

REGULAR CITY COUNCIL MEETING – AGENDA #28

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 Commissioner Plaque Presentation

3B.2 Mayor's Proclamation of August 6, 2024 as National Night Out in the City of Brooklyn Park

A. PROCLAMATION

3B.3 Proclamation Proclaiming August 10, 2024 as Igbo Day

A. PROCLAMATION

3B.4 Legislative Session Debrief and Discussion

3B.5 Mayor's Proclamation Proclaiming July 25, 2024 as MSS Day in the City of Brooklyn Park

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 Authorize the Acceptance of Donations/Gifts for 2nd Quarter 2024

A. RESOLUTION

4.2 Galeske Addition – Plat #24-111 for the Subdivision of Property into Two Single Family Lots at 8909 Irving Avenue

A. RESOLUTION – PRELIMINARY PLAT

B. RESOLUTION – FINAL PLAT

C. LOCATION MAP

- D. PLANNING COMMISSION MINUTES
- E. PRELIMINARY PLAT
- F. FINAL PLAT
- 4.3 Development Bond and Escrow Reductions/Releases
- 4.4 Approve a Tetrahydrocannabinol (THC) and Tobacco License for Burning Leaves LLC dba E-Vapor and Tobacco
- 4.5 Approve a Temporary On-Sale Liquor License for the Brooklyn Park Lions at the Cornhole Tournament Event Held August 17, 2024
- 4.6 Authorize Additional Location for 2024 Deer Hunt
 - A. RESOLUTION
 - B. 2023 ANNUAL DEER SURVEY
 - C. ZONE 8 – IZAAK WALTON LEAGUE – BANFILL ISLAND
 - D. IZAAK WALTON LEAGUE LETTER OF REQUEST
- 4.7 Resolution Regarding the Support of a Job Creation Fund Application in Connection with Rotation Engineering
 - A. RESOLUTION
- 4.8 Consider Accepting Bids and Awarding Contract in the Amount of \$78,390.00 to Sir Lines A-Lot for the City-Wide Wayfinding Pavement Graphics Project (CIP 2071-24) And Authorize the City Manager to Execute Relevant Contractual Agreements
 - A. RESOLUTION
 - B. CONTRACTUAL AGREEMENT

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); Second Reading
 - A. CITY ATTORNEY REDLINES TO ORDINANCE AMENDING TITLE XV: LAND USAGE
 - B. SUMMARY OF ORDINANCE
 - C. MRCCA ORDINANCE AS PRESENTED TO PLANNING COMMISSION
 - D. DNR CORRESPONDENCE

7. GENERAL ACTION ITEMS

- 7.1 Request by Mayor Winston to Travel to and Attend the Mississippi Rivers and Towns Initiatives Annual Meeting from September 17-20, 2024
 - A. TRAVEL POLICY
- 7.2 Resolution Authorizing Changes to the Elected Officials Rules of Procedures and Code of Conduct to Establish Guidelines for Attendance by Interactive Technology
 - A. RESOLUTION
- 7.3 Three-month Review of CM Morson Censure
 - A. CENSURE REVIEW
 - B. APRIL 15, 2024 RESOLUTION

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

- 8.1 Request Guidance on Good-Better-Best Design Options and Identify the Funding Strategy for the Project
 - A. FIRE STATION SPACE NEEDS EVALUATION
 - B. GOOD-BETTER-BEST OVERVIEW

IV. VERBAL REPORTS AND ANNOUNCEMENTS

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

V. 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:	July 22, 2024
Agenda Section:	Public Presentations/ Proclamations/Receipt of General Communications	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Katrina Doshier, Program Assistant
Ordinance:	N/A		
Attachments:	N/A	Presented By:	Mayor Hollies Winston
Item:	Commissioner Plaque Presentation		

City Manager's Proposed Action:

Recognize outgoing Commissioners for their years of service on the commissions.

Overview:

The purpose of this agenda item is to publicly recognize and thank outgoing commissioners for their contributions to the City of Brooklyn Park.

On November 11, 1996, the City Council adopted a policy for recognition of outgoing members to city boards and commissions. Under the policy, commissioners who serve at least three years on a commission receive a plaque, while commissioners who serve less than that receive a certificate or letter.

Commissioners being recognized:

Name	Boards/Commissions	Years of Service
David Williams	Charter Commission	4-16-13 to 5-31-24

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.2	Meeting Date:	July 22, 2024
Agenda Section:	Public Presentations/ Proclamations/Receipt of General Communications	Originating Department:	Police
Resolution:	N/A	Prepared By:	Kimberly Czapar, Crime Prevention Specialist
Ordinance:	N/A		
Attachments:	1	Presented By:	Mayor Hollies Winston
Item:	Mayor's Proclamation of August 6, 2024 as National Night Out in the City of Brooklyn Park		

City Manager's Proposed Action:

The Mayor shall proclaim August 6, 2024 as the "National Night Out" celebration 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 August 6, 2024 as National Night Out in the City of Brooklyn Park."

OR

2. By reading the proclamation.

Overview:

The City has a long history of supporting National Night Out and has won numerous National Awards. This year's events will take place on two dates:

August 2	Brooklyn Park's Night Out - Movie in the Park at Central Park
August 6	National Night Out neighborhood parties citywide

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

3B.2A PROCLAMATION

PROCLAMATION

PROCLAIMING AUGUST 6, 2024 AS NATIONAL NIGHT OUT IN THE CITY OF BROOKLYN PARK

WHEREAS, the National Association of Town Watch (NATW) each year sponsors a unique, nationwide, crime, drug and violence prevention program on August 6, 2024 called "*National Night Out*"; and

WHEREAS, National Night Out provides a unique opportunity for residents of Brooklyn Park to join forces with thousands of other communities across the country in promoting cooperative, police-community partnerships for crime and drug prevention; and

WHEREAS, the Brooklyn Park residents play a vital role in assisting the Brooklyn Park Police Department in ensuring stable neighborhoods in Brooklyn Park and in celebrating National Night Out locally; and

WHEREAS, it is essential that ALL residents of Brooklyn Park be aware of the importance of crime prevention programs and the impact that their participation can have on connecting communities and reducing crime in Brooklyn Park; and

WHEREAS, police-community partnerships, neighborhood safety, awareness and cooperation are the heart of the National Night Out program; and

WHEREAS, this 2024 National Night Out celebrates police-community partnerships by making our community a better place, because *only by working together as a community can we truly "Give Crime, Drugs and Violence a Going Away Party."*

NOW, THEREFORE, I, Hollies Winston, do hereby call upon ALL residents of Brooklyn Park to join Brooklyn Park's Police and Fire Departments, Brooklyn Park Crime Prevention Association, and the National Association of Town Watch in support of the "*41st Annual National Night Out.*" Festivities begin on Friday, August 2, and go through Tuesday, August 6, 2024, with approximately 150 individual neighborhood block parties and our citywide movie in the park.

FURTHER, LET IT BE RESOLVED, THAT I, Mayor Hollies Winston, do hereby proclaim August 6, 2024, as "*National Night Out*" in Brooklyn Park and support the Brooklyn Park Crime Prevention Association, neighborhood watch captains and all residents in their efforts to "*Make Brooklyn Park a thriving community inspiring pride where opportunities exist for all*" through their National Night Out events.



Hollies Winston, Mayor

5200 85th Avenue North
Brooklyn Park, MN 55443

City of Brooklyn Park Request for Council Action

Agenda Item:	3B.3	Meeting Date:	July 22, 2024
Agenda Section:	Public Presentations/ Proclamations/Receipt of General Communications	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Dr. Marcellus Davis, Racial, Equity, Diversity, & Inclusion Manager
Ordinance:	N/A		
Attachments:	1	Presented By:	Mayor Winston
Item:	Proclamation Proclaiming August 10, 2024 as Igbo Day		

City Manager's Proposed Action:

The Mayor shall proclaim August 10, 2024 to be observed as Igbo Day.

1. "I, Hollies Winston, Mayor of the City of Brooklyn Park, do hereby proclaim August 10, 2024 shall be observed as "Igbo Day" in the City of Brooklyn Park."

OR

2. By reading the proclamation.

The Umunne Cultural Association is hosting Igbofest on Saturday, August 10 11am-7pm at North Hennepin Community College. This free event will include food, performances, and fun for families.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

3B.3A PROCLAMATION

PROCLAMATION



PROCLAIMING SATURDAY, AUGUST 10, 2024 TO BE OBSERVED AS "IGBO DAY"

WHEREAS, the City of Brooklyn Park remains the home of many ethnic people of African descent in the state of Minnesota, Igbos are one of the major ethnic groups in Nigeria who live in Brooklyn Park; and

WHEREAS, there are thousands of Igbo residents in Minnesota, some of whom have lived in Brooklyn Park for more than forty-five years; and

WHEREAS, the city of Brooklyn Park continues to foster the environment that reflects cultural diversity, Igbos in Minnesota formed the non-profit organization Umunne Cultural Association to unite and educate Igbo families and Minnesotans about Igbo culture, arts, music and values; and

WHEREAS, the first Igbofest was held in 1994 to celebrate the rich heritage of the Igbos to educate Minnesotans about Igbo culture; and

WHEREAS, Igbos in Minnesota have been involved in causes such as education, the arts, volunteering in local schools and organizations, book drives, and cultural performances at local and international festivals; and

WHEREAS, Igbos in Minnesota are working to ensure the sustainability of Igbo culture by preserving our Heritage.

NOW, THEREFORE, I, Hollies Winston, Mayor of the City of Brooklyn Park, do hereby proclaim August 10, 2024 shall be observed as "Igbo Day" in the City of Brooklyn Park.



5200 85th Avenue North
Brooklyn Park, MN 55443

Hollies Winston, Mayor

City of Brooklyn Park

Request for Council Action

Agenda Item:	3B.4	Meeting Date:	July 22, 2024
Agenda Section:	Public Presentations/ Proclamations/Receipt of General Communications	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Katrina Doshier, Program Assistant
Ordinance:	N/A		
Attachments:	N/A	Presented By:	Melissa Reed, Collective Efforts; Troy Olsen, North Metro Mayor
Item:	Legislative Session Debrief and Discussion		

City Manager's Proposed Action:

Legislative debrief presentation from our state lobbyists Melissa Reed from Collective Efforts and Troy Olsen from North Metro Mayors, with a discussion following.

Overview: N/A

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.5	Meeting Date:	July 22, 2024
Agenda Section:	Public Presentations/ Proclamations/Receipt of General Communications	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Katrina Doshier, Program Assistant
Ordinance:	N/A		
Attachments:	1	Presented By:	Mayor Hollies Winston
Item:	Mayor's Proclamation Proclaiming July 25, 2024 as MSS Day in the City of Brooklyn Park		

City Manager's Proposed Action:

The Mayor shall proclaim July 25, 2024 as the MSS Day in the City of Brooklyn Park:

1. "I, Hollies Winston, Mayor of the City of Brooklyn Park, Minnesota, do hereby proclaim July 25, 2024 as MSS Day in the City of Brooklyn Park."

OR

2. By reading the proclamation.

Overview:

MSS MN (formerly known as Midwest Special Services Minnesota) is a nonprofit that has been providing day and employment services to Minnesotans with disabilities since 1949. They have been operating in Brooklyn Park since 2005. Their 75th anniversary party is being held on July 25, 2024

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

3B.5A PROCLAMATION

PROCLAMATION

PROCLAIMING JULY 25, 2024 AS MSS DAY IN THE CITY OF BROOKLYN PARK

WHEREAS, MSS is celebrating 75 years of supporting people with disabilities in living the lives they choose; and

WHEREAS, MSS is recognized as one of the first Day Services providers for adults with disabilities in Minnesota; and

WHEREAS, MSS now supports over 500 individuals with disabilities in pursuing their unique interests, whether through employment, education, social outreach, or the creative arts; and

WHEREAS, MSS continues to enrich the City of Brooklyn Park by providing opportunities for community engagement and developing local partnerships built on collaboration and inclusion.

NOW, THEREFORE, I, Hollies Winston, Mayor of Brooklyn Park, do hereby proclaim Thursday, July 25th, 2024 as: MSS Day in the City of Brooklyn Park.

Hollies Winston, Mayor



5200 85th Avenue North
Brooklyn Park, MN 55443

City of Brooklyn Park Request for Council Action

Agenda Item:	4.1	Meeting Date:	July 22, 2024
Agenda Section:	Consent	Originating Department:	Finance
Resolution:	X	Prepared By:	Cheryl Keene; Finance Assistant I
Ordinance:	N/A		
Attachments:	1	Presented By:	LaTonia Green, Finance Director
Item:	Authorize the Acceptance of Donations/Gifts for 2 nd Quarter 2024		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2024-_____ AUTHORIZING STAFF TO ACCEPT GIFTS OF REAL AND PERSONAL PROPERTY PURSUANT TO MINNESOTA STATUES, SECTION 465.03.

Overview:

Minnesota Statute 465.03 allows for the acceptance of donations and gifts by resolution of the City Council. Gifts with a value of \$15,000 or less can be included in a report to Council.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

4.1A RESOLUTION

RESOLUTION #2024-

RESOLUTION AUTHORIZING STAFF TO ACCEPT GIFTS OF REAL AND PERSONAL PROPERTY
PURSUANT TO MINNESOTA STATUTES, SECTION 465.03

WHEREAS, the City of Brooklyn Park is generally authorized to accept donations of real and personal property pursuant to Minnesota Statute, Section 465.03; and

WHEREAS, the following entities have offered to contribute gifts/donations as set forth below to the city:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park that staff be authorized to accept the donations.

2024 Donations - 2nd Quarter

Date	Department	Name of Entity Making Donation	Description of Donation	\$
4/18/2024	Police	Mary Benal	23 handmade blankets	345.00
5/30/2024	Rec & Parks	Collette Guyott-Hempel	Pizza Donation for chess club	200.00
5/22/2024	Rec & Parks	Krista Williamson	Dance Program	200.00
5/20/2024	Police	Mark and Karen Inzerello/Mpls Elks 44	25 hygiene kits	125.00
6/3/2024	Police	Brooklyn Park Crime Prevention Assn	Kitchen supplies/equipment	355.71
6/3/2024	Police	New Hope Church	Gift cards for community distribution	1,000.00
6/5/2024	Police	Brooklyn Park Crime Prevention Assn	Kitchen supplies/equipment	143.06
6/6/2024	Police	The Home Depot	Traeger Pro Series 22 Pellet Grill	390.00
Total				2,758.77

City of Brooklyn Park Request for Council Action

Agenda Item:	4.2	Meeting Date:	July 22, 2024
Agenda Section:	Consent	Originating Department:	Community Development
Resolution:	X	Prepared By:	Erin McDermott, Senior Planner
Ordinance:	N/A		
Attachments:	6	Presented By:	Paul Mogush, Planning Director
Item:	Graleske Addition – Plat #24-111 for the Subdivision of Property into Two Single Family Lots at 8909 Irving Avenue		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2024-_____ APPROVING A PRELIMINARY PLAT FOR "GRALESKE ADDITION" SUBDIVIDING 8909 IRVING AVENUE NORTH INTO TWO SINGLE FAMILY LOTS.

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2024-_____ APPROVING A FINAL PLAT FOR "GRALESKE ADDITION" SUBDIVIDING 8909 IRVING AVENUE NORTH INTO TWO SINGLE FAMILY LOTS.

Overview:

The property owner of 8909 Irving Avenue is requesting to subdivide this property into two residential lots for the construction of a new residential structure in an existing residential neighborhood. This property is located on the northwest corner of 89th and Irving Avenues.

Planning Commission:

The Planning Commission held a public hearing at the July 10, 2024 Regular Meeting. There were no members of the public present to speak on this item. The Planning Commission voted unanimously (6-0) to recommend approval of this application.

Previous Approvals:

This lot is unplatted and has a metes and bounds description. The existing residential structure was constructed in 1948.

Current Conditions:

The subject property is 0.68 acres. There is an existing house on the north portion of the property, which will be located on proposed Lot 1. There is open space on the southern portion of the property at the corner of 89th Avenue and Irving Avenue, which would become proposed Lot 2.

Future Land Use Plan	Low Density Residential
Current Zoning	R2 - Detached Single Family Estate
Proposed Zoning	R2 - Detached Single Family Estate
Neighborhood	River View
Site Area	0.68 acres
Conforms to:	

Land Use Plan	Yes
Zoning Code	Yes
Notification	41 Public Hearing Notices mailed Posted in the Sun Post Neighborhood email sent to Lakeland Park neighborhood
Timeline (MN §15.99)	
60-day	August 4, 2024
120-day	October 3, 2024

Lots and Density:

The property is zoned R2 – Detached Single-Family Estate. The proposed plat meets all zoning requirements established for the R2 zoning district (152.221.01) as well as all setback requirements as shown by the setback lines marked on the proposed preliminary plat.

The Comprehensive Plan guides this area for low density residential uses (up to 3 units per acre). The subject property is 0.68 acres, with proposed Lot 1 at 0.34 acres and Lot 2 at 0.34 acres for an average density of 0.34 acres per lot, which exceeds the requirement of 0.33 acres.

Access:

This site is adjacent to 89th and Irving Avenues. The proposed plat indicates the access to the existing residence will remain on Irving Avenue, and the developer of the newly created lot will determine at the time of construction which street will be the front of the residence.

Utilities:

Utilities are available to this site, as an additional connection was installed at the time of reconstruction of 89th Avenue.

Storm Water Management:

Storm water management will be through storm sewer and swales installed in the rear yards. The storm sewer will be located within the same drainage and utility easement as the sanitary sewer line noted previously.

Pedestrian Connections:

There are no existing sidewalks in this neighborhood. City Code 152.131 outlines required locations for sidewalks, including traffic volumes exceeding 1,000 trips per day, a roadway connecting a neighborhood to a commercial area, park, school, religious institution or other community-oriented facility, along any street in a business district, or a multi-family, office, commercial or industrial use that is expected to generate pedestrian traffic. While this property is adjacent to a park, in context of the neighborhood it would not make sense to require a partial sidewalk on only two properties in an area unlikely to be redeveloped, leaving a partial sidewalk indefinitely.

Park Dedication:

Land dedication in this instance would not conform to Chapter 7: Parks and Trails of the 2040 Comprehensive Plan, and as such a fee in lieu is requested with this plat. The proposed plat creates two single family lots from one existing lot. The fee in lieu established for residential properties is \$4,600 per newly created lot, for a total of \$4,600 due for this subdivision. The money collected is deposited into the Open Space Land Acquisition and Development (OSLAD) fund which is only used for purchase of new parkland and the development of the parks. It cannot be used for programming, maintenance, or administration costs by state law. The nearest neighborhood park is Lakeland Park, located northeast of the property.

Final Plat:

The final plat and title commitment have been reviewed by the City Attorney's office in the future as the normal course of review. All necessary revisions to the plat as required by this review must be made prior to the filing the plat with Hennepin County.

Primary Issues/Alternatives to Consider:

1. Approve the plat as presented.
2. Approve the plat with modifications.
3. Deny the plat based on certain findings.

Budgetary/Fiscal Issues: N/A

Attachments:

- 4.2A RESOLUTION – PRELIMINARY PLAT
- 4.2B RESOLUTION – FINAL PLAT
- 4.2C LOCATION MAP
- 4.2D PLANNING COMMISSION MINUTES
- 4.2E PRELIMINARY PLAT
- 4.2F FINAL PLAT

RESOLUTION #2024-

RESOLUTION APPROVING A PRELIMINARY PLAT FOR
“GRALESKE ADDITION”
SUBDIVIDING 8909 IRVING AVENUE NORTH INTO TWO SINGLE FAMILY LOTS

Planning Commission File #24-111

WHEREAS, the plat of “Graleske Addition” has been submitted in the manner required for platting of land under the Brooklyn Park Zoning and Subdivision Codes and under Chapter 462 of the Minnesota Statutes and all proceedings have been duly had thereunder on properties currently legally described as:

EAST 167 5/10 FEET OF WEST 1/2 OF SOUTHEASTERN 1/4 OF
NORTHEASTERN 1/4 LYING SOUTH OF THE NORTHERN 1056 FEET THEREOF
EXCEPT ROADS, HENNEPIN COUNTY, MINNESOTA

WHEREAS, said plat is consistent with the Comprehensive Plan and the regulations and requirements of the laws of the State of Minnesota and codes of the City of Brooklyn Park, Chapters 151 and 152.

WHEREAS, the granting of this plat will not be detrimental to the public welfare nor injurious to the other property in the neighborhood, and

WHEREAS, the granting of this plat will not have an adverse effect upon traffic and traffic safety or pedestrians and pedestrian safety, and

WHEREAS, the proposed subdivision meets the minimum requirements of the Low Density Residential designation of the Comprehensive Plan,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park, Preliminary Plat Request #24-111 “Graleske Addition” shall be approved subject to the following conditions:

1.0 DRAWINGS

1.01 Preliminary plans on file in the City Clerk’s office dated 06-06-2024 for two lots upon compliance with the following requirements:

2.00 BONDS, ESCROWS AND DIRECT PAYMENTS

2.01 Payment of any special assessments on the property.

2.02 Payment of park dedication in the amount of \$4,600 for new construction shall be paid prior to recording the final plat.

3.00 REQUIRED DOCUMENTS

- 3.01 Approval of Title by the City Attorney and all conditions therein.
- 3.02 A final plat showing the correct square footage for each lot area must be submitted prior to recording of the final plat.

4.00 GENERAL CONDITIONS

- 4.01 Issues regarding the title overlap must be resolved prior to final plat approval.

RESOLUTION #2024-

RESOLUTION APPROVING A FINAL PLAT FOR
“GRALESKE ADDITION”
SUBDIVIDING 8909 IRVING AVENUE NORTH INTO TWO SINGLE FAMILY LOTS.

Planning Commission File #24-111

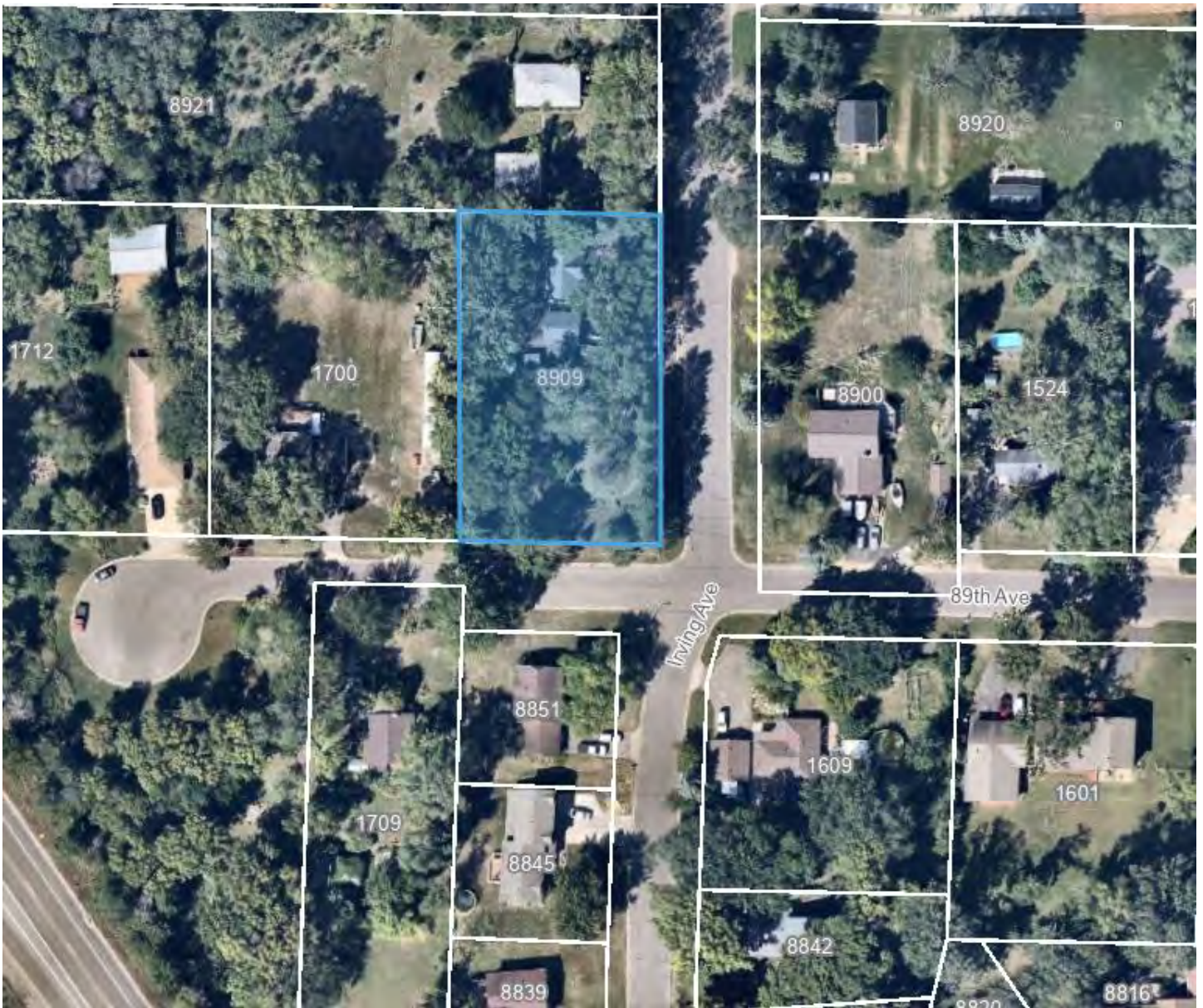
WHEREAS, the plat of “Graleske Addition” has been submitted in the manner required for platting of land under the Brooklyn Park Codes and under Chapter 462 of the Minnesota Statutes and all proceedings have been duly had thereunder, and

WHEREAS, said plat is in all respects consistent with the City plan and the regulations and requirements of the laws of the State of Minnesota and codes of the City of Brooklyn Park, Chapters 151 and 152.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park, Preliminary Plat Request #24-111 “Graleske Addition” shall be approved subject to the following conditions:

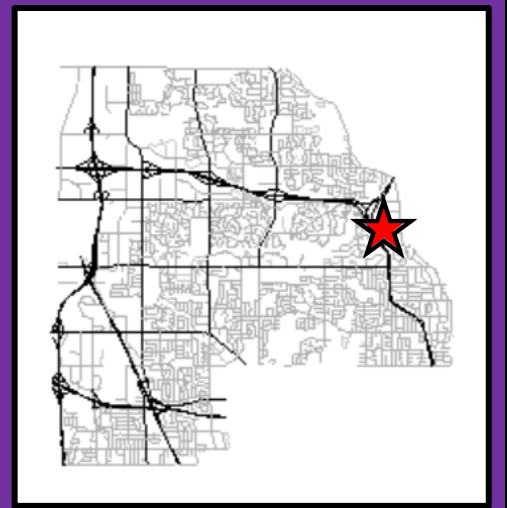
1. Title review by the City Attorney and all conditions therein.
2. Easement review and approval by the City Engineer and all conditions therein.
3. Submission of a CAD copy of the plat.
4. Building permits must be obtained prior to any development of the site.
5. No additional grading may occur without a permit issued by the City Engineer.

BE IT FURTHER RESOLVED that such execution of the certificate upon said plat by the Mayor and City Manager shall be conclusive showing of proper compliance therewith by the sub divider and City officials and shall entitle such plat to be placed on record forthwith without further formality, all in compliance with M.S.A. 462 and the Ordinance of the City.



Preliminary and Final Plat
Case #24-111 – Galeske Addition
Area of Request (August 2023 Air Photo)
8909 Irving Ave

Brooklyn Park 



**UNAPPROVED MINUTES****MINUTES OF THE BROOKLYN PARK PLANNING COMMISSION
Regular Meeting – July 10, 2024****6. PUBLIC HEARING****A. Planning Case #24-111 | Graleske Addition | 8909 Irving Ave N | Preliminary/Final Plat Application**

Senior Planner McDermott introduced a to subdivide the property located at 8909 Irving Ave N into two residential lots for the construction of a new residential structure in an existing residential neighborhood. This property is located on the northwest corner of 89th and Irving Avenues.

Senior Planner McDermott noted the subject property is 0.68 acres and that there is an existing house on the north portion of the property, which will be located on proposed Lot 1. There is open space on the southern portion of the property at the corner of 89th Avenue and Irving Avenue, which would become proposed Lot 2. They also noted that the Comprehensive Plan guides this area for low density residential uses (up to 3 units per acre). The subject property is 0.68 acres, with proposed Lot 1 at 0.34 acres and Lot 2 at 0.34 acres for an average density of 0.34 acres per lot, which exceeds the requirement of 0.33 acres.

Senior Planner McDermott further noted that utilities are available to this site, as an additional connection was installed at the time of reconstruction of 89th Avenue.

Providing an overview of the application process, Senior Planner McDermott ended their presentation by sharing to the commission that the final plat and title commitment will be reviewed by the City Attorney's office in the future as the normal course of review. All necessary revisions to the plat as required by this review must be made prior to the request for Council action on the final plat. They concluded by recommending approval of the preliminary plat to City Council.

Commission Chair Cavin invited the property owners, Tom and Deb Kelleher to speak if they so choose. Deb shared that this is their first time going through this sort of application process and that they are available to answer any questions commissioners may have.

Commission Chair Cavin opened the public hearing. Seeing no one from the public, Commission Chair Cavin closed the public hearing and brought the agenda item back to the commission.

Commissioner Gaye-Bai asked about future development on the vacant lot if it is subdivided. Deb Kelleher shared that their adult son is currently living in homestead on the property and that he intends to continue living there. She also shared that they did not have any plans to build on the vacant lot, and that they would consider selling the lot. Senior Planner McDermott commented that any future development would need to meet applicable code requirements.

Commissioner Wako asked about park dedication fees. Senior Planner McDermott explained that preliminary and final plat subdivision applications pay a park dedication fee in lieu of a green space calculation. They also shared the proximity the vacant lot would have to the City's green spaces.

Commissioner Udomah asked whether City Staff considered the impact the subdivision would have on traffic. Senior Planner McDermott noted that the City's Engineers reviewed the application and that they did not have any general concerns or specific concerns as to traffic.

Senior Planner McDermott also provided the commissioners with general information about preliminary plats.

MOTION BORER, SECOND WAKO TO RECOMMEND APPROVINAL OF A PRELIMINARY PLAT FOR "GRALESKE ADDITION" SUBDIVIDING 8909 IRVING AVENUE NORTH INTO TWO SINGLE FAMILY LOTS

MOTION CARRIED UNANIMOUSLY.

Planning Director Mogush noted that the preliminary and final plat resolution considerations are on the July 22, 2024 City Council Agenda.

PRELIMINARY PLAT GRALESKE ADDITION

C.R. DOC. NO. _____

KNOW ALL PERSONS BY THESE PRESENTS: That Thomas Graleske and Deb Kelleher, husband and wife, owners of the following described property:

The East 167.5 feet of the West 1/2 of the Southeast 1/4, of the Northeast 1/4, lying south of the north 1056 feet thereof, Section 14, Township 119, Range 21, according to the United States Government survey thereof and situated in Hennepin County, Minnesota.

Have caused the same to be surveyed and platted as GRALESKE ADDITION and do hereby dedicate to the public for public use the public ways and easements for drainage and utility purposes as created by this plat.

In witness whereof said Thomas Graleske and Deb Kelleher, husband and wife, have hereunto set their hands this _____ day of _____, 2024.

Thomas Graleske Deb Kelleher

STATE OF MINNESOTA, COUNTY OF _____

This instrument was acknowledged before me this _____ day of _____, 2024, by Thomas Graleske and Deb Kellher.

Notary Public, _____ County, Minnesota (Signature) _____ (Notary Printed Name) My Commission Expires: _____

SURVEYORS CERTIFICATE

I Daniel L. Schmidt do certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been or will be correctly set within one year; that all water boundaries and wet lands, as defined by Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this _____ day of _____, 2024.

Daniel L. Schmidt, Licensed Land Surveyor
Minnesota License No. 26147

STATE OF MINNESOTA, COUNTY OF HENNEPIN

This instrument was acknowledged before me this _____ day of _____, 2024, by Daniel L. Schmidt.

Notary Public, Hennepin County, Minnesota (Signature) _____ (Notary Printed Name) My Commission Expires: _____

CITY COUNCIL, CITY OF BROOKLYN PARK, MINNESOTA

This plat of GRALESKE ADDITION was approved and accepted by the City Council of the City of Brooklyn Park, Minnesota at a regular meeting thereof held this _____ day of _____, 2024, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

City Council, City of Brooklyn Park, Minnesota

By: _____, Mayor By: _____, Clerk

COUNTY AUDITOR

Hennepin County, Minnesota

I hereby certify that taxes payable in _____ and prior years have been paid for land described on this plat, dated this _____ day of _____, 2024.

Daniel Rogan, County Auditor By: _____, Deputy

SURVEY DIVISION

Hennepin County, Minnesota

Pursuant to Minnesota Statutes Section 383B.565 (1969), this plat has been approved this _____ day of _____, 2024.

Chris F. Mavis, County Surveyor By: _____

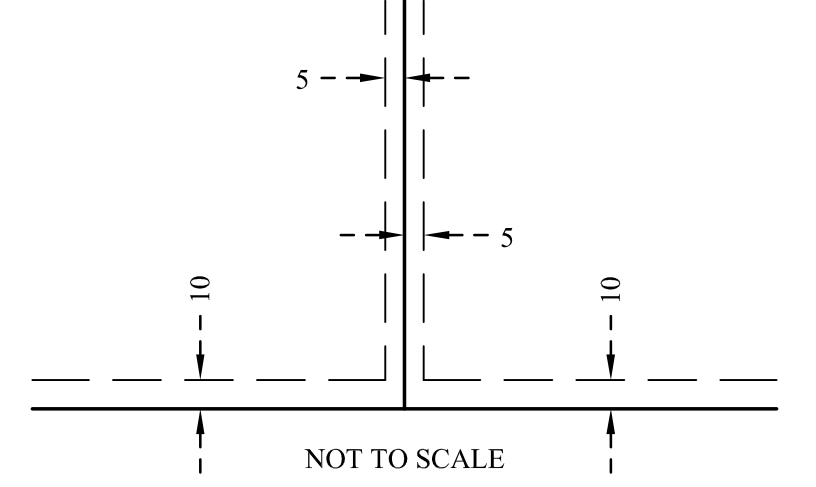
COUNTY RECORDER

Hennepin County, Minnesota

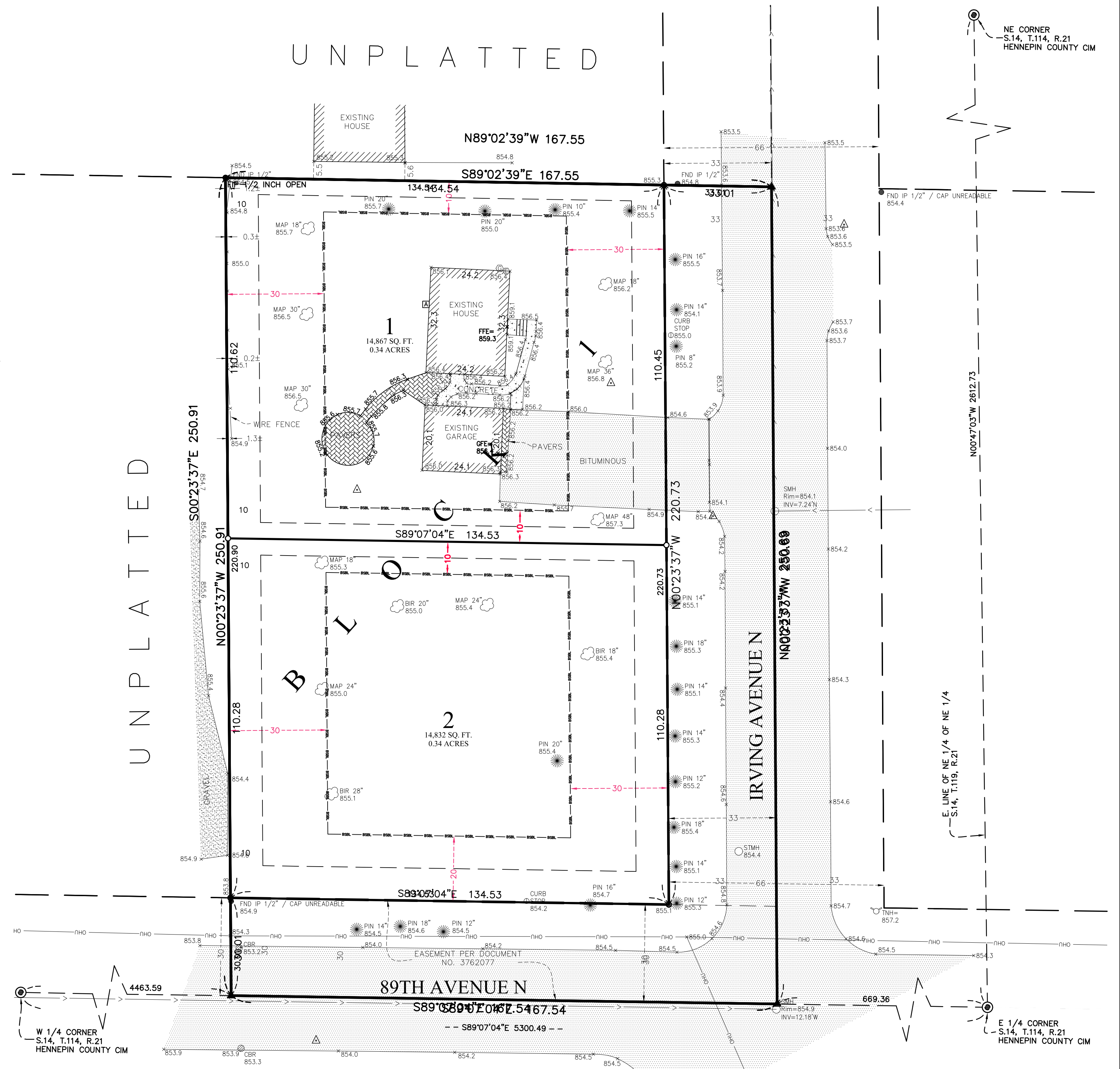
I hereby certify that the within plat of GRALESKE ADDITION was recorded in this office this _____ day of _____, 2024, at _____ o'clock _____ M.

Amber Bougie, County Recorder By: _____, Deputy

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:

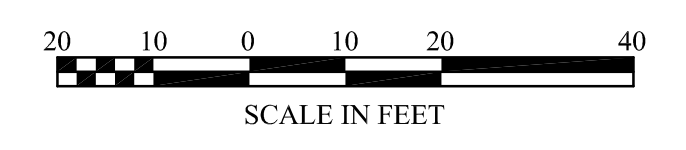


Being 5 feet in width and adjoining lot lines, unless otherwise indicated, and being 10 feet in width and adjoining right of way lines, unless otherwise indicated, as shown on this plat.



- Denotes a 1/2 inch by 14 inch iron pipe monument set and marked by License No. 26147.
- Denotes a found 1/2 inch iron pipe monument marked by License No. 26147, unless shown otherwise.
- ▲ Denotes a found PK Nail marked by License No. 26147
- ◎ Denotes a Found Cast-Iron-Monument

The basis for the bearing system is the south line of the Southeast Quarter of the Northeast Quarter of Section 14, Township 119, Range 21, which is assumed to bear South 89 degrees 07 minutes 04 seconds East



SATHRE-BERGQUIST, INC.

City of Brooklyn Park Request for Council Action

Agenda Item:	4.3	Meeting Date:	July 22, 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 (\$7,064.27) AND TO FULLY RELEASE THE PERFORMANCE BOND (\$14,900.00) FOR COMPLETION OF THE "A/ RELIABLE HOME CARE" PROJECT #20-109.

MOTION _____, SECOND _____, TO FULLY RELEASE THE BELL BANK LETTER OF CREDIT NO. 1616 (\$687,200.00) FOR COMPLETION OF THE "ENCLAVE APARTMENTS" PROJECT #21-104.

MOTION _____, SECOND _____, TO FULLY RELEASE THE DEVELOPERS' ESCROW (\$444.10) FOR COMPLETION OF THE "SCHOOLHOUSE ADDITION" PROJECT #22-101.

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:	4.4	Meeting Date:	July 22, 2024
Agenda Section:	Consent	Originating Department:	Community Development
Resolution:	N/A	Prepared By:	Megan Bookey, Program Assistant III
Ordinance:	N/A		
Attachments:	N/A	Presented By:	Keith Jullie, Rental and Business Licensing Manager
Item:	Approve a Tetrahydrocannabinol (THC) and Tobacco License for Burning Leaves LLC dba E-Vapor and Tobacco, Located at 4658 85 th Ave N, Brooklyn Park, MN 55443		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO APPROVE A TETRAHYDROCANNABINOL (THC) LICENSE FOR BURNING LEAVES LLC DBA E-VAPOR AND TOBACCO, LOCATED AT 4658 85TH AVE N, BROOKLYN PARK, MN 55443

MOTION _____, SECOND _____, TO APPROVE A TOBACCO LICENSE FOR BURNING LEAVES LLC DBA E-VAPOR AND TOBACCO, LOCATED AT 4658 85TH AVE N, BROOKLYN PARK, MN 55443

Overview:

Burning Leaves LLC is purchasing the business E-Vapor and Tobacco, which was under ownership by E-Cig & Tobacco LLC. Due to this change in ownership, new tobacco and THC licenses are required. These license approvals will not increase the total number of licenses issued.

The first action is for approval of a THC license under new ownership at 4658 85th Avenue North. The THC license application has been approved and the police department has completed their investigation of the applicant. The second action is for approval of a tobacco license under new ownership at 4658 85th Avenue North. The tobacco license application has been approved and the police department has completed their investigation of the applicant. The Community Development Department approved the application on July 16, 2024. The Police and Community Development Departments recommend approval of THC and Tobacco Sales licenses.

Background:

On July 1, 2022 the Minnesota legislature legalized the sale of limited amounts of Tetrahydrocannabinol (THC), which is the intoxicating component within the hemp plant. THC can be extracted from the plant and added to edibles and beverages for consumption. State law requires that these products contain no more than 0.3% of any THC total, no more than five milligrams of THC per serving, and no more than 50 milligrams of THC per package. The law prohibits the sale of edible THC products to anyone under the age of 21 and contains several requirements regarding labeling and packaging.

Ordinance Requirements:

The THC ordinance and licensing requirements include regulations from State law and City code including:

- Businesses must have a license approved by the city council to sell THC products effective March 1, 2023.
- Customers must be 21 years old to purchase THC products, and it is a petty misdemeanor violation for anyone under 21 to possess licensed products.

- Customers must provide a valid government issued photo identification for purchase upon request.
- Products must be located behind a counter or in a locked case requiring store employees to access.
- License applicants must pass a background check prior to license approval.
- Compliance checks and business inspections are required to ensure compliance with regulations.
- Annual license fee of \$1,000 and background check fee of \$500
- The total number of THC licenses allowed in the city proposed at 15 per each of three city council districts (east, central, west) and 45 total licenses allowed in the city based on discussion with the city council during the first reading.
- THC licenses are allowed in all retail areas except within 300 feet of a school.
- Penalties for violations and appeal processes are comparable to tobacco compliance processes.

THC Business Locations:

Business Name	Location	Council District	West	Central	East
A&J Tobacco	8058 Brooklyn Blvd	West	X		
A1 Smokes and Vapes	3015 85th Ave	East			X
Boone Tobacco	6284 Boone Ave	West	X		
BP Smoke Shop	7654 Brooklyn Blvd	East			X
BP Smoke Shop	7642 Brooklyn Blvd	East	X		X
Brooklyn Grocery	6321 Zane Ave N	West	X		
Cellar's Wine & Spirits	7944 Brooklyn Blvd	West	X		
Cub Liquor	7555 W Broadway	West	X		
E-Cig Market	8413 West Broadway	West	X		
E-Vapor and Tobacco (new owner)	4658 85th Ave	Central		X	
Fast N Fresh	6321 Zane Ave N	West	X		
Good Zen	8509 Jefferson Ln	West	X		
Ike's Wine & Spirits	9682 Colorado Ln	West	X		
Love is an Ingredient	6276A Boone Ave	West	X		
Love is an Ingredient	8505 Jefferson Ln	West	X		
New Superette	6290 Boone Ave	West	X		
Palmer Lake VFW	2817 Brookdale Drive	East			X
Pixie Liquor	1512 Brookdale Dr	East			X
Speedy Market & Tobacco	7401 Regent Ave	East			X
Tobacco for Less	9334 Zane	Central		X	
Tobacco Plus	1436 - 85th Ave	East			X
Up North Liquor	9570 Noble Pkwy N	Central		X	
Winner Gas	1500 Brookdale Dr	East			X

		Totals	13	3	8
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Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues:

THC prorated license fee of \$500 will be added to the general fund.
Tobacco prorated license fee of \$100 will be added to the general fund.

Attachments: N/A

City of Brooklyn Park Request for Council Action

Agenda Item:	4.5	Meeting Date:	July 22, 2024
Agenda Section:	Consent	Originating Department:	Community Development, Rental and Business Licensing
Resolution:	N/A	Prepared By:	Megan Bookey, Program Assistant III
Ordinance:	N/A		
Attachments:	N/A		
Item:	Approve a Temporary On-Sale Liquor License for the Brooklyn Park Lions at the Cornhole Tournament Event Held August 17, 2024, at Godfather's Pizza, 7450 Unity Avenue North		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO APPROVE A TEMPORARY ON-SALE LIQUOR LICENSE FOR THE BROOKLYN PARK LIONS AT THE CORNHOLE TOURNAMENT EVENT HELD AUGUST 17, 2024 AT GODFATHER'S PIZZA, 7450 UNITY AVENUE NORTH

Overview:

The Cornhole Tournament is as an event in partnership with Godfather Pizza being held on August 17, 2024, from 11:00am – 6:00 p.m., at Godfather's Pizza in the east parking lot at 7450 Unity Avenue North. The Brooklyn Park Lions will be serving liquor for the event and have attended training for liquor service. Godfather's Pizza will have food available for purchase.

The background investigation of the applicant has been completed and the application has been approved. There are no current code violations at the property and staff recommends approval of this temporary liquor license. The license must be approved by the State of Minnesota, Alcohol and Gambling Enforcement Division once the City of Brooklyn Park has approved the license.

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:	4.6	Meeting Date:	July 22, 2024
Agenda Section:	Consent	Originating Department:	Recreation and Parks
Resolution:	X	Prepared By:	Brad Tullberg, Director of Recreation and Parks
Ordinance:	N/A		
Attachments:	4	Presented By:	Brad Tullberg
Item:	Authorize Additional Location for 2024 Deer Hunt		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2024-____ TO AUTHORIZE THE ADDITION OF THE BANFILL ISLAND LOCATION FOR AN ANTLERLESS DEER HUNT DURING THE 2024 ANNUAL DEER HUNT.

Overview:

The Deer Management Plan identifies the numbers of deer within a range that the natural habitat can support in Brooklyn Park. The plan recommends 15 to 20 deer per square mile which translates to 45 to 60 deer in the northern portion of the city, 15 to 20 deer along the Mississippi River south of Highway 610, and 15 to 20 in the Palmer Lake Nature Area. Since 2011, the City Council has supported a Deer Management Program consisting of a controlled archery deer hunt. Each fall, the city utilizes the Metro Bowhunters Resource Base (MBRB) to conduct the controlled archery deer hunt. The MBRB manages the hunter's application process.

The City Council approved the following deer hunt dates and locations at its May 13 meeting:

2024 Hunt Dates:

October 7 & 8, October 9
October 28 & 29, October 30
November 11 & 12, November 13

Hunt locations include Northwoods Park, Palmer Lake, Greenhaven Park, and Brookdale Park Open Space.

The Banfill Island was removed from the Deer Hunt in 2022 at the request of the Izaak Walton League and was not offered as a hunt location in 2023. After the 2024 deer hunt was approved, staff were approached by the Izaak Walton League Board of Directors requesting to restore the Banfill Island hunt as an antlerless deer only hunt.

Primary Issues/Alternatives to Consider:

Staff are recommending that Banfill Island be added as a controlled archery deer hunt for antlerless deer only on the dates of the 2024 deer hunt.

Budgetary/Fiscal Issues:

There would be no additional cost to add the Banfill Island location to the 2024 Deer Hunt

Attachments:

- 4.6A RESOLUTION
- 4.6B 2023 ANNUAL DEER SURVEY
- 4.6C ZONE 8 – IZAAK WALTON LEAGUE – BANFILL ISLAND
- 4.6D IZAAK WALTON LEAGUE LETTER OF REQUEST

RESOLUTION #2024-

RESOLUTION TO AUTHORIZE THE ADDITION OF THE BANFILL ISLAND LOCATION FOR AN
ANTLERLESS DEER HUNT DURING THE 2024 ANNUAL DEER HUNT

WHEREAS, the City Council approved a Deer Management Plan in 2011, which identifies the number of deer within a range that the natural habitat can support effectively in the Brooklyn Park community; and

WHEREAS, the Recreation and Parks Department works in partnership with Three Rivers Park District and a consortium of seven suburban communities to conduct an annual aerial survey to determine the approximate deer population within the city of Brooklyn Park; and

WHEREAS, the Deer Management Plan recommends 15 to 20 deer per square mile, which translates to 45 to 60 deer in the northern portion of the city, 15 to 20 deer along the Mississippi River south of Highway 610, and 15 to 20 in the Palmer Lake Nature Area; and

WHEREAS, the City Council approved the 2024 deer hunt dates and locations at its May 15, 2024 meeting; and

WHEREAS, Banfill Island was removed from the deer hunt in 2022 at the request of the Izaak Walton League and was not offered as a hunt location in 2023.; and


WHEREAS, the Izaak Walton League Board of Directors requested to restore the Banfill Island hunt as an antlerless deer only hunt in 2024; and


NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to Authorize the Addition of the Banfill Island Location for an Antlerless Deer Hunt During the 2024 Annual Deer Hunt.

Izaak Walton League

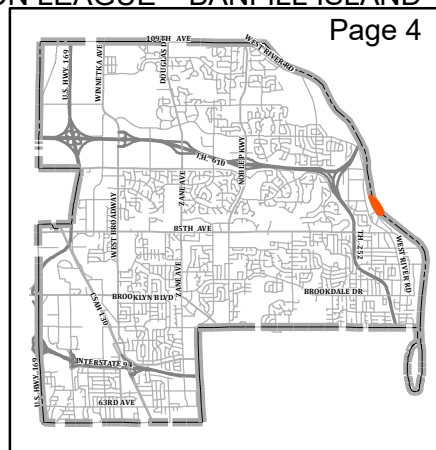
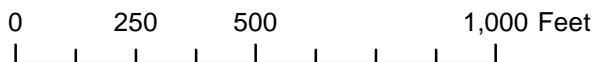
Zone 8



 Designated Parking

 Hunting Zones

 Park Boundary



2009 Airphoto



IZAAK WALTON LEAGUE OF AMERICA
DEFENDERS OF SOIL, AIR, WOODS, WATERS AND WILDLIFE

WALTER J. BRECKENRIDGE CHAPTER
8816 WEST RIVER ROAD

“COME AND JOIN IN OUR HISTORY OF CONSERVATION LEADERSHIP”

To : Brad Tullberg
City Of Brooklyn Park
Recreation & Parks Director

Request for Council Action:

I request that the Banfill Island Deer Hunt be restored to the Brooklyn Park organized hunt schedule. Our last Board of directors' vote was unanimous to be reinstated in the hunt plans. The people that were in opposition to the hunt previously are no longer on our Board of directors and the whole Board of Directors has voted to have the hunt again as long as the hunt be a does only hunt to control the numbers of deer in the area. We will assist and cooperate with the hunters and the coordinators to assist them with any help they request. We look forward to working again with the Metro Bowhunters Resource Board to achieve a successful hunt. Please feel free to contact me with any questions or concerns you may have.

Steven Schaust

President of the Walter J Breckenridge Chapter
Isaac Walton League of America
8816 West River Road
Brooklyn Park, Mn 55444
Steves Cell # 612-810-0826

City of Brooklyn Park Request for Council Action

Agenda Item:	4.7	Meeting Date:	July 22, 2024
Agenda Section:	Consent	Originating Department:	Community Development
Resolution:	X	Prepared By:	Malcolm Hicks, Business Development Coordinator
Ordinance:	N/A		
Attachments:	1	Presented By:	Malcolm Hicks, Business Development Coordinator
Item:	Resolution Regarding the Support of a Job Creation Fund Application in Connection with Rotation Engineering		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2024-____ AUTHORIZING THE SUPPORT OF A JOB CREATION FUND APPLICATION IN CONNECTION WITH ROTATION ENGINEERING.

Overview:

In November 2023, Rotation Engineering approached the City of Brooklyn Park to request the submittal of an application to the Minnesota Department of Employment and Economic Development (DEED) for funding through a Job Creation Fund (JCF). The resolution being considered authorizes City staff to complete and submit the JCF application to DEED for review and approval. DEED is offering up to \$328,000 of JCF to be used to their current facility in Brooklyn Park.

With 30 years of experience in the metal stamping business Craig Komschlies purchased Rotation Engineering in 2010. Their current business is focused on mid-volume and mid-sized metal stampings and fabrications for Tier 2 supplier companies and Original Equipment Manufacturers (OEMs) in a variety of industries.

The project is a 26,800-square-foot addition to their current 38,000-square-foot manufacturing facility and will be expanded to the north for a total of 64,800 square feet. Rotation Engineering also plans to purchase an additional 400-ton punch press as they approach capacity for their current 400-ton press and do not have a contingency plan for the current 400-ton press if it fails. Rotation also plans to make investments in automation to take advantage of advances in our industry and to stay competitive.

The Job Creation Fund (JCF) Program provides job creation awards and capital investment rebates to designated businesses that retain or create high-paying, full-time permanent jobs and invest in real property improvements. The program is available statewide for manufacturing, distribution, warehousing, and other eligible business activities. Business must be able to locate outside of Minnesota and be able to serve the same customers. In this application, DEED's preliminary approval indicated the award will be structured as a forgivable loan.

Rotation Engineering has done a comprehensive review of the productivity, capacity, and cost differentials of potential facilities in Minnesota, Wisconsin, and Iowa. The JCF financing is necessary to compete with the costs at other sites. They are developing a lean operational footprint that would fully support the business in a way that allows for growth and allows it to be quick to market to meet customer demands.

Primary Issues/Alternatives to Consider:

- How much money is being requested?

The initial estimate from DEED is \$328,000 from the JCF program. The final award amount will be determined after DEED does a more thorough review of the company's financial statements and project plans.

- Why is the City involved?

JCF is structured as a pass-through program meaning that the funds are awarded to the City as a grant and then passed on to the company as a forgivable loan. The City will enter into a grant agreement with the State and a loan agreement with the company that details ongoing obligations as they relate to the JCF dollars. The company then has two years to fulfill the job creation obligations stated in the loan agreement. The City will be responsible for submitting an annual report detailing the progress the company has made toward job creation goals. This report is completed in partnership with the company.

- What are next steps?

If this resolution is passed, staff will complete the application to the state, which includes a financial analysis, project background, and preliminary project budget. Once the funds are awarded, staff will work with the State and company to create the necessary legal documents associated with this loan.

Budgetary/Fiscal Issues:

The administration of this action will use budgeted staff time and will have no impact on the city and EDA budget.

Attachments:

4.7A RESOLUTION

RESOLUTION #2024-

RESOLUTION AUTHORIZING THE SUPPORT OF A JOB CREATION FUND APPLICATION IN CONNECTION WITH ROTATION ENGINEERING.

WHEREAS, the City of Brooklyn Park, Minnesota (the "City"), desires to assist Rotation Engineering, a Corporation, which is proposing to improve a facility in the City; and

WHEREAS, the City of Brooklyn Park understands that Rotation Engineering, through and with the support of the City, intends to submit to the Minnesota Department of Employment and Economic Development an application for an award and/or rebate from the Job Creation Fund Program; and

WHEREAS, the City of Brooklyn Park held a city council meeting on July 22, 2024, to consider this matter.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF Brooklyn Park, Minnesota, that, after due consideration, the Mayor and Council Members of the City of Brooklyn Park, Minnesota, hereby adopts the following findings of fact related to the project proposed by Rotation Engineering and its application for an award and/or rebate from the Job Creation Fund Program and express their approval.

The City Council hereby finds and adopts the reasons and facts supporting the following findings of fact for the approval of the Job Creation Fund Program application:

1. Finding that the project is in the public interest because it will encourage the growth of commerce and industry, prevent the movement of current or future operations to locations outside Minnesota, result in increased employment in Minnesota, and preserve or enhance the state and local tax base.
 - a) These public benefits will be achieved through the construction of an approximately 26,800 square foot addition to their current facility and the creation of approximately 22 jobs in the next two years.
2. Finding that the proposed project, in the opinion of the City Council, would not reasonably be expected to occur solely through private resources within the reasonably foreseeable future.
 - a) As is consistent with the financial review performed by Ehlers, Inc. the City's financial advisor, in the opinion of the City, the project proposed by Rotation Engineering would not be feasible but-for the proposed business subsidy.
3. Finding that the proposed project conforms to the general plan for the development or redevelopment of the City as a whole.
 - a) The project is a 26,800-square-foot addition to their current 38,000-square-foot manufacturing facility and will be expanded to the north of their current facility for a total of 64,800 square feet. In addition, Rotation Engineering also plans to invest into an additional 400-ton punch press as they approach capacity for their our current 400-ton press and do not have a contingency plan for the current 400-ton press if it fails. Rotation also begin planning to make investments in automation to take advantage of advances in our industry and to stay competitive.
4. Finding that the proposed project will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment or development of the project by private enterprise.
 - a) These needs are met through the development of an addition to their current building, which is consistent with the City's comprehensive plan and has positive impacts the City's tax base and creates additional living wage jobs in the City.

City of Brooklyn Park Request for Council Action

Agenda Item:	4.8	Meeting Date:	July 22, 2024
Agenda Section:	Consent	Originating Departments:	Community Development & Recreation and Parks
Resolution:	X	Prepared By:	John Kinara, Housing and Redevelopment Coordinator/ Craig Runnakko, Construction Engineer
Ordinance:	N/A		
Attachments:	3	Presented By:	John Kinara
Item:	Consider Accepting Bids and Awarding Contract in the Amount of \$78,390.00 to Sir Lines A-Lot for the City-Wide Wayfinding Pavement Graphics Project (CIP 2071-24) And Authorize the City Manager to Execute Relevant Contractual Agreements		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2024-_____, ACCEPTING BIDS AND AWARDING CONTRACT IN THE AMOUNT OF \$78,390.00 TO SIR LINES A-LOT FOR THE CITY-WIDE WAYFINDING PAVEMENT GRAPHICS PROJECT (CIP 2071-24) AND AUTHORIZE THE CITY MANAGER TO EXECUTE RELEVANT CONTRACTUAL AGREEMENTS.

Overview:

On March 21, 2023, the EDA approved the wayfinding project implementation design plan and directed staff to work on the project implementation. A Request for Proposals (RFP) to implement the pavement graphics phase I of the project was issued on April 11, 2024. Two vendors submitted proposals electronically that provided detailed work plans that includes shop drawings, engineering, material ordering, fabrication, finishing, assembly, and installation of the project.

The purpose of this report is to request the city of Brooklyn Park to accept the wayfinding pavement graphics phase I project installation bids and award the contract to Sign Sir Lines A-Lot in the amount of \$78,390.00 for the installation of phases one of the wayfinding pavement graphics project. On May 9, 2024, two bids were electronically received and opened. Bids amount ranged from \$78,390.00 to a high of \$162,418.00 for the pavement graphics phase 1 project. The lowest responsible bidder among all the two submitted bids was Sir Lines A-Lot which has done many projects for the city in the past and is a local company based in Edina, Minnesota.

Background:

Wayfinding is a set of tools and systems that help people navigate their physical space; quite literally, it's what helps people 'find' their 'way' through a built environment. Wayfinding includes kiosks at key locations and directional signage with maps as well as existing small-branded city signs, gateway monument signs, and park and city facility identification signage.

Citywide wayfinding has been identified as a priority project for the 2018 Park Board referendum and associated work plan. A wayfinding system is needed to identify key destinations, locations and city assets while promoting the image and brand of the community. The City's branding initiative and park system plan combined with the city's opportunity to leverage light rail transit (LRT) investment call for the development of a comprehensive citywide wayfinding system that links key community destinations, local and regional trails, as well as the LRT.

Primary Issues/Alternatives to Consider:

- Why was Sir Lines A-Lot selected?

Sir Lines A-Lot Company was selected through a competitive process and emerged as the lowest responsible bidder in the amount of \$78,390.00 compared to the highest bid that came in at \$162,418.00. Sir Lines A-Lot produces specialty pavement graphics that meet specific business needs. Sir Lines A-Lot Company works with small businesses, healthcare campuses, government entities, corporations, museums, casinos, and many others to execute their brand, attract customers, promote their services, and build name recognition with great signage and graphics.

BIDDER	PHASE 1
SIR LINES A-LOT	\$78,390.00
PARKSTONE CONTRACTING LLC	\$162,418.00
CONSULTANT ESTIMATE	\$62,000

- **What is the scope of work in the wayfinding pavement graphics project plan for Phase I?**
 - The main scope of work for the pavement graphics installation for phase I is to identify the primary city-wide trails with a painted stencil graphic. This will help in connecting the city trails together in a continuous pathway.
- **What are the long-term benefits for the wayfinding project?**
 - Connect users to important destinations including schools, shopping, parks, and light rail transit.
 - Connect parks and trails together with signage and graphics thus simplifying the wayfinding system for those residents with Limited English Proficiency.
 - Reflect the brand of Brooklyn Park by creating a design that builds community pride and improves the perception of the city.
 - Increase the visibility of the trail system to all residents and visitors thus boosting rider and pedestrian confidence.
 - Improves the quality of life in the community.
- **What are the next steps for the wayfinding project?**
 1. Council considers award and contract approval: July 22, 2024
 2. Pavement Graphics Installation Phase I Begins: August 2024
 3. Installation Completion Date: September 2024
 4. RFP for Phase II: Spring 2025

Budgetary/Fiscal Issues:

Funding for the wayfinding plan implementation will come from a combination of the City's Capital Improvement Plan (CIP), the Park Bond, and the EDA. The multi-year CIP for park-related wayfinding projects currently includes \$1,000,000 programmed for 2024 implementation work.

Once complete, the pavement graphics and other trail signage will have an estimated ongoing budget of about \$50,000 dollars in maintenance costs.

Recommendation:

The City Manager recommends approval of the Wayfinding Pavement Graphics Phase I project and award the contract for implementation to Sir Lines A-Lot company.

Attachments:

- 4.8A RESOLUTION
- 4.8B CONTRACTUAL AGREEMENT

RESOLUTION #2024-

RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACT IN THE AMOUNT OF \$78,390.00 TO SIR LINES A-LOT FOR THE CITY-WIDE WAYFINDING PAVEMENT GRAPHICS PROJECT (CIP 2071-24) AND AUTHORIZE THE CITY MANAGER TO EXECUTE RELEVANT CONTRACTUAL AGREEMENTS.

WHEREAS, the EDA and the City are undertaking a city-wide wayfinding planning process to create a wayfinding system that will identify key destinations, locations, and city assets, promote the image and brand of the community and as a public relations activity to promote the City and its economic development; and

WHEREAS, on April 11, 2024, the City issued a Request for Proposals (RFP) for a contract to implement phase 1 of the pavement graphics plan; and

WHEREAS, the City received two (2) responses to the RFP, staff has evaluated the responses, and recommends that the Council select Sir Signs A-Lot as the lowest responsible bidder with a lowest bid of \$78,390.00, and enter into a Contract with Sir Lines A-Lot to perform the work; and:

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

1. The Contract with Sir Lines A-Lot is hereby in all respects authorized, approved, and confirmed, and the proper City officials are hereby authorized and directed to execute the Contract in substantially the form of the attached to this Resolution but with such modifications as shall be deemed necessary, desirable, or appropriate, by the proper City officials and Legal Counsel of the City, the execution thereof to constitute conclusive evidence of their approval of any and all modifications therein.
2. The City Manager and the proper city officials are hereby authorized to execute and deliver any and all documents deemed necessary to carry out the intentions of this resolution and the Contract.

FORM OF CONTRACT

THIS AGREEMENT, made and executed this _____ day of _____, 2024, by and between the CITY OF BROOKLYN PARK hereinafter referred to as the "CITY", and _____, hereinafter referred to as the "CONTRACTOR",

WITNESSETH:

CITY and CONTRACTOR, for the consideration hereinafter stated, agree as follows:

I. CONTRACTOR hereby covenants and agrees to perform and execute all the provisions of the plans and specifications referred to in Paragraph IV, as provided by CITY for:

CIP NO. _____

CONTRACTOR further agrees to do everything required by this agreement and the contract documents.

II. CITY agrees to pay and CONTRACTOR agrees to receive and accept payment in accordance with the prices bid for the unit or lump sum items as set forth in the proposal form attached hereto which prices conform to those in the accepted CONTRACTOR'S proposal on file in the office of the City Engineer. The aggregate sum of such prices, based on estimated required quantities is \$_____.

III. Payments to CONTRACTOR by CITY shall be made as provided in the Contract Documents.

IV. The Contract Documents consist of the following component parts:

- (1) Legal and Procedural Documents
 - a. Advertisement for Bids
 - b. Instructions to Bidders
 - c. Accepted Proposal
 - d. Proposal Guaranty
 - e. Contract Agreement
 - f. Contractor's Performance Bond
- (2) Special Conditions
- (3) Detail Specifications
- (4) General Conditions
- (5) Plans
- (6) Addenda and Supplemental Agreements

V. AUDIT CLAUSE – Provides that the books, records, documents, and accounting procedures and practices of the contractor relevant to the contract are subject to examination by the contracting department or agency, and either the legislative auditor or the state auditor as appropriate.

FORM OF CONTRACT
CIP NO.

The Contract Documents are hereby incorporated with this Agreement and are as much a part of this Agreement as if fully set forth herein. This Agreement and the Contract Documents are the Contract.

VI. CONTRACTOR agrees to fully and satisfactorily complete the work contemplated by this Agreement in accordance with the Contract Documents.

VII. This Agreement shall be executed in two copies.

IN WITNESS WHEREOF, the parties to this Agreement have hereunto set their hands and seals as of the date first above written.

CITY OF BROOKLYN PARK

CONTRACTOR

BY _____

BY _____

TITLE: MAYOR

TITLE _____

BY _____

BY _____

TITLE: CITY MANAGER

TITLE _____

City of Brooklyn Park Request for Council Action

Agenda Item:	6.1	Meeting Date:	July 22, 2024
Agenda Section:	Land Use Actions	Originating Department:	Community Development
Resolution:	N/A	Prepared By:	Erin McDermott, Senior Planner
Ordinance:	SECOND READING		
Attachments:	4	Presented By:	Paul Mogush, Planning Director
Item:	Zoning Code Text Amendments (Chapters 150, 151, 152, and 153); Second Reading		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2024-_____ 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.

MOTION _____, SECOND _____, TO APPROVE THE TEXT OF THE SUMMARY OF ORDINANCE #2024-_____ DETERMINING THAT IT CLEARLY INFORMS THE PUBLIC OF THE INTENT AND EFFECT OF THE ORDINANCE.

Overview:

First Reading:

The City Council held the first reading of this Code amendment at the June 24, 2024 City Council Regular Meeting, and voted unanimously (6-0) to approve the first reading. At this meeting City Council requested staff invite the Department of Natural Resources Area Hydrologist who has overseen the Mississippi River Corridor Critical Area (MRCCA) ordinance for the City to speak to Council. The DNR representative has declined this request, but has answered in writing the questions posed by councilmembers and property owners. The correspondence can be viewed in Attachment D. During the first reading it was also called to question if the text of the proposed MRCCA ordinance had changed between the February 14, 2024 Planning Commission meeting at which the public hearing was held. To confirm that no changes occurred between the public hearing and first reading, staff has attached the text as presented to the Planning Commission.

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. Roughly 1,000 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 <ul style="list-style-type: none"> 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 <ul style="list-style-type: none"> 151.004(A) Spelling of "planning"
151.011	Structures Abutting Public Streets	Technical changes for consistency <ul style="list-style-type: none"> 151.011(A) strike "abut upon" replace with "have access to"

		<ul style="list-style-type: none"> 151.011(B)(1) strike “and approved” replace with “, as approved by City Engineer”
151.026	Supplementary Information Required	Technical changes for consistency <ul style="list-style-type: none"> 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 <ul style="list-style-type: none"> 151.040 strike “1” replace with “2”
151.060	Lots	Technical changes for consistency <ul style="list-style-type: none"> 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 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:

City Staff request Councilmembers refer to Attachments 6.1A, 6.1B, 6.1C, and 6.1D that were included in Agenda Item 6.1, Zoning Code Text Amendments (Chapters 150, 151, 152, and 153); First Reading from the June 24, 2024 City Council Meeting.

- 6.1A CITY ATTORNEY REDLINES TO ORDINANCE AMENDING TITLE XV: LAND USAGE
- 6.1B SUMMARY OF ORDINANCE
- 6.1C MRCCA ORDINANCE AS PRESENTED TO PLANNING COMMISSION
- 6.1D DNR CORRESPONDENCE

ORDINANCE 2024-___

AN ORDINANCE AMENDING TITLE XV: LAND USAGE OF THE BROOKLYN PARK CITY 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: Signs of the Brooklyn Park City Code is amended to read as follows:

Chapter 150: Signs

CHAPTER 150: SIGNS	1
<u>Article 1. Administration</u>	<u>2</u>
<u>§ 150.01 SHORT TITLE.</u>	<u>2</u>
<u>§ 150.02 PURPOSE AND INTENT.</u>	<u>2</u>
<u>§ 150.03 DEFINITIONS.</u>	<u>3</u>
<u>§ 150.04 GENERAL PROVISIONS APPLICABLE TO ALL ZONING DISTRICTS.</u>	<u>6</u>
<u>§ 150.05 PROHIBITED SIGNS.</u>	<u>8</u>
<u>§ 150.06 TEMPORARY SIGNS.</u>	<u>8</u>
<u>§ 150.07 NON-CONFORMING SIGNS.</u>	<u>10</u>
<u>§ 150.08 VARIANCES.</u>	<u>11</u>
<u>§ 150.09 SIGN APPLICATION.</u>	<u>12</u>
<u>§ 150.10 BOND AND LICENSE.</u>	<u>12</u>
<u>§ 150.11 CONSTRUCTION STANDARDS.</u>	<u>12</u>
<u>§ 150.12 PERMIT AND FEE EXEMPTIONS.</u>	<u>12</u>
<u>§ 150.13 ENFORCEMENT.</u>	<u>13</u>
<u>§ 150.14 VIOLATIONS.</u>	<u>13</u>
<u>§ 150.15 RIGHT OF APPEAL.</u>	<u>13</u>
<u>Article 2. DISTRICT REGULATIONS</u>	<u>13</u>
<u>§ 150.25 SINGLE- AND TWO- FAMILY RESIDENTIAL DISTRICTS.</u>	<u>13</u>
<u>§ 150.26 MULTIPLE RESIDENTIAL DISTRICTS</u>	<u>14</u>
<u>§ 150.27 B-1 OFFICE PARK DISTRICT.</u>	<u>14</u>
<u>§ 150.28 B-2 NEIGHBORHOOD RETAIL BUSINESS DISTRICT, B-3 GENERAL BUSINESS DISTRICT, AND B-4 VEHICLE SALES AND SHOWROOM DISTRICT.</u>	<u>15</u>
<u>§ 150.29 BP BUSINESS PARK AND I GENERAL INDUSTRIAL DISTRICTS.</u>	<u>16</u>
<u>§ 150.31 PI PUBLIC INSTITUTIONAL DISTRICT.</u>	<u>18</u>
<u>§ 150.33 TRANSIT ORIENTED DEVELOPMENT (TOD) AND MIXED-USE DISTRICT.</u>	<u>19</u>
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”.

§ 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.

§ 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, 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.~~

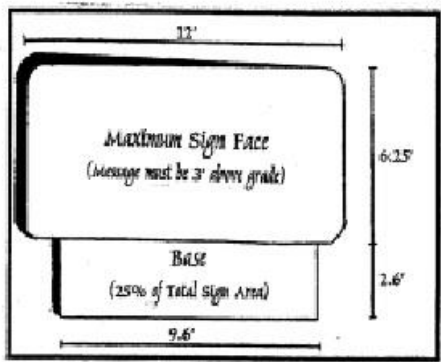
~~INSTITUTION. Includes churches, schools, sanitariums, hospitals, government buildings, nursing homes.~~

~~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 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.~~

§ 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.

§ 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.

§ 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.

§ 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.

§ 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 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.

§ 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.

§ 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.

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.

~~**§ 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.

§ 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.

§ 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.

§ 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 Zoning 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.

~~§ 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.~~

§ 150.31 150.30 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.

§ 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.~~

§ ~~150.33~~ 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.

Sec. 2. Section 151.001 titled "PURPOSE" of the Brooklyn Park City Code 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) 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.

(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.

Sec. 3. 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 ~~about 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.

Sec. 4. 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.

Sec. 5. 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.

- (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.

Sec. 7. 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. 8. 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. 9. 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 volumes abstraction via infiltration will be controlled and the post-construction runoff volume shall be retained on site for 4-01.1 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 infiltrations

will be controlled and the post-construction runoff volume shall be retained on site for ~~4-01.1~~ 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.

c. If permanent sedimentation and water quality ponds are used, they shall be designed to the standards set forth in the Minnesota Stormwater Manual.

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.

Sec. 10. 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 eConstruction Stormwater general Permit. 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.

The City Council has determined that pursuant to its City Charter, Ordinance #2024-____ should be published in summary form.

SUMMARY OF ORDINANCE #2024-____

ORDINANCE AMENDING TITLE XV: LAND USAGE OF THE BROOKLYN PARK CODE FOR CONSISTENCY WITH THE BROOKLYN PARK 2040 COMPREHENSIVE PLAN.

Ordinance #2024-____, amends Title XV: Land Usage

Changes to Title XV: Land Usage

This title was revised in its entirety for consistency with the 2040 Comprehensive Plan, as well as Statutory and Federal requirements governing signage.

ATTEST:

HOLLIES WINSTON, MAYOR

DEVIN MONTERO, CITY CLERK

Approved as to Form by City Attorney
Passed on First Reading:
Passed on Second Reading:
Summary Published in Official Newspaper:

152.530 MISSISSIPPI RIVER CORRIDOR CRITICAL AREA**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 152.530(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 152.530(I) and land alterations consistent with Section 152.530(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 152.530(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;

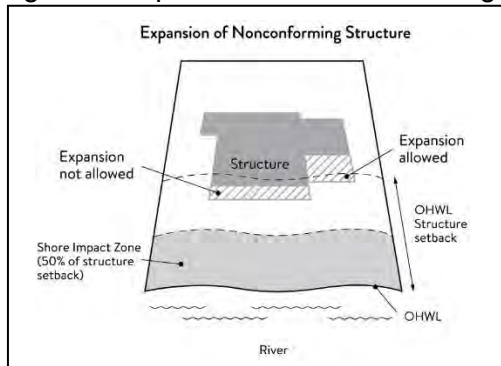
- ii. The variance is consistent with the character and management purpose of the MRCCA district in which it is located;
 - iii. The variance will not be detrimental to PCAs and PRCVs nor will it contribute to negative incremental impacts to PCAs and PRCVs when considered in the context of past, present 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 152.530(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 152.530(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 5. 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 152.530(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 152.530(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 152.530(F) to 152.530(L); or

(B) If Sections 152.530(F) to 152.530(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 152.530(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:
 - (a) Describe how the site will be developed over time with an emphasis on minimizing environmental risk to public waters;
 - (b) Explain where staged reclamation may occur at certain points during the life of the site;
 - (c) Address dust, noise, storm water management, possible pollutant discharges, days and hours of operation, and duration of operations; and

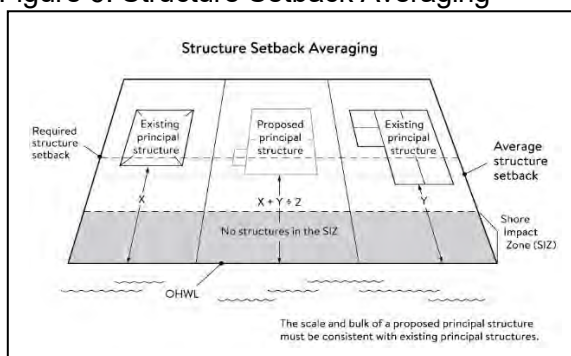
- (d) Describe any anticipated vegetation and topographic alterations outside the pit, and reclamation plans consistent with the stated end use for the land; and;
 - vi. Existing and new nonmetallic mining operations must submit land reclamation plans to the local government compatible with the purposes 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 152.530(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:
 - (e) Be designed in a compact fashion to minimize the shoreline area affected; and
 - (f) 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 152.530(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 152.530(L).
 - (A) Structures and facilities must comply with the following standards unless identified as exempt in Section 152.530(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 152.530(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 152.530(L).
- (B) Structures and facilities must comply with the following OHWL setback provisions unless identified as exempt in Section 152.530(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 152.530(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 152.530(F)(3)(B) and 152.530(F)(3)(C) are consistent with adjoining development. See Figure 6.

Figure 6. 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 152.530(F)(3)(B) and 152.530(F)(3)(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 152.530(I) and 152.530(J).
- (3) **Private roads, driveways, and parking areas.** Except as provided in Section 152.530(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 152.530(F)(3); and
- (C) Not be placed within the bluff impact zone or shore impact zone, unless exempt under Section 152.530(L) and designed consistent with Section 152.530(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 152.530(G)(4)(C)i-iv., and as provided under Section 152.530(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 152.530(I) and 152.530(J), provided that:

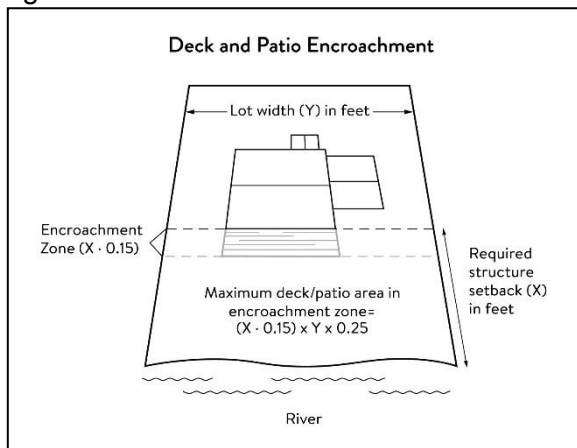
(A) The encroachment of the deck or patio into the required setback area does not exceed 15 percent of the required structure setback;

(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:

$$[\text{Required setback depth (feet)} \times 0.15 \times \text{lot width (feet)} \times 0.25 = \text{maximum total area}]$$

(C) The deck or patio does not extend into the bluff impact zone. See Figure 7.

Figure 7. 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 152.530(F), except as provided in Section 152.530(L);
 - (C) Be consistent with the vegetation management standards in Section 152.530(I) and the land alteration and storm water management standards in Section 152.530(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 152.530(E)(2)(F).
- (6) **Public transportation facilities.** Public transportation facilities shall comply with structure placement and height standards in Section 152.530(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 public recreational facilities must comply with the structure placement and height standards in Section 152.530(F), except as provided in Section 152.530(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:
 - iii. Watercraft access ramps must comply with Minnesota Rules chapters [6115.0210](#) and [6280.0250](#); and
 - iv. 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 152.530(G)(4)(C).

I. VEGETATION MANAGEMENT

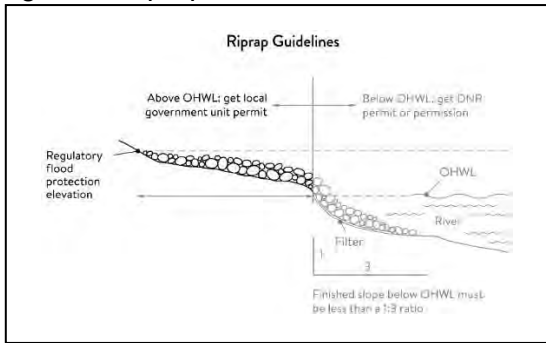
- (1) **Purpose.** To establish standards that sustain and enhance the biological and ecological functions of vegetation; preserve the natural character and topography of the MRCCA; and maintain stability of bluffs and steep slopes and ensure stability of other erosion-prone areas.
- (2) **Applicability.** 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 152.530(H)(3);
 - (D) Agricultural and forestry activities meeting the standards of Sections 152.530(E)(2)(A) and 152.530(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 152.530(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 152.530(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 152.530(I)(6)(B). Priorities for replacement are the same as under Section 152.530(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 152.530(I)(4)(B)iv and 152.530(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 152.530(K).
- (B) The vegetation restoration plan must satisfy the application submittal requirements in 152.530(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 152.530(J)(6);
 - ii. The minimum necessary for development that is allowed as an exception under Section 152.530(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 8.

Figure 8. 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 152.530(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 152.530(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 152.530(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 152.530(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 152.530(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 152.530(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 152.530(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 152.530(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

6.1C MRCCA ORDINANCE AS PRESENTED TO PLANNING COMMISSION

(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 152.530(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 152.530(H)
Wireless communication towers	NP	NP	S	S	Section 152.530(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 152.530(H)
Essential services (other than storm water facilities)	P	P	P	C	Section 152.530(H)
Storm water facilities	P	S	P	C	Section 152.530(J)
Wastewater treatment	P	S	P	NS	Section 152.530(H)
Public transportation facilities	P	S	C	C	Section 152.530(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 152.530(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 152.530(H)
Parking lots	C	S	C	C	Section 152.530(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 152.530(H)
Natural-surfaced trails, access paths, and viewing areas	P	S	P	P	Section 152.530(H)
Hard-surfaced trails and viewing platforms	P	S	P	C	Section 152.530(H); within BIZ, only on slopes averaging less than 30%
Water access ramps	P	S	P	C	Section 152.530(H)
Public signs and kiosks for interpretive or directional purposes	P	S	P	C	Section 152.530(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 152.530(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 152.530(E)(2)(E)

(E) Private residential and commercial water access and use facilities.

6.1C MRCCA ORDINANCE AS PRESENTED TO PLANNING COMMISSION

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 152.530(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 152.530(I)
Water access ramps	P	S	P	S	Section 152.530(I)
Stairways, lifts, and landings	P	S	P	P	Section 152.530(I)
Water-oriented accessory structures	P	S	P	S	Section 152.530(I)
Patios and decks	P	S	N	S	Section 152.530(I)(5)
Directional signs for watercraft (private)	P	S	P	S	Section 152.530(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 152.530(J)(3), 152.530(J)(5) and 152.530(J)(6)
Flood control structures	P	S	P	C	Section 152.530(J)

From: [Saunders-Pearce, Wes \(DNR\)](#)
To: [Paul Mogush](#)
Cc: [Erin McDermott](#)
Subject: RE: City Council Presentation
Date: Monday, July 15, 2024 1:20:44 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image009.png](#)

Paul,

Please see our responses below in red. Thanks for the opportunity to provide this feedback and technical assistance as you navigate the July 22 council meeting for final adoption.

Wes Saunders-Pearce, CFM

North Metro Area Hydrologist | Ecological and Water Resources
Anoka & Hennepin Counties

Minnesota Department of Natural Resources

1200 Warner Road
Saint Paul, MN 55106
Phone: 651-259-5822



From: Paul Mogush <Paul.Mogush@brooklynpark.org>
Sent: Wednesday, July 10, 2024 4:21 PM
To: Saunders-Pearce, Wes (DNR) <Wes.Saunders-Pearce@state.mn.us>
Cc: Erin McDermott <Erin.McDermott@brooklynpark.org>
Subject: RE: City Council Presentation

Wes,

Thanks for your reply. There are a few questions that property owners and councilmembers have voiced, and you have been helpful in answering these in conversations with Erin. I think as staff we are pretty clear on the answers to all of these questions, but it would help our council to see the answers in writing directly from DNR staff in the absence of an in-person opportunity to ask them at a council meeting. Could you prepare responses to these in advance of our 7/22 council meeting?

- Can the City permit lateral expansion of existing non-conforming structures within the Shoreline Impact Zone (SIZ) or Bluff Impact Zone (BIZ) without the requirement of a variance?
As long as the expansion does not extend into the Shore Impact Zone or Bluff Impact Zone, the

city can permit the lateral expansion of a nonconforming structure. If the expansion extends into the SIZ or BIZ, a variance is needed. This provision allows MRCCA cities flexibility to allow nonconforming structure expansions. Without the provision allowing lateral expansions, state law requires a variance.

- Can the additional variance criteria above the required three-factor test be removed? These additional criteria are intended to provide a higher level of scrutiny to protect the resources in a designated critical area. All other cities and towns in the critical area have adopted the additional variance criteria. If the city wants to remove these criteria, or any other rule provision, it must do so through the flexibility provisions in the rules (6106.0070 Subp. 6). Requesting flexibility must be supported by a strong rationale, including supporting data, and include input from other local governments, including those across the river, and propose alternative standards to compensate for the requested deviation. That said, given Brooklyn Park is late in adoption of this ordinance, we expect the city to proceed with adopting its conditionally approved ordinance before contemplating any revisions.
- Are there any instances where a Conditional Use Permit could be the vehicle for relief from ordinance rather than a variance? The MRCCA ordinance specifies what uses require a conditional use permit, otherwise, the city's underlying zoning controls uses. Under state law, deviation from the official controls requires a variance.
- Does the fact that Brooklyn Park is late in adoption of this ordinance impact grant opportunities for the City or property owners? We are not aware of the specific details and requirements of the various grants available to the city or property owners.
- What special considerations were afforded to the city of South St. Paul for flexibility in their MRCCA Ordinance, and would the DRN consider allowing Brooklyn Park similar considerations? The development pattern on a short stretch of South Robert Street in the City of South St. Paul existed prior to the MRCCA designation. In this area very small lots were created in the late 19th and early 20th centuries. These lots are wedged between significant bluff features. The historical development pattern and topography in this area of South St. Paul are very unique circumstances within the MRCCA. The flexibility provisions in the MRCCA rules were designed to provide flexibility to these types of unique circumstances. As such, the MRCCA standards were modified for South St. Paul to allow development in these areas consistent with historical patterns as long as additional measures were taken to ensure that primary conservation areas were protected, and that slope stability wasn't compromised by development. South St. Paul is the only city to request flexibility. If the City of Brooklyn Park has unique development and/or topographical circumstances compared to other cities in the MRCCA, it should demonstrate those by submitted a detailed request for flexibility under the flexibility provisions. That said, given Brooklyn Park is late in adoption of this ordinance, we expect the city to proceed with adopting its conditionally approved ordinance before contemplating any revisions.

Paul Mogush *(he/him/his)*

Planning Director
763-493-8051



5200 85th Avenue N, Brooklyn Park, MN 55443

From: Saunders-Pearce, Wes (DNR) <Wes.Saunders-Pearce@state.mn.us>

Sent: Wednesday, July 3, 2024 11:17 AM

To: Paul Mogush <Paul.Mogush@brooklynpark.org>

Cc: Erin McDermott <Erin.McDermott@brooklynpark.org>

Subject: RE: City Council Presentation

Hi Paul,

It's good to hear the ordinance is set for final adoption later this month! I recall speaking with Erin after the open house about comments and questions received from several residents about which she wanted clarification. The topic seemed to center on nonconforming structures, and indirectly, how DNR might perceive MRCCA variance applications. As you know, DNR cannot speculate about hypothetical situations involving potential land use decisions.

Did the council have specific questions about the MRCCA program? We can certainly provide you written guidance or feedback. We also have fact sheets available about the MRCCA program as well as about variance decisions in shorelands. Please let me know if you would like to receive those fact sheets.

We have full confidence in the city's conditionally approved draft DNR ordinance as well as your staff's ability to implement the program effectively. Although it's taken awhile to get to this point, we appreciate your efforts to bring the city into compliance with the updated MRCCA rules.

Wes Saunders-Pearce, CFM

North Metro Area Hydrologist | Ecological and Water Resources
Anoka & Hennepin Counties

Minnesota Department of Natural Resources

1200 Warner Road
Saint Paul, MN 55106
Phone: 651-259-5822



From: Paul Mogush <Paul.Mogush@brooklynpark.org>
Sent: Wednesday, June 26, 2024 2:42 PM
To: Saunders-Pearce, Wes (DNR) <Wes.Saunders-Pearce@state.mn.us>
Cc: Erin McDermott <Erin.McDermott@brooklynpark.org>
Subject: City Council Presentation

This message may be from an external email source.

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Wes,

Monday night we brought our MRCCA ordinance to the City Council as part of a much larger package of zoning changes. This was a first reading of the ordinance changes, with final approval scheduled for July 22. As a result of some lingering concerns from a couple of riverfront property owners, the council asked if DNR staff could come in and do a brief presentation on the MRCCA ordinance before they take their final vote on the full zoning package. My sense is that they would like to hear directly from the DNR on the flexibility requests that Erin had passed along to you after the open house we conducted in April.

Would you or someone else from the DNR be available to do a brief presentation the evening of July 22?

Paul Mogush *(he/him/his)*

Planning Director
763-493-8051



5200 85th Avenue N, Brooklyn Park, MN 55443

City of Brooklyn Park Request for Council Action

Agenda Item:	7.1	Meeting Date:	July 22, 2024
Agenda Section:	General Action Items	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Katrina Doshier, Program Assistant
Ordinance:	N/A		
Attachments:	1	Presented By:	Jay Stroebel, City Manager
Item:	Request by Mayor Winston to Travel to and Attend the Mississippi Rivers and Towns Initiatives Annual Meeting from September 17-20, 2024		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO APPROVE MAYOR WINSTON TO TRAVEL TO AND ATTEND THE MISSISSIPPI RIVERS AND TOWNS INITIATIVES ANNUAL MEETING FROM SEPTEMBER 17-20, 2024.

Overview:

Mayor Winston has requested to travel to the Mississippi Rivers and Towns Initiatives Annual Meeting in Baton Rouge, LA from September 17-20, 2024.

Approximate costs as of July 17, 2024:

(9/17-9/20)

Registration: Free of charge

Airfare and baggage: ~\$500 (United)

Hotel: \$176 per night x 3 = \$528

Per Diem: \$59 x 2 = \$118

Per Diem (first and last day): \$44.25 x 2 = \$88.50

Supplemental Council Pay: \$50 x 4 = \$200

Total: \$1434.50 plus rideshare/taxi costs

This expenditure would be covered under 2024 budgeted resources in the Mayor and Council travel/lodging and conferences/schools expense lines.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues:

City Travel Policy for Elected Official Travel (Out-of-State Travel):

The Mayor/Mayor Pro Tem and three Council Members (alternating) have the opportunity to travel out-of-state (domestically) one time annually, pending Council's approval. This approach would allow for the Mayor/Mayor Pro Tem to travel up to four times per term and Council Members to travel two times per term. If necessary, and if approved by Council, additional out-of-state travel could be approved for the Mayor/Mayor Pro Tem or Council Members using unused Council travel budget resources or other funding resources (e.g. EDA, Administration budget, etc.) Expenses for out-of-state travel are encouraged to not exceed \$2500.

Prior Travel in 2024:

Councilmember Tran, NLC Conference in Washington, D.C. from March 9-14, 2024. The total cost of this trip to the City was \$3983.27.

Other expenses in 2024:

Nichole Klonowski, EDAM 2024 Winter Conference: \$500

Tony McGarvey, 2024 Elected Leaders Institute: Foundational Program: \$350

Maria Tran, 2024 Elected Leaders Institute: Foundational Program: \$350

Total prior travel/expenses in 2024: \$5183.27

Attachments:

7.2A TRAVEL POLICY

Travel Policy

Purpose and Scope

This Policy shall apply to all business trips by City employees, Mayor and Council, all Commission and Authority members, traveling in an official capacity for City business, the cost of which is borne in part or total by the City. It is the purpose of this policy statement to establish adequate internal controls to satisfy Internal Revenue Service (IRS) regulations, state laws, and to provide a framework to use as a guide to prescribe circumstances for which travel allowances will be authorized and to provide procedures for reimbursement. Reimbursements can only be claimed for accommodations and services utilized and when an expense is incurred. Travelers are expected to utilize the same care when incurring official expenses that a prudent person would utilize if traveling on personal business. The City will pay or reimburse travel costs. All persons conducting official City business are expected to show good judgment in the nature and amount of expenses incurred while conducting City business in accordance with this policy.

Travelers are encouraged to use their City assigned purchasing card for travel expenses other than meals. A City assigned purchasing card may NOT be utilized to pay for meal expenses requiring overnight travel but may be used for eligible meal expenses in the metro area. Per diem allowances based on Federal rates should be used for meals associated with overnight travel.

Responsibility and Travel Authorization:

City Employees

Travelers (employees and non-employees) are responsible to ensure that travel expenses are for valid City business-related purposes; are in accordance with City policies and procedures; and are a prudent use of public and City funds. Individuals traveling on City business are expected to choose the least costly method of transportation that meets the traveler's scheduling and business needs.

Travelers must substantiate and document all travel expenses in accordance with City policy and applicable federal and state laws. In circumstances where the City (via PCard, reimbursement, etc.) and a third party pay for the same travel expenses, the traveler must ensure that the duplicate reimbursement is returned to the City within 60 days of completion of travel.

Travel expenses must be approved by an authorized approver for reimbursement of travel expenses. Approvers are responsible for validating that all expenses: comply with City policy; are a prudent use of public and City funds; are appropriately documented; and are submitted and accounted for in a timely manner.

Budget Approval Departments shall request a training and travel budget that is submitted to the City Manager and included in the final budget that is adopted by the City Council. The City Manager is responsible for including a training and travel budget for elected officials within the final budget that is adopted by the City Council.

All expenses except those made directly by the City Manager will have two different approval signatures, one for first level approval and one for second level approval. All second level approvals must be made by a supervisor. Expense reimbursements to all employees (including directors and the City Manager) must be approved by an employee in a supervisory level above the employee requesting reimbursement. No employee may approve their own expenditures. The Mayor or City Attorney must approve the expense reimbursements for the City Manager.

Advances

Advances are considered an exception and should be submitted to Finance with a reason for the advance and the approval of the supervisor and department director. All advances will require a travel expense form to be completed and approved after the travel has been completed. (The use of a City Purchase Card is encouraged when possible.)

Elected Official Travel

Elected Official Travel

The City recognizes that its elected officials may at times receive value from traveling within the state or out of state for workshops, conferences, events, and other assignments. To manage budget resources and provide equal opportunities for all members of Council to participate in learning opportunities the following statements set forth the conditions for elected official travel.

Out-of-State Travel

The Mayor/Mayor Pro Tem and three Council Members (alternating) have the opportunity to travel out-of-state (domestically) one time annually, pending Council's approval. This approach would allow for the Mayor/Mayor Pro Tem to travel up to four times per term and Council Members to travel two times per term. If necessary, and if approved by Council, additional out-of-state travel could be approved for the Mayor/Mayor Pro Tem or Council members using unused Council travel budget resources or other funding resources (e.g. EDA, Administration budget, etc.) Expenses for out-of-state travel are encouraged to not exceed \$2500.

In-State Travel

Travel for League of Minnesota Cities Newly Elected Official training would be available for all new Council Members. As resources allow, and if approved by Council, the Mayor and Council Members can request to travel to in-state conferences annually.

The statements below set forth the conditions under which travel by elected officials will be reimbursed by the City.

- The event, workshop, conference or assignment must be approved in advance by the City Council at an open meeting and must include an estimate of the cost of travel, description of the public purpose and expected benefit.
- Upon returning from an event, workshop, conference or assignment the elected official will make a public presentation on key learnings within 45 days.
- No reimbursements will be made for attendance at events sponsored by or affiliated with political parties.
- Travel costs will be reimbursed in accordance with the Travel Costs section of this policy.
- Requests for reimbursement must be submitted with appropriate receipts on a signed travel expense form to the Finance Department for review and payment.

- Elected officials appointed to serve on a National League of Cities Policy or Steering Committee will be allowed to attend both the Congressional City Conference and the Congress of Cities.
- When feasible, a city vehicle should be considered for in-state transportation needs.

Extending Business Travel with Personal Travel

When a Traveler combines personal and business travel, reimbursable expenses will cease to accrue as of the expected return date and time. The City will reimburse the Traveler only for the documented expenses that are directly related to the business portion of the trip. Excess travel time and activities not required for the business trip purpose shall be at the Traveler's own expense.

Transportation

The most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route. Government and group rates must be used when available.

Air Transportation

- The cost of airline tickets will be reimbursed or paid for when traveling on City business. It is expected that city officials will travel by coach or economy class.
- Travel by air is limited to the lowest, non-refundable, coach/economy class fare available at time of booking. Travelers may select their seat to another seat within coach/economy (exit row, aisle seats or "extra leg room") on any flight, when no other coach/economy seats are available, or it better meets the traveler's needs.
- When the total flight time, excluding layovers, from departure to arrival is 8 or more hours (including connecting domestic legs), travelers may, with preapproval from their unit, upgrade from coach to the next most economical class of travel over coach (business class in most cases, first class in cases where business class is not offered).
- Travelers may not travel using a private plane or non-approved air charter unless the City Risk Management Office grants an exception in advance of the travel. If the traveler does not obtain an exception, the City will not reimburse the unapproved transportation expenses.
- Employees are prohibited from piloting personal or leased aircrafts while on City business travel. If they choose to do so, the City will not consider the traveler to be acting in an official capacity of the City nor will the City reimburse the traveler for any related expenses.
- It is recommended that no more than 20 City staff, or Regents fly on the same plane at the same time.

Airport Parking / Baggage

- Long-term parking must be used for travel exceeding 24-hours. The maximum reimbursement rate, regardless of where you park, is the long-term parking lot parking rate at the airport they are flying out of.
- Parking at the destination hotel or business site is reimbursable and limited to the lowest daily rate
- Baggage fees is reimbursable
- Valet parking is not reimbursable

Accrual and Use of Frequent Flyer Miles

- In accordance with Minnesota State Statute, 15.435, frequent flyer miles or any other benefit issued by an airline must accrue to the benefit of the City whenever City funds are used to pay for airline travel, regardless of the origination of those funds (e.g., from state or federal grants, contracts, or appropriations, or private donors.) City employees may not use these miles for their personal travel.
- City employees, rather than departments, are responsible for tracking miles earned with City funds, and providing records of such tracking upon request. When they have accumulated enough frequent flyer miles to earn free travel, employees must use the miles for City travel.

Automobile

Automobile mileage will be reimbursed at Internal Revenue Service rates presently in effect (see www.irs.gov) *These rates are designed to compensate the driver for gasoline, insurance, maintenance and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls, which are reimbursable. Damage to a traveler's personal auto is the responsibility of that individual or his/her insurance company.

- **City Vehicle:** When traveling in a City vehicle, the Traveler should use a City assigned purchasing card for fuel expenses or one's own credit card if a City purchasing card is not available. Due to potential liability considerations, transportation of family members not on official City business is prohibited in City vehicles.
- **Personal Vehicle:** When personal vehicles are used as a mode of transportation for travel within the five-state region (Minnesota, North Dakota, South Dakota, Wisconsin, and Iowa), reimbursement will be made at the mileage or allowance rate in effect at the date of travel. Payment of mileage will be based on the most direct route from the point of departure to the point of destination. Please refer to the City's Mileage Policy. The City is not responsible for damage to one's personal vehicles while on official business, as the Traveler's vehicle is not covered by the City's insurance coverage. The Traveler must maintain appropriate insurance when using personal vehicle for business travel.
- **Car Rental:** The traveler must have approval for a rental car, as described above, in order to be reimbursed for rental car parking. Rental rates that are equal or less than those available through the State shall be considered the most economical and reasonable for purposes of reimbursement under this policy.
 - No personal use of car rental is allowed to be claimed.
 - The City's automobile insurance coverage applies to rental vehicles. Under normal circumstances, should a rental car be damaged while being used for business purposes, the City will defend and indemnify the Traveler against any claims made by the rental company for damage to the rental car.
 - Minnesota law requires one's personal insurance company to provide coverage when the rental car is being used for personal activities in most instances.
 - Car rental insurance will not be reimbursed by the City. If car rental insurance is purchased, it would be at the Employee's personal expense.
 - Fuel for a car is reimbursable, however, fuel pre-payment is not allowed and will not be reimbursed.
- **Taxis/Shuttles.** The cost of taxis, shuttles or rideshares (Uber, Lyft, Micro mobility, etc.) fares may be reimbursed.

Documentation: Itemized receipt from rental agency and payment documentation, if not shown on the receipt. Fuel receipts must be submitted. Receipts for parking and other transportation must be submitted.

Parking Fees

If the traveler uses a vehicle on official city business and is reimbursed for mileage, parking charges may be reimbursed as an incidental expense. Maximum per park with receipt will be the actual expense.

*Travel Reimbursements must be submitted within 60 days of the expense.

Lodging

Hotel or Motel expenses will be reimbursed or paid for when travel on official City business reasonably requires an overnight stay. Lodging fees associated with trips for training or business that are longer than one day and are outside the Twin Cities Metro Area associated with a single occupancy rate. Lodging reimbursement requests must be accompanied by a lodging receipt from the hotel, motel, or other commercial lodging establishment.

- Conferences/Meetings. If such lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking.
- Other Lodging. An employee will always stay at a facility that is reasonably priced and request government or corporate rates. The employee must stay at a licensed lodging facility and cannot be reimbursed for staying at a non-licensed lodging facility. In situations where a non-conference domestic lodging rate falls outside of the City guidelines, the traveler must obtain pre-approval from the appropriate authorized approver by completing the Request for Lodging Exception form. If the traveler does not obtain prior approval, the supervisor/manager may deduct the overage from the reimbursement request.

Meals and Incidental Expenses

The per diem allowance is a daily payment for meals and related incidental expenses when overnight travel accommodations are necessary, in accordance with published federal per diem rates instead of receipt-based reimbursement. The City intends for its Travelers to pay for meals, tips and service charges using the current per diem schedules as set by the federal government. These schedules can be found at: <https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-lookup> (M&IE column). The Traveler may claim an amount not to exceed the allowable per diem rate in accordance with the Standard Federal Per Diem Rate Schedule in effect at the time of travel as published by the U.S. General Services Administration (GSA). The per diem allowance is separate from lodging, transportation, and other miscellaneous expenses. The per diem allowance covers all charges, including taxes and service charges where applicable for:

1. Meals including expenses for breakfast, lunch, dinner, and related taxes (specifically excluded are alcoholic beverage and entertainment expenses, and any expenses incurred for other persons) and

2. Incidental expenses, including:
- a. Fees and tips given to wait staff, baggage carriers, maids, and
 - b. Transportation and tips between places of lodging or business and places where meals are taken, if suitable meals can't be obtained at site.

Meals for which the City pays directly, such as meals included in a conference registration fee or as part of airfare, or hotel costs, must be excluded from per diem and will not be further reimbursed. The Traveler must note on the expense claim if a meal is included in the cost of the travel fare, conference fee, or hotel lodging. If a lodging facility provides a hot breakfast, the breakfast allowance is excluded from the per diem amount. This provision does not apply to "continental breakfast". When the Traveler receives a meal at no cost, the Traveler is not eligible to be reimbursed for that meal and that meal allowance must not be included in the combined total. On "travel days", defined as the first and last day of travel (departure and return), per diem amount equals 75% of total M&IE regardless of departure time. Reimbursement may be allowed if the Traveler has special dietary needs that cannot be accommodated by the available meal options included in the conference registration or event programming. The Department Head reviews the circumstances and determines when reimbursement is warranted.

If actual expenses exceed the applicable per diem rate, the excess amount is a personal expense of the Traveler. If actual expenses are less than the per diem rate, the Traveler is not required to refund the difference to the City.

If Traveler travels on a conference day, Traveler is allowed the full per diem regardless of departure time.

Travelers should NOT submit receipts for any meal purchases when requesting overnight travel reimbursements. A City assigned purchasing card may NOT be utilized to pay for meal expenses requiring overnight travel.

Documentation: Receipts are not required for M&IE

Example 1: Traveler travels to Orlando, FL for a 3-day conference and travels the day before and after the conference. Lunch is provided for all 3 days. Below is the per diem breakdown for Orlando based on the GSA schedule:

Primary Destination	County	M&IE Total	Continental Breakfast/ Breakfast	Lunch	Dinner	Incidental Expenses	First & Last Day of Travel
Orlando	Orange	\$59	\$13	\$15	\$26	\$5	\$44.25

Traveler's allowed per diem per day for days 2-4 is \$44:

- \$59 M&IE Total
- \$15 Lunch
- \$44 Allowed per diem per day

Since lunch is provided, lunch allowance is deducted from the total and Traveler is allowed \$44 per day for days 2-4. On travel days, day 1 & day 5, the Traveler is allowed \$44.25 per day as found on the schedule.

Other Expenses

- Conference, seminar or convention registration fees may be pre-paid once approval is received from the Department Head.
- Other expenses such as fees for social events, activities and tour opportunities during the conference are reviewed on a case-by-case basis. The Department Head will determine if reimbursement is warranted.
- In unique instances involving lost luggage, Traveler may need to purchase clothing and toiletries for the duration of their travel. The Department Head will review and determine if additional costs are reimbursable.

International Travel

For domestic travel purposes, the IRS definition of the United States includes the 50 states and the District of Columbia. The purpose of travel outside the United States for City business must be unquestionably professional in content and should only be considered if a similar meeting, conference, or training of similar quality cannot be found within the continental limits of the United States.

The per diem rates when traveling abroad are determined by the US Department of State and can be found at https://aoprals.state.gov/web920/per_diem.asp.

For foreign travel, all reimbursable expenses that were not paid using a credit card or US currency must be converted to US currency before listing them on the travel expense claim.

City Reimbursement of Travel Costs that do not Require Overnight Travel

Travel plans involving expenses that do not require overnight travel accommodations will be reimbursed based on actual cost substantiated by appropriate receipts. This includes training or meetings within the metro area.

Non-Reimbursable Expenses

Examples of non-reimbursable personal expenses include, but are not limited to:

1. The personal portion of any trip;
2. Political fundraising or charitable contributions or events;
3. Family expenses, including partner's expenses when accompanying a city official on City related business, as well as children- or pet-related expenses;
4. Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events, travel gym, massage and/or golf related expenses, other cultural events or personal reading material;
5. Alcohol/personal bar expenses;
6. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
7. Personal losses incurred while on City business, such as clothing and personal effects.

Documentation

All employees are required to provide the following documentation for all expenditures: (Unless following Per Diem)

- Itemized receipt
- Purpose for the expense
- In addition, if the expense is meeting-related:
 - o Specify attendee and employee or non-employee
 - o Relationship of non-employee to the meeting
 - o Reason that the meeting was not possible during business hours, if applicable

Violation of the Travel Policy

Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following:

1. Loss of reimbursement privileges,
2. Demand for restitution to the City,
3. Disciplinary action,
4. Civil penalties of up to \$1,000 per day and three times the value of the resources used, and
5. Prosecution for misuse of public resources.

City of Brooklyn Park Request for Council Action

Agenda Item:	7.2	Meeting Date:	July 22, 2024
Agenda Section:	General Discussion	Originating Department:	Administration
Resolution:	X	Prepared By:	Jay Stroebel, City Manager
Ordinance:	N/A		
Attachments:	1	Presented By:	Jay Stroebel, City Manager
Item:	Resolution Authorizing Changes to the Elected Officials Rules of Procedures and Code of Conduct to Establish Guidelines for Attendance by Interactive Technology		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2024-_____, AUTHORIZING CHANGES TO THE BROOKLYN PARK ELECTED OFFICIALS RULES OF PROCEDURES AND CODE OF CONDUCT TO ESTABLISH GUIDELINES FOR ATTENDANCE BY INTERACTIVE TECHNOLOGY UNDER SECTION 2. RULES OF PROCEDURES.

Overview:

The City Manager was requested to draft a Remote Attendance Policy based on the direction of Council. The City seeks to ensure that the use of interactive technology to conduct City business is done in accordance with applicable laws and regulations.

At the July 8, 2024 City Council meeting, the Council tabled the motion and asked for revisions to the resolution.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

7.2A RESOLUTION

RESOLUTION #2024-

RESOLUTION AUTHORIZING CHANGES TO THE BROOKLYN PARK ELECTED OFFICIALS
RULES OF PROCEDURES AND CODE OF CONDUCT TO ESTABLISH GUIDELINES FOR
ATTENDANCE BY INTERACTIVE TECHNOLOGY UNDER SECTION 2. RULES OF
PROCEDURES

Whereas, the City Council of Brooklyn Park wishes to adopt a policy to establish guidelines for City Councilmembers to attend public meetings using interactive technology; and

Whereas, the City Council recognizes that from time to time, individual Councilmembers may have circumstances that prevent them from being physically present at meetings; and

Whereas, the City Manager was requested to draft an interactive technology meeting attendance policy (Exhibit A) based upon request of Councilmembers; and

Whereas, the City Council has determined that attendance at Council meetings by use of interactive technology can interfere with the efficiency of Council meeting; and

Whereas, the City Council has determined that attendance at Council meetings by interactive technology was intended to be used only on an infrequent basis and only when a Council Member is not otherwise available to physically attend a Council meeting; and

Whereas, the City Council finds that adoption of the policy to establish guidelines for attendance via interactive technology by City Councilmembers is in the best interest of the City.

NOW THEREFORE, BE IT RESOLVED by the City Council of Brooklyn Park to authorize changes to the Brooklyn Park Elected Officials Rules of Procedures and Code of Conduct, Section 2. Rules of Procedures, to establish guidelines for remote attendance and hereby adopts the Interactive Technology Meeting Attendance Policy attached hereto as Exhibit A.

Exhibit A

City of Brooklyn Park Interactive Technology Attendance Policy

This policy addresses attendance by Councilmembers at City Council Meetings using interactive technology.

A Councilmember seeking to attend a Council meeting using interactive technology must submit a request to do so in writing to the City Manager or City Clerk no later than noon on the Friday prior to the meeting. The request must contain the location and address from which the Councilmember will be attending the meeting.

The Councilmember's location must be open and accessible to the public.

The Councilmember attending through interactive technology must be plainly visible via video.

Members of the public present at the regular meeting location of the City Council must be able to hear and see all discussion, testimony and votes from remote participants.

All votes are conducted by roll call so each member's vote can be identified and recorded.

Each Councilmember may attend Council meetings by interactive technology means no more than three times per calendar quarter and no more than six times per calendar year. This limitation does not apply if:

1. A Councilmember is serving in the military and is attending a required drill, deployment, or is on active duty;
2. A Councilmember has been advised by a health care professional against being in a public place for personal or family medical reasons; or
3. A Councilmember is unable to personally attend a Council meeting in order to care for a family member.

City of Brooklyn Park Request for Council Action

Agenda Item:	7.3	Meeting Date:	July 22, 2024
Agenda Section:	General Action Items	Originating Department:	Administration
Resolution:	X	Prepared By:	Jim Thomson, City Attorney
Ordinance:	N/A		
Attachments:	1	Presented By:	Jim Thomson, City Attorney
Item:	Conduct a three-month review of the City Council's April 15, 2024 censure of Council Member Boyd Morson		

City Manager's Proposed Action:

As required by the April 15, 2024 Censure of Council Member Morson, to conduct a three-month review and consider modifications to the Censure.

Overview:

On February 21, 2024, the mayor and city manager received a complaint from a city employee regarding Council Member Boyd Morson. The complaint relates to a February 20 posting by Council Member Morson on his Facebook page. Among other things, the Facebook posting criticizes the city manager and "the highly responsible city staff that he chose to head that department" for not making the creation of gyms at the CAC a priority. The employee's complaint refers to other statements and Facebook postings by Council Member Morson dating back to August 2023.

Pursuant to the procedures set forth in the Code of Conduct for Elected Officials, the mayor and city manager reviewed the complaint and consulted with the city attorney. On April 1, 2024, the City Council met in closed session to consider the allegations against Council Member Morson. Council Member Morson was provided with a copy of the employee's complaint before that meeting and received notice of the Council meeting. Council Member Morson chose not to attend the Council meeting.

At the April 1, 2024, Special City Council meeting, the Council considered the employee's complaint and directed the city attorney to draft a resolution of censure against Council Member Morson for violating the city's respectful workplace policy, the Brooklyn Park Elected Officials Code of Conduct Policy and 2022 censure resolution.

Per item 8 in the resolution: "For purposes of accountability, the City Council will consider modifications to its Censure of Council Member Morson every three months following the passage of this Censure to ensure Council Member Morson is following the provisions outlined in this Censure and has modified his behavior towards City Staff and to other members of the City Council."

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

- 7.3A CENSURE REVIEW
- 7.3B APRIL 15, 2024 CENSURE RESOLUTION

Council Member Morson Censure Review – July 22, 2024

On April 15, 2024 the City Council approved a Censure of Council Member Morson. One of the provisions of the Censure was a regular three-month review as noted here - "For purposes of accountability, the City Council will consider modifications to its Censure of Council Member Morson every three months following the passage of this Censure to ensure Council Member Morson is following the provisions outlined in this Censure and has modified his behavior towards City Staff and to other members of the City Council."

- 1) One of the provisions of the Censure resolution states: "Council Member Morson shall have no communication, whether in person, by phone, by email, or by any other means, with any City employee other than the City Manager or, with respect to EDA matters, the EDA Executive Director."

Since the Censure Resolution was adopted, Council Member Morson has been observed and reported to have engaged with staff other than the city manager on several occasions.

- 2) Another provision in the Censure Resolution states: "Except as otherwise modified in this Resolution, all provisions in the March 7, 2022 Censure Resolution remain in effect, including that Council Member Morson's future public statements, whether verbally, by email, or on social media, with respect to City officials and employees must be professional and not belligerent, impertinent, abusive, or disparaging."

Since the Censure Resolution was adopted, Council Member Morson engaged in the following actions:

- a) April 17, 2024 Mshale article – "This censure is not legitimate at all, the city manager should be investigated by the state and the FBI," Boyd said.
- b) May 16, 2024 Facebook post – "So what was councilman Xp Lee, doing when he posted misleading and deceitful information on my post. Clearly slandering and defaming me by saying to any followers that I was violating the campaign rules."
- c) April 29, 2024 Mshale op. ed. Posted by CM Morson on Facebook on May 3, 2024. Also run by Insightnews on May 2, 2024 and Spokesman Recorder on May 3, 2024. –
 - i) "...the city manager and his allies at City Hall want to run the city as though 60% of the population does not exist."
 - ii) "City employees can continue wasting more taxpayer dollars to monitor my personal social media accounts for content to give the City Council reasons to pass a million resolutions to censure me."
 - iii) "The mayor, some members of the City Council, and the city manager have tried to paint me as an out-of-control, condescending, and disrespectful council member."
 - iv) "Apparently, the mayor, the city manager and some of my fellow council members aren't used to this kind of honesty. That is why they have resorted to passing resolutions to censure me, hoping that they can silence me."
- d) May 25, 2024 Facebook post "... I am and have publically called for an investigation by the FBI, DOJ, State, both county and state Attorney Generals, and the Human Rights

Department to launch an immediate investigation against this city manager, city attorney, past and present mayors and councils that i served with, for some of their unethical involvement, along with any staff that is and has been involved in their collective and unethical conduct and behavior along with dereliction of their contracted and elected duties and violations of the code of conduct...”

- e) June 6, 2024 Facebook post “...I am once and again calling on Governor Walz, the FBI, DOJ, both state and county attorney generals, Minnesota bar association, and the department of human rights to investigate the city manager, city attorney, this mayor, past mayor and both councils that i personally served with along with any staff that has participated and supported them in any and all unethical conduct unbecoming and dereliction of their oath and contracted duties and obligations, and responsibilities...”
- f) June 17, 2024 EDA meeting comments starting at 1:03:56 “...I want to know that once again, I’m lifting up my voice calling on the FBI, the department of justice, human rights department, both attorney generals to come and investigate the city manager, the city attorney, the mayor and council, the former mayor, and the former council engaged in conduct unbecoming of contracted and/or employees. I think it is time that we call for this city manager’s resignation...”

**City of Brooklyn Park
RESOLUTION NO. _____**

**A RESOLUTION OF THE CITY OF BROOKLYN PARK CENSURING
COUNCIL MEMBER BOYD MORSON**

Recitals

- A. On February 21, 2024, the mayor and city manager received a complaint from a city employee regarding Council Member Boyd Morson.
- B. The complaint relates to a February 20 posting by Council Member Morson on his Facebook page. Among other things, the Facebook posting criticizes the city manager and “the highly responsible city staff that he chose to head that department” for not making the creation of gyms at the CAC a priority. The employee’s complaint refers to other statements and Facebook postings by Council Member Morson dating back to August 2023.
- C. In addition to his February 20 Facebook posting, Council Member Morson recently posted comments on his Facebook containing the following statements:
- Referring to the city manager as the “city manager of our misery”
 - Referring to the city manager as not being “our right now people in our right now moment.”
 - Containing allegations of inappropriate conduct and behavior by the mayor and other council members
 - Containing allegations about “things going on under this city manager of our city’s misery”
 - Containing allegations about “the lack of accountability under this city manager of our city’s misery”
- D. In addition to the recent comments on his Facebook page, Council Member Morson has made the following comments on his Facebook page and in other communications over the past several months:
- A Facebook posting accusing the city manager of pushing his own agenda and referring to the city manager as the “city manager of our misery.”
 - A Facebook posting critical of the city manager and city staff and stating that “in my opinion, the overpaid city manager needs to resign along with some of his go along to get along staff and department heads.”
 - An email referring to the city manager as “this failing and failed city manager.”
 - An email stating: “We unfortunately, had and have council members making incubator decisions in this incubator infancy stage of this council that are not well thought through, sudden, and or simply playing politricks. Only to discover later, it brings unwanted racial division, shame, and equal embarrassment to our city, just for owed favors and/or established harbored personal feelings and preexisting opinions. Unacceptable. Inexcusable. Immaturity at it's best.”

- An email stating that the City Council’s discussion on chickens was “mysteriously planned.”
 - A Facebook posting accusing Council Member Lee of being “corrupt.” That posting also refers to the city manager as “the culprit city manager” and accuses the city manager of being “corrupt.”
 - A Facebook posting stating that the city manager “intentionally, deliberately and willingly mislead and lied” to the City Council.
- E. Pursuant to the procedures set forth in the Code of Conduct for Elected Officials, the mayor and city manager reviewed the complaint and consulted with the city attorney.
- F. On April 1, 2024, the City Council met in closed session to consider the allegations against Council Member Morson. Council Member Morson was provided with a copy of the employee’s complaint before that meeting and received notice of the Council meeting. Council Member Morson chose not to attend the Council meeting.
- G. Based on the information considered by the City Council at its March 25th meeting, the City Council has determined that the above referenced conduct by Council Member Morson violates the following provisions in the City’s Code of Conduct for Elected Officials:
- Paragraph 6.2 (A), which states:

“**Treat all staff as professionals.** Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments toward staff is not acceptable.”
 - Paragraph 6.2(E), which states:

“**Never publicly criticize an individual employee.** Council should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee’s manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.”
 - Paragraph 6.1.2(D), which states:

“**Make no personal comments about other Council Members.** It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Council Members, their opinions and actions.”
- H. The City Council has further determined that the above referenced conduct by Council Member Morson violates the following provision in the City’s Respectful Workplace Policy:

- **“Offensive behavior** may include such actions as rudeness, angry outbursts, inappropriate humor, vulgar obscenities, name calling, disrespectful language, or any other behavior regarded as offensive to a reasonable person.
- I. The City Council has further determined that the above referenced conduct by Council Member Morson violates the following provision in the City Council’s March 7, 2022 Censure Resolution against Council member Morson:
- **“Council Member Morson’s future public statements, whether verbally, by email, or on social media, with respect to City officials and employees must be professional and not belligerent, impertinent, abusive, or disparaging.”**
- J. The above referenced conduct by Council Member Morson creates a substantial risk of high employee turnover, exposes the City to potential financial expense and legal liability, and significantly undermines the extremely high level of confidence the City Council has in City Manager Jay Stroebel and his staff. City Staff should not be expected to tolerate Council Member Morson’s abusive conduct and statements.
- K. Council Member Morson did not take the opportunity afforded to him by the March 7, 2022 Resolution for training, education, and counseling.
- L. The City Council has concluded that a censure of Council Member Morson is warranted and that appropriate measures should be put in place to restrict Council Member Morson’s interaction with City Staff.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKLYN PARK, MINNESOTA AS FOLLOWS:

1. The City Council formally censures Council Member Boyd Morson for violating the above referenced provisions in the Code of Conduct for Elected Officials, the City’s Respectful Workplace Policy, and the March 7, 2022 Censure Resolution.
2. Council Member Morson shall have no communication, whether in person, by phone, by email, or by any other means, with any City employee other than the City Manager or, with respect to EDA matters, the EDA Executive Director.
3. All of Council Member Morson’s future meetings with the City Manager and EDA Executive Director shall be by phone or other remote means.
4. To prevent further interactions with City Staff, Council Member Morson is removed from all of his liaison appointments and from all of his memberships on City commissions, committees, task forces, boards, and associations.
5. Council Member Morson shall not represent the City in an official capacity at any City-sponsored public event.
6. No further expenditures of public funds are allowed for Council Member Morson to participate in, or to travel to, conferences or events on behalf of the City.

7. Except as otherwise modified in this Resolution, all provisions in the March 7, 2022 Censure Resolution remain in effect, including that Council Member Morson's future public statements, whether verbally, by email, or on social media, with respect to City officials and employees must be professional and not belligerent, impertinent, abusive, or disparaging.
8. For purposes of accountability, the City Council will consider modifications to its Censure of Council Member Morson every three months following the passage of this Censure to ensure Council Member Morson is following the provisions outlined in this Censure and has modified his behavior towards City Staff and to other members of the City Council. In addition to the provisions noted above, Council Member Morson should issue a written apology to the City Manager, City Staff, and City Council for his past conduct. Council Member Morson should also participate in City-approved training and counseling related to the matters referenced in this Censure and in the March 7, 2022 Censure.

BE IT FURTHER RESOLVED that the City Council sincerely hopes that Council Member Morson can modify his statements and behavior so that he can become an effective and productive member of the Brooklyn Park City Council.

Adopted: April 15, 2024.

Mayor of the City of Brooklyn Park

City of Brooklyn Park Request for Council Action

Agenda Item:	8.1	Meeting Date:	July 22, 2024
Agenda Section:	Discussion Items/ General Action Items	Originating Department:	Fire Department
Resolution:	N/A	Prepared By:	Shawn Conway, Fire Chief
Ordinance:	N/A		
Attachments:	2	Presented By:	Shawn Conway, Fire Chief
Item:	Request Guidance on Good-Better-Best Design Options and Identify the Funding Strategy for the Project		

City Manager's Proposed Action:

Discuss the essential Fire design options and funding strategy and provide a recommendation on the good better best design option and funding strategy.

Overview:

The City of Brooklyn Park was awarded \$1.1 million from the 2023 Legislative Session for pre-design/design work for the Central Fire Station project. To date there have been four planning meetings to complete the Space Needs Evaluation and have identified Good-Better-Best design options. The planning team consists of internal staff from: Fire, Operations & Maintenance, IT, Finance and Administrative, to include Architectural firm CNH. A Construction Manager will join the team by August 26, 2024. The design phase of the project is expected to be completed by July 2025, with substantial construction completed by December 2026, and a project close-out by April 2027.

Primary Issues/Alternatives to Consider:

- 1) Provide guidance on Good-Better-Best design options
- 2) Determine funding strategy

Budgetary/Fiscal Issues:

Staff is requesting guidance on the Fire Station 2 project square footage funding strategies and allocation of the 2023 bond funds to conduct pre-design and design work for the Central Fire Station Project.

Attachments:

- 8.1A FIRE STATION SPACE NEEDS EVALUATION
- 8.1B GOOD-BETTER-BEST OVERVIEW

Public	Quantity	Area	Best	Better	Good
Lobby	1	230	232	232	232
Public Service / Exam Room	1	250	250	250	250
Breakout Room	1	625	625	625	-
Breakout Room	1	625	625	-	-
Restrooms	2	267	534	534	534
Restrooms	2	85	170	170	170
Display	1	25	25	25	25
Simulation Lab	1	545	545	-	-
Control Room	1	100	100	-	-
Training room / EOC	2	1,500	3,000	2,000	2,000
Kitchenette	1	130	130	130	130
Storage - Tables & Chairs	2	300	600	600	600
Storage - EOC	1	25	25	25	25
Storage - Training Equipment	1	180	180	180	180
Quiet Room (Wellness / Mothers /	1	80	80	80	80
			7,121	4,851	4,226
	18%		1,282	873	761
			8,403	5,724	4,987
Admin	Quantity	Area	Best	Better	Good
Fire Chief Office	1	230	230	230	230
Deputy Chief Office - Professional	1	180	180	180	180
Deputy Chief Office - Operations	1	180	180	180	180
Deputy Chief Office - Fire Marshal	1	180	180	180	180
Emergency Manager Office	1	180	180	180	180
Training Captain Office	1	180	180	180	180
Future Workspace	1	366	366	366	366
Deputy Fire Marshal Office	1	180	180	180	180
Fire Inspector Offices	2	180	360	360	360
Fire Marshal Plan Review	1	630	630	-	-
Admin Assistant / Workspace	3	120	360	360	360
Conference Room	2	380	760	-	-
Public Education Storage	1	90	90	90	90
Work Area	1	375	375	375	375
File Storage	1	60	60	60	60
Quartermaster Storage	1	320	320	320	320
Janitor	1	50	50	50	50
			4,681	3,291	3,291
	18%		843	592	592
			5,524	3,883	3,883

Station Office	Quantity	Area	Best	Better	Good
Battalion Chief Office	1	280	280	280	280
Captain's Office	1	280	280	280	280
Firefighter Work Room	1	700	700	700	700
Locker Room	1	340	340	340	340
Restroom	2	100	200	200	200
Restroom	1	85	85	85	85
Fitness	1	1,200	1,200	1,200	1,200
Fitness Storage	1	100	100	100	100
			3,185	3,185	3,185
	18%		573	573	573
			3,758	3,758	3,758
Apparatus Bays/Training	Quantity	Area	Best	Better	Good
Apparatus Bays - double bays	6	2,222	15,554	15,554	15,554
Maintenance Bay	1	1,960	1,960	-	-
Training Tower (per floor)	3	430	1,290	1,290	1,290
Training Mezzanine	1	1,950	1,950	1,950	1,950
Control Room	1	130	130	130	130
Command Vehicle Garage	1	2,440	2,440	2,440	2,440
Training Storage	1	300	300	300	300
Fire Pole	1	75	75	75	75
Hotsy Room	1	85	85	-	-
Mechanical Room	1	140	140	140	140
Electrical Room	1	100	100	100	100
			24,024	21,979	21,979
	8%		1,922	1,758	1,758
			25,946	23,737	23,737
Decontamination	Quantity	Area	Best	Better	Good
Turnout Gear	1	900	900	900	900
CVG Turnout Gear	1	75	75	75	75
Gear Wash/Decon	1	440	440	440	440
Restroom	2	65	130	130	130
Firefighter Shower	2	50	100	100	100
Lockers	1	20	20	20	20
Chemical Detox Unit / Storage	1	120	120	120	120
			1,785	1,785	1,785
	18%		321	321	321
			2,106	2,106	2,106

Support		Quantity	Area	Best	Better	Good
SCBA	1	225	225	225	225	225
Storage - Evidence	1	120	120	120	120	120
Storage - Supplies (Central)	1	300	300	300	300	300
Storage - Cleaning Supplies (Central)	1	75	75	75	75	75
Storage - EMS (Central)	1	300	300	300	300	300
Storage - EMS (Day)	1	140	140	140	140	140
Storage - Equipment Racks	1	250	250	250	250	250
Work Room / Shop	1	180	180	180	180	180
Janitor / Truck Wash	1	180	180	180	180	180
			1,770	1,770	1,770	1,770
	18%		319	319	319	319
			2,089	2,089	2,089	2,089
Residence		Quantity	Area	Best	Better	Good
Dorm (Additional)	2	100	200	-	-	-
Restroom (Additional)	2	103	206	-	-	-
Locker Hallway (Additional)	2	115	230	-	-	-
Dorm	12	100	1,200	1,200	1,200	1,200
Restroom	12	103	1,236	1,236	1,236	1,236
Locker Hallway	12	115	1,380	1,380	1,380	1,380
Laundry	1	190	190	190	190	190
Kitchen	1	330	330	330	330	330
Pantry	1	120	120	120	120	120
Dining	1	525	525	525	525	525
Dayroom	1	1,000	1,000	1,000	1,000	1,000
Library	1	450	450	-	-	-
Wellness / Yoga Room	1	420	420	-	-	-
Fire Pole	1	75	75	75	75	75
Janitor	1	50	50	50	50	50
			7,612	6,106	6,106	6,106
	24%		1,827	1,465	1,465	1,465
			9,439	7,571	7,571	7,571
Common		Quantity	Area	Best	Better	Good
Elevator (per floor)	2	60	120	120	120	120
Stairs (per floor)	4	260	1,040	1,040	1,040	1,040
Mechanical / Electrical	1	900	900	900	900	900
Storage / Tornado Shelter	1	400	400	400	400	400
IT	1	200	200	200	200	200
Riser Room	1	120	120	120	120	120
Tornado Shelter Restroom	1	60	60	60	60	60
			2,840	2,840	2,840	2,840
	12%		341	341	341	341
			3,181	3,181	3,181	3,181
Totals				Best	Better	Good
Total Square Feet (Net)				60,445	52,050	51,313
Exterior Walls		6%		3,627	3,123	3,079
Total Square Feet (Gross)				64,072	55,173	54,392
Project Cost Estimate (\$560/SqFt)				\$35,880,320	\$30,896,880	\$30,459,520

Fire Station #2

Zane and Edinbrook Terrace

Overview

	Best	Better	Good
	Preliminary Cost Estimate	Preliminary Cost Estimate	Preliminary Cost Estimate
Brooklyn Park Fire Station #2			
Facility Size at Time of Estimate (Gross SF)	64,072	55,173	54,392
Hard Costs			
Preliminary Construction Hard Cost / SF	\$560	\$560	\$560
Preliminary Hard Cost Estimate	\$ 35,880,320	\$ 30,896,880	\$ 30,459,520
Soft Costs			
Owner FFE	\$ 990,000	\$ 990,000	\$ 990,000
Architectural & Engineering Fee	\$ 1,829,896	\$ 1,594,676	\$ 1,497,686
Construction Management Fee	\$ 609,965	\$ 531,559	\$ 499,229
Attorney's Fee (estimate)	\$ 6,000	\$ 6,000	\$ 6,000
Site Survey	\$ 10,000	\$ 10,000	\$ 10,000
Geotechnical Testing & Report	\$ 15,000	\$ 15,000	\$ 15,000
Special Inspections and Testing allowance	\$ 70,000	\$ 70,000	\$ 70,000
Metropolitan Council SAC Fee (10 units estimated)	\$ 24,850	\$ 24,850	\$ 24,850
Soft Cost Contingency (5%)	\$ 185,143	\$ 169,462	\$ 162,996
Sub-total - Soft Costs	\$ 3,740,854	\$ 3,411,547	\$ 3,275,761
Total Project Costs			
Total Estimated Project Cost	\$ 39,621,174	\$ 34,308,427	\$ 33,735,281