



Planning Commission

April 16, 2025

7:00 PM

7071 University Avenue NE

Agenda

Call to Order

Roll Call

Approval of Meeting Minutes

1. Approval of the December 18, 2024, Planning Commission Meeting Minutes

Public Hearing

2. Public Hearing to Consider Ordinance No. 432 amending the Zoning Code, by repealing the entirety of Chapter 205 Zoning and Chapter 211 Subdivision and adopting a new Title 6 Zoning and Subdivision

Other Business

3. Review Commission Onboarding Manual
4. Commission Appreciation Dinner

Adjournment

Accessibility Notice:

- If you need free interpretation or translation assistance, please contact City staff.
- Si necesita ayuda de interpretación o traducción gratis, comuníquese con el personal de la ciudad.
- Yog tias koj xav tau kev pab txhais lus los sis txhais ntaub ntawv dawb, ces thov tiv tauj rau Lub Nroog cov neeg ua hauj lwm.
- Haddii aad u baahan tahay tarjumaad bilaash ah ama kaalmo tarjumaad, fadlan la xiriir shaqaalaha Magaalada.

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 CityClerk@FridleyMN.gov or (763) 572-3450.



AGENDA REPORT

Meeting Date: April 16, 2025

Meeting Type: Planning Commission

Submitted By: Julianne Beberg, Office Coordinator

Title

Approval of the December 18, 2024, Planning Commission Meeting Minutes

Background

Attached are the December 18, 2024, minutes from the meeting for the Commission's consideration

Financial Impact

None

Recommendation

Staff recommend the approval of the December 18, 2024, Planning Commission Meeting Minutes

Attachments and Other Resources

- December 18, 2024, Planning Commission Meeting Minutes

Vision Statement

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



Planning Commission

December 18, 2024

7:00 PM

Fridley City Hall, 7071 University Avenue NE

Minutes

Call to Order

Chair Hansen called the Planning Commission Meeting to order at 7:00 p.m.

Present

Pete Borman
Mark Hansen
Mike Heuchert
Ross Meisner
Paul Nealy

Absent

Aaron Brom
Aaron Klemz

Others Present

Stacy Stromberg, Planning Manager
Bill Davis, representing Maria Herrera, 5216 Pierce Street
Craig Kayser, 5210 Pierce Street
Dave Ostwald
Patrick Vescio

Approval of Meeting Minutes

1. Approve October 16, 2024, Planning Commission Minutes

Motion by Commissioner Borman to approve the minutes. Seconded by Commissioner Meisner.

Upon a voice vote, all voting aye, Chair Hansen declared the motion carried unanimously.

Public Hearing

2. Public Hearing to Consider a Lot Split, LS #24-02 to Allow a Property Line Adjustment of Six Feet from 5210 Pierce Street to 5216 Pierce Street N.E.

Motion by Commissioner Meisner to open the public hearing. Seconded by Commissioner Heuchert.

Upon a voice vote, all voting aye, Chair Hansen declared the motion carried unanimously and the public hearing was opened at 7:03 p.m.

Stacy Stromberg, Planning Manager, presented a request for a lot split requested by the owner of 5216 Pierce Street. She explained that the request would adjust the lot line by six feet and had been approved by the property owner of 5210 Pierce Street. She stated that three neighboring property owners reached out to request additional information noting that one resident expressed concern with potential lost views from their property while the others supported the request. Staff recommends approval of the request with the noted stipulations.

Commissioner Borman noticed a five-foot offset from the garage to the living space and confirmed that accounts for the required setbacks for a garage and living space. Ms. Stromberg confirmed that was correct.

Commissioner Meisner asked if there is a sale involved in this transfer of property. Ms. Stromberg confirmed that there is a negotiated price involved.

Chair Hansen asked if there would be tree removal required on the lot line. Ms. Stromberg did not believe so but noted the applicant could provide additional details.

Bill Davis, brother of the applicant, spoke in representation of the application as she is recovering from a motor vehicle accident. He stated that they are not planning to remove trees but would not fully know until they begin the foundation work. He stated that their architect drew the plans too close to the property line, but they believe this looks the best for this property and the neighborhood and therefore are moving forward as presented.

Craig Kayser, 5210 Pierce Street, stated that he does not utilize this strip of property, and they would only be building to where the fence already exists. He stated that his only concern was with drainage but was confident that would be handled through the review by the City. He commented that he does believe that this will improve the value of the applicant's property.

Motion by Commissioner Meisner to close the public hearing. Seconded by Commissioner Heuchert.

Upon a voice vote, all voting aye, Chair Hansen declared the motion carried unanimously and the public hearing was closed at 7:14 p.m.

Commissioner Borman commented that this seems straightforward and both neighbors are in agreement.

Commissioner Nealy agreed noting that this would be an improvement to the property.

Motion by Commissioner Heuchert to recommend approval of the lot split with the stipulations. Seconded by Commissioner Neely.

Upon a voice vote, all voting aye, Chair Hansen declared the motion carried unanimously.

Other Business

Ms. Stromberg provided a presentation on what the Commission accomplished during 2024.

Adjournment

Motion by Commissioner Meisner to adjourn the meeting. Seconded by Commissioner Borman.

Upon a voice vote, all voting aye, Chair Hansen declared the motion carried unanimously and the meeting adjourned at 7:21 p.m.

Respectfully submitted,

Stacy Stromberg, Staff Liaison



AGENDA REPORT

Meeting Date: April 16, 2025

Meeting Type: Planning Commission

Submitted By: Stacy Stromberg, Planning Manager
Nancy Abts, Associate Planner

Title

Public Hearing to Consider Ordinance No. 432 amending the Zoning Code, by repealing the entirety of Chapter 205 Zoning and Chapter 211 Subdivision and adopting a new Title 6 Zoning and Subdivision

Background

In 2021, the Council initiated a full recodification effort of the City Code, which is being led by the City Clerk's office. Title 1 – General Provisions, Title 2 – Administration, Title 3 – Health Safety and Welfare, Title 4 – Public Nuisance, and Title 5 – Land and Buildings are complete.

In February of 2024, staff held a kick-off meeting with the Planning Commission and City Council to work on Title 6, Zoning and Subdivision. The goals identified by staff to complete this task were to reduce the size of the 400-page document, simplify the document by making it more user-friendly, modernize the document through use of illustrations and tables, and remove redundancies.

To help achieve these goals, staff held workshops with the Planning Commission to review key sections of zoning code that warranted some changes. Workshops were held:

April 17, 2024 – to discuss parking requirements for all zoning districts

June 12, 2024 – to discuss landscaping requirements for all zoning districts

September 18, 2024 – to discuss accessory structure allowances and fence requirements

Staff invited the Planning Commission and Council back on November 20, 2024, to discuss the proposed changes to the Zoning and Subdivision Title. In general, the core requirements (lot size, setbacks, lot coverage, etc.) remain the same for each zoning district. The key changes and new content are outlined in the attached document created by City staff and HKGi, the consulting planners.

Also attached for your review and approval is the new Title 6, Zoning and Subdivision.

Financial Impact

Absorbed and Planning Budget

Recommendation

Vision Statement

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

Staff recommends the Planning Commission hold a Public Hearing for Ordinance No. 1432 repealing the entirety of Chapter 205 Zoning and Chapter 211 Subdivision and adopting a new Title 6 Zoning and Subdivision.

Attachments and Other Resources

- Zoning and Subdivision Code Update Overview
- Title 6 Zoning and Subdivision

Vision Statement

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



PUBLIC NOTICE

City of Fridley Planning Commission and City Council Notice of Public Hearing to Consider a Text Amendment by the City of Fridley

Notice is hereby given that the Planning Commission of the City of Fridley will hold a public hearing on April 16, 2025 at 7:00 pm at Fridley City Hall, 7071 University Avenue N.E.

Notice is hereby given that the City Council of the City of Fridley will hold a public hearing on May 12, 2025 at 7:00 pm at Fridley City Hall, 7071 University Avenue N.E.

The public hearing will consider a Text Amendment, TA #25-01, for an ordinance amending the Zoning Code, by repealing the entirety of Chapter 205 Zoning including 205.27 Floodplain Management, 205.28 Critical Area, 205.32 Shoreland, and Chapter 211 Subdivision and adopting a new Title 6 Zoning and Subdivision. The purpose of the amendment is to modernize, simplify, remove redundancies, and create a more user-friendly code.

Any person desiring to be heard shall be given an opportunity at the above stated time and place. Or, comments may be submitted before the meeting to stacy.stromberg@fridleymn.gov or 763-572-3595. Publication date(s): April 4, 2025 and April 11, 2025.

Zoning and Subdivision Code Update Overview

Ch 600 General Provisions

This chapter establishes the authority for the zoning and subdivision code, when it applies, and who administers it. It provides instructions for using the code, including how to interpret graphics and address conflicting provisions. Updates to this chapter were primarily to consolidate and simplify zoning and subdivision purpose statements.

Ch 610 Zoning Districts

This chapter establishes the zoning districts. The districts are grouped into residential, non-residential, special, and overlay. The chapter includes general provisions that are applicable to all zoning districts, such as required yards and easements. It also includes provisions regarding nonconformities. Major changes to this chapter include:

- Renamed residential districts (e.g., R-1 was "One Family Dwelling District" and will be renamed "Traditional Single-Unit Residential")
- Changed names of commercial districts from "Commercial" to "Business" to make updates easy to recognize
- Combined the very similar C-1 "Local Business" and C-2 "General Business" districts; the consolidated district is now B-1 "Local Business"
- Eliminated C-R1 "General Office" and combined with "B-1" (affects 5 acres and 5 parcels)
- Eliminated M-4 "Manufacturing Only" and rezoned properties to M-1 "Light Industrial" (affects 12 acres and 3 parcels)
- Eliminated PUD "Planned Unit Development" zoning as it is largely unused. The City will continue to use S-2 "Redevelopment District" going forward
- Moved Hyde Park Neighborhood from special to residential districts
- Moved Onaway from special to non-residential districts

Ch 611 Residential Zoning Districts

This chapter establishes what is allowed within the residential districts. This includes the Residential Use Table, Lot Dimensions Table, and Site Dimensions Table. It also includes a few specific district standards that the City will retain. Changes to this chapter include:

- Consolidated and simplified zoning district section-specific sections (e.g., parking) to separate chapters to reduce redundancies
- Updated residential district names and incorporated S-1 "Hyde Park Neighborhood" as R-H
- Incorporated new purpose statements within district intents
- Created new Use, Lot and Site Dimensions Tables. Updated and modernized standards to address existing conditions, meet best practices, and provide more flexible development standards making the code easier to administer

- Consolidated two chapters that pertained to manufactured home parks to address requirements for creating a new manufactured home park with the district regulations for existing parks.

Ch 612 Non-Residential Zoning Districts

This chapter establishes what is allowed within the non-residential districts. This includes the Use Table, Lot Dimensions Table, and Site Dimensions Table. It also includes a few specific district standards that the City will retain. Changes to this chapter include:

- Consolidated and simplified zoning district section-specific sections (e.g., parking) to separate chapters to reduce redundancies
- Updated some non-residential district names from “commercial” to “business” and incorporated S-3 “Heavy Industrial, Onaway Addition District” as M-O.
- Incorporated new purpose statements within district intents
- Created new Use, Lot and Site Dimensions Tables. Updated and modernized standards to address existing conditions, meet best practices, and provide more flexible development standards making the code easier to administer

Ch 613 Special Zoning Districts

This chapter establishes the intent of special zoning districts. It includes a description of the existing S-2 Redevelopment District, what uses are allowed within the S-2 district, and the process for plan approval. Text largely stayed the same in this chapter; other major changes include:

- Consolidated special zoning district chapters into a single chapter
- Reclassified certain special zoning districts to residential or non-residential
- Enumerated all existing areas zoned S-2 with addresses or approximate locations and dates of creation

Ch 614 Overlay Zoning Districts

This chapter establishes overlay zoning districts for specific areas including floodplain management, critical areas, telecommunications, pre-1955 residential lots, shoreland, and transit-oriented development. Text largely stayed the same in this chapter; changes include:

- Consolidated overlay zoning district chapters into a single chapter
- Renumbered due to repeal of previous overlay districts
- Updated Telecommunications Towers and Facilities Overlay due to federal and state law changes
- Updated the Floodplain Overlay to match the updated model ordinance provided by the Minnesota Department of Natural Resources; shifted the Regulatory Flood Protection Elevation from one foot plus stage increase (0-0.5 feet) to a standard two feet to maintain eligibility for FHA loans

- Repealed Wetland Overlay; all information has been moved to Chapter 505 Erosion Control and Stormwater Management
- Removed reference to Norton Creek, Oak Glen Creek, and Stoneybrook Creek from the Shoreland Overlay since they don't meet the definition of Public Waters to which the Shoreland Overlay applies

Ch 620 Principal Use Specific Standards

This chapter establishes use-specific standards for those principal uses that are included in the updated use table. It covers Permitted, Conditional, and Interim Uses. Major changes to this chapter include:

- Use standards have been grouped together in a single chapter
- Standards added/updated for: dwellings, auto repair and sales uses, animal care, care facility, personal storage facility, place of assembly, and cannabis businesses (first adopted as part of the Cannabis and Hemp Businesses ordinance on 1/10/2025 and now included in the Zoning chapters)

Ch 621 Accessory Use Specific Standards

This chapter establishes use specific standards for those accessory uses listed in the accessory use table. It covers Permitted, Conditional, and Interim accessory uses. Major changes to this chapter include:

- Reduced redundant language
- Simplified accessory structure standards to be easier to administer and consistent across a variety of districts and circumstances
- A concurrent review of short-term vacation rental was undertaken, and new standards are recommended
- Updated standards regarding solar and wind energy systems for consistency with best practices

Ch 630 Performance Standards

This chapter establishes standards for environmental quality and nuisance activities, as well as stormwater and land alterations. Changes to this chapter include:

- Reorganized headings to group items related to each other
- Simplified the maintenance section for the residential districts

Ch 631 Off-Street Parking

This chapter establishes off-street parking standards and requirements, including parking minimums based on use and parking facility design requirements. Major changes to this chapter include:

- Reorganized and consolidated the parking sections and provisions
- Reduced redundancies

- Consolidated uses and updated parking ratios to reflect modern standards and best practices for minimum parking spaces required and organized standards into a table (following discussion with the Planning Commission)
- Added provisions regarding scenarios to address reduction of parking, proof of parking and shared parking arrangements
- Consolidated parking stall sizes into a table
- Updated driveway width for nonresidential and R-3 districts
- Incorporated new provisions for electric vehicle charging stations for residential uses (following discussion with the Planning Commission)
- Enhanced bicycle parking requirements to encourage alternative modes of transportation and safety (following discussion with the Planning Commission)
- Added requirements for pedestrian connections from streets or parking areas to the main entrance of a building

Ch 632 Landscaping

This chapter establishes landscaping standards and requirements. Major changes to this chapter include:

- Reorganized and reduced redundancies
- Separated single-unit and 2-unit requirements from multi-unit and non-residential requirements and added more detailed tree diversity requirements
- Clarified when landscaping plans are required and what should be shown in plans, including:
 - Snow storage
 - Show plants at installation and maturity
- Clarified standard landscaping requirements
 - Adjusted perimeter landscaping requirements – now based only on building footprint, require foundation plantings
 - Adjusted parking lot landscaping requirements – size of parking lot, ratio of trees to spaces, location of tree plantings, size of planting islands, space required per tree
- Eliminated credit for installing larger trees at the time of planting
- Clarified payment in lieu option

Ch 633 Architectural Standards

This chapter establishes architectural standards and architectural review procedures. Major changes to this chapter include:

- Added a new section that bolstered architectural standards in the city
- Increased provisions to address applicability of architectural standards for 3+ unit dwellings and non-residential structures:
 - Any new development or redevelopment;

- Façade replacement of 50 percent or more; and
- Building expansions greater than 50 percent of the floor area.
- Incorporated permitted exterior building material requirements to guide the parameters of architectural standards into classes (I, II, and III), based on material durability
- Included prohibited materials
- Addressed parameters of architectural design such as façade articulation, architectural detailing, and transparency requirements
- Outlined architectural review procedures

Ch 634 Fencing

This chapter establishes fencing standards and requirements. It also includes fencing-specific definitions. Major changes to this chapter include:

- Incorporated fencing into zoning chapter
- Reorganized fencing sections for easier navigation, access and administration
- Added fence height measurement procedures and clarified where the height applies in each yard type
- Incorporated graphics to convey vision triangle and fence height provisions

Ch 635 Screening

This chapter establishes screening standards and requirements. It also includes screening-specific definitions. Major changes to this chapter include:

- Consolidated and reorganized screening provisions for easier navigation, access and administration
- Provided clarification of where screening requirements apply
- Provided different options for flexibility of applying the screening requirements such as plantings, fences, walls or earth berms
- Consolidated screening provisions for garbage and recycling areas, off-street parking, external loading and service areas accessory to buildings
- Created graphics to convey the minimum screening materials requirements

Ch 636 Lighting

This chapter establishes lighting standards and requirements. It also includes lighting-specific definitions. Major changes to the chapter include:

- Added to the lighting standards to ensure lighting does not impact health, safety and welfare
- Clarified exceptions to lighting standards

Ch 640 Subdivision Design Standards

This chapter establishes the design standards for new subdivisions, including blocks and lot arrangement, streets, non-motorized connections, and easements. Major changes to this chapter include:

- Standards regarding the suitability of land for development were added
- Lot standards were amended to include limitations for irregular lots and to identify what should happen with any remnants after subdivision
- Regulations related to sidewalks and trails were clarified, consistent with Safe Routes to School grant eligibility criteria
- Simplified processes for lot splits, lot line adjustments, and minor subdivisions were established
- Park dedication was moved out and into its own chapter
- Graphics added for clarification

Ch 641 Required Subdivision Improvements

This chapter identifies the public improvements required of subdivisions, such as grading for streets, sidewalks and trails; utilities; and monuments. The chapter remains generally the same. There was a section added to require a development contract and to allow inspections of improvements completed.

Ch 642 Park Dedication

This chapter describes the procedures and requirements for land dedication during subdivisions. Major changes to the chapter include:

- Added justification for dedication
- Clarified what type of land should be dedicated
- Added cash in lieu regulations – what the fees are, when the city can require cash, and how an applicant can dispute
- Clarified the timing of dedication

Ch 650 Procedures

This chapter describes the steps and requirements for different zoning permits and procedures. Major changes to the chapter include:

- Combined subdivision procedures with zoning procedures
- Bulked up common procedures and subdivision procedures to clarify authority and processes
- Consolidated and reorganized sections for clarity
- Added site plan review, change of use, zoning permits, and land alteration provisions.
- Clarified review timelines and processes
- Removed the City requirement for a second public hearing for zoning code changes

Zoning Map

Proposed rezonings include:

- Consolidating C-1 “Local Business”, C-2 “General Business” and CR-1 “General Office” districts into a single B-1 “Local Business” district
 - Properties affected
 - C-1/C-2: 159 parcels across 269 acres
 - CR-1: 5 parcels across 5 acres
- Rezoning C-3 “General Shopping Center District” to B-2 “Regional Business”
 - 85 parcels across 173 acres
- Rezoning M-4 “Manufacturing Only” to M-1 “Light Industrial”
 - 3 parcels across 12 acres
- Rezoning *Fridley Market* PUD to S-2 “Redevelopment District”
 - 4 parcels across 15 acres
- Rezoning *Springbrook Neighborhood* PUD to R-1 “Traditional Single-Unit Residential”
 - 24 parcels across 6 acres
- Rezoning pre-existing nonconforming multifamily buildings zoned R-1 and R-2 and C-1 to R-3, along 3rd Street and Main Street south of I-694 and Cheri Lane; South Fridley Apartments; and Timber Ridge Townhomes
 - 115 parcels across 20 acres

Staff held an open house for those properties affected by a rezoning on January 15, 2025.

Related Updates

The city’s Sign Code, Chapter 506, references zoning districts. These references will be updated alongside the recodification process.

Title 6 Zoning and Subdivision

Chapter 600 General Provisions

600.01 AUTHORITY

1. Title

- (a) These regulations shall be known and may be cited as the "City of Fridley Zoning and Subdivision Ordinance" or "Title 6" except as referred to herein, where it shall be known as "this Title."
- (b) This action is taken pursuant to the authority contained in Minnesota Statutes, **Sections 462.357 and 462.358.**

2. Purpose and Intent

- (a) This Title is enacted for the purpose of implementing the Comprehensive Plan and to protect the public health, safety and general welfare of the community and its people in the City of Fridley through the establishment of minimum regulations governing land development and use. More specifically, the purpose of these regulations is to:
 - (1) Establish regulations to protect the use districts that the City has established by regulating compatibility of different land uses, density of structures, building setbacks and heights, provision for adequate light, air and convenience of access to property; and preventing congestion in the public right-of-way;
 - (2) Avoid or minimize negative impacts from land uses including, but not limited to, impacts to neighboring properties, public infrastructure and the general public;
 - (3) Promote orderly development and redevelopment of property upon which to plan transportation, water supply, sewerage and other public facilities and utilities;
 - (4) Provide for administration of and amendments to this Title, and prescribe penalties for violations of such regulations; and
 - (5) Define duties of City Staff, the Board of Appeals and Adjustments, the Planning Commission and the City Council in relation to this Title and relationship to the Comprehensive Plan. It is the policy of the City that the enactment, amendment and administration of this Title can be accomplished with due consideration of the policies and recommendations contained in the Fridley Comprehensive Plan as amended from time to time by the City Council.

3. Effective Date

- (a) The effective date of this Title is _____, 2025. This Title hereby supersedes and replaces in its entirety, **XXXX** of the Fridley, Minnesota Code on the effective date hereof.
- (b) The provisions of this Title shall apply to all permits, permit applications and development plans (general, revised, or final) filed on or after _____, 2025. Plans on

file before _____, 2025 shall be reviewed for compliance with the Zoning Title effective at the time of filing.

4. Authority to Adopt
 - (a) This Title is enacted pursuant to the authority granted by the Municipal Planning Act, M.S. §§ 462.351 through 462.365. Whenever other applicable city, state, or federal laws or rules referenced in this Title have been amended or superseded, this Title shall also be considered amended accordingly.

600.02 APPLICABILITY

1. The provisions, interpretation and application of this Title, shall be held to be the minimum requirements for the promotion of the public health, safety, convenience and general welfare of the residents of the City.
2. No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose or in any manner which is not in conformity with the provisions of this Title.
3. All subdivisions planned within the City shall comply fully with the provisions of this Title.

600.03 ADMINISTRATION

1. This Title shall be administered and enforced by the Community Development Director as designated by the City Manager.
2. The Community Development Director shall administer, interpret and enforce the provisions of this Title and shall provide for:
 - (a) The maintaining of permanent and current records of this Title including all applicable property records, map amendments, conditional uses, interim uses, variances, appeals and applications hereto.
 - (b) The receiving, filing and forwarding of all applications for amendments, variances, conditional uses, interim uses, appeals, or other matters to the appropriate Commissions and City Council.
 - (c) The issuance of all permits and certificates required by this Title.
 - (d) The inspection and examination of all buildings and land, and the issuance of written orders required in remedying any conditions which are found to be in violation of this Title.
 - (e) Being the City staff liaison to the Planning Commission and the enforcement of the decisions of the City Council pertaining to this Title.
3. The Community Development Director may delegate specific responsibility to any individual city employee, but shall remain responsible for all decisions made by those employees.

600.04 INTERPRETATION

1. Relationship to Comprehensive Plan

- (a) It is the policy of the City that the enforcement, amendment and administration of this Title be accomplished with due consideration of the recommendations contained in the Comprehensive Plan as developed and amended from time-to-time by the City. The City Council recognizes the Comprehensive Plan as the policy guide responsible for regulation of land use and development in accordance with the policies and purpose herein set forth.
2. Use of Graphics, Illustrations, Figures, Photos and Cross-References
- (a) Graphics, illustrations, figures and photos are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, figure or photo, the text shall control.
- (b) In some instances, cross-references between chapters, sections and subsections are provided that include the chapter, section, or subsection number along with the name of the reference. Where a conflict may occur between the given cross-reference number and name, the name shall control.
3. Conflicting Regulations or Provisions
- (a) Where the provisions of this Title are inconsistent with state or federal law or any other city ordinance, code provision, or regulation, the more restrictive provision governs unless otherwise expressly stated.
4. Abrogation and Greater Restrictions
- (a) This Title is not intended to repeal, abrogate, annul, impair or interfere with any existing easement, covenant or any other private agreement. However, provided that where the regulations of this Title are more restrictive or impose higher standards or requirements on such easements, covenants or other private agreements, the requirements of this Title shall govern.
5. Severability
- (a) It is hereby declared to be the intention of the City that the provisions of this Title are severable in accordance with the following:
- (1) If any court of competent jurisdiction shall adjudge any provision of this Title to be invalid, such judgment shall not affect any other provisions of this Title not specifically included in said judgment.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Title to a particular property, building or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.
6. Fees. The fees for administrative processes, land and building development, alterations, improvements and subdivisions are provided for in [Chapter 209 of this Code](#).

Title 6 Zoning and Subdivision

Chapter 601 Definitions

601.01 INTERPRETATION OF DEFINITIONS

1. For the purpose of **this Chapter** certain terms and words are hereby defined as:
 - A. Words used in the present tense shall include the future;
 - B. Words in the singular include the plural, and the plural the singular;
 - C. The word "lot" shall include the word "plot"; and
 - D. The word "shall" is mandatory while the word "may" is permissive; and
 - E. The word "including" shall mean "including, but not limited to."
2. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. All words and phrases not defined shall have their common meaning or be determined through the interpretation of the Community Development Director.

601.02 GENERAL DEFINITIONS

Alley. A public right of way which affords secondary access to an abutting property.

Alternate Energy Devices. Non fossil fuel energy devices.

Ambient. Description of measurement of existing conditions with respect to traffic, noise, air and other environments.

Applicant. Any person, firm, corporation, developer, partnership or association that applies for a land use, subdivision or permit application.

Articulation. Surface articulation in architecture refers to the design and detailing of a building's surfaces to enhance visual interest, texture and depth.

Basement. A portion of a building located wholly or partly underground, having more than 50% of its floor to ceiling height below the average grade of the building perimeter. A basement shall not be considered a story for the purposes of determining building height.

Berm. A constructed mound of earth in excess of 18 inches in height used for decorative, screening or buffering purposes.

Bicycle Facility. Site furnishings which accommodate bicycling, including bicycle racks, storage and other facilities designated for bicycle parking.

Block. That property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets or nearest intersecting or intercepting street and railroad right of way, waterway or other barrier to or gap in the continuity of development along such street.

Boulevard. That area between the street surfacing or curb and the public right-of-way line.

Buildable. Lands within an area suitable for a structure and site design features for residential, commercial and industrial uses. It includes both vacant land and developed land utilized for redevelopment.

Building. Any structure having walls and a roof, built for the shelter or enclosure of persons, animals or property of any kind.

Building Height. The vertical distance measured from the average elevation of a finished grade at the front of the building to the highest point in the case of a flat roof; to the deck line of a mansard roof; and to the mean distance between eaves and ridge of a gable, hip or gambrel roof (See Figure X).

Figure X



Caliper. The ANSI (American National Standards Institute) standard for the measurement of nursery trees. For trees up to six inches in diameter, caliper is measured at six inches above the ground level. Trees that are a seven to twelve-inch caliper are measured at twelve inches above the ground. For nursery stock above twelve inches in diameter, a DBH (Diameter at Breast Height) measurement is used.

Carwash. A structure containing a machine or equipment for the cleaning, washing, polishing, or waxing of motor vehicles. This may be attached to a gas station or free-standing.

Charging Levels: Standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged from Electric Vehicle Supply Equipment. The terms 1, 2, and DC are the most common charging levels, and include the following specifications:

- A. Level 1 is considered slow charging and includes 120v outlets.
- B. Level 2 is considered medium charging that includes 208v and 240v outlets, and/or charging head and cord hard-wired to the circuit.
- C. Level 3 or DC is considered fast or rapid charging and includes outlets greater than 240v, charging heads and cord hard-wired to the circuit.

City. The City of Fridley.

Common Open Space. Any land, water or combination which is intended for the use and enjoyment of residents of a development, but not including individual building lots and land accepted for public dedication.

Curb Grade. The established elevation of the curb in front of the building measured at the center of such front. Where no curb grade has been established, the City shall establish such curb elevation.

District. A section or sections of the incorporated area of the City for which the regulations and provisions governing the use of building and land are uniform for each class of use permitted therein.

Driveway. A hard surfaced area, such as concrete, asphalt or similar City accepted impervious material, that is designed to hold the weight of the vehicle while giving access from a public way to a building or abutting grounds. A hard surface material does not include gravel.

Dwelling Unit. Any building or portions thereof providing habitable, independent living facilities for one or more persons in a household, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement. A grant by a property owner to the use of land by the public, an entity or persons for specific purposes such as the construction of utilities, drainageways and roadways.

Electric Vehicle. A vehicle that operates, either partially or exclusively, on electrical energy from the electrical grid or an off-grid source that is stored on board for motive purposes.

"Electric vehicle" includes:

- A. Battery electric vehicle
- B. Plug-in hybrid electric vehicle

Electric Vehicle Charging Station (EVCS). A public or private parking space that is served by electric vehicle supply equipment.

Electric Vehicle Ready Parking Space. Parking space with sufficient electrical capacity and conduits to support future EV chargers, but not including an installed charger unit. Adequate electrical service is required to allow for future simultaneous charging of all future installed chargers.

Electric Vehicle Supply Equipment (EVSE). Any equipment or electrical component that has the primary purpose of charging electric vehicles at a specific location and meets the specifications of the Charging Levels listed above. EVSE does not include equipment located on the electric vehicles themselves.

Electrical Capacity shall mean, at minimum:

- A. Panel capacity to accommodate a dedicated branch circuit and service capacity.
- B. Conduit from an electric panel to future EVCS location(s).

Expansion. Any modification which increases an intensity of a use, or an existing structure's square footage, volume or footprint.

Exterior Materials. The protective material on the exterior of a building that typically features visually appealing finishes.

Façade. The entire external area of a building facing or side extending from the roof or parapet to the ground and from one corner of the building to another.

Fence. A structure, partition or wall erected for the purpose of enclosing a piece of land or to divide a piece of land into distinct portions.

Fence, Barbed Wire Security. A barrier system comprised of twisted strands of wire armed with barbs or sharp points arranged at intervals along the strands.

Fence, Electric Security. A barrier system comprised of wire and designed to deter unauthorized entry through the use of non-lethal electrical pulses. It consists of one or more insulated wires strung along a fence line or other supporting structure and connected to a commercially-available energizer, installed to manufacturer specifications, which delivers electrical pulses.

Foot Candle. A measure of illumination on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

Grade. The average level of the finished surface of the ground adjacent to the exterior walls of the building.

Ground Cover. The ground area covered by vegetation.

Impervious Surface. A constructed hard surface that either obstructs the entry of water into the soil, or 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, roads, patios, driveways, parking lots, storage areas, concrete, asphalt or other material that does not absorb stormwater run-off.

Landscaping. The improvement of land by the addition of berms, trees, shrubs, ground cover, crushed rock, wood chips, retaining walls and other functional, ornamental or decorative features.

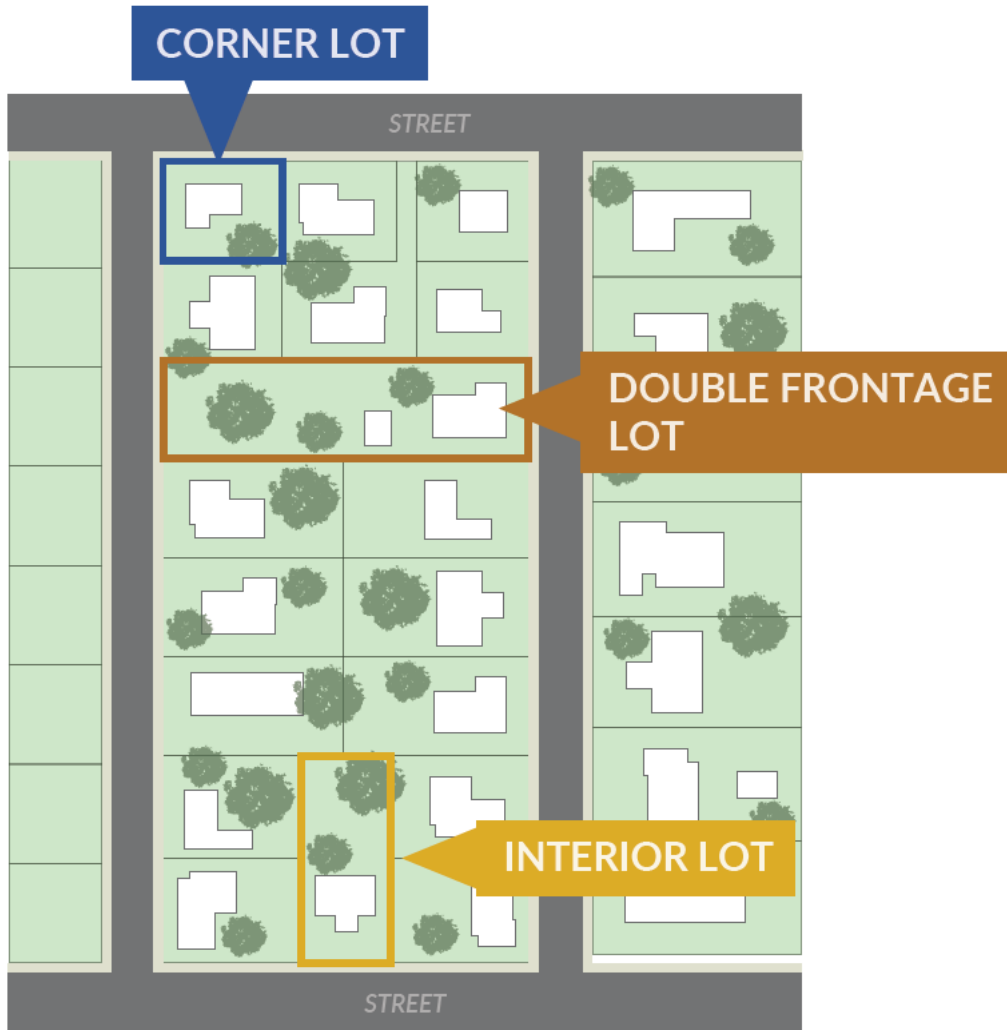
Living Area. The area of a dwelling unit designed to be used for habitation purposes, including bedrooms, dining room, living room and the like, which are usually and customarily used for habitation purposes, as distinguished from any garage or other type of accessory space.

Loading Dock. Any off-street area or raised platform, on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Lot. A parcel of land sufficient in size to meet the minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are required (See Figure X). A lot shall have frontage on a dedicated or private street and may consist of:

- A. A single lot of record or a portion of a lot of record;
- B. A combination of complete lots of record and/or portions of lots of record; or
- C. A parcel of land described by metes and bounds, provided that any subdivision of any residual lot shall meet the requirements of this Chapter.

Figure X



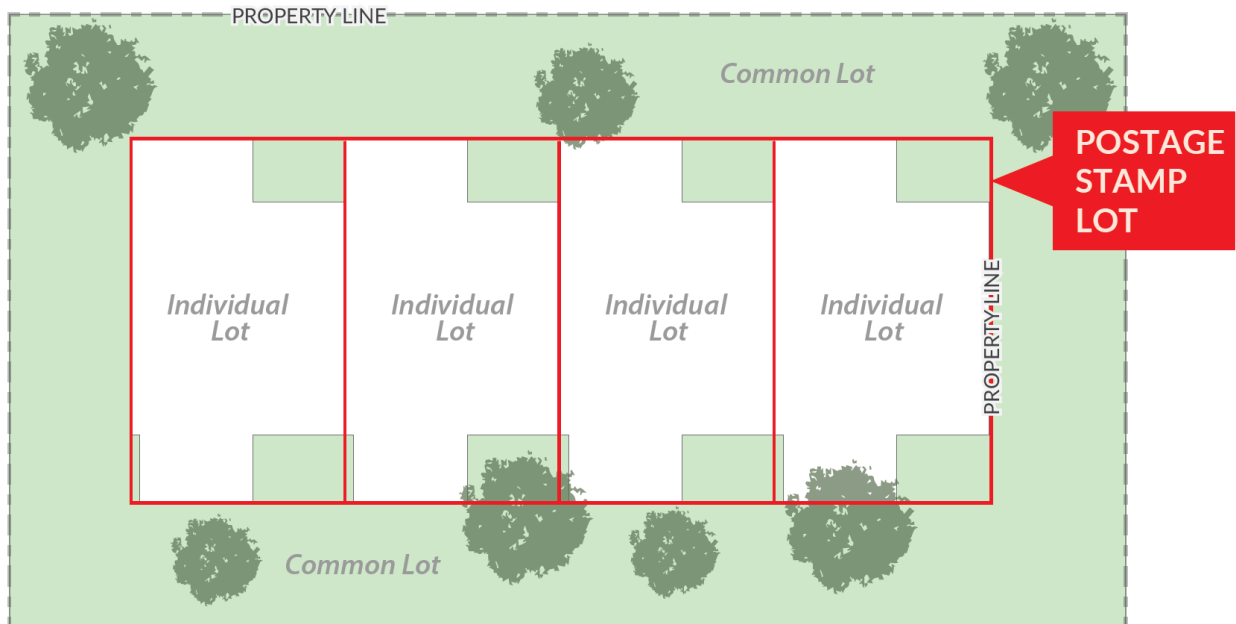
Lot, Corner. A lot situated at the intersection of two or more streets (See Figure X).

Lot, Double Frontage (Through). A lot with opposite lot lines on two non-intersecting streets. Both street frontages shall be considered as front yard areas (See Figure X).

Lot, Interior. A lot situated such that its lot line abuts another lot, open space or yard (See Figure X).

Lot, Postage Stamp. A lot arrangement typically within a homeowner's association where individual lots define the area around the perimeter of an individual unit and there is a common lot for the remainder of the yard area (See Figure X).

Figure X



Lot Area. The area of land on a horizontal plane bounded by the front, side and rear lot lines, measured within the lot boundaries.

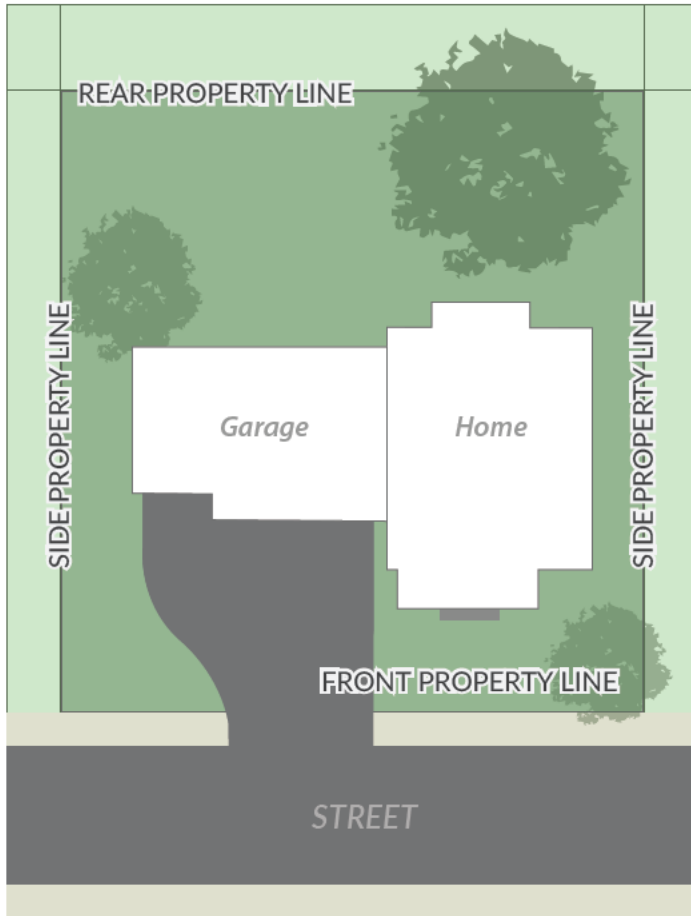
Lot Coverage. That portion of a lot that is covered by buildings or structures, but excluding paving and other impervious surfaces.

Lot Depth. The horizontal distance measured between the front and rear lot lines.

Lot Frontage. The front of a lot shall be that boundary of a lot along a street right of way. If a lot is a corner lot, the front shall generally be the shorter lot line that abuts the street right of way. The Community Development Director may designate the front lot line based on the practical front yard of the property as determined by such factors as the existing or proposed building configuration and consideration of the characteristics of surrounding properties.

Lot (Property) Line. A line dividing one lot from another or from a street or any public space (See Figure X).

Figure X



Lot (Property) Line, Front. The front line of a lot shall be that boundary abutting a public right-of-way, typically having the least width (See Figure X).

Lot (Property) Line, Rear. The boundary of a lot that is opposite the front lot line (See Figure X).

Lot (Property) Line, Side. Any boundary of a lot which is not a front or rear lot line (See Figure X).

Lot Width. The horizontal distance between the side lot lines measured at right angles to the lot depth at a point equal to the minimum required front yard setback.

Manufactured (Mobile) Home: A structure transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet and is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, including plumbing, HVAC, and electrical system contained in it. The structure must comply with the Manufactured Home Building Code as defined by Minnesota Statutes Section 327.31, subdivision 3, as it may be amended time to time.

Manufactured Home Park: A contiguous parcel or parcels of land which has been developed for the placement of two or more manufactured homes and is owned by an individual, firm, trust, partnership, public or private association, company or corporation.

Material Classes. Classification of materials based on their physical properties and structural integrity.

Motor Vehicle. For the purposes of **Chapter 205**, a machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners, or slides and transports persons or property or pulls equipment and shall include but not be limited to automobiles, trucks, motor homes, motorcycles, tractors, all terrain vehicles (ATVs), utility task vehicles (UTVs) and snowmobiles.

Nuisance. Anything, condition or conduct that endangers the public health, safety or welfare, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life.

Owner Occupancy. A property owner, as reflected in property records, makes their legal residence at the site, as evidenced by the property's residential homestead classification.

Parking Stall. An area for the purpose of parking one automobile, with access to a public street or alley.

Parking Stall, Accessible. A parking space reserved exclusively for a motor vehicle registered with the state of Minnesota with accessible license plates or a state-issued temporary accessible parking pass.

Parking Stall, Angled. Any parking space that is not parallel to the curb or driving aisle.

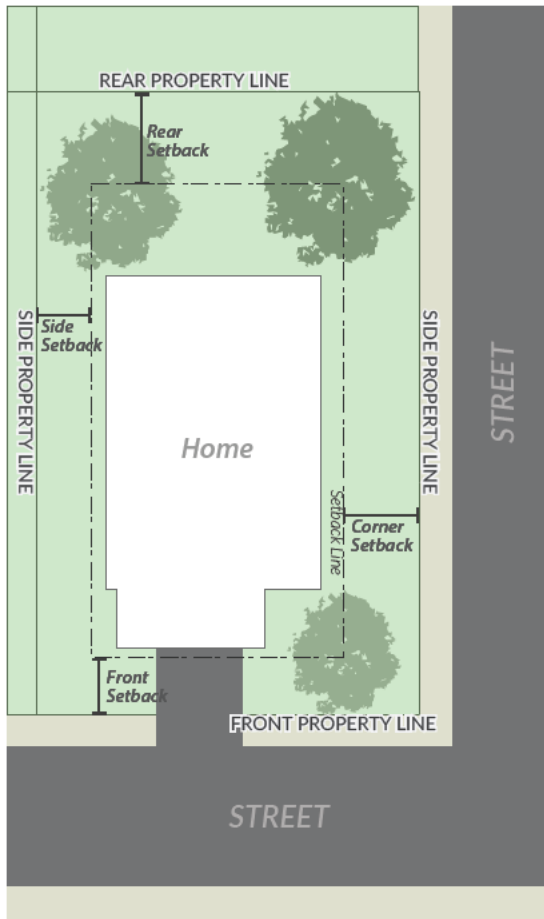
Public Property. Any property owned by the City of Fridley or any other governmental entity or agency.

Public Right-of-Way. For purposes of **chapter 205**, "right-of-way" or "public right of way" means the area on, below, or above a public roadway, highway, street, alley, bicycle lane, or public sidewalk in which the City, County or State has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the City, County or State. A right-of-way does not include the airwaves above a right-of-way with regard to cellular or other non-wire telecommunications or broadcast services.

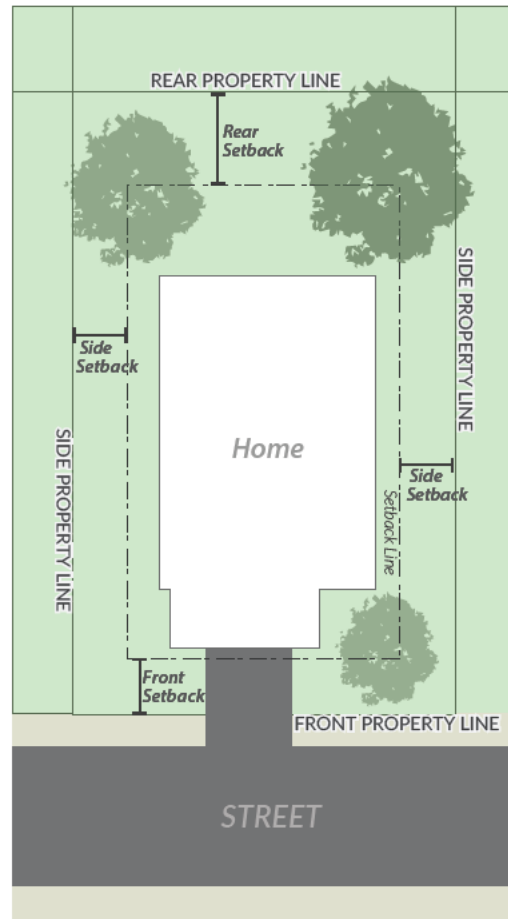
Recreational Vehicle: Any structure or vehicle equipped with wheels designed or used for habitation or recreational purposes to facilitate movement from place to place. Recreational vehicles also include automobiles that are used for habitation purposes and include pick-up coaches (campers), motorized homes, boats, travel trailers and camping trailers not meeting the definition of a manufactured home or mobile home.

Setback. The minimum horizontal distance between a lot line and a structure located on that lot **(See Figure X)**.

Figure X



Corner Lot



Interior Lot

Site Plan. A map drawn to scale depicting the development of a tract of land, including but not limited to the location in relationship of structures, streets, driveways, recreation areas, parking areas, utilities, landscaping and walkways as related to a proposed development.

Shrub. Any plant material, which at maturity is 15 feet in height or less. Such materials may be used for the formation of hedges.

Slope. The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

Sod/Sodding. A section of grass-covered surface that can be transplanted for landscaping.

Stormwater Runoff. The direct runoff of water resulting from precipitation in any form.

Story. That part of a building included between the surface of any floor and the surface of the next floor above it; if there is no floor above it, the space between the floor and the ceiling above it.

Street. A public or private thoroughfare which provides a principal means of access to abutting property.

Street, Arterial. A street designed primarily to carry traffic between large land use units, as designated in the transportation section of the current Fridley Comprehensive Plan.

Street, Collector. A street designed primarily to carry traffic from local streets to arterial streets and highways, as defined in the transportation section of the current Fridley Comprehensive Plan.

Street, Local. A street of limited continuity designed primarily to carry traffic to the abutting properties and higher order streets, as defined in the transportation section of the current Fridley Comprehensive Plan.

Structural Alteration. Any change, addition or modification in construction in the supporting members of a building, including exterior walls, bearing walls, beams, columns, foundations, girders, floor joists, rafters or trusses.

Structure. Anything constructed or erected on the ground or attached to the ground or on-site utilities above ground, such as buildings, sheds, detached garages, manufactured homes and satellite dishes.

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

Structure, Principal. The main constructed building on a parcel of land that is utilized for the majority of activities.

Transparency. The quality of allowing light to pass through so that objects behind can be distinctly seen.

Tree, Coniferous. A woody plant, which at maturity is at least 30 feet or more in height, with a single trunk fully branched to the ground, having foliage on the outermost portion of the branches year-round.

Tree, Ornamental. A woody plant, which at maturity is less than 30 feet in height, including multi-stem or those with a single trunk unbranched for several feet above the ground, often planted for ornamental characteristics such as flowers or attractive bark.

Tree, Overstory Deciduous. A woody plant, which at maturity is 30 feet or more in height, with a single trunk unbranched for several feet above the ground, having a defined crown which loses leaves annually.

Use. The purpose for which land or a structure thereon is designated, arranged or intended or for which it is occupied, utilized or maintained.

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

Use, Conditional. A specific type of land use that may be allowed, but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in Code.

Use, Interim. A temporary use of property until a particular date, until the occurrence of a particular event or until zoning regulations no longer permit it.

Use, Nonconforming. Any building, structure or land lawfully occupied by a use or lawfully existing at the time of the passage of this **Chapter** or amendments thereto, which does not

conform with the regulations of this Chapter or future amendments for the district in which it is situated.

Use, Permitted. A land use which is specifically allowed in a zoning district.

Use, Permitted with Standards. A land use which may be lawfully established in a particular district or districts, provided certain standards are met.

Use, Principal. The main use of land or buildings as distinguished from subordinate or accessory uses.

Use, Proposed. In reference to this Chapter's provisions regarding mandatory distances between uses, the "proposed use" shall be a regulated use which may not be located within a specified distance from a protected use. Proposed uses include but are not limited to automotive repair and cannabis cultivation.

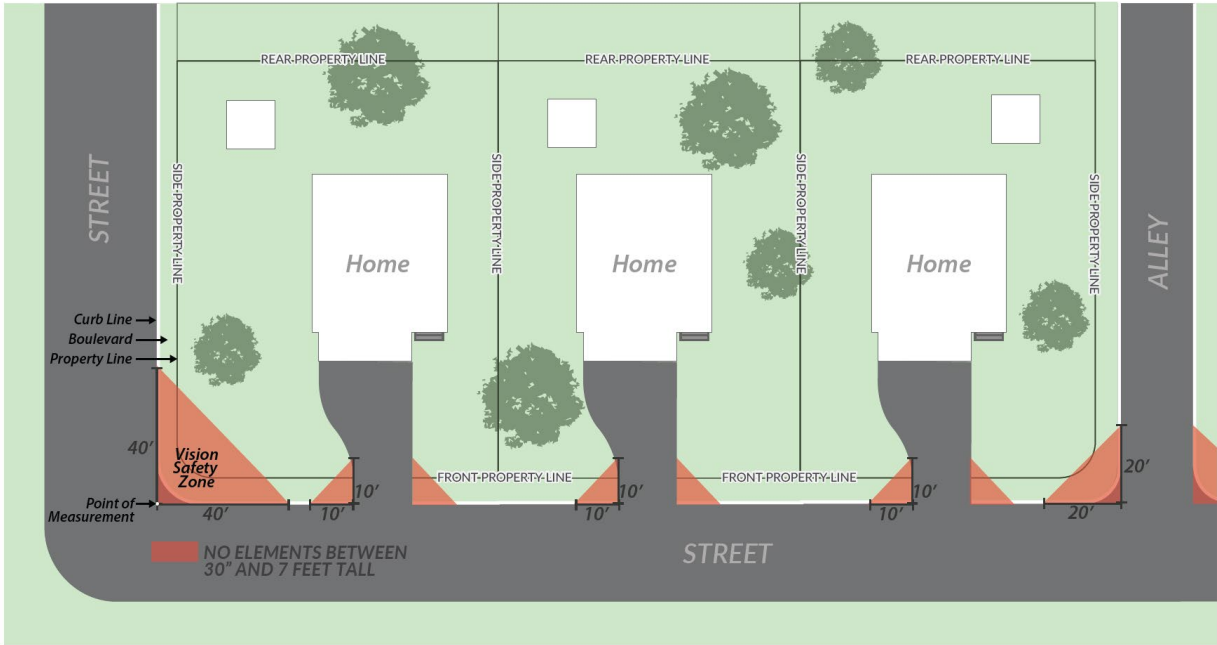
Use, Protected. In reference to this Chapter's provisions regarding mandatory distances between uses, the "protected use" shall be a use which may be adversely affected by a proposed use. Protected uses include but are not limited to residential uses and schools.

Variance. A modification or variation from the literal requirements of this development chapter as applied to a specific piece of property.

Vehicle. Any device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

Vision Safety Zone. A triangular area of unobstructed vision that is located at the intersection of two streets; a street and an alley; or a street and a driveway. The area is measured by placing two points of the triangle 40 feet from a street corner, 20 feet from the alley intersection and 10 feet from the driveway intersection. The third side of the triangle is a straight line between the two aforementioned points (see Figure X).

Figure X

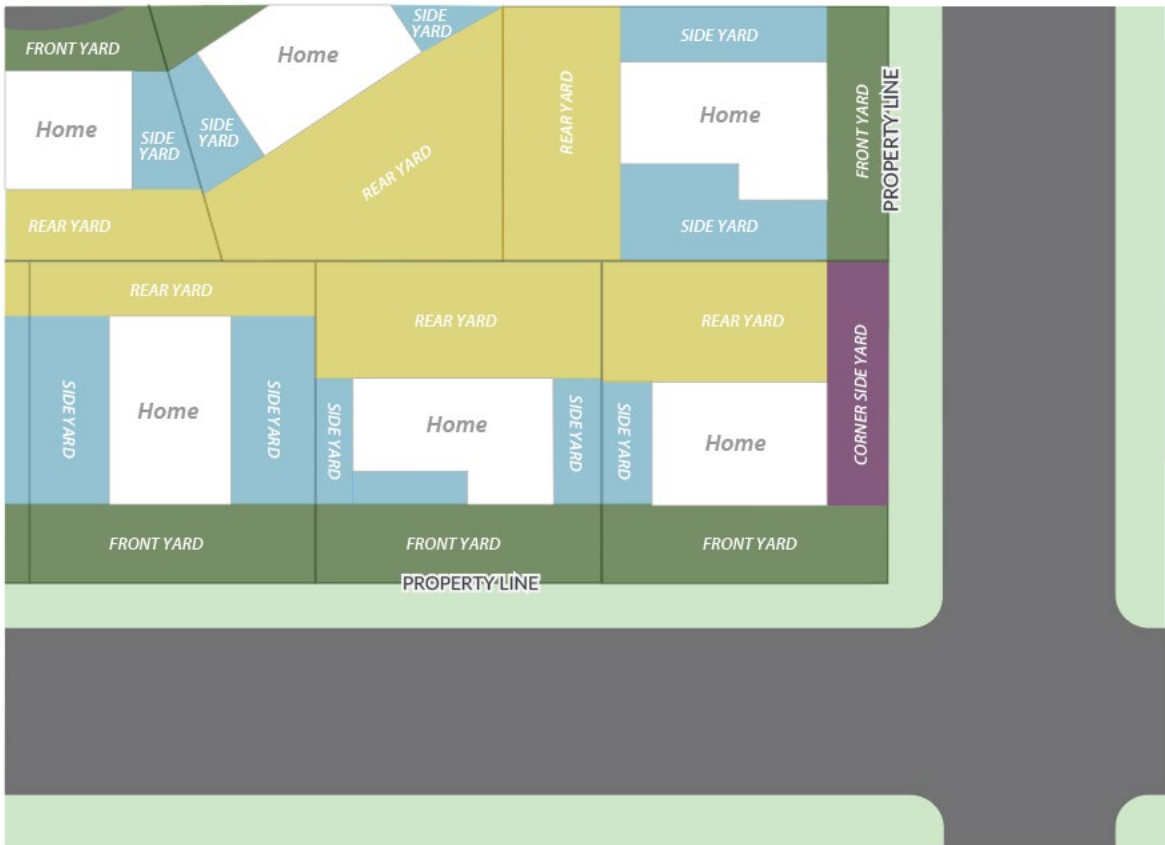


Walkway or Sidewalk. A surface designated for pedestrian use.

Waterway. Any body of water that receives storm water runoff, including but not limited to wetlands, lakes, ponds, streams, rivers, and reservoirs. Shall not include water flowing on streets, or pooling for less than 24 hours on private property after a rain event.

Yard. The horizontal distance between the principal structure and a lot line, as measured perpendicular to the lot line. Eaves are not to be considered part of the principal structure for the purpose of determining the location or extent of a yard (See Figure X).

Figure X



Yard, Corner Side. A yard which abuts a street, extending between the closest point of the principal building to the corner side property line, where the yard meets the front line to the rear line.

Yard, Front. A yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the principal building (See Figure X).

Yard, Rear. A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building (See Figure X).

Yard, Side. A yard extending across the full length of a lot and the main building extending from the front yard to the rear yard and having a width equal to the shortest distance between the side line and the principal building (See Figure X).

Zero Lot Line. The location of a building on a lot in such a manner that one or more of the building's exterior edges rest directly on a side lot line, and complies with all fire code requirements for construction on a lot line.

601.03 USE DEFINITIONS

Accessory Dwelling Unit, Attached. A subordinate habitable permanent dwelling complying with the Minnesota State Building Code which is located within a principal one-unit detached dwelling.

Accessory Dwelling Unit, Detached. A subordinate habitable permanent dwelling complying with the Minnesota State Building Code which is located on the same lot as a principal one-unit detached dwelling. The detached accessory dwelling unit may be a freestanding structure or may be located within a detached garage.

Accessory Retail or Service. The sale of goods or provision of services located within the same building or on the same lot as the principal institutional, office, or industrial use and which supports or is cohesive with the principal use.

Adult Entertainment Establishment. Any business that is characterized by, or which places a significant emphasis on, providing its patrons with merchandise, services, or entertainment that is characterized by an emphasis on the depiction, exposing, describing, discussing or "specified sexual activities" or "specified anatomical areas." For the purposes of this definition, Adult Entertainment Establishments include adult bookstores, adult motion picture theaters, adult massage parlors, adult saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, and adult body painting studios.

Animal Boarding, Shelter, or Daycare Center. Any structure or premises on which more than three dogs or cats over six months of age are temporarily or permanently boarded as a commercial service, including animal day care/spa/grooming facilities. A portion of the site may be used for associated retail. Properties with multiple pet licenses in residential districts shall be defined in **Ch X Animal Control** of the City Code.

Animal Veterinary Clinic or Hospital. A facility for the diagnosis, treatment, or hospitalization of small animals, including dogs, cats, rabbits, hamsters, and other animals of a similar nature. This use shall include staff member(s) with a current state Veterinary License in good standing. The facility may also provide boarding for animals as part of medical services and associated retail.

Automobile Recycling Center. A facility which includes automobile wrecking, salvage, and/or recycling yard.

Automotive Fuel Station. Any building, land area, or other premises, or portion thereof, used or intended to be used for the retail dispensing or sale of vehicular fuels. Convenience store items such as groceries and household goods may also be sold on the premises.

Automotive Repair, Major. An establishment where major repair of motor vehicles is conducted, including engine rebuilding, repairing, or reconditioning and collision service which includes but is not limited to body, frame, or fender straightening and overall painting of motor vehicles.

Automotive Service, Same Day. An establishment where minor repairs and servicing of motor vehicles are conducted, including but not limited to, replacement of parts, oil changes, tire

rotations, and sale of automobile accessories for passenger cars and trucks not exceeding 12,000 pounds gross weight.

Brewery, Winery, or Distillery. A facility that produces beer, wine, or other beverages made using fermentation which contain at least one-half of one percent alcohol by volume.

Brewpub. A restaurant with an accessory brewery.

Cannabis Combination Business. A business with a cannabis mezzobusiness license with a retail operations endorsement or a cannabis microbusiness license with a retail operations endorsement from the State of Minnesota Office of Cannabis Management.

Cannabis Cultivation Business. A business with a cannabis cultivator license, medical cannabis cultivator license, or cultivation endorsement from the State of Minnesota Office of Cannabis Management.

Cannabis or Hemp Manufacturing. A business with a cannabis or hemp manufacturer license or manufacturing endorsement from the State of Minnesota Office of Cannabis Management, that is engaged in producing consumer items by packaging processed cannabis or hemp plant materials or cannabis or hemp extract or combining materials or extract with other pre-structured materials or components, but does not involve processing raw plant materials.

Cannabis Processing or Extraction. A business with a cannabis or hemp manufacturer license or manufacturing endorsement from the State of Minnesota Office of Cannabis Management, that is engaged in the process of extracting cannabis concentrate from cannabis plants or cannabis flower using heat, pressure, water, lipids, gases, solvents, or other chemicals or chemical processes, but does not include the process of extracting concentrate from hemp plants or hemp plant parts or the process of creating any artificially derived cannabinoid.

Cannabis Retail Business. A retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, excluding lower-potency hemp edible retailers.

Cannabis Transportation or Delivery. The transportation of cannabis products from one type of cannabis business to another or to the end consumer.

Car Wash. An area of land and/or a structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

Care Facility. A facility licensed by the state which provides meals, lodging, and services on a regular basis, such as personal services, 24-hour supervision, social activities, and/or nursing care to two or more individuals who require the assistance. Care facilities include facilities such as assisted living, nursing homes, rest homes, and convalescent care. This use does not include in-home residential care facilities.

Care Facility, Continuum Of. A residential facility or complex which provides more than one type of living choice for adults, from independent living to long-term care.

Care Facility, Residential. An in-home residential facility licensed by the state which provides primarily nonmedical care to individuals who are in need of personal assistance to manage

the activities of daily life or for the protection of the individual. The number of people allowed in each facility is dictated by state statute with either groups of six or few persons or groups between seven – 16 persons.

Clinic. A facility used primarily for the provision of outpatient medical, dental, chiropractic, therapeutic, optometric or mental health care and treatment.

Commercial Center, Large. Large commercial buildings with footprints at least 25,000 square feet in size consisting of two or more separate businesses sharing common access, circulation, and pedestrian and parking areas so that a public right-of-way is not needed to get from one business to another.

Commercial Center, Small. Small commercial buildings with footprints no larger than 25,000 square feet in size consisting of two or more separate businesses sharing common access, circulation, and pedestrian and parking areas so that a public right-of-way is not needed to get from one business to the other.

Commercial Recreation, Indoor. Indoor recreational facilities operated as a business and which are open to the public for a fee, including but not limited to, health clubs, bowling alleys, swimming pools, tennis courts, country clubs, and arcades. Indoor commercial recreation may have accessory outdoor recreation to serve patrons.

Commercial Recreation, Outdoor. Land or outdoor recreational facilities operated as a business and which are open to the general public for a fee, including but not limited to, golf courses and outdoor swimming pools. Such businesses may also provide a snack bar, restaurant, retail sales of related items, and other support facilities.

Construction Contractor Yard. A lot or portion of a lot used to store and maintain construction equipment and other materials customarily required in the building trades by a construction contractor.

Crematory. A furnace for cremating; also: an establishment containing such a furnace.

Day Care Center. Any non-home based program, licensed by the state, that for compensation or otherwise, provides for the care of children or adults outside their home for part of a 24 hour day. Includes, but is not limited to, programs for children known as nursery schools, preschools, day nurseries, child care centers, and day care facilities.

Day Care, Group Family. A dwelling unit where a resident of the dwelling is providing care as defined and regulated under Minn. Rules 9502.

Drive-Through Establishment. A use, structure or portion of a principal structure accessory to a retail or service use where patrons may purchase products or receive service without having to leave their motor vehicles.

Dwelling. A building or portion thereof designed exclusively for residential occupancy.

Dwelling, Apartment. A residential structure containing seven or more dwelling units designed exclusively for independent living, but sharing hallways and main entrances and exits.

Dwelling, Attached Townhouse or Rowhouse. A single dwelling unit within a larger residential structure containing three or more units which is separated from the adjoining

dwelling unit(s) by a common wall. Each dwelling unit may be located on its own individual lot or on a common lot containing all of the attached units, and each dwelling unit shall have separate and individual entrances.

Dwelling, Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and designed for use as a dwelling with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."

Dwelling, One Unit. A residential structure designed for one dwelling unit only. This definition includes individual manufactured homes that are located outside of a manufactured home park.

Dwelling, Three- To Six-Unit. A residential structure on a single lot which contains three, four, five, or six separate dwelling units.

Dwelling, Two-Unit. A residential structure which contains two separate dwelling units.

Essential Services. Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, stormwater drainage and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings used or intended to be used for human habitation.

Financial Institution. An establishment where the principal business is the receipt, disbursement or exchange of funds and currencies, such as banks or credit unions.

Fleet Vehicle. Any motor vehicle a company owns or leases that is in the normal operation of the accepted principal use. Vehicles not considered fleet vehicles include off-road, construction and personal vehicles owned or leased by employees.

Funeral Home. A building or part thereof used for human funeral services. Such building may contain space and facilities for:

- A. Embalming and the performance of other services used in preparation of the dead for burial;
- B. The performance of autopsies and other surgical procedures;
- C. The storage of caskets, urns, and other related funeral supplies;
- D. The storage of funeral vehicles; or
- E. A funeral chapel or other area used for the performance of funeral ceremonies, mourning and viewing of the deceased.

Garden Center/Nursery. A business involving the retail sales of trees, flowering and decorative plants, and shrubs for the purposes of transplanting. This use is conducted primarily indoors.

Garage Sale. Home based retail sales event that is typically held in a garage, yard or anywhere on the subject property and includes moving sales, boutiques sales and craft sales.

Helicopter Landing Pad. A heliport, helipad, or helistop which provides helicopter landing area for the transport of persons in need of emergency medical care or specialized treatment, or the emergency transport of organs, blood, medicine, or medical equipment.

Home Occupation. A business, profession, occupation or trade conducted for gain or support as an accessory use entirely within a dwelling, or a structure, which is clearly incidental and secondary to the residential use of the premises and which does not change the essential residential character of such premises.

Hospital. An institution open to the public, in which sick or injured persons receive medical, surgical or psychiatric treatment which may include inpatient care or overnight accommodations.

Hotel. A building consisting of six or more guest rooms and designed for occupancy as a temporary lodging place of individuals.

Keeping of Bees. The long-term keeping of bees in a hive.

Keeping of poultry. The long-term keeping of chickens, geese and other fowl on a property.

Keeping of Livestock. The long-term keeping of livestock, including horses, cattle, goats, sheep, swine and other similar animals used for utility.

Laboratory. A facility involved in scientific research, investigation, testing or experimentation, but not including the manufacture or sale of products except as incidental to the main purpose of the laboratory.

Liquor Store. A retail store which primarily sells alcoholic beverages for off-premises consumption.

Makerspace or Studio. Work space for one or more artists, artisans, or craftspeople, including the creation, sale, instruction, or exhibition of works of art. Makerspace activities may include but are not limited to painting, jewelry making, printmaking, metalwork, furniture making, and the creation of clothing/apparel.

Manufactured Home Park. A parcel of land under single control or ownership which has been developed for the placement of two or more manufactured homes for residential use.

Manufacturing, Existing. Existing manufacturing uses located on lots less than 1.5 acres in size.

Manufacturing, Heavy. An establishment or use of land that manufactures, assembles or fabricates using processes that generally create odor, noise, vibration, illumination or particulates which may impact surrounding properties. Examples of heavy manufacturing include, but are not limited to, the following: large scale food and bottling operations; lumber, milling and planing facilities; grain milling; cement, lime, gypsum or plaster manufacture, aggregate, concrete, and asphalt plants; intensive metal fabrication; and chemical manufacturing.

Manufacturing, Light. An establishment or use of land for the assembly or processing of previously processed components or manufactured parts using processes that do not create significant amounts of odors, noise, vibration, illumination or particulates that may impact surrounding properties. Examples include, but are not limited to the following:

manufacturing of food, pharmaceuticals, clothes, furniture (where wood is milled off-site), hardware, toys, light sheet metal products or mechanical components; printing; and small vehicle assembly.

Mining, Sand, Stone, and Gravel Extraction. A use involving on-site extraction of surface or subsurface mineral products or natural resources. This use does not include grading and removal of dirt and other materials associated with an approved project.

Mixed Use Building. A building which houses a mixture of two or more compatible land uses, such as retail, office and recreational. Residential uses are not allowed as part of this use.

Motel. A building containing guest rooms, with direct access to garage or parking spaces, and which is used for the accommodation of transient guests.

Motor Vehicle Fuel and Oil Sales. Any building or land area which is used or intended to be used for the retail dispensing or sale of vehicular fuels or oil.

Motor Vehicle Sales or Rental. Any land or buildings used for the display, sale or rental of new or used motor vehicles in operable condition. Leasing of vehicles is also included in this use.

Museum/Art Gallery. An establishment in which collections of artistic, historical or scientific objects are bought, sold, loaned, appraised or exhibited to the general public.

Off-Site Service Business. Any establishment where services are rendered off of the premises of the primary business location including but not limited to plumbing, installation, electrical or IT services.

Office. An establishment used primarily for conducting the predominantly administrative or clerical service affairs of a business, profession, service, industrial, government or like activity. This use may include ancillary services for office workers, such as a restaurant, coffee shop, and child care facilities.

On-Sale Liquor. The sale of alcoholic beverages for direct on-site consumption, under a City liquor license.

Outdoor Dining. A specified outdoor area for dining which is accessory to a principal restaurant or food service use.

Outdoor Display. A temporary outdoor arrangement of the products a business sells outside of the building the business occupies.

Outdoor Sales. Sales of items which are displayed outdoors, including but not limited to recreational vehicles, manufactured homes, food, vehicles and equipment.

Outdoor Storage. The storage of business property for a period greater than 24 hours outside of an enclosed building, excluding outdoor storage otherwise authorized by this chapter. This use includes vehicles/trailers for rental and temporary exterior storage containers.

Parking Lot. Any public or private land area designed and used for the surface parking of motor vehicles.

Pawn Shop. A commercial business that loans money on the security of pledges of personal property, or deposits and conditional sales of personal property, or the purchase or sale of personal property.

Place of Assembly. A building or indoor space used in whole or in part for the gathering together of persons for civic and cultural purposes, including but not limited to, worship facilities, meeting halls, conference centers, fraternal organizations, and theater, dance or music performance facilities.

Public Building or Use. A building or use which is owned or managed by a public entity. Schools are a separate use as otherwise defined.

Railroad Use. Accessory uses which are served by the railroad.

Recycling, Scrap or Salvage Yard. Any area, lot, land, parcel, building or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage or disposal of scrap, waste, reclaimable or recyclable material or debris.

Recreational Amenity, Private. A private area or facility intended to serve the recreational needs of a specific residential population. Private recreational amenities may include sport courts, walking trails or playground equipment.

Recreational Facility, Public. An indoor or outdoor public complex or destination designed and equipped for the conduct of sports and leisure-time activities. This facility may include swimming pools, tennis courts or other similar uses. Related accessory buildings and structures are included within this use.

Restaurant. An establishment where food and drink are prepared and served for human consumption, principally within the establishment or for take-out purposes to be consumed off-premises.

Retail or Service Use. A commercial establishment that provides goods or services directly to the consumer. The storage of merchandise for the retail or service use on the same lot is incidental to this use.

Sacred Community. Means a residential settlement established on or contiguous to the grounds of a religious institution's primary worship location primarily for the purpose of providing permanent housing for chronically homeless persons, extremely low-income persons, and designated volunteers that meet the requirements of Minn. Stat. § 327.30.

School, College/Vocational/Business. A building or buildings used for the purpose of public or private post-secondary education.

School, Elementary, Middle, or Secondary. A building used for the purpose of public elementary, middle, or secondary education, which meets all the requirements of compulsory education laws of the State of Minnesota. Residential accommodations are not provided as part of this use.

School, Private Elementary, Middle, or Secondary. A building used for the purpose of private elementary, middle, or secondary education, which meets all the requirements of compulsory education laws of the State of Minnesota. Residential accommodations are not provided as part of this use.

Solar Carport. A solar energy system of any size that is installed on a carport structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities.

Solar Collector. The panel or device in a solar energy system that collects solar radiant energy and transforms it into thermal, mechanical, chemical, or electrical energy. The collector does not include frames, supports or mounting hardware.

Solar Energy. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System. A device, array of devices or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting or water heating.

Solar Energy Systems, Building-integrated. A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights and awnings.

(Solar), Ground-mounted. A solar energy system mounted on a rack or pole that rests or is attached to the ground. Ground-mounted systems can be either accessory or principal uses.

(Solar), Roof-mounted. A solar energy system mounted on a rack that is fastened to or ballasted on a structure roof. Roof-mounted systems are accessory to the principal use.

Standalone Store, Retail or Service, Large. A detached structure with a footprint of at least 25,000 square feet in size where goods or services are sold.

Standalone Store, Retail or Service, Small. A detached structure with a footprint of no more than 25,000 square feet in size where goods or services are sold.

Storage Facility, Personal. A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations or businesses for self-service storage of personal property.

Taproom. An area accessory to a brewery, winery or distillery for the consumption of alcoholic beverages produced on the premises.

Towing/Impound Establishment. An establishment which provides for the removal and temporary storage of vehicles to be claimed by titleholders or their agents but which does not include disposal, permanent disassembly, salvage or accessory storage of inoperable vehicles.

Transportation Garage. A structure or area of land used for the parking, storage, fueling, repair, maintenance and washing of transportation vehicles such as buses, taxis and medical transport.

Trucking Terminal. Any premises used by a motor freight company that is a carrier of goods, which is the origin or destination point of goods being transported, for the purpose of

storing, transferring, loading or unloading goods. This may include the repair and service of vehicles over 9,000 pounds and areas for the temporary storage of such vehicles.

Utilities. Transmission facilities and structures for electric power, gas, water, sewer, telephone and cable television.

Warehouse and Distribution Facility. An establishment engaged in the storage, packing and distribution of goods and materials.

Wholesale Establishment. The selling of goods, equipment and materials, including cannabis, in bulk to another business which in turn sells to the final customer. This use does not include exterior storage.

Wind Energy Conversion System (WECS). An electrical generating facility that consists of a wind turbine, feeder line(s), associated controls and may include a tower.

Wireless telecommunications antenna. A physical device attached to and support by a building or structure other than a tower through which wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. This term shall not include antennas used by amateur radio operators.

Wireless Telecommunications Facility. Any cable, wire, line, wave guide, antenna or any other equipment or facility 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.

Wireless Tower. 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.

601.04 SUBDIVISION DEFINITIONS

Applicant. Any person, firm, corporation, company, partnership, or association who causes land to be divided, platted or planned into a subdivision for such person or others.

Auditor's Subdivision. All lands formerly described by complicated metes and bounds descriptions where the Anoka County Auditor has simplified the description for tax purposes by assigning a lot number.

Development Agreement. A written contract between City and the applicant, drafted by the City Attorney in conjunction with the approval by the City of a subdivision.

Improvement. Any drainage ditch, roadway, parkway, sidewalk, trail, pedestrian way, landscaping, lighting, off-street parking area, grading, utility, lot improvement or other similar facility.

Private Improvement. Any improvement for which the City does not assume ownership or the responsibility for maintenance and operation, but which instead is owned, maintained and operated by a private property owner or group of private property owners.

Public Improvement. Any improvement for which the City may ultimately assume the ownership and responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

Lot. An existing division of land that can be conveyed without further subdivision. The term "lot" is generally interchangeable with the terms "parcel" or "tract."

Lot Split. Division of a single platted lot to create no more than two lots where the newly created property line will not cause the remaining portion of the lot or any structure to be in violation of this [Chapter or Chapter 152 Zoning](#).

Metes and Bounds Description. A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and described the bearings and distances of the lines forming the boundaries of the property or delineating a fractional portion of the section, lot or area by described lines or portions thereof.

Plat. A map, drawing or chart which graphically delineates the boundary of land parcels for the purpose of identification and record of title. The plat is a recorded legal document and must conform to all Minnesota State laws.

Plat, Final. The final map, drawing or chart on which the subdivider's plan of subdivision is presented to the City Council for approval and which, if approved, will be submitted to the County Recorder or Registrar of Titles.

Plat, Preliminary. A preliminary map, drawing or chart indicating the proposed layout of a subdivision to be submitted to the City Council for its consideration.

Public Right-Of-Way. For purposes of [Chapter 205, "Right-of-Way" or "Public Right of Way"](#) means the area on, below, or above a public roadway, highway, street, alley, bicycle lane or public sidewalk in which the City, County, or State has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the City, County or State. A right-of-way does not include the airwaves above a right-of-way with regard to cellular or other non-wire telecommunications or broadcast services.

Outlot. A lot remnant or parcel of land left over after platting, which is intended as open space or other use, for which no building permit shall be issued.

Registered Land Survey. A survey of unplatted registered land which meets the requirements of Minnesota Statutes Section 508.47, subdivision 4. A registered land survey may be used as a means to subdivide property.

Street. A public or private thoroughfare which provides the principal means of access to the abutting property. A map of the following street classifications shall be designated by the current Comprehensive Plan.

- A. **Street, Arterial.** A street which provides for traffic movement to and from municipalities and the surrounding areas, to and from freeways/expressways and collector streets and between major parts of an urban area. Intersections are at grade and direct access to abutting property is intentionally limited.

- B. Street, Collector. A street which collects and distributes the internal traffic within an area of a community such as a residential neighborhood or industrial district and between arterial and local streets, providing some access to abutting property.
- C. Street, Corporate Boundary. A public street, road, or highway that can be used to define part of a corporate boundary.
- D. Street, Cul-De-Sac. A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- E. Street, Half Width. A portion of the width of a street, usually along the edge or boundary of a development, where the remaining portion of the street is to be provided by the development of an adjacent property.
- F. Street, Interior. A private roadway located within the lot boundary.
- G. Street, Trunk Highway. The trunk highway system is a network of interstate and state highways that connects communities throughout the state.
- H. Street, Local. A street of limited continuity designed primarily to carry traffic to the abutting properties and higher order streets, as defined in the Transportation section of the current Fridley Comprehensive Plan.

Subdivision. The separation of an area, parcel or tract of land, under single ownership, into two or more parcels, tracts, lots or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, or roads, for residential, commercial, industrial, or other use or any combination thereof, except those separations referenced in [Minnesota Statutes Section 462.358, subdivision 4b](#):

Subdivision, zero lot line. A subdivision comprised of lots where the location of the building on the lot is such that one or more of the building's exterior edges rests directly on a side lot line and complies with all fire code requirements for construction on a lot line.

Title 6 Zoning and Subdivision

Chapter 610 Zoning Districts

610.01 ESTABLISHMENT OF DISTRICTS

1. For the purpose of this Title, the following zoning districts are hereby established within the City of Fridley:
 - (a) Residential Districts
 - (1) R-1 Traditional Single-Unit Residential District
 - (2) R-2 Two-Unit Residential District
 - (3) R-3 Attached Residential District
 - (4) R-4 Manufactured Home Park District
 - (5) R-H Hyde Park Neighborhood District
 - (b) Non-Residential Districts
 - (1) B-1 Local Business District
 - (2) B-2 Regional Business District
 - (3) M-1 Light Industrial District
 - (4) M-2 Heavy Industrial District
 - (5) M-3 Heavy Industrial District, Outdoor Intensive
 - (6) M-O Heavy Industrial District, Onaway Addition
 - (7) P Public Facilities District
 - (c) Special Districts
 - (1) S-2 Redevelopment District
 - (d) Overlay Districts
 - (1) O-1 Floodplain Management Overlay District
 - (2) O-2 Critical Areas District
 - (3) O-3 Telecommunications Towers and Facilities District
 - (4) O-4 Pre-1955 Residential Lots
 - (5) O-5 Shoreland Overlay District
 - (6) O-6 Transit Oriented Development

610.02 OFFICIAL ZONING MAP

1. The location and boundaries of the districts established by this Chapter are hereby shown upon the City of Fridley Official Zoning Map, also known as the "Zoning Map," as adopted on **December 29, 1955**, and amended up to the date of adoption of this Title.

2. Said map and all notations, references and other information shown thereon, shall be as much a part of this Title as if the matters and information set forth by said map were all fully described herein.

610.03 DISTRICT BOUNDARIES

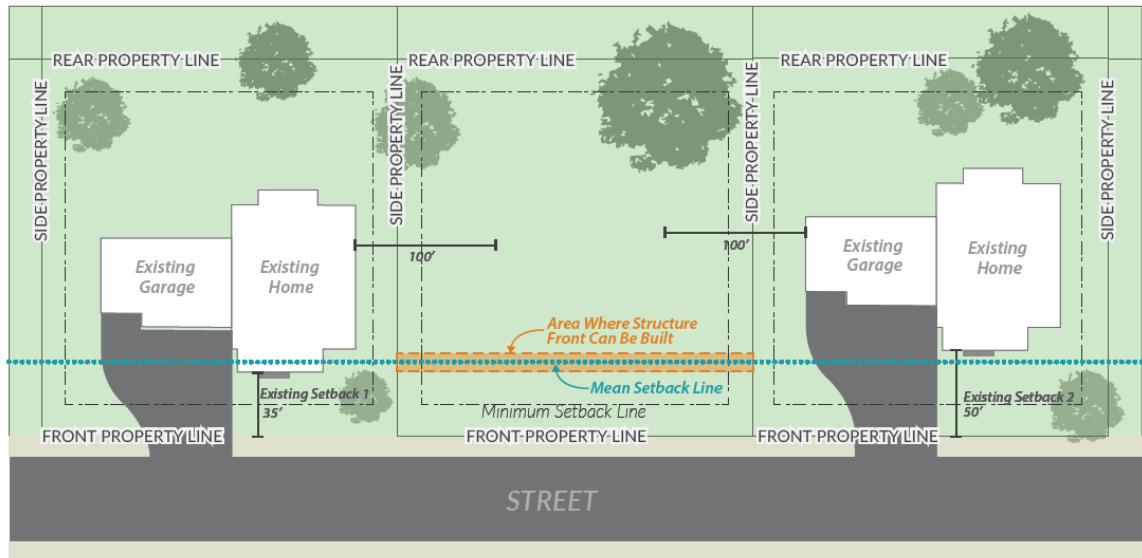
1. The district boundaries shall be determined by measurement from and as shown on the Zoning Map, and in case of any questions as to the interpretation of such boundary lines, the Community Development Director shall interpret the map according to the reasonable intent of this Chapter.
2. Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:
 - (a) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
 - (b) Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.
 - (c) Boundaries indicated as approximately following city boundaries shall be construed as following city boundaries.
 - (d) Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
 - (e) Boundaries indicated as parallel to or extensions of features indicated in the preceding shall be so construed. Distances not specifically indicated on the Zoning Map shall be to the scale of the map.

610.04 GENERAL PROVISIONS FOR ALL ZONING DISTRICTS

1. Every lot, in order to be built on, shall have at least one lot line which:
 - (a) Abuts for at least 25 feet along a street; or
 - (b) Is along a permanent, unobstructed easement of access to the lot from a public street as approved by the City.
2. Access across the right-of-way is restricted to driveways and sidewalks.
3. Exceptions to Height Requirements:
 - (a) The building height limits for principal buildings established herein for districts shall not apply to belfries, cupolas, domes, spires, monuments, airway beacons, radio towers, windmills, flagpoles, chimneys, flues, bulkheads, elevators, water tanks, poles, towers and other structures for essential services, nor to similar structures or necessary mechanical appurtenances extending above the roof of any building and not occupying more than 25 percent of the area of such roof.
4. Required Setbacks and Open Space:

- (a) Where the front setback of existing buildings is greater than the minimum front setback required and said existing buildings are within 100 feet on either side of a structure to be erected, then the setback for the new structure may be six feet more or less of this mean depth of the adjacent structures, but in no case shall it be less than the required front setback. In the case where one of the adjacent properties is vacant, the assumed setback will be the minimum front setback requirement of the zoning district that applies to the property (see Figure X).

Figure X



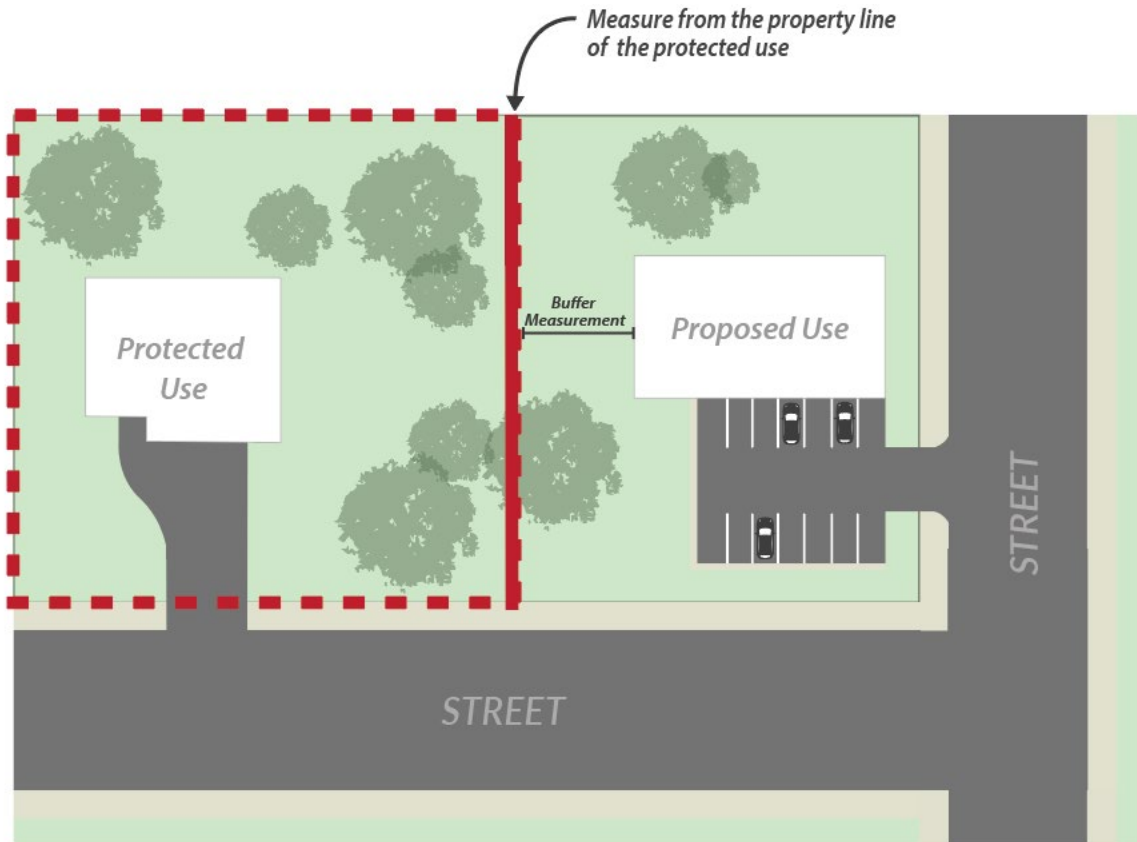
- (b) In computing the depth of a rear setback for any principal building where the rear line of the lot adjoins an alley, one half of the width of the alley may be included in the calculation, provided that the actual rear yard depth on the lot shall not be less than 25 feet in any district. (See Figure X).

Figure X



5. The following shall not be considered an encroachment on setback requirements:
 - (a) Basement egress window wells required to meet fire or building code requirements.
 - (b) Chimneys, flues, ornamental architectural features, eaves, bays, gutters and other similar projections are permitted on the primary structure provided that they do not extend within three feet of the lot line.
 - (c) Canopies and steps to building entrances may extend no more than 10 feet into any required front yard.
 - (d) Unenclosed porches, decks, canopies and steps to building entrances may extend no more than 10 feet into any required rear setback and a maximum of three feet into any required side setback, provided they do not extend nearer than five feet to any lot line.
 - (e) On existing structures, enclosed entryways may extend no more than five feet into the required setbacks provided they are only one story in height and do not exceed 50 square feet.
 - (f) Essential services, utility electric power transmission lines and communication transmission lines are exempt from the setback and distance requirements of this Chapter.

- 6. Required distance between proposed and protected uses.
 - (a) The required distance between uses shall be computed by direct measurement in a straight line from the nearest legal **parcel line** of the land used for the protected uses (e.g., residential uses; schools) to the nearest external portion of the **building** in which the proposed use (e.g., automotive uses; cannabis uses) is to be located (see Figure X). Figure X



- 7. Vision Safety Zone
 - (a) In no case shall a fence or similar barrier impede vehicular vision or cause a hazardous condition to exist.
 - (b) No plantings or structures shall impede vision between a height of 30 inches and seven feet above the curb line in the Vision Safety Zone, which extends at the intersection:
 - (1) 40 feet from the corner of the curb;
 - (2) 20 feet from the corner of an alley; and

(3) 10 feet from the corner of a driveway. (See Figure X). Figure X



8. Adequate area shall be designed for snow storage such that clear visibility shall be afforded from the property to any public street.
9. Provisions for active transportation shall be provided on those parcels abutting streets designated for trails or sidewalks in the currently approved version of the City's Active Transportation Plan.
 - (a) At a minimum, the City shall require the designation of an easement. The City shall determine the required width of easements and elevations for grades at the time a building is constructed on the property.
 - (b) At its discretion, the City may require the construction of a pedestrian or bicycle path as part of new construction, additions and parking lot improvements.
 - (c) If not constructed immediately, any landscaping or irrigation systems installed in the easement must be removed and replaced at the property owner's expense when the trail or sidewalk is installed in the future.
10. Outdoor storage
 - (a) Outdoor storage of materials, equipment and vehicles is prohibited as a principal use in all districts unless otherwise approved through a conditional use permit, following the procedures in Chapter 650, or listed as an exemption by this section. Accessory outdoor storage must adhere to the standards in Chapter 621.

- (b) The following is exempt from the outdoor storage requirements and are only permitted as an accessory use to one- or two-unit dwellings:
 - (1) Split and neatly stacked firewood in the side or rear yard.
 - (2) Private outdoor recreational equipment currently being used or intended for use upon the premises.
 - (3) Landscaping materials and machinery currently being used or intended for use on a current project upon the premises.
 - (4) Boats, non-motorized camping trailers, and empty utility trailers in the side or rear yard. Boats, non-motorized camping trailers and empty utility trailers stored in the front yard are required to be located on a hard surface driveway and must be set back at least 15 feet from the back of the street curb.

610.05 NONCONFORMING USES AND STRUCTURES

- 1. The provisions of this Chapter shall pertain to all lawful nonconforming lots, uses or structures as applicable and specifically to the performance standards outlined in the established districts.
- 2. Any nonconformity, lawfully existing at the time of the adoption of an additional control under this Chapter, may be continued, including through repair, replacement, restoration, maintenance or improvement, but not including expansion. All nonconformities shall eventually be brought into conformity, if any of the following situations apply:
 - (a) The nonconformity or occupancy is discontinued for a period of more than one year.
 - (b) Any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged. In this case, the City may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property or water body.
 - (c) When a nonconforming structure in the shoreland or floodplain districts is destroyed, additional provisions may apply, as described in **Section 6xx.xx and 6xx.xx**. The continuance of nonconforming uses shall not prevent or interfere with action that may be taken to abate any nuisance in any manner provided by law.
- 3. Any structure or any portion of a structure which is situated unlawfully within a public street or alley or other public way or thoroughfare, is hereby declared to be a nonconforming use, whether or not its use is otherwise in conformity with the regulations of the district in which said structure is located. Any such structure shall be permitted only under the authorization of an Encroachment Agreement between the City and the Property Owner.
- 4. The burden is on the landowner to establish that their property qualifies for legal nonconforming rights.

5. The City may grant an administrative nonconforming expansion permit as described in [Section 650.02 \(6\)XX](#).

Title 6 Zoning and Subdivision

Chapter 611 Residential Zoning Districts

611.01 APPLICATION

- The restrictions, regulations, standards and guidelines in this Chapter for land use and development shall apply to the following zoning districts within the City. Hereafter, these districts may be collectively referred to as "Residential Districts":

R-1	Traditional Single-Unit Residential District
R-2	Two-Unit Residential District
R-3	Attached Residential District
R-4	Manufactured Home Park District
R-H	Hyde Park Neighborhood District

611.02 DISTRICT INTENTS

- The following statements specify the intents of the residential zoning districts established to regulate areas of the City considered appropriate for residential uses:
 - R-1 Traditional Single-Unit Residential. The purpose of the R-1 District is to provide for and preserve residential neighborhoods primarily containing single-unit detached dwellings.
 - R-2 Two-Unit Residential. The purpose of the R-2 District is to provide for and preserve existing two-unit residential properties primarily consisting of duplexes and attached residential structures with a maximum of two dwelling units per building.
 - R-3 Attached Residential. The purpose of the R-3 District is to accommodate a range of attached residential structures including rowhouses, townhouses and apartments.
 - R-4 Manufactured Home Park. The purpose of the R-4 District is to establish and preserve neighborhoods comprised of manufactured homes.
 - R-H Hyde Park Neighborhood. The purpose of the R-H District is to:
 - Establish a zoning mechanism for the neighborhood that will allow a variety of housing types on lots with reduced lot sizes and setbacks.
 - Support the residential character of the neighborhood.
 - Protect the property rights of all landowners, while promoting reinvestment and development in the neighborhood.

611.03 USES

- Table XXX** Principal Uses and **Table XXX** Accessory Uses list land uses and indicate whether they are permitted, permitted with standards (reference **Chapter 620 and 621** for Principal and Accessory Use Specific Standards), conditional, or prohibited in each

zoning district. The following definitions shall be referenced when using **Tables XXX and XXX.**

- (a) Permitted Use – a “P” in a cell of the use tables indicates that the land use is allowed by right in the zoning district.
 - (b) Permitted with Standards Use – a “PS” in a cell of the use tables indicates that the land use is allowed in the zoning district as long as it meets the certain use-specific standards as described in **Chapter 620 and 621.**
 - (a) Conditional Use – a “C” in a cell of the use tables indicates that the land use is allowed in the zoning district only upon approval of a conditional use permit as described in **Chapter 650 Procedures** and compliance with any applicable use-specific standards identified in **Chapter 620 and 621.**
 - (b) Prohibited Use – a blank cell in the use tables indicates that the land use is prohibited in that zoning district.
2. In the event a proposed use is not listed in the use tables, the Community Development Director shall make a determination if the use is consistent by type, intensity, physical characteristics, style, size and purpose with any use listed in **Tables XXX and XXX.**
- (a) If the proposed use found to be consistent with another listed use, the proposed use shall be treated the same as the similar one identified by the Community Development Director.
 - (b) If the proposed use is not found to be consistent with any listed use, the City Council, Planning Commission, or property owner may request an amendment to this Chapter to provide guidance for the proposed use as described in **Section 650.04.**

Table XXX Principal Uses

Principal Use Type	Residential					Use Standards References
	R-1	R-2	R-3	R-4	R-H (S-1)	
Residential						
Family Living						
Dwelling, one unit detached	P	P			P	
Dwelling, two unit		P	P		P	
Dwelling, three- to six-unit			P		P	
Dwelling, attached townhouse or rowhouse			PS		PS	See Chapter 620
Dwelling, apartment (7+ units)			PS			See Chapter 620
Manufactured home park		C	C	C	C	See Chapter 611
Group Living						

Principal Use Type	Residential					Use Standards References
	R-1	R-2	R-3	R-4	R-H (S-1)	
Care facility	C	C	C		C	See Chapter 620
Continuum of care facility	C	C	C			
Residential care facility, licensed in-home (6 or fewer persons)	PS	PS			PS	See Chapter 620
Residential care facility, licensed in-home (7-16 persons)		PS	PS	PS	PS	See Chapter 620
Community Services						
Clinic	C					
Daycare center	C	C	C	C	C	See Chapter 620
Hospital	C					
Place of assembly	C	C	C			See Chapter 620
Sacred community	PS	PS	PS			See Chapter 620
Public school, elementary, middle, or secondary	C	C	C			
Private school, elementary, middle, or secondary	C	C	C			
Arts, Entertainment, or Recreation						
Recreational facility, public	P	P	P		P	
Transportation and Utilities						
Utilities (transformers, stations, etc.)	P	P	P	P	P	

Table XXX Accessory Uses

Accessory Use Type	Residential					Use Standard References
	R-1	R-2	R-3	R-4	R-H (S-1)	
Accessory dwelling unit, attached	PS	PS	PS		PS	See Chapter 621
Accessory dwelling unit, detached	C	C	C		C	See Chapter 621
Accessory structure	PS	PS	PS	PS	PS	See Chapter 621
Daycare center	PS	PS	PS	PS	PS	See Chapter 621

Accessory Use Type	Residential					Use Standard References
	R-1	R-2	R-3	R-4	R-H (S-1)	
Day care, group family	P	P	P	P	P	
EV charging	PS	PS	PS	PS	PS	See Chapter 621
Farmers market	PS	PS			PS	See Chapter 621
Garage sale	PS	PS	PS	PS	PS	See Chapter 621
Helicopter landing pad	PS					See Chapter 621
Home occupation	PS	PS	PS	PS	PS	See Chapter 621
Keeping of bees	PS	PS			PS	See Chapter 621
Keeping of livestock	PS	PS			PS	See Chapter 621
Keeping of poultry	PS	PS			PS	See Chapter 621
Mobile food unit	PS	PS	PS	PS	PS	See Chapter 621
Recreational amenity, private	P	P	P	P	P	
Sacred community	PS	PS	PS			See Chapter 621
Short term vacation rental	PS	PS	PS		PS	See Chapter 621
Solar energy system	PS	PS	PS	PS	PS	See Chapter 621
Utilities (transformers, stations, etc.)	P	P	P	P	P	
Wind energy conversion system, small (WECS)	C	C	C	C	C	See Chapter 621
Wireless facility	PS	PS	PS	PS	PS	See Chapter 621

611.04 LOT AND SITE DIMENSIONS

1. All uses in Tables XXX and XXX shall comply with the lot and site dimensional requirements set forth in the following tables and all other applicable regulations set forth in this Chapter.
2. All lot and site dimension standards listed in this Section are subject to the standards and exemptions listed in Chapter 610 Intro to Zoning Districts.
3. The following shall apply for any development that includes postage stamp lots:
 - (a) Lot width of the common lot shall be equal to or greater than the combined lot width requirement of the individual units contained within the common lot.
 - (b) Lot area shall equal or be greater than the combined lot area requirement of the individual units. The lot area calculation shall include the common lot plus each individual unit lot area.
 - (c) In any development that includes postage stamp lots, setbacks shall be calculated from the common property lot line rather than individual unit lot line.
4. Table XXX establishes the minimum lot area and lot width requirements for all residential zoning districts.

Table XXX Lot Dimensions

Zoning District	Use	Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft.)
R-1	Single unit	9,000 ¹	75 ¹
	All other uses	20,000	N/A
R-2	Single unit	5,000 ¹	40
	Two-unit	9,000 total	75
	All other uses	20,000	N/A
R-3	Two-unit	6,000 total	50
	3-6 unit	3,000 per unit	75'; 85' if more than 3 units
	Attached townhouse	3,000 per unit	75' for whole development
	Apartment	1,500 per unit	100
	All other uses	20,000	N/A
R-4	All uses	3,500 per unit	
R-H (S-1)	All uses	7,500 ¹	60'; 65' if corner lot

¹ Lots established prior to 1955 have a minimum lot area of 4,000 sq. ft. and a minimum lot width of 40'. See O-4 Pre-1955 Residential Lots.

5. Table XXX establishes the minimum site dimension standards for all residential zoning districts. Setbacks for any use not listed shall be the most restrictive of the base district.

Table XXX Site Dimensions

Zoning District	Use Types	Principal Building Setbacks (ft.)				Max. Bldg Coverage	Max. Bldg Height (ft.)
		Front	Side	Rear	Corner		
R-1	Single unit	25	10' living 5' garage	25	17.5	25%	30
	All other uses	25	10	25	17.5	25%	30
R-2	All residential uses	25	10' living 5' garage	25	17.5	30%	30
	All other uses	25	10	25	17.5	30%	30
R-3	Two-unit	25	10' living 5' garage	25	17.5	35%	30
	3-6 unit	25	10	25	17.5	35%	45
	Attached townhouse	25	20' perimeter setback around entire project; 10' minimum building separation		17.5	50% of entire project	30
	Apartment	35	25' perimeter setback		17.5	50%	65'; 45' if within 50 ft. of R-1 or R-2 district
	All other uses	35	10	25	17.5	35%	45
R-4	See District Standards in Section 611.05						
R-H (S-1)	All uses	25	7.5 ¹	25; 15' for an attached garage in the rear of the lot	20' measured from back of curb	35%	30
<p>¹ Where a house is built without an attached garage, a minimum side yard requirement shall be 7.5' on one side and 13' on the other. Where a house is built with an attached garage, the side yard adjoining the attached garage may be reduced to not less than 5', provided that the height of the garage on that side is not more than 14'.</p>							

611.05 DISTRICT STANDARDS

1. In all residential districts, occupancy in dwelling units shall be limited to no more than three persons in any efficiency unit, and no more than two persons per bedroom, plus one additional resident per dwelling unit.
2. R-1 District Standards
 - (a) Only one principal structure shall be located on a lot.
3. R-1, R-2 and RH Districts
 - (a) All garages whether attached to, tucked under or detached from the principal dwelling are considered to be an accessory structure and shall not exceed 100 percent of the first-floor area of the dwelling unit or a maximum of 1,000 square feet.
4. R-4 District Standards
 - (a) Purpose
 - (1) The purpose of this Chapter is to establish a process which will permit the placement of a new manufactured home park or the expansion of an existing manufactured homes park within the City.
 - (2) This Chapter is also established to ensure the health, safety and general welfare of owners of manufactured homes within existing manufactured home parks. This is accomplished by adopting and enforcing minimum standards related to location of the home, use of the home, and the construction, alteration, and arrangement of homes on lots within a manufactured home park.
 - (b) Permit Required. No person shall establish, maintain, operate, or expand a manufactured home park as defined by Minnesota Statutes 327.14, subdivision 3 within the City without first obtaining a conditional use permit from the City. Prior to issuance of the conditional use permit, the City shall ensure that the manufactured home park has a license from the Department of Health, Anoka County or the appropriate licensing authority.
 - (c) Conflicts
 - (1) This Chapter is intended to complement other municipal, state, and federal regulations that affect the establishment or expansion of manufactured home parks. This Chapter is not intended to revoke or repeal any other public law, ordinance, regulation or permit.
 - (2) Whenever the provisions of this Chapter impose greater restrictions on the establishment or expansion of a manufactured home park than those of any statute, other city code provision, or regulation; the provisions of this Chapter shall apply.
 - (3) Where the provisions of any statute, other city code provision, or regulation impose greater restrictions than this Chapter on the establishment or expansion

of a manufactured home park, the provisions of that statute, other city code provision, or regulation shall apply.

(d) Requirements for a new manufactured home park or the expansion of an existing manufactured homes park within the City are as follows:

(1) Application

((a)) Requests to establish or expand a manufactured home park shall be reviewed and decided through the conditional use permit process outlined in the City's Zoning Code [Section 650](#). A conditional use permit is required in order to establish or expand a manufactured home park in the City.

((b)) In addition to the information that is required for a conditional use permit, the application requires the following additional information:

((1)) A written narrative which includes: a description of the proposed new manufactured home park or expansion area, the number of units proposed, how it will be managed, a description of storm shelters(s), a description of other amenities being proposed, the locations of proposed green space, etc.

((2)) Development plans for the proposed manufactured home park or expansion areas showing all information deemed necessary by the City to ensure that the proposed use will conform to all City Code standards. Including but not limited to the following:

((A)) A survey of the property clearly delineating all lot lines, existing and proposed improvements, utilities and easements;

((B)) Proposed location(s) for each manufactured home;

((C)) Proposed roadways and driveways;

((D)) Proposed utilities to service each manufactured home site and proposed grading and drainage plan; and

((E)) Proposed landscaping and screening plan and outdoor storage space (if applicable).

(2) Fees. The application shall be accompanied with the required fee for a conditional use permit as set forth in the Fees Chapter of the Code.

(3) Location Restrictions. A conditional use permit for a new manufactured home park or the expansion of a manufactured home park shall only be issued for property that complies with the requirements of [Minnesota Statutes Section 462.357, subdivision 1\(b\)](#).

(4) Hearing and Process. A public hearing and process shall be consistent with all procedures outlined in the [City's Zoning Code Chapter 650](#).

(5) Building Permits

- ((a)) The applicant for a building permit for the construction of a manufactured home park or any part thereof shall comply will all appliable provisions of the State Building Code.
- ((b)) Each application shall be accompanied by a detailed set of plans for the proposed construction and improvements of the site.
- ((c)) Every application for a building permit to construct individual manufactured homes authorized by the conditional use permit shall be accompanied by certification that the individual unit meets all requirements of the State of Minnesota, including, but not limited to, the Manufactured Home Building Code as defined by **Minnesota Statutes Section 327.31**, subdivision 3.

(e) Manufactured Home Park Development Standards

(1) Minimum Area and Maximum Density

- ((a)) The size of a manufactured home park base lot shall determine the maximum number of manufactured homes that can be placed in the park. Steps to make this determination are as follows:
 - ((1)) At least two percent of the proposed base lot shall be devoted to a recreation area which much be established, constructed and maintained for the benefit of the manufactured home park residents.
 - ((2)) The location(s) for an on-site community storm shelter shall be identified along with locations for on-site management facilities. All land within 10 feet of such facilities shall be excluded from land eligible for the placement of manufactured homes.
 - ((3)) For every 3,500 square feet of land available after establishment of the required recreation area, storm shelter and on-site management facilities; one manufactured home may be located within the new proposed park or park expansion area.

(2) Minimum Setbacks

- ((a)) Perimeter Lot Setbacks. The following minimum setbacks apply to manufactured home parks:
 - ((1)) 30 feet from all adjacent public right-of-way;
 - ((2)) 30 feet from all adjacent residentially zoned property having a different zoning classification than the manufactured home park; and
 - ((3)) Five feet from all side and rear property lines abutting the same zoning classification as the manufactured home park or commercial or industrial zoned property.
- ((b)) Internal Unit Setbacks. The following minimum setbacks apply to homes within a manufactured home park:
 - ((1)) 10 feet from all internal public and private streets or alleys;

- (2) 10 feet between the long sides of adjacent manufactured homes and structures physically attached to the manufactured home. The initial unit layout authorized by the conditional use permit shall demonstrate there is ample room for accessory structures to be built with each unit while still maintaining the required 10-foot separation; and
 - (3) Three feet between manufactured homes parked end to end.
 - (4) Three feet between a manufactured home and the side lot lines of the Manufactured Home Park.
- (3) Parking. At least two off-street parking spaces located adjacent to each manufactured home shall be provided for each unit. Parking spaces shall be constructed of concrete or asphalt.
- (4) Street Requirements
 - (a) Public streets shall comply with City requirements specified in Chapter XX.
 - (b) If private streets are provided, they shall comply with requirements as determined by the City Engineer.
 - (c) Curbing requirements. A concrete curb shall be constructed on each side of the street of a public street. The curb shall be of a standard approved by the City. Requirements for private streets shall be determined by the City Engineer.
 - (d) Sidewalk requirements. A concrete sidewalk not less than 30 inches wide shall be constructed adjacent to the concrete curb on the unit side and shall be connected to the patio or parking pad.
- (5) Landscaping
 - (a) Landscaping requirements shall comply with Chapter 632, unless otherwise approved through the conditional use permit process.
 - (b) Tree per lot requirement. At least one tree shall be planted and maintained near each unit. The tree shall have a minimum caliper of 2.5 inches at the time of planting.
 - (c) Grass cover requirement. The land area for each unit and within the perimeter setbacks shall be sodded and maintained with grass except for areas used for the manufactured home, patio, sidewalk, driveway, and off-street parking.
 - (d) Perimeter Buffer Zone.
 - (1) A 20-foot-wide perimeter buffer zone shall be provided along manufactured home park property lines not abutting a public right-of-way.
 - (2) The buffer zone shall be comprised of a mixture of evergreen and deciduous trees, shrubs and ground cover.
 - (3) The buffer zone shall be free of buildings and structures.

- ((1)) 10 feet from any public right-of-way or alley;
- ((2)) 10 feet from all adjacent residentially zoned property having a different zoning classification than the manufactured home park;
- ((3)) 5 feet from all adjacent properties zoned commercial or industrial;
- ((4)) 3 feet from all side property lines;
- ((5)) 10 feet between the long sides of adjacent manufactured homes and structures physically attached to the manufactured home (excluding open porches and carports); and
- ((6)) 3 feet between manufactured homes parked end to end.
- ((b)) All manufactured homes must meet the minimum lot width requirements set forth in [Minnesota Statutes Section 327.20](#):
 - ((1)) Each individual manufactured home site shall abut or face a driveway or clear unoccupied space of not less than 16 feet in width. The space shall have unobstructed access to a public highway, street or alley.
- ((c)) Storage Requirements
 - ((1)) Outdoor storage is prohibited on individual manufactured home lots, except for split and neatly stacked firewood in the side or rear yard and private outdoor recreational equipment currently being used or intended for use.
 - ((2)) A bulk storage and parking area shall be provided on site by the park owner for boats, campers, travel trailers, recreational vehicles, snowmobiles, motorcycles and other seasonally used recreation equipment.
- (g) Occupancy of Homes. No manufactured home may be inhabited by a greater number of occupants than for which it was designed.
- (h) Parking Prohibited. Except as provided in this Chapter, it shall be unlawful for any person to park a manufactured home or recreational vehicle on a street, alley, highway or other public place.

Title 6 Zoning and Subdivision

Chapter 612 Non-Residential Zoning Districts

612.01 APPLICATION

1. The restrictions, regulations, standards, and guidelines in this Chapter for land use and development shall apply to the following zoning districts within the City:

B-1	Local Business District
B-2	Regional Business District
M-1	Light Industrial District
M-2	Heavy Industrial District
M-3	Heavy Industrial, Outdoor Intensive District
M-O	Heavy Industrial, Onaway Addition District
P	Public Facilities District

612.02 DISTRICT INTENTS

1. The following statements specify the intents of the non-residential zoning districts established to regulate areas of the city considered appropriate for non-residential uses:
 - (a) B-1 Local Business. The purpose of the B-1 District is to provide areas for smaller-scale commercial uses that are primarily intended to serve the local community.
 - (b) B-2 Regional Business. The purpose of the B-2 District is to accommodate larger-scale commercial uses that benefit from access to and visibility from major roadways and which are intended to serve a broader regional market area.
 - (c) M-1 Light Industrial. The purpose of the M-1 District is to provide areas for light industrial uses, such as manufacturing and warehousing, provided that the industrial activities are conducted entirely within buildings and the byproducts of such activities, such as noise, odors, smoke and storage are confined entirely within buildings. Uses allowed in the M-1 District ordinarily do not have nuisance impacts on surrounding properties.
 - (d) M-2 Heavy Industrial. The purpose of the M-2 District is to provide areas for heavy industrial uses, such as manufacturing, assembly, warehousing and distribution, which generally require larger land areas or where the byproducts of such activities, including noise, odors, smoke and storage may be noticeable on surrounding properties. The uses within the M-2 District may require a small amount of exterior operation or storage of equipment and materials.
 - (e) M-3 Heavy Industrial, Outdoor Intensive. The purpose of the M-3 District is to provide areas for heavy industrial with outdoor intensive uses, such as trucking terminals and construction yards.

- (f) M-O Heavy Industrial, Onaway Addition. The purpose of the M-O District is to:
- (1) Change the present "legal, nonconforming use" status of the industrial buildings on lots below 1.5 acres (65,340 square feet) to a "conforming use" status.
 - (2) Establish appropriate performance standards to address the existing conditions of the neighborhood, while promoting development which does not create adverse impacts to the health, safety and welfare of the general area.
 - (3) Encourage additional expansion, investment and industrial development in the Onaway Addition.
 - (4) Establish performance standards to create attractive front yards and entrances to industrial properties, and to appropriately screen outdoor storage and loading activities.
- (g) P Public Facilities. The purpose of the P District is to provide areas for a variety of uses owned or managed by the City or another public entity which offer important services used by the community, including governmental, educational, social service and cultural.

612.03 USES

1. **Table XXX** Principal Uses and **Table XXX** Accessory Uses list land uses and indicate whether they are permitted, permitted with standards (reference **Chapters 620 and 621** for Principal and Accessory Use Specific Standards), conditional, or prohibited in each zoning district. The following definitions shall be referenced when using **Tables XXX and XXX**.
 - (a) Permitted Use – a "P" in a cell of the use tables indicates that the land use is allowed by right in the zoning district.
 - (b) Permitted with Standards Use – a "PS" in a cell of the use tables indicates that the land use is allowed in the zoning district as long as it meets the certain use-specific standards as described in **Chapters 620 and 621**.
 - (c) Conditional Use – a "C" in a cell of the use tables indicates that the land use is allowed in the zoning district only upon approval of a conditional use permit as described in **Chapter 650 Procedures** and compliance with any applicable use-specific standards identified in **Chapters 620 and 621**.
 - (d) Interim Use – an "I" in a cell of the use tables indicates that the land use is allowed in the zoning district only upon approval of an interim use permit as described in **Chapter 650 Procedures** and in compliance with any applicable use-specific standards identified in **Chapters 620 and 621**.
 - (e) Prohibited Use – a blank cell in the use tables indicates that the land use is prohibited in that zoning district.
2. In the event a proposed use is not listed in the use tables, the Community Development Director shall make a determination if the use is consistent by type, intensity, physical characteristics, style, size and purpose with any use listed in **Tables XXX and XXX**.

- (a) If the proposed use found to be consistent with another listed use, the proposed use shall be treated the same as the similar one identified by the Community Development Director.
- (f) If the proposed use is not found to be consistent with any listed use, the Council, Planning Commission or property owner may request an amendment to this Chapter to provide guidance for the proposed use.

Table XXX Principal Uses

Principal Use Type	Commercial		Industrial				Public	Use Standards Reference
	B-1	B-2	M-1	M-2	M-3	M-O (S-3)	P	
Residential								
Group Living								
Care facility	PS	PS						See Chapter 620
Continuum of care facility	C	C						
Lodging								
Hotel or motel		PS						See Chapter 620
Community Services								
Clinic	P	P						
Daycare center	PS	PS						See Chapter 620
Funeral home	PS	PS						See Chapter 620
Hospital	P	P						
Museum/art gallery	P	P					P	
Place of assembly	PS	PS						See Chapter 620
Public use	P	P					P	
Sacred community	PS	PS						See Chapter 620
School, college/vocational/business		P						
Public school, elementary, middle, or secondary	P	P					P	
Private school, elementary, middle, or secondary	P	P						

Principal Use Type	Commercial		Industrial				Public	Use Standards Reference	
	B-1	B-2	M-1	M-2	M-3	M-O (S-3)	P		
Commercial									
Mixed use building	PS	PS	PS				PS	See Chapter 620	
Cannabis combination business	The components of the business must meet the individual district requirements for the aspect of the business listed in the use table. E.g. Cultivation, Manufacturing, Retail, Testing and Transportation.								See Chapter 620
Food or Beverage Services									
Brewpub	P	P							
Liquor store	P	P					P		
Restaurant	P	P							
Retail Sales or Service									
Animal boarding, shelter, or daycare center		C	C	C		C		See Chapter 620	
Animal veterinary clinic or hospital	PS	PS	PS			PS		See Chapter 620	
Automotive fuel station	PS	PS	PS					See Chapter 620	
Automotive repair, major			C	C		C		See Chapter 620	
Automotive repair, minor	C	C	C	C		C		See Chapter 620	
Cannabis retail business	PS	PS						See Chapter 620	
Car wash	C	C	C			C		See Chapter 620	
Commercial center, large		P							
Commercial center, small	P	P							
Garden center/nursery		PS						See Chapter 620	
Motor vehicle sales or rental	C	C						See Chapter 620	
Off-site service business	P	P	P	P	P	P			
Outdoor sales	C	C							
Pawn shop	PS	PS						See Chapter 620	
Large standalone		P							

Principal Use Type	Commercial		Industrial				Public	Use Standards Reference
	B-1	B-2	M-1	M-2	M-3	M-O (S-3)	P	
store, retail or service								
Small standalone store, retail or service	P	P						
Business & Technical Services								
Financial institution	P	P						
Laboratory			P	P	P	P		
Office	P	P	P	P		P		
Industrial								
Automobile recycling center			C	C	C	C		See Chapter 620
Brewery, winery, or distillery	PS	PS	PS	PS		C		See Chapter 620
Cannabis cultivation business			C	C	C			
Cannabis or hemp manufacturing			C	C	C			See Chapter 620
Cannabis processing or extraction				C	C			See Chapter 620
Construction contractor yard					P			
Makerspace or studio	P	P	P	P	P	P		
Manufacturing, heavy				P	P	P		
Manufacturing, light			P	P		P		
Mining, sand, stone, and gravel extraction					I			
Recycling, scrap, or salvage yard			C	C	C	C		
Storage facility, personal		C	PS	PS				See Chapter 620

Principal Use Type	Commercial		Industrial				Public	Use Standards Reference
	B-1	B-2	M-1	M-2	M-3	M-O (S-3)	P	
Towing / impound establishment			C	C	C			
Warehouse and distribution facility			PS	PS	PS	PS		See Chapter 620
Wholesale establishment			P	P	P	P		
Arts, Entertainment, or Recreation								
Commercial recreation, indoor	P	P	C	C	C	C		
Commercial recreation, outdoor	C	C						
Recreational facility, public	P	P					P	
Adult entertainment establishment		PS	C	C		C		See Chapter 620
Transportation and Utilities								
Cannabis transportation or delivery			C	C	C			See Chapter 620
Parking lot	I	I	I	I	I	I		
Transportation garage			C	C	P			
Trucking terminal					PS			See Chapter 620
Utilities (transformers, stations, etc.)	P	P	P	P	P	P	P	
Telecommunications tower			C	C	C		P	See Chapter 620

Table XXX Accessory Uses

Accessory Use	Commercial		Industrial				Public	Use Standards Reference
	B-1	B-2	M-1	M-2	M-3	M-O (S-3)	P	
Accessory retail or service			PS	PS	PS	PS	PS	See Chapter 621

Accessory Use	Commercial		Industrial				Public	Use Standards Reference
	B-1	B-2	M-1	M-2	M-3	M-O (S-3)	P	
Accessory structure	PS	PS	PS	PS	PS	PS		See Chapter 621
Automotive repair	PS	PS						See Chapter 621
Car wash	C	C	C			C		See Chapter 621
Construction-related temporary use	PS	PS	PS	PS	PS	PS	PS	See Chapter 621
Daycare center	PS	PS	PS	PS			PS	See Chapter 621
Drive-through establishment	PS	PS						See Chapter 621
EV charging	PS	PS	PS	PS	PS	PS	PS	See Chapter 621
Farmers market	PS	PS	PS	PS	PS	PS	PS	See Chapter 621
Keeping of bees	PS	PS	PS	PS	PS	PS	PS	See Chapter 621
Laboratory	P	P	P	P	P	P	P	
Mobile food unit	PS	PS	PS	PS	PS	PS	PS	See Chapter 621
Motor vehicle fuel & oil sales	P	P						
On-sale liquor	P	P	P	P		P		
Outdoor dining	PS	PS	C	C	C	C	P	See Chapter 621
Outdoor display	PS	PS						See Chapter 621
Outdoor sales	PS	PS						See Chapter 621
Outdoor storage			C	C	PS	C		See Chapter 621
Railroad use				P	P	P		
Sacred community	PS	PS						See Chapter 621
Solar energy system	PS	PS	PS	PS	PS	PS	PS	See Chapter 621

Accessory Use	Commercial		Industrial				Public	Use Standards Reference
	B-1	B-2	M-1	M-2	M-3	M-O (S-3)	P	
Taproom	P	P	P	P		P		
Utilities (transformers, stations, etc.)	P	P	P	P	P	P	P	
Wind energy conversion system, small (WECS)	C	C	C	C	C	C	C	See Chapter 621
Wireless facility	PS	PS	PS	PS	PS	PS	PS	See Chapter 621

612.04 LOT AND SITE DIMENSIONS

1. All uses in Tables XXX and XXX shall comply with the lot and site dimensional requirements set forth in the following tables and all other applicable regulations set forth in this Chapter.
2. All lot and site dimension standards listed in this Section are subject to the standards and exemptions listed in Chapter 610 Intro to Zoning Districts.
3. Table XXX establishes the minimum lot area and lot width requirements for the B-1, B-2, M-1, M-2, M-3, M-O, and P zoning districts.

Table XXX Lot Dimensions

Zoning District	Use	Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft.)
B-1	All uses	20,000	N/A
B-2	All uses	35,000	N/A
M-1	All uses	32,670	100
M-2	All uses	43,560	150
M-3	All uses	65,340	150
M-O (S-3)	All uses	10,000	80
P	All uses	N/A	N/A

4. Table XXX establishes the minimum site dimension standards for the B-1, B-2, M-1, M-2, M-3, M-O, and P zoning districts.

Table XXX Site Dimensions

Zoning District	Use Types	Principal Building Setbacks (ft.)				Max. Bldg Coverage	Max. Bldg Height (ft.)
		Front	Side	Rear	Corner		
B-1	All uses	35	15 ^{1,4}	25 ¹	35	50%	45

Zoning District	Use Types	Principal Building Setbacks (ft.)				Max. Bldg Coverage	Max. Bldg Height (ft.)
		Front	Side	Rear	Corner		
B-2	All uses	35	15 ²	40 ²	35	50%	65 ³
M-1	All uses	35	15 ²	25ft. if 35ft. tall or less; 40ft. if over 35ft. tall ²	35	50%	65
M-2	All uses	35	20 ²	25ft. if 35ft. tall or less; 40ft. if over 35ft. tall ²	35	50%	65
M-3	All uses	35	20 ²	25ft. if 35ft. tall or less; 40ft. if over 35ft. tall ²	35	50%	65
M-O (S-3)	All uses	35	5 ⁴	5	25	50%	45
P	All uses	N/A	N/A	N/A	N/A	N/A	N/A

¹ 30ft. setback from adjacent residential districts

² 50ft. setback from adjacent residential districts

³ Structures exceeding 65ft. (6 stories) buildings are allowed in B-2 with CUP

⁴ 0ft. side setback is allowed where a common wall meeting the requirements of the Building Code is provided between two buildings.

612.05 DISTRICT STANDARDS

1. M-1, M-2, M-3, and M-O Districts
 - (a) The City shall require a Conditional Use Permit for any outdoor storage of materials, motor vehicles and equipment in compliance with [Section 621.14.](#)
 - (b) Whenever any industrial district is adjacent to or adjoins any other district, permitted buildings and uses, except automobile parking and loading spaces, driveways, essential services, walks and planting spaces shall not be:
 - (1) Closer to a street right-of-way line, abutting a residential district, than 50 feet.
 - (2) Closer to the alley right-of-way line than 40 feet (25 feet for M-O).
2. P Public Facilities District
 - (a) The P District includes such land areas, waterways and water areas which are owned, controlled, regulated, used or proposed to be used by the City of Fridley or other governmental body.
 - (b) Land within the P District is automatically designated at the time of land acquisition for the principal uses set forth in [Section 205.12.2](#)

- (c) Upon removal of public use, land within the P District automatically reverts back to the original zoning that was on the property prior to the acquisition for such use.
- (d) All lot requirements and setbacks for uses in this District shall be comparable to other similar uses that are allowed in other districts.
- (e) Building Requirements
 - (1) All building requirements for uses in this District shall be comparable to other similar uses that are allowed in other districts.

Title 6 Zoning and Subdivision

Chapter 613 Special Zoning Districts

613.01 S-2 REDEVELOPMENT DISTRICT REGULATIONS

1. Purpose. The purpose of this special zoning district is to:
 - (a) Allow for mixed use and planned unit developments within special redevelopment districts established under [Chapter 462 of Minnesota Statutes](#) for the health, safety and general welfare of the City.
 - (b) Allow for the maximum flexibility in the promotion of difficult redevelopment projects.
 - (c) Allow for development by a plan which is acceptable to, and in the best interest of, the City and the overall district and development plan.
2. Procedure for Establishment of a Special Redevelopment District
 - (a) A special redevelopment district, when designated, shall be classified by numerical order as it is established.
 - (b) The procedure for the establishment of a special redevelopment district shall follow the amendment and approval process as laid out in [Section 650.03](#), and shall clearly lay out the purpose for the plan, amendment and the district boundaries.
3. Uses Permitted
 - (a) Permitted uses in S-2 redevelopment districts are:
 - (1) A mix of uses in a building, including residential and commercial.
 - (2) Those uses which are acceptable to the overall redevelopment plan and specific development plans as approved by the City. Upon approval of the specific development plans, the City shall determine the specific uses that are permitted within the development.
4. Uses Allowed After Plan Development
 - (a) Uses allowed in each individual building after construction will be the same as or similar to those uses approved in [Section 205.22.2. above](#).
5. Uses Excluded
 - (a) Only uses specifically identified in the redevelopment plan and approved by the City are allowed.
6. Performance Standards
 - (a) All performance standards for uses in this district shall be comparable to other similar uses that are allowed in other districts.

613.02 APPROVED S-2 DISTRICTS

1. The purpose of this Section is to identify all of the approved S-2 districts developed within the City of Fridley.

2. All redevelopment plans and submittal materials for each S-2 district shall be filed within the City's official records repository.
3. The S-2 Districts approved by the City are listed below in chronological order. The list of S-2 Districts shall be updated as new S-2 Districts are approved.
 - (a) Southeast quadrant of Mississippi Street and University Avenue – 6341, 6401, 6431, and 6499 University Ave: adopted May 17, 1982
 - (1) 6341 University Ave: amended November 3, 2003 and September 9, 2013
 - (2) 6431 University Ave: amended January 7, 2019 and readdressed to 6455 University Ave.
 - (3) 6499 University Ave: Plan approved 1982; Plan amended July 25, 2005
 - (b) Medtronic – 710 Medtronic Parkway: adopted August 18, 1986'
 - (c) Rottlund Company / Christenson Crossing – Southeast quadrant of Mississippi & University; adopted April 22, 1996
 - (d) Gateway East Townhomes – 5807, 5755 University Ave; 353, 339 57th Place; 348 57th Ave: adopted March 26, 2001
 - (e) Columbia Arena - 7011 University Ave: adopted May 12, 2009
 - (f) Triland-Cub site – 250 57th Avenue: adopted March 29, 2010 as PUD; rezoned to S-2 on *[effective date of zoning recodification]*
 - (g) Walgreens – 6525 University Ave: adopted June 18, 1990, amended November 24, 1997
 - (h) Southwest quadrant of Mississippi and Central / 1282 Mississippi; 6490, 6400, 6352, 6300 Central: adopted January 5, 2004
 - (i) Southeast quadrant of Mississippi and Central / 1314, 1340 Mississippi; 6421 Central: adopted July 11, 2005
 - (j) Gateway Northeast / Cielo – 5831-6071 University Ave: adopted November 26, 2012
 - (k) Northern Stacks/Paul Hyde – 4800 East River Road: adopted October 30, 2013
 - (l) Locke Point Villas / Pulte Homes – Adopted May 8, 2018
 - (m) Fridley Station Village (Sherman) – 6050 Main Street: adopted November 7, 2018
 - (n) Holly Center / Axle Apartments—6530 University Ave: Adopted September 23, 2020
 - (o) Moon Plaza / Callisto Commons—6257 University Ave: adopted January 23, 2023

Title 6 Zoning and Subdivision

Chapter 614 Overlay Zoning Districts

614.01 INTRODUCTORY PROVISIONS

- 1. The restrictions, regulations, standards and guidelines in this Chapter are created to apply to all land within the City, subject to the land use and development provisions contained in each respective chapter applying to the following zoning districts within the City. Hereafter, these districts may be collectively referred to as "Overlay Districts." They are as follows:

O-1	Floodplain Management Overlay District
O-2	Critical Area District
O-3	Telecommunications Towers and Wireless Facilities District
O-4	Pre-1955 Residential Lots
O-5	Shoreland Overlay District
O-6	Transit Oriented Development

614.02 O-1 FLOODPLAIN MANAGEMENT OVERLAY DISTRICT

Section 614.02 O-1 Floodplain Management Overlay District

614.02.01 Statutory Authorization

1. Statutory Authorization. This floodplain ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F; Minnesota Rules, parts 6120.5000 – 6120.6200; the rules and regulations of the National Flood Insurance Program (NFIP) in 44 CFR § 59 to 78; and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.
2. Purpose
 - (a) This ordinance regulates development in the flood hazard areas of the City of Fridley. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.
 - (b) This ordinance is adopted in the public interest to promote sound land use practices, and floodplains are a land resource to be developed in a manner which will result in minimum loss of life and threat to health, and reduction of private and public economic loss caused by flooding.
 - (c) This ordinance is adopted to maintain eligibility in the National Flood Insurance Program.
 - (d) This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.
3. Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. The standards in this ordinance take precedence over any less restrictive, conflicting local laws, ordinances, or codes. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
4. Warning and Disclaimer of Liability. This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. Not all flood risk is mapped. Larger floods do occur and the flood height may be increased by man-made or natural causes, such as ice jams or bridge openings restricted by debris. This ordinance does not create liability on the part of the City of Fridley or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.
5. Severability. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

614.02.02 Definitions

Accessory Structure. A structure, as defined in this ordinance, that is on the same parcel of property as, and is incidental to, the principal structure or use; an accessory structure specifically excludes structures used for human habitation.

Base Flood. The flood having a one-percent chance of being equaled or exceeded in any given year. “Base flood” is synonymous with the term “regional flood” used in Minnesota Rules, part 6120.5000.

Base Flood Elevation (BFE). The elevation of the base flood, regional flood, or one-percent annual chance flood. The term “base flood elevation” is used in the flood insurance study.

Basement. Any area of a structure, including crawl spaces, having its floor subgrade (below ground level) on all sides, regardless of the depth of excavation below ground level.

Building. See *Structure*.

Channel. A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct flowing water either continuously or periodically.

Conditional Use. A land use or development that would not be appropriate generally, but may be allowed with appropriate restrictions upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.

Critical Facilities. Buildings and structures that contain essential facilities and services necessary for emergency response and recovery, or that pose a substantial risk to the public in the event of failure, disruption of function, or damage by flooding. Specifically, this includes facilities identified as Flood Design Class 4 in *ASCE 24-14, Flood Resistant Design and Construction*, as amended. Examples include health care facilities, facilities required for emergency response, power generating stations, communications towers, or electrical substations.

Development. Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Equal Degree of Encroachment. A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

FEMA. Federal Emergency Management Agency.

Flood. A temporary rise in the stream flow or water surface elevation from any source that results in the inundation of normally dry land areas.

Flood Fringe. The portion of the one-percent annual chance floodplain located outside of the floodway.

Flood Insurance Rate Map (FIRM). An official map on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS). The study referenced in Section 3.2, which is an examination, evaluation and determination of flood hazards, and if appropriate, corresponding surface elevations, or an examination, evaluation, and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

Floodplain. The beds, channel and the areas adjoining a wetland, lake or watercourse, or other source which have been or hereafter may be inundated by the base flood.

Floodproofing. A combination of structural and non-structural additions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Floodway. The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which must be reserved to carry or store the base flood discharge without cumulatively increasing the water surface elevation more than one-half foot.

General Floodplain. Those floodplains designated on the Flood Insurance Rate Maps referenced in Section 3.2, but that do not have a delineated floodway.

Light Duty Truck. Any motor vehicle that has all three of the following:

- (a) 8,500 pounds Gross Vehicle Weight Rating or less;
- (b) vehicle curb weight of 6,000 pounds or less; and
- (c) basic vehicle frontal area less than 45 square feet.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR § 60.3.

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."

New Construction. Structures for which the start of construction commenced on or after the effective date of an adopted floodplain management regulation, and includes any subsequent improvements to such structures.

Principal Structure. The main building or other structure on a lot that is utilized for the property's principal use.

Reach. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

Recreational Vehicle. A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Those vehicles not meeting this definition shall be considered a structure for the purposes of this ordinance. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term "travel trailer/travel vehicle."

Regulatory Flood Protection Elevation (RFPE). An elevation that is two feet above the elevation of the base flood.

Special flood hazard area (SFHA). An area having special flood, mudslide (i.e., mudflow), or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, A99, AH, VO, V1-30, VE, V, M, or E.

Stage Increase. Any increase in the water surface elevation during the one-percent annual chance flood caused by encroachments on the floodplain.

Start of Construction. Includes substantial improvement, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of

permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure. A roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Recreational vehicles not considered travel ready, as detailed in Section 10, shall also be considered a structure for the purposes of this ordinance.

Subdivision. Land that has been divided for the purpose of sale, rent, or lease, including planned unit developments.

Substantial Damage. Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement. Within any 365-day period, any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." For the purpose of this ordinance, "historic structure" is defined in 44 CFR § 59.1.

Variance. "Variance" means the same as that defined in 44 CFR § 59.1 and Minnesota Statutes, Section 462.357, Subd. 6(2).

Violation. "Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation of until such time as that documentation is provided.

Watercourse. A channel in which a flow of water occurs either continuously or intermittently in a definitive direction. The term applies to either natural or artificially constructed channels.

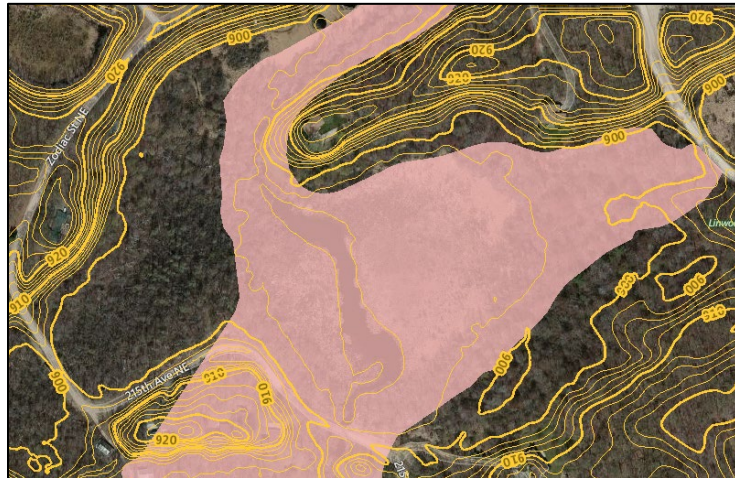
614.02.03 Jurisdiction and Districts

1. Lands to Which Ordinance Applies. This ordinance applies to all lands within the jurisdiction of the City of Fridley within the boundaries of the Floodway, Flood Fringe and General Floodplain Districts.

(a) The Floodway, Flood Fringe or General Floodplain Districts are overlay districts. The standards imposed in the overlay districts are in addition to any other requirements. In case of a conflict, the more restrictive standards will apply.

(b) Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions (as illustrated in Figure 1), the Base Flood Elevation (BFE) shall be the governing factor in locating the outer boundaries of the one-percent annual chance floodplain.

Figure 1: The mapped floodplain may not always align with on-the-ground contour elevations.



(c) Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Planning Commission and to submit technical evidence.

2. Incorporation of Maps by Reference. The following maps together with all attached material are hereby adopted by reference and declared to be a part of the official zoning map and this ordinance. The attached material includes the Flood Insurance Study for Anoka County, Minnesota, and Incorporated Areas, dated December 16, 2015, and the Flood Insurance Rate Map panels enumerated below, dated December 16, 2015, all prepared by the Federal Emergency Management Agency. These materials are on file in the Planning Division of the City Office.

- 27003C0381E 27003C0392E
- 27003C0382E 27003C0401E
- 27003C0383E 27003C0403E
- 27003C0384E 27003C0411E
- 27003C0391E

Approved Letters of Map Change (LOMC) existing at the adoption of this ordinance are also herein incorporated by reference.

3. Districts

(a) Floodway District. Those areas within Zone AE delineated within floodway areas as shown on the Flood Insurance Rate Maps referenced in Section 3.2.

(b) Flood Fringe District. Those areas within Zone AE located outside of the delineated floodway, as shown on the Flood Insurance Rate Maps referenced in Section 3.2.

(c) General Floodplain District. Those areas within Zone A and AE that do not have a floodway delineated as shown on the Flood Insurance Rate Maps referenced in Section 3.2.

4. Annexations. The Flood Insurance Rate Map panels referenced in Section 3.2 may include floodplains areas that lie outside of the corporate boundaries of the City of Fridley at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of Fridley after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation. Annexations into panels not referenced in Section 3.2 require ordinance amendment in accordance with Section 14.0.

5. Municipal Boundary Adjustments & Townships. The Flood Insurance Rate Map panels referenced in Section 3.2 apply countywide. If at any point any lands come under the jurisdiction of another local government, the following shall apply:

- (a) City adjustments of corporate boundaries, including but not limited to annexations and detachments, shall shift floodplain administrative authority of all affected lands immediately upon the date of the boundary adjustment occurring. Cities retain jurisdiction for all incorporated lands, and the County retains jurisdiction under this ordinance on all unincorporated lands

614.02.4 Requirements For All Floodplain Districts

1. Permit Required. A permit must be obtained from the Community Development Director or their designee to verify compliance with all applicable standards outlined in this ordinance prior to the following uses or activities:

- (a) The erection, addition, modification, rehabilitation, repair, or alteration of any building, structure, or portion thereof. Normal maintenance requires a permit to determine if such work, either separately or in conjunction with other planned work, constitutes a substantial improvement, as specified in Section 12.2.
- (b) The construction of a fence, pool, deck, or placement of anything that may cause a potential obstruction.
- (c) The change or expansion of a nonconforming use.
- (d) The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
- (e) The placement of fill, excavation, utilities, or other service facilities.
- (f) The storage of materials or equipment, in conformance with Section 4.2.B.
- (g) Relocation or alteration of a watercourse (including stabilization projects or the construction of new or replacement dams, culverts and bridges). A local permit is not required if a public waters work permit has been obtained from the Department of Natural Resources, unless a significant area above the ordinary high water level is also to be disturbed.
- (h) Any other type of "development," as defined in Section 2.0 of this ordinance.

2. Minimum Development Standards

- (a) All development must:
 - (1) Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - (2) Be constructed with materials and equipment resistant to flood damage;
 - (3) Be constructed by methods and practices that minimize flood damage;

- (4) Be constructed with heating, ventilation, duct work, and air conditioning equipment and other service facilities elevated at least up to the Regulatory Flood Protection Elevation (RFPE). Water, sewage, electrical, and other utility lines below the RFPE shall be constructed so as to prevent water from entering or accumulating within them during conditions of flooding;
 - (5) Be reasonably safe from flooding and consistent with the need to minimize flood damage;
 - (6) Be assured to provide adequate drainage to reduce exposure to flood hazards;
 - (7) Not be detrimental to uses in adjoining areas; and
 - (8) Not adversely affect the efficiency or restrict the flood carrying capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.
 - (9) Ensure that any fill or other materials are protected from erosion, discharge, and sediment entering surface waters by the use of vegetative cover or other methods as soon as possible.
- (b) Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life shall be stored at or above the Regulatory Flood Protection Elevation (RFPE), floodproofed, or protected by other measures as approved by the Community Development Director or their designee. Storage of materials likely to cause pollution of the waters, such as sewage; sand; rock; wrecked and discarded equipment; dredged spoil; municipal, agricultural or industrial waste; and other wastes as further defined in Minnesota Statutes, Section 115.01, are prohibited unless adequate safeguards approved by the Minnesota Pollution Control Agency are provided. For projects not requiring approvals by the Minnesota Pollution Control Agency, adequate safeguards must be approved by the Community Development Director or their designee prior to issuance of a permit.
- (c) Critical facilities shall be located so that the lowest floor is not less than two feet above the Base Flood Elevation (BFE), or the 0.2% annual chance flood elevation, whichever is higher.

614.02.05 Floodway District

1. Permitted Uses in Floodway. Development allowed in the floodway district is limited to that which has low flood damage potential and will not obstruct flood flows, increase velocities, or increase the water surface elevations of the one-percent annual chance flood. The following uses and activities may be allowed with a permit, subject to the standards in Section 5.2:
 - (a) Agricultural uses, recreational uses, parking lots, loading areas, airport landing strips, water control structures, navigational facilities, as well as public open space uses.
 - (b) Roads, driveways, railroads, trails, bridges, and culverts.
 - (c) Public utility facilities and water-oriented industries which must be in or adjacent to watercourses.
 - (d) Grading, filling, land alterations, and shoreline stabilization projects.
 - (e) No structures, as defined in Section 2.0, are allowed in the Floodway District, except structures accessory to the uses detailed in Sections 5.1.A and 5.3.
 - (f) Residential lawns, landscaping, parking, and play areas.
2. Standards for Permitted Uses in Floodway. In addition to the applicable standards detailed in Section 4.0:

(a) The applicant must demonstrate that the development will not result in any of the following during the one-percent annual chance flood: cause a stage increase of 0.00 feet or greater, obstruct flood flows, or increase velocities. This shall be demonstrated through hydrologic and hydraulic analysis performed by a professional engineer, or using other standard engineering practices (e.g. projects that restore the site to the previous cross-sectional area). This is commonly documented through a "no-rise certification."

(b) Any development that would result in a stage increases greater than 0.00 feet may only be allowed with a permit if the applicant has applied for and received approval for a Conditional Letter of Map Revision (CLOMR) in accordance with 44 CFR § 65.12. Map revisions must follow the procedures in Sections 11 and 14.0.

(c) Any development resulting in decreases to the water surface elevation of the base flood identified in the Flood Insurance Study requires a Letter of Map Revision (LOMR) following the procedures in Sections 11 and 14.0.

(d) Any development in the beds of public waters that will change the course, current or cross section is required to obtain a public waters work permit in accordance with Minnesota Statutes, section 103G.245 or a utility crossing license in accordance with Minnesota Statutes, section 84.415, from the Department of Natural Resources, or demonstrate that no permit is required, before applying for a local permit.

(e) Any facility used by employees or the general public must be designed with a flood warning system acceptable to the Community Development Director or their designee that provides adequate time for evacuation, or be designed to ensure that within the area inundated during the base flood event, the depth (in feet) multiplied by the velocity (in feet per second) is less than four.

(f) Fill and other land alteration activities must offer minimal obstruction to the flow of flood waters.

3. Conditional Uses in Floodway. The following uses and activities may be permitted as conditional uses, subject to the standards detailed in this Chapter:

(a) Commercial extractive uses, storage and stockpiling yards.

4. Standards for Conditional Uses in Floodway. In addition to the applicable standards detailed in this Chapter.

(a) Extractive uses and storage of materials require the completion of a site development and restoration plan, to be approved by the City of Fridley.

614.02.06 Flood Fringe District

1. Permitted Uses in Flood Fringe. Any uses or activities allowed in any applicable underlying zoning districts may be allowed with a permit, subject to the standards set forth in this Chapter.

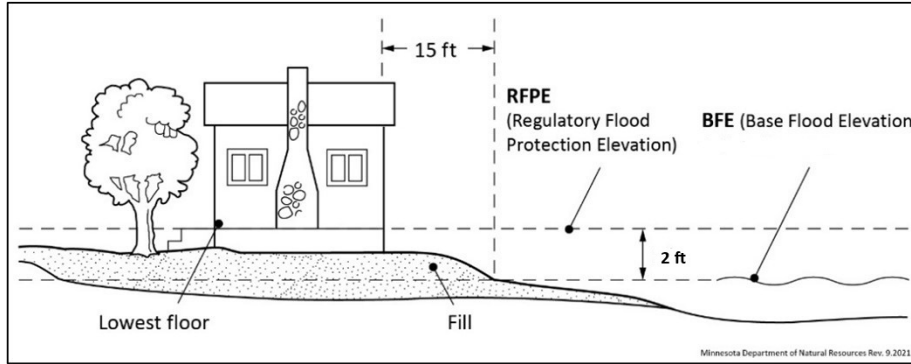
2. Standards for Permitted Uses in Flood Fringe. In addition to the applicable standards detailed in this Chapter;

(a) Residential Structures.

(1) Elevation on Fill. Structures erected, constructed, reconstructed, altered, or moved on fill within the Flood Fringe District shall be placed so that the lowest floor, as defined in Section 2.0 of this ordinance, is elevated at or above the Regulatory Flood Protection Elevation (RFPE). The finished fill elevation shall be at or above the elevation associated with the base flood plus two

feet. Fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the Community Development Director or their designee. Elevation methods alternative to these fill standards are subject to a Conditional Use Permit, as provided below.

Figure 2: Overview of fill standards for residential structures.

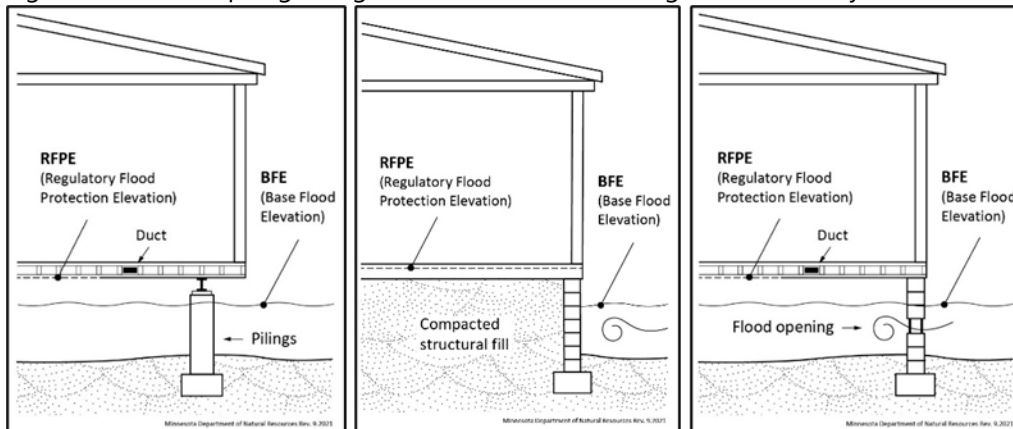


(b) Nonresidential Structures. Nonresidential structures must meet one of the following construction methods:

(1) Elevation on Fill. Structures may be elevated on fill, meeting the standards of this Chapter. Fill for nonresidential structures is not required to be extended 15 feet beyond the outside limits of the structure.

(2) Alternative Elevation Methods. Structures may be elevated using methods alternative to the fill standards in this Chapter. Such methods include the use of blocks, pilings (Figure 3), filled stem walls (Figure 4), or internally-flooded enclosed areas (Figure 5) such as crawl spaces, attached garages, or tuck under garages.

Figure 3: Blocks or pilings. Figure 4: Filled stem walls. Figure 5: Internally flooded enclosed area.



Designs accommodating for internally-flooded enclosed areas must be certified by a registered professional engineer or architect, or meet or exceed the standards detailed in *FEMA Technical Bulletin 1*, as amended, as well as the following standards:

((a)) The lowest floor, as defined in in this Chapter, shall be elevated at or above the Regulatory Flood Protection Elevation (RFPE).

((b)) The floor of the enclosed area must be at or above the exterior grade on at least one side of the structure.

((c)) To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings below the base flood elevation on at least two sides of the structure. The bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, have a net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention.

((d)) Internally flooded enclosed areas shall only be used for the parking of vehicles, building access, or storage. Bathrooms and toilet rooms shall not be allowed. Such areas shall be subject to a deed-restricted non-conversion agreement as well as periodic inspections with the issuance of any permit.

(3) Dry Floodproofing. Structures having watertight enclosed basements or spaces below the Regulatory Flood Protection Elevation (RFPE) must meet the following standards:

((a)) Walls must be substantially impermeable to the passage of water, with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, at least up to the Regulatory Flood Protection Elevation (RFPE);

((b)) Must meet the standards of FEMA Technical Bulletin 3, as amended; and

((c)) A registered professional engineer or architect shall be required to certify that the design and methods of construction meet the standards detailed in this Section.

(4) Accessory Structures. All accessory structures must meet the following standards:

((a)) Structures shall not be designed or used for human habitation.

((b)) Structures will have a low flood damage potential.

((c)) Structures shall constitute a minimal investment not to exceed 576 square feet in size, one-story in height, and shall only be used for parking and storage, except as provided under Section 6.2C.5. Structures not meeting the standards of Sections 6.2C.1-3 must be designed and constructed in accordance with floodplain management requirements based on whether the structure is residential or nonresidential. Residential structures must meet the requirements of Section 6.2.A, and nonresidential structures must meet the requirements of Section 6.2.B.

(5) Structures with two or more rigid walls, must meet one of the following construction methods:

((a)) Wet Floodproofing. Structures may be floodproofed in a way to accommodate internal flooding. To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention. Utilities must be elevated above the RFPE and any utility lines below the RFPE shall be constructed so as to prevent floodwaters from entering or accumulating within them. Portions of structures below the RFPE must be constructed of flood damage-resistant materials. Wet floodproofed structures must be anchored to resist flotation, collapse, and lateral movement.

((b)) Elevation on Fill. Structures may be elevated on fill, meeting the standards in Section 6.2.A.1 of this ordinance. Fill is not required to be extended 15 feet beyond the outside limits of the structure.

((c)) Alternative Elevation Methods. Structures may have their lowest floor elevated above the Regulatory Flood Protection Elevation (RFPE) through methods alternative to the fill standards in Section 6.2.C.4.B, and must meet the standards in Section 6.2.B.2 of this ordinance.

((d)) Dry Floodproofing. Structures may be dry-floodproofed, or watertight, meeting the standards in Section 6.2.B.3 of this ordinance.

(6) Structures with fewer than two rigid walls, such as carports, gazebos, and picnic pavilions, meeting the standards in Section 4.2 of this ordinance may be located at an elevation below the Regulatory Flood Protection Elevation, exceed 576 square feet in size, and include uses as provided under Section 6.1.

(d) All new principal structures must provide vehicular access no lower than two feet below the Base Flood Elevation (BFE), unless a flood warning/emergency evacuation plan has been approved by the City of Fridley.

(e) Accessory uses such as yards and parking lots may be at an elevation lower than the Regulatory Flood Protection Elevation. However, any facilities used by employees or the general public must be designed with a flood warning system acceptable to the Community Development Director or their designee that provides adequate time for evacuation or be designed to ensure that within the area inundated during the base flood event, the depth (in feet) multiplied by the velocity (in feet per second) is less than four.

(f) Manufactured homes and recreational vehicles must meet the standards of Section 10 of this ordinance.

3. Conditional Uses in Flood Fringe. The following uses and activities may be permitted as conditional uses, subject to the standards in Sections 6.4:

(a) Alternative Elevation Methods – Residential Structures. Residential structures with their lowest floor elevated above the Regulatory Flood Protection Elevation (RFPE) using methods alternative to the fill requirements in Section 6.2.A.

(b) The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in accordance with Section 6.2.A-C of this ordinance.

4. Standards for Conditional Uses in Flood Fringe. In addition to the applicable standards detailed in Sections 4.0, 6.2 and 11.2:

(a) All residential structures with lowest floors elevated through alternative elevation methods must meet the standards in Section 6.2.B.2 of this ordinance.

(b) The placement of more than 1,000 cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan and:

(1)The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional (1% chance) flood event.

(2)The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City.

Item 2.

(3)The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.

614.02.7 General Floodplain District

1. Permitted Uses in General Floodplain District

(a) Until the floodway is delineated, allowable uses will be restricted to those listed in the Floodway District, Section 5.0

(b) All other uses are subject to a floodway/flood fringe determination as provided in Section 7.4, in addition to the standards provided in Sections 7.2 and 7.3. Permitted uses shall be determined as follows:

(1)If the development is determined to be in the Floodway District, Section 5.0 applies.

(2)If the development is determined to be in the Flood Fringe District, Section 6.0 applies.

2. Determining Flood Elevations

(a) All development requires a determination of the Base Flood Elevation (BFE). Exceptions to this requirement include projects that restore the site to the previous cross-sectional area, such as shore stabilization or culvert replacement projects. Base Flood Elevations (BFE) may be found using best available data from any Federal, State, or other source (including MNDNR's Lake & Flood Elevations Online (LFEO) Viewer).

3. Encroachment Analysis

(a) Encroachments due to development may not allow stage increases more than one-half (0.5) foot at any point, unless through a map revision following the procedures in Sections 11.1.E and 14.0. This evaluation must include the cumulative effects of previous encroachments, and must be documented with hydrologic and hydraulic analysis performed by a professional engineer, or using other standard engineering practices. A lesser water surface elevation increase than one-half (0.5) foot is required if, due to the water surface level increase, increased flood damages would potentially result.

(b) Alterations or changes that result in stage decreases are allowed and encouraged.

4. Standards for the Analysis of Floodway Boundaries

(a) Requirements for Detailed Studies. Any development, as requested by the, Community Development Director or their designee shall be subject to a detailed study to determine the limits of the Floodway District. This determination must be consistent with the minimum standards for hydrologic and hydraulic mapping standards and techniques, as detailed in Minnesota Rules, part 6120.5600, Subp. 4 and *FEMA Guidelines and Standards for Flood Risk Analysis and Mapping*, as revised. Additionally:

(1)A regulatory floodway necessary to carry the discharge of the one-percent annual chance flood must be selected without increasing the water surface elevation more than one-half (0.5) foot at any point. This determination should include the cumulative effects of previous encroachments. A lesser water surface elevation increase than one-half (0.5) foot is required if, due to the water surface level increase, increased flood damages would potentially result; and

(2) An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries, unless topography, existing development patterns, and comprehensive land use plans justify a modified approach, as approved by the Department of Natural Resources.

(b) Other Acceptable Methods. For areas where a detailed study is not available or required:

(1) Development prohibited in floodways (e.g. most buildings) requires a floodway/flood fringe determination to verify the development is within the flood fringe. This determination must be done by a professional engineer or utilize other accepted engineering practices. The Department of Natural Resources may also provide technical assistance and must approve any alternative methods used to determine floodway boundaries.

(2) For areas where the floodway has not been determined in and along lakes, wetlands, and other basins, the following methodology may be used as an alternative to 7.4.B.1 above, provided these areas are not affected by velocities and the lot is able to accommodate a building site above the Regulatory Flood Protection Elevation (RFPE):

((a)) All areas that are at or below the ordinary high water level, as defined in Minnesota Statutes, section 103G.005, Subd. 14, will be considered floodway, and all areas below the Base Flood Elevation (BFE) but above the ordinary high water level will be considered flood fringe, provided that within 25 feet of the ordinary high water level, or within the Shore Impact Zone as identified in the community's Shoreland ordinance, whichever distance is greater, land alterations shall be restricted to:

((1)) The minimum required to accommodate beach areas, access areas, and accessory structures as permitted, not to exceed a volume greater than 10 cubic yards; projects involving volumes exceeding 10 cubic yards require floodway/flood fringe determination in accordance with the procedures in Section 7.4.B.1; and

((2)) The minimum required to accommodate shoreline stabilization projects to correct an identified erosion problem as verified by a qualified resource agency or the Community Development Director or their designee.

614.02.8 Subdivision Standards

1. Subdivisions. All subdivided land must meet the following requirements. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.

(a) All lots within floodplain districts must be suitable for a building site outside of the Floodway District.

(b) Subdivision of lands within the floodplain districts may not be approved if the cost of providing governmental services would impose an unreasonable economic burden on the City of Fridley.

(c) All subdivisions must have vehicular access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation (RFPE), unless a flood warning/emergency evacuation plan has been approved by the City of Fridley.

(d) The Floodway and Flood Fringe District boundaries, the Regulatory Flood Protection Elevation (RFPE) and the required elevation of all access roads must be clearly identified on all required subdivision drawings and platting documents.

1. Public Transportation Facilities. Railroad tracks, roads, and bridges must be elevated to the Regulatory Flood Protection Elevation (RFPE) where such facilities are essential to the orderly functioning of the area, or where failure or interruption would result in danger to public health or safety. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety. All public transportation facilities should be designed to minimize increases in flood elevations.

2. Public Utilities. All utilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be elevated and/or floodproofed to the Regulatory Flood Protection Elevation (RFPE), be located and constructed to minimize or eliminate flood damage, and be designed to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. All public utilities should be designed to minimize increases in flood elevations. New solid waste management facilities, as defined in Minnesota Rules, part 7035.0300, are prohibited in the one-percent annual chance floodplain. Water supply systems are subject to the provisions in Minnesota Rules, part 4725.4350.

3. Private On-Site Water Supply, Individual Sewage Treatment Systems, and other Service Facilities. Private facilities shall be subject to applicable provisions detailed in Section 9.2. In addition, new or replacement on-site sewage treatment systems are to be located to avoid impairment to them or contamination from them during times of flooding, shall not be located in a designated floodway, and are subject to the provisions in Minnesota Rules, parts 7080.2270.

614.02.10 Manufactured Homes and Recreational Vehicles

1. Manufactured Homes. Manufactured homes and manufactured home parks are subject to applicable standards for each floodplain district. In addition:

(a) New and replacement manufactured homes must be placed and elevated in compliance with Section 6.0 of this ordinance and must be securely anchored to a system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

(b) New manufactured home parks and expansions to existing manufactured home parks must meet the appropriate standards for subdivisions in Section 8.0 of this ordinance.

2. Recreational Vehicles. New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Recreational vehicles placed in existing recreational vehicle parks, campgrounds or lots of record in the floodplain must either:

(a) Meet the requirements for manufactured homes in Section 10.1, or

(b) Be travel ready, meeting the following criteria:

(1) The vehicle must be fully licensed.

(2) The vehicle must be ready for highway use, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities.

(3) No permanent structural type additions may be attached to the vehicle.

(4) Accessory structures may be permitted in the Flood Fringe District, provided they do not hinder the removal of the vehicle should flooding occur, and meet the standards outlined in Section 4.0 and Section 6.2.C.

614.02.11 Administration

1. Duties. The Community Development Director or their designee must administer and enforce this ordinance.

(a) Permit Application Requirements. Permit applications must be submitted to the Community Development Director or their designee. The permit application must include the following, as applicable:

(1) A site plan showing all existing or proposed buildings, structures, service facilities, potential obstructions, and pertinent design features having an influence on the permit.

(2) Location and detail of grading, fill, or storage of materials.

(3) Copies of any required local, state or federal permits or approvals.

(4) Other relevant information requested by the Community Development Director or their designee as necessary to properly evaluate the permit application.

(b) Recordkeeping. The Community Development Director or their designee must maintain applicable records in perpetuity documenting:

(1) All certifications for dry floodproofing and alternative elevation methods, where applicable.

(2) Analysis of no-rise in the Floodway District, as detailed in Section 5.2.A, and encroachment analysis ensuring no more than one-half foot of rise in the General Floodplain District, as detailed in Section 7.3.A.

(3) Final elevations, as applicable, detailing the elevation to which structures and improvements to structures are constructed or floodproofed. Elevations shall be determined by an engineer, architect, surveyor or other qualified individual, as approved by the Community Development Director or their designee.

(4) Substantial damage and substantial improvement determinations, as detailed in Section 12.1.C, including the cost of improvements, repairs, and market value.

(5) All variance actions, including justification for their issuance, and must report such variances as requested by the Federal Emergency Management Agency.

(c) Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Community Development Director or their designee stating that the finished fill and building floor elevations or other flood protection measures are in compliance with the requirements of this ordinance.

(d) Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Community Development Director or their designee must notify adjacent communities. If the applicant has applied for a permit to work in public waters in accordance with Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to FEMA.

(e) Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. Where physical changes affecting flooding conditions may increase or decrease the water surface elevation of the base flood, the City of Fridley must notify FEMA of the changes in order to obtain a Letter of Map Revision (LOMR), by submitting a copy of the relevant technical or scientific data as soon as practicable, but no later than six months after the date such supporting information becomes

available. Within the General Floodplain District, a map revision is only required if development re-
in stage increases greater than 0.5 feet.

Item 2.

2. Conditional Uses and Variances

(a) Process.

(1) An application for a conditional use permit will be processed and reviewed in accordance with the provisions of this ordinance.

(2) An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with Minnesota Statutes, section 394.27, Subd. 7 and this ordinance.

(b) Additional Variance Criteria. The following additional variance criteria must be satisfied:

(1) Variances must not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

(2) Variances from the provisions of this ordinance may only be issued by a community upon:

((a)) A showing of good and sufficient cause;

((b)) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

((c)) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(3) Variances from the provisions in this ordinance may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) Variances must be consistent with the general purpose of these standards and the intent of applicable provisions in state and federal law.

(5) Variances may be used to modify permissible methods of flood protection, but no variance shall permit a lesser degree of flood protection than the Regulatory Flood Protection Elevation (RFPE).

(6) The Community Development Director or their designee must notify the applicant for a variance in writing that:

((a)) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and

((b)) Such construction below the base flood level increases risks to life and property. Notification must be maintained with a record of all variance actions.

(c) Considerations for Approval. The City of Fridley must consider all relevant factors specified in other sections of this ordinance in granting variances and conditional use permits, including the following:

(1) The potential danger to life and property due to increased flood heights or velocities caused by encroachments.

(2) The danger that materials may be swept onto other lands or downstream to the injury of others.

- (3) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (4) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;
- (5) The importance of the services to be provided by the proposed use to the community;
- (6) The requirements of the facility for a waterfront location;
- (7) The availability of viable alternative locations for the proposed use that are not subject to flooding;
- (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- (9) The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area;
- (10) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

(d) Conditions of Approval. The City of Fridley may attach such conditions to the granting of variances and conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

- (1) Limitations on period of use, occupancy, and operation.
- (2) Imposition of operational controls, sureties, and deed restrictions.
- (3) The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
- (4) Other conditions as deemed appropriate by the Community Development Director or their designee.

3. Notifications to the Department of Natural Resources

- (a) All notices of public hearings to consider variances or conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist at least ten (10) days before the hearings. Notices of hearings to consider subdivisions/plats must include copies of the subdivision/plat.
- (b) A copy of all decisions granting variances and conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist within ten (10) days of final action.

614.02.12 Nonconformities

1. Continuation of Nonconformities. A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance, but which is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:

- (a) Within the floodway and general floodplain districts (when a site has been determined to be located in the floodway following the procedures in Section 7.3, or when the floodway has not been delineated), any expansion or enlargement of uses or structures is prohibited.
- (b) Within all districts, any addition, modification, rehabilitation, repair, or alteration shall be in conformance with the provisions of this ordinance, shall not increase the flood damage potential or

increase the degree of obstruction to flood flows, and where applicable, must be protected to the Regulatory Flood Protection Elevation (RFPE).

Item 2.

(c) If any nonconforming structure is determined to be substantially damaged or substantially improved based on the procedures in Section 12.2, it may not be reconstructed except in conformity with the provisions of this ordinance. Any structures located outside the one-percent annual chance floodplain are exempt from this provision.

(d) If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance.

2. Substantial Improvement and Substantial Damage Determinations. Prior to issuing any permits for additions, modifications, rehabilitations, repairs, alterations, or maintenance to nonconforming structures, the Community Development Director or their designee is required to determine if such work constitutes substantial improvement or repair of a substantially damaged structure. A determination must be made in accordance with the following procedures:

(a) Estimate the market value of the structure. In the case of repairs, the market value of the structure shall be the market value before the damage occurred and before any restoration or repairs are made.

(b) Estimate the cost of the project. The property owner shall accommodate for inspection, and furnish other documentation needed by the Community Development Director or their designee to evaluate costs.

(1) Improvement costs shall be comprised of the market rate of all materials and labor, as well as the costs of all ordinary maintenance and upkeep carried out over the past one year.

(2) Costs to repair damages shall be comprised of the market rate of all materials and labor required to restore a building to its pre-damaged condition regardless of the work proposed, as well as associated improvement costs if structure is being restored beyond its pre-damaged condition.

(c) Compare the cost of the improvement, repairs, or combination thereof to the estimated market value of the structure, and determine whether the proposed work constitutes substantial improvement or repair of a substantially damaged structure, as defined in Section 2.0 of this ordinance.

(d) Based on this determination, the Community Development Director or their designee shall prepare a determination letter and notify the property owner accordingly. Structures determined to be substantially damaged or substantially improved may not be reconstructed except in conformity with the provisions of this ordinance.

614.02.13 Violations and Penalties

1. Uses in Violation of the Ordinance. Every structure, fill, deposit, or other use placed or maintained in the floodplain in violation of this ordinance shall be considered a public nuisance.

2. Civil Remedies. The creation of a public nuisance may be enjoined and the maintenance of a public nuisance under this ordinance may be abated by an action brought by the City of Fridley or the Department of Natural Resources.

3. Enforcement. Violations of the provisions of this ordinance constitutes a misdemeanor and is punishable as defined by law. The Community Development Director or their designee may utilize

the full array of enforcement actions available to it including but not limited to prosecution and f
injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flo
Insurance Program for denial of flood insurance. The City of Fridley must act in good faith to enforce
these official controls and to correct ordinance violations to the extent possible so as not to
jeopardize its eligibility in the National Flood Insurance Program.

Item 2.

614.02.14 Amendments

1. Ordinance Amendments. Any revisions to the floodplain maps by the Federal Emergency Management Agency or annexations of new map panels require an ordinance amendment to update the map references in Section 3.2 of this ordinance.
2. Required Approval. All amendments to this ordinance must be submitted to the Department of Natural Resources for review and approval prior to adoption, for compliance with state and federal rules and requirements. The floodplain ordinance shall not be considered valid until approved.

614.03 O-2 CRITICAL AREA OVERLAY DISTRICT

Section 614.03 Critical Area Overlay District

614.03.01 Purpose

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.

614.03.02 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 conditional 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 614.03.04.01.

614.03.03 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](#).

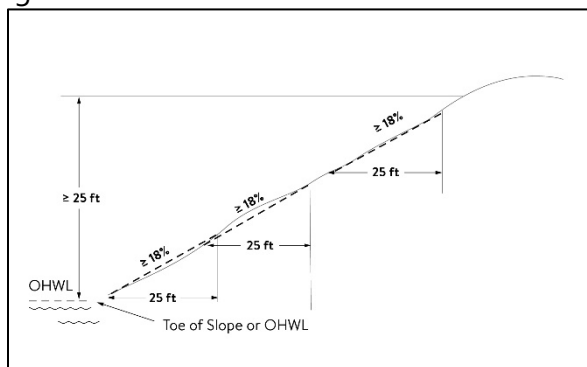
Alternative design: Subdivision design methods such as conservation design, transfer of development density, or similar zoning and site design techniques that protect open space and natural areas.

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

Bluff:

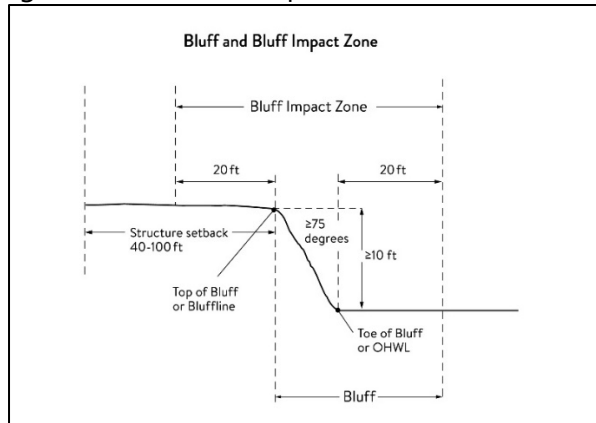
1. A slope that rises at least 25 feet where the grade of the slope averages 18% or greater, measured over any horizontal distance of 25 feet, from the toe of the slope to the top of the slope. Where the slope begins below the ordinary high water level, the ordinary high water level is the toe of the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

Figure 1. Bluff



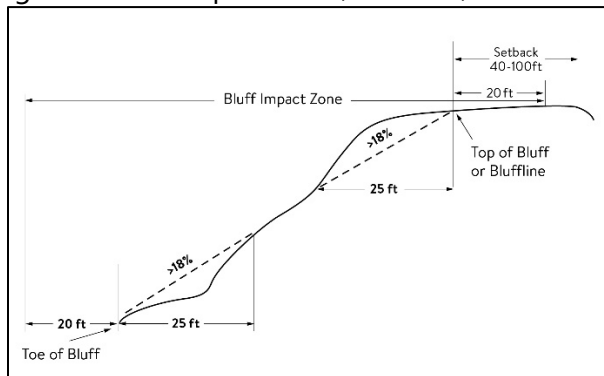
2. A natural escarpment or cliff with a slope that rises at least ten feet above the ordinary high water level or toe of the slope, whichever is applicable, to the top of the slope, with a slope of 75 degrees or greater. See Figure 2.

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, conditional 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.

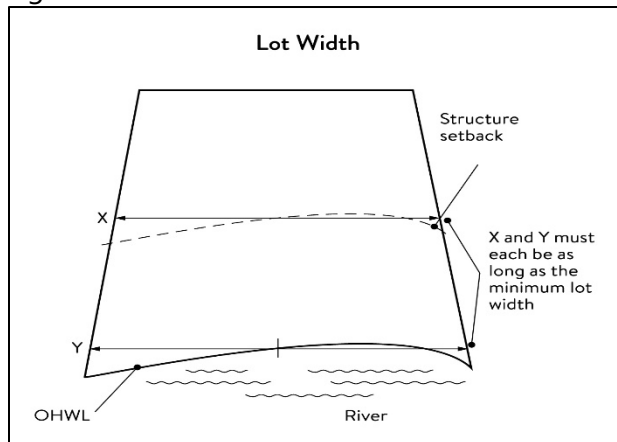
Interim use: A use having the meaning given under Minnesota Statutes Chapters [394](#) and [462](#).

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".

Lift: A tram or other accessible means to get up and down steep slopes.

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.

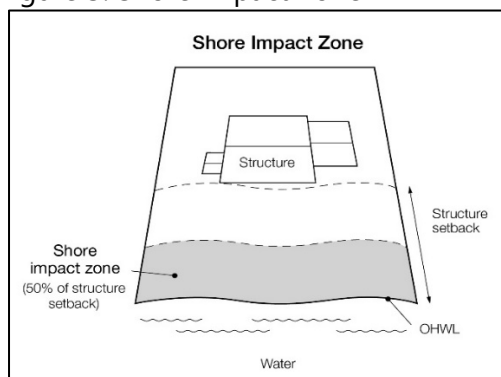
River-dependent use: The use of land for commercial, industrial, or utility purposes, where access to and use of a public water feature is an integral part of the normal conduct of business and where the use is dependent on shoreline facilities.

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: "Variance" means the same as that defined in 44 CFR § 59.1 and Minnesota Statutes, Section 462.357, Subd. 6(2).

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](#).

614.03.04 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 614.03.11 and land alteration consistent with Section 614.03.12.

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 614.03.04.04; and

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

(1) The extent, location and intensity of the variance will be in substantial compliance with the MRCCA Plan; and

(2) The variance is consistent with the character and management purpose of the MRCCA district in which it is located.

3. Conditional and interim use permits. All conditional 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 614.03.04.04; and

(b) Make written findings that the conditional or interim use permit is consistent with the purpose of this Chapter as follows:

- (1) The extent, location and intensity of the conditional or interim use permit will be in substantial compliance with the MRCCA Plan; and
- (2) The conditional or interim use permit is consistent with the character and management purpose of the MRCCA district in which it is located.

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, conditional 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 Community Development Director 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](#).

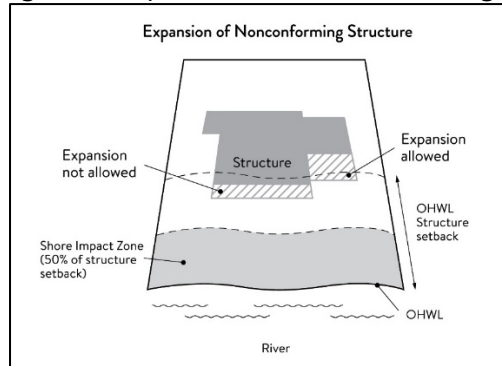
(b) Site alterations and expansion of site alterations that were legally made prior to the effective date of this ordinance are conforming. Site alterations include vegetation, erosion control, storm water control measures, and other nonstructural site improvements.

(c) Legally nonconforming principal structures that do not meet the setback requirements of Section 614.03.07.03 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 conditional 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 614.03.07.01 as part of the conditional use or variance process, adjoining local governments within the MRCCA, including those with overlapping jurisdiction and those across the river.

(c) Notice of final decisions for actions in Section 614.03.04.07.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 614.03.07-614.03.14; or
- (b) If Sections 614.03.07-614.03.14 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.

614.03.05 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.

614.03.06 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 614.03.14, 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 conditional 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 614.03.09.01.

614.03.07 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 614.03.14. 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 conditional use according to Section 614.03.07.02.

2. In addition to the variance or conditional use requirements of Section 614.03.04.04, criteria for considering whether to grant a variance or 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) 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 614.03.14.

(b) Structures, impervious surfaces, and facilities must comply with the following OHWL setback provisions unless identified as exempt in Section 614.03.14:

- (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.
- (4) Rice Creek and Springbrook Creek: 50 feet.

(c) Structures, impervious surfaces, and facilities must comply with the following bluffline setback provisions unless identified as exempt in Section 614.03.14:

- (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.

(e) 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 614.03.07.01 and Section 614.03.07.03 so as to not require variances to use the lots for their intended purpose.

614.03.08 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 614.03.11 and 614.03.12.

2. Private roads, driveways, and parking areas. Except as provided in Section 614.03.14, 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 614.03.07.03; and

(c) Not be placed within the bluff impact zone or shore impact zone, unless exempt under Section 614.03.14 and designed consistent with Section 614.03.09.01.

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 614.03.08.3.C 1-4, and as provided under Section 614.03.04.08.
- (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 614.03.11 and 614.03.12, provided that:

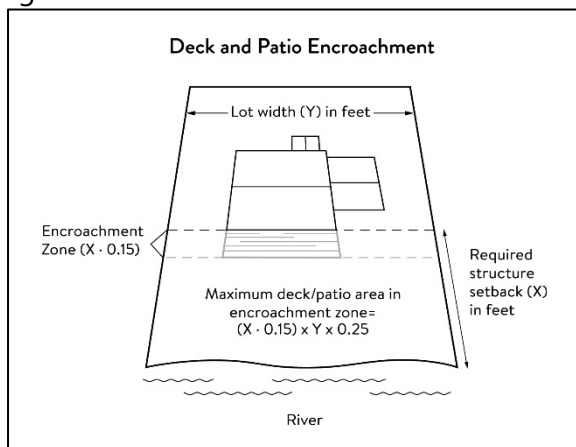
(a) The encroachment of the deck or patio into the required setback area does not exceed 15% of the required structure setback;

(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 614.03.07.01 and 614.03.07.03.

(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.

614.03.09 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 614.03.07, except as provided in Section 614.03.14;

(c) Be consistent with the vegetation management standards in Section 614.03.11 and the land alteration and storm water management standards in Section 614.03.12, 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 614.03.07 except as provided in Section 614.03.14. 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 614.03.07, except as provided in Section 614.03.14;

(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 614.03.08.03.C.

614.03.10 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.

614.03.11 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 Community Development Director 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 614.03.11.07.

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 Community Development Director or their designee;
- (c) Right-of-way maintenance for public facilities meeting the standards Section 614.03.09.02
- (d) Agricultural and forestry activities meeting the standards of Sections 614.03.06.01.F and 614.03.06.01.G;
- (f) Selective vegetation removal 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 614.03.11.06.

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 614.03.14.

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 614.03.11.04;
- (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 614.03.13.

6. Vegetation Restoration Plan Performance Standards. The vegetation restoration plan must satisfy the application submittal requirements in Section 614.03.04.05, 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 614.03.11.04.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 614.03 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 in lieu of tree replanting.

614.03.12 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:

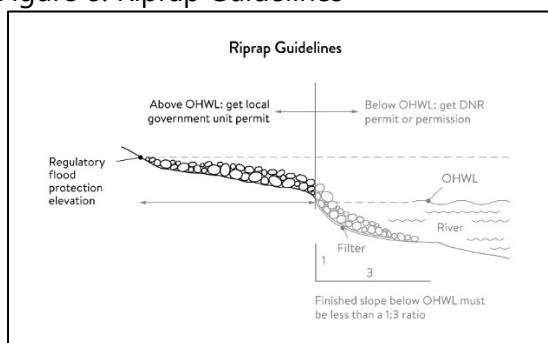
- (1) Erosion control consistent with a plan approved by the Community Development Director or their designee;
- (2) The minimum necessary that is allowed as an exception under Section 614.03.14; and
- (3) Repair and maintenance of existing buildings and facilities.

(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 8. Riprap Guidelines



(b) Construction or replacement of rock riprap, retaining walls, and other erosion control structures within the bluff impact zone and the water quality impact zone are allowed with a permit consistent with provisions of Section 614.03.12.5 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 614.03.14, 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 614.03.11.

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 614.03.11; 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.

614.03.13 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 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 614.03.04.05 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 614.03.13.04, 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 614.03.11.04.

(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 614.03.11.04, 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.

614.03.14 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 614.03.11 and 614.03.12.

(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 614.03.09

Use or Activity	Set backs	Height Limits	SI Z	BI Z	Applicable standards with which the use or activity must comply
Wireless communication towers	E	E	N	N	Section 614.03.06.03
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 614.03.09
Essential services (other than storm water facilities)	E	E	E	(E)	Section 614.03.09
Storm water facilities	E	N	E	(E)	Section 614.03.12
Wastewater treatment	E	N	E	N	Section 614.03.09
Public transportation facilities	E	N	(E)	(E)	Section 614.03.09

(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 614.03.09; 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 614.03.09
Parking lots	(E)	N	(E)	(E)	Section 614.03.09; 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 614.03.09
Natural-surfaced trails, access paths, and viewing areas	E	N	E	E	Section 614.03.09

Use or Activity	Set backs	Height Limits	SI Z	BI Z	Applicable standards with which the use or activity must comply
Hard-surfaced trails and viewing platforms	E	N	E	(E)	Section 614.03.09; within BIZ, only on slopes averaging less than 30%
Water access ramps	E	N	E	(E)	Section 614.03.09
Public signs and kiosks for interpretive or directional purposes	E	N	E	(E)	Section 614.03.09

(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 614.03.08; in BI Z, 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 614.03.08
Water access ramps	E	N	E	N	Section 614.03.08
Stairways, lifts, and landings	E	N	E	E	Section 614.03.08
Water-oriented accessory structures	E	N	E	N	Section 614.03.08
Patios and decks	E	N	N	N	Section 614.03.08
Directional signs for watercraft (private)	E	N	E	N	Section 614.03.08.05; exemption does not apply to off-premise advertising signs
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 614.03.12.2
Flood control structures	E	N	E	(E)	Section 614.03.12

614.04 O-3 TELECOMMUNICATIONS TOWERS AND WIRELESS FACILITIES OVERLAY DISTRICT

1. Definitions

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

Applicant. Any person that applies for a permit for a telecommunications tower or wireless facilities, automatic meter reading devices or small wireless facilities. (Ref Ord 1350)

Application. The process by which a person submits a request to develop, construct, build, modify or erect a telecommunications tower or wireless facilities 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.

Approved Site. A site which has been approved by the City Council as an eligible location for placement of a telecommunications tower or wireless facilities.

City means the City of Fridley, Minnesota.

Collocate or Collocation. 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. An electrical engineer licensed by the State of Minnesota.

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

Local Government Unit. A county, home rule charter or statutory city, town or the Metropolitan Council.

Owner. Any person with fee simple title to any approved site, existing site, site approved by special use permit or wireless facility.

Pad Mount Device. 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. 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. 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. A wireless facility that meets both of the following qualifications; or

- A. Each antenna is located inside an enclosure of no more than six 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 cubic feet; and
- B. All other wireless equipment associated with the small wireless facility, excluding electric meters, concealment elements, telecommunications demarcation boxes, batter 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 28 cubic feet in volume; or
- C. A micro wireless facility.

State. The State of Minnesota.

Structural Engineer. A structural engineer licensed by the State of Minnesota.

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

Toll. To stop the running of a relevant time period, such as a review period.

Utility Pole. A pole that is used in whole or in part to facilitate telecommunications or electric service.

Wireless Facility. Equipment at a fixed location that enables the provision of wireless services between user equipment and a wireless service network, including:

1. Cables, wires, lines, wave guides, antennas and any other 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; or
3. A small wireless facility.

The term "wireless facilities" shall not include:

1. Any satellite earth station antenna two meters in diameter or less which is located in an area zoned industrial or commercial;
2. Any satellite earth station reception antenna one meter or less in diameter, regardless of zoning category;
3. Automatic meter reading systems;
4. Small wireless facilities;
5. Wireless support structures;
6. Wireless backhaul facilities; and
7. 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. 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 47 U.S.C. § 522 (6).

Wireless Support Structure. 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.

2. Purpose and Intent

- (a) The general purpose of **this Section** is to create an overlay district to regulate the placement, construction and modification of telecommunications towers and wireless facilities.
- (b) Specifically, the purpose of **this Section** is:
 - (1) To ensure that telecommunications towers and wireless facilities are compatible with surrounding land uses;
 - (2) To minimize adverse visual impact of telecommunications towers and wireless facilities through careful design, siting, landscaping and innovative camouflaging techniques;
 - (3) To promote and encourage shared use/collection of telecommunications 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 telecommunications towers and wireless facilities;
 - (4) To avoid potential damage to property caused by telecommunications towers and wireless 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;
 - (5) To facilitate the provision of telecommunications towers and wireless facility services to the residents and businesses of the City in a streamlined, orderly, and efficient fashion;
 - (6) To encourage the location of telecommunications towers in industrial and business districts, rather than residential areas;
 - (7) To enhance the ability of providers of telecommunication services to provide such services to the community quickly, effectively, and efficiently; and
 - (8) To identify specific sites within the City where telecommunications towers and wireless facilities may be located;

3. District Boundaries for Overlay District

- (a) The **O-3, Telecommunications Towers and Facilities District**, is created and shall apply to all land within the City subject to the provisions and use requirements contained in **this Section**.

4. Uses Permitted

- (a) All principal and accessory uses allowed in each underlying primary zoning district are permitted in the telecommunications towers and wireless facilities district, except that no telecommunications towers shall be constructed, and no wireless facilities shall be placed, on telecommunications towers or antenna support structures except as provided for in **this Chapter**.
 - (b) The construction of telecommunications towers and the installation, operation and maintenance of wireless facilities shall be permitted uses in the approved sites identified on **Appendix A to this Ordinance**, subject to the provisions of **this Chapter**.
 - (c) Conditional Uses
 - (1) The construction of telecommunications towers and the installation, operation and maintenance of wireless facilities shall be a conditional use in Zoning districts M-1, M-2, and M-3, and any abutting railroad rights-of-way.
 - (2) The construction of telecommunications towers and the installation, operation, and maintenance of wireless facilities shall be a conditional use in the Critical Area Overlay District and subject to jurisdiction of the Critical Area Chapter.
5. Nonconforming Uses
- (a) Existing sites shall be considered a legal nonconforming use, unless otherwise provided for in **this Chapter**.
 - (b) Installation of additional wireless 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.
 - (c) Routine maintenance of wireless facilities on existing sites is permitted, except that any wireless facilities installed on existing sites may not increase in size, height, weight or otherwise result in an increase in the intensity of the nonconforming use.
 - (d) If any wireless facilities on an existing site are abandoned for a period of one year, such existing site shall lose its legal nonconforming status and shall be considered an illegal nonconforming use. The abandoned wireless facilities shall not be re-established on the site, and must be removed within 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 650 of the City Code**.
6. Priority for Use
- (a) Priority for use of the installation, maintenance and operation of telecommunications towers and wireless facilities will be given to the following entities in descending order:
 - (1) City of Fridley.
 - (2) 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.
 - (3) Other governmental agencies, for uses which are not related to public safety.

- (4) Entities providing licensed commercial wireless facility services including cellular, public and personal communication services (PCS), and similar services that are marketed to the general public.
7. Installation Requirements on Water Towers and in City
- (a) Installation of wireless facilities on water towers will be permitted when the City is fully satisfied that the following requirements are met:
- (1) The wireless facility will not increase the risks of contamination to the City's water supply.
 - (2) There is sufficient room on the structure or on the grounds to accommodate the wireless facility.
 - (3) The presence of the wireless facility will not increase the water tower or reservoir maintenance costs to the City.
 - (4) The presence of the wireless facility will not be harmful to the health of workers maintaining the water tower or reservoir.
 - (5) All state and federal regulations pertaining to non-ionizing radiation and other health hazards has been satisfied.
8. Building Permit Required
- (1) A building permit is required for installation of any telecommunications towers and wireless facilities.
 - (2) 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.
9. Setbacks
- (1) The telecommunications towers and wireless facilities shall be located in rear or side yard areas and shall be setback at least 10 feet from side or rear lot lines.
10. Use Standards
- (a) Telecommunications Tower Height
- (1) Telecommunications towers are exempt from the maximum height restrictions of the underlying zoning districts where they are located.
 - (2) Telecommunications tower height shall be measured from the average adjoining grade to the highest point of construction of any telecommunications tower or wireless facilities.
 - (3) Telecommunications towers shall be permitted to a height of 125 feet.
 - (4) An additional 25 feet of telecommunications tower height shall be permitted for a total height of 150 feet, if all of the following criteria are met:

- ((a)) The telecommunications tower exists within a lineal dimension of 250 feet of any one of the following structures that exceed the height of 150 feet. These structures include:
 - ((1)) Buildings;
 - ((2)) Power lines; and
 - ((3)) Train/rail yard fixtures such as light fixtures.
 - ((b)) Telecommunications towers must meet or exceed any local, state or federal regulations relative to tower fall distance.
 - ((c)) All permits required to replace or expand an existing telecommunications tower must be reviewed and approved by the City prior to replacement or expansion.
 - (b) Co-Location
 - (1) Telecommunications towers shall be designed to support more than two wireless facilities. Support structures shall be designed to support more than one small wireless facility.
 - (c) Stealth Design and Exterior Finishes
 - (1) All approved sites, telecommunications towers and wireless facilities shall be designed to blend into the surrounding environment.
 - (2) 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.
 - (3) Wireless facilities placed on water towers shall be finished with a non-corrosive material to match the color of the water tower.
 - (d) Illumination
 - (1) Telecommunications towers shall not be artificially illuminated except as required by the Federal Aviation Administration ("FAA").
 - (e) Special Landscape Requirements
 - (1) All sites shall include appropriate landscaping as required herein and shall comply with all landscaping requirements of the underlying zoning district.
 - (2) 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 100 percent opaque vegetative enclosure, six feet in height at the time of planting.
 - (3) Accessory above-ground equipment must utilize existing buildings or structures, if possible. If no existing structures are available, the owner of the wireless facility must construct such a structure.
 - (f) Security
 - (1) All telecommunications towers must be reasonably posted and secured to protect against trespass. Chain link fences may be used to protect

telecommunications towers and wireless facilities. Barbed or razor wire is prohibited. All facilities shall be designed to discourage unauthorized climbing on the structure.

(g) Signs

- (1) Signs no larger than four square feet in size and attached to a structure are the only permitted signage associated with the telecommunications towers and wireless facilities.
- (2) An exception to the above restriction shall be made for applicable warning and equipment information signage required by the manufacturer or by federal, state or local regulations.

(h) Maintenance

- (1) Ordinary and reasonable care of telecommunications towers and wireless facilities shall be employed at all times.
- (2) All telecommunications towers and 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.
- (3) Owners shall install and maintain telecommunications towers and 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.
- (4) All maintenance or construction on telecommunications towers and wireless facilities shall be performed by qualified maintenance and construction personnel.
- (5) All owners of wireless facilities shall maintain compliance with current radio frequency emission standards of the FCC.
- (6) In order to provide information to its citizens, copies of all FCC information concerning wireless facilities shall be made available to the City and updated annually.
- (7) In the event the use of a telecommunications tower, a public utility structure or a wireless facility is discontinued by the owner of the wireless facility, 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.

11. Application for Placement of Towers or Wireless Facilities on Approved Sites in the City

- (a) All persons seeking to install, operate and maintain telecommunications towers and wireless facilities on 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 telecommunications tower or antenna support structure is capable

of supporting the equipment necessary to install, operate and maintain the proposed antenna.

- ((a)) The engineer shall also certify the capability of the telecommunications tower to provide adequate structural support considering existing or other proposed antenna installations.
- ((b)) 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 facility including a cross-section and elevation; and
- (5) A scalable site plan drawn at an engineering scale showing the location of the wireless 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 telecommunications tower or the wireless 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 facility service shall interfere with public safety communications. Before the introduction of new service or before implementing any change in existing service, all wireless facility service providers shall notify the City at least 10 calendar days in advance of such changes and allow the City to monitor interference levels during the testing process; and
- (11) An application for a building permit to 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 operating wireless 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 telecommunication tower and wireless 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 telecommunications towers and wireless facilities in M-1, M-2, M-3 Zoning Districts as a conditional use permit shall submit the information required in 205.30.07.A, except items (3) and (11).
12. Application Process
- (a) If a telecommunications towers and wireless facilities is approved by a conditional use permit, the applicant must also apply for and receive a building permit.
13. Fees
- (a) 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 or a wireless facility in the City.
- (b) If deemed as necessary due to the nature of the application, the applicant shall also be required to reimburse the City for the City's cost to retain a consultant to review the requested application.
14. Certifications and Inspections
- (a) All telecommunications towers and wireless 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 conditional use permit and all other construction standards set forth by the City Code and federal, state and local law.
- (b) 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 conditional use permit, all other construction standards set forth in the City Code and all other federal, state and local laws.
- (c) The City and its agents shall have authority to enter onto any approved site, existing site, or site approved by conditional 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 Code and federal and State law.
- (d) The City reserves the right to conduct such inspections at any time, upon reasonable notice to the owner(s).
- (e) All expenses related to such inspections by the City shall be borne by the site owner(s).
15. Abandonment
- (a) If any site for which approval to install, maintain and operate a telecommunications tower, public utility structure or wireless facility has been granted by the City shall cease to be used for a period of 365 consecutive days, the City shall notify the

wireless facility operator and the owner of the property that said site or system has been deemed abandoned.

- (b) Upon a finding of abandonment by the City, the telecommunications tower, public utility structure or wireless facility must be removed or an annual user fee shall be paid to the City.
- (c) If it is determined that the abandoned telecommunications tower, public utility structure or wireless facility 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.

16. No Recourse

- (a) No Recourse against the City. Every permit issued to an applicant for construction, installation, maintenance or operation of a telecommunications tower or wireless facility 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 Chapter or because of the enforcement or lack of enforcement of this Chapter or the City's exercise of its authority pursuant to this Chapter, 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.

17. Violation

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

614.05 O-4 PRE-1955 RESIDENTIAL LOTS OVERLAY DISTRICT

1. Purpose

- (a) The purpose of this special zoning district is to:
 - (1) Change the present "legal, nonconforming use" status of the residential dwellings located in this district on lots over 4,000 square feet in size to a "conforming use" status.
 - (2) Re-establish and maintain the residential character of Fridley's neighborhoods.
 - (3) Protect the property rights of all present landowners, while promoting reinvestment and infill development in Fridley neighborhoods.
 - (4) Establish a zoning mechanism for the City that will encourage residential investment and development on those lots created and recorded at Anoka County prior to December 29, 1955.

2. District Boundaries

- (a) This Section and zoning district shall be referred to as the "Pre-1955 Lots" in short form.
- (b) The extent of this zoning overlay district shall only be comprised of those residentially zoned lots split, platted, or otherwise created and recorded at Anoka County prior to December 29, 1955. The O-4 district includes lots meeting all criteria set forth in this chapter, located in the following Plats created and recorded prior to December 29, 1955: Adams Street Addition; Auditor's Subdivisions #22, #23, #25, #39, #59, #77, #78, #79, #88, #89, #92, #94, #94 Sublot 10, #108, #129, #153, and #155; Berlin Addition; Brookview Addition; Brookview 2nd Addition; Camp Howard and Hush's 1st Addition to Fridley Park; Carlson's Summit Manor North Addition; Carlson's Summit Manor South Addition; Central Avenue Addition; Central View Manor; Christie Addition; City View; Clover Leaf Addition; Clover Leaf 2nd Addition; Dennis Addition; Donnay's Lakeview Manor; Elwell's Riverside Heights; Elwell's Riverside Heights Plat 2; Florence Park Addition to Fridley; Fridley Park; Hamilton's Addition to Mechanicsville; Hayes River Lots; Hillcrest Addition; Horizon Heights; Irvington Addition to Fridley Park; Lowell Addition to Fridley Park; Lucia Lane Addition; Lund Addition; Meloland Gardens; Moore Lake Addition; Moore Lake Highlands & Additions 1-4; Moore Lake Hills; Moore Lake Park Addition; Moore Lake Park 2nd Addition; Murdix Park; Niemann Addition; Norwood Addition to Fridley Park; Oak Creek Addition; Oak Creek Addition Plat 2; Oak Grove Addition to Fridley Park; Oakhill Addition; Onaway; Osborne Manor; Ostmans 1st Addition; Ostmans 2nd Addition; Parkview Manor; Plymouth; Rearrangement of Blocks 13, 14, 15 Plymouth; Rearrangement of Lots 1,2,3, Blk 1 and Lots 1,2,3, Blk 4 Rice Creek Terrace Plat 2; Rees Addition to Fridley Park; Revised Auditor's Subdivisions #10, #23, #77, #103; Rice Creek Terrace Plats 1-4; Riverview Heights; Sandhurst Addition; Second Revised Auditors Subdivision #21; Scherer Addition; Shaffer's Subdivision #1; Shorewood; Springbrook Park; Spring Lake Park Lakeside; Spring Valley; Subdivision of Lot 10, Auditor's Subdivision #94; Sylvan Hills; Sylvan Hills Plat 2 & 3; Vineland Addition to Fridley Park; and any unplatted lots created, prior to December 29, 1955, as recorded at Anoka County. Any lot combinations or divisions of Parcel Identification Numbers done on or after January 1, 2001 makes the property ineligible for inclusion in this overlay district.

3. Applicability

- (a) This section applies only to lots that are under the minimum lot size requirement of 9,000 square feet for all one-unit detached dwellings.

4. Uses Permitted

(a) Principal Uses.

- (1) One unit detached dwellings.

(b) Accessory Uses.

- (1) All garages whether attached to, tucked under or detached from the principal dwelling is considered to be an accessory structure and shall not exceed 100

percent of the first-floor area of the dwelling unit or a maximum of 1,000 square feet.

- (2) All permitted accessory uses authorized by the underlying base zoning district of this overlay district, including substandard lots, may be applied, when meeting all requirements for the applicable accessory use in Chapter 621.
- (3) All accessory uses shall meet the following performance standards:
 - ((a)) Only one accessory structure in excess of 240 square feet is allowed per site. One additional accessory structure is allowed provided it does not exceed 240 square feet. Total accessory structure size shall be limited to a 500 square feet per property.
 - ((b)) Any accessory structure in excess of the above requirements (square footage or number of buildings) requires a conditional use permit in accordance to the procedures in Section 650.02 (4).
 - ((c)) All accessory structures must be permanently attached to a foundation or held in place with approved tie-downs and may not be used for home occupations.

(c) Existing Uses.

- (1) Existing one unit detached dwellings that do not conform to the conditions of this Chapter will be allowed to continue as a permitted use.
- (2) Alterations and additions are permitted to improve the structure, provided they meet the required setbacks as stated in this Chapter.
- (d) Any uses not listed indicates that the land use is prohibited. In the event a proposed use is not listed, the Community Development Director shall make a determination if the use is consistent by type, intensity, physical characteristics, style, size and purpose with any use listed in Tables XXX and XXX.

5. Lot Requirements and Setbacks

Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft.)	Principal Building Setbacks (Ft.)				Max Bldg. Coverage	Max. Bldg Height (ft.)	Minimum Floor Area (sq. ft.)
		Front	Side ¹	Rear ²	Corner			
4,000	40 at the required setback	25	10	25' living 15' attached garage at the rear	17.5; 25' if there is an accessory building that opens to the street	35%	30	750

¹Two side yards are required with the minimum width listed except as follows:

Where a house is built without an attached garage, a minimum side yard requirement shall be 10 feet on one side, and 13 feet on the other side, so that there is access to the rear yard for a detached garage and off-street parking area.

Where a house is built with an attached garage, the side yard adjoining the attached garage or accessory structure may be reduced to not less than five feet, provided the height of the garage or accessory structure on that side is not more than 14 feet.

² Detached accessory structures may be built not less than three feet from any lot line in the rear yard not adjacent to a street.

6. O-4 District Standards

- (a) All uses in this district shall conform to the applicable development and performance standards found in [this Title](#).
- (b) Parking Requirements.
 - (1) All applicable off-street parking requirements in accordance with [Chapter 631](#) shall be met.
 - (2) At least two off street parking stalls shall be provided for each dwelling unit.
 - (3) A garage shall satisfy the minimum off-street parking space requirements.

614.06 O-5 SHORELAND OVERLAY DISTRICT

CHAPTER 614.06 Shoreland Overlay District

614.06 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 this Chapter 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 Zoning and Subdivision 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 this Chapter.

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 this Chapter. The specific boundaries of the shoreland permit overlay district are shown on the official Fridley Shoreland Overlay District Map in the Fridley Zoning Code.

- (b) Properties that are also within the jurisdiction of the Critical Area Chapter, shall remain 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 Structure or Facility.

Any building or improvement subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.

(b) Bluff.

A topographic feature such as a hill, cliff, or embankment having the following characteristics:

- (1) Part or all of the feature is located in a shoreland area;
- (2) The slope must drain toward the waterbody;
- (3) The slope rises at least 25 feet above the ordinary high water level; and
- (4) The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater (see Figure 1), except that an area with an average slope of less than 18 percent over a distance of at least 50 feet shall not be considered part of the bluff (see Figure 2).

Figure 1. Illustration of Bluff

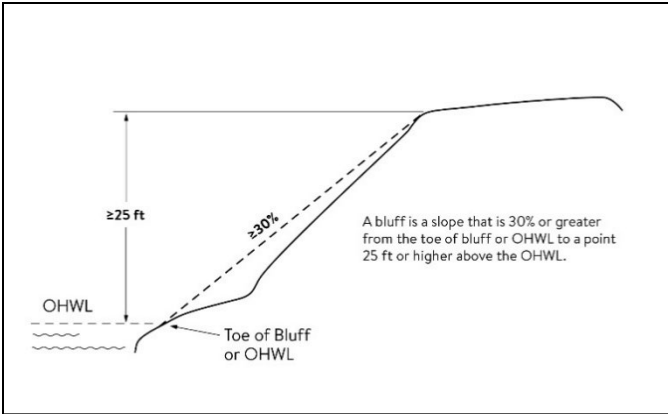
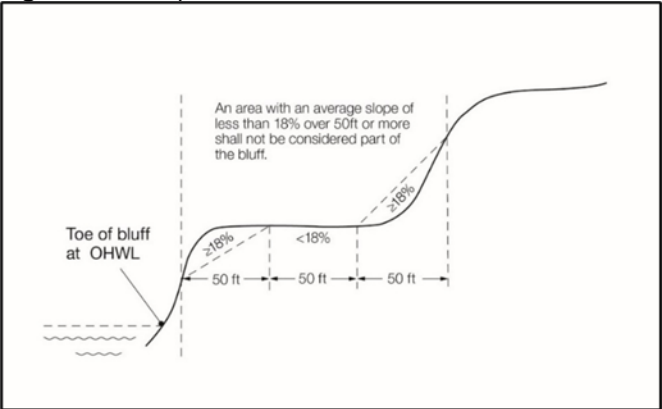


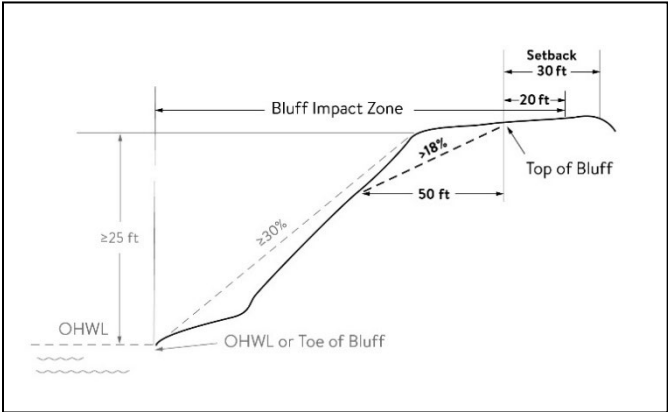
Figure 2. Exception to Bluff



(c) Bluff impact zone.

A bluff and land located within 20 feet of the top of a bluff. See Figure 3.

Figure 3. Bluff Impact Zone and Top of Bluff



(d) Bluff, Toe of.

The lower point of a 50-foot segment with an average slope exceeding 18 percent or the ordinary high water level, whichever is higher.

- (e) Bluff, Top of.
For the purposes of measuring setbacks, bluff impact zone, and administering vegetation management standards, the higher point of a 50-foot segment with an average slope exceeding 18 percent. See Figure 3.
- (f) Commission.
The City of Fridley Planning Commission.
- (g) Commissioner.
The Commissioner of the Department of Natural Resources of the State of Minnesota.
- (h) Council.
The Fridley City Council.
- (i) Critical Area.
The area known as the Mississippi River Corridor Critical Area designated by the Governor in the Executive Order No. 130.
- (j) 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.
- (k) 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.
- (l) Intensive vegetation clearing.
The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
- (m) Lot Coverage.
The amount of impervious surface on a lot.
- (n) 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:

((a)) 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;

((b)) for watercourses, the ordinary high water level is the elevation of the top of the bank of the channel; and

((c)) for reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

(o) Shoreland.

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

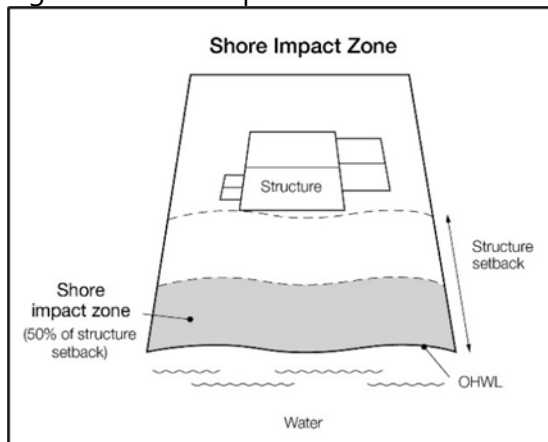
((a)) land within 1,000 feet from the normal high watermark of a lake, pond, or flowage; and

((b)) 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.

(p) Shore Impact Zone.

Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback (see Figure 4).

Figure 4. Shore Impact Zone



(q) Steep Slopes.

Lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, which are not bluffs.

(r) Structure.

Any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.

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
----------------------------------	--------

(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

- Rice Creek
- Springbrook 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 Chapter Zoning and Subdivision 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 Zoning and Subdivision.

7. Lot area and width standards

Lot area and width standards for residential development shall be regulated per the underlying zoning district in Chapter Zoning and Subdivision.

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 Zoning and Subdivision.

(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 505 Erosion Control and Stormwater Management 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 microsilt 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 this Chapter of 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.

614.07 O-6 TRANSIT ORIENTED DEVELOPMENT OVERLAY DISTRICT

1. Definitions

Mixed Use Structure. A building or development that contains two or more different uses such as residential, commercial, industrial or public facilities.

Primary Street. The street adjoining the property which has the highest traffic counts.

Redevelopment. When all of the existing structures on a site are removed to ready the site for new construction.

2. Background and Authority

- (a) The City of Fridley finds that Transit Oriented Development benefits the general health and welfare of the inhabitants of Fridley by fulfilling existing housing, transportation and employment needs. Therefore, the City of Fridley implements this overlay district which designates a portion of the City as a Transit Oriented Development District ("TOD" District) in an effort to support all modes of transportation. This overlay district is adopted per authority granted by the [City of Fridley in Minnesota Statutes Chapter 462](#).

3. Purpose

- (a) The purpose of this overlay zoning district is to:
- (1) Implement code requirements that will encourage dense, mixed use, pedestrian-friendly development within a one-half mile of the Northstar Commuter Rail Station in Fridley.
 - (2) Create multi-modal connections to the Fridley Northstar Commuter Rail Station that allow for safe access to the station no matter what means of transportation someone uses.
 - (3) Create a neighborhood identity with the Northstar Commuter Rail Station that promotes the use of mass transit, human interactions, safety and livability.
 - (4) Reduce automobile dependency by locating a variety of land uses within a half mile of the Northstar Commuter Rail Station.
 - (5) Provide life cycle housing for people of different income levels and housing space needs within one half mile of the Northstar Commuter Rail Station.

4. District Boundary

- (a) The TOD Overlay District consists of those areas designated on the Northstar TOD District map, which is [Appendix A to this Chapter](#) and is on file with the City Clerk and dated March 22, 2018.

5. Uses Permitted

- (a) Permitted uses in the [O-6 TOD Overlay District](#) are those uses which are acceptable in the underlying zoning district as noted in the Principal and Accessory [Use Tables XX](#)

or in the Northstar TOD TIF District Master Plan if the parcel being developed is included in the Northstar TOD TIF District as approved by the City.

(1) Any uses not listed indicates that the land use is prohibited. In the event a proposed use is not listed in the use tables, the Community Development Director shall make a determination if the use is consistent by type, intensity, physical characteristics, style, size and purpose with any use listed in Tables XXX and XXX.

(b) Mixed use structures do not require a conditional use permit as underlying zoning requirements may require.

6. Process for TOD Plan Approval

(a) Plans for each individual project or combination of projects in the TOD District must be submitted upon payment of any required fee as provided in Chapter 11.

(b) One unit detached dwelling development projects located within the R-H, Hyde Park Zoning District are exempt from following the TOD design standards and the plan review process.

7. Design Criteria

(a) All new development or redevelopment TOD proposals requiring a building permit after the effective date of this Chapter must meet the following design criteria standards designed to enhance the pedestrian scale and safety of the development.

(b) In situations where an existing building is being partially expanded, the new standards will only apply to the new addition, except as provided in Section 205.33.08.B, Setbacks.

(c) Landscaping and streetscape design features shall be specified in a project’s Master Plan to match the models shown in Appendix B of this code section.

(d) Site and Lot Requirements

Principal Building Setbacks (Ft.) ²					Max Bldg Coverage ¹	Max. Bldg Height (ft.) ⁶
Front ³	Side ⁵	Rear	Corner	Double Frontage ⁴		
15	15	15	15	15	40%	Underlying Zoning District

¹ Lot coverage may exceed 40 percent in cases where vehicle parking is shared, underground or structured, provided all landscaping requirements are met. Allowances exceeding the 40 percent lot coverage limit will be made in designs that finance the creation and maintenance of public open space for commuters nearby. Alternative storm water treatment methods such as permeable pavers, porous asphalt, vegetated roof areas, especially at the top of structured parking facilities and other innovative techniques to reduce stormwater run-off are encouraged.

² Exceptions to the setback requirements will be granted to building additions to structures located on property zoned M-2, Heavy Industrial, at the date of the creation of this TOD zoning district.

³ Except for one unit detached dwellings in the R-H, Hyde Park Zoning District in Chapter 611.

⁴ On three or four-sided lots, buildings are not required to meet the minimum 15-foot setback on more than one corner.

⁵ Zero lot line setbacks are encouraged.

⁶ Except in the R-H Hyde Park Zoning District, where a building height of 45 feet shall apply if a development includes tuck-under or underground parking.

(e) Building Design Standards

(1) Exterior Building Materials

((a)) All non-residential buildings shall follow the applicable architectural standards in Chapter 633, including the additional standards listed herein this section.

((b)) The following exterior materials are specifically prohibited in the TOD district: Plain or painted concrete block; sheet metal panels; reflective glass; aluminum; vinyl; fiberglass; asphalt; or fiberboard siding.

((c)) Parking structures shall be constructed with building materials that are architecturally compatible with the adjoining structure(s).

((d)) No blank walls shall be permitted to face the public street, sidewalk or other public spaces, such as plazas.

((e)) Elements such as windows, doors, columns, changes in material and similar details should be used to add visual interest.

((f)) Buildings shall be designed with a base, middle and top, created by variations in detailing, color and material.

((1)) Articulated tops shall be considered in the design of all new buildings. This articulation may consist of pitched roofs, dormers, gable ends or cornice detailing.

((2)) The base of the building shall include human scale elements, such as doors, windows, projections, awnings, canopies and ornamentation.

(2) Entrance Orientation

((a)) Primary building entrances on all new buildings shall be oriented to the primary abutting public street.

((b)) Additional secondary entrances may be oriented to a secondary street or parking area.

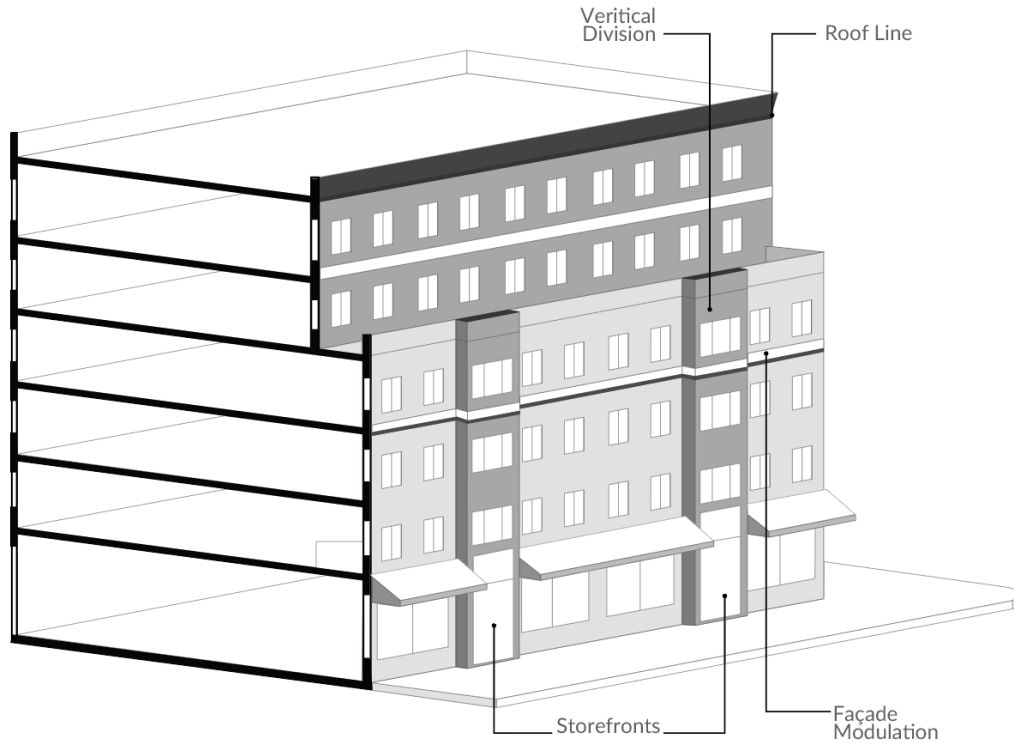
((c)) Entries shall be clearly visible and identifiable from the street, and delineated with elements such as roof overhangs, recessed entries, landscaping or similar design features.

(3) Façade Articulation

((a)) Building widths of 40 feet or less are encouraged.

- ((b)) New buildings of more than 40 feet in width shall be divided into smaller increments, between 20 and 40 feet in width, through articulation of the façade. This can be achieved through combinations of the following architectural design techniques and others that may meet the intent of this section (see Figure X):

Figure X



- ((1)) Façade Modulation – Stepping back or extending forward a portion of the façade.
 - ((2)) Vertical Division – Using different textures or materials, provided materials are drawn from a common palette.
 - ((3)) Storefronts – Division of building face into distinct storefronts with separate entrances and display windows.
 - ((4)) Roof Lines – Varied roof lines with alternating dormers, stepped roofs, gables or other roof elements to reinforce the modulation or articulation interval.
 - ((5)) Articulation Interval – Placement of arcades, awnings, window bays, arched windows or balconies at intervals equal to the articulation interval.
- (4) Door and Window Openings
- ((a)) In new commercial, mixed-use and civic buildings, window and door openings shall comprise at least 50 percent of the length of the main floor of

the primary street façade. Window openings shall be located at a pedestrian sight level.

- ((1)) Windows shall be designed with openings that create a strong rhythm of light and shadow.
- ((2)) Glass on windows and doors on the primary street façade shall be clear or slightly tinted, allowing views into and out of the building interior or, as an alternative, used as display windows enclosed by walls inside the building.
- ((3)) Where security needs warrant it, spandrel glass may be used in the primary street façade windows subject to City approval in the plan review process.
- ((4)) Window shape, size and patterns shall emphasize the intended organization of the façade and the definition of the building.

(5) Loading Docks

- ((a)) Outside loading docks shall be located in the rear or side yard and be screened from view from any public right-of-way.
- ((b)) The space needed for the loading dock must be adequate to handle the loading and unloading needs of the building without obstructing the public right-of-way.

(6) Refuse/Recycling Storage

- ((a)) Multi-tenant buildings shall share a common refuse/recycling storage area. Refuse/recycling collection areas must be screened from view from any public right-of-way and are encouraged to be enclosed inside a building.

8. Landscaping Requirements

(a) Scope

- (1) A landscaping plan shall be submitted according to the requirements of the underlying zoning district, except for as provided in [Section 205.33.10.B.1](#).
- (2) Mixed use projects must have a unified landscaping scheme.
- (3) The landscaping requirements in [this Chapter](#) will only apply to new construction projects or projects where existing buildings are expanded to the reduced 15-foot setback.

(b) Plant Materials Substitutions

- (1) The landscaping requirements in the underlying zoning district shall apply to properties in the TOD Overlay District with some exceptions:
 - ((a)) TOD landscape plans for redevelopment of property located in the underlying Hyde Park zoning district must follow the landscape requirements for the zoning district that most closely represents the use proposed.

- ((b)) In the TOD Overlay District, one ornamental tree will count as one overstory deciduous tree. In addition, ornamental trees may exceed 50 percent of the required trees.
 - ((c)) Due to the amount of hardscape needed for pedestrian walkways, if the level of open space for planting restricts the ability to provide adequate growth space for tree roots, perennial planting beds and permanent planters may be substituted for over-story trees at a rate of 36 square feet of plant area per tree substitution.
 - ((d)) Decorative walkway light poles meeting the design specified in the Fridley Northstar TOD TIF District Master Plan as shown in Appendix B may be substituted at a ratio of one light pole for two trees if the site design warrants additional walkway lighting.
 - ((e)) Street-side sculptures, public art, permanent or movable planters, light pole banners, clock towers, arbors, seating benches or similar ornamentation may be considered as substitution to meet landscaping requirements.
- (2) If it is not feasible to meet the landscaping requirements of the underlying zoning district with the allowed substitutions above, the City may approve a monetary payment per fees established in [Chapter 11](#) into the TOD Capital Project Fund for the purpose of funding streetscape amenities within the street rights of ways within the TOD overlay district.

(c) Water

- (1) Drip irrigation systems are encouraged to reduce water consumption and to prevent wet walkways. Examples of alternative storm water treatments are permeable pavers, porous asphalt, vegetative roof areas, rain gardens, infiltration basins, tree trenches, green walls, grass swales, filter strips, cisterns, underground detention/retention, or other innovative techniques used to reduce storm water runoff.

9. Streetscape Requirements

(a) Sidewalks and Pedestrian Connections

- (1) Sidewalks of a minimum six-foot width must be provided on all street frontages.
- (2) All streetscape and sidewalk design detail will need to be approved by the City as part of a development's TOD master plan in compliance with the design criteria in the Northstar TOD TIF District Master Plan, along public right of ways adjacent to the proposed development.
- (3) Scored concrete, colored concrete, permeable and concrete pavers are suggested pavement options for sidewalks.
- (4) Paved connections to building entrances, crosswalks, and adjacent bus stops must also be incorporated into any site design.
- (5) A colorized pavement pattern connecting the sidewalk on each side of the driveway shall be incorporated into driveways, warning drivers of the sidewalk

connection on each side of the driveway. Such connection shall be accessible in accordance with ADA standards.

(b) Lighting

- (1) A lighting plan and fixture specification schedule shall be included in the documents submitted to the City for approval.
- (2) Street and pathway lighting types, styles and colors shall be provided according to the specifications in [Appendix B](#) and coordinated with the overall design of City-installed lighting in the TOD District.
- (3) Pedestrian-oriented lighting is required on all streets, trails, sidewalks and public gathering places within the TOD District.
- (4) Energy efficiency is encouraged in all aspects of a project's Master Plan.

(c) Site Furnishings

- (1) Decorative fencing, railings, walls, bike racks, benches, waste receptacles and dumpster enclosures that are incorporated into landscape designs shall match features designated in the Northstar TOD TIF District Master Plan or similar design approved by the City.
- (2) Public transit benches located in the Northstar TOD District shall also meet the TOD design criteria.

10. Maintenance

- (a) In addition to the maintenance requirements of the underlying zoning district, property owners in the TOD district are required to maintain the landscape and streetscape abutting their property. This includes the removal of debris and snow on trails and walkways and at bus stops and the irrigation of planters on their own private property and those in the public right-of-way adjoining the property. Further details of the maintenance requirements shall be addressed in a development agreement approved by the City.

Title 6 Zoning and Subdivision

Chapter 620 Principal Use-Specific Standards

620.01 ADULT ENTERTAINMENT ESTABLISHMENT

1. Adult entertainment establishments shall follow all standards set forth in the **Chapter 308 titled, "Adult Entertainment Establishments."**

620.02 ANIMAL BOARDING, SHELTER OR DAY CARE AND ANIMAL VETERINARY CLINIC OR HOSPITAL

1. The facility shall meet all applicable state and federal regulations, including but not limited to, regulations of the Minnesota Department of Natural Resources, the U.S. Fish and Wildlife Service and the Minnesota Board of Animal Health.
2. In all areas of in which animals are confined, proper measures shall be taken to soundproof these areas from adjacent properties.
3. All animals shall be kept inside overnight except when supervised by a person for the purpose of animal relief and exercise.
4. All outdoor exercise/play areas for animals shall be enclosed with a sight-obscuring, solid fence or wall at least six feet in height.
5. Animal waste shall be picked up and properly disposed of daily.
6. All principal structures and uses shall be located at least 100 feet from any property zoned or guided for residential use.

620.03 AUTOMOTIVE FUEL STATION

1. The use shall not provide for the operation of lubrication, lifts or service.
2. There shall be no storage of any type, including between the pumps, except within four feet in front of the principal building. Cages for exchangeable propane tanks not larger than a 20-pound cylinder may be located in conformance with the applicable Fire Codes and City approval prior to installation.
3. The property shall not be used as a place of storage or depository of wrecked, abandoned or junked motor vehicles or the sale or display of used motor vehicles.
4. Any required buffer or screening area shall be so constructed as to obstruct headlight beams of motor vehicles on the station property from beaming onto adjacent residential property.
5. If the station is to be located in a shopping center or other integrated development, it must be in architectural harmony with the rest of the shopping center or development.
6. The centerline of pump islands (or the outer edge of a pump island canopy, if present) shall be a minimum of 25 feet from a property line.

620.04 AUTOMOBILE RECYCLING CENTER

1. Property being utilized as an automobile recycling center shall satisfy all drainage requirements and environmental quality performance standards in accordance to **Chapter 630.**

2. Additional conditions beyond the following may apply as required by municipal, county, state, federal and watershed district agencies or any other governmental or quasi-governmental body with the approval of a conditional use permit.
3. Parking Requirements.
 - (a) All designated parking spaces shall be as designated for in Section 205.17.5.C.
 - (b) All required parking shall be used for parking of customer and employee vehicles and not be used for storage, and shall remain unobstructed by other activities or uses.
 - (c) No on-street storage of vehicles shall be permitted.
 - (d) The parking areas shall be maintained free of vehicle parts, litter, debris and storage at all times.
4. Screening Requirements.
 - (a) All areas used for the storage of vehicles, garbage or refuse containers, raw materials, supplies or equipment shall be enclosed by a fence, at least eight feet in height and comply with the following:
 - (1) The fence shall be constructed so that no portion of the storage area is visible from any public right-of-way.
 - (2) A solid fence or chain link fence with slats shall be provided. This fence may be constructed up to a maximum of 10 feet in height.
 - (3) Vines and other landscaping may also be required to provide additional screening.
 - (4) No storage shall exceed the height of the fence.
 - (5) All screening shall be maintained.
5. License Requirements.
 - (a) No person shall own, operate, maintain or allow to operate the automobile recycling center within the boundaries of the City without the owner or operator first obtaining a license pursuant thereto of the provisions of this Chapter and other applicable chapters and sections of the City Code and any other governmental or quasi-governmental provisions.
6. Scope.
 - (a) The standards and requirements set forth above shall be in addition to all other applicable ordinances, laws, statutes, resolutions or regulations of the City or any other governmental or quasi-governmental body.

620.05 AUTOMOTIVE REPAIR, MAJOR

1. The use shall not be located within 100 feet of any property zoned or guided for residential use.
2. There shall be no outdoor storage on-site, including inoperable or salvage vehicles, unless otherwise approved through a conditional use permit.

3. All repairs, service activities, and the storage of parts and machines shall be completed within an enclosed building.
4. All vehicles parked on site shall display a license plate with current tabs.
5. All vehicles waiting for repair shall be stored within an enclosed building or in designated off-street parking spaces.
6. Overnight parking of vehicles shall be inside the building and/or in the side or rear yard, secured and screened from the public right-of-way.
7. Any required buffer or screening area will be constructed to obstruct headlight beams of motor vehicles on the property from beaming onto adjacent residential property.
8. All automotive parts, petroleum products, anti-freeze, and hazardous materials shall be disposed of in accordance with local and state regulations.
9. Business shall obtain an annual business license to operate.

620.06 AUTOMOTIVE SERVICE, MINOR

1. There shall be facilities on-site for customers to wait while their vehicle is serviced.
2. There shall be no outdoor storage on-site, including inoperable or salvage vehicles.
3. All repairs, service activities, and the storage of parts and machines shall be completed within an enclosed building.
4. All vehicles waiting for repair shall be stored within an enclosed building or in designated off-street parking spaces.
5. All vehicles parked on site shall display a license plate with current tabs.
6. Overnight parking of vehicles shall be inside the building and/or in the side or rear yard, secured and screened from the public right-of-way.
7. Any required buffer or screening area will be constructed to obstruct headlight beams of motor vehicles on the property from beaming onto adjacent residential property.
8. All automotive parts, petroleum products, anti-freeze, and hazardous materials shall be disposed of in accordance with local and state regulations.
9. The sale of vehicles is prohibited, unless otherwise approved through a conditional use permit.
10. Business shall obtain an annual business license to operate.

620.07 BREWERY, WINERY, DISTILLERY

1. The use shall comply with all applicable provisions of state and local law and obtain all required licenses.
2. Outdoor dining is subject to the use-specific standards outlined for outdoor dining in section 11-6-8 "Accessory Uses, N-Z" of this chapter.

620.08 CANNABIS COMBINATION BUSINESS

1. A cannabis combination business must comply with all licensing requirements of the Office of Cannabis Management.
2. Any portion of a cannabis combination business that includes cannabis cultivation shall comply with the requirements for cannabis cultivation.

3. Any portion of a cannabis combination business that includes manufacturing shall comply with the requirements for **cannabis or hemp manufacturing**.
4. Any portion of a cannabis combination business that includes processing and extraction shall comply with the requirements for **cannabis processing and extraction**.
5. Any portion of a cannabis combination business that includes cannabis retail shall comply with the requirements for **cannabis retail**.

620.09 CANNABIS CULTIVATION

1. A cannabis cultivation facility must comply with all licensing requirements of the Office of Cannabis Management.
2. A cannabis cultivation business may only plant, grow, harvest, store, trim, or otherwise manipulate cannabis products inside of a completely enclosed structure within a limited access area. A cannabis cultivation facility may transport regulated cannabis in an outdoor portion of its limited access area only in compliance with state and local laws and regulations.
3. A required odor mitigation plan shall be provided. The plan shall identify all odor emitting aspects of the business, as well as mitigations to be implemented to ensure odor is not readily detectable beyond the boundaries of the immediate site. Mitigation measures identified in the plan are required upon establishment of the business and to remain operational for the full duration of the business. The completely enclosed facility shall be managed to prevent nuisance odors from being detectable from outside of the property.
4. A cannabis cultivation business shall agree to comply with an approved National Fire Protection Association (NFPA) standard.

620.10 CANNABIS OR HEMP MANUFACTURING

1. A cannabis or hemp manufacturing facility must comply with all licensing requirements of the Office of Cannabis Management.
2. Entities engaged in cannabis or hemp manufacturing may only store cannabis or hemp extract inside of a completely enclosed structure within a limited access area.
3. A required odor mitigation plan shall be provided. The plan shall identify all odor emitting aspects of the business, as well as mitigations to be implemented to ensure odor is not readily detectable beyond the boundaries of the immediate site. Mitigation measures identified in the plan are required upon establishment of the business and to remain operational for the full duration of the business. The completely enclosed facility shall be managed to prevent nuisance odors from being detectable from outside of the property.
4. A cannabis or hemp manufacturing business shall agree to comply with an approved National Fire Protection Association (NFPA) standard.

620.11 CANNABIS PROCESSING OR EXTRACTION

1. A cannabis processing or extraction facility requires a manufacturing license from the Office of Cannabis Management.

2. Entities engaged in cannabis processing or extraction may only store, dry, trim, or process cannabis plant products or extract inside of a completely enclosed structure within a limited access area. A cannabis cultivation facility may transport regulated cannabis in an outdoor portion of its limited access area only in compliance with state and local laws and regulations.
3. A required odor mitigation plan shall be provided. The plan shall identify all odor emitting aspects of the business, as well as mitigations to be implemented to ensure odor is not readily detectable beyond the boundaries of the immediate site. Mitigation measures identified in the plan are required upon establishment of the business and to remain operational for the full duration of the business. The completely enclosed facility shall be managed to prevent nuisance odors from being detectable from outside of the property.
4. No cannabis business may use metals, butane, propane or other solvent or flammable product, or produce flammable vapors, to process or test marijuana unless the process used and the premises are verified as safe and in compliance with all applicable codes by a qualified industrial hygienist.
5. The city shall require the business to obtain verification from a qualified industrial hygienist that the manner in which the business producing or testing marijuana complies with all applicable laws and does not produce noxious or dangerous gases or odors or otherwise create a danger to any person or entity in or near the businesses.
6. A cannabis processing or extraction business shall agree to comply with an approved National Fire Protection Association (NFPA) standard.

620.12 CANNABIS RETAIL BUSINESS

1. A cannabis retail facility must comply with all licensing requirements of the Office of Cannabis Management.
2. A cannabis retail facility must comply with the minimum buffers established in the City Code chapter titled **Cannabis Businesses**.

620.13 CANNABIS TESTING FACILITY

1. A cannabis testing facility must comply with all licensing requirements of the Office of Cannabis Management.
2. A cannabis testing facility shall agree to comply with an approved National Fire Protection Association (NFPA) standard.

620.14 CANNABIS TRANSPORTATION OR DELIVERY

1. A cannabis transportation or delivery use must comply with all licensing requirements of the Office of Cannabis Management.
2. Any cannabis transportation or delivery use shall have direct access to a collector or higher classification street.

620.15 CANNABIS WHOLESALE ESTABLISHMENT

1. A cannabis wholesale facility must comply with all licensing requirements of the Office of Cannabis Management.

620.16 CAR WASH

1. Vehicle stacking and circulation patterns must not interfere with required parking or travel along a public right of way.
2. Water from the car wash shall not drain across any sidewalk or into a public right-of-way.
3. Vacuum facilities shall be located in an enclosed structure or located away from any residential use to avoid the impacts of noise.

620.17 CARE FACILITY

1. Any care facility shall have access to a collector or higher classification street.
2. On-street parking to meet the needs of this use is prohibited.
3. The site shall contain a minimum of 150 square feet of usable open space per resident, consisting of outdoor seating areas, gardens or recreational facilities. Public parks or plazas within 300 feet of the site may be used to meet this requirement.

620.18 DAYCARE CENTER

1. This use shall be allowed within the City as required by Minnesota Statutes Section 462.357, subdivision 7.
 - (a) In zoning districts where single-unit dwellings are permitted, a licensed day care facility serving 12 or fewer people is allowed.
 - (b) In zoning districts where multi-unit dwellings (two or more units in one structure) are permitted, a licensed day care facility serving 13-16 people is allowed.
2. The proximity of the outdoor play area to the building shall be designed so that children do not have to cross vehicle traffic.
3. Loading and drop-off locations shall not interfere with traffic flow.
4. Pedestrian crossing areas shall be clearly marked.
5. The facility shall be licensed in accordance with State and Anoka County requirements.

620.19 DWELLING, APARTMENT

1. Sidewalks shall be provided throughout the complex including from parking areas, loading zones and recreation areas to the entrance(s) of the building.
2. A 15-foot buffer meeting the requirements of **Chapter 633 Screening** shall be provided along all property lines abutting the R-1 or R-2 Districts.
3. Outdoor swimming pools or other intensive recreation shall observe setbacks required for accessory structures.
4. Building Requirements
 - (a) Storage Space.
 - (1) 40 square feet of floor area, floor to ceiling, shall be provided per dwelling unit for storage. A minimum of 20 square feet of storage shall be provided within the principal structure exclusive of the individual dwelling unit. The remaining required storage area may be located anywhere on the lot provided this area is

convenient and not located or included in the storage space within each individual dwelling unit.

- (2) The storage space for each dwelling unit shall be enclosed and separated from other storage spaces.

(b) Floor Areas.

- (1) Efficiency units shall have a minimum floor area of 400 square feet per unit.
- (2) In any apartment dwelling, not more than 25 percent of the units shall be efficiency units.

620.20 DWELLING, ATTACHED TOWNHOUSE OR ROWHOUSE

1. Each individual townhouse group may contain not less than two, nor more than six, individual townhouse dwelling units contiguous to one another along the same façade/frontage.
2. Individual units shall be at least 20 feet wide.
3. No garage shall extend the full width of any individual unit. The front façade of a townhouse or rowhouse unit shall include a window and door.
4. Any and all common open space shall be labeled as such on a documented plan set approved by the City. The intent or designed function and provisions for maintenance, ownership and preservation shall be made in accordance with the provisions of the "Minnesota Condominium Act" (Minnesota Statutes Sections 515.01 to 515.29) and provided to the City.
5. The final plan shall include all proposed covenants, restrictions and easements to run with the land, together with any provisions for release from same; provisions for dedication of easement for public streets, ways and facilities; and density, size and location of all structures. All or any of the foregoing may be modified as deemed necessary by the City Council for the preservation of public health, safety and general welfare of the residents of the City of Fridley.
6. Membership in a Homeowners' Association (HOA) shall be made part of the agreement of the sale of each dwelling unit.

620.21 FUNERAL HOME

1. The funeral home shall make copies of State licensure renewals and inspection reports available to the City upon request.
2. Any funeral home with a crematory shall meet the following standards:
 - (a) Crematory must be licensed by the State of Minnesota Department of Health.
 - (b) Emissions from the operation of the retort must meet State of Minnesota Pollution Control Agency standards.
 - (c) The retort must be properly maintained and serviced by the manufacturer at minimum every 18 months.

620.22 GARDEN CENTER/NURSERY

1. Materials shall be stored inside a permanent structure, attached to and architecturally compatible with the principal structure.
2. Products containing chemical fertilizers, pesticides or herbicides must be stored in a roofed and contained area where water runoff cannot reach the exterior landscape or storm sewer.
3. Floor drainage for garden center/nursery must protect storm and ground water sources by following stormwater best management practices (BMP's), including a stormwater pollution prevention plan.
4. No off-season storage may occur in the outdoor sale area unless specified in a land use approval.
5. Creation of the garden center shall not disrupt safe traffic flow through the site.

620.23 HEMP MANUFACTURING

1. A hemp manufacturing facility must comply with all licensing requirements of the Office of Cannabis Management.
2. Entities engaged in hemp manufacturing may only store hemp extract inside of a completely enclosed structure within a limited access area. A hemp cultivation facility may transport regulated hemp in an outdoor portion of its limited access area only in compliance with state and local laws and regulations.
3. A required odor mitigation plan shall be provided. The plan shall identify all odor emitting aspects of the business, as well as mitigations to be implemented to ensure odor is not readily detectable beyond the boundaries of the immediate site. Mitigation measures identified in the plan are required upon establishment of the business and to remain operational for the full duration of the business. The completely enclosed facility shall be managed to prevent nuisance odors from being detectable from outside of the property.
4. A hemp business shall agree to comply with an approved National Fire Protection Association (NFPA) standard.

620.24 HOTEL OR MOTEL

1. All hotels or motels shall be required to obtain a license, in accordance with Chapter 26 of the City Code.

620.25 MIXED USE BUILDING

1. All proposed uses in a mixed use building shall meet the minimum zoning and development standards of the comparable use(s) in the applicable zoning district.

620.26 MOTOR VEHICLE SALES OR RENTAL

1. A minimum building floor area of 20 percent of the lot area shall be required to be devoted to the related motor vehicle sales or rental use.

2. On lots with multi-tenant buildings, the individual parking demand of all uses must be met. The spots for the motor vehicle sales or rental use must be shown on a parking plan and identified with signage on site.
3. A fire lane shall be maintained around the perimeter of the entire building.
4. The outdoor sales or display area shall not interfere with circulation in any required parking, loading, maneuvering or pedestrian area.
5. The outdoor sales or display area shall conform to the principal building setback requirements of the applicable zoning district.
6. Junk vehicles are prohibited.

620.27 PAWN SHOP

1. Pawn shop uses shall meet all requirements listed in [Chapter 31](#) of the City Code.

620.28 PLACE OF ASSEMBLY

1. Any place of assembly shall have direct access to a collector or higher classification street.

620.29 RESIDENTIAL CARE FACILITY

1. This use shall be allowed within the City as required by [Minnesota Statute 462.357, subdivisions 7 and 8.](#)
2. On-site services shall be for residents of the facility only, except where part of a regimen of scheduled post-residential treatment.
3. To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood.
4. An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening and other site improvements consistent with the character of the neighborhood.

620.30 SACRED COMMUNITY

1. Any sacred community use shall meet all requirements listed in [Minnesota Statutes Section 327.30.](#)

620.31 STORAGE FACILITY, PERSONAL

1. The facility shall consist of a permanent structure(s) only; temporary/mobile storage units, such as storage pods and shipping containers, are prohibited.
2. Individual storage units shall be used for dead storage only. Storage units shall not be used for retail, commercial, human habitation, office, workshop, studio, hobby or rehearsal area, manufacturing or processing of goods or repair/service of autos or equipment. Auctions, garage or estate sales are prohibited.
3. Outdoor storage shall not be allowed in the B-2 District in conjunction with this use. Outdoor storage may be allowed with a conditional use permit in the M-1 and M-2 districts. Any outdoor storage use shall meet the requirements listed in [Section XX.](#)

4. The perimeter of the storage facility shall be entirely enclosed by a combination of buildings and decorative fencing. Chain link, barbed wire or wood privacy fencing shall not be permitted as decorative material, except as may otherwise be approved by the City Council.
5. All driveways and parking areas shall have an approved hard surface and allow for adequate turning radius for fire truck maneuverability and to be maintained throughout the site.
6. The hours of operation for a self-service storage facility shall be restricted to between the hours of 6:00 A.M. and 11:00 P.M.
7. Access to the interior of the fenced area shall be available to emergency responders in a manner to be acceptable to the fire marshal.

620.32 TOWING/IMPOUND ESTABLISHMENT

1. The storage aspect of a towing service operation shall be secondary, in terms of use, to a principal building that houses a towing office, repair/maintenance facility for towing fleet, and an interior storage area for a portion of the impounded collection of vehicles.
2. The towing service site shall be located on a street with traffic volumes of less than 1,500 ADT (average daily trips).
3. No storage of impounded or other vehicles associated with the towing service business shall be parked on street(s) adjacent to the towing service facility.
4. All storage shall be located in the side or rear yard of the towing service facility.
5. All areas where vehicles are to be driven, towed or parked shall be surfaced with either asphalt or concrete and those parking areas shall have concrete curb and gutter, approved by the City Engineer, surrounding their perimeter.
6. Areas where stored vehicles are intended to be parked shall be fenced, screened and adequately lit [in accordance with the [Lighting Chapter](#)].
7. Parking stalls intended for storage of towed vehicles and towing truck fleet shall be separated from those required by Code for customers and employees. Employee and customer stalls may be in the side yard or front yard, but shall not be within the fenced area intended for towed or impounded vehicles, or the towing fleet.
8. No intercom system shall be used in the open yard area if the edge of the yard is 250 feet or less from an existing residential dwelling in existence at the time of permit approval.
9. No crushing, dismantling, or salvage of vehicles shall occur on the subject property.
10. All towing operations whose storage yard is within 250 feet of a residential dwelling at the time of permit issuance, shall be required to have limited hours of yard operation, similar to the City's hours of construction.
11. Towing services shall not be located within a multi-tenant industrial complex.

620.33 TRANSPORTATION GARAGE

1. Vehicles shall be licensed and street operable.
2. Vehicles shall be parked on an approved hard surface.
3. Vehicles shall be parked in the side or rear yard only.
4. Vehicles shall be under a gross vehicle weight of 26,000 lbs.

5. The parking stalls dedicated for the parking of fleet vehicles shall be in addition to what code would require for parking stalls on the site.
6. The parking area shall be properly lit, with shielded and downcast lighting and must be properly secured.

620.34 TRUCKING TERMINAL

1. Any trucking terminal shall have direct access to a collector or higher classification street.

620.35 WAREHOUSE AND DISTRIBUTION FACILITY

1. Any warehouse and distribution facility shall have access to a collector or higher classification street.

620.36 TELECOMMUNICATIONS TOWER

1. A conditional use permit shall be required for any wireless tower which is located outside of the O-3 Telecommunications Towers and Facilities District.

Title 6 Zoning and Subdivision

Chapter 621 Accessory Use-Specific Standards

621.01 ACCESSORY DWELLING UNIT

1. General Provisions

- (a) An accessory dwelling unit shall only be permitted on a lot with a detached single-family dwelling. No accessory dwelling unit shall be permitted upon a lot on which more than one residential dwelling is located.
- (b) There shall be no more than one accessory dwelling unit permitted per lot.
- (c) The accessory dwelling unit shall not be sold or conveyed independently of the principal residential dwelling and may not be on a separate tax parcel. A parcel with a principal structure and an ADU may not be subdivided through any means including, but not limited to, filing of a plat, a waiver of platting, lot split, a common interest community plat, or a registered land survey.
- (d) Either the ADU or the principal dwelling shall be occupied by the property owner. There must be a restriction recorded against the property requiring owner occupancy with respect to at least one of the units. A rental license for the non-owner-occupied unit is required.
- (e) The accessory dwelling unit shall contain a minimum of 250 square feet of habitable space and a maximum of two bedrooms
- (f) The exterior appearance of the accessory dwelling unit shall be architecturally compatible with principal structure's siding, color schemes, roofing materials, roof type and roof pitch.
- (g) The accessory dwelling unit shall have a separate address from the principal structure and shall be identified with address numbers assigned by the City.
- (h) Accessory dwelling units in combination with their associated principal structure must conform to Zoning Code requirements for single family dwellings, including but not limited to setback, height, impervious surface, curb cut and driveway, and accessory structure standards. At time of permitting, the accessory dwelling unit must meet current Building, Plumbing, Electrical, Mechanical, and Fire Code provisions including that there must be fire or emergency vehicle access to the accessory dwelling unit.
- (i) The home and the accessory dwelling unit together must have adequate off-street parking for any use on the lot. Parking spaces may be garage spaces or paved outside parking spaces.

2. Accessory Dwelling Unit, attached

- (a) An accessory dwelling unit shall be no more than 50 percent of the finished square footage of the principal structure. Notwithstanding this provision, if the accessory dwelling unit is completely located on a single floor of a preexisting structure, the

Community Development Director or their designee may allow increased size in order to efficiently use all floor area on a single floor.

- (b) An attached Accessory Dwelling Unit shall have a separate, locking door.
3. Accessory Dwelling Unit, detached
- (a) A detached accessory dwelling unit shall be no more than 50 percent of the finished square footage of the principal structure.
- (b) A detached accessory dwelling unit shall have a water and sewer connection to directly to the respective utility main within the public right of way, or if direct connection is impractical, to the existing water and sewer connection at a location on the service to the principal structure. Utility service shall be in conformance with building codes and utility provider requirements.
- (c) Any exterior stairway which accesses an accessory dwelling unit above the first floor shall be located in a way to minimize visibility from the street and, to the extent possible, from neighboring property.
- (d) Balconies and decks above the ground floor shall not face an interior side yard or an interior rear yard not abutting an alley. Rooftop decks for an accessory dwelling unit are not allowed.
- (e) Detached accessory dwelling units shall also comply with the following additional requirements:
- (1) For construction of a new detached building, the accessory dwelling unit shall be separated from the principal structure by a minimum of five feet; and
- (2) The accessory dwelling unit shall be located on a frost-protected foundation.
- (f) Accessory dwelling units that are detached from the principal structure shall comply with the regulations for accessory structures set forth in [Section 205.04 \(5\)](#) of the Zoning Code (General Provisions for Accessory Buildings & Structures) with the following exceptions:
- (1) Detached accessory dwelling units shall be located a minimum of 10 feet from any side or rear lot line.
- (2) An accessory dwelling unit constructed above a detached garage shall not exceed 21 feet in total height. Detached accessory dwelling units not constructed above a garage shall comply with the applicable height limit for accessory structures in the district where they are located.
- (3) The footprint of an accessory dwelling unit constructed above a detached garage shall not be included in the maximum allowable square footage for accessory structures as specified in [Section XX](#).

621.02 ACCESSORY REPAIR

1. This use shall be accessory to a motor vehicle sales or rental principal use.
2. There shall be no outdoor storage on site, including inoperable or salvage vehicles, unless otherwise approved through a conditional use permit.

3. All repairs, service activities, and the storage of parts and machines shall be completed within an enclosed building.
4. All vehicles waiting for repair shall be stored within an enclosed building or in designated off-street parking spaces.
5. Overnight parking of vehicles shall be inside the building and/or in the side or rear yard, secured and screened from the public right-of-way.
6. Any required buffer or screening area shall be constructed to screen headlight beams of motor vehicles on the property from beaming onto adjacent property.
7. All automotive parts, petroleum products, anti-freeze, and hazardous materials shall be disposed of in accordance with local and state regulations.
8. Business shall obtain an annual business license to operate.
9. There shall be facilities on site for customers to wait while their vehicle is serviced.

621.03 ACCESSORY RETAIL OR SERVICE

1. This use shall be supplemental to and for the convenience of persons employed within an office or industrial building.
2. The maximum gross floor area occupied by such uses shall not exceed 20 percent of the total gross floor area of the building.
3. The parking supply shall be in compliance with the requirements of Section 205.17.5, of the City Code and be sufficient to support full occupancy of the building. Parking requirements shall be determined by the City for each tenant prior to occupancy.
4. The building owner and/or agent shall be responsible for informing any prospective tenant that the property is zoned for industrial use.

621.04 ACCESSORY STRUCTURE

1. General Requirements
 - (a) No accessory structure shall be permitted on any lot prior to the construction of the principal building.
 - (b) An accessory structure shall be considered attached to the principal building if it is connected to the principal building by a covered passageway. Attached accessory structures shall meet principal use-specific standards, principal structure setbacks and dimensional requirements.
 - (c) Any garage, whether attached to, tucked under or detached from the principal dwelling is considered to be an accessory structure.
 - (d) Accessory structures shall be architecturally compatible with the existing principal structure through siding, color schemes, roofing materials, roof type and roof pitch.
 - (e) All accessory structures must be permanently attached to a foundation or held in place with approved tie-downs.
 - (f) Unless otherwise herein specified, no accessory structure shall exceed the size or the height of the principal structure.
2. Detached Accessory Structure Placement

- (a) In all districts, detached accessory structures are permitted only in the side and rear yard only, subject to the following restrictions:
 - (1) Accessory structures shall not be any closer than three feet to any lot line or any adjacent building on the site.
 - (2) Any accessory structure on a corner lot where the garage door faces the side street shall be setback 25 feet from the side street property line, unless otherwise noted within a zoning district's regulations (see Figure X).
 - (3) In a corner side yard, an accessory structure must be located behind the front of the principal structure.

Figure X



3. Maximum Accessory Structure Size

- (a) The size limits in this Section shall not apply to lots containing residential uses with three or more units where detached accessory structures may be required to provide enclosed parking spaces listed in Chapter XX, maintenance buildings or structures containing common amenities.
- (b) For residential lots 15,000 square feet or less in area:

- (1) All residential lots shall be permitted to have one garage, either attached or detached from the residence. No more than two additional detached accessory structures per lot.
- (2) The maximum total square footage footprint of all accessory structures is 1,500 square feet.
- (3) Each individual accessory structure shall be smaller in size than the footprint of the principal structure excluding any attached garage.
- (c) For residential lots greater than 15,000 square feet in area:
 - (1) All residential lots shall be permitted to have one garage, either attached or detached from the residence. No more than three additional detached accessory structures per lot.
 - (2) The maximum total square footage footprint of all accessory structures is 2,000 square feet.
 - (3) Each individual accessory structure shall be smaller in size than the footprint of the principal structure excluding any attached garage.
- (d) Properties within the O-4 Zoning District that are 4,000 square feet or less in area shall be limited to a total detached accessory structure size of 500 square feet per property, in addition to any applicable district standards in Section 614.05.
- (e) For any non-residential lot, a maximum of one detached accessory structure for the storage of goods or equipment is permitted. This structure may be no more than 500 square feet in area.
- 4. Any accessory structure proposed exceeding the requirements (in square footage or number of buildings) shall obtain a Conditional Use Permit.

621.05 CAR WASH

- 1. See Section 620.16 for regulations.

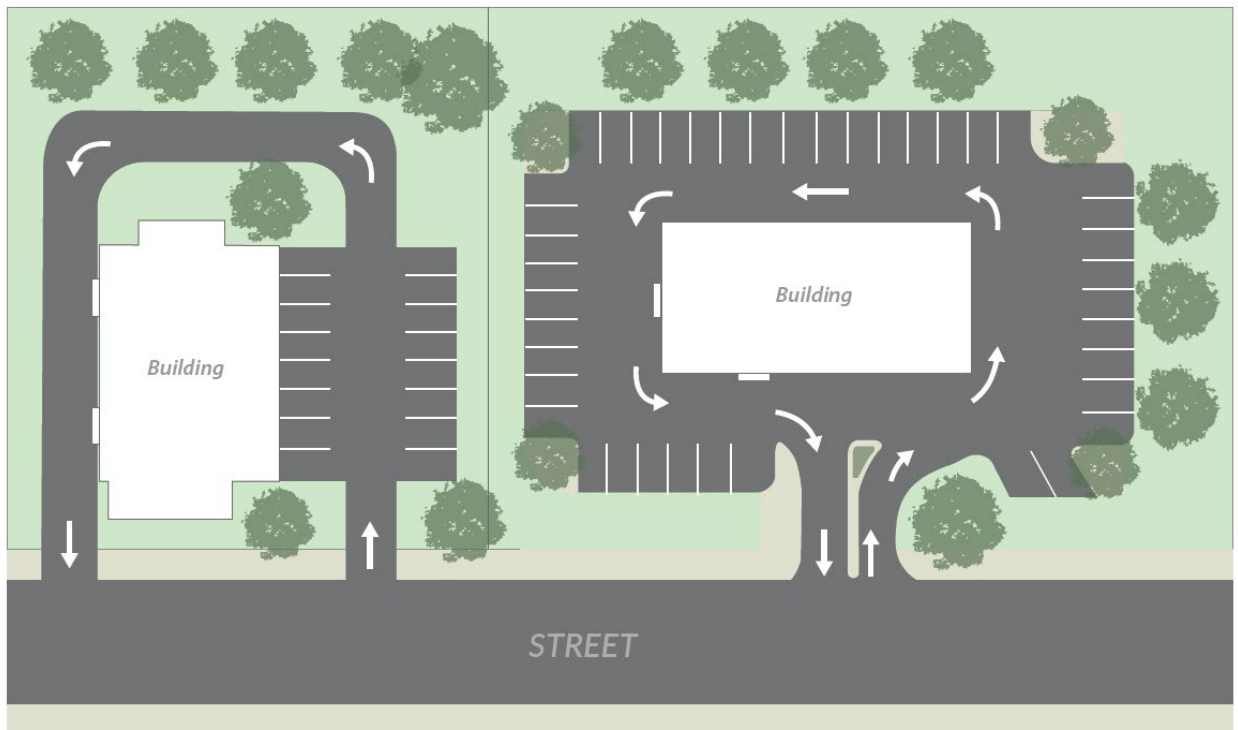
621.06 DAYCARE CENTER

- 1. Daycare centers shall only be allowed in public or institutional uses such as places of worship or schools, and shall follow the standards in Section 620.18.

621.07 DRIVE-THROUGH ESTABLISHMENT

- 1. Vehicle stacking and circulation patterns must not interfere with required parking or travel along a public right of way
- 2. A drive-through establishment may be limited in proximity as deemed appropriate by the City Council so as not to unreasonably interfere with adjacent and nearby uses.
- 3. Unreasonable Traffic Volume. No Drive-through establishment shall be located on a site if the probable result of such location would be to unreasonably increase traffic volume on nearby streets.
- 4. Size of Lot. No drive-in business or drive-up window shall be located on a lot of less than 24,000 square feet.

5. Electronic Devices. Electronic devices such as loudspeakers or devices, and similar instruments, shall not be located within 50 feet of any adjacent lot line regardless of use or zoning district.
6. Snow Storage. Adequate area shall be designed for snow storage such that clear visibility shall be afforded from the property to any public street.
7. Screening. Suitable screening shall be erected along all property lines except those which are also public right-of-way lines.
8. Access. Access shall be to public streets from at least two points on the subject premises. A divided entry with a center island may meet the requirements of this provision (See Figure X).
Figure X



621.08 EV CHARGING

1. Standards in Section 631.07 shall apply, in accordance with the use.

621.09 FARMERS MARKET

1. A farmers’ market may be located accessory to an institutional or commercial use.
2. A farmers Market shall meet the requirements for a City-issued Farmers Market permit per the requirements of Chapter 205, in addition to the following standards:
 - (a) Shall be a member of the Minnesota Farmers Market Association or other similar recognized association of farmers markets and meet all of their respective requirements;
 - (b) Shall identify a market manager that facilitates the requirements of the City;

- (c) Shall have General Liability insurance including Products and Completed Operations coverage with a minimum Limit of Liability of \$1,500,000 per occurrence;
- (d) Shall have applied for and received all required county and state licenses and have complied with all applicable City of Fridley regulations and city codes;
- (e) A majority of the products sold shall be grown or produced in Minnesota;
- (f) The sale of live animals and alcoholic beverages is prohibited;
- (g) The location of the event shall have written authorization from the property owner;
- (h) An established schedule shall be submitted as to the dates and times of the market;
- (i) Any temporary structure used for the farmers market shall be erected and removed on the day of the event;
- (j) A site plan shall be submitted showing tent and vendor locations, vehicle circulation and parking prior to commencement of event. Site plan to be approved by the Community Development Director;
- (k) A Zoning Permit Application shall be completed, approved and on file with the Community Development Director prior to commencement of event; providing proof that all above requirements are being met;
- (l) The City reserves their right to revoke any Zoning Permit issued for failure of compliance with the above requirements. The City will process any such permit revocation according to the procedures listed in **City Code Section 11.08**.
- (m) All State Building and Fire Code requirements shall be met, including but not limited to, the requirements for assembly use are met for indoor markets.

621.10 GARAGE SALE

1. No more than three garage sales of no more than three consecutive days per sales event may be conducted on a property in a 12-month period.
2. Sales are conducted on the owner's property; multiple family sales must be held on the property of one of the participants.

621.11 HELICOPTER LANDING PAD

1. A helicopter landing pad shall be associated with a hospital.

621.12 HOME OCCUPATION

1. Home occupations shall be carried on entirely within the principal structure.
2. Home occupations are not permitted within a detached or attached accessory building or garage.
3. The entrance to the space devoted to such occupation shall be within the dwelling. There shall be no separate entrance into the business area.
4. Employees are restricted to occupants of the dwelling and a maximum of one non-occupant employee.

5. There shall be no internal or external alterations which involve construction features not customarily found in dwellings.
6. Mechanical equipment that is not customarily found in a home may not be installed within the dwelling.
7. Exterior storage of equipment or materials used in the home occupation is prohibited.
8. Parking of commercial vehicles must follow regulations set forth in **Section 506.13** of Fridley City Code.
9. There shall be no additional exterior indication of the home occupation, including advertising and/or displays of any kind other than the permitted signage set forth in the Signs Chapter.
10. Parking needs for the home occupation shall not exceed more than two off-street parking spaces at any given time in addition to the spaces required by the occupants.
11. A home occupation involving teaching is limited to four or fewer students at any given time.
12. Prohibited activities:
 - (a) Over the counter retail sales are prohibited except for articles incidental to a permitted commercial service such as shampoo sold by a barber and sales conducted by mail or the internet;
 - (b) Motor vehicle service or repair of any vehicles other than those registered to residents of the property;
 - (c) A commercial food service requiring a State license or inspection by a government entity other than the City;
 - (d) Activities that generate significant amounts of customer traffic to the premises, in excess of 10 vehicles per day;
 - (e) Activities that generate significant amounts of truck traffic to the premises in excess of three deliveries or pick-ups per week. Deliveries and pick-ups by semi-truck/trailer shall be prohibited.
 - (f) A massage therapy business shall be prohibited.
 - (g) The rental of guest rooms to more than two persons per dwelling unit.
 - (h) The sale, lease, trade or other transfer of firearms or ammunition by a firearms dealer. Firearms dealers existing on or before **[effective date]**, and in all other respects in conformance with the provisions of this ordinance, shall be permitted to continue as nonconforming uses in accordance with **Nonconforming Uses and Structures** requirements.
 - (i) Headquarters or dispatch centers where persons come to the site and are dispatched to other locations.
 - (j) Any cannabis business shall be prohibited.

621.13 KEEPING OF BEES, LIVESTOCK, OR POULTRY

1. The use shall comply with the requirements of Chapter 300 Animal Control.

621.14 MOBILE FOOD UNIT

1. Mobile Food Units must comply with the **Mobile Food Units** Chapter of the Fridley City Code.

621.15 OUTDOOR DINING

1. Where appropriate and applicable, an outdoor patio shall be permitted in a location which is the furthest away from any adjacent residential zone or use. In no instance shall an outdoor patio be located closer than 25 feet from a property legally used, zoned, or guided for residential use.
2. Hours of operation of an outdoor patio that lies adjacent to a property legally used, zoned, or guided for residential use shall be limited to no later than 9 pm weekdays and 10 pm weekends.
3. Outdoor dining areas may be incorporated into the front and side yard setbacks up to five feet from the property line, leaving six feet for the sidewalk.
4. The dining area shall be designed with safety protections that reasonably attempt to prevent vehicles from encroaching into the dining area.
5. Store locations that serve alcohol must apply for a patio endorsement on their liquor license pursuant to **Chapter 602.26 of the City Code.**

621.16 OUTDOOR DISPLAY

1. Outdoor display for a business may take place with an approved zoning permit, in accordance with **Section 650.03**, on the same property on which the business is located.
2. Temporary Displays – Contiguous to the Principal Structure
 - (a) Only items associated with the principal use may be displayed.
 - (b) The merchandise shall be displayed adjacent to the principal structure in a manner that does not impede pedestrian or vehicular circulation, or obstruct required parking spaces.
 - (c) The merchandise shall not be displayed in the boulevard or on any landscaped area.
 - (d) If a tent or sign is to be used, structures must comply with applicable permit requirements.
3. Temporary Displays – Freestanding
 - (a) Only items associated with the principal use may be displayed.
 - (b) The merchandise shall be in an area approved on a zoning permit, in a manner that does not impede pedestrian or vehicular circulation or required parking spaces.
 - (c) The merchandise shall not be displayed in the boulevard or on any landscaped area.
 - (d) If a tent or sign is to be used, structures must comply with applicable permit requirements.

621.17 OUTDOOR SALES

1. A zoning permit, following the procedures in [Section 650.03](#), shall be required for any sales which are not adjacent to the principal building and for accessory outdoor food sales which are not associated with a mobile food unit.
2. Outdoor sales areas are to be located on a paved surface immediately adjacent to and within the dimensions of the building frontage and shall not extend beyond the building edge.
3. The outdoor sales area shall not interfere with pedestrian walkways, doorways, parking stalls, drive aisles (including access for emergency services). Five feet is the minimum width required to maintain pedestrian access.
4. Prior to conducting food sales activities, a license shall be obtained from all appropriate agencies, including, but not limited to, the Anoka County Health Department, the Minnesota Department of Agriculture, and the City of Fridley, in accordance with the requirements of Chapter 32 of the Fridley City Code.

621.18 OUTDOOR STORAGE

1. The outdoor storage area is limited to a maximum size equal to 50% of the principal building's footprint. This area must be as designated on a site plan approved with the CUP and must be located in the side or the rear yard.
2. The materials and equipment kept in the designated outdoor storage area must be fully screened so as to not be visible from:
 - (a) A property zoned, guided, or occupied for residential use adjacent to the use.
 - (b) A public park adjacent to the use.
 - (c) A public right-of-way, including railroad right-of-way, adjacent to the use.
 - (d) Any commercial use adjacent to the use.
3. Screening of the outdoor storage area shall be achieved through a combination of masonry walls, fencing, berming, and landscaping in accordance with [Section 205.17.06.G.\(1\)\(a\)](#).
4. Materials and equipment stored outside must not exceed 12 feet in height.
5. The outdoor storage area must be a city-approved hard surface and bound on the perimeter by curb and gutter.
6. Limited outdoor storage shall not permit the outside storage of semi-trucks, semi-trailers, or heavy construction equipment (off-highway equipment or on-highway equipment over 26,000 Gross Vehicle Weight).
7. Hazardous chemicals and materials are prohibited from being stored outside.
8. The outdoor storage shall not affect the required amount of parking stalls needed on site.
9. The location and types of materials to be stored are to be reviewed by the Fire Marshal.

621.19 SACRED COMMUNITY

1. The sacred community, and any micro-units constructed within it, shall meet all the requirements of [Minn. Stats. §327.30](#), as may be amended. This shall include the requirement that any sacred community not located on the grounds of a religious institution's primary worship location shall be located on a contiguous parcel to that of the primary worship location.
2. On an annual basis, a certification must be provided which demonstrates that the sacred community meets the all requirements of [Minn. Stats. §327.30](#), including that the residents meet the eligibility requirements.

621.20 SHORT-TERM VACATION RENTAL

1. A rental license will be required for all short-term vacation rentals.
2. [\[Reserved\]](#)
3. The maximum number of overnight guests will be limited to two times the number of bedrooms rented plus one.
4. Sufficient parking must be accommodated on the property and meet the minimum residential parking requirements in [Section 631.02](#), no on-street parking is allowed.
5. The property owner shall register with the city, their name, property address, primary phone number, email, and supply a secondary contact and telephone number of the local representative or managing agent for the property that can be reached at anytime.
6. A list of all current and prior stays in each short-term vacation rental shall be maintained. The owner or registered agent shall make the list available to City staff and/or law enforcement upon request.
7. The owner must disclose in writing to their guests the rules and regulations
 - (a) The name, phone number and address of the owner, operating lessee or managing agent/representative;
 - (b) The maximum number of guests allowed at the property;
 - (c) The maximum number of vehicles allowed at the property and where they are to be parked;
 - (d) City nuisance ordinances requirement that noise levels be reduced between 10:00 p.m. and 8:00 a.m. and that this will be enforced by the Fridley Police Department; and
 - (e) Property rules related to use of outdoor features, such as decks, patios, grills, recreational fires, saunas and other recreational facilities.
8. The property shall be maintained and free of nuisance. The owner shall ensure that appropriate recycling and solid waste containers are available for use by guests and shall not be stored in public view.

621.21 SOLAR ENERGY SYSTEM

1. A conditional use permit shall be required for all ground-mounted solar energy systems and solar carports. Building-integrated and roof-mounted solar energy systems shall be permitted by right so long as the standards in this Section are met.

2. Setbacks.
 - (a) Solar energy systems must meet the accessory structure setback requirements for the underlying zoning district.
3. Visibility.
 - (a) Building-integrated and roof-mounted solar energy systems shall be limited to the following height when oriented at maximum tilt:
 - (1) No more than 10 inches above a pitched roof.
 - (2) No more than six feet above a flat roof.
 - (b) Where visible from the public right-of-way, ground-mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt.
 - (c) Solar carports shall not exceed:
 4. ((a)) 20 feet in non-residential districts.
 5. ((b)) The height of the principal structure or 20 feet, whichever is lower, in residential districts.
 - (a) All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting nearby properties.
6. Lot coverage.
 - (a) The total collector area of a ground-mounted solar energy system shall not exceed half the building footprint of the principal structure unless specifically authorized by the Conditional Use Permit. This provision shall not apply to solar carports.
7. Landscaping
 - (a) Solar energy systems shall be integrated onsite to minimize impact to existing landscaping and continue to meet requirements [in Ch 632](#). Large-scale removal of mature trees on the site is discouraged. City may set additional restrictions on tree clearing or require mitigation for cleared trees.
8. Abandoned or Unused Systems.
 - (a) Abandoned or Unused Solar Energy Systems must be removed within 90 days of the cessation of operations unless an extension is approved by the Community Development Director. If an extension is not approved, such Solar Energy Systems will be considered a public nuisance. Such nuisances may be abated according to the procedures established in the Abatement of Exterior Nuisances Chapter of the Code.
9. Permit required.
 - (a) All solar energy systems require a solar electrical permit and building permit.
 - (b) Applications for building-integrated and roof-mounted solar energy systems shall be accompanied by scaled horizontal and vertical elevation drawings, an electrical plan, and roof engineering plan. The drawings must show the location of the system on the building.
 - (c) A site plan shall be provided for solar energy systems that require a conditional use permit. In addition to the materials required for a solar permit in provision (b) above, the following information shall be provided with the site plan application:
 - (1) Height, setbacks, lot coverage, and visibility standards as described by this [section](#).
 - (2) Any screening or fencing plans;

- (3) Drainage plan that complies with the requirements in Chapter 505 Stormwater Management and Erosion Control;
- (4) Ground cover plan; and
- (5) Other requirements as requested by the Community Development Director in accordance with [Section 650.02](#).

621.22 WIND ENERGY CONVERSION SYSTEM

- 1. Equipment and associated facilities for generating electric power or devices for converting wind energy to electrical energy shall be regulated according to M.S. § 216E.

621.23 WIRELESS TELECOMMUNICATIONS FACILITY

- 1. All standards shall comply in accordance to [Section 614.04](#).

Title 6 Zoning and Subdivision

Chapter 630 Performance Standards

630.01 PERFORMANCE STANDARDS FOR ALL DISTRICTS

1. Maintenance.

(a) It shall be the responsibility of a property owner to ensure that:

- (1) Exterior improvements, buildings and structures on their property are maintained, in good repair to maintain their structural integrity including keeping exterior protective surfaces, walls, foundations and roofs from deterioration and dilapidation.
- (2) Every outdoor wall, foundation and roof of any building or structure shall be reasonably watertight, weathertight, and rodentproof. Exterior walls shall be maintained free from extensive cracks, tears or breaks of deteriorated plaster, stucco, brick, wood or other exterior building material that gives evidence of long neglect.
- (3) A building, structure and their features such as doors, windows, screens, eaves and soffits shall be deemed to be out of repair if it meets any of the following:
 - ((a)) More than 25 percent of the area of any plane or wall on which the protective surface paint is blistered, cracked, flaked, rusted, scaled or chalked away;
 - ((b)) More than 25 percent of the pointing of any brick or stone wall is loose or has fallen out. Pieces of the wood, metal, or other approved protective cover are missing;
 - ((c)) More than 25 percent of the area of any door or window has evident delaminating of wood, discoloration of permanent finish or warping;
 - ((d)) There is a hole on a surface that is one-inch in diameter or larger; or
 - ((e)) Any garage door which fails to close entirely or is missing a panel.
- (4) All openings intended for windows and doors, shall have intact windows and doors installed in said openings.
- (5) Gutters and downspouts shall be installed properly and shall be maintained so to avoid unsightly appearance by virtue of sagging, collapsed sections or missing pieces.
- (6) Every yard with site elements including but not limited to fences, walkways, steps, driveways and landscaping shall be maintained in a well-kept condition and meet all the standards of [this Chapter](#).
- (7) Every exterior stairway of a building and every porch, deck or balcony shall be kept in a safe condition and sound repair. Every exterior stairway, step, stoop, porch and balcony shall be free of deterioration and/or rotting supports.

2. Essential Services
 - (a) Connection is required on each lot served by City sanitary sewer.
 - (b) Connection is required on each lot served by a City water line.
3. Drainage and Grading Requirements.
 - (a) For all properties, a finished ground grade shall be established such that natural drainage away from all buildings is provided. The following minimum criteria shall apply:
 - (1) The minimum elevation of finished grade shall comply with the State Building Code requirements;
 - (2) The City may specify a minimum finished ground grade for any structure in order to allow proper drainage and a minimum top of footing elevation to allow for connection to City utilities;
 - (3) Grading shall meet all other requirements of **Chapter 505, Stormwater Management and Erosion Control**; and
 - (4) For non-residential properties, the minimum elevation of finished grade shall not be less than one-fourth inch rise per horizontal foot of setback measured from curb grade.

630.02 ENVIRONMENTAL QUALITY

1. In order to assure compliance with these standards, the City may require the owner or operator of any use to conduct such investigations and tests as may be required to show adherence to the standards.
 - (a) Any investigations and tests shall be carried out by an independent testing organization agreed upon by all parties concerned or, if after a 30 days' notice, there is failure to agree, an independent testing organization shall be selected by the City.
 - (b) The costs incurred in having such investigations or tests conducted shall be shared equally by the owner or operator and the City.
 - (c) If the investigation and testing disclose noncompliance with these standards, the entire cost shall be paid by the owner or operator.
 - (d) This procedure shall not preclude the City from making any tests and investigations it finds appropriate to determine compliance with these standards.
 - (e) Any property that is in violation of any of this section shall be given one year from the date of written notification by the City or any other regulatory agency to abate the violation. If the pollution is determined to be hazardous to any person, animal or plant life, the time of one year shall be reduced to a reasonable limit.
 - (f) If action is not taken to abate the condition during the specified time, the use shall not be allowed to continue operation within the City of Fridley.

630.03 NUISANCES

1. Enclosure of Uses. All principal, accessory, and temporary uses must be established, operated and maintained within a completely enclosed structure, unless specifically allowed by this code, or it shall be considered a nuisance.
2. Prohibited Activities and Nuisances in All Districts
 - (a) Explosives. No activities involving the storage, utilization or manufacture of materials or products such as TNT, dynamite or other explosives which could detonate shall be permitted except such as are specifically allowed by Minnesota Statutes Section 624.20 Fireworks.
 - (b) Radiation and Electrical Emissions. No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas. There shall be no electrical disturbance (except those from domestic household appliances) adversely affecting the operation of any equipment other than that of the creator of such disturbance beyond the property line.
 - (c) No noise, odors, vibration, smoke, air pollution, liquid or solid wastes, heat, glare, dust or other such adverse influences from uses shall be permitted in any district that have an unreasonable effect upon adjacent or nearby property. Minimum standards shall be as follows:
 - (1) Waste: Waste materials, refuse or garbage in all districts shall be contained in closed containers as required under the chapter entitled "Solid Waste Management" of the Fridley City Code. Waste disposal shall not be dangerous to public health and safety, nor damage public waste transmission or disposal facilities. Sanitary landfills shall be prohibited within the City limits.
 - (2) Noise: The noise standards shall comply with the Chapter entitled "Noise" of the Fridley City Code.
 - (3) Smoke and Odors: The smoke and odor standards shall comply with Minnesota Statute Chapter 116 except for woodburning devices used for supplemental heat, as regulated in Chapter 316 Fire Prevention.
 - (4) Air Pollution and Dust: The air pollution and dust standards shall comply with Minnesota Statute Chapter 116.
 - (5) Vibration
 - ((a)) Any vibration beyond the property line discernible to the human sense or feeling for three minutes or more of duration in any one hour or any vibration producing an acceleration of more than 0.1 G's or resulting in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, United States Department of the Interior, Bureau of Mines Bulletin No. 442, "Seismic Effects of Quarry Blasting", on any structure shall be prohibited.
 - ((b)) Uses which may cause vibration shall meet all applicable state and federal laws, local ordinances and policies.

- (6) Toxic or Noxious Matter: No use shall, for any period of time, deposit or discharge toxic or noxious matter of such concentration as to be detrimental to or endanger the public health, safety, comfort or welfare or cause injury or damage to property or businesses.
- (7) Erosion. No erosion shall be permitted onto neighboring properties or into natural waterways. A property owner shall not permit the property to be used or built on without applying all such reasonable measures as may be required to prevent wind or water erosion. The City may require reasonable measures of a property owner or developer to meet specific land alterations and stormwater requirements to prevent wind or water erosion, as specified in the Stormwater Management and Erosion Control Chapter of the Fridley City Code.
- (8) Water Pollution. The discharge of raw sewage, industrial wastes or other pollutants into the waterways or lakes of the City shall be subject to the regulations within the Stormwater Management and Erosion Control Chapter of the Fridley City Code.

Title 6 Zoning and Subdivision

Chapter 631 Off-Street Parking

631.01 GENERAL PARKING STANDARDS

1. Change in Use. Each time there is a change in use on a property, a site plan to demonstrate that there is sufficient parking and loading spaces as required by this Chapter shall be reviewed and approved as required by Chapter 650.03.
2. Use of Space. Required parking or loading spaces shall not be used for snow storage, permanent storage of goods or equipment or for vehicles that are inoperable or for sale or rent.
3. All driveways, parking areas, and loading docks shall be surfaced with blacktop, concrete, or other hard surface material approved by the City.
4. Outdoor Vehicle Parking
 - (a) Outdoor vehicle parking shall be permitted provided that the following standards are met:
 - (1) Meets the provision in Section 631.01(3).
 - (2) Vehicles parked or stored on private property within any district shall be operable and registered to the business, occupants or guests.
 - (3) Parking shall be prohibited in loading areas.
 - (b) Automotive repair uses shall be allowed to have outdoor vehicle parking as long as the Use Specific Standards of Chapter 620 are met.

631.02 MINIMUM PARKING SPACES REQUIRED

1. Calculating Spaces
 - (a) Calculations resulting in any fraction less than one-half shall be disregarded and any fraction of one-half or more shall be rounded up to one additional space.
 - (b) The term "floor area" for the purpose of calculating the number of off-street parking spaces required shall be determined on the basis of the exterior floor area dimensions of the building structure or use, multiplied by the number of floors, minus 10 percent.
 - (c) Should a building or structure contain two or more types of uses, each use should be calculated separately for determining the off-street parking spaces required.
2. The public right-of-way portion of a driveway cannot be used to meet the minimum parking requirements of a property.
3. The minimum number of off-street parking spaces required shall be provided and maintained as follows:

Use	Minimum Parking Spaces Required
Residential	

Use	Minimum Parking Spaces Required
Family Living	
Dwelling, one unit detached	2 enclosed spaces per dwelling unit
Dwelling, two unit	2 enclosed spaces per dwelling unit
Dwelling, three- to six -unit	1.5 spaces for a studio or 1 bedroom unit Plus 0.5 space for each additional bedroom per dwelling unit
Dwelling, attached townhouse or rowhouse	2 spaces per unit plus 1 guest space for every 5 units
Dwelling, apartment	1.5 spaces for a studio or 1 bedroom unit Plus 0.5 space for each additional bedroom per dwelling unit
Manufactured home park	2 spaces per dwelling unit
Group Living	
Care facility	1 space per 3 client rooms/units
Assisted living facility	½ space per client rooms/unit
Continuum of care facility	Parking must be provided to meet each use included in the facility.
Residential care facility, licensed in-home	1 space per 3 client rooms, including at least 1 enclosed space
Senior independent living	1 space per studio or 1 bedroom unit; 1.25 per 2-bedroom unit; 2 per 3+ bedroom units; Plus 1 guest space per 5 units 50% of the total spaces shall be enclosed
Lodging	
Hotel or motel	1.25 per guest room. Additional facilities (restaurant, assembly hall, etc.) shall be calculated according to its use within this table and added to total
Community Services	

Use	Minimum Parking Spaces Required
Clinic	3 spaces per treatment room
Commercial recreation, outdoor	50 spaces per field or sports court plus 1 space per 3 fixed seats for spectator area
Daycare center	1 space per classroom Plus 1 space per 5 students/clients and any additional spaces necessary to accommodate the parking of vans and buses used for client transport by the school or center
Place of assembly use, such as funeral home, museum/art gallery, public building or use, indoor commercial recreation, and theater, music, or performance space	1 space per every 4 persons of the maximum building occupancy
School, college/vocational	1 space per classroom Plus 1 space for each 3-student capacity. Additional spaces shall be provided for assembly uses at a rate of 1 space per every 4 persons of the maximum building occupancy
Public or private school, elementary or middle	1 space per classroom Plus 1 space for each 8-student capacity and any additional spaces necessary to accommodate the parking of vans and buses used for client transport by the school or center
Public or private school, secondary	1 space per classroom Plus 1 space for each 3-student capacity and any additional spaces necessary to accommodate the parking of vans and buses used for client transport by the school or center
Commercial	
Mixed use building	Parking must be provided to meet each use included in the facility
Retail, Food or Beverage Sales and Services	
Liquor store	1 per 300 SF of floor area
Restaurant, including brewpub	1 space per every 4 persons of the maximum building occupancy

Use	Minimum Parking Spaces Required
Animal boarding, shelter, or daycare center	1 per 300 SF of floor area used for office space
Animal veterinary clinic or hospital	1 per 400 SF of floor area
Automotive fuel station/ convenience store	1 space per 2 fuel pumps. Space adjacent to fuel pumps does not count toward this requirement
Automotive repair (minor and major)	1 per 300 SF of floor area Plus 2 per repair bay
Retail uses, such as commercial centers, standalone stores and pawn shop	1 per 300 SF of floor area
Garden center/nursery	1 per 300 SF of retail area Plus 1 space per 2,000 SF outdoor display area
Motor vehicle sales or rental	1 space per 500 SF of indoor showroom Plus 1 space for each 3,000 SF of outdoor storage area
Off-site service business	1 space per 300 SF of office space Plus 1 space for each company-owned vehicle stored on-site
Outdoor sales	1 space per 300 SF of office space Plus 1 space for each 3,000 SF of outdoor storage area
Business & Technical Services	
Financial institution	1 space per 300 SF floor area
Laboratory	1 space per 300 SF floor area
Office	1 space per 300 SF floor area
Industrial	
Automobile recycling center	1 space per 300 SF of office space Plus 1 space for each 3,000 SF of indoor/outdoor storage area
Brewery, winery or distillery	1 space for every four persons per maximum building occupancy
Construction contractor yard	1 space per 300 SF of office, sales, or display area

Use	Minimum Parking Spaces Required
	Plus 1 space per 3,000 SF (indoor/outdoor) storage area
Makerspace or studio	1 space per 500 SF of indoor showroom Plus 1 space for each 3,000 SF of outdoor storage or sales lot
Manufacturing	1 space per 800 SF
Warehouse and distribution facility	1 space per 2,000 SF
Wholesale establishment	1 space per 2,000 SF
Transportation and Utilities	
Transportation garage	1 space for every 2 employees Plus 1 space for each company-owned vehicle stored on-site
Trucking terminal	1 space per 300 SF of office space Plus 1 space for each 3,000 SF of indoor/outdoor storage area

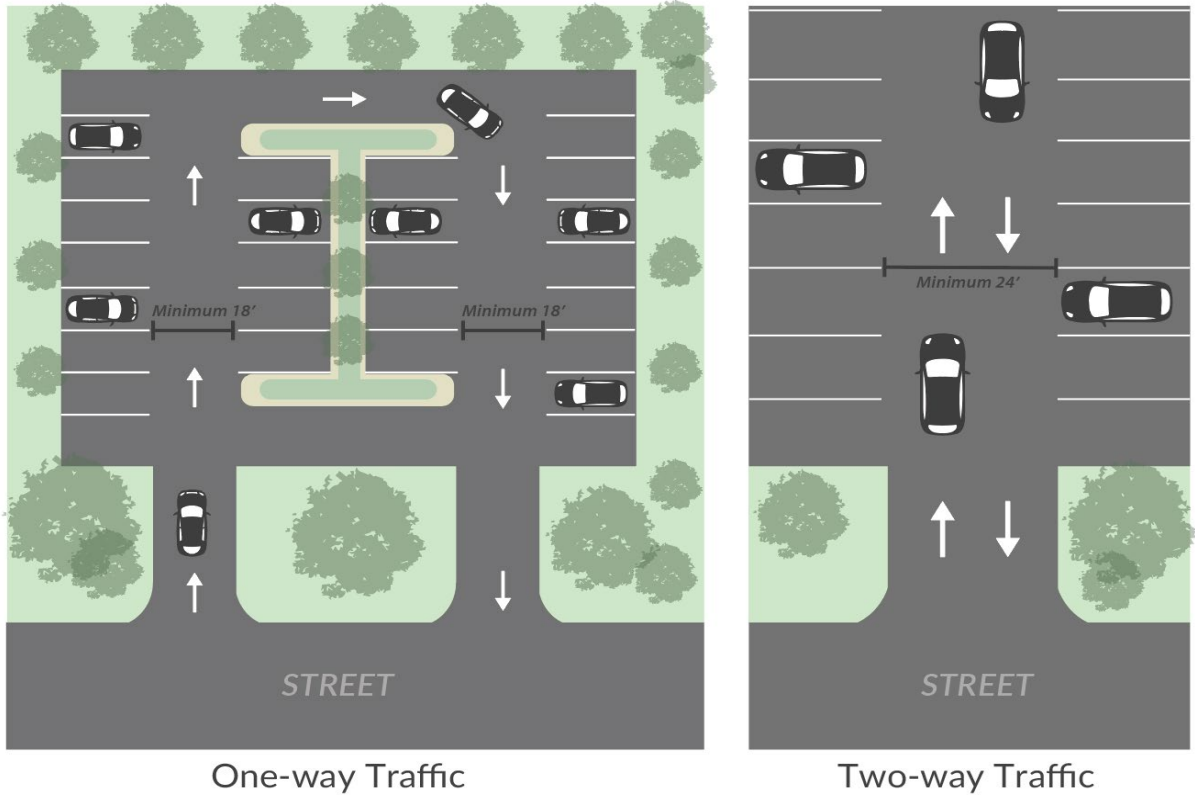
4. Accessible parking spaces shall be provided in accordance with **Minnesota Rules, Chapter 1341.**
5. Parking spaces within garages or ramps shall count towards minimum parking requirements.
6. Additional Parking. When the provisions for parking spaces required for specific district or uses are inadequate on-site, the City may require additional off-street parking to be provided through another mechanism (e.g. off-site or shared parking).
7. Reduction of Parking.
 - (a) Reduction of Existing Spaces. No parking or loading spaces existing upon the effective date of this Chapter shall subsequently be reduced below the requirements unless said number of spaces exceeds the requirement set forth herein.
 - (b) Proof of Parking. The Community Development Director, or their designee may allow a reduction in the minimum parking spaces required if the following conditions are met:
 - (1) A scaled parking plan is submitted which demonstrates that the site can comply with the total parking requirements of this Chapter. The parking plan shall clearly delineate where the proof of parking area is located and how the area will be curbed and landscaped while not in use for parking.

- (2) The proof of parking area shall not be used to satisfy any other requirements of zoning, including landscaping or screening, and shall not be located in an area occupied by a building.
 - (3) The City may, at any time in its sole discretion, require that the proof of parking area be paved and striped to provide required parking spaces on the site.
 - (4) The City may require the owner to enter into a proof of parking agreement to be filed at Anoka County, specifying the requirements and restrictions and stating that the owner, developer and successor shall be responsible for making improvements to meet the Code at the time the City requires such action.
- (c) Shared Parking. Off-street parking facilities may be provided collectively for more than one structure or use, if the following conditions are met:
- (1) The proposed shared parking is within 500 feet of the use(s) it will serve.
 - (2) It is demonstrated that because of the hours, size and mode of operation of the respective uses, there will be an adequate amount of parking available to each use during its primary hours of operation to meet the needs of such use.
 - (3) Total required parking spaces shall be based on the combined peak requirement and shall not be fewer than the minimum requirements for the use which requires the most parking.
 - (4) The shared use of the parking facilities shall be protected by an agreement that recognizes all the users and the lots on which the parking facility satisfies the shared parking requirements of this section. The agreement shall contain all joint user conditions and shall grant an access easement for parking on the shared principal use lots. The manner of execution and content of such agreement shall be approved by the city and the agreement document shall be filed at the county. Such agreement shall be provided prior to issuance of building or site permits.

631.03 PARKING FACILITY DESIGN REQUIREMENTS

- 1. This section shall apply to all parking facilities with four or more stalls.
- 2. Parking stalls
 - (a) Parking stalls within parking structures may be reduced to a minimum of 8.5 feet wide and 18 feet deep.
 - (b) The minimum stall depth for a parking space may be reduced equal to the amount of overhang, up to two feet.
- 3. Parking drive aisles
 - (a) Parking drive aisles for one-way traffic shall be a minimum of 18 feet wide. Two-way traffic shall be a minimum of 24 feet wide. (See Figure X)

Figure X



4. All parking areas shall be:
 - (a) No closer than 20 feet from any street right of way.
 - (b) No closer than five feet from any side lot line, except for a drive shared with the adjacent lot.
 - (c) No closer than five feet from any rear lot line, including alleys. Unless the property is located within the M-O District, then the rear lot line setback adjacent to an alley, may be zero feet.
 - (d) No closer than five feet to any building.
 - (e) All stalls shall be striped.
5. Curbing
 - (a) The entire perimeter of all parking areas, access driveways, truck loading spaces or other hard surface areas that handle motor vehicle traffic shall be curbed in accordance with curbing specifications on file at the City.
 - (b) Curbing shall be required around safety islands.
 - (c) The City may exempt curbing:
 - (1) Where the City has approved future expansion.
 - (2) Where the City has approved storm water features like natural swales or rain gardens.
 - (3) Where other circumstances exist to satisfy the curbing requirements.

6. A continuous internal pedestrian walkway shall be provided from any perimeter public sidewalk or trail to each of the following connections. More than one walkway may be needed based upon specific site conditions:
 - (a) Entrances to each building on the site;
 - (b) Public sidewalks, walkways, paths or trails on adjacent properties that extend to the boundaries shared with the subject development;
 - (c) Public sidewalks along the perimeter streets adjacent to the development;
 - (d) Adjacent public park, trail or other public or civic use; and
 - (e) Adjacent public transit station areas, transit stops, park and ride facilities, or other transit facilities.
7. Safety signs, markings and traffic control devices may be required to promote vehicular and pedestrian safety.
8. All driveways and parking areas shall be graded according to a drainage plan that has been approved by the City.

631.04 RESIDENTIAL PARKING REQUIREMENTS

1. One- and Two-Unit Dwelling Parking Requirements
 - (a) General Provisions.
 - (1) Vehicle parking shall only be located on a driveway or hard-surfaced parking space approved by the City.
 - (2) Paved driveways and any associated off-street parking areas within the front yard, shall not occupy more than 50 percent of the area between the building front yard setback and the property line.
 - (3) Driveways shall be set back at minimum three feet from any side or rear property line.
 - (4) The maximum slope (grade) on a residential driveway shall not exceed 10 percent.
 - (b) Garage Requirements
 - (1) R-1, R-2, & R-H Districts
 - ((a)) A two-stall garage is required for each principal dwelling unit. Two off-street parking spaces are required for an Accessory Dwelling Unit.
2. O-8 Transit Oriented Development Parking Requirements
 - (1) Reduction of the parking stall dimensions and number of parking stalls required in the underlying zoning district may be allowed due to the nature of the proposed use.
 - (2) The number of required parking stalls may be reduced by no more than 50 percent of the minimum required in the underlying zoning district for the proposed use.

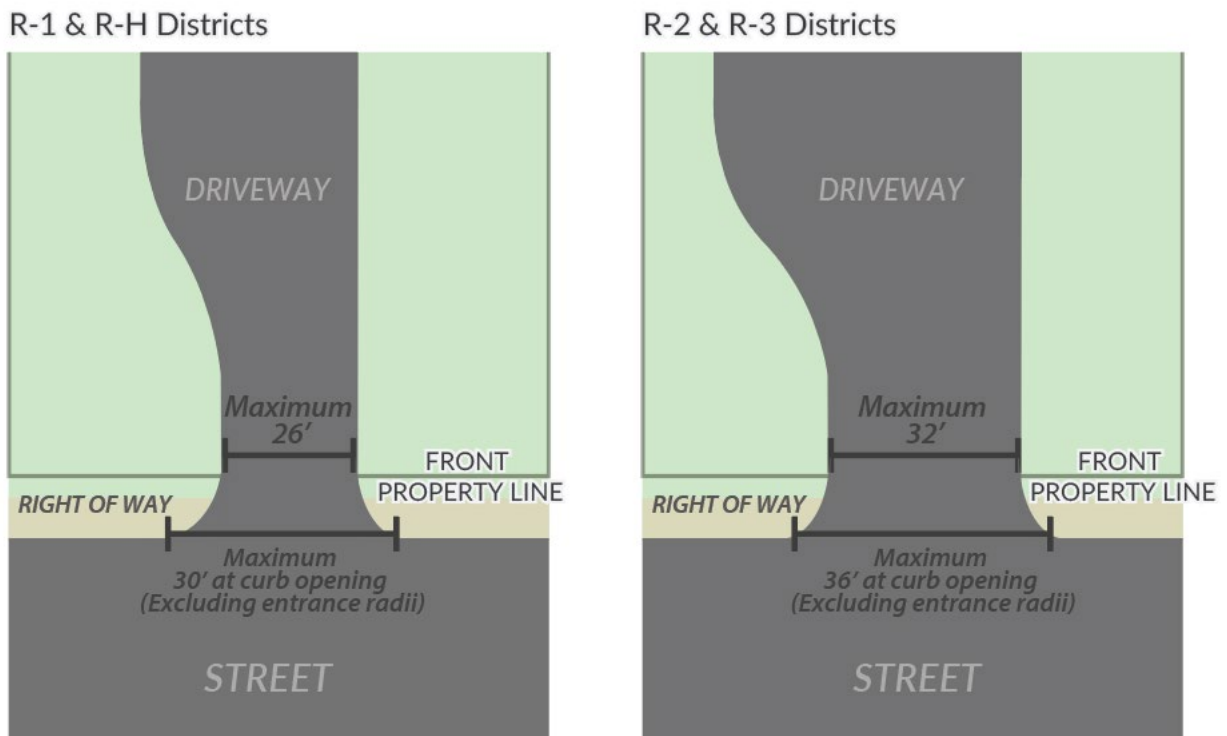
- (3) The maximum number of parking stalls shall not exceed 120 percent of the minimum number of parking stalls required by the use in the underlying zoning district. This maximum provision shall not apply to park-and-ride or other transit facilities.
- (4) Off-street surface parking is not permitted in the front yard. Parking may be located in the rear or side yard.

631.05 LOADING FACILITIES

- 1. Any use which requires receiving or distributing of materials shall provide adequate space for off-street loading, adhering to the following requirements:
 - (a) Loading facilities shall be located on the same lot as the use served.
 - (b) The space needed for the loading docks shall be adequate to handle the loading and unloading needs of the use without obstructing the public right-of-way.
 - (c) Loading facilities shall be on an impervious surface located in the rear or side yard of the property.
 - (d) Loading facilities shall comply with the applicable screening standards in **Chapter 635**.
 - (e) Loading facilities shall not to be used for the storage of goods or inoperable vehicles, or included as part of meeting the minimum off-street parking requirements.
 - (f) Within Industrial districts, no loading docks on corner lots across from any residential district shall face the public right-of-way.

631.06 DRIVEWAY REQUIREMENTS

- 1. Permit Required. Alterations to an existing driveway requires approval of a driveway permit from the City and shall meet the following requirements:
 - (a) General Requirements:
 - (1) In the R-1 and R-H districts, the maximum width of a driveway at the property line is 26 feet **(See Figure X)**
Figure X



- (2) In the R-2 and R-3 districts, the maximum width of a driveway at the property line is 32 feet for all driveways on the site combined.
- (3) The curb opening, excluding the entrance radii, may be at maximum four feet wider than the driveway at the property line.
- (b) For one- and two-unit dwellings:
 - (1) Driveways shall be set back 35 feet at minimum from the intersection of streets on a corner lot.
 - (2) Only corner lots may have two driveways. Each driveway must meet the minimum 35-foot corner intersection setback.
- (c) For parking areas in any district with four or more stalls:
 - (1) The edge of the curb opening to a parking area shall not be closer to the nearest portion of a street right of way intersection than 75 feet or two thirds of the lot width, whichever is smaller.

631.07 ELECTRIC VEHICLE CHARGING STATIONS (EVCS) REQUIREMENTS

- 1. Electric vehicle charging stations are allowed in all zoning districts.
- 2. Minimum Number of Required EVCS.
 - (a) A Level 1 or higher wall plug shall be required for charging an electric vehicle in one unit detached or two-unit dwellings.

(b) For residential developments of 3 or more units with new parking areas, adding more than 25 percent of additional parking spaces to existing parking areas, and existing parking areas being fully reconstructed by more than 25 percent of the parking area are subject to the standards of **Table X:**

Number Of Parking Spaces	Minimum Required Installed EV Charging Stations	Minimum Required EV-Ready Parking Spaces	Additional Requirements
1 to 19	5% Level 1 or higher	20% Level 1 or higher	
20-49	5% Level 1 or higher	20% Level 1 or higher plus at least one Level 2 or higher	At least one accessible parking with access to an installed EV Charger
50 or more	5% Level 1 or higher plus at least one Level 2 or higher	20% Level 1 or higher plus at least five Level 2 or higher	At least one accessible parking with access to an installed EV Charger

- (c) If calculation results in a fraction, the next higher whole number shall be used.
- (d) For existing parking areas that are expanded or reconstructed **(per Section X)** by more than 25 percent, EVCS shall be provided at the minimum quantities required for the prorated number of parking spaces in the area of expansion or improvement.
- (e) Accessible Parking Spaces. An EVCS will be considered accessible if it can serve as an accessible parking space as defined and required by the ADA. It is not necessary to designate the EVCS exclusively for the use of vehicles parked in the accessible parking space and it shall not count toward required ADA parking requirements.
- (f) Reductions to EVCS requirements.
 - (1) This number may be reduced by the Community Development Director, or their designee if proof can be provided that:
 - ((a)) Such spaces will not be used.
 - ((b)) The cost of installing the Electric Vehicle Supply Equipment (EVSE) required by this Chapter exceeds five percent of the total project cost; or

- ((c)) It is unfeasible to provide sufficient electrical capacity at the site to power the EVSE.
3. Electric Vehicle Charging Spaces and EVSE shall be designed and installed to meet the following minimum design requirements:
- (a) EVSE must be in a parking island; mounted to an adjacent pedestal, wall or similar structure. Free standing EVSE shall be protected by bollards, structures or curb.
 - (b) EVSE may be located adjacent to designated parking spaces in a garage or parking lot as long as the devices do not encroach into the required dimensions of the parking space (length, width, and height clearances).
 - (c) EVSE shall be set back at least three feet from any property line. However, upon written request from the property owner, the Community Development Director, or their designee may reduce or rescind this setback requirement for shared access agreements or pursuant to a finding of necessity and public convenience.
 - (d) Where EVSE is located within three feet of the public right-of-way, the location must be approved by the Director of Public Works. EVSE may be in the right-of-way, with permission from the Director of Public Works and issuance of a Right-of-Way Permit.
 - (e) EVSE shall be designed and located so as not impede pedestrian travel. Cords must be retractable or hung sufficiently above any pedestrian surface when not in use and shall not extend across sidewalks or trails during charging.
 - (f) EVSE must be installed per manufacturer specification and must comply with all applicable building codes and relevant Americans with Disabilities Act (ADA) requirements.
 - (g) Any EVSE in single-family or two-family residential zoning district shall be stored on the exterior wall of the home, in the garage, or on a freestanding pole with footing adjacent to the parking area.
 - (h) Any EVSE with a Charging Level 2 or Level 3 located inside a structure with three or more units must be approved by the Fire Marshal or their designee.
 - (i) EVSE shall be maintained in all respects.
 - (1) The exterior of the station shall be maintained in good condition including free of any rust.
 - (2) The manufacturer or specialist contact information shall be provided on any Level 2 or Level 3 EVSE for reporting problems with the equipment or access to it.
 - (3) EVSE shall remain functional at all times. When an EVSE is not operational for 30 consecutive days, it shall be removed or have a repair plan approved by the Community Development Director, or their designee. If applicable, a replacement may be required for compliance with [Table X](#).

631.08 BICYCLE PARKING REQUIREMENTS

1. All dwellings with three or more units and all non-residential uses shall provide at least one bicycle facility for any new development, building addition that adds more than 25

percent to the building square footage, or improvement to the parking lot that adds more than 25 percent of additional parking spaces.

2. Additional bicycle parking shall be provided at two bike spaces bicycle space per 20 automobile spaces.
3. All bicycle rack design shall be either of an inverted "U" or post and ring design; or as approved by the Community Development Director as providing a similar level of security.
4. All bicycle racks or lockers must be securely anchored to the ground or building structure on a level paved surface.
5. Bicycle racks shall be placed near building entrances, within a view of each business front entrance, generally within 50 feet. Adjoining businesses may share common bicycle parking areas.
6. Bicycle racks shall be located to avoid conflicts with pedestrians.
7. Sufficient lighting shall be provided to illuminate the bicycle facilities at night.

Title 6 Zoning and Subdivision

Chapter 632 Landscaping

632.01 PURPOSE

1. The City recognizes the health, safety, aesthetic, ecological and economic value of landscaping and screening. The provisions of this section are intended to:
 - (a) Add visual interest to open spaces and blank facades;
 - (b) Prevent soil erosion and sedimentation;
 - (c) Improve air quality;
 - (d) Reduce noise pollution;
 - (e) Conserve energy through windbreaks and shading;
 - (f) Increase property values;
 - (g) Protect privacy by maintaining and establishing buffers between conflicting land uses; and
 - (h) Provide habitat for wildlife.

632.02 GENERAL PROVISIONS

1. All open areas of any site, except for areas used for parking, driveways or storage, shall be sodded, seeded or have ground cover.
2. It shall be the owner's responsibility to see that all required landscaping is maintained in a neat and healthful condition. This requirement runs with the land and is binding on all future property owners.
3. All uses shall provide adequate watering service to yard areas for the maintenance of landscaping.
4. Landscaping Materials.
 - (a) Grass and ground cover.
 - (1) Ground cover shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within 12 months after planting, with proper erosion control during plant establishment period. An exception to this is undisturbed areas containing natural vegetation which can be maintained, if free of foreign and noxious materials.
 - (2) Acceptable ground covers are sod, seed or other organic material, including native plantings. The use of rock and bark mulch shall be limited to areas around other vegetation (i.e. shrubs) and shall be contained by edging.
 - (3) Artificial turf may be used as a ground cover so long as it is professionally installed, documented to be permeable, and maintained as permeable over its lifespan.
5. Plant Diversity

- (a) For properties required to plant or replace five or more trees, no single genus may comprise more than 20 percent and no single species may comprise more than 10 percent of the required landscaping.
 - (b) For properties required to plant or replace fewer than five trees, at least two different species must be planted.
6. Minimum Plant Size. All plants shall meet the minimum size requirements listed in Table XX at the time of installation/planting.

Table XX.

Plant Type	Minimum Size at Installation
Overstory deciduous tree	2.5 caliper inch
Ornamental tree	1.5 caliper inch
Coniferous tree	6 feet tall

7. Slopes. Final slope grades steeper than 3:1 shall not be permitted without City approval or treatment such as terracing or retaining walls.
8. Payment in Lieu
- (a) If it is not feasible to meet the landscaping requirements of the underlying zoning district, the City Council may approve a monetary payment per fees established in the "Fees" Chapter for the purpose of funding landscaping amenities within the City.
9. Plantings shall occur within six months of issuance of a certificate of occupancy. If occupancy occurs prior to the planting of trees, a letter of credit, cash escrow or other financial guarantee acceptable to the City in an amount determined by the City may be posted for landscaping installation.

632.03 ONE- AND TWO-UNIT RESIDENTIAL LANDSCAPING REQUIREMENTS

1. Applicability. Provision of landscaping and tree plantings shall be required for the following:
- (a) New construction or reconstruction of a principal structure; or
 - (b) Construction that results in a 100 percent or more of an increase in building footprint of a principal structure.
2. Planting requirements.
- (a) At minimum, three overstory deciduous or coniferous trees shall be required to be installed per lots of 9,000 square feet or more. Lots smaller than 9,000 square feet shall install two trees at minimum.
 - (b) No more than one required tree may be substituted with two ornamental trees.
 - (c) At least one tree must be located in the front yard.
 - (d) Sodding and landscaping shall extend across the entire front and side yards, including the boulevard.
 - (e) All plantings shall meet the minimum size requirements in Table XX.

632.04 LANDSCAPE REQUIREMENTS FOR ALL OTHER USES

1. Landscaping Plans

- (a) A landscape plan shall be submitted to and approved by the City prior to issuance of a building permit or land use approval for the following types of developments:
 - (1) All new multi-unit residential and non-residential development requiring a building permit.
 - (2) Existing multi-unit residential and non-residential development if one or more of the following applies:
 - ((a)) An expansion or alteration that changes 25 percent or more of the gross floor area of the principal building.
 - ((b)) Construction of new parking areas in excess of four stalls.
 - ((c)) Construction of additional loading docks.
 - (3) *Small addition.* When an addition is proposed that would increase total floor area on a site by less than 25 percent, but would physically impact existing landscaping, a modified landscape plan for the portion of the site affected by the addition, demonstrating compliance with the requirements of this section, must be submitted for approval.
 - (4) If full compliance cannot be achieved due to site constraints, partial compliance as determined by the City shall be enforced.
- (b) A landscape plan shall not be required for the following:
 - (1) Construction of a single-unit or two-unit dwelling (see [section XX](#)).
 - (2) Routine replacement of existing materials or the installation of new materials when not associated with a building project.
- (c) Landscape plans shall provide sufficient detail to demonstrate compliance with requirements and be prepared by a certified landscape architect or similar professional to include the following information:
 - (1) Location, size, quantity (number or square footage) and genus of all existing and proposed plantings.
 - (2) Methods for protecting existing trees and other landscape areas during alterations.
 - (3) Seeding, sodding and ground cover materials.
 - (4) A plant schedule depicting height and spread of each plant type at the time of planting and at the time of maturity. The plant schedule shall acknowledge that expected maturity size may differ based on the setting in which the tree is planted.
 - (5) All existing and proposed features such as buildings, structures, parking areas, pervious and impervious pavement, signs, fences, walls, enclosures, other natural

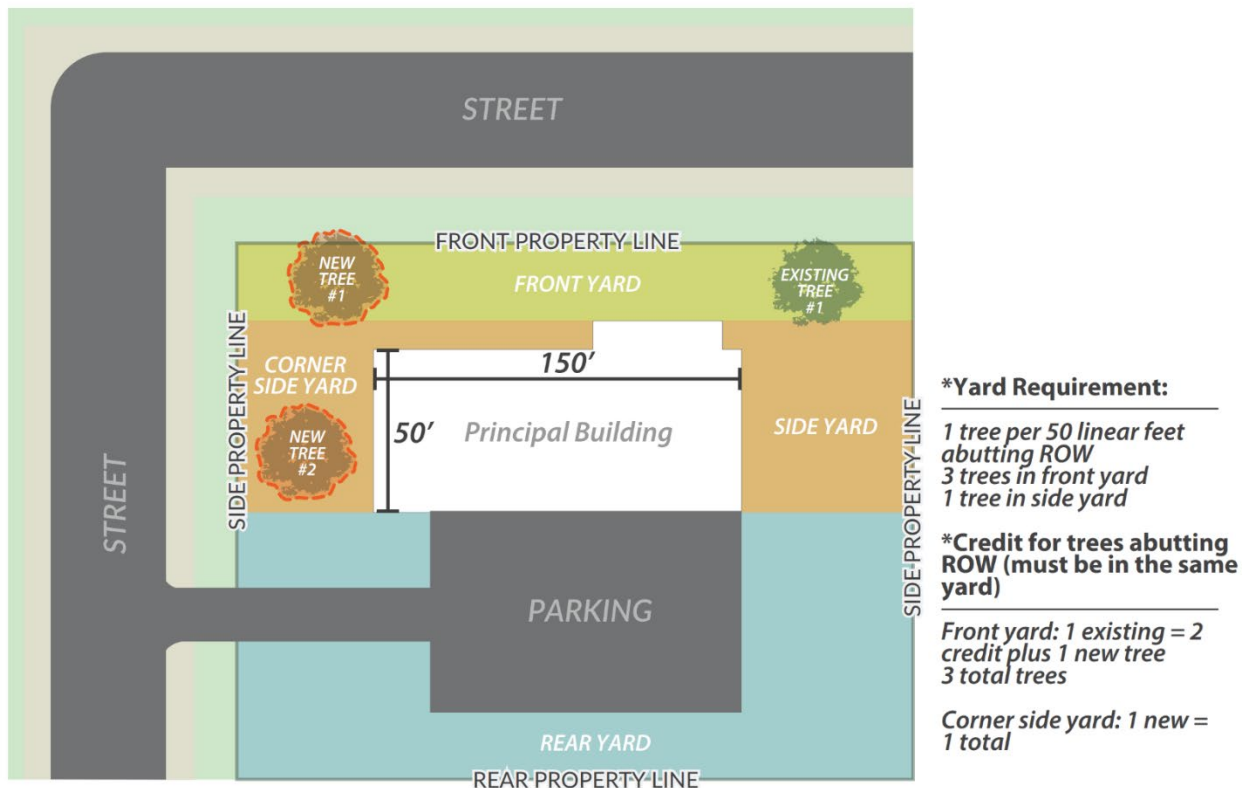
features, grading, property lines, easements, utilities and driveways shall be clearly shown on the plan.

- (6) Specifications for the installation process, irrigation and maintenance.
- (7) Provisions for snow storage.
 - ((a)) Snow storage should not be located in an area that damages required landscaping.
 - ((b)) Space for snow storage is recommended to be located in the rear yard.
 - ((c)) Vegetation planted in snow storage areas should be of a type capable of withstanding the salt and chemicals associated with snow removal.
 - ((d)) Deicer used in snow removal and storage shall follow the requirements of Chapter 504 Winter Maintenance.
 - ((e)) Snow storage areas must be located to preserve site circulation and visibility.

2. Perimeter Landscaping Standards.

- (a) In order to achieve landscaping which is appropriate in scale with the size of a building and site, the following minimum standards apply:
 - (1) One overstory deciduous or coniferous tree for every 1,500 square feet of the principal building footprint.
 - ((a)) A minimum of 30 percent of the trees required shall be coniferous.
 - ((b)) Two ornamental trees may be substituted for every one overstory deciduous shade tree. In no case shall ornamental trees exceed 50 percent of the required number of trees.
 - (2) For every 50 linear feet of principal building abutting a public street, at least one tree shall be provided in the corresponding side or front yard (see Figure X). Credit for existing trees as specified in Section XX below may only be applied to this requirement if the trees are located in the corresponding yard.
 - (3) All buildings shall have foundation plantings on building sides facing a public street.

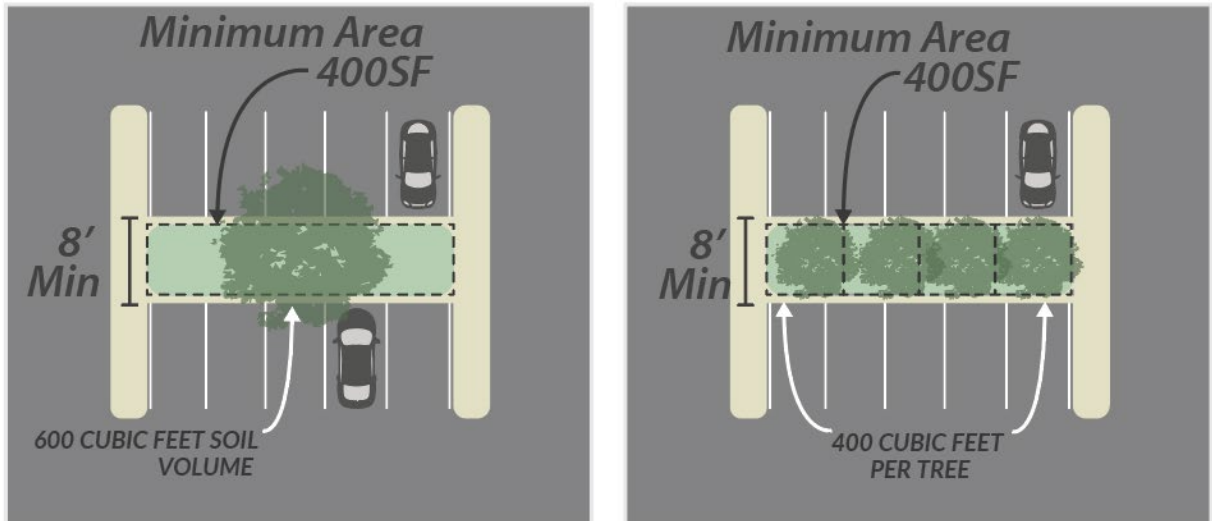
Figure X



3. Interior Parking Lot Landscaping Standards.

- (a) Minimum landscaping is required in the following situations:
 - (1) Any new parking lot with at least 15 surface parking spaces shall provide at least one overstory deciduous or ornamental tree for every 15 parking spaces.
 - (2) A parking lot expansion with more than 45 stalls shall provide at least one overstory deciduous or ornamental tree for every 15 surface parking spaces.
 - (3) No additional landscaping shall be required for striping or restriping of existing parking lots.
- (b) Trees required for parking lot landscaping may not be used to satisfy the landscaping requirements in **Section XX** above.
- (c) Required trees shall be reasonably distributed throughout the parking area in landscape islands, landscape medians or within 10 feet of the perimeter of the parking area in order to provide shading and break up the expanses of paved areas
- (d) Any landscape island or median shall be a minimum of eight feet in width and provide a minimum of 400 square feet in area. Islands or medians with a tree shall include a minimum soil volume of 600 cubic feet per tree. Soil volume may be reduced to 400 cubic feet per tree if trees share a connected planting area. (See **Figure X**)

Figure X



- (e) Landscaped areas shall be provided with deciduous shade trees or ornamental trees plus ground cover, mulch or shrubbery.
- (f) Parking area landscaping shall be contained in planting beds bordered by a curb, unless the area serves as a stormwater treatment facility, as defined in Section X.

4. Credit for Existing Trees

- (a) The total number of required new overstory trees for perimeter landscaping may be reduced by the retention of existing overstory trees provided that the following conditions are satisfied:
 - (1) Such trees are healthy and of an appropriate non-invasive species, as identified in the Minnesota Department of Agriculture’s Noxious Weed list and Department of Natural Resources’ List of Invasive Non-native Plants.
 - (2) Such trees are eight inches or greater in caliper measured 12 inches from soil level.
 - (3) For each existing tree meeting the requirement, two required trees in the same yard as the existing tree, as required in Section D above, may be exempted.
 - (4) Proper precautions to protect trees during development shall be indicated on grading plans submitted for plan review. Such precautions are outlined in Section J. The cost of these precautions shall be included in the landscape security.

5. Irrigation

- (a) All landscaped areas, including parking area islands, must be equipped with an underground, automatic irrigation system or an alternative.
- (b) An alternative plan may include, but is not limited to, rain gardens, closed rain barrels or greywater systems. Any alternative system must ensure that landscaping will be provided with adequate irrigation.

632.05 INSTALLATION

1. The following standards shall be met when installing the required landscaping:
 - (a) Plant materials shall be located to maintain reasonable access to all utilities.
 - (b) Sodded areas on slopes shall be staked.
 - (c) Seeded areas shall be mulched with straw to prevent erosion. Hydro mulching is acceptable.
 - (d) Plantings shall not obstruct the vision safety zone, as depicted in Chapter X.
 - (e) No plant materials reaching a mature height of 20 feet or more shall be planted within a 25-foot lineal path of the centerline of an overhead power line that is not the service line to the house.
2. The applicant shall install all landscape materials within one year.
3. The City shall retain a cash escrow or a letter of credit, as required in Section 205.05.06.A.(3) of the zoning code for one growing season after the installation of landscape materials is completed.

632.06 MAINTENANCE

1. All lots, tracts or parcels shall be properly maintained in an orderly manner free of litter and junk. (Ref. Ord. 960)
2. The property owner shall be responsible for replacement of any required trees, ground cover and sodding which have died or been removed.
3. Any time a tree is removed from a multi-unit residential, commercial or industrial property, it shall be replaced unless it is removed as part of an approved landscaping plan. This requirement runs with the land and is binding on all future property owners.
4. If any plant materials are not maintained or replaced, the property owner shall have, upon written notification from the City, one growing season to replace said materials before the City shall maintain or replace said plant materials and assess the property for the costs thereof.
 - (a) The following are deemed to be public nuisances:
 - (1) Dead or diseased plant material that has not been removed within a specified amount of time from the date of the notification by the City.
 - (2) Required landscaping that has been removed and has not been replaced within a specified amount of time from the date of the notification by the City.
5. Plant materials need not be replaced exact genus for genus; however, in no case shall the number of plant materials or proportional genus diversity be reduced from the minimum that is required by this section when replacing dead or removed plant materials.

Title 6 Zoning and Subdivision

Chapter 633 Architectural Standards

633.01 General Provisions & Purpose

1. Purpose. Recognizing that most buildings will have several owners over the course of their usable life, the City establishes minimum architectural standards to provide, preserve and enhance the character of buildings and property values within the community. By preventing the physical deterioration of buildings and promoting durable and aesthetically pleasing designs, the general community welfare is maintained.
2. Applicability. Architectural standards apply to 3-or-more-unit multi-family residential and all non-residential principal structures, in any of the following situations:
 - (a) Any new development or redevelopment;
 - (b) Façade replacement 50 percent or more; and
 - (c) Building expansions greater than 50 percent of the floor area.

633.02 Exterior Building Materials

1. In general, all exterior materials shall be of a durable finish, good aesthetic and architectural quality to not adversely impact the community's public health, safety and general welfare.
2. Material classes. Exterior materials shall be divided into Class I, Class II, Class III and a Prohibited category as follows:
 - (a) Class I shall be considered high-quality building materials that are durable to withstand climate conditions, wear and tear with a typical life expectancy of 40 years or more. Class I materials include but are not limited to:
 - (1) Unpainted full or thin veneer fired clay brick;
 - (2) Unpainted full or thin natural, manufactured or cast stone;
 - (3) Architectural ceramic panel rainscreen systems;
 - (4) Architectural cementitious panel rainscreen systems;
 - (5) Glass, including bird-friendly glass, glass curtain walls and glass cladding systems;
 - (6) Materials specified as part of a building's certification under the LEED (Leadership in Energy and Environmental Design) program.
 - (b) Class II shall be considered standard building materials with a typical life expectancy of 20 years or more, but less than 40 years. Class II materials include but are not limited to:
 - (1) Masonry stucco, provided that the material shall not be allowed within 24 inches from grade;
 - (2) Metal wall panel systems (this shall not include metal siding and corrugated or ribbed metal sheets);
 - (3) Exterior Insulation and Finish System (EIFS);

- (4) Fiber cement lap siding or trim;
 - (5) Integrally colored textural concrete panels; and
 - (6) Integrally colored specialty concrete block.
- (c) Class III shall be considered lower-cost and trim grade materials more prone to damage or degradation from weatherization with a typical life expectancy of 20 years or less. Class III materials include but are not limited to:
- (1) Vinyl siding or panels;
 - (2) Painted wood or masonry; and
 - (3) Translucent wall panel systems.
- (d) Prohibited exterior materials shall be restricted on all applicable principal structures and accessory buildings except those accessory buildings not visible from public view due to location, screening or as determined by the Community Development Director or their designee. Prohibited materials include:
- ((a)) Unadorned or pre-stressed concrete panels;
 - ((b)) Non-decorative concrete block; and
 - ((c)) Sheet, corrugated, or unfinished metal wall panels.
3. Minimum material requirements.
- (a) Front façades and façades facing a public right-of-way shall be composed of at least 50 percent Class I materials and no more than 10 percent Class III materials.
 - (b) Side and rear façades shall be composed of at least 40 percent Class I materials and no more than 20 percent Class III materials.
 - (c) Each façade must utilize a minimum of two types of Class I materials.

633.03 Architectural Design

1. All buildings shall be designed with elements that incorporate varying articulation and textured façade, with at least two of the following elements on any façade that can be viewed from a public street:
 - (a) Change in materials, change in color, and other significant visual relief provided in a manner or at intervals in keeping with the size, mass and scale of the wall.
 - (b) Architectural detailing such as arches, clerestories, columns, corbeling, pilasters, portals, quoins, tiling and towers. Additional architectural elements may include the use of awnings, canopies, embrasures, lunettes, plant boxes and recesses.
 - (c) Primary entrance clearly defined through the use of awnings, canopies, pillars, peaked roof form, entryway or architectural tilework, moldings or similar features integrated into the building design.
2. Building façade transparency. On the ground floor front facade, the following minimum standards apply:
 - (a) Amounts of transparency which is able to provide unobstructed views into and out of the building:

- (1) Multi-unit dwellings shall have a minimum of 20 percent transparency in the area occupied by dwelling units.
 - (2) Non-residential uses shall provide a minimum of 30 percent transparency. Industrial uses are exempt from this requirement, but uses accessory to industrial (e.g., office or retail portions of mixed-use buildings) are not exempt.
- (b) Transparency shall not be permanently blocked by storage, shelving, mechanical equipment or other visual barriers.
 - (c) Darkly tinted windows, reflective glass or window signs that block two-way visibility are prohibited. Tinted windows shall be no darker than 20 percent tint.

633.04 Architectural Standards Review Procedures

1. For any project required to meet architectural standards, the applicant shall submit building elevations, materials diagrams, and associated drawings in color that illustrate the construction techniques to be used in the installation of the materials as part of required plan submittals identified in **Section X**. At least one elevation shall be provided to show nighttime conditions.
2. Substitution of materials. The Community Development Director or their designee may approve alternative building materials on a case-by-case basis, provided that such materials exhibit the durability and structural integrity desired, with sufficient architectural relief, and do not detract from the desired aesthetic character of the building or the surrounding area.
3. The Community Development Director or their designee may determine that the substitution of materials shall require further review by the Planning Commission and City Council.
4. Construction shall follow the approved architectural plans. At the discretion of the Community Development Director or their designee, a request to change up to five percent of the originally approved building materials can be reviewed administratively. Requests for more significant changes, or as determined by the Community Development Director or their designee to need additional review, shall follow the site plan process identified in **Chapter 650 Procedures**.

Title 6 Zoning and Subdivision

Chapter 634 Fencing

634.01 PURPOSE

1. The City recognizes the health, safety, aesthetic and economic value of fences. The provisions of this Chapter are intended to:
 - (a) Allow for areas on site for privacy, while maintaining the City's general open design along streets;
 - (b) Provide screening and mitigation of potential conflicts between active areas and more passive areas;
 - (c) Enhance the overall aesthetic conditions of the City;
 - (d) Limit sight line obstructions;
 - (e) Reduce the potential for criminal and illegal activities; and
 - (f) Prevent conflicts with utilities and drainage flow.

634.02 GENERAL FENCING PROVISIONS

1. Fences shall be permitted in all yards and zoning districts subject to the provisions in this Chapter.
2. Property owners wishing to erect a fence shall first apply for and obtain a zoning permit from the City, in accordance with Section X.
3. Fencing shall be located entirely upon the private property of the owner constructing the fence. No fence shall be located on a property line. The property owner is responsible for maintaining the area between the property line and the owner's fence.
4. No fence shall encroach into the Vision Safety Zone as described in Section 610.03 (6).
5. Fences in Easements
 - (a) Fences placed within a drainage or utility easement shall be at the risk of the property owner. The City or any utility company that has the authority to use such easement will not be liable for any damages, repair or replacement of the fence in the event it is moved, damaged or destroyed in the installation, maintenance or repair of the facilities or utilities within the easement area.
 - (b) If located within a drainage or utility easement, the fence shall not impede the flow of water runoff or interfere with planned or installed utilities. Fences which have been determined by the Community Development Director to impede water runoff or interfere with utilities are deemed a public nuisance and shall be removed at the owners' expense.
6. Specific district standards may apply to special fencing as applicable in Section 634.04.
7. Every fence must be constructed in a substantial and sturdy manner and of a substantial material. Fences must be constructed of wood, metal, bricks, masonry, plastic or other

materials designed for permanent outdoor fencing. Wood fences must be constructed of cedar, redwood or other decay resistant wood. Fences must not be constructed from razor wire, snow fencing, plywood or materials originally intended for other purposes.

(a) *Fence installation, posts and supporting members.* All fence elements must be permanently installed and constructed in a durable manner to secure the fence in a vertically level position. Fences must be installed so that fasteners, posts and lateral supports are not on the side of the fence facing an adjacent property or public right-of-way, unless exposed on both sides.

- 8. All fencing shall be maintained, kept safe and in a state of good repair by the property owner. The property owner is responsible for maintaining the area between the property line and the owner’s fence.
- 9. Every fence must be maintained in a condition of reasonable repair and may not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such fence that has become a nuisance must be repaired or removed. Any violation of this Section is subject to the Abatement of Exterior Public Nuisances Chapter of the Code.
- 10. Any fence existing on the effective date of this Chapter and not in conformance with this section may be maintained, but no alteration, modification or improvement of said fence shall occur, unless installed in conformance with this section.

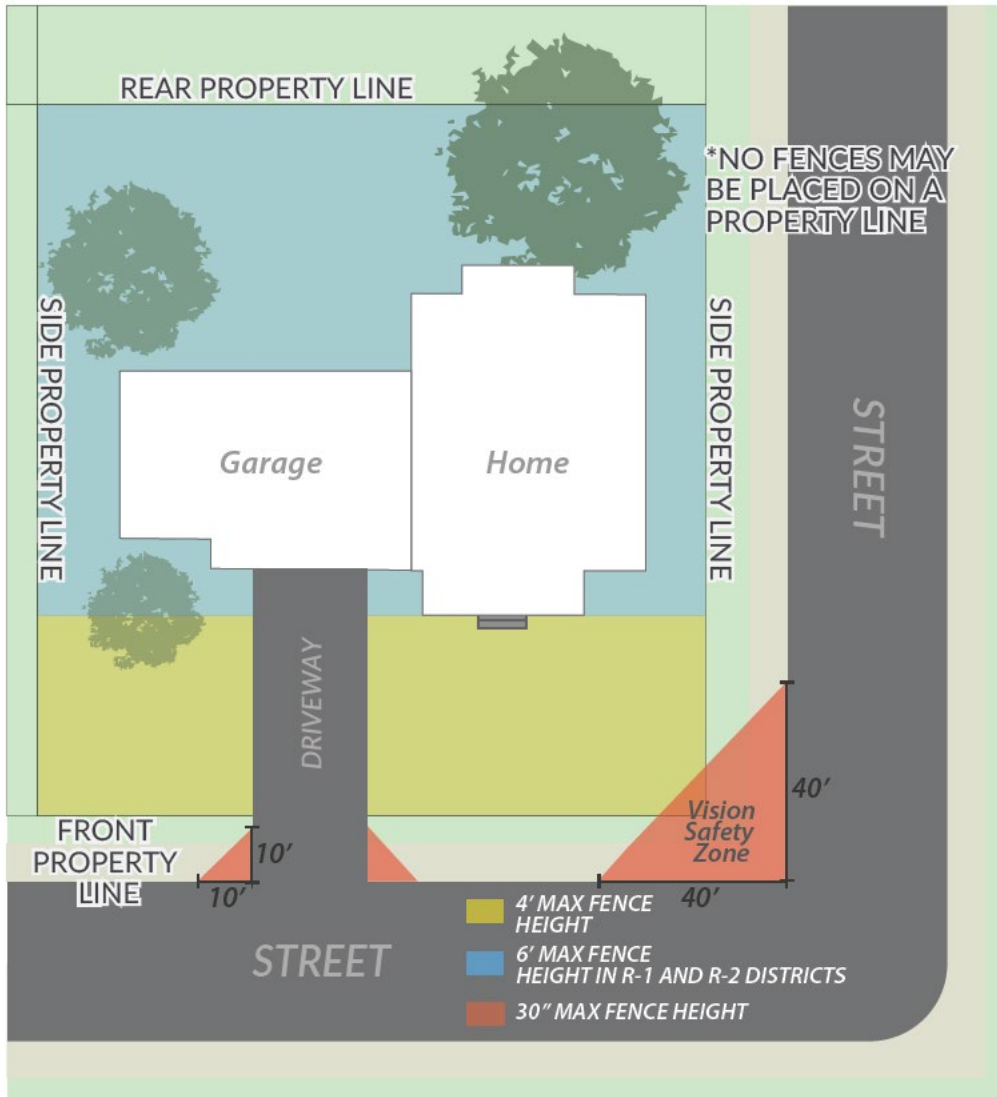
634.03 FENCE HEIGHT

- 1. Except where otherwise required by this code or required by a condition of approval for a land use application, the following limitations apply to fence height:

Type of Yard	Maximum Fence Height	
	R-1 and R-2 Districts	Multi-Unit Dwellings (3+ units) and Nonresidential Uses
Front Yard	4 ft.	4 ft.
Side or Rear Yard	6 ft.	8 ft.

- 2. No fence may exceed a height of 30 inches within 10 feet of a driveway for a distance of 10 feet in each direction from the intersection of the property line, as illustrated in Figure X.

Figure X



3. Building permits are required for fences over seven feet in height.
4. Exceptions and interpretation. The following exceptions and guidance on interpretation apply to fence height limitations:
 - (a) A residential fence abutting a nonresidential use may rise to the height of eight feet.
 - (b) For the purposes of determining fence height, the Community Development Director shall determine the front yard.

634.04 SPECIAL FENCE PROVISIONS

1. Security Fencing
 - (a) Security and electrical fencing are permitted only in industrial zoning districts that:
 - (1) Abut a railroad;

- (2) Have approved outdoor storage uses;
 - (3) Contain public utility or defense contractor facilities.
- (b) Additional height is allowed for an electric security fence or a barbed wire security fence if:
- (1) The fence is located in the side or rear yard of an industrial property that has been approved for outdoor storage use; and
 - (2) In any yard of a public utility or defense contractor facility, the following conditions are met:
 - ((a)) Barbed wire security fence. In addition to an eight-foot fence, up to three strands of barbed wire, not to exceed 18 inches total in height, may be affixed to the top of the eight-foot fence and mounted on standard barbed wire arms designed specifically for that purpose.
 - ((b)) Electric security fence.
 - ((1)) In addition to an eight-foot-tall fence, commercially-available electric security fencing which meets the standards established in American Society for Testing and Materials (ASTM) "Standard Practice for Commercial Application of Electric Security Fences" and is installed and maintained to manufacturer specifications may extend up to 24 inches above the eight-foot-high fence.
 - ((2)) Electric security fencing must be placed inside a solid surface or otherwise impenetrable, eight-foot tall, non-electric fence capable of preventing ground-level persons, animals or objects from contacting it from outside the fence.
 - ((3)) The electric security fence must at all times be marked with clearly legible electric fence warning signage. Signage must be placed at least every 30 linear feet and on every gate.
 - ((4)) The area three feet from the electric security fence in any direction must be kept free of vegetation which may contact the electric security fence.
- (c) With City approval, during times of national emergency, properties may be authorized for additional usage of barbed wire or electric security fencing including temporary barriers made of barbed wire and barbed wire used on top of temporary security fences.

634.05 PROHIBITED FENCES

1. The following fences are prohibited within the City:
 - (a) Any fence charged with or connected to an electrical current, able to be transmitted to persons, animals or objects which might come in contact with it, unless otherwise authorized by this Chapter.

- (b) Any fence constructed within or upon any public right-of-way or pedestrian or vehicle access.
- (c) Any fence constructed within, upon or through any stormwater drainage areas, ponds or wetlands.
- (d) Any fence that encloses, hinders or restricts access to above ground utility boxes, fire hydrants or other above ground utility structures or components.
- (e) Any fence over 30 inches tall located within a Vision Safety Zone as described in [Section 610.03 \(6\)](#).

Title 6 Zoning and Subdivision

Chapter 635 Screening

635.01 PURPOSE

1. The City recognizes the health, safety, aesthetic, ecological and economic value of screening. The provisions of this section are intended to:
 - (a) Soften dominant building mass;
 - (b) Improve the visual quality and continuity between developments;
 - (c) Provide screening and mitigation of potential conflicts between activity areas and more passive areas;
 - (d) Protect and improve property values; and
 - (e) Improve air quality and provide a buffer from air and noise pollution.

635.02 GENERAL SCREENING PROVISIONS

1. Applicability
 - (a) Lot screening. Where the side or rear yard of an industrial use abuts a residentially zoned or guided property, the industrial use shall provide a 15-foot-wide planting area to create a visual and physical separation between the properties.
 - (b) Site element screening. For all multi-unit residential and non-residential uses, screening shall be required for the following, with landscaping or materials compatible with the design, materials, and colors used elsewhere on the site:
 - (1) Off-street parking areas with four or more spaces shall be screened along the side and rear yards but may be open to the front yard;
 - (2) Accessory structures, driveways and loading areas, including loading docks, in a yard adjacent to or abutting residential districts or the public-right-of way;
 - (3) Motor vehicles necessary to the operation of the principal use may be stored without screening in the rear yard or in the side yard behind the front building line if they are not readily visible from a public right-of-way or a public park;
 - (4) All mechanical equipment and utility functions, except approved alternate energy devices and rooftop mechanical equipment, must be screened unless the equipment is designed as an integral part of the building and is compatible with the building.
 - (5) Refuse and recycling containers shall be screened as specified in Chapter 319 Solid Waste Management.
 - ((a)) Within the M-O Heavy Industrial, Onaway Addition District, any bulk or box type container used for storage of mixed municipal solid waste, recyclables or compostables located within an alleyway, must be located within five feet from the principal structure and does not require screening from any public right-of-way.

- (6) Outdoor storage areas, as described in [Section 621.10](#). The following related outdoor storage activities are exempt from screening requirements:
- ((a)) Merchandise being displayed for sale; and
 - ((b)) Materials and equipment currently being used for construction on the premises.

2. General screening standards

- (a) All required screening or buffering shall be located entirely on the private property occupied by the use, building, facility or structures to be screened. No screening or buffering shall be located on any public right of way or within any easement.
- (b) No screening shall impede pedestrian or vehicular traffic.
- (c) Screening shall not be placed so as to obstruct Vision Safety Zones at street corners, alleys and driveways as illustrated in [Figure X](#).

[Figure X](#)



- (d) Unless part of another approval (e.g., CUP), screening type, size and location must be approved by the City through a zoning permit in accordance with [Section X](#).
- (e) Landscape screening shall be maintained in a neat and healthful condition. Dead, diseased or dying vegetation shall be promptly replaced.

635.03 SCREENING MATERIALS

1. Screening shall consist of the following elements or a combination of these elements, so as to block direct visual access to a structure or use, at a minimum height of three feet:
 - (a) A continuous planting screen:

- (1) The planting screen shall consist of healthy, hardy plant materials such as a closely grown hedge with year-round foliage, rows of deciduous trees, coniferous trees, shrubs or other vegetation approved by the City.
 - (2) The planting screen shall be designed to provide a year-round minimum opaqueness of 80 percent at three or more feet in height to achieve the required screening at the time of maturity.
- (b) A solid screening fence or wall:
- (1) The fence or wall shall comply with the fence height standards in [Section 634.03](#) and shall not be located within 15 feet of any public right of way.
 - (2) The fence or wall shall be constructed of attractive, permanent finished materials, compatible with the principal structure or surrounding buildings such as masonry, brick, wood or steel. When used for screening purposes, chain link fences shall have slats.
 - (3) Chain link fences may not be used to screen industrial property from abutting residential uses.
 - (4) Additional plantings may also be required in addition to a fence or wall.
- (c) Landscaped earth berm with year-round foliage. In no situation shall berms be used as the sole means of screening.
- (1) Earth berms screening parking lots and other open areas shall not have slopes exceeding 3:1.
- (d) If the topography, natural growth of vegetation, permanent buildings or other methods meet the standards for screening as approved by the Community Development Director or their designee, they may be substituted for all or part of the screening fence or planting screen.

Title 6 Zoning and Subdivision

Chapter 636 Lighting

636.01 PURPOSE

1. The City of Fridley recognizes the health, safety, welfare and aesthetic value of providing lighting standards in the community. These lighting provisions are intended to:
 - (a) Establish efficient and cost-effective lighting requirements adequate for safety and security;
 - (b) Reduce light pollution, light trespass, glare and offensive light sources;
 - (c) Provide an environmentally sensitive nighttime environment;
 - (d) Discourage inappropriate, poorly designed or installed outdoor lighting by requiring quality lighting design, light fixture shielding and maximum uniformity ratios; and
 - (e) Protect motor vehicle operators, pedestrians and adjacent land uses from glare.

636.02 GENERAL REQUIREMENTS

1. Lighting shall not negatively impact adjacent properties nor create a hazard for vehicular or pedestrian traffic. Unless exempted by this section, exterior lighting shall be directed downward and away from adjoining property with luminaries shielded.
2. Lighting shall be designed to provide adequate lighting throughout a site.
3. Site plans submitted with a building permit application, except for single-unit or two-unit dwellings, shall contain lighting and landscape plans, in accordance with [Ch 650 Procedures](#). Plans must be signed by a registered Electrician, Electrical Engineer or a Lighting Certified (LC) professional certified by the National Council on Qualifications for the Lighting Professions.
4. Lights for illuminating parking and loading areas or yards for safety and security purposes may be provided where necessary. No light or combination of lights which cast light upon a public street shall exceed one foot candle meter reading as measured from the centerline of the street nor shall any light or combination of lights cast light upon residentially zoned property exceeding 0.3 foot candle meter reading as measured at the receiving residential lot line.
5. The maximum height above the ground grade permitted for poles, fixtures and light sources mounted on a pole is 25 feet.
6. Any lighting used to illuminate an off-street parking area shall be shielded or diffused to reflect the light away from adjoining property and traffic.
7. Outdoor lighting reduction in non-residential areas and common areas of multi-unit residential properties shall be no later than 11:00 p.m. For those businesses which are open later than 11:00 p.m., outdoor lighting reduction shall occur one hour after the close of business. After such time, total outdoor brightness (foot candles) must be reduced by at least 50 percent or turned off.

8. Motion sensing light fixtures shall be adjusted according to the manufacturer's instructions to dim or turn off no more than 10 minutes after detected motion ceases.
9. The Community Development Director may approve a lighting plan that has different standards for time of lighting reduction and motion lights if applicable based on traffic, safety or other unique site conditions.
10. Expansions, additions or replacements to exterior lighting installations shall be designed to avoid harsh contrasts in color or lighting levels.

636.03 EXCEPTIONS

1. The lighting below shall be exempt from the provisions of this Chapter:
 - (a) Publicly controlled or maintained street lighting and warning, emergency or traffic signals;
 - (b) Lighting required by federal, state, county or city ordinances and regulations;
 - (c) Lighting for public monuments, statues, flagpoles or other similar elements, provided that:
 - (1) Any spotlight used for this purpose is shielded from adjacent properties
 - (2) A flagpole shall not have more than three upward aimed, fully shielded spotlight fixtures per flag.
 - (d) Lighting specified or identified in a land use approval;
 - (e) Temporary outdoor lighting used for civic events, performance areas, outdoor events and construction sites;
 - (f) Lighting for public outdoor recreation uses;
 - (g) Neon signs, theater marquee lights or decorative lighting that meets all of the requirements of this Chapter and the Sign Ordinance;
 - (h) Athletic fields and outdoor recreation facilities serving or operated by an institutional or public use that otherwise meet all of the requirements of this Chapter shall be exempt between the hours of 7:00 a.m. and 10:00 p.m.;
 - (i) Ornamental lighting, such as low voltage light fixtures (12 volts or less), low wattage ornamental landscape lighting fixtures, and solar operated light fixtures having self-contained rechargeable batteries;
 - (j) Underwater lighting in swimming pools, fountains and other water features; and

Title 6 Zoning and Subdivision

Chapter 640 Subdivision Design Standards

640.01 PURPOSE

1. Subdivision design standards are established to guide a coordinated, adjusted and harmonious development of the City.
2. Subdivision design standards are established to ensure that subdivisions are designed to accommodate existing and future growth and address community needs.
3. Subdivision design standards are established to promote the public, health, safety, order, convenience, and the general welfare with efficiency and economic consideration in the process of subdivision development.

640.02 GENERAL DESIGN STANDARDS

1. The following design standards are hereby established for land subdivisions:
 - (a) The proposed subdivision, including the general layout, street pattern, street widths, proposed private and public areas, facilities and uses, shall conform to these regulations and other applicable laws, and to the City's Comprehensive Plan.
 - (b) The design features set forth in this Chapter are minimum requirements. The City may impose additional or more stringent requirements concerning lot size, streets, and overall design as deemed appropriate considering the property being subdivided.
 - (c) Land Suitability
 - (1) Land shall be suited to the purpose for which it is to be subdivided. No subdivision shall be approved if the site is not suitable for the purposes proposed by reason of potential flooding, topography, or adverse soil, rock formation or wetlands.
 - (2) Land subject to hazards to life, health, or property shall not be subdivided until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the subdivision plans.
2. Exceptions to Design Standards
 - (a) The City Council may authorize a modification or exception to the design standards listed in this Chapter in order to permit reasonable subdivision of property as recommended by City staff based on characteristics unique to the property. These conditions may include, but are not limited to, natural features (topography, wetlands floodplain, etc.), presence of major utilities (i.e., high pressure gas main), and the overall size of the subdivision.

640.03 BLOCKS AND LOTS

1. Blocks

(a) Block Length

- (1) Block lengths shall be determined by circulation and other needs, with lengths of up to 1,500 feet permissible when approved by the City Council.
- (2) On blocks 700 feet or more in length, the City Council may require walkways not less than 10 feet wide for a pedestrian way or crosswalk near the center of the block, or to provide access to schools, playgrounds, shopping centers, and other areas and facilities (see Figure X).

Figure X



(b) Block Width

- (1) Residential blocks shall be of sufficient width for two tiers of lots except when adjoining a lake, stream, railroad or arterial street, or where one tier of lots is necessary because of topographic conditions.
- (2) Where residential blocks with lots deeper than 260 feet are proposed, the City Council may require the dedication of future right-of-way through the middle of the block longitudinally.
- (3) Blocks for commercial and industrial areas shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

2. Lots

- (a) Lots shall conform to the requirements and dimensional standards of the Zoning Code.
- 3. Each lot shall be adequate to provide space for the principal structure and all necessary accessory structures. A corner lot shall be at least an additional five feet in width to ensure compliance with building setbacks from both streets.
 - (a) Side lot lines shall be at right angles or radial to street lines. Slight variations under difficult conditions shall be permissible with City Council approval.
 - (b) Irregularly shaped lots are discouraged. Where such lots are proposed, the applicant shall demonstrate to the City an ability to properly place principal buildings and accessory structures on the lot in a manner which is compatible in size and character to the surrounding area.
 - (c) All remnants of lots below minimum size left over after subdividing a larger tract must be:
 - (1) Added to adjacent lots;
 - (2) Dedicated to the public;
 - (3) Owned with by a homeowner association or comparable association with specified restrictions; or
 - (4) Platted as an outlot with specific restrictions.
 - (d) Accessibility. Each lot in a subdivision shall be satisfactorily served from a public street to allow for general accessibility for firefighting, refuse collection and delivery purposes unless a particular lot in the subdivision has received approval from City Council that will allow access to the lot via an access easement.

640.04 STREET DESIGN

- 1. All streets shall be designed to comply with the standards set by the City's **Engineering Specifications**.
- 2. Proposed streets shall conform to the state, county, and city plans as have been prepared, adopted, and filed as prescribed by law.
- 3. Street Patterns. Street patterns must substantially follow the patterns shown on the land use plan or be at least the equal of the planned patterns in these respects:
 - (a) They shall adequately serve platted lots when developed;
 - (b) They shall intersect existing or planned trunk highways and major thoroughfares at infrequent intervals only;
 - (c) They shall not obstruct the reasonable and desirable development of adjoining, unsubdivided lands in conformity with any applicable plans or with these design standards;
 - (d) They shall be designed to discourage through traffic from using local streets in the subdivision;

- (e) They shall be suited to the topography of the land, but with their orientation influenced by walking direction and distance to and from existing and planned parks, playgrounds and schools;
 - (f) No more than four corners are allowed for an intersection; and
 - (g) New streets must extend to the boundary line of any new subdivision.
4. Temporary Dead-End Streets
- (a) Where a future street is proposed in connection to the proposed subdivision development, a temporary turn-around by fire code standards shall be constructed of temporary concrete or alternative approved by the City Engineer.
 - (b) The proposed subdivision may result in only one means of ingress/egress for a period of time until a later phase of development occurs or until an abutting property extends the roadway. Temporary dead-end streets that serve land uses that generate more than 500 average daily traffic (ADT) shall provide an alternative access or make other necessary accommodations for safe ingress and egress to the satisfaction of the City Council.
5. Access. The street pattern shall be designed to minimize access points and crossings along all railroad and arterial thoroughfares.
6. Public Streets. All proposed streets shall be offered for dedication as public streets, with no private streets shown.
7. Right Angle Intersection. Streets shall intersect or intercept each other at right angles. Intersections may be permitted to vary, at most 20 degrees when considered necessary.
8. Jogs. Jogs in streets shall have center line offsets of 125 feet or more.
9. Corners. Property lines at residential street corners shall be rounded on a radius of at least 10 feet and curb lines on a radius of at least 20 feet, provided that greater radii may be required by the City Council when deemed necessary.
10. The location, width and alignment of streets shall conform, to the City General Specifications and Standard Details, major street plan, or any other applicable plans, as specified by the City Engineer including state and county highway plans.
11. Half-width Streets. Half-width streets are not acceptable except as found practically necessary by the City Council and only with the assurance of dedication of the other half of the street when adjoining property will be subdivided.
12. Corporate Boundary Streets. For protecting the City in developing and maintaining streets bordering the corporate limits, where a half-width street dedication is proposed, the applicant shall furnish one of the following with the preliminary plat:
- (a) Assurance that the remaining half of the street that is outside the corporate limits has or will be dedicated; or
 - (b) A warranty deed for the remaining half of the street that is outside the corporate limits; or

- (c) An easement for right-of-way purposes for the remaining half of the street, signed by the owners of the property in which the street will be located.
- 13. Grades. Street grades of six percent shall be considered a desirable maximum. This maximum may be exceeded only when required by topography or other controlling physical conditions. Grades of all streets, walks, curbs, and gutters shall be approved by the City.
- 14. Drainage. All interior streets shall have concrete curbs and the road surface constructed according to City standards to handle drainage according to a City approved drainage plan.
- 15. Street Names. Names of streets which are extensions of existing streets shall be the same, provided that these and other street names are subject to City approval.

640.05 NON-MOTORIZED CONNECTIONS

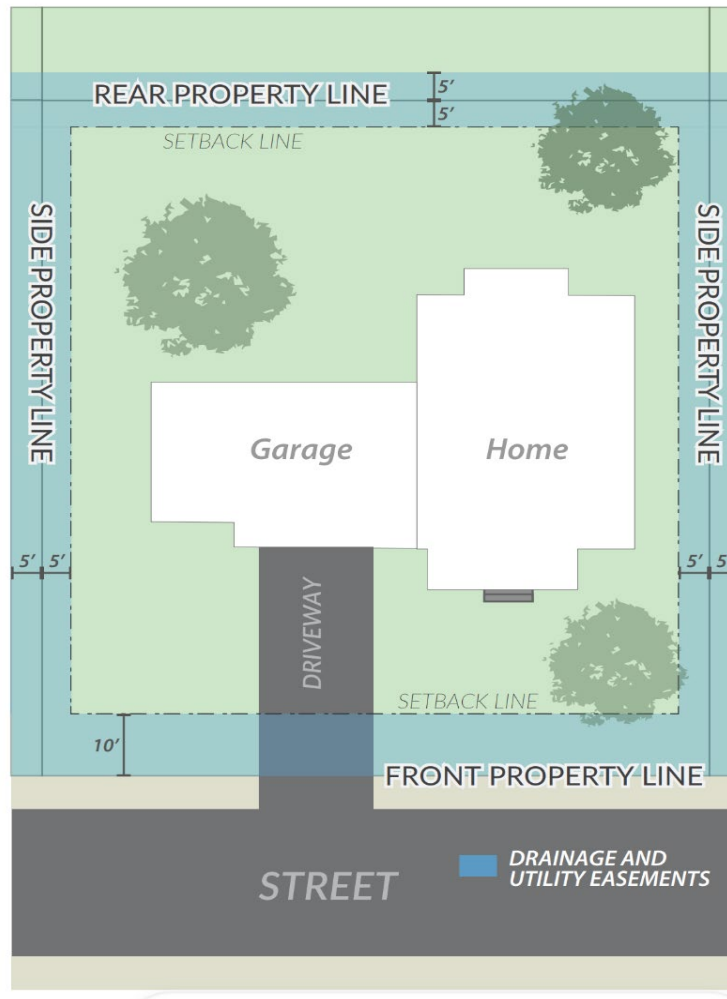
- 1. Sidewalk design
 - (a) Sidewalks are required on at least one side of every local street. Sidewalks are not required along a cul-de-sac but may be required to extend between residential properties at the end to connect to an adjacent neighborhood.
 - (b) Sidewalks must be placed in the public right-of-way or within an easement in favor of the City.
 - (c) Sidewalks shall be at least six feet in width and meet specifications set forth by the City General Specifications and Standard Details approved by the City Engineer, including accessibility requirements.
 - (d) The City Council may allow the applicant to delay the installation of the sidewalk if the applicant signs an agreement that it will be constructed when the City requires the installation. A letter of credit or cash escrow may be required in order to ensure that the sidewalk is installed at a later date.
- 2. Trail Design
 - (a) Multi-use trails shall be required on one side of all collector and arterial roadways. Where a sidewalk already exists on a collector or arterial roadway, the City Council shall determine whether a sidewalk or a trail shall be installed.
 - (b) Trail linkages or easements for trail linkages shall also be established in accordance with the City's Comprehensive Plan and Active Transportation Plan.
 - (1) The City will designate the required width of easements and elevations for grades at the time a building is constructed on the property.
 - (2) Any landscaping or irrigation systems installed within an easement must be removed and replaced at the property owner's expense when the trail or sidewalk is installed in the future.
 - (c) Multi-use trails shall be placed in the public right-of-way or an easement in favor of the City.

- (d) Multi-use trails shall be at least 10 feet in width and meet specifications set forth by the Public Works Design Manual or the City Engineer, including accessibility requirements.

640.06 EASEMENTS

1. Watercourses and stormwater facilities shall be identified and delineated within an easement.
2. Easements offered for dedication should be shown along lot lines where needed for utility, drainage, screen planting, or other purposes.
3. Drainage and utility easements shall be provided along front, rear, and shared side lot lines. Easements shall be 10 feet wide along the front property line and five feet wide along rear and side lot lines. Easements of greater width of area may be required if necessary for the extension of utilities, drainage purposes, or to incorporate wetlands.
4. Drainage and utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the City Council after a public hearing (see Figure X).

(Figure X)



Title 6 Zoning and Subdivision

Chapter 641 Required Subdivision Improvements

641.01 PURPOSE

1. The purpose of requiring subdivision improvements is to ensure that all new developments are safe, functional and aesthetically pleasing.
2. Subdivision improvements shall be designed to the standards within this Chapter to provide essential infrastructure that meet community needs.
3. These requirements aim to promote sufficient access, efficiency and preservation of environmental resources.

641.02 REQUIRED IMPROVEMENTS

1. The City may require the following improvements of any subdivision applicant:
 - (a) Streets, Sidewalks and Trails. The applicant shall grade and improve all streets, sidewalks and trails in accordance with adopted plans and City specifications.
 - (b) Install Underground Utilities. Install water mains, storm and sanitary sewers and additional drainage facilities, where any or all are required. Where water mains, storm and sanitary sewers, and additional drainage facilities are to be installed, any required street improvements may be deferred until after such installation.
 - (c) Off Street Improvements. Erect street name signs, sod boulevard areas, and plant the required number of trees on each lot near the front lot line, or in the boulevard area, whichever is specified by the City. Grades shall be set by the City and improvements shall be in accordance with the standards and specifications established by the City Code and the Council.
 - (d) Monuments. All subdivision boundary corners, block and lot corners, road intersection corners, and points of tangency and curvature shall be marked with survey monuments meeting the minimum requirements of state law and the County surveyor. All federal, state, county and other official bench marks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position unless a relocation is approved by the controlling agency.

641.03 SURETY FOR IMPROVEMENTS

1. As a condition to the approval of a final plat, the applicant shall give satisfactory assurance of the installation of at least the above required improvements at the applicant's own expense, within a period of time specified by the City Council.
 - (a) Cost of improvements. To cover the cost of improvements that may not have been completed at the time of filing the final plat, the applicant shall furnish cash, a certified check, or a letter of credit to the City of Fridley to secure the performance of such installation by the applicant within a period of time as stipulated by the Council or to cover installation by the City.

641.04 REQUIRED AGREEMENTS; PROPER INSTALLATION

1. If the Community Development Director determines that public improvements are required, the applicant shall enter into a development contract with the City, prior to the approval of the final plat. The contract shall require the applicant to furnish and construct the public improvements at their sole cost and in accordance with plans, specifications, and usual contract conditions.
2. The development contract shall include provision for supervision of details of construction by the City Engineer and grant to the City Engineer authority to correlate the work to be done under the development contract by any subcontractors authorized to proceed thereunder and with any other work being done or contracted by the City in the vicinity.
3. The applicant shall provide to the City a written warranty that all required improvements on the site will meet or exceed all City standards and that such improvements have been inspected and tested in regards to the City standards. The applicant is responsible for having all such inspections and testing completed at their expense.
4. The applicant shall be required to maintain all improvements and provide for snow removal and maintenance of streets, if required, until acceptance of said improvements by the City Council in coordination of the development contract.

641.05 INSPECTION

1. All required improvements on the site that are to be installed under the provisions of this Chapter shall be inspected during the course of construction by the City Engineer, Community Development Director or Building Inspector.

Title 6 Zoning and Subdivision

Chapter 642 Park Dedication

642.01 LAND DEDICATION REQUIRED

1. In every subdivision of land, a reasonable portion of such land shall be dedicated to the public or preserved for conservation purposes or for public use as parks, recreational facilities, playgrounds, trails, or public open space.
2. It is hereby found and declared that, pursuant to Minnesota Statutes Section 462.358, subdivision 2b, as a prerequisite to subdivision approval, it is reasonable to require dedication of an amount of land equal in value to that set forth in [Section 642.03 of this section](#) (or require a cash contribution in lieu of such dedication).
3. This dedication shall be in addition to the land dedicated for streets, alleys, storm water ponds and other public purposes.
4. Previously subdivided property from which a park dedication has been received, that is being re-subdivided with the same number of lots, is exempt from park dedication requirements. If, as a result of re-subdividing the property, the number of lots is increased, then the park dedication or per-lot cash fee must apply only to the net increase of lots.

642.02 LAND TO BE DEDICATED

1. Land Suitability
 - (a) Land to be dedicated shall be suitable for its intended public use and shall be at a location convenient to the people to be served. Factors used in evaluating the adequacy of the proposed park and recreation areas shall include size, shape, topography, geology, hydrology, tree cover, access, and location.
 - (b) The City shall not be required to accept land which will not be usable for parks, recreational facilities, playgrounds, trails, or open space or which would require extensive expenditures on the part of the City to make them usable.
 - (c) All land dedicated for parks, recreational facilities, playgrounds, trails or public open space shall be designed to incorporate natural features as much as possible, such as rivers, streams, wetlands, wildlife habitats, woodlands and ponding areas.
2. As part of the subdivision approval, the applicant shall be responsible for making certain improvements to dedicated park land, including, but not limited to, finish grading, ground cover, construction of trails, and clearly identifying park and trail boundaries with City-approved markers.
3. Prior to the dedication of the required property, the developer shall:
 - (a) Provide a survey with topographic data, including contours at vertical intervals of at least two feet, watercourses, wetlands, marshes, rock outcrops, easements, utilities and vegetative data. Portions of any property dedicated to the public for park and recreation purposes to be used for borrow and fill activities elsewhere in the

development shall be clearly identified.

- (b) Provide the City with evidence of title in a form acceptable to the City Attorney and a title insurance policy ensuring the City's interest in the property. In any dedication of required land, the developer must have good and marketable title to the land, free and clear of any mortgages, liens, encumbrances or assessments, except easements or minor imperfections of title acceptable to the City. The developer shall provide the City with a warranty deed for the property. The warranty deed shall be provided at the time of recording of the final plat.
4. If the city accepts park dedication in an amount less than the amount required by **Section 642.03 of this section**, the applicant shall pay cash in lieu to the City; the appraised fair market value of the remaining land required to be dedicated. The appraised value of the remaining land required to be dedicated shall be determined by the method specified in **Section 642.04 of this section**.

642.03 DEDICATION FORMULA

1. The amount of land required for public dedication shall be calculated in the following manner:
- (a) 10 percent of all the gross area of residential zoned property to be subdivided; and
- (b) Three percent of the gross area of commercial or industrial zoned property to be subdivided.

642.04 CASH IN LIEU OF LAND DEDICATION

1. The City may choose to accept an equivalent amount in cash from the applicant for part or all of the portion required to be dedicated to such public uses or purposes based on the average fair market value of the land no later than at the time of final approval.
2. The City may elect to receive a combination of land and cash for park use. The City shall determine the amount of land dedication that it requires, and the cash contribution shall be calculated based on the percentage of unmet land dedication.
3. Any cash payments received shall be placed in a special fund which shall be held and used by the City to acquire land for, or to improve, parks, recreational facilities, playgrounds, trails, or public open space. Cash payments shall not be used by the City for ongoing operation or maintenance of parks, recreational facilities, playgrounds, trails, or public open space.
4. The City shall require a cash payment in lieu of parks, recreational facilities, playgrounds, trails, or public open space dedication whenever:
- (a) The proposed dedication of land for public use is not needed;
- (b) The proposed dedication of land for public use is not suitable for the intended use;
- (c) The proposed dedication of land is too small for practical maintenance; or
- (d) The cash payment would be more beneficial to the development of the overall park system than dedication of the land within the property to be developed.
5. Determination of Cash Payment

- (a) Cash contributions shall be paid according to Chapter 209 Fees of the City Code. Payment of the cash contribution shall be required at the time of recording of the final plat.
- (b) If the applicant disputes the amount of the proposed cash contribution in lieu of land dedication, the park dedication fee shall be determined as follows:
 - (1) The applicant shall obtain an appraisal of the market value of the property at the time of final subdivision approval at their own expense. The appraisal shall be made by approved members of the Member Appraisal Institute (MAI), or equivalent real estate societies.
 - (2) A percentage equal to the percentage of land to be dedicated as contained in **Item C, above**, shall be applied to the market value and shall be the park dedication fee.
 - (3) If the City disputes such appraisal, the City may, at the applicant's expense, obtain an appraisal of the property by a qualified real estate appraiser.

642.05 TIMING

- 1. The requirements of this section for dedication of land or for contribution of cash in lieu of land shall apply at the time of final subdivision approval, and shall apply to any subdivision which receives final approval.

642.06 MODIFICATION OF REQUIREMENTS

- 1. The dedication requirements based on the development's proportional share of the City park system are presumptively appropriate.
- 2. A developer may request a deviation from the presumptive requirements as part of an application for final plat approval based upon:
 - (a) The anticipated impact of that particular subdivision;
 - (b) Existing park and recreational facilities; or
 - (c) Proposed parks, open space, recreational, or common areas and facilities open to the public as designated on development plans.
- 3. The City Council, after consideration of the request, may modify or reduce the requirements of this **section**.

642.07 CREDIT FOR PRIVATE PARK AND OPEN SPACE

- 1. No credit to the requirements of **subsection (C) of this section** will be given for private park, recreational facilities, or trails.

Title 6 Zoning and Subdivision

Chapter 650 Procedures

650.01 COMMON PROCEDURES AND REQUIREMENTS

1. Applicability
 - (a) Hereafter all development applications, permits and subdivisions of land as defined herein, made within the City of Fridley, shall be subject to and shall conform to the regulations in this Title and other applicable laws unless otherwise stated. All developments shall conform to the official Zoning Map and other City plans, ordinances, chapters and regulations.
 - (b) No conveyance of any lot or parcel of land in a subdivision shall be lawful until final approval by the City Council and recording of the plat have occurred.
 - (c) No permit to erect, alter or repair any building shall be issued until any required approvals are granted by the City. (Ref. 75).
2. Authority to File Applications
 - (a) Development review applications for an individual property may be initiated by:
 - (1) The owner of the property that is the subject of the application; or
 - (2) An agent authorized by the owner of the property that is the subject of the application, which may include a lessee of the property. The property owner must sign the application in order to show authorization.
 - (b) If the property subject to an application has more than one owner, all owners or their authorized agents must sign the application.
 - (c) The City may initiate zoning text and map amendments to this chapter. If the subject of the amendment is a specific site or project, the City may initiate amendments with or without application from the owner.
3. Application Submittal
 - (a) A complete application shall be made in writing, submitted in a format prescribed by the City, together with a non-refundable application fee as established by the Fees chapter.
 - (b) Accompanying materials, such as a site plan or other documentation as required by the City, shall be supplied with the application.
 - (c) Application fees are not refundable, except where the Community Development Director has determined that an application was accepted in error or when the fee paid exceeded the amount due, in which case an appropriate refund shall be made to the applicant.
 - (d) An application will not be accepted until all required materials have been submitted. Any application not submitted in the manner prescribed under this Chapter shall be deemed "incomplete."

- (e) When a written request or submitted application is received by the City, the City shall, within 15 business days of its receipt, notify the person making the written request or submission if it is not complete. Notification shall be done in writing. If such notification is sent, it shall contain a list of those items necessary to complete the application. No period for agency action specified in [Minnesota Statutes Section 15.99](#) shall commence until a complete application is submitted to the City, including any items specified in the notice from the City as the basis for a determination of incompleteness.

4. Application Review

- (a) Upon receipt of a complete application, the Community Development Director shall:
 - (1) Review the request.
 - (2) Refer the request to the appropriate staff as needed.
 - (3) Refer the application to the appropriate body(/ies) for review.
 - (4) Instruct the appropriate staff persons to prepare technical reports and/or provide general assistance in preparing a recommendation on the request to the appropriate decision-making body.
- (b) Any and all expenses incurred by the City for engineering, planning, legal or other services related to the review and processing of the land use or subdivision application that exceeds the established application fee shall be collected from the applicant.
- (c) Timelines for Review
 - (1) The City expressly reserves the right to extend, with written notice, the period for action [under Minnesota Statutes Section 15.99](#) for a land use application for a period of up to 60 days beyond the deadline specified therein if the Community Development Director finds that additional time is reasonably necessary to process and review the submission. The applicant may provide a written extension of the review deadline beyond 60 days.
 - (2) [Under Minnesota Statutes Section 462.358](#), subdivision applications for preliminary plats shall be preliminarily approved or disapproved within 120 days following delivery of a complete application, unless an extension of the review period has been agreed to by the applicant.
 - (3) [Under Minnesota Statutes Section 462.358](#), an application for a final plat shall be approved or disapproved within 60 days following delivery of a complete application, unless an extension of the review period has been agreed to by the applicant.

5. Decision-Making Bodies and Officials.

- (a) The following decision-making bodies shall have the primary responsibility of review and decision-making authority on development applications submitted to the City. Any determination made by the City Council or Board of Appeals is final, unless otherwise stated.

- (1) Community Development Director. The Community Development Director has the primary responsibility for the enforcement of **this Title**. No structure shall be built, moved or altered and the use of land substantially changed except after having an approved development application and obtained a permit from the City. Additional powers and duties to enforce the provisions of **this Title** include:
- ((a)) Examining and filing any application pertaining to the use of land, buildings or structures to determine if the application conforms with the provisions of this title;
 - ((b)) Receive, file and forward for action all applications for appeals, variances, conditional uses, interim uses and amendments to **this Title** which are filed in the Community Development Department;
 - ((c)) Conduct inspections of buildings, structures and uses of land to determine their compliance with **this Title**;
 - ((d)) Revoke certificates of zoning compliance where provisions of **this Title** are being violated;
 - ((e)) Maintain permanent and current records of zoning code, including all maps, amendments, conditional uses, interim uses and variations;
 - ((f)) Provide and maintain public information relative to all matters arising out of this title.
- (2) Development Review Committee. The Development Review Committee consists of city staff members appointed by the City Manager. The committee is established to provide feedback and review of plans for conformance with the technical requirements of **this Title**. The Development Review Committee can make recommendations to the Planning Commission and City Council regarding applications for land use approval. Discussions or recommendations that occur from the Development Review Committee are not binding on the City and do not constitute official assurances of the City.
- (3) Planning Commission. As established and organized under **Section X** of the Fridley City Code, the Planning Commission shall serve as an advisory body to the City Council on all matters related to land use, zoning and community development, except that the Planning Commission may unanimously approve requests for variances for single family uses in the R-1 and R-H districts if the staff recommendation and public hearing comments also support approval. As directed by this Title, the Planning Commission shall hold public hearings. Review of all applications are determined on the relationship to the Comprehensive Plan, other approved City plans, and the ordinances amending **this Title**.
- (4) City Council. The Council has the authority to adopt, amend, and repeal zoning ordinances and conduct public hearings. They review and decide on development and land use applications, oversee zoning compliance and enforce penalties for violations.

6. Public Hearings

- (a) Public hearings required by this Chapter shall be conducted pursuant to the rules established for each of the bodies, the City Code, and in compliance with state law.
- (b) Upon official submission of a complete application requiring a public hearing, the Community Development Director shall set a public hearing for the next available regular meeting.
- (c) Notice of the public hearing with the location of the meeting and a description of the property and the application shall be published in the official newspaper of the City no more than 30 days and no less than 10 days prior to the date of the hearing.
- (d) Written notification of the public hearing shall also be mailed at least 10 business days prior to the date of the hearing to the following recipients regarding the property in question:
 - (1) All property owners of record according to the county assessment records within 350 feet of the boundary of the subject property.
 - (2) If the proposed project abuts or includes a state trunk highway, a county state aid road or a shoreland area, a copy of the application and notice of hearing shall be provided to the Minnesota Department of Transportation (MNDOT), the Anoka County Engineer or the Minnesota Department of Natural Resources, respectively.
 - (3) A copy of the notice and list of the individuals and/or property owners and addresses to which the notices were sent shall be attested to by the Community Development Director, and made part of the official record. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply with this division has been made.
- (e) Written notification of the hearing may also be posted on the subject property in a format that will be legible to those in the vicinity.

7. Planning Commission Action

- (a) The Planning Commission shall hold the public hearing when required, or except as otherwise provided herein. The applicant is encouraged to attend the public hearing.
- (b) The Planning Commission shall have the authority to request additional information from the applicant concerning operational factors, or to retain expert testimony with the consent, and at the expense, of the applicant concerning operational factors. Said information may include operational factors necessary to establish performance conditions in relation to all pertinent sections of this chapter.
- (c) Unless otherwise provided for by this Title, the Planning Commission shall make findings of fact and recommend such actions or conditions relating to the request as it deems necessary to carry out the intent and purpose of the chapter. Such recommendation shall be in writing and accompanied by any report and recommendation of the City staff.
- (d) Where required by this Title, the Planning Commission shall review and recommend approval, recommend approval with conditions, or recommend denial of the application. Findings for the recommendation shall be stated and provided in writing.

8. City Council Action

- (a) The City Council shall have the option to set and hold a public hearing if deemed necessary.
- (b) Unless exempted by this Title, the City Council shall review and approve, approve conditionally or deny the application. Findings for the decision shall be stated and provided to the applicant in writing.

9. Actions after Approval

- (a) Following the decision, the Community Development Director shall notify the applicant of the decision and reasons thereof.
- (b) The granting of a specific application by the City does not constitute, imply or guarantee the granting of any other required approvals (e.g., a building permit).
- (c) Recording. The City shall file all required documents, such as ordinances, resolutions and agreements with County Recorder or Registrar of Title's office within 90 days of approval. Proof of recording shall be submitted to the applicant.
- (d) If conditions of approval have been provided, they shall be satisfied by the applicant within one year of the approval or as specified in the approval. If the applicant fails to satisfy any of the conditions within the relevant timeframe, the approval shall be deemed revoked or void applicable to the procedures in [Section 650.05](#).
- (e) Lapse of Approval by Non-Use
 - (1) If work as permitted by a land use or subdivision approval is not commenced within one year after the approval was granted, then the approval shall become null and void unless a written request for extension of time in which to complete the work has been granted by the City Council. The request for an extension must be approved prior to the original approval's expiration.
 - (2) Such extension shall be requested in writing and filed with the City at least 20 days before the expiration of the original approval. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the original approval and the reasons for requesting the extension.
 - (3) Such request shall be presented to the City Council for review and decision.

10. Withdrawal of Applications

- (a) Any request for withdrawal of an application shall be submitted in writing by the applicant to the Community Development Director.
- (b) In all cases where the applicant has requested withdrawal of an application, the associated fee paid and any costs incurred by the City in the processing of an application shall not be refunded.

11. Successive Applications

- (a) Whenever an application has been considered and denied by the City Council, a similar application affecting substantially the same property will not be accepted by the City for at least six months from the date of its denial; and a subsequent

application affecting substantially the same property shall likewise not be accepted by the City for an additional six months from the date of the second denial unless a decision to reconsider such matter is made by not less than four-fifths vote of the full City Council.

12. Permits Required

- (a) No construction shall commence until the property owner(s) or their agent(s) obtain and are issued all required permits from the City indicating that the existing or proposed structure and the use of the land comply with this Title and all building codes.

13. Certificate of Occupancy

- (a) A certificate of occupancy shall be obtained for all new construction stating that all provisions of this Chapter and the Chapter of the Fridley City Code entitled "Building and Related Permit Fees" are in compliance.
- (b) No permit or license required by the City of Fridley or other governmental agency shall be issued by any department official or employee of the City of such governmental agency, unless the application for such permit or license is accompanied by proof of the issuance of a certificate of occupancy or certificate of compliance.

14. Annexation

- (a) Areas hereinafter annexed to the City of Fridley shall be considered to be in the R-1 District, and may be changed wholly or partly to any other District(s) only by an amendment as provided for herein in Section 650.05, except where a different zoning classification is established by and under any ordinance for the annexation of the affected lands.

15. Common interest community (CIC) plats.

- (a) All CIC plats prepared pursuant Minnesota Statutes, Chapters 505, 508, or 508A must be reviewed and approved by the City Council after undergoing the preliminary plat and final plat process identified in this article, except that the CIC plat does not have to be signed by the City. If the Planning Commission recommends approval of the preliminary CIC plat, the final CIC plat does not need to be reviewed by the Planning Commission before City Council consideration.
- (b) Developments using plats for common interest communities prepared pursuant to Minnesota Statutes, Section 515B.2-1101(c) shall be subject to park dedication requirements and other similar development fees applicable to subdivisions platted under Minnesota Statutes, Chapter 505 and a copy of such plat shall be delivered to the City no later than the date such plat is recorded.

650.02 CONCEPT PLANS

1. The Community Development Director may require or recommend a concept plan in order to ensure that an applicant is informed of the procedural requirements, the minimum standards of this chapter and the requirements or limitations imposed by

other City ordinances, code provisions or plans prior to the development of a site or preliminary plat.

2. If a concept plan is required by the City, the applicant shall submit a concept plan to the Community Development Director prior to the filing of a land use application or a preliminary plat.
3. Concept plans may also be submitted voluntarily by an applicant prior to a formal application. At the time of submittal, the applicant may request a pre-application meeting.
4. If a pre-application meeting is requested by the applicant or recommended by the City, it is considered an informal discussion regarding the possible project subject to this Title. The Community Development Director shall discuss the possible project with the Development Review Committee.
5. The Community Development Director shall have the authority to refer the concept plan to the Planning Commission and/or City Council for review and comment.
6. Comments or discussions on the concept plan shall not be considered binding on the City in regard to subsequent development or plat review and do not constitute official assurances or representations of the City, including any comments or discussions by the City Council.

650.03 SITE RELATED PROCEDURES

1. Zoning Permit
 - (a) The purpose of a zoning permit is to ensure that exterior property improvements meet code requirements prior to the installation of said improvements. This process protects property owners from unnecessary costs of addressing noncompliant improvements and protects adjacent properties that may be adversely affected by noncompliant improvements.
 - (b) A zoning permit shall be required for any structure or site improvement exempt from the State Building Code but regulated within this chapter, including, but not limited to, decks and platforms less than 30 inches above adjacent grade and not attached to a structure with frost footings; driveways; fences; patios; sheds less than 200 square feet in size; sidewalks and swimming pools (without footings).
 - (c) Zoning Permits are not required for those items otherwise permitted by the City (e.g., under a Critical Area Permit or Engineering Permit,), or those items that can be reasonably relocated by the property owner without:
 - (1) use of heavy equipment;
 - (2) damage to the structure or site improvement, including its exterior surface;
 - (3) damage to the site where the structure or site improvement is located, including the groundcover beneath the structure.

- (d) A zoning permit application shall be submitted in the format required by the City. The application shall include a site plan depicting the requirements in [Section 650.02 \(2\) \(X\)](#).
- (e) Zoning permits for temporary uses.
 - (1) are valid for the time period stated on the approved permit (typically 14 days).
 - (2) A temporary zoning permit may not exceed 30 days. There must be 30 days between repeated temporary zoning permits for the same location.
 - (3) A refundable deposit may be required with a zoning permit for a temporary use.
- (f) No additional fee is required for a zoning permit unless the zoning permit application requires an investigation or inspection by City Staff to ensure compliance with this Title or other applicable sections of the City Code or document recording. The applicant shall pay the established inspection/investigation and recording fees prior to the City granting the zoning permit in accordance with [Section XXX](#).
- (g) The Community Development Director shall approve or deny the zoning permit application. A zoning permit application will be denied if the proposed building, structure or other improvement fails to meet all requirements of [this Chapter](#) or other applicable provisions of [this Title](#).

2. Site Plan Review

- (a) A site plan shall be required for the following:
 - (1) Any residential building addition;
 - (2) All new residential developments with three or more units;
 - (3) New manufactured homes;
 - (4) Any nonresidential developments or projects, including but not limited to exterior building improvements, additions and parking lots affecting four or more stalls; and
 - (5) Demolitions.
- (b) Site plan review may be part of a building permit approval process, or may be included as part of the review process for other requests, such as conditional use permits or variances.
- (c) The Community Development Director shall approve or deny the site plan application.
- (d) All site improvements are to be secured at the rate of three percent of the total project cost up to a maximum amount of \$60,000, guaranteed by letter of credit in favor of the City.
- (e) The Council may waive the financial security requirement, but a performance agreement would then be required from the land owner, requiring the work to be done within a reasonable time to be fixed in the agreement, and if such improvements are not completed within the time specified, the City may construct or complete such improvements and assess the cost against the owner.

3. Conditional Use Permit (CUP)

(a) Purpose

- (1) The purpose of **this Section** is to provide the City with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare, public health and safety. In making this determination, the City may consider the nature of the land upon which the use is to be located, the nature of the adjoining land or buildings, the effect upon traffic into and from the premises or on any adjoining roads and all such other factors as the City shall reasonably deem requisite of consideration in determining the effect of such use pursuant to **Minnesota Statutes Section 462.3595, subdivision 1.**

(b) Application Review

- (1) An application shall be made and reviewed following the procedures in **Section 650.01 (3).**
- (2) The City Council may grant such CUP with additional conditions and safeguards therein.
- (3) CUPs may be denied by a resolution of the Council. Such resolution shall identify findings of fact with reasons for the denial.
- (4) The City Council may require a written agreement and the deposit of a certified check or funds, a letter of credit or other assurance of faithful observance of conditions, the violation of which shall invalidate the permit and shall be considered a violation of **this Chapter.**

(c) Findings for Approval. In considering applications for CUPs under **this Title**, the City Council shall consider the advice and recommendations of the Planning Commission and evaluate the following potential findings:

- (1) The potential for the proposed use to be in harmony with the general purpose and intent of the Zoning Code and the Comprehensive Plan;
- (2) The effect of the proposed use upon the health, safety and general welfare of occupants of surrounding lands;
- (3) The existing and anticipated traffic conditions; and
- (4) The effect on values of property in the surroundings.

(d) Revocation of Conditional Use Permit

- (1) Failure to comply with any and all conditions and stipulations issued with a Conditional Use Permit shall result in revocation of the Conditional Use Permit. Revocation shall occur after a public hearing by the City Council and in compliance with **Minnesota Statutes Chapter 462.**

(e) Amendments. All requested amendments to the conditions of an existing CUP shall be processed in the same manner as a new application.

4. Interim Use Permit (IUP)

- (a) The purposes for allowing interim uses are:

- (1) To allow a use for a temporary period of time until a permanent location is obtained or while the permanent location is under construction;
 - (2) To allow a use that is presently judged acceptable by the City Council, but that with anticipated development or redevelopment will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the respective district;
 - (3) To allow a use that is seasonal in nature; or
 - (4) To allow a use for a limited period of time that reasonably uses the property where it is not reasonable to use it in the manner otherwise provided in the zoning ordinance or comprehensive plan.
- (b) Application Review
- (1) An IUP application shall be made and reviewed following the procedures in [Section XX](#).
 - (2) If an interim use is not already identified as a principal or accessory use in [Tables X and X](#), then the City Council may determine the use to be an interim use.
- (c) Findings for Approval. No IUP may be granted unless the City Council determines that the use will comply with the following:
- (1) The use will not delay anticipated development or redevelopment of the site;
 - (2) The use will not adversely impact implementation of the Comprehensive Plan;
 - (3) The use will not be in conflict with provisions of the City Code on an ongoing basis;
 - (4) The use will not adversely affect the adjacent property, the surrounding neighborhood, or other uses on the property where the use will be located;
 - (5) The date or event that will terminate the use can be identified with certainty;
 - (6) The use will not impose additional unreasonable costs on the public;
 - (7) The applicant has signed a consent agreement stating that the applicant, owner, operator, tenant and/or user has no entitlement to future re-approval of the interim use permit and that the interim use permit will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future; and
 - (8) The applicant agrees in writing to any conditions that the City Council deems appropriate for the use including the requirement for a financial security to ensure removal of all evidence of the use upon termination.
- (d) Effect of Permit
- (1) An IUP is effective only for the location specified in the permit.
 - (2) An IUP, including any conditions, shall run with the land and shall not be affected by a change in ownership of the property unless it is stated in the interim use permit that a change in ownership of the property will terminate the interim use permit.

- (3) The issuance of an IUP does not confer on the property any vested right.
- (e) Termination
- (1) An IUP expires and the interim use must terminate at the earlier of:
 - ((a)) The expiration date of the IUP;
 - ((b)) The occurrence of any event identified in the IUP for the termination of the use;
 - ((c)) Revocation of the IUP; or
 - ((d)) An amendment to the city code that no longer allows the interim use.
 - (2) An IUP expires if the interim use ceases operation for a continuous period of at least one year.
- (f) IUP Renewal
- (1) The property owner may initiate renewal of an IUP set to expire. Application requirements for renewal of an existing IUP shall be the same as for a new application.
 - (2) Upon receiving a complete application for an IUP renewal, the City shall send notice of the requested renewal to all property owners within 350 feet of the parcel(s) containing the interim use. If any objections are raised within 10 days of the mailed notice, the application shall be processed in the manner of a new application.
 - (3) If no objections are raised, the City shall prepare a resolution to approve, outlining the conditions and stipulations of renewal for consideration by the City Council. The City Council at its discretion may approve or deny the request with findings. Denial of a renewal request does not constitute termination of the existing IUP.
 - (4) Revoked interim use permits shall not be renewed.
- (g) Revocation of an IUP
- (1) The City Council may review an IUP periodically and may revoke a permit upon violation of any condition of the permit, any state or federal law, or any city ordinance.
 - (2) If it is discovered after approval of the IUP that the City's decision was based at least in part on false, misleading or fraudulent information, the City Council may revoke the permit to ensure compliance with this [section](#).
 - (3) The procedure for revocation of an IUP will be the same as that for CUPs specified in [this section](#).
- (h) Amendments. All requested amendments to the conditions of an existing IUP shall be processed in the same manner as a new application.
5. Administrative Nonconforming Expansion Permit

- (a) The City may permit an expansion of a legal nonconforming structure imposing reasonable regulations to prevent a public nuisance or protect the public health, welfare and safety pursuant to Minnesota Statute Section 462.357, Subd. 1(e)(b).
- (b) A nonconforming structure may only be expanded if the expansion does not increase the nonconformity present and meets the relevant land use regulations, including but not limited to lot coverage, setbacks and height.
- (c) Application Review
 - (1) In order to be able to legally expand a structure that is nonconforming, an application for a nonconforming expansion permit must be made to the City.
 - (2) An expansion permit for a nonconforming structure may be granted by the Community Development Director if the applicant meets the following findings for approval:
 - ((a)) The expansion does not increase or intensify the existing nonconformity;
 - ((b)) The expansion would be architecturally compatible with the existing principal structure;
 - ((c)) There is adequate off-street parking for the expansion;
 - ((d)) There is an absence of adverse off-site impacts from such things as traffic, vision safety, noise, dust, odors and parking;
 - ((e)) The expansion is an improvement to the appearance and stability of the property and neighborhood as the proposed expansion would meet all currently existing zoning and building code requirements; and
 - ((f)) The expansion would be compatible with the character of the neighborhood.
 - (3) The Community Development Director may impose reasonable conditions on the expansion permit approval related to health and safety. All other applicable permits will need to be obtained by the applicant in addition to the expansion permit.
- (d) Terms of Expansion Permit
 - (1) An expansion permit granted by the City will run with the land and will be perpetual unless no building permit has been issued or substantial work performed within one year of the approval, in which case the permit will be null and void.
 - (2) The Community Development Director may extend the period for construction upon finding that the interest of the owners of neighboring properties will not be adversely affected by such extension. If the expansion permit is part of an approved site and building plan, extension of the time period of construction will be contingent upon a similar extension of the time period for the site and building plan by the Community Development Director. Once the project is completed as approved, the expansion permit runs with the land.
- (e) Violation of Nonconforming Expansion Permit

- (1) Any person who violates, fails to comply with or assists, directs or permits the violation of the terms or conditions of an expansion permit is guilty of a misdemeanor.
- (2) A violation of the expansion permit shall result in revocation of the expansion permit. Revocation shall occur after a public hearing by the City Council.
- (3) A violation also constitutes a public nuisance that may be abated by the City in accordance with the provisions of Chapter 401.

6. Variance

(a) Purpose

- (1) The purpose of a variance is to provide for deviations from the literal provisions of this Title in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of this Title.

(b) Application Review

- (1) An application shall be made and reviewed following the procedures in Section XX. Within the application, the applicant shall state the exceptional conditions and practical difficulties claimed as a basis for a variance.
- (2) The City Council may impose reasonable conditions in the granting of a variance that the Council considers necessary to protect adjacent properties or the public health, safety, and welfare.
- (3) Findings of Fact. In considering applications for variances under this Title, the City Council shall consider the advice and recommendations of the Planning Commission and determine the following findings for approval:
 - ((a)) The variance is in harmony with the general purposes and intent of this Chapter;
 - ((b)) The variance is consistent with the Comprehensive Plan; and
 - ((c)) The variance meets the criteria of a practical difficulty. Practical difficulty means:
 - ((1)) The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Code;
 - ((2)) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
 - ((3)) The variance, if granted, will not alter the essential character of the locality.
 - ((4)) Economic considerations alone do not constitute practical difficulties.
 - ((5)) Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

((6)) Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes [Section 216C.06, subdivision 14](#), when in harmony with this Title.

(c) Variances in R-1 and R-H Zoning Districts

(1) In areas zoned R-1 and R-H, the Planning Commission has the authority to grant final approval of variances when all of the following conditions are met:

- ((a)) There is unanimous agreement of the Planning Commission.
- ((b)) The staff concurs with the recommendations of the Planning Commission.
- ((c)) The general public attending the meeting or responding to the notice of public hearing have no objection.
- ((d)) The applicant is in agreement with the recommendation.

(2) When the above conditions are not met, the variance request must be reviewed by the City Council.

7. Vacation of Right-of-Way or Easement

(a) Application Review

(1) A party desiring to vacate any public right-of-way or easement may file a written petition with the City. The request shall be on a City application form, include any additional documentation required by the City, and include the fee established in [Chapter 209](#) of the City Code. The petition must be signed by a majority of the owners of the land abutting the right-of-way or easement. The City Council, on its own initiative, may also by resolution vacate any public right-of-way or easement.

(2) The City Council shall conduct a public hearing as specified in [Section XX](#) above, except that the public hearing shall be preceded by two weeks' published and posted notice in accordance with [Minnesota Statutes 412.851](#). Failure of a property owner to receive notice shall not invalidate any such proceedings as set forth within [this Chapter](#).

((a)) If a public right-of-way or easement included in a vacation application adjoins a body of public water, a written notice must be sent by certified mail to the Commissioner of the Minnesota Department of Natural Resources at least 60 days before the hearing on the matter. At least 15 days prior to convening the hearing required under this section, the City must consult with the Commissioner of the Minnesota Department of Natural Resources to review the proposed vacation.

(3) The City Council shall follow such procedures as established by the City Charter for approval of vacation requests.

(b) Reservation of Interest. The City Council may specify the extent to which such vacation affects existing easements therein and the extent to which the vacation affects the authority of any person, corporation or city owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains and hydrants, thereon or thereunder, to continue to maintain the same or to enter upon

such public right of way or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto.

8. Process for Transit Oriented Development (TOD) Plan Approval

- (a) Project plans will be reviewed by the Planning Commission, who will provide a recommendation to the City Council. The City Council shall have final authority to approve all project plans.
- (b) Plans for each individual project or combination of projects in the TOD District must be submitted upon payment of any required fee as provided in [Chapter 11](#).
- (c) One unit detached dwelling development projects located within the R-H, Hyde Park Zoning District are exempt from following the TOD design standards and the plan review process.
- (d) Project plans submitted to the Planning Commission and City Council shall include the following minimum criteria:
 - (1) Scaled site plans, showing the location of buildings, off-street parking, street and utility locations, auto and pedestrian access to and from the project, any modification to existing services, grading plans, storm water plans, building exterior finish, lighting and signing, TOD streetscape features, and landscape plans.
 - (2) Written city staff review on project compatibility to the overall Transit Oriented Development District.
- (e) Any substantial modification to the plan must be submitted through the Planning Commission and approved by the City Council.

9. Process for S-2 District Approval

- (a) Plans for each individual project or combination of projects must be submitted, upon payment of any required fee as provided in [Chapter 11 herein](#), to the City for review according to the procedures listed in [Section 205.05.4 of the zoning code](#). The City Council shall have final authority to approve all project plans.
- (b) Project plans submitted to the Planning Commission and City Council shall include the following minimum information:
 - (1) Site plans showing the location of buildings, off street parking, street and utility locations, auto and pedestrian access to and from the project, any modification to existing services, grading plans, storm water plans, building exterior finish, lighting and signing and landscape plans.
 - (2) Written City staff review of the project plans on the project's compatibility to the City's overall redevelopment plan.
 - (3) Review and recommendation of the project plans to the City Council from the Fridley Housing and Redevelopment Authority (HRA).
- (c) Any substantial modification to the project plans must be submitted to the Planning Commission for review and approved by the City Council.

650.04 SUBDIVISION PROCEDURES

1. Applicability. The requirements of this chapter shall apply to all subdivision applications subject to development review under this Code unless otherwise stated.
2. Exemptions. As defined in Minnesota Statutes Section 462.352, subdivision approval by the City is not required for any of the following:
 - (a) Separations where all the resulting parcels, tracts, lots or interests will be 20 acres or larger in size and 500 feet in width for residential uses and five acres or larger in size for commercial and industrial uses;
 - (b) Separations creating cemetery lots;
 - (c) Separations resulting from court orders; or
 - (d) Separations resulting from the adjustment of a lot line by the relocation of a common boundary.
3. Conditions for Recording. No plat or subdivision shall be entitled to be recorded in the County Recorder or Registrar of Titles' office or have any validity until the plat thereof has been prepared, approved and acknowledged in the manner prescribed by this chapter.
4. Denial of Plats
 - (a) The City may deny the subdivision if it makes any one or more of the following findings:
 - (1) That the proposed subdivision is in conflict with the City's Comprehensive Plan or any specific area plans of the City;
 - (2) That the physical characteristics of this site, including but not limited to topography, soil conditions, susceptibility to flooding, water storage, drainage, and retention, are such that the site is not suitable for the type of development, design or use contemplated;
 - (3) That the site is not physically suitable for the proposed density of development;
 - (4) That the design of the subdivision or the proposed improvements are likely to cause environmental damage;
 - (5) That the design of the subdivision or the type of improvements are likely to cause public health problems;
 - (6) That the design of the subdivision or the type of improvements will conflict with easements of record or with easements established by judgment of a court;
 - (7) That the proposed subdivision, its site or its design adversely affects the flood-carrying capacity of the floodway, increases flood stages and velocities or increases flood hazards within the floodway fringe or within other areas of the city;
 - (8) That the proposed subdivision is inconsistent with the policies and standards of the state-defined Shoreland, Floodplain, and Critical Area Districts; or
 - (9) That the design of the subdivision does not conform to minimum City standards.

5. Registered Land Surveys.

- (1) Registered land surveys shall not be used to avoid the requirements of this title.
- (2) All registered land surveys shall be prepared in conformance with Minnesota Statutes Section 508.47, subdivision 4.
- (3) A registered land survey shall be reviewed by the Planning Commission and approved by the City Council in the same manner as a preliminary plat, including holding the requisite public hearing. Unless the registered land survey has been approved by the City Council, building permits will be withheld by the City for buildings on tracts which have been subdivided by registered land surveys, and the City may refuse to take over tracts that are to be used as streets or roads or to improve, repair, or maintain any such tracts unless the registered land survey is approved by the City Council.

6. Conveyance by Metes and Bounds.

- (a) No conveyance of land to which the regulations of this Chapter are applicable shall be filed or recorded if the land is:
 - (1) described in the conveyance by metes and bounds;
 - (2) described by reference to an unapproved registered land survey made after April 21, 1961; or
 - (3) described by reference to an unapproved plat made after such regulations become effective.

The preceding shall not apply if the conveyance is one of the exceptions identified in Minnesota Statutes 462.358, subdivision 4b.

- (b) In any case in which compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purpose of this Chapter, the City Council may waive such compliance by adoption of a resolution to that effect and the conveyance may then be filed or recorded.

7. Administrative Adjustment

- (a) Applicability. An administrative adjustment application shall be submitted to the City when any of the following apply:
 - (1) An applicant is proposing to relocate a property line(s) without increasing or decreasing the number of parcels and where all parcels meet Code requirements; or
 - (2) Zero lot line subdivision.
- (b) The Community Development Director may approve administrative adjustments.
- (c) Submittal and Approval Process. Applications for an administrative adjustment shall be made on forms furnished by the City and reviewed by the Community Development Director.
 - (1) The Community Development Director shall review the application and plans and determine if further review by the Development Review Committee is required.

- (2) The Community Development Director shall confirm as part of the review process whether consent by a mortgage holder is required.
- (3) The Community Development Director shall provide the applicant with written notice of the decision and reasons for approval or denial.
- (4) Approved plans shall be recorded among the records of the County within 180 days after the date of the approval or resolution, unless a longer period of time is granted and provided for recording at the time of approval.
- (5) A plan not recorded within a period of 180 days, or the approved extension time, is deemed to be one that is not approved and such subdivision is not entitled to be recorded; and the same shall not thereafter be recorded except and unless it is presented to the Planning Commission and Council and re-approved.

(d) Requirements for a Zero Lot Line Subdivision

- (1) All other zoning requirements in the respective districts except for the setbacks along the zero lot line(s) must be met. Lots shall be divided equally as is reasonably possible within the restrictions of the existing guidelines of the **Zoning Chapter**.
- (2) Separate meters must be provided to each dwelling unit for water, electricity and natural gas. In addition, the common party wall(s) fire rating shall be one hour for existing structure and two, one-hour walls for new construction.
- (3) The owner of the property shall execute and record at their expense a "Declaration of Covenants, Conditions and Restrictions" as provided by the City. The said document shall be used to protect the rights of the individual owners sharing the single structure to maintain and repair any in case of damage to the original structure. The declarations, covenants, conditions and restrictions shall provide protection to the property owners and the City on the following objects:
 - ((a)) Building and use restrictions.
 - ((b)) Party walls.
 - ((c)) Maintenance and use of any common area.
 - ((d)) Relationships among owners of adjoining units and resolution of disputes.
- (4) City consent shall be required in order to amend the declarations, covenants, conditions and restrictions.

8. Minor Subdivision

- (a) Applicability. An application for a minor subdivision shall be submitted to the City when all of the following apply:
 - (1) An applicant is proposing to divide land by the owner or applicant resulting in the creation of not more than three (3) parcels or building sites, where all parcels meet Code requirements;

- (2) The land has been previously subdivided by plat or Registered Land Survey and is on file and of record in the office of the County Recorder or Registrar of Title's Office;
- (3) The application will not cause the parcel or any structure on the parcel to be in violation of this Code or the building code;
- (4) With the exception of sidewalks or trails, the application will not involve the construction of any new street or road, the extension of municipal facilities, the creation of any public improvements, or the dedication of any public easements; and
- (5) The application does not involve an outlot.

(b) Application Review

- (1) Applications for a minor subdivision shall be made in a format prescribed by the City. The applicant shall submit legal descriptions of the proposed parcels and a survey showing the proposed parcels prepared by a licensed land surveyor.
- (2) If the Community Development Director determines that the minor subdivision process is being used repeatedly to avoid the preliminary plat process or is impacting adjacent parcels or the City's ability to provide services in the neighborhood, the Community Development Director will require the applicant to complete the preliminary plat process.
- (3) The application shall be processed in accordance with the [Section 650.01](#), including a public hearing at the Planning Commission prior to consideration by the City Council
- (4) Approved minor subdivisions shall be recorded among the property records of the County within 180 days after the date of the approval or resolution, unless a longer period of time is granted and provided for recording at the time of approval.
- (5) A minor subdivision not recorded within a period of 180 days, or the approved extension time, is deemed to be one that is not approved and such subdivision is not entitled to be recorded; and the same shall not thereafter be recorded except and unless it is presented to the Planning Commission and Council and re-approved.

(c) Preliminary Plat

- (1) Applicability. A preliminary plat application shall be submitted to the City when the proposed subdivision does not qualify as an administrative adjustment or minor subdivision.
- (2) Application Review
 - ((a)) An applicant shall prepare a preliminary plat of a subdivision before preparing a final plat.
 - ((b)) The applicant shall submit the preliminary plat together with all required accompanying material on forms furnished by the City.

((c)) The application shall be processed in accordance with the **Section 650.01**, including a public hearing at the Planning Commission prior to consideration by the City Council.

(3) Actions after Approval

((a)) All preliminary plats must be final platted into lots, blocks, and outlots within one year of preliminary plat approval or the preliminary plat approval shall be null and void.

((b)) An extension from this requirement may be granted by the City Council upon request. An extension shall be requested in writing and filed with the City at least 14 days before the voidance of the approved preliminary plat. There shall be no charge for the filing of such request. The request for extension shall state facts showing a good faith attempt was made to meet the final plat submission requirement and the reasons for the extension.

((c)) If an amendment to a preliminary plat is requested, it shall follow the same process as a new preliminary plat, except that no public hearing will be required if the opinion of the Community Development Director is that the scope of change does not constitute a new preliminary plat. A filing fee shall be charged for amendment processing.

(d) Effect of Subdivision Approval

(1) For one year following preliminary approval and for two years following final approval, unless the applicant and the City agree otherwise, no amendment to a comprehensive plan or official control shall apply to or affect the use, development density, lot size, lot layout or dedication or platting required or permitted by the approved application.

(2) Pursuant to its regulations, the City may extend the period by agreement with the applicant and subject to all applicable performance conditions and requirements, or it may require submission of a new application unless substantial physical activity and investment has occurred in reasonable reliance on the approved application and the applicant will suffer substantial financial damage as a consequence of a requirement to submit a new application.

(3) In connection with a subdivision involving planned and staged development, the City may by resolution or agreement grant the rights referred to herein for such periods of time longer than two years which it determines reasonable and appropriate.

650.05 ORDINANCE AMENDMENT (TEXT OR MAP)

1. Purpose

(a) Whenever the public necessity, convenience, general welfare or good zoning practice requires, the City Council may by ordinance:

- (1) Amend, change or supplement the text of the regulations established by this Title; or
 - (2) Change the district boundaries established by this Title and the Zoning Map incorporated herein.
2. Initiation for Amendment. A request to amend this Title or Zoning Map may be made by:
 - (a) Any property owner or representative of a property owner of a subject property; or
 - (b) The City Council or the Planning Commission.
 3. Application Review.
 - (a) The Planning Commission shall hold a public hearing, review the application and provide a recommendation to Council as specified in Section XX.
 - (b) The City Council shall review the application following the process for approval of an ordinance as required under the Fridley City Charter.
 - (c) After review, the Council, by majority vote, may adopt amendments to this Title or the Zoning Map.
 4. S-2 District Process for Approval
 - (a) The procedure for the establishment of an S-2 Special District shall follow the amendment procedure as laid out above, and shall clearly describe the purpose for the amendment and the district boundaries.
 - (b) If initiated by a property owner or a property owner's representative, plans for each individual project or combination of projects must be submitted, upon payment of any required fee as provided in Chapter 11 herein, to the Planning Commission and Housing and Redevelopment Authority (HRA), for review and recommendation to the City Council according to the procedures listed in Section 205.05.4. of the zoning code. The City Council shall have final authority to approve all project plans.
 - (c) If initiated by a property owner or a property owner's representative, materials for review provided to the Planning Commission and City Council shall include the following:
 - (1) Site plans from the applicant showing the location of buildings, off street parking, street and utility locations, auto and pedestrian access to and from the project, any modification to existing services, grading plans, storm water plans, building exterior finish, lighting and signing and landscape plans.
 - (2) Written City staff review on project compatibility to the overall redevelopment plan.
 - (3) Review and recommendation to the City Council from the Fridley Housing and Redevelopment Authority (HRA).
 5. Any substantial modification to the project plans, as determined by the Community Development Director, must be reviewed by the Planning Commission and HRA and approved by the City Council.

650.06 APPEALS

1. Appeal of Decision.
 - (a) Purpose. The purpose of this section is to provide for an appeal process where it is alleged that there is an error in any order, requirement, decision, or determination by the City or in the enforcement of this Chapter.
 - (b) An appeal shall be filed by any aggrieved person not later than 30 days after the original applicant has received a determination from their initial application with a written notice to the Community Development Director. If the appeal is not filed by the deadline, the appeal shall be considered void.
2. Appeals of Administrative Decisions.
 - (a) Any person aggrieved by an alleged error in any order, requirement, decision, or determination made by the Community Development Director in the enforcement of this Chapter may request a hearing before the Planning Commission. The appeal must be made in writing to the Community Development Director, and must clearly describe the code section under appeal, the facts of the matter, and the mailing address of the owner, and must be accompanied by the required fee.
 - (b) The Planning Commission, serving as the Board of Adjustment and Appeals, shall, after receiving the written report and recommendation of City staff, make findings of fact and make a decision on appeals where it is alleged by the appellant that error has occurred in any order, requirement, decision, or determination made by the Community Development Director in the enforcement of this Title, and for variances from the literal provisions of this Title.
 - (c) The Planning Commission shall render a decision on the appeal within 60 days from the date upon which the application for the appeal was deemed complete, unless extended by the City or the applicant as permitted by [Minnesota Statutes Section 15.99](#) and any amendments thereto.
 - (d) The Planning Commission shall provide for a written record or video recording of its proceedings which shall include the minutes of its meeting, its findings and the recommendation, approval, or denial of each matter heard by it.
3. Appeals of Planning Commission Decisions.
 - (a) Appeals from decisions of the Planning Commission acting as the Board of Adjustments and Appeals must be heard by the City Council as provided for by [Minnesota Statutes, Section 462.354](#), before any judicial review under [Minnesota Statutes, Section 462.361](#) may be initiated.
 - (b) An application for appeal to the City Council, requesting the Council to reconsider the decision of the Planning Commission, shall be received no later than 30 days after the date the Planning Commission has issued its written findings of fact and decision. The application for appeal shall set forth reasons that the appeal is justified in order to make reasonable use of the land, structure or building.

- (c) A fee shall be charged pursuant to the **fees chapter**. The fee shall accompany the application request by the appellant and shall not be refundable.
 - (d) The City Council shall take action on the appellant's request within a reasonable time after the appellant's written request and the application fee has been received by the Community Development Director or their designee.
4. Appeals of City Council Decisions.
- (a) Any aggrieved person shall have the right to appeal any land use decision by the City Council to the Anoka County District Court.
 - (b) All decisions made by the City Council regarding subdivision shall be final, except that any aggrieved person shall have the right to appeal to the Anoka County District Court.

650.07 ENFORCEMENT

1. Any violation of or failure to comply with **this Chapter** is a misdemeanor and is subject to all penalties provided for such violations under the provisions of **Chapter 204 Penalties of this Code**.
2. Any such person who, having been served with an order to remove any such violation, continues to violate any provisions of the regulations made under authority of **this Chapter**, or failing to comply with said order to remove any such violation, within a reasonable period of time, not less than 20 days from the date of the notice, shall be guilty of a misdemeanor and subject to all penalties provided for such violations under the provisions of **Chapter 204 of this Code**.
3. Each day that such violation continues shall be a separate violation.



AGENDA REPORT

Meeting Date: April 16, 2025

Meeting Type: Planning Commission

Submitted By: Stacy Stromberg, Planning Manager

Title

Review Commission Onboarding Manual

Background

The City Clerk's office has created an onboarding manual for new Commission members to provide valuable information about the operation of local government, the roles and responsibilities of commission members, and the general operating policies. It was developed for Commissioners new to their role, however it also is a good resource and tool for existing Commissioners.

Please review the attached manual and sign the acknowledgement found on the last page. Staff will answer any questions the Commissioners may have at the meeting.

Financial Impact

None

Recommendation

Staff recommend the Commission review the manual and sign and return the acknowledgement.

Attachments and Other Resources

- Commission Onboarding Manual

Vision Statement

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



Commission Onboarding Manual





Welcome,

On behalf of the City of Fridley, I would like to extend my gratitude for your willingness to serve our community as a member of one of our commissions. Your dedication to volunteering your time, expertise, and passion is truly commendable and essential to the growth and development of our City.

Our mission remains clear: "We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses." This vision guides everything we do, and your role as a commission member is crucial in helping us achieve this goal. Whether you're serving on the Planning Commission, Parks and Recreation Commission, Environmental Quality and Energy Commission, Charter Commission, Public Arts Commission or the Housing & Redevelopment Authority, your unique perspectives and experiences will contribute significantly to shaping the future of Fridley.

This handbook is designed to provide you with valuable information about the operation of our local government, the roles and responsibilities of commission members, and the general operating policies that will guide your service. It serves as a resource to support you in your efforts to fulfill the City's mission.

Once again, thank you for stepping forward to serve our great City. I am confident that you will find this experience rewarding, and I look forward to the positive impact your contributions will have on Fridley.

Dave Ostwald
Mayor, City of Fridley



Table of Contents

Purpose.....	4
City Government Overview.....	4
Commissions Overview.....	6
Types of Commissions	10
Be an Effective Commission Member.....	14
Commission Meeting Procedure.....	18
Acknowledgement.....	21
Appendix and Other Resources.....	22



Purpose

This handbook is designed to serve as a guide to general policies and procedures that apply to commission members for the City of Fridley (City). As a new Commission member, we recommend you review the City's mission, recent agendas and minutes from your appointed commission to understand ongoing issues.

While not exhaustive, this manual outlines key expectations and practices to guide your service, summarizes how commissions relate to overall City operations, and provides a foundation for your role. It's designed to be a helpful reference, but does not incorporate all material and information necessary to be an effective member of a commission. Remember that your commission liaison is always available for additional support or clarification.

City Government Overview

This section provides an overview of the City's governance structure, outlining the roles and responsibilities of key entities and individuals involved in City operations. Understanding this structure will help you navigate your role as a commission member more effectively.

Form of Government

The City operates under a council-manager form of government, as established by the City Charter. In this system, the Council acts as the policy-making and legislative body, while the City Manager is responsible for the day-to-day administration of the City. Residents of Fridley are represented by the Mayor and four Councilmembers.

Mayor and Council

The Mayor and the Council are elected positions and are collectively referred to as 'the Council'. The Council relies on the six commissions to guide them on decision making as it relates to the special interests of said commission. Generally, the Council appoints members to commissions and can remove members from commissions.

Commissions

Commissions are vital components of Fridley's governance structure, established by the City Charter provision, City Code, and/or Statute. As a Commission Member, you play a crucial role in providing ongoing input on major policy areas and helping shape the future of Fridley.

Responsibilities of Commission Members:

- Attend and actively participate in all commission meetings, ensuring thorough review and discussion of agenda items.

- Provide ongoing recommendations to the Council and staff regarding your commission's specific focus area.
- Identify issues within your commission's purview that should be addressed by the Council or staff.
- Engage with the community to gather input and provide education on policy issues and concerns related to your commission's work.
- Collaborate with other commission members to develop comprehensive and well-considered recommendations.
- Stay informed about current issues, trends, and best practices relevant to your commission's area of focus.
- Represent your commission at community events or meetings when appropriate.

This manual provides more detailed information on each commission in the [Types of Commission](#) section.

City Manager

The City Manager is responsible for the overall management of City operations, including budgeting, planning, personnel, legal issues, economic development, and intergovernmental functions. The City Manager serves as a key liaison between the Council, city staff, and commissions. They can be thought of as the chief executive officer.

Department Directors

City work is divided into six departments with department directors: Community Development, Employee Resources, Finance, Parks and Recreation, Public Safety and Public Works. The Department Directors play an integral role in ensuring the effective and efficient functioning of the City. They provide the specialized knowledge, leadership, and management to translate the Council initiatives and priorities into tangible projects and services that benefit the community. As a commission member, you may interact with Department Directors when the Director also acts as a staff liaison or their expertise is relevant to your commission's work.

City Attorney

The City contracts legal services to external firms. The City Attorney provides legal advice and attends Council meetings as needed. If your commission requires legal guidance, this should be coordinated through your staff liaison and the City Manager.

Staff and Departments

City staff are responsible for carrying out the day-to-day operations of the City. They implement policies set by the Council, provide services to residents, and support the work of commissions through staff liaisons. Each commission is assigned a staff liaison who serves as a primary point of contact between the commission and city administration. Staff liaisons assist with meeting preparation, provide information and resources, coordinate with other departments, and help facilitate the implementation of commission recommendations.

Staff fall into seven departments, each playing a vital role in city governance:

1. **City Manager's Office:** This department oversees city administration, implements Council policies, maintains the City Code and the City Charter and serves as a key liaison between the Council, city departments, and commissions. This department works closely with the Charter Commission.
2. **Community Development:** This department oversees planning, zoning, building inspections, and economic development. It often works closely with the Planning Commission, Environmental Quality and Energy Commission, and Public Arts Commission and may interact with other commissions on development-related matters.
3. **Employee Resources:** Managing human resources, recruitment, and employee benefits, this department ensures the City has the personnel needed to carry out its functions effectively.
4. **Finance:** Handling budgeting, accounting, and financial reporting, the Finance department plays a crucial role in the city's fiscal health. Its work may inform decisions across all commissions.
5. **Parks and Recreation:** This department organizes recreational programs and establishes policies for use of Fridley's park system. It works closely with the Parks and Recreation Commission and may collaborate with others on environmental or community engagement initiatives.
6. **Public Safety:** Encompassing both police and fire services, this department ensures community safety. While it may not frequently interact with most commissions, its work is fundamental to the city's well-being.
7. **Public Works:** Managing city infrastructure, including roads, water, and sewer systems, this department's work often intersects with various commission concerns, from environmental issues to city planning.

Commissions Overview

Commissions play a vital role in Fridley's governance structure, serving as advisory bodies to the Council. As a commission member, you are an essential part of the City's decision-making process, providing expertise and community perspective on important issues.

Legal Authority and Responsibility

This section outlines the legal basis for Fridley's commissions and your responsibilities as a commission member. Understanding this framework is crucial for effective service and ensuring that your actions align with the City's governance structure and legal requirements.

The City of Fridley, as a Home Rule Charter City, has the authority to establish commissions as part of its governance structure. This authority is derived from the Minnesota Constitution and various statutes that allow cities to create their form of government.

Commissions derive their authority and responsibilities from the City Charter, ordinances, or resolutions that establish them. Some commissions are also required or authorized by state

statute. To ensure effective service, each commission member should be well-informed about the matters presented to their commission, understanding their implications and potential consequences.

The specific powers and duties of each commission are outlined in the establishing ordinance or resolution. These may include (but are not limited to):

- Providing recommendations to the Council on specific policy areas
- Conducting research and analysis on specialized topics
- Engaging with the community to gather input on relevant issues
- Reviewing and providing input on proposed city projects or initiatives

Commission members serve in a nonpartisan capacity, and all actions taken should prioritize the public's welfare. When considering actions or recommendations, commission members should be familiar with their responsibilities and powers as outlined in the relevant laws, regulations and bylaws. It's essential to act transparently, honestly, and in good faith, following all legal and procedural requirements. When uncertain about the appropriateness or legality of an action, it's always prudent to consult with the commission's staff liaison.

Roles and Responsibilities

This section outlines the key roles within the commission structure and their responsibilities, helping you understand your position as a commission member and how you interact with other city entities.

Role of Chair and Vice Chairs

Chairs of commissions are appointed by the Council, with the vice chair being elected by the commission members. The Charter Commission and the Housing Redevelopment Authority are exceptions because their Chair and Vice Chair are appointed by the procedure in their by-laws.

Generally, the Chair presides at all official meetings and generally ensures that the Commission reviews and acts upon the items on the agenda. The Chair should ensure that decisions are made in a timely manner, yet be careful not to limit discussion—assuring that commission members have an opportunity to be heard. The vice chair aids the chair in these responsibilities and acts as the Chair when the Chair cannot attend a meeting.

Responsibilities of the Chair:

- Lead all commission meetings
- Work with the staff liaison to set meeting agendas
- Facilitate discussions and ensure all members have a chance to contribute.
- Maintain control of the meeting, including managing public input and interactions
- Act as the primary liaison between the commission and the Council when necessary

Staff Liaison

Each commission is assigned a member of staff called a staff liaison. The staff liaison acts as a crucial link between the commission and city staff. The staff liaison typically has expertise in the commission's area of focus. Their role is to support the commission's work and ensure effective communication between the commission, city staff, and the Council.

Key responsibilities of staff liaisons include:

1. **Meeting Preparation:** Generate meeting agendas, compile necessary background information, and ensure materials are distributed to commission members in a timely manner.
2. **Information and Expertise:** Provide professional knowledge and insights related to the commission's area of focus. This may include updates on city projects, explanations of policies or regulations, and context for issues under consideration.
3. **Administrative Support:** Assist with scheduling meetings, securing meeting locations, and managing commission-related correspondence.
4. **Facilitation:** Help guide discussions during meetings, ensuring that conversations remain productive and aligned with the commission's goals and responsibilities.
5. **Council Communication:** Work with the commission to prepare and present recommendations to the Council. This includes drafting reports and helping commission members understand the Council's decision-making process.
6. **Orientation and Training:** Assist in onboarding new commission members, providing them with necessary background information and explaining commission procedures.
7. **Compliance Oversight:** Ensure that the commission operates in compliance with relevant laws, including open meeting laws and data practices regulations.
8. **Resource Coordination:** Connect the commission with other city departments, external experts, or resources as needed to support their work.
9. **Continuity:** Provide historical context and institutional knowledge to support the commission's ongoing work, especially as membership changes over time.

The staff liaison is a valuable resource for your commission. They can help you navigate city processes, access needed information, and ensure that your commission's work aligns with and supports the city's overall goals and operations. While staff liaisons provide support and guidance, it's important to remember that they do not vote on commission matters or make decisions on behalf of the commission.

Relationship with Council

Commissions play a crucial advisory role to the City Council, serving as a bridge between the community and local government. Here's how this relationship functions:

1. **Analysis:** Commissions often have bandwidth to focus on areas within the expertise of that commissions, conduct research and analysis that the Council may not be able to do given their broad responsibilities.
2. **Communication Channels:**
 - Typically, at least one joint meeting with the Council per year is held for some commissions.
 - For guidance or clarification, commissioners should communicate with their staff liaison.
 - The staff liaison can represent the Council's perspective or facilitate the commission chair to present or speak with Council at City Council Conference Meetings if needed.
3. **Expertise and Community Perspective:** Commissioners bring specialized knowledge and community input to complex issues, helping the Council make more informed decisions.
4. **Guided by Council Needs:** Commissions are guided by the needs of the Council through their staff liaison. This ensures that commission work aligns with Council priorities and objectives.
5. **Long-Term Planning:** Commissions often work on long-term projects and plans, providing continuity and vision that extends beyond election cycles.
6. **Policy Development:** Commission recommendations can form the basis for new city policies or programs or update existing ones.

While commission recommendations carry significant weight, the final decision-making authority typically rests with the Council. The role of commissions is to provide the best possible advice based on expertise, research, and community input, thereby supporting the Council in making well-informed decisions for the city.

Completion of Service and Member Removal

While we hope your service will be long and rewarding, it's important to understand the circumstances under which commission service may end. This section provides information on term completion, resignation, and the rarely-used removal process.

Reasons for Early Completion of Service:

1. **Resignation:** Members may choose to resign from their position at any time by submitting a written notice to the City Clerk or their commission's staff liaison.
2. **Attendance:** Regular attendance is crucial for the effective functioning of commissions. Extended absences or frequent missed meetings may result in a review of membership.
3. **Term Expiration:** Members serve for specified terms. At the end of a term, members may be reappointed or may conclude their service.
4. **Commission Dissolution:** In rare cases, if a commission is dissolved by the Council, all member terms would naturally conclude.

Removal Process:

The Council has the authority to remove commission members, aside from the Charter Commission (Charter Commission members must be removed by the Court). This authority is exercised rarely and with careful consideration. Reasons for removal might include:

- Violation of ethics policies or conflict of interest rules
- Persistent failure to perform duties
- Actions that undermine the commission's effectiveness or the public trust

If concerns arise about a member's conduct or ability to serve, the typical process involves:

1. Discussion with the member and the City Manager, Mayor, and/or staff liaison to address concerns
2. If issues persist, review by the Council
3. The member is given an opportunity to respond to any concerns
4. The Council makes a final decision in an open meeting.

Types of Commissions

The City has six total commissions consisting of both ordinance established commissions and statutory established commissions. Ordinance established commissions, sometimes rereferred to as advisory commissions, make recommendations to the Council but do not have independent decision-making authority. Statutory established commissions, sometimes rereferred to as authoritative commissions, have some level of autonomous authority granted by statute or ordinance. The commissions are separated below based on ordinance established commissions and statutory established commissions.

Ordinance Established Commissions:

Ordinance established commissions derive their power and obligations from Chapter 105 of the Fridley City Code. Ordinance established commissions make recommendations to the Council but do not have independent decision-making authority. They provide expert advice and community perspective on various aspects of city life.

- **Environmental Quality and Energy Commission (EQEC)**

Establishment: Advisory commission established by ordinance.

Composition and Leadership: EQEC commission members are appoint by the Council. The chair is appointed by the Council and vice-chair is appointed by the commission. The person who holds these appointments is listed on the first resolution every year.

Meeting: The EQEC typically meets the second Tuesday of every month. The EQEC is not televised, so meeting minutes are recorded by the staff liaison. The staff liaison will communicate if meetings are rescheduled or canceled.

Purpose and Responsibilities: The EQEC serves as a resource to the City in the conservation and management of energy and the environment. The EQEC provides the

Council with accurate information to assist in making and implementing sound environmental policy in areas such as:

- Solid waste abatement programming
- Environmental education
- Waste reduction
- Water resource management
- Energy conservation and management

The EQEC also advises on environmental problems, laws, policies, and regulations at the county, metropolitan, state, and federal levels to the extent of their effect on Fridley. It advises the Council, the City Manager, and other appropriate city commissions on matters pertaining to conservation and management of energy and the environment, including the review and recommendation of programs and policies within the City.

What the purpose of the commissioner? As an EQEC member, you're at the forefront of Fridley's environmental initiatives. Your work directly influences:

- The City's approach to waste reduction and recycling programs
 - Strategies for water conservation and quality improvement
 - Energy efficiency initiatives in city operations and community-wide
 - Public education on environmental issues
- **Parks and Recreation Commission (PRC)**

Establishment: Advisory commission established by ordinance.

Composition and Leadership: PRC commission members are appointed by the Council. The chair is appointed by the Council and vice-chair is appointed by the commission. The person who holds these appointments is listed on the first resolution every year.

Meeting: The PRC typically meets the first Monday of every month. The PRC is televised, so meeting minutes are created by an off-site minutes vendor. The staff liaison will communicate if meetings are rescheduled or canceled.

Purpose and Responsibilities: The PRC was established to provide comprehensive development of park facilities and a recreational activities program for the well-being of the residents of the City. It also guides the development of programs to implement these goals effectively. By June 1 each year, the Commission recommends a capital investment program for park improvements, acquisitions, and recreational activities.

What is the purpose of the commissioner? As a PRC member, you play a key role in:

- Shaping the future of Fridley's parks and green spaces
 - Developing inclusive recreational programs for all ages and abilities
 - Advising on the maintenance and improvement of park facilities
 - Ensuring that Fridley's recreational offerings contribute to community well-being and city attractiveness
- **Planning Commission (PC)**

Establishment: Advisory commission recommended by Statute and established by ordinance.

Composition and Leadership: The PC has a unique structure, the Commission comprises seven members: the Planning Commission chairperson, the chairs of both the Park and Recreation Commission and the Environmental Quality and Energy Commission, and four at-large members. The chair is appointed by the Council and vice-chair is appointed by the commission. The PC commission at-large members are appointed by the Council. Chair and vice-chair appointments are recorded in the first resolution of each year.

Meeting: The Planning Commission typically meets the second Wednesday of every month. The PC is televised, so meeting minutes are created by an off-site minutes vendor. The staff liaison will communicate if meetings are rescheduled or canceled.

Purpose and Responsibilities: The Planning Commission is responsible for continuous community planning and development of comprehensive goals and policies, including but not limited to land use, housing, environment, parks and recreation, and other related community activities. The Commission also serves as the Board of Appeals and Adjustments, exercising all authority and functions of said Board according to M.S. §§ 462.351 to 462.364.

What is the purpose of the commissioner? As a Planning Commission member, your work has a lasting impact on Fridley's future. You contribute to:

- Developing and updating the city's comprehensive plan
 - Reviewing and recommending action on zoning changes, land use applications, and development proposals
 - Ensuring that Fridley's growth aligns with community values and long-term sustainability
 - Addressing housing needs and promoting equitable development
- **Public Arts Commission (PAC)**

Establishment: Advisory Commission established by ordinance.

Leadership and Composition: PAC members are appointed by the Council. The chair is appointed by the Council and vice-chair is appointed by the commission. The individual who holds these appointments is listed on the first resolution every year.

Meeting: The PAC typically meets the first Wednesday of every month. The PAC is not televised, so meeting minutes are recorded by the staff liaison. The staff liaison will communicate if meetings are rescheduled or canceled.

Purpose and Responsibilities: The PAC was established to foster the development of the arts, to advise the Council on arts-related matters, and to stimulate participation in and appreciation of the arts by residents.

What is the purpose of the commissioner? As a PAC member, you have the exciting opportunity to:

- Shape the artistic landscape of Fridley

- Advocate for and support local artists
- Develop public art initiatives that reflect our community's diversity and values
- Integrate art into public spaces and city development projects

Statutory Established Commissions

Statutory established commissions have limited self-governing authority granted by statute, including some internal processes that are regulated by law. Statutory established commissions still require final approval from the Council by resolution to turn any recommendations into action.

- **Charter Commission**

Establishment: Required by Statute as a Home Rule Charter City.

Composition and Leadership: Charter commission members are appointed by a District Court Judge. The chair and vice-chair are elected according to the procedure in the Charter Commission by-laws.

Meeting: The Charter Commission typically meets the second Monday of every month and meets approximately 7 times per year. The Charter Commission is not televised, so meeting minutes are recorded by the staff liaison. The staff liaison will communicate if meetings are rescheduled or canceled.

Purpose and Responsibilities: Has the authority to review the City Charter and make recommendations for amendments to the Council.

What is the purpose of the commissioner? As a Charter Commission member, you play a critical role in Fridley's governance by:

- Reviewing and recommending updates to the City Charter
- Ensuring that Fridley's governance structure remains effective and efficient
- Safeguarding the rights and responsibilities outlined in the City Charter
- Providing a vital check and balance in our local government system

- **Housing and Redevelopment Authority (HRA)**

Establishment: Authorized by Statute and established by ordinance.

Composition and Leadership: HRA members are appointed by the HRA where the City Manager serves as Executive Director. The chair and vice-chair are appointed by the HRA. The person who holds these appointments is listed on the first resolution every year.

Meeting: The HRA meets the first Thursday of every month. The HRA is televised, so meeting minutes are recorded by the off-site minute taking service. The staff liaison will communicate if meetings are rescheduled or canceled.

Purpose and Responsibilities: Implements housing rehabilitation programs and redevelopment projects that create new housing opportunities to meet local housing needs. Administers programs that are designed to enlarge the tax base, create jobs, and create vital, attractive businesses in blighted or underdeveloped areas of the City.

What is the purpose of the commissioner? As an HRA member, your work has a direct and tangible impact on Fridley's housing landscape and economic development. You contribute to:

- Implementing housing rehabilitation programs that improve living conditions for residents
- Developing new housing opportunities to meet diverse community needs
- Creating and executing redevelopment projects that attract businesses and create jobs
- Administering programs that enlarge the city's tax base and enhance economic stability

The Council may, by ordinance or resolution, establish and regulate any board or commission, to advise the Council with respect to any City function or activity, to investigate any subject of interest to the City, or to perform quasi-judicial functions. The Council relies on the work of City commissions, and members serve an important role in extending the reach of the democratic process into the community.

Be an Effective Commission Member

Attending your first commission meeting is often a blend of excitement and uncertainty. You might find yourself pondering over the right protocols, what to say, and how best to contribute. This section aims to alleviate those initial concerns while setting you on a path to excel in your role for the betterment of the City. It lays out key practices and guidelines that serve dual purposes: enabling you to make informed decisions and ensuring that both you and the City operate within legal boundaries. The essence of being an effective commission member lies in being prepared, listening actively and contributing thoughtfully to discussions.

Participation

Commission members benefit through participation and discussion of all members. A quorum (or majority) of the body is necessary to conduct official business. Members are expected and encouraged to attend all meetings as the regular attendance of commission members is necessary for the most effective performance of the commission. If a commission member must miss a meeting(s) or attend a meeting(s) virtually, the member should advise their staff liaison before the scheduled meeting(s). Additionally, commission members should familiarize themselves with any bylaws of their commissions. Some commissions have a limit on the number of meetings that can be missed before that member is dismissed from the commission.

Quorum

A quorum is the minimum number of members required to conduct official business. It's crucial for decision-making and gives legal validity to the commission's actions. Usually, a quorum is achieved when more than half of the members are present. The City Clerk will post a notice whenever a quorum is expected, even if official business isn't on the agenda, to maintain transparency and avoid potential violations.

To avoid quorum violations, always be mindful of attendance numbers and consult with your staff liaison if you are unsure.

Conflict of Interest

State law, the City Charter and Code prohibit public officials, including commission members, from having a personal financial interest in a sale, lease or contract they are authorized to make in their official capacity. Commission members must avoid actions that might give the appearance of impropriety or a conflict of interest. They must not use their position to gain privileges or special treatment.

If there is a conflict of interest on an issue, that member must abstain from discussion or voting on the issue.

If commission members have any question about a possible conflict of interest, they should contact their staff liaison.

Standards of Appearance

All commission meetings are open public meetings where members of the public are welcome to attend. Some are also televised on Fridley City TV and recorded. Therefore, it is important that a professional appearance be maintained.

Communication

Communication is a critical aspect of your role as a commission member. Your words and actions reflect the City's interests and values, whether in official meetings or in your personal life.

Media Interactions

Although uncommon, there could be occasions where you are approached by the media for an interview or a public comment. When communicating any information, it is essential to ensure that it is accurate, timely, and professional to maintain the City's credibility.

If you ever find yourself contacted for a media interview or statement, it is generally recommended to consult with the staff liaison for guidance, who may then consult with the City's Communication and Engagement Division. You represent the City in every capacity, and your words and actions reflect the City's interests and values.

Social Media Use

Many commissioners use social media in various ways, such as communicating with the community or sharing personal views. However, the 'personal' style of social media can make it difficult to draw the line between public, professional and private use. As a representative of the City, online statements and opinions - even when intended as personal - may be perceived as representing the City's position.

When using social media, always exercise good judgment and remember that you are a commission member even when writing in your personal capacity.

There may be times when personal writings on social media could be perceived as problematic because they could damage the trust and working relationship between the commission, City Council and, the community. Examples could include:

- Using inflammatory or vulgar language that could damage public trust
- Making hostile or alienating statements about segments of the community
- Posting content that undermines the ability to serve all residents impartially
- Cyber-bullying or harassment
- Sharing confidential information
- Unlawful activities
- Inappropriate use of the City's name or your commission title
- Using phrases like 'As a City commissioner, I think...' when expressing personal views, as this can imply you are speaking on behalf of the City or commission

Use of social media in this nature could result in coaching of the commission member and/or Council following the [Removal Process](#). Each situation will be evaluated on a case-by-case basis.

General Communication Tips

- Keep messages concise, focusing on a couple of main points.
- Be mindful of your tone and voice.
- Use clear, straightforward language, avoiding jargon or overly technical terms.
- Stay authentic and true to yourself. Positivity and optimism can go a long way.

Code of Conduct and Ethics

As a commission member, you're held to a high standard of conduct due to the nature of your duties and responsibilities. The following principles will help ensure that your commission operates with maximum efficiency and effectiveness:

- Attend meetings regularly and punctually.
- Respect the decision-making process and any decisions made by the group.
- Notify your staff liaison if you'll miss a meeting, to ensure quorum.
- Openly discuss issues and decisions during meetings.
- Don't seek special consideration or influence based on your position.
- Adhere to gift prohibition rules as outlined in Minn. Stat. § 471.895.
- Maintain confidentiality when required and adhere to data practices regulations.

Ethical Considerations

Commissioners are held to high ethical standards. Here are some key areas to be aware of:

- **Recusal from Voting:**
 - Commissioners should recuse themselves from voting on any matter where they have a personal interest in that matter.

- Examples include: financial interests in a project under review, family members applying for a land use permit, or being employed by an organization seeking approval from the commission.
- If in doubt, consult with your staff liaison.
- **Gifts:**
 - Commissioners are subject to gift prohibition rules as outlined in Minnesota Statutes § 471.895.
 - Generally, gifts should not be accepted from individuals or organizations that have business before the commission.
 - When in doubt, it's best to politely decline or seek guidance from the staff liaison
- **Relationships with Applicants:**
 - If a commission member has a personal or professional relationship with someone applying for approval from the commission, disclose this relationship publicly before any discussion of the matter.
 - If the relationship could be perceived as influencing decisions, consider recusing yourself from the vote.
 - Always err on the side of transparency to maintain public trust.

Maintaining high ethical standards is crucial for the credibility of your commission and the City as a whole. If you're ever unsure about an ethical issue, don't hesitate to seek guidance from your staff liaison.

Data Practices

Minnesota Statutes, Chapter 13, known as Minnesota Government Data Practices Act (MGDPA), and Chapter 12 of the City Charter govern all data collected, created, received, maintained, or disseminated by the City. Generally, the MGDPA presumes that all Government Data are public unless a State or Federal law says differently. The City's Data Practices Policy is available online.

Commission members should presume all documents, notes, and messages created or maintained in the course of their work, or stored on their devices, will be subject to release if requested.

The City Clerk has been designated as the City's Responsible Authority and is responsible for administering the MGDPA. No employee, commission member or elected official of the City may release any private or confidential data to any person except for the City Clerk or a designee. All data practices requests should be forwarded to the City Clerk for processing as the Data Practices Act requires understanding to successfully respond to requests.

Compensation and Reimbursement

Acting as a commission member is a volunteer position, meaning there is no compensation. However, commission members may occasionally attend conferences, seminars, or other events that align with their roles. Reimbursement may be available for commission-related travel, meals, lodging, and other necessary expenses, consistent with budget authorization.

Commission members interested in attending a conference that will require reimbursement needs to obtain permission from the City before attendance. Commission members will not be reimbursed for any expenses that do not have prior approval.

Commission Meeting Procedure

Typically, commissions meet once monthly. Meetings can be anywhere to 30 minutes to a couple of hours. Special Meetings may occasionally be called by a commission. If this occurs, the City will issue a public notice and produce an agenda.

The staff liaison is present at every meeting to help answer questions the Commission has on any agenda items.

Parliamentary Procedures

All Commissions follow Rosenberg's Rules of Order at meetings. Parliamentary procedure is simply considered as a set of guidelines used to assure that a meeting goes smoothly and fairly. It is used to facilitate a group coming to a majority decision when there are differing points of view. A detailed list of procedures can be found in Rosenberg's Rules of Order.

Agenda

The agendas for the meetings of the commission are determined by the commission chair and the staff liaison. They are then prepared by City staff and distributed to each commission member at least one business day before the meeting. The commission agenda outlines the topics or items of business that will be introduced, discussed and acted upon at each meeting.

Once the agenda has been sent to the commission along with the accompanying packet material, no item is added or deleted prior to the meeting. The agenda may be amended at the beginning of the commission meeting to include any additional items or to delete any item from the agenda.

The order of business on the meeting agenda varies slightly between commission, but generally is as follows:

Open Forum/Visitors: Open Forum allows the public to address the commission on subjects that are not on the agenda. The commission may take action, reply or give direction to staff.

Proposed Agenda: These items are proposed for the commission's discussion and consideration. All items will be discussed and considered by the commission for approval by vote through separate motions.

Public Hearing(s): Some commission are required to hold public hearings on certain matters. Items under the public hearing section allow members of the public to address the commission on items that are required to have a public hearing. The commission will call the public hearing,

take public comment, then close the public hearing. Once the public hearing is closed, the commission may vote on passing the proposed action.

Informal Status Reports: An opportunity for staff to update the commission on upcoming events and on staff activities as requested by the commission. Typically, these activities are in preliminary stages and not ready for formal action.

Open Meeting Law

All of the meetings of the commission are open to the public and subject to the Open Meeting Law (Minnesota Statutes, Chapter 13D). A meeting is defined as the convening of members of a governmental body for the purpose of exercising the responsibility, authority, power or duties delegated to that body. A meeting is subject to the open meeting law whenever the governmental body meets for official purposes. A meeting does not include social or chance gatherings not intended to avoid the law. When there are more than half of the commission member present at a meeting, it is considered a quorum and therefore a meeting for official purposes.

The purpose of the law is to:

- Prohibit action from being taken at a secret meeting where the interested public cannot be fully informed of the decision of the public body;
- Ensures the public's right to be informed; and
- Gives the public an opportunity to present its views.

Any communication (including emails or other electronic communication) between some or all of the commission could potentially be considered a public meeting.

If you have information or any type of communication that you would like to share with other members, it is recommended that it be sent to the staff liaison, who may then forward it for review and discussion at a public meeting. The Open Meeting law does not preclude an individual member from contacting the staff liaison regarding questions or concerns, or seeking further information on topics or agenda items.

In any meeting which must be open to the public, the City must make at least one copy of any printed material available in the meeting room for public inspection. This applies to any printed material prepared by the City and distributed or made available to all members of the commission. This requirement does not apply to materials that are classified as other than public under the Government Data Practices Act.

The exception to the Open Meeting Law is "Closed Meetings." Closed Meetings are strictly regulated and rarely used by commissions. If you think a meeting needs to be closed, please consult with the staff liaison.

Public Notice

The Open Meeting Law (Minnesota Statutes, Chapter 13D) requires public bodies to establish a schedule for regular meetings and keep that schedule on file at its primary offices (i.e., City Hall). If the body changes the time or location from the regular meeting schedule, advance notice must be provided.

Minutes and Records of Commission Meetings

Open Meeting Law (Section 13D.01, subdivision 4) requires public bodies to record and maintain votes of its members. Minutes of each commission meeting should comprise a summary of the proceedings, including who makes and seconds the motions and the results thereof. The minutes serve as a permanent record of the commissions' actions, discussion, and opinions, and are forwarded to the City Manager's office for public distribution and used as input and background for commission decisions.

Minutes can be taken by an off-site minute-taking service or the commission staff liaison and are incorporated into the next meeting agenda packet for approval by the commission. The commission minutes are then placed on the Council meeting agenda to be formally received by the Council. It is important for commission members to closely review minutes and make corrections if needed so the approved minutes accurately reflect the work of the commission. Corrections to minutes should be made at the meeting when the minutes are brought forward for adoption. Corrections require a motion, a second, and a majority vote, and if approved, are noted in the minutes of the current meeting. Any changes to the draft minutes approved by the commission should be reflected in the minutes for the meeting at which the corrections are made.

In addition to the written minutes, some commission meetings are recorded, shown live, and replayed on the City's cable station. While the recordings are not an official record of the commission meeting, they are retained for 20 years, after which time they may be destroyed, pursuant to the City's Public Meetings Minutes Policy. Copies of the recordings are available for the Council, staff, and public viewing upon request.

Acknowledgement

I hereby acknowledge receipt of the Commission Member Onboarding Manual (Manual). I confirm that I have read and understand the Manual, particularly the "Be an Effective Commission Member" section, and I agree to fulfill my duties in accordance with these standards.

I understand that failure to comply with the expectations and responsibilities outlined in this Manual, specifically those detailed in the "Be an Effective Commission Member" section, may constitute grounds for removal from the Commission.

Commissioner Name (Print)

Signature

Date

Appendix and Other Resources

[Data Practices](#)

[Open Meeting Law](#)

[City Code and Charter](#)

[Rosenburg's Rule of Order](#)

[Commission Meeting Calendar](#)

[City Organization Chart](#)

[Data vs. Information Sheet](#)

Visual of Relationship between the Commissions, the Council and Staff Liaisons





AGENDA REPORT

Meeting Date: April 16, 2025

Meeting Type: Planning Commission

Submitted By: Stacy Stromberg, Planning Manager

Title

Commission Appreciation Dinner

Background

Each year the Council invites Commissioners to attend an appreciation dinner to recognize the valuable work the Commission has done over the last year. This year's event is April 21st at 6:00 p.m. at Springbrook Nature Center.

RSVP's were due April 6th.

Financial Impact

None

Recommendation

None

Attachments and Other Resources

- Commission Dinner Invitation

Vision Statement

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

MAYOR OSTWALD AND THE FRIDLEY
CITY COUNCIL INVITE YOU AND A
PLUS ONE TO ATTEND THE

*Commission
Appreciation Dinner*

APRIL 21, 2025 | 6 p.m.

SPRINGBROOK NATURE CENTER

100 85th AVENUE NE

Kindly Respond

RSVP by April 6, 2025

at FridleyMN.gov/DinnerRSVP or by emailing
Olivia.Gnadke@FridleyMN.gov to let us know
whether or not you will be in attendance.

Please include any dietary restrictions in your
RSVP (GF, Vegan, Vegetarian, Allergies, etc.).

