



Council Conference Meeting

May 22, 2023

5:30 PM

Fridley City Hall, 7071 University Avenue N.E.

Agenda

- [1.](#) Mississippi River Corridor Critical Area Chapter Updates
- [2.](#) Recodification Update
- [3.](#) Mobile Food Units
- [4.](#) Finance Update – April 2023 Year-to-Date

Upon request, accommodation will be provided to allow individuals with disabilities to participate in any City of Fridley services, programs, or activities. Hearing impaired persons who need an interpreter or other persons who require auxiliary aids should contact the City at (763) 571-3450.



AGENDA REPORT

Meeting Date: May 22, 2023

Meeting Type: City Council Conference Meeting

Submitted By: Scott Hickok, Director of Community Development
 Stacy Stromberg, Planning Manager
 Rachel Workin, Environmental Planner

Title

Mississippi River Corridor Critical Area Chapter Updates

Background

The Mississippi River Corridor Critical Area (MRCCA) is a corridor of land along a 72-mile stretch of the Mississippi River through the Twin Cities Metropolitan which has been designated for special protection due to the river's natural, cultural, and scenic value. Within the MRCCA, special land use planning and zoning regulations have been developed by the State of Minnesota (State) to protect these resources. As the local land use authority, the City of Fridley (City) is responsible for implementing these regulations within its jurisdiction. This is accomplished through a zoning overlay district outlined in City Code Chapter 205.28 O-2 Critical Area District Regulations.

In 2017, the State approved new rules for the MRCCA that were put forth by the Minnesota Department of Natural Resources (DNR). The DNR also developed a model ordinance that outlines the minimum standards that communities must adopt to be compliant with the new rules. Since January 2020, all 30 communities within the MRCCA have been updating their codes to meet the new MRCCA standards. Due to the extensiveness of these changes in both substance and formatting, staff recommends repealing and replacing the existing Critical Area Chapter with the proposed code language. In developing this language staff considered:

- The MRCCA Model Ordinance
- The existing MRCCA Chapter language
- Comments by the Friends of the Mississippi River and the Audubon Society of Minneapolis on the MRCCA Model Ordinance

Significant changes to the rules include:

- Design and placement requirements for non-building structures (decks, patios, stairways, etc)
- Increased consideration of Public River Corridor Views during discretionary actions
- Changes to the definition of bluff
- Decrease in setback from the Ordinary High Water Line in the Urban Mixed district from 100 feet to 50 feet
- Increased regulation over vegetation management within priority zones along the rivers, bluffs, and stands of significant existing vegetation

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

- Increased regulation of subdivisions

Example scenarios of how the proposed changes will impact properties along the river are provided.

In addition to the changes in the Critical Area Chapter, staff are proposing updates to the Telecommunications Chapter to reference applicable requirements in the Critical Area Chapter. Staff are also proposing updates to the Shoreland Chapter to streamline permitting for properties that fall within both the Critical Area Overlay District and the Shoreland Overlay Districts. Currently, residents must reference both chapters when planning a project in areas of overlapping jurisdictions. Under permitting flexibility allowed by the DNR, staff is proposing to update the Shoreland Chapter to state that residents only need to reference the Critical Area Chapter.

The proposed changes were recommended for approval by the Environmental Quality and Energy Commission at their meeting on May 9, 2023.

Focus on Fridley Strategic Alignment

☒ Vibrant Neighborhoods & Places	☐ Community Identity & Relationship Building
☐ Financial Stability & Commercial Prosperity	☒ Public Safety & Environmental Stewardship
☐ Organizational Excellence	

Attachments and Other Resources

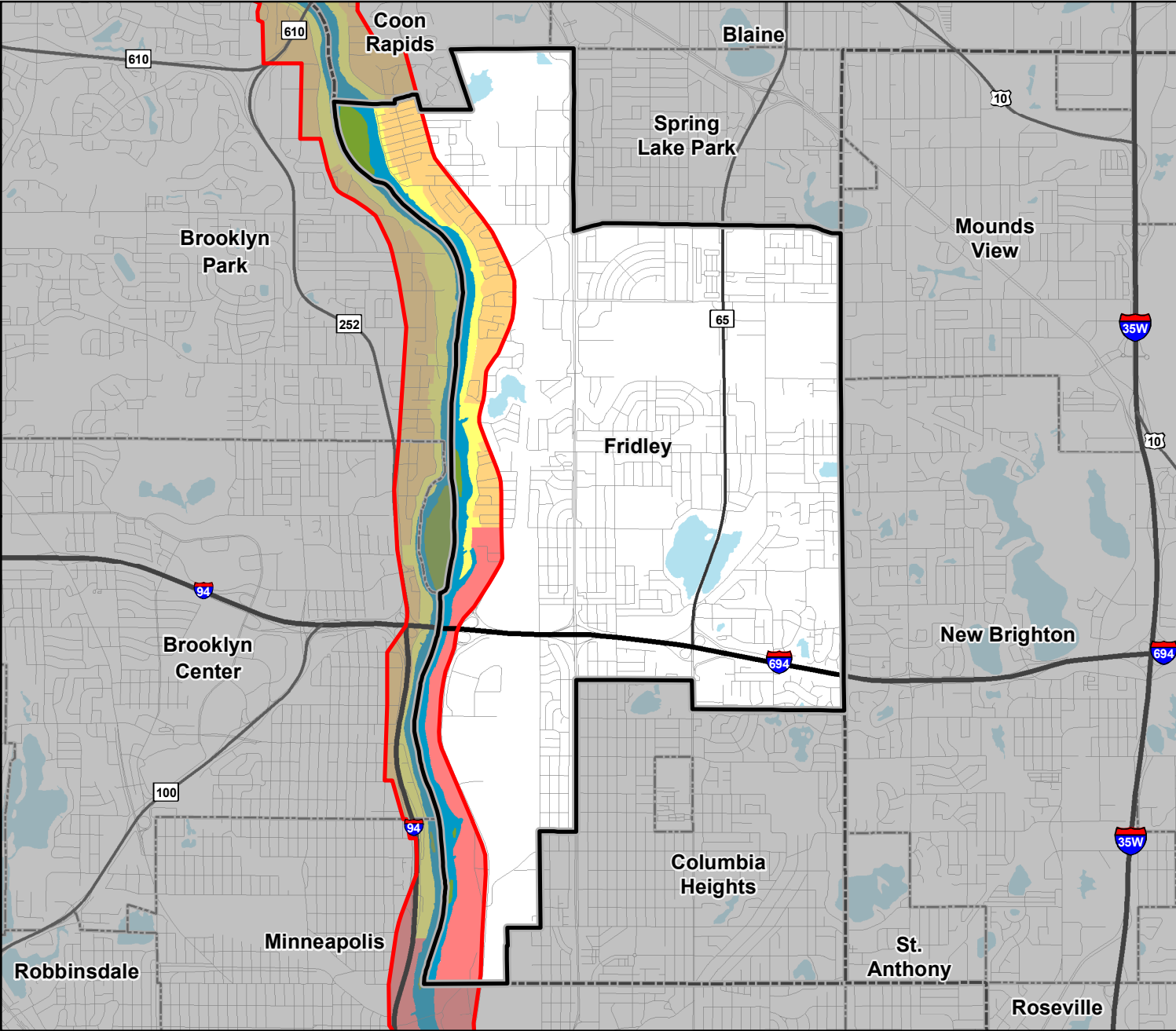
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- Critical Area Map
 - Draft Critical Area Overlay Chapter
 - Critical Area Report outlining changes between current and proposed draft chapter
 - Example scenario project document
 - Comments from Audubon Chapter of Minneapolis on DNR Model Ordinance
 - Draft Shoreland Overlay chapter
 - Draft Telecommunications Overlay Chapter

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Mississippi River Corridor Critical Area Districts
City of Fridley, Anoka County

Item 1.



- MRCCA Boundary
- MRCCA Districts**
 - CA-RN (River Neighborhoods)
 - CA-ROS (Rural and Open Space)
 - CA-RTC (River Towns and Crossings)
 - CA-SR (Separated from River)
 - CA-UC (Urban Core)
 - CA-UM (Urban Mixed)
 - Water
- County Boundaries
- City and Township Boundaries
- NCompass Street Centerlines

Fridley City Code
Section 205.28. O-2 Critical Area District Regulations

205.28.01 Purpose and Intent

The Mississippi River Corridor Critical Area (MRCCA) Chapter is adopted pursuant to the authorization and policies contained in Minnesota Statutes (M.S.) Chapter [116G](#), Minnesota Rules Parts [6106.0010 - 6106.0180](#), and the planning and zoning enabling legislation in M.S. Chapters [462](#) and [473](#).

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.

205.28.02 General Provisions

1. Jurisdiction. The provisions of this Chapter apply to land within the O-2 District, which is land within the river corridor boundary as described in the State Register, volume 43, pages 508 to 519 and shown on the City zoning map.
2. Severability. If any section, clause, provision, or portion of this Chapter is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.
3. Abrogation and Greater Restrictions. It is not intended by this Chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail. All other Chapters inconsistent with this Chapter are hereby repealed to the extent of the inconsistency only.
4. Underlying Zoning. Use and standards of underlying zoning apply except where standards of this overlay district are more restrictive.
5. Enforcement. The City is responsible for the administration and enforcement of this Chapter. 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 special uses constitutes a misdemeanor and is punishable as defined by law. Violations of this Chapter can occur regardless of whether or not a permit is required for a regulated activity listed in Section 205.28.04.01.

205.28.03 Definitions

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted to give them the same meaning they have in common usage and to give this Chapter its most reasonable application. For the purpose of this Chapter, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, are measured horizontally.

Access path: An area designated to provide ingress and egress to public waters.

Adjacent: Having a boundary that physically touches or adjoins.

Agricultural use: A use having the meaning given under M.S. § [40A.02](#).

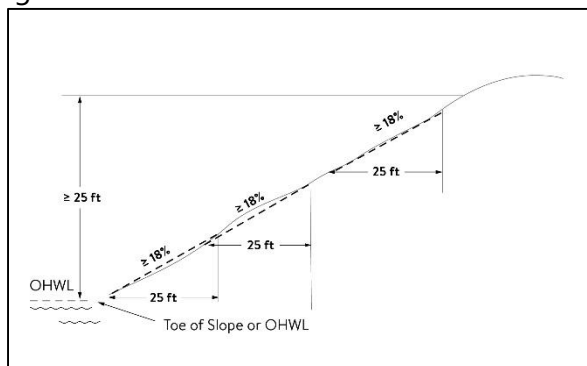
Alternative design: Subdivision design methods such as conservation design, transfer of development density, or similar zoning and site design techniques that protect open space and natural areas.

Biological and ecological functions: The functions of vegetation in stabilizing soils and slopes, retaining and filtering runoff, providing habitat, and recharging groundwater.

Bluff:

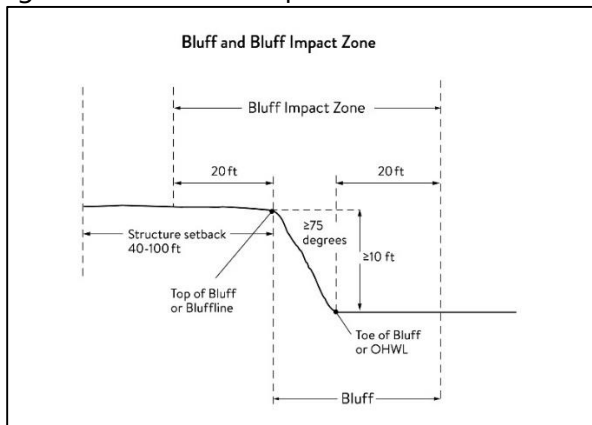
1. A slope that rises at least 25 feet where the grade of the slope averages 18% or greater, measured over any horizontal distance of 25 feet, from the toe of the slope to the top of the slope. Where the slope begins below the ordinary high water level, the ordinary high water level is the toe of the slope. See Figure 1; or

Figure 1: Bluff



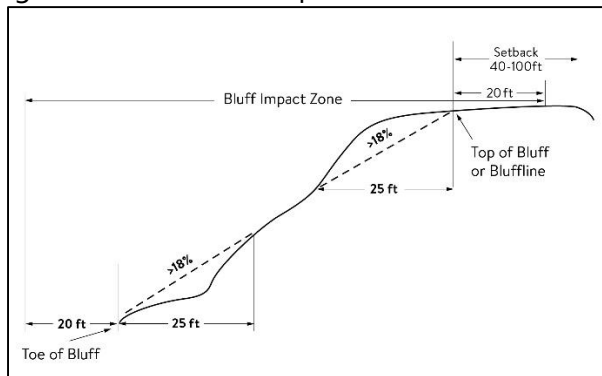
2. A natural escarpment or cliff with a slope that rises at least ten feet above the ordinary high water level or toe of the slope, whichever is applicable, to the top of the slope, with a slope of 75 degrees or greater. See Figure 2.

Figure 2. Natural Escarpment Bluff and Bluff Impact Zone



Bluff impact zone (BIZ): A bluff and land located within 20 feet of the bluff. See Figure 2 for natural escarpment or cliff example and Figure 3 for more common bluff example.

Figure 3. Bluff Impact Zone, Bluffline, Toe of bluff, and Top of Bluff



Bluffline: A line delineating the top of the bluff. More than one bluffline may be encountered proceeding landward from the river. See Figure 2 for natural escarpment or cliff example and Figure 3 for more common bluff example.

Bluff, Toe of: A line along the bottom of a bluff, requiring field verification, such that the slope above the line exceeds 18 percent and the slope below the line is 18 percent or less, measured over a horizontal distance of 25 feet. See Figures 2 for natural escarpment or cliff example and Figure 3 for more common bluff example.

Bluff, Top of: A line along the top of a bluff, requiring field verification, such that the slope below the line exceeds 18 percent and the slope above the line is 18 percent or less, measured over a horizontal distance of 25 feet. See Figures 2 for natural escarpment or cliff example and Figure 3 for more common bluff example.

Buildable area: The area upon which structures may be placed on a lot or parcel of land and excludes areas needed to meet requirements for setback, rights-of-way, bluff impact zones, historic properties, wetlands, designated floodways, land below the ordinary high water level of public waters, and other unbuildable areas.

Building: A structure with two or more outside rigid walls and a fully secured roof and affixed to a permanent site.

Commissioner: The Commissioner of the Minnesota Department of Natural Resources.

Conservation design: A pattern of subdivision that is characterized by grouping lots within a portion of a parcel, where the remaining portion of the parcel is permanently protected as open space.

Conventional subdivision: A pattern of subdivision that is characterized by lots that are spread regularly throughout a parcel in a lot and block design.

Deck: A horizontal, unenclosed, aboveground level structure open to the sky, with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site.

Developer: Having the meaning given under M.S. § [116G.03](#).

Development: Having the meaning given under M.S. § [116G.03](#).

Discretionary action: An action under this Chapter related to land use that requires a public hearing by local ordinance or statute, such as preliminary plats, final subdivision plats, planned unit developments, special use permits, interim use permits, variances, appeals, and rezonings.

Dock: Having the meaning given under Minnesota Rules Chapter [6115](#).

Electric power facilities: Equipment and associated facilities for generating electric power or devices for converting wind energy to electrical energy as identified and defined under M.S. § [216E](#).

Essential services: Underground or overhead gas, electrical, communications, steam, sanitary sewer, or water distribution, treatment, collection, supply, or disposal systems, including storm water. Essential services include poles, wires, mains, drains, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, navigational structures, aviation safety facilities, lift stations, stormwater management facilities, or other similar equipment and accessories in conjunction with the systems. Essential services do not include buildings, treatment works as defined in M.S. § [115.01](#), electric power facilities or transmission services.

Floodplain: Having the meaning given the meaning given under Minnesota Rules Chapter [6120](#).

Fully reconstructs: The reconstruction of an existing impervious surface that involves site grading and subsurface excavation so that soil is exposed. Mill and overlay and other resurfacing activities are not considered fully reconstructed.

Hard-surface trail: A trail surfaced in crushed aggregate, asphalt, or other hard surface, for public use, as determined by local, regional, or state agency plans.

Historic property: An archaeological site, standing structure, site, district, or other property that is:

1. Listed in the National Register of Historic Places or the State Register of Historic Places or locally designated as a historic site under Minnesota Statutes Chapter [471](#);
2. Determined to meet the criteria for eligibility to the National Register of Historic Places or the State Register of Historic Places as determined by the Director of the Minnesota Historical Society; or
3. An unplatted cemetery that falls under the provisions of Minnesota Statutes Chapter [307](#), in consultation with the Office of the State Archaeologist.

Impervious surface: A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, decks, sidewalks, patios, parking lots, storage areas, and driveways, including those with concrete, asphalt, or gravel surfaces.

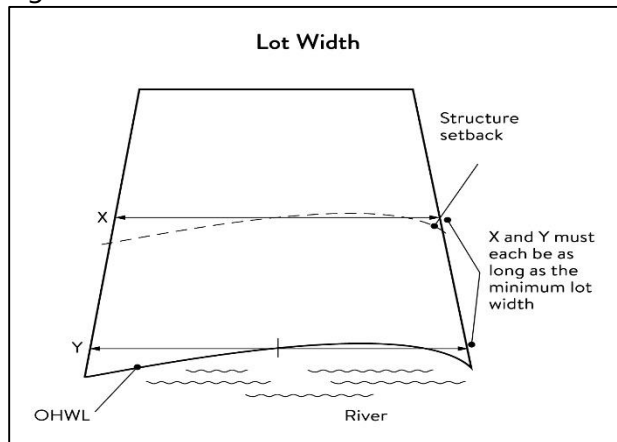
Intensive vegetation clearing: The removal of all or a majority of the trees or shrubs in a contiguous patch, strip, row, or block.

Interim use: A use having the meaning given under Minnesota Statutes Chapters [394](#) and [462](#).

Land alteration: An activity that exposes the soil or changes the topography, drainage, or cross section of the land, excluding gardening or similar minor soil disturbances. Also referred to as "grading".

Lot width: The shortest distance between lot lines measured at both the ordinary high water level and at the required structure setback from the ordinary high water level. See Figure 4.

Figure 4. Lot Width



Marina: Having the meaning given under Minnesota Rules Chapter [6115](#).

Mississippi Flyway: A major North American bird migration corridor that encompasses all MRCCA districts.

Mooring Facility: Having the meaning given under Minnesota Rules part [6115.0170](#).

Native plant community: A plant community identified by the Minnesota Biological Survey or biological survey issued or adopted by a local, state, or federal agency.

Natural-surface trail: A trail composed of native soil and rock or compacted granular stone, primarily intended for hiking, equestrian, or mountain bike use, as determined by local, regional, or state agency plans.

Natural vegetation: Any combination of ground cover, understory, and tree canopy that, while it may have been altered by human activity, continues to stabilize soils, retain and filter runoff, provide habitat, and recharge groundwater.

Nonmetallic mining: Construction, reconstruction, repair, relocation, expansion, or removal of any facility for the extraction, stockpiling, storage, disposal, or reclamation of nonmetallic minerals such as stone, sand, and gravel. Nonmetallic mining does not include ancillary facilities such as access roads, bridges, culverts, and water level control structures. For purposes of this subpart, "facility" includes all mine pits, quarries, stockpiles, basins, processing structures and equipment, and any structures that drain or divert public waters to allow mining.

Off-premise advertising signs: Those signs that direct attention to a product, service, business, or entertainment venue that is not exclusively related to the premises where the sign is located.

Ordinary high water level (OHWL): Having the meaning given under M.S. § [103G.005](#).

Parcel: Having the meaning given under M.S. § [116G.03](#).

Patio: A constructed hard surface located at ground level with no railings and open to the sky.

Picnic shelter: A roofed structure open on all sides, accessory to a recreational use.

Planned Unit Development: A method of land development that merges zoning and subdivision controls, allowing developers to plan and develop a large area as a single entity, characterized by a unified site design, a mix of structure types and land uses, and phasing of development over a number of years. Planned unit development includes any conversion of existing structures and land uses that utilize this method of development.

Plat: Having the meaning given under M.S. § [505](#) and [515B](#).

Primary conservation areas (PCAs): Key resources and features, including shore impact zones, bluff impact zones, floodplains, wetlands, gorges, areas of confluence with tributaries, natural drainage routes, unstable soils and bedrock, native plant communities, cultural and historic properties, and significant existing vegetative stands, tree canopies, and other resources identified in local government plans.

Private facilities: Private roads, driveways, and parking areas, private water access and viewing structures, decks and patios in setback areas, and private signs.

Public facilities: Public utilities, public transportation facilities, and public recreational facilities.

Public recreation facilities: Recreational facilities provided by the state or a local government and dedicated to public use, including parks, scenic overlooks, observation platforms, trails, docks, fishing piers, picnic shelters, water access ramps, and other similar water-oriented public facilities used for recreation.

Public river corridor views (PRCVs): Views toward the river from public parkland, historic properties, and public overlooks, as well as views toward bluffs from the ordinary high water level of the opposite shore, as seen during the summer months and documented in the MRCCA Chapter of the comprehensive plan.

Public transportation facilities: All transportation facilities provided by federal, state, or local government and dedicated to public use, such as roadways, transit facilities, railroads, and bikeways.

Public utilities: Electric power facilities, essential services, and transmission services.

Public waters: Having the meaning given under M.S. § [103G.005](#).

Readily visible: Land and development that are easily seen from the ordinary high water level of the opposite shore during summer months.

Resource agency: A federal, state, regional, or local agency that engages in environmental, natural, or cultural resource protection or restoration activities, including planning, implementation, and monitoring.

Retaining wall: A vertical or nearly vertical structures constructed of mortar and rubble masonry, rock, or stone , vertical timber pilings, horizontal timber planks with piling supports, sheet pilings, poured concrete, concrete blocks, or other durable materials that in combination exceed four vertical feet.

Rock riprap: Natural coarse rock placed or constructed to armor shorelines, streambeds, bridge abutments, pilings and other shoreline structures against scour, or water or ice erosion.

River corridor boundary: The boundary approved and adopted by the Metropolitan Council under M.S. § [116G.06](#), as approved and adopted by the legislature in M.S. § [116G.15](#), and as legally described in the State Register, volume 43, pages 508 to 518.

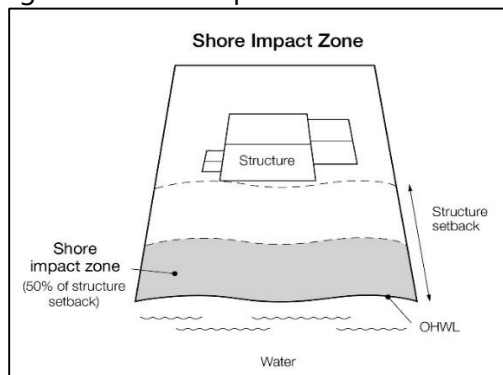
River-dependent use: The use of land for commercial, industrial, or utility purposes, where access to and use of a public water feature is an integral part of the normal conduct of business and where the use is dependent on shoreline facilities.

Selective vegetation removal: The removal of isolated individual trees or shrubs that are not in a contiguous patch, strip, row, or block and that does not substantially reduce the tree canopy or understory cover.

Setback: A separation distance measured horizontally.

Shore impact zone (SIZ): Land located between the ordinary high water level of public waters and a line parallel to it at a setback of 50% of the required structure setback or, for agricultural use, 50 feet landward of the ordinary high water level. See Figure 5.

Figure 5. Shore Impact Zone



Shoreline facilities: Facilities that require a location adjoining public waters for ingress and egress, loading and unloading, and public water intake and outflow, such as watercraft lifts, marinas, short-term watercraft mooring facilities for patrons, and water access ramps. Structures that would be enhanced by a shoreline location, but do not require a location adjoining public waters as part of their function, are not shoreline facilities, such as restaurants, bait shops, and boat dealerships.

Sign: See definition in the Signs Chapter.

Steep slope: Any slope steeper than 15% fifteen percent (15 feet of rise for every 100 feet horizontal run).

Storm water management facilities: Facilities for the collection, conveyance, treatment, or disposal of storm water.

Structure: A building, sign, or appurtenance thereto, except for aerial or underground utility lines, such as sewer, electric, telephone, or gas lines, and utility line towers, poles, and other supporting appurtenances.

Subsurface sewage treatment system. Having the meaning given under Minnesota Rules Part [7080.1100](#).

Transmission services: Electrical power lines, cables, pipelines, or conduits that are:

1. Used to transport power between two points, as identified and defined under M.S. § [216E.01, Subd. 4](#); or
2. For mains or pipelines for gas, liquids, or solids in suspension, used to transport gas, liquids, or solids in suspension between two points; and
3. Telecommunication or electric lines, cables, pipelines, or conduits.

Treeline: The more or less continuous line formed by the tops of trees in a wooded area when viewed from a particular point. The treeline is determined during all seasons as if under full foliage.

Variance: Having the meaning given under M.S. § [394.22](#).

Water access ramp: A boat ramp, carry-down site, boarding dock, and approach road, or other access that allows launching and removal of a boat, canoe, or other watercraft with or without a vehicle and trailer.

Water-oriented accessory structure: A small building or other improvement, except stairways, fences, docks, and retaining walls, that, because of the relationship of its use to public waters, needs to be located closer to public waters than the normal structure setback. Examples include gazebos, screen houses, fish houses, pump houses, and detached decks and patios.

Water quality impact zone: Land within the shore impact zone or within 50 feet of the OHWL of the river, whichever is greater, and land within 50 feet of a public water, wetland, or natural drainage route.

Wetland: Having the meaning given under M.S. § [103G.005](#).

205.28.04 Administration

1. Permits. A permit is required for the construction of buildings, building additions, and structures (including construction of decks and signs), vegetation removal consistent with Section 205.28.11 and land alteration consistent with Section 205.28.12.

2. Variances. Variances to the requirements under this Chapter may only be granted in accordance with M.S. § [462.357](#) and must consider the potential impacts on primary conservation areas, public river corridor views, birds and other wildlife using the Mississippi Flyway through habitat loss, collision threats or light pollution, and other resources identified in the MRCCA plan. In reviewing the variance application, the following shall be considered:

(a) Impacts to the resources listed above. If negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts consistent with Section 205.28.04.04; and

(b) Make written findings that the variance is consistent with the purpose of this Chapter.

3. Special and interim use permits. All special and interim uses, required under this Chapter, must comply with M.S. § [462.3595](#) and must consider the potential impacts on primary conservation areas, public river corridor views, birds and other wildlife using the Mississippi Flyway through habitat loss, collision threats or light pollution, public access, and other resources identified in the MRCCA plan. In reviewing the application, the following shall be considered:

(a) Impacts to the resources listed above. If negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts consistent with Section 205.28.04.04; and

(b) Make written findings that the special and interim use permit is consistent with the purpose of this Chapter.

4. Mitigation of impacts. Negative impacts to primary conservation areas, public river corridor views, and other resources identified in the MRCCA Plan occurring due to variances, special use permits, or interim use permits must be mitigated for in a way that is related to and proportional to the impacts. Mitigation may include:

- (a) Restoration of vegetation;
- (b) Implementation of animal habitat support as outlined in the most recent version of the [Minnesota B3 Guidelines](#);
- (c) Increasing and/or improving habitat for pollinators, birds, and other wildlife using native trees, shrubs, and vegetation;
- (d) Expansion of public access;
- (e) Preservation of existing vegetation;
- (f) Storm water runoff management;
- (g) Reducing impervious surface;
- (h) Increasing structure setbacks;
- (i) Wetland and drainage route restoration and/or preservation;
- (j) Limiting the height of structures;
- (k) Modifying structure design to limit visual impacts on public river corridor views; and
- (l) Other conservation measures.

5. Application materials. Applications for permits and discretionary actions required under this Chapter must submit the following information unless the City Manager or their designee determines that the information is not needed.

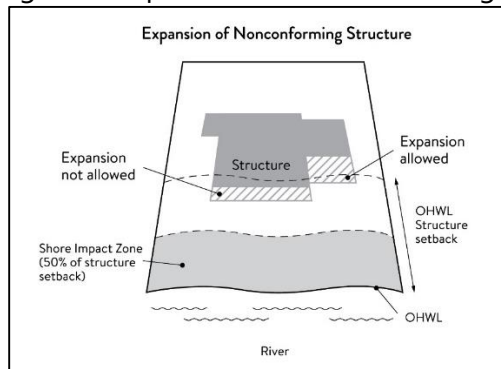
- (a) A detailed project description; and
- (b) Scaled maps and plans, dimensional renderings, maintenance agreements, and other materials that identify and describe:
 - (1) Primary conservation areas;
 - (2) Public river corridor views;
 - (3) Buildable area;
 - (4) Proposed size, alignment, height, and intended use of any structure to be erected or located on the site;

- (5) A delineation of the location and amounts of excavated soils to be stored on the site during construction;
- (6) Existing and proposed topography and drainage patterns;
- (7) Proposed storm water and erosion and sediment control practices;
- (8) Existing and proposed vegetation to be removed and established;
- (9) Ordinary high water level, blufflines, and all required setbacks;
- (10) Existing and proposed impervious surfaces as well as surfacing to be used; and
- (11) Any other information pertinent to the particular project which in the opinion of the City or applicant is necessary or helpful for the review of the project.

6. Nonconformities

- (a) All legally established nonconformities as of the date of adoption of this Chapter may continue consistent with M.S. § [462.357, Subd. 1e](#).
- (b) 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.
- (c) Legally nonconforming principal structures that do not meet the setback requirements of Section 205.28.07.03 may be expanded laterally provided that:
 - (1) 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 6); and
 - (2) The expanded structure's scale and bulk is consistent with that of the original structure and existing surrounding development.

Figure 6. Expansion of Nonconforming Structure



7. Notifications

(a) Amendments to this Chapter and to the MRCCA plan must be submitted to the Commissioner of the Department of Natural Resources (DNR) as provided in Minnesota Rules Part 6106.0070, Subp. 3, Items B – I.

(b) Notice of public hearings for discretionary actions, including special and interim use permits, variances, appeals, rezonings, preliminary plats, final subdivision plats, and PUDs, must be sent to the following entities at least 10 days prior to the hearing:

(1) The Commissioner of the DNR in a format prescribed by the DNR;

(2) National Park Service; and

(3) Where building heights exceed the height limits specified in Section 205.28.07.01 as part of the special 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 205.28.04.07.B, including findings of fact, must be sent to the Commissioner of the DNR, 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.

8. 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 205.28.07-205.28.14; or

(b) If Sections 205.28.07-205.28.14 cannot be complied with, ramps or other facilities are allowed with a Reasonable Accommodation License provided:

(1) The license terminates on either a specific date or upon occurrence of a particular event related to the person requiring accommodation; and

(2) Upon expiration of the permit, the ramp or other facilities must be removed.

205.28.05 MRCCA Districts

1. District description and management purpose. The MRCCA within Fridley is divided into the following MRCCA districts:

(a) Rural and Open Space (ROS)

The Rural and Open Space 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.

The Rural and Open Space 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)

The River Neighborhood 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.

The River Neighborhood 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)

The Separated from River 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.

The Separated from River 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 SR 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.

2. Urban Mixed (UM)

The Urban Mixed District includes large areas of highly urbanized mixed use that are a part of the urban fabric of the river corridor, including institutional, commercial, industrial, and residential areas and parks and open space.

The Urban Mixed District must be managed in a manner that allows for future growth and potential transition of intensely developed areas that does not negatively affect public river corridor views and that protects bluffs and floodplains. Restoring and enhancing bluff and shoreline habitat, minimizing erosion and flow of untreated storm water into the river, and providing public access to and public views of the river are priorities in the district.

3. MRCCA district map

The locations and boundaries of the MRCCA districts established by this Chapter are shown on the Critical Area 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.

205.28.06 Special Land Use Provisions

1. Uses excluded. The following uses are excluded from the MRCCA:
 - (a) Any use that is excluded within the underlying zoning district;
 - (b) Any barge fleeting or barge loading;
 - (c) Any solid waste storage use or treatment facilities;

(d) Any mining or extraction uses other than the soil preparation or peat removal necessary for construction;

(e) The construction of new subsurface sewage treatment systems;

(f) Agricultural use unless perennial ground cover is provided within at least 50 feet of the ordinary high water level and within the bluff impact zone; and

(g) Tree harvesting and biomass harvesting within woodlands, and associated reforestation, unless it is conducted consistent with recommended practices in [Conserving Wooded Areas in Developing Communities: Best Management Practices in Minnesota](#).

2. River-dependent uses. River-dependent uses must comply with the following design standards:

(a) Structures and parking areas, except shoreline facilities and private roads and conveyances serving river-dependent uses as provided in Section 205.28.14, must meet the dimensional and performance standards in this Chapter, must be designed so that they are not readily visible, and must be screened by establishing and maintaining natural vegetation;

(b) Shoreline facilities must comply with Minnesota Rules Chapter [6115](#) and must:

(1) Minimize the shoreline area affected in so far as feasible; and

(2) Minimize the surface area of land occupied in relation to the number of watercrafts to be served;

(c) Dredging and placement of dredged material are subject to existing federal and state permit requirements and agreements.

3. Wireless communication towers

(a) Wireless communication towers that existed in the MRCCA prior to the adoption of this Chapter are considered legally nonconforming.

(b) A new wireless communication towers or the physical modification of an existing wireless communication tower that results in an increase in the intensity of the nonconforming use requires a special use permit and is subject to the following design standards:

(1) 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;

- (2) Freestanding towers must not be located in a bluff or shore impact zone;
- (3) Placement of the tower must minimize impacts on public river corridor views; and
- (4) Comply with the general design standards in Section 205.28.09.01.

205.28.07 Structure Height, Placement, and Lot Size

1. Structure height. Structures and facilities must comply with the following standards or the underlying development standard, whichever is lesser, unless identified as exempt in Section 205.28.14. Height is measured on the side of the structure facing the Mississippi River:

- (a) River and Open Space District: 35 feet.
- (b) River Neighborhood District: 35 feet.
- (c) Separated from River District: Height is determined by underlying development standard, 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.
- (d) Urban Mixed District: 65 feet, provided tiering of structures away from the Mississippi River and from blufflines is given priority, with lower structure heights closer to the river and blufflines, and that structure design and placement minimize interference with public river corridor views. Structures over 65 feet are allowed as a Special Use according to Section 205.28.07.02.

2. In addition to the variance or special use requirements of Section 205.28.04.04, criteria for considering whether to grant a variance or special use permit for structures exceeding the height limits must include:

- (a) Assessment of the visual impact of the proposed structure on public river corridor views, including views from other communities;
- (b) Identification and application of techniques to minimize the perceived bulk of the proposed structure, such as:
 - (1) Placing the long axis of the building perpendicular to the river;
 - (2) Stepping back of portions of the facade;
 - (3) Lowering the roof pitch or use of a flat roof;

(4) Using building materials or mitigation techniques that will blend in with the natural surrounds;

(5) Implementation of animal habitat support as outlined in the most recent version of the [Minnesota B3 Guidelines](#);

(6) Narrowing the profile of upper floors of the building;

(7) Increasing the setbacks of the building from the Mississippi River or blufflines; or

(8) 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 205.28.14.

(b) Structures, impervious surfaces, and facilities must comply with the following OHWL setback provisions unless identified as exempt in Section 205.28.14:

(1) Rural and Open Space District: 200 feet from the Mississippi River.

(2) River Neighborhood District: 100 feet from the Mississippi River.

(3) Urban Mixed District: 50 feet from the Mississippi River.

(c) Structures, impervious surfaces, and facilities must comply with the following bluffline setback provisions unless identified as exempt in Section 205.28.14:

(1) Rural and Open Space District: 100 feet.

(2) River Neighborhood District: 40 feet.

(3) Separated from River District: 40 feet.

(4) Urban Mixed District: 40 feet.

(5) Oak Glen Creek, Rice Creek, Springbrook Creek, Stonybrook Creek: 50 feet.

(d) Impervious surface lot coverage must not exceed 35% on any lot within the Shoreland Overlay District except as a variance which shall comply with the following standards:

(1) All structures, additions or expansions shall meet setback and other requirements of this Code;

(2) The lot shall be served with municipal sewer and water;

(3) The lot shall provide for the collection and treatment of stormwater in compliance with Stormwater Management and Erosion Control Chapter of the Code; and

(4) Measures shall be taken for the treatment of stormwater runoff and/or prevention of stormwater from directly entering a public water.

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 Section 205.28.07.01 and Section 205.28.07.03 so as to not require variances to use the lots for their intended purpose.

205.28.08 Performance Standards for Private Facilities

1. General design standards. All private facilities must be developed in accordance with the vegetation management and land alteration requirements in Sections 205.28.11 and 205.28.12.

2. Private roads, driveways, and parking areas. Except as provided in Section 205.28.14, 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 from the river;

(b) Comply with structure and impervious surface setback requirements according to Section 205.28.07.03; and

(c) Not be placed within the bluff impact zone or shore impact zone, unless exempt under Section 205.28.14 and designed consistent with Section 205.28.09.01.

3. Private water access and viewing facilities.

(a) Private access paths must be no more than:

(1) Eight feet wide, if placed within the shore impact zone; and

(2) Four feet wide, if placed within the bluff impact zone.

(b) Private water access ramps must:

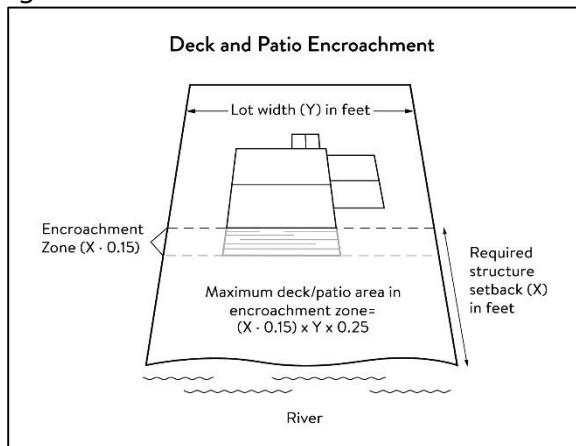
- (1) Comply with Minnesota Rules Parts [6115.0210](#) and [6280.0250](#); and
 - (2) Be designed and constructed consistent with the applicable standards in the most current version of the Design Handbook for Recreational Boating and Fishing Facilities.
- (c) Design and construction of private stairways, lifts, and landings located above the OHWL are subject to the following standards:
- (1) Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be approved for commercial properties and residential facilities held in common;
 - (2) Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet area may be approved for commercial properties and residential facilities held in common;
 - (3) Canopies or roofs are prohibited on stairways, lifts, or landings;
 - (4) Stairways, lifts, and landings must be located in the least visible portion of the lot whenever practical; and
 - (5) Ramps, lifts, mobility paths, or other facilities for persons with physical disabilities are allowed for achieving access to shore areas according to Section 205.28.08.3.C 1-4, and as provided under Section 205.28.04.08.
- (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:
- (1) Not exceed 12 feet in height;
 - (2) Not exceed 120 square feet in area; and
 - (3) Be placed a minimum of 10 feet from the ordinary high water level.
3. 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 205.28.11 and 205.28.12, provided that:
- (a) The encroachment of the deck or patio into the required setback area does not exceed 15% 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% of the total area between the required setback and the 15% using the formula:

Required setback depth (feet) x 0.15 x lot width at setback (feet) x 0.25 = 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



4. Off-Premise and Directional Signs

(a) Off-premise advertising signs must:

(1) Meet required structure height and placement standards in Sections 205.28.07.01 and 205.28.07.03.

(2) Not be readily visible from the river

(b) Directional signs for patrons arriving at a business by watercraft must comply with the following standards:

(1) They must be consistent with M.S. § [86B.115](#).

(2) 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.

(3) Be no greater than ten feet in height and 32 square feet in surface area; and

(4) If illuminated, the lighting must be shielded and directed downward to prevent illumination out across the river or to the sky.

5. Lighting. Within the Shore Impact Zone:

- (a) Lighting shall be fully shielded and directed away from the river.
- (b) Uplighting is prohibited.

6. Line of Sight. The development of new, or the expansion of existing structures, shall be placed so that the development is consistent with the preservation of the view of the river corridor from other properties on both sides of the river and by the public. The walling off of views of the river corridor from other properties and public right-of-ways shall be prohibited.

205.28.09 Performance Standards for Public Facilities

1. 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 205.28.07, except as provided in Section 205.28.14;
- (c) Be consistent with the vegetation management standards in Section 205.28.11 and the land alteration and storm water management standards in Section 205.28.12, including use of practices identified in [Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001](#), where applicable; and
- (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.
- (e) Where feasible, minimize disturbance of spawning and nesting times by scheduling construction at times when local fish and wildlife are not spawning or nesting in areas where this activity is known to occur.

2. 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.

3. 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 M.S. § [84.415](#) and [103G.245](#).

4. 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;

(b) Primary consideration shall be given to underground placement of facilities in order to minimize aesthetic, environmental and public safety aspects. When considering overhead placement, the developer must show the reasoning that makes underground placement unfeasible;

(c) If underground placement is unfeasible, visibility of the facility from the river must be minimized as much as practicable; and

(d) 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.

5. Public transportation facilities. Public transportation facilities shall comply with structure placement and height standards in Section 205.28.07 except as provided in Section 205.28.14. Where such facilities intersect or abut 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.

6. Public recreational facilities. Public recreational facilities must comply with the following standards:

(a) Buildings and parking associated with public recreational facilities must comply with the structure placement and height standards in Section 205.28.07, except as provided in Section 205.28.14;

(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](#):

(1) Hard-surface trails are not allowed on the face of bluffs with a slope exceeding 30%. Natural surface trails are allowed, provided they do not exceed eight feet in width.

(2) 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:

(1) Watercraft access ramps must comply with Minnesota Rules Chapters [6115.0210](#) and [6280.0250](#); and

(2) Facilities must be designed and constructed consistent with the standards in the most recent version of the Minnesota DNR's 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; and

(f) Public stairways, lifts, and landings must be designed as provided in Section 205.28.08.03.C.

205.28.10 Public Access

1. Public river access to and along the river shall be provided for any new development that is adjacent to or part of a city plan including public access.
2. Public river access shall be provided to the riverfront of developments on publicly owned and publicly controlled riverfront property where feasible.

205.28.11 Vegetation Management

1. Applicability. This section applies to:

- (a) Shore impact zones;
- (b) Areas within 50 feet of a wetland or natural drainage route;
- (c) Bluff impact zones;
- (d) Areas of native plant communities; and
- (e) Significant existing vegetative stands identified in the MRCCA plan

2. General performance standards for vegetation management. The general performance standards for vegetation management are as follows:

- (a) Development must be sited to minimize removal of or disturbance to natural vegetation;
- (b) Soil, slope stability, and hydrologic conditions are suitable for the proposed work as determined by the City Manager or their designee
- (c) Clearing is the minimum necessary and designed to blend with the natural terrain and minimize visual impacts to public river corridor views;
- (d) Vegetation removal activities must be conducted so as to expose the smallest practical area of soil to erosion for the least possible time; and
- (e) Grading must be conducted in a manner that preserves the root zone aeration and stability of existing trees and provides an adequate watering area equal to at least one-half of each tree crown. If this is not possible, a replacement tree must be provided in conformance with Section 205.28.11.07.

3. Activities allowed without a permit:

- (a) Maintenance of existing lawns, landscaping, and gardens;

(b) Removal of vegetation in emergency situations as determined by the City Manager or their designee;

(c) Right-of-way maintenance for public facilities meeting the standards Section 205.28.09.02

(d) Agricultural and forestry activities meeting the standards of Sections 205.28.06.01.F and 205.28.06.01.G;

(f) Selective vegetation removal of trees provided that vegetative cover as viewed from the river remains consistent with the management purpose of the MRCCA district and trees are replaced in conformance with Section 205.28.11.06.

4. Activities allowed with a permit. Only the following intensive vegetation clearing activities are allowed with a permit, all other forms of intensive vegetation clearing are prohibited:

(a) Clearing of vegetation that is dead, diseased, dying, or hazardous;

(b) Clearing to prevent the spread of diseases or insect pests;

(c) Clearing to remove invasive non-native species;

(d) Clearing for habitat restoration and erosion control management activities consistent with an approved plan;

(e) The minimum necessary for development that is allowed with a building permit or as an exemption under Section 205.28.14.

5. Vegetation restoration plan. Development of a vegetation restoration plan and reestablishment of natural vegetation is required in the following circumstances:

(a) For any vegetation removed with a permit under Section 205.28.11.04;

(b) Upon failure to comply with any provisions in this Section; or

(c) As part of the planning process for subdivisions as provided in Section 205.28.13.

6. Vegetation Restoration Plan Performance Standards. The vegetation restoration plan must satisfy the application submittal requirements in Section 205.28.04.05, and:

(a) Vegetation must be restored in one or more of the following restoration priority areas:

(1) Stabilization of erodible soils including with soils showing signs of erosion, especially on or near the top and bottom of steep slopes and bluffs;

- (2) Restoration or enhancement of shoreline vegetation including shoreline areas within 25 feet of the water with no natural vegetation, degraded vegetation, or planted with turf grass;
 - (3) Revegetation of bluffs or steep slopes visible from the river; and
 - (4) Other approved priority opportunity area, including priorities identified in the MRCCA plan, if none of the above exist.
- (b) 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](#);
 - (c) Any highly erodible soils disturbed during removal and/or restoration must be stabilized with deep-rooted vegetation with a high stem density;
 - (d) Vegetation removed must be restored with natural vegetation to the greatest extent practicable. The area (square feet) of the restored vegetation should be similar to that removed to the greatest extent practicable;
 - (e) For restoration of removed native plant communities, restored vegetation must also provide biological and ecological function equivalent to the removed native plant communities;
 - (f) Be prepared by a qualified individual except for:
 - (1) Vegetation plans required in response to Section 205.28.11.04.D which must be prepared by a professional ecologist, landscape architect, or person with demonstrable experience and knowledge related to vegetation management as accepted and approved by the City; and
 - (g) Include a maintenance plan that includes management provisions for controlling invasive species and replacement of plant loss for three years.

7. Tree Removal and Replacement

- (a) Except for tree removal conducted in accordance with Section 205.28.04.D with an approved vegetation restoration plan, any trees over four inches diameter at breast height that are removed shall be restored with an equal number of trees to that which existed before cutting by September 30 of the subsequent year. If insufficient space is available for tree replanting as determined by the City, a monetary fee may be provided as outlined in the Fees Chapter of the Code.

205.28.12 Land Alteration and Stormwater Management

1. Land alteration

(a) Within the bluff impact zone, land alteration is prohibited, except for the following, which are allowed with a permit:

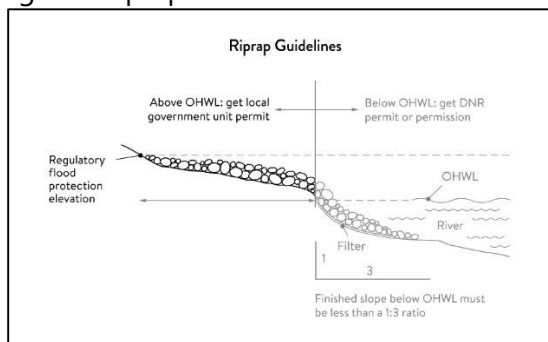
- (1) Erosion control consistent with a plan approved by the City Manager or their designee;
- (2) The minimum necessary for development that is allowed as an exception under Section 205.28.14; and
- (3) Repair and maintenance of existing buildings and facilities.

(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.

2. 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 Part [6115.0215, Subp. 4, item E](#), and [6115.0216, Subp. 2](#). Work must not proceed until necessary approvals by the Commissioner, the US Army Corps of Engineers as necessary, and any other required permits are obtained. See Figure 8.

Figure . 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 205.28.12.5 provided that:

- (1) If the project includes work at or below the OHWL, the commissioner has already approved or permitted the project;

(2) The structures are used only to correct an established erosion problem as determined by the City Engineer or their designee;

(3) 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 four feet in height;

((b)) Retaining walls must be placed a minimum horizontal distance of twenty feet apart; and

((c)) 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.

3. Storm water management.

(a) In the bluff impact zone, storm water management facilities are prohibited, except by permit if:

(1) There are no alternatives for storm water treatment outside the bluff impact zone on the subject site;

(2) The site generating runoff is designed so that the amount of runoff reaching the bluff impact zone is reduced to the greatest extent practicable;

(3) The construction and operation of the facility does not affect slope stability on the subject property or adjacent properties; and

(4) 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 205.28.14, or fully reconstructs existing impervious surface of more than 10,000 square feet requires a permit. 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.

4. 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 205.28.11.

5. Conditions of land alteration permit approval within the Critical Area

- (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 alteration;
- (e) Erosion and sediment controls are maintained during construction to ensure effective operation;
- (f) The proposed work is consistent with the vegetation standards in Section 205.28.11; 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](#).

6. Compliance with other plans and programs. All land alteration must:

- (a) Be consistent with Minnesota Statutes Chapter [103B](#), and local water management plans completed under Minnesota Rules Chapter [8410](#);
- (b) Meet or exceed the wetland protection standards under Minnesota Rules Chapter [8420](#);
- (c) Comply with the Floodplain Management Overlay District Chapter; and,
- (d) Comply with the Stormwater Management and Erosion Control Chapter.

205.28.13 Subdivisions

1. 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 within the MRCCA, including smaller individual sites within the these developments that are part of a common plan of development that may be constructed at different times.

2. The following activities are exempt from the requirements of this Section:

- (a) Minor subdivisions consisting of three or fewer lots;
- (b) Minor boundary line corrections;
- (c) Resolutions of encroachments;
- (d) Additions to existing lots of record;
- (e) Placement of essential services; and
- (f) Activities involving river-dependent commercial and industrial uses.

3. Project information listed in Section 205.28.04.05 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:

- (1) CA-ROS District: 50%;
- (2) CA-RN District: 20%;
- (3) CA-UM: 10%; and
- (4) CA-SR District: 10% if the parcel includes native plant communities or provides feasible connections to a park or trail system, otherwise no requirement.

(b) If the primary conservation areas exceed the amounts specified in Section 205.28.13.04, 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 205.28.11.04.

(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 205.28.11.04, 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 the Subdivision Chapter 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:

(1) Public acquisition by a government entity for conservation purposes;

(2) A permanent conservation easement, as provided in Minnesota Statutes Chapter 84C;

(3) A deed restriction; or

(4) 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.

6. Alternative design standards. Applicants are encouraged to propose alternative design methods that achieve better protection or restoration of primary conservation areas.

Methods may include protection and restoration of continuous vegetation, preventing the fragmentation of vegetation, concentration of density in exchange for higher levels of open space protection, or other zoning and site design techniques.

205.28.14 Exemptions

1. Applicability

(a) Uses and activities not specifically exempted must comply with this Chapter. Uses and activities exempted under shore impact zone and bluff impact zone must comply with the vegetation management and land alteration standards in Sections 205.28.11 and 205.28.12.

(b) Uses and activities in this Section are categorized as:

(1) Exempt – E. This means that the use or activity is allowed;

(2) Exempt if no alternative - (E). This means that the use or activity is allowed only if no alternatives exist; and

(3) Not exempt - N. This means that a use or activity is not exempt and must meet the standards of this Chapter.

2. Use and activity exemptions classification.

(a) General uses and activities.

Use or Activity	Set backs	Height Limits	SI Z	BI Z	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)	N	E	N	N	Structure design and placement must minimize interference with public river corridor views.
Barns, silos, and farm structures	N	E	N	N	
Bridges and bridge approach roadways	E	E	E	(E)	Section 205.28.09
Wireless communication towers	E	E	N	N	Section 205.28.06.03
Chimneys, religious spires, flag poles, public monuments, and mechanical stacks and equipment	N	E	N	N	
Historic properties and contributing properties in historic districts	E	E	E	E	Exemptions do not apply to additions or site alterations

(b) Public utilities.

Use or Activity	Set backs	Height Limits	SI Z	BI Z	Applicable standards with which the use or activity must comply
Electrical power facilities	E	E	E	(E)	Section 205.28.09
Essential services (other than storm water facilities)	E	E	E	(E)	Section 205.28.09
Storm water facilities	E	N	E	(E)	Section 205.28.12
Wastewater treatment	E	N	E	N	Section 205.28.09
Public transportation facilities	E	N	(E)	(E)	Section 205.28.09

(c) Public recreational facilities.

Use or Activity	Set backs	Height Limits	SI Z	BI Z	Applicable standards with which the use or activity must comply
Accessory structures, such as monuments, flagpoles, light standards, and similar park features	E	E	(E)	(E)	Section 205.28.09; within BIZ, only on slopes averaging less than 30%. Exemptions do not apply to principal structures.
Picnic shelters and other open-sided structures	E	N	(E)	N	Section 205.28.09
Parking lots	(E)	N	(E)	(E)	Section 205.28.09; 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	(E)	N	(E)	(E)	Section 205.28.09
Natural-surfaced trails, access paths, and viewing areas	E	N	E	E	Section 205.28.09
Hard-surfaced trails and viewing platforms	E	N	E	(E)	Section 205.28.09; within BIZ, only on slopes averaging less than 30%
Water access ramps	E	N	E	(E)	Section 205.28.09
Public signs and kiosks for interpretive or directional purposes	E	N	E	(E)	Section 205.28.09

(d) River-dependent uses.

Use or Activity	Set backs	Height Limits	SI Z	BI Z	Applicable standards with which the use or activity must comply
Shoreline facilities	E	N(	E	(E)	Section 5.25. Exemptions do not apply to buildings, structures, and parking areas that are not part of a shoreline facility. River-dependent commercial, industrial, and utility structures are exempt from height limits only if greater height is required for operational reasons.
Private roads and conveyance structures serving river-dependent uses	E	N	E	(E)	Section 5.25; River-dependent commercial, industrial, and utility structures are exempt from height limits only if greater height is required for operational reasons.

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

Use or Activity	Set backs	Height Limits	SI Z	BI Z	Applicable standards with which the use or activity must comply
Private roads serving 3 or more lots	(E)	N	N	(E)	Section 205.28.08; 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	E	N	E	E	Section 205.28.08
Water access ramps	E	N	E	N	Section 205.28.08
Stairways, lifts, and landings	E	N	E	E	Section 205.28.08
Water-oriented accessory structures	E	N	E	N	Section 205.28.08
Patios and decks	E	N	N	N	Section 205.28.08.04
Directional signs for watercraft (private)	E	N	E	N	Section 205.28.08.05; exemption does not apply to off-premise advertising signs

Use or Activity	Set backs	Height Limits	SI Z	BI Z	Applicable standards with which the use or activity must comply
Temporary storage of docks, boats, and other equipment during the winter months	E	N	E	N	
Erosion control structures, such as rock riprap and retaining walls	E	N	E	(E)	Section 205.28.12.2
Flood control structures	E	N	E	(E)	Section 205.28.12



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The following is a summary of changes to the Critical Area Chapter. Optional changes that are above the standards of the model ordinance are noted in italics. Comments are included in bold.

Substantive Changes

Section Number	Current Code	Proposed Changes
205.28.01	Describes the purpose and intent of the chapter	Updates the purpose and intent to reference the authorizing state statute
205.28.02.1	205-28.02 describes the MRCCA's boundaries	Adds a reference to the underlying document which defines the MRCCA's boundaries
205.28.02.2	None	- Adds that the remainder of the chapter is not affected if a portion is found unconstitutional - Adds that a violation of the chapter can occur whether or not a permit is required
205.28.02.3	None	Clarifies that the provisions of this chapter prevail if they are more restrictive than provisions in other chapters of City Code
205.28.03	205.28.03 Provides definitions for terms used in the code	The following changes were made to definitions used in this chapter - Adds a definition for "access path" based on MRCCA Model Ordinance - Adds a definition for "adjacent" based on MRCCA Model Ordinance - Adds a definition for "agricultural use" based on MRCCA Model Ordinance - Adds a definition for "alternative design" based on MRCCA Model Ordinance - Adds a definition for "biological and ecological function" based on MRCCA Model Ordinance - Adds a definition for "bluff" based on the MRCCA model ordinance (Note: Our current code establishes a bluff as having 12% slope vs. 18%.) - Adds a definition for a "bluff impact zone" which is an area within 20 feet of the bluff - Adds a definition for "bluff, toe of" based on MRCCA Model Ordinance - Adds a definition for "bluff, top of" based on MRCCA Model Ordinance - Adds a definition for "buildable area" based on MRCCA Model Ordinance



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		• Adds a definition for "building" based on MRCCA Model Ordinance • Removes the definition for "clear cutting" in lieu of "intensive vegetation clearing" • Adds a definition for "Commissioner" based on MRCCA Model Ordinance • Adds a definition for "conservation design" based on MRCCA Model Ordinance • Adds a definition for "conventional subdivision" based on MRCCA Model Ordinance • Removes the definition for Critical Area • Adds a definition for "deck" based on MRCCA Model Ordinance • Adds a definition for "developer" to reference State Statute • Updates the definition of "development" to reference State Statute • Adds a definition for "discretionary action" based on MRCCA Model Ordinance • Adds a definition for "dock" based on MRCCA Model Ordinance • Adds a definition for "electric power facilities" based on MRCCA Model Ordinance • Updates the definition of essential services to include sanitary sewer, stormwater, and communications services. Clarifies that the services also include collection supply and disposal systems. Excludes buildings, treatment works, electric power facilities, or transmission services. • Adds a definition for "floodplain" to reference State Statute • Adds a definition for "fully reconstructs" based on MRCCA Model Ordinance • Adds a definition for "hard surface trail" based on MRCCA Model Ordinance • Adds a definition for "historic property" based on MRCCA Model Ordinance • Adds a definition for "impervious surface" based on MRCCA Model Ordinance • Adds a definition for "intensive vegetation clearing"
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		based on MRCCA Model Ordinance • Adds a definition for "interim use" based on MRCCA Model Ordinance • Adds a definition for "land alteration" based on MRCCA Model Ordinance • Adds a definition for "lot width" based on MRCCA Model Ordinance • Adds a definition for "marina" to reference State Statute • <i>Adds a definition for "Mississippi Flyway" based on recommendations from the Minneapolis Audubon Society</i> • Adds a definition for "mooring facility" based on MRCCA Model Ordinance • Adds a definition for "native plant community" based on MRCCA Model Ordinance • Adds a definition for "natural surface trail" based on MRCCA Model Ordinance • Adds a definition for "natural vegetation" based on MRCCA Model Ordinance • Adds a definition for "nonmetallic mining" based on MRCCA Model Ordinance • Adds a definition for "off-premise advertising signs" based on MRCCA Model Ordinance • Adds a definition for "ordinary high water level" to reference State Statute • Adds a definition for "parcel" based on MRCCA Model Ordinance • Adds a definition for "patio" based on MRCCA Model Ordinance • Adds a definition for "picnic shelter" based on MRCCA Model Ordinance • Adds a definition for "planned unit development" based on MRCCA Model Ordinance • Adds a definition for "plat" based on MRCCA Model Ordinance • Adds a definition for "primary conservation areas" based on MRCCA Model Ordinance • Adds a definition for "private facilities" based on MRCCA Model Ordinance
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		• Adds a definition for “public facilities” based on MRCCA Model Ordinance • Adds a definition for “public recreation facilities” based on MRCCA Model Ordinance • Removes the definition for “public safety facilities” • Adds a definition for “public river corridor views” based on MRCCA Model Ordinance • Adds a definition for “public transportation facilities” based on MRCCA Model Ordinance • Adds a definition for “public utilities” based on MRCCA Model Ordinance to replace “utility facility”. Changes the definition to remove solid waste. • Adds a definition for “public waters” based on State Statute • Adds a definition for “readily visible” based on MRCCA Model Ordinance • Adds a definition for “resource agency” based on MRCCA Model Ordinance • Updates the definition for retaining wall to clarify that the structure is in a vertical or near vertical position and specify material type • Adds a definition for “rock riprap” based on MRCCA Model Ordinance • Adds a definition for “river corridor boundary” based on State Statute • Adds a definition for “river dependent use” based on MRCCA Model Ordinance • Adds a definition for “selective vegetation removal” based on MRCCA Model Ordinance • Adds a definition for “setback” based on MRCCA Model Ordinance • Adds a definition for “shore impact zone” based on MRCCA Model Ordinance • Adds a definition for “shoreline facilities” based on MRCCA Model Ordinance • Adds a definition for “sign” referencing Signs chapter. • Adds a definition for “steep slope” based on Chapter 208. • Adds a definition for “stormwater management facilities” based on the MRCCA Model Ordinance
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		• Adds a definition for “structure” based on the MRCCA Model Ordinance • Adds a definition for “subsurface sewage treatment system” based on the MRCCA Model Ordinance • Removes the definition for terrace • Adds a definition for “transmission service” based on the MRCCA Model Ordinance • Adds a definition for “transmission service” based on the MRCCA Model Ordinance • Adds a definition for “treeline” based on the MRCCA Model Ordinance • Removes the definition of “utility facility” in lieu of “public utilities” • Adds a definition for “variance” based on MRCCA Model Ordinance • Adds a definition for “water access ramp” based on the MRCCA Model Ordinance • Adds a definition for “water oriented accessory structure” based on the MRCCA Model Ordinance • Adds a definition for “water quality impact zone” based on the MRCCA Model Ordinance • Changes the definition for “wetland” to reference on State Statute
205.28.04.01	205.28.06 specifies actions that require a permit	Adds permit trigger which create the need for a new permit, removes the explicit exemption for single family homes to submit a site plan if needed; however, 205.28.04.05 provides the discretion to determine that application materials would not be required.
205.28.04.2	None	• Requires that variances consider the impacts on primary conservation areas, public river corridor views, mitigate for these potential impacts, and make written findings that the variance is consistent with the purpose of the chapter. • <i>Adds impacts on wildlife using the Mississippi Flyway and public access at the recommendation of the Minneapolis Audubon Chapter</i>
205.28.04.3	None	• Requires that special use permits consider the impacts on primary conservation areas, public river corridor views, mitigate for these potential impacts, and make written findings that the special use is consistent with



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		the purpose of the chapter. • <i>Adds impacts on wildlife using the Mississippi Flyway and public access at the recommendation of the Minneapolis Audubon Chapter</i>
205.28.04.4	None	<i>Provides guidance on how negative impacts may be mitigated (optional language)</i>
205.28.04.5	205.28.07 outlined site plan requirements	Adds mapping of primary conservation areas, public river corridor views as site plan requirements
205.28.4.6	None	Specifies treatment of nonconformities including: • Allowing the lateral expansion of legally nonconforming structures provided that the expansion does not extend further into the required setback and the expansion is consistent with the original structure and surrounding development
205.28.04.7	205.28.08.C.4 requires the DNR and EQB to be notified of variance requests to setback requirements	• Expands notification to be for all public hearings to any discretionary action as well as for final decisions • Expands notification to the DNR and NPS as well as adjoining local governments when the discretionary action is related to building height • Establishes provisions to change the MRCCA boundary • Removes notification requirement to the EQB
205.28.04.8	None	Allows for accommodations under the Americans with Disabilities Act through an administrative permit
205.28.05	None	Describes MRCCA districts and management purposes
205.28.06.1	205.28.05 specifies what uses are excluded	• Clarifies that soil preparation and peat extraction is only allowed as necessary for development • Reiterates that new subsurface sewage treatment systems are not allowed
205.28.06.2	None	Requires river dependent uses to: • Not be readily visible except for those structures listed as exempt • Be designed in a compact fashion • References state and federal rule with regards to dredging material
205.28.06.3	None	Requires new or modified wireless communication towers installed in the MRCCA after approval of this ordinance must receive a special or interim use permit. The special use permit requires: • Demonstration the tower can't be moved or lowered



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		• Is not located in a bluff impact zone or shore impact zone if a freestanding tower • Placement of the tower minimizes public river corridor views • Complies with design standards for public facilities
205.28.07.01	205.28.08.B specifies that building height would be defined by the underlying zoning	• Caps ROS district building height at 35 feet (this is the islands, currently zoned P) • Caps SR district building height as the underlying zoning as long as that is consistent with the mature tree height (underlying zoning height ranges up to 65 feet) • Caps UM district building height as 65 feet with an emphasis on tiering away from the river except for with a Special Use Permit • Specifies conditions for allowing a variance or special use for building height
205.28.07.02	None	• Outlines criteria on granting variance requests for building height • <i>Adds potential mitigation measures for height variances. Measures 3-5 are optional</i>



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205.28.07.03	205.28.08.C: - Prohibits structures and uses within 40 feet of a bluffline in all areas - Prohibits structures and uses within 100 feet of the OHWL	- Prohibits structures and impervious surface in shore impact zone (50% of the required structure setback from the OHWL) and bluff impact zone (within 20 feet of bluffline) unless specified for an exemption. While the setbacks of 40 feet from the bluffline and 100 feet from the OHWL are inclusive of these zones, this section has different setback requirements - Increases the structure setback to 200 feet in the ROS neighborhoods - Increases the setback for structures, impervious surfaces, and facilities to 200 feet of bluffline in ROS neighborhood (islands) - Reduces the UM setback to 50 feet - Adds shoreland overlay restriction on impervious surface coverage - Adds shoreland setbacks for creeks - There is an opportunity to allow for setback averaging based on adjacent principal structure that staff is not recommended to protect the river.
205.28.07.5	None	- Requires lots in the ROS district to be at least 200 feet - Requires all new lots to have adequate buildable area to comply with the setback requirements without a variance
205.28.08	Did not specifically call out design standards for private roads, driveways, parking areas, access paths/ramps, accessory structures decks, patios, signs, and	- Requires that design takes advantage of natural vegetation and topography for screening purposes - Limits access paths to eight feet wide in the SIZ and four feet wide in the BIZ - Adds reference to state statute for private water access ramps - Limits the width of stairways and lifts on residential lots to four feet in width and 32 feet in area - Prohibits canopies on land-based stairways, lifts, or landings - Allows one water-oriented accessory structures near the water (ex: gazebos) and sets design specifications for water oriented accessory structures - Allows decks to encroach into OHWL and bluffline



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	lighting 205.28.08.D contained preservation of line of site for all properties	setback areas provided they meet certain specifications - Did not reference off-premise or directional signage; however signs are regulated under the sign code <i>Requires lighting to be fully shielded and prohibits uplighting in the shore impact zone order to preserve dark skies and minimize impacts to wildlife (this is an optional requirement recommended by the Audubon Society)</i> <i>Limits the line of site requirement to private facilities; line of site maintenance is optional but included in previous versions of the code</i>
205.28.09.1	Did not provide specific design requirements for public facilities	- Requires minimum visibility from the river consistent with the purpose of the facility - Requires projects to avoid primary conservation areas unless no alternatives exist - Requires projects to minimize disturbance of spawning and nesting times of wildlife where feasible when there is potential for conflict.
205.28.09.2	205.28.12 provides requirement for right of way maintenance	- Requires vegetation currently in a natural state to maintained to the extent feasible - Limits the replacement with native plants to only areas in which native plants have been removed
205.28.09.3	Not referenced, but included in state statute	Provides state statute stating that crossing of any land controlled by the DNR must be approved by DNR commissioner
205.28.09.4	205.28.10.A regulates transmission and essential services	Adds references to applicable state statute
205-28.09.5	205.08.10.B regulates transportation facilities	Requires public transportation facilities to meet structure setbacks unless no alternative exists
205.28.09.6	205.28.08.C.3 listed public recreational facilities as exempt to setbacks 205.28.09.E.3 requires structures,	- Restricts placement of roadways from the BIZ and SIZ unless no alternative exists - Allows hard surface trails in BIZ and SIZ if following best practices - Requires trails, paths, and viewing areas to minimize visibility and disturbance to primary conservation areas - Allows hard surface trails on slopes between 18-30%. Allows natural surface trails on slopes with higher



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	trails, and roadways to be sited to minimize impacts for soil compaction and loss of vegetation cover	grades. • Requires trails and paths to be designed to minimize impacts • References state statute for public water access facilities comply with state • Allows public signs and kiosks in the BIZ and SIZ if proper guidelines are followed • Sets guidelines for public stairways, lifts and landing.
205.28.10	205.28.11 provides requirements for public access	• <i>Eliminates requirement that the public access be specifically for pedestrians</i> • <i>Expands requirement from providing right-of-way to providing physical access</i> • <i>Updates referenced plan from an "overall plan of the city for pedestrian movement within the district" to "part of a city plan" to encompass roadway specific plans or park plans.</i> • <i>Changes requirements for where access will not be provided from specific instances to "where feasible"</i>
205.28.11	205.28.09 provides requirements for vegetative management including a requirement to replace any trees >4" removed for development	• Requires a permit and an approved restoration plan for intensive vegetation plan within priority zones including shore impact zones, bluff impact zones, areas within 50 feet of wetland or drainage route, areas of native plant communities, and significant existing vegetative stands ○ Exceptions are provided for maintenance of existing lawns, right of way maintenance, selective removal of trees provided that the trees are replaced in conformance with the tree replacement requirement <i>and the view from the river remains consistent, due to the importance of maintaining the viewshed from the river.</i> • <i>Expands replacement requirement for removal of trees greater than 4" (except for removal of diseased and damaged trees) to all tree removals, not just removals related to the development within the priority zone. Removes the requirement for replacement for trees removed due to development to trees outside of the priority zones. Removes the exception for removals of diseased or damaged trees from the replacement</i>



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		<i>requirement due to the impact of removing all ash trees from the MRCCA without replacement.</i> - Requires and provides guidelines for the vegetation restoration plan <i>Requires that vegetation restoration plans prepared in response to habitat or erosion control be prepared by a qualified or city-approved individual</i> <i>Changes the required restoration amount from density to quantity for clarity</i> <i>Adds a date that restoration must be completed by</i> <i>Establishes a fee-in lieu program where tree replacement is not feasible.</i>
205.28.12.1.A	205.28.08 limits development within 40 feet of the bluff except by exception	Limits land alteration within the bluff impact zone except as allowed by exception
205.28.12.1.B	205.28.09.A does not specify a minimum threshold of grading	Sets thresholds permits within the water quality impact zone at a lower amount than the traditional land alteration permit
205.28.12.2	205.28.09.C establishes thresholds for retaining walls and erosion control structures	- Requires the city engineer or designee determines there is an erosion control problem prior to permitting - Reduces the minimum horizontal distance between retaining walls to 10 feet - Requires all riprap be below the regulatory floodline - Requires that riprap and retaining walls be sized to the minimum amount necessary - Explicitly allows repair of retaining walls and riprap provided there is no land alteration without a permit
205.28.12.3	Does not provide restrictions on stormwater management facilities	- Includes design restrictions on stormwater management facilities within the bluff impact zone - Requires permit for impervious surface within the water quality impact zone - Requires that stormwater run off be directed away from the bluff impact zone or unstable areas
205.28.12.4	205.28.08.D provides guidelines for development on steep	Allows development on steep slopes if development can occur without increasing erosion



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	slopes	
205.28.12.5	None	Provides requirements for land alteration permit
None	205.28.08.E specifies limits to amount of gross soil loss	This section was removed due to inability to track and enforce
205.28.13	None	• Provides design standards for subdivisions • Requires conservation of primary conservation areas based on district type • Encourages alternative design standards
205.28.14	205.28.08.C.3 lists Exceptions to setback requirements shall include public safety facilities, public bridges and approaches, public roadways, public recreation facilities, scenic overlooks, regional and local trails; docks and boat launching facilities, approved river crossings of essential services and distribution services and historical sites designated by the National and State Register of Historic Places.	• Public safety facilities are considered essential services which are exempt, except from placement in the BIZ unless no other options are available • Public roadways are no longer listed as exempt from height requirements • Some public recreational facilities are not exempt from the BIZ and SIZ setbacks

MRCCA Update Example Scenarios

The following are hypothetical examples of how updates to the Mississippi River Corridor Critical Area code will impact property owners. These examples do not consider existing regulations from the Shoreland Overlay or Floodplain Overlay that have not been changed.

1) Property A, Hartman Circle Addition and Landscaping Project



The property owner is proposing to build a two story addition on the back of the house. Additionally, they would like to build a ~~detached patio-deck and a gazebo~~ with steps down to the river and remove some trees to open up the viewshed. The property is within the River Neighborhood District.

Component	Old Rules	New Rules
Addition	Height is governed by the underlying zoning (30 feet); The addition must be set back 100 feet from the OHWL and 40 feet from the top of the bluff	Height is limited to 35 feet or the underlying zoning; The addition must be setback 100 feet from the OHWL and 40 feet from the top of the bluff

Patio and gazebo	Setbacks are currently applied to "structures and uses". There is not a definition provided for "uses". The City does not issue permits for patios, so this portion of the project would not be regulated.	There appears to be a bluff on the property that will need to be surveyed; The property owner will need to apply for a MRCCA permit; <u>permit</u>. <u>If the deck is a water-oriented accessory structure, it could be built within the shore impact zone, since the property doesn't already have a water-oriented accessory structure. It would need to meet the following standards:</u> Either the deck or gazebo (which are water-oriented accessory structures) are allowed within the setback area, not both; The deck or gazebo must: ○ Not be within the bluff impact zone ○ Not exceed 12 feet in height; ○ Not exceed 120 square feet in area; and ○ Be placed a minimum of 10 feet from the ordinary high water level. If a deck, it must: ○ Not exceed fifteen percent of the required structure setback ○ The area of the deck or patio that extends into the required setback area occupies no more than 25 percent of the total area between the required setback and the 15 percent using the formula: [Required setback depth (feet) x 0.15 x lot width at setback (feet) x 0.25 = maximum total area] Stairs must be less than four feet wide and cannot be covered
Vegetation Removal	Clear cutting is prohibited;	Clear cutting <u>Intensive vegetative removal</u> within 50-a primary conservation area, <u>such as the shore impact zone within 50</u>

		feet of the river is not allowed, vegetative cover must remain consistent; All trees removed within 50 feet of the river (shore impact zone) will need to be replaced; A vegetative restoration plan will not be needed for patio work since the patio will be outside of the priority areas <u>that trigger the vegetation permit.</u>
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2) Sanitary Sewer Lift Station with freestanding cell tower and free standing sign

A public utility is considering building a sanitary sewer lift station on a riverfront property. They would also like to lease a portion of the land to host a freestanding cell tower and freestanding, off premise advertising sign. The property is located within the River Neighborhood district.

Component	Old Rules	New Rules
Lift Station	Essential services are generally considered exempt from the rules; however, this is not clear in the current language	Essential services are exempt from setbacks, shore impact zone restrictions, and bluff impact zone restrictions where feasible; Avoid primary conservation areas where feasible; Limit impacts on public river corridor views; Minimize disturbance of native vegetation; Replace disturbed native vegetation with native vegetation

Cell Tower	The project will need to be in a location approved under the Telecommunications Chapter and meet relevant standards; Setbacks are currently applied to “structures and uses”. There is not a definition provided for “uses”. If a cell tower is interpreted to be a use, it will need to be 40 feet away from the bluffline or 100 feet away from the river;	The project will need to be in a location approved under the Telecommunications Chapter and meet relevant standards; The applicant will need a special use permit; The tower cannot be in a bluff or shore impact zone; The applicant will need to demonstrate that functional coverage cannot be provided through co-location, at a lower height, or at a location outside the MRCCA; Placement must minimize impacts on public river corridor views; Avoid primary conservation areas where feasible;
Free Standing Sign	The Chapter does not cover signs. The sign would need to meet the design guidelines within the Sign Chapter	The sign would need to meet the design guidelines within the Sign Chapter; The sign cannot be readily visible from the river; The sign will be limited based on the MRCCA District; The sign cannot be placed in the shore or bluff impact zone; The sign must be setback 40 feet from the bluff and 100 feet from the river
Public Access	Public pedestrian access shall be provided to the riverfront of developments on publicly owned and publicly controlled riverfront property. Access will not be provided where: 1. Unavoidable hazards exist to the public.	Public river access shall be provided to the riverfront of developments on publicly owned and publicly controlled riverfront property where feasible

	2. Public pedestrian access at a particular location cannot be designed or developed to provide a pleasant view or recreational experience.	
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3. Multi-family building, Anna Ave

The property owner is proposing to demolish and reconstruct the existing multi-family building. The property is within the Urban Mixed District



Component	Old Rules	New Rules
Building	The building will need to be 100 feet back from the OHWL and 40 feet back from the bluffline; Height will be determined by the underlying zoning	The building will need to be 50 feet back from the OHWL and 40 feet back from the bluffline; Height is limited to 65 feet or underlying zoning. If the underlying zoning is higher than 65 feet, this may be allowed with a special use permit if mitigated for.
Public Access	Public pedestrian right-of-way including river access shall be provided for any new development that is adjacent to or part of an overall plan	Public river access to and along the river shall be provided for any new development that is adjacent to or part of a city plan.

	of the city for pedestrian movement within the district.	
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Fridley MRCCA Ordinance: Provisions Proposed by Audubon Chapter of Minneapolis

The mission of the [Audubon Chapter of Minneapolis](#) (ACM) is to be a local leader in effective bird conservation, to engage community members in bird-related activities, and to support programs that align with this mission. Toward fulfillment of our mission, ACM monitors local, regional and state legislation and advocates for laws and programs that contribute to bird conservation and environmental protection. This document summarizes key provisions that ACM urges Fridley to include in the City’s Mississippi River Corridor Critical Area (MRCCA) Ordinance, in order to protect birds and other wildlife in the MRCCA.

As the population of Fridley grows and development increases density, protection of our natural resources becomes increasingly important to ensure the health and livability of our City. We urge policy makers to incorporate ACM’s recommended provisions in the City’s MRCCA Ordinance, as the State legislature intended by mandating the establishment of the Mississippi River Corridor Critical Area.

Summary of Proposed Provisions

The proposed provisions in this document reflect and underscore the international significance of the Mississippi Flyway to birds and other wildlife and to ecological function within Fridley, aligning the Fridley MRCCA Ordinance with the [Mississippi National River and Recreation Area Comprehensive Management Plan](#). These provisions fall into three general categories related to mitigating threats to birds and protecting ecological function in the Mississippi River Corridor Critical Area:

- **Habitat protection and enhancement.** Habitat loss (the destruction and fragmentation of habitat) is the most critical threat to birds and other wildlife, including the insects and other pollinators that birds need to survive. This category includes requirements for landscaping with native species, tree removal permit criteria, and timing considerations for excavation and construction in the MRCCA.
- **Bird-friendly building design.** As many as one billion birds die every year after colliding with buildings and other structures. This category includes provisions to strengthen requirements for setbacks, open space, the minimum size of parcels requiring special standards, criteria for zoning variances and conditional use permits, and require compliance with the Minnesota Buildings, Benchmarks and Beyond (B3) Guidelines.
- **Light pollution reduction.** Light pollution is a known threat to birds that is likely to worsen as more development occurs without regulation. In addition to washing out the night sky, light pollution disrupts ecosystems, adversely affects safety, and reduces the aesthetic value of communities. This category includes lighting regulation to prevent and mitigate light pollution in the MRCCA.

The first section of the document refers to optional language in the DNR’s model ordinance that ACM proposes for inclusion in the Fridley ordinance. The second section contains additional provisions proposed by ACM.

Aligning the Fridley MRCCA Ordinance with the Mississippi National River and Recreation Area Comprehensive Management Plan

The proposed provisions in this document are entirely consistent and aligned with the Minnesota Legislature’s intent when in 2009 it directed the state Department of Natural Resources to establish new districts within the Mississippi River Corridor Critical Area (MRCCA) that considered “the protection of resources identified in the [Mississippi National River and Recreation Area Comprehensive Management Plan](#).” (Minn. Stat. § 116G.15, subd. 3). The Plan defines natural resources as “the assets or values related to the natural world, such as plants, animals, water, air, soils, geologic features, fossils, scenic vistas, etc. Natural resources are those elements of the environment not created by humans.

“The most important natural resource in the corridor is the Mississippi River itself. It is a globally significant riverine ecosystem that must be protected and restored because it serves, in part, as a migratory corridor for wildlife, because it is essential to sustaining the biological diversity of the continent and the natural functions of the numerous aquatic and terrestrial communities of which it is composed, and because it supports the quality of life for the citizens who live and work and play on and near it.” [p. 52] The Plan notes that “The area contains a variety of wildlife habitats. About 50 species of mammals, 270 species of birds, and 150 species of fish reside in or travel through the corridor. Research has shown that a 300footwide [sic] natural corridor adjacent to the shoreline is desirable for wildlife movement along the river” [p. 58]. It should also be noted that the Mississippi River is the source for drinking water drawn within the city limits of Fridley for the Cities of Minneapolis and St. Paul as well as many of their suburbs.

Mitigating the Growing Threats to Birds and Our Environment to Protect Wildlife and Ecological Function in the MRCCA

In 2019, the Cornell Lab of Ornithology named the Twin Cities region one of the [worst urban areas in the country for migrating birds](#), a result of its bright nighttime lights and location in a flyway with a huge volume of birds pouring through twice a year.

Now more than ever all levels of government need to enact laws and rules that protect birds and their habitat. Bird populations are [dramatically declining](#); a [recent study](#) showed that more than one in four birds has disappeared in the last 50 years. Researchers “were astounded by this net loss across all birds on our continent, the loss of billions of birds.” According to Cornell conservation scientist Ken Rosenberg, “These bird losses are a strong signal that our human-altered landscapes are losing their ability to support birdlife,” he said. “And that is an indicator of a coming collapse of the overall environment.”

While the greatest threat to birds is habitat loss, up to one billion birds are killed by [collisions with glass](#) in the United States every year. According to the [American Bird Conservancy](#), “As the human population rockets past 7 billion, natural habitats are increasingly lost. Those that remain are dotted with man-made threats. As a result, hundreds of bird species are spiraling toward extinction ... To stabilize bird populations and prevent extinctions, it's critical that we find the most effective ways to save habitat and influence best management practices.” Birds are further [threatened by climate change](#). A National Audubon [study](#) found that two-thirds of North American birds are at risk of extinction from global temperature rise.

For more information, contact Keith Olstad, ACM Chair, klbolstad2@gmail.com or Constance Pepin, ACM Advocacy Committee Co-Chair, cpepin@bitstream.net or Jerry Bahls, ACM Advocacy Committee member, jobaud@comcast.net

Fridley MRCCA Ordinance

Section 1: DNR Optional Provisions Proposed by ACM

NOTE: ACM proposes that all of the DNR's optional provisions shown in blue text in this section be incorporated into the Fridley MRCCA Ordinance.

Citation	Required provision or summary	DNR's Optional provision or change	DNR rationale	Comments/ACM Proposed Change
3.32.A-D Variances	3.32 Make written findings that the variance is consistent with the purpose of this (section, chapter, or article).	3.32 Make written findings that the variance is consistent with the purpose of this (section, chapter, or article), <i>as follows</i>. A The extent, location and intensity of the variance will be in substantial compliance with the MRCCA Plan; B The variance is consistent with the character and management purpose of the MRCCA district in which it is located; C 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 D The variance will not negatively impact (other MRCCA plan-identified resources).	3.32.A-D. <i>Optional. These findings provide clarity on what it means to find that a variance is consistent with the purpose of this section, chapter, or article (as required by rule) and help strengthen protections for Primary Conservation Areas (PCAs) and Public River Corridor Views (PRCVs) in variance reviews.</i>	ACM agrees with comments previously submitted by the Friends of the Mississippi River (FMR) that variances and Conditional Use Permits (CUPs) require special attention. ACM also agrees with FMR that determining consistency with the purpose of this MRCCA section, chapter, or article, is variance criteria that must be evaluated in addition to the practical difficulties criteria in MS 462.357 Subd 6. ACM proposes the following addition: D. The variance will not negatively impact birds and other wildlife using the Mississippi Flyway through habitat loss, collision threats, or light pollution, in compliance with Minnesota B3 guidelines version 3.2, Site and Water

				Guideline: S. 5 Animal Habitat Support
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Citation	Required provision or summary	DNR's Optional provision or change	DNR rationale	Comments/ACM Proposed Change
3.42.A-D Conditional Use Permits		3.42 Make written findings that the conditional use is consistent with the purpose of this (section, chapter, or article), as follows. - A The extent, location and intensity of the conditional use will be in substantial compliance with the MRCCA Plan; - B The conditional use is consistent with the character and management purpose of the MRCCA district in which it is located; - C 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 - D The conditional use will not negatively impact (other MRCCA plan-identified resources).	<i>3.42.A-D. Optional. Rules do not require findings for conditional uses. These findings help strengthen protection for PCAs and PRCVs in reviewing conditional use applications by providing clarity on what it means to find that the conditional use is consistent with the purpose of this section, chapter, or article.</i>	ACM agrees with FMR that this provision is critical. Written findings provide clear and consistent data for decision makers. The Mississippi Flyway is an MRCCA plan-identified resource and needs to be protected from negative impacts. ACM proposes the following addition: D. The conditional use permit will not negatively impact birds and other wildlife using the Mississippi Flyway through habitat loss, collision threats, or light pollution, in compliance with Minnesota B3 guidelines version 3.2, Site and Water Guideline: S. 5 Animal Habitat Support

Citation	Required provision or summary	DNR's Optional provision or change	DNR rationale	Comments/ACM Proposed Change
3.5 Mitigation		3.5 Conditions of Approval. The (zoning authority, governing body, or other appropriate term) 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: 3.51 Restoration of vegetation identified as “vegetation restoration priorities” identified in the MRCCA plan; 3.52 Preservation of existing vegetation; 3.53 Stormwater runoff management; 3.54 Reducing impervious surface; 3.55 Increasing structure setbacks; 3.56 Wetland and drainageway restoration and/or preservation; and 3.57 other conservation measures.	<i>3.5. Optional. This list of mitigation ideas can help the zoning authority make decisions on appropriate mitigation that will reduce impacts from approved variances and conditional uses.</i>	ACM agrees with FMR that listing mitigation ideas helps cities and developers by communicating expectations in advance; and those cities should consider options beyond this list. ACM proposes that the Fridley Ordinance include these items as “other conservation measures” on this list; e.g., 3.57. increasing and/or improving habitat for pollinators, birds and other wildlife using native trees, shrubs and other vegetation.

Citation	Required provision or summary	DNR's Optional provision or change	DNR rationale	Comments/ACM Proposed Change
6.21 Structure Height	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. Structure height. Structures and facilities must comply with the following standards unless identified as exempt in Section 12.0. 6.21 Structures and facilities must comply with the following standards unless identified as exempt in Section 12.0.	6.21. A. ROS District: 35 feet (or lower). B. RN District: 35 feet. C. RTC District: 48 feet (or lower), provided tiering of structures away from the Mississippi River and from blufflines is given priority, with lower structure heights closer to the river and blufflines, and that structure design and placement minimizes interference with public river corridor views. Structures over 48 feet (or lower) and up to (fill in a max. height) are allowed as a conditional use according to Section 6.23. D. 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. E UM District: 65 feet, provided tiering of structures away from the Mississippi River and from blufflines is given priority, with lower structure heights closer to the river and blufflines, and that structure design and placement minimize interference with public river corridor views. Structures over 65 feet (or lower) and up to (fill in a max. height) are allowed as a conditional use according to Section 6.23.	<i>6.21. Optional. Reduce the maximum heights allowed by right in any district and implement a maximum height allowed through a CUP in the RTC and UM District. This will reduce the heights requested by developers and provide better protection of scenic resources. These changes will also provide more opportunities to add conditions or require mitigation, especially in redevelopment areas.</i>	ACM agrees with FMR that maximum heights for CUPs are important for defining a city's expectations and riverfront goals in advance of proposals being brought forward; and that lowering maximum heights in areas with particular scenic value would enhance community enjoyment of and benefit from the River. ACM agrees with the DNR that reduced maximum heights will reduce the heights requested by developers, provide better protection of scenic resources, and provide more opportunities to add conditions or require mitigation. ACM proposes that maximum heights be reduced as allowed in the model ordinance.

Citation	Required provision or summary	DNR's Optional provision or change	DNR rationale	Comments/ACM Proposed Change
6.23 Structure Height	6.23 In addition to the conditional use permit requirements of Section 3.4, criteria for considering whether to grant a conditional use permit for structures exceeding the height limits must include:	A. Assessment of the visual impact of the proposed structure on public river corridor views, including views from other communities; B. Determination that the proposed structure meets the required bluff and OHWL setbacks;	<i>6.23.B. Optional. This standard would link CUP approval with conformance to bluff setback standards.</i>	ACM agrees with FMR that this language ensures that structures do not “double down” on impacting the riverfront or its scenic views by exceeding both height and setback limits.
6.23 Structure Height	6.23.C. Identification and application of techniques to minimize the perceived bulk of the proposed structure, such as: (1) Placing the long axis of the building perpendicular to the river; (2) Stepping back of portions of the facade; (5) Narrowing the profile of upper floors of the building; or (6) Increasing the setbacks of the building from the Mississippi River or blufflines;	(3) Lowering the roof pitch or use of a flat roof; (4) 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;	<i>6.23.C. 3 & 4. Optional. These additional techniques can help reduce visual impacts in certain situations.</i>	ACM agrees with FMR that natural building materials can help reduce a structure's visual impact. ACM proposes an additional provision: F. Compliance with the Minnesota B3 Guidelines version 3.2, Site and Water Guideline: S. 5 Animal Habitat Support.

Citation	Required provision or summary	DNR's Optional provision or change	DNR rationale	Comments/ACM Proposed Change
6.3 River OHWL Setback	6.32 Structures and facilities must comply with the following OHWL setback provisions unless identified as exempt in Section 12.0. A ROS District: 200 feet from the Mississippi River and 150 feet from the Minnesota and Vermillion Rivers. B RN District: 100 feet from the Mississippi River and 75 feet from the Rum and Vermillion Rivers. C RTC District: 75 feet from the Mississippi, Crow, and Rum Rivers. D SR District: 75 feet from the Vermillion River. E UM District: 50 feet from the Mississippi River. F UC District: Setbacks are determined by underlying zoning.		<i>6.3. Local governments may apply stricter standards than those listed here. Increasing structure setbacks can help reduce the risk of erosion in near shore and bluff areas and enhance the aesthetic character of the river. Larger setbacks also allow room for larger riparian buffers.</i>	ACM agrees with FMR that larger setbacks are especially important in specific places with sensitive shorelines or need for public access/open space. ACM proposes increasing these setbacks, in agreement with the DNR that larger setbacks also allow room for larger riparian buffers.
6.33 Bluff Setback	6.33 Structures and facilities must comply with the following bluffline setback provisions unless identified as exempt in Section 12.0: A ROS District: 100 feet. B RN District: 40 feet. C RTC District: 40 feet. D SR District: 40 feet. E UM District: 40 feet. F UC District: 40 feet.			ACM agrees with FMR that larger setbacks are especially important in specific places with sensitive shorelines or need for public access/open space. ACM proposes increasing these setbacks, in agreement with the DNR that larger setbacks also allow room for larger riparian buffers, except for 6.33 C RTC District which should be increased to 50 feet.

Citation	Required provision or summary	DNR's Optional provision or change	DNR rationale	Comments/ACM Proposed Change
7.5 Private Decks and Patios	7.5 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 9.0 and 10.0, provided that: 7.51 The encroachment of the deck or patio into the required setback area does not exceed 15 percent of the required structure setback; 7.52 The area of the deck or patio that extends into the required setback area occupies no more than 25 percent of the total area between the required setback and the 15 percent using the formula: [required setback depth (feet) x 0.15 x lot width (feet) = maximum total area] 7.53 The deck or patio does not extend into the bluff impact zone. See Figure 7.	<i>7.5. Optional. Eliminate these provisions and prohibit decks and patios within the structure setback.</i>		ACM agrees with FMR that decks and patios within structure setbacks could cause damage along sensitive bluffs and impact views from the river. ACM proposes that 7.5 be eliminated and that decks and patios within the structure setback be prohibited.

Citation	Required provision or summary	DNR's Optional provision or change	DNR rationale	Comments
8.5 Public Utilities	8.5 Public utilities. Public utilities must comply with the following standards:		<i>8.5. There are situations where local governments have jurisdiction for approving transmission projects. See 216E.05 Subd. 1. In those cases, the local government would apply these standards in reviewing and approving the transmission application.</i>	
8.51-.53 Public Utilities	8.51 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 8.52 If overhead placement is necessary, utility crossings must be hidden from view as much as practicable. 8.53 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.	8.52 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.	<i>8.52. Optional. Added text provides administrative clarity that views from the river are important to protect when local governments have approval authority.</i>	ACM agrees with FMR that it is important for communities to have a stake in these types of projects.

Citation	Required provision or summary	DNR's Optional provision or change	DNR rationale	Comments/ACM Proposed Change
9.3 Activities Allowed without a vegetation permit	9.35 Selective vegetation removal, provided that vegetative cover remains consistent with the management purpose of the MRCCA District, including: 31.A Vegetation that is dead, diseased, dying, or hazardous; 31.B To prevent the spread of diseases or insect pests; C. Individual trees and shrubs; and D. Removal of invasive non-native species.			Trees provide essential habitat for birds and other wildlife, as well as many benefits to people. Removal of trees in the MRCCA that do not meet the other conditions (A,B, and D) in this provision should require a permit. Dead trees or snags and other vegetation provide needed sources of food and shelter for many birds and other wildlife. ACM proposes this change to A: 31.A Vegetation that is diseased or hazardous; and/or dead or dying trees that no not provide bird and wildlife habitat. ACM proposes this change to the optional language: C. Individual trees less than 4 inches (dbh) and shrubs; and
9.4 Vegetation Management Permit	<i>9.4 LGUs must develop a new or use an existing permit process consistent with 6106.0150 Subp. 4. LGUs must submit documentation to the DNR verifying a process and administrative forms and procedures as part of ordinance review and approval process. LGUs have the authority to approve, approve with conditions or deny a vegetation permit application.</i>	9.4. Optional. Consider requiring a permit to remove healthy trees over 4 inches.		ACM proposes that the ordinance include this optional language 9.4 to help protect habitat for birds and other wildlife in the Mississippi Flyway. Should read - 9.4. Optional. Consider requiring a permit to remove healthy trees over 4 inches (dbh).

Citation	Required provision or summary	DNR's Optional provision or change	DNR rationale	Comments/ACM Proposed Change
9.42 Vegetation Management Permit	9.42 Conditions of vegetation permit approval:	9.42.H. Areas of vegetation restoration priorities identified in the MRCCA plan are restored, if applicable;	<i>9.42. H. Optional. This condition implements a required implementation action in the approved MRCCA plan. The action calls for establishing a vegetation permitting process that includes permit review procedures to ensure consideration of restoration priorities identified in the plan in permit issuance and conditions requiring vegetation restoration for those priority areas.</i>	ACM supports the DNR's intention to restore areas of vegetation restoration priorities, with native vegetation.
10.2 Land Alteration Permit	10.21 Within the bluff impact zone, land alteration is prohibited, except for the following, which are allowed by permit. A Erosion control consistent with Section 10.6; B The minimum necessary for development that is allowed as an exception under Section 12; and C Repair and maintenance of existing buildings and facilities. 10.22 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.	10.22. Optional. LGUs may increase the distance or area where a land alteration permit is required.		ACM proposes that the ordinance increase the distance and area where a land alteration permit is required, as shown below. 10.22 Within the water quality impact zone, land alteration that involves more than five cubic yards of material or affects an area greater than 500 square feet requires a permit.

Citation	Required provision or summary	DNR's Optional provision or change	DNR rationale	Comments/ACM Proposed Change
10.4 Stormwater	10.41 In the bluff impact zone, storm water management facilities are prohibited, except by permit...	<i>10.41. Optional. Could add the bluff setback to this standard to increase the area in which stormwater treatment facilities would not be allowed.</i>		ACM agrees with FMR to add this language. Bluffs are particularly vulnerable as precipitation and severe weather events increase; this provision would protect bluffs and the structures on them.
11.0 Subdivision and Land Development	11.1 Purpose. 11.11 To protect and enhance the natural and scenic values of the MRCCA during development or redevelopment of the remaining large sites 11.12 To establish standards for protecting and restoring biological and ecological functions of primary conservation areas on large sites; and 11.13 To encourage restoration of natural vegetation during development or redevelopment of large sites where restoration opportunities have been identified in MRCCA Plans.	11.21 Applicability. 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 <u>contiguous</u> 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>11.21. Optional. The 10-acre threshold is high considering redevelopment in urban areas of the corridor. Consider reducing to a lower threshold such as five acres. This way communities can ensure more public access to the river and better protection or restoration of PCAs and PRCVs.</i> <i>Additionally, this provision is intended to ensure that all land adjacent to the River be protected. The optional word "contiguous" helps to communicate this and to reduce the potential for using existing parcel sizes to weaken protections for land adjacent to the river.</i>	ACM agrees with the DNR that the 10-acre threshold is high considering redevelopment in suburban areas such as Fridley. ACM proposes that the Fridley ordinance reduce the threshold to 5 acres. ACM also agrees with the DNR that the optional word "contiguous" helps to communicate the need to protect all land adjacent to the River and reduces the potential for using existing parcel sizes to weaken protections for land adjacent to the river.

Citation	Required provision or summary	DNR’s Optional provision or change	DNR rationale	Comments/ACM Proposed Change
	11.22 The following activities are exempt from the requirements of this section: ...F. Activities involving river-dependent commercial and industrial uses.			ACM agrees with FMR that this provision (added late in the process) should be removed, because it significantly impairs shoreline protection and could prevent resource protection and/or public access. River-dependent uses are by definition along the shoreline and in the shoreline impact zone. Please remove this exemption.

Minneapolis MRCCA Ordinance
Section 2: New Provisions Proposed by ACM

Citation	Required provision or summary	ACM proposed change	Comments
2.0 General Provisions and Definitions	2.616 Biological and ecological functions. The functions of vegetation in stabilizing soils and slopes, retaining and filtering runoff, providing habitat, and recharging groundwater.	2.616 Biological and ecological functions. The functions of native flora and fauna vegetation in stabilizing soils and slopes, retaining and filtering runoff, ensuring pollination , providing species-diverse habitat, and recharging groundwater.	Indigenous vegetation and animal life are natural resources that the MRCCA legislation is intended to protect. Native flora and fauna provide essential benefits that help ensure a healthy ecosystem and ecological function.
		Add Definition: 2.xxx Mississippi Flyway. The Mississippi Flyway is a major North American bird migration corridor for more than 325 bird species that make the round trip each year from their breeding grounds in Canada and the northern United States to their wintering grounds along the Gulf of Mexico and in Central and South America. The Mississippi Flyway encompasses all MRCCA districts.	The Mississippi Flyway is an MRCCA plan-identified resource, and as such, needs to be defined. For example. Appendix A of the MRCCA Plan includes these references: Chapter 1 – Introduction Lower/Gorge: “It is an area of significant wildlife habitat and is a major migratory corridor for birds.” Chapter 3 – Primary Conservation Areas / Gorges: “It is an area of significant wildlife habitat and is a major migratory corridor for birds.” The Mississippi Flyway, a major bird migration corridor of international significance, includes the Mississippi River Twin Cities Important Bird Area (IBA). The core of this IBA includes the Mississippi River and adjacent floodplain forest and uplands extending for 38 river miles from Minneapolis to Hastings. Millions of birds—over half of North America’s waterfowl, and shorebirds, loons, cormorants, gulls, terns, herons, egrets, pelicans, coots, grebes, and other species—use this corridor twice a year. A mixed species heron rookery, 8 pairs of bald eagles and 6-8 pairs of peregrine falcons occur in this IBA. Much of Fridley, including Springbrook Nature Center, falls within this IBA, and land along the Mississippi River must be protected as essential habitat for migrating birds.

Citation	Required provision or summary	ACM proposed change	Comments
3.3 Variances	3.32 Make written findings that the variance is consistent with the purpose of this <i>(section, chapter, or article)</i> , as follows.	In addition to the optional criteria A-D provided by the DNR, add variance criterion: E. The variance will not limit public access to parklands and the River.	The DNR Model Ordinance is clear that public access should be protected.
3.4 Conditional and interim use permits	3.42 Make written findings that the conditional use is consistent with the purpose of this <i>(section, chapter, or article)</i> , as follows.	In addition to the optional criteria A-D provided by the DNR, add variance criterion: E. The conditional use will not limit public access to parklands and the River.	
4.0 MRCCA Districts	4.1 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.	Include this wording in the purpose statements for all of the MRCCA districts covered by the Fridley ordinance: "protecting and enhancing habitat, parks and open space, public river corridor views, and scenic, natural, and historic areas."	The proposed wording is an important purpose for all of the MRCCA districts in Fridley.

Citation	Required provision or summary	ACM proposed change	Comments
7.6 Signs		ACM proposes that Fridley exclude all nonessential signage in the SIZ.	
	7.62 Directional signs for patrons arriving at a business by watercraft must comply with the following standards: • They must be consistent with Minnesota Statutes, section 86B.115. • 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. • Be no greater than ten feet in height and 32 square feet in surface area; and • If illuminated, the lighting must be shielded to prevent illumination out across the river or to the sky.	7.62 Directional signs for patrons arriving at a business by watercraft must comply with the following standards: To align with Dark Sky International guidelines to prevent light pollution, ACM proposes that the last bullet be changed to: • If illuminated, the lighting must be fully shielded and be directed downward.	The Twin Cities metropolitan region is currently recognized as one of the worst urban areas in the country for migrating birds, a result of its bright nighttime lights and location in the Mississippi Flyway used by millions of birds twice a year. Most birds migrate, and most favor nighttime, often using the stars and polarized light from the setting sun to set their compasses and navigate. But night flight leaves birds vulnerable to light pollution from streetlights, office buildings, homes, stadiums, car dealerships, stadiums and other buildings.
		ACM proposes a new Performance Standard: 7.8 Lighting. Comply with the Minnesota B3 Guidelines, version 3.2 Site and Water Guideline: S. 5 Animal Habitat Support.	The B3 guidelines are intended to protect and support animal habitat resilience by reducing the negative impact of the built environment on animal species and providing supportive environments for at-risk native species that are essential to ecosystem health.

Citation	Required provision or summary	ACM proposed change	Comments
8.0 Performance Standards for Public Facilities	8.2 General design standards. All public facilities must be designed and constructed to: 8.25 Minimize disturbance of spawning and nesting times by scheduling construction at times when local fish and wildlife are not spawning or nesting.	Revised 8.25 Minimize disturbance of spawning and nesting times by scheduling construction at times when local fish, birds and other wildlife are not spawning, nesting or breeding.	The ordinance must protect birds and other wildlife as well as fish in the MRCCA.
		New 8.26 Comply with the Minnesota B3 Guidelines, version 3.2, Site and Water Guideline: S. 5 Animal Habitat Support, including Audubon's Lights Out program and bird-safe glass.	The Minnesota B3 Guidelines, which currently apply to all projects that receive state bond funds, have proven effective in reducing bird mortality from bird-building collisions (e.g., the Bell Museum) and in protecting the habitat of pollinators, reptiles, amphibians and other wildlife.
		New 8.27 Protect public access to parklands and the River.	
	8.7 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:	ACM proposes this change: Where such facilities intersect or abut two or more MRCCA districts, the most restrictive dimensional standards apply.	
		New 8.73 B (4) Public trails parallel with the river should be set back a minimum of 50 ft and preferably 75-100 ft from the OWHL to protect wildlife privacy for those that dependent on riparian habitat.	The human presence is detrimental to almost all wildlife; mating, nesting, rearing of young, food gathering.
	8.75 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.	Add: If illuminated, the lighting must be fully shielded and be directed downward, in compliance with International Dark-Sky Association guidelines and Audubon's Lights Out program.	
		New 8.77 Accessory structures, such as monuments, flagpoles, light standards, and similar park features having	

		any lighting feature must comply with the lighting requirements of the Minnesota B3 Guidelines, <u>version 3.2</u> , <u>Site and Water Guideline: S. 5 Animal Habitat Support</u> .	
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Citation	Required provision or summary	ACM proposed change	Comments
9.0 Vegetation Management	9.42 conditions of a vegetation permit approval: A Development is sited to minimize removal of or disturbance to natural vegetation; B Soil, slope stability, and hydrologic conditions are suitable for the proposed work as determined by a professional engineer or <i>(insert name of resource agency, if someone other than professional engineer is desired)</i>; C Clearing is the minimum necessary and designed to blend with the natural terrain and minimize visual impacts to public river corridor views; D 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 9.62. 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; E 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 9.62. Priorities for replacement are the same as under Section 9.42.D; F Any disturbance of highly erodible soils is replanted with deep-rooted vegetation with a high stem density; G Vegetation removal activities are conducted so as to	C. Clearing is the minimum necessary and designed to blend with the natural terrain and minimize visual impacts to public river corridor views and does not remove any healthy trees 4 inches or more (dbh); D. Any trees or native plant communities removed are replaced with native trees and vegetation that provides enhanced or at a minimum equivalent biological and ecological functions consistent with an approved vegetation restoration plan as provided in Section 9.62. If replaced, priorities for restoration are stabilization of erodible soils, restoration or enhancement of shoreline vegetation and habitat, and revegetation of bluffs or steep slopes visible from the river; E. All other trees and vegetation removed are restored with native trees and natural vegetation to the greatest extent practicable consistent with an approved vegetation restoration plan as provided in Section 9.62.* Priorities for replacement are the same as under Section 9.42.D.* F. Any disturbance of highly erodible soils is replanted with deep-rooted native vegetation with a high stem density. G. Vegetation removal activities are conducted so as to expose the smallest practical area of soil to erosion for the least possible time, and to avoid bird migration and nesting seasons. * Both as amended by ACM in this document.	The Mississippi National River and Recreation Area Comprehensive Management Plan states in Appendix C: Sample Design Guidelines: “Cutting of trees of over 4-inch caliper is strongly discouraged.” (p. 170)

	expose the smallest practical area of soil to erosion for the least possible time		
Citation	Required provision or summary	ACM proposed change	Comments
	9.6. Vegetation restoration plan. 9.62 The vegetation management vegetation restoration plan must satisfy the application submittal requirements in 3.6, and: - A 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; - B Be prepared by a qualified individual; and - C Include a maintenance plan that includes management provisions for controlling invasive species and replacement of plant loss for three years.	ACM supports the language in the draft Minneapolis MRCCA Ordinance. 9.62 Restoration Plan Performance Standards. The vegetation restoration plan must satisfy the application submittal requirements in 3.6 and: A) Vegetation must be restored in one or more of the following restoration priority areas: 1. Areas with soils showing signs of erosion, especially on or near the top and bottom of steep slopes and bluffs; 2. Shoreline areas within 25 feet of the water with no natural vegetation, degraded vegetation, or planted with turf grass; 3. Areas on steep slopes and bluffs that are visible from the river with no natural vegetation, degraded vegetation, or planted with turf grass; or 4. Other approved priority opportunity area, including priorities identified in the MRCCA plan, if none of the above exist. B) Any highly erodible soils disturbed during removal and/or restoration must be stabilized with deep-rooted vegetation with a high stem density; C) Vegetation removed must be restored with native vegetation to the greatest extent practicable. The area (square feet) of the restored vegetation, and number of trees should be similar to that removed to the greatest extent practicable. D) For restoration of removed native plant communities,	One revision from the Minneapolis MRCCA Ordinance in 9.62F insert “with native species” after “... replacement”.

		restored vegetation must also provide biological and ecological function equivalent to the removed native plant communities. The area (square feet) of the restored vegetation should be equivalent to that removed; E) Be prepared by a qualified individual including a professional ecologist, arborist, landscape architect, or person with demonstrable experience and knowledge related to vegetation management; and F) Include a maintenance plan that includes management provisions for controlling invasive species and replacement with native species of plant loss for three years.	
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Citation	Required provision or summary	ACM proposed change	Comments
11. Subdivision and Land Development	11.21 Applicability 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:	The design standards in this section apply to subdivisions, planned unit developments and master- planned development and redevelopment of land involving five (5) or more acres for contiguous parcels that abut the Mississippi River and ten (10) 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:	ACM agrees with FMR that lower thresholds will help ensure more public access to the river and better protection and restoration of PCAs and PRCVs. ACM proposes lower thresholds as shown in red font.
	11.22 The following activities are exempt from the requirements of this section: F. Activities involving river-dependent commercial and industrial uses.	Delete F: F. Activities involving river-dependent commercial and industrial uses.	ACM agrees with FMR that river-dependent uses are by definition along the shoreline and in the shoreline impact zone. This exemption would significantly impair shoreline protection.

CITY OF FRIDLEY ZONING CODE
CHAPTER 205.32 O-7. SHORELAND OVERLAY DISTRICT
(Ref 1224)

205.32 O-7 SHORELAND OVERLAY DISTRICT

1. PURPOSE AND INTENT

- A. The unregulated use of shorelands in the city affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise use and development of shorelands of public waters.
- B. Statutory authorization. These shoreland regulations are adopted pursuant to the authorization and policies contained in Minn. Stat. Ch. 103F, Minnesota Regulations, Parts 6120.2500 through 6120.3900, and the planning and zoning enabling legislation in Minn. Stat. Ch. 462.
- C. Jurisdiction. The provisions of this Code shall apply to shorelands of the public water bodies as classified in Section 205.32.4.B of this Code except for those properties that are also under the jurisdiction of the Critical Area Chapter for which only the Critical Area Chapter will apply. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this Code.
- D. Compliance. The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the grading and filling of any shoreland area; and the cutting of shoreland vegetation shall be in full compliance with the terms of this Code and other applicable regulations.
- E. District application. The shoreland overlay district shall be superimposed (overlaid) upon all the zoning districts as identified in Chapter 205 of this Code as existing or amended by the text and map of this Code. The regulations and requirements imposed by the shoreland overlay district shall be in addition to those established by the base zoning district which jointly apply. Under joint application of the districts, the more restrictive requirements shall apply.
- F. Exemption. A structure or use which was lawful before adoption of this Chapter, but which is not in conformity with the provisions of the shoreland overlay district, may be continued subject to Section 205.04.3 of this Code.

2. DISTRICT BOUNDARIES

- A. The boundaries of the shoreland permit overlay district within the city consists of the first tier of riparian lots abutting a protected lake or tributary identified in Section 205.32.4.B of this Code. The specific boundaries of the shoreland permit overlay district are shown on the official Fridley Shoreland Overlay District Map in the Fridley Zoning Code.
- A-B. Properties that are also within the jurisdiction of the Critical Area Chapter, shall remained mapped as part of the Shoreland Overlay District; however, only the provisions of the Critical Area Chapter shall apply.

3. DEFINITIONS

For the purpose of this Chapter certain terms and words are hereby defined: Words used in the present tense shall include the future; words in the singular include the plural, and the plural the singular; the word “building” shall include the word “structure”; and the word “lot” shall include the word “plot”; and the word “shall” is mandatory and not directory; and the word “including” shall mean “including, but not limited to”.

For the purpose of this district the following definitions shall apply:

A. Accessory Building.

A subordinate building or use which is located on the same lot as the principal building or use and is necessary or incidental to the conduct of the principal building or use.

B. Bluff.

Those steep slopes lying between the ordinary high water mark and the River Corridor boundary having an angle of ascent from the river of more than twelve percent (12%) from the horizontal.

C. Bluffline.

A line delineating the top of the bluff connecting the points at which the angle of ascent becomes less than twelve percent (12%). More than one (1) bluffline may be encountered.

D. Bluff Impact Zone

The area between the Bluffline and forty (40) feet inland from the bluff.

E. Commission.

The City of Fridley Planning Commission.

F. Commissioner.

The Commissioner of the Department of Natural Resources of the State of Minnesota.

G. Council.

The Fridley City Council.

H. Critical Area.

The area known as the Mississippi River Corridor Critical Area designated by the Governor in the Executive Order No. 130.

I. Development.

The making of any material change in the use or appearance of any structure or land including reconstruction; alteration of the size of any structure; alteration of the land; alteration of a shore or bank of a river, stream, lake or pond; a commencement of drilling (except to obtain soil samples); mining or excavation; demolition of a structure; clearing of land as an adjunct to construction; deposit of refuse, solid or liquid waste, or fill on a parcel of land; the dividing of land into two (2) or more parcels.

J. Impervious Surface.

A constructed hard surface that either prevents or retards the entry of water into the soil, and causes water to run off the surface in greater quantities and at an increased rate of flow than existed prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

K. Lot Coverage.

The amount of impervious surface on a lot.

L. Ordinary High Water Level.

Minnesota State Statute 103G.005, subdivision 14 defines ordinary high water level as the boundary of waterbasins, watercourses, public waters, and public waters wetlands, and:

- (1) the ordinary high water level is an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial;
- (2) for watercourses, the ordinary high water level is the elevation of the top of the bank of the channel; and
- (3) for reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

M. Shoreland

Shoreland means land located within the following distances from the ordinary high water elevation of public waters:

- (1) land within 1,000 feet from the normal high watermark of a lake, pond, or flowage; and
- (2) land within 300 feet of a river or stream or the landward side of a floodplain delineated by ordinance on the river or stream, whichever is greater.

N. Shore Impact Zone

The area between the ordinary high water mark and fifty (50) feet inland from the ordinary high water mark.

O. Structure.

Anything constructed or erected which requires location on or underground or attachment to something having location on or underground. This includes an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, whether of a temporary or permanent character.

4. SHORELAND CLASSIFICATION SYSTEM

- A. Public waters. The public waters of Fridley have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the DNR Protected Waters Inventory Map for Anoka County, Minnesota.

- B. Official map. The shoreland permit district for the waterbodies listed below shall be shown on the Fridley Zoning Map.

(1) Lakes

Recreational Development Lakes Protected Waters Inventory I.D. #

Moore Lake	2-75P
Spring Lake	2-71P

General Development Lakes Protected Waters Inventory I.D. #

Locke Lake	2 - 77P
Harris Pond	2-684W
Farr Lake	2-78P

Natural Environment Lakes Protected Waters Inventory I.D. #

Public Water in Springbrook Park	2-688P
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(2) Rivers and streams

<i>Rivers</i>	<i>From</i>	<i>To</i>
Mississippi River	Sec 3, T30N, R24W	Sec 34, T30N, R24W

Tributary Streams

Norton Creek
Oak Glen Creek
Rice Creek
Springbrook Creek
Stoneybrook Creek

5. ADMINISTRATION

- A. Building permit required. A permit is required for the construction of buildings or building additions (and including such related activities as construction of decks and signs), and those grading and filling activities not exempted by this Code that occur within the shoreland district. Application for a building permit shall be filed with the zoning administrator or any staff persons designated by the city manager on an official application form of the city, accompanied by a fee as set forth in Chapter 11 of this Code. Where required by law, the building permit application shall be forwarded to the applicable watershed district for review and comment. The application shall include the necessary information so that the zoning administrator can determine the site's suitability for the intended use.
- B. Variance. Variances may only be granted in accordance with Section 205.05.6 of this Code. A variance may not circumvent the general purposes and intent of this Code. No variance may be granted that would allow any use that is prohibited in the underlying zoning district in which the subject property is located.

C. Notifications to the Department of Natural Resources.

- (1) *Public hearings.* Copies of all notices of any public hearings to consider variances, amendments, or special uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
- (2) *Approval.* A copy of approved amendments and subdivisions/plats, and final decisions granting variances or special uses under local shoreland management controls must be sent by the City to the commissioner or the commissioner's designated representative and postmarked within ten days of final action.

6. LAND USE DISTRICT DESCRIPTIONS

Allowed land uses within the shoreland district shall be determined by the underlying zoning district, as listed within Chapter 205 of City Code.

7. LOT AREA AND WIDTH STANDARDS

Lot area and width standards for residential development shall be regulated per the underlying zoning district in Chapter 205 of City Code.

8. PLACEMENT, DESIGN, AND HEIGHT OF STRUCTURES

- A. Placement of structures on lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows:

- (1) *Required setbacks.* All required rear yard, side yard and front yard setbacks shall be met per the underlying zoning district.
- (2) *Ordinary high water level setback.* Structure setbacks (in feet) from the ordinary high water level.

<u>Classes of Public Waters</u>	<u>Structure Setbacks</u>
General Development Lake	50 feet
Natural Environment Lake	150 feet
Recreational Development Lake	75 feet
River	100 feet
Tributary Stream	50 feet

- (3) *Required bluff setback.* The following setback shall be applied, regardless of the classification of the water body:

<u>Classes of Land</u>	<u>Structure Setback</u>
Top of Bluff	40 feet

- (4) *Bluff impact zones.* Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
- (5) *Height of structures.* Maximum allowable height for all structures shall be regulated per underlying zoning district in Chapter 205 of City Code.
- B. Shoreland alterations. Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.
- (1) *Vegetation alteration.* Removal or alteration of vegetation is allowed subject to the following standards:
- a. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed.
 - b. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities provided that:
 - ((i)). The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced.
 - ((ii)). Along rivers, existing shading of water surfaces is preserved.
 - ((iii)). The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards and the removal of plants deemed noxious under the Minnesota Noxious Weed Law.
- (2) *Building permit.* Grading and filling and excavations necessary for the construction of structures and driveways under validly issued building permits for these facilities do not require the issuance of a separate shoreland grading and filling permit.
- (3) *Land alteration permit.* Notwithstanding (2) above, a land alteration permit will be required for:
- a. The movement of more than ten cubic yards of material on steep slopes or within shore or bluff impact zones.
 - b. The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.

- (4) *Conditions.* The following considerations and conditions must be adhered to during the issuance of building permits, land alteration permits, special use permits, variances and subdivision approvals:
- a. Grading or filling in any type 2-8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland (This evaluation shall also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers):
 - ((i)) Sediment and pollutant trapping and retention.
 - ((ii)) Storage of surface runoff to prevent or reduce flood damage.
 - ((iii)) Fish and wildlife habitat.
 - ((iv)) Recreational use.
 - ((v)) Shoreline or bank stabilization.
 - ((vi)) Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.
 - b. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.
 - c. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible.
 - d. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
 - e. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service.
 - f. Fill or excavated material must not be placed in a manner that creates an unstable slope.
 - g. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must create finished slopes of less than 3:1 slope.
 - h. Fill or excavated material must not be placed in bluff impact zones.
 - i. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minn. Stat. § 103G.245.
 - j. Alterations of topography must only be allowed if they are accessory to permitted or special uses and do not adversely affect adjacent or nearby properties.

- k. Placement of natural rock rip rap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the rip rap is within ten feet of the ordinary high water level, and the height of the rip rap above the ordinary high water level does not exceed three feet. Must be done in accordance with other State and Federal regulations. Permit from DNR is required.
- (5) *Connections to public waters.* Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after written authorization has been obtained from the Minnesota Department of Natural Resources approving the proposed connection to public waters.
- C. Stormwater management. The following general and specific standards shall apply:
- (1) *General standards.*
- a. When possible, existing natural drainage-ways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
 - b. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
 - c. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.
- (2) *Specific standards.*
- a. Impervious surface lot coverage shall not exceed 35 percent of the lot area, except as a variance, which shall comply with the following standards:
 - ((i)) All structures, additions or expansions shall meet setback and other requirements of this Code.
 - ((ii)) The lot shall be served with municipal sewer and water.
 - ((iii)) The lot shall provide for the collection and treatment of stormwater in compliance with Chapter 208 of City Code if determined that the site improvements will result in increased runoff directly entering a public water. All development plans shall require review and approval by the city engineer and the underlying watershed district.
 - ((iv)) Measures to be taken from the treatment of stormwater runoff and/or prevention of stormwater from directly entering a public water. The measures may include, but not be limited to the following:

- (A) Appurtenances as sedimentation basins debris basins, desilting basins, or silt traps.
 - (B) Installation of debris guards and microsilts basins on storm sewer inlets.
 - (C) Use where practical, oil skimming devices or sump catch basins.
 - (D) Direct drainage away from the lake and into pervious, grassed, yards through site grading, use of gutters and down spouts.
 - (E) Construction sidewalks of partially pervious raised materials such as decking which has natural earth or other pervious material beneath or between the planking.
 - (F) Use grading and construction techniques which encourage rapid infiltration, e.g., sand and gravel under impervious materials with adjacent infiltration swales graded to lead into them.
 - (G) Install berms, water bars, or terraces which temporarily detain water before dispersing it into pervious area.
- b. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
- c. New constructed stormwater outfall to public waters must provide for filtering or settling of suspended solids and skimming or surface debris before discharge.
- (3) *Nonconformities.* All legally established nonconformities as of the date of this section may continue, but they will be managed according to section 205.32.5.B of this Code with the following exceptions:
- a. Decks are allowed as a conforming use provided all of the following criteria and standards are met:
 - ((i)). The principle structure existed on the date the structure setbacks were established.
 - ((ii)). No other reasonable location for a deck exists.
 - ((iii)). The deck encroachment toward the ordinary high water level maintains a minimum setback in accordance with applicable code sections and a maximum encroachment of 10 feet into the Bluff Impact Zone or Shore Impact Zone.
 - ((iv)). The deck is framed construction, and is not roofed or screened.

9. PUBLIC NUISANCE: PENALTY

- A. Any person who violates any provisions of this district or fails to comply with any of its terms or requirements shall be guilty of a misdemeanor punishable by a fine of not more than \$500 or imprisoned for not more than ninety (90) days, or both, and in addition shall pay all costs of prosecution and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- B. Every obstruction or use placed or maintained in the Preservation District in violation of this Chapter is hereby declared to be a public nuisance and creation thereof may be enjoined and the maintenance thereof abated by appropriate judicial action.
- C. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent, remedy or remove any violation.

FRIDLEY CITY CODE
SECTION 205.30. O-5 TELECOMMUNICATIONS TOWERS
AND FACILITIES DISTRICT
(Ref Ords 1112, 1114, 1117, 1136, 1302, 1340, 1347, 1350)

205.30.1. PURPOSE AND INTENT

The general purpose of this Section is to create an overlay zone to regulate the placement, construction, and modification of towers and wireless telecommunications facilities as well as regulate placement, construction and operation of distributed antenna systems in the public right-of-way in order to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the City.

Specifically, the purposes of this Section are:

- A. To protect residential areas and land uses from potential adverse impact of towers and wireless telecommunications facilities;
- B. To minimize adverse visual impact of towers and wireless telecommunications facilities through careful design, siting, landscaping, and innovative camouflaging techniques;
- C. To promote and encourage shared use/collection of towers and existing antenna support structures as a primary option rather than construction of additional single-use Towers in order to minimize the adverse visual impact of towers and wireless telecommunications Facilities;
- D. To avoid potential damage to property caused by towers and wireless telecommunications facilities by ensuring that such structures are soundly and carefully designed, constructed, modified, maintained, located, and removed when no longer used or determined to be structurally unsound;
- E. To ensure that towers and wireless telecommunications facilities are compatible with surrounding land uses;
- F. To facilitate the provision of wireless telecommunications services to the residents and businesses of the City in a streamlined, orderly, and efficient fashion;
- G. To encourage the location of towers in industrial and business districts, rather than residential areas;
- H. To enhance the ability of providers of telecommunication services to provide such services to the community quickly, effectively, and efficiently;
- I. To identify specific sites within the City where wireless telecommunications facilities may be located.

- J. To serve the growing demand for telecommunications services through placement of distributed antenna systems (DAS) in the public right-of-way.

205.30.2. DEFINITIONS

The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning;

“Antenna Support Structure” means any building or other structure other than a tower which can be used for location of wireless telecommunications facilities.

“Applicant” means any Person that applies for a permit for wireless telecommunication facilities or towers, automatic meter reading devices or small wireless facilities. (Ref Ord 1350)

“Application” means the process by which a person submits a request to develop, construct, build, modify, or erect wireless telecommunication facilities or a tower upon land within the City, develop, construct, build, modify, or erect an automatic meter reading system within the City; or develop, construct, build, modify, or erect small wireless facilities within the public right-of-way. Application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the City concerning such a request. (Ord 1350)

“Approved Site” means a site which has been approved by the City Council as an eligible location for placement of wireless communication facilities.

“Automatic Meter Reading device” means a device which is designed for collecting, storing, processing, filtering and forwarding utility meter data within the public safety and utility bandwidth licensed by Federal Communications commission, including any antenna attached to such device and excluding devices reading and transmitting data from a single utility meter.

“Automatic Meter Reading system” means a series of devices which is designed for collecting, storing, processing, filtering and forwarding utility meter data within the public safety and utility bandwidth licensed by Federal Communications Commission, including any antenna attached to such device.

“City” means the City of Fridley, Minnesota.

“Collocate” or “Collocation” means to install, mount, maintain, modify, operate, or replace a small wireless facility on, under, within or adjacent to an existing wireless support structure that is owned privately or by a local government.

“Electrical Engineer” means an electrical engineer licensed by the State of Minnesota.

“Existing Site” means a tower or antenna support structure installed or erected prior to December 18, 1997, and which is not located on an approved site.

“Micro Wireless Facility” means a small wireless facility that is no larger than twenty-four (24) inches long, fifteen (15) inches wide, and twelve (12) inches high, and whose exterior antenna, if any, is no longer than eleven (11) inches.

“Local Government Unit” means a county, home rule charter or statutory city, town, or the Metropolitan Council.

“Mississippi River Corridor Critical Area” means the area within the River Corridor Boundary and under the jurisdiction of the Critical Area Chapter.

“Owner” means any Person with fee simple title to any approved site, existing site, site approved by special use permit, or wireless telecommunications facility.

“Pad Mount Device” means a device which is designed for collecting, storing, processing, filtering and forwarding utility meter data within the public safety and utility bandwidth licensed by Federal Communications Commission, including any antenna attached to such device like the automatic meter reading device, but, which is installed on its own pedestal and not on an existing public utility structure.

“Person” is any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

“Satellite Earth Station Antenna” is all equipment necessary for processing of traffic received from terrestrial distributions prior to transmission via satellite and of traffic received from the satellite prior to transfer of channels of communication to terrestrial distribution systems.

“Small wireless facility” means (1) a wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all its exposed elements could fit within an enclosure of no more than six (6) cubic feet; and (ii) all other wireless equipment associated with the small wireless facility, excluding electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfer switches, cutoff switches, cable, conduit, vertical cable runs for the connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment, is in aggregate no more than twenty-eight (28) cubic feet in volume; or (2) a micro wireless facility.

“State” means the State of Minnesota.

“Structural Engineer” means a structural engineer licensed by the State of Minnesota.

“Telecommunications Right-of-Way User” means a person owning or controlling a facility in the public right-of-way, or seeking to own or control a facility in the public right-of-way that is used or is intended to be used for providing wireless service, or transporting telecommunication or other voice or data information. A cable communication system defined and regulated under Minn. Stat. Chapter 238, and telecommunications activities related to providing natural gas or electric energy services whether provided by a public utility as defined in Minn. Stat. §216B.02, a municipality, a municipal gas or power agency organized under Minn. Stat. Chapters 453 or 453A, or a cooperative electric association organized under Minn. Stat. Chapter 308A, are not

telecommunications right-of-way users for the purposes of this Chapter and Minn. Stat. §237.163, except to the extent these entities are offering wireless services.

“Toll” means to stop the running of a relevant time period, such as a review period.

“Tower” Means a self-supporting monopole structure constructed from grade which supports wireless telecommunications facilities. The term “tower” shall not include amateur radio operator’s equipment as licensed by the FCC. Lattice or guyed structures are prohibited.

“Utility Pole” means a pole that is used in whole or in part to facilitate telecommunications or electric service.

“Wireless Backhaul Facility” means a facility used to transport communications data by wire from a wireless facility to a communications network.

“Wireless Facility” means equipment at a fixed location that enables the provision of wireless services between user equipment and a wireless service network, including: (1) equipment associated with wireless service; (2) a radio transceiver, antenna, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration; and (3) a small wireless facility. “Wireless facility” does not include the following: wireless support structures, wireless backhaul facilities; or coaxial or fiber-optic cables between utility poles or wireless support structures or that are not otherwise immediately adjacent to or directly associated with a specific antenna.

“Wireless Service” means any service using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or by means of a mobile device, that is provided using wireless facilities. Wireless service does not include services regulated under Title VI of the Communications Act of 1934, as amended, including a cable service under United States Code, title 47, section 522, clause (6).

“Wireless Support Structure” means a new or existing structure in a public right-of-way designed to support or capable of supporting small wireless facilities, as reasonably determined by a local government unit.

“Wireless Telecommunications Facilities” means any cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications (other than radio or television broadcast communications) which a person seeks to locate or have installed upon or near a tower or an antenna support structure. However, the term wireless telecommunications facilities shall not include:

- A. Any satellite earth station antenna two meters in diameter or less which is located in an area zoned industrial or commercial;
- B. Any satellite earth station reception antenna one meter or less in diameter, regardless of zoning category;
- C. Automatic meter reading systems; and
- D. Small wireless facilities.

205.30.3. NON-CONFORMING USES

- A. Existing sites shall be considered a legal non-confirming use, unless otherwise provided for in this Chapter.
- B. Installation of additional wireless telecommunications facilities beyond those in existence on December 18, 1997, on existing sites is prohibited. Failure to comply with this provision will be considered a violation of this Chapter and subject to the penalties described herein. Routine maintenance of wireless telecommunications facilities on Existing Sites is permitted, except that existing sites and any wireless telecommunications facilities installed on existing sites may not increase in size, height, weight, or otherwise result in an increase in the intensity of the non-conforming use.
- C. If any wireless telecommunications facilities in an existing site are abandoned for a period of one year, such existing site shall lose its legal conforming status and shall be considered an illegal nonconforming use. The abandoned wireless telecommunications facilities shall not be re-established on the site, and must be removed within twelve (12) months of the cessation of operations. If not removed, the city may remove the facility and assess the costs of removal against the Owner(s), according to the procedures established in Chapter 128 of the City Code.

205.30.4. DISTRICT BOUNDARIES FOR OVERLAY ZONE

A Telecommunications Towers and Facilities District, 0-5, is created and shall apply to all land within the City subject to the provisions and use requirements contained in this Section.

205.30.5. USES PERMITTED

- A. The construction of towers and the installation, operation and maintenance of wireless telecommunications facilities shall be permitted use in the approved sites identified on Appendix A to this Ordinance, subject to the provisions of this Chapter. Additional approved sites may be approved by the City Council, subject to the amendment procedures set forth in Section 205.05.04 of the City code, and the requirements of this section.
- B. All principal, special use, and accessory uses allowed in each underlying primary zoning district are permitted in the telecommunications towers and facilities district, except that no towers shall be constructed, and no wireless telecommunications facilities shall be placed on towers or antenna support structures, except as provided for in this Chapter.
- C. Special Uses.

(1). The construction of towers and the installation, operation, and maintenance of wireless telecommunications facilities shall be a special use in Zoning districts M-1, M-2, M-3, and M-4, and any abutting railroad rights-of-way.

(2) The construction of towers and the installation, operation, and maintenance of wireless telecommunications facilities shall be an interim use in the Critical Area Overlay District and subject to jurisdiction of the Critical Area Chapter.

D. Automatic Meter Reading System Performance Standards. All automatic meter reading systems must meet the following performance standards:

- (1) All automatic meter reading devices located in the public right-of-way, must obtain an automatic meter reading device permit and pay the appropriate permit fee, as provided for in Chapter 407 and Chapter 11 of the City Code. This permit requirement does not apply to individual meters or mobile automatic reading devices.
 - (2) Mapping information for the site(s) must be provided with the automatic meter reading device permit application in a format compatible to be utilized by the City of Fridley's Geographic Information System (GIS).
 - (3) All automatic meter reading device(s) must be located no higher than the top of a public utility structure and no closer to grade than fifteen (15) feet.
 - (4) Automatic meter reading devices not installed on a public utility structure will be considered as pad mount design. Its location shall be subject to review and approval of the City prior to automatic meter reading device permit application.
 - (5) All automatic meter reading devices must be the same color as the public utility structure on which they are located or as approved by City Staff.
- E. Small Wireless Facilities in the Public Right of Way Performance Standards in Underlying Non-Residential Districts. All small wireless facility operators and small wireless facilities are permitted uses in all non-residential underlying zoning districts within the public right-of-way and shall meet the following criteria and performance standards:
- (1) The small wireless facility shall only be located on a utility pole or wireless support structure, excluding stop lights.
 - a. The utility pole or wireless support structure accommodating the small wireless facility shall not exceed fifty (50) feet in height.
 - (2) The City may prohibit small wireless facility attachment to decorative public utility structures.
 - (3) There shall be no interference with public safety communication or with the original use of the utility pole.
 - (4) The small wireless facility shall not block light emanating from the utility pole.
 - (5) If the small wireless facility is to be attached to a City-owned utility pole or wireless support structure, the applicant shall pay a rental fee to the City pursuant to the City's standard Collocation Agreement.
 - (6) The small wireless facility shall, to the greatest extent possible match the utility pole or wireless support structure in color, material and design and the small wireless facility design shall, to the greatest extent possible minimize exposed cables, wires and other attachment hardware.

- (7) The small wireless facility shall not extend above the top of the existing utility pole by more than ten (10) feet and the maximum height of the existing utility pole or wireless support structure shall be fifty (50) feet.
- (8) The small wireless facility shall be no larger than six (6) cubic feet.
- (9) The small wireless facility shall not extend outward from the utility structure by more than three (3) feet.
- (10) Unless otherwise agreed in a franchise or other agreement between the right-of-way user and the city, small wireless facilities in the right-of-way must be located or relocated and maintained underground in accordance and compliance with any requirements set forth in the right-of-way permit and City Code Chapter 407, Rights of Way Management.
- (11) The small wireless facility applicant shall provide evidence that the utility pole or wireless support structure has adequate structural capacity to carry the additional equipment proposed.
- (12) The small wireless facility applicant must agree that the small wireless facility or any component of the small wireless facility equipment shall be removed and relocated in compliance with any requirements set forth in the right-of-way permit and City Code Chapter 407, Rights of Way Management, if the City or road authority for the public right-of-way in which it is located requires removal or and relocation of the utility pole for a public project.
- (13) The small wireless facility applicant shall submit in writing to the City, written approval from the utility pole or wireless support structure owner, if not the City, for which the small wireless facility will be attached to.
- (14) The small wireless facility applicant shall obtain any and all permits and approvals from road authority for the public right-of-way in which its small wireless facility is located.
- (15) The small wireless facility applicant must be a telecommunications right-of-way user as defined in Minn. Stat. § 237.162, Subd. 4.
- (16) The small wireless facility applicant shall obtain a right-of-way permit from the City's engineering department and comply with any requirements set forth in the right-of-way permit and City Code Chapter 407, Rights of Way Management.
- (17) A small wireless structure shall be at least nine hundred (900) feet in distance from any other small wireless structure.
- (18) All small wireless structures and small wireless facilities shall be installed two (2) feet from the edge of any trail, sidewalk, or pedestrian way so as not to obstruct or impede the trail, sidewalk or pedestrian way.

(19) The small wireless facility shall be at least twelve (12) feet above the ground.

(20) The small wireless facility applicant shall comply with all applicable local, state, and federal ordinances, statutes and regulations.

F. Small Wireless Facility Performance Standards in the Public Right of Way in Underlying Residential Districts. All small wireless facility operators and small wireless facilities are special uses in all underlying residential districts within the public right-of-way and shall meet the following criteria and performance standards:

(1) The small wireless facility shall only be located on a utility pole or wireless support structure, excluding stop lights.

a. The utility pole or wireless support structure accommodating the small wireless facility shall not exceed fifty (50) feet in height.

(2) The City may prohibit small wireless facility attachment to decorative public utility structures.

(3) There shall be no interference with public safety communication or with the original use of the utility pole.

(4) The small wireless facility shall not block light emanating from the utility pole.

(5) If the small wireless facility is to be attached to a City-owned utility pole or wireless support structure, the applicant shall pay a rental fee to the City pursuant to the City's standard Collocation Agreement.

(6) The small wireless facility shall, to the greatest extent possible match the utility pole or wireless support structure in color, material and design and the small wireless facility design shall, to the greatest extent possible minimize exposed cables, wires and other attachment hardware.

(7) The small wireless facility shall not extend above the top of the existing utility pole by more than ten (10) feet and the maximum height of the utility pole or wireless support structure shall be fifty (50) feet.

(8) The small wireless facility shall be no larger than six (6) cubic feet.

(9) The small wireless facility shall not extend outward from the utility structure by more than three (3) feet.

(10) Unless otherwise agreed in a franchise or other agreement between the right-of-way user and the city, small wireless facilities in the right-of-way must be located or relocated and maintained underground in accordance and compliance with any requirements set forth in the right-of-way permit and City Code Chapter 407, Rights of Way Management.

- (11) The small wireless facility applicant shall provide evidence that the utility pole or wireless support structure has adequate structural capacity to carry the additional equipment proposed.
- (12) The small wireless facility applicant must agree that the small wireless facility or any component of the small wireless facility equipment shall be removed and relocated in compliance with any requirements set forth in the right-of-way permit and City Code Chapter 407, Rights of Way Management, if the City or road authority for the public right-of-way in which it is located requires removal or and relocation of the utility pole for a public project.
- (13) The small wireless facility applicant shall submit in writing to the City, written approval from the utility pole or wireless support structure owner, if not the City, for which the small wireless facility will be attached to.
- (14) The small wireless facility applicant shall obtain any and all permits and approvals from road authority for the public right-of-way in which its small wireless facility is located.
- (15) The small wireless facility applicant must be a telecommunications right-of-way user as defined in Minn. Stat. § 237.162, Subd. 4.
- (16) The small wireless facility applicant shall obtain a right-of-way permit from the City's engineering department and comply with any requirements set forth in the right-of-way permit and City Code Chapter 407, Rights of Way Management.
- (17) A small wireless structure shall be at least nine hundred (900) feet in distance from any other small wireless structure.
- (18) All small wireless structures and small wireless facilities shall be installed two (2) feet from the edge of any trail, sidewalk, or pedestrian way so as not to obstruct or impede the trail, sidewalk or pedestrian way.
- (19) The small wireless facility shall be at least twelve (12) feet above the ground.
- (20) The small wireless facility shall be installed at the residential lot's corner in the right of way.
- (21) The small wireless facility applicant shall comply with all applicable local, state, and federal ordinances, statutes and regulations.

205.30.6. CRITERIA FOR ADDING APPROVED SITES TO APPENDIX A

Additional approved sites, other than those provided in Appendix A to this Ordinance, shall be approved by the City Council according to the amendment procedures of Section 205.05.04 of the City code. The criteria used to determine whether a site shall be designated as an approved site shall include, but not be limited to, the following requirements:

- A. Whether the proposed new site is capable of being developed to support more than two operating wireless telecommunications facilities comparable to the others in weight, size, and surface area.
- B. Whether the proposed new site poses a risk of explosion, fire, or other danger due to its proximity to volatile, flammable, explosive, or hazardous materials such as LP gas, propane, gasoline, natural gas, or corrosive or other dangerous chemicals; and
- C. Whether the proposed new site is necessary and that useable approved sites are not located within a one-half (1/2) mile radius of the proposed new site; and
- D. Whether all foreseeable telecommunications uses of the proposed site could comply with any separation and buffer requirements of the underlying zoning district;
- E. Whether all foreseeable telecommunications uses of the proposed new site could comply with the setback requirements of the underlying zoning district; and
- F. Whether the proposed site is accessible for service vehicles;
- G. If applicable, whether the proposed site has been designed and certified by a structural engineer to be structurally sound and, at minimum, in conformance with the Building and Electric Codes adopted by the City, the National Electric Safety Code, and any other standards and requirements outlined in this Section.
- H. If applicable, whether the approved site complies with all applicable Federal Aviation Administration lighting and painting regulations.
- I. Whether the proposed site will further the City's objective that all towers, antenna support structures, and wireless telecommunications facilities be designed to blend into the surrounding environment.
- J. Whether the proposed site has adequate open space to allow wireless telecommunications facilities to be installed without detrimentally impacting landscape, displacing parking, or impeding sight lines of a current or future principal use.
- K. Whether the proposed site adequately contributed to the City's overall effort to adequately meet the needs of the wireless telecommunications industry.
- L. Whether the proposed site has amenities such as trees that will allow screening and sight line relief. If no, whether the combination of site size and other site features help to provide sight line relief.
- M. Whether there are other structures near the proposed site that can serve as visual distractions such as high power transmission structures, highway shoring, billboards.
- N. Whether there are existing buildings or natural topographic features that meet the height requirements of wireless telecommunications facilities without a tower structure, or which allow for a lower overall height of any necessary Tower.

- O. Whether there is adequate space on the proposed site so that the base of any necessary Tower can accommodate essential equipment.
- P. Whether the proposed site is outside of any underlying residential zoning districts.
- Q. Whether housed equipment can be placed on top or on the side of a structure that currently exists in the proposed site.

R. If within the Mississippi Corridor Critical Area, whether the site can comply with the Critical Area Chapter.

**205.30.7. APPLICATION FOR PLACEMENT OF TOWERS OR WIRELESS
TELECOMMUNICATIONS FACILITIES ON APPROVED SITES IN THE CITY.**

- A. All persons seeking to install, operate and maintain towers wireless telecommunications facilities in approved sites in the city must file a telecommunication site permit application with the City which shall include:

- (1) The names, address, and telephone number of the Applicant; and
- (2) Written, technical evidence from a qualified and licensed structural engineer that the proposed tower or antenna support structure is capable of supporting the equipment necessary to install, operate, and maintain the proposed antenna. The engineer shall also certify the capability of the tower to provide adequate structural support considering existing or other proposed antenna installations. The engineer shall also assess and state the design safety margin of the entire antenna support system. The engineer shall state that within the limits of engineering certainty, if the structure would fall or collapse for any reason or due to any event, the structure will be completely contained within the area identified; and
- (3) If proposed on a City-owned site, a completed application form for lease approval as provided by the City; and
- (4) A report from a qualified and licensed professional engineer which described the height and design of the proposed wireless telecommunications facility including a cross-section and elevation; and
- (5) A scalable site plan drawn at an engineering scale showing the location of the wireless telecommunications facility in relation to surrounding structures; and
- (6) If located on a water tower, a written report addressing the requirements contained herein for water towers; and
- (7) Foundation, cross-section, and building plans for installation of the wireless telecommunications facility; and
- (8) An application fee as required by Chapter 11; and

- (9) The application shall also contain an affirmative statement indicating that the applicant agrees to comply with the provisions in Section 205.30.25. regarding abandonment; and
 - (10) No new or existing wireless telecommunications service will interfere with public safety telecommunications. Before the introduction of new service or before implementing any change in existing service, all wireless telecommunications service providers shall notify the City at least ten (10) calendar days in advance of such changes and allow the City to monitor interference levels during the testing process; and
 - (11) Application for a building permit from the City pursuant to Chapter 206 of the code; and
 - (12) A statement as to whether the proposed development of an approved Site is capable of being developed to support more than two (2) operating wireless telecommunications facilities comparable to the others in weight, size, and surface area; and
 - (13) Written, technical evidence from an independent consulting engineer licensed to practice geological engineering in the State of Minnesota confirming that the soil at the location of the tower or wireless telecommunication facility is capable of supporting the proposed antenna arrays, equipment, and personnel performing typical work functions; and
 - (14) A landscaping plan showing location of materials, height at planting, types of materials, and installation practices.
- B. All persons seeking to install, operate, and maintain towers or wireless telecommunications facilities in M-1, M-2, M-3, or M-4 Zoning Districts as a special use permit shall submit the information required in 205.30.07.A, except items (3) and (11).

205.30.8. APPLICATION FOR AN AUTOMATIC METER READING DEVICE IN THE CITY

All persons seeking to install, operate and maintain automatic meter reading systems in the City must file an application with the City, which shall include:

- A. The name, address and telephone number of the applicant and property owner; and
- B. Written, technical evidence from a qualified Structural Engineer that the integrity of the structure on which a proposed automatic reading device(s) will be attached and the attachment device itself will not jeopardize the structural integrity of the public utility structure; and
- C. A location plan matching the public utility structure identification (address) and the appropriate automatic meter reading device; and
- D. An individual automatic meter reading device permit fee as required by Chapter 11; and

- E. The application shall contain an affirmative statement indicating that the applicant agrees to comply with the provisions in section 205.30.25. regarding abandonment; and
- F. No automatic meter reading system will interfere with public safety telecommunications. Before the introduction of new service or before implementing any change in existing service, all automatic meter reading system operators shall notify the City at least ten (10) calendar days in advance of such changes and allow the City to monitor interference levels during the testing process.

205.30.9. APPLICATION FOR PLACEMENT OF SMALL WIRELESS FACILITIES IN THE RIGHT-OF-WAY

- A. All persons seeking to install, operate and maintain small wireless facilities within the right-of-way within the City must file a right-of-way permit application with the City that, in addition to any other requirements set forth in City Code Chapter 407, includes:
 - (1) The names, address, and telephone number of the right-of-way permit applicant; and
 - (2) Written technical evidence from a qualified and licensed structural engineer that the proposed small wireless facilities utility pole or wireless support structure is capable of supporting the equipment necessary to install, operate and maintain the small wireless facility. The engineer shall also certify the capability of the utility pole or wireless support structure to provide the adequate support needed considering the existing or other proposed equipment installations. The engineer shall also assess and state the design safety margin of the entire utility pole or wireless support structure and small wireless facility. The engineer shall state that within the limits of engineering certainty, if the utility pole or wireless support structure would fall or collapse for any reason due to any event, the utility pole or wireless support structure will be completely contained within the area identified; and
 - (3) A completed right-of-way permit application form as provided by the City; and
 - (4) A report from a qualified and licensed professional engineer which described the height and design of the proposed small cell wireless facility including a cross-section and elevation; and
 - (5) A scalable site plan drawn at an engineering scale showing the location of the small wireless facility in relation to the surrounding structures; and
 - (6) Foundation, cross-section, and building plans for installation of the small wireless facility; and
 - (7) A right-of-way application and fee as required by Chapter 11; and
 - (8) A building permit application and fee pursuant to Chapter 206;
 - (9) An escrow fee as set forth in Chapter 11 to be held and utilized in the event the small wireless facility is abandoned without removal by the applicant and

- (10) The right-of-way application shall contain an affirmative statement indicating that the applicant agrees to comply with the provisions of 205.30.5.E for small wireless facility performance standards and 206.30.25 for abandonment.
- (11) Written, technical evidence from an independent consulting engineer licensed to practice geological engineering in the State of Minnesota confirming that the soil at the location of the small wireless facility is capable of supporting the utility pole or wireless support structure to which the small wireless facility will be attached.
- (12) Documentation that the small wireless facility applicant has applied for and obtained any licenses and approvals that are required by federal and state agencies.

B. Action on Small Wireless Facility Permit Applications.

- (1) Approval or Denial. The city shall approve or deny a small wireless facility permit application within ninety (90) days after filing of such application. The small wireless facility permit, and any associated building permit application, shall be deemed approved if the city fails to approve or deny the application within the review periods established in this section.
 - a. Consolidated Applications. An applicant may file a consolidated small wireless facility permit application addressing the proposed collocation of up to fifteen (15) small wireless facilities, or a greater number if agreed to by the city, provided that all small wireless facilities in the application:
 - i. Are located within a two (2) mile radius;
 - ii. Consist of substantially similar equipment; and
 - iii. Are to be placed on similar types of wireless support structures.

In rendering a decision on a consolidated permit application, the city may approve some small wireless facilities sites and deny others, but may not use denial of one or more permits as a basis to deny all small wireless facilities in the application.

- b. Tolling of Deadline. The ninety (90) day deadline for action on a small wireless facility permit application may be tolled if:
 - i. The city receives applications from one or more applicants seeking approval of permits for more than thirty (30) small wireless facilities within a seven (7) day period. In such case, the city may extend the deadline for all such applications by thirty (30) days by informing the affected applicants in writing of such extension.
 - ii. The applicant fails to submit all required documents or information and the city provides written notice of incompleteness to the applicant within thirty (30) days of receipt of the application. Upon submission of additional documents or information, the city shall have ten (10) days to notify the applicant in writing of any missing information.

- iii. The city and a small wireless facility applicant agree in writing to toll the review period.
- (2) **Scope of Approval.** An approval of a small wireless facility permit under this section authorizes the installation, placement, maintenance, or operation of a small wireless facility to provide wireless service and shall not be construed to confer authorization to (1) provide any service other than a wireless service, or (2) install, place, maintain, or operate a wireline backhaul facility in the right-of-way.
- (3) **Denial.** Any denial of a right-of-way or small wireless facility permit must be made in writing and must document the basis for the denial. The city must notify the applicant in writing within three (3) business days of the decision to deny the permit. If a permit application is denied, the applicant may cure the deficiencies identified by the city and resubmit its application. If applicant user resubmits the application within thirty (30) days of receiving written notice of the denial, no additional filing or processing fee shall be imposed. The city must approve or deny the revised application within thirty (30) days after the revised application is submitted.

205.30.10. APPLICATION PROCESS

- A. Upon submission of an application on an approved site, for an antenna meter reading system, or small wireless facility, the City shall notify the applicant in writing to confirm if the application is complete addressing all of the requirements as required by this Section. If the application is incomplete, the letter will specify what information is missing and the applicant must then submit a new application. If an application is submitted on an approved site which is owned by the City, a lease agreement must be approved by the City Council. The City shall comply with the time deadlines for agency action as dictated in Minnesota State Statutes. Construction or installation on approved sites may begin upon approval of the lease agreement, if necessary, and issuance of a building permit. Construction or installation on an automated meter reading system or small wireless facility may begin upon approval of the application and issuance of any required permits and execution of any required Collocation Agreement.
- B. If a small wireless facility, tower or wireless telecommunications facility is approved by a special use permit, the applicant must also apply for and receive a building permit.

205.30.11. TOWER HEIGHT

Tower height shall be measured from the average adjoining grade to the highest point of construction of any tower or wireless telecommunications facilities. Towers are exempt from the maximum height restrictions of the districts where located. Towers shall be permitted to a height of one hundred twenty-five (125) feet. An additional twenty-five (25) feet of tower height shall be permitted for a total height of one hundred fifty (150) feet, if all of the following criteria can be met:

- A. The tower exists within a lineal dimension of two hundred fifty (250) feet of any one of the following structures that exceed the height of one hundred fifty (150) feet. These structures include: buildings, power lines, and train/rail yard fixtures such as light fixtures,
- B. Tower can meet or exceed any local, state, or federal regulations relative to tower fall distance.
- C. All permits required to replace or expand an existing tower be reviewed and approved by the City prior to alteration.

205.30.12. STEALTH DESIGN AND EXTERIOR FINISHES

All approved sites, towers, and wireless telecommunications, and small wireless facilities shall be designed to blend into the surrounding environment. Monopoles with antenna arrays shall be finished so as to be compatible with other buildings or structures in the area, and shall be finished with a non-corrosive material. Wireless telecommunications facilities placed on water towers shall be finished with a non-corrosive material to match the color of the water tower.

205.30.13. ILLUMINATION

Towers shall not be artificially illuminated except as required by the Federal Aviation Administration ("FAA").

205.30.14. LANDSCAPING AND SCREENING

All sites shall include appropriate landscaping as required herein and shall comply with all landscaping requirements of the underlying zoning district. Accessory above-ground equipment must utilize existing buildings or structures, if possible. If no existing structures are available, the owner of the wireless telecommunications facilities may construct such a structure. At minimum, all ground equipment shall be fully screened from public rights-of-way or residential property by existing structures, a brick decorative wall, or a solid one hundred percent (100%) opaque vegetative enclosure, six feet in height at planting.

205.30.15. SECURITY

All towers must be reasonably posted and secured to protect against trespass. Chain link fences may be used to protect towers and wireless telecommunications facilities. Barbed or razor wire is prohibited. All facilities shall be designed to discourage unauthorized climbing on the structure.

All small wireless structures shall be designed in a manner so that the structure from ground level to twelve (12) feet prevents unauthorized climbing on the structure.

205.30.16. INSTALLATION REQUIREMENTS ON WATER TOWERS AND IN CITY

Installation of wireless telecommunication facilities on water towers will be permitted when the city is fully satisfied that the following requirements are met:

- A. The wireless telecommunications facility will not increase the risks of contamination to the City's water supply.
- B. There is sufficient room on the structure and/or in the grounds to accommodate the wireless telecommunication facility.
- C. The presence of the wireless telecommunication facility will not increase the water tower or reservoir maintenance costs to the City.
- D. The presence of the wireless communication facility will not be harmful to the health of workers maintaining the water tower or reservoir.
- E. All state and federal regulations pertaining to non-ionizing radiation and other health hazards has been satisfied.

205.30.17. BUILDING PERMIT REQUIRED

A building permit is required for installation of any tower, wireless telecommunications facility, or small wireless structure. The completed installation, including all associated buildings, shall comply with all applicable building codes including but not limited to the most currently adopted version of the N.F.P.A. 70 National Electrical Code, TIA/EIA 222 Structural Standards for steel antenna towers, and others as may be determined by the Building Official.

205.30.18. SETBACKS

The tower or wireless communications facility shall be located in rear or side yard areas and shall be set back at least ten (10) feet from side or rear lot lines.

205.30.19. SIGNS

Signs no larger than four (4) square feet in size and attached to a structure are the only permitted signage associated with the tower or wireless telecommunications facility.

205.30.20. CERTIFICATIONS AND INSPECTIONS

- A. All towers and wireless telecommunications facilities shall be periodically reviewed by the City to be structurally sound and in conformance with the requirements of the City Code, this Chapter, any conditions of approval placed on a special use permit and all other construction standards set forth by the City's Code, and federal, state, and local law. Existing sites may be inspected for compliance with this Section at any time if the City believes there are questions regarding compliance with the City Code, this Section, any conditions of approval placed on a special use permit, all other construction standards set forth in the City's Code, and all other federal, state and local laws.
- B. The City and its agents shall have authority to enter onto any approved site, existing site, or site approved by special use permit between the inspections and certifications required above, to inspect the site for the purpose of determining whether the sites comply with the State Building and Electrical Codes, the National Electric Safety Code and all other construction standards provided by the City's Code and federal and State law.
- C. The City reserves the right to conduct such inspections at any time, upon reasonable notice to the owner(s). All expenses related to such inspections by the City shall be borne by the site owner(s).

205.30.21. MAINTENANCE

- A. Ordinary and reasonable care of towers, wireless telecommunications facilities, automatic meter reading systems/devices, and small wireless facilities shall be employed at all times. All towers, wireless telecommunications facilities, automatic meter reading systems, and small wireless facilities shall at all times be kept and maintained in good condition, order and repair so that the same shall not menace or endanger the life or property of any person.
- B. Owners shall install and maintain towers, wireless telecommunications facilities, automatic meter reading systems/devices, and small wireless facilities in compliance with the requirements of the National Electric Safety Code and all FCC, State and local regulations, and in such manner that will not interfere with the use of other property.
- C. All maintenance or construction on towers, wireless telecommunications facilities, automatic meter reading systems/devices, or small wireless facilities shall be performed by qualified maintenance and construction personnel.
- D. All owners of wireless telecommunications facilities, automatic meter reading systems/devices, and small wireless facilities shall maintain compliance with current radio frequency emission standards of the FCC. In order to provide information to its citizens, copies of all FCC information concerning wireless telecommunications facilities, automatic meter reading systems/devices, and small wireless facilities shall be made available to the City and updated annually.

- E. In the event the use of a tower, a public utility structure, a wireless telecommunications facility, an automatic meter reading system/device, or small wireless facilities is discontinued by the owner of the wireless telecommunications facility, automatic meter reading system, or small wireless facilities, or in the event an owner files notice to the FCC of its interest to cease operating the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued.

205.30.22. PRIORITY FOR USE

Priority for use of the installation, maintenance and operation of towers and wireless telecommunications facilities will be given to the following entities in descending order:

- A. City of Fridley.
- B. Public safety agencies, including law enforcement, fire, and ambulance services, which are not part of the City of Fridley and private entities with a public safety agreement with the City of Fridley.
- C. Other governmental agencies, for uses which are not related to public safety.
- D. Entities providing licensed commercial wireless telecommunication services including cellular, public and personal communication services (PCS), and similar services that are marketed to the general public.

205.30.23. CO-LOCATION

Towers shall be designed to support more than two (2) wireless telecommunications facilities. Wireless support structures shall be designated to support more than one (1) small wireless facility.

205.30.24. FEES

The applicant shall pay the fees listed in Chapter 11 for processing a request to install, operate, and maintain a tower, public utility structure, pad mount device, a wireless telecommunications facility, an automatic meter reading system and/or devices, or small wireless facility in the City. If deemed as necessary due to the nature of the application, the applicant shall also be required to reimburse the City for its cost to retain a consultant to review the requested application.

205.30.25. ABANDONMENT

If any site for which approval to install, maintain, and operate a tower, or a public utility structure, or wireless telecommunications facilities, automatic meter reading systems or small wireless facilities has been granted by the City shall cease to be used for a period of three hundred sixty-five (365) consecutive days, the City shall notify the wireless telecommunications facility operator, automatic meter reading device operator, the small wireless facility operator and the owner of the property, that said site or system has been deemed abandoned. Upon a finding of abandonment by the City, the tower, public utility structure, wireless telecommunications facilities, automatic meter reading system, or small wireless facilities must be removed or an annual user fee shall be paid to the City. If it is determined that the abandoned tower, public utility structure, wireless telecommunications facility, automatic meter reading system or small wireless facilities cannot be removed in a reasonable time period by the owner or operator, the City shall assess all costs related to the removal to the owner(s) or operator(s), according to the procedures established in Chapter 128 of the City Code.

205.30.26. NO RECOURSE

No Recourse against the City. Every permit issued to an applicant for construction, installation, maintenance, or operation of a wireless telecommunications facility, automated meter reading system/device or small wireless facilities shall provide that, without limiting such immunities as the City of other persons may have under applicable law, an applicant/permit holder shall have no monetary recourse whatsoever against the City of its elected officials, boards, commissions, agents, employees or volunteers for any loss, costs, expense or damage arising out of any provision or requirements of this Ordinance or because of the enforcement or lack of enforcement of this Ordinance or the City's exercise of its authority pursuant to this Ordinance, a permit, a lease, or other applicable law, unless the same shall be caused by criminal acts or by willful gross negligence. Nothing herein shall be construed as a waiver of sovereign immunity.

205.30.27. DATA PRACTICES

All documentation submitted pursuant to this Chapter by an applicant shall be subject to and governed by the Minnesota Government Data Practices Act.

205.30.28. SEVERABILITY

If any clause, section, or other part of this Section shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Section shall not be affected thereby, but shall remain in full force and effect.

205.30.29. VIOLATION

Any person who shall violate any of the provisions of this Section shall be guilty of a misdemeanor and subject to the provisions of Chapter 901 of the Fridley City Code.



AGENDA REPORT

Meeting Date: May 22, 2023

Meeting Type: City Council Conference Meeting

Submitted By: Melissa Moore, City Clerk/Communications Manager

Title

Recodification Update

Background

Pursuant to Minnesota Statute § 415.02 and Fridley City Charter (Charter) § 1.02, the City Council (Council) may codify and publish ordinances that carry the force and effect of law for the City of Fridley (City), which may be arranged into a system generally referred to as the Fridley City Code (Code). Recodification of the Code was authorized by the Council by Resolution No. 2021-67.

Title 3 Health, Safety and Welfare

The chapters modified by Ordinance No. 1406 became effective April 28. The updated Code is online and may be viewed here: <https://fridley.municipalcodeonline.com/>. Staff in the Community Development and Public Safety Departments have begun implementing the changes in the City's administrative processes. The Communications and Engagement Division and City Clerk Division have crafted a public information campaign to share changes to the Code that will be of interest to residents. Those updates will be found in the City's printed newsletter and posted to the City's social media platforms.

Title 4, Public Nuisance

In April, the City Clerk Division began coordinating with staff from the Community Development and Public Safety Departments to begin work on the chapters of Title 4. Staff are reviewing State and federal laws, analyzing comparative city codes, consulting advisory opinions and legal reviews pertaining to all chapters in Title 4 and will have drafts for the Council's review at its July 28 Conference Meeting.

Chapters to be addressed through work on Title 4:

- | | |
|--|--|
| • Public Nuisance | • Abandoned Motor Vehicles |
| • Junk Vehicles | • Noise |
| • Abatement of Exterior Public Nuisances | • Vehicle Towing |
| • Houses of Prostitution | • Clandestine Drug Lab and Chemical Dump |

Attachments and Other Resources

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



AGENDA REPORT

Meeting Date: May 22, 2023

Meeting Type: City Council Conference Meeting

Submitted By: Melissa Moore, City Clerk/Communications Manager

Stacy Stromberg, Planning Manager

James Lange, Fire Marshal

Title

Mobile Food Units

Background

In 2021 staff began working on drafting a chapter of the Fridley City Code (Code) that addresses Mobile Food Units, frequently known as “food trucks.” The popularity of such services has brought an increase in inquiries regarding the City’s rules and regulations. A growing number of cities in the metro area have begun regulating these activities, mainly to ensure compliance with County health regulations for the preparation and handling of food and compliance with State and local fire inspection requirements. Without such a license, the City has minimal regulatory authority to enforce health, fire, or other considerations such as the location of the operation and impact to the surrounding community.

The authority to create such licenses, and regulate these business activities, is authorized by Section 1.02 of the Fridley City Charter, which states “The City...may license and regulate persons, corporations and associations engaged in any occupation, trade or business.” In addition, Minnesota Statute § 412.221 also grants the Fridley City Council (Council) the power to create licenses for activities that are local in nature to prevent public nuisance and protect general welfare of residents.

The attached draft proposes to add a new chapter to the Code. The chapter broadly defines a “Mobile Food Unit” as a vehicle that offers food or beverage service. The chapter then offers more specific definitions of “Food Truck” as a stationary vehicle in which food is stored, cooked, or prepared, and an “Ice Cream Truck” is a vehicle that sells pre-packaged ice cream (or similar items) while travelling around the City.

The chapter accomplishes several things for the City:

1. Minnesota Rules 4626.0015 establishes State-wide regulations to safeguard public health and ensure that food is safe for human consumption. The Minnesota Department of Health and Anoka County regulate food establishments by establishing licensure and inspection requirements. This chapter of the Code requires that applicants follow all State and County laws and requires compliance with some of the City’s distinct regulations pertaining to fire inspections, prohibited activities (e.g., excessive noise or signage), hours of operation, protecting the right-of-way, etc.

Vision Statement

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2. The chapter creates a Food Truck License and an Ice Cream Truck License so that the City can ensure such business activities are done in a safe and efficient manner. These licenses, as proposed, are annual licenses following the City's typical renewal cadence (effective May 1 through April 30 of the following year).
3. The ordinance, when presented to the Council, will recommend Chapter 16, Street Vending (attached), be repealed. This is because the contents of that chapter are largely integrated into the Mobile Food Units chapter.
4. Establishes the fees the City will charge for the two new licenses in Chapter 209, Fees (attached):
 - (a) \$50 for a Food Truck License
 - (b) \$100 for a Fire Safety Inspection (required for food trucks only)
 - (c) \$75 for an Ice Cream Truck License.

Recommendation

Staff recommend the Council review the proposed chapter and direct staff on additional changes.

Focus on Fridley Strategic Alignment

☒ Vibrant Neighborhoods & Places	☐ Community Identity & Relationship Building
☐ Financial Stability & Commercial Prosperity	☒ Public Safety & Environmental Stewardship
☒ Organizational Excellence	

Attachments and Other Resources

- Draft of Mobile Food Units chapter of the Fridley City Code
- Chapter 16, Street Vending
- Chapter 209, Fees

Vision Statement

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Fridley City Code
Chapter 35 Mobile Food Units

35.01 Purpose

The purpose of this Chapter is to protect the health, safety, and welfare of the community through the establishment of standards for mobile food units to operate in a safe and effective manner in the City of Fridley (City).

35.02 Definitions

Mobile Food Unit: A food or beverage service that is a mounted vehicle, either motorized or trailer, and is readily movable without disassembling for transport to another location. The two distinct types of Mobile Food Units are detailed below:

1. Food Truck: A self-contained unit in which food is stored, cooked, or prepared for direct sale to the consumer while parked or stationary in one location.
2. Ice Cream Truck: A motor vehicle utilized as the point of retail sale of pre-packaged ice cream, frozen yogurt, frozen custard, flavored frozen water, or similar frozen dessert products, while travelling within the City.

35.03 Food Truck License Required

1. All operators of food trucks must obtain a license to operate within the City.
2. No person may operate a food truck within the City without valid license from Anoka County.
3. No license issued under this Chapter may be transferred to any other person or business.
4. A license issued under this Chapter becomes effective from the date on which the license is issued through April 30 of the subsequent year.
5. A valid license must be openly displayed at all times in the food truck when it is within the City.
6. For the purposes of this Chapter, any food truck equipped with appliances that produce smoke or grease-laden vapors must submit to a Fire Safety Inspection performed by the Fire Division, pursuant to the Mobile Food Preparation Vehicles Chapter of the Minnesota State Fire Code.

35.04 Food Truck License Application

1. No person may operate a food truck within the City without a valid license from the City, which includes the following requirements:

- (a) The full legal name of the owner of the food truck;
- (b) The full legal name of the operator of the food truck, other commonly known names the operator may use, the operator's date of birth, and a copy of their driver's license;
- (c) A list of names of all persons working in the food truck;
- (d) A description of the nature of the business and the goods to be sold out of the food truck;
- (e) A description and valid license plate number for any vehicle associated with a City food truck license;
- (f) The name, address and contact information for the restaurant with which the food truck is affiliated, if applicable;
- (g) A complete Background Investigation Consent Form;
- (h) A Certificate of Insurance proving commercial general liability coverage of not less than \$1 million for each occurrence, or \$2 million annual aggregate;
- (i) Proof of workers compensation insurance, or evidence of exemption, is required;
- (j) A copy of the applicant's State sales tax identification number, with a complete State SP:C1 Form; and
- (k) Written consent of each private property owner from which sales from a food truck will be conducted.

35.05 Food Truck Allowed Activities

1. Mobile food trucks are allowed under the following circumstances:

- (a) In conjunction with a private party or event located at a City park, provided the renter of the park has a valid park rental permit issued from the City;
- (b) In conjunction with an event sponsored by the City taking place on City-owned property with written consent of the City Manager or their designee;
- (c) In conjunction with a school sponsored event taking place on school-owned property with written consent of the school official; or
- (d) In conjunction with a private event, on private property with written consent from the property owner.

35.06 Food Truck Prohibited Activities

1. No mobile food trucks operator may conduct business in any of the following manner:

- (a) Calling attention to their business or the items to be sold by means of blowing any horn or whistle, ringing any bell, yelling, or by making any other noise that would disturb the peace and enjoyment of the general public.
- (b) Obstructing the free flow of traffic, either vehicular or pedestrian, on any street, sidewalk, alleyway, or other public right-of-way. An operator may not park a food truck on any public right-of-way or in residential zoning district except for during events permitted under this Chapter.
- (c) Conducting business in a way as to create a threat to the health, safety, and welfare of any specific individual or the general public.
- (d) Conducting business before 7:00 a.m. or after 10:00 p.m.
- (e) Failing to provide license, registration, or identification when requested.
- (f) Using the registration of another person or business.
- (g) Using false or misleading statements about the products or services being sold, including untrue statements of endorsement. No food truck operator may claim to have the endorsement of the City solely based on the City having issued a license to that person.
- (h) Remaining on the property of another when requested to leave.
- (i) Otherwise operating their business in any manner that a reasonable person would find obscene, threatening, intimidating or abusive.
- (j) Operate on the same property more than 21 days in a 60-day period.
- (k) Dispose gray water into any City stormwater drain. Gray water must be drained daily and in an appropriate manner.
- (l) Failing to provide refuse containers for customers. The operator of a food truck is responsible for removing all refuse associated with the food truck operations.
- (m) No overnight storage of a food truck is permitted.

35.07 Food Truck Signs

1. A licensed food truck is not required to obtain a Sign Permit from the City. However, no additional signage is permitted beyond that which is affixed to the food truck unless it meets the following requirements:

- (a) One single sandwich board style sign is permitted per food truck;

- (b) The maximum sign size is eight square feet;
- (c) The sign must be placed on the ground and be within 10 feet of the food truck;
- (d) The sign must not be placed in a manner that obstructs passage upon any sidewalk;
- (e) The sign must not be placed within the improved travel surface of the public right-of-way.

35.08 Ice Cream Truck License Required

- 1. All operators of ice cream trucks must obtain a license to operate within the City.
- 2. No license issued under this Chapter may be transferred to any other person.
- 3. A license issued under this Chapter becomes effective from the date on which the license is issued through April 30.
- 4. A valid license must be openly displayed at all times when the food truck is within the City.

35.09 Ice Cream Truck License Application

- 1. No person may operate an ice cream truck within the City without a valid license from the City, which includes the following requirements:
 - (a) The full legal name of the owner of the ice cream truck;
 - (b) The full legal name of the operator of the ice cream truck, other commonly known names the operator may use, the operator's date of birth, and a copy of their driver's license;
 - (c) A description of the types of confections to be sold out of the ice cream truck;
 - (d) A description and valid license plate number for any vehicle associated with the license;
 - (e) A complete Background Investigation Consent Form;
 - (f) A Certificate of Insurance proving commercial general liability coverage of not less than \$1 million for each occurrence, or \$2 million annual aggregate is required;
 - (g) Proof of workers compensation insurance, or evidence of exemption, is required;
 - (h) A copy of the applicant's State sales tax identification number, with a complete State SP:C1 Form;

35.10 Ice Cream Truck Routes and Hours of Operation

1. Operations may be carried on only between the hours of 10:00 a.m. and 8:00 p.m.
2. The proposed area in which the licensed vehicle will travel each day while within the City.
3. The licensee must only operate on streets as approved by the City Manager or their designee. Changes to a proposed area or route must be submitted to, and approved by, the City Manager or their designee at least 10 days in advance of making any change.
4. At no time, may the licensee operate the ice cream truck outside of the area or route approved by the City Manager or their designee. This section does not apply to emergency situations or travel to and from the approved route.

35.11 Ice Cream Truck Operations

1. When engaged in any vending operations, the ice cream truck must be parked as close to the street curb as practical. All vending must be done only at the curb side of the ice cream truck.
2. Ice cream trucks must not be parked in a manner that encourages unsafe pedestrian behavior, including but not limited to, encouraging the unsafe crossing o busy thoroughfares.
3. Ice cream trucks must be stopped or parked so as to not obstruct or cause a hazard to traffic or create danger of injury to customers or the general public.
4. All ice cream trucks must be equipped with flashing lights on both the front and rear of the vehicle, which must be clearly visible to oncoming traffic in full daylight.
5. No ice cream truck may be moved backward if:
 - (a) There is a substantial number of people congregated near the ice cream truck.
 - (b) The ice cream truck operator has reason to believe there are minors or persons with disabilities near the truck.
 - (c) Movement in such direction threatens injury to any person in or near the ice cream truck.
6. Ice cream trucks must carry signaling or warning devices that enable the attendant to give adequate warnings to pedestrians or other vehicles on the street.
7. Except as permitted by this Chapter, while transiting within their designated area or route, no ice cream truck may operate any device that produces any noise or sound for the purposes of attracting persons to the ice cream truck.
8. Ice cream trucks may sound a manually operated bell in the areas of and the hours established in this Chapter, which produces a noise level measured at 50 feet from the source, no greater than 65 decibels, as defined in the Noise Chapter of the Fridley City Code (Code).

9. Ice cream trucks may not operate within one block of any school zone in the City.

35.12 Suspension, Revocation, or Grounds for Denial

1. Any license issued under this Chapter may be suspended, revoked, or denied renewal by the City Manager or their designee. Grounds include:

(a) Subsequent knowledge by the City of fraud, misrepresentation, or incorrect statements provided by an applicant on the application form;

(b) Fraud, misrepresentation, or false statements in the application process;

(c) Engaging in any prohibited activity as provided under of this Chapter; or

(d) Violation of any other provision of this Chapter or Code, or any provision of State law.

2. The suspension or revocation of a license will apply to the owner of the mobile food unit, the operator of the mobile food unit (if different) and any other person authorized to work in the mobile food unit.

3. Prior to suspending or revoking any license issued under this Chapter, the City will provide the licensee with written notice of the alleged violations and inform them of their right to a hearing on the alleged violation. Notice will be delivered in person or by mail to the permanent residential address listed on the license application, or if no residential address is listed, to the business address provided on the license application.

4. Any person contesting a license suspension or revocation or other decision by the City associated with violations of this Chapter may file an appeal pursuant to the Appeals and Administrative Citations Chapter of the Code.

5. Within 14 business days of a determination by the Hearing Examiner, any person contesting that decision may appeal to the Council by submitting a written appeal to the City Clerk. At its next regular meeting following the Hearing Examiner's decision, the Council will affirm, repeal, or modify that decision.

6. If, in the discretion of the City Manager or their designee, imminent harm to the health or safety of the public may occur because of the actions of any mobile food unit operations licensed under this Chapter, the City Manager or their designee, may immediately suspend the license by notifying the licensee in writing.

35.13 Fees

The fees for this Chapter are set in the Fees Chapter of the Code.

FRIDLEY CITY CODE
CHAPTER 16. STREET VENDING

~~16.01. LICENSE REQUIRED~~

~~Except under a license as provided herein, no person shall operate a vehicle in the City of Fridley for the purpose of dispensing or vending confections or other goods directly from a vehicle without a license to do so first being obtained, or contrary to the terms of such license. This Chapter does not apply, however, to any person using a vehicle for the delivery of goods or services directly to homes or establishments when the goods are taken by the operator of the vehicle onto private property for such delivery. (Ref. 183)~~

~~16.02. APPLICATION~~

~~The application for a license shall be made to the City Clerk and shall describe the vehicle or vehicles from which such vending operations are to be carried on, as well as the names and addresses of all persons interested in such business and its operation. The application shall also describe the types of confections or other goods which are to be sold from said vehicle and the areas of the City in which the business is proposed to be carried on. The application shall also set forth the names of the insurers providing liability coverage on the vehicle or vehicles to be used and the amount of the coverage carried. The application shall be accompanied by the annual license fee. If the application for a license is denied, the fee shall be refunded to the applicant.~~

~~16.03. ROUTES AND HOURS OF OPERATION~~

~~No person licensed under this Chapter shall carry on a vending operation upon any street or public place which is other than as provided under the terms of such license. Such operations may be carried on only between the hours of 10:00 a.m. and 4:30 p.m., and 6:00 p.m. to 8:00 p.m. in any area zoned commercial or industrial, and only between the hours of 1:00 P.M. and 4:30 p.m., and 6:30 to 8:00 p.m. in any area zoned residential or other than commercial or industrial. At least ten (10) days before the commencement of operations, the licensee shall file with the City for approval by the City Manager, the proposed area in which the vehicles so licensed will travel each day while within the City. The licensee shall at all times operate on streets only as are approved within such areas; and changes in the area shall be filed with the City manager at least ten (10) days in advance of making any change. If the City Manager shall deny use of any street within the area, the licensee may appeal the ruling of the City Manager to the City Council for determination. At no time, however, shall the licensee operate a vehicle on and over any street that is not approved. Only such streets within the area shall be approved as would minimize the danger of injury by hazards of traffic to persons who may be customers of such vehicle, and also as would minimize traffic difficulties which may arise out of the operation of the vehicle for such purposes. A vehicle may be licensed to operate exclusively in areas of the City zoned "Commercial" or "Industrial"; or it may be licensed to operate exclusively in areas zoned "Residential" or "Other than Commercial or Industrial"; or it may be licensed to operate in all areas of the City. No vehicle, however, shall be operated in any area of the City which is zoned different than that for which the same is licensed. In the absence of proof to the contrary, a vehicle parked or left standing on any street or public place is deemed to be there for business operations.~~

~~16.04. FEE~~

~~The annual license fee and expiration date shall be as provided in Chapter 11 of this Code.~~

~~16.05. SAFETY REQUIREMENTS~~~~1. Insurance.~~

~~Every licensee shall maintain liability insurance with respect to the operation of any vehicle used in such business. The liability coverage of such insurance shall be in an amount of at least \$50,000 for single injuries and at least \$100,000 for each accident with respect to personal injuries, together with at least \$5,000 for property damage.~~

~~2. Parking.~~

~~When engaged in any vending operations, the vehicles used shall be parked at the curb of any street upon which the vehicle stands, and the vending shall be done only at the curb side of vehicle. When the vending is carried on near any school or other similar place, the vehicle used shall be parked at the curb side of the street nearest the school, or at a place next to such school or other similar public place as is safe and makes it reasonably unnecessary for a customer to cross a street or thoroughfare upon which there is traffic to reach such vehicle from the school or such other similar public place. At all times the vehicle used shall be stopped or parked only in such place as will not obstruct or cause a hazard to traffic and which creates no danger of injury to customers of the vehicle. Each vehicle shall be equipped with flashing lights on both the front and rear of the vehicle, which lights shall be clearly visible to oncoming traffic in full daylight.~~

~~3. Operators.~~

~~No vehicle used in such vending operation shall be moved backward if:~~

~~A. There is congregated a substantial number of people.~~

~~B. There can reasonably be expected in and about such vehicle persons of minor age, infirmity or disability.~~

~~C. Movement in such direction threatens injury to any person in and near such vehicle.~~

~~A vehicle operator shall at all times give adequate warnings to keep all persons clear of such vehicle while the same is in movement.~~

~~4. Warning.~~

~~The vehicle used shall carry such signaling or warning devices as will enable the attendant reasonably at all times to give adequate warnings as required herein. Except as permitted by Section 16.05.5, no vehicle or equipment shall operate any device that shall produce any noise or sound for the purposes of attracting persons to the vending truck. (Ref. 243)~~

~~5. Exception for Food/Beverage Vehicles.~~

~~Notwithstanding any other provision to the contrary, food/beverage vehicles may sound a manually operated bell, between the hours of 10:00 a.m. and 4:30 p.m., and 6:00 p.m. to 8:00 p.m. in any area zoned commercial or industrial, and only between the hours of 1:00 p.m. and 4:30 p.m., and 6:30 p.m. to 8:00 p.m. in any area zoned residential or other than commercial or industrial, which produces a noise level measured at a distance of 50 feet from, the source no greater than 65 decibels, as defined in Fridley City Code Chapter 124, "Noise". (Ref. 836)~~

~~16.06. ADDITIONAL REQUIREMENTS~~

~~All vehicles used for street vending shall be subject to the applicable requirements of Chapter 11 of this Code.~~

~~16.07. ADDITIONAL PENALTY~~

~~Any licensee who violates any provision of this Chapter or who drives or operates his or her vehicle in a careless and negligent fashion may, in addition to the usual penalties, have his or her license revoked after hearing before the City Council, upon reasonable notice.~~

~~16.08. PENALTIES~~

~~Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of this Code.~~

Fridley City Code
Chapter 209 Fees

209.12 Fees

5. Licensing Fees

Code	Subject	Fee
308	Adult Entertainment Establishment	\$400
	– Investigation Fee	\$400
17	Auction	
	– Weekly permit	\$30
	– Annual permit	\$150
300	Beekeeping	
	– Initial fee	\$100
	– Annual renewal fee	\$25
27	Billiards	
	– First table	\$40
	– Each additional table	\$10
15	Bowling Alleys	
	– Annual license	\$40
	– Per lane	\$10
28	Carnivals	
	– Application fee	\$75
	– Each day	\$75
	– Required cash deposit or bond	\$3,000
21	Christmas Tree Lots	
	– Annual license fee	\$200
	– Deposit	\$100
300	Dogs	
	– Lifetime license	\$25
	– Duplicate license	\$5
	– Impound fee	\$25
	– Annual Dangerous Dog license	\$500
	– Potentially Dangerous Dog license	\$500
702	Drive-in Theaters	\$400
607	Entertainment	\$85
32	Food Establishment – Business License	\$45
32	Food Temporary – Business License	\$30
25	Golf Course, Driving Range	\$30
319	Haulers	\$100 for first truck and \$40 each additional truck

	Mixed Municipal Solid Waste License (Garbage Truck), Yard Waste License, Organics License, Recycling License	
24	Junk Yards	\$350
609	Liquor, Caterer – Annual Caterer Registration – Event Notification Permit (per event)	\$100 \$25
604	Liquor, Consumption and Display – Annual State permit – One-day City permit	\$300 \$25
603	Liquor, On-Sale Intoxicating Holiday Endorsement	\$100
603	Liquor, Lawful Gambling Endorsement	\$300
610	Liquor Manufacturers/Investigative Fee – Individual – Partnership/Corporation – Alteration of Business – Change of Officers – On-Sale Brewer/Distillery Taproom License – Off-Sale Brewer/Distillery Growler License	\$200 \$400 \$100 \$25 \$600 \$300
603	Liquor, On-Sale Intoxicating – No entertainment (a) 0-3,000 square feet (b) 3,001-6,000 square feet (c) Over 6,000 square feet – With entertainment or dancing (a) 0-3,000 square feet (b) 3,001-6,000 square feet (c) Over 6,000 square feet	\$6,000 \$7,000 \$8,000 \$7,000 \$8,000 \$9,000
603	Liquor, On-Sale Intoxicating Initial Investigative Fee – Individual – Corporation or partnership	\$200 \$400
603	Liquor, On-Sale Sunday	\$200
603	Liquor, On-Sale Intoxicating Temporary one day only	\$25
602	– Liquor, 3.2% Malt Liquor Off-Sale – On-Sale – Holiday Endorsement	\$60 \$325 \$100

602	Liquor, 3.2% Malt Liquor, Initial Investigative Fee – Individual – Corporation or partnership	\$90 \$180
602	Liquor, 3.2% Malt Liquor Temporary	\$60
603	Liquor, Wine	\$1,000
603	Liquor, Wine Investigative Initial Fee – Individual – Corporation or partnership	\$200 \$400
605	Liquor, Bottle Club – Annual permit – One day permit	\$300 \$25
606	Liquor, On-Sale Intoxicating Club – Per club under 200 members – Per club of 201-500 members – Per club of 501-1,000 members – Per club of 1,001-2,000 members – Per club of 2,001-4,000 members – Per club of 4,001-6,000 members – Per club of over 6,000 members	\$300 \$500 \$650 \$800 \$1000 \$2,000 \$3,000
606	Liquor, On-Sale Club Holiday Endorsement	\$100
300	Livestock – Initial fee – Annual review	\$100 \$25
603	Managerial License (Liquor)	\$10
125	Massage Therapy Business License – Annual license – Business investigation fee for corporations or partnerships – Business investigation fee for individual/sole proprietor	\$400 \$400 (new) \$200 (renewal) \$200 (new) \$100 (renewal)
125	Massage Therapist – License Fee – Therapist Investigation Fee	\$50 \$25
22	Music Festivals – Per day – Filing fee	\$700 \$100
<u>35</u>	<u>Mobile Food Unit</u> – <u>Food Truck License</u> – <u>Food Truck Fire Safety Inspection</u> – <u>Ice Cream Truck License</u>	<u>\$50</u> <u>\$100</u> <u>\$75</u>
18	Motor Vehicle Body Repair Business	\$150

509	Motorized Vehicles Rental	\$50 per vehicle
300	Multiple Pet Location – License Fee – Renewal Fee – Impound Fee	\$100 \$25 \$25
300	Poultry – Initial fee – Annual renewal fee – Impound fee	\$100 \$25 \$25
220	Rental Housing Annual License – Single rental unit – Two rental units – Three rental units – Four rental unit – Five or more units License renewal late fee if more than seven days late License fee to reinstate after revocation or suspension License transfer fee License reinstatement fee for properties that were posted for not complying with correction orders or license renewals – 1-30 days – 31+ days Renting prior to obtaining a license Reinspection fee after second inspection – Single, duplex, triplex – Four or more units	\$100 \$150 \$210 \$270 \$270 plus \$12 per unit over four units 150% of the annual license fee 150% of the annual license fee \$25 \$250 \$500 125% of the annual license \$100 \$300
31	Pawn Shops – Annual license fee – Monthly transaction fee – Reporting failure penalty – Investigation fee	\$3,000 \$3 per transaction \$4 per transaction \$400
14	Peddlers/Solicitor	\$60 per peddler

23	Public Dance	\$75
13	Retail Gasoline Sales Private Gasoline Pump	\$60 \$30 per location
602, 603, 606	Social Skill Game Tournament Service Provider	\$100 annually
16	Street Vending — Industrial/commercial — Residential — Both	\$50 \$70 \$100
12	Tobacco License	\$125
12	Tobacco Product Shop — License fee — Investigation fee	\$400 \$100
104	Tree Management License	\$150
19	Used Motor Vehicles License	\$150 per year



AGENDA REPORT

Meeting Date: May 22, 2023

Meeting Type: City Council Conference Meeting

Submitted By: Joe Starks, Director of Finance/City Treasurer

Title

Finance Update – April 2023 Year-to-Date

Background

A year-to-date financial update will be provided.

Focus on Fridley Strategic Alignment

☐ Vibrant Neighborhoods & Places	☐ Community Identity & Relationship Building
☒ Financial Stability & Commercial Prosperity	☐ Public Safety & Environmental Stewardship
☐ Organizational Excellence	

Attachments and Other Resources

- April 2023 YTD Financial Update
- April 2023 YTD Liquor Store Income Statement

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



For the fiscal period ending 4/30/2023
% of Year Remaining: 67%

Revenues	2023 Current Budget	2023 YTD Actual	2023 Balance	% Remaining	Note	2022 YTD Actual	23 vs. 22 YTD
General Fund	\$ 21,054,500	\$ 1,815,075	\$ 19,239,425	91%	A	\$ 1,411,211	\$ 403,864
Cable TV Fund	\$ 349,300	\$ 52,289	\$ 297,011	85%	B	\$ 7,607	\$ 44,682
Solid Waste Abatement	\$ 451,300	\$ 118,374	\$ 332,926	74%		\$ 141,386	\$ (23,012)
Police Activity Fund	\$ 218,800	\$ 22,629	\$ 196,171	90%	C	\$ 22,459	\$ 170
SNC Fund	\$ 695,700	\$ 103,552	\$ 592,148	85%	A	\$ 81,609	\$ 21,943
Water Utility Fund	\$ 5,213,800	\$ 896,001	\$ 4,317,799	83%	D	\$ 635,351	\$ 260,650
Sewer Utility Fund	\$ 7,294,100	\$ 1,151,776	\$ 6,142,324	84%	D	\$ 1,020,208	\$ 131,568
Storm Water Utility Fund	\$ 2,184,700	\$ 357,573	\$ 1,827,127	84%	D	\$ 468,941	\$ (111,368)
Liquor Fund	\$ 7,146,000	\$ 1,937,182	\$ 5,208,818	73%		\$ 1,964,737	\$ (27,555)
TOTAL REVENUES	\$ 44,608,200	\$ 6,454,451	\$ 38,153,749	86%		\$ 5,753,509	\$ 700,942

Expenditures	2023 Current Budget	2023 YTD Actual	2023 Balance	% Remaining	Note	2022 YTD Actual	23 vs. 22 YTD
General Fund	\$ 21,054,500	\$ 6,018,176	\$ 15,036,324	71%		\$ 5,596,105	\$ 422,071
Cable TV Fund	\$ 442,400	\$ 98,359	\$ 344,041	78%		\$ 114,212	\$ (15,853)
Solid Waste Abatement	\$ 460,400	\$ 112,931	\$ 347,469	75%		\$ 135,308	\$ (22,377)
Police Activity Fund	\$ 218,600	\$ 62,514	\$ 156,086	71%		\$ 66,701	\$ (4,187)
SNC Fund	\$ 723,200	\$ 191,309	\$ 531,891	74%		\$ 156,166	\$ 35,143
Water Utility Fund	\$ 5,859,700	\$ 973,686	\$ 4,886,014	83%		\$ 890,035	\$ 83,651
Sewer Utility Fund	\$ 7,682,300	\$ 2,540,989	\$ 5,141,311	67%	E	\$ 2,757,607	\$ (216,618)
Storm Water Utility Fund	\$ 2,653,000	\$ 362,270	\$ 2,290,730	86%		\$ 466,922	\$ (104,652)
Liquor Fund	\$ 7,122,100	\$ 1,864,853	\$ 5,257,247	74%		\$ 1,966,049	\$ (101,196)
TOTAL EXPENDITURES	\$ 46,216,200	\$ 12,225,087	\$ 33,991,113	74%		\$ 12,149,105	\$ 75,982

GENERAL FUND

GF Revenue Types	2023 Current Budget	2023 YTD Actual	2023 Balance	% Remaining	Note	2022 YTD Actual	23 vs. 22 YTD
Taxes	\$ 13,883,600	\$ -	\$ 13,883,600	100%	A	\$ -	\$ -
Special Assessments	\$ 53,300	\$ -	\$ 53,300	100%	A	\$ -	\$ -
Licenses and Permits	\$ 1,121,800	\$ 273,192	\$ 848,608	76%	F	\$ 243,580	\$ 29,612
Intergovernmental	\$ 2,162,600	\$ 281,386	\$ 1,881,214	87%	G	\$ 271,765	\$ 9,621
Charges for Services	\$ 2,742,000	\$ 659,691	\$ 2,082,309	76%		\$ 700,426	\$ (40,735)
Fines and Forfeitures	\$ 133,400	\$ 49,379	\$ 84,021	63%		\$ 35,784	\$ 13,595
Miscellaneous	\$ 277,700	\$ 426,259	\$ (148,559)	-53%	H	\$ 95,556	\$ 330,703
Other Financing Sources	\$ 680,100	\$ 125,168	\$ 554,932	82%		\$ 64,100	\$ 61,068
TOTAL GF REVENUES	\$ 21,054,500	\$ 1,815,075	\$ 19,239,425	91%		\$ 1,411,211	\$ 403,864

GF Dept. Expenditures	2023 Current Budget	2023 YTD Actual	2023 Balance	% Remaining	Note	2022 YTD Actual	23 vs. 22 YTD
Legislative	\$ 169,000	\$ 48,170	\$ 120,830	71%		\$ 53,664	\$ (5,494)
City Management	\$ 1,696,100	\$ 481,090	\$ 1,215,010	72%		\$ 449,343	\$ 31,747
Finance	\$ 1,845,200	\$ 545,816	\$ 1,299,384	70%		\$ 556,611	\$ (10,795)
Non-Departmental	\$ 112,000	\$ 7,628	\$ 104,372	93%		\$ 2,315	\$ 5,313
Public Safety	\$ 9,977,300	\$ 3,084,596	\$ 6,892,704	69%		\$ 2,864,500	\$ 220,096
Public Works	\$ 4,670,700	\$ 1,168,246	\$ 3,502,454	75%		\$ 1,086,459	\$ 81,787
Parks & Recreation	\$ 889,900	\$ 220,202	\$ 669,698	75%		\$ 165,122	\$ 55,080
Community Development	\$ 1,694,300	\$ 462,428	\$ 1,231,872	73%		\$ 418,091	\$ 44,337
TOTAL GF EXPENDITURES	\$ 21,054,500	\$ 6,018,176	\$ 15,036,324	71%		\$ 5,596,105	\$ 422,071

Notes:

A - 1st property tax settlement received from Anoka County in July, 2nd in December and short settlement in January.

B - Cable franchise fee payments are received quarterly.

C - Timing of reimbursements.

D - Timing of quarterly utility bills and receipt of corresponding payments.

E - MCES monthly invoice billed/paid in advance.

F - See building permit trend below.

G - 1st installment of State Aid and Local Government Aid received in July, 2nd in December. Police aid and fire aid (pass through) received in October.

H - Includes reversal of \$401,465 unrealized loss book entry from 2022 year end. Investments are booked at market value as part of year-end process.

Building Permit Activity

Year	# of Permits	Valuation	Revenue (Plan/Permit)
2021 YTD	873	\$ 70,401,680	\$ 673,646
2022 YTD	700	\$ 6,626,328	\$ 131,086
2023 YTD	773	\$ 15,915,581	\$ 213,854

Liquor Store #1 - Fridley Market		April 2023 YTD			
Category	2020	2021	2022	2023	
Sales	1,430,043	1,857,361	1,617,910	1,565,088	
Cost of Sales	1,040,695	1,325,109	1,157,940	1,108,476	
Gross Profit (\$)	389,348	532,253	459,970	456,612	
Gross Profit (%)	27.23%	28.66%	28.43%	29.17%	
Operating Expenses	308,539	355,999	357,704	343,228	
Income/Loss	80,809	176,254	102,266	113,384	
Nonoperating Revenues	(1,700)	(8,583)	6,202	49,503	
Nonoperating Expenses	10,671	-	-	-	
Net Profit/Loss	68,438	167,670	108,468	162,888	
Transfer	92,833	92,833	92,833	92,833	

Liquor Store #2 - Hwy. 65		April 2023 YTD			
Category	2020	2021	2022	2023	
Sales	282,529	414,214	340,625	322,594	
Cost of Sales	215,694	308,768	263,443	244,240	
Gross Profit (\$)	66,835	105,446	77,182	78,353	
Gross Profit (%)	23.66%	25.46%	22.66%	24.29%	
Operating Expenses	80,040	86,485	74,128	56,076	
Income/Loss	(13,205)	18,961	3,054	22,278	
Nonoperating Revenues	50	-	-	-	
Nonoperating Expenses	-	-	-	-	
Net Profit/Loss	(13,155)	18,961	3,054	22,278	
Transfer	20,000	20,000	20,000	20,000	

Liquor Stores - Combined		April 2023 YTD			
Category	2020	2021	2022	2023	
Sales	1,712,573	2,271,575	1,958,535	1,887,682	
Cost of Sales	1,256,389	1,633,877	1,421,383	1,352,717	
Gross Profit (\$)	456,183	637,699	537,152	534,965	
Gross Profit (%)	26.64%	28.07%	27.43%	28.34%	
Operating Expenses	388,579	442,484	431,832	399,303	
Income/Loss	67,605	195,214	105,319	135,662	
Nonoperating Revenues	(1,650)	(8,583)	6,202	49,503	
Nonoperating Expenses	10,671	-	-	-	
Net Profit/Loss	55,284	186,631	111,521	185,165	
Transfer	112,833	112,833	112,833	112,833	