee must have in place and functional erosion and sediment controls as outlined on the approved erosion control plan and/or SWPPP. Additional erosion control measures may be required as directed by the Engineering Division of the Operations and Maintenance Department or its designee.

(1) No earthmoving activities shall commence until the erosion controls have been field inspected and approved by the Engineering Division of the Operations and Maintenance Department.

(2) At a minimum, the permittee shall meet the specifications set forth below and observe the standards established in the NPDES Construction Stormwater General Permit requirements:

(a) Soil stabilization. Soil stabilization shall be completed in a time period as specified by the NPDES

Construction Stormwater General Permit and the city's general specifications and standards. The City of Brooklyn Park may require the site to be reseeded or a nonvegetative option employed.

(b) Seeding. Seeding shall be in accordance with seeding specifications. All seeded areas shall be fertilized, mulched, and disc anchored as necessary for seed retention.

(c) Soil stockpiles. Soil stockpiles which shall be inactive for a period of 14 or more days must be stabilized or covered at the end of each workday. Stockpiles shall include perimeter sediment controls and must not be placed in natural buffers or surface waters, including stormwater conveyance systems.

(d) 90% coverage. The entire site must be stabilized at a 90% coverage, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.

(e) Site development sediment controls. Site development sediment controls practices shall include those identified in the city's general specifications including, but not limited to:

1. Settling basins, sediment traps, or tanks.
2. Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls.
3. Perimeter control including machine sliced silt fence or other city approved BMP, which shall be in place before, during and after grading of the site. Fencing shall be removed only after ~~70%~~final stabilization.
4. Designated as a temporary construction staging area.

(f) Temporary sediment basins. For sites that have more than ten acres of disturbed soil that drains to a common location (or, five or more acres for special or impaired waters), one or more temporary sediment basins shall be constructed. Use of temporary basins is encouraged when construction projects will impact steep slopes or when highly erodible soils are present. The basin shall provide treatment to the runoff before it leaves the construction site or enters surface waters. The temporary sediment basins must be designed and constructed as follows:

1. Provide live storage for a calculated volume of runoff from a two-year, 24-hour storm from each acre drained to the basin. All basins shall provide at least 1,800 cubic feet of live storage from each acre drained or more.
2. For basins where the calculation in § 153.08(B)(2)(f)1 has not been performed, a temporary sediment basin providing 3,600 cubic feet of live storage from each acre drained to the basin shall be provided for the entire drainage area of the temporary basin.
3. The outlet structure must be designed to withdraw water from the surface in order to minimize the discharge of pollutants.
4. The basin outlet shall be designed to prevent short-circuiting and the discharge of floating debris.
5. Ensure the basin can be completely drawn down to conduct maintenance activities.
6. Include energy dissipation on the outlet of the basin and a stabilized emergency overflow to prevent failure of pond integrity.
7. Be located outside of surface waters or any buffer zone, and be designed to avoid draining water from wetlands unless appropriate approval from the USACE and the MnDNR is obtained.
8. If installation of a temporary sediment basin is infeasible equivalent sediment controls such as smaller sediment basins, and/or sediment traps, silt fences, vegetative buffer strips, or any appropriate combination of measures are required for all down-slope boundaries of the construction area and for side-slope boundaries where appropriate. Determination of infeasibility shall be documented in the erosion and sediment control plan.

(g) Individual construction site sediment controls. Individual construction site sediment controls shall include:

1. Rock construction entrance (driveway).
2. Perimeter controls including silt fence in-place before, during and after grading of the site. Fencing shall be removed only after proper turf establishment.

(h) Waterway and watercourse protection. Waterway and watercourse protection requirements shall include stabilization of the watercourse channel before, during and after any in-channel work consistent with the city's general specifications.

1. A temporary stream crossing must be installed and approved by the local government unit and regulating agency if a wet watercourse will be crossed regularly during construction.

2. The watercourse channel shall be stabilized before, during, and within 24 hours after any in-channel work.

3. No in-water work shall be allowed in public waters during the MnDNR's work exclusion dates.

4. Prior to placement of any equipment into any waters, all equipment must be free of aquatic invasive species.

5. All on-site stormwater conveyance channels designed according to the criteria outlined in this document. Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels is required.

(i) Site dewatering. Site dewatering shall be conducted pursuant to the NPDES Construction Stormwater General Permit. Water pumped from the site shall be treated by temporary sediment basins, grit chambers, sand filters, or other controls as appropriate to ensure adequate treatment is obtained and that nuisance conditions will not result from the discharge. Discharges from the site shall not be released in a manner that causes erosion, scour, sedimentation or flooding of the site to receiving channels or wetlands.

(j) Waste and material disposal. All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials or hazardous materials) shall be properly disposed of off-site and not allowed to be carried by runoff into a receiving channel or storm sewer system.

1. Solid waste. All unused building materials and waste (including, but not limited to: collected sediment, asphalt and concrete millings, floating debris, paper, plastic, fabric, etc.) must be disposed of accordingly and shall comply with disposal requirements set forth by the MPCA.

2. Hazardous/toxic waste. Paint, gasoline, oil and any hazardous materials must be properly stored, including secondary containment, to prevent spills, leaks or other discharges. Access to the storage areas must be restricted to prevent vandalism. Storage and disposal of hazardous or toxic substance must be in compliance with the requirements set forth by the MPCA.

3. Liquid waste. All other non-stormwater discharges (including, but not limited to, concrete truck washout, vehicle washing or maintenance spills) produced during the construction activity shall not be discharged to any surface waters.

4. External washing of equipment and vehicles. All external washing activities shall be limited to a designated area of the site. All runoff must be contained and wastes from external washing activities must be disposed of properly. No engine degreasing shall be allowed on the site.

5. Wastes generated by concrete and other washout operations. All liquid and solid wastes generated by any concrete or other washout operations must be contained in a leak proof facility or impermeable liner. Concrete waste must not come into contact with the ground. Concrete waste must be disposed of properly and in compliance with applicable MPCA regulations.

(k) Drain inlet protection. All storm drain inlets shall be protected during construction until all sources with potential for discharging to the inlet have been stabilized. Inlet protection measures must meet the city's standards and specifications.

(l) Energy dissipation. Pipe outlets must have temporary or permanent energy dissipation within 24 hours of connection to a surface water.

(m) Tracking. Vehicle tracking BMPs (including, but not limited to: rock pads, mud mats, slash mulch, concrete or steel wash racks, or similar systems) must be installed to minimize track out of sediment from the construction site. If vehicle tracking BMPs are not actively preventing sediment from being tracked into the street, the applicant must utilize street sweeping to contain sediment.

(n) Final stabilization. Final stabilization is not complete until the following criteria are met:

1. All land disturbing activities must be finished and all soils shall be stabilized by a uniform perennial vegetative cover with a density of 70% or greater of its expected final growth density over the entire pervious surface area, or other equivalent means necessary to prevent soil failure under erosive conditions.

2. The permanent stormwater management system is constructed, meets all of the required design parameters and is operating as designed.

3. All temporary synthetic and structural erosion prevention and sediment control BMPs (such as silt fence) have been removed. BMPs designed to decompose on site may be left in place.

4. For residential construction only, individual lots are considered finally stabilized if the structure(s) are finished and temporary erosion protection and down gradient perimeter control has been completed and the

residence has been sold to the homeowner.

5. For construction projects on agricultural land the disturbed land has been returned to its preconstruction agricultural use.

(3) The permittee must maintain the erosion and sediment control measures on the site to the satisfaction of the City Engineer throughout the entire construction process. If erosion and sediment control is not being maintained to the City Engineer's satisfaction, the city may perform remedial work on the site as outlined in this section.

(4) All erosion control systems must be maintained by the permittee in an acceptable condition until turf is established or structural surfaces are constructed to protect the soil from erosion.

(C) Inspection of erosion control plan. The city will make periodic inspections of the site to ensure compliance with the erosion control plan. The permittee or his/her agent shall ensure that a trained person will regularly inspect the construction site at least once every seven days until final stabilization and within 24 hours of a rainfall event of one-half inch or greater in a 24-hour period. All inspection and maintenance activities conducted on the site during construction must be recorded in writing and retained within the erosion control plan. Records of each inspection and maintenance activity shall include the following:

(1) Date and time of inspection.

(2) Name of person(s) conducting the inspection.

(3) Findings of inspections, including recommendations for corrective actions.

(4) Corrective actions taken, including the dates, times and the name of the party completing the corrective action.

(5) Date and the amount of rainfall events that are greater than one-half inch in a 24- hour period.

(6) Documentation of any changes made to the erosion and sediment control plan.

(D) Site and BMP maintenance. Prior to any construction, the developer shall provide the City Engineer with a schedule for erosion and sediment control inspection and maintenance, including schedules for street cleaning, and street sweeping. All site and BMP maintenance activities must comply with the requirements of the NPDES ~~c~~Construction Stormwater ~~g~~General P~~p~~ermit. The applicant shall investigate and comply with the following BMP maintenance requirements:

(1) Perimeter control. All perimeter controls must be repaired, replaced or supplemented when they become nonfunctional or the sediment reaches one-half of the height of the fence. Repairs shall be made by the end of the next business day after discovery or as soon as field conditions allow access.

(2) Temporary sediment basins. Temporary sedimentation basins must be drained and the sediment must be removed when the depth of the sediment collected in the basin reaches one half the storage volume. Drainage and removal must be completed within 72 hours of discovery or as soon as field conditions allow access.

(3) Surface waters and conveyance systems. Surface water, including drainage ditches and conveyance systems, must be inspected for visible signs of sediment being deposited by erosion. The applicant must remove all sediment deposited in surface waters, including drainage ways, catch basins, and other drainage systems and must restabilize the areas of exposed soil as a result of sediment removal. The removal and stabilization must take place within seven days of discovery unless legal, regulatory or physical access constraints prevent remediation. In the event of an access constraint, the applicant shall use all reasonable efforts to obtain access. If access is precluded, removal and stabilization must take place within seven calendar days of obtaining access. The applicant is responsible for contacting all local, regional, state and federal authorities and obtaining any required permits prior to conducting any work.

(4) Streets and impervious surfaces. Where vehicle traffic leaves any part of the site, the exit locations must be inspected for visible signs of off-site sediment tracking onto impervious surfaces. Tracked sediment must be removed from all off-site impervious surfaces as soon as possible or within 24 hours of discovery.

(5) General maintenance. The applicant shall be responsible for the operation and maintenance of temporary and permanent water quality management BMPs, as well as erosion prevention and sediment control BMPs for the duration of the construction work on the site. The applicant remains responsible until another party has assumed control over all areas of the site that have not established final stabilization and a notice of termination (NOT) has been submitted to the MPCA.

(6) Infiltration areas. All infiltration areas must be inspected to ensure that no sediment from ongoing

construction activities is reaching the infiltration area and these areas are protected from compaction caused by construction equipment driving across the infiltration area.

(E) Notification of failure of erosion control plan. The city shall notify the permittee of the failure of the erosion control measures that have been constructed. The notification will be by phone or written correspondence to the parties listed on the information sheet required by this section. The city, at its discretion, may begin remedial work within 48 hours after notification has been provided.

(F) Erosion off-site. If erosion breaches the perimeter of the site, the permittee shall immediately develop a cleanup and restoration plan, obtain a right-of-entry from the adjoining property owner, and implement the cleanup and restoration plan within 48 hours of obtaining the adjoining property owner's permission. In no case, unless written approval is received from the Engineering Division of the Operations and Maintenance Department, may more than seven calendar days pass without any corrective action being taken. If at the discretion of the city, the permittee does not repair the damage caused by the erosion, the city may perform the remedial work required, after notice is provided to the permittee.

(G) Erosion into streets, wetlands, or other surface waters. If eroded soils enter, or entrance appears imminent into streets, wetlands, or other surface waters, cleanup and repair shall be immediate. The permittee shall provide all traffic control and flagging required to protect the public during the cleanup operations. If at the discretion of the city, the permittee does not repair the erosion and sedimentation, the city may perform the remedial work required, after notice is provided to the permittee.

(H) Failure to complete corrective work. When a permittee fails to conform to any provision of this section within the time stipulated, the city may take the following actions:

(1) Issue a notice of violation. When the city determines that an activity is not being carried out in accordance with the requirements of this chapter, it shall issue a written notice of violation to the owner of the property. The notice of violation shall contain:

(a) The name and address of the owner or applicant.

(b) The address when available or a description of the land upon which the violation is occurring.

(c) A statement specifying the nature of the violation.

(d) A description of the remedial measures necessary to bring the development activity into compliance with this chapter and a time schedule for the completion of such remedial action.

(e) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed.

(f) A statement that the determination of violation may be appealed to the city by filing a written notice of appeal within 15 days of services of the notice of violation. Service may be accomplished by mail or by personal delivery of the notice.

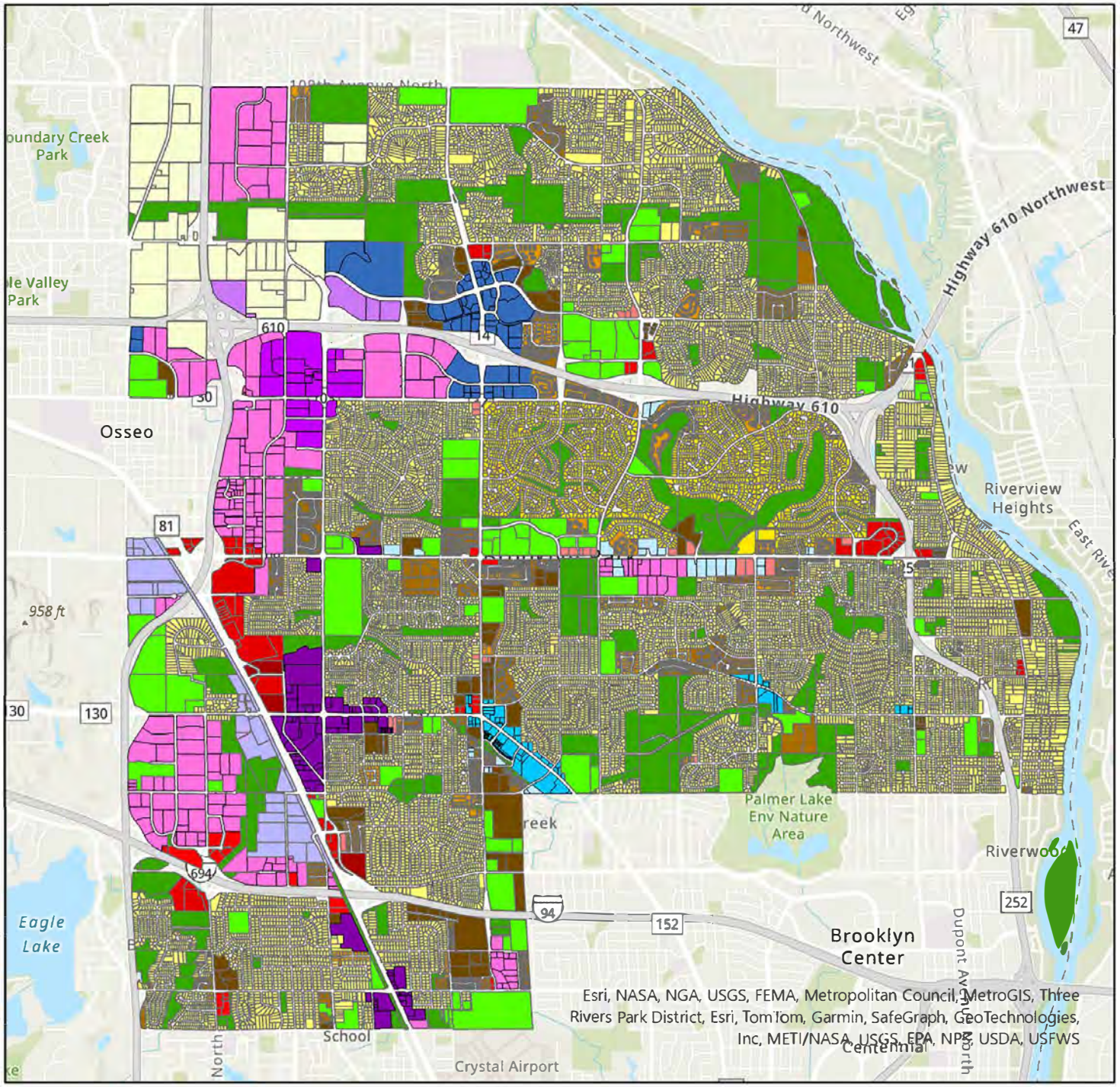
(2) Withhold the scheduling of inspections.

(3) Withhold the issuance of a certificate of occupancy.

(4) Issue a stop work order.

(5) Direct the correction of the deficiency by city forces or separate contract. The issuance of an erosion control permit constitutes a right-of-entry for the city or its contractor to enter upon the construction site for the purpose of correcting deficiencies with respect to erosion and sediment control. All costs incurred by the city in correcting erosion and sediment control deficiencies, including administrative expenses, shall be reimbursed by the permittee. If payment is not made within 30 days after an invoice is issued, the city may draw from the financial security. If the financial security is of an insufficient amount, the city may assess the remaining amount against the property. As a condition of the permit, the owner shall waive notice of any assessment hearing to be conducted by the city, concur that the benefit to the property exceeds the amount of the proposed assessment, and waive all rights by virtue of M.S. § 429.081 to challenge the amount or validity of assessment.

(Ord. 2017-1217, passed 7-10-17)



Brooklyn Park

Zoning Map

Adopted: July 22, 2024

Legend

NewZoning

Zoning

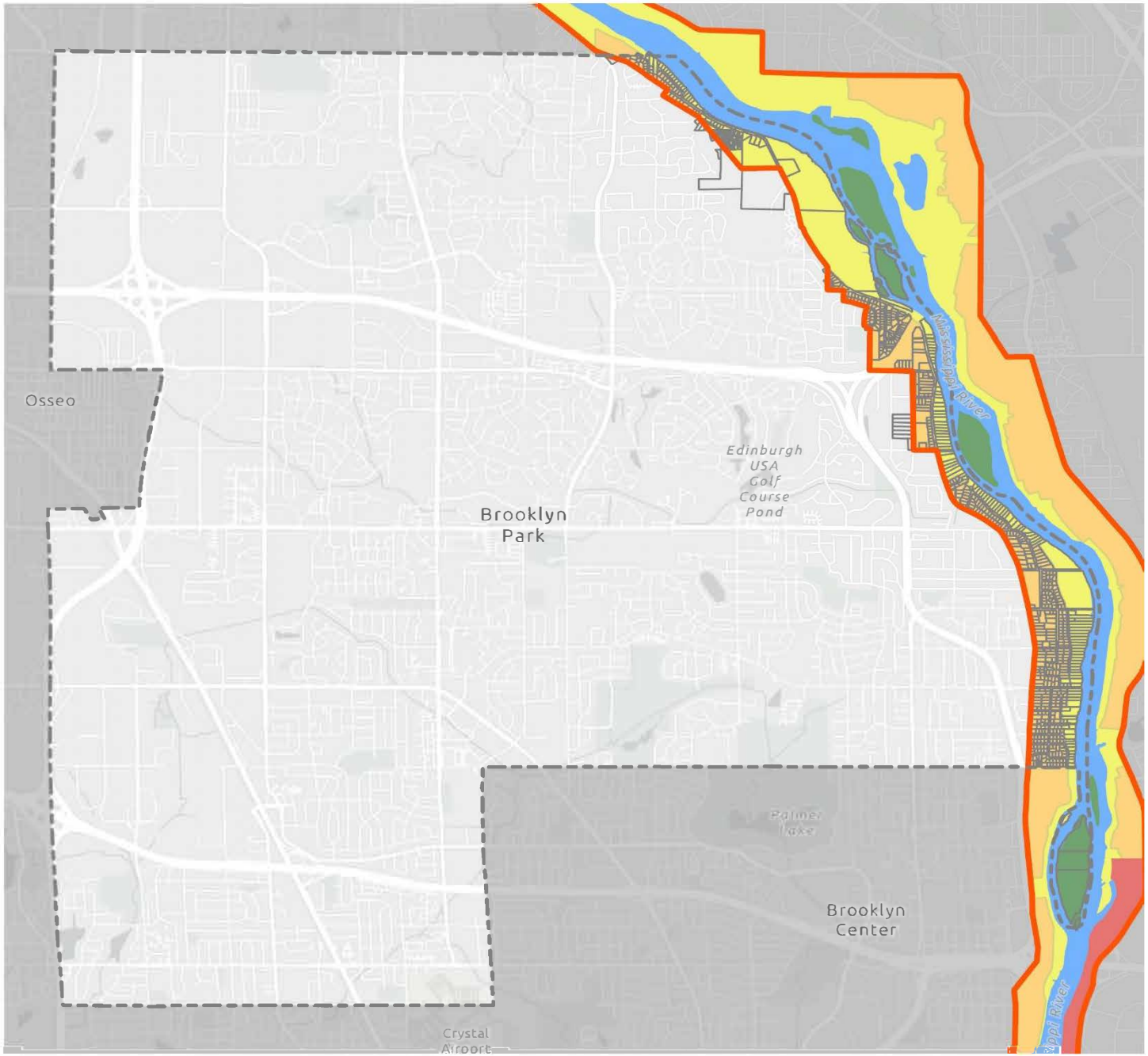
- B1
- B2
- B3
- B4
- BP
- I
- LW
- MU
- NMU
- OP
- PI
- R1
- R2
- R3
- R4
- R5
- TOD-C
- TOD-E
- TOD-G
- UR

N

Brooklyn Park

MRCCA Overlay Map

Adopted: July 22, 2024



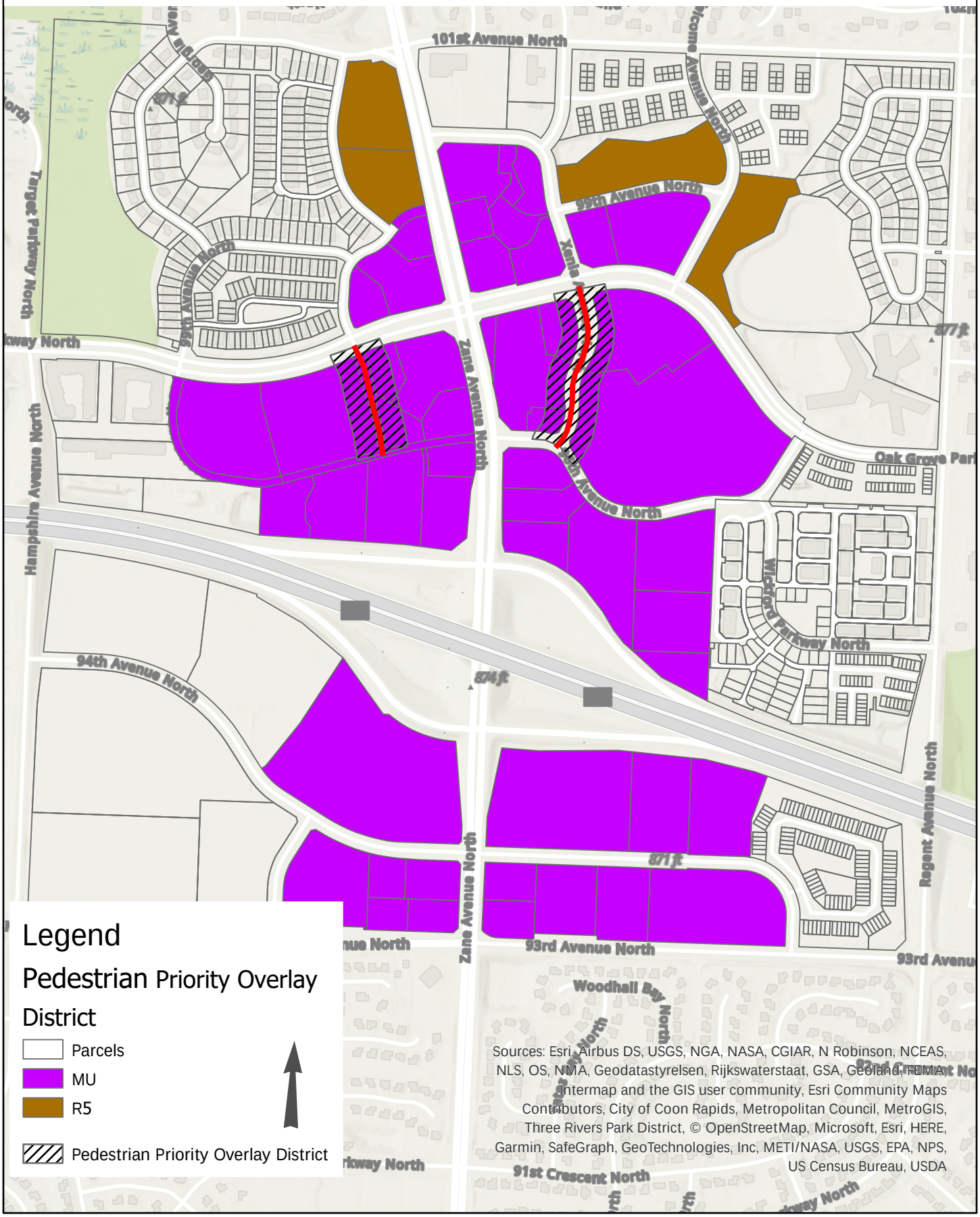
N

Brooklyn Park

Crystal Airport (CA)
Zoning Overlay Map

Adopted: July 22, 2024




101st Avenue North
99th Avenue North
Zane Avenue North
Hampshire Avenue North
Target Parkway North
94th Avenue North
93rd Avenue North
91st Crescent North
Regent Avenue North
Woodhall Bay North
Legend
Pedestrian Priority Overlay District
Parcels
MU
R5
Pedestrian Priority Overlay District
Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, City of Coon Rapids, Metropolitan Council, MetroGIS, Three Rivers Park District, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

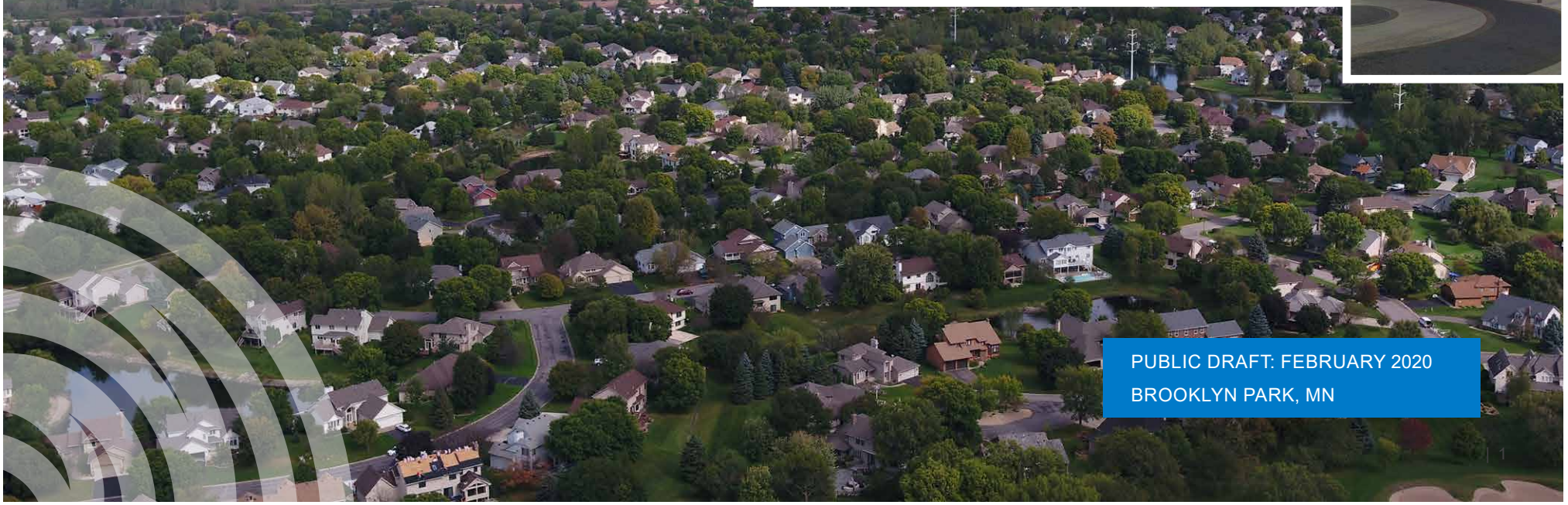
Brooklyn Park

Zoning Diagnosis









PUBLIC DRAFT: FEBRUARY 2020

BROOKLYN PARK, MN

Table of Contents

1. **Introduction** 3

2. **Executive Summary** 7

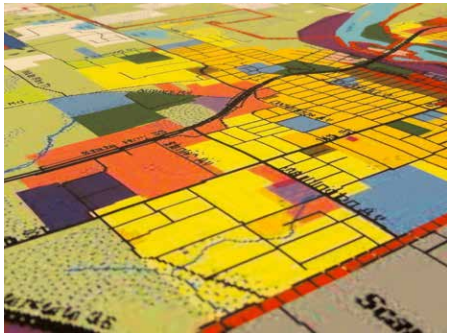
3. **Summary of Key Findings** 12

4. **Work Plan** 19











1

Introduction

1 Introduction

The City of Brooklyn Park is a growing, dynamic, and diverse community. It is unique in the Twin Cities in that it is a majority minority suburb. It has the density of an urban center along with the vacant greenfields of the urban fringe. There is a history of development in "nodes" or places to be, each providing a different mix of services, shopping, dining and entertainment. The City has stated a commitment to racial equity, being age friendly and accessible to all. Light rail transit is coming to five station areas in the City. Each of these characteristics is tied to the zoning ordinance, which regulates all growth, development and redevelopment in the City.

The first and most important job of the zoning ordinance is to protect the health, safety and welfare of the City's residents, business owners, and visitors. The main way zoning does this is by implementing the goals and policies set forth in the Comprehensive Plan. Brooklyn Park's 2040 Comprehensive Plan lays out a bold vision for the future of housing, employment, economic development, and transportation. Policies in each of these areas require changes to the zoning ordinance which enable the types of change envisioned.

During this zoning diagnosis, we examine the current ordinance to determine where there are conflicts; where zoning may be an obstacle for the type of development the City wants; and where there is outdated language that needs to be updated.

Cities use zoning to guide development of privately-owned land to ensure the land is used in a way that promotes both the best use of that land and the prosperity, health, and welfare of its residents. Cities derive the authority to zone from Minnesota and United States supreme court cases and from the Municipal Planning Act found in Minnesota Statutes. The Municipal Planning Act establishes a consistent and comprehensive procedure for adopting, amending, and implementing a zoning ordinance.

While zoning is a primary way for communities to impact the built environment, it is important to understand what zoning can and cannot do.

WHAT ZONING CAN DO:

- Allow the type of development envisioned in the Comprehensive Plan
- Describe what uses are permitted and where
- Establish the parameters for development related to:
  - Lot size, width, depth
  - Setbacks or build-to lines
  - Building coverage
  - Building height minimums and maximums
  - Landscaping requirements
  - Parking minimums and maximums
  - Design standards



WHAT ZONING CAN'T DO:

- Guarantee development
- Take away allowed uses
- Preempt state and federal law
- Act as a building code
- Control behavior

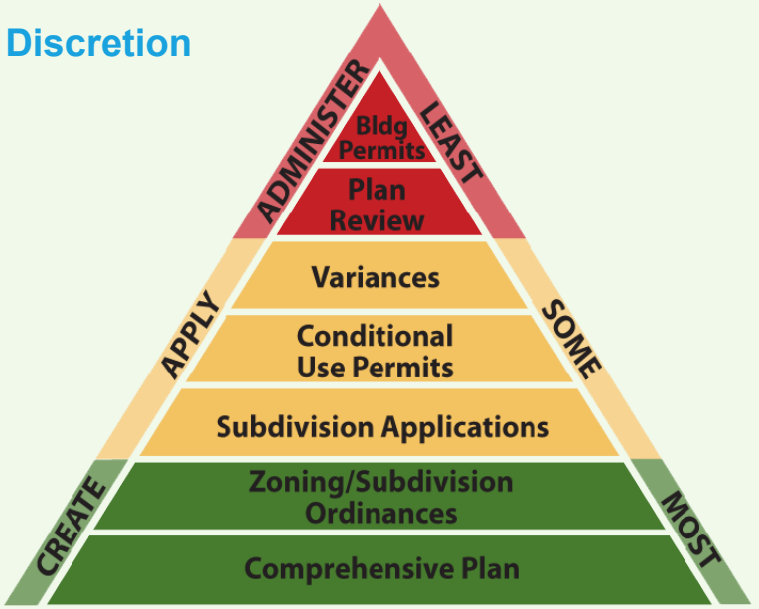


1 Introduction

The limits to zoning are steeped in history and documented in case law. When creating, adopting and amending land use plans and zoning ordinances, a city is making law by exercising its so-called "legislative" authority. The city council creates new plans and laws (ordinances) for the entire community to advance its health, safety, and welfare. When acting legislatively, the council has broad discretion. In contrast, when applying existing plans and laws, a city council is exercising so-called "quasi-judicial" authority. It is limited to determining the facts of a specific request, and then applying those facts to the relevant law. A city council has less discretion when acting quasi-judicially.

It can be helpful to visualize this as a **"pyramid of discretion"** that shows cities have greater discretion when making land use decisions and policies at the base of the triangle, and less as decision-making moves up the pyramid. Discretion is greatest when officials are creating and drafting the comprehensive plan and writing the zoning code and the least when administering those plans and codes, such as when reviewing a building permit for compliance with the dimensional requirements of the zoning district.

Pyramid of Discretion



Source: League of Minnesota Cities

When acting legislatively, such as with this update to the zoning ordinance, a city can engage in broad policy discussions, and sort through competing views about what plans and laws would be in the best interest of the city. Although not everyone may be on board with the outcome, the more public participation in the planning (comprehensive plan) and law-making (zoning code update) stage, the better the understanding among the public of why the city has put a plan or law in place.

The zoning ordinance begins with a purpose statement which outlines the community's reasons for adopting the ordinance. The purpose statement links the rules and regulations listed in the ordinance to the community's values, plans, and goals. What follows is a side-by-side comparison of Brooklyn Park's current purpose statement and that for the City of Duluth, MN. Duluth's purpose statement clearly conveys its values and goals. This update is an opportunity for Brooklyn Park to be clear about the type of development it intends to promote with its ordinance.

1 Introduction

Brooklyn Park

The intent of this chapter is to protect the public health, safety, and general welfare of Brooklyn Park and its people through the establishment of minimum regulations governing the development and use of property within the city. Such regulations are established to:

a. Implement the Comprehensive Plan;

b. Promote orderly development and redevelopment;

c. Provide adequate light, air and convenience of access to property;

d. Prevent congestion in the public right-of-way;

e. Prevent overcrowding of land and undue concentration of structures and population by regulating land, building, setbacks, and density of development;

f. Provide for the compatibility of different land uses, and protect from incompatible uses;

g. Provide for the administration of this chapter and any amendments;

h. Prescribe penalties for violation of such regulations;

i. Define powers and duties of the City Staff, the Planning Commission, and the City Council in relation to this chapter.

Duluth

The purpose of this unified development chapter is to protect public health, safety, and welfare and to implement the goals and objectives of the comprehensive land use plan using those authorities over the development, redevelopment, use, and occupancy of land and structures, and over the protection of the environment, granted to the city by the state. This general purpose includes, but is not limited to, the following:

a. To provide for more sustainable development within the city by reducing carbon emissions, vehicle miles traveled, energy consumption, and water consumption, and by encouraging production of renewable energy and food production;

b. To control or eliminate soil erosion and sedimentation within the city;

c. To protect and enhance the city's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry;

d. To enhance the visual and aesthetic character, diversity and interest of the city;

e. To promote the use and preservation of historic landmarks and districts for the educational and general welfare of the people of the city;

f. To regulate erection and maintenance of signs in the city in order that signs might fulfill their necessary and useful function in such a way to preserve the public welfare and safety;

g. To preserve the integrity of residential areas and the character and dignity of public structures, parks and other open spaces;

h. To enhance property values and the general appearance and natural beauty of the city;

i. To protect the public investment in streets and highways;

j. To establish a comprehensive system of sign controls governing the display, design, construction, installation and maintenance of signs and to promote the orderly and effective display of outdoor advertising;

k. To promote, preserve, and enhance the water resources and environment within the city and protect them from adverse effects caused by poorly sited or incompatible development in wetlands, shorelands and floodplains.

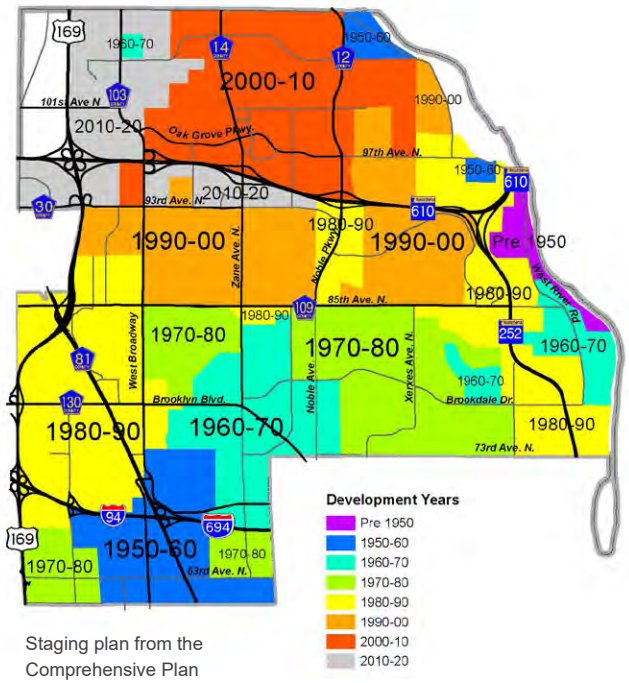


2

Executive Summary

2 Executive Summary

Brooklyn Park's last major zoning update was in 2000. Since then, there have been several minor updates to address changes in state statute and current case law. Meanwhile, the City's development pattern changed considerably. The zoning ordinance has yielded an auto-centric and segregated commercial development pattern. It also limits housing choices and creates lifestyle requirements for single-family housing, such as basements, garages, and storage space. These standards have a direct impact on the cost of every unit built. These commercial and housing prescriptions do not promote or enable the type of community that the City wants to be according to the goals in the Comprehensive Plan. In this diagnosis we discuss updates needed to the ordinance to reflect the desired vision for the City.



Staging plan from the Comprehensive Plan

As part of the City's 2040 Comprehensive Plan public engagement effort, the community identified what it wants to be like in the year 2025. This is articulated through goals. These goals have been used to define the project values for this zoning update. How does the current code measure up to the goals? The goals serve as standards against which we judge our work.

Simply put, Brooklyn Park is a thriving community inspiring pride where opportunities exist for all. We have identified important key words from each goal that can be reflected through the City's zoning and subdivision ordinances.

Brooklyn Park is:



1. A **united** and welcoming **community**, strengthened by our diversity

What it looks like:

- We have **connected neighbors** who understand and celebrate our unique **cultures**.
- Brooklyn Park is unified with a strong positive **identity** and image.
- Our community's activities, events and services are inclusive, multi-cultural, and **accessible**.
- We have places and spaces for diverse communities to **gather**.
- Residents of **every age** contribute to our community.

2 Executive Summary



2. Beautiful spaces and quality infrastructure make Brooklyn Park a unique destination

What it looks like:

- Modern **transportation options** (drive, ride, walk, bike) connect people to education, jobs, and recreation.
- Quality **recreation** and **park** amenities inspire activity for all ages and interests.
- Our rich **diversity** is showcased through our vibrant music, arts, food, entertainment, and cultural scene.
- **Attractive key corridors, corners, and city centers** create destinations that meet community needs.
- Quality and **well-maintained** housing for all ages and incomes are integrated throughout the community.



3. A balanced **economic** environment that empowers businesses and people to **thrive**.

What it looks like:

- People of all ages and backgrounds enjoy **financial stability**.
- Residents and visitors support an **abundance** of retail stores, restaurants, and entertainment venues.
- Our **business environment inspires** private investment and job growth for the purpose of increasing the tax base.
- Businesses and organizations of **all types, sizes** and specialties start, stay and grow here. (e.g. local networks and resources support businesses)
- We are a leader in **environmental sustainability**, benefiting our economy and community.

2 Executive Summary



4. **People** of all ages have what they need to feel **healthy** and **safe**

What it looks like:

- Neighborhoods are empowered and supported by strengthened positive **relationships with police**.
- **Youth are engaged** in positive and quality experiences.
- Aging adults have services and amenities to thrive and **age in place**.
- Everyone has access to quality healthy **food options**.
- People have access to quality **medical** and emergency care.



5. Partnerships that **increase** racial and economic **equity** empower residents and neighborhoods to prosper.

What it looks like:

- Each resident has **access** to the **training** and **support** needed to **get** and **keep** a **living wage** job. (e.g. Job skills training, **childcare**)
- Each student graduates high school with a pathway to college or career. (e.g. Pre-k, rec programs, BrookLynk)
- Aging neighborhoods and commercial centers are **revitalized** through continuous investment.
- The community provides necessary **supports** and **services** for community members to overcome life challenges such as hunger, mental illness, and homelessness.

Executive Summary

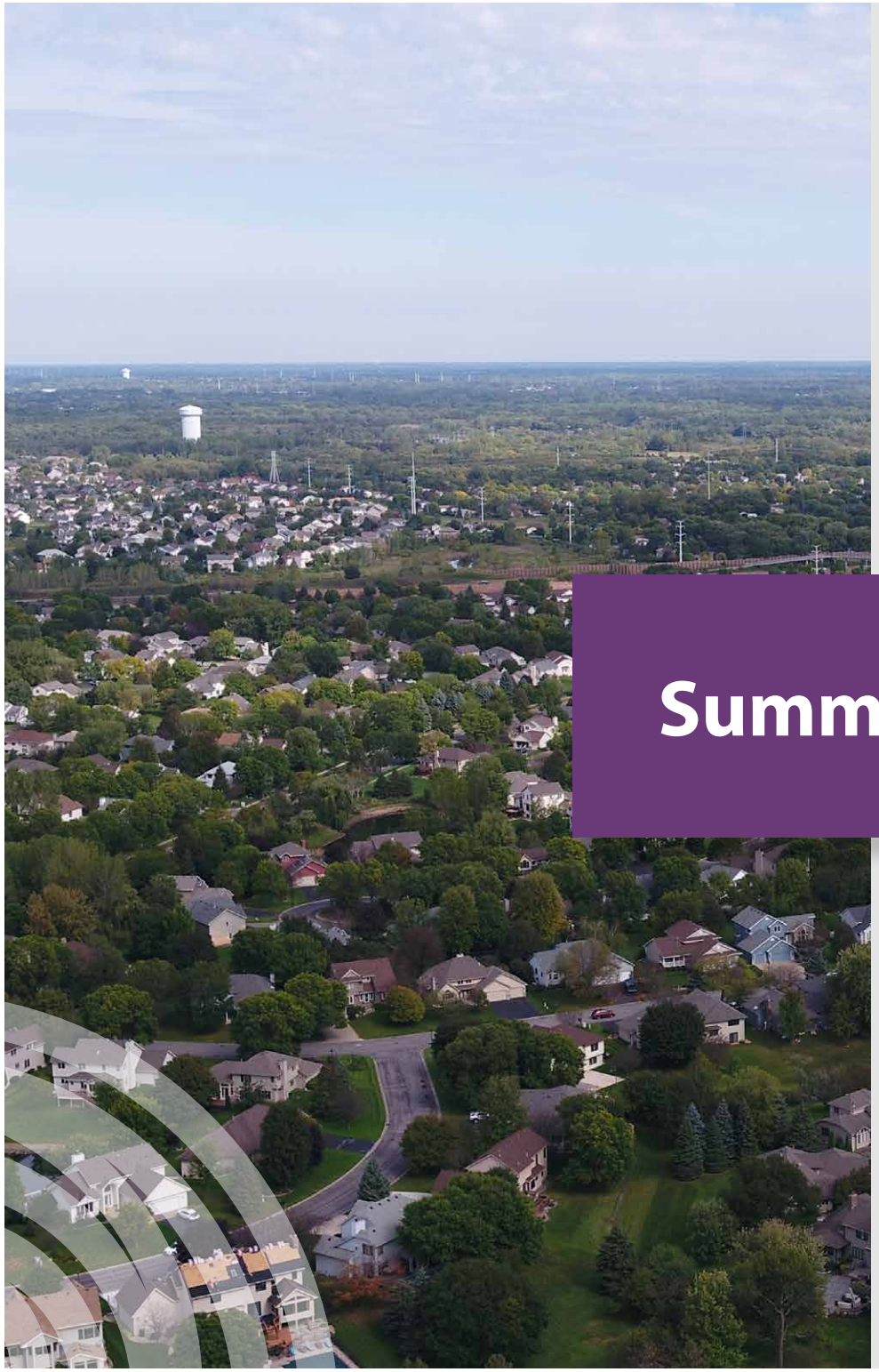


6. Effective and engaging government recognized as a leader.



What it looks like:

- The City provides **quality services** at a **reasonable cost**.
- Elected **officials**, commissions, and city staff reflect the **diversity of the community** and are **culturally competent**.
- City information is **clear**, **accessible**, and delivered in ways that **meet the community's needs**.
- City laws are **understandable, equitably enforced, and relevant** to the community.
- The City is well-managed and recognized as a **great place to work**.



3

Summary of Key Findings

3 Summary of Key Findings

Brooklyn Park's current ordinance does not reflect the goal of providing regulations that are responsive to the community's needs, accessible, and clear. The issues to be addressed with this update fall into four broad categories: **substance; procedures; organization and maintenance; and policies**.

Substance.

The impetus for this update is the Brooklyn Park 2040 Comprehensive Plan. The City has a bold vision that necessitates revisions to its regulatory tools to enable and promote the build out of the City according to this vision. The comprehensive plan and recently adopted mixed-income housing policies advance the City as an equitable, united, and welcoming community. The current code is too conventional, restrictive, and complex to successfully partner with residents, businesses, and the development community to realize this vision.

The American Planning Association's Planning for Equity Policy Guide defines equity as "just and fair inclusion into a society in which all can participate, prosper, and reach their full potential." (APA 2019) Broadly, we suggest the City address equity through zoning by focusing more on neighborhood building and the supportive function of zoning than the use-separating function of zoning. Land use regulations have direct and measurable impacts on household affordability and choice. There are three broad categories where we identify areas of inequity in the City's planning and zoning, but a lack of housing choice is perhaps the most critical category to address.

Residential: Brooklyn Park is a thriving community with a diverse population with diverse housing preferences and needs. Minimum lot size and unit size and width become arbitrary in mature communities where new and redevelopment often occur on (what have become) nonconforming lots. The code's requirements for basements, garages, and storage space impose costly lifestyle requirements on by-right development. Single family housing is the prevailing unit type allowed by the code, with 7 of 10 residential districts being single-family districts. Limiting housing choice is not consistent with the City's vision. Additional unit types should be considered in single family districts. "Missing Middle" housing is discussed later. What follows are examples of unit types that would blend seamlessly in a single-family zoning district and could be allowed by-right, with performance (design) standards.



Example of Stacked Duplex



This structure could be a duplex (side by side or stacked) or quadplex



This structure is a 5-unit multiplex but could be a single-family home, or anything in between.

3 Summary of Key Findings

Commercial: The standards for commercial development are auto centric. Commercial uses are segregated from each other and are separated from sidewalks and residential uses. The code promotes isolating commercial uses in some districts and in some, few commercial uses are allowed, or none are allowed by-right. While the purpose statement and design standards are clear and could support by-right development, there are no permitted uses in the Town Center Zoning District. All uses require approval of a Conditional Use Permit. The auto-centric and segregating nature of the commercial standards are inconsistent with the goal of creating vibrant commercial and mixed-use nodes and make it difficult to access jobs and local businesses as well as placing barriers on starting a business in Brooklyn Park.

Public Realm: The Comprehensive Plan and the City's goals talk extensively about welcoming, abundant, and accessible public spaces for all. The transit station area plans do a wonderful job of addressing the public realm. Existing commercial nodes will require retrofit to achieve such public spaces. Retrofitting existing nodes with streetscape amenities, robust crosswalks, context sensitive pocket parks, and achieving parking lot landscaping on private property will require participation by the City, landowners with new or redevelopment, and public-private partnerships.

Procedures.

Procedures are needed to support development of the residential, commercial, and public realm envisioned in the 2040 Comprehensive Plan and outlined in the City's goals. Through its procedures, the City engages private landowners in community building. Procedures should provide a clear and efficient path to enable the type of development the community envisions. The uses and form of development the City wishes to promote should be allowed by-right, by-right with performance standards, or by approval from the City Council using a process that is transparent, reliable and efficient; where approval criterion are directly related to encouraging the development clearly defined in the ordinance. The more uses allowed by-right or by-right with performance standards the better. The code currently relies on conditional use permits (CUP) and application of the Planned Community Development District (PCDD) zoning designation to regulate uses and enable a desired form of development. Often, the uses and desired development could be achieved by-right with performance standards or with fewer approvals.

Organization and Maintenance.

The code could be improved through maintenance alone. Consolidation of districts, modernization of uses and use tables, updates to reflect recent court cases, and elimination of unnecessary and repetitive provisions would result in a satisfactory code refresh but would not meet the City's goals. Brooklyn Park has a goal of being an effective and engaging government that is recognized as a leader in this regard. To that end, city information should be clear, accessible, and delivered in ways that meet the community's needs. City laws should be understandable, equitably enforced, and relevant to the community. We will address sections from the code from which variances are frequently sought. Land use regulations should be consolidated into one document that is made easy to find and easy use on the City's website.

3 Summary of Key Findings



Policy Considerations.

In addition to changes related to the land use chapter of the comprehensive plans, there are policies in other chapters with zoning implications. Before finalizing the work plan, we are seeking direction on these policy matters. Major examples that would require changes to the zoning ordinance include:

Expanding Housing Choice. With the changes in the post-World War II development patterns came changes in both the development and financial lending systems. These changes lent themselves to models of development that were narrowly focused and targeted to individual markets, such as single-family homes on large lots, large apartment complexes, commercial strip centers, and indoor malls. Each was developed and placed in isolation in contract to the older patterns of neighborhoods where single-family, multifamily, and commercial were more integrated and mixed. The art of both mixing these kinds of development and building smaller lower- and middle-density housing types were lost.

These "Missing Middle" housing types continue to provide a range of housing choices in scale with nearby single-family residential uses and provide a residential intensity that help support neighborhood centers. Existing in between single-family development and higher intensity and mixed-use residential development, the Missing Middle housing types provide the housing that is needed and desired by a broader range of age groups and the full spectrum of income levels. Providing a full range of housing options is critical to the prosperity of Brooklyn Park's residents and employers.

3 Summary of Key Findings

A place to start to increase housing choice and affordability within the current single-family zoning structure is Accessory Dwelling Units. An accessory dwelling unit (ADU) is a smaller, independent residential dwelling unit located on the same lot as single-family home. ADUs provide an opportunity to house a family member, gain additional income, and provide attainable housing for others. ADUs go by many different names throughout the country, including accessory apartments, secondary suites, mother-in-law suites, and granny flats. ADUs can be converted portions of existing homes, additions to new or existing homes, or new stand-alone accessory structures or converted portions of existing stand-alone accessory structures. ADU ordinances often address lot size, unit placement, parking, and design criteria. The zoning code specifies the allowed ADU types. Examples include:

- an apartment over the garage;
- a small living quarters on a separate foundation in the backyard;
- a space within the primary residence with a separate entrance; or
- a space within the primary residence using the same entrance as the homeowners.





Example of Accessory Dwelling Unit Types



Detached



Attached to Primary Dwelling



Interior to Primary Dwelling



Attached to Accessory Structure

3 Summary of Key Findings

Mixed-Income Housing Policy. To further the housing goals of the 2040 Comprehensive Plan and Brooklyn Park 2025, the City of Brooklyn Park has adopted a policy to create and preserve affordable housing opportunities. The City recognizes the need to provide affordable housing to households of a broad range of income levels in order to support a diverse population and to provide housing for those who live or work in the City. The requirements are intended to provide a structure for participation by both the public and private sector in the production of mixed-income housing developments across the city. Specifically, affordable rental housing is to be required when 10 or more residential units are developed and receive:

i. A Comprehensive Plan amendment;

ii. A zoning code or map amendment;

iii. Approval of a PUD; or

iv. Financial assistance from the City or Economic Development Authority (EDA)

Developers may choose from the following:

Options	Minimum Number of Affordable Units Required	Minimum Affordability Standard
1	At least 5% of total project units	Affordable for households at 30% Area Median Income (AMI)
2	At least 10% of total project units	Affordable for households at 50% Area Median Income (AMI)
3	At least 15% of total projects units	Affordable for households at 60% Area Median Income (AMI)

Additional terms include, but are not limited to:

I. An affordability term of at least 20 years.

II. The ability to provide units or enable the provision of affordable units off-site. The ordinance should include details and options for meeting the requirement off-site

III. The City may grant incentives to developments providing affordable housing, such as relief from specific zoning provisions. Would these incentives be written into the zoning district or considered as part of a development agreement?

IV. The City may grant a minimum 10% density bonus for the provision of affordable rental housing units. Would this density bonus be written into the zoning district or considered as part of a development agreement?

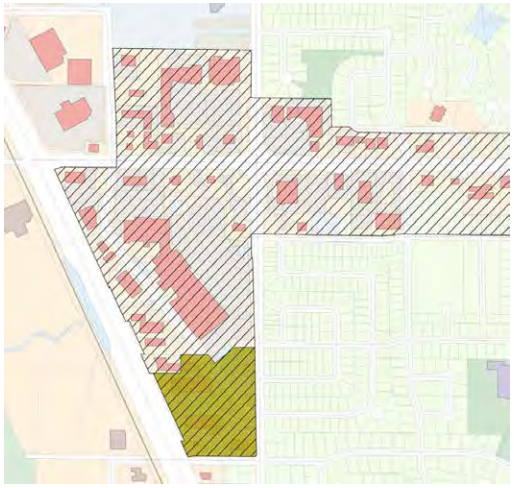
3 Summary of Key Findings

Transit Oriented Development. One major change in the development pattern of the City since the last comprehensive plan is the planned introduction of light rail service at several station areas in the western part of the City. Station Area Plans are included in the Comprehensive Plan and the City has done some work establishing a Transit Oriented Zoning Overlay District. Most of the recommendations in the station area plans have been incorporated into the TOD Overlay, but there are a few outstanding items which are included in the work plan. We seek direction on which components of the station area plans should be built by developers, which will be built by the City, and which would be appropriate for a public-private partnership.

Economic Development. The Comprehensive Plan sets a goal of 50,000 jobs by 2040 (25,000 exist as of 2017). It is important to be able to understand how land use translates to jobs. The City should consider establishing an employment density ratio. Currently, the City has an overall employment density of 2.4 employees per thousand sq ft. Generally, the following accepted ratios would assist in monitoring progress toward achieving the goal.

i. Office – 5 jobs per 1,000 sq ft
ii. Industrial 2 jobs per 1,000 sq ft
iii. Institutional – 5 jobs per 1,000 sq ft
iv. Commercial – 4 jobs per 1,000 sq ft
v. Medical – 4 jobs per 1,000 sq ft

For example, a 3,000 sq ft commercial space would yield 12 jobs; a 125,000 sq ft office building would yield 625 jobs; and a 20,000 sq ft industrial space would yield 40 jobs. If the goal is simply to increase the number of jobs in the City of Brooklyn Park, institutional and office uses would be best. However, these may have the greatest impacts on traffic and the lowest benefit to the City's tax base. The vibrant mixed-use community envisioned in the Comprehensive Plan and Brooklyn Park 2025 enable all of these uses and so the impact of one use would likely be offset by another use.



Transit Oriented Development Overlay



Oak Grove Station



4

Work Plan

4 Work Plan

The work of a zoning code update involves a broad, strategic look at the code, relative to the planning framework in which the update is taking place, as well as a detailed look to address common issues with zoning codes. The planning framework includes the existing conditions in Brooklyn Park as well as the 2040 Comprehensive Plan, Brooklyn Park 2025 and the current land use regulations (the City Code sections to be included with this update). With that in mind, we start with broad recommendations to modernize the code and then move on to necessary and suggested updates to the code and zoning map to realize the vision for the City of Brooklyn Park. Fundamental to realizing the vision for the City will be addressing the policy issues described above and adding them to this work plan. As we draft zoning updates, we will provide a range of options to address the policies through zoning.

Compliance with the Comprehensive Plan. We have identified code changes necessary for compliance with the Comprehensive Plan. The Metropolitan Council requires that all official controls be updated within nine months of the Plan's adoption. The zoning ordinance must incorporate the tools to enable private development to meet the City's vision. Some of the key changes that need to be made include:

a. Ensure densities in all residential districts meet densities prescribed in the comp plan

b. Ensure districts reflect the Future Land Use Plan designation

c. Create a mechanism for tracking the mix of uses (as a percentage of area or floor area) as a whole where allowed/required districtwide.

d. Enable affordable housing and senior housing near transit

e. Require pedestrian connection to transit in high density housing and commercial areas.

f. Modify the zoning near station areas to meet minimum density requirement of 20 units per acre

g. Create a Mixed-Use district reflecting the Mixed-Use designation on the Future Land Use Plan

Per direction from the Metropolitan Council, cities will not be required to proactively rezone property so that it is in compliance with the Future Land Use map of the comprehensive plan. However, there may be some general changes the City wishes to consider at this time. For example, the City should consider whether changes should be made to the following areas.

i. Areas North and west of 610/169 to be rezoned for mixed use

ii. Parcels just north of 94 and east of 169 to be rezoned for mixed use

iii. B2 parcel to the south of 610, west of 169 to be rezoned for mixed use

Ease of Use. To make administering the ordinance easier, there are several districts that we recommend for consolidation, as they are nearly identical. During the consolidation process, it is important to take inventory of the existing conditions in these areas to make sure that the new districts reflect the existing character and development patterns.

a. Consider consolidation of single-family residential districts (R-2 through R3A). This would consolidate five zoning designations into one, with no change to the purpose (single-family detached residential) and land use guidance (low density residential).

b. Consider consolidation of multi-family residential districts (R5-R7). The primary difference between these designations is that R5 does not allow for more than two stories. This form of development can be achieved other ways within the current ordinance. The R6 and R7 designations both call for multi-story development in areas guided for high density residential development.

4 Work Plan

Existing Zoning Districts

Zoning District		Description
R-1	Urban Reserve	Allows for the orderly phasing and development of land until city services, including sanitary sewer, storm sewer, and water, are extended into the area; Typically requires significant amounts of open land area such as athletic and cultural facilities, country clubs, government buildings, educational uses, and land reclamation; Short-term agriculture uses and very low density residential uses and those accessory uses customarily incidental to them.
R-2	Detached Single-Family Estate	Large lot detached single-family dwellings
R-2B	Detached Single-Family Residential	Detached single-family dwellings
R-3	Detached Single-Family Residential	Detached single-family dwellings
R-3A	Detached Single-Family Residential	Detached single-family dwellings
R-4	Detached Single and Attached Two-Family Residential	Detached single and attached two-family dwellings
R-4A	Townhouse	Low or medium density attached residential dwellings
R-4B	Detached Single Family	Low or medium density single family homes within association-maintained communities
R-5	Multiple Family Residential	Two story multiple family structures
R-6	Multiple Family Residential	Multiple family dwellings over two stories
R-7	Multiple Family Residential	Multiple family dwellings
B-1	Office Park	Office uses, with other accessory retail and service uses offered on site to serve the primary use or their employees
B-2	Neighborhood Retail Business	Commercial or mixed use development centers for retail sales and services that serve the adjacent neighborhoods and to preserve and protect the general character of the adjacent areas.
B-3	General Business	Centralized areas for commercial or mixed use development that have a community or regional customer base in that they generally draw customers from farther away than the adjacent neighborhoods
B-4	Vehicle Sales and Showroom	Vehicle sales businesses that draw from a regional customer base and has outdoor storage, display and/or sales of vehicles and/or recreational equipment

4 Work Plan

Existing Zoning Districts

Zoning District		Description
BP	**Business Park**	Office, commercial, industrial, or mixed use that enhance the city's tax base, have few customers coming to the site, but may have a large employee base, involve manufacturing, warehousing, office uses, and other accessory retail and service uses offered on site to service the primary use or their employees.
I	**General Industrial**	Warehousing and industrial uses that may present negative off-site impacts to adjacent properties and are potentially environmentally sensitive due to the characteristics of the use of the property, and/or have an extensive amount of outdoor storage requirements.
PCDD	**Planned Community Development District**	Designed for use where the general areas contain a unique physical or recreational feature or require detailed, coordinated planning efforts to achieve specific goals.
PUB	**Planned Unit Development**	Development that is in compliance with the land use designation that allows innovation in development standards.
TC	**Town Center**	High quality, comprehensively designed commercial and residential neighborhoods with developments designed to promote walking, bicycling and transit use.
CD	**Conservancy**	Valuable environmental qualities which are to be preserved as park or open space amenities and to prevent the over-crowding of land, to avoid undue concentration of population, a specific public purpose, and/or alleviate the burden of development from environmentally sensitive lands.
PI	**Public Institution**	Public buildings, uses and needs that otherwise may not fit into other zoning districts because of their specialized land use needs and public purpose.
VR	**Village Redevelopment**	Implement the goals and objectives of the Village Redevelopment Plan and to define strategies and design standards for the implementation of the Plan. The district is intended to promote creative and efficient use of land within the Redevelopment District by providing flexibility in design and to allow mixed land uses while encouraging compact and pedestrian oriented development

4 Work Plan

Maintenance. Federal and state law relating to zoning and land use are consistently changing and this update provides an opportunity to ensure compliance with changes to laws such as:

a. Federal Telecommunications Act

b. Fair Housing Act Amendments

c. Americans with Disabilities Act

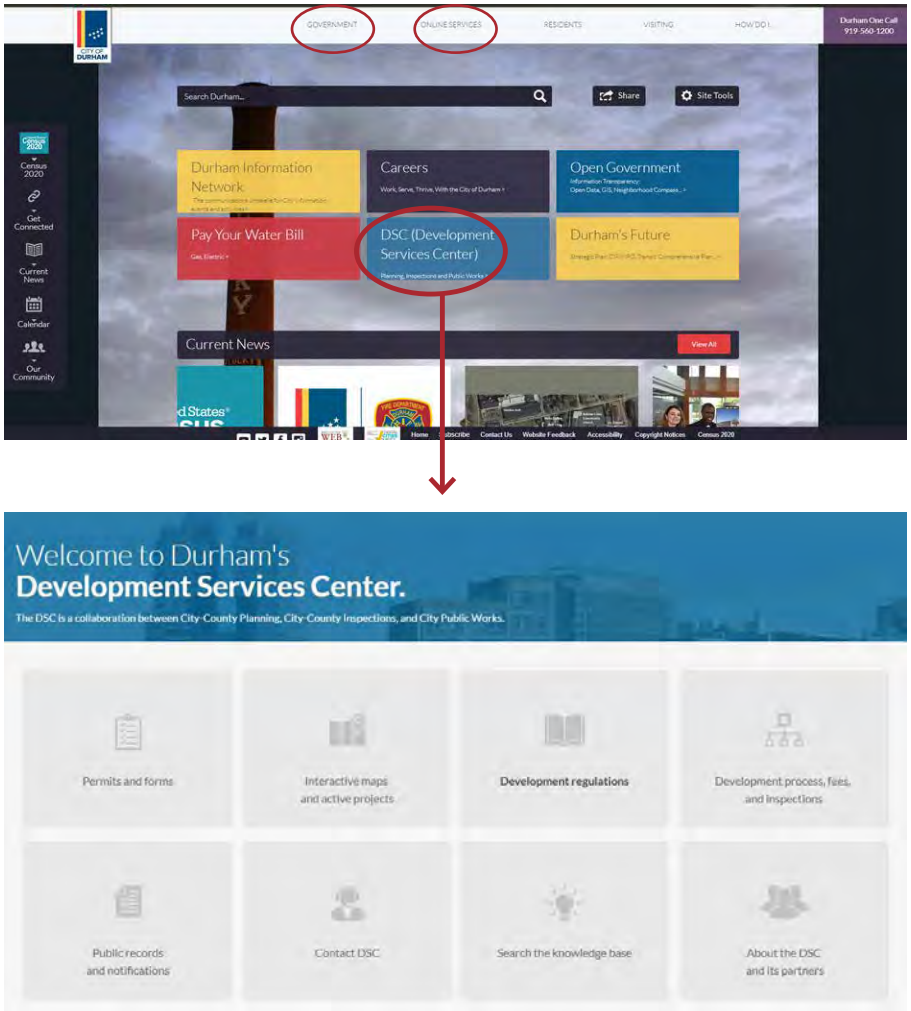
d. Religious Land Use and Institutionalized Persons Act

e. In 2011 MN Statute changed regarding the threshold for obtaining a variance. The threshold had been the requirement to demonstrate that the code represented an undue hardship but that changed to practical difficulty. Both standards are currently referenced in the ordinance.

Accessibility of the Code. Brooklyn Park has a goal of being an effective and engaging government that is recognized as a leader in this regard. City information should be clear, accessible, and delivered in ways that meet the community's needs. City laws should be understandable, equitably enforced, and relevant to the community.

a. On-line Presence. Successful engagement with planning and zoning customers outside of City Hall requires an on-line experience that is reflective of the way online searches are conducted today. From the homepage of the City's website, it should be clear how to find the planning department or find planning and zoning information. Getting from the homepage to the planning department should only take one click. The City's website should enable developers, potential residents, and prospective businesses to buy into the City's vision. What follows is an example of this "one click" approach.

Sample Website



b. Ineffective Digital Code. A digital zoning code should be a tool to improve the usability and clarity of the code. A zoning code update is an opportunity to address outdated and unrefined formatting and user interface that is unclear and does not enable effective engagement with government. There can be a tension between the hosting website for the City Code and the city's goals for their on-line presence. Resolving this tension may require a more comprehensive departmental webpage where the desired information is presented in a context sensitive and user-friendly manner.

Unified Development Code. We recommend consolidating the City regulations governing land use and development into a Unified Development Code (UDC). The UDC is the official body of rules and regulations to guide land use and development. It is a document in which traditional zoning and subdivision regulations are combined with other desired city regulations such as design guidelines and water management. It serves as a local policy instrument in implementing the City's land use plans and goals.

We have created an outline of a UDC for the City of Brooklyn Park which can be viewed on the next page.

4 Work Plan

Proposed Unified Development Code Structure

Article 1. General Provisions

Article 2. Zoning Districts

Article 3. Permitted Uses

A. Permitted Use Table
B. Use Specific/ Performance Standards

Article 4. Development Standards

A. Dimensional Standards
B. Building Form Standards
C. Connectivity and Circulation
D. Parking and Loading
E. Landscaping
F. Screening and Fences
G. Signs*
H. Stormwater Management*
I. Sustainability Standards
J. Design Standards
K. Exterior Lighting
L. Housing and Property Maintenance Code*
M. Plat Design*
N. Maintenance and Operating Standards

Article 5. Administration and Procedures

A. Summary Table (new feature)
B. Reviewers and Decision-Makers (new feature)
C. Review and Approval Procedures
    a. Comprehensive Plan adoption or amendment
    b. UDC Text or zoning map amendment
    c. Subdivision plat approval or amendment*
    d. Vacation of Street*
    e. Variance (sign, lot, structure)
    f. Conditional use
    g. Interim use
    h. Temporary use
    i. Site plan
    j. Administrative Review
    k. Zoning permit
    l. Building permit*
    m. Certificate of occupancy*
    n. Accessory home share permit (Airbnb)
D. Nonconformities
E. Enforcement and Penalties

Article 6. Definitions

A. Rules of Constructions
B. Definitions

Appendix: Zoning Map

4 Work Plan

What follows is a typical approach to addressing uses and establishing districts in a Unified Development Code.

1. Analyze and consolidate zoning districts
2. Create a use table based on broad use categories and use-specific performance or design standards for the use whether by-right or conditional use permit.
    a. Residential Use Categories. For each subcategory, provide its characteristics, accessory uses, examples, and exceptions.
        i. Group living
        ii. Household living
    b. Commercial Use Categories. For each possible subcategory, provide its characteristics, accessory uses, examples, and exceptions.
        i. Commercial Outdoor Recreation
        ii. Commercial Parking
        iii. Quick Vehicle Servicing
        iv. Major Event Entertainment
        v. Office
        vi. Retail Sales and Service
        vii. Self-Service Storage
        viii. Vehicle Repair
    c. Industrial Use Categories. For each possible subcategory, provide its characteristics, accessory uses, examples, and exceptions.
        i. Bulk Fossil Fuel Terminal
        ii. Industrial Services
        iii. Manufacturing and Production
        iv. Railroad Yards
        v. Warehouse and Freight Movement
        vi. Waste Related
        vii. Wholesale Sales
        viii. Enable medical device and technologies, biosciences, precision manufacturing, R&D facilities, and professional offices (employment-focused uses)
    d. Institutional Use Categories. For each possible subcategory, provide its characteristics, accessory uses, examples, and exceptions.
        i. Basic Utilities
        ii. Colleges
        iii. Community Services
        iv. Daycare
        v. Medical Centers
        vi. Parks and Open Areas
        vii. Religious Institutions
        viii. Schools
    e. Mixed Use
        i. Check Town Center district for appropriate allowable uses and densities to match future land use map in the vicinity of Zane and 610
        ii. Include allowance for mixed use in the neighborhood retail (B2) district (or rewrite this district as a mixed-use district)
    f. Transit Oriented Development

i. Density / activity: right now, there are no minimum density or FAR requirements
   1. Recommended 20 units/acre for any residential
   2. Target 40-75+ units/acre
   3. Min. activity threshold 7,000 residents, jobs or students within station areas (min. FAR?)

ii. Density / activity: right now, there are no minimum density or FAR requirements
   1. Add crosswalk requirements (one mention of mid-block crossings in TOD-G District) – safe crossings
   2. Require interior connections / pedestrian improvements on private property (i.e.- through parking lots, to building entrances)
   3. Require pedestrian connections to public non-motorized network
   4. Include requirements for short- and long-term bicycle storage
   5. Consideration/incentives for public art?
   6. Consider restrictions on first floor residential in TOD-C?
   7. Require vehicular access in rear lanes, alleys or side streets (some of this is in there now)

iii. Parking
   1. Include reduced parking ratios for all uses in the TOD districts (there is currently an allowance for a 10% reduction in required parking within ¼ mile of a transit stop, but this needs to be revised and made more specific)
   2. Also, in general, consider allowing for parking reductions in other circumstances outside of the PUD process (such as shared uses, presentation of demand information, provision of car sharing spaces, proximity to on-street public parking or parking structures and others)
   3. Incentivize structured parking

g. Other Possible Use Categories. For each subcategory, provide its characteristics, accessory uses, examples, and exceptions.
   i. Agriculture
   ii. Aviation and Surface Passenger Terminals
   iii. Detention Facilities
   iv. Mining
   v. Radio Frequency Transmission Facilities
   vi. Rail Lines and Utility Corridors
   vii. Enable solar energy systems

Memorandum

To: Erin Perdu, AICP

From: Molly Just, AICP

Date: 8/25/20

Re: Brooklyn Park Code Update: Review for Consistency with State and Federal Law
WSB Project No. 015207

What follows are my findings on review of the City's ordinance for consistency with certain elements of state and federal law. These findings do not replace those of an attorney. My findings are based on my experience with the subject matter and my knowledge of best practices.

Federal Telecommunications Act
City Code Chapter 102 complies with current laws and the League of Minnesota Cities (LMC) model codes on Right-of-Way Regulations and Undergrounding.

Fair Housing Act Amendments (FHAA)
Under the FHAA, the definition of family shall not be applied to prevent reasonable accommodation for handicapped persons. The Minnesota Department of Human Services licenses such housing which is further regulated by local zoning ordinances. Generally, small facilities (1-6 person(s)) should be a permitted use where detached single-family dwellings are allowed. Medium facilities (7-16 persons) should be allowed by Conditional use Permit (CUP) where multiple family structures are permitted. Some communities also provide for large facilities (17-32 persons) but the City is not obligated to do so. I suggest the following changes to the City's ordinance

152.008 Definitions:

FAMILY. An individual or two or more persons each related by blood, marriage, or adoptions, including foster children, living together as a single housekeeping unit; or no more than four unrelated persons maintaining a common household and using and maintaining common cooking and kitchen facilities as distinguished from a group occupying a boarding or rooming house, or licensed ~~day care~~ residential facility.

LICENSED RESIDENTIAL FACILITY ~~(GROUP HOME).~~ A facility required to be licensed by the state or county that provides one or more persons with 24 hour per day substitute care, food, lodging, training, education, supervision, habilitation, rehabilitation or treatment that cannot be furnished in the person's own home. Licensed residential facilities ~~(Group Homes)~~ are limited to those facilities licensed and/or regulated by the Department of Human Services and the Department of Health. This does not include licensed facilities whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or facilities licensed by the Department of Corrections.

Or adopt this simpler definition

701 XENIA AVENUE S | SUITE 300 | MINNEAPOLIS, MN | 55416 | 763.541.4800 | WSBENG.COM

LICENSED RESIDENTIAL FACILITY. A facility where one (1) or more persons reside on a twenty-four-hour per day basis under the care and supervision of a program licensed by the Minnesota Department of Human Services (DHS). Community residential facilities shall not include facilities that are also eligible for licensure by the Minnesota Department of Corrections (DOC).

While detached single-family dwellings are not permitted in the R-5 – R-7 districts, consider permitting small facilities in these zones.

As multiple family dwellings are allowed by CUP in the B-2 and B-3 business districts, I suggest allowing medium facilities by CUP in these districts.

While I am hesitant to suggest adding regulations for this type of use, it is common and reasonable to apply spacing and compatibility standards to prevent clustering of facilities and promote neighborhood fit. To that end, the following may be reasonable:

(1) The use shall be located at least one-fourth (¼) mile from all existing community residential facilities.

(2) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood. and

(3) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and/ or other site improvements consistent with the character of the neighborhood.

Americans with Disabilities Act (ADA)
The ADA provides that a person with a disability, or an organization serving people with disabilities, is entitled to a reasonable accommodation, meaning an exception to the requirements of a comprehensive plan or zoning code. Accessibility is most frequently addressed in zoning by allowing modifications to setbacks to allow for ramps. Currently only the front and rear setbacks may be modified and only in Residential zones. This modification is not allowed in Business districts. I suggest enabling modifications to all setbacks in all zones. The adjustments are depicted below.

Religious Land Use and Institutionalized Persons Act (RLUIPA)
The law mandates that land-use regulations grant "equal treatment" to a religious assembly or institution as compared with secular assemblies or institutions; not discriminate against any assembly or institution based on religion or religious denomination; and not impose or implement a land-use regulation that totally excludes religious assemblies from a jurisdiction or unreasonably limits religious institutions within a jurisdiction. RLUIPA does not exempt religious uses from land-use regulations.

Currently, the City's ordinance allows churches as a permitted use in all Residential districts and all Business districts except Business Park (BP) and General Industrial (I) districts where they are not permitted. While the use is allowed "by-right" Site Plan approval is required, and the use is further regulated in Section 152.181 (attached as Exhibit LLL).

I suggest that the Site Plan process is not the right tool for considering this use and that the additional use standards in 152.181 are somewhat arbitrary.

I suggest the City allow the use by Conditional Use Permit (CUP) in all districts. This is a commonly used way to review the use on a case-by-case basis and apply conditions as may be appropriate. This is also a way to enable the City to review the use as it may change. Contemporary religious institutions change and adapt to serve their communities. The approval procedure for a Conditional Use Permit is generally the same as for a Site Plan. Site Plan approval would still be required if triggered by Section 152.033.

Where the use would collocate within an established primary use, I suggest the use be allowed on an interim basis, though an Interim Use Permit (IUP), pursuant to Section 152.193-196

Lastly, I find the parking requirement is high at 1 space per 2.5 seats or 1 space per 22 inches of pew space. I suggest 1 space per 3 persons at the maximum occupancy load of the main assembly hall. Furthermore, where the use is part of a large retail center complex, consider allowing 1 space for every 4 persons. Shared parking arrangements should also be considered.

Variance
Minnesota statutes delegate to local governments the authority to approve a variance. In 2011, statute was revised to reduce the threshold for approval of a variance. The threshold was reduced from undue hardship to practical difficulty. The City's variance provisions are clear and succinct but there are some inconsistencies. I suggest adoption of the model variance language provided by the LMC which is provided below and deleting the definition for undue hardship.

~~***UNDUE HARDSHIP.*** Undue hardship, as used in connection with the granting of a variance, means that the property in question cannot be put to a reasonable use if used under conditions allowed by the controls defined in this chapter, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone may not constitute an undue hardship if reasonable use for the property exists under the terms of the chapter. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems and ability to construct earth sheltered homes when in harmony with this chapter.~~

Conditional Use Permit (CUP)
Minnesota statutes delegate to local governments the authority to approve a CUP. Conditional uses are generally allowed but they must be reviewed on a case-by-case basis for impacts inherent in the use itself or impacts that its proposed location may present. State statute provides that a CUP is in effect as long as the conditions of approval are met. City code Section 152.035 provides the process for CUPs in Brooklyn Park. I suggest staff consider making the following changes as statute does not clearly provide for revocation other than for noncompliance. Staff may want to confer with the City Attorney on this matter.

(F) *Duration*. The Conditional Use Permit remains with the property as long as the property and use are in compliance with the conditions attached to the permit by the City Council. ~~A Conditional Use Permit expires if the use has been discontinued for more than 364 consecutive days from the date that the use ceased or the business owner fails to meet the certification requirement of the Conditional Use Permit. The revocation of the Conditional Use Permit may be recorded with the county by the city.~~

Nonconformities

Minnesota statutes provide for the continuation of use or occupation of land or premises in a manner no longer allowed by local ordinance. In 2004, statute changed to prohibit amortization of nonconformities, except for adult uses. While nonconformities may continue, including through repair, replacement, restoration, maintenance, and improvement, they may not be expanded.

I suggest that the City revise its provisions for nonconformities (Section 152.050 – 152.055) to refer to statute, which may change from time to time. The suggested approach is simple, concise, and less likely to be misinterpreted. The suggested language is included below.

Suggested changes for compliance with the Americans with Disabilities Act (ADA)

REQUIRED LOT AREA AND DIMENSIONAL REQUIREMENTS FOR RESIDENTIAL DISTRICTS

152.222.02 (B) *Front setbacks* (measured in feet, from the property line):
~~(5) Handicap access ramps may encroach into the front setback in order to meet the running slopes required by the Minnesota Accessibility Code.~~
152.222.04 (D) *Rear setbacks* (measured in feet, from the property line):
~~(2) Handicap access ramps may encroach into the rear setback in order to meet the running slopes required by the Minnesota Accessibility Code.~~
(G). Accessible building entrance components may encroach into the setback in order to meet the running slopes required by the Minnesota Accessibility Code.

REQUIRED LOT AREA AND DIMENSIONAL REQUIREMENTS FOR BUSINESS DISTRICTS
152.322 Principal buildings and accessory structures must comply with the following setback restrictions from property lines within the business districts:
(F). Accessible building entrance components may encroach into the setback in order to meet the running slopes required by the Minnesota Accessibility Code.

Suggested changes for compliance with statutes for variances

152.034 VARIANCE
(A) Purpose. Pursuant to Minn. Stat. Sec. 462.357, subd. 6, as it may be amended from time to time, the City Council, acting as a Board of Appeals and Adjustments, may issue variances from the provisions of this zoning code. A variance is a modification or variation of the provisions of this zoning code as applied to a specific piece of property.
(B) Review Standards.
(1) Variances shall only be permitted
i. when they are in harmony with the general purposes and intent of the ordinance and
ii. when the variances are consistent with the comprehensive plan.

(2) Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.
"Practical difficulties," as used in connection with the granting of a variance, means that
i. the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
ii. the plight of the landowner is due to circumstances unique to the property not created by the landowner; and
iii. the variance, if granted, will not alter the essential character of the locality.
iv. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

(C) Procedure. The procedures for application and public hearing of a variance request is described in Sec.152.031

(D) Conditions. Variances shall be granted for earth sheltered construction when in harmony with the ordinance. The board of appeals and adjustments may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board may permit as a variance the temporary use of a one family dwelling as a two-family dwelling. The board may impose conditions in the granting of variances. A

condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Suggested changes for compliance with statutes for nonconformities

152.050 Purpose.
It is the purpose of this subchapter to provide for the regulation of non-conforming buildings, structures, uses, and lots, and to specify those requirements, circumstances, and conditions under which non-conforming buildings, structures, uses, and lots will be operated, maintained, and regulated. It is necessary and consistent with the establishment of this chapter that non-conforming buildings, structures, uses, and lots not be allowed to continue in compliance with Minnesota Statutes §462.357, Subd. 1e. Nonconforming uses at the time of the adoption of this Chapter shall be allowed to remain so long as the use is not expanded or expired.

152.051 Conditional Uses
Any established use, building or lot legally existing prior to adoption of this ordinance and which is herein classified by this Chapter as requiring a CUP may be continued in like fashion and activity and shall automatically be considered as having received CUP approval. Any change to such a use or building shall however require a new CUP be processed according to 152.035.

152.052 Interim Uses
Any established use, building or lot legally existing prior to adoption of this ordinance and which is herein classified by this Chapter as requiring an IUP may be continued in like fashion and activity and shall automatically be considered as having received IUP approval. Any change to such a use or building shall, however, require a new IUP be processed according to 152.035.

Memorandum

To: Brooklyn Park Planning Commission Members
CC: Cindy Sherman, Planning Director

From: Erin Perdu, Planning Consultant

Date: 08/20/2020

Re: Zoning Update
WSB Project No. 015207

Project Update/Overview

Since our last meeting (just before COVID-19), we have been working to implement the zoning changes discussed as part of the Zoning Diagnosis. Those have focused on changes required by the comprehensive plan, including updating density requirements in some districts and creating a transit station-area overlay. Other work has been done on modifying/creating mixed use districts to meet the intent of the Comprehensive Plan as well as adding some additional standards to the TOD district.

We have had much help from planning staff, and we have met with both planning and housing and economic development staff for feedback. We are now bringing forth the work done to date for confirmation, feedback and direction from the Planning Commission.

Residential Densities

First, we revised minimum lot sizes in the existing zoning districts to match with the future land use categories in the Comprehensive Plan (shown in Attachment A). Note that these minimum lot sizes/maximum densities are carried over into the proposed district consolidations discussed in the next section. These changes mean that the maximum allowable densities in the comprehensive plan would be allowed in the associated zoning districts.

Also, to conform to the Comprehensive Plan's requirement that density within ½ mile radius of the new light rail station areas must be at least 25 units per acre, we have created a Light Rail Station Overlay District (Attachment B).

Residential Consolidations (Attachment C)

Districts R-2, R-2A, R-2B, R-3, and R-3A were consolidated into one district, R-2. Those districts essentially shared the same purpose: accommodating detached single-family structures. Aside from minor location standards, the most significant difference between them was the minimum lot area. And among those districts, there are already lots that do not meet their respective district's minimum lot area requirement. So, to avoid a significant number of nonconforming lot sizes after consolidation, the minimum lot area for the new R-2 District is 9,750 square feet.

The current R-4B District has been maintained and renamed R-3. Consolidation was not warranted as lots within this district are approximately 5,000 square feet and exclusively feature detached, single-family residential structures.

Districts R-4 and R-4A were consolidated into one R-4 District. This new district now has both detached and attached single-family residential structures. It is set up with a minimum lot area standard that differs based on residential type. If a lot in the new R-4 District holds one townhome

701 XENIA AVENUE S | SUITE 300 | MINNEAPOLIS, MN | 55416 | 763.541.4800 | WSBENG.COM

unit as part of multiple townhome development, the minimum for that single unit is 3,600 square feet. If there is detached residential structure on a lot in the R-4 District, the minimum area of that lot is twice that of a townhome lot, or 7,200 square feet. This consolidation recognizes that some lots accommodating townhomes are mixed among lots with detached single-family structures, or are immediately adjacent to detached, single-family residential developments.

The proposed consolidation now shows only two multifamily districts as opposed to the current three. R-5 and R-6 are now R-5; R-7 has been renamed R-6. A significant difference between the new R-5 and R-6 is the density range for each, R-6 having a higher range than R-5. In addition to consolidation, some standards were altered, such as the removal of height restrictions, a lower minimum lot width, and smaller setbacks.

As part of this consolidation, we have also posed some questions that will help us address equity issues as we move forward with zoning updates. These are on the last page of the attachment and restated below.

Mixed Use District (Attachment D)
The Comprehensive Plan includes a new mixed-use district designation. The designation is located mostly in the City's northwest corner and so is written with that area in mind. Consistent with the Comprehensive Plan guidance for the new designation, highlights of the Northwest Mixed-Use District (NWMUD) district include the following:

- Residential density between 12 and 50 units per acre
- Medium to large scale development consisting of medium to high intensity office, residential, retail, restaurant, and service uses in a suburban setting
- At least 30% of the land area is to be developed with residential uses
- Outside the highway 610 and 169 corridors, a mix of residential densities and unit types may be considered mixed use
- Compliance with the Mixed-Income Housing Policy is required and bonus residential density up to 10% may be considered by the City Council

Removal of Town Center District (Attachment E)
As part of the strategy for changing how the City regulates Mixed Use, we discussed several options for changing the Town Center District to better reflect the aspirations of the Comprehensive Plan. In the end, the consensus from the team was to work toward eliminating the Town Center district and reverting to other existing districts. We came to this conclusion largely based on the fact that the Town Center district has not produced the type of development that was envisioned. Town Center also requires a Conditional Use Permit for all uses established in the district, something Planning Commission and staff want to move away from.

The proposed rezoning of lots within the Town Center District was informed by conversations with staff, alignment with the underlying land use described in the 2040 Comprehensive Plan, and observation of existing development patterns within the area.

A map showing the proposed rezonings is in Attachment E.

Questions and Considerations for Discussion
As you read through the attached materials in preparation for the work session, please consider the following questions that we will discuss at the meeting:

- Do you have any concerns with the proposed district consolidations? Are there any development rights that you see are being lost? Does any of the additional flexibility or density concern you?
- Are you in favor of eliminating any/all of the items mentioned in Attachment C to help address equity concerns?

- The Northwest Mixed-Use District (NWMUD) would be the only reference in the zoning ordinance to the City's Mixed-Income Housing Policy. Do you have any concerns that the policy is not established formally elsewhere in the ordinance?
- Based on the anticipated market for residential development in the northwest corner of the City, it is likely that the higher end of the guided residential density (50 u/ac) will be the exception and that most residential land area may consist of single-family units. While it is possible to achieve an overall average density of 12 u/ac (the minimum guided density) this should be monitored and understood that to reduce the guided density in the NWMUD would require a comprehensive plan amendment.

Next Steps

Once we complete the sections, we are reviewing with you at this meeting, we will be tackling the following:

- Revisions to B2 District to include mixed use as is contemplated in the district's intent
- Additions to the Transit Oriented Development District to include minimums for density and activity in non-residential areas as well as some additional design standards
- Revisions to Use Tables to de-emphasize the use of Conditional Use Permits and simplify the lists of uses
- Review for statutory and case law compliance
- Reorganization into UDC
    - Review of performance standards

Comp Plan District	Zoning Districts
Low Density Residential	R-1, R-2, R-2A, R-3, R-3A
Medium Density Residential	R-4, R-4A, R-4B
Medium-High Density Residential	R-5, R-6
High Density Residential	R-7, Convalescent Centers

REQUIRED LOT AREA AND DIMENSIONAL REQUIREMENTS FOR RESIDENTIAL DISTRICTS

§ 152.220 PURPOSE.

The purpose of this section is to establish minimum area and dimensional requirements for residential properties to allow conformance with the residential densities and policies of the Comprehensive Plan, promote open space around structures, provide green area and space for enjoyment by residents, and protect public easements.

(Ord. 2000-936)

§ 152.221 STANDARDS.

The following standards are established for all lots in the residential zoning districts (R-1, R-2, R-2A, R-2B, R-3, R-3A, R-4, R-4A, R-5, R-6, and R-7) and lots in the residential portions of the PCDD and PUD. Lots in residential portions of the PCDD and PUD may be further governed as defined elsewhere in City Code.

(A) No required lot area, yard or open space allocated to a structure or lot in compliance with this chapter may be used to satisfy the minimum lot area, yard, or open space requirement for any other structure or lot, unless modified by this chapter.

(B) The maximum total building footprint, including principal and accessory buildings, may not exceed 25% of the lot area. The maximum amount of impervious surface in front yards, as measured from the public right-of-way to the front facade of the principal building, may not exceed 40%.

(C) Minimum lot area and width for each residential zone are defined in the following table:

Figure 152.221.01 Required Minimum Lot Width and Area ***in Residential Districts***

Zoning District	***Minimum lot area in square feet (unless otherwise specified)***	***Lot width in lineal feet as measured at the front setback***
R-1	20 Acres	330 feet*
R-2 (LDR)	13,500	100*
R-2A (LDR)	12,825	95*
R-2B (LDR)	11,475	85*
R-3 (LDR)	10,800	80*
R-3A (LDR)	9,750	75*
R-4 (lots for single-family dwellings) (MDR)	8,500	70*
R-4 (MDR) lots for two-family dwellings (for lots of record prior to	10,800	80

2/1/80 and on which two-family dwellings were existing on the effective date of this chapter) Each half of two-family dwelling to be subdivided (for lots of record prior to 2/1/80 and on which two-family dwellings were existing on the effective date of this chapter)	5,400	40
R-4 MDR lots for two-family dwellings (for lots of record after 2/1/80 and on which two-family dwellings were not existing on the effective date of this chapter) Each half of two-family dwelling to be subdivided (for lots of record after 2/1/80 and on which two-family dwellings were not existing on the effective date of this chapter)	16,200 ~~8,100~~3,630 or 12 units per acre maximum	120 60
R-4A for townhouse (MDR)	~~8,700~~3,630 or 12 units per acre maximum ~~with basements, 10,890 without basements~~ (buildable land only, excludes wetlands, surface waters, flood plains)	NA
R-4B (MDR)	~~5,000~~3,630 square feet or 12 units per acre maximum	45
R-5 for multiple family dwellings (MHDR)	~~22,000 or 3,400 square feet for each 1 bdrm unit, 4,500 square feet for each 2 bdrm unit, and 6,300 square feet for each three bdrm unit plus 500 square feet for each bdrm over 3; whichever is greater~~1,742 sf. per dwelling unit or 25 units per acre maximum	120
R-6 for multiple family dwellings MHDR	~~160,000 or 2,400 square feet for each 1 bdrm. unit, 3,000 square feet for each 2 bdrm unit, and 3,500 square feet plus 500 square feet for each bdrm over 3; whichever is greater~~1,742 sf per dwelling unit or 25 units per acre maximum	400

R-7 for multiple family dwellings HDR	~~5 acres or 3,400 square feet for each 1 bdrm unit, 4,500 square feet for each 2 bdrm unit, and 6,800 square feet for each three bdrm unit plus 500 square feet for each bdrm over 3; whichever is greater~~871 sf. per dwelling unit or 50 units per acre maximum	500
R-5, R-6, and R-7 for Care centers and convalescent homes HDR	750 square feet of lot area for each person cared for (design capacity)	See District Requirements Above
*See § 152.275.04 for additional lot width requirements on corner lots		

(D) In order to promote individual ownership of two-family dwellings the minimum lot areas and lot widths contained in this section do not apply to lot splits along the common wall where an existing two-family dwelling is being converted into two separate, attached single-family dwellings.
(Ord. 2000-936; Am. Ord. 2001-961, passed 11-26-01; Am. Ord. 2004-28, passed 12-13-04; Am. Ord. 2006-1055, passed 2-6-06)

Overlay district or modification of existing districts to meet minimum 20-acre density requirement within the station area overlay districts shown on the 2040 FLU Map.

Title XV: Land Usage

Chapter 152: Zoning Code

Section 152.037: Zoning Overlays

152.495 Light Rail Station Area Overlay

The intent of this designation is to ensure that development within the designated overlay occurs at appropriate densities as a result of proximity to a light rail transit station. The boundary of the overlay extends 0.5 miles outward from each transit station. The overlay area is established and shown on the City's official Zoning map.

(Ord. _____)

Light Rail Station Area (LRSA) Overlay

152.575 Purpose.

The purpose of the Lightrail Station Area (LSA) Overlay is to ensure that development within the designated overlay occurs at appropriate densities as a result of proximity to a light rail transit station.

152.576 Uses.

Within the LSA overlay, permitted, conditional, and accessory uses are determined by the underlying zoning district and in harmony with the Comprehensive Plan. Section 152.342 provides the use tables allowed within business districts.

152.577 Applicability

(A) All provisions of the Zoning Code shall apply to the properties in the overlay, however, in any instance where the provisions of the overlay zoning conflict with the provisions of a primary zoning district, the more restrictive provisions take precedence and govern.

152.578 General Requirements

(A) Density

(1) Residential Development

(a) Residential development projects located within the LSA Overlay shall achieve a minimum density of 20 units per acre.

(2) Mixed-Use Development

(a) That portion of the development dedicated to residential use shall achieve a minimum density of 20 units per acre.

(1) In this case density shall be measured based on the land area dedicated to residential use.

(B) Design Guidelines

(1) Development shall be designed in accordance with the Brooklyn Park Station Area Plan to ensure a focus is placed on connectivity, land use, and placemaking.

Existing District	Purpose	Guided	Uses	Lot Area	Lot Width	Front Setback	Side Setback[1]	Rear Setback[2]	Height	Proposed District	Purpose	Density (units/acre)	Lot Area	Lot Width	Front Setback	Side Setback[3]	Rear Setback	Height
R-2	Det SF estate	Low	Same R2-R3	13,500	100	50 or 30	I - 10 C1 - * C2 - 20	S1 – 50 S2 – 30 S3 – **	3 St or 40									
R-2A	Det SF	Low	Same R2-R3	12,825	95	75, 30 or 40	I - 7.5 C1 – * C2 – 20	S1 – 75 S2 – 30 S3 – **	3 St or 40									
R-2B	Det SF	Low	Same R2-R3	11,475	85	75, 40 or 40	I - 7.5 C1 – * C2 – 20	S1 – 75 S2 – 30 S3 – **	3 St or 40	R-2	Det SF	Min 1.5 Max 3	9,750	75	25	I – 7.5 C – 20	30	3 St or 40
R-3	Det SF	Low	Same R2-R3	10,800	80	50 or 30	I – 10 C1 – * C2 – 20	S1 – 50 S2 – 30 S3 – **	3 St or 40									
R-3A	Det SF	Low	Same R2-R3	9,750	75	50, 30 or 25	I – 10 C1 – * C2 – 20	S1 – 50 S2 – 30 S3 – **	3 St or 40									
R-4B	SF	Low-Med		5,000	45	50 or 30			3 St or 40	R-3	Det SF	Min 3 Max 8	5,000	50	25	I – 7.5 C – 20	30	3 St or 40
R-4	Det/Att SF	Med	Same as R3, plus Att SF & TH <7/1/1980	8,500	70	50 or 30	I – 10 C1 – * C2 - 20	S1 – 50 S2 – 30 S3 – **	3 St or 40									
R-4 <2/1/1980	Det/Att SF	Med	Same as R3, plus Att SF & TH <7/1/1985	10,800	80	50 or 30	I – 10 C1 – * C2 – 20	S1 – 50 S2 – 30 S3 – **	3 St or 40									
R-4 >2/1/1980	Det/Att SF	Med	Same as R3, plus Att SF & TH <7/1/1985	16,200	120	50 or 30	I – 10 C1 – * C2 – 20	S1 – 50 S2 – 30 S3 – **	3 St or 40	R-4	Det/Att SF	Min 3 Max 12	Det - 7,200 Att – 3,600	60	25	I – 7.5 C – 20	30	3 St or 40
R-4A w/ BSMT	TH	Med	Same as R3, plus Att SF & TH	8,700	NA	75 or 30	75 or 30	75 or 30	3 St or 40									
R-4A w/o BSMT	TH	Med	Same as R3, plus Att SF & TH	10,890	NA	75 or 30	75 or 30	75 or 30	3 St or 40									
R-5	2 St MF	Med-Hi	MF, TH	22,000	120	50	I – 15 C1 – 25	S1 & S2 – 40 S3 – 50	3 St or 40	R-5	≥2 St MF	Min 12 Max 25	22,000	120	25	I – 15 C – 25	40	
R-6	>2 St MF	Med-Hi	MF, TH	160,000	400	50	I – 15 C1 – 25	S1 & S2 – 40 S3 – 50	3 St or 40									
R-7	MF	High	MF, TH	5 acres	500	50	50	S1 & S2 – 40 S3 – 50	3 St or 40	R-6	≥2 St MF	Min 25 Max 50	22,000	120	25	I – 15 C – 25	40	

1 I = Interior lot
C1 = Corner Lots - Principal, "A" or "B" Minor Arterials, or Class I Collector streets or any other public streets when the adjacent lot fronts the side street
C2 = Corner Lots - All other public streets when the adjacent lot does not front the side street

2 S1 = Rear setback from Principal, "A" and "B" Minor Arterial and Class I Collectors
S2 = All other public streets and interior property lines
S3 = Double frontage lots

3 I = Interior lot
C = Corner lot

* Front setback of the adjacent property

** Same as front setback of any adjacent residential zoned properties

DRAFT

Residential Standards – Equity Considerations

Consider Eliminating These to Address Equity
(A) Basement requirement
(B) Unit and bedroom minimum size requirement
(C) Interior storage requirement
(D) SF Attached - Two units side by side only and each unit with an exterior front door
(E) Consider eliminating garage requirement
(F) Front yard garden

DRAFT

ATTACHMENT D

Northwest Mixed-Use District

§ XX PURPOSE. Mixed-Use districts promote and allow the emergence of complete neighborhoods with a mix of residential, commercial, and office activities. These districts de-emphasize use restrictions. Instead, design standards are used to promote and maintain the desired scale, connectivity, and character of the area. The Northwest Mixed-Use District (NWMUD) is guided Mixed-Use on the 2040 Future Lane Use Plan. The intent of the Northwest Mixed-Use District is to promote an integrated development pattern in a generally suburban setting that accomplishes the following objectives:

(A) Establish a mixed-use land use pattern and neighborhood design that is consistent with the vision, goals, and policies of the Brooklyn Park comprehensive plan.
(B) Medium to large scale development consisting of medium to high intensity office, residential, retail restaurant, and service uses in a suburban setting.
(C) An overall mix of uses occurring both horizontally and vertically, on a common site, development area, or within the same building. In individual developments the mix of uses shall be complimentary and compatible.
(D) Residential uses shall make up at least 30% of the land area in the district. The district shall consist of a range of housing options that respond to the needs of residents in each stage of their life.
(E) Compliance with the Mixed-Income Housing Policy to meet the city's goal of preserving and promoting economically diverse housing options.

§ XX PROCEDURES. To ensure that the desired mix and connection of uses occur in the NWMUD, approval of a Master Plan is required to guide individual developments within the district. Master Plans require Site Plan approval pursuant to Section 152.033. Individual development consistent with an approved Master Plan may be approved administratively pursuant to the Administrative Site Plan Review procedures.

§ XX USES. All land uses within the district shall conform to the type and location of uses described in an approved Master Plan, and:

(A) Along highways 169 and 610 there shall be a mix of land uses
(B) Elsewhere in the district, a mix of residential unit types and densities may be considered mixed use
(C) Mixed use shall be measured by acreage in the district

§ XX PERFORMANCE STANDARDS. The design of all sites and buildings within the district shall conform to the design guidelines established in the Master Plan. Variations from the Master Plan may be approved by Administrative Site Plan Review if the approval criteria are met and the variation is generally consistent with the Master Plan. The General Performance Standards of this chapter shall be considered the minimum standards. In addition, the following shall apply in the NWMUD:

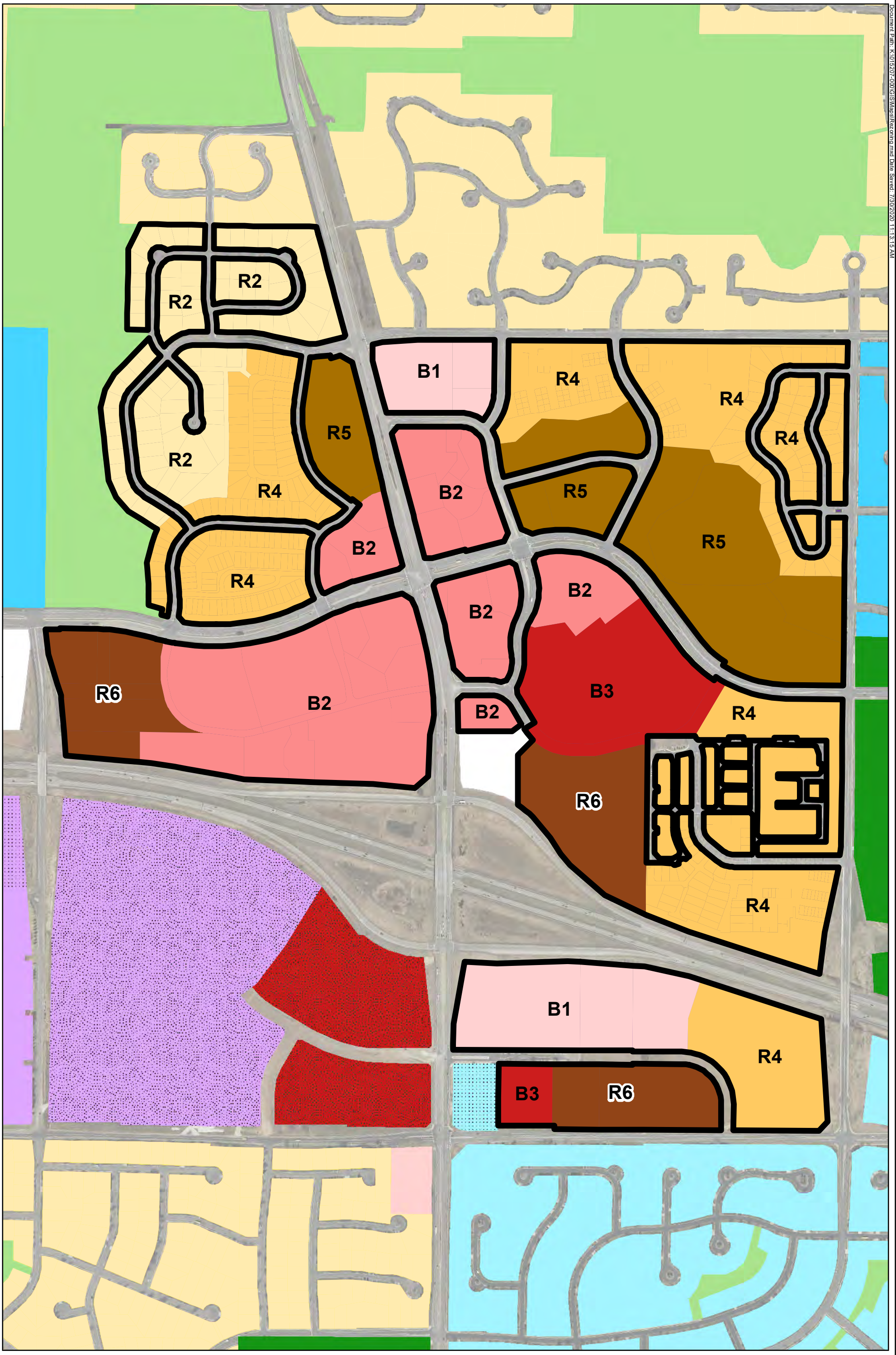
(A) Lot area, lot width and yard requirements
    (1) There is no minimum lot size or width
    (2) The Master Plan shall establish the build-to line
    (3) Maximum block size
(B) Residential use. The district shall consist of a minimum residential density of 12 units per acre and a maximum of 50 units per acre. Residential development shall address the City of Brooklyn Park Mixed-Income Housing Policy. Bonus residential density up to 10% may be considered by the City Council.

DRAFT

(C) Building and site design. The Master Plan shall address:
(1) Building height
(2) Minimum frontage build-out
(3) Parking and loading setbacks
(4) Façade types
(5) Minimum glazing

DRAFT

ATTACHMENT E



Brooklyn Park

Town Center Rezoning

City of Brooklyn Park

N

0 1,000 Feet

1 inch = 566 feet

wsb

Document Path: K:\015207-000\GIS\Maps\Rezoning.mxd Date Saved: 7/30/2020 11:13:15 AM

Memorandum

To: Brooklyn Park Planning Commission Members
CC: Cindy Sherman, Planning Director

From: Erin Perdu, Planning Consultant

Date: 09/16/2020

Re: Zoning Update
WSB Project No. 015207

Project Update

Since our last meeting in August we have been working on the additional information you requested on the district consolidations and equity considerations. We have also moved ahead with revisions to the use tables and TOD districts, which we will discuss at the September meeting.

Residential Consolidations (Attachment A)

Following up on our discussion at the last meeting, we have done some analysis of the R-2 and R-4 districts. Concern was expressed that the proposed reductions in lot area and lot width from current R-2 to proposed R-2 (and similarly for R-4 after 2/1/80 to new R-4) could result in infill development that would negatively impact the character of existing neighborhoods.

A map showing parcels that could potentially be split under the proposed R-2 consolidation based on lot size is included in Attachment A. The lots shown in red are currently zoned R-2 and are at least twice (19,500 sf) the minimum lot size in the proposed R-2 district (9,750 sf). So based on lot size, they could theoretically be split. These lots account for approximately 13% of proposed R-2 parcels. *However*, we estimate that about 3% (384 out of 11,293) of all proposed R-2 lots have the required lot area and width to be split.

A similar map in Attachment A shows the number and spatial distribution of parcels that have an area at least twice (14,400 sf) the minimum lot size in the R-4 district (7,200 sf for detached single-family structures). The amount of lots with an area of at least 14,400 sf is about 17%. We estimate about 2% (114 out of 6,276) of all proposed R-4 lots have the required lot area and width to be split.

We have also consolidated the changes to residential densities and the district consolidation table presented at the last meeting. This is also included in Attachment A.

Residential Standards - Modifications for Equity

At the August meeting we discussed several areas of the ordinance that do not advance equity or allow for evolution in the residential real estate market. Our experience and research tell us that the ordinance is too specific and goes beyond the basic dimensional standards that are typical and necessary for residential zoning districts.

While our research of Plymouth, Maple Grove, Robbinsdale, Bloomington, and Burnsville reveal that not all require parking garages in order to meet the parking requirement most do, and we understand that this is important in Brooklyn Park. None have requirements for interior storage space or basements. We suggest elimination of the basement and interior storage requirement.

701 XENIA AVENUE S | SUITE 300 | MINNEAPOLIS, MN | 55416 | 763.541.4800 | WSBENG.COM

Here are two options to consider:

A. For residential dwelling units, the parking requirements of this ordinance must be met within an attached or detached parking garage.

   Option A does not set a size requirement but requires that the parking required for the use be met within a structure. Option A does not set a requirement for storage space.

B. For residential dwelling units, the parking requirements of this ordinance must be met within an attached or detached parking garage.

   In the R-2 district dwelling units are required to have either a basement or 120 square feet of contiguous interior storage area.

   Option B addresses parking the same way and requires interior storage space in either a basement or other storage in the newly consolidated R-2 district.

Use Tables

To help simplify the ordinance, we are proposing changes to the use tables as shown in Attachment B. There are notes included with some of the uses that we will review with you at the meeting. The idea is to consolidate uses where possible and put them into larger, more general use groups.

We have included references to other standards or state statute as applicable. Highlighted areas are districts where we feel those uses should be considered to be permitted

TOD District Modifications

For this round of zoning amendments, we have made some additions to the Transit Oriented Development (TOD) districts that reflect the adopted station area plans. Edits made to the district are shown in excerpts in Attachment C, and generally include:

- Addition of site design features and “public art” to the purpose statement
- Minimum “activity levels” and dwelling unit densities
- Restrictions on first floor residential along certain roads
- Bicycle parking requirements
- Crosswalk and Interior Connections standards

Next Steps

Once we complete the sections we are reviewing with you at this meeting, we will be tackling the following:

- Revisions to B2 District to include mixed use as is contemplated in the district’s intent
- Review for statutory and case law compliance (in progress with City staff and the City Attorney)
- Reorganization into a Unified Development Code
    - Review of performance standards

Existing District	Purpose	Guided	Uses	Lot Area	Lot Width	Front Setback	Side Setback[1]	Rear Setback[2]	Height	Proposed District	Purpose	Density (units/acre)	Lot Area[4]	Lot Width	Front Setback	Side Setback[3]	Rear Setback	Height
R-2	Det SF estate	Low	Same R2-R3	13,500	100	50 or 30	I - 10 C1 - * C2 - 20	S1 – 50 S2 – 30 S3 – **	3 St or 40									
R-2A	Det SF	Low	Same R2-R3	12,825	95	75, 30 or 40	I - 7.5 C1 – * C2 – 20	S1 – 75 S2 – 30 S3 – **	3 St or 40									
R-2B	Det SF	Low	Same R2-R3	11,475	85	75, 40 or 40	I - 7.5 C1 – * C2 – 20	S1 – 75 S2 – 30 S3 – **	3 St or 40	R-2	Det SF	Min 1.5 Max 3	9,750	75	25	I – 7.5 C – 20	30	3 St or 40
R-3	Det SF	Low	Same R2-R3	10,800	80	50 or 30	I – 10 C1 – * C2 – 20	S1 – 50 S2 – 30 S3 – **	3 St or 40									
R-3A	Det SF	Low	Same R2-R3	9,750	75	50, 30 or 25	I – 10 C1 – * C2 – 20	S1 – 50 S2 – 30 S3 – **	3 St or 40									
R-4B	SF	Low-Med		5,000	45	50 or 30			3 St or 40	R-3	Det SF	Min 3 Max 8	5,000	50	25	I – 7.5 C – 20	30	3 St or 40
R-4	Det/Att SF	Med	Same as R3, plus Att SF & TH <7/1/1980	8,500	70	50 or 30	I – 10 C1 – * C2 - 20	S1 – 50 S2 – 30 S3 – **	3 St or 40									
R-4 <2/1/1980	Det/Att SF	Med	Same as R3, plus Att SF & TH <7/1/1985	10,800	80	50 or 30	I – 10 C1 – * C2 – 20	S1 – 50 S2 – 30 S3 – **	3 St or 40									
R-4 >2/1/1980	Det/Att SF	Med	Same as R3, plus Att SF & TH <7/1/1985	16,200	120	50 or 30	I – 10 C1 – * C2 – 20	S1 – 50 S2 – 30 S3 – **	3 St or 40	R-4	Det/Att SF	Min 3 Max 12	Det - 7,200 Att – 3,600	60	25	I – 7.5 C – 20	30	3 St or 40
R-4A w/ BSMT	TH	Med	Same as R3, plus Att SF & TH	8,700	NA	75 or 30	75 or 30	75 or 30	3 St or 40									
R-4A w/o BSMT	TH	Med	Same as R3, plus Att SF & TH	10,890	NA	75 or 30	75 or 30	75 or 30	3 St or 40									
R-5	2 St MF	Med-Hi	MF, TH	22,000	120	50	I – 15 C1 – 25	S1 & S2 – 40 S3 – 50	3 St or 40	R-5	≥2 St MF	Min 12 Max 25	22,000	120	25	I – 15 C – 25	40	
R-6	>2 St MF	Med-Hi	MF, TH	160,000	400	50	I – 15 C1 – 25	S1 & S2 – 40 S3 – 50	3 St or 40									
R-7	MF	High	MF, TH	5 acres	500	50	50	S1 & S2 – 40 S3 – 50	3 St or 40	R-6	≥2 St MF	Min 25 Max 50	22,000	120	25	I – 15 C – 25	40	

1 I = Interior lot
C1 = Corner Lots - Principal, "A" or "B" Minor Arterials, or Class I Collector streets or any other public streets when the adjacent lot fronts the side street
C2 = Corner Lots - All other public streets when the adjacent lot does not front the side street

2 S1 = Rear setback from Principal, "A" and "B" Minor Arterial and Class I Collectors
S2 = All other public streets and interior property lines
S3 = Double frontage lots

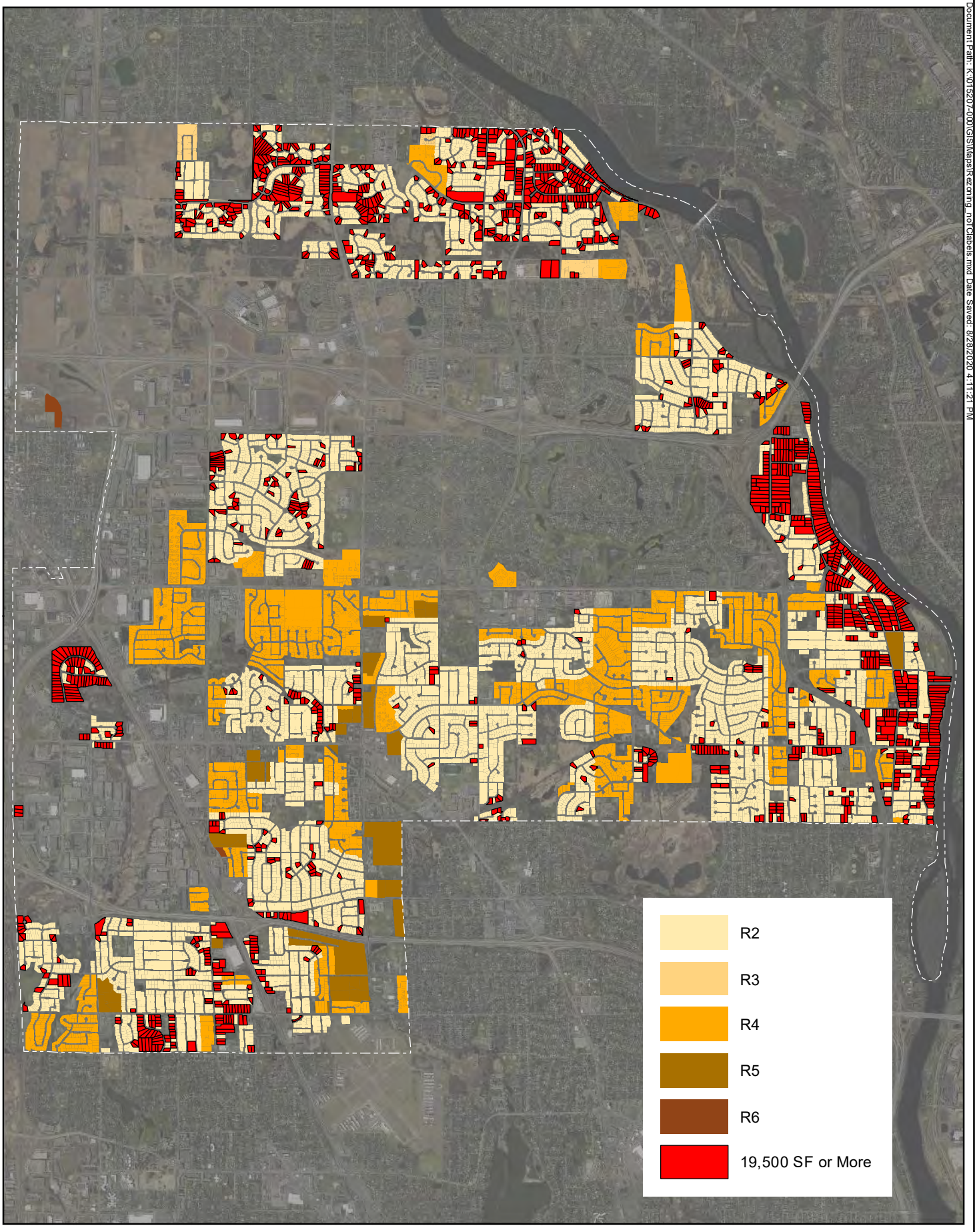
3 I = Interior lot
C = Corner lot

4 Lot area refers to the minimum total lot area for the project, not lot area per unit. Density requirements are shown in the adjacent column

* Front setback of the adjacent property

** Same as front setback of any adjacent residential zoned properties

DRAFT



Document Path: K:\01520\7000\GIS\Maps\Rezoning_noCabels.mxd Date Saved: 8/28/2020 4:11:21 PM

Brooklyn Park

New R-2 Lots >= 19,500 SF

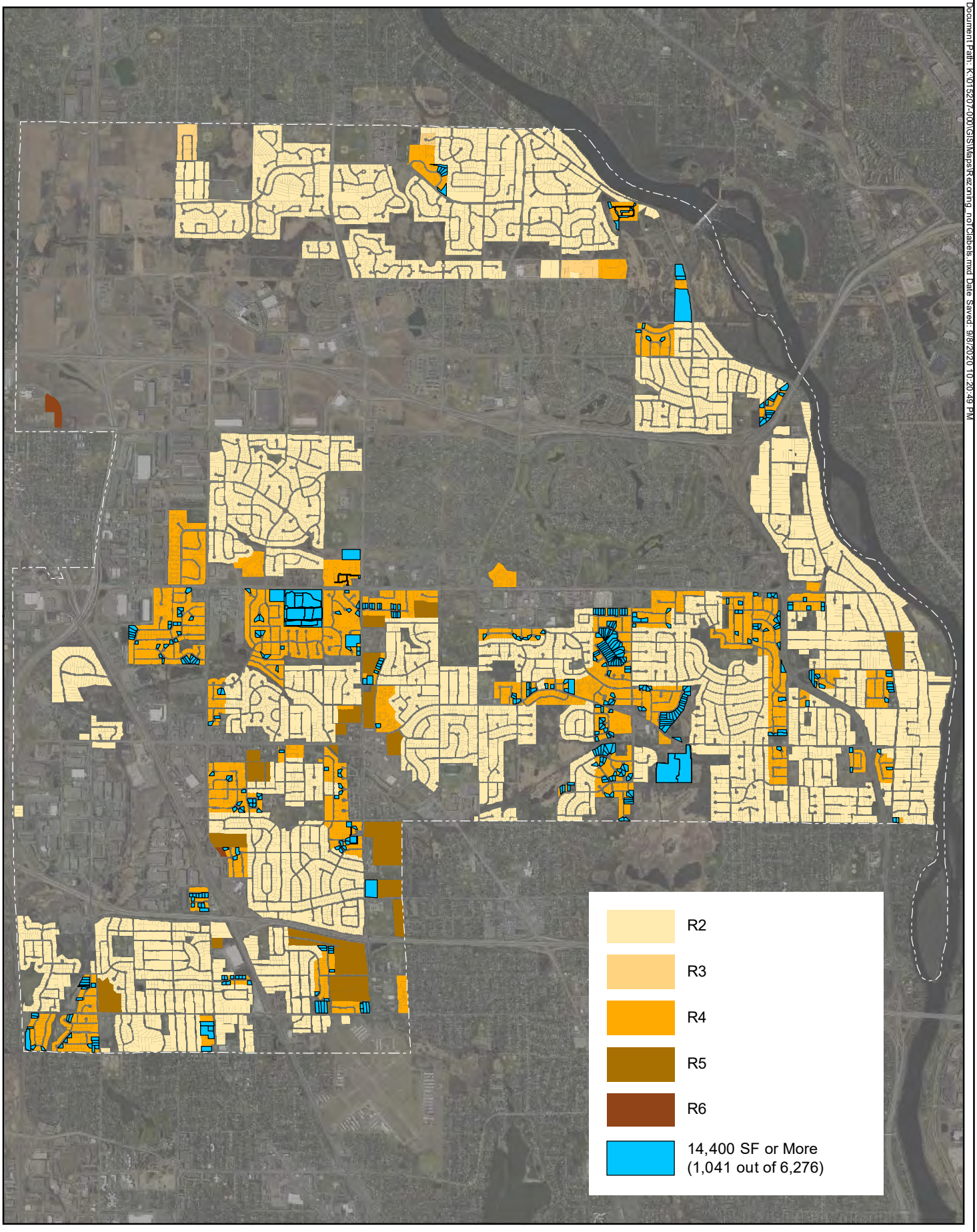
City of Brooklyn Park

N

0 1 Miles

1 inch = 4,333 feet

wsb



Document Path: K:\015207.000\GIS\Maps\Rezoning_noCrabels.mxd Date Saved: 9/8/2020 10:20:49 PM

Brooklyn Park

New R-4 Lots >= 14,400 SF

City of Brooklyn Park

N

0 1 Miles

1 inch = 4,333 feet

wsb

Bold = additions
~~Strikethrough = removals or consolidations~~
Pink fill = consider adding uses in this district
Blue = moved or consolidated
P=Permitted C=Conditional Blank=Not Permitted

	RES						BUS-IND						PUB	CON	TOD							**NWMUD**	Standards	Notes
	R-1	***R-2***	***R-3***	***R-4***	***R-5***	***R-6***	*B-1*	*B-2*	*B-3*	*B-4*	*BP*	*I*			*C*	*CT*	*E*	*ET*	*GHI*	*GMD*	*GLI*			
RESIDENTIAL																								
Household Living																								
Single-family dwelling	P	**P**		**P**	**NP**	NP															**R**	**P**		
~~Dwellings, detached single-family~~	~~P~~	~~P~~		~~P~~	~~NP~~	~~NP~~																		
~~Single-family, two-family~~																					~~P~~			
Two-family dwelling	NP	**NP**		**P**	**P**	NP															**R**	**P**		
~~Dwellings, attached two-family~~	~~NP~~	~~NP~~		~~P~~	~~P~~	~~NP~~																		
Townhouse dwelling	NP	**NP**		**P**	**P**	P										**R**				**R**	**R**	**P**		
~~Dwellings, townhouses~~	~~NP~~	~~NP~~		~~P~~	~~P~~	~~P~~																		
Multiple family dwelling	NP	**NP**		**NP**	**P**	P	NP	C	C	NP	NP	NP			**R**	**R**			**R**	**R**	**R**	**P**	**§ 152.344**	
~~Dwellings, multiple family structures~~	~~NP~~	~~NP~~		~~NP~~	~~P~~	~~P~~																		
~~Multiple dwelling~~															~~P~~	~~P~~			~~P~~	~~P~~	~~P~~			
~~Multiple family dwelling and cluster housing in compliance with § 152.344~~							~~NP~~	~~C~~	~~C~~	~~NP~~	~~NP~~	~~NP~~												
Mobile home park	NP	**NP**		**NP**	**C**	NP																	**§ 152.244**	
Model home	P	**P**		**P**	**P**	P																		
Group Living																								
Care center, convalescent home, and assisted Living	**NP**	**NP**		**NP**	**C**	**C**	C	C	C	C	NP	NP			P	P			P	P	P			Consider allowing in other TOD districts. It's permitted in both RES and BUS districts as well the other TOD districts.
~~Care centers, convalescent homes, hospitals, and assisted living facilities~~							~~C~~	~~C~~	~~C~~	~~C~~	~~NP~~	~~NP~~												
~~Care facility, convalescent home~~															~~P~~	~~P~~			~~P~~	~~P~~	~~P~~			
Residential facility, licensed (6 or fewer persons)	P	**P**		**P**	**NP**	NP																		
Residential facility, licensed (7-15 persons)	NP	**NP**		**NP**	**C**	C																		
CIVIC & INSTITUTIONAL																								
Cemetery	C	**C**		**C**	**NP**	NP																		
Public and quasi-public facilities							C	C	C	C	NP	C	P											
Government buildings													P											
Library																R			P	R	R			
Museums																R			P	R	R			
Schools, elementary, or secondary							C	NP	NP	NP	NP	NP	P										**§ 152.182**	Consider allowing schools in the TOD districts
~~Public schools, including charter schools in compliance with § 152.182~~							~~C~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~												
~~Schools and Daycares~~													~~P~~											
Day care facility, licensed							P	P	P	P	P	P	P		**P**	**P**	**P**	**C**	**P**	**P**	**P**			
~~Daycare facilities, licensed~~							~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~												
Day care facility, licensed (13 to 16 persons)	NP	**NP**		**NP**	**P**	P																		MSA 245A.14 Subd 2
Group day care facility, licensed (13 to 16 persons)	NP	**NP**		**NP**	**P**	P																		MSA 245A.14 Subd 2
~~Daycare, licensed or group daycare facilities (13 to 16 persons)~~	~~NP~~	~~NP~~		~~NP~~	~~P~~	~~P~~																		
Day care facility, licensed (12 or fewer **persons**)	P	**P**	**P**	**P**	**NP**	NP																		MSA 245A.14 Subd 1
Group family day care facility, licensed (14 or fewer children)	P	**P**	**P**	**P**	**NP**	NP																		MSA 245A.14 Subd 1
~~Daycare facilities, licensed (12 or fewer children) or group family daycare facilities (14 or fewer children)~~	~~P~~	~~P~~		~~P~~	~~NP~~	~~NP~~																		
~~Child Care~~															~~P~~	~~P~~	~~P~~	~~C~~	~~P~~	~~P~~	~~P~~			Moved
~~Adult Day Care~~															~~P~~	~~P~~	~~C~~	~~C~~	~~P~~	~~P~~	~~C~~			Moved
~~Child and adult day care~~															~~P~~	~~P~~		~~C~~	~~P~~	~~P~~				
Religious assembly	P	**P**		**P**	**P**	P	P	P	P	P	NP	NP	P										**§§ 152.180 through 152.182**	
~~Religious institutions~~													~~P~~											
~~Religious institutions subject to §§ 152.180 through 152.182~~	~~P~~	~~P~~		~~P~~	~~P~~	~~P~~																		
~~Religious institutions, in compliance with §§ 152.180 through 152.182~~							~~P~~	~~P~~	~~P~~	~~P~~	~~NP~~	~~NP~~												
Non-profit community agencies, recreation centers, or youth centers													P											
Clubs							NP	C	C	C	NP	NP												
Social clubs							NP	NP	C	NP	NP	NP												
Assembly, banquet, convention halls, or conference centers							NP	C	C	C	NP	NP												
Outdoor storage of equipment, landscaping materials, etc. when accessory to a government building or maintenance facility													C											
Business, trade, or non-academic colleges operated for profit							P	P	P	P	P	NP						P						Consider expanding to other TOD districts
~~Adult training facilities~~																		~~P~~						Consider as part of Business, trade, or non-academic colleges
MEDICAL																								
Hospital													P											
Medical clinic							P	P	P	P	P	P			P	P	P	P	P	P				Consider expanding to other TOD districts
Dental clinic															P									Consider expanding to other TOD districts
~~Medical and dental clinics~~															~~P~~									
Medical clinic, not to exceed 5,000 sq. ft.																					C			
UTILITY																								
Public and utility facilities	**P**	**P**	**P**	**P**	**P**	**P**																	**§ 152.244**	
~~Public and utility facilities~~	~~C~~	~~C~~		~~C~~	~~C~~	~~C~~																		
~~Wireless Communication Facility~~																	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~			
Telecommunication tower													C										**§§ 152.090 through 152.096**	

	RES						BUS-IND						PUB	CON	TOD						NWMUD	Standards	Notes
	R-1	***R-2***	***R-3***	***R-4***	***R-5***	***R-6***	*B-1*	*B-2*	*B-3*	*B-4*	*BP*	*I*			*C*	*CT*	*E*	*ET*	*GHI*	*GMD*	*GLI*			
COMMERCIAL																								
Lodging																								
~~Bed and breakfast establishments~~	~~C~~	~~C~~		~~C~~	~~NP~~	~~NP~~																		
~~Lodging~~																~~P~~	~~P~~	~~P~~						
Hotel or motel, not to exceed 50 rooms																				P				
~~Lodging, not to exceed 50 rooms~~																				~~P~~				
Hotel or motel, not to exceed 12 rooms																					P			
~~Lodging, not to exceed 12 rooms~~																					~~P~~			
Hotel or motel							NP	C	C	C	C	NP				P	P	P						
Indoor Entertainment, Recreation, Food, and Beverage																								
Restaurant, Class I							NP	P	P	P	P	P											**§ 152.033**	Classes relate to alcohol sales and ABV of alcohol being sold.
Restaurant, Class II							NP	C	C	C	C	C												
Restaurant, brewpub							NP	C	C	C	C	C			P	P	P	P	P	P				
Restaurant, brewpub, brewery with taproom, micro-distillery with cocktail room															P									
Brewery with taproom and micro-distillery with cocktail room																P								
Taproom and cocktail room																	C	P	C	C				
Brewery and micro-distillery																			C	C				
Restaurant, not to exceed 40 seats																					P			
Brewpub, not to exceed 40 seats																					P			
Theater, excluding drive-ins							NP	C	C	C	NP	NP			P									
Commercial recreational facility (Privately owned)	C	**NP**		**NP**	**NP**	NP																		
Commercial indoor recreational facility under 2,450 square feet							NP	P	P	P	P	P												
Commercial indoor recreational facility over 2,450 square feet							NP	C	C	C	C	C												
Entertainment															C									This is not defined and requires a larger discussion about what to include as uses that qualify as "entertainment."
Sexually oriented business							NP	NP	P	NP	NP	NP											**§ 152.343**	
Outdoor Recreation																								
Commercial outdoor recreational facilities							NP	C	C	C	NP	NP												
Outdoor recreational uses operated by a governmental agency or conservation group, homeowners or private association and facilities for making the area useful to public or association														P										
Service or Workplace																								
Office							P	P	P	P	P	P			P	P	P	P	P	P				
Office, not to exceed 5,000 sq. ft.																					P			If there are size limitations (height, coverage, setbacks) does max floor area matter?
~~Office, bank or clinic~~							~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~												
Office related to leasing, renting and maintenance of multiple family dwellings and townhouses	P	P	P	P	P	P																		
Bank							P	P	P	P	P	P												
All structures for retail or service businesses with 25,000 square feet or less, excluding those mentioned elsewhere in this section							NP	P	P	P	C	C												
All structures for retail or service businesses with between 25,000 and 50,000 square feet, excluding those mentioned elsewhere in this section							NP	C	P	P	NP	NP												
All structures for retail or service businesses with 50,000 square feet or more, excluding those mentioned elsewhere in this section							NP	C	C	C	NP	NP												
Retail and service															P	R	P	P	P	R	R			
Transient sales							NP	NP	C	NP	NP	NP											**§ 152.344**	
Transient produce sales, only in the Old Town Hall Square at Zane Avenue North and Brooklyn Boulevard														P										
Veterinary clinic							P	P	P	P	P	P			P									
Animal services							**NP**	**P**	**P**	**P**	**P**	**P**			P								**§ 92.15**	Not defined. Clarify if it includes boarding, daycare, dog run, adoption shelter
~~Veterinary and animal services~~															~~P~~									
~~Commercial Kennel~~							~~NP~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~												Covered by animal services. Requires corresponding definition update.
Body Art							NP	P	P	NP	NP	NP											**M.S. Chapter 146B and Chapter 123 of this code**	
Funeral home							P	P	P	NP	NP	NP												
Crematories/Crematoriums							P	NP	NP	NP	NP	NP												Explore if this could be a principa use if located in industrial.
Currency exchange and pawnshop							P																**§ 152.344**	
Heavy equipment, machinery and farm vehicle sales, contractors yards, bulk firewood sales, and gravel and rock sales							NP	NP	NP	NP	NP	P												
Automobile, Parking, Transportation																								
Auto oriented repair services							NP	NP	C	C	C	C												
Carwash							NP	NP	C	C	C	NP												
Gasoline sales							NP	C	C	C	C	C				C	C	C						
~~Fuel stations~~							~~NP~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~												Is this the same as gasoline sales?
Drive-through facility															C									
~~Parking as a principal use~~															~~C~~									Why the "as a principal use" distinction?
Parking															C	P	C	C	P					
Indoor sales of automobiles, trucks and recreational vehicles and the like							NP	NP	NP	C	C	C											**§ 152.344**	

	RES						BUS-IND						PUB	CON	TOD							NWMUD	Standards	Notes
	R-1	***R-2***	***R-3***	***R-4***	***R-5***	***R-6***	*B-1*	*B-2*	*B-3*	*B-4*	*BP*	*I*			*C*	*CT*	*E*	*ET*	*GHI*	*GMD*	*GLI*			
Showrooms and sales of automobiles, trucks and recreational vehicles and equipment and the like							NP	NP	NP	C	NP	NP											**§ 152.344**	
Wholesale, broker and auction dealer of automobiles, trucks and recreational vehicles and the like							P	P	P	P	P	P											**§ 152.343**	
Automobile rental containing more than six cars on site							NP	C	C	C	NP	NP												
Bus or truck storage or service shops, including fuel stations							NP	NP	NP	NP	NP	C												
Fabrication or assembly of heavy equipment or vehicles							NP	NP	NP	NP	NP	C												
Truck or motor freight terminal							NP	NP	NP	NP	NP	C												
Vehicle impound yard							NP	NP	NP	NP	NP	C												Ensure definition excludes salvage activities.
LIMITED PRODUCTION, PROCESSING, STORAGE																								
Self-service storage facility							NP	NP	C	C	NP	C			NP	NP	NP	NP	NP	NP	NP			
Warehousing							NP	NP	NP	NP	P	P												
Distribution center							NP	NP	NP	NP	P	P												
Distribution as a primary use																	NP	NP						
Distribution or products produced on site																	P	P						
Soil processing and mining	C	**NP**		**NP**	**NP**	NP																		
Concrete or asphalt mixing plants, concrete block fabrication, or builders' or contractors' yards, brick yards, and accessory sale of dirt, sand, gravel, rock, concrete blocks, bricks, etc.							NP	NP	NP	NP	NP	C												
Stone, marble or granite grinding and cutting							NP	NP	NP	NP	NP	C												
Manufacturing, assembly, processing, fabricating, brewing, distilling, and accessory sale of the product produced on site, except those uses further restricted in this ordinance							NP	NP	NP	NP	P	P					P	P						
~~Manufacturing, assembly, processing, fabricating, brewing, distilling and accessory sale of the product produced on site~~																	~~P~~	~~P~~						
Agricultural uses														P										
Farming and cultivation of agricultural products	P	**P**		**P**	**P**	P																		
Seasonal (temporary) greenhouse and garden center	C	**NP**		**NP**	**NP**	NP																	**§ 152.362(D)**	Does a temporary use belong in a principal use table?
Domesticated and farm animals	P	**NP**		**NP**	**NP**	NP																		
Open space area connected with residential, institutional, or business development														P										
Nature study area and arboretum														P										
~~Multiple principal structures on a single lot~~							~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~												Should be considered a development standard and removed from the use table.

C	Allowed with approval of a conditional use permit	R	Permitted with compliance to the conditions of subsection (B)(1) below

(A) Multiple uses within a single parcel or building are permitted in TOD districts.

(B) Uses permitted in sections §152.606 – §152.610 are limited for size or intensity as follows:

(1) Restrictions per use:

Service and retail	50,000 sq. ft. max. gross floor area
Institutional	On-site parking may not exceed 50 surface lot spaces
Residential	Residential uses not permitted on the ground floor of buildings whose primary façade is along Bottineau Boulevard, Brooklyn Boulevard, West Broadway

§152.604 BUILDING AND SITE STANDARDS.

(A) *Purpose*. This section regulates the development and modification of buildings and other elements of the built environment within the private lot, based on the following premises:

(1) Building regulations should equitably balance the rights of the individual and the interests of the community as a whole.

(2) Building form individually and collectively defines and supports the public realm.

(3) Building placement should support walkability, safe streets, and safe public spaces, to create pedestrian-friendly neighborhoods.

(B) Minimum frontage buildout indicates that lots must contain buildings along the prescribed length of property line.

(1) At front streets the minimum frontage buildout is a percentage of the length of the abutting property line.

(2) At side streets the minimum frontage buildout is a specified distance along the property line from the corner.

(3) Facades must be within the minimum and maximum setback.

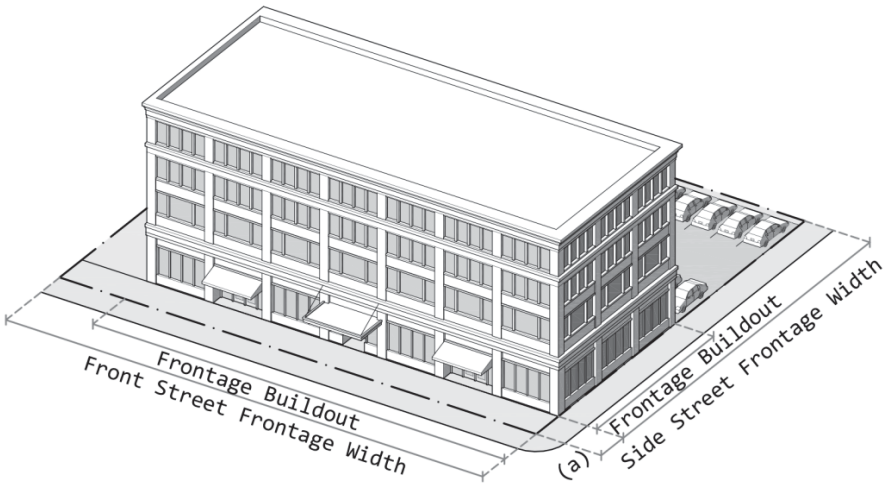
(4) At corner lots the width of the property, for frontage buildout calculation, may be reduced by the setback of the perpendicular lot line as indicated by (a) in the illustration below.

(C) Front setback requirements of Table 6 through Table 9, and Table 16 through Table 18 will be maintained as City easement for right of way maintenance.

(D) Building width must meet the requirements of Table 6 through Table 9, and Table 16 through Table 18 measured at front setback. The maximum building width does not apply to buildings with a forecourt frontage type where the forecourt is wider than 40 feet.

(E) In order to create activity levels that support and take advantage of existing and future transit proposed within the City, the density of dwelling units (DU) per acre must meet requirements of Table 6 through Table 9, and Table 16 through Table 18. These requirements apply to the residential component of any residential or mixed-use project proposed in the district.

Figure 1. Minimum Frontage Buildout Illustration



(F) Building height is limited in above ground stories according to Table 6 through Table 9, and Table 16 through Table 18.

(1) Stories are measured as follows:

(a) Stories are measured from finished floor to finished ceiling.

(b) Stories above the ground floor are limited to 14 feet in height.

(c) Ground floor height is subject to the following requirements:

1. Ground floor height must be no less than 12 feet except in TOD-G low intensity.
2. Ground floor height is limited to 20 feet, above which it counts as an additional story.

(2) Parking structure height is subject to the following requirements:

(a) Structure height may not exceed the finished ceiling height of the top floor of the tallest primary use building.

(3) Projections not used for human habitation are exempt from building height restrictions, including the following:

(a) Chimneys, spires, domes, elevator shaft and stair housings, antennae, vents, and flag poles.

(G) For those TOD Districts that permit residential use, the ground floor of buildings along certain roads within those Districts may not be used for residential. Residential use standards for those applicable Districts are located in Table 6 through Table 9, and Table 16 through Table 18.

~~(G)~~(H) Facade types must be assigned along all streets according to the standards of Table 1 and the following requirements:

(1) Buildings may include multiple facade types along their length, each type no less than 30 feet in width.

(2) Functioning building entries must be provided along street frontages as follows:

(a) The primary building entry must be located along a street frontage.

(b) One functional entry must be provided for every 80 feet of facade, leading to habitable space.

1. Where a building fronts onto two or more streets, a side street facade under 50 feet in length is exempt from the entry requirement.

(3) Loading docks and service areas are restricted according to the parking and storage setbacks of Table 6 through Table 9 and Table 16 through Table 18.

(4) Encroachments into the front street and side street setbacks are permitted as follows:

§152.605 DEVELOPMENT STANDARDS

(A) *Parking*. Off-street parking must be set back from frontages according to Table 6 through Table 9 and Table 16 through Table 18, except where parking is located underground.

(1) *Location.* Required vehicular parking may be fulfilled in the following locations:

(a) Parking spaces provided on-site, or between multiple connected sites with a recorded shared use parking agreement.

(b) Parking spaces provided along a parking lane on-street corresponding to the site frontages.

(2) *Access*. Parking access must meet the following requirements:

(a) Driveways are limited to 20 feet in width.

(b) Access to off-street surface and structured parking facilities, including driveways accessing internal structured parking within a development, shall be designed in accordance with the following:

1. Sites with alley access must use the alley for ingress and egress.
2. Access shall be located at the side or to the rear of a structure.
3. Access shall be from the secondary frontage when available.
4. No access shall be allowed from street frontages located across from single-family residential zoning districts. If all frontages are located across from single-family residential districts, the **Planning Director** will determine how access can be achieved with minimal intrusion into a single-family neighborhood.

~~(b) Sites with alley access must use the alley for ingress and egress.~~

(c) Pedestrian access to off-street parking must be provided from frontages with walkways a minimum of six feet in width.

(3) *Screening*. Parking areas must be screened from public streets, sidewalks and paths by a masonry wall or evergreen hedge. The height of the screen must be a minimum of 36 inches and a maximum of 48 inches in height.

(4) *Structured parking*. The ground floor of any parking structure abutting a public street must have habitable space for a depth of 30 feet facing the street. METRO parking structures may be eligible for a waiver from this requirement if a façade that limits vehicle visibility is provided.

(a) Upper floors must be designed and detailed in a manner consistent with adjacent buildings.

(b) Entrances must minimize conflict with pedestrian movement.

(5) *Required parking.* Parking minimums and maximums do not apply to TOD zones.

(B) *Bicycle Parking.* Bicycle parking shall be provided for all uses within all TOD Districts. The following bicycle facilities shall be required:

(1) Each land use shall provide the number of bicycle parking spaces required by Table 2. A minimum of two short-term bicycle parking spaces and one long-term parking space shall be provided for new non-residential development. When the bicycle parking required for a nonresidential use is based on square footage, at least twenty-five (25) percent of the bicycle parking spaces shall be provided in long-term parking facilities and at least (fifty) 50 percent shall be provided in short-term bicycle parking facilities .

When part or all bicycle parking spaces required for non-residential land use is based on the number of employees, that portion shall be provided in long-term bicycle parking facilities.

Table 2. Bicycle Parking Requirements

PRINCIPAL USE	# OF BICYCLE SPACES REQUIRED
Shopping	1 space per 5,000 sq. ft.
Dining	1 space per 4,000 sq. ft.
Services	1 space per 5,000 sq. ft.
Employment	1 space per 5,000 sq. ft.
Residential	1 space per 4 dwelling units
Institution	1 space per 5,000 sq. ft.
Lodging	1 space per 10 guest rooms
Recreation/Events	1 space per 5,000 sq. ft.

(2) For changes in use or tenant, bicycle parking will be analyzed**.**

(3) *Types of bicycle parking.* There are two types of bicycle parking.

(a) Short-term bicycle parking. Short term bicycle parking is typically in the form of bicycle racks. Bicycle racks must meet the following criteria:

1. Supports the bicycle upright by its frame in two places;
2. Prevents the wheel of the bicycle from tipping over;
3. Enables the bicycle frame and at least one wheel to be secured to the rack with a U-lock;
4. Rack is constructed of materials that resist cutting by manual tools such as bolt cutters, hand saws, abrasive cutting cables, and pipe cutters;
5. Rack is securely anchored to the ground.

(b) Long-term bicycle parking. Long-term bicycle parking protects the entire bicycle and its components from theft, vandalism, and inclement weather. Long-term bicycle parking is required when at least 50 bicycle spaces are required on a site. Long-term bicycle parking may include:

a. Bicycle lockers. A bicycle locker is a fully enclosed space for one bicycle, accessible only to the owner of the bicycle. A bicycle locker must be equipped with an internally mounted key-actuated or electronic locking mechanism, and not lockable with a user-provided lock. Groups of internal-lock bicycle lockers may share a common electronic access mechanism provided that each locker is accessible only to its assigned user. Bicycle lockers shall be constructed of molded plastic/fiberglass, solid metal or perforated metal. Lockers shall be screened per the requirements of **§ 152.275.**

b. Restricted-access bicycle enclosure. A restricted-access bicycle enclosure is a covered or indoor locked area containing within it one (1) bicycle rack space for each bicycle to be accommodated and accessible only to the owners of the bicycles parked within it.

(4) Layout and design

(a) General guidelines

1. All spaces provided shall be on a hard and stable surface.
2. All bicycle parking facilities shall be securely anchored to the surface so they cannot be easily removed and shall be of sufficient strength to resist vandalism and theft.
3. All bicycle parking facilities within vehicle parking areas shall be separated by a curb or other physical barrier to protect bicycles from damage by automobiles and other moving vehicles.
4. Short-term bicycle facilities shall meet all of the following requirements:
    a. The facilities shall be installed in a clear space at least two (2) feet in width by six (6) feet in length to allow sufficient space between parked bicycles.
    b. When multiple short-term bicycle parking facilities are installed together in sequence, they shall be installed at least three feet apart and located in a configuration that provides space for parked bicycles to be aligned parallel to each other.

(5) Location

(a) Short-term bicycle parking facilities shall be located in a convenient, highly visible, and well-lit area within fifty (50) feet of a building entrance and within view of pedestrian traffic.

(b) Long-term bicycle parking facilities for tenant and occupant use shall be conveniently accessible by pedestrians from the street, and at least as close as the closest non-accessible automobile parking.

~~(B)~~(C) *Streetscape Improvements.* The provisions of this section apply to all streetscape improvements in TOD-C, TOD-T, and TOD-E.

(1) Streetscape improvements including sidewalks, boulevards, furniture zones, lights and trees must meet the requirements of Table 3.

(2) Improvements must transition to existing conditions at adjacent properties to preserve pedestrian access and safety.

~~(E)~~(F) *Landscaping Requirements*. All open areas of any site, except for that portion used for parking, driveways, and storage, must be landscaped and incorporated in a landscape plan, per the following requirements:

(1) The required landscaped area must be planted with trees, ground cover, low shrubs or flowering plants.

(G) *Crosswalk and Interior Connections.*

(1) Crosswalks at private street intersections or within parking lots shall be distinguished from driving surfaces to enhance pedestrian safety by using either different pavement materials, pavement color, or pavement textures in conjunction with signage.

(2) Internal sidewalk connections are required between buildings and from buildings to all onsite facilities (parking areas, bicycle facilities, plazas and open space, etc.).

(3) External sidewalk connections are required to provide direct connections from all buildings on-site to the existing and/or required sidewalk system and to abutting multi-use trails, parks, and greenways.

(4) The on-site pedestrian circulation system shall be well-lit to ensure safe use of the system at night. All lighting shall be shielded with full cut-off or semi cut-off fixtures.

~~(F)~~(H) *Signs*. Signs in TOD-G Medium and High Intensity must comply with the following:

(1) *Type*.

(a) An establishment may erect wall signs or projecting signs, or a combination thereof as regulated by subsections (2) and (3).

(b) Roof signs are prohibited.

(c) Freestanding or pylon signs, permanent or temporary, are prohibited, except for joint or shared parking uses and public transit message center signs and monument signs. Monument signs may not exceed five feet in height.

(d) Mural scenes or designs painted directly on an exterior building wall that are intended as decorative or ornamental features are permitted with the prior approval of the City Manager. Murals that include text, numbers, trademarks, logos or other forms of business advertisement are considered painted wall signs and must comply with the regulations of this code. Murals that are not painted wall signs are not regulated by subsections (2) and (3).

(e) Sandwich board signs, one per business establishment, are permitted provided that they are located on the sidewalk in front of the business establishment and do not block pedestrian use of the sidewalk. Each side of the sandwich board sign must not exceed nine square feet. Sandwich board signs are not regulated by subsections (2) and (3).

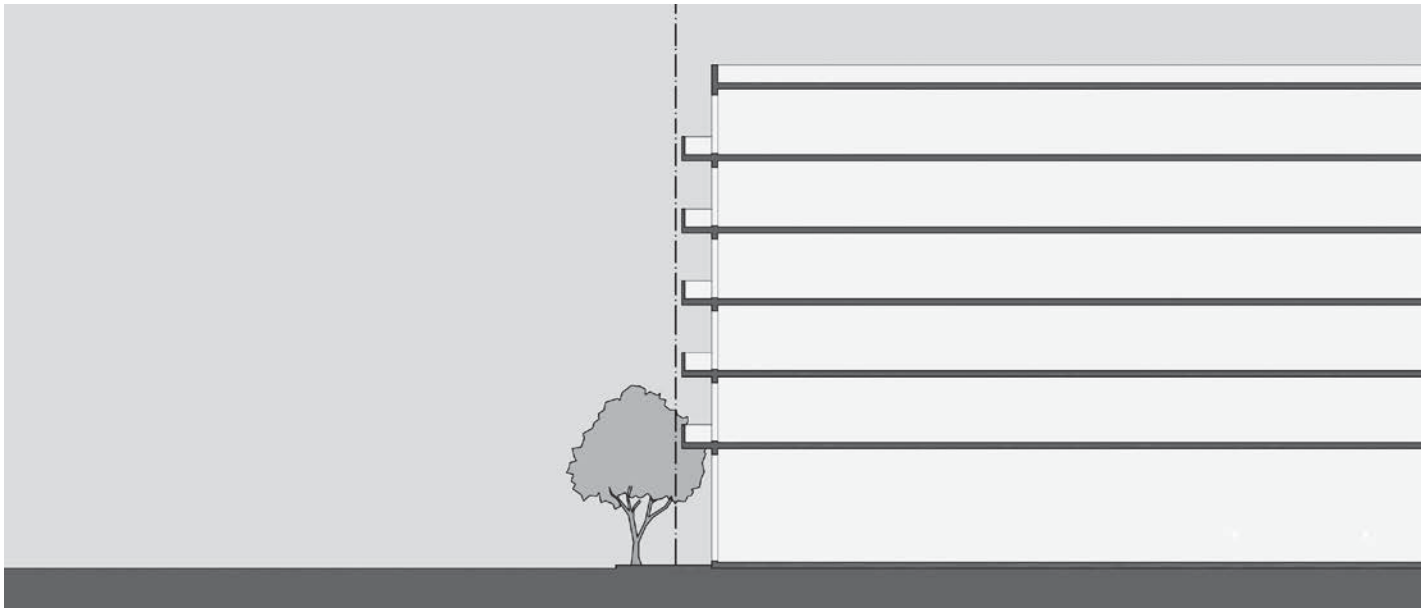
(2) *Number*. An establishment may erect any number of wall signs provided that the total area does not exceed the total permitted area established in (3).

(3) *Size and materials*.

(a) The maximum total area of all wall signs must not exceed three square feet per one lineal foot of business establishment frontage. Window signs are not included in the above calculation and may not exceed one-third of the glazed area of the window. Signs may be illuminated. Signs must be placed on the building so as not to obscure architectural features and detail.

(b) The maximum area of any individual wall sign must not exceed two square feet per one lineal foot of business establishment frontage. The maximum area of any projecting sign must not exceed six square feet.

Table 6. TOD-C Building and Site Standards, continued

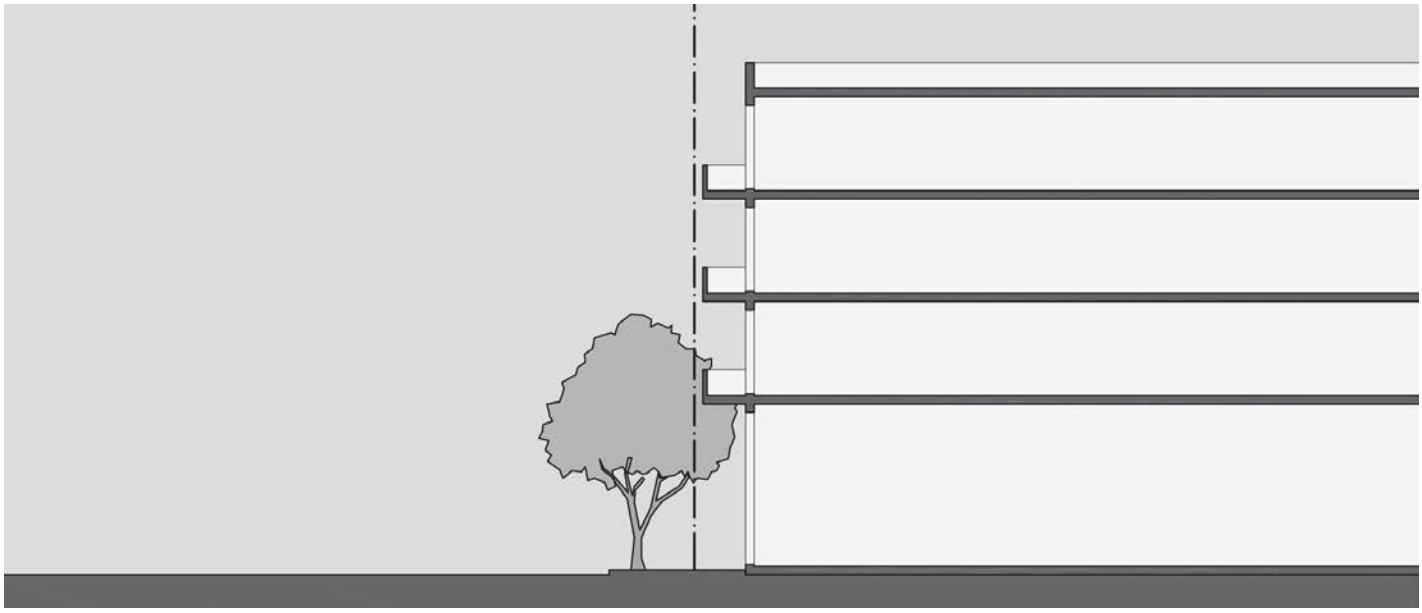


BUILDING HEIGHT		
6 stories max.	Parking structure height	1 story less than building
Building height of 8 stories is available with a Conditional Use Permit upon initiation of construction of the METRO station. Building height may not exceed one story more than an adjacent single-family district within 50 ft. of residential parcels.		

USES			
RESIDENTIAL		**COMMERCIAL**	
R	Multiple dwelling	P	Retail and service
P	Care facility, convalescent home	P	Office
		P	Medical and dental clinics
INSTITUTIONAL		P	Veterinary and animal services
NP	Religious assembly	P	Child and adult day care
NP	Schools	P	Restaurants and brewpubs, theatres and entertainment
OTHER		C	Parking as a principle use
P	Wireless communication facilities as accessory uses located on a building	NP	Gasoline sales
		NP	Drive-through facilities
		NP	Self-storage facilities, sexually-oriented businesses, impound lots, vehicle sales

DWELLING UNIT DENSITY	
Minimum	60 dwelling units per acre
Maximum	80+ dwelling units per acre

Table 7. TOD-C.T Building and Site Standards, continued



BUILDING HEIGHT		
4 stories max.	Parking structure height	1 story less than building
Building height of 6 stories is available with a Conditional Use Permit upon initiation of construction of a METRO station. Building height must match height of adjacent single-family within 50 ft. of residential parcels.		

USES			
RESIDENTIAL		**COMMERCIAL**	
R	Townhouse	R	Retail and service
R	Multiple dwelling	P	Restaurants and brewpubs
P	Care facility, convalescent home	P	Office
		P	Lodging
INSTITUTIONAL		P	Medical clinic
NP	Religious assembly	P	Child care
NP	Schools	P	Adult day care
R	Libraries	P	Parking
R	Museums	C	Gasoline sales
OTHER		C	Breweries and micro-distilleries
C	Wireless communication facilities	C	Taprooms and cocktail rooms
P	Drive throughs as an accessory use	NP	Self-storage facilities, adult entertainment and retail, impound lots, vehicle sales

DWELLING UNIT DENSITY	
Minimum	40 dwelling units per acre
Maximum	60 dwelling units per acre

§152.610 "TOD-G" TRANSIT-ORIENTED GREENFIELD DISTRICT – HIGH, MEDIUM, AND LOW INTENSITIES AND GREENFIELD NEIGHBORHOOD STRUCTURE AND PUBLIC REALM STANDARDS

(A) *Purpose and Applicability.* The structure of the TOD-G district provides the City and future development groups with the regulations and guidelines needed to develop a comprehensive, resilient and pedestrian-oriented TOD. The subdivision regulations in subsection (D) provide the following:

(1) A network of connected streets and blocks that reflect an approved station area plan.

(2) General block sizes and configurations that support zoning and land use goals.

(3) Maximum block perimeters that foster attractive, safe and walkable environments, while enhancing circulation through the site.

(4) Guidance on meeting regional stormwater requirements as detailed in the Brooklyn Park Subarea Stormwater Master Plan.

(B) *Regulating Plan.* The TOD-G district is implemented through a regulating plan, approved with the rezoning to TOD-G, which includes a combination of at least two of the three intensities described below and regulated by Table 10 and §152.601. TOD-G areas must be divided into neighborhoods by the introduction of a primary thoroughfare network, and then into blocks by the completion of the streets and open spaces. As the area is subdivided to generate blocks, parcels and individual building sites, the regulating plan assigns intensities that may be refined with approval by the City Manager according to §152.021. Regulating plans, consisting of one or more maps, must show the following:

(1) District boundaries

(2) Existing infrastructure including streets, parks and open space

(3) Thoroughfare network according to subsection (D) with thoroughfare assignments according to Table 12 or Table 13.

(4) Civic area according to Table 10, with types and boundaries according to Table 14.

(C) *Intensities.* At least two of the three intensities described below must be used in the TOD-G district and must achieve a minimum density of 20 dwelling units (DU) per acre. TOD-G intensities are comprised of:

(1) Low intensity: Consists of medium density residential areas, with a mix of uses, home occupations, and accessory buildings. It contains a wide range of building types — houses, courtyard housing, townhouses, duplexes, triplexes, small apartment buildings, and neighborhood commercial uses. This area must be more than 1,500 feet from a high frequency transit service station.

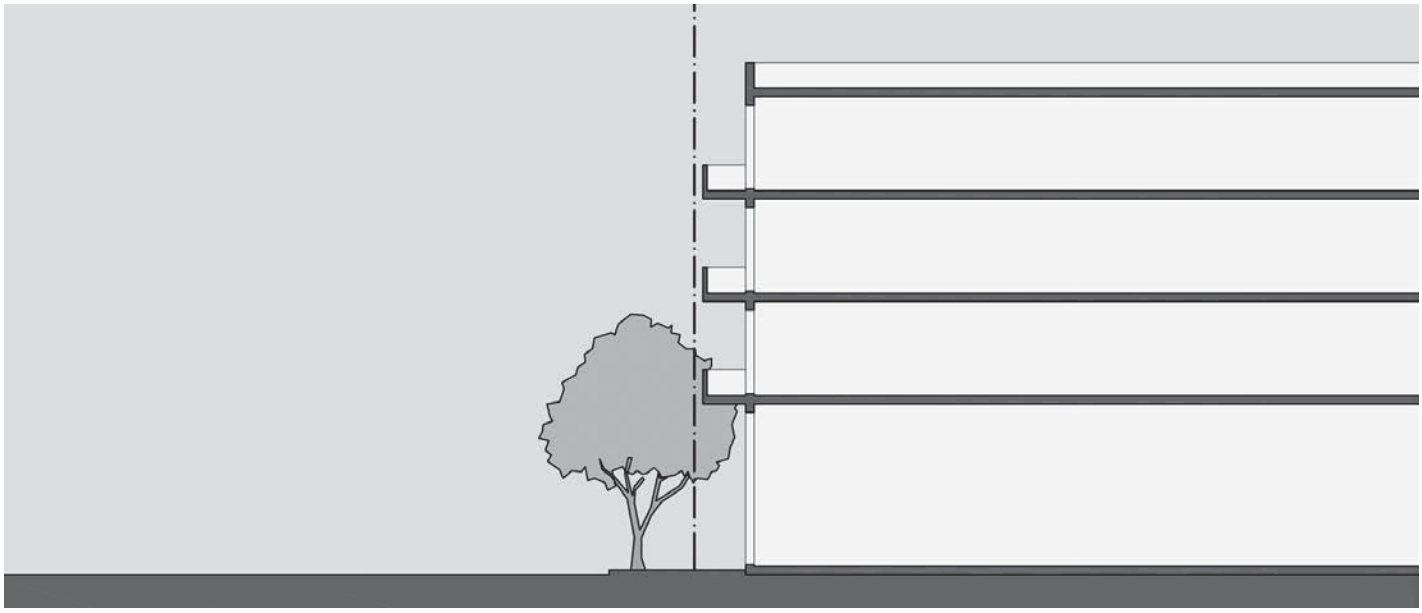
(2) Medium intensity: Consists of a mix of uses but is primarily medium to high density residential and neighborhood commercial uses.

(3) High intensity: Consists of high density mixed-use buildings that accommodate retail, offices, institutions, and multi-family housing.

~~Table 9.~~Table 10. Regulating Plan Requirements

AREA IN ACRES	CIVIC SPACE PERCENT OF AREA	DENSITY	INTENSITY % OF AREA		
			LOW	MEDIUM	HIGH
40 min.	5 – 10%	20 - 80+ DU/acre	20% max.	50 – 70%	10 – 30%

Table 16. TOD-G Medium Intensity Building and Site Standards, continued

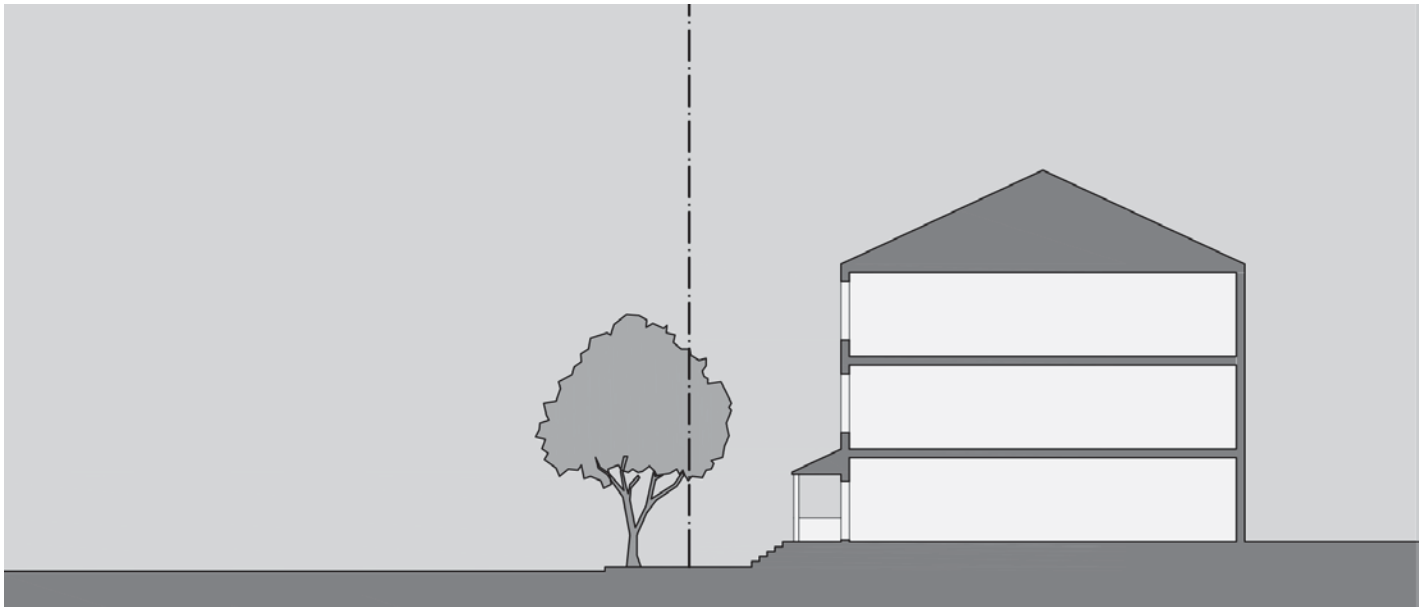


BUILDING HEIGHT		
4 stories max.	Parking structure height	1 story less than building
Building height of 6 stories is available with a Conditional Use Permit upon initiation of construction of the Oak Grove METRO station. Building height must match height of adjacent single-family within 50 ft. of residential parcels.		

USES			
RESIDENTIAL		**COMMERCIAL**	
R	Townhouse	R	Retail and service
R	Multiple dwelling	P	Restaurants and brewpubs
P	Care facility, convalescent home	P	Office
		P	Lodging, not to exceed 50 rooms
INSTITUTIONAL		P	Medical clinic
NP	Religious assembly	P	Child care
NP	Schools	P	Adult day care
R	Libraries	C	Taprooms and cocktail rooms
R	Museums	C	Breweries and micro-distilleries
OTHER		NP	Parking as primary use
C	Wireless communication facilities	NP	Gasoline sales
		NP	Self-storage facilities, adult entertainment and retail, impound lots, vehicle sales

DWELLING UNIT DENSITY	
Minimum	20 dwelling units per acre
Maximum	80+ dwelling units per acre

Table 17. TOD-G Low Intensity Building and Site Standards, continued



BUILDING HEIGHT	
3 stories or 40 feet max.	

USES			
RESIDENTIAL		**COMMERCIAL**	
R	Single-family, two-family	R	Retail and service
R	Townhouse	P	Restaurants, not to exceed 40 seats
R	Multiple dwelling	P	Brewpubs, not to exceed 40 seats
P	Care facility, convalescent home	P	Office, not to exceed 5,000 sq. ft.
		P	Lodging, not to exceed 12 rooms
INSTITUTIONAL		P	Child care
NP	Religious assembly	C	Medical clinic, not to exceed 5,000 sq. ft.
NP	Schools	C	Adult day care
R	Libraries	NP	Parking as primary use
R	Museums	NP	Gasoline sales
OTHER		NP	Breweries and micro-distilleries
C	Wireless communication facilities	NP	Taprooms and cocktail rooms
		NP	Self-storage facilities, adult entertainment and retail, impound lots, vehicle sales

DWELLING UNIT DENSITY	
Minimum	20 dwelling units per acre
Maximum	40 dwelling units per acre

Memorandum

To: Brooklyn Park Planning Commission Members
CC: Cindy Sherman, Planning Director

From: Erin Perdu, AICP Planning Consultant
Molly Just, AICP, Planning Consultant

Date: 10/20/2020

Re: Zoning Update
WSB Project No. 015207

From Last Work Session (Attachment A)

1. Equity in Zoning - Storage Requirements. Draft language is provided.
2. Use Table – Draft language is provided which includes the edits suggested at the September work session. Note that there are a few terms that require some additional definitions; these will be included in the Reorganization/UDC work described below.
3. TOD Districts – Draft language is provided which includes revisions to ground-floor residential uses as discussed in September. Note that we are also checking on the bicycle parking requirements against recently approved developments to make sure that the standards are consistent with those recent approvals.

Unified Development Code (Attachment B)

Purpose. We recommend consolidating the City regulations governing land use and development into a Unified Development Code (UDC). The UDC is the official body of rules and regulations to guide land use and development. It is a document in which traditional zoning and subdivisions regulations are combined with other desired city regulations such as signage and subdivisions. It serves as a local policy instrument in implementing the City's land use plans and goals.

Reorganization principles. The new code will advance the goals established by the community in Brooklyn Park 2025 and more broadly in the 2040 Comprehensive Plan. The City has a bold vision that necessitates revisions to its regulatory tools to enable and promote build out of the City according to this vision. The current code is too conventional, restrictive, and complex to successfully partner with residents, businesses, and the development community to realize this vision.

701 XENIA AVENUE S | SUITE 300 | MINNEAPOLIS, MN | 55416 | 763.541.4800 | WSBENG.COM

Overview of Brooklyn Park UDC

<table>
<tr>
<td>Article 1. General Provisions
Purpose. To provide an overview of the purpose and authority of the UDC
Overview of Changes
• Move definitions to the end, new Article 6 Definitions
• Administration and Procedures and nonconformities move to new Article 5 Administration and Procedures</td>
<td rowspan="2">Article 4. Development Standards
Purpose. To establish standards for development of land and how it should relate to the public realm and surrounding private property. Ex. Parking, building form, design, screening, landscaping, lighting.
Overview of Changes
• Standards will be found in one section of the code instead of multiple sections (Secs 152.200 and 152.300)
• Fences 152.292 – review “approved materials”
Considerations:
• Should sections currently outside of Chapter 152 be incorporated here. Ex. Signs, stormwater management, and plat design
• Signs and Temporary Signs. Review for compliance with case law.</td>
</tr>
<tr>
<td>Article 2. Zoning Districts
Purpose. To state the purpose of and differentiate each district.
Overview of Changes
• Information will be streamlined and consolidated in an intuitive manner.</td>
</tr>
<tr>
<td>Article 3. Permitted Uses & Use Standards
Purpose. In table form, state what is allowed how and where
Overview of Changes
• Addition of a use table.
• Much focus will be given to establishing use standards to enable more uses to be allowed by-right, without a CUP or RZ.
• Outdoor Sales/Display (152.0362) revisit for convenience stores and gas stations
• Accessory Dwelling Units (ADU) – allow and regulate.</td>
<td>Article 5. Administration and Procedures
Purpose
Overview of Changes
• Addition of a summary table for applicable procedures (ex. CUP, PUD, Site Plan)
• Addition of a summary of who does what in the approval processes
• Moved from Sec. 152.030 (Administration, Procedures) to stand-alone chapter to increase usability.</td>
</tr>
<tr>
<td></td>
<td>Article 6. Definitions
Purpose – define and empower all relevant and governing terms in the UDC, in one place
Overview of Changes
• Eliminate duplicates and dated terms and add missing terms</td>
</tr>
</table>

Next Steps

Pending your input on the reorganization and UDC principals, we will prepare the first set of amendments for your consideration at the next work session in November.

ATTACHMENT A

SECTION 152.243 ADDITIONAL REGULATIONS FOR PERMITTED USES

(C) Detached single-family dwellings. All new detached single-family dwelling must comply with the following conditions:

(1) ~~All dwellings built after July31, 1982, including manufactured or mobile housing, must include a basement as defined in Sec. 152.008.~~ The lowest floor elevation of any residential basement may not be lower than the regulatory flood protection elevation.

Bold = additions
~~Strikethrough = removals or consolidations~~
Pink fill = consider adding uses in this district
Blue = moved or consolidated
P = Permitted C = Conditional Blank = Not Permitted
Bold Red = Condition to Permitted

	RES						BUS-IND						PUB	CON	TOD							NWMUD	Standards
	R-1	***R-2***	***R-3***	***R-4***	***R-5***	***R-6***	*B-1*	*B-2*	*B-3*	*B-4*	*BP*	*I*			*C*	*CT*	*E*	*ET*	*GHI*	*GMD*	*GLI*		
RESIDENTIAL																							
Household Living																							
Single-family dwelling	P	**P**		**P**	**NP**	NP															**R**	**P**	
~~Dwellings, detached single-family~~	~~P~~	~~P~~		~~P~~	~~NP~~	~~NP~~																	
~~Single-family, two-family~~																					~~R~~		
Two-family dwelling	NP	**NP**		**P**	**P**	NP															**R**	**P**	
~~Dwellings, attached two-family~~	~~NP~~	~~NP~~		~~P~~	~~P~~	~~NP~~																	
Townhouse dwelling	NP	**NP**		**P**	**P**	P										**R**				**R**	**R**	**P**	
~~Dwellings, townhouses~~	~~NP~~	~~NP~~		~~P~~	~~P~~	~~P~~																	
Multiple family dwelling	NP	**NP**		**NP**	**P**	P	NP	C	C	NP	NP	NP			**R**	**R**			**R**	**R**	**R**	**P**	**§ 152.344**
~~Dwellings, multiple family structures~~	~~NP~~	~~NP~~		~~NP~~	~~P~~	~~P~~																	
~~Multiple dwelling~~															~~R~~	~~R~~			~~R~~	~~R~~	~~R~~		
~~Multiple family dwelling and cluster housing in compliance with § 152.344~~							~~NP~~	~~C~~	~~C~~	~~NP~~	~~NP~~	~~NP~~											
Mobile home park	NP	**NP**		**NP**	**C**	NP																	**§ 152.244**
Model home	P	**P**		**P**	**P**	P																	
Group Living																							
Care center, convalescent home, and assisted Living	**NP**	**NP**		**NP**	**C**	**C**	C	C	C	C	NP	NP			P	P	P	P	P	P	P		
~~Care centers, convalescent homes, hospitals, and assisted living facilities~~							~~C~~	~~C~~	~~C~~	~~C~~	~~NP~~	~~NP~~											
~~Care facility, convalescent home~~															~~P~~	~~P~~			~~P~~	~~P~~	~~P~~		
Residential facility, licensed (6 or fewer persons)	P	**P**		**P**	**NP**	NP																	
Residential facility, licensed (7-15 persons)	NP	**NP**		**NP**	**C**	C																	
CIVIC & INSTITUTIONAL																							
Cemetery	C	**C**		**C**	**NP**	NP																	
Public and quasi-public facilities							C	C	C	C	NP	C	P										
Government buildings													P										
Library																R			P	R	R		
Museums																R			P	R	R		
Schools, elementary, or secondary							C	NP	NP	NP	NP	NP	P										**§ 152.182**
~~Public schools, including charter schools in compliance with § 152.182~~							~~C~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~											
~~Schools and Daycares~~													~~P~~										
Day care facility, licensed							P	P	P	P	P	P	P		**P**	**P**	**P**	**C**	**P**	**P**	**P**		
~~Daycare facilities, licensed~~							~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~											
Day care facility, licensed (13 to 16 persons)	NP	**NP**		**NP**	**P**	P																	
Group day care facility, licensed (13 to 16 persons)	NP	**NP**		**NP**	**P**	P																	
~~Daycare, licensed or group daycare facilities (13 to 16 persons)~~	~~NP~~	~~NP~~		~~NP~~	~~P~~	~~P~~																	
Day care facility, licensed (12 or fewer **persons**)	P	**P**	**P**	**P**	**NP**	NP																	
Group family day care facility, licensed (14 or fewer children)	P	**P**	**P**	**P**	**NP**	NP																	
~~Daycare facilities, licensed (12 or fewer children) or group family daycare facilities (14 or fewer children)~~	~~P~~	~~P~~		~~P~~	~~NP~~	~~NP~~																	
~~Child Care~~															~~P~~	~~P~~	~~P~~	~~C~~	~~P~~	~~P~~	~~P~~		
~~Adult Day Care~~															~~P~~	~~P~~	~~C~~	~~C~~	~~P~~	~~P~~	~~C~~		
~~Child and adult day care~~															~~P~~	~~P~~		~~C~~	~~P~~	~~P~~			
Religious assembly	P	**P**		**P**	**P**	P	P	P	P	P	NP	NP	P										**§§ 152.180 through 152.182**
~~Religious institutions~~													~~P~~										
~~Religious institutions subject to §§ 152.180 through 152.182~~	~~P~~	~~P~~		~~P~~	~~P~~	~~P~~																	
~~Religious institutions, in compliance with §§ 152.180 through 152.182~~							~~P~~	~~P~~	~~P~~	~~P~~	~~NP~~	~~NP~~											
Non-profit community agencies, recreation centers, or youth centers													P										
Clubs							NP	C	C	C	NP	NP											
Social clubs							NP	NP	C	NP	NP	NP											
Assembly, banquet, convention halls, or conference centers							NP	C	C	C	NP	NP											
Outdoor storage of equipment, landscaping materials, etc. when accessory to a government building or maintenance facility													C										
Business, trade, or non-academic colleges operated for profit							P	P	P	P	P	NP			P	P	P	P	P	P	P		
~~Adult training facilities~~																		~~P~~					
MEDICAL																							
Hospital													P										
Medical clinic							P	P	P	P	P	P			P	P	P	P	P	P	P		
Dental clinic															P	P	P	P	P	P	P		
~~Medical and dental clinics~~															~~P~~								

	RES						BUS-IND						PUB	CON	TOD							NWMUD	Standards
	R-1	***R-2***	***R-3***	***R-4***	***R-5***	***R-6***	*B-1*	*B-2*	*B-3*	*B-4*	*BP*	*I*			*C*	*CT*	*E*	*ET*	*GHI*	*GMD*	*GLI*		
Medical clinic, not to exceed 5,000 sq. ft.																					C		
UTILITY																							
Public and utility facilities	**P**	**P**	**P**	**P**	**P**	**P**																	**§ 152.244**
~~Public and utility facilities~~	~~C~~	~~C~~		~~C~~	~~C~~	~~C~~																	
~~Wireless Communication Facility~~																	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~		
Telecommunication tower													C										**§§ 152.090 through 152.096**
COMMERCIAL																							
Lodging																							
Hotel or motel							NP	P	P	P	P	NP				P	P	P					
~~Bed and breakfast establishments~~	~~C~~	~~C~~		~~C~~	~~NP~~	~~NP~~																	
~~Lodging~~																~~P~~	~~P~~	~~P~~					
Hotel or motel, not to exceed 50 rooms																				P			
~~Lodging, not to exceed 50 rooms~~																				~~P~~			
Hotel or motel, not to exceed 12 rooms																					P		
~~Lodging, not to exceed 12 rooms~~																					~~P~~		
Indoor Entertainment, Recreation, Food, and Beverage																							
Restaurant, Class I							NP	P	P	P	P	P											**§ 152.033**
Restaurant, Class II							NP	P	P	P	P	P											
Restaurant, brewpub							NP	P	P	P	P	P			P	P	P	P	P	P			
Restaurant, brewpub, brewery with taproom, micro-distillery with cocktail room															P								
Brewery with taproom and micro-distillery with cocktail room																P							
Taproom and cocktail room																	C	P	C	C			
Brewery and micro-distillery																			C	C			
Restaurant, not to exceed 40 seats																					P		
Brewpub, not to exceed 40 seats																					P		
Theater, excluding drive-ins							NP	P	P	P	NP	NP			P								
Commercial recreational facility (Privately owned)	C	**NP**		**NP**	**NP**	NP																	
Commercial indoor recreational facility under 2,450 square feet							NP	P	P	P	P	P											
Commercial indoor recreational facility over 2,450 square feet							NP	C	C	C	C	C											
Entertainment															C								
Sexually oriented business							NP	NP	P	NP	NP	NP											**§ 152.343**
Outdoor Recreation																							
Commercial outdoor recreational facilities							NP	C	C	C	NP	NP											
Outdoor recreational uses operated by a governmental agency or conservation group, homeowners or private association and facilities for making the area useful to public or association														P									
Service or Workplace																							
Office							P	P	P	P	P	P			P	P	P	P	P	P			
Office, not to exceed 5,000 sq. ft.																					P		
~~Office, bank or clinic~~							~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~											
Office related to leasing, renting and maintenance of multiple family dwellings and townhouses	P	P	P	P	P	P																	
Bank							P	P	P	P	P	P											
All structures for retail or service businesses with 25,000 square feet or less, excluding those mentioned elsewhere in this section							NP	P	P	P	C	C											
All structures for retail or service businesses with between 25,000 and 50,000 square feet, excluding those mentioned elsewhere in this section							NP	**P**	P	P	NP	NP											
All structures for retail or service businesses with 50,000 square feet or more, excluding those mentioned elsewhere in this section							NP	**P**	**P**	**P**	NP	NP											
Retail and service															P	R	P	P	P	R	R		
Transient sales							NP	NP	C	NP	NP	NP											**§ 152.344**
Transient produce sales, only in the Old Town Hall Square at Zane Avenue North and Brooklyn Boulevard														P									
Veterinary clinic							P	P	P	P	P	P			P								
Animal services							**NP**	**P**	**P**	**P**	**P**	**P**			P								**§ 92.15**
~~Veterinary and animal services~~															~~P~~								
~~Commercial Kennel~~							~~NP~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~											

	RES						BUS-IND						PUB	CON	TOD							NWMUD	Standards
	R-1	***R-2***	***R-3***	***R-4***	***R-5***	***R-6***	*B-1*	*B-2*	*B-3*	*B-4*	*BP*	*I*			*C*	*CT*	*E*	*ET*	*GHI*	*GMD*	*GLI*		
Body Art							NP	P	P	NP	NP	NP											**M.S. Chapter 146B and Chapter 123 of this code**
Funeral home **and mortuaries**							P	P	P	NP	**P**	NP											
~~Funeral home~~							~~P~~	~~P~~	~~P~~	~~NP~~	~~NP~~	~~NP~~											
Crematories/Crematoriums							P	NP	NP	NP	NP	NP											
Currency exchange and pawnshop							P																**§ 152.344**
Heavy equipment, machinery and farm vehicle sales, contractors yards, bulk firewood sales, and gravel and rock sales							NP	NP	NP	NP	NP	P											
Automobile, Parking, Transportation																							
Auto oriented repair services							NP	NP	C	C	C	C											
Carwash							NP	NP	**P**	**P**	**P**	**P**											
Gasoline sales							NP	C	C	C	C	C				C	C	C					
~~Fuel stations~~							~~NP~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~											
Drive-through facility															C								
~~Parking as a principal use~~															~~C~~								
Parking															C	P	C	C	P				
Indoor sales of automobiles, trucks and recreational vehicles and the like							NP	NP	NP	C	C	C											**§ 152.344**
Showrooms and sales of automobiles, trucks and recreational vehicles and equipment and the like							NP	NP	NP	C	NP	NP											**§ 152.344**
Wholesale, broker and auction dealer of automobiles, trucks and recreational vehicles and the like							P	P	P	P	P	P											**§ 152.343**
Automobile rental containing more than six cars on site							NP	**C**	**C**	**C**	NP	NP											
~~Automobile rental containing more than six cars on site~~							~~NP~~	~~C~~	~~C~~	~~C~~	~~NP~~	~~NP~~											
Bus or truck storage or service shops, including fuel stations							NP	NP	NP	NP	NP	C											
Fabrication or assembly of heavy equipment or vehicles							NP	NP	NP	NP	NP	C											
Truck or motor freight terminal							NP	NP	NP	NP	NP	C											
Vehicle impound yard							NP	NP	NP	NP	NP	C											
LIMITED PRODUCTION, PROCESSING, STORAGE																							
Self-service storage facility							NP	NP	C	C	NP	C			NP	NP	NP	NP	NP	NP	NP		
Warehousing							NP	NP	NP	NP	P	P											
Distribution center							NP	NP	NP	NP	P	P											
Distribution as a primary use																	NP	NP					
Distribution or products produced on site																	P	P					
Soil processing and mining	C	**NP**		**NP**	**NP**	NP																	
Concrete or asphalt mixing plants, concrete block fabrication, or builders' or contractors' yards, brick yards, and accessory sale of dirt, sand, gravel, rock, concrete blocks, bricks, etc.; stone, marble or granite grinding and cutting							NP	NP	NP	NP	NP	C											
~~Stone, marble or granite grinding and cutting~~							~~NP~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	~~C~~											
Manufacturing, assembly, processing, fabricating, brewing, distilling, and accessory sale of the product produced on site, except those uses further restricted in this ordinance							NP	NP	NP	NP	P	P					P	P					
~~Manufacturing, assembly, processing, fabricating, brewing, distilling and accessory sale of the product produced on site~~																	~~P~~	~~P~~					
Agricultural uses														P									
Farming and cultivation of agricultural products	P	**P**		**P**	**P**	P																	
Seasonal (temporary) greenhouse and garden center	C	**NP**		**NP**	**NP**	NP																	**§ 152.362(D)**
Domesticated and farm animals	P	**NP**		**NP**	**NP**	NP																	
Open space area connected with residential, institutional, or business development														P									
Nature study area and arboretum														P									
~~Multiple principal structures on a single lot~~							~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~											

C	Allowed with approval of a conditional use permit	R	Permitted with compliance to the conditions of subsection (B)(1) below

(A) Multiple uses within a single parcel or building are permitted in TOD districts.

(B) Uses permitted in sections §152.606 – §152.610 are limited for size or intensity as follows:

(1) Restrictions per use:

Service and retail	50,000 sq. ft. max. gross floor area
Institutional	On-site parking may not exceed 50 surface lot spaces
Residential	Residential uses ~~not~~are permitted on the ground floor of buildings ~~whose primary façade is along Bottineau Boulevard, Brooklyn Boulevard, West Broadway~~provided that access directly onto the street is provided. Amenities and community spaces are encouraged to be located on the first floor along with residential uses.

§152.604 BUILDING AND SITE STANDARDS.

(A) *Purpose*. This section regulates the development and modification of buildings and other elements of the built environment within the private lot, based on the following premises:

(1) Building regulations should equitably balance the rights of the individual and the interests of the community as a whole.

(2) Building form individually and collectively defines and supports the public realm.

(3) Building placement should support walkability, safe streets, and safe public spaces, to create pedestrian-friendly neighborhoods.

(B) Minimum frontage buildout indicates that lots must contain buildings along the prescribed length of property line.

(1) At front streets the minimum frontage buildout is a percentage of the length of the abutting property line.

(2) At side streets the minimum frontage buildout is a specified distance along the property line from the corner.

(3) Facades must be within the minimum and maximum setback.

(4) At corner lots the width of the property, for frontage buildout calculation, may be reduced by the setback of the perpendicular lot line as indicated by (a) in the illustration below.

(C) Front setback requirements of Table 6 through Table 9, and Table 16 through Table 18 will be maintained as City easement for right of way maintenance.

(D) Building width must meet the requirements of Table 6 through Table 9, and Table 16 through Table 18 measured at front setback. The maximum building width does not apply to buildings with a forecourt frontage type where the forecourt is wider than 40 feet.

(E) In order to create activity levels that support and take advantage of existing and future transit proposed within the City, the density of dwelling units (DU) per acre must meet requirements of Table 6 through Table 9, and Table 16 through Table 18. These requirements apply to the residential component of any residential or mixed-use project proposed in the district.

ATTACHMENT B

4 Work Plan

Proposed Unified Development Code Structure

Article 1. General Provisions

Article 2. Zoning Districts

Article 3. Permitted Uses

A. Permitted Use Table
B. Use Specific/ Performance Standards

Article 4. Development Standards

A. Dimensional Standards
B. Building Form Standards
C. Connectivity and Circulation
D. Parking and Loading
E. Landscaping
F. Screening and Fences
G. Signs*
H. Stormwater Management*
I. Sustainability Standards
J. Design Standards
K. Exterior Lighting
L. Housing and Property Maintenance Code*
M. Plat Design*
N. Maintenance and Operating Standards

Article 5. Administration and Procedures

A. Summary Table (new feature)
B. Reviewers and Decision-Makers (new feature)
C. Review and Approval Procedures
    a. Comprehensive Plan adoption or amendment
    b. UDC Text or zoning map amendment
    c. Subdivision plat approval or amendment*
    d. Vacation of Street*
    e. Variance (sign, lot, structure)
    f. Conditional use
    g. Interim use
    h. Temporary use
    i. Site plan
    j. Administrative Review
    k. Zoning permit
    l. Building permit*
    m. Certificate of occupancy*
    n. Accessory home share permit (Airbnb)
D. Nonconformities
E. Enforcement and Penalties

Article 6. Definitions

A. Rules of Constructions
B. Definitions

Appendix: Zoning Map

Memorandum

To: Brooklyn Park Planning Commission Members
CC: Cindy Sherman, Planning Director

From: Erin Perdu, AICP Planning Consultant
Molly Just, AICP, Planning Consultant

Date: 11/5/2020

Re: Zoning Update
WSB Project No. 015207

The purpose of this meeting is to review the business and industrial uses that are shifting from being permitted by Conditional Use Permit (CUP) to being permitted by-right. We will identify the need for use standards, discuss whether any existing standards are sufficient for the use in a by-right setting, and identify definitions needed to administer the use. Following the meeting, WSB will make the changes to reflect the discussion.

Agenda

7:00 – 7:10 Welcome and presentation of approach to get to a March public hearing

7:10 – 8:30 CUP uses shifting to permitted by-right
- Evaluate adequacy of existing use standards
- Identify needed use standards
- Evaluate adequacy of existing definitions
- Identify needed definitions

8:30 – 9:00 Summarize progress and discuss next steps

Excerpt from Use Table - Business and Industrial Uses

Bold = additions
~~Strikethrough = removals or consolidations~~
Pink fill = consider adding uses in this district
Blue = moved or consolidated
P = Permitted C = Conditional Blank = Not Permitted
Bold Red = Condition to Permitted

	BUS-IND					
	B-1	*B-2*	*B-3*	*B-4*	*BP*	*I*
COMMERCIAL						
Lodging						
Hotel or motel	NP	**P**	**P**	**P**	**P**	NP
~~Bed and breakfast establishments~~						
~~Lodging~~						
Hotel or motel, not to exceed 50 rooms						
~~Lodging, not to exceed 50 rooms~~						
Hotel or motel, not to exceed 12 rooms						
~~Lodging, not to exceed 12 rooms~~						
Indoor Entertainment, Recreation, Food, and Beverage						
Restaurant, Class I	NP	P	P	P	P	P
Restaurant, Class II	NP	**P**	**P**	**P**	**P**	**P**
Restaurant, brewpub	NP	**P**	**P**	**P**	**P**	**P**
Restaurant, brewpub, brewery with taproom, micro-distillery with cocktail room						
Brewery with taproom and micro-distillery with cocktail room						
Taproom and cocktail room						
Brewery and micro-distillery						
Restaurant, not to exceed 40 seats						
Brewpub, not to exceed 40 seats						
Theater, excluding drive-ins	NP	**P**	**P**	**P**	NP	NP
Commercial recreational facility (Privately owned)						
Commercial indoor recreational facility under 2,450 square feet	NP	P	P	P	P	P
Commercial indoor recreational facility over 2,450 square feet	NP	C	C	C	C	C
Entertainment						
Sexually oriented business	NP	NP	P	NP	NP	NP
Service or Workplace						
Office	P	P	P	P	P	P
Office, not to exceed 5,000 sq. ft.						
~~Office, bank or clinic~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~
Office related to leasing, renting and maintenance of multiple family dwellings and townhouses						
Bank	P	P	P	P	P	P
All structures for retail or service businesses with 25,000 square feet or less, excluding those mentioned elsewhere in this section	NP	P	P	P	C	C
All structures for retail or service businesses with between 25,000 and 50,000 square feet, excluding those mentioned elsewhere in this section	NP	**P**	P	P	NP	NP
All structures for retail or service businesses with 50,000 square feet or more, excluding those mentioned elsewhere in this section	NP	**P**	**P**	**P**	NP	NP
Retail and service						
Transient sales	NP	NP	C	NP	NP	NP
Transient produce sales, only in the Old Town Hall Square at Zane Avenue North and Brooklyn Boulevard						
Veterinary clinic	P	P	P	P	P	P
Animal services	**NP**	**P**	**P**	**P**	**P**	**P**

Bold = additions

~~Strikethrough = removals or consolidations~~

Pink fill = consider adding uses in this district

Blue = moved or consolidated

P = Permitted C = Conditional Blank = Not Permitted

Bold Red = Condition to Permitted

	BUS-IND					
	B-1	*B-2*	*B-3*	*B-4*	*BP*	*I*
~~Veterinary and animal services~~						
~~Commercial Kennel~~	~~NP~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~
Body Art	NP	P	P	NP	NP	NP
Funeral home **and mortuaries**	P	P	P	NP	**P**	NP
~~Funeral home~~	~~P~~	~~P~~	~~P~~	~~NP~~	~~NP~~	~~NP~~
Crematories/Crematoriums	P	NP	NP	NP	NP	NP
Currency exchange and pawnshop	P					
Heavy equipment, machinery and farm vehicle sales, contractors yards, bulk firewood sales, and gravel and rock sales	NP	NP	NP	NP	NP	P
Automobile, Parking, Transportation						
Auto oriented repair services	NP	NP	C	C	C	C
Carwash	NP	NP	**P**	**P**	**P**	**P**
Gasoline sales	NP	C	C	C	C	C
~~Fuel stations~~	~~NP~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~
Drive-through facility						
~~Parking as a principal use~~						
Parking						
Indoor sales of automobiles, trucks and recreational vehicles and the like	NP	NP	NP	C	C	C
Showrooms and sales of automobiles, trucks and recreational vehicles and equipment and the like	NP	NP	NP	C	NP	NP
Wholesale, broker and auction dealer of automobiles, trucks and recreational vehicles and the like	P	P	P	P	P	P
Automobile rental containing more than six cars on site	NP	**C**	**C**	**C**	NP	NP
~~Automobile rental containing more than six cars on site~~	~~NP~~	~~C~~	~~C~~	~~C~~	~~NP~~	~~NP~~
Bus or truck storage or service shops, including fuel stations	NP	NP	NP	NP	NP	C
Fabrication or assembly of heavy equipment or vehicles	NP	NP	NP	NP	NP	C
Truck or motor freight terminal	NP	NP	NP	NP	NP	C
Vehicle impound yard	NP	NP	NP	NP	NP	C

City of Brooklyn Park
City Hall
5200 85th Ave. N.
Brooklyn Park, MN 55443
763-424-8000
www.brooklynpark.org

MEMORANDUM

Date: November 4, 2021

To: Planning Commission Members

From: Paul Mogush, Planning Director

Subject: November 10 Work Session – Item 2A

Performance Standards for new Permitted or Accessory Uses

At the November 10 work session, we will be joined by Brandy Howe and Kim Lindquist of WSB, the consulting firm that has been working on updating the Zoning Code to make it consistent with the 2040 Comprehensive Plan. Brandy and Kim will talk through proposed performance standards as outlined in the attached memo.

Attachment

WSB Memo

Memorandum

To: Brooklyn Park Planning Commission Members
CC: Paul Mogush, Planning Director

From: Brandy Howe, AICP Planning Consultant
Kim Lindquist, AICP, Planning Consultant

Date: 11/10/2021

Re: Zoning Update
Performance Standards for new Permitted or Accessory Uses
WSB Project No. 015207

Background

As some Commissioners may be aware, the City of Brooklyn Park contracted with WSB in mid-2020 to update the City zoning ordinance to implement the adopted Comprehensive Plan. Several tasks had been completed; however, the project was put on hold in November 2020 partially due to staff turnover at WSB, but also because COVID-19 reduced public engagement opportunities.

Many items identified in the work program have been completed such as assessing the ordinance for areas of divergence with the Comprehensive Plan, modifying the TOD ordinance, revising, and consolidating uses in both the residential and commercial districts, and provision of an analysis of compliance with State and Federal regulations. One of the sub-areas left to be completed was evaluating whether certain conditional uses in the businesses and industrial districts could be shifted to permitted. The shift reduces administrative burden on staff and allows developers and property owners to quickly implement projects for uses that are generally supported.

Shifting Conditional Uses to Permitted Uses

Based on direction from City Council, staff and WSB were directed to consider whether some business uses could be shifted from conditional to permitted by right uses. The intent was to become more business-friendly by eliminating the conditional use permitting process while creating performance standards for some uses where appropriate. The Planning Commission reviewed the land use table and made the following recommendations for uses that could be permitted by right, potentially with performance standards.

- Principal – now permitted:
  - Hotel or Motel
  - Restaurant, Class II
  - Restaurant, Brewpub
  - Theater, excluding drive-ins
  - Retail or service businesses with 25,000 sq feet or less
  - Retail or service businesses over 50,000 sq feet
  - Funeral home and mortuaries,
  - Car wash
- Accessory – now permitted:
  - Crematories/crematoriums when accessory to a funeral home, mortuary, or veterinary clinic subject to the state license and regulation process

    - Car wash (automatic) when accessory to fuel station
- Accessory - New
    - Outdoor Seating
- Temporary Uses (New category)
    - Christmas tree sales
    - Fireworks sales
    - Garden centers
    - Storage of winter equipment (New)

Draft performance standards have been created (see attached) based on common areas of concern: parking, circulation, noise, lighting, overall impact on neighborhood, and consistency with City development goals. A first draft was supplied to city staff and revised to eliminate duplication of performance standards in other sections of the code of ordinances. Ultimately, the new standards focus on issues not addressed by the current ordinance or provide cross-references to state or local regulations.

Finally, in working through this process, staff determined that vehicular stacking for car washes could be addressed with a simple amendment to Section 152.145, the same standards for other drive-through businesses. This amendment is included at the end of the attachment.

Questions and Considerations

The goal of the meeting tonight is to reintroduce the zoning ordinance update work, focusing on the suggested performance standards for new permitted and accessory uses.

Attachment:

- Draft Performance Standards

Principal Uses (Formerly Conditional – Now Permitted)

Hotel or Motel

1. A lodging license pursuant to Chapter 117, shall be provided.
2. At least two amenities, such as pool, restaurant, lounge, fitness center, office center, or similar ancillary use, shall be provided in conjunction with the hotel or motel.

Funeral home and mortuary

1. Loading and unloading areas used by ambulances, hearses or other such service vehicles shall be screened from public off-site views.
2. If a crematorium is included as part of a funeral home, no more than 33% of the floor area of a funeral home may be devoted to the crematory, including area for the cremator, cremation observation, crematory access and maintenance areas, and any additional areas used primarily for services related to cremation.
3. An employee residence is permitted.

Car wash (principal use)

All car washes shall comply with the following supplemental regulations, which shall be in addition to all other regulations of this Zoning Code. In the event there is a conflict between these supplemental regulations and other portions of this Zoning Code, the regulations in this section shall govern.

1. All car wash operations shall be staffed during operating hours.
2. All car wash bays shall have a separate entrance and exit.
3. If within 200 feet of a residential district or use, the car wash bays shall be closed when in operation.

Accessory Uses (Formerly Conditional – Now Permitted)

Cocktail room

1. Cocktail rooms shall be clearly incidental and subordinate to the primary operation of the associated distillery as a production or manufacturing facility. The primary focus of the cocktail room shall be the marketing and sale of the beverage produced or manufactured by the distillery.

Crematories/Crematoriums when accessory to a funeral home, mortuary, or veterinary clinic

1. Licensure by the Minnesota Commissioner of Health shall be required and compliance with M.S. § 149A.95.
2. Crematoriums shall not be located within 500 feet of any residential district.
3. Crematoriums shall not be used for the disposal of any waste materials.
4. Crematoriums shall not emit any visible air emissions nor generate odors.

Accessory Uses (NEW)

Outdoor Seating

1. Outdoor seating is permitted if depicted on an approved site plan. The following additional standards relate to outdoor seating areas:
    a. Service and consumption of alcohol on outdoor patios and decks in conjunction with an intoxicating liquor "on-sale" license or a 3.2 percent malt liquor license may be permitted under the following conditions:
        i. The patio or deck area must be contiguous to the licensed premises and shall be enclosed with a fence that meets standards set forth in this code that does not allow entrance from outside the fenced area onto the patio or deck area.
        ii. Receptacles for rubbish, garbage, etc., must be provided and adequately screened.
        iii. Lighting must be sufficient to promote public safety, directed downward, and compatible with the surrounding area.
        iv. Smoking may be allowed on the patio or deck area, provided it is in compliance with the Minnesota "Freedom to Breathe Act of 2007."
        v. The patio or deck area shall be controlled and monitored continuously during the hours of operation and unruly patrons shall be removed immediately.
        vi. Patrons shall not leave the premises with a drink nor can drinks be taken onto a public sidewalk.
        vii. The outdoor patio or deck area must be included in the required liquor liability insurance for the premises.
2. Outdoor entertainment and the use of sound-amplifying equipment shall be subject to the following regulations.
    a. The volume of sound shall not violate 152.570 of this ordinance.
    b. The sound amplifying equipment shall not be used between the hours of ten p.m. and eight a.m.

ACCESSORY SEASONAL USES (NEW)

Christmas Trees

1. All temporary buildings or trailers associated with the sales lot, as well as all tree-related debris and materials are permitted between November 15 and January 15.
2. The sales area shall be separated from vehicular uses by the placement of a fence or barrier to prevent pedestrian and vehicular conflicts.
3. Must be on a paved surface that does not interfere with the principal use’s minimum parking needs, traffic flow, and emergency access.

Garden Center

1. Garden center sales shall only be permitted between April 1 and June 30.

2. The sales area shall be separated from vehicular uses by the placement of a fence or barrier to prevent pedestrian and vehicular conflicts.
3. Must be on a paved surface that does not interfere with the principal use's minimum parking needs, traffic flow, and emergency access.

Exterior Firework Sales

1. An annual retail fireworks permit shall be required per Section 93.25.
2. Fireworks sales shall only be permitted between June 15 and July 5.
3. The sales area shall be separated from vehicular uses by the placement of a fence or barrier to prevent pedestrian and vehicular conflicts.
4. Must be on a paved surface that does not interfere with the principal use's minimum parking needs, traffic flow, and emergency access.
5. No fireworks shall be sold or dispensed from a motor vehicle or towed vehicle.
6. Outdoor sales lot for consumer fireworks sales shall meet the specialized requirements laid out in Minnesota statute, section 624.20, and all other applicable ordinances or statutes.

REVISIONS TO CHAPTER 152.145

§ 152.145 OFF-STREET PARKING AREA DESIGN REQUIREMENTS.

(H) Stacking. All drive-throughs, including service windows and car washes must contain room for a minimum stacking of six cars from the serving window and stacking must not extend into drive aisles.

MINUTES OF THE BROOKLYN PARK PLANNING COMMISSION
Regular Meeting – February 14, 2024

6. PUBLIC HEARING

C. Mississippi River Corridor Critical Area (MRCCA) – Zoning Code Text Amendment: 152:530.

Associate Planner McDermott introduced the application for a zoning code text amendment for the Mississippi River Corridor Critical Area (MRCCA) as part of the comprehensive land use update. The minimum standard that impacts the cities which previously held that zoning authority.

Richard Anderson of 10700 Zeigler Dr. N. asked the setbacks necessary from the river, explaining that he was previously told 100 feet which would make all of the lots along Ziegler nonconforming. He stated that he was pleased to see that those nonconforming uses would be allowed to continue and asked if there would be a process those properties would follow that would differ from other properties. He acknowledged that the City would have little authority to do anything different than adopt the model ordinance from the DNR. He stated that the MRCCA has some of the best homes in the city and those homes pay some of the highest taxes, therefore he hopes that they can continue to live there without loss of property rights or value.

Nick Tiedeken of 9406 West River Road disputed that this was simply an administrative change from the DNR to the City. He stated that the MRCCA standards have been in place through City ordinance since 2001 but the DNR has never administered city ordinances, permits, or land alteration considerations. He provided additional background information going back to 1997 and standards that the City set for both undeveloped lots and those with structures built before the 2001 ordinance. He noted that updates were made to the DNR rules in 2017. He provided additional information on the bluff impact zone (BIZ), which is a large change and would make many homes in Brooklyn Park nonconforming. He spoke about the restrictions those properties would have because of that change. He stated that he would like to see some flexibility for those properties to have the ability to make some changes to protect their property values and rights. He recommended that the Planning Commission direct staff to go back and work with residents, staff and the DNR in hopes that there could be additional flexibility for these properties.

Joe Klohs of 8900 West River Road reiterated the comments just made and believed that this would warrant more time and discussion with the residents. He requested that there be some neighborhood meetings with the property owners along the river.

Marlys Carls-Steiskal of 1232 Banfill Circle commented that she and her husband have lived at the property for 38 years and have noticed huge issues with erosion. She stated that her property and the Isaac Walton League property have been identified as the worst cases, but she was unsure as to how to fix it because it is too steep.

Carrie Osland of 9418 West River Road echoed the comments of the first three speakers in that there should be neighborhood meetings with more time and investigation.

Commission Chair Cavin closed the public hearing but reminded the public that comments can be submitted via email to City Staff for consideration in the City Council agenda packet.

Associate Planner McDermott confirmed that there would be nonconformities with setbacks and structures but those would be considered the same as a nonconforming use. They provided additional details on the protection that those properties would receive. They stated that new decks would not be allowed to expand towards the river, but the property owner would have the right to apply for variance. They confirmed that the DNR is not currently administering these standards, as the City is forced to do that. They stated that the DNR rules are required to be met, regardless of whether the City has adopted the updated standards. They noted that cities are allowed to be stricter than the DNR standards, but the City has chosen not to do so. They stated that nonconforming homes would not be allowed to expand towards the river, but could expand towards the street as long as the minimum setback is met. They provided additional details on the review process for building permits that can be done more expediently by staff rather than requiring DNR review.

Commission Chair Cavin commented that he agrees that more time is needed to hold neighborhood meetings. He referenced proposed language which states that the City Manager would be enforcing these measures and asked if that is correct.

Associate Planner McDermott replied that any reference in the zoning ordinance to enforcement would be of the City Manager as the City Manager provides that ability to staff for enforcement.

Commission Chair Cavin asked if the valuation of the impact would be reviewed when a permit is requested by a resident.

Associate Planner McDermott confirmed that is correct. They stated that the Water Resources Engineer will review the best management practices and impact of the permit. They explained that full shoreline restoration would not be required for a deck permit.

Commission Chair Cavin commented that he understands the need to protect the river but would want to ensure that a simple project would not require an undue burden for a resident to restore other areas of their property.

Planning Director Mogush stated that there were some similar questions at the end of the packet received by Mr. Klohs, who spoke tonight. He stated that the City has been making efforts to gain outside funding for its own efforts as well as for the use by residents. He noted that the City has had some success, but not to the desired level in obtaining those outside funds, but the City would continue to seek that type of funding for restoration efforts along the river.

Commission Chair Cavin commented that this is a lot of information, and he feels that there should be more time and consideration before adoption is considered as this would impact many residents.

Commissioner Wako asked if there are historical records of what the City has done in terms of river restoration. He asked the level of involvement that residents have been able to have on this topic before tonight.

Associate Planner McDermott replied that the City would have those records which they could obtain from parks and engineering staff. They stated that the DNR updated its rules and required cities to update their ordinances in 2018. They stated that the City was delayed with changes to staff and other elements, therefore this is a high priority.

Planning Director Mogush commented that the MRCCA has been in place for decades and there have been multiple iterations of plans that each city has been required to prepare. He noted that residents have had the ability to be involved in those plans over the years and this is a final regulatory piece. He recognized that this could seem out of place because of the time lapse between the last rule revision of the DNR and adoption of the City's 2040 Comprehensive Plan.

Commissioner Udomah asked how other cities have handled this.

Planning Director Mogush replied that all the river cities within the jurisdiction of the Metropolitan Council have been required to adopt the same rule revisions. He stated that cities may have followed different processes for engagement. He stated that staff focused on informing residents about the ordinance and answering individual questions from residents. He recognized that questions would continue, and staff would continue to speak with residents.

Associate Planner McDermott stated that many of the cities that have already adopted the updated rules, adopted the model ordinance while some cities have adopted stricter regulations by choice.

Commission Chair Cavin noted that the Planning Commission is a recommending body and ultimately the decision will be of the City Council.

Planning Director Mogush commented that following the recommendation tonight, the first reading of the ordinance would go before the City Council on Monday, March 25th and the final vote would most likely not take place until late June.

Commissioner Kiekow asked what would happen if the City were not to adopt the regulations.

Planning Director Mogush stated that the City likes to follow the laws and would not want to focus on potential consequences of not following the law.

Commissioner Wako stated that his concern is with the level of engagement, or lack thereof, of the impacted residents. He stated that he would like to see more public engagement before this proceeds further.

Commissioner Udomah asked if they would need to approve this or whether there would be more time available. He understood that the City is obligated to approve this.

Planning Director Mogush commented that the City is already late in adopting this and there is risk in delay, but acknowledged that it is important to ensure that those impacted are informed and understand the regulations. He stated that he stands by the process to continue to speak with residents one on one and noted that staff would continue to do that. He stated that while most of the time the Commission provides a recommendation of approval or denial, it could also provide a recommendation on what it believes that the process should be.

MOTION CAVIN, SECOND TURNER TO RECOMMEND APPROVAL OF AN ORDINANCE AMENDING CHAPTER 152 OF THE BROOKLYN PARK CODE OF ORDINANCES PERTAINING TO THE MISSISSIPPI RIVER CORRIDOR CRITICAL AREA.

FURTHER DISCUSSION: COMMISSION CHAIR CAVIN COMMENTED THAT THE COMMISSION WOULD ALSO RECOMMEND THAT THE CITY COUNCIL ALLOW ADDITIONAL DISCUSSION WITH IMPACTED RESIDENTS BEFORE FINAL APPROVAL OCCURS.

MOTION CARRIED 4 – 2 (CAVIN, FRASER, TURNER, AND UDOMAH IN FAVOR AND KIEKOW AND WAKO OPPOSED).

Planning Director Mogush stated the public hearing item is scheduled to be reviewed at the City Council meeting on March 25, 2024.

D. Crystal Airport Joint Airport Zoning Board (JAZB) Proposed Text Amendment

Associate Planner McDermott introduced the application for the Crystal Airport overlay district text amendment. They stated that the City has enforced this overlay even though it was not codified. They provided details on the JAZB and those that participated. They stated that the zoning text would ensure compliance with the City's Comprehensive Plan as well as with FAA regulations. They provided details on the notification that was provided for this meeting and for the public hearing held by JAZB. They stated that staff recommends adoption as presented.

Commission Chair Cavin opened the public hearing.

Verlyn Hugman of 6281 Edgewood Avenue N commented that he has lived at his property since 1976 and would be in zone two as proposed. He asked for clarification on tree replacement, noting that it would appear that if an existing tree were removed it could not be replaced. He asked for clarification on height regulations as well. He understood the uplighting is not allowed as that could interfere with the vision of pilots.

Commission Chair Cavin closed the public hearing but reminded the public that comments can be submitted via email to City Staff for consideration in the City Council agenda packet.

Planning Director Mogush acknowledged that this is a technical and dense ordinance which does make it difficult to understand. He explained how height regulations are considered for properties adjacent to an airport. He stated that a map of each property was provided showing the maximum height, as it differs for each property based on the elevation of the property and the distance from the runway. He stated that the City's residential height maximums are lower than these regulations. He noted that the airport regulations would come into play for something such as a communications tower. He stated that the height would also be higher than the trees on a property, although there could be an instance where a very tall, old tree could interfere with the allowed height but that would not be a common occurrence.

MOTION UDOMAH, SECOND FRASER TO RECOMMEND APPROVAL OF AN ORDINANCE AMENDING CHAPTER 152 OF THE BROOKLYN PARK CODE OF ORDINANCES PERTAINING TO THE AIRPORT OVERLAY DISTRICT.

MOTION CARRIED UNANIMOUSLY.

MINUTES OF THE BROOKLYN PARK PLANNING COMMISSION
Regular Meeting – March 13, 2024

6. PUBLIC HEARING

A. **Chapter 150 – Signs – Zoning Code Update –** The Sign Code (Chapter 150) proposed text amendments comply with changes made to the Comprehensive Plan through the new land use designations and the anticipated adoption of new zoning districts. Technical changes for consistency throughout the Land Use title have also been made. The City's Attorney is currently reviewing the text against current case law and additional changes may be required.

Principal Planner Turnquest provided background information on the land use code update process, which included public engagement and input. She stated that the 2040 Comprehensive Plan looked at the community with an emphasis on special planning areas to address its goals and needs. She stated that the official controls must be updated to match the Comprehensive Plan. She stated that Title 15 includes four chapters 150, 151, 152, and 153 and provided a brief overview of the proposed changes proposed to bring the zoning code into conformance. She recommended that the Planning Commission hold one public hearing for the four chapters to accept public comment and then have separate discussion and motions for each chapter.

Commission Chair Cavin opened the public hearing for all four chapters being considered tonight.

Rich Xiong, 4034 Foxclub, expressed concern with Section 5.1 and the proposal to eliminate restrictions on projecting signs, 150.05, letter D. He commented that there would be a number of negative aspects that could be associated with that change. He asked the Planning Commission to consider adding letter D back into the section. He also referenced Section 5.2 noting that he does not oppose the updates but asked the Commission to pay close attention to the summary of key findings in the zoning diagnosis. He referenced the missing middle housing results and noted that when developers contact the City, staff should focus on those developments outlined as a need. He referenced the stormwater elements in Section 5.3, which was confusing to read, and asked the Commission to hold City staff to task to ensure stormwater requirements are met by new developments rather than causing a burden to existing residents.

Commission Chair Cavin closed the public hearing but reminded the public that comments can be submitted via email to City Staff for consideration in the City Council agenda packet.

Commission Chair Cavin stated that there was a lot of discussion about the 2040 Comprehensive Plan. He asked where green building standards would be incorporated, as that is a goal of the City.

Associate Planner McDermott replied that this is part of a phased approach. They stated that the green rooftops and sustainability standards will come forward in phase two, while this section focused more on the basic zoning elements. They stated that the next phases will focus on those additional elements.

Commission Chair Cavin commented that there has been a lot of talk of accessory dwelling units (ADUs) and asked if that would come forward in the future as well.

Associate Planner McDermott confirmed that would also be included in phase two, along with the missing middle that was mentioned by the resident. They stated that staff has been tracking

interest of residents in ADUs in order to ensure a robust public engagement for that topic. They referenced the elimination of letter D mentioned by the resident and provided additional details on the changes proposed. They appreciated the comment related to stormwater and noted that They would pass that on to engineering, noting that staff works diligently to ensure the appropriate standards are met in terms of water management for development. They stated that they continue to look at how sustainability can be worked into the Code to accomplish the goals of the City.

MOTION FRASER, SECOND UDOMAH TO RECOMMEND ADOPTION OF ORDINANCE #2024-__ AMENDING CHAPTER 150 OF THE BROOKLYN PARK CODE FOR CONSISTENCY WITH THE BROOKLYN PARK 2040 COMPREHENSIVE PLAN.

MOTION CARRIED UNANIMOUSLY.

B. **Chapter 151 – Subdivisions – Zoning Code Update –** The Subdivisions Code (Chapter 151) proposed text amendments provide consistency throughout the Land Use title. This Chapter has not been updated since 2000, and the proposed changes reflect the current process.

MOTION UDOMAH, SECOND KIEKOW TO RECOMMEND ADOPTION OF ORDINANCE #2024-__ AMENDING CHAPTER 151 OF THE BROOKLYN PARK CODE FOR CONSISTENCY WITH THE BROOKLYN PARK 2040 COMPREHENSIVE PLAN.

MOTION CARRIED UNANIMOUSLY.

C. **Chapter 153 – Stormwater Management – Zoning Code Update –** The Stormwater Management Code (Chapter 153) proposed text amendments provide consistency throughout the Land Use title as well as changes made to reflect the current process.

MOTION UDOMAH, SECOND WAKO TO RECOMMEND ADOPTION OF ORDINANCE #2024-__ AMENDING CHAPTER 153 OF THE BROOKLYN PARK CODE FOR CONSISTENCY WITH THE BROOKLY PARK 2040 COMPREHENSIVE PLAN.

MOTION CARRIED UNANIMOUSLY.

D. **Chapter 152 – Article 1 Administration and Article 2 Zoning Districts – Zoning Code Update –** Articles 1 and 2 of the Zoning Code (Chapter 152) proposed text amendments comply with the changes made to the Comprehensive Plan through the new land use designations and the adoption of new zoning districts. Technical changes for consistency throughout the Land Use title have also been made.

MOTION WAKO, SECOND UDOMAH TO RECOMMEND ADOPTION OF ORDINANCE #2024-__ AMENDING CHAPTER 152 OF THE BROOKLYN PARK CODE FOR CONSISTENCY WITH THE BROOKLYN PARK 204O COMPREHENSIVE PLAN.

MOTION CARRIED UNANIMOUSLY.

MINUTES OF THE BROOKLYN PARK PLANNING COMMISSION
Regular Meeting – APRIL 10, 2024

6. PUBLIC HEARING

F. Planning Case #24-102 (Zoning Code Update) – Chapter 152 – Article 3 Land Use Performance Standards

Principal Planner Turnquest provided background information on the public engagement process that began in 2017 to update the City's 2040 Comprehensive Plan. She stated that the official controls of the City must also be updated to be consistent with the Comprehensive Plan. She noted that while they are making the required updates, staff took advantage to make other minor changes that were needed. She noted that Chapter 152 is being reviewed and updated in portions, noting that this is the second portion to be reviewed and updated. She recommended that the Planning Commission hold a public hearing on this topic.

Acting Commission Chair Fraser opened the public hearing.

Seeing no one approach the podium, Acting Commission Chair Fraser closed the public hearing.

MOTION BORER, SECOND UDOMAH TO RECOMMEND APPROVAL OF ADOPTION OF AN ORDINANCE AMENDING CHAPTER 152 OF THE BROOKLYN PARK CODE FOR CONSISTENCY WITH THE BROOKLYN PARK 2040 COMPREHENSIVE PLAN.

MOTION CARRIED UNANIMOUSLY.

UNAPPROVED MINUTES

MINUTES OF THE BROOKLYN PARK PLANNING COMMISSION
Regular Meeting – MAY 8, 2024

6. PUBLIC HEARING

B. Planning Case #24-102 – Zoning Code Update – Chapter 152 – Article 3 Development.

Principal Planner Turnquest stated that beginning in 2017 the City began to collect public input and develop its goals in preparation for the 2040 Comprehensive Plan. She reviewed the goals identified through that process, noting that the 2040 Comprehensive Plan was adopted in 2020 and the official controls must also be updated for consistency. She stated that staff is using this opportunity to also make other minor changes to the Zoning Code. She noted that Chapter 152 is coming forward in three sections, which continues tonight. She asked that the Commission hold a public hearing and consider the amendments to the Code as presented.

Commission Chair Cavin opened the public hearing.

Seeing no one approach the podium, Commission Chair Cavin closed the public hearing.

MOTION TURNER, SECOND BORER, TO RECOMMEND APPROVAL OF AN ORDINANCE AMENDING CHAPTER 152 OF THE BROOKLYN PARK CODE FOR CONSISTENCY WITH THE BROOKLYN PARK 2040 COMPREHENSIVE PLAN.

FURTHER DISCUSSION: COMMISSIONER WAKO THANKED STAFF FOR THEIR HARD WORK.

MOTION CARRIED UNANIMOUSLY.

City of Brooklyn Park
Request for Council Action

Agenda Item:	7.1	**Meeting Date:**	June 24, 2024
Agenda Section:	General Action Items	**Originating Department:**	Administration
Resolution:	N/A		
Ordinance:	N/A	**Prepared By:**	Katrina Dosher, Program Assistant
Attachments:	N/A	**Presented By:**	Mayor Hollies Winston
Item:	Appointments to the Shingle Creek Watershed Management Commission		

City Manager's Proposed Action:

Appoint commissioner to serve on the Shingle Creek Watershed Management Commission.

Shingle Creek Watershed Management Commission

City At-large (One Appointment)

MOTION _____, SECOND _____, TO APPOINT **STEVE ANTOLAK** TO THE SHINGLE CREEK WATERSHED MANAGEMENT COMMISSION REPRESENTING THE CITY AT-LARGE EFFECTIVE IMMEDIATELY, FOR THE BALANCE OF A THREE-YEAR TERM TO EXPIRE JANUARY 31, 2027. (REPLACING PENNY JONES)

Overview:

On March 14, 2024, the commissioner to the Shingle Creek Watershed Management Commission resigned. This opening was advertised and interviews took place at the June 10, 2024 City Council Meeting.

Primary Issues/Alternatives to Consider:

Selection and appointment of commissioners.

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park
Council Work Session

Meeting Date:	June 24, 2024	**Originating Department:**	Community Development
Agenda Item:	10.1	**Prepared By:**	Jason Newby, Inspections and Environmental Health Manager Michelle Peterson, Neighborhood Health Supervisor
Agenda Section:	Discussion Items/General Action Items	**Presented By:**	Jason Newby Michelle Peterson
Item:	Waste Container Ordinance and Environmental Health Enforcement Priorities		

Summary:

Waste containers stored in public view continue to be the most common violation cited in the city each year. The current ordinance requires all waste containers to be stored out of public view, except when placed at the curb on pick-up day. When staff receives a waste container complaint, the inspector conducts a proactive sweep in the immediate area, if caseloads allow, to minimize targeting of certain homes.

A complaint-driven process tends to be less equitable as it forces staff to focus only on specific portions of a few neighborhoods each year. This process removes staff from other neighborhoods where resources may be needed to respond to high priority concerns including life safety, complex housing conditions, unsafe structures and concerns impacting livability.

On April 24, 2023, the City Council adopted a resolution on Environmental Health Enforcement Priorities. This follow-up discussion, requested by multiple members of City Council, will provide an update on how staff are prioritizing low-risk violation types (like waste containers stored in public view), and proactive neighborhood sweep goals in 2024.

Attachments:

10.1A APRIL 24, 2034 RESOLUTION – ENVIRONMENTAL HEALTH ENFORCMENT PRIORITIES
10.1B PROACTIVE SWEEP NEIGHBORHOODS - 2024

RESOLUTION #2023-65

RESOLUTION ESTABLISHING ENVIRONMENTAL HEALTH ENFORCEMENT PRIORITIES

WHEREAS, at a work session on April 3, 2023, the Brooklyn Park City Council expressed interest in establishing Environmental Health enforcement priorities; and

WHEREAS, the Brooklyn Park City Council recognizes the resources needed to respond to complaints and requests for service is limited; and

WHEREAS, a complaint-based response is less equitable than proactive sweeps because complaints tend to be focused within a few neighborhoods; and

WHEREAS, prioritizing violations based on risk or life safety will reduce violations that could cause immediate harm to occupants or neighbors; and

WHEREAS, high risk or life safety violations could result in immediate harm to occupants or adjacent properties, medium risk violations impact livability and quality of life and if left in place or not corrected could potentially cause harm or become a high risk violation, and low risk violations impact aesthetics and appearance, but do not impact health or safety; and

WHEREAS, the City Council finds it is in the public interest and consistent with the adopted *Brooklyn Park 2025* goals to demonstrate its commitment to beautiful spaces, safe and healthy people, and the environment through the implementation of policies that increase equity and reasonable response to violations based on risk levels.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Brooklyn Park that the environmental health enforcement priorities are approved; and

BE IT FURTHER RESOLVED that the city staff is authorized and directed to respond to environmental health code violation complaints by allocating the City's limited resources in a manner that prioritizes higher risk violations and considers geographic equity across the city.

The foregoing resolution was introduced by Council Member Lee and duly seconded by Council Member Eriksen.
The following voted in favor of the resolution: Lee, Eriksen, Tran, Klonowski, and Winston.
The following voted against: None.
The following were absent: Morson.
Where upon the resolution was adopted.

ADOPTED: April 24, 2023

HOLLIES WINSTON, MAYOR

CERTIFICATE
STATE OF MINNESOTA
COUNTY OF HENNEPIN
CITY OF BROOKLYN PARK

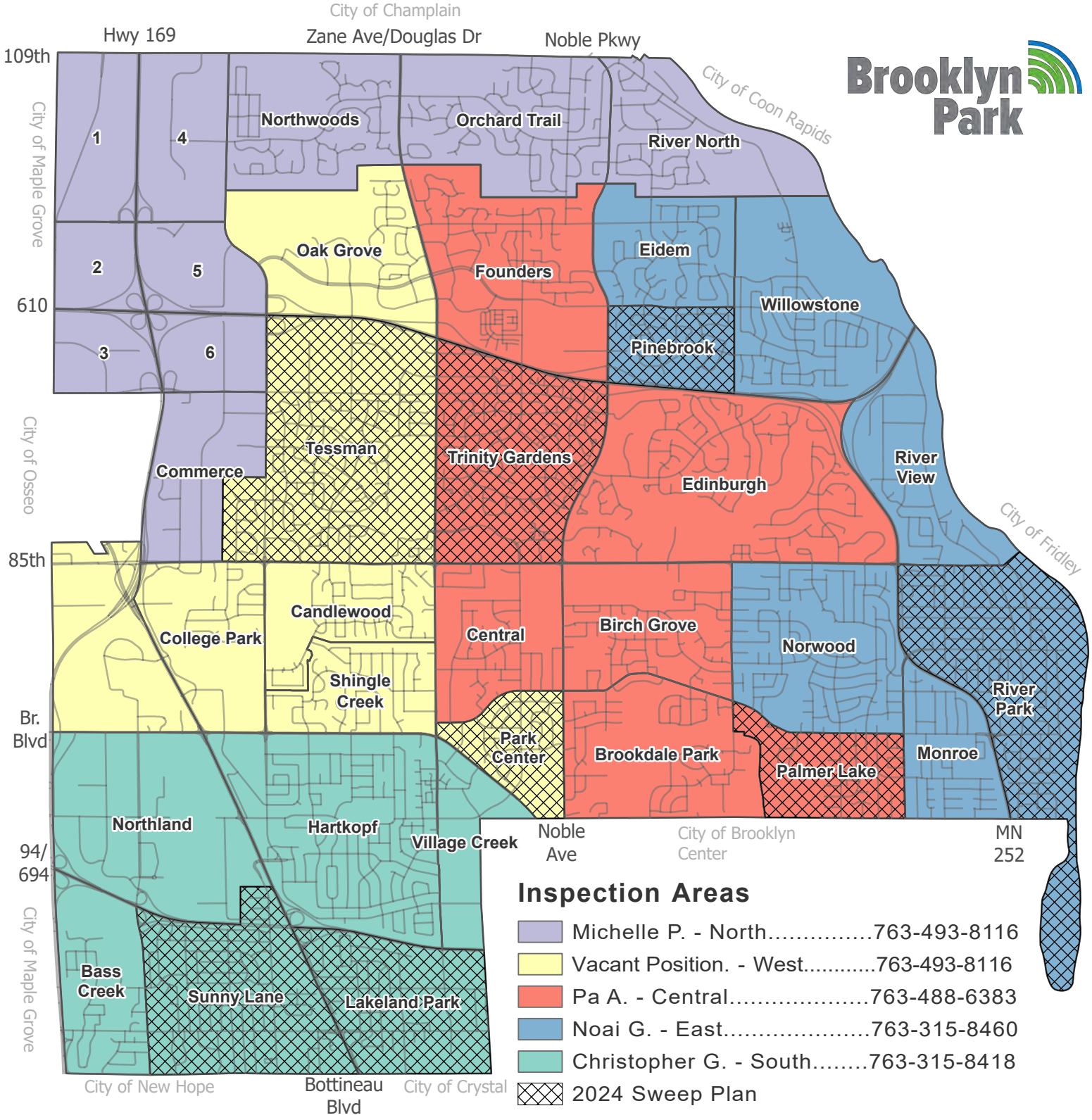
I, the undersigned, being the duly qualified City Clerk of the City of Brooklyn Park, Minnesota, hereby certify that the above resolution is a true and correct copy of the resolution as adopted by the City Council of the City of Brooklyn Park on April 24, 2023.

WITNESS my hand officially as such Clerk and the corporate seal of the city this 25th day of April 2023.

(SEAL)

DEVIN MONTERO, CITY CLERK

Environmental Health Division (EH)
2024 Sweep Plan



Inspection Areas

- Michelle P. - North.....763-493-8116
- Vacant Position. - West.....763-493-8116
- Pa A. - Central.....763-488-6383
- Noai G. - East.....763-315-8460
- Christopher G. - South.....763-315-8418
- 2024 Sweep Plan

This map is for general reference only. It is not for legal, engineering, or surveying use. Please contact the sources of the information if you desire more details.