



COTTAGE GROVE PLANNING COMMISSION

April 22, 2024

12800 RAVINE PARKWAY SOUTH
COTTAGE GROVE, MN 55016

COUNCIL CHAMBER- 7:00 PM

1. Call to Order
2. Roll Call
3. Approval of the Agenda
4. Open Forum
5. Chair's Explanation of the Hearing Process
6. Public Hearings and Applications
 - 6.1 **Lot Split at 9670 Kimbro – Cases MS2024-011 & V2024-011**
Discussion: Joshua John has applied for a minor subdivision to subdivide a 10.172-acre parcel located at 9670 Kimbro Avenue South, previously known as the Brown Farm, into two separate parcels. The applicant has proposed to create a 4.086-acre parcel that would include the existing house and accessory structures, and a 6.086-acre buildable parcel that could support a new home; and a variance to the City's minimum lot width at the front property line for the newly created 6.086-acre parcel and a 6-foot setback for the existing driveway.
 - 6.2 **School Bus Garage Fuel Tank – Cases PP2024-010 & SP2024-010**
Discussion: BKBK Engineers, on behalf of ISD #833, has applied for a preliminary plat to replat the property at 8587 W. Pt. Douglas Rd. and to plat the property at 8585 W. Pt. Douglas Rd. to combine the two existing parcels into one platted lot; and a site plan review for the installation of a new above ground fuel tank and associated pumps/paving.
 - 6.3 **Zoning and Sign Code Updates – Case TA2024-012**
Discussion: The City of Cottage Grove has applied for zoning text amendments to the City of Cottage Grove Zoning Code (Title 11) and Sign Code (Title 11-3-14).
7. Approval of Minutes
 - 7.1 Approval of Planning Commission Minutes of March 25, 2024
8. Reports
 - 8.1 Recap of April City Council Meetings
 - 8.2 Response to Planning Commission Inquiries
 - 8.3 Planning Commission Requests
9. Adjournment

STAFF REPORT CASE: MS2024-011 & V2024-011

ITEM: 6.1

PUBLIC MEETING DATE: 4/22/24

TENTATIVE COUNCIL REVIEW DATE: 5/15/24

APPLICATION

APPLICANT: Joshua John

REQUEST: A minor subdivision to subdivide a 10.172-acre parcel of land previously known as the Brown Farm, into two separate parcels. The applicant has proposed to create a 4.086-acre parcel that would include the existing house and accessory structures, and a 6.086-acre buildable parcel that could support a new home; and a variance to the City's minimum lot width at the front property line for the newly created 6.086-acre parcel and a 6-foot setback for the existing driveway.

SITE DATA

LOCATION: 9670 Kimbro Avenue South

ZONING: R-1, Rural Residential

GUIDED LAND USE: Rural Residential

LAND USE OF ADJACENT PROPERTIES:

NORTH:

EAST:

SOUTH:

WEST:

CURRENT

Rural Residential

Agricultural

Rural Residential

Park/Open Space

GUIDED

Rural Residential

Agricultural

Rural Residential

Park/Open Space

SIZE: 10.172 acres

DENSITY:

RECOMMENDATION

Approval, based on the findings of fact and subject to the conditions stipulated in this staff report.



COTTAGE GROVE PLANNING DIVISION

Planning Staff Contact: Riley Rooney, Associate Planner; 651-458-2834; rooney@cottagegrovemn.gov

Application Accepted: 4/4/2024 60-Day Review Deadline: 6/3/24

Planning Staff Report
Brown Farm Division – Minor Subdivision
Planning Case No. MS2024-011 & V2024-011
April 22, 2024

Proposal

Josh John has applied for a minor subdivision and variance to subdivide a 10.17-acre parcel located at 9670 Kimbro Avenue South, previously known as the Brown Farm, into two separate parcels. The applicant has proposed to create a 4.086-acre parcel that would include the existing house and accessory structures, and a 6.086-acre buildable parcel that could support a new home; and a variance to the City's minimum lot width at the front property line for the newly created 6.086-acre parcel and a 6-foot setback for the existing driveway.



Location Map

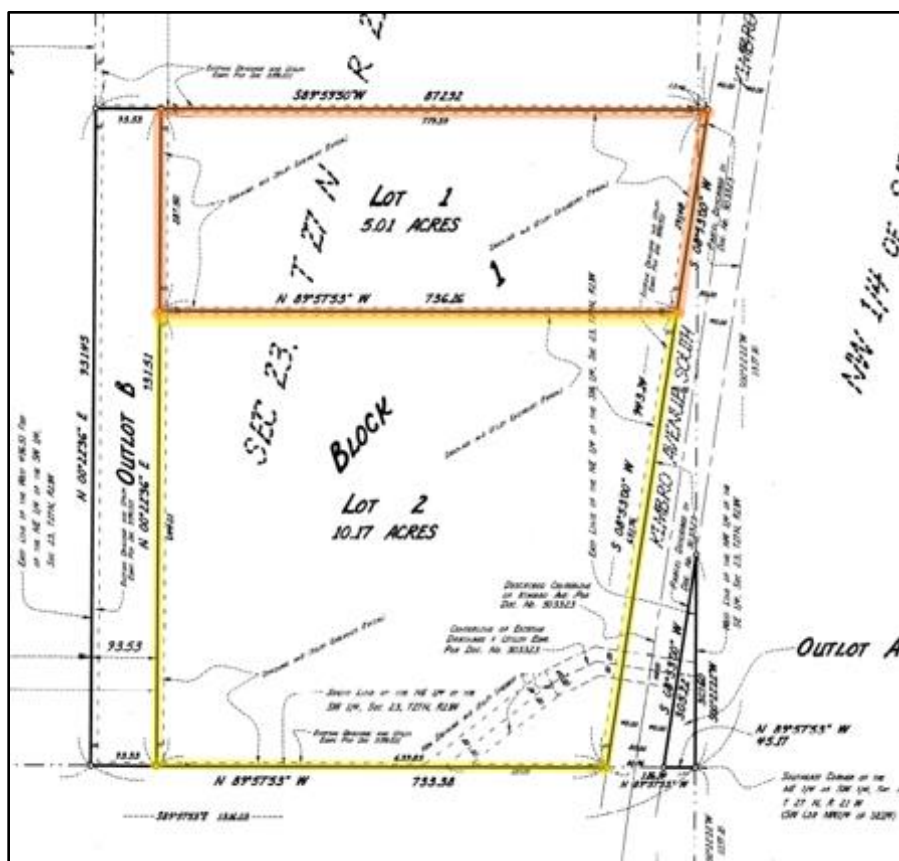
Review Schedule

Application Received: April 3, 2024
Acceptance of Completed Application: April 4, 2024
Planning Commission Meeting: April 22, 2024
60-Day Review Deadline: June 3, 2024
Tentative City Council Meeting: May 15, 2024

Planning Considerations

History

In 2017, the parcel was part of the Brown Farm Division Plat (Lot 2, Block 1), which consisted of an approximate 17.33-acre parcel. The parcel included a small triangle piece on the east side of Kimbro (Outlot A), a 2-acre strip of land on the west side of the property (Outlot B), two residences, and multiple agricultural structures. The final plat for the Brown Farm Division was approved in 2017 (Planning Case No. PP2017-001 and FP2017-007) that created two parcels. Each of the new parcels of the plat included one of the residences. Outlot A and Outlot B were purchased by the City and deeded to Washington County, transferring ownership. Outlot B was later incorporated as part of the Cottage Grove Ravine Regional Park.



2017 Brown Farm Division Plat

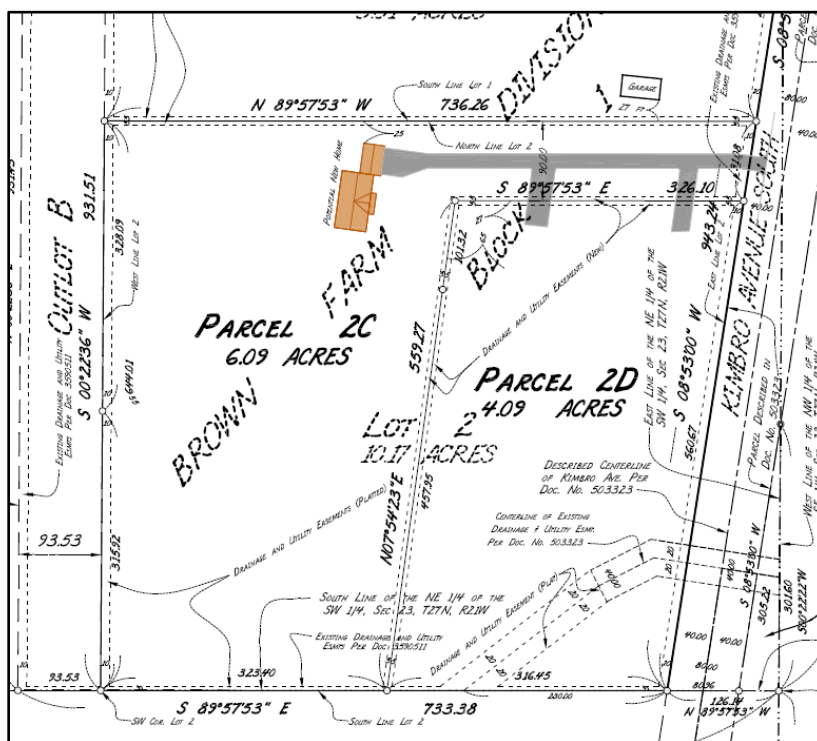
In 2019, the applicant applied for a minor subdivision and variance to split the 10.17-acre parcel into two separate parcels: one 3.01-acre newly created parcel and one 7.16-acre parcel to include the existing single-family residential home as well as a variance to the City's minimum lot width at the front property line. The minor subdivision and variance application were approved by the City Council on May 18, 2019 (Planning Case No. MS2019-015 and V2019-016). However, the applicant never finalized the lot split with recorded deeds at Washington County.

City Code Title (11-2-12) states that the approval of a variance lapses and becomes null and void one (1) year following the date of approval if no work or improvement is completed on site. Without the finalization of the lot split with Washington County, the variance became null and void in May of 2020.

The changed layout of the proposed lot split on the property requires the applicant to resubmit a new minor subdivision and variance application for the amended site layout. Therefore, the applicant is requesting approvals for a second time for both a revised minor subdivision and variance.



2019 Site Survey



2024 Proposed Site Survey

Property Characteristics

The current parcel contains a single-family residence that will remain after the proposed land subdivision. The northeast corner of the parcel is relatively flat while on the west and south areas of the property the topography slopes downward and is densely wooded. An existing drainage and utility easement extends across the southeast corner of the parcel and ties into the Stewart Addition plat. The south and west property lines are densely wooded, and the current property owner would like to maintain much of those areas.

Variance

The proposed lot configuration would create a new parcel with less than the minimum 180-foot lot width requirement. The 6.086-acre parcel would have a reduced width of 92 feet, which is the same width proposed in 2019. As part of the review in 2019, it was noted that no additional access points are permitted off Kimbro Avenue. With that, the property owner proposed moving the access to the north property line to provide shared access for the existing residential property and the proposed new lot. After the 2019 approvals, the driveway was moved to the north of the site, 6-feet off the property line, to avoid impacts to existing mature trees onsite. Today, the applicant plans to use the existing access to allow for shared access and will need to execute a private driveway agreement to be recorded against both properties.



2013 Photo



April-May 2023 Photo

Findings

The findings of fact for a favorable recommendation that were considered during the review are identified as follows:

- A. The topography of the site to the south includes steep slopes and is densely wooded.
- B. Using frontage to the south of the existing residence for a new parcel would require tree removal and additional grading to allow access and creation of an acceptable building site.
- C. By utilizing frontage on the north side of the existing structure, grading and tree removal would be avoided.

D. The proposed location allows for a shared access as no additional access points are permitted off Kimbro Avenue.

Land Use

The future land use for this property is designated as Rural Residential per the 2040 Comprehensive Plan. The East Ravine Master Plan identifies that this area and the areas to the north and south along Kimbro Avenue should allow the existing natural open spaces and features to guide placement of residential growth. These areas would continue to have access to the existing park and open space via an extensive trail system throughout the East Ravine. The East Ravine Master Plan also indicates future lots sizes would be flexible depending on the existing topography. The proposed request is consistent with the land use plan designation.

Zoning

The property is zoned R-1, Rural Residential, which has a minimum lot size of three acres. The proposed request is consistent with the zoning classification. The proposed property lines meet the required setbacks from existing structures on the John property, including 25 feet from side property lines and 50 feet from rear property lines. Any new structure proposed on the 6.086-acre parcel would be required to meet all appropriate setbacks as well. This would be reviewed as a part of the building permit process.

Transportation Access and Right-of-Way

Kimbrow Avenue is designated as a Major Collector Roadway in the 2040 Comprehensive Plan. The existing parcel currently has access off Kimbro Avenue on the north end of the parcel. A condition of approval for the Brown Farm Division plat approved in 2019 prohibited any additional access points off Kimbro Avenue. The required 40-foot right-of-way for Kimbro Avenue was obtained as a part of the 2017 Brown Farm Division for future growth in this area as necessary to accommodate future capacity; therefore, no additional ROW dedication is required.

Utilities and Stormwater Management

The subject property is not located within the Metropolitan Urban Service Area (MUSA) and no public utilities are available for connection. The existing residence is currently served by a private well and septic system. A newly constructed residence on the 6.086-acre parcel would also be served by a private well and an individual sanitary treatment system (ISTS); therefore, no water or sanitary area charges are required as a part of this lot minor subdivision. Primary and alternate ISTS sites would be required to be identified on the proposed 6.086-acre site prior to the issuance of a building permit. The minimum acreage for property having an ISTS is 1.5 acres.

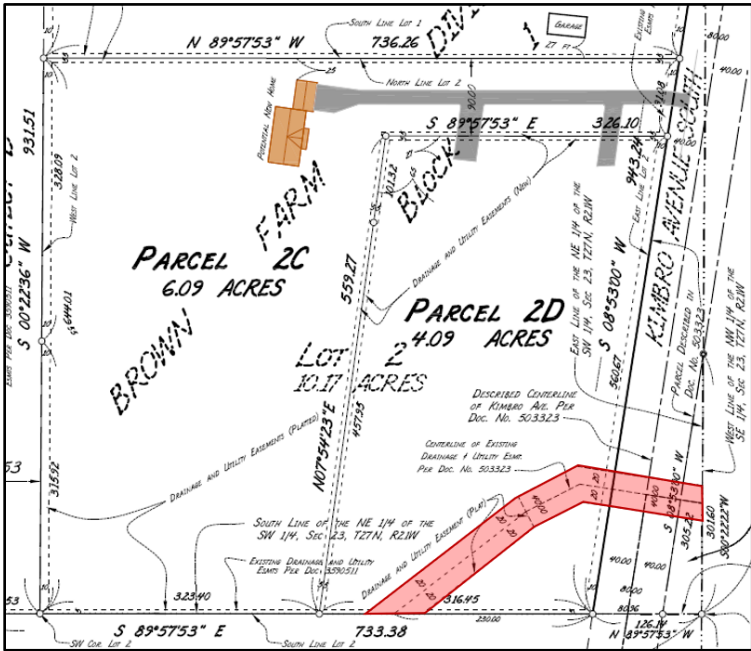
The proposed lot split has been evaluated for division to evaluate any drainage issues that should be addressed. The drainage and utility easement that was secured as a part of the 2017 Brown Farm Division is located at the bottom of the ravine in the southeast corner allowing the City access if necessary.

Park Dedication

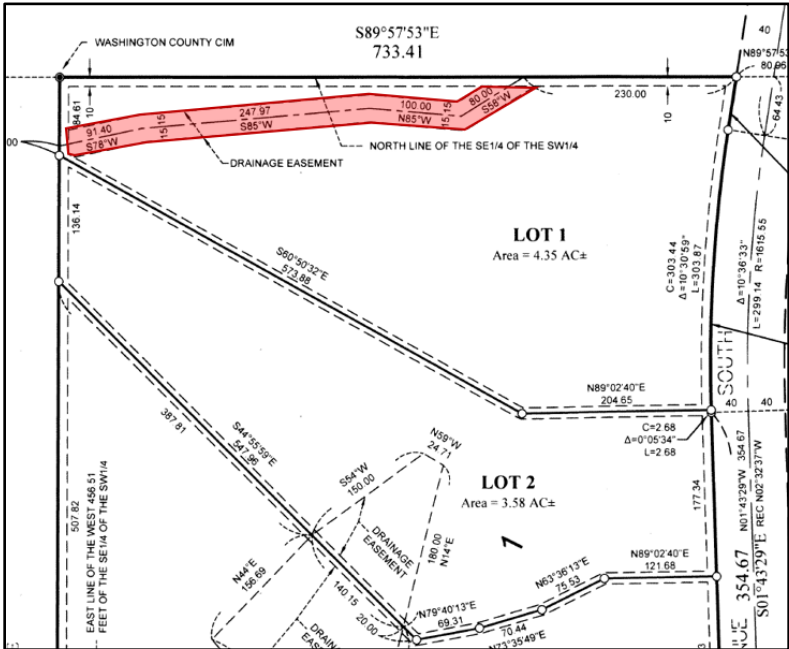
State Statute and the City's Subdivision Ordinance allow the City the ability to require the dedication of land up to 10 percent of the property for public parkland purposes. If no land dedication is required, a cash payment in lieu of land dedication is required.

The 10.17-acre parcel abuts the Cottage Grove Ravine Regional Park. As a part of the Brown Farm Division plat in 2017, the City deducted the storm water facility area charge owed for both lots in exchange for two acres along the westerly property line, which were added to the County Park system. The applicant for this minor subdivision is not proposing to dedicate land in lieu of the 2024 park dedication fee, which is \$4,600, therefore, one lot fee is required.

	Number of lots	Total due prior to building permit approval
Park dedication fee (per lot) – \$4,600.00	1	\$4,600.00



Drainage and Utility Easement Area on John Property



Stewart Addition to the South – Utility Easement Area

No grading is proposed as a part of the subdivision, although at such time a new home building permit is proposed, a grading plan and grading permit would be required. Existing surface water drainage patterns are not proposed to be impacted.

The City is requiring payment of the storm water facility charge for the 6-acre parcel. The 2024 storm water facility area charge rate is \$7,730.00 per acre. This rate would be collected prior to the recording of any deeds finalizing the lot split and is calculated based on the City's Rural Friendly approach.

	Acres	Total due prior to recording of any deeds
Storm Sewer Area Charge – \$7,730.00 per acre	2.4	\$18,552

Public Hearing Notices

The public hearing notice was mailed to 9 property owners within 500 feet of the proposed minor subdivision and published in the *South Washington County Bulletin* on April 10, 2024.

Recommendation

That the Planning Commission recommends that the City Council approve a minor subdivision subdividing a 10.17-acre parcel of land (PIN 23.027.21.31.0006) into one 6.086-acre parcel and one 4.086-acre parcel and a variance to the minimum front width of a new parcel and a 6-foot setback for the existing driveway, based on the findings of fact and subject to the conditions listed below:

- 1) A shared access drive will be required onto Kimbro Avenue from Parcels 2C and 2D with a recorded shared access agreement. No additional access drives are permitted.
- 2) Any lawn irrigation placed within the Kimbro Avenue public right-of-way shall be the homeowners' responsibility if repair or maintenance is required.
- 3) Stormwater area charges in the amount of \$18,552.00 shall be paid to the City of Cottage Grove. Payment must be made to the City prior to recording the deeds creating the lots with Washington County.
- 4) The park dedication fee in lieu of land dedication amounting to the annual rate applicable at the time of building permit (currently \$4,600.00/unit) shall be paid to the City for Parcel 2A prior to the release of a building permit.
- 5) All applicable permits (i.e.; building, electrical, grading, and mechanical) for the construction of a house on the parcel(s) must be completed, submitted, and approved by the City before any construction activities begin. Detailed construction plans must be reviewed and approved by the Building Official and Fire Marshal.
- 6) A private driveway agreement must be recorded against both properties prior to issuance of a new home building permit on Parcel 2C.
- 7) The minimum setbacks for the principal structure shall be those found in the R-1 zoning criteria.

- 8) A certificate of survey is required with the building permit for Parcel 2D.
- 9) An as-built survey shall be required prior to a certificate of occupancy for Parcel 2C.
- 10) Grading and erosion control measures meeting City standards and grading permit shall be utilized during construction on Parcel 2C.
- 11) Prior to the issuance of a certificate of occupancy for Parcel 2C, all disturbed areas shall be sodded or have ground cover established to the satisfaction of the City Engineer.
- 12) If the City Engineer determines that any additional drainage easements are necessary to direct off-site runoff onto or across the subject property, the property owner is required to dedicate such easements without cost to the City as recommended by the City Engineer.

Prepared by:

Riley Rooney
Associate Planner

Attachment:
Exhibit A – Survey

CERTIFICATE OF SURVEY
Minor Subdivision of
Lot 2, Block 1, BROWN FARM DIVISION

SURVEY FOR:
Joshua & Lindsay John
9670 Kimbro Avenue South
Cottage Grove, MN 55016

Folz Freeman Surveying LLC
LAND PLANNING and SURVEYING
FFS
5770 NEWGATE AVE N
OAK PARK HEIGHTS, MN 55082
(651) 439-8833 www.FFSurveying.com

LEGEND

- DENOTES SET 1/2 INCH DIA. BY 16 INCH IRON PIPE MONUMENT MARKED WITH A PLASTIC CAP INSCRIBED "FREEMAN LS 16989", UNLESS SHOWN OTHERWISE
- DENOTES FOUND 1/2 INCH DIA. BY 16 INCH IRON PIPE MONUMENT MARKED WITH A PLASTIC CAP INSCRIBED "RLS 9294", UNLESS SHOWN OTHERWISE

NOTES

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE WASHINGTON COUNTY COORDINATE SYSTEM, NAD83, 1986 ADJUSTMENT

LEGAL DESCRIPTIONS

PARCEL 2C

That part of Lot 2, Block 1, BROWN FARM DIVISION, according to the plat thereof on file and of record in the office of the County Recorder, Washington County, Minnesota lying northerly and westerly of the following described line:

Commencing at the southwest corner of said Lot 2; thence South 89 degrees 57 minutes 53 seconds East, bearings oriented to the plat bearing of said BROWN FARM DIVISION, along the south line of said Lot 2, a distance of 323.40 feet, to the point of beginning of the line to be described; thence North 07 degrees 54 minutes 23 seconds West, a distance of 559.27 feet to the south line of the north 90.00 feet of said Lot 2; thence South 89 degrees 57 minutes 53 seconds East, along said south line of the north 90.00 feet of Lot 2, a distance of 326.10 feet to the east line of said Lot 2, and said described line there terminating.

PARCEL 2D

That part of Lot 2, Block 1, BROWN FARM DIVISION, according to the plat thereof on file and of record in the office of the County Recorder, Washington County, Minnesota lying southerly and easterly of the following described line:

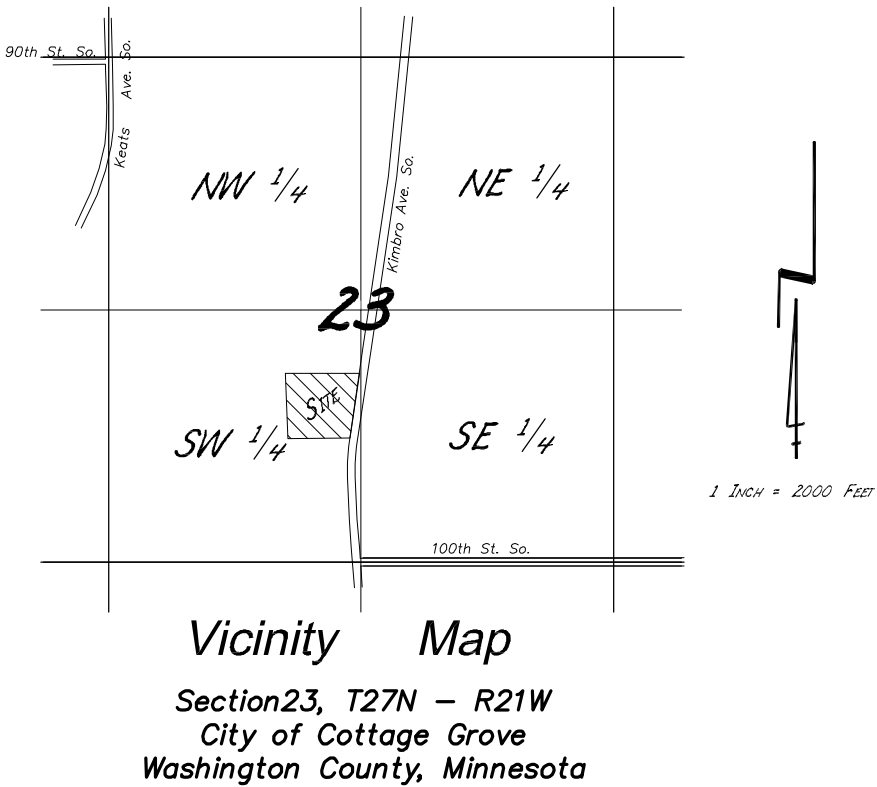
Commencing at the southwest corner of said Lot 2; thence South 89 degrees 57 minutes 53 seconds East, bearings oriented to the plat bearing of said BROWN FARM DIVISION, along the south line of said Lot 2, a distance of 323.40 feet, to the point of beginning of the line to be described; thence North 07 degrees 54 minutes 23 seconds West, a distance of 559.27 feet to the south line of the north 90.00 feet of said Lot 2; thence South 89 degrees 57 minutes 53 seconds East, along said south line of the north 90.00 feet of Lot 2, a distance of 326.10 feet to the east line of said Lot 2, and said described line there terminating.

NEW DRAINAGE AND UTILITY EASEMENTS

A 10.00 foot wide strip of land over that part of Lot 2, Block 1, BROWN FARM DIVISION, according to the plat thereof on file and of record in the office of the County Recorder, Washington County, Minnesota, lying 5.00 feet on each side of the following described line:

Commencing at the southwest corner of said Lot 2; thence South 89 degrees 57 minutes 53 seconds East, bearings oriented to the plat bearing of said BROWN FARM DIVISION, along the south line of said Lot 2, a distance of 323.40 feet, to the point of beginning of the line to be described; thence North 07 degrees 54 minutes 23 seconds West, a distance of 559.27 feet to the south line of the north 90.00 feet of said Lot 2; thence South 89 degrees 57 minutes 53 seconds East, along said south line of the north 90.00 feet of Lot 2, a distance of 326.10 feet to the east line of said Lot 2, and said described line there terminating.

The side lines of the strip are lengthened or shortened to terminate on the south and east lines of said Lot 2.



I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the Laws of the State of Minnesota.

Timothy J. Freeman, LS
Minnesota License No. 16989
3/29/24
Date

Note: Official Copies of this map are crimp sealed

STAFF REPORT CASE: PP2024-010 & SP2024-010

ITEM: 6.2

PUBLIC MEETING DATE: 4/22/24

TENTATIVE COUNCIL REVIEW DATE: 5/1/24

APPLICATION

APPLICANT: BKBM Engineers, on behalf of ISD #833

REQUEST: A preliminary plat to replat the property at 8587 West Point Douglas Road and to plat the property at 8585 West Point Douglas Road to combine the two existing parcels into one platted lot; and a site plan review for the installation of a new above ground fuel tank and associated pumps/paving.

SITE DATA

LOCATION: 8585 / 8587 West Point Douglas Road South

ZONING: PB, Planned Business

GUIDED LAND USE: Commercial

LAND USE OF ADJACENT PROPERTIES:	<u>CURRENT</u>	<u>GUIDED</u>
NORTH:	Vacant	Commercial
EAST:	Highway 61	Highway 61
SOUTH:	Commercial	Commercial
WEST:	Industrial	Industrial

SIZE: N/A

DENSITY: N/A

RECOMMENDATION

Approval, subject to the conditions stipulated in this staff report.



COTTAGE GROVE PLANNING DIVISION

Planning Staff Contact: Conner Jakes, Associate Planner; 651-458-2868; cjakes@cottagegrovemn.gov

Application Accepted: 3/27/2024 60-Day Review Deadline: 5/26/2024

Planning Staff Report

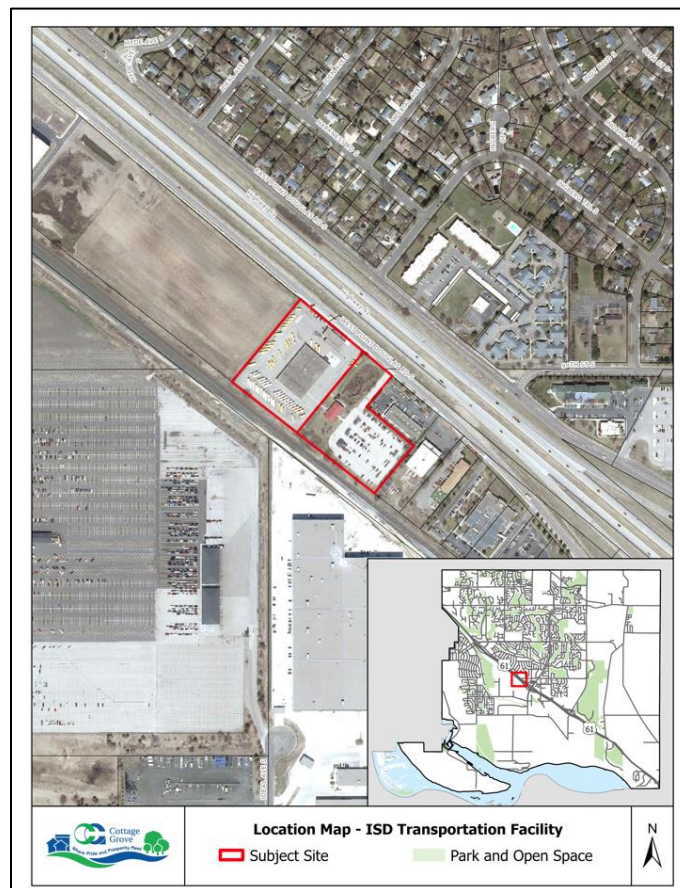
ISD 833 Transportation Facility

Planning Case No. PP2024-010 & SP2024-010

April 22, 2024

Proposal

BKBM Engineers (Applicant), on behalf of ISD 833 (Property Owner), has submitted applications for a Preliminary Plat, Final Plat, and Site Plan Review at 8585 West Point Douglas Road South and 8587 West Point Douglas Road South. The Applicant is proposing to combine the two lots into one platted lot via the preliminary and final plat; and to install a new above-ground fuel tank along with abandonment of the existing underground fuel tank via a site plan review. The subject site is located on a total of 8.5 acres of land to the north of the current CPKC rail line, west of the Glengrove Business Addition, and east of a 25.3-acre site owned by Capp Industries, Inc.



Site Location

Review Schedule

Application Received: March 27, 2024
Application Accepted: March 27, 2024
Planning Commission Meeting: April 22, 2024
Tentative City Council Meeting: May 1, 2024
60-Day Review Deadline: May 26, 2024

Background

The subject site consists of two existing lots. The western lot of the site, addressed as 8585 West Point Douglas Road, was developed in the 1970s for school bus parking and maintenance. The development of this lot occurred prior to the enactment of the City's current quality development standards including landscaping, setbacks, architecture, and impervious surface coverage. Due to the lot being developed prior to the City's current development standards, the existing lot consists of inadequacies that are addressed through this current planning application. The eastern lot of the site, addressed as 8587 West Point Douglas Road, was developed in 2001 and included the construction of an office building, employee parking area, and stormwater facilities. This lot was developed following the City's adoption of quality development standards and was reviewed under the standards at the time the application was submitted.



2023 Aerial

Planning Considerations

Zoning and Comprehensive Plan

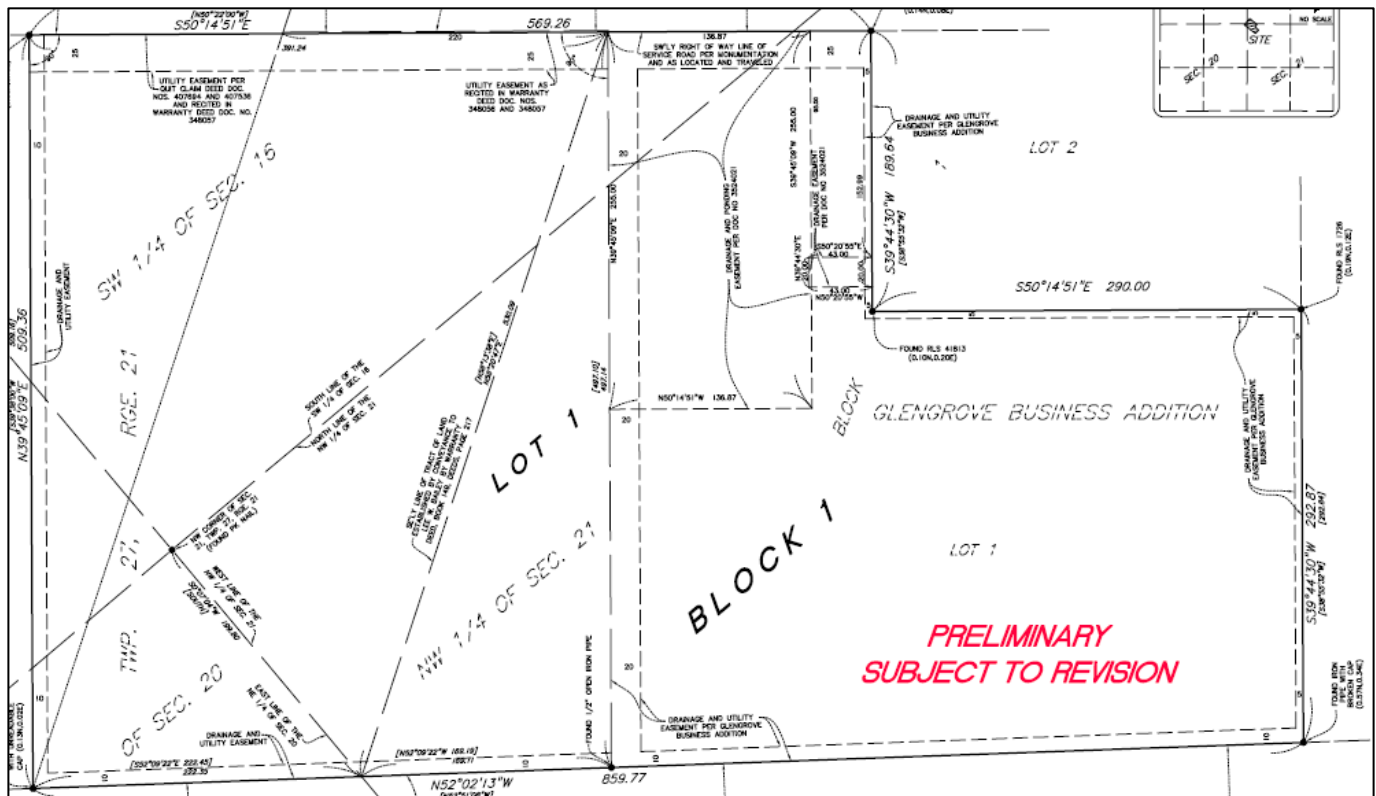
The subject site is zoned PB, Planned Business, and is guided as Commercial in the 2040 Comprehensive Plan. The proposed use is not listed as a permitted or conditional use within the PB zoning District. The original site (8585 West Point Douglas Road) was constructed prior to the

enactment of the City's quality development standards and the expansion site (8587 West Point Douglas Road) received approvals in 2001 in the form of a site plan review and a conditional use permit to expand the nonconforming use.

Preliminary Plat and Final Plat

The application consists of a preliminary and final plat in order to combine the existing two parcels into one parcel. As part of the 2001 approvals, a condition noted that the two existing parcels shall be combined; however, the combination has not been completed due to the County requiring the two lots be platted in order to be combined. Therefore, a preliminary and final plat approval is required as the lot addressed as 8585 West Point Douglas Road has never been previously platted (created with a meets and bounds description) while the lot addressed as 8587 West Point Douglas Road has been previously platted as part of the Glengrove Business Addition plat.

The proposed plat, as shown below, combines the two existing parcels into one lot while also platting the following easements: 25-foot utility easement along front property line, 20-foot drainage and utility easement over the center of the newly created lot to encompass the City trunk watermain, and the standard 10-foot perimeter drainage and utility easement.



Proposed Plat

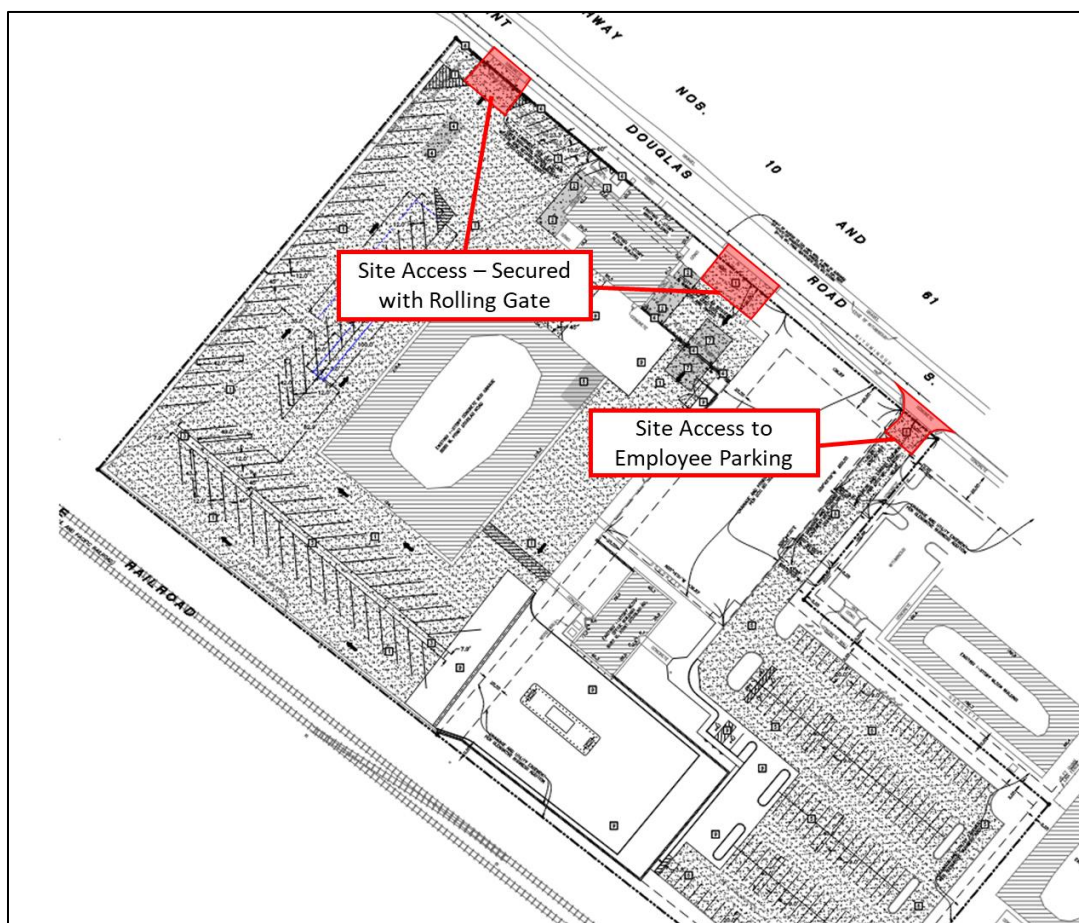
Site Plan Review

The proposed modifications to the site include the installation of one new 20,000 gallon above ground fuel tank and associated pump(s) near the south side of the property. The Applicant will be required to remove the two existing 10,000-gallon underground fuel tanks and associated pump(s) currently in use located at the north side of the property. As part of the installation of the new above-ground fuel tank near the south side of the property, the site layout will be altered with changes related mainly to parking and landscaping. However, the Applicant has also taken the

opportunity to obtain compliance with city code requirements related to the trash enclosure and monument signage.

Site Access

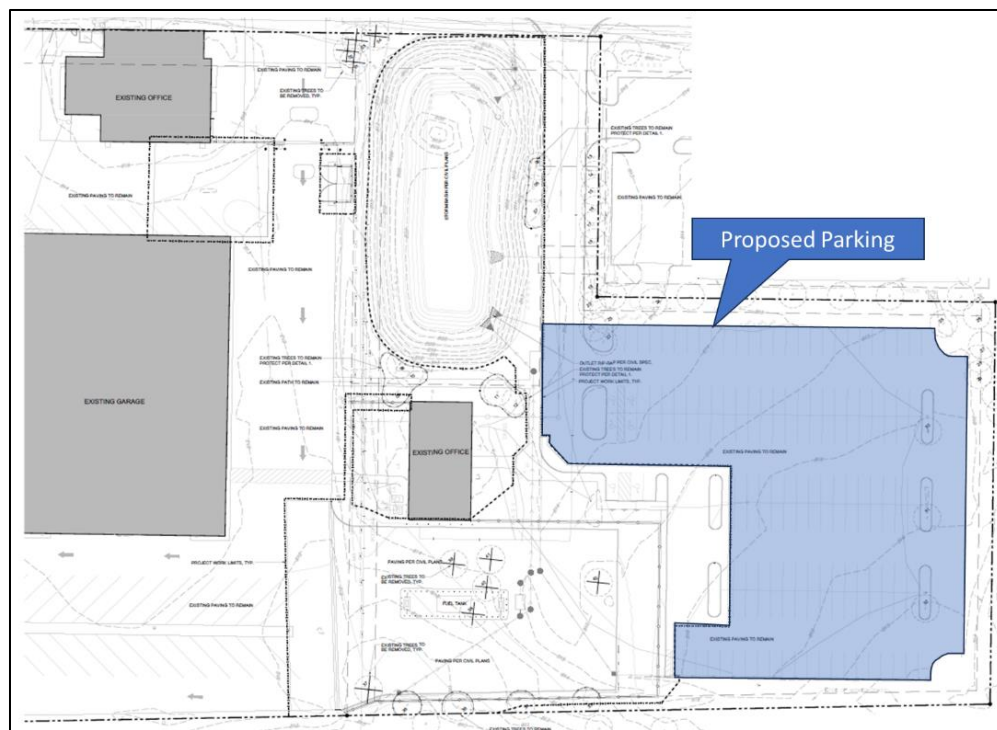
The site currently has three existing curb cuts with access to West Point Douglas Road. The two accesses located in the northwest of the site contain rolling gates to deter unauthorized access to the bus garage parking lot. The access located in the northeast corner of the site provides access to the employee parking lot in the southeast corner of the site. No additional accesses are proposed as part of these applications.



Site Access Locations

Parking

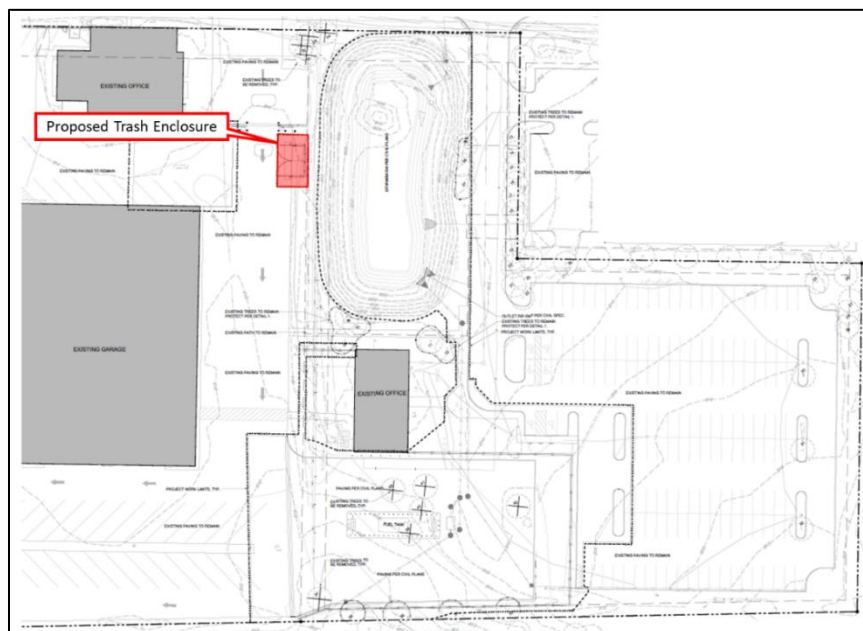
Due to the site being considered nonconforming as the site was developed prior to the City's adoption of quality development standards, City Code Title 11-3-4 does not list a specific number of parking stalls required. The site currently consists of 203 standard vehicle parking stalls, the proposed site plan indicates 166 stalls are proposed which is a loss of 37 stalls. The Applicant believes the parking needs will be adequately met for the use as the transportation facility which currently employs 115 drivers and 10 office staff. Assuming one stall per staff and driver, the number of parking stalls required would be 125 stalls. The proposed 166 parking stalls would meet this need and provide 41 stalls more than the number of current employees onsite. The 41 additional stalls will provide room for additional growth if and/or when it may be needed.



Proposed Parking

Trash Enclosure

The existing trash receptacles are currently stored in the center of the site; however, they are not stored in a required enclosure. The Applicant is proposing to construct and install a trash enclosure to be constructed with materials and colors that complement the principal structure onsite as required by City Code Title 11-3-8. In addition, City Code Title 11-3-8 also requires that trash enclosures be setback a minimum of 10 feet from the adjacent property lines. The proposed trash enclosure meets the setback requirements to all adjacent property lines of the combined parcel.



Proposed Trash Enclosure Location



Proposed Trash Enclosure

Tree Preservation

City Code Title 11-3-13 requires completion of a tree inventory (all qualifying trees) for the project area of a proposed development. The Applicant completed and submitted a Tree Preservation Plan that included a tree survey of the existing trees onsite. City Code Title 11-3-13 allows for the removal of up to 50 percent of the qualifying inches existing onsite without the need to provide tree mitigation. There are a total of 229 qualifying inches onsite and proposed removal of 30 qualifying inches. The proposed inches to be removed does not total more than 50 percent removal and does not require tree mitigation.

Landscaping

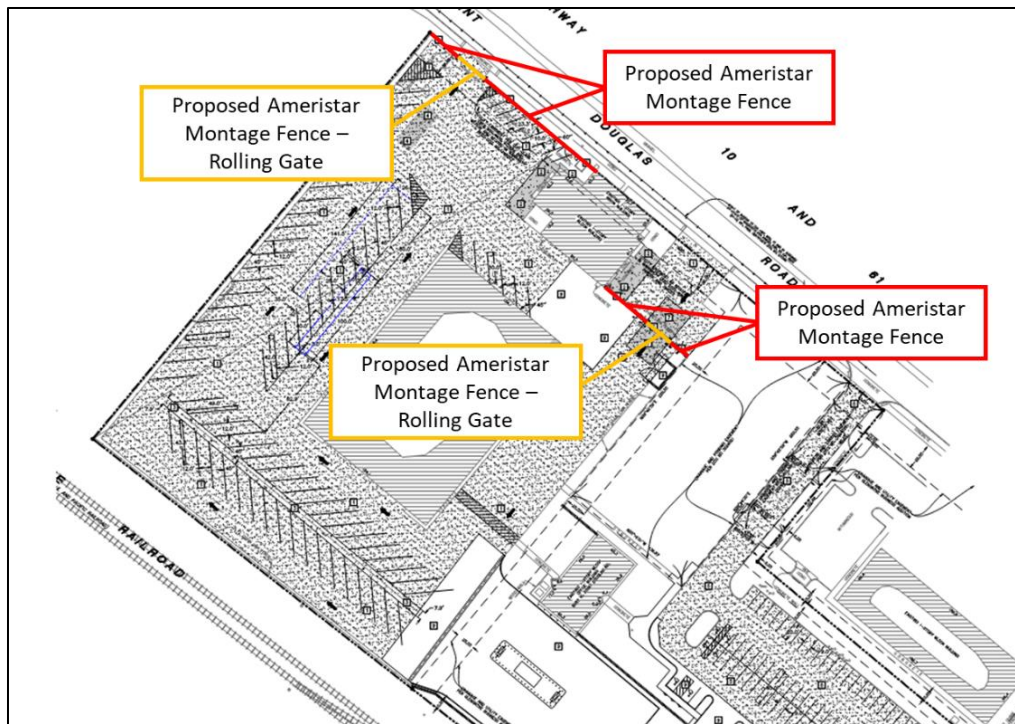
The Applicant has submitted a detailed landscape plan. City Code Title 11-3-12 requires that a minimum number of trees and shrubs be provided based on the gross square footage of the subject site.

Landscape Plantings	Planned Business District Standards	Proposed
Overstory Trees	9	9
Coniferous Trees	9	9
Shrubs	21	21

Fencing

The existing fencing on site consists of an 8-foot-tall chain link fence with barbed wire that surrounds the subject site. The Applicant is proposing to remove and replace the existing chain link fence adjacent to West Point Douglas Road South with the Ameristar Montage fence, which is a decorative fence that is found throughout the City's commercial areas and is consistent with the developed properties along West Point Douglas Road South.

In addition to replacing the fencing along West Point Douglas Road South, the Applicant is also proposing to replace the current metal rolling gates. The current gates consist of a chain link fence, and the Applicant is proposing to replace the gate fencing with the Ameristar Montage fence to provide consistency with the viewshed from West Point Douglas Road.



Proposed Fencing



Ameristar Montage Fence

Signage

A monument sign is currently located adjacent to the entrance drive off of West Point Douglas Road South within a drainage and utility easement, which will be required to be relocated outside of the easement or removed.

Grading and Surface Water Management

The applicant is proposing minor grading in multiple areas of the site to account for the addition of the above-ground fuel tanks. In addition, the applicant is proposing to regrade the private storm-water basin on the site to accommodate the additional impervious area that is being created as part of the proposed project. The proposed grading and associated drainage are proposed to meet the surface water management requirements established by the State, Watershed District, and the City's Surface Water Management Plan.

Utilities

The Applicant is not proposing any modifications to the sanitary sewer or watermain connections that are existing.

Development Fees

All applicable development fees have been paid at the time of development; therefore, no additional development fees are required as part of this proposal.

Public Hearing Notices

The public hearing notice for the April 22, 2024, Planning Commission meeting was published in the *Saint Paul Pioneer Press* and mailed on April 10, 2024, to 22 property owners that are within 500 feet of the proposed project. Staff has not received any comments at the time of writing the report.

Recommendation

That the Planning Commission recommend that the City Council approve the following applications subject to the conditions of approval listed below.

- A. A Preliminary Plat to be called SWCSD Transportation Facility in order to combine the lot located at 8585 West Point Douglas Road South and the lot located at 8587 West Point Douglas Road South into one platted lot.
- B. A Site Plan Review to install one new 20,000 gallon above ground fuel tank and associated pump(s).

Conditions of Approval

- 1. The project shall be completed in accordance with the plans submitted as amended by the conditions of approval. Any significant changes to the plans, as determined by planning staff, shall require review and approval by the Planning Commission and City Council.
- 2. Prior to the issuance of a grading permit, the final plat shall be recorded with the Washington County Recorder's Office and the final grading plan shall be approved by the City Engineer.
- 3. Prior to the issuance of a building permit, the Developer shall incorporate the recommendations, requirements, and evaluations noted in the comment letter dated March 25, 2024, and subject to modifications that are agreed to by the Applicant and City Engineer. All comments shall be adopted herein by reference.
- 4. All applicable permits (i.e.; building, demo, electrical, grading, right of way and mechanical) and a commercial plan review packet must be completed, submitted, and approved by the City prior to the commencement of any construction activities. Detailed construction plans must be reviewed and approved by the Building Official, City Engineer, and Fire Marshal.
- 5. The Applicant shall apply for and receive a demolition permit prior to work commencing on the removal of the two existing underground fuel tanks and other structures noted for re-

moval. The Fire Marshal must witness that the old tanks and piping were removed, and the tanks were purged of flammable vapors.

6. Installation of landscaping shall occur in a timely fashion and be consistent with an approved plan. Prior to the issuance of a building permit, a letter of credit in the amount of 150 percent of the landscape estimate shall be submitted to the City as required by City ordinance. The financial guarantee shall be held until all required plantings are installed. At such time of installation, the Planning Department shall conduct an inspection to verify compliance with the landscape plan. If the inspection is approved, 50 percent of the financial guarantee shall be released. One year from the date of initial inspection a follow-up inspection shall be conducted to verify survivability. If the follow-up inspection is approved, the remainder of the financial guarantee shall be released.
7. The grading and erosion control plan for the site must comply with NPDES II Permit requirements. Erosion control devices must be installed prior to commencement of any grading activity. Erosion control must be performed in accordance with the recommended practices of the “Minnesota Construction Site Erosion and Sediment Control Planning Handbook” and the conditions stipulated in Title 9-7-1, Erosion Control During Construction, of the City’s Subdivision Ordinance. The Applicant shall be responsible for the costs for the City to inspect the site in relation to erosion control conformance.
8. The Applicant must provide the City with an as-built survey of all utilities and grading plan.
9. Proposed trash enclosures shall be constructed using materials and patterns that complement those used on the building.
10. Rubbish, waste, and recycling containers shall be stored within an appropriately sized enclosed structure compliant with City ordinance screening requirements and shall always be maintained so as not cause odors or other public nuisances.
11. The Applicant is responsible for removing debris from all adjacent public and private roadways during their grading and construction process. The adjacent streets shall be swept clean daily or as needed.
12. All areas of the site, where practical, shall be established and maintained per the approved final landscaping plan.
13. Prior to the release of the final plat, a final landscaping plan shall be approved in writing by planning staff.
14. Bus parking is prohibited in the southeastern parking lot.
15. Irrigation shall be provided for all landscaped areas. The irrigation system shall consist of an underground sprinkling system that is designed by a professional irrigation installer to meet the water requirements of the site’s specific vegetation. The system shall be detailed on the final landscape plan.

16. Any fencing constructed adjacent to West Point Douglas Road, including fencing on metal rolling gates, shall be the Ameristar Montage fence as noted in the plan set dated March 28, 2024. Alternate fence types adjacent to West Point Douglas Road may be approved by planning staff in writing.
17. At such time the Applicant applies for a building permit for the installation of the fuel tank, a demolition permit for the removal of the existing tanks shall be applied for.
18. Signage is not approved as part of this application. Any proposed signage shall meet the requirements of the sign ordinance and require a separate building permit.

Prepared by

Conner Jakes
Associate Planner

Attachments

Engineering Plans dated 3/28/2024
SWCSD Transportation Facility Final Plat
Plan Review Comment Letter dated 3/25/2024

ISD 833 TRANSPORTATION FACILITY FUEL TANK INSTALLATION COTTAGE GROVE, MINNESOTA

PROJECT DIRECTORY

<u>SCHOOL DISTRICT</u> SOUTH WASHINGTON COUNTY SCHOOLS 7362 E POINT DOUGLAS RD. COTTAGE GROVE, MN 55016 DISTRICT CONTACT: KYLE UECKER PHONE: 651-425-6299	<u>CIVIL ENGINEER</u> BKBM ENGINEERS 6120 EARLE BROWN DRIVE, SUITE 700 MINNEAPOLIS, MN 55430 CONTACT: KEVIN BOHL, P.E. PHONE: 763-843-0420 FAX: 763-843-0421	<u>LANDSCAPE</u> CALYX DESIGN GROUP 475 CLEVELAND AVENUE NORTH, SUITE 101A SAINT PAUL, MN 55104 CONTACT: BEN HARTBERG, PLA/ASLA/LEED AP PHONE: 651-788-9018	<u>ELECTRICAL ENGINEER</u> ISG 7900 INTERNATIONAL DRIVE, SUITE 500 BLOOMINGTON, MN 55425 CONTACT: SCOTT HUTCHINS, P.E. PHONE: 952-426-0699
<u>GEOTECHNICAL</u> BRAUN INTERTEC 11001 HAMPSHIRE AVENUE S MINNEAPOLIS, MN CONTACT: STEVE MOEN PHONE: 651-666-9355	<u>COTTAGE GROVE ENGINEER</u> 12800 RAVINE PARKWAY SOUTH COTTAGE GROVE, MN 55016 CONTACT: AMANDA MEYER, P.E. PHONE: 651-458-2848	<u>NATURAL GAS UTILITY</u> CENTERPOINT ENERGY PHONE: 612-372-4727	
<u>SURVEYOR</u> SUNDE LAND SURVEYING 9001 EAST BLOOMINGTON FREEWAY (35W) SUITE 118 BLOOMINGTON, MN 55420 CONTACT: LENNY CARLSON, R.L.S. PHONE: 952-886-3109 FAX: 952-888-9526	<u>WATERSHED DISTRICT</u> SOUTH WASHINGTON WATERSHED DISTRICT 2302 TOWER DR. WOODBURY, MN 55447 CONTACT: JOHN LOOMIS PHONE: 651-714-3714	<u>ELECTRIC UTILITY</u> EXCEL ENERGY PHONE: 612-330-5500	
		<u>TELEPHONE AND CABLE UTILITIES</u> CENTURYLINK 800-526-3557 COMCAST 651-222-3333 HUGHESNET 651-458-0315	

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C2.0	GRADING, DRAINAGE, AND EROSION CONTROL PLAN	L1-3	LANDSCAPE PLAN - AREA 'B'
C3.0	UTILITY PLAN	L1-4	LANDSCAPE DETAILS
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C6.1	STORMWATER POLLUTION PREVENTION PLAN - PROPOSED CONDITIONS		



VICINITY MAP

ISD 833
TRANSPORTATION
FACILITY - FUEL
TANK
INSTALLATION

8587 W POINT DOUGLAS RD S
COTTAGE GROVE, MN 55016



Revisions		
No.	Description	Date

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

Kevin A. Bohl
Kevin A. Bohl
Date: 03/28/2024 Lic. No.: 52209

DATE: 03/28/2024
PROJECT #: 23280
PROJECT STATUS: CDs

DRAWN BY: WH
CHECKED BY: NPA

TITLE SHEET

T1.0

ISD 833
TRANSPORTATION
FACILITY - FUEL
TANK
INSTALLATION

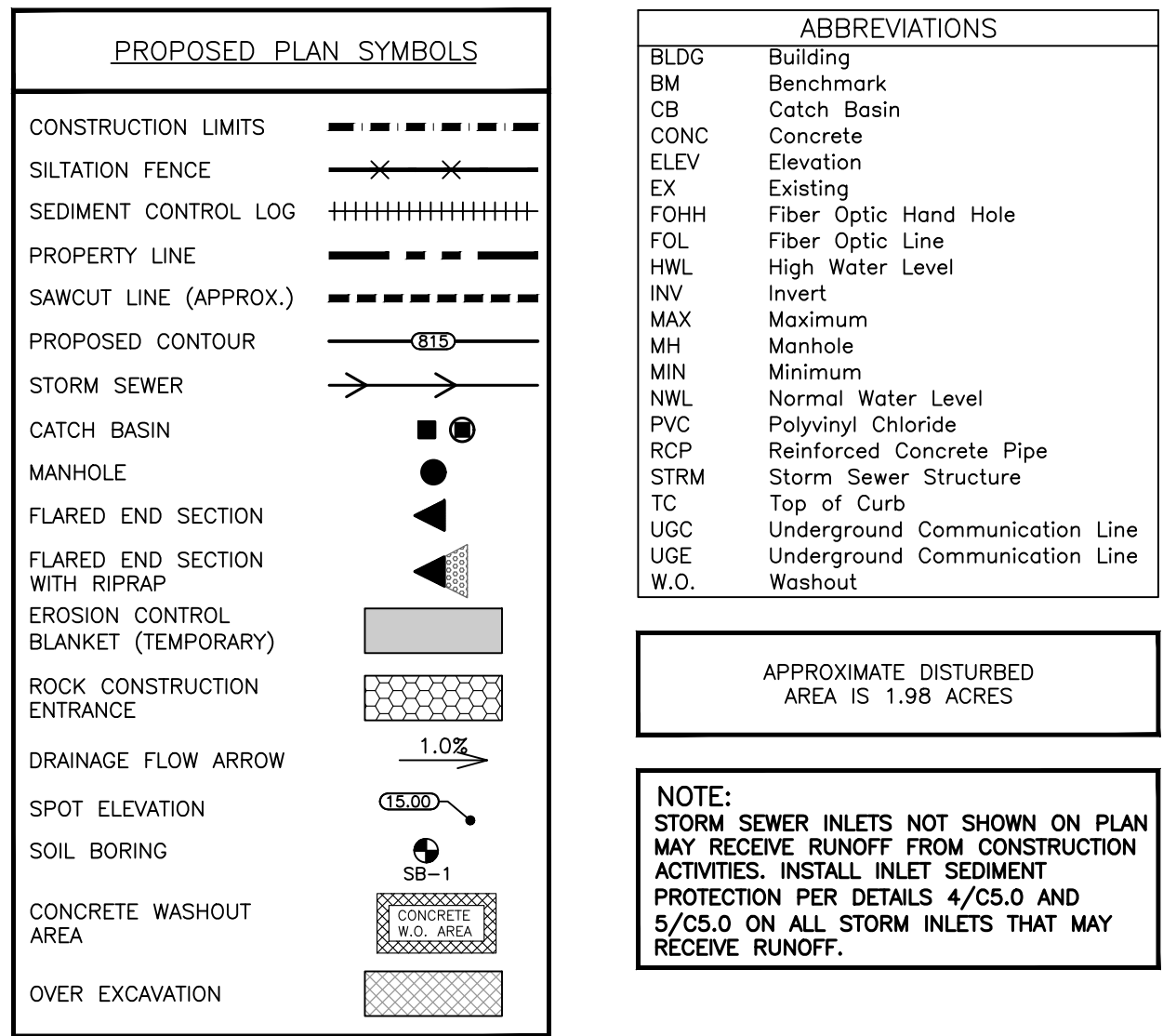
8587 W POINT DOUGLAS RD S
COTTAGE GROVE, MN 55016

BKBM
ENGINEERS

6100 Erika Brown Drive, Suite 700
Minneapolis, MN 55425-2518
Phone: (763) 843-0401
Fax: (763) 843-0401
www.bkbm.com

WALKWAY NOTES:
1. ALL SIDEWALK LONGITUDINAL AND
TRANSVERSE SLOPES ARE TO BE PER
CODE.

NOTE:
STORM SEWER INLETS NOT SHOWN ON PLAN
MAY RECEIVE RUNOFF FROM CONSTRUCTION
ACTIVITIES. INSTALL INLET SEDIMENT
PROTECTION PER DETAILS 4/C5.0 AND
5/C5.0 ON ALL STORM INLETS THAT MAY
RECEIVE RUNOFF.



KEYED NOTES

KEYED NOTES ARE DENOTED BY [NO] ON PLAN.

1. INSTALL STABILIZED CONSTRUCTION ENTRANCE. REFER TO DETAIL 15/C5.0. IF ALTERNATE 1 IS ACCEPTED INSTALL ROCK CONSTRUCTION ENTRANCE PER DETAIL 1/C5.0.
2. INSTALL PERIMETER EROSION CONTROL. REFER TO DETAILS 2/C5.0 AND 3/C5.0.
3. INSTALL INLET SEDIMENT PROTECTION. REFER TO DETAILS 4/C5.0 AND 5/C5.0.
4. APPROXIMATE LOCATION OF TEMPORARY CONTAINED CONCRETE WASH OUT BIN. REFER TO THE MINNESOTA'S NPDES/SDS GENERAL STORMWATER PERMIT FOR CONSTRUCTION ACTIVITY FOR MORE DETAILS. SELF-CONTAINED CONCRETE WASHOUTS ON CONCRETE DELIVERY TRUCKS IS AN ACCEPTABLE ALTERNATIVE TO ON-SITE CONTAINMENT.
5. INSTALL WET POND WITH CLAY LINER. LINER SHALL MEET MPCA REQUIREMENTS FOR A LEVEL 1 LINER AND BE A MINIMUM TWO-FOOT THICK. REFER TO DETAIL 10/C5.0.
6. INSTALL MN/DOT 3885 CATEGORY 20 TEMPORARY STRAW FIBER EROSION CONTROL BLANKET.
7. GRADING INTENT IS TO MAKE UP APPROXIMATELY 3-INCHES GRADE DIFFERENCE IN THE CONCRETE MAINTENANCE STRIP. SEE 1/C2.0 FOR SPOT ELEVATIONS.
8. CONTRACTOR SHALL OVER-EXCAVATE SUBGRADE DOWN TO NATIVE SAND AND FILL WITH NON-FROST SUSCEPTIBLE FILL OVER THE EXTENTS OF THE FUELING ISLAND. ANTICIPATED DEPTH TO NATIVE SANDS IS ELEVATION 806.6. GEOTECHNICAL ENGINEER SHALL VERIFY NATIVE SAND HAVE BEEN REACHED.
9. INSTALL STABILIZED CONSTRUCTION ENTRANCE. REFER TO DETAIL 15/C5.0. IF ALTERNATE 2 IS ACCEPTED INSTALL ROCK CONSTRUCTION ENTRANCE PER DETAIL 1/C5.0.

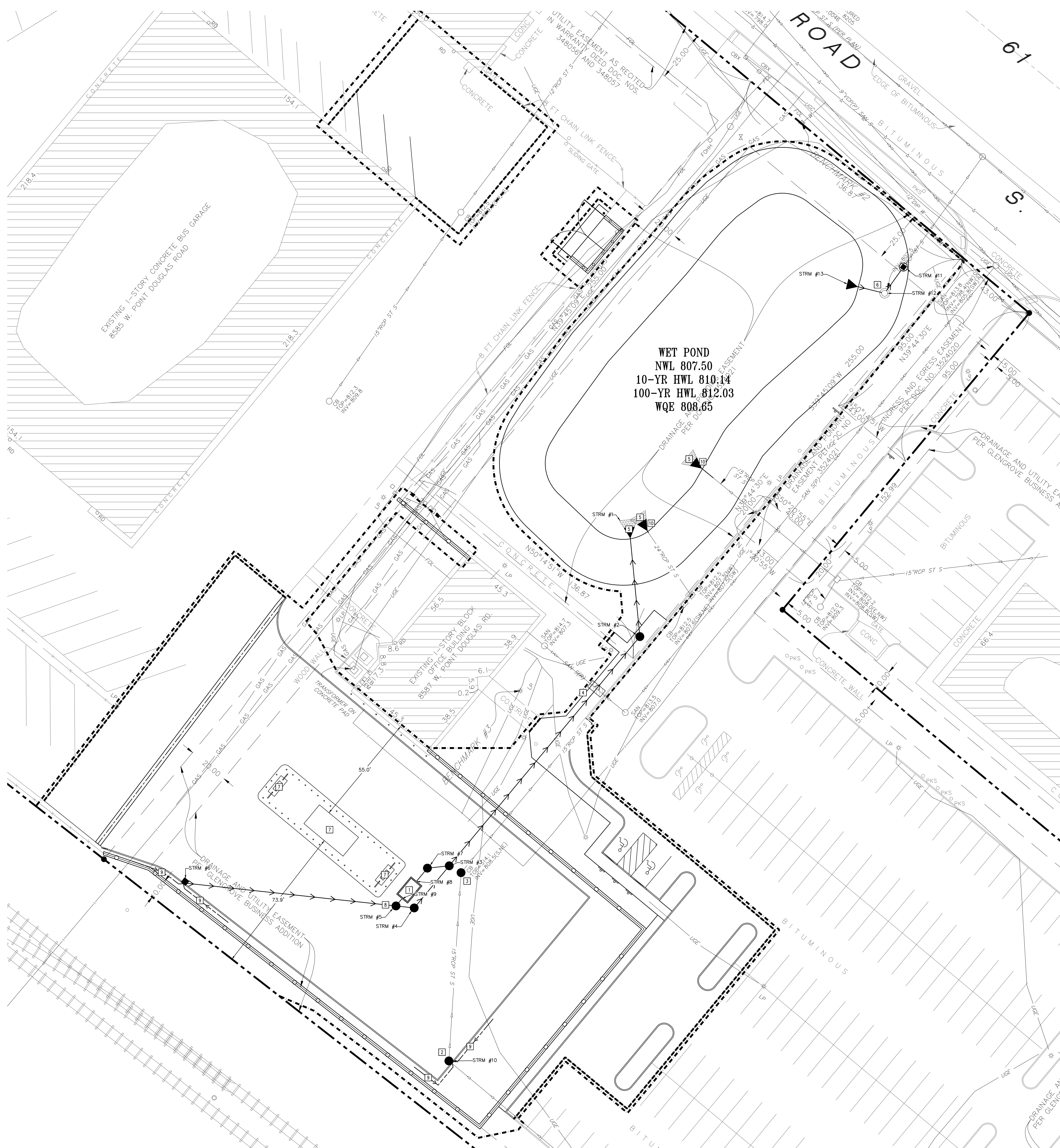
EROSION CONTROL NOTES:

1. ALL EROSION CONTROL FACILITIES SHALL BE INSTALLED PRIOR TO ANY SITE GRADING OPERATIONS. THE CITY ENGINEERING DEPARTMENT AND SOUTH WASHINGTON COUNTY WATERSHED DISTRICT MUST BE NOTIFIED UPON COMPLETION OF THE INSTALLATION OF THE REQUIRED EROSION CONTROL FACILITIES AND PRIOR TO ANY GRADING OPERATION BEING COMMENCED. THE CONTRACTOR IS RESPONSIBLE FOR SCHEDULING A PRE-CONSTRUCTION GRADING MEETING ON-SITE WITH THE CITY AND SOUTH WASHINGTON COUNTY WATERSHED DISTRICT. IF DAMAGED OR REMOVED DURING CONSTRUCTION, ALL EROSION CONTROL FACILITIES SHALL BE RESTORED AND IN PLACE AT THE END OF EACH DAY.
2. ANY EROSION CONTROL FACILITIES DEEMED NECESSARY BY THE CITY OR SOUTH WASHINGTON WATERSHED DISTRICT, BEFORE, DURING, OR AFTER THE GRADING ACTIVITIES, SHALL BE INSTALLED AT THEIR REQUEST.
3. NO DEVIATIONS SHALL BE MADE FROM THE ELEVATIONS SHOWN ON THE APPROVED GRADING PLAN WITHOUT PRIOR APPROVAL FROM THE CIVIL ENGINEER.
4. FOR SITES GREATER THAN 1.0 ACRE, AS REQUIRED BY THE MPCA PERMIT REQUIREMENTS, THE PERMIT APPLICANT MUST KEEP AN EROSION CONTROL INSPECTION LOG. INSPECTION MUST BE MADE ONCE EVERY SEVEN DAYS AND WITHIN 24 HOURS AFTER EVERY RAIN EVENT. THE INSPECTION RECORD MUST BE MADE AVAILABLE TO THE CITY AND SOUTH WASHINGTON COUNTY WATERSHED DISTRICT WITHIN 24 HOURS OF REQUEST.
5. FLOWS FROM DIVERSION CHANNELS OR PIPES (TEMPORARY OR PERMANENT) SHALL BE ROUTED TO SEDIMENTATION BASINS OR APPROPRIATE ENERGY DISSIPATORS TO PREVENT TRANSPORT OF SEDIMENT TO OUTFLOW TO LATERAL CONVEYORS AND TO PREVENT EROSION AND SEDIMENTATION WHEN RUNOFF FLOWS INTO THESE CONVEYORS.
6. SITE ACCESS ROADS SHALL BE GRADED OR OTHERWISE PROTECTED WITH SILT FENCES, DIVERSION CHANNELS, OR DIKES AND PIPES TO PREVENT SEDIMENT FROM EXITING THE SITE VIA THE ACCESS ROADS. SITE-ACCESS ROADS/DRIVEWAYS SHALL BE SURFACED WITH CRUSHED ROCK WHERE THEY ADJOIN EXISTING PAVED ROADWAYS.
7. SOILS TRACKED FROM THE SITE BY MOTOR VEHICLES OR EQUIPMENT SHALL BE CLEANED DAILY FROM PAVED ROADWAY SURFACES, OR MORE FREQUENTLY IF REQUESTED BY THE CITY OR SOUTH WASHINGTON COUNTY WATERSHED DISTRICT, THROUGHOUT THE DURATION OF CONSTRUCTION.
8. DUST CONTROL MEASURES SHALL BE PERFORMED PERIODICALLY WHEN CONDITIONS REQUIRE AND/OR AS DIRECTED BY THE CITY OR SOUTH WASHINGTON COUNTY WATERSHED DISTRICT.
9. ALL EROSION CONTROL MEASURES SHALL BE USED AND MAINTAINED FOR THE DURATION OF SITE CONSTRUCTION. IF CONSTRUCTION OPERATIONS OR NATURAL EVENTS DAMAGE OR INTERFERE WITH THE EROSION CONTROL MEASURES, THEY SHALL BE RESTORED TO SERVE THEIR INTENDED FUNCTION AT THE END OF EACH DAY OR AS SOON AS FIELD CONDITIONS ALLOW ACCESS.
10. ALL AREAS DISTURBED DURING CONSTRUCTION SHALL BE RESTORED AS SOON AS POSSIBLE. ANY AREAS WHICH HAVE BEEN FINISHED GRADED OR AREAS THAT HAVE BEEN DISTURBED FOR WHEN GRADING OR SITE BUILDING CONSTRUCTION OPERATIONS ARE NOT ACTIVELY UNDERWAY SHALL BE SEEDED AND MULCHED AS SET FORTH IN THE FOLLOWING PARAGRAPHS WITHIN 7 DAYS:
 - A. ALL SEEDED AREAS SHALL BE EITHER MULCHED AND DISC-ANCHORED OR COVERED BY FIBROUS BLANKETS TO PROTECT SEEDS AND LIMIT EROSION. TEMPORARY STRAW MULCH SHALL BE DISC-ANCHORED AND APPLIED AT A UNIFORM RATE OF NOT LESS THAN TWO TONS PER ACRE AND NOT LESS THAN 50% COVERAGE.
 - B. IF THE GRADED AREA IS ANTICIPATED TO BE RE-DISTURBED/DEVELOPED WITHIN SIX MONTHS, PROVIDE A TEMPORARY VEGETATIVE COVER CONSISTING OF MINNESOTA DEPARTMENT OF TRANSPORTATION (MN/DOT) SEED MIXTURE 21-111 (OATS), OR 21-112 (WINTER WHEAT), AT A RATE OF 100 POUNDS PER ACRE.
 - C. IF GRADED AREA WILL NOT BE DEVELOPED FOR A PERIOD GREATER THAN SIX MONTHS, PROVIDE A SEMI-PERMANENT VEGETATIVE COVER OF SEED MIXTURE MN/DOT 22-112 AT A RATE OF 40 POUNDS PER ACRE.
 - D. GRADING BONDS OR THE EQUIVALENT SECURITIES SHALL BE RETAINED UNTIL TURF HAS GERMINATED AND SURVIVED A 60-DAY GROWING PERIOD.
 - E. REFER TO LANDSCAPE PLANS FOR PERMANENT TURF RESTORATION.
 - F. WHENEVER OTHER EROSION AND SEDIMENT CONTROL PRACTICES ARE INADEQUATE, TEMPORARY ON-SITE SEDIMENT BASINS THAT CONFORM TO THE CRITERIA FOR ON-SITE DETENTION BASINS SHALL BE PROVIDED.
 - G. MULCH, HYDROMULCH, AND TACKIFIERS MAY NOT BE USED FOR STABILIZATION IN SWALES OR DRAINAGE DITCHES UNLESS THE LONGITUDINAL SLOPE IS LESS THAN 2 PERCENT.
 - H. RUNOFF SHALL BE PREVENTED FROM ENTERING ALL STORM SEWER CATCH BASINS PROVIDING THEY ARE NOT NEEDED DURING CONSTRUCTION. WHERE STORM SEWER CATCH BASINS ARE NECESSARY FOR SITE DRAINAGE DURING CONSTRUCTION, SEDIMENT PROTECTION DEVICES AS DETAILED SHALL BE INSTALLED AND MAINTAINED AROUND ALL CATCH BASINS UNTIL THE TRIBUTARY AREA TO THE CATCH BASIN IS RESTORED.
11. GRADING ACTIVITIES PROPOSED TO BEGIN AFTER OCTOBER 15TH WILL REQUIRE AN APPROVED PHASING SCHEDULE. THE AREA OF LAND THAT THE CITY WILL ALLOW TO BE DISTURBED AT THE TIME OF YEAR WILL BE SEVERELY LIMITED. THE CITY WILL ALSO REQUIRE ADDITIONAL EROSION CONTROL DEVICES, I.E., TEMPORARY SEDIMENT BASINS, DORMANT SEEDING AND HIGH RATES OF APPLICATION OF BOTH SEED AND MULCH.
12. FILTER BLANKET AND RIPRAP SHALL BE INSTALLED ON THE DOWNSTREAM SIDES OF ALL STORM SEWER OUTLETS 24 HOURS AFTER CONSTRUCTION AS INDICATED AND DETAILED. ALL RIPRAP SHALL BE INSTALLED WITH A FILTER MATERIAL MEETING THE MN/DOT SPECIFICATIONS FOR RIPRAP AND FILTER MATERIAL.
13. EROSION CONTROL FACILITIES SHALL BE INSTALLED AND MAINTAINED AROUND THE PERIMETER OF ALL PONDS AND WETLANDS WITHIN OR ADJACENT TO THE AREA TO BE GRADED UNTIL THE TRIBUTARY AREA TO THE POND OR WETLAND IS RESTORED.
14. TO MINIMIZE EROSION, ALL 3:1 SLOPES SHALL BE COVERED WITH A MN/DOT 3885 CATEGORY 20 STRAW EROSION CONTROL BLANKETS OR STAKED SOD.
15. ACCUMULATION OF ALL SEDIMENT OCCURRING IN PONDS WETLANDS, STORM SEWERS, AND DITCHES SHALL BE REMOVED PRIOR TO, DURING, AND AFTER COMPLETION OF GRADING ACTIVITIES.
16. EROSION CONTROL ITEMS AND DEVICES SHALL BE REMOVED ONLY AFTER THE AREA HAS RECEIVED FINAL STABILIZATION OR AS DIRECTED BY THE CITY AND/OR SOUTH WASHINGTON COUNTY WATERSHED DISTRICT.

GRADING NOTES:

1. THE CONTRACTOR SHALL VISIT THE SITE, REVIEW ALL CONSTRUCTION DOCUMENTS, AND FIELD VERIFY THE EXISTING CONDITIONS PRIOR TO BIDDING. NO ADDITIONAL COMPENSATION WILL BE GIVEN FOR WORK THAT COULD HAVE BEEN IDENTIFIED BY A SITE VISIT OR CONSTRUCTION DOCUMENT REVIEW.
2. THE BACKGROUND INFORMATION WAS PREPARED BY SUNDE LAND SURVEYING, (952) 881-2455.
3. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ASCERTAIN THE LOCATION OF ALL EXISTING UTILITIES. THE CONTRACTOR SHALL VERIFY THE LOCATION AND ELEVATION AND MARK ALL EXISTING UTILITIES 48 HOURS BEFORE CONSTRUCTION STARTS. THE ENGINEER, ARCHITECT, OR OWNER DOES NOT GUARANTEE THAT ALL THE UTILITIES ARE MAPPED, OR, IF MAPPED, ARE SHOWN CORRECTLY. CONTACT Gopher State One Call at 651-454-0002 FOR FIELD LOCATING EXISTING UTILITIES. CONTACT UTILITY OWNER IF DAMAGE OCCURS DUE TO CONSTRUCTION.
4. PROTECT ALL EXISTING STRUCTURES AND UTILITIES WHICH ARE NOT SCHEDULED FOR REMOVAL.
5. NOTIFY CITY BUILDING INSPECTOR BEFORE TRENCHING AND EXCAVATION WORK COMMENCES. THE CONTRACTOR SHALL OBTAIN ALL APPLICABLE PERMITS PRIOR TO START OF CONSTRUCTION.
6. ALL SPOT ELEVATIONS SHOWN AS 15.00, FOR EXAMPLE, ARE TO BE UNDERSTOOD TO MEAN 815.00.
7. ALL SPOT ELEVATIONS ALONG THE CURB-EDGE INDICATE THE ELEVATION OF THE GUTTER UNLESS NOTED OTHERWISE.
8. NO LANDSCAPED SLOPES ARE TO EXCEED 3:1 (3 FEET HORIZONTAL TO 1 FOOT VERTICAL) UNLESS NOTED OTHERWISE.
9. ACCESSIBLE PARKING AREAS SHALL NOT HAVE SLOPES IN ANY DIRECTION THAT EXCEED 2%.
10. PROVIDE POSITIVE DRAINAGE FROM BUILDINGS AT ALL TIMES.
11. UPON COMPLETION OF THE GRADING AND UTILITY WORK, THE CONTRACTOR SHALL CERTIFY THAT ALL GRADING AND UTILITY WORK WAS PERFORMED IN ACCORDANCE WITH THE APPROVED GRADING AND UTILITY PERMITS. AN AS-BUILT GRADING AND UTILITY PLAN SHALL BE PERFORMED BY A REGISTERED LAND SURVEYOR HIRED BY THE CONTRACTOR. SURVEY SHALL BE PROVIDED TO CIVIL ENGINEER.
12. PRIOR TO ISSUANCE OF BUILDING PERMITS, ALL NECESSARY EROSION CONTROL DEVICES MUST BE IN PLACE AND FUNCTIONING. THE CITY AND SOUTH WASHINGTON COUNTY WATERSHED DISTRICT WILL INSPECT THE SITE TO DETERMINE ITS SUITABILITY FOR BUILDING ACTIVITIES. IF THE PUBLIC UTILITIES HAVE NOT BEEN INSTALLED AT THIS POINT, IT MAY BE NECESSARY TO WITHHOLD BUILDING PERMITS FOR VARIOUS LOTS TO ALLOW THE CONTRACTOR ADEQUATE SPACE TO PERFORM THIS WORK.
13. ALL DEBRIS CREATED IN THE PROCESS OF CLEARING AND GRADING THE SITE SHALL BE REMOVED FROM THE SITE. THIS INCLUDES TREES AND SHRUBS. UNDER NO CIRCUMSTANCES SHALL THIS TYPE OF MATERIAL BE BURIED OR BURNED ON THE SITE.
14. THE CONTRACTOR MAY STRIP AND SALVAGE TOPSOIL FOR POTENTIAL RE-SPREADING ON THE SITE, IF APPROVED BY THE LANDSCAPE ARCHITECT AND/OR SPECIFICATIONS. PRIOR TO FINAL STABILIZATION, SIX INCHES OF TOPSOIL OR ORGANIC MATERIAL IS TO BE SPREAD AND INCORPORATED IN THE UNDERLYING SOILS. SIX INCHES OF TOPSOIL SHALL BE REMOVED FROM THE SITE PRIOR TO SEEDING AND MULCHING. EXCESS TOPSOIL MAY BE REMOVED FROM THE SITE PROVIDED THERE IS ADEQUATE TOPSOIL REMAINING TO PROPERLY FINISH THE SITE AS NOTED ABOVE. THE TOPSOIL STRIPPING, STOCKPILING, AND RE-SPREADING SHALL BE DONE IN ACCORDANCE WITH AND NOTED ON THE APPROVED GRADING PLAN AND SPECIFICATIONS. THE CONTRACTOR SHALL REFER TO THE LANDSCAPE DRAWINGS AND SPECIFICATIONS FOR ANY SPECIAL TOPSOIL OR PLANTING REQUIREMENTS.
15. ALL GRADING OPERATIONS SHALL BE CONDUCTED IN A MANNER TO MINIMIZE THE POTENTIAL FOR SITE EROSION. EROSION CONTROL MEASURES SHALL BE INSTALLED TO PREVENT SEDIMENT FROM RUNNING OFF ONTO ADJACENT PROPERTIES. ANY DAMAGE TO ADJACENT PROPERTIES MUST BE CORRECTED AND RESTORED AS SOON AS PERMISSION IS GRANTED FROM THE ADJACENT PROPERTY OWNER(S).
16. IF CONSTRUCTION OF THE SITE WORK PROCEEDS DURING THE WINTER MONTHS, ANY DISTURBED AREAS OUTSIDE THE BUILDING FOOTPRINTS ARE TO BE MINIMALLY STABILIZED PRIOR TO MARCH 1 AS FOLLOWS: AREAS PLANNED TO RECEIVE PAVEMENTS ARE TO HAVE CLASS 5 BASE INSTALLED; ALL OTHER DISTURBED AREAS ARE TO BE SEEDED, STRAW MULCH PLACED, AND DISC-ANCHORED.
17. WINTER MULCHING:
 - 17.A. SNOW MULCHING SHALL BE DEFINED AS MULCH MATERIAL SPREAD OVER THE TOP OF SNOW SO THAT THE MULCH MELTS THROUGH THE SNOW AND STICKS TO THE EXPOSED SOILS.
 - 17.B. FROZEN GROUND MULCHING SHALL BE DEFINED AS MULCH MATERIAL SPREAD OVER FROZEN GROUND. MULCH MATERIALS THAT DO NOT REQUIRE DISC-ANCHORING INTO THE SOIL MAY BE PLACED WITHOUT MODIFICATION. MULCH MATERIALS THAT REQUIRE DISC-ANCHORING MAY BE ANCHORED WITH HYDRAULIC SOIL STABILIZERS OR MAY BE FROZEN TO THE SOIL BY APPLYING WATER AT A RATE OF 2000 GALLONS PER ACRE OVER THE MULCH AS A SUBSTITUTION FOR DISC-ANCHORING.
18. THE CONTRACTOR SHALL LIMIT THE DISTURBED AREA AS MUCH AS POSSIBLE.

1 GRADING, DRAINAGE, AND EROSION CONTROL PLAN
C2.0 1" = 20'



PROPOSED PLAN SYMBOLS

CONSTRUCTION LIMITS	---
PROPERTY LINE	---
SAWCUT LINE (APPROX.)	---
STORM SEWER	---
CATCH BASIN	---
MANHOLE	---
FLARED END SECTION	---
FLARED END SECTION WITH RIPRAP	---
PIPE INSULATION	---

ABBREVIATIONS

BLDG	Building
BM	Benchmark
CB	Catch Basin
CONC	Concrete
ELEV	Elevation
EX	Existing
FOHH	Fiber Optic Hand Hole
FOL	Fiber Optic Line
HWL	High Water Level
INV	Invert
MAX	Maximum
MH	Manhole
MIN	Minimum
NWL	Normal Water Level
PVC	Polyvinyl Chloride
RCP	Reinforced Concrete Pipe
STRM	Storm Sewer Structure
TC	Top of Curb
UGC	Underground Communication Line
UGE	Underground Communication Line

NOTE:
PRIOR TO THE START OF CONSTRUCTION, THE CONTRACTOR SHALL POT-HOLE AND DETERMINE THE LOCATION AND ELEVATION OF EXISTING UNDERGROUND UTILITIES. CONTACT CITY ENGINEER IF EXISTING UTILITIES TO REMAIN WILL BE IMPACTED BY PROPOSED WORK.

NOTE:
WHERE PROPOSED GRADE OVER EXISTING SMALL UTILITIES IS PROPOSED TO BE LOWERED, CONTRACTOR SHALL COORDINATE WITH UTILITY OWNER FOR THE LOWERING OF THE EXISTING UTILITY TO PROVIDE THE MINIMUM COVER REQUIRED AT NO ADDITIONAL COST TO THE OWNER.

KEYED NOTES

KEYED NOTES ARE DENOTED BY [] ON PLAN.

- INSTALL VORTCLAREX VCL60-2 OIL/WATER SEPARATOR. ACCESS HATCH AND CASTING SHALL BE RATED FOR BUS TRAFFIC. REFER TO DETAIL 10/C5.1.
- RECONSTRUCT EXISTING MANHOLE TO MATCH PROPOSED GRADE. INSTALL NEENAH R-1733 CASTING. ROTATE CASTING OUT OF PROPOSED CURB LINE.
- ADJUST EXISTING MANHOLE TO MATCH PROPOSED GRADE. INSTALL NEENAH R-1733 CASTING.
- INSTALL 2-INCH THICK 4'X8' AASHTO M230 EXTRUDED POLYSTYRENE INSULATION BOARD BETWEEN STORM SEWER AND SANITARY SEWER.
- INSTALL RIP-RAP AT OUTLET PER DETAIL 11/C5.0.
- CORE DRILL EXISTING MANHOLE FOR PROPOSED PIPE CONNECTION. PROVIDE RUBBER BOOT SEAL FOR CONNECTION. REFER TO STORM SEWER TABLE FOR INVERT. INSTALL STEEL ORIFICE PLATE OVER 12-INCH OUTLET PIPE WITH 4-INCH DIAMETER OPENING AT INVERT ELEVATION 807.50. ORIFICE PLATE SHALL BE SEALED WITH ADHESIVE TO PREVENT LEAKAGE BETWEEN PLATE AND MANHOLE STRUCTURE.
- 20,000 GALLON UL LISTED FUEL TANK AND DISPENSERS. SEE FUEL TANK NOTE.
- INSTALL WEIR MANHOLE. REFER TO DETAIL 13/C5.0.
- INSTALL DRAIN TILE AT LOW POINT CATCH BASINS. REFER TO DETAIL 14/C5.0.
- EXTEND STORM SEWER TO POND NORMAL WATER LEVEL (807.50) AND INSTALL FLARED END SECTION.

UTILITY NOTES:

- CONTRACTOR SHALL FOLLOW ALL CITY OF COTTAGE GROVE STANDARDS AND SPECIFICATIONS.
- PROTECT ALL EXISTING STRUCTURES AND UTILITIES WHICH ARE NOT SCHEDULED TO BE REMOVED.
- ALL SEWER AND WATER CROSSINGS SHALL HAVE A MINIMUM VERTICAL SEPARATION OF 1.5 FEET AND HORIZONTAL SEPARATION OF 10 FEET. FOLLOW ALL HEALTH DEPARTMENT AND CITY OF COTTAGE GROVE STANDARDS.
- STORM SEWER PIPING SHALL BE ASTM D1785 OR D2665 SCH 40 PVC, UNLESS NOTED OTHERWISE.
- FLARED END SECTION FOR CONCRETE PIPE SHALL BE CONCRETE, FLARED END SECTION FOR PVC PIPE SHALL BE GALVANIZED STEEL. ALL FLARED END SECTIONS SHALL HAVE TRASH GUARDS. ALL DOWNSTREAM FLARED END SECTIONS SHALL HAVE GEOTEXTILE FABRIC AND RIPRAP PER MINDOT STANDARDS, AS DETAILED.
- CONTRACTORS SHALL COORDINATE ALL WORK WITH GAS, ELECTRIC, TELEVISION, AND TELEPHONE COMPANIES PRIOR TO START OF CONSTRUCTION.
- WHERE PROPOSED GRADE OVER EXISTING SMALL UTILITIES IS PROPOSED TO BE LOWERED, CONTRACTOR SHALL COORDINATE WITH UTILITY OWNER FOR THE LOWERING OF THE EXISTING UTILITY TO PROVIDE THE MINIMUM COVER REQUIRED AT NO ADDITIONAL COST TO THE OWNER.
- ALL PORTIONS OF THE STORM SEWER SYSTEM LOCATED WITHIN 10-FEET OF THE BUILDING OR WATER SERVICE LINE SHALL BE TESTED IN ACCORDANCE WITH MN PLUMBING CODE. PIPING MATERIAL SHALL BE ASTM D2665 SCHEDULE 40 PVC.
- ALL JOINTS AND CONNECTIONS IN THE STORM SEWER SYSTEM SHALL BE GAS TIGHT OR WATER TIGHT IN ACCORDANCE TO MN PLUMBING CODE. APPROVED RESILIENT RUBBER JOINTS MUST BE USED TO MAKE WATER TIGHT CONNECTIONS TO MANHOLES, CATCH BASINS, AND OTHER STRUCTURES. RESILIENT WATER-STOP GROUTING RINGS ARE AN ACCEPTABLE ALTERNATIVE. CEMENT MORTAR JOINTS ARE PERMITTED ONLY FOR REPAIRS AND CONNECTIONS OF EXISTING LINES CONSTRUCTED WITH SUCH JOINTS.

FUEL TANK NOTES:

OWNER INTENDS TO PURCHASE FUEL TANK AND PUMP EQUIPMENT FROM STATE CONTRACT. EQUIPMENT PROVIDER IS ZAK NELSON-BANKS WITH O'DAY EQUIPMENT, 701-612-1156. CONTRACTOR WILL BE RESPONSIBLE FOR THE COMPLETE INSTALLATION OF FUEL TANK, INCLUDING CIRCUITRY AND WIRING FOR THE SYSTEM, AND PLUMBING. INTENT IS FOR MATERIALS TO BE PROVIDED BY OWNER AS OUTLINED BELOW. ALL LABOR FOR TANK INSTALLATION SHALL BE PROVIDED AS PART OF THE BASE BID CONTRACT.

ITEMS OWNER SHALL PROVIDE:

- (1) 20K DW AST FLAMESHIELD SPLIT COMPARTMENT TANK
 - SPLIT (10K DIESEL/10K UNLEADED)
 - MODEL 724 LEAK GAUGE
 - CLOCK GAUGE
 - 24" MANWAYS
 - (2) 2" FILL KITS
 - (2) DOUBLE OUTLET VENTS
 - REGULATORY SIGNS
- (2) 1.5 HP FIXED SPEED STP
 - SMART CONTROLLER
 - STP-DHI
 - (2) 2" ANTI-SIPHON VALVE
- (4) GILBARCO GASBOY 9853 KXTW 2 DF
 - 2-GRADE 2-HOSE
 - DIESEL/UNLEADED
 - SIDE LOADED
- (4) 9.5' DIESEL HANGING HARDWARE
 - (4) 9' UNLEADED HANGING HARDWARE
 - (4) ABOVE GROUND DISPENSER STANDS
 - (8) SHEET VALVES

ITEMS CONTRACTOR SHALL PROVIDE:

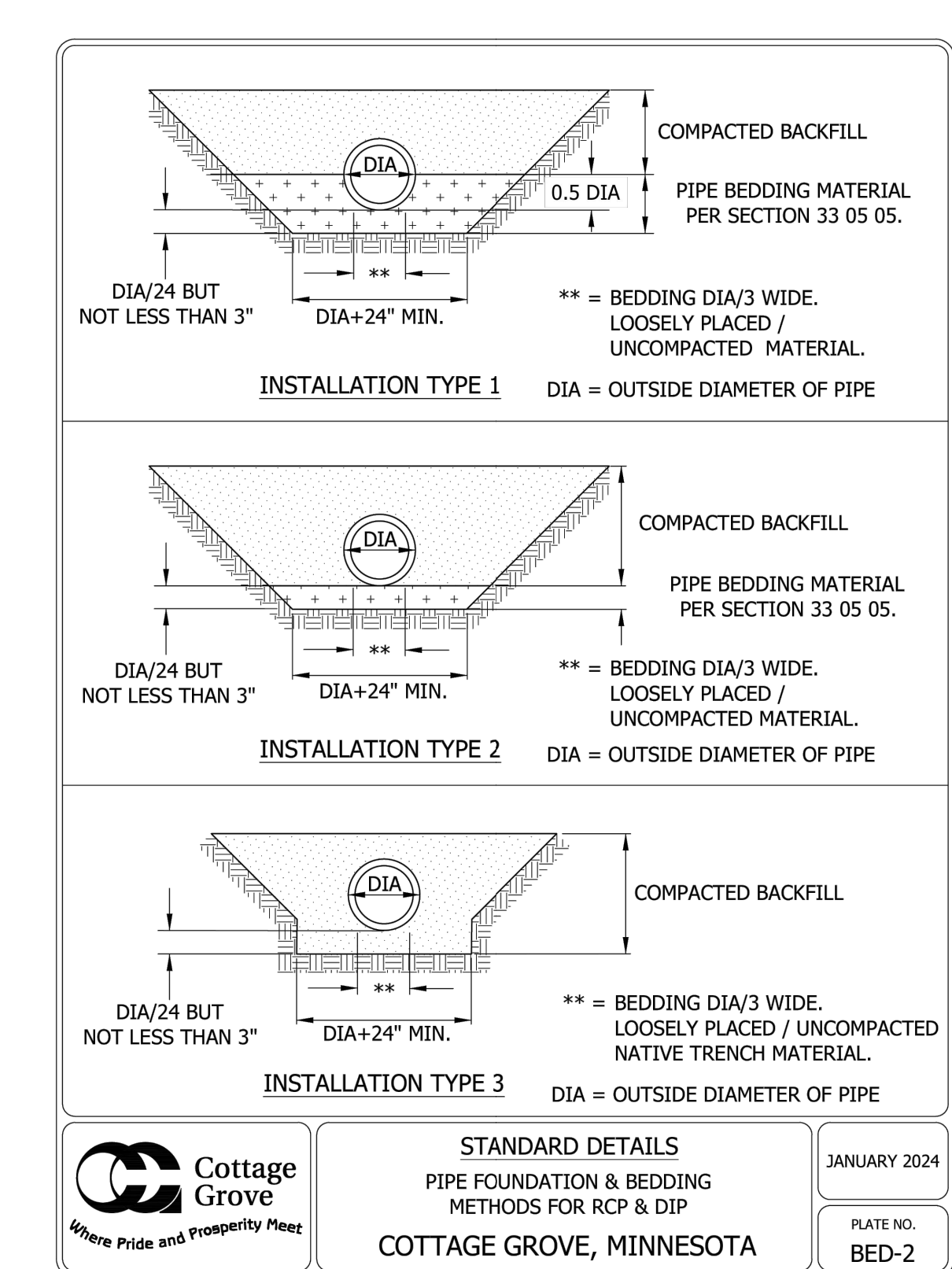
- CIRCUITRY AND WIRING. REFER TO ELECTRICAL PLANS.

SCALE

20' 10' 0 20' 40'

1" = 20'

STORM SEWER TABLE						
STRUCTURE ID	STRUCTURE DIMENSION (INCHES)	NEENAH CASTING TYPE	RIM ELEVATION	INVERT ELEVATION(S)	PIPE LENGTH, DIAMETER, SLOPE & NEXT UPSTREAM STRUCTURE	
STRM #1	16" FES	NA		S = 807.50	54 L.F. OF 16" PVC @ 0.50%, STRM #2	
STRM #2	48" MH	R-1733	813.48	N = 807.77 SW = 807.87	146 L.F. OF 16" PVC @ 0.30%, STRM #3	
STRM #3	72" MH	R-1733	813.74	NE = 808.31 SW = 808.31 W = 808.33	27 L.F. OF 16" PVC @ 0.30%, STRM #4 11 L.F. OF 10" PVC @ 0.50%, STRM #7	
STRM #4	48" MH	R-1733	813.42	NE = 808.39 W = 808.39	9 L.F. OF 16" PVC @ 0.51%, STRM #5	
STRM #5	72" WEIR MH	R-1733	813.27	E = 808.44 NE = 808.44 W = 808.44	105 L.F. OF 16" PVC @ 0.30%, STRM #6	
STRM #6	24"x36" CB	R-3067	811.50	E = 808.75		
STRM #7	48" MH	R-1733	813.56	E = 808.38 SW = 808.38	8 L.F. OF 10" PVC @ 0.50%, STRM #8	
STRM #8	VORTCLAREX CONNECTION	NA		NE = 808.42		
STRM #9	VORTCLAREX CONNECTION	NA		SW = 808.42	5 L.F. OF 10" PVC @ 0.50%, STRM #5	
STRM #10	48" MH	R-1733	813.57	SE = 809.10 N = 809.00		
STRM #11	48" CB MH	R-2390	912.10	NE = 907.42 SW = 807.42	16 L.F. OF 12" PVC @ 0.51%, STRM #12	
STRM #12	EX	NA	810.10	NE = 807.50 W = 807.50	19 L.F. OF 12" PVC @ 0.00%, STRM #13	
STRM #13	12" FES	NA		E = 807.50		



Cottage Grove
Where Pride and Prosperity Meet

STANDARD DETAILS
PIPE FOUNDATION & BEDDING
METHODS FOR RCP & DIP
COTTAGE GROVE, MINNESOTA

JANUARY 2024
DATE NO.
BED-2

ISD 833
TRANSPORTATION
FACILITY - FUEL
TANK
INSTALLATION

8587 W POINT DOUGLAS RD S
COTTAGE GROVE, MN 55016

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ENGINEERS

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Minneapolis, MN 55425-2516
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UTILITY PLAN

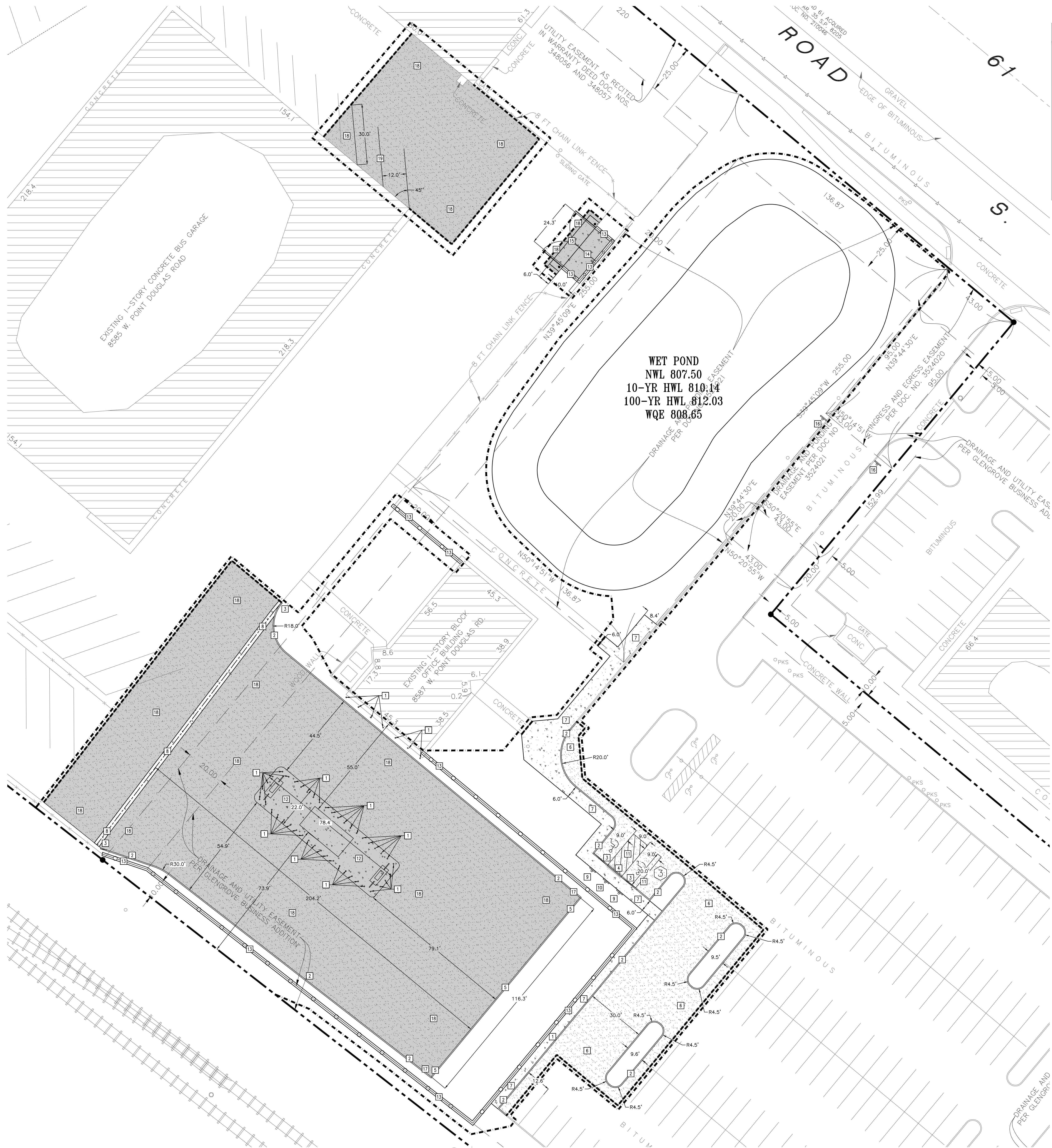
C3.0

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Kevin A. Bohl
Kevin A. Bohl
Date: 03/28/2024
Lic. No.: 52209

DATE: 03/28/2024
PROJECT #: 23280
PROJECT STATUS: CDs

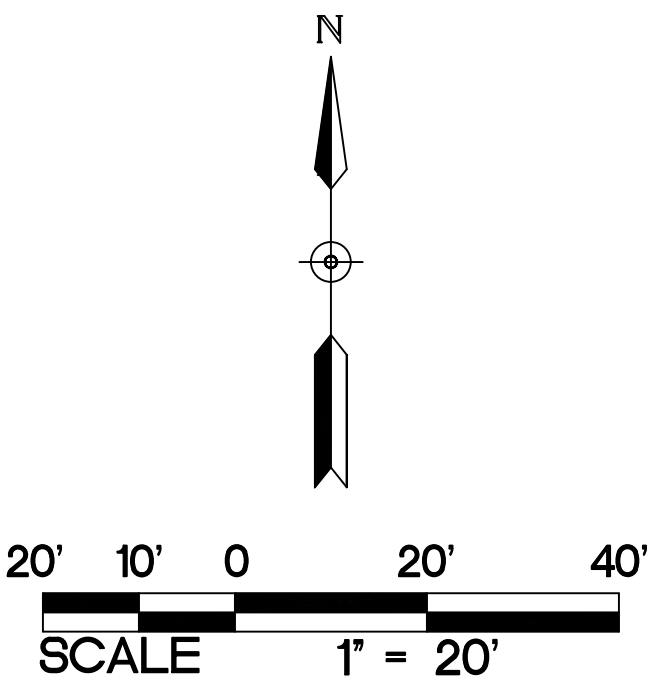
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1 PAVING AND GEOMETRIC PLAN
C4.0 1" = 20'

PROPOSED PLAN SYMBOLS	
CONSTRUCTION LIMITS	---
PROPERTY LINE	---
SAWCUT LINE (APPROX.)	---
LIGHT-DUTY BITUMINOUS PAVEMENT	[Symbol]
HEAVY-DUTY BITUMINOUS PAVEMENT	[Symbol]
CONCRETE PAVEMENT/SIDWALK	[Symbol]
CONCRETE PAVEMENT	[Symbol]
FLAT CURB AND GUTTER	[Symbol]
ACCESSIBLE PARKING SYMBOL	[Symbol]
SIGN	[Symbol]
PARKING STALL COUNT	[Symbol]

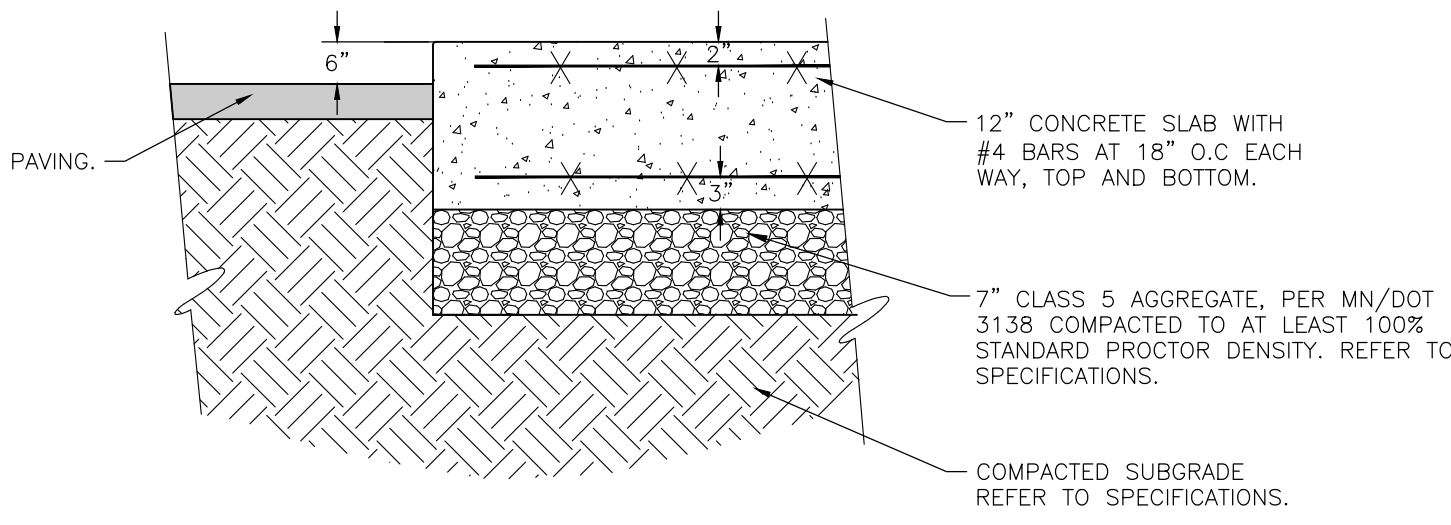
ABBREVIATIONS	
BLDG	Building
ELEV	Elevation
EX	Existing
MAX	Maximum
MIN	Minimum
R	Radius
TYP	Typical
MNUTCD	Minnesota Manual on Uniform Traffic Control Devices



EXTERIOR PARKING STALL COUNT	
EXISTING PARKING STALLS	203
PROPOSED PARKING STALLS	164

- KEYED NOTES ARE DENOTED BY [Symbol] ON PLAN.
- INSTALL CONCRETE BOLLARD. REFER TO DETAIL 12/C5.0.
 - INSTALL B612 CONCRETE CURB AND GUTTER. REFER TO DETAIL 2/C5.1.
 - INSTALL NOSE-DOWN CURB SECTION. REFER TO DETAIL 4/C5.1.
 - INSTALL FLAT CURB SECTION. REFER TO DETAIL 3/C5.1.
 - INSTALL MOUNTABLE CURB. REFER TO DETAIL 1/C5.1.
 - INSTALL LIGHT-DUTY BITUMINOUS PAVEMENT. REFER TO DETAIL 14/C5.1.
 - INSTALL CONCRETE WALK. REFER TO DETAIL 8/C5.1.
 - INSTALL CONCRETE VALLEY GUTTER. REFER TO DETAIL 12/C5.1.
 - INSTALL ACCESSIBLE PARKING SIGN. REFER TO DETAIL 13/C5.1.
 - INSTALL NO PARKING ANY TIME SIGN. REFER TO DETAIL 13/C5.1.
 - PAINT PARKING LOT STRIPING AND NO PARKING AREA. 4" WIDE STRIPES, WHITE IN COLOR. STRIPING FOR CROSS HATCH SHALL BE AS SHOWN SPACED 3' APART.
 - INSTALL CONCRETE EQUIPMENT PAD. INSTALL PER MANUFACTURER'S RECOMMENDATIONS. REFER TO DETAIL 2/C4.0.
 - INSTALL CONCRETE MAINTENANCE STRIP AT FENCE. REFER TO DETAIL 11/C5.1.
 - INSTALL CONCRETE PAVEMENT. REFER TO DETAIL 5/C5.1.
 - REFER TO LANDSCAPE PLANS AND SPECIFICATIONS FOR TRASH ENCLOSURE.
 - INSTALL SOWASHO SCHOOL TRANSPORTATION FACILITY PARKING ONLY. REFER TO DETAIL 13/C5.1.
 - PROVIDE 10-FOOT TRANSITION BETWEEN CURB TYPES.
 - INSTALL HEAVY-DUTY BITUMINOUS PAVEMENT. REFER TO DETAIL 14/C5.1.
 - PAINT STRIPING AS SHOWN.

- PAVING NOTES:
- CONTRACTOR SHALL FOLLOW ALL CITY OF COTTAGE GROVE STANDARDS AND SPECIFICATIONS.
 - ALL DIMENSIONS ARE TO FACE OF CURB UNLESS NOTED OTHERWISE.
 - ALL CURB AND GUTTER IS TO BE B612 CONCRETE CURB AND GUTTER UNLESS NOTED OTHERWISE.
 - NO SIDEWALK IS TO HAVE MORE THAN A 2% CROSS SLOPE OR MORE THAN A 5% LONGITUDINAL SLOPE.
 - FOLLOW ALL CITY OF COTTAGE GROVE RULES, REGULATIONS, AND SPECIFICATIONS WHEN WORKING IN PUBLIC RIGHT OF WAY.
 - STRIPED PARKING LOT AS SHOWN. ALL PARKING STALLS ARE TO BE 9 FEET WIDE BY 20 FEET LONG, UNLESS NOTED OTHERWISE.
 - ACCESSIBLE AISLES SHALL BE STRIPED PER MN CODE (SECTION 502), WHERE "NO PARKING" SIGNAGE WOULD OBSTRUCT A CURB RAMP OR ACCESSIBLE ROUTE, "NO PARKING" SHALL BE PRINTED ON THE SURFACE OF THE ACCESS AISLE.
 - THE CONTRACTOR IS TO CONTACT THE CITY OF COTTAGE GROVE FIRE MARSHALL FOR THE EXACT PLACEMENT OF FIRE LANES, YELLOW-PAINTED CURBING, AND NO PARKING AREAS FOR FIRE PROTECTION PURPOSES.
 - INSTALL APPROPRIATE EXPANSION MATERIAL WHERE CONCRETE IS ADJACENT TO BUILDING FACE.
 - ALL EXPANSION AND ISOLATION JOINTS SHALL BE SEALED PER SPECIFICATIONS.
 - MATCH NEW PAVEMENT, CURB AND GUTTER, AND SIDEWALK INTO EXISTING. NO ABRUPT GRADE TRANSITIONS OR PONDING OF WATER WILL BE ALLOWED.
 - SAWCUT EXISTING PAVEMENT, SIDEWALK, AND CURB AND GUTTER TO NEAREST JOINT. COORDINATE REMOVAL LIMITS WITH SITE DEMOLITION CONTRACTOR AND CONSTRUCTION MANAGER.
 - REFER TO SPECIFICATIONS FOR GRADE VERIFICATION SURVEY REQUIREMENTS PRIOR TO PLACEMENT OF SUB-BASE MATERIAL, BASE MATERIAL, AND PAVEMENTS/SIDEWALKS.



2 MECHANICAL SLAB
C4.0 NOT TO SCALE

ISD 833 TRANSPORTATION FACILITY - FUEL TANK INSTALLATION

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No.	Description	Date

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Kevin A. Bohl
Date: 03/28/2024 Lic. No.: 52209

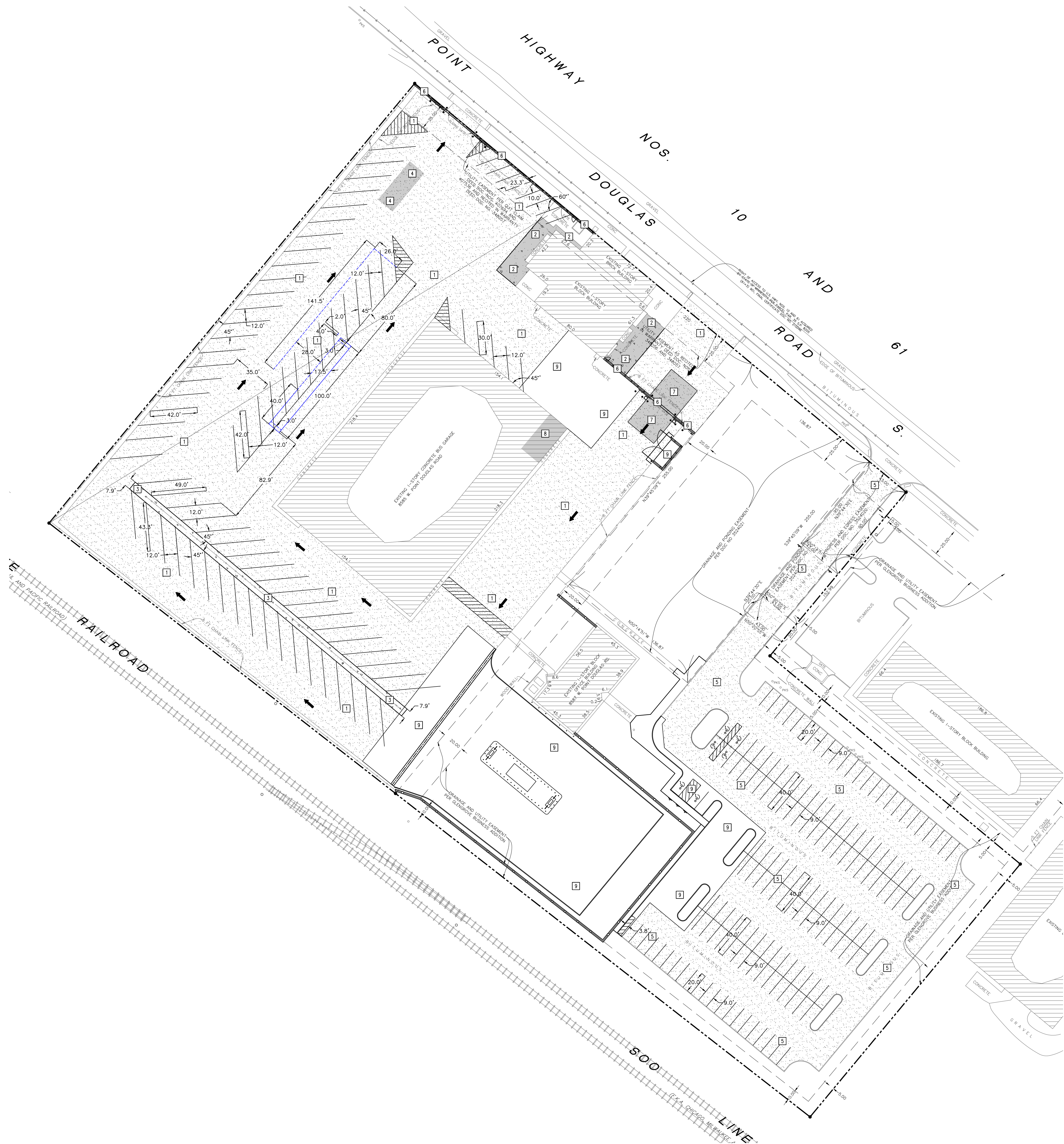
DATE: 03/28/2024
PROJECT #: 23280
PROJECT STATUS: CDs

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CHECKED BY: NPA

PAVING AND GEOMETRIC PLAN

C4.0

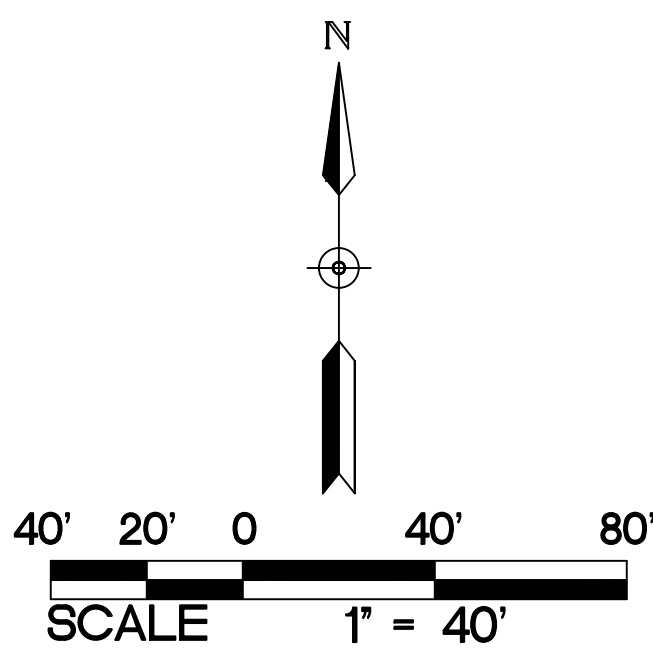
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1
C4.1
ALTERNATES - PAVING AND GEOMETRIC PLAN
1" = 40'

PROPOSED PLAN SYMBOLS	
CONSTRUCTION LIMITS	---
PROPERTY LINE	---
SAWCUT LINE (APPROX.)	---
BITUMINOUS PAVEMENT RECLAMATION	[Pattern]
FULL DEPTH PAVEMENT REMOVAL AND REPLACEMENT	[Pattern]
CONCRETE SIDEWALK	[Pattern]
CONCRETE PAVEMENT	[Pattern]

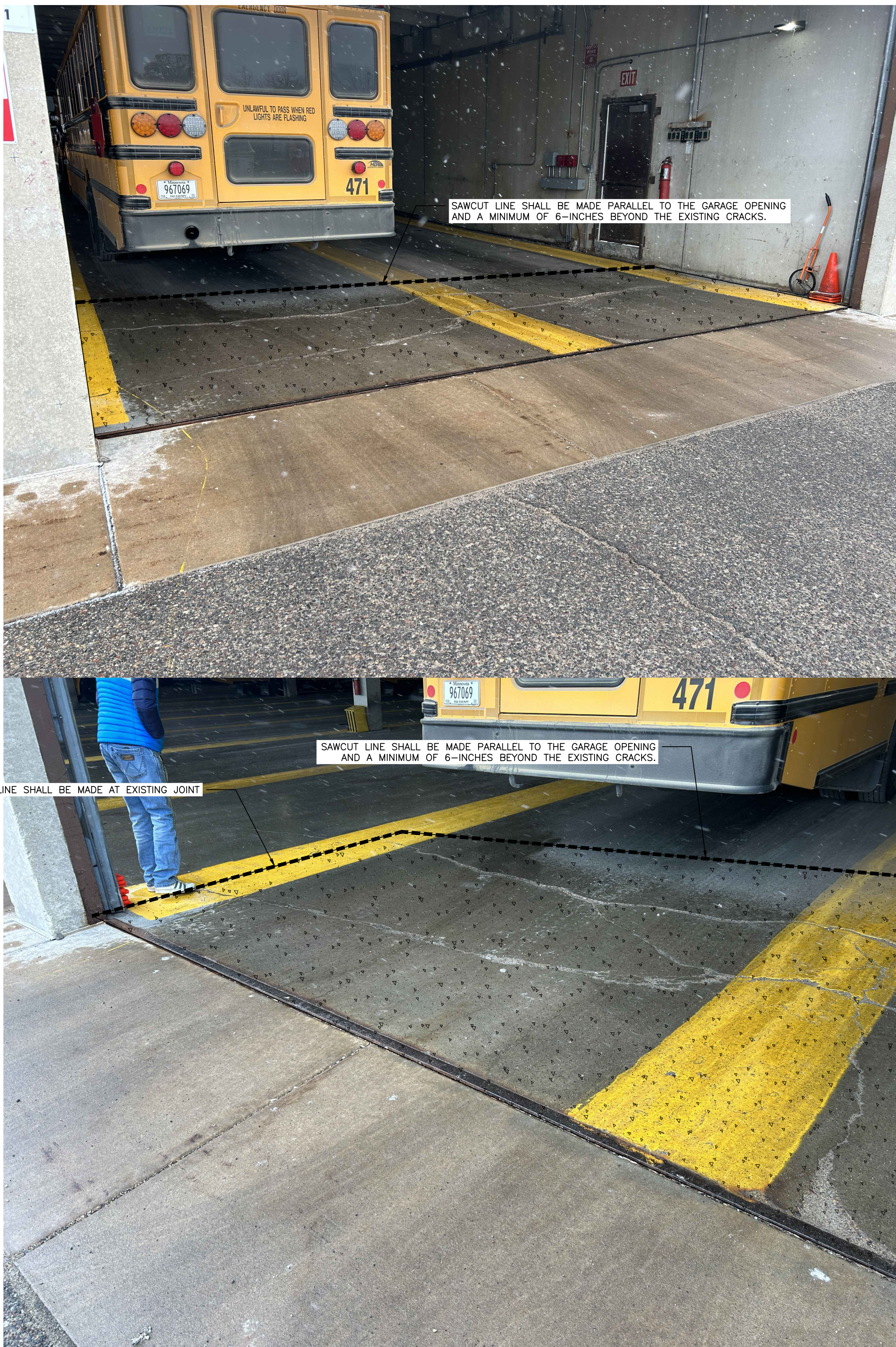
ABBREVIATIONS	
BLDG	Building
ELEV	Elevation
EX	Existing
MAX	Maximum
MIN	Minimum
R	Radius
TYP	Typical
MN MUTCD	Minnesota Manual on Uniform Traffic Control Devices



KEYED NOTES

KEYED NOTES ARE DENOTED BY [NO] ON PLAN.

- 1 ALTERNATE 1 - PROVIDE 8-INCH DEPTH BITUMINOUS RECLAMATION. INSTALL HEAVY-DUTY BITUMINOUS PAVEMENT. REFER TO DETAIL 9/C5.1. STRIPE PAVEMENT AS SHOWN INCLUDING ARROWS AND CROSS HATCH. STRIPING FOR CROSS HATCH SHALL BE 3 FEET APART. BUS STALL STRIPING AND CROSS HATCH SHALL BE WHITE IN COLOR. CDL BASIC CONTROL SKILL MARKINGS SHALL BE BLUE IN COLOR AND SHALL BE PAINTED OVER BUS STALLS. DASHED STRIPING SHALL BE 2-FOOT STRIPE WITH 2-FOOT GAP.
- 2 ALTERNATE 1 - REMOVE BITUMINOUS PAVEMENT IN ITS ENTIRETY. INSTALL HIGH-EARLY CONCRETE PAVEMENT. REFER TO DETAIL 7/C5.1.
- 3 ALTERNATE 1 - REMOVE BITUMINOUS PAVEMENT IN ITS ENTIRETY. INSTALL CONCRETE SIDEWALK. REFER TO DETAIL 8/C5.1. EXISTING FENCE TO REMAIN. FENCE FABRIC SHALL BE ROLLED UP TO ALLOW FOR CONSTRUCTION ACTIVITIES. FENCE FABRIC SHALL BE RECONNECTED TO EXISTING FENCE POLES AFTER PAVING HAS BEEN COMPLETED.
- 4 ALTERNATE 1 - REMOVE CONCRETE PAVEMENT IN ITS ENTIRETY. INSTALL HEAVY-DUTY BITUMINOUS PAVEMENT. REFER TO DETAIL 6/C5.1.
- 5 ALTERNATE 2 - PROVIDE 7-INCH DEPTH BITUMINOUS RECLAMATION. INSTALL LIGHT-DUTY BITUMINOUS PAVEMENT. REFER TO DETAIL 15/C5.1. STRIPE PAVEMENT AS SHOWN.
- 6 ALTERNATE 3 - REMOVE EXISTING FENCE AND INSTALL NEW FENCE AND CONCRETE MAINTENANCE STRIP. REFER TO LANDSCAPE PLANS FOR FENCING AND DETAILS. REFER TO DETAIL 11/C5.1 FOR CONCRETE MAINTENANCE STRIP.
- 7 ALTERNATE 3 - REMOVE AND REPLACE BITUMINOUS PAVEMENT FOR PROPOSED LOOP DETECTION SYSTEM INSTALLATION. REFER TO DETAIL 6/C5.1. IF ALTERNATE #1 IS ACCEPTED PAVEMENT RESTORATION SHALL BE AS DESCRIBED IN ALTERNATE #1.
- 8 ALTERNATE 6 - REMOVE AND REPLACE EXISTING FLOOR SLAB. REFER TO DETAIL 5/C5.1 FOR SECTION. REFER TO DETAIL 2/C4.1 FOR EXTENTS. CONTRACTOR SHALL COORDINATE EXACT EXTENTS OF REMOVAL WITH ENGINEER PRIOR TO START OF CONSTRUCTION.
- 9 REFER TO C4.0 FOR WORK IN THIS AREA.
- 10 PAINT TRAFFIC ARROW AND VERBAGE AS SHOWN, WHITE IN COLOR.
- 11 PAINT PARKING LOT STRIPING AND NO PARKING AREA, 4" WIDE STRIPES, WHITE IN COLOR. STRIPING FOR CROSS HATCH SHALL BE AS SHOWN SPACED 3' APART.



2
C4.1
CONCRETE SLAB REPLACEMENT
NOT TO SCALE

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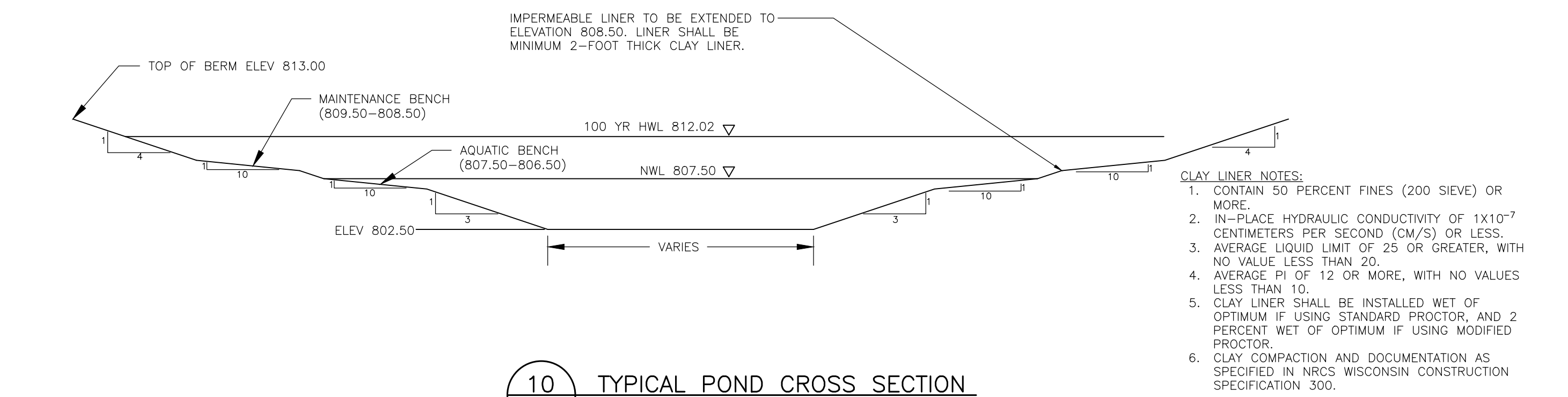
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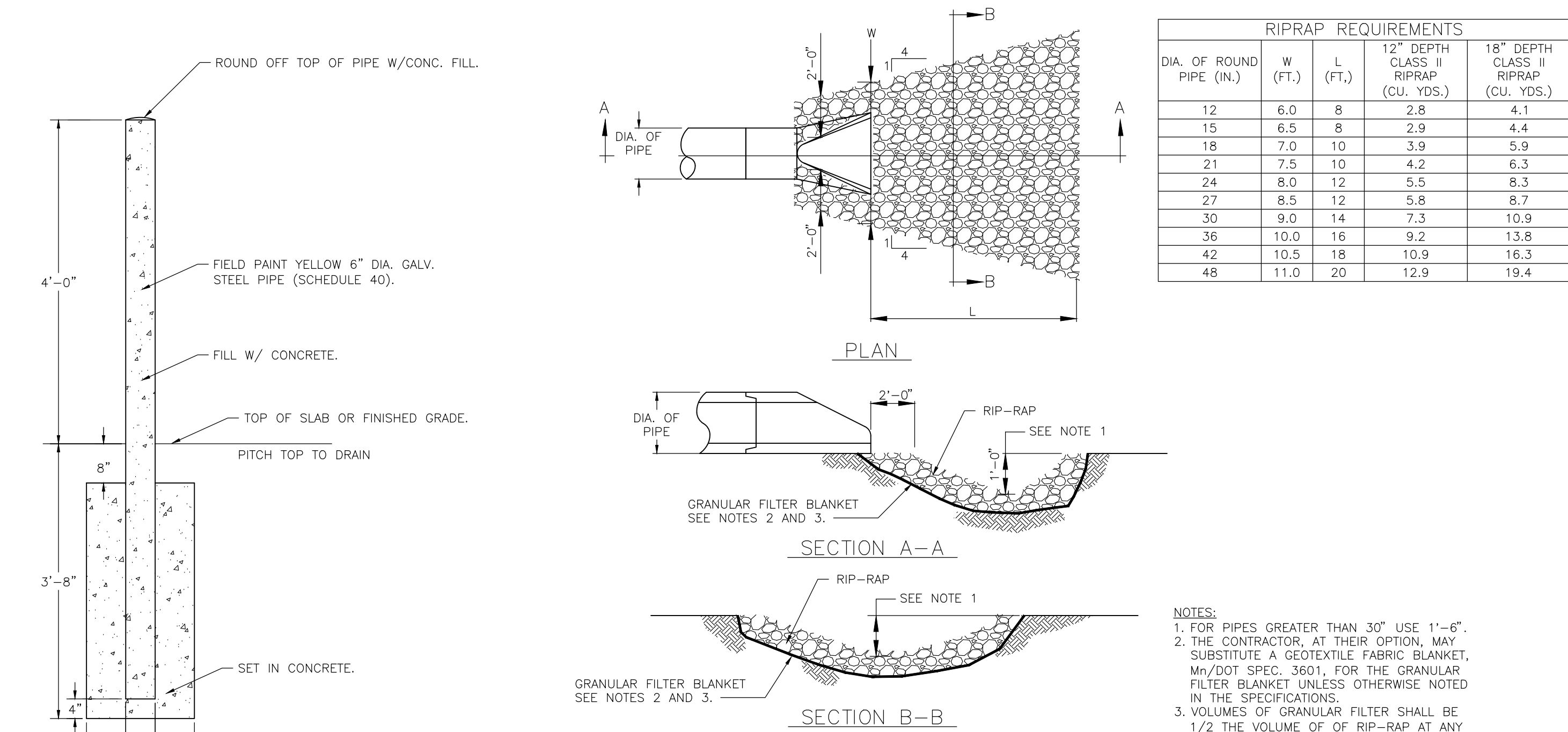
ALTERNATES - PAVING AND GEOMETRIC PLAN

C4.1

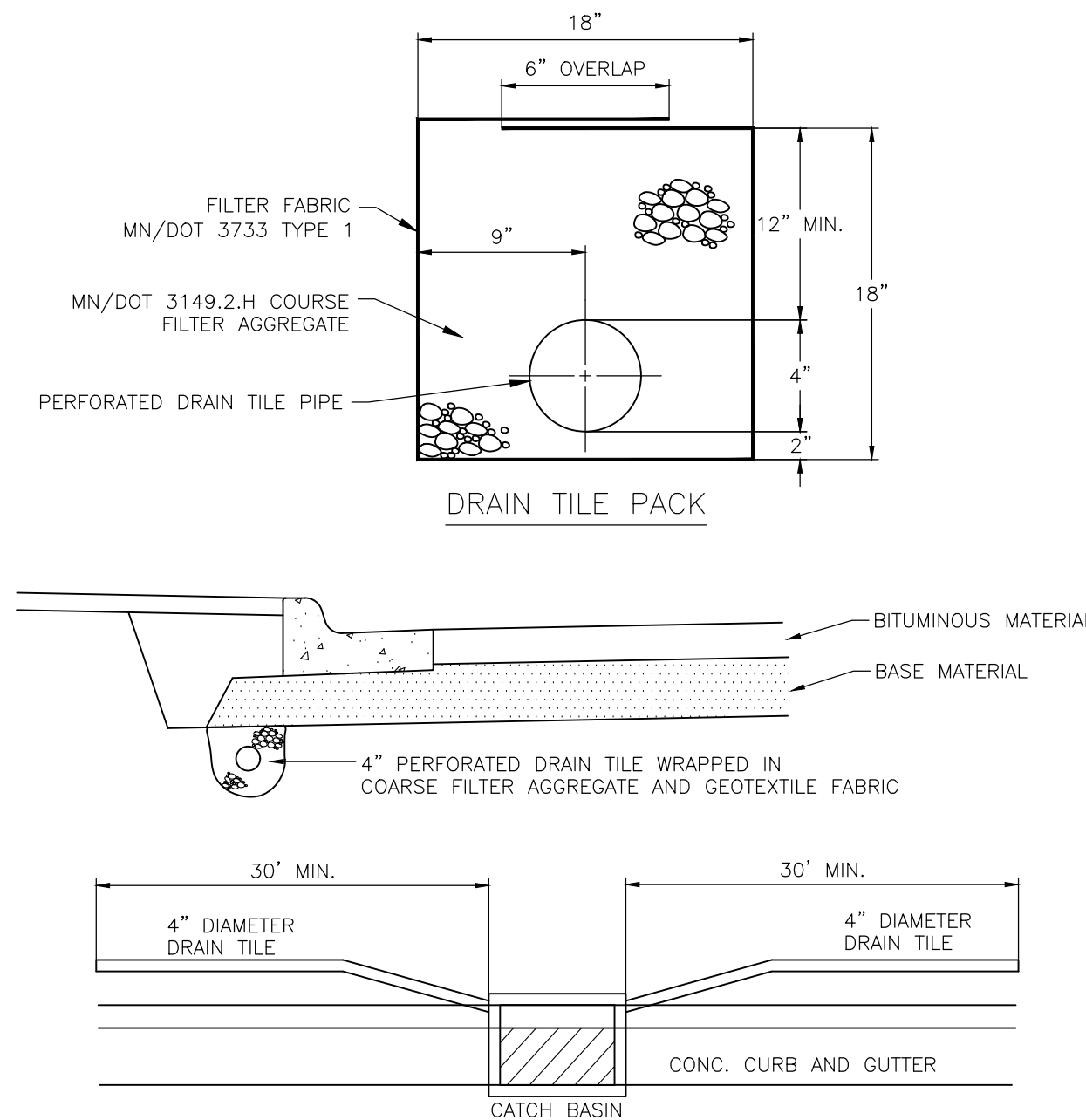
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10
C5.0
TYPICAL POND CROSS SECTION
NOT TO SCALE

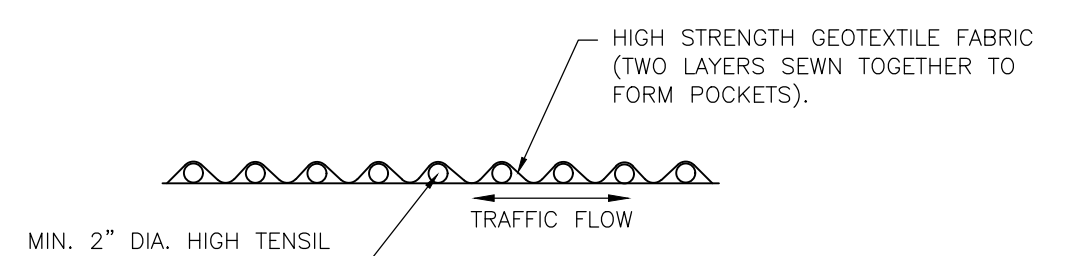


11
C5.0
RIP-RAP AT FLARED ENDS
NOT TO SCALE

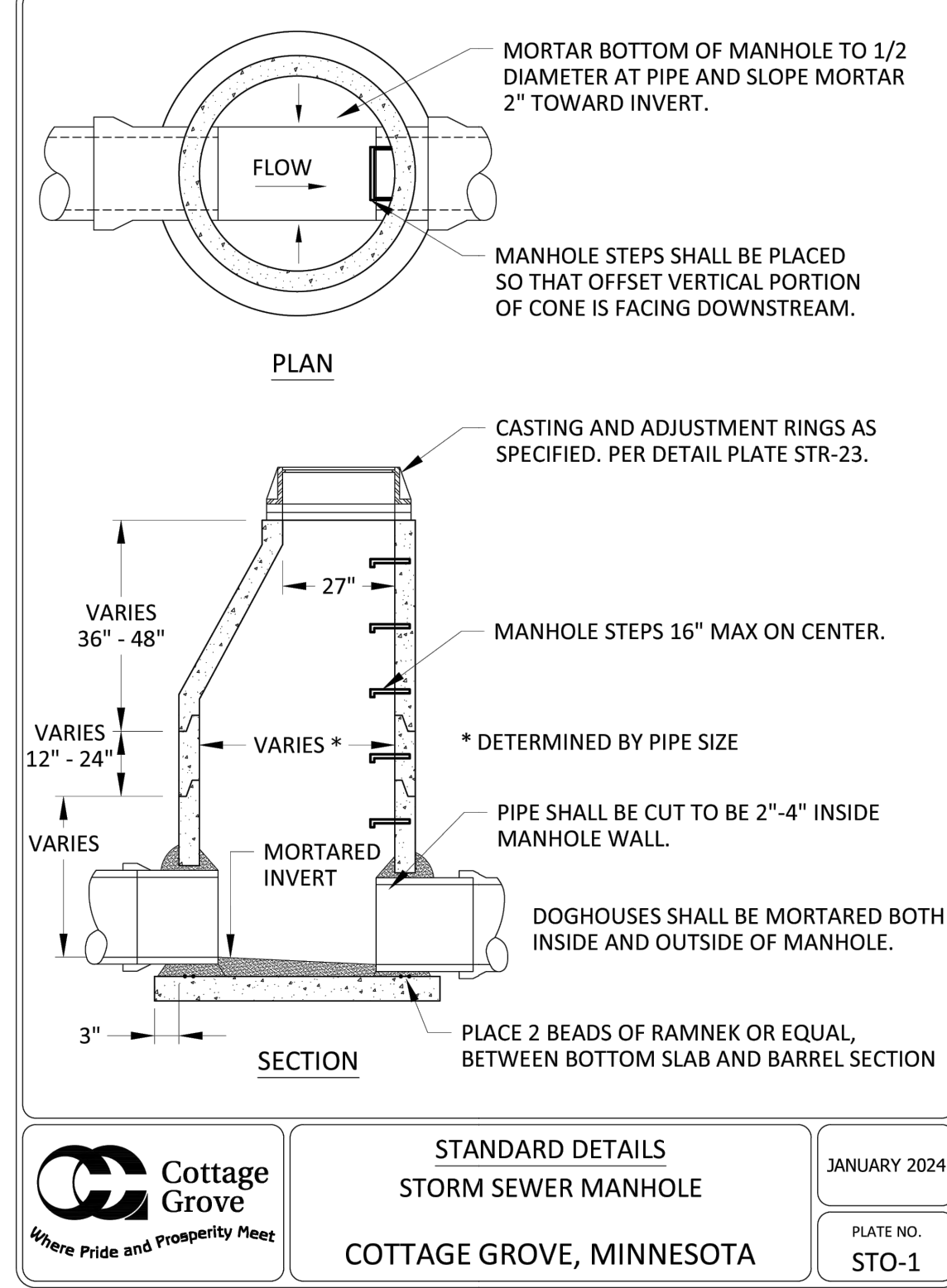


- 1) A MINIMUM OF 60 FEET OF DRAIN TILE SHALL BE PLACED AT ALL LOW POINT CATCH BASINS.
- 2) THE FIRST 18" AT CATCH BASIN SHALL BE SOLID WALL SCH 40 PVC. DRAIN TILE SHALL BE PLACED BEHIND THE PROPOSED CURB LINE.
- 3) MAINTAIN POSITIVE SLOPE AWAY FROM CATCH BASIN AT ALL TIMES. DRAIN TILE SLOPE SHALL MATCH PROPOSED AT GRADE SLOPE OR 0.5 PERCENT, WHICH EVER IS GREATER.
- 4) FOR CATCH BASINS NOT LOCATED IN A CURB LINE CONTRACTOR SHALL EXTEND DRAIN TILE IN 4 DIRECTIONS, IN THE SHAPE OF AN "X", FOR 15-FEET FROM EDGE OF CATCH BASIN STRUCTURE.
- 5) CONTRACTOR SHALL PROVIDE SOLID WALL PVC PIPE TO 10- FEET OF EITHER SIDE OF WATERMAIN CROSSINGS.
- 6) DRAIN TILE SHALL CONNECT TO CATCH BASIN AT 2.5- FEET BELOW THE PROPOSED RIM ELEVATION OR THE BOTTOM OF THE PAVEMENT BASE MATERIAL, WHICHEVER IS DEEPER.
- 7) PIPE CAPS SHALL BE INSTALLED ON THE END RUNS OF ALL DRAIN TILE PIPE.

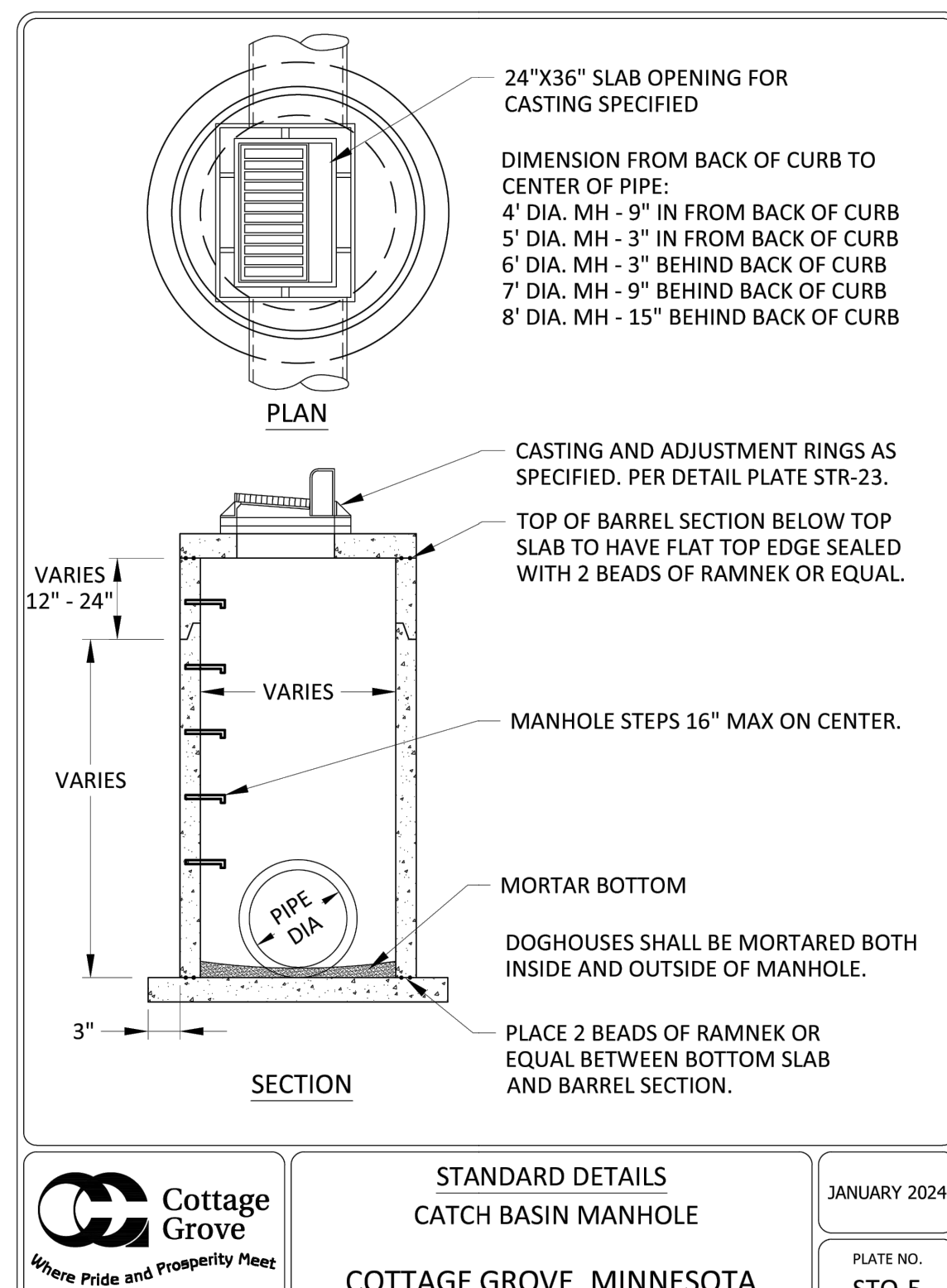
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C5.0
DRAIN TILE AT LOW POINT CATCH BASIN
NOT TO SCALE



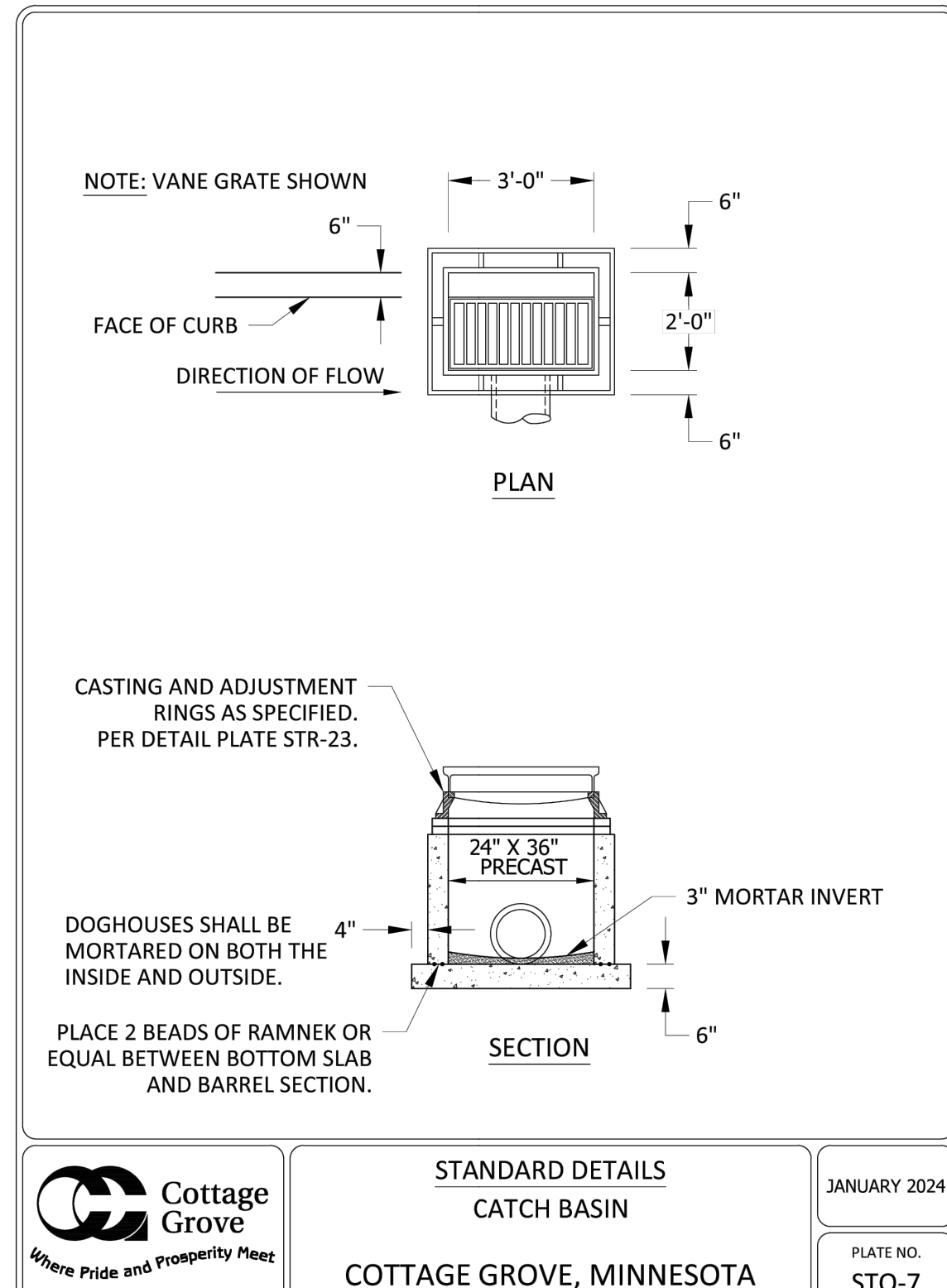
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STABILIZED CONSTRUCTION ENTRANCE
NOT TO SCALE



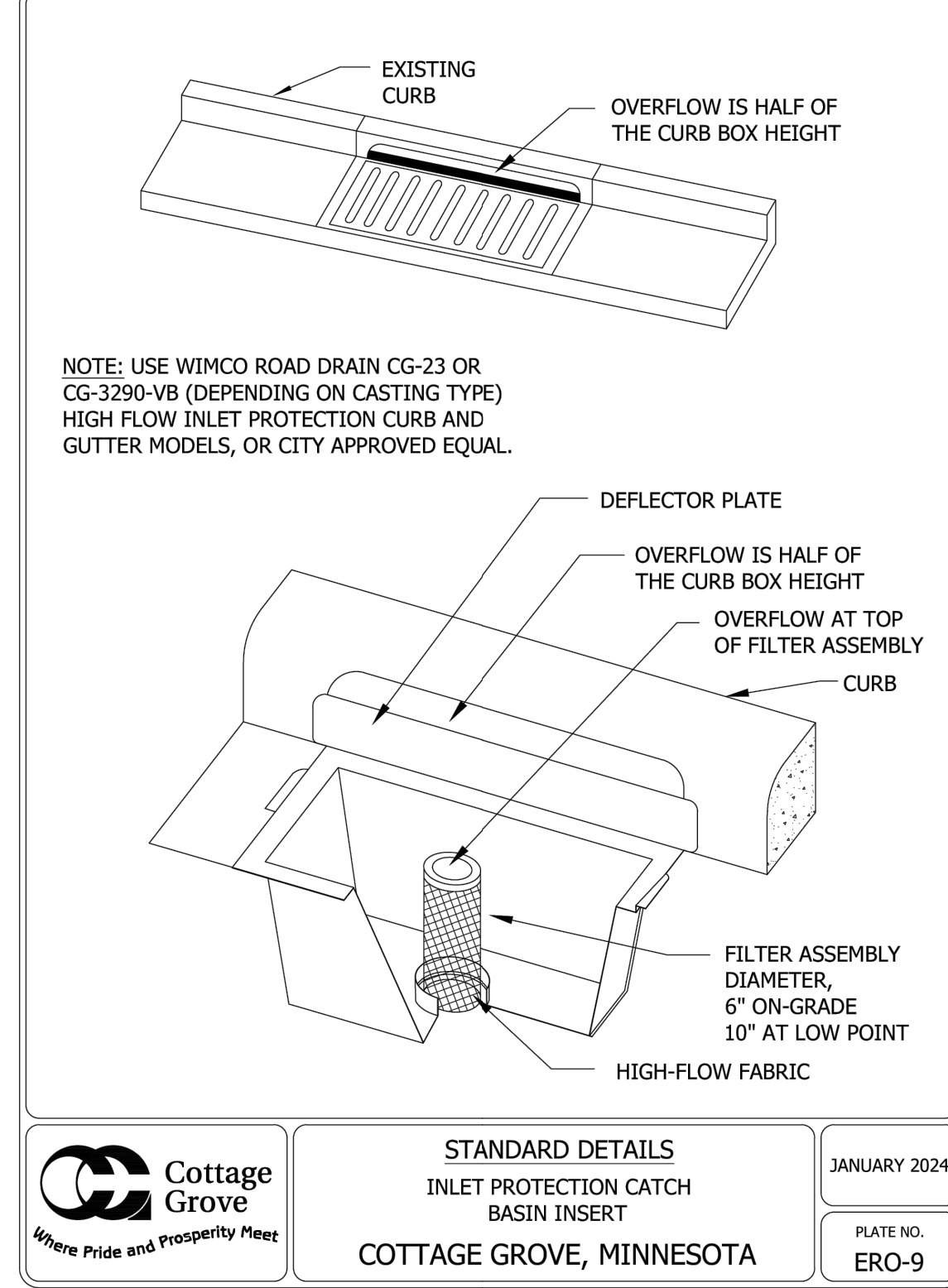
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STORM SEWER MANHOLE
NOT TO SCALE



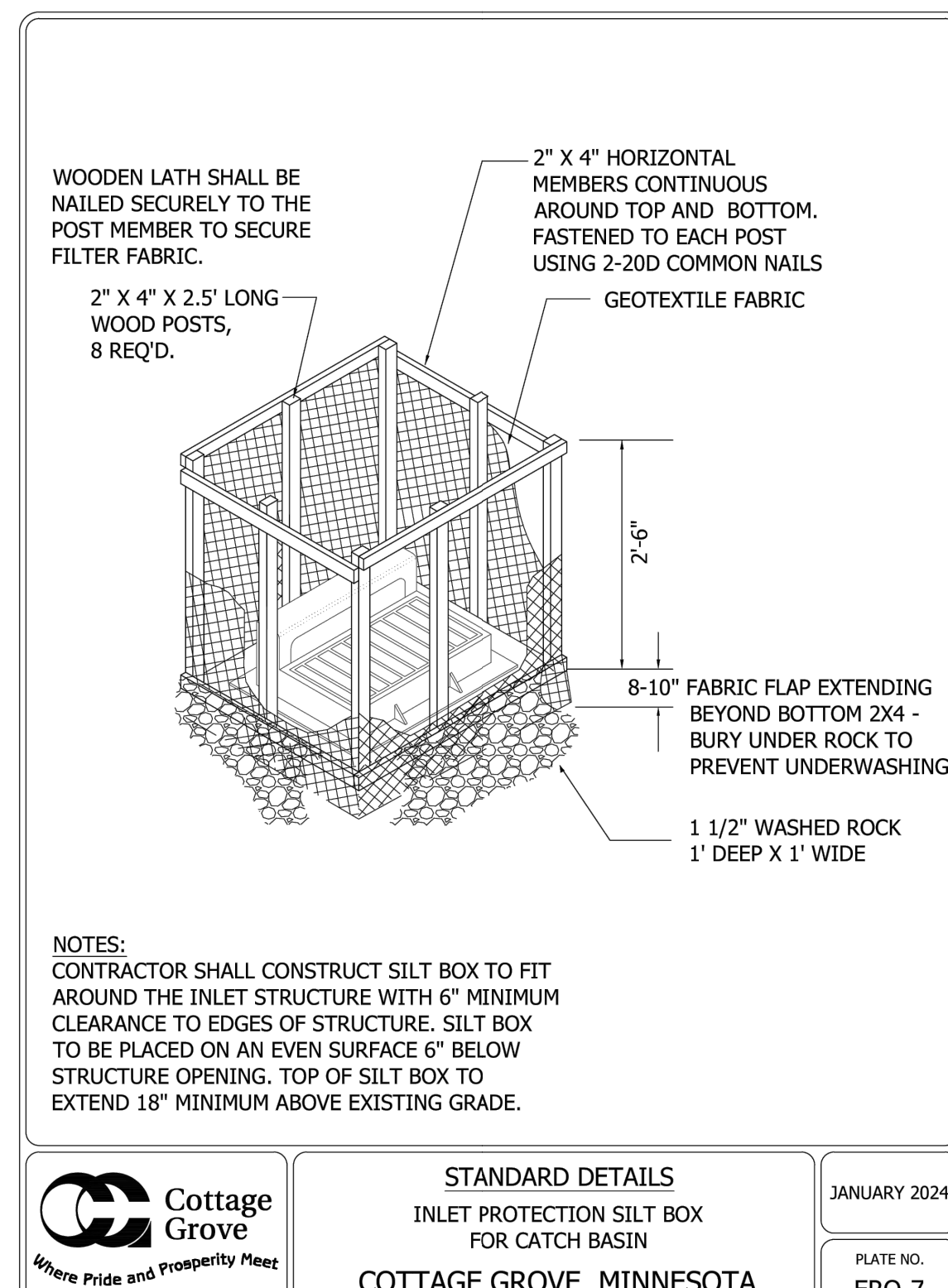
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CATCH BASIN MAHOLE
NOT TO SCALE



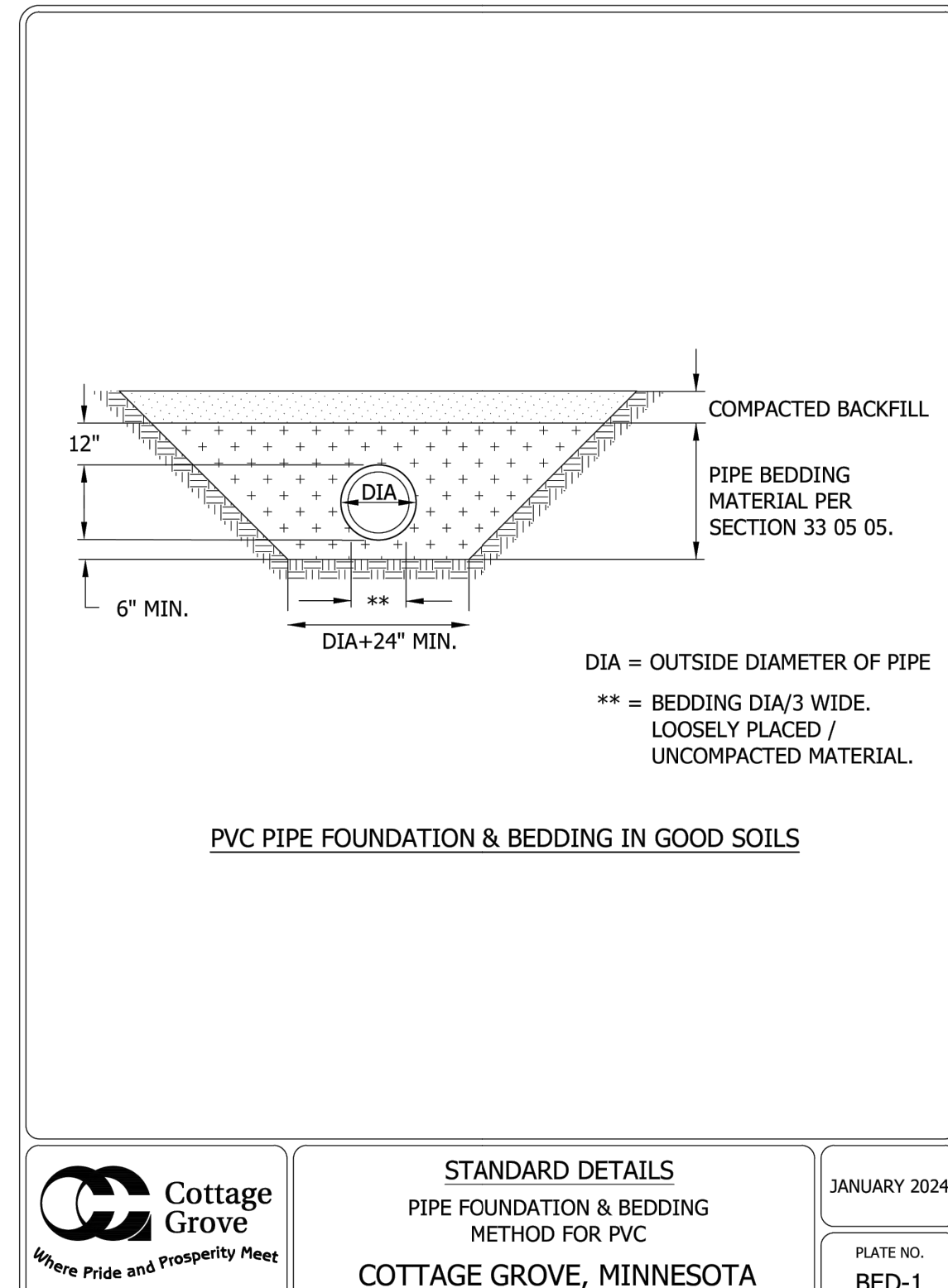
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24"x36" CATCH BASIN
NOT TO SCALE



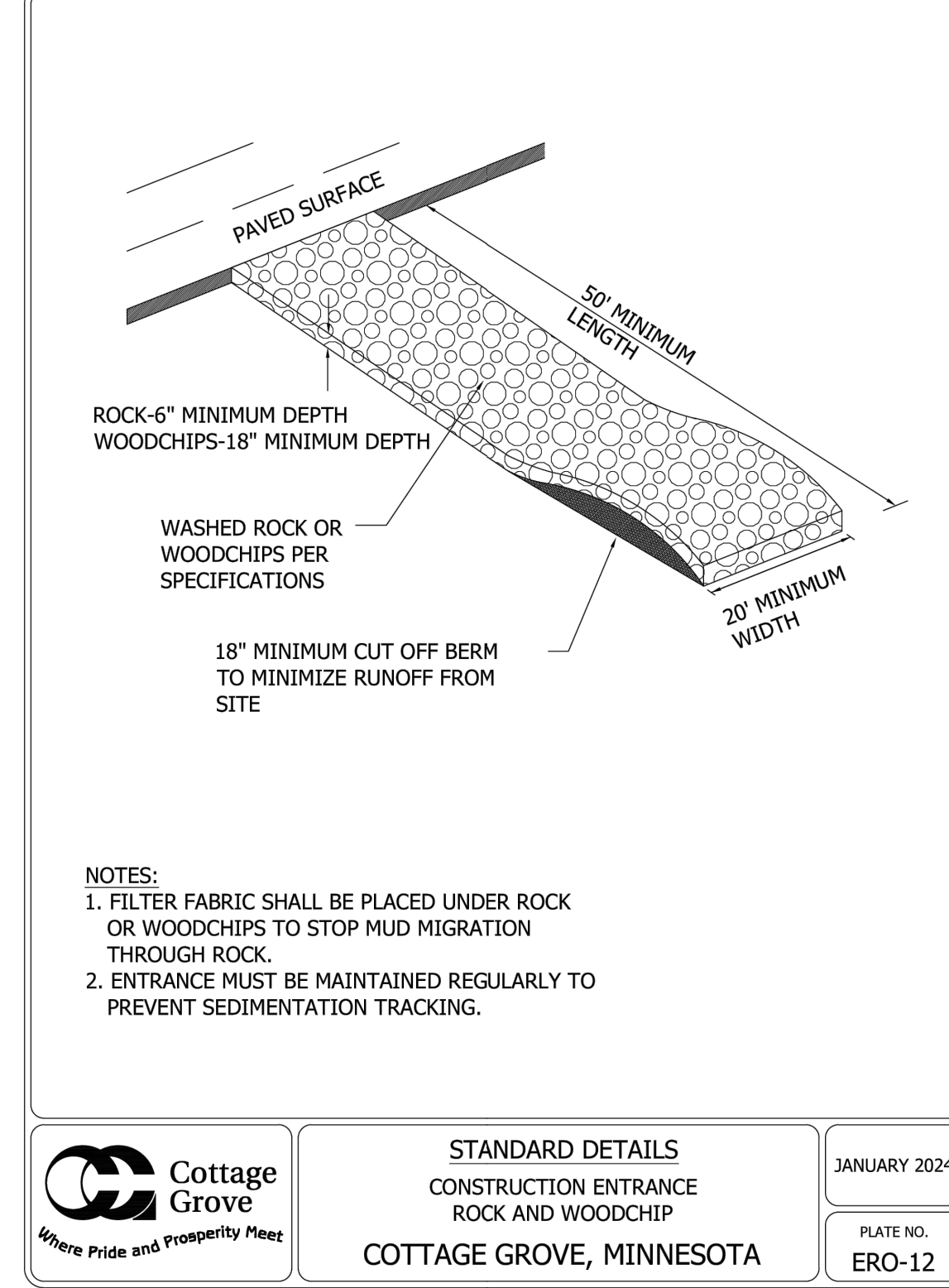
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INLET PROTECTION CB INSERT
NOT TO SCALE



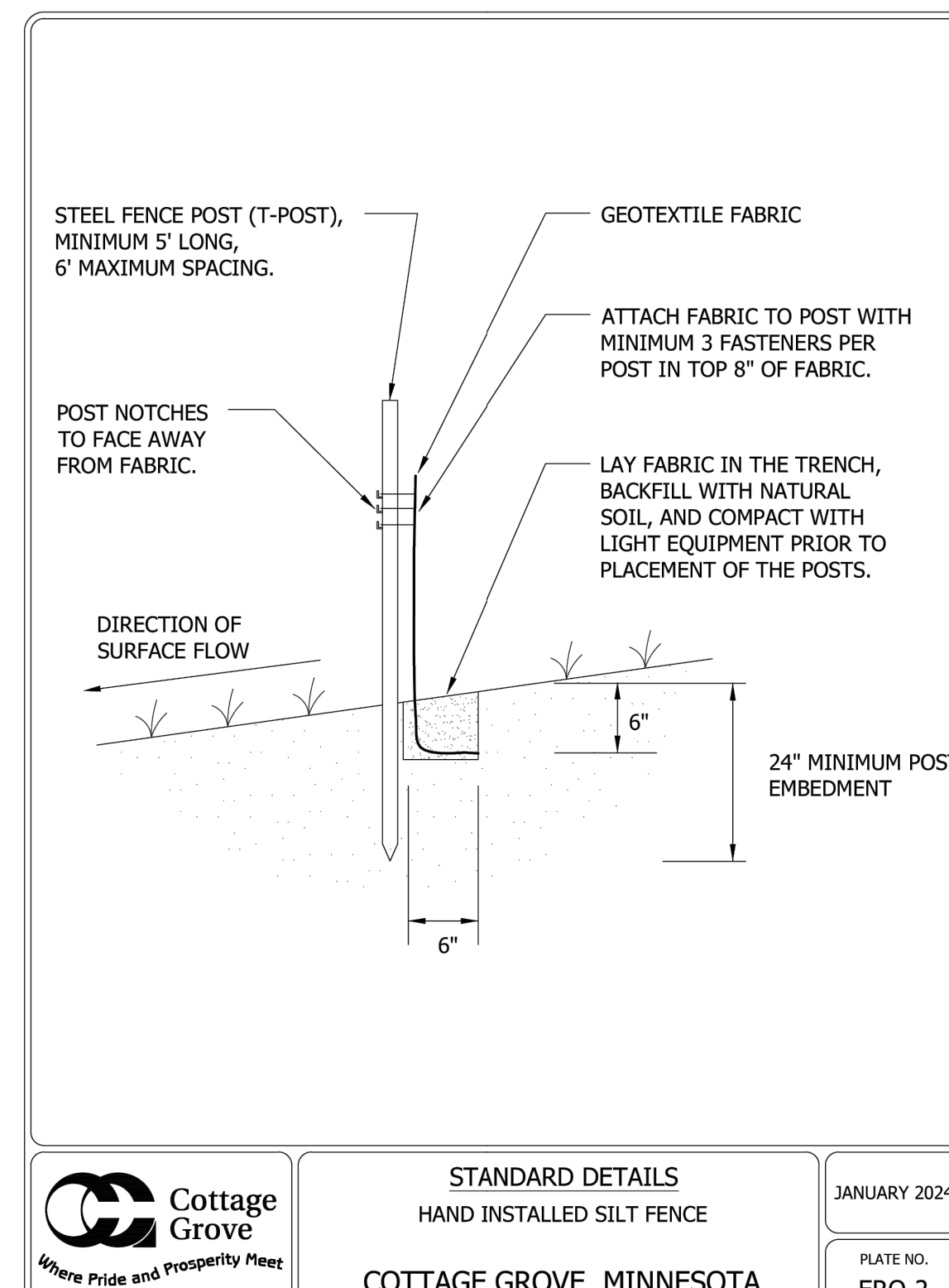
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INLET PROTECTION - SILT BOX
NOT TO SCALE



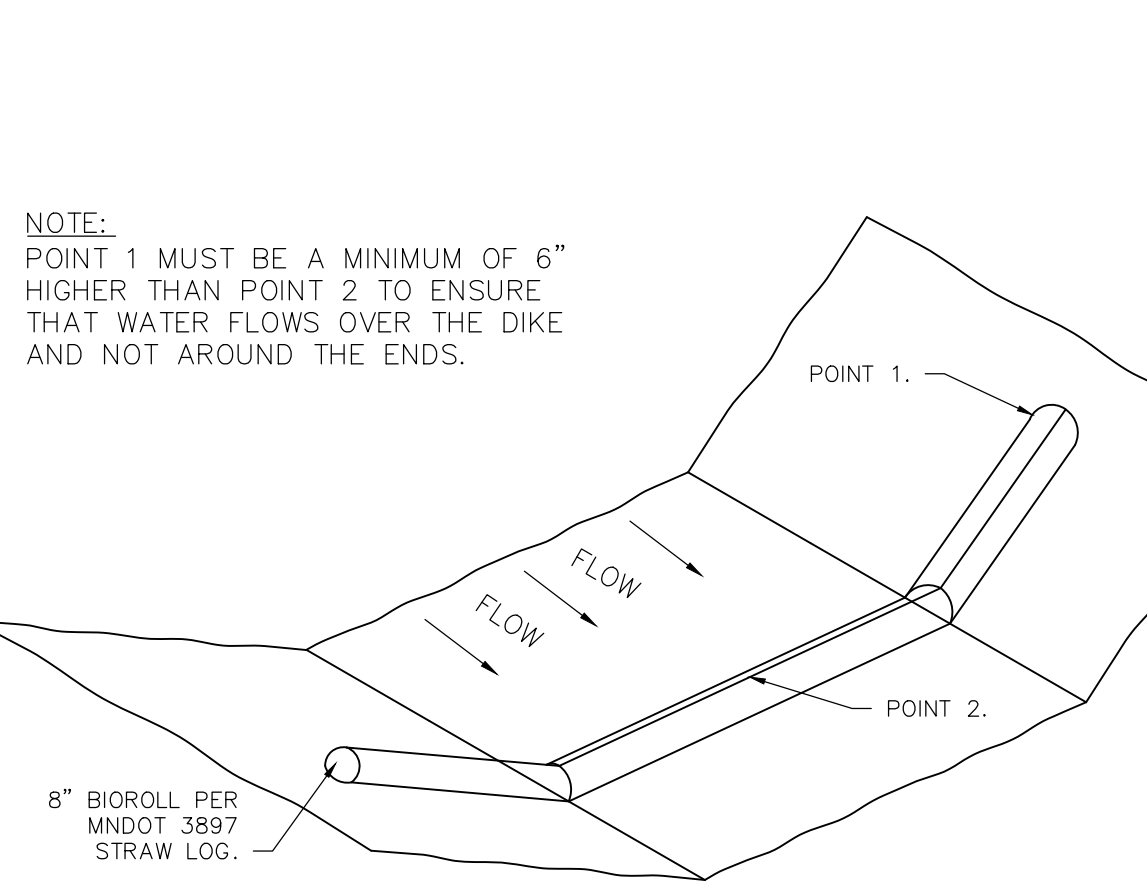
6
C5.0
PVC PIPE BEDDING
NOT TO SCALE



1
C5.0
CONSTRUCTION ENTRANCE
NOT TO SCALE



2
C5.0
SILT FENCE DETAIL
NOT TO SCALE



3
C5.0
BIO ROLL
NOT TO SCALE

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Date 03/28/2024 Lic. No. 52209

DATE 03/28/2024
PROJECT # 23280
PROJECT STATUS CDs

DRAWN BY WH
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C5.0

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VICINITY MAP
COTTAGE GROVE, MINNESOTA



1
C6.0
EXISTING CONDITIONS
1" = 40'

NOTE:
THE STORM WATER POLLUTION PREVENTION PLAN FOR THIS PROJECT INCLUDES THE CIVIL ENGINEERING PLANS AND THE PROJECT MANUAL.
CONTRACTOR SHALL SUPPLY CONSTRUCTION PHASING NARRATIVE, ESTIMATED PRELIMINARY QUANTITIES OF ALL EROSION PREVENTION AND SEDIMENT CONTROL BMP'S ANTICIPATED AT THE START OF THE PROJECT AND FOR THE LIFE OF THE PROJECT, AND LOCATION OF AREAS WHERE CONSTRUCTION WILL BE PHASED TO MINIMIZE DURATION OF EXPOSED SOIL AREAS. CONTRACTOR IS TO REVIEW MINNESOTA POLLUTION CONTROL AGENCY'S INSTRUCTIONS FOR THE APPLICATION FOR MINNESOTA'S NPDES/SSS GENERAL STORMWATER PERMIT FOR CONSTRUCTION ACTIVITY PRIOR TO SUBMITTING APPLICATION.

INSPECTIONS
EXPOSED SOIL AREAS: ONCE EVERY 7 DAYS, AND WITHIN 24 HOURS FOLLOWING A 1/2 INCH OVER 24 HOURS RAIN EVENT.
STABILIZED AREAS: ONCE EVERY 30 DAYS.
FROZEN GROUND: AS SOON AS RUNOFF OCCURS OR PRIOR TO RESUMING CONSTRUCTION.
RECORDS: A COPY OF THE GRADING, DRAINAGE EROSION CONTROL PLAN AND WATERSHED DATA & SWPPP PLANS AS WELL AS THE INSPECTIONS/MAINTENANCE LOGS ARE TO BE KEPT EITHER IN THE FIELD OFFICE, INSPECTOR'S VEHICLE, OR CONTRACTOR'S VEHICLE.

FINAL STABILIZATION
STABILIZATION BY UNIFORM PERENNIAL VEGETATIVE COVER (70% DENSITY)
DRAINAGE DITCHES STABILIZED.
ALL TEMPORARY SYNTHETIC AND STRUCTURAL BMP'S REMOVED.
CLEAN OUT SEDIMENT FROM CONVEYANCES AND SEDIMENTATION BASINS (RETURN TO DESIGN CAPACITY).

CONSTRUCTION ACTIVITY EROSION PREVENTION PRACTICES
CONTRACTOR SHALL STABILIZE ALL EXPOSED SOIL AREAS (INCLUDING STOCKPILES). STABILIZATION MUST BE INITIATED IMMEDIATELY TO LIMIT SOIL EROSION WHENEVER ANY CONSTRUCTION ACTIVITY HAS PERMANENTLY OR TEMPORARILY CEASED ON ANY PORTION OF THE SITE AND WILL NOT RESUME FOR A PERIOD EXCEEDING 14 CALENDAR DAYS. STABILIZATION MUST BE COMPLETED NO LATER THAN 14 CALENDAR DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED.
FOR PUBLIC WATER THAT THE DNR HAS PROMULGATED "WORK IN WATER RESTRICTIONS" DURING SPECIFIED FISH SPawning TIME FRAMES, ALL EXPOSED SOIL AREAS THAT ARE WITHIN 200 FEET OF THE WATER'S EDGE, AND DRAIN TO THESE WATERS MUST COMPLETE THE STABILIZATION ACTIVES WITHIN 24 HOURS DURING THE RESTRICTION PERIOD.
PIPE OUTLETS MUST BE PROVIDED WITH TEMPORARY OR PERMANENT ENERGY DISSIPATION WITHIN 24-HOURS AFTER CONNECTION TO A SURFACE WATER.
SEDIMENT CONTROL MEASURES MUST BE INSTALLED ON ALL DOWN GRADIENT PERIMETERS BEFORE ANY UPGRADE LAND DISTURBING ACTIVITIES BEGIN.

SEDIMENT AND EROSION CONTROL MAINTENANCE
PERIMETER SEDIMENT CONTROL PRACTICES: WHEN SEDIMENT REACHES THE HEIGHT OF THE BMP, THE SEDIMENT MUST BE REMOVED WITHIN 24 HOURS. IF PERIMETER SEDIMENT CONTROL HAS BEEN DAMAGED OR IS NOT FUNCTIONING, PROPERLY, IT MUST BE REPAIRED AND/OR REPLACED WITHIN 24 HOURS. PERIMETER BMP MEASURES MAY INCLUDE SILT FENCING.
CONSTRUCTION SITE VEHICLE EXIT LOCATIONS: ALL TRACKED SEDIMENT ONTO PAVED SURFACES MUST BE REMOVED WITHIN 24 HOURS OF DISCOVERY OR MORE FREQUENTLY IF REQUIRED BY CITY OR WATERSHED.
CONSTRUCTION SITE DEWATERING: THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL DEWATERING PERMITS. DISCHARGE FROM ALL DEWATERING OPERATIONS SHALL BE DIRECTED TO ON-SITE DEPRESSIONS. NO DISCHARGE FROM DEWATERING OPERATIONS SHALL BE DIRECTED OFF-SITE TOWARDS A WATER OF THE STATE.

PORTABLE TOILET NOTES:
1. PORTABLE TOILETS POSE AN ENVIRONMENTAL HAZARD WHEN PLACED IN THE VICINITY OF STORM DRAINS OR BODIES OF WATER. WASTES CAN ALSO GENERATE POLLUTANTS THAT CAN DEGRADE WATER QUALITY.
2. PORTABLE TOILET PLACEMENT:
2.1. PLACE PORTABLE TOILETS ON FLAT STABLE GROUND WITH CLEAR ACCESS TO THE UNITS.
2.2. LOCATE TOILETS A MINIMUM OF 20 FEET FROM ANY WATER BODY AND 10 FEET FROM ANY CURB AND GUTTER. UNFEASIBLE, AN EARTHERM BERM OR SAND BAG BERM SHALL BE PLACED AROUND THE UNIT FOR SPILL AND LEAK CONTAINMENT.
2.3. AVOID PLACING TOILETS ON IMPERVIOUS SURFACES THAT WILL QUICKLY DRAIN TO STORM SEWERS.
2.4. LOCATE TOILETS SO THAT EXPOSURE TO TRAFFIC AND MOVING EQUIPMENT IS MINIMIZED.
2.5. SECURE TOILETS TO THE GROUND WITH STAKES OR CABLES.
2.6. RINSE WATER FROM CLEANING ACTIVITIES SHALL NOT BE DISPOSED ON SITE.
3. REGULARLY CHECK TOILETS FOR DAMAGE, LEAKS AND SPILLS AS PART OF THE WEEKLY STORMWATER SITE INSPECTION.
4. OWNER IDENTIFICATION AND CONTACT INFORMATION SHALL BE DISPLAYED IN A PROMINENT LOCATION ON EACH UNIT.

SPECIAL AND IMPAIRED WATERS
THESE SPECIAL AND IMPAIRED WATERS ARE LOCATED WITHIN ONE MILE (AERIAL RADIUS) OF THE PROJECT LIMITS AND RECEIVE RUNOFF FROM THE PROJECT SITE. DUE TO THE PROXIMITY OF THESE SPECIAL AND IMPAIRED WATERS, THE BMP'S DESCRIBED IN SECTION 2.3 OF THE NPDES PERMIT WILL APPLY TO ALL AREAS OF THE SITE.

WATERBODY	IMPAIRMENT(S)
NONE	NA

MINIMUM ESTIMATED QUANTITIES FOR EROSION CONTROL		
ITEM DESCRIPTION	ESTIMATED QUANTITY	
DRAINAGE STRUCT INLET FILTER	9	EACH
ROCK CONSTRUCTION ENTRANCE	1	EACH
CONCRETE WASHOUT	3	EACH
SILT FENCE	1395	LF
EROSION CONTROL BLANKET	1578	SY

NOTE: QUANTITIES SHOWN ARE THE MINIMUM REQUIRED. ADDITIONAL QUANTITIES MAY BE NEEDED IF REQUIRED BY THE MPCA, WATERSHED DISTRICT, OR CITY. CONTRACTOR IS RESPONSIBLE FOR FINAL DETERMINATION OF QUANTITIES PRIOR TO CONSTRUCTION.

OTHER NOTES:
1. LONG TERM MAINTENANCE OF THE SITE WILL BE PERFORMED BY THE OWNER. ISD 833 SCHOOL DISTRICT, INCLUDED MAINTENANCE FOR STORMWATER DEVICES SHALL BE:
1.1. INSPECT HYDRODYNAMIC SEPARATOR ON A BIENNIAL BASIS, ONCE IN THE SPRING AND ONCE IN THE FALL.
1.2. CLEAN HYDRODYNAMIC SEPARATOR OF SEDIMENT AND DEBRIS ANNUALLY OR WHEN SEDIMENTS FILL 1/2 OF THE STORAGE VOLUME.
1.3. ADDITIONAL LONG TERM MAINTENANCE MEASURES INCLUDE: REMOVAL OF TRASH AND DEBRIS FROM WET POND.
2. THIS SWPPP WAS PREPARED BY PERSONNEL THAT ARE CERTIFIED IN THE DESIGN OF CONSTRUCTION SWPPPS. COPIES OF THESE CERTIFICATIONS ARE ON FILE WITH BCKM AND ARE AVAILABLE UPON REQUEST.
3. THIS SWPPP DOCUMENT MUST BE AMENDED AS NECESSARY DURING CONSTRUCTION IN ORDER TO KEEP IT CURRENT WITH THE POLLUTANT CONTROL MEASURES UTILIZED AS THE SITE. THE SITE MAP SHOWING LOCATIONS OF ALL STORM WATER CONTROLS MUST BE POSTED ON THE SITE AND UPDATED TO REFLECT THE PROGRESS OF CONSTRUCTION.

POLLUTION PREVENTION MANAGEMENT MEASURES
SOLID WASTE DISPOSED PROPERLY; COMPLY WITH MPCA REQUIREMENTS.
HAZARDOUS WASTE STORED (SECONDARY CONTAINMENT, RESTRICTED ACCESS) AND DISPOSED IN COMPLIANCE WITH MPCA REQUIREMENTS.
NO EXTERNAL WASHING OF TRUCKS AND OTHER CONSTRUCTION ALLOWED ON-SITE.
CONCRETE WASHOUT ON-CURB WITH LIQUID AND SOLID WASTES GENERATED BY CONCRETE WASHOUT OPERATIONS MUST BE CONTAINED IN A LEAK-PROOF CONTAINER FACILITY OR IMPERMEABLE LINER. A COMPACTED CLAY LINER THAT DOES NOT ALLOW LIQUIDS TO ENTER GROUND WATER IS CONSIDERED AN IMPERMEABLE LINER. THE LIQUID AND SOLID WASTES MUST NOT CONTACT THE GROUND AND THERE MUST NOT BE RUNOFF FROM THE CONCRETE WASHOUT OPERATIONS OR AREAS. LIQUID AND SOLID WASTES MUST BE DISPOSED OF PROPERLY AND IN COMPLIANCE WITH MPCA REGULATIONS. A SIGN MUST BE INSTALLED ADJACENT TO EACH WASHOUT FACILITY TO INFORM CONCRETE EQUIPMENT OPERATORS TO UTILIZE THE PROPER FACILITIES. THE CONCRETE WASHOUT AREA INDICATED ON THE PLANS IS SHOWN IN AN APPROXIMATE LOCATION. PRIOR TO THE START OF CONSTRUCTION, THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION IN ACCORDANCE WITH MPCA REQUIREMENTS.
BUILDING PRODUCTS THAT HAVE THE POTENTIAL TO LEACH POLLUTANTS MUST BE UNDER COVER.
PESTICIDES, HERBICIDES, INSECTICIDES, FERTILIZERS, TREATMENT CHEMICALS, AND LANDSCAPE MATERIALS MUST BE UNDER COVER.
HAZARDOUS MATERIALS, TOXIC WASTE (INCLUDING OIL, DIESEL FUEL, GASOLINE, HYDRAULIC FLUIDS, PAINT SOLVENTS, PETROLEUM-BASED PRODUCTS, WOOD PRESERVATIVES, ADHESIVES, CURING COMPOUNDS, AND ACIDS) MUST BE PROPERLY STORED IN SEALED CONTAINERS TO PREVENT SPILLS, LEAKS, OR OTHER DISCHARGES.

HANDLING AND STORAGE OF HAZARDOUS MATERIALS:
IF THE CONTRACTOR INTENDS TO USE POLYMERS, FLOCCULANTS, OR OTHER SEDIMENTATION TREATMENT CHEMICALS ON THE PROJECT SITE, THE CONTRACTOR MUST COMPLY WITH THE FOLLOWING MINIMUM REQUIREMENTS:
1. THE CONTRACTOR MUST USE CONVENTIONAL EROSION AND SEDIMENT CONTROLS PRIOR TO CHEMICAL ADDITION TO ENSURE EFFECTIVE TREATMENT. CHEMICALS MAY ONLY BE APPLIED WHERE TREATED STORMWATER IS DIRECTED TO A SEDIMENT CONTROL SYSTEM WHICH ALLOWS FOR FILTRATION OR SETTLEMENT OF THE FLOC PRIOR TO DISCHARGE.
2. CHEMICALS MUST BE SELECTED THAT ARE APPROPRIATELY SUITED TO THE TYPES OF SOILS LIKELY TO BE EXPOSED DURING THE CONSTRUCTION, AND TO THE EXPECTED TURBIDITY, PH, AND FLOW RATE OF STORMWATER FLOWING INTO THE CHEMICAL TREATMENT SYSTEM OR AREA.
3. CHEMICALS MUST BE USED IN ACCORDANCE WITH ACCEPTED ENGINEERING PRACTICES, AND WITH DOSING SPECIFICATIONS AND SEDIMENT REMOVAL DESIGN SPECIFICATIONS PROVIDED BY THE MANUFACTURER OR PROVIDER/SUPPLIER OF THE APPLICABLE CHEMICALS.
ON-SITE FUEL TANKS REQUIRE SECONDARY CONTAINMENT AS REQUIRED BY THE PERMIT. PORTABLE FUEL TRUCKS SHALL HAVE THEIR SPILL KITS AVAILABLE DURING FUELING. SPILLS GREATER THAN 5 GALLONS MUST BE REPORTED TO THE PROPER AUTHORITIES.

PROJECT NARRATIVE
EXISTING SITE DESCRIPTION --- THE EXISTING SITE IS 8.52 ACRES IN SIZE. CURRENT DEVELOPMENT CONSISTS OF A BUS GARAGE, TWO 1-STORY BUILDINGS, AND PARKING LOTS. THERE IS CURRENTLY A WET POND ON-SITE FOR STORMWATER MANAGEMENT.
PROPOSED SITE DESCRIPTION --- THE PROPOSED DEVELOPMENT CONSISTS OF A FUELING AREA FOR BUSES, REMOVAL OF THE EXISTING FUEL TANKS, AND INSTALLATION OF A TRASH ENCLOSURE. THE DISTURBED AREA INCREASE IN IMPERVIOUS SURFACES IS 0.38 ACRES. THE FULLY RECONSTRUCTED IMPERVIOUS SURFACES IS 0.89 ACRES. THE SUM OF NEW AND FULLY RECONSTRUCTED IMPERVIOUS SURFACES IS 1.27 ACRES. STORMWATER RUNOFF FROM THE FUELING AREA WILL BE PRETREATED BY A HYDRODYNAMIC SEPARATOR PRIOR TO DISCHARGING TO THE EXPANDED WET POND. THE AMOUNT OF IMPERVIOUS SURFACES ROUTED TO THE WET POND IS 3.39 ACRES. 1.0-INCHES OVER THAT AREA IS EQUAL TO 12,306 CUBIC FEET. AT THE WATER QUALITY ELEVATION OF 808.65 THE EXPANDED WET POND IS PROVIDING 12,627 CUBIC FEET OF STORAGE ABOVE THE PERMANENT POOL, MEETING THE 12,306 CUBIC FEET REQUIREMENT. THE WATER QUALITY VOLUME CANNOT BE INFILTRATED DUE TO THE PROPOSED FUEL TANK AND MPCA REQUIREMENTS.

EXISTING DRAINAGE AREAS						
DRAINAGE AREA	IMPERVIOUS AREA (ACRES)	PERVIOUS AREA (ACRES)	TOTAL AREA (ACRES)	Q OUT (CFS) STORM EVENT		
				2-YEAR (2.79")	10-YEAR (4.15")	100-YEAR (7.40")
1	1.39	0.06	1.45	5.29	7.99	14.49
2	2.10	0.13	2.22	8.00	12.12	22.07
3	2.19	0.92	3.11	--	--	--
4	0.82	0.08	0.90	--	--	--
5	0.90	0.20	1.11	--	--	--
6	0.03	0.81	0.85	--	--	--
EXISTING WET POND	--	--	--	2.58	3.25	4.76
EXISTING LOW POINT	--	--	--	0.46	2.09	6.89
TOTAL	7.43	2.20	9.63	16.33	25.45	48.21

PROPOSED DRAINAGE AREAS						
DRAINAGE AREA	IMPERVIOUS AREA (ACRES)	PERVIOUS AREA (ACRES)	TOTAL AREA (ACRES)	Q OUT (CFS) STORM EVENT		
				2-YEAR (2.79")	10-YEAR (4.15")	100-YEAR (7.40")
1	1.39	0.06	1.45	5.29	7.99	14.49
2	2.12	0.10	2.22	8.09	12.24	22.22
3	1.98	0.96	2.94	--	--	--
4	0.90	0.09	0.99	--	--	--
5	0.90	0.20	1.10	--	--	--
6	0.01	0.32	0.33	--	--	--
7	0.51	0.09	0.60	--	--	--
EXPANDED WET POND	--	--	--	0.54	0.66	0.88
EXISTING LOW POINT	--	--	--	0.89	2.76	6.80
TOTAL	7.81	1.82	9.63	14.81	23.65	44.39

STORMWATER RUNOFF SUMMARY			
	2-YR STORM (2.79") RUNOFF (CFS)	10-YR STORM (4.15") RUNOFF (CFS)	100-YR STORM (7.40") RUNOFF (CFS)
EXISTING SITE	16.33	25.45	48.21
PROPOSED SITE	14.81	23.65	44.39

MECHANICAL AND NON STORMWATER DISCHARGES, EXISTING AND PROPOSED
1. WATER LINE FLUSHING
2. LANDSCAPE IRRIGATION
3. DISCHARGE FROM POTABLE WATER SOURCES
4. AIR CONDITIONING CONDENSATION
AGENCY CONTACTS
CITY OF COTTAGE GROVE
ENGINEERING DEPARTMENT
PHONE: (651) 455-2885
MINNESOTA POLLUTION CONTROL AGENCY
PHONE: (651) 296-6300
SOUTH WASHINGTON WATERSHED DISTRICT
PHONE: (651) 714-3729
ISD 833 SCHOOL DISTRICT
7362 E POINT DOUGLAS ROAD
COTTAGE GROVE, MN 55016
PHONE: (651) 425-6300

NOTE:
THE CONTRACTOR MUST COMPLETE, SIGN, OBTAIN OWNERS SIGNATURE, PAY FEE, AND SEND IN THE NPDES PERMIT APPLICATION. CONTRACTOR SHALL PROVIDE A CERTIFIED EROSION CONTROL SUPERVISOR. SWPPP DOCUMENTATION, INCLUDING INSPECTION REPORTS SHALL BE RETAINED FOR A PERIOD OF THREE (3) YEARS. DESIGN CALCULATIONS ARE ON FILE AT BCKM.
THE OWNER AND CONTRACTOR ARE RESPONSIBLE FOR IMPLEMENTATION OF THE SWPPP AND INSTALLATION, INSPECTION, AND MAINTENANCE OF THE EROSION PREVENTION AND SEDIMENT CONTROL BMP'S, BEFORE, DURING, AND AFTER CONSTRUCTION UNTIL THE NOTICE OF TERMINATION HAS BEEN FILED.

STOCKPILES:
ON-SITE STOCKPILES OF SOIL SHALL HAVE PERIMETER SEDIMENT CONTROL. STOCKPILES SHALL BE STABILIZED WITH BLANKETS, TAPPS, OR HYDRO MULCH IF LEFT ON-SITE FOR MORE THAN 14 DAYS.

TEMPORARY SEDIMENT BASINS:
TEMPORARY SEDIMENT BASINS SHALL BE PROVIDED PER APPENDIX A, SECTION C.1.B OF THE MPCA GENERAL STORMWATER PERMIT.
ENGINEER ANTICIPATES THAT, PRIOR TO EXCAVATION FOR WET POND, CONTRACTOR WILL USE PROPOSED WET POND AREA AS TEMPORARY SEDIMENT BASIN. CONTRACTOR SHALL EXCAVATE TEMPORARY BASINS PRIOR TO USE. SURFACE WATER SHALL BE REMOVED BY SKIMMER DEVICE SUCH AS FAN-CLOTH SKIMMER OR THIRSTY DUCK, OR USING A PUMP WITH A FILTER. ALTERNATIVE TEMPORARY SEDIMENT BASINS SHALL BE APPROVED BY ENGINEER PRIOR TO USE.

SWPPP IMPLEMENTATION, INSTALLATION, INSPECTION, AND BMP MAINTENANCE SHALL BE PERFORMED BY THE CONTRACTOR.

NAME: _____
CERTIFICATION #: _____
DATE: _____

NOTE:
AN AS-BUILT SURVEY OF ALL STORMWATER BMP'S, WET POND, OUTLET STRUCTURES, SUMP CATCH BASINS, ETC., SHALL BE SUBMITTED TO SOUTH WASHINGTON WATERSHED DISTRICT PRIOR TO PROJECT CLOSURE. RADAR AS-BUILT SURVEY SHALL INCLUDE THE WET POND LAYOUT FOR VERIFICATION THAT THE SYSTEM WAS INSTALLED PROPERLY.

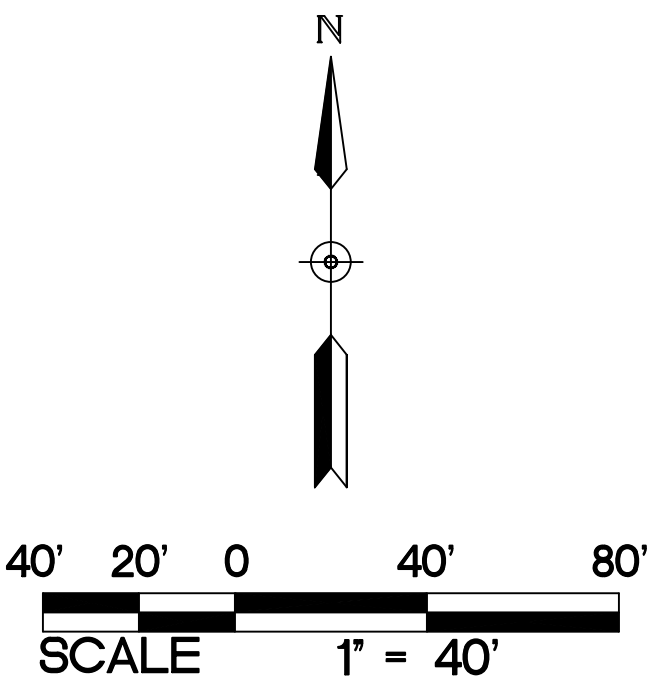
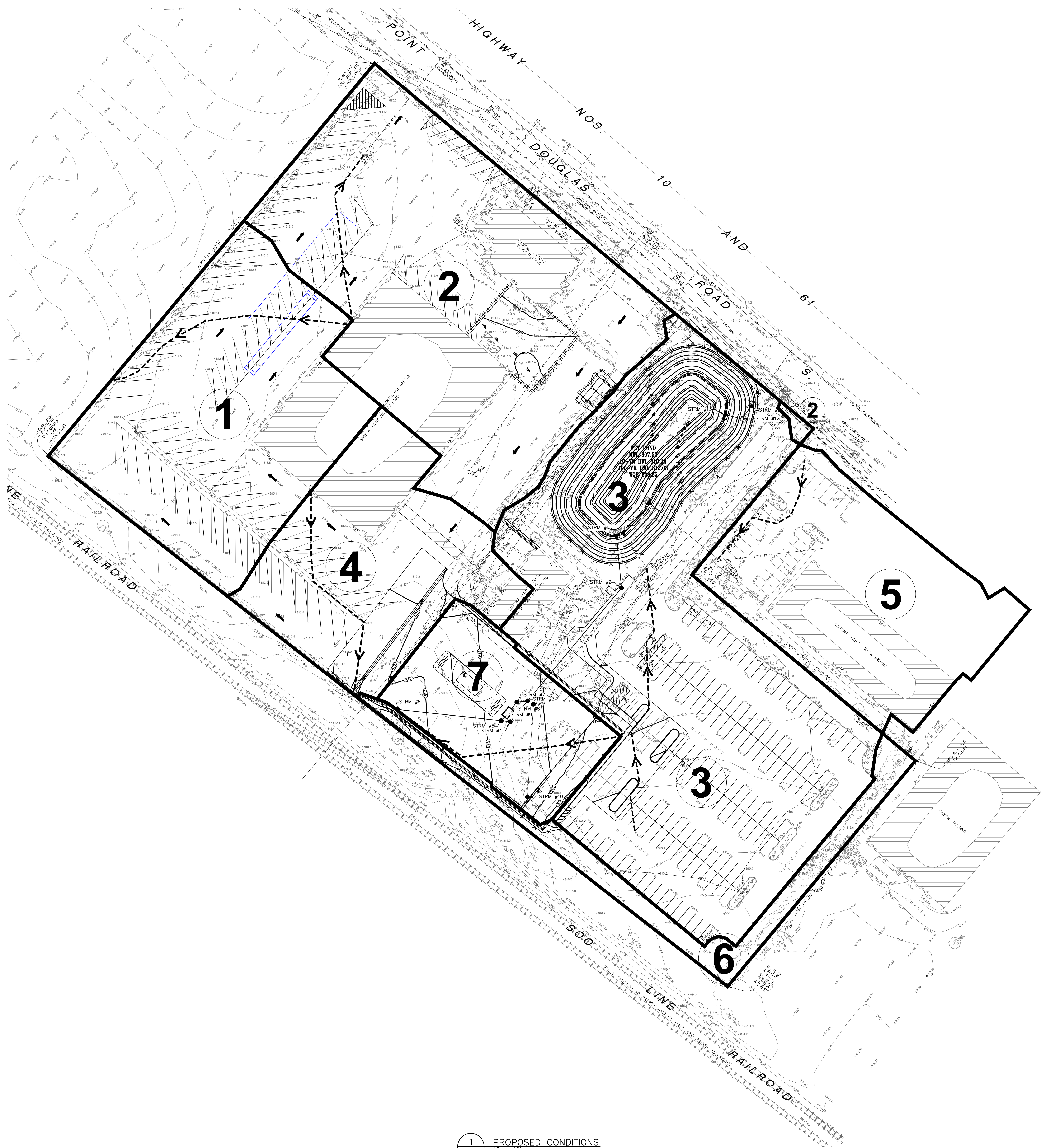
GRADING & SOILS
BASED ON SOIL BORING(S) PROVIDED BY BRAUN INTERTEC SOILS TYPICALLY FOUND ON THIS PROJECT ARE: SM, SC, SP
REFER TO THE GEOTECHNICAL REPORT FOR ADDITIONAL INFORMATION.

**ISD 833
TRANSPORTATION
FACILITY - FUEL
TANK
INSTALLATION**
8587 W POINT DOUGLAS RD S
COTTAGE GROVE, MN 55016

**BCKM
ENGINEERS**
6100 Eads Brown Drive, Suite 700
Minneapolis, MN 55426-2518
Phone: (763) 843-0001
Fax: (763) 843-0421
www.bckm.com

Revisions		
No.	Description	Date
I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the state of Minnesota.		
Kevin A. Bohl		
Date	03/28/2024	Lic. No. 52209
DATE	03/28/2024	PROJECT # 23280
PROJECT STATUS	CDs	
DRAWN BY	WH	
CHECKED BY	NPA	

**STORM WATER
POLLUTION
PREVENTION PLAN
- EXISTING
CONDITIONS
C6.0**



**ISD 833
TRANSPORTATION
FACILITY - FUEL
TANK
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COTTAGE GROVE, MN 55016

BKBM
ENGINEERS

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Minneapolis, MN 55425-2518
Phone: (763) 843-5400
Fax: (763) 843-0421
www.bkbm.com

Revisions		
No.	Description	Date

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

Kevin A. Bohl
Date 03/28/2024 Kevin A. Bohl Lic. No. 52209

DATE 03/28/2024
PROJECT # 23280
PROJECT STATUS CDs

DRAWN BY WH
CHECKED BY NPA

EXISTING DRAINAGE AREAS						
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3	2.19	0.92	3.11	—	—	—
4	0.82	0.08	0.90	—	—	—
5	0.90	0.20	1.11	—	—	—
6	0.03	0.81	0.85	—	—	—
EXISTING WET POND	—	—	—	2.58	3.25	4.76
EXISTING LOW POINT	—	—	—	0.46	2.09	6.89
TOTAL	7.43	2.20	9.63	16.33	25.45	48.21
				ROUTING		
				SHEET FLOWS WEST OFF-SITE		
				SHEET FLOWS TO ON-SITE STORM SEWER		
				DRAINS TO EXISTING WET POND		
				SHEET FLOWS TO EXISTING LOW POINT		
				DRAINS TO EXISTING WET POND		
				SHEET FLOWS TO EXISTING LOW POINT		
				DRAINS TO CITY STORM SEWER		
				DRAINS WEST OFF-SITE		

PROPOSED DRAINAGE AREAS						
DRAINAGE AREA	IMPERVIOUS AREA (ACRES)	PERVIOUS AREA (ACRES)	TOTAL AREA (ACRES)	Q OUT (CFS) STORM EVENT		
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5	0.90	0.20	1.10	—	—	—
6	0.01	0.32	0.33	—	—	—
7	0.51	0.09	0.60	—	—	—
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				ROUTING		
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				DRAINS TO EXPANDED WET POND		
				SHEET FLOWS TO EXISTING LOW POINT		
				DRAINS TO EXPANDED WET POND		
				SHEET FLOWS TO EXISTING LOW POINT		
				DRAIN TO CITY STORM SEWER		
				DRAINS WEST OFF-SITE		

STORMWATER RUNOFF SUMMARY			
	2-YR STORM (2.79") RUNOFF (CFS)	10-YR STORM (4.15") RUNOFF (CFS)	100-YR STORM (7.40") RUNOFF (CFS)
EXISTING SITE	16.33	25.45	48.21
PROPOSED SITE	14.81	23.65	44.39

1
C6.1
PROPOSED CONDITIONS
1" = 40'

**STORM WATER
POLLUTION
PREVENTION PLAN
- PROPOSED
CONDITIONS**

C6.1

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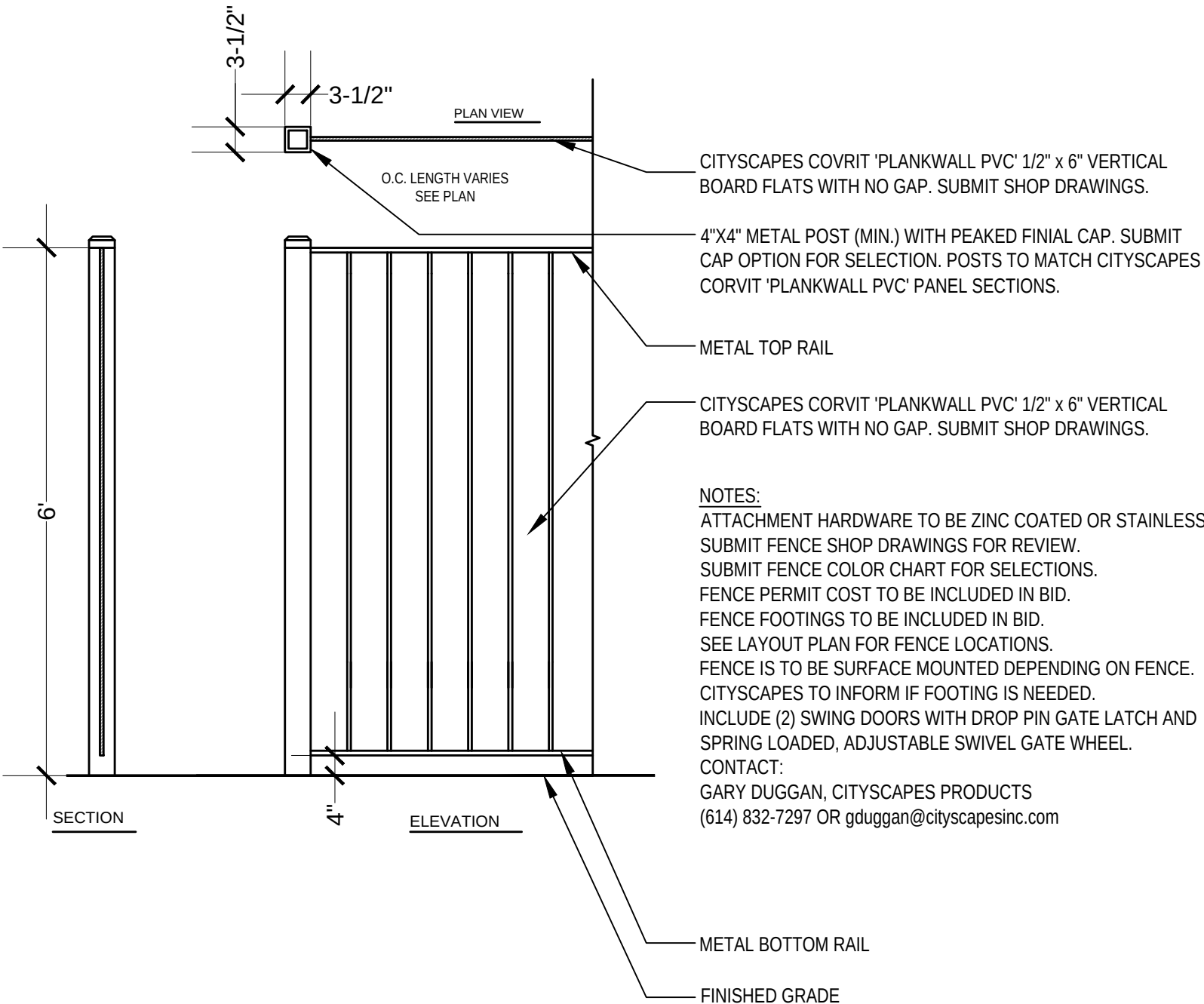
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INSTALLATION

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COTTAGE GROVE, MN 55016

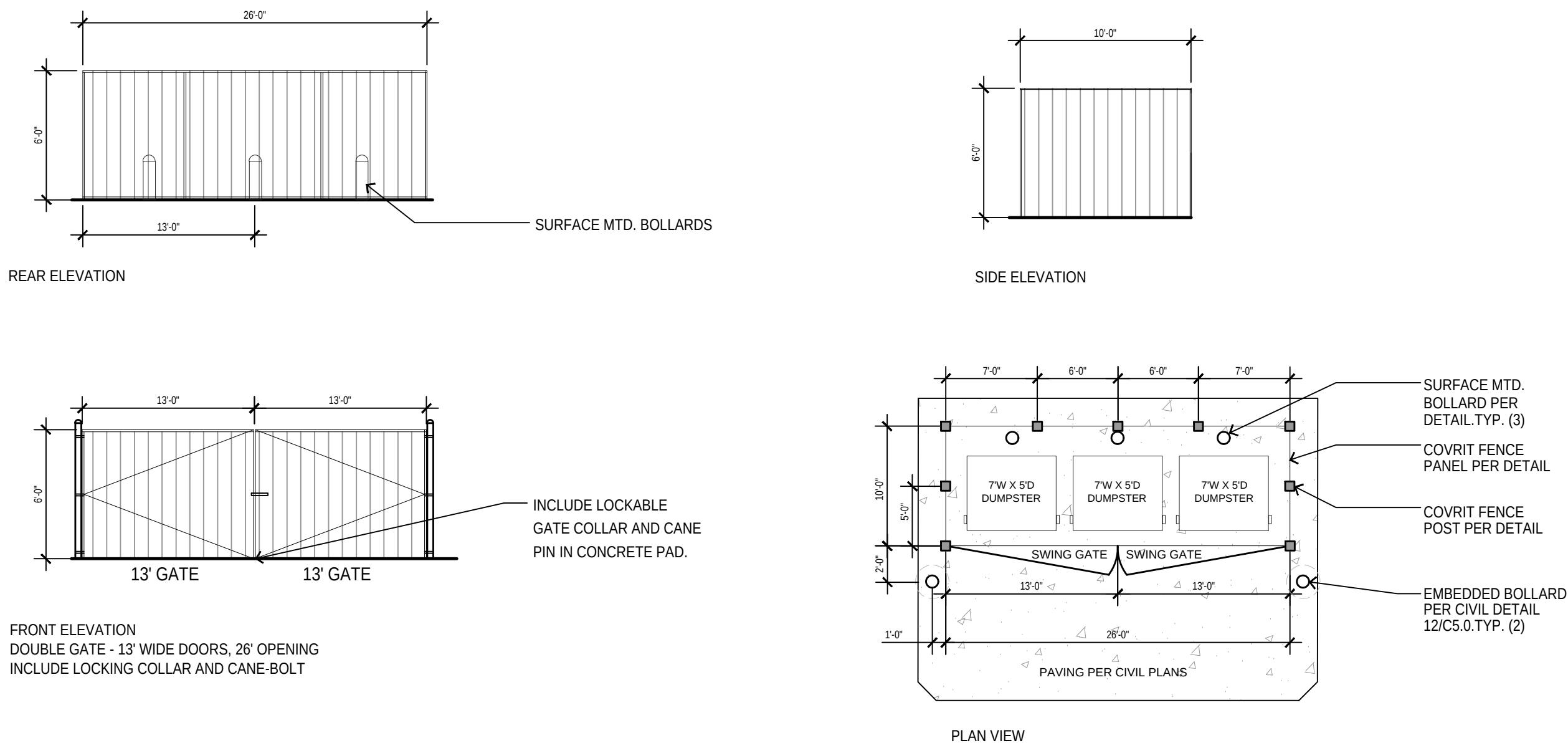


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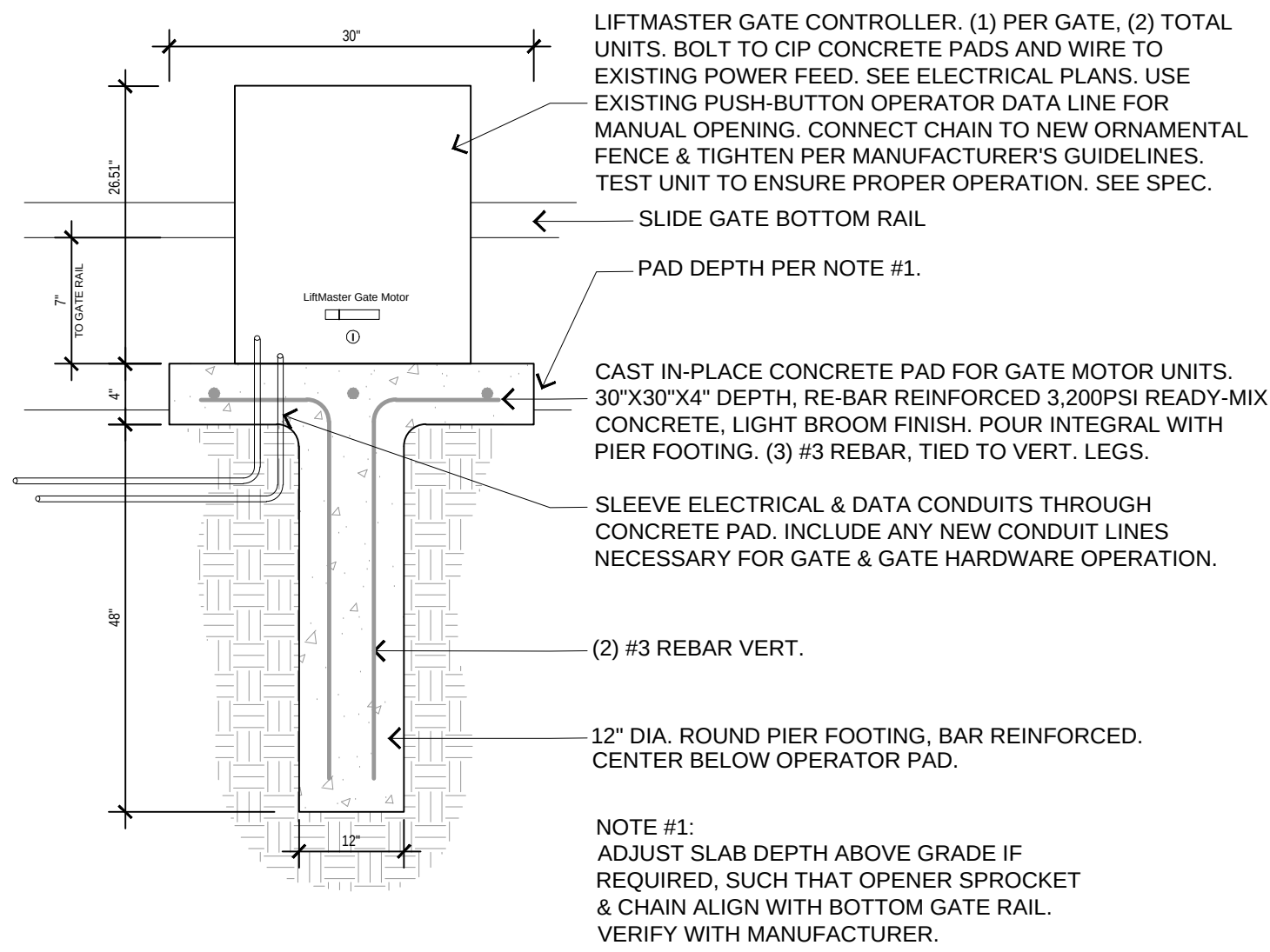
475 Cleveland Avenue N., Suite 101A
St. Paul, MN 55104
Phone: (651) 788-9018
Fax: (763) 843-0421
www.calyxdesigngroup.com



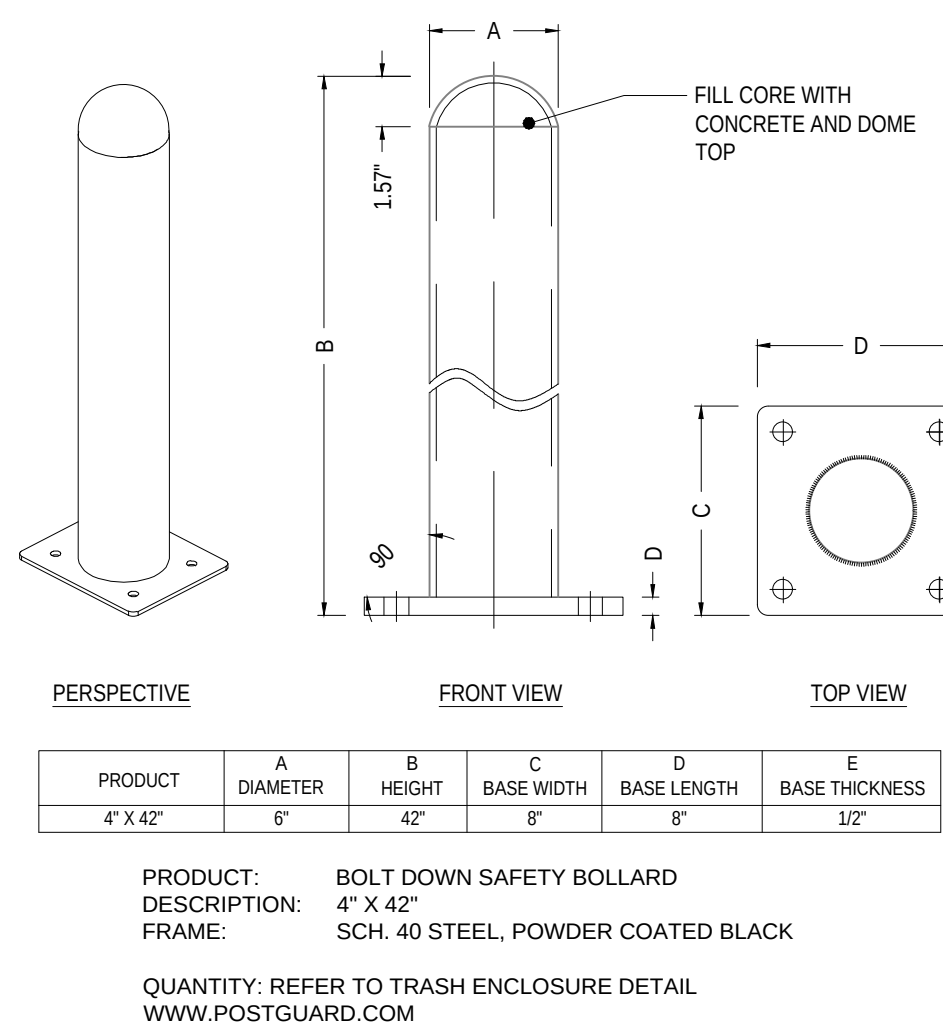
1
L1.5
TRASH AREA SCREEN FENCE DETAIL - TYPICAL CONSTRUCTION
SCALE: NONE



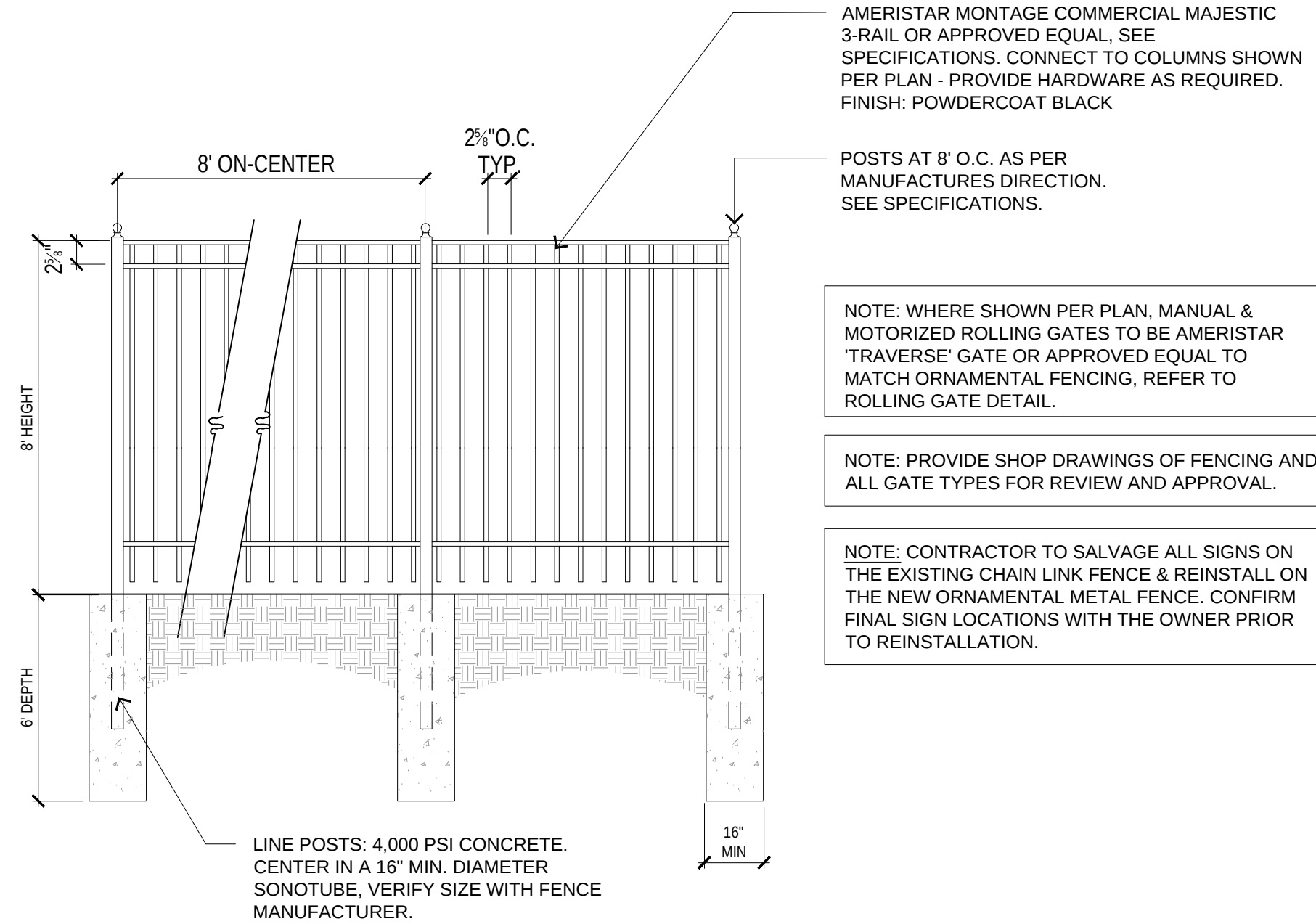
2
L1.5
TRASH AREA SCREEN FENCE LAYOUT & ELEVATIONS
SCALE: NONE
REFER TO DETAIL L1.1-5 FOR FENCE DETAIL



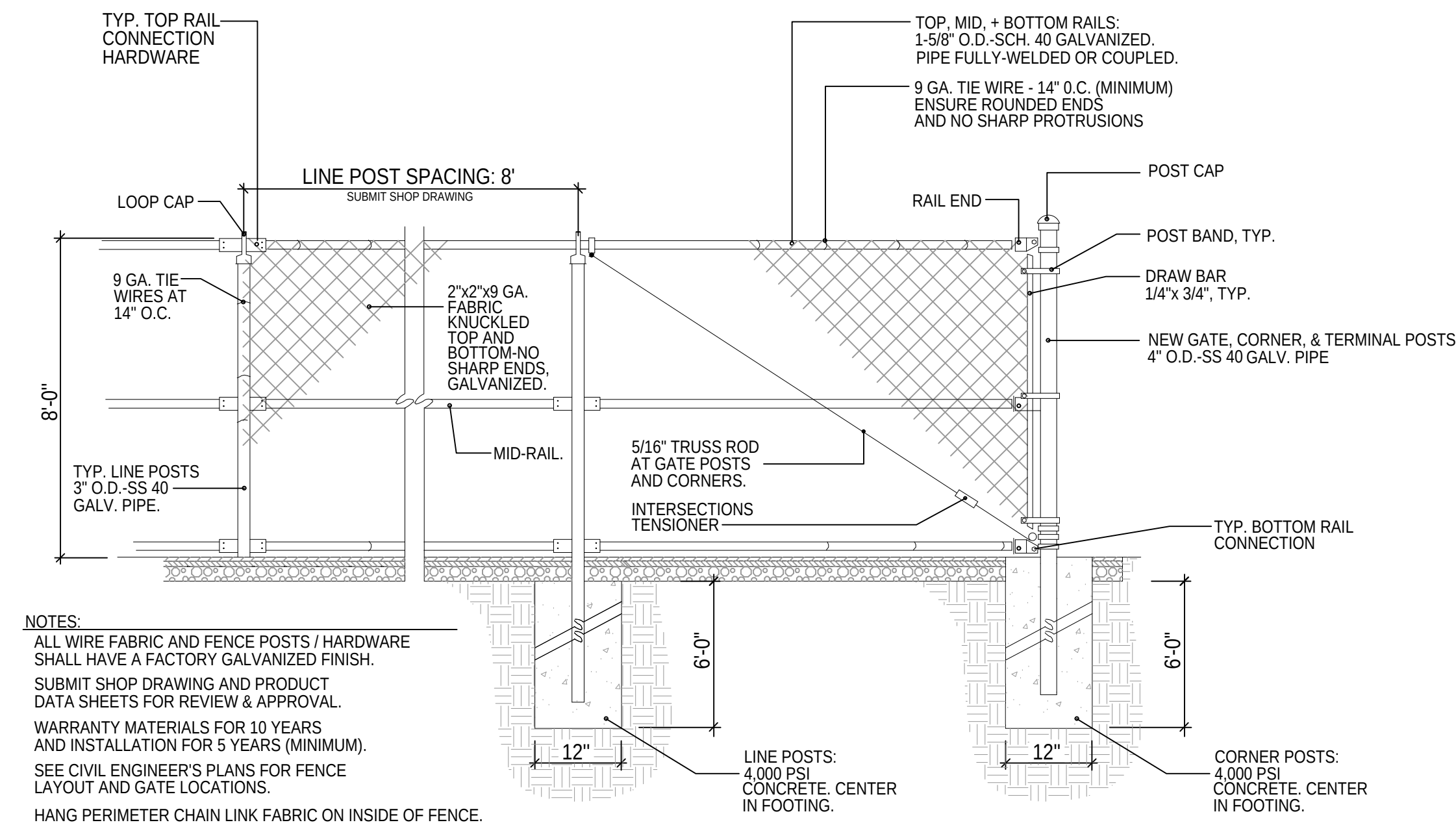
3
L1.5
GATE OPERATOR PAD & PIER FOOTING
SCALE: NONE



4
L1.5
PROTECTIVE BOLLARD DETAIL - SURFACE MOUNTED
SCALE: NONE



5
L1.5
ALTERNATE #3: 8' ORNAMENTAL METAL FENCE DETAIL
SCALE: NONE



6
L1.5
8' CHAIN LINK FENCE DETAIL
SCALE: NONE

General Notes:

1. Refer to Sheet L1-1 for Tree Preservation Plan.
2. Refer to Sheets L1-2 & L1-3 for for Landscape Plans.
3. Refer to Sheets L1-4 for Landscape Details, Notes, & Schedules.
4. Refer to Sheets L1-5 & L1-6 for Fencing Details.
5. Contractor to coordinate work in the city easement or right-of-way with City of Cottage Grove.
6. Protect existing trees to remain from damage during construction.
7. Place a minimum of 6" topsoil or slope dressing on all areas disturbed by construction, including right-of-way boulevards, unless specified otherwise. Re-use stripped topsoil.
8. Protect existing paving during landscape installation.

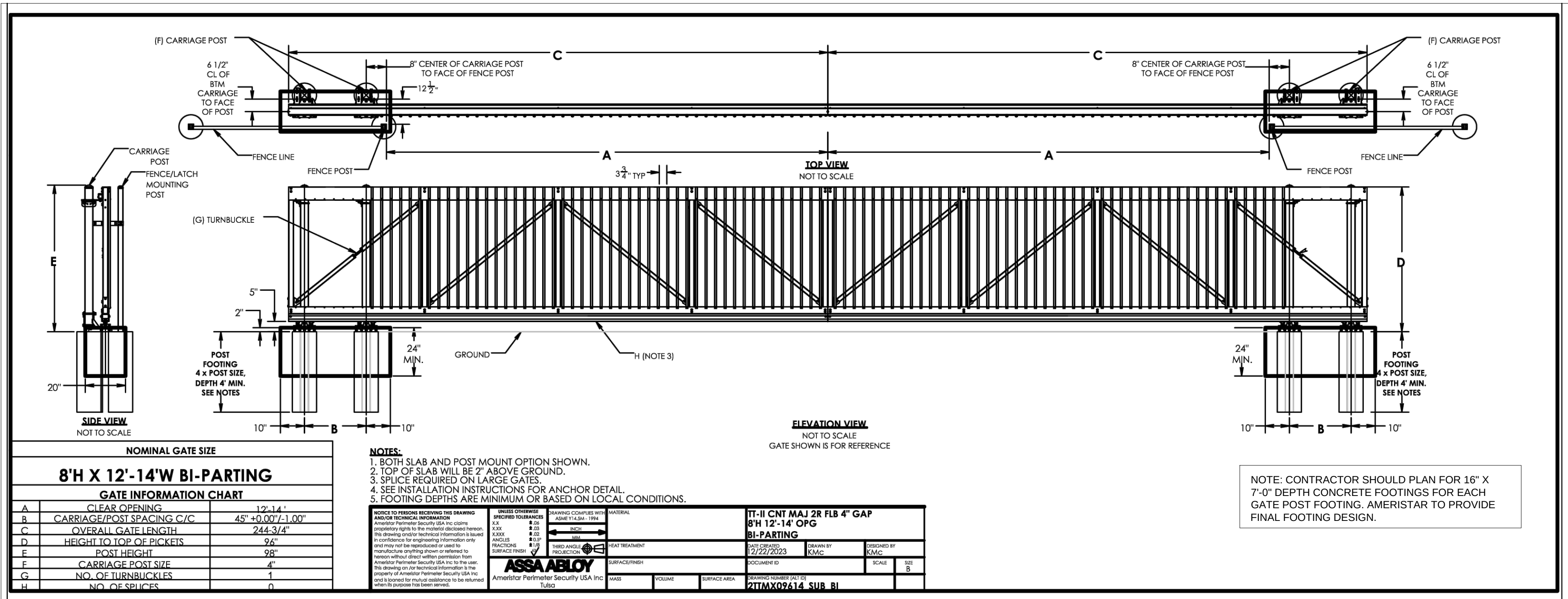
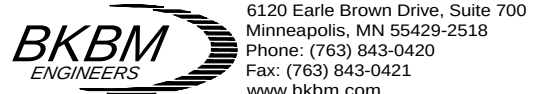


FENCE DETAILS

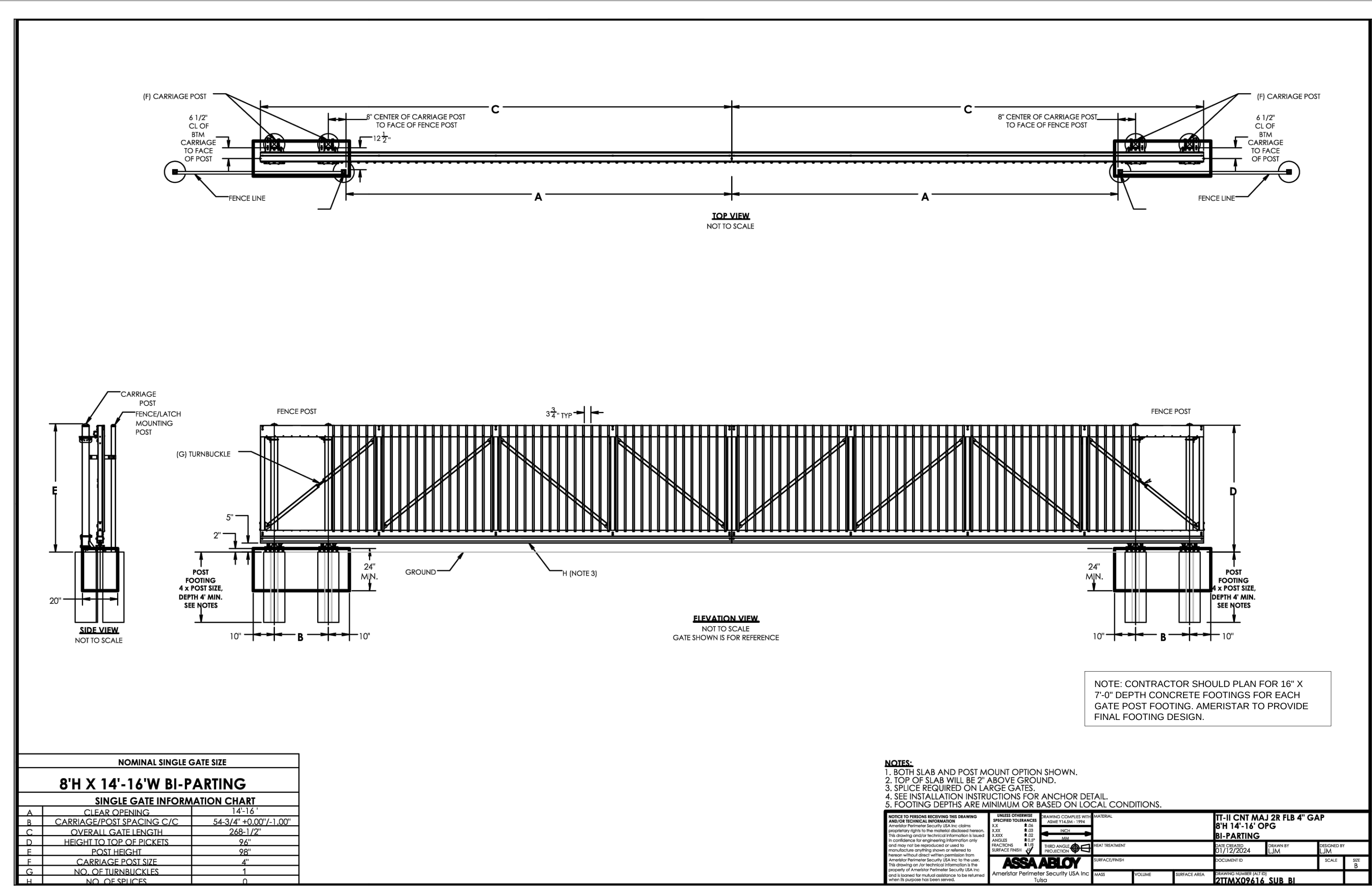
L1-5

ISD 833
TRANSPORTATION
FACILITY - FUEL
TANK
INSTALLATION

8587 W POINT DOUGLAS RD S
COTTAGE GROVE, MN 55016



1
L1.6
ALTERNATE #3: 8' H X 12'-14' ORNAMENTAL METAL ROLLING GATE (BI-LAYOUT) DETAIL, TYPICAL
SCALE: NONE



2
L1.6
ALTERNATE #3: 8' H X 14'-16' W ORNAMENTAL METAL ROLLING GATE (BI-LAYOUT) DETAIL, TYPICAL
SCALE: NONE

General Notes:

1. Refer to Sheet L1-1 for Tree Preservation Plan.
2. Refer to Sheets L1-2 & L1-3 for Landscape Plans.
3. Refer to Sheets L1-4 for Landscape Details, Notes, & Schedules.
4. Refer to Sheets L1-5 & L1-6 for Fencing Details.
5. Contractor to coordinate work in the city easement or right-of-way with City of Cottage Grove.
6. Protect existing trees to remain from damage during construction.
7. Place a minimum of 6" topsoil or slope dressing on all areas disturbed by construction, including right-of-way boulevards, unless specified otherwise. Re-use stripped topsoil.
8. Protect existing paving during landscape installation.



1 EXISTING FLUO 120/208V, 3ph, 4wL PANEL IN THIS AREA TO REMAIN & BE MODIFIED. SEE SHEET E-2.

2 EXISTING PHOTOCONTOUR FOR CONTROL OF EXTERIOR LIGHTING TO REMAIN, MAINTAIN EXISTING FUNCTION.

3 EXISTING UTILITY TRANSFORMER TO REMAIN, SHOWN FOR REFERENCE ONLY.

4 EXISTING IN-GROUND IRRIGATION CONTROL BOXES, SHOWN FOR REFERENCE ONLY. RELOCATION OR MODIFICATIONS BY OTHERS.

5 EXISTING SERVICE EQUIPMENT IN THIS AREA SHOWN FOR REFERENCE ONLY UNLESS NOTED OTHERWISE.

6 EXISTING BUILDING MOUNTED WALLPAPER TO BE REPLACED WITH NEW L.E.D. WALLPAPER AS INDICATED.

7 EXISTING "SCHOEDY" H.L.D. LUMINAIRE ON APPROXIMATELY 15' POLE. UNDER BASE BID REPLACE LUMINAIRE AS INDICATED & UNDER ALTERNATE #5 REPLACE EXISTING POLE ON EXISTING FOOTING, REMOVE EXISTING CIRCUITRY. SEE LIGHT FIXTURE SCHEDULE.

8 EXISTING L.E.D. FLAG POLE LIGHT FIXTURE TO BE REMAIN, MAINTAIN EXISTING CIRCUITRY COORDINATE WITH SITE CONTRACTOR TO MINIMIZE SOIL DISRUPTION IN AREA.

9 EXISTING "SCHOEDY" H.L.D. LUMINAIRE ON APPROXIMATELY 30' POLE. UNDER BASE BID REPLACE LUMINAIRE AS INDICATED & UNDER ALTERNATE #5 REPLACE EXISTING POLE ON EXISTING FOOTING, REMOVE EXISTING CIRCUITRY. SEE LIGHT FIXTURE SCHEDULE.

10 EXISTING POLE IS OUT OF PLUMB. REMOVE POLE & REPLACE LEVING NUTS & GROUT LEVING NUTS IN PROVIDE DRAINAGE OFF GROUT BY SLOPING THE GROUT.

11 EXISTING SIGNAGE LIGHTING TO BE REMOVED, REMOVE EXISTING FOOTING, & REMOVE EXISTING CIRCUITRY BACK TO EXISTING POLE ON OTHER SIDE OF DRIVEWAY. CONTRACTOR MAY ABANDON CONDUIT IN PLACE.

12 EXISTING 30"x48" IN-GROUND JUNCTION SIMILAR TO QUATIZE (#G3048 FOR FIBER OPTIC CABLE THAT HAS BEEN PRESS INTO THE SOIL & THE COVER HAS BEEN DAMAGED IN CORNER OF PARKING LOT, FOR BIDDING PURPOSES: LEVEL SOIL, TOTAL OF EXISTING BOX WITH FEA GRAVEL. PROVIDE QUATZ (#G3048H21, OR EQUIVA, TIER 22 IN-GROUND BOX WITH MOUSE-HOLES AT BOTH ENDS FOR FIBER-OPTIC CABLE & COVER WITH "FIBER-OPTIC" LABEL.

13 EXISTING TWO FUEL TANK IN THIS AREA TO BE REMOVED BY SITE CONTRACTOR. DISCONNECT & REMOVE ALL EXISTING POWER, SENSOR, & TECHNOLOGY CIRCUITRY (UNDER GROUND CONDUITS MAY BE ABANDONED IN PLACE IF CUT FLUSH & SEALED WITH NON-SHRINK GROUT WHERE THEY ARE ABOVE GRADE), REMOVE EXISTING CONDUCTORS TO SOURCE, ITEMS INCLUDED BUT NOT LIMITED TO: INCLUDE TANK LEVEL MONITORING SENSORS, TANK LEAK DETECTION SENSORS, FUEL ACCESS SYSTEMS, DISBURSERS, ETC.

14 EXISTING FUELING SYSTEM PUMP CONTROLS & CONTROLS TO BE REMOVED. DISCONNECT & REMOVE ALL ASSOCIATED EXISTING CIRCUITRY WITHIN BUS BARN.

15 EXISTING Vender-Roof Fuel Monitoring Panel IN THIS AREA TO BE REMOVED. DISCONNECT AND REMOVE ALL POWER & TECHNOLOGY CIRCUITRY.

16 UNDER ALTERNATE #4: APPROXIMATE LOCATION OF BUS BARN ELECTRICAL SERVICE EQUIPMENT (SINGLE PHASE), REPLACE EXISTING TIME CLOCKS WITH New Intermate #B20404501 OR EQUIV. ASTRONOMTIC TIME CLOCK WITH 2-HOUR OVERDRIVE, NON-VOLATILE MEMORY, 100-HOUR BACKUP, FOUR CONTACTS, & NEMA 1 ENCLOSURE. PROVIDE SURGE PROTECTION DEVICE & RECONNECT EXISTING CIRCUITRY.

17 APPROXIMATE LOCATION OF BUS SHOP ELECTRICAL SERVICE EQUIPMENT (SINGLE PHASE).

18 UNDER ALTERNATE #4: EXISTING PUSHBUTTON ON SHOP OFFICE TO OPEN INGRESS MOTORIZED GATE TO BUS BARN, MAINTAIN EXISTING FUNCTION. TO NEW INGRESS MOTORIZED GATES (ASSUMED CROFT PARALLELS EXISTING CARD READER CONTACTS, SEE NUMBERED NOTE 26.

19 EXISTING L.E.D. LUMINAIRE OVER PERSONNEL DOOR TO BUS BARN TO REMAIN, SHOWN FOR REFERENCE ONLY.

20 UNDER ALTERNATE 7 PROVIDE NEW 20A 1P CIRCUIT BREAKER IN EXISTING BUS BARN ELECTRICAL SERVICE FOR NEW TYPE CCG LUMINAIRES, CONTR. MAY REUSE EXISTING SPARE OR CIRCUIT BREAKER ABANDONED UNDER THIS PROJECT SCOPE.

21 EXISTING H.L.D. WALLPAPER TO BE REPLACED UNDER ALTERNATE #5 AS INDICATED. CONFIRM SOURCE, IF L.E.D. REPORT SUCH TO Engineer.

22 UNDER ALTERNATE #3: EXISTING MOTORIZED INGRESS GATE OPERATOR TO BE REPLACED, DISCONNECT & REMOVE POWER CIRCUITRY & CONTROL CIRCUITRY. RETAIN CONDUIT & POWER FOR EXTENSION TO NEW MOTORIZED INGRESS GATE OPERATOR.

23 UNDER ALTERNATE #4: PROVIDE NEW TWIN LUMINAIRE & TENON MOUNTING BRACKET ON EXISTING POLE, FIELD CONDUIT EXISTING POLE TOP TENON DIMENSIONS & EXISTING EXISTING VOLTAGE, CONNECT NEW WIRE TO EXISTING CIRCUITRY, MAINTAIN EXISTING FUNCTION. SEE LIGHT FIXTURE SCHEDULE

24 New Vender-Roof Control Console, by FUELING SYSTEMS SUPPLIER, ELECTRICAL CONTRACTOR TO MOUNT TOP AT 72". LOCATE ON WALL OPPOSITE TRANSPORTATION SUPERVISOR'S DOOR DOOR. FIELD CONDUIT WITH TRANSPORTATION SUPERVISOR, PROVIDE 2#12 PLUS #120 IN 3/4" EMT/FIT TO LDD-18/82. ALL CIRCUITRY TO BE CONCEALED. PROVIDE CATEGORY 6 CABLES TO MOTOR CONTROL, TERMINATE ON Busch, Field COORDINATE, INCLUDING REQUIREMENTS FOR LDD DISPLAY, SEE NUMBERED NOTE 48.

25 UNDER ALTERNATE #5 EXISTING STOP TO MOTOR SENSOR FOR MOTORIZED INGRESS GATE CONTROL TO BE REMOVED

26 UNDER ALTERNATE #5 EXISTING CARD READERS) ON BUILDINGS WALL FOR AUTHORIZING PERSONNEL TO MOTOR GATE TO REMAIN & BE REUSED FOR NEW GATE CONTROLS. PROVIDE NEW CONDUCTORS FOR ENTIRE LENGTH OF RUN TO GATE CONTROLS, INTERCEPT & EXISTING EXISTING CONDUITS TO NEW MOTORIZED GATE OPERATORS.

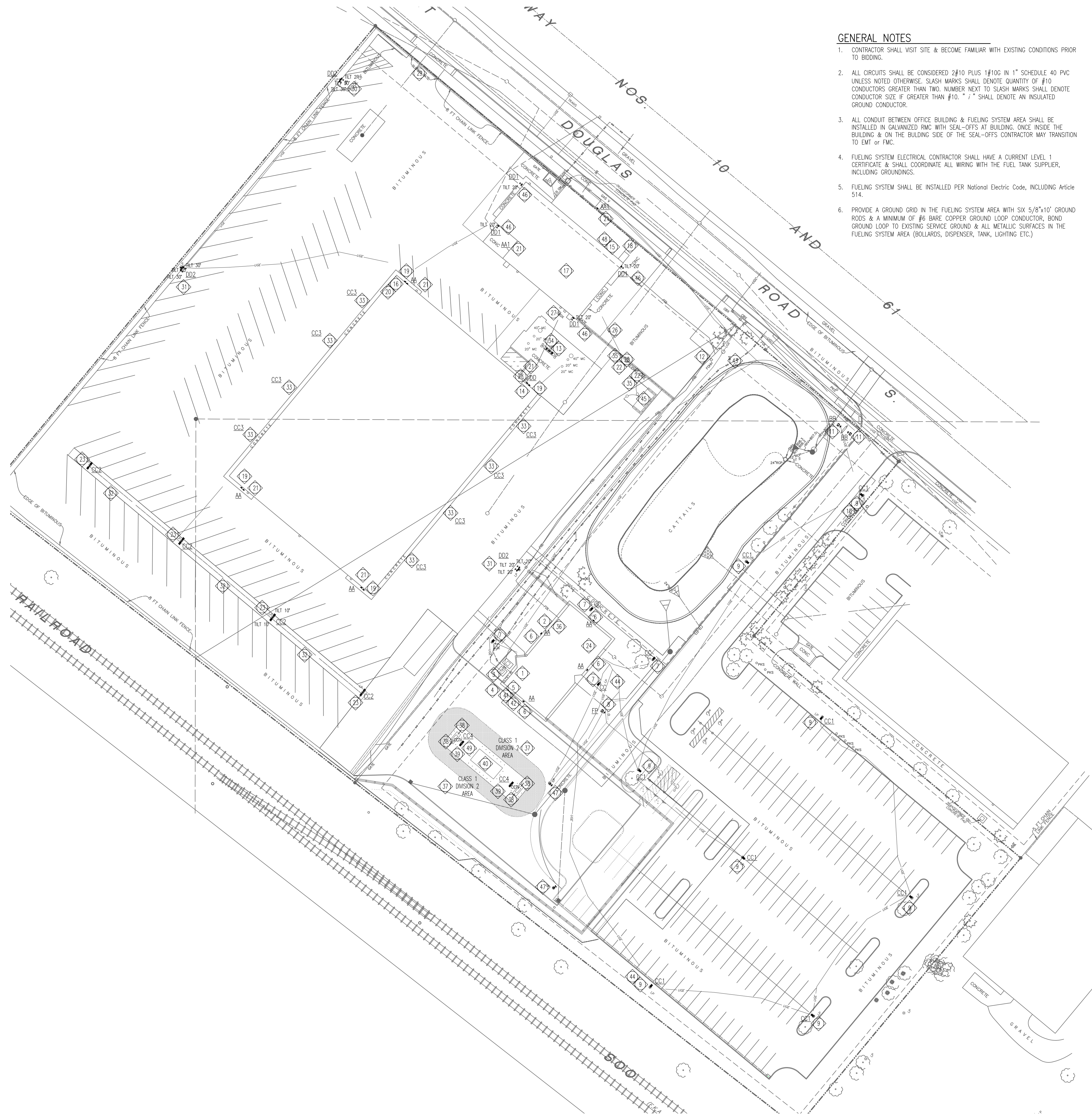
27 EXISTING FUELING SYSTEM CONTROLS, JUNCTION BOXES, & ALARM NOTIFICATION DEVICE ON BUILDING EXTERIOR TO BE REMOVED.

28 EXISTING FUELING SYSTEM CONDUITS & JUNCTION BOXES ON EXTERIOR OF BUILDING TO BE REMOVED.

29 UNDER ALTERNATE #5: EXISTING MANUALLY OPERATED EGRESS GATE SHOWN FOR REFERENCE ONLY.

30 UNDER ALTERNATE #4: EXISTING 1" BASE POLE WITH BULLHORN & TWIN LUMINAIRES TO BE REMOVED, INCLUDING CANEAD FOOTING (ENTIRELY OR TO A MINIMUM OF 24" BELOW GRADE). PROVIDE NEW CONCRETE FOUNDATION APPROXIMATELY 6" WEST PER DETAIL 2/E-2 LOCATE, INTERCEPT & EXTEND EXISTING CIRCUITRY AS REQUIRED. PROVIDE FOUR 1"308" ANCHOR BOLTS WITH 4" HOOK PER THE LIGHT FIXTURE SCHEDULE ON DISTRICT PROVIDED. SEE LIGHT FIXTURE SCHEDULE ON SHEET E-2, PROVIDE & TILT LUMINAIRES AS INDICATED. CONFIRM CIRCUIT LOADING.

31. **UNDER ALTERNATE #4:** EXISTING WOOD POLE WITH TWIN LUMINAIRES TO BE REMOVED. PROVIDE NEW CONCRETE FOUNDATION PER DETAIL 2/E-2. LOCATE, INTERCEPT & EXTEND EXISTING CIRCUITRY AS REQUIRED. PROVIDE FOUR 1/306" ANCHOR BOLTS WITH 4" HOOK PER THE FIXTURE SCHEDULE ON DETAIL PROVIDED, SEE LIGHT FIXTURE SCHEDULE ON SHEET 2-2. PROVIDE & TILT LUMINAIRES AS INDICATED, CONFORM CUPRI CORNER LIGHTING.
32. **UNDER ALTERNATE #1:** EXISTING FENCING TO BE REMOVED TO MID-POINT BY OTHERS TO ALLOW FOR NEW PAVING. COORDINATE WITH PAVING CONTRACTOR
33. **UNDER ALTERNATE #2:** PROVIDE NEW CUT-OFF STYLE WALLPACK CENTERED ABOVE OVERHEAD DOOR AT APPROXIMATELY 15'. PROVIDE 2#10 PLUS 1#10G TO EXISTING BUS BARN SERVICE EQUIPMENT. SEE NUMBERED NOTE 16. PROVIDE NEW 250A-1P CIRCUIT BREAKER (FOR ALL EIGHT NEW WALLPACKS).
34. EXISTING POLE MOUNTED TWIN LUMINAIRE TO BE REMOVED & TURNED OVER TO THE DISTRICT OR DISPOSED OF AS DIRECTED BY THE DISTRICT. REMOVE THE POLE FOOTING ENTIRELY OR AT A MINIMUM 24" BELOW GRADE.
35. **UNDER ALTERNATE #3:** NEW 1/250V, 120V MOTORIZED GATE BY SITE CONTRACTOR. INTERCEPT & EXTEND EXISTING 120V CIRCUITRY. INTERCEPT EXISTING CONDUIT FROM EXISTING GARD READER ON BUILDING & PROVIDE NEW TWO CONDUCTOR #16 CABLE TO GATE OPERATOR CONTROLLER FOR OPEN SIGNAL FOR INGRESS TRAFFIC. PROVIDE #14-AUX CONDUCTORS FROM GATE OPERATOR TO GATE, INTERCEPT, & EXT. LINES. SEE FENCING PLAN TO ASSOCIATED MAGNETIC LOOP SENSOR IN MOTORIZED GATE CONTROLS. COORDINATE WITH MOTORIZED GATE INSTALLER. PROVIDE LOCAL 120V WEATHERPROOF DISCONNECT SWITCH FOR POWER.
36. LIGHTING CONTROL & TECHNOLOGY DATA RACK. FOR OFFICE BUILDING LOCATED IN THIS AREA. FIELD CONFIRM.
37. THIS AREA & AREA ABOVE CONCRETE ISLAND SHALL COMPLY WITH N.E.C. ARTICLE 514. ALL CONDUITS & CIRCUITS PASSING THROUGH THIS AREA SHALL BE GALVANIZED RIGID METAL CONDUIT WITH SEAL-OFFS. INTERIOR OF DISPENSING UNITS & PIT BELOW SHALL BE CONSIDERED CLASS 1, DIVISION 1 ENVIRONMENTS.
38. NEW FUEL DISPENSER & Fuel Master DISPENSING CONTROLS. BY FUEL TANK SYSTEM SUPPLIER. PUMP ACTIVATION TO OCCUR WHEN AN AUTHORIZED DRIVER ID CARD IS PRESENTED & AN AUTHORIZED VEHICLE ARE BEING UTILIZED AT THE DISPENSING CONTROLS. PROVIDE #12 PLUS 1#12G IN 3/4" GALVANIZED RMC TO TWO 120V SOURCE IN OFFICE BUILDING. SEE GENERAL NOTES FROM DISPENSING PUMPS. PROVIDE TWO 15A-1P CIRCUIT BREAKERS IN EXISTING BOXES IN PANEL L1-1-RIGHT. PROVIDE ONE CATEGORY 6A CABLE IN 3/4" GALVANIZED RMC. SEE GENERAL NOTES. FROM FUEL MASTER FUEL DISPENSING CONTROLS TO DATA RACK IN OFFICE BUILDING. TECHNOLOGY CABLE TO BE TERMINATED BY District at DATA RACK & AT DISPENSING CONTROL BY CONTRACTOR. CONTRACTOR TO COORDINATE WITH THE District. SEE SHEET C-2.
39. THIS POLE TO HAVE CCTV CAMERA AS INDICATED. PROVIDE Veridash #052-2TBE-HW CAMERA WITH 2TB OF MEMORY. #ACC-MINT-9 POLE MOUNT ADAPTER. #ACC-MINT-2 BARACKET, & 10-YEAR CAMERA LENSE #UC-50E-10Y. PROVIDE CATEGORY 6A CABLE. #ACC-MINT-2 REQUIRED FOR OFFICE DATA RACK WITH 20' OF EXCESS CABLE AT DATA RACK. DISTRICT SHALL TERMINATE CABLE AT DATA RACK. CONTRACTOR SHALL TERMINATE CABLE AT CAMERA. CONTRACTOR SHALL COORDINATE WITH THE District. PROVIDE #12 PLUS 1#12G IN 3/4" GALVANIZED RMC TO 120V SOURCE IN OFFICE BUILDING. SEE GENERAL NOTES. FROM LUMINAIRES.
40. NEW TWO COMPARTMENT ABOVE GROUND FUEL TANK WITH LEVEL SENSOR & LEAK DETECTION PROBE BY FUEL TANK SYSTEM SUPPLIER. PROVIDE Babco #68760 TO VEEDEER-ROD CONSOLE IN OFFICE BUILDING IN 3/4" GALVANIZED RMC. SEE GENERAL NOTES. PROVIDE Crouse-Hinds Series JROB WEATHERPROOF JUNCTION BOX WITH COVER & GASKET FOR EACH SENSOR OR PROBE.
41. MOUNT FUELING SYSTEM PUMP STARTERS IN ELECTRICAL SERVICE EQUIPMENT ROOM. FIELD CONFIRM LOCATIONS. SEE NUMBERED NOTE 38.
42. EMERGENCY POWER OFF SWITCH, BY FUELING SYSTEM SUPPLIER. CONTRACTOR TO MOUNT ON EXTERIOR OF OFFICE BUILDING AT 48" & MAKE CONNECTION TO PUMP & Fuel Master Unit (FMO) CONTROLLERS AS REQUIRED.
43. COORDINATE RE-GRADING IN THIS AREA TO PROTECT EXISTING XCEL ENERGY PRIMARY POWER POLE & EXISTING FIBER-OPTIC CABLEING.
44. EXISTING SITE CIRCUITRY TO BE REPLACED. REMOVE EXISTING CONDUCTORS FROM CONTROLS TO FIRST POLE IN THE RUN. REPLACE EXISTING CONDUIT FROM BUILDING TO FIRST POLE WITH NEW 1" PVC CONDUIT & PROVIDE NEW 2#10 PLUS 1#10G FROM CONTROLS TO FIRST POLE & RECONNECT AS REQUIRED.
45. PROVIDE 40' OF 3" PVC SPLIT DUCT CONDUIT FOR EXISTING FIBER-OPTIC CABLEING UNDER EXISTING END OF CONDUIT. EXISTING CONDUIT. SPLIT DUCT SHALL EXCEED A MINIMUM OF 3' BEYOND CONCRETE PAD ON BOTH SIDES.
46. EXISTING YOKO MOUNTED FLOOD LIGHT WITH PHOTOCONTROL. TO BE REPLACED WITH NEW Y.L.O. YOKO MOUNTED FLOOD LIGHT WITH PHOTOCONTROL. RECEPTACLE & PHOTOCONTROL, AS INDICATED, TILT ANGLE AS INDICATED.
47. EXISTING POLE TO BE REMOVED, INCLUDING CONCRETE FOOTING (ENTIRELY OR A TO A MINIMUM OF 24" BELOW GRADE).
48. REMOTE DISPLAY BY FUELING SYSTEM SUPPLIER. MOUNT AT 72" IN SAME LOCATION AS REMOVED Veeher-Rod SYSTEM. FIELD COORDINATE EXACT LOCATION. PROVIDE ONE Category 6A CABLE TO EXISTING TECHNOLOGY RACK IN SHOP BUILDING. TERMINATIONS BY DISTRICT. COORDINATE REQUIREMENTS.
49. 15'x18'x8" WEATHERPROOF JUNCTION BOX WITH CONTINUOUS HINGE & GASKET, SECURED TO NEW POLE FOUNDATION WITH BOTTOM AT 24" WITH TWO Category 6A CABLES ROUTED BACK TO OFFICE TECHNOLOGY RACK IN COMPLIANCE WITH N.E.C. Article 514. EACH CABLE TO BE COILED INDEPENDENTLY & TAPPED FOR IDENTIFICATION AT EACH END. A 20' COIL AT TECHNOLOGY RACK & 50' COIL TO IN WEATHERPROOF JUNCTION BOX. SEAL CABLE END IN WEATHERPROOF JUNCTION BOX.



1. CONTRACTOR SHALL VISIT SITE & BECOME FAMILIAR WITH EXISTING CONDITIONS PRIOR TO BIDDING.
2. ALL CIRCUITS SHALL BE CONSIDERED 240V PLUS 10% IN #1 SCHEDULE 40 PVC UNLESS NOTED OTHERWISE. SHALL DENOTE QUANTITY OF #10 CONDUCTORS GREATER THAN TWO. NUMBER 10 SHALL BE SLASH MARKS SHALL DENOTE QUANTITY OF GREATER THAN TWO. "10" SHALL BE SLASH MARKS AN INSULATED GROUND CONDUCTOR.
3. ALL CONDUIT BETWEEN OFFICE BUILDING & FUELING SYSTEM AREA SHALL BE INSTALLED IN GALVANIZED RMC WITH SEAL-OFFS AT BUILDING, ONE SIDE INSIDE THE BUILDING & ON THE BUILDING SIDE OF THE SEAL-OFFS CONTRACTOR MAY TRANSITION TO EMT OR FMC.
4. FUELING SYSTEM ELECTRICAL CONTRACTOR SHALL HAVE A CURRENT LEVEL 1 CERTIFICATE & SHALL COORDINATE ALL WRITING WITH THE FUEL TANK SUPPLIER, INCLUDING GROUNDINGS.
5. FUELING SYSTEM SHALL BE INSTALLED PER National Electric Code, INCLUDING Article 514.
6. PROVIDE A GROUND GRID IN THE FUELING SYSTEM AREA WITH SIX 5/8"x10' GROUND RODS & A MINIMUM OF 60 BAR CORROSION PROOF GROUND ROD CONDUCTOR, BOND GROUND TO EXISTING SERVICE GROUND & ALL METALLIC SURFACES IN THE FUELING SYSTEM AREA (BOLLARDS, DISPENSER, TANK, LIGHTING ETC.)

8587 W POINT DOUGLAS RD S
COTTAGE GROVE, MN 55016

BKBM
ENGINEERS

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Minneapolis, MN 55429-2518
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Revisions		
No.	Description	Date

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



Date **03/28/2024** Lic. No. **59905**

DATE **03/28/2024**

PROJECT # **BKBM #32280/ISG #23-29846**

PROJECT STATUS **cd's**

DRAWN BY	SBH
CHECKED BY	AAG

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

Ally

Date **03/28/2024** Lic. No. **59905**

DATE 03/28/2024
PROJECT # BKBM #23280/ISG #23-29846
PROJECT STATUS cd's

DRAWN BY	SBH
CHECKED BY	AAG

sheet name
ELECTRICAL SITE MODIFICATION PLANS

E-1

8587 W POINT DOUGLAS RD S
COTTAGE GROVE, MN 55016



1. CONCRETE SHALL HAVE 6% AIR ENTRAINMENT AND A '28 DAY' STRENGTH OF 4000 PSI.
2. REINFORCING STEEL SHALL BE ASTM A615, GRADE 60, NEW BILLET, INTERMEDIATE GRADE, DEFORMED W/ 60000 PSI YIELD STRENGTH.

EXISTING PANELBOARD -- LDP-1L													
MOUNTING		LOCATION		SERVICE				REMARKS					
FLUSH	CORRIDOR	AMPS 200	VOLTAGE 120/208	PH 3	W 4	MAIN LUGS ONLY, PANEL WAS MANUFACTURED BY General Electric, A SERIES							
CIRCUITY	CIRCUIT DESCRIPTION			CIRCUIT BREAKER	CKT	ANTICIPATED LOAD IN VA	PHASE A B C	ANTICIPATED LOAD IN VA	CKT	CIRCUIT BREAKER	CIRCUIT DESCRIPTION	CIRCUITY	
UNCONFIRMED	TECHNOLOGY CLOSET			20A,1P	1	UNCONFIRMED		UNCONFIRMED	2	15A,1P	110 OFFICE RECEPTABLES	UNCONFIRMED	
UNCONFIRMED	TECHNOLOGY CLOSET			20A,1P	3	UNCONFIRMED		UNCONFIRMED	4	20A,1P	110 OFFICE RECEPTABLES	UNCONFIRMED	
UNCONFIRMED	TECHNOLOGY CLOSET			15A,1P	5	UNCONFIRMED		UNCONFIRMED	6	15A,1P	110 OFFICE RECEPTABLES	UNCONFIRMED	
UNCONFIRMED	110 OFFICE RECEPTABLES			20A,1P	7	UNCONFIRMED		UNCONFIRMED	8	20A,1P	FAX MACHINE	UNCONFIRMED	
UNCONFIRMED	110 OFFICE RECEPTABLES			20A,1P	9	UNCONFIRMED		UNCONFIRMED	10	20A,1P	PRINTER	UNCONFIRMED	
UNCONFIRMED	110 OFFICE RECEPTABLES			20A,1P	11	UNCONFIRMED		UNCONFIRMED	12	20A,1P	COPY MACHINE	UNCONFIRMED	
UNCONFIRMED	110 OFFICE RECEPTABLES			20A,1P	13	UNCONFIRMED		UNCONFIRMED	14	20A,1P	110 COPY MACHINE	UNCONFIRMED	
UNCONFIRMED	112 OFFICE RECEPTABLES			20A,1P	15	UNCONFIRMED		UNCONFIRMED	16	20A,1P	103 READY RM RECEPTABLES	UNCONFIRMED	
UNCONFIRMED	113 OFFICE RECEPTABLES			20A,1P	17	UNCONFIRMED		UNCONFIRMED	18	20A,1P	103 READY RM RECEPTABLES	UNCONFIRMED	
UNCONFIRMED	114 OFFICE RECEPTABLES			20A,1P	19	UNCONFIRMED		UNCONFIRMED	20	20A,1P	103 READY RM RECEPTABLES	UNCONFIRMED	
UNCONFIRMED	115 OFFICE RECEPTABLES			20A,1P	21	UNCONFIRMED		UNCONFIRMED	22	20A,1P	103 MICROWAVE	UNCONFIRMED	
UNCONFIRMED	CORRIDOR RECEPTABLES			20A,1P	23	UNCONFIRMED		UNCONFIRMED	24	20A,1P	REFRIGERATOR	UNCONFIRMED	
UNCONFIRMED	117 CONF RECEPTABLES			20A,1P	25	UNCONFIRMED		UNCONFIRMED	26	20A,1P	VENDING	UNCONFIRMED	
UNCONFIRMED	117 CONF RECEPTABLES			20A,1P	27	UNCONFIRMED		UNCONFIRMED	28	20A,1P	VENDING	UNCONFIRMED	
UNCONFIRMED	117 CONF MICROWAVE			20A,1P	29	UNCONFIRMED		UNCONFIRMED	---	30	15A,1P SPARE	UNCONFIRMED	
UNCONFIRMED	CORRIDOR RECEPTABLES			20A,1P	31	UNCONFIRMED		UNCONFIRMED	32	20A,1P	ATTIC HEATERS	UNCONFIRMED	
UNCONFIRMED	CORRIDOR RECEPTABLES & IRRIGATION			20A,1P	33	UNCONFIRMED		UNCONFIRMED	34	20A,1P	BOILER	UNCONFIRMED	
UNCONFIRMED	FIRE ALARM PANEL (LOCK-ON DEVICE)			20A,1P	35	UNCONFIRMED		UNCONFIRMED	36	20A,1P	STAFF TOILET EXHAUST (E2)	UNCONFIRMED	
UNCONFIRMED	BOILER (B1) ENERGY MANAGEMENT			20A,1P	37	UNCONFIRMED		UNCONFIRMED	38	20A,1P	CABINET UNIT HEATER (H1)	UNCONFIRMED	
UNCONFIRMED	BOILER ROOM FCU			20A,1P	39	UNCONFIRMED		UNCONFIRMED	40	20A,1P	CABINET UNIT HEATER (H2)	UNCONFIRMED	
UNCONFIRMED	MAIN TOILET EXHAUST (E1)			20A,1P	41	UNCONFIRMED		UNCONFIRMED	42	20A,1P	RECIRC PUMP (P3)	UNCONFIRMED	

EXISTING PANELBOARD -- LDP-1R																
MOUNTING		LOCATION		SERVICE						REMARKS						
FLASH	CORRIDOR	AMPS 200	VOLTAGE 120/208	PH 3	W 4	MAIN LUGS ONLY, PANEL WAS MANUFACTURED BY General Electric, A SERIES										
						CIRCUITRY		CIRCUIT DESCRIPTION		CIRCUIT BREAKER	CKT	ANTICIPATED LOAD IN VA	PHASE A B C	ANTICIPATED LOAD IN VA	CKT	CIRCUIT BREAKER
UNCONFIRMED						50A,1P	43	UNCONFIRMED				44	20A,1P	LITES--RR,BATH,MECH		UNCONFIRMED
UNCONFIRMED						20A,1P	45	UNCONFIRMED				46	20A,1P	LITES SECURITY		UNCONFIRMED
UNCONFIRMED						20A,1P	47	UNCONFIRMED				48	20A,1P	SPARE		UNCONFIRMED
UNCONFIRMED						20A	49	UNCONFIRMED				50	20A	LIGHTS -- PARKING LOT		UNCONFIRMED
-	-	-	-	-	-	2P	51	UNCONFIRMED				52	2P	SPARE		UNCONFIRMED
UNCONFIRMED						20A	53	UNCONFIRMED				54	20A,1P	LIGHTS -- FLAG POLE		UNCONFIRMED
-	-	-	-	-	-	2P	55	UNCONFIRMED				56	20A	LIGHTS -- PARKING LOT		UNCONFIRMED
UNCONFIRMED						20A,1P	57	UNCONFIRMED				58	2P	-	-	-
UNCONFIRMED						15A,1P	59	UNCONFIRMED				60	20A,1P	VENDING RECEIPT		UNCONFIRMED
UNCONFIRMED						15A,1P	61	UNCONFIRMED				62	20A,1P	VENDING RECEIPT		UNCONFIRMED
-	-	-	-	-	-	20A,1P	63	UNCONFIRMED				64	15A,1P	Northeast DISPENSER--DIESEL	2P12, 1P126, 3/4C	
-	-	-	-	-	-	20A,1P	65	UNCONFIRMED				66	15A,1P	Northeast DISPENSER--UNLEADED	2P12, 1P126, 3/4C	
-	-	-	-	-	-	20A,1P	67	UNCONFIRMED				68	15A,1P	Northeast DISPENSER--UNLEADED	2P12, 1P126, 3/4C	
-	-	-	-	-	-	69	---	---				70	15A,1P	Northeast DISPENSER--UNLEADED	2P12, 1P126, 3/4C	
-	-	-	-	-	-	69	---	---				72	15A,1P	Southeast DISPENSER--DIESEL	2P12, 1P126, 3/4C	
-	-	-	-	-	-	73	---	---				74	15A,1P	Southeast DISPENSER--UNLEADED	2P12, 1P126, 3/4C	
-	-	-	-	-	-	75	---	---				76	15A,1P	Southwest DISPENSER--DIESEL	2P12, 1P126, 3/4C	
-	-	-	-	-	-	77	---	---				78	15A,1P	Southwest DISPENSER--UNLEADED	2P12, 1P126, 3/4C	
-	-	-	-	-	-	500 (455A)W	79	---				80	15A,1P	FuelMaster SYSTEM	2P12, 1P126, 3/4C	
-	-	-	-	-	-	81	---	---				82	20A,1P	Veeder--Root CONTROL PANEL	2P12, 1P126, 3/4C	
-	-	-	-	-	-	83	---	---				84	20A,1P	FUELING AREA LIGHTING	2P12, 1P126, 3/4C	

* PROVIDE NEW CIRCUIT BREAKER AS INDICATED IN EXISTING SPACE
+ CONDUCTORS FOR THIS CIRCUIT MAY BE ROUTED WITH THE OTHER DISPENSER CIRCUITS. CLASS 1, DIVISION 1 JUNCTION BOX MAY BE REQUIRED IF CIRCUITS ARE COMBINED IN A COMMON CONDUIT

[illegible]

LIGHT FIXTURE REMARKS:	1. MOUNT ON EXISTING JUNCTION BOX
	2. PROVIDE 20" ROUND STEEL POLE WITH EXTRA HANDHOLE & 3/4" CONDUIT HUB AT 15' FOR CCTV CAMERA. Lithonia #RSS 20-RB T20 CPL34/15D EHHHS DBXT0.
	3. UNDER ALTERNATE #7, SEE SHEET E-1.
	4. EXISTE EXISTING CHAIRTY & INSTALL ON EXISTING POLE. MODIFY DRILL MOUNTING AS REQUIRED. 0' TILT
	5. PROVIDE Lithonia #RMACS 28-7w 24" DBX0, 180° STAINLESS STEEL SIZE/ T20 (20 ASSUMED)
	6. LUMINAIRE FIXTURE TILT AS INDICATED ON Electrical Modification Site Plan, IF NOT TILT INDICATED THEN TILT SHALL BE 0'.
	7. PROVIDE Lithonia #SS38x120 STEEL ROUND BULLHORN WITH THREE-IN-ONE LUMINAIRE TENONS. FIELD CONFIRM TENON SIZE WITH POLE TENON (ASSUMED TO BE T20).
	8. EXISTE EXISTING 30" ROUND TAPERED CURRENTLY STORED AT THE District Service Center. PICK UP AND TRANSPORT TO THE PROJECT SITE FOR INSTALLATION.
	9. PROVIDE FOUR 1/36" ANCHOR BOLTS WITH 4" HOOK, PROVIDE CONCRETE FOOTING PER 2'X2'-2" FIELD CONFIRM TENON & ANCHOR BOLT REQUIREMENTS
	10. TUCK MOUNTED LUMINAIRE WITH PHOTOCELL RECEPTACLE, MOUNT AT SAME HEIGHT AS EXISTING FLOOD LIGHT. PROVIDE MATING TWIST-LOCK PHOTOCELL RECEPTACLE FOR 120V-277V Lithonia #BL12715150
	10. PROVIDE WITH BUTTON STYLE PHOTOCELL RECEPTACLE

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

Date **03/28/2024** Lic. No. **59905**

DATE 03/28/2024
PROJECT # BKBM #23280/ISG #23-29846
PROJECT STATUS cd's

DRAWN BY	SBH
CHECKED BY	AAG

ELECTRICAL SCHEDULES, DETAILS, & DIAGRAMS

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SWCSD TRANSPORTATION FACILITY

KNOW ALL PERSONS BY THESE PRESENTS: That Independent School District No. 833, South Washington County, a public school corporation under the laws of Minnesota, owner of the following described property;

Lot 1, Block 1, Glengrove Business Addition, Washington County, Minnesota.

And

All that part of Sections 16 and 21, Township 27 North, Range 21 West, in the City of Cottage Grove, Washington County, Minnesota, described as follows:

Commencing at the northwest corner of Section 21, Township 27 North, Range 21 West, Washington County, Minnesota; thence on an assumed bearing of Due South along the section line between Sections 20 and 21 for 199.8 feet (also recorded as 197 feet) to the northeasterly right-of-way of the Chicago, Milwaukee, St. Paul, and Pacific Railroad, which is the point of beginning of this description; thence North 58 degrees 13 minutes 38 seconds East along the southeasterly line of that particular tract of land as established by conveyance to Lee W. Bailey by Warranty Deed as recorded in Book 149 of Deeds, Page 217, for a distance of 530.09 feet to the southwesterly right-of-way of the service road which is parallel to and 60 feet southwesterly of the present Southwesterly right-of-way of U.S. Highways 10 and 61; thence South 39 degrees 38 minutes 00 seconds West at right angles to said service road right-of-way, for 497.10 feet to said northeasterly right-of-way of the Chicago, Milwaukee, St. Paul, and Pacific Railroad; thence North 52 degrees 09 minutes 22 seconds West along said northeasterly right-of-way for 169.19 feet to the point of beginning.

And

All that part of Sections 16, 17, 20, and 21, Township 27 North, Range 21 West in the City of Cottage Grove, Washington County, Minnesota, described as follows:

Commencing at the Section Corner to Sections 16, 17, 20, and 21, Township 27 North, Range 21 West, Washington County, Minnesota; thence on an assumed bearing of Due South along the section line between Sections 20 and 21 for 199.8 feet (also recorded as 197 feet) to the northeasterly right-of-way of the Chicago, Milwaukee, St. Paul, and Pacific Railroad, which is the point of beginning of this description; thence North 58 degrees 13 minutes 28 seconds East along the southeasterly line of that particular tract of land as established by conveyance to Lee W. Bailey by Warranty Deed as recorded in Book 149 of Deeds, Page 217, for a distance of 530.09 feet to the southwesterly right-of-way of the service road which is parallel to and 60 feet Southwesterly of the present Southwesterly right-of-way of U.S. Highways 10 and 61; thence North 50 degrees 22 minutes 00 seconds West along said Southwesterly right-of-way of the service road, for 391.27 feet; thence South 39 degrees 38 minutes 00 seconds West, at right angles to said service road right-of-way, for 509.16 feet to said Northeasterly right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence South 52 degrees 09 minutes 22 seconds East for 222.45 feet to the point of beginning.

Has caused the same to be surveyed and platted as SWCSD TRANSPORTATION FACILITY and does hereby dedicate to the public for public use the drainage and utility easements as created by this plat.

In witness whereof said Independent School District No. 833, South Washington County, a public school corporation under the laws of Minnesota, has caused these presents to be signed by its proper officer this ____ day of _____, 20__.

Signed: Independent School District No. 833, South Washington County,
a public school corporation under the laws of Minnesota

By: _____ its _____

By: _____ its _____

STATE OF MINNESOTA
COUNTY OF _____

This instrument was acknowledged before me on this ____ day of _____, 20____,
by _____ its _____ of Independent School District No. 833, South Washington County, a
public school corporation under the laws of Minnesota on behalf of the corporation.

_____ (Signature)

_____ (Printed Name)

Notary Public, _____ County, Minnesota

My Commission Expires: _____

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

Dated this ____ day of _____, 20____.

Leonard F. Carlson, Licensed Land Surveyor
Minnesota License No. 44890

STATE OF MINNESOTA
COUNTY OF _____

This instrument was acknowledged before me on this ____ day of _____, 20____ by Leonard F. Carlson, Licensed Land Surveyor.

_____ (Signature)

_____ (Printed Name)

Notary Public, _____ County, Minnesota

My Commission Expires: _____

CITY COUNCIL, CITY OF COTTAGE GROVE, MINNESOTA

This plat was approved by the City Council of Cottage Grove, Minnesota, this ____ day of _____, 20____, and hereby certifies compliance with all requirements as set forth in Minnesota Statutes, Section 505.03, Subd. 2.

Signed: _____
Mayor

Signed: _____
Clerk

COUNTY SURVEYOR, COUNTY OF WASHINGTON, STATE OF MINNESOTA

Pursuant to Chapter 820, Laws of Minnesota, 1971, and in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this ____ day of _____, 20____.

By: _____
Washington County Surveyor

By: _____

COUNTY AUDITOR/TREASURER

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9 and Section 272.12, taxes payable in the year 20____ on real estate hereinbefore described, have been paid; and there are no delinquent taxes and transfer has been entered on this ____ day of _____, 20____.

By: _____
Washington County Auditor/Treasurer

By: _____
Deputy

COUNTY RECORDER

Document Number _____

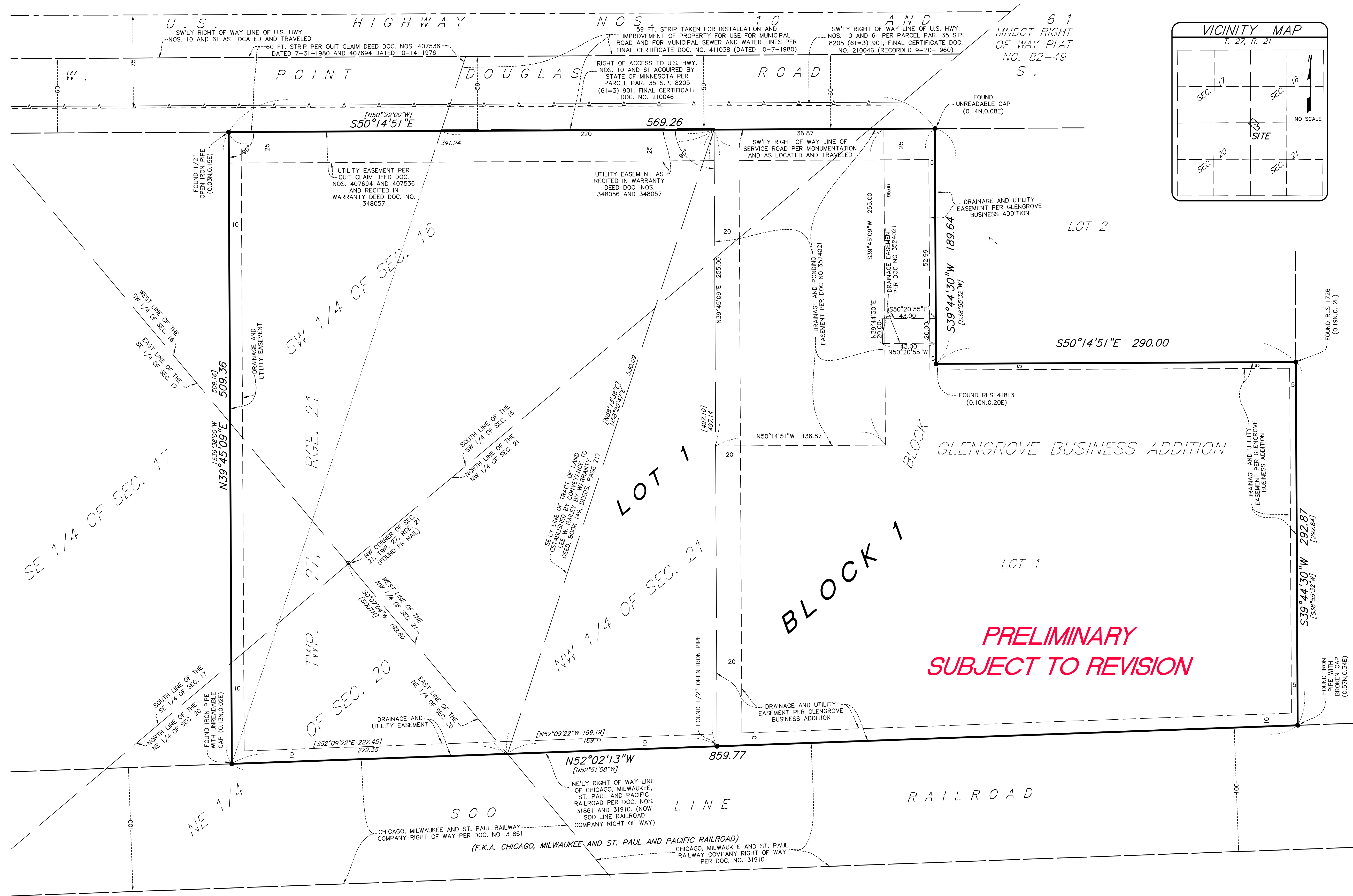
I hereby certify that this instrument was recorded in the Office of the County Recorder for record on this ____ day of _____, 20____, at ____ o'clock ____M. and was duly recorded in Washington County Records.

By: _____
Washington County Recorder

By: _____
Deputy

PRELIMINARY
SUBJECT TO REVISION

SWCSD TRANSPORTATION FACILITY

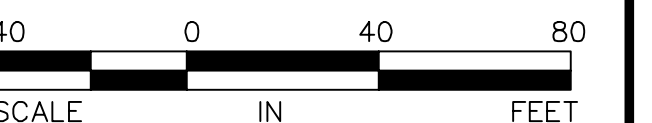


*PRELIMINARY
SUBJECT TO REVISION*

LEGEND

- Denotes found iron monument, marked as shown

Survey bearing basis: Washington County
Coordinate System NAD 83 (1996
Adjustment)



SUNDE
LAND SURVEYING

March 25, 2024

Kevin Bohl
6120 Earle Brown Drive, Suite 700
Minneapolis, Mn 55430

RE: ISD 833 Transportation Facility Plan Review

This letter summarizes the review of the site plans submitted by BKBM, received on 3/5/2024.

- Sheet T1.0
 - o Cottage Grove Contact should be Amanda Meyer, P.E. 651-458-2848
- Sheet C1.0
 - o The four 3-inch pine trees near the city's PRV along West Point Douglas should be removed as they are hindering maintenance ability.
 - o Show City 18" watermain and associated drainage and utility easement (on all sheets)
 - o Provide clarification on phasing/staging of construction for better understanding of how construction disturbance will remain only within those areas identified on the plan sheet.
 - o Provide clarification on routing between the various disturbed areas and add additional rock construction entrances/erosion control as necessary to prevent tracking.
 - o Rock entrance should be provided in a location that requires all construction traffic to navigate through it prior to existing the site onto a public roadway.
 - o Inlet protection should be added along West Point Douglas Road adjacent to the site.
- Sheet C2.0
 - o Provide perimeter erosion control around the area where the underground tanks are being removed and the trash enclosure is being installed.
- Sheet C3.0
 - o Storm sewer table shows minimal cover over storm pipes. Please review and revise.
 - o Storm sewer table appears to be cut off at the bottom. Please adjust viewport.
 - o Please confirm no storm sewer work is proposed within City ROW or connecting to the City system as that pipe would need to be RCP.
 - o Clarify crossing information where the insulation is called out between proposed storm sewer and existing sanitary sewer service.
- Sheet C5.0
 - o City standard details should be updated to the 2024 details which can be found on the city's website. [City Standards | Cottage Grove, MN \(cottagegrovemn.gov\)](https://www.cottagegrovemn.gov/city-standards)
- Sheet L1-2
 - o Provide explanation of square footage calculation of site area (excluding stormwater basin) – noted as 52,860 sf

- Based on PB zoning district standards, landscape requirements would be:
 - Overstory: 9.8 (7 required shown)
 - Coniferous: 9.1 (7 required shown)
 - Shrubs: 21.1 (21 required shown)
- Sheet L1-3
 - Verify 10 foot setback is met at the match line
 - 8 foot chain link fence proposed, see comments relating to Sheet L1-5
- Sheet L1-5
 - Trash Enclosure detail
 - Screening/fencing: see City Code Section 11-3-6 for standards. Fabric and slats are not allowed.
 - Trash enclosure standards: see City Code Section 11-3-8 for standards.
 - Trash enclosure setback of 10'
 - Structure shall be placed on a concrete base, which shall extend a minimum of 6' beyond the door opening
 - Walls shall be a minimum of 6' in height and shall be a masonry material or composite fencing consistent with the principal structure
 - Door opening shall be a maintenance free opaque material, use of chain link with vinyl slats is prohibited.
 - 8' chain link fence detail
 - See City Code Section 11-3-6 for standards. Fabric and slats are not allowed.
- Other
 - Please provide percentage of open space before and after project (11-3-12.F)
 - Please provide calculation of whether 8% of parking lot area in size contain interior landscaped islands or natural stormwater management features (11-3-12.B.1.a)
 - Please provide the number of passenger vehicle parking stalls before and after, are the proposed number of stalls sufficient for the daily use/number of employees utilizing the parking lot?
 - Please verify which items listed as "alternates" are proposed with the project. When considering the alternatives any replacement should meet current code requirements and setbacks.
 - Please confirm that the preferred address of the combined parcel is: 8587 W Pt Douglas Road South.
 - Coordination with Fire Marshal, Steve Zaccard, will be required for the following:
 - Documentation that new tank conforms to UL standards
 - Visual inspection that old tanks and piping were removed and the tanks were purged of flammable vapors
 - Demo permit will be required for removal of old tanks and other structure removal.
 - Building permit will be required for the addition of new tanks.
 - Any work in public right-of-way will require a permit through the City of Cottage Grove.

- The gate(s) currently proposed as metal should be consistent with the other gates along W Pt Douglas Rd South (Extra Space Storage, Park Place Storage) since precedence has been set. Matching the proposed gate to the existing ones along W Pt Douglas will also create a good viewshed from W Pt as the gate will tie in with the Ameristar Montage fence proposed as Alternate #3 along the front of the property.



If you have any questions regarding this notice, please contact me at 651-458-2868 or cjakes@cottagegrovemn.gov.

Sincerely,



Conner Jakes
Associate Planner

CC: Amanda Meyer, City Engineer

STAFF REPORT CASE: TA2024-012

ITEM: 6.3

PUBLIC MEETING DATE: 4/22/24

TENTATIVE COUNCIL REVIEW DATE: 5/1/24

APPLICATION

APPLICANT: City of Cottage Grove

REQUEST: Zoning text amendments to the City's Zoning Code (Title 11) and Sign Code (Title 11-3-14).

SITE DATA

LOCATION: N/A

ZONING: N/A

GUIDED LAND USE: N/A

LAND USE OF ADJACENT PROPERTIES: CURRENT GUIDED

NORTH:

EAST:

SOUTH: N/A

WEST:

SIZE:

DENSITY:

RECOMMENDATION

Approval.



COTTAGE GROVE PLANNING DIVISION

Planning Staff Contact: Mike Mrosla, Senior Planner; 651-458-2825; mmrosla@cottagegrovemn.gov

Application Accepted: N/A 60-Day Review Deadline: N/A

Planning Staff Report
Zoning Code Amendment and Sign Code Update
Planning Case No. TA2024-012
April 22, 2024

Proposal

The City of Cottage Grove is requesting to amend sections of City Code Title 11, Zoning Regulations, and move Section 11-3-14, Signs, to its own Chapter.

Background

At its December 15, 2022, meeting, the City Council adopted an entirely revised zoning code. The new zoning code has been implemented since December 2022; since then, planning staff has identified and is proposing several minor text amendments to ensure clarity in interpretation. Staff presented the proposed zoning amendments to the City Council at their April 3, 2024, workshop session. At that time, the City Council provided feedback and shared their support for the proposed amendments. The majority of the proposed amendments are administrative; however, the more impactful proposed amendments are listed below for review and discussion.

1. Add back the historic properties conditional use permit parameters and standards to Section 11-2-18.

Finding: The Historic Properties Conditional Use Permit (HPCUP) was removed as part of the zoning code update. At the time, staff believed the underlying zoning code was sufficient to regulate proposed and existing uses on historic properties. However, upon implementing the underlying zoning code standards on historic properties, it has been determined that the HPCUP standards and parameters are necessary in order to provide effective standards that apply to these unique properties. The proposed HPCUP closely mirrors the language that was in the code previously with minor updates which include clearly and concisely outlining the standards, allowed uses, and process for obtaining an HPCUP. The city currently has 19 properties on the local and national historical register (Attachment B). The proposed language would be used to regulate these properties.

2. Allow accessory structures to be constructed in front yards when properties are impacted by bluffs in the rear yard and are adjacent to the Mississippi River and located within the Mississippi River Corridor Critical Area Overlay (MRCCA).
 - 11-3-5.F.7 Detached accessory garages over 400 square feet may be located in the front yard between the dwelling and front property line on properties located adjacent to the Mississippi River or are impacted by bluffs within the Mississippi River Corridor Critical Area Overlay (MRCCA) provided all of the following are met:
 - a) Detached accessory garages shall meet the underlying zoning district's development standards and shall not be located within the minimum front yard setback.

- b) Exterior materials including color and roof material of detached garages and accessory structures shall match or complement the existing primary residential structure and shall conform to all other requirements of the underlying zoning district.
- c) No other accessory structures are permitted in the front yard.

Finding: City code currently requires detached garages and accessory structures to be located behind the principal structure; however, constructing an accessory structure behind the principal structure on lots adjacent to the Mississippi River may not be achievable due to the river setback and MRCCA standards. Upon review, at least nine properties located adjacent to the Mississippi River have received approvals to construct detached accessory garages in front of the principal structure. The same is true for properties impacted by bluffs in the MRCCA. Upon review, at least six properties impacted by bluffs that have previously received approvals to construct detached accessory garages in front of the principal structure. Instead of going through the variance process for these multiple properties that have clear practical difficulties, staff is proposing to permit detached accessory garages over 400 square feet to be constructed in the front yard if the property is adjacent to the Mississippi River and meets all other applicable zoning standards. The proposed language was provided to the Minnesota Department of Natural Resources (DNR) on April 10, 2024, to ensure compliance with the MRCCA and other standards. The DNR responded on April 10, 2024, that the proposed language doesn't require formal DNR approval and is approved.



Properties with detached accessory garages in front of the principal structure



Properties impacted by bluffs and the MRCCA bluff setback

3. Update impervious surface coverage percentages for R districts and title the table line the same for all R districts to be consistent:
- 11-7-3: R-3
 - 11-7-3.G: change “maximum impervious surface” to “Maximum impervious surface coverage”
 - 11-7-3.G: Change maximum impervious surface coverage from 35% to 40%
 - 11-7-4: R-4
 - 11-7-4.F: change “maximum impervious surface” to “Maximum impervious surface coverage”
 - 11-7-4.F: change maximum impervious surface coverage from 40% to 50%
 - 11-7-5: R-5
 - 11-7-5.F: change “maximum site coverage” to “Maximum impervious surface coverage”
 - 11-7-5.F: change maximum impervious surface coverage from 40% to 50%
 - 11-7-6: R-6
 - 11-7-6.F: change “maximum site coverage” to “Maximum impervious surface coverage”
 - 11-7-6.F: change maximum impervious surface coverage from 50% to 65%

Finding: Impervious surface standards for all residential districts were new to the R-2 through R-6 zoning districts in the 2022 code update. After implementing the new impervious surface standards over the past year, it is clear that the current surface maximums were set too low, which limits the use of residential properties to support accessory structures and patios. Staff is proposing to increase the impervious surface amounts by 10 to 15 percent depending on the zoning district and lot sizes. The proposed permitted impervious coverage on residential lots allows better alignment with the built environment. The proposed increases are consistent with the City’s Surface Water Management Plan.

4. Update trash enclosure materials

- 11-3-8.C: The trash enclosure shall be consistent with materials found on the principal structure.

Finding: The previous code, prior to the 2022 update, required trash enclosures be constructed using the same or similar materials as the principal structure. The intent in the new code was to maintain this standard; however, this language was not carried through, and staff is proposing to clarify the language. The proposed code requires trash enclosures for commercial, industrial, multi-family, and mixed-use properties to use materials that are consistent with the materials used on the principal structure.

5. Allow Educational Facility uses in R-5 and R-6 districts as a Conditional Use.

- 11-7-5 D. 8 and 11-7-6 D.8 Educational facilities including but not limited to, public and private elementary, middle, junior high, and senior high schools, provided that no building shall be located within fifty feet (50') of any lot line abutting an R district.

Finding: City code currently does not allow for educational facilities in the R-5 or R-6 zoning districts. Staff is proposing to allow educational facilities in these districts for consistency among the residential districts in the Metropolitan Urban Service Area (MUSA).

6. Clarify site plan review procedure and submittal requirements.

- Update first line in 11-2-4 to be “A” and read as follows:
 - A. Purpose: The purpose of this section is to establish a formal site plan review procedure and provide regulations pertaining to the enforcement of site design standards consistent with the requirements of this section. The site plan review enables the city council to ensure that the applicant has made adequate provisions for utilities (sewer, water, and stormwater), traffic (off-street parking, circulation, access), safety precautions (lighting, pedestrian sidewalks, traffic control signs), and amenities (exterior design, landscaping, and screening). A site and building plan review shall be required for all proposed new construction and substantive changes, as determined by the Community Development Director, to approved site plans or existing developed sites.
 - B. Exemptions: The following shall be exempt from the foregoing requirements:

1. Agricultural uses in the AG-1 and AG-2 Zoning Districts, with the exception of nurseries, greenhouses, and tree farms.
2. Single family detached dwellings.
3. Single family attached dwellings.

Finding: City code currently does not clearly state what development and/or improvements require site plan review approvals. The proposed language clarifies the parameters at which time an official site plan review process would be required. The proposed language recognizes if minimal site adjustments are being proposed, a formal site plan review process may not be necessary. This change would better support commercial and industrial projects to potentially be more streamlined. If major alterations to the site or building are proposed, the site plan review process is necessary and would follow the current process.

7. Add Places of worship and religious institutions as conditional uses in R-2, Residential Estate Zoning District

- 11-7-2.D.10: add “places of worship and religious institutions”

Finding: Given all other residential zoning districts allow for places of worship and religious institutions, staff is proposing to be consistent and add the use in the R-2, Residential Estate Zoning District.

8. Remove language stating that accessory structures cannot exceed the footprint of the principal structure.

- 11-3-5A.1: remove “or greater in footprint than the principal structure.”

Finding: Staff is proposing to remove the requirement that accessory structures cannot exceed the footprint of the principal structure. This current requirement is not consistent with the built environment as there are numerous detached garages and accessory structures in the community that are larger than the principal structure. This is most prevalent in the Thompson Grove development and in rural areas of the community. Staff is comfortable removing the standard as numerous other checks and balances are in place to limit the size of an accessory structure so that these structures remain complementary to the principal structure. Impervious surface maximums, setbacks, maximum square footage allowed, maximum height, not allowing accessory structures in front of the principal structure, and other factors will require that accessory structures remain as accessory to the principal structure and are not the focal point of a residential lot.

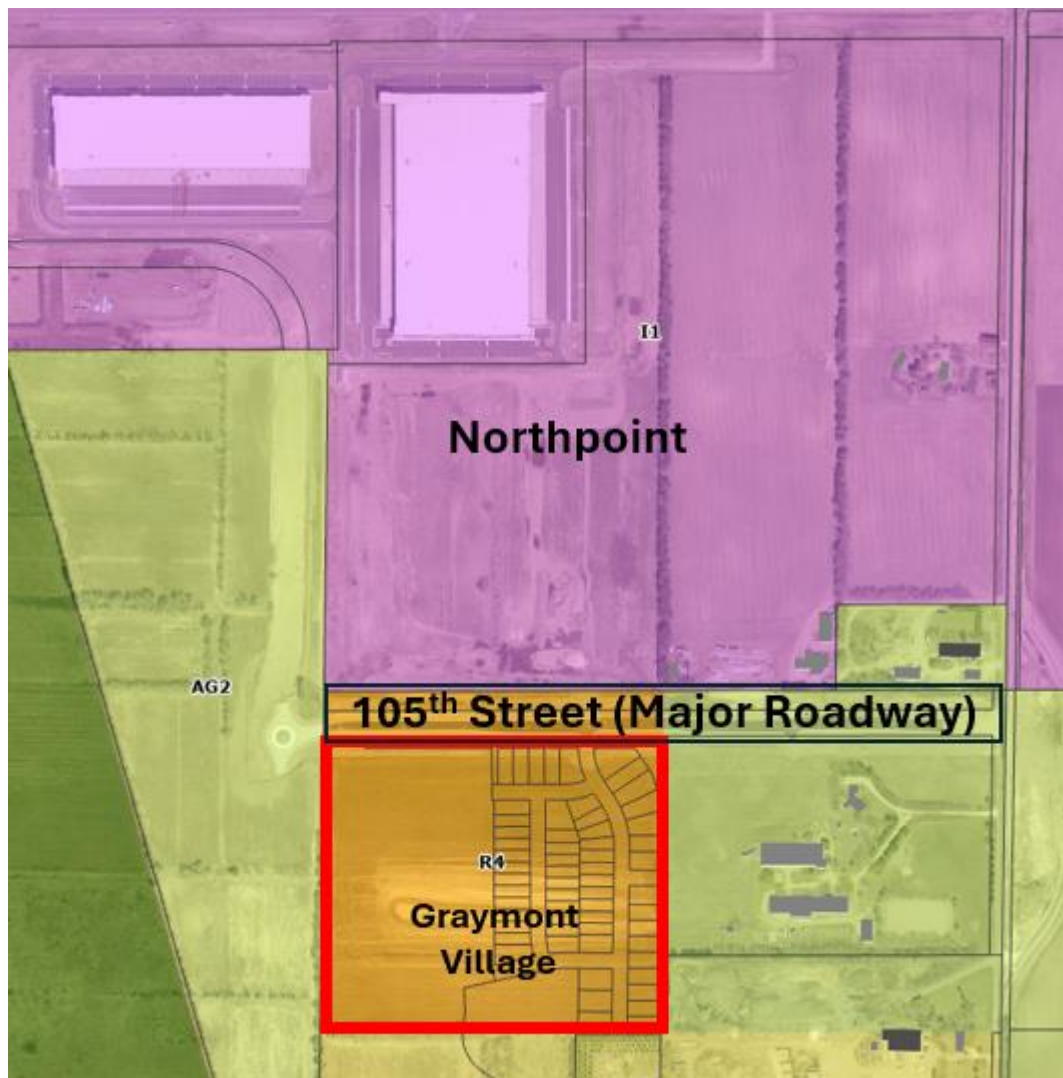


Example of accessory structures larger than the principal structure

9. Reduce lot width standard in R-4, Transitional Residential Zoning District.

- 11-7-4 F.1: Lot Width: 45 feet

Finding: The current minimum lot width is 55 feet in the R-4 zoning district for a single-family lot. The original intent of creating the Transitional Residential Zoning District was to allow for smaller single-family lots and for the development of “missing middle housing” such as two-family and other complementary dwellings such as quadplex and townhomes. This district fits between the standard single-family developments (R-3) and the dense townhome or high-density developments (R-5 and R-6) and because of that, it is proposed to be located adjacent to arterial streets and/or where property is adjacent to higher intensity development. Since the new zoning code was adopted, the City Council has reviewed and approved 45-foot wide lots in Graymont Village and Mississippi Landing to provide for a diversity of housing within the community. In addition, the reduction in lot width would better align with and be consistent with current development trends as Pulte and other developers are looking at these lot sizes. This is important because it positions the City in a place that allows for the standards of the zoning district to be prevalent, thus resulting in less Planned Unit Development (PUD) approvals being automatically required due to development trends and changes in lot widths. Furthermore, allowing the zoning district standards to prevail results in less risk for the developer as the standards for development are clear and achievable.



R-4 Zoning implementation adjacent to a major roadway and more intense land use

Sign Code Update

Background

The sign code has not been reviewed or revised since 2014. The sign code itself was not reviewed in detail with the revision to the zoning code given the review of the section of the code would need to be detailed. Staff has worked closely with the City Attorney to ensure the proposed sign code is legally binding and enforceable. Planning staff has identified and proposed several minor text amendments to ensure compliance and clarity in interpretation. During the 2022 zoning code update, staff agreed to move the sign code from Title 9, Building Regulations, to Section 11-3-14 of the zoning code; however, moving the sign code out of the zoning code (Title 11) to its own section will allow for ease of use and any future revisions. Given the proposed sign code would be moved out of the zoning code as it has been historically, the Planning Commission would no longer be the authority related to sign permits, comprehensive sign plans etc. These proposals would be administratively reviewed; therefore, creating a streamlined review and approval process for signage meeting the City's minimum standards.

Public Hearing Notices

The public hearing notice was published in the Pioneer Press on April 10, 2024. Staff has not received any comments.

Recommendation

That the Planning Commission recommend that the City Council approve the amendments to City Code Title 11, Zoning Regulations, and relocate Section 11-3-14, Signs, to Title 12, subject to minor modifications by the City Attorney.

Prepared by:

Mike Mrosia
Senior Planner

Attachment:

A. Redline City Code Title 11, Zoning Code

TITLE 11: ZONING REGULATIONS

CHAPTER 1: PURPOSE AND DEFINITIONS

Section

11-1-1: Title

11-1-2: Intent and Purpose

11-1-3: Rules of Construction; Definitions

§ 11-1-1: TITLE:

This Title shall be known, cited and referred to as the Cottage Grove Zoning Ordinance or Zoning Ordinance, except as referred to herein, where it shall be known as “this Title”.

§ 11-1-2: INTENT AND PURPOSE:

This Title is adopted for the purpose of:

- A. Protecting the health, safety, morals, comfort, convenience and general welfare of the public.
- B. Dividing the City into zones and districts and restricting and regulating therein the location, construction, reconstruction, alteration and use of structures and land.
- C. Promoting orderly development of the residential, business, industrial, recreational and public areas.
- D. Providing adequate light, air and convenience of access to property.
- E. Limiting congestion in the public right of way.
- F. Preventing overcrowding of land and undue concentration of structures by regulating the use of land and buildings and the bulk of buildings in relation to the land and buildings surrounding them.
- G. Providing for the compatibility of different land uses and the most appropriate use of land throughout the City.
- H. Providing for an orderly transition from a rural to an urban or suburban environment.
- I. Establishing standards and procedures regulating land use.

§ 11-1-3: RULES OF CONSTRUCTION; DEFINITIONS:

A. Rules of Construction: The language set forth in the text of this Title shall be interpreted in accordance with the following rules of construction:

1. The word "shall" is mandatory and not discretionary; the word "may" is permissive.
2. The word "lot" shall mean a buildable and properly zoned lot, unless otherwise defined herein and shall include the words "piece", "plot", and "parcel".
3. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for".

B. Definitions: The following words, terms, and phrases when used in this Title shall have the meaning ascribed to them in this Title except where the context clearly indicates a different meaning:

ABUTTING: Having a common border with or being separated from such a common border by a right-of-way, alley, or easement.

ACCESSORY APARTMENT: A separate dwelling unit contained within an existing single-family structure, to be occupied by another family as a separate, complete housekeeping unit, isolated from the original unit. The existence of separate cooking facilities shall distinguish an accessory apartment from the renting of rooms for lodging purposes.

ACCESSORY GARAGE: An uninhabitable accessory building having walls and a roof which is used for the storage of motor vehicles and other items owned by the occupants of the principal building.

ACCESSORY STRUCTURE: An uninhabited subordinate ~~building or~~ structure that is detached from the principal structure on the same lot, the use of which is subordinate to the principal use on the property.

ACCESSORY USE: A use incidental and subordinate to the principal use or building and located on the same lot. In no case shall such "accessory use" dominate in area, extent, or purpose of the principal lawful use or building.

ADULT USES: See Title 3, Chapter 14.

AGRICULTURAL BUILDING: A structure on agricultural land as defined in Minnesota Statutes Section 273.13, subdivision 23, designed, constructed and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee, and sublessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural produce or products.

AGRICULTURAL SERVICE: An establishment primarily engaged in performing agricultural, animal husbandry or horticultural services of fee or contract basis including, but not limited to, agricultural produce and dairy processing, crop dusting, and grain cleaning.

AGRICULTURAL USE: The use of land for the growing and/or production of field crops, livestock, and livestock products, including but not limited to the following:

1. Field crops, including: barley, soybeans, alfalfa, corn, hay, oats, potatoes, rye, sorghum, and sunflowers.

2. Livestock, including: alpacas, dairy and beef cattle, deer, donkeys, goats, horses and ponies, llamas, mules, sheep, pigs, hogs, chickens, turkeys, ducks and other poultry, fish, mink, and game birds.

3. Livestock products, including: dairy, eggs, meat, and feathers.

4. Tree farms.

ANTENNA: Any structure or device used for the purpose of collecting or radiating electromagnetic waves.

AUAR or ALTERNATIVE URBAN AREAWIDE REVIEW: An alternative form of environmental review to determine impacts within a defined area as detailed in Minnesota Rules Part 4410.3610. The content and format of an AUAR is similar to that of an EAW, but provides for a level of analysis comparable to that of an EIS.

AUTOMOBILE REPAIR, MAJOR: General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, including body work, framework, welding and major painting service.

AUTOMOBILE REPAIR, MINOR: The replacement of any part or repair of any part which does not require removal of the engine head or pan, engine transmission or differential; incidental body and fender work, minor painting and upholstering service. Above stated is applied to passenger vehicles and trucks not in excess of seven thousand (7,000) pounds gross weight.

BASEMENT: Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four (4) sides, regardless of the depth of excavation below ground level.

BRICK: A unit of building material that is made of clay or shale and subjected to heat treatment at elevated temperatures through a firing process. Brick used as an exterior wall surface finish must meet all of the requirements for anchored veneer as proscribed by the Uniform Building Code.

BUILDING: Any structure having a roof which may provide shelter or enclosure of persons, animals or chattels. When such structure is divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.

BUILDING, PRINCIPAL: A building in which the primary use of the lot on which the building is located is conducted.

BUILDING HEIGHT: The vertical distance from the average elevation of the adjoining ground level, or the established grade adjacent to the building, whichever is lower, to the top of the cornice of a flat roof, to the deck line of a mansard roof, to a point of the roof directly above the highest wall of a shed roof, the uppermost point on a round or other arch type roof, to the highest gable on a pitched or hip roof.

CATERING: An establishment that prepares food for off-site consumption.

CEMETERY: A parcel or tract of land used or intended to be used as the final resting place of the dead, including burial grounds, and mausoleums.

CITY COUNCIL: The City Council of the City of Cottage Grove, Minnesota.

CLUB OR LODGE: A nonprofit association of persons who are bona fide members, paying annual dues. The use of the premises is restricted to members and their guests. It shall be permissible to serve food and meals on such premises; provided, that adequate dining room space and kitchen facilities are available. Serving of alcoholic beverages to members and their guests shall be allowed; provided, that such serving is secondary and incidental to the operation of the dining room for the purpose of serving food and meals; and provided further, that such serving of alcoholic beverages is in compliance with the applicable federal, state and municipal laws.

COLLOCATION: The location of two (2) or more antennas on a structure or structure.

COLUMBARIUM: A place such as a vault for the respectful and usually public storage of cremated human remains within cinerary urns. Columbaria are accessory to places of assembly for worship, cemeteries or mausoleums.

COMMERCIAL HORTICULTURE: The growing of fruits, vegetables, flowers or plants for sale.

COMMERCIAL RECREATION: Commercial use of a building or premises for sports or leisure activities and/or rentals.

COMMERCIAL VEHICLE, CLASS I: Vehicles including, but not limited to, the following: semitrailers, garbage trucks, tank trucks, dump trucks, flatbed trucks, cattle trucks, trucks carrying or designed to carry explosive or flammable materials, well drilling equipment, earthmoving equipment, school buses designed to carry sixty-six (66) or more persons or other large vehicles similar either by use or size, except the tractor portion of semitrucks.

COMMERCIAL VEHICLE, CLASS II: Commercial pickup trucks and vans, the tractor portion of semitrucks, tow trucks, recreational vehicles which are used for commercial purposes and other commercial vehicles not defined in "Class I".

COMMON OPEN SPACE: A parcel or parcels of land or an area of water or a combination of land and water within a development site which is designated and intended for the use and enjoyment of the development's residents.

COMMON PROPERTY: Any open space or structure including parks, nature areas, playgrounds, trails and recreational buildings and structures, which is an integral part of a development and is not owned on an individual basis by each owner of the dwelling unit.

COMMUNITY CENTER: A facility owned and operated by a governmental agency or a nonprofit community organization; provided, that the primary purpose of the facility is for recreation, social welfare, community improvement, or public assembly.

COMMUNITY DEVELOPMENT DIRECTOR: The officer or person charged with the administration and enforcement of this Title or designee.

COMPREHENSIVE PLAN: A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development, both public and private, of the City. The plan includes a unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

CONDITIONAL USE: A specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions.

COTTAGE FOOD OPERATION: An individual person who prepares, at the person's residence, non-potentially hazardous food subject to requirements in Minnesota Statutes Section 28A.152.

DAYCARE CENTER (CHILD OR ADULT): Any facility operated for the purpose of providing care, protection and guidance to ten (10) or more individuals during only part of a twenty-four (24) hour day. This term includes nursery schools, preschools, day care centers for individuals, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full twenty-four (24) hour period.

DECK: A roofless platform, either freestanding or attached to a building, that is supported by pillars or posts.

DENSITY GROSS: The total number of dwelling units per gross acre of land.

DENSITY, NET: The total number of units divided by the total land area less major road rights-of-way (arterials and collectors) and less wetlands protected by the Wetland Conservation Act, provided that right of way (including major roads) shall not be deducted if dedicated to the City at no cost.

DENSITY TRANSFER: The relocation of housing units or square footage of building area computed on part of a building site to another part of the same site resulting in an increase in density to the transfer area for the purpose of preserving open space, forested areas, environmental or terrain features deemed worthy of preservation by the City Council.

DRIP LINE: The farthest distance away from the trunk of a tree that rain or dew will fall directly to the ground from the leaves or the branches of the tree.

DRIVE-THROUGH FACILITY: An establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product while inside their motor vehicle.

DWELLING UNIT: A residential building or portion thereof intended for occupancy by a single family but not including hotels, motels or the like. There are three (3) principal types:

1. Single-family detached: A free-standing residence structure designed for or occupied by one (1) family only.

2. Single-family attached: A residential building containing two (2) or more dwelling units with one (1) common wall.

a. Duplex: A residence designed for or occupied by two (2) families only, with separate entrances, housekeeping and cooking facilities for each.

b. Townhouse: A residential building containing two (2) or more dwelling units with at least one (1) common wall, each unit so oriented as to have all exits open to the outside.

c. Quadplex: A residential building containing four (4) dwelling units with one (1) common wall, each unit so oriented as to have all exits open to the outside.

3. Multiple-family: A residence designed for or occupied by three (3) or more families, either wholly (attached) or partially a part of a large structure (detached), with separate housekeeping and cooking facilities for each.

a. Apartment: A room or suite of rooms, available for rent which is occupied as a residence by a single family, or a group of individuals living together as a single-family unit.

b. Condominium: A form of individual ownership within a multi-family building with joint responsibility for maintenance and repairs of the land or other common property.

c. Cooperative: A multi-unit development operated for and owned by its occupants. Individual occupants do not own their specific housing unit outright as in a condominium, but they own shares in the enterprise.

EASEMENT: The right of a person, entity, government agency, or public utility company to use public or private land owned by another for a specific purpose.

EAW or ENVIRONMENTAL ASSESSMENT WORKSHEET: A brief document designed to assess the environmental effects and set out the basic facts necessary to determine whether an EIS is required for a proposed project or to initiate the scoping process for an EIS.

EIS or ENVIRONMENTAL IMPACT STATEMENT: A detailed written statement as required by Minnesota Statutes Section 116D.04 used to evaluate proposed projects which have the potential for significant environmental effects.

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.

ESSENTIAL SERVICES: Underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including buildings.

EVENT CENTER (Includes convention, exhibit hall, banquet halls): An establishment which is rented by individuals or groups to host private social gatherings including, but not

limited to, banquets, meetings, weddings, and other similar celebrations. Such a use may or may not include: 1) kitchen facilities for the preparation or catering of food; 2) the sale of alcoholic beverages for on-premises consumption only during scheduled events and not open to the general public; and 3) outdoor gardens, patios or outdoor gathering areas.

EXTERIOR STORAGE: The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

FAMILY: An individual, or two (2) or more persons each related, living together as a single housekeeping unit; or a group of not more than four (4) persons not related, maintaining a common household.

FARM: A tract of land which is principally used for growing and harvesting crops and/or keeping common domestic farm animals which shall include those necessary buildings, related to operating the farm.

FARMERS' MARKET: An occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second-hand goods) dispensed from booths located on-site.

FENCE: Any partition, structure, wall or gate erected as a dividing marker, barrier or enclosure and located along the boundary, or within the required yard.

FLOOD: A temporary rise in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

FLOOD FREQUENCY: The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

FLOOD FRINGE: That portion of the floodplain outside of the floodway. FLOOD FRINGE is synonymous with the term FLOODWAY FRINGE used in the flood insurance study for Washington County, Minnesota and incorporated areas.

FLOOD, REGIONAL: A flood which is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the one hundred (100) year recurrence interval.

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

FLOODPROOFING: A combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

FLOODWATER: The water of any river, stream, drainage channel, low area lake or pond which is above and/or outside the channel or banks of such river, lake, stream, drainage channel or pond.

FLOODWAY: The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

FLOOR AREA: Is the sum of the gross horizontal areas of all floors of a building or portion thereof devoted to a particular use, however, the "floor area" shall not include floor area other than area devoted to retailing activities, the production or processing of goods, warehousing, and business or professional offices.

FRONTAGE: A boundary of a lot which abuts an existing or dedicated public street or private drive.

GARAGE ~~Primary~~ ~~ACCESSORY: An A detached accessory building structure~~ or portion of a principal building ~~having walls and a roof which is used for~~ designed for the storage of motor vehicles and other items owned by the occupants of the principal building.

GRADE (ADJACENT GROUND ELEVATION): The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet (5') from the building, between the building and a line five feet (5') from the building.

GRADING: Changing the natural or existing topography of land.

HOTEL: A building having provision for nine (9) or more guests, in which lodging is provided with or without meals, for compensation, and which is open to transient guests, and where ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge.

HOSPITAL: A building designed and used for the medical and surgical diagnosis, treatment, and housing of persons under the care of doctors and nurses.

HOUSEHOLD PET: Animals that are customarily kept for personal use or enjoyment within the home. "Household pets" shall include, but not be limited to, domestic dogs, domestic cats, domestic tropical birds, rabbits, or fish.

IMPERVIOUS SURFACE: Any material which prevents absorption of storm water into the soil.

INOPERABLE VEHICLE: Any vehicle which cannot be driven or propelled under its own power in its existing condition, or because its wrecked, junked, or partially dismantled condition, or which cannot be driven because necessary licenses or authorizations have not been obtained and displayed on the vehicle.

KENNEL: Any premises where four (4) or more dogs, cats or other customary household pets six (6) months or older at any one (1) time are kept or accepted for boarding, breeding, training or sale, except when located in a pet shop or veterinary clinic.

LIFT STATION: A facility, usually including pumping facilities, for the lifting of sewage or stormwater runoff to a higher sewage facility or stormwater runoff facility.

LOADING DOCK: An unobstructed area provided and maintained for the temporary parking of trucks and other motor vehicles, for the purpose of loading and unloading goods, wares, materials and merchandise.

LOT: A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street or on an approved private street and may consist of:

1. A single lot of record.
2. A portion of a lot of record.
3. A combination of complete lots of record, complete lots of record and portions of lots of record, or of portions of lots of record.
4. A parcel of land described by metes and bounds; provided, that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Title.

LOT AREA: The total site area within the lot lines.

LOT AREA PER UNIT: The number of square feet of lot area per dwelling unit.

LOT, CORNER: A lot situated at the junction of and abutting on two (2) or more intersecting streets, or a lot at the point of deflection in alignment of a continued street, the interior angle of which does not exceed one hundred thirty-five degrees (135°).

LOT DEPTH: The mean horizontal distance between the front lot line and the rear lot line of a lot.

LOT LINE: The property line bounding a lot; except, that where any portion of a lot extends into the public right of way or a proposed public right of way, the nearest line of such public right of way shall be the lot line for applying this Title.

LOT LINE, FRONT: That boundary of a lot which abuts an existing or dedicated public street and, in the case of a corner lot, it shall be the shortest dimension on a public street.

LOT LINE, REAR: That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten feet (10') in length or if the lot forms a point at the rear, the rear lot line shall be a line ten feet (10') in length within the lot, connecting the side lot lines and parallel to the front lot line.

LOT LINE, SIDE: Any boundary of a lot which is not a front lot line or a rear lot line.

LOT OF RECORD: Part of a subdivision the plat of which has been recorded in the Office of the Registrar of Deeds or Registrar of Titles; or a parcel of land the deed to which was recorded in the Office of the Registrar of Deeds or Registrar of Titles, in accordance with subdivision regulations and zoning ordinances of the City in effect at the time of such conveyance.

LOT, THROUGH: A lot which has a pair of opposite lot lines abutting two (2) streets, and which is not a corner lot.

LOT, WIDTH: The maximum distance between the side lot lines of any lot measured parallel to front lot lines at the minimum front yard setback line.

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.

MANUFACTURED SINGLE-FAMILY DWELLING: A structure transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling for one (1) family, with or without a permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. No manufactured dwelling shall be moved into the City that does not meet the manufactured home building code as defined in Minnesota Statutes Section 327.31.

MANUFACTURING: All manufacturing, compounding, processing, packaging, treatment or assembly of products and materials.

MARINA: Facilities which may include piers or systems of floating or fixed accessways providing moorings for watercraft and offering supply, repair and other facilities for such use.

MEDICAL USES: Those uses concerned with the diagnosis, treatment and care of human beings. These include hospitals, dental services, medical services or clinics.

METROPOLITAN URBAN SERVICE AREA (MUSA): The area where public utilities including sewer and water are available and is identified in the City's Comprehensive Plan.

MONOPOLE TOWER: A tower constructed of tapered tubes that fit together symmetrically and are stacked one (1) section on top of another and bolted to a concrete foundation without support cables.

MOTOR FUEL STATION: A retail place of business engaged primarily in the sale of motor fuels, but also may be engaged in supplying goods and services generally required in the operation and maintenance of motor vehicles. These may include sale of petroleum products, sale and servicing of tires, batteries, automobile accessories, and replacement items, washing and lubrication services; and the performance of minor automotive maintenance and repair.

NATURAL RATE OF ABSORPTION: The amount of stormwater absorbed in the soil during a storm of once in twenty (20) year occurrence.

NONCONFORMING STRUCTURE: Any structure which was permitted and existing prior to the effective date of this Title, which does not conform to the applicable regulations under the current provisions of this Title.

NONCONFORMING USE: Use of land, buildings or structures permitted and existing at the time of adoption of this Title, which do not comply with all the current regulations of this Title governing the zoning district in which such use is located.

NORMAL HIGH-WATER MARK: A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The normal high-water mark is commonly that point where the natural landscape changes from predominantly aquatic to predominantly terrestrial.

NURSING HOME/ASSISTED LIVING FACILITY/LICENSED RESIDENTIAL CARE FACILITY: Any facility licensed by the Minnesota Department of Human Services, public or private, which for financial gain or otherwise regularly provides one (1) or more persons with twenty-four (24) hour-per-day care, food, lodging, training, education, supervision, habilitation, rehabilitation, and treatment. Residential facilities may include, but are not limited to: state institutions under the control of the Commissioner of Human Services, foster homes, halfway houses, residential treatment centers, group homes, continuing care retirement facilities, residential programs or schools for handicapped children.

OBSTRUCTION: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, limit or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

OFF-STREET LOADING SPACE: A space accessible from a street, alley or driveway, for the use of trucks while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one (1) truck of the type typically used in the particular business.

OFFICES: A room or group of rooms used for conducting the affairs of a business, profession, service industry, or government.

OFFICIAL ZONING MAP: That certain map titled "official zoning map of Cottage Grove, Minnesota", which map is properly approved and filed, hereinafter referred to as the "zoning map".

OPEN SALES LOT: Land devoted to the display of goods for sale, rent, lease or trade, where such goods are not enclosed within a building.

OUTDOOR SEASONAL SALES: A short-term outdoor display and/or sale of seasonal products such as the following: Christmas trees, nursery products and horticulture products (fruits, vegetables, flowers, shrubs and the like).

PARKING GARAGE: A structure, building or portion thereof designed and utilized for the temporary storage of motor vehicles.

PARTY WALL: A wall which divides two (2) adjoining properties and in which each of the owners of the adjoining properties has rights of enjoyment.

PATIO: A level, surfaced area directly adjacent to a principal building at or within three feet (3') of the finished grade, without a permanent roof which is intended for outdoor lounging, dining and the like.

PLACES OF WORSHIP: A place of assembly where a non-profit religious body organized to sustain public worship owns or leases a building or portion thereof where people regularly assemble for religious worship. The service of food, meals and alcoholic beverages on such premises may be provided if secondary and incidental to the promotion of some other common objective of the organization and adequate dining room space and kitchen facilities for the purpose of serving food and meals are available.

PLEASURE CRAFT: A boat or yacht used primarily for recreational activity.

PRINCIPAL BUILDING: A building, or combination of buildings, which contains the primary use of the site.

PRINCIPAL USE: The main use of land or buildings as distinguished from subordinate or accessory uses. A PRINCIPAL USE may be either permitted, interim, or conditional.

PROOF OF PARKING: A parking plan which demonstrates that the number, size, and location of parking spaces required by City Code Section 11-3-4 can be provided on the site in compliance with all required parking setbacks.

PUBLIC FACILITIES: Includes roads and sanitary sewer collection and treatment system and watermain infrastructure.

PUBLIC PARK: A recreation area owned or operated by the City, county, state or other governmental unit.

PUBLIC UTILITY: Transmission facilities of electric power, gas, water, telephone and railroad companies, including electric power transmission lines and gas pipelines; but not substations; telephone facilities, water pumping, reservoir and distribution facilities and railroad trackage; but not including storage and switching yards.

REGIONAL FLOOD: A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the one hundred (100) year recurrence interval. REGIONAL FLOOD is synonymous with the term "base flood" used in a flood insurance study.

REGULATORY FLOOD PROTECTION ELEVATION: The regulatory flood protection elevation shall be seven hundred feet (700') above mean sea level or at an elevation no lower than one foot (1') above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway, whichever is greater. It is the elevation to which uses regulated by this Title are required to be elevated or flood protected.

RESTAURANT: An establishment open to the public where food and or drink is prepared and offered to the public. To be considered a restaurant, at least fifty percent (50%) of the seating shall be available to the public during hours of operation.

RETAIL SHOPPING STORES: An establishment primarily engaged in the sale or rental of goods and the provision of services directly to the consumer, excluding those uses defined more specifically in this code.

RETAINING WALL: A structure utilized to hold a slope in a position in which it would not naturally remain.

RIVERFRONT: Every lot or parcel of land which is immediately adjacent to the Mississippi River.

RIGHT-OF-WAY / ROAD: A public right of way, intended for vehicular traffic, including freeways, expressways, arterials, parkways, thoroughfares, collector streets, local streets, cul-de-sacs, access streets, avenues, boulevards, lanes, and other public ways, as now or hereafter designated.

SALE SHOWROOM: The display only of merchandise and equipment samples where a sales agreement with a consumer is conducted and delivery of purchased merchandise is made from an off-site warehouse. Merchandise or equipment which is displayed is typically large bulky items and includes, but is not limited to, furniture, appliances, plumbing fixtures, lighting, and carpeting.

SATELLITE RECEIVE ONLY ANTENNA (SROA): An accessory structure consisting of a device commonly parabolic in shape, mounted at a fixed point and capable of receiving, for the benefit of the principal use, television signals from a transmitter or a transmitter relay located in geostationary orbit, and serving the same or similar function as the common television antenna.

SCHOOL: A public or private institution for learning with a pre-school, kindergarten, elementary or secondary curriculum with buildings, equipment, courses of study, class schedules, enrollment of pupils and staff meeting the standards established by the state.

SELF-STORAGE: A facility where rooms or lockers are rented to tenants, usually on a monthly basis, in which tenants can store and access their goods. The rented spaces are usually secured by the tenant's own lock and key. Unlike in a warehouse, self-storage facility employees do not have casual access to the contents of the space.

SEPTIC TANK: Any device for the treatment and disposal of human waste which utilizes the percolation of the liquid portion of the waste into the soil, including all portions of such system which are not confined inside a building.

SETBACK: The required minimum horizontal distance between a building or any other specified development feature and a street right-of-way line or any other lot line, disregarding encroachments permitted by of this chapter.

SHELTER, FALLOUT OR BLAST: A structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fallout, blasts, air raids, storms or other emergencies.

SLOPE: The inclination of the natural surface of the land from the horizontal.

STREET: A way for vehicular traffic, whether designated as street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, drive, court or otherwise designated.

STREET LINE: The land covered by a street or land dedicated for public use or for certain private use for vehicular traffic.

STRUCTURE: Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in this Title, travel trailers/vehicles, signs and other similar items.

STRUCTURE, PRINCIPAL: A structure which determines the predominant use of the lot on which it is located.

SUBSTATION: Any utility structure other than lines, pipelines, holes or towers.

TEMPORARY FAMILY HEALTHCARE DWELLINGS: Transitional housing on a relative's or caregiver's property for those with mental or physical impairments and aging family members who need short term care.

TERRACE: A relatively level area bordered on one (1) or more sides by a retaining wall.

TOWER: A vertical structure that supports a wind turbine, antenna, transmission lines or other similar uses.

TRAINING AND TEACHING FACILITY: A public or private institution for post-secondary education or technical training including buildings, equipment, courses of study, class schedules, enrollment of pupils and staff.

USE: The purpose or activity for which land or a building thereon is designated, arranged or intended, or for which it is occupied, utilized or maintained, and shall include the performance standards of this Title.

USE, ACCESSORY: A use or structure subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.

USE, PRINCIPAL: The main use of land or buildings, as distinguished from subordinate or accessory uses. A "principal use" may be either permitted or conditional.

USE, TEMPORARY: A use established for a fixed period of time with the intent to discontinue the use upon a specified expiration date.

UTILITY FACILITY: A physical facility of an electric, telephone, telegraph, cable television, water, sewer, solid waste, gas or similar service operation.

VETERINARY CLINIC: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to the hospital use.

WAREHOUSING AND DISTRIBUTION: The storage of materials or equipment within an enclosed building.

WATER BODY: Any lake, stream, pond, wetland or river.

WATER DEPENDENT USES: Uses which, in order to exist or function, require a location or use of the riverfront, including, but not limited to, barge loading and barge fleeting areas, marinas, industries which receive or ship goods or materials by water as an essential part of their operation, boat and barge construction, dismantling and repair, riverfront recreation, intakes and outfalls, and water monitoring and measuring facilities.

WETLAND: Any land which is seasonably wet or flooded, including all marshes, bogs, swamps and floodplains.

WHOLESALE: The selling of goods, equipment and materials by bulk to another business that in turn sells to the final customer.

YARD: A required open space on a lot, which is unoccupied and unobstructed by a structure from its lowest ground level to the sky, except as expressly permitted in this Title. A yard shall extend along a lot line and at right angles to such lot line, to a depth or width specified in the yard regulations for the district in which such lot is located.

YARD, FRONT: A yard extending along the full width of the front lot line between side lot lines and extending from the abutting front street right of way line to a depth required in the yard regulations for the district in which such lot is located.

YARD, REAR: A yard extending along the full width of the rear lot line between the side lot lines and extending toward the front lot line for a depth as specified in the yard regulations for the district in which such lot is located.

YARD, SIDE: A yard extending along the side lot line between the front and rear yards, having a width as specified in the yard regulations for the district in which such lot is located.

ZONING ADMINISTRATOR: The Community Development Director shall be the Zoning Administrator. (Ord. 1068, 8-16-2023)

CHAPTER 2: ADMINISTRATION AND ENFORCEMENT

Section

11-2-1: Enforcement

11-2-2: Sixty (60) Day Rule

11-2-3: Public Hearings

11-2-4: Site Plan Review

11-2-5: Variances

11-2-6: Text and Map Amendments

11-2-7: Administrative Conditional ~~Administrative~~ Use Permits

11-2-8: Conditional Use Permits

11-2-9: Interim Use Permits

11-2-10: Environmental Assessment Worksheets and Impact Statements

11-2-11: Denial

11-2-12: Lapse

11-2-13: Appeals

11-2-14: Revocation

11-2-15: Amendment to Approved Application

11-2-16: Development Agreements

11-2-17: Zoning Application Fees; Deposits

11-2-18: Historic Properties Conditional Use Permits

§ 11-2-1: ENFORCEMENT:

Enforcement Official. This title shall be administered and enforced by the Community Development Director or their designee.

§ 11-2-2: SIXTY (60) DAY RULE:

Minnesota Statutes Section 15.99 applies to all land use applications in this Chapter, unless a different timeline for approval is provided by state law or City ordinance.

A. Within sixty (60) days after the date of receipt of the completed application, the City must approve or deny the application. Failure of the City to deny a request within sixty (60) days or any extension thereof as provided in this Section is deemed approval of the request.

B. The time limit begins upon the receipt of a completed application. A completed application shall mean a written request containing all information required by law, or by a previously adopted rule, ordinance or policy of the city. If the Community Development Director receives an application that does not contain all the required information, the Community Development Director shall send notice within fifteen (15) business days of the

receipt of the request telling the applicant that the application is not accepted and indicating what information is missing. The sixty (60) day time limit begins again after receipt of a completed application, as provided in this Section.

C. The City may extend the time limit before the end of the initial sixty (60) day period by providing written notice of the extension to the applicant. The notice must contain the reasons for the extension and its anticipated length, which may not exceed sixty (60) days unless approved by the applicant.

D. The applicant may waive the sixty (60) day period by providing a written waiver.

§ 11-2-3: PUBLIC HEARINGS:

The City shall hold a public hearing on all variances, conditional use permits, site plan applications (unless administratively approved pursuant to City Code Section 11-2-4.E), text amendments, map amendments and interim use permits. Notice of the public hearing shall be given not less than ten (10) days nor more than thirty (30) days prior to the date of the hearing by publication in the designated legal newspaper of the City. The notice shall contain the date, time and place of the hearing and a description of the land and the proposed application. At least ten (10) days before the hearing, the City Clerk shall mail a notice to the owner and to each of the property owners within five hundred feet (500') of the property for which the approval is sought. Failure of the City Clerk to mail the notice or failure of the property owners to receive the notice shall not invalidate the proceedings.

§ 11-2-4: SITE PLAN REVIEW:

~~A Site Plan Review is required for construction of a new building or construction that results in the enlargement of an existing building or modification to exterior building materials or an expansion or alteration of the parking lot.~~

A. Purpose: The purpose of this section is to establish a formal site plan review procedure and provide regulations pertaining to the enforcement of site design standards consistent with the requirements of this section. The site plan review enables the city council to ensure that the applicant has made adequate provisions for utilities (sewer, water, and stormwater), traffic (off-street parking, circulation, access), safety precautions (lighting, pedestrian sidewalks, traffic control signs), and amenities (exterior design, landscaping, and screening). A site and building plan review shall be required for all proposed new construction and substantive changes, as determined by the Community Development Director, to approved site plans or existing developed sites.

BA. Pre-Application Sketch Review Process.

1. Prior to the submission of a site plan application, potential applicants may present a sketch to the Community Development Director. The sketch may be conceptual and may include the following related materials:

a. A scale drawing of the proposed site with reference to existing development within two hundred feet (200') of adjacent properties.

b. General location of proposed structures.

c. Tentative street arrangements, both public and private.

d. Amenities to be provided such as recreational areas, open space, walkways, etc.

e. General location of parking areas.

f. Proposed public sanitary sewer, water and storm drainage.

g. A statement showing the proposed density of the project with the method of calculating said density also shown.

h. Topographic contours at two-foot intervals.

i. Wetland delineation.

j. Proposed general schedule of development.

k. Information on the proposed developer.

l. Other information or materials useful in reviewing the sketch.

m. Letter of concurrence from landowner.

2. Requests for pre-application sketch review shall be submitted to the Community Development Director. The sketch shall be accompanied by a fee and a cash escrow as set forth in City Code Section 11-2-17. The sketch shall also be accompanied by written and graphic materials, the number, size, and format as prescribed by the Community Development Director, describing the proposed change, development, or use. The application shall be considered officially submitted and complete when the applicant has complied with all the specified information requirements.

3. The Community Development Director shall review the sketch and provide informal comments. The Community Development Director shall have the prerogative and authority to refer the sketch to the Planning Commission and/or City Council for discussion, review, and informal comment. Any opinions or comments provided on the sketch by the Community Development Director, Planning Commission, and/or City Council shall be considered advisory only and shall not constitute a binding decision.

4. If the sketch is to be reviewed by the Planning Commission and/or City Council, as determined by the Community Development Director, a public hearing shall be held pursuant to City Code Section 11-2-3. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Chapter.

B. Formal Application Site Plan Review Procedures. The procedure for site plan review is as follows:

1. The property owner or the owner's agent shall meet with the Community Development Director to be advised of the procedures and obtain an application form.

2. The applicant shall file the completed application form together with the required exhibits and fees pursuant to City Code Section 11-2-17 with the Community Development Director.

3. The Community Development Director shall submit the application to the Planning Commission for its review, comment and recommendation to the City Council.

4. The City shall hold a public hearing on the application pursuant to City Code Section 11-2-3.

5. The City Council shall, after receipt of the report of the Planning Commission, either approve or deny the application, within the timeframe established by City Code Section 11-2-2. Denial must comply with the requirements of City Code Section 11-2-11.

6. The City Council may impose such restrictions or conditions as may be necessary to comply with the standards established by this Title, or to reduce or minimize the impacts upon other properties in the neighborhood and to better carry out the intent of the Comprehensive Plan and the Zoning Code. Any condition must be directly related to and must bear a rough proportionality to the impact created by the application.

C. Exempt from site plan review. Except in those cases specifically cited within this Section, the following shall be excepted from the requirements of this Section and shall be processed through the building permit review process:

1. Single-family dwellings and accessory structures;

2. Recreational structures and buildings in public parks.

3. Agricultural uses in the AG-1 and AG-2 Zoning Districts, with the exception of nurseries, greenhouses, and tree farms.

D. Required site plan application information and materials. The following information and materials shall be required for the application:

1. A complete application form signed by all property owners.

2. All required fees and escrows.

3. A statement identifying all property owners of all land included within the proposal obtained from Washington County or a title or abstract company.

4. Accurate and to-scale development plans for the project area, the number of which to be provided as indicated on the application form, including the following minimum information:

a. North point and graphic engineering scale.

b. Location map showing relationship to street system and surrounding development.

- c. Date of preparation and revision date(s).
- d. Boundary line survey, including measured distances and angles which shall be tied to the nearest one-quarter ($\frac{1}{4}$) corner or section corner by traverse.
- e. Existing and proposed right-of-way widths and names of proposed streets.
- f. Site statistics including:
 - (1) Gross site acreage/minimum lot size in the zoning district.
 - (2) Total stormwater management acreage.
 - (3) Any wetland impact area and wetland replacement area.
 - (4) Percent green space.
 - (5) Net density.
 - (6) Existing, proposed and required parking.
- g. Locations of rights-of-way, driveways, parks and public lands, permanent buildings and structures, easements, section and corporate lines, water courses, marshes, wooded areas, rock outcrops, power transmission poles and lines and other significant features within the site and to a distance of two hundred feet (200') beyond the property boundary(ies).
- h. Locations and dimensions for existing and/or proposed buildings or other structure(s); setbacks; walkways and bikeways; off-street parking and driveways; refuse and service areas including screening materials; loading areas and docks; any fencing including material type; and any signs.
- i. Architectural renderings and specifications for exterior wall finishes and percentages proposed for all principal and accessory structures that comply with City Code Section 11-3-11.
- j. Colored site plan and elevations.
- k. A utility plan showing all existing and proposed water, sanitary sewer and stormwater management utilities needed up to two hundred feet (200') beyond the project area boundary as well as pipe diameters, rim and invert elevations and pipe gradients for sanitary sewer and storm sewer mains.
- l. A grading plan with topographic data for two hundred feet (200') around the subject property or around major features with intervals not exceeding two feet (2') except where the horizontal contour interval is one hundred feet (100') or more in which case a one-foot vertical interval shall be shown. All proposed stormwater management facilities, roadway gradients and spot elevations on parking lots and curb lines must also be shown on the grading plan.

m. Ingress and egress to property and proposed structures thereon and with particular reference to vehicular and pedestrian safety and convenience, traffic flow and control and access.

n. Screening and buffering with reference to type, dimensions and purpose that complies with City Code Section 11-3-6.

o. Exterior lighting plans showing proposed exterior lighting and signs with reference to fixture types, height including base, glare, traffic safety, lumen levels at all property lines, and compatibility and harmony with properties in the district that comply with City Code Section 11-3-10.

p. Landscape plan showing quantities, size, common and botanical names, mature heights and spreads, root type and locations of plants and areas of sod that complies with City Code Section 11-3-12.

q. Stormwater management analysis, if required.

r. Sustainable design elements, if any.

s. A tree preservation plan that complies with City Code Section 11-3-13, if required.

t. Locations of exterior storage (City Code Section 11-3-7), trash enclosures (City Code Section 11-3-8), outside mechanical equipment (City Code Section 11-3-9) and signage (City Code ~~Section 11-3-14~~ [Title 12](#)), if applicable.

u. Such other information as required by the Community Development Director.

E. Administrative Approval. The site plans for certain projects, including but not limited to those types of projects listed below, may be reviewed and approved administratively by the Community Development Director or their designee in coordination with the City's other departments and any relevant regulatory agencies, however, Community Development Director may, at their discretion, refer any site plan to the Planning Commission and City Council for review:

1. Proposed minor structural additions involving either up to ten percent (10%) or less of the total existing floor area or site expansions or modifications involving ten percent (10%) or less of the total existing site area which meet all ordinance requirements may be approved by the Community Development Director prior to the building permit being issued, and shall not require Planning Commission or City Council review, subject to the following:

a. This Section shall apply to all permitted residential and nonresidential uses which are subject to the site plan approval requirements of the Zoning Code, and to those conditional uses involving commercial and industrial uses, and for which the minor structural additions or site modifications do not significantly alter or conflict with the original intent and parameters of the approved conditional use. The Community Development Director shall determine what constitutes significant change.

b. This Section shall apply in the cases of new developments which have received City Council plan approval, but for which building permits have yet to be taken; and this section shall apply to existing developments for which there are on file City Council approved site plans.

c. Compliance with all ordinance requirements shall be construed to include all adopted policies and codes.

d. Unresolved disputes as to administrative application of ordinance requirements shall be referred to the Planning Commission and City Council following normal plan review and approval procedures.

e. Plans submitted for minor structural additions or minor site alterations under the terms of this section shall be the same as those required by the ordinance for site plan approval.

F. Lapse. Lapse of approval is governed by City Code Section 11-2-12.

§ 11-2-5: VARIANCES:

A. Purpose. The purpose of the variance is to allow variation from the strict application of the terms of this Title where, by reason of the exceptional physical characteristics of the property, the literal enforcement of the requirements of this Title would cause practical difficulties for the landowner.

B. General provisions. In no case may a variance be granted to permit a use other than a use permitted in the district. Nonconforming uses, land, structures or buildings in the same district or other districts may not be considered grounds for issuance of a variance.

C. Procedures. The procedure for variance review is as follows:

1. The property owner or his agent shall meet with the Community Development Director to be advised of the procedures and obtain an application form.

2. The applicant shall file the completed application form together with the required exhibits and fees pursuant to City Code Section 11-2-17 with the Community Development Director.

3. The Community Development Director shall submit the application to the Planning Commission for its review, comment and recommendation to the City Council.

4. The City shall hold a public hearing on the application pursuant to City Code Section 11-2-3.

5. The City Council shall, after receipt of the report of the Planning Commission, either approve or deny the application, within the timeframe established by City Code Section 11-2-2. Denial must comply with the requirements of City Code Section 11-2-11.

6. The City Council may impose such restrictions or conditions as may be necessary to comply with the standards established by this Title, or to reduce or minimize the impacts upon other properties in the neighborhood and to better carry out the intent of the Comprehensive Plan and the Zoning Code. Any condition must be directly related to and must bear a rough proportionality to the impact created by the application.

D. Required site plan application information and materials. The following information and materials shall be required for the application:

1. A complete application form signed by all property owners.

2. All required fees and escrows.

3. A statement identifying all property owners of all land included within the proposal obtained from Washington County or a title or abstract company.

4. Accurate and to-scale development plans for the project area, the number of which to be provided as indicated on the application form, including the following minimum information:

- a. North point and graphic engineering scale.

- b. Locations and dimensions for existing and/or proposed buildings or other structure(s); setbacks; walkways and bikeways; off-street parking and driveways; refuse and service areas including screening materials; loading areas and docks; any fencing including material type; and any signs.

E. Such other information as required by the City.

F. Findings. A variance may be granted only when all of the following conditions are found:

1. The variance is in harmony with the general purposes and intent of this Title.

2. The variance is consistent with the Comprehensive Plan.

3. The applicant for the variance establishes that there are practical difficulties in complying with this Title. "Practical difficulties," as used in connection with the granting of a variance, means that all of the following must be found to apply:

- a. The property owner proposes to use the land in a reasonable manner for a use permitted in the zone where the land is located, but the proposal is not permitted by other official controls;

- b. The plight of the landowner is due to circumstances unique to the property and that are not created by the landowner; and

- c. The variance, if granted, will not alter the essential character of the neighborhood.

4. Economic considerations alone do not constitute practical difficulties.

G. Precedents. A previous variance must not be considered to have set a precedent for the granting of further variances. Each case must be considered on its merits.

H. Lapse. Lapse of approval is governed by City Code Section 11-2-12.

§ 11-2-6: TEXT AND MAP AMENDMENTS:

The City Council may adopt amendments to this Title and the zoning map in relation both to land uses within a particular district or to the location of the district line. Such amendments shall not be issued indiscriminately but shall only be used as a means to reflect changes in the goals and policies of the City as reflected in the Comprehensive Plan. Amendments must be adopted by a majority vote of the City Council. The adoption or amendment of any portion of a Zoning Code which changes all or part of the existing classification of a zoning district from residential to either a commercial or an industrial district requires a two-thirds majority vote of the City Council.

A. There are the following kinds of amendments:

1. A change in a district's boundary (rezoning).
2. A change in a district's regulations.
3. A change in any other provision of this Title.

B. Proceedings for amending this Title shall be initiated by at least one (1) of the following methods:

1. By action of the Community Development Department.
2. By petition of an owner of property which is proposed to be rezoned or for which district regulation changes are proposed.
3. By action of the City Council.

C. Amendments initiated by property owners. Procedures. The procedure for amendments is as follows:

1. The property owner or the owner's agent shall meet with the Community Development Director to be advised of the procedures and obtain an application form.
2. The applicant shall file the completed application form together with the required exhibits and fees pursuant to City Code Section 11-2-17 with the Community Development Director.
3. The Community Development Director shall submit the application to the Planning Commission for its review, comment and recommendation to the City Council.
4. The City shall hold a public hearing on the application pursuant to City Code Section 11-2-3.

5. The City Council shall, after receipt of the report of the Planning Commission, either approve or deny the application, within the timeframe established by City Code Section 11-2-2. Denial must comply with the requirements of City Code Section 11-2-11.

6. The City Council may impose such restrictions or conditions as may be necessary to comply with the standards established by this Title, or to reduce or minimize the impacts upon other properties in the neighborhood and to better carry out the intent of the Comprehensive Plan and the Zoning Code. Any condition must be directly related to and must bear a rough proportionality to the impact created by the application.

D. Required application information and materials. The following information and materials shall be required for the application:

1. A complete application form signed by all property owners.

2. All required fees and escrows.

3. A statement identifying all property owners of all land included within the proposal obtained from Washington County or a title or abstract company.

4. A written statement that explains the request, including the section of the Zoning Code for which an amendment is requested as well as suggested language for the amendment. If applying for a rezoning, the request should describe the current and proposed zoning classification along with reasons supporting the proposed change. For the City Council to adopt a Zoning Code amendment or rezoning, it needs to be consistent with the City's Comprehensive Plan. The written statement should address the request's consistency with the Comprehensive Plan or a proposed amendment to the Comprehensive Plan.

5. A statement of all property owners of all land included within the proposal and a list of property owners' names and addresses within five hundred feet (500') of the outer boundaries of the property obtained from Washington County or a title or abstract company.

6. An accurate boundary survey and conceptual development plan for the area proposed to be rezoned.

7. Any other information identified by the Community Development Director as required by state statute or necessary to review the proposal for consistency with the City's Comprehensive Plan for example, but not limited to, environmental review, traffic impact study, future roadway layout, stormwater analysis, utility and grading plans and/or concept platting.

E. Amendments initiated by the Community Development Department or City Council. The following is the procedure for initiating an amendment based upon a recommendation by the Community Development Department or City Council:

1. The Community Development Department may initiate a study on a proposed ordinance amendment and report its findings and recommendations to the City Council.

2. Amendments initiated by the Community Development Department or City Council shall be referred to the Planning Commission for review and recommendation to the City Council.

3. The City shall hold a public hearing on the application pursuant to City Code Section 11-2-3.

4. The City Council shall, after receipt of the report of the Planning Commission either approve or deny the proposed amendment or rezoning. Denial must comply with the requirements of City Code Section 11-2-11.

§ 11-2-7: ~~CONDITIONAL ADMINISTRATIVE USE PERMITS~~ ADMINISTRATIVE CONDITIONAL USE PERMIT:

A. Purpose. The purpose of this section is to establish regulations and procedures for the processing and consideration of uses and activities allowed by conditional administrative permit. Administrative Conditional Use Permit ~~Conditional administrative permits~~ are intended to be an efficient and cost-effective permitting process for uses and activities that do not require the scrutiny and discretion of a conditional use permit.

B. Procedure. The procedure for administrative conditional ~~administrative~~ use permits is as follows:

1. Requests for administrative conditional ~~administrative~~ use permits, as provided within this Chapter, shall be filed with the Community Development Director on an official application form and contain all of the information required in City Code Section 11-2-7.C.

2. The Community Development Director shall review the application and related materials and shall determine whether the proposal is in compliance with all applicable evaluation criteria, codes, ordinances, and applicable performance standards set forth in this Title. If the Community Development Director, in their sole discretion, determines that the application is not appropriate for a Conditional Administrative Permit, they shall return the application and fees and notify the applicant to reapply for a conditional use permit, pursuant to the requirements of City Code Section 11-2-8.

3. The Community Development Director shall make a determination on approval or denial of the conditional administrative permit. A determination of non-compliance with applicable codes, ordinances, and the standards in this section shall be considered a denial; unless, within ten (10) days of the date of such notice, the applicant submits revised plans and/or information with which the Community Development Director is able to determine compliance.

4. A written permit shall be issued to the applicant when a determination of compliance has been made.

C. Required application information and materials. The following information and materials shall be required for the application:

1. A complete application form signed by all property owners.
 2. All required fees and escrows.
 3. A statement identifying all property owners of all land included within the proposal obtained from Washington County or a title or abstract company.
 4. A concise statement describing the proposed use, event or activity, including the purpose, type of merchandise involved, dates and times of operation, number of employees involved, provisions for on-site security, provisions for on-site parking, and other pertinent information required by the Community Development Director to fully evaluate the application.
 5. A copy of any approved site plan for the property or an "as built" survey which accurately represents existing conditions on the site, including entrances and exits, bona fide parking and driving areas, and which accurately indicates any proposed temporary structures, including tents, stands, and signs.
 6. An accurate floor plan, when in the judgment of the Community Development Director, such plan is necessary.
 7. Certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the administrative permit application relates.
 8. Other information deemed necessary by the Community Development Director.
- D. Performance standards. All uses, events or activities allowed by administrative permit shall conform to the applicable standards outlined in the zoning district in which such use, event or activity is proposed.
- E. Appeal. Unresolved disputes as to administrative application shall be subject to appeal pursuant to City Code Section 11-2-13 of this Chapter.
- F. Administration and Enforcement. Violation of an issued permit or of the provisions of this Chapter shall be grounds for denial of future permit applications.

§ 11-2-8: CONDITIONAL USE PERMITS:

- A. Purpose. The purpose of a conditional use permit is to authorize and regulate uses which may be beneficial in a specific instance to the general welfare of the community, yet ensure that such uses are not detrimental to surrounding property, and are consistent with the stated purpose of the zoning district in which such uses are located regarding conditions of operation, location, arrangement, and construction.
- B. Procedures. The procedure for conditional use permits is as follows:
1. The property owner or the owner's agent shall meet with the Community Development Director to be advised of the procedures and obtain an application form.

2. The applicant shall file the completed application form together with the required exhibits and fees pursuant to City Code Section 11-2-17 with the Community Development Director.

3. The Community Development Director shall submit the application to the Planning Commission for its review, comment and recommendation to the City Council.

4. The City shall hold a public hearing on the application pursuant to City Code Section 11-2-3. In the case of correctional facilities and waste facilities, notice of the public hearing shall be to property owners located within one thousand three hundred twenty feet (1,320') of the property in question.

5. The City Council shall, after receipt of the report of the Planning Commission, either approve or deny the application, within the timeframe established by City Code Section 11-2-2. Denial must comply with the requirements of City Code Section 11-2-11.

6. The City Council may impose such restrictions or conditions as may be necessary to comply with the standards established by this Title, or to reduce or minimize the impacts upon other properties in the neighborhood and to better carry out the intent of the Comprehensive Plan and the Zoning Code. Any condition must be directly related to and must bear a rough proportionality to the impact created by the application.

C. Required application information and materials. The following information and materials shall be required for the application:

1. A complete application form signed by all property owners.

2. All required fees and escrows.

3. A statement identifying all property owners of all land included within the proposal obtained from Washington County or a title or abstract company.

4. The application shall include a written description of the request including an explanation of compliance with the conditional use permit criteria set forth in this Chapter, together with detailed graphic materials, the number, size, and format as prescribed by the Community Development Director, fully explaining the proposed change, development, or use.

5. A copy of any approved site plan for the property or an "as built" survey which accurately represents existing conditions on the site, including entrances and exits, bona fide parking and driving areas, and which accurately indicates any proposed temporary structures, including tents, stands, and signs.

6. An accurate floor plan, when in the judgment of the Community Development Director, such plan is necessary.

7. Certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the administrative permit application relates.

8. Other information deemed necessary by the Community Development Director.

D. Findings.

1. The Planning Commission and City Council may consider the following factors when reviewing a conditional use permit application:

a. Compliance with and effect upon the Comprehensive Plan, including public facilities and capital improvement plans.

b. The establishment, maintenance or operation of the conditional use will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals or comfort.

c. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

d. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

e. Adequate public facilities and services are available or can be reasonably provided to accommodate the use which is proposed.

f. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

g. The conditional use complies with the general and specific performance standards as specified by the Zoning Code.

2. ~~The Planning Commission and~~ City staff may request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant deemed necessary to establish performance conditions in relation to all pertinent sections of this Title.

E. General Performance Standards. As may be applicable, the evaluation of any proposed conditional use permit request shall be subject to and include, but not limited to, the following general performance standards and criteria:

1. Consistency with the Comprehensive Plan. The proposed use shall be consistent with the Comprehensive Plan.

2. Health and Safety. The proposed use shall not negatively impact the health, safety and general welfare of occupants of surrounding lands.

3. Public Infrastructure Services. Adequate public facilities and services shall be able to be provided to the site where the use is proposed, and/or existing infrastructure shall be able to absorb the additional demand for public services such as utilities, streets, parks, schools, etc.

4. Screening and Landscaping. Incompatible impacts of the proposed use shall be screened and buffered from adjacent property and the surrounding neighborhood. The City Council may require additional landscaping or screening above that required in the Zoning Code.

5. Architectural Standards. The site or building associated with the proposed use meets or exceeds the architectural design and landscaping standards for the district in which it is located. The City Council may require additional architectural standards above those required in the Zoning Code.

6. Zoning. The use is consistent with the purposes of the Zoning Code and the purposes of the zoning district in which the applicant intends to locate the proposed use.

7. Traffic. The generation and characteristics of the traffic associated with the use and its impact on traffic volumes and safety associated with driveway locations, existing and proposed capacity on adjacent roads, sidewalks and trail connections can be adequately mitigated.

8. Floodplain. Shall follow City Code Title 11, Chapter 10.

F. Lapse. Lapse of approval is governed by City Code Section 11-2-12.

§ 11-2-9: INTERIM USE PERMITS:

A. Purpose and Intent. The purpose of allowing interim uses is:

1. To allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction.

2. To allow a use that is presently judged acceptable by the City Council, but that with anticipated development or redevelopment, will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the respective district.

B. The intent of the City Council in allowing interim uses is that in order to give flexibility to the district use regulations of this Title, which is necessary to achieve the objectives of the Comprehensive Plan, interim uses are allowed in certain districts subject to the granting of an interim use permit. Because of their temporary characteristics, interim uses require special consideration so they may be located properly with respect to the objectives of the Comprehensive Plan and with respect to their effects on surrounding properties. In order to achieve these purposes, the City Council is empowered to grant and to deny applications for interim use permits and to impose reasonable conditions upon the granting of these permits. Uses authorized under this section shall be considered a conforming use, but only in accordance with the conditions set forth in the interim use permit.

C. Procedures. The procedure for conditional use permits is as follows:

1. The property owner or the owner's agent shall meet with the Community Development Director to be advised of the procedures and obtain an application form.

2. The applicant shall file the completed application form together with the required exhibits and fees pursuant to City Code Section 11-2-17 with the Community Development Director.

3. The Community Development Director shall submit the application to the Planning Commission for its review, comment and recommendation to the City Council.

4. The City shall hold a public hearing on the application pursuant to City Code Section 11-2-3.

5. The City Council shall, after receipt of the report of the Planning Commission, either approve or deny the application, within the timeframe established by City Code Section 11-2-2. Denial must comply with the requirements of City Code Section 11-2-11.

6. The City Council may impose such restrictions or conditions as may be necessary to comply with the standards established by this Title, or to reduce or minimize the impacts upon other properties in the neighborhood and to better carry out the intent of the Comprehensive Plan and the Zoning Code. Any condition must be directly related to and must bear a rough proportionality to the impact created by the application.

D. Required application information and materials. The following information and materials shall be required for the application:

1. A complete application form signed by all property owners.

2. All required fees and escrows.

3. A statement identifying all property owners of all land included within the proposal obtained from Washington County or a title or abstract company.

4. The application shall include a written description of the request including an explanation of compliance with the interim use permit criteria set forth in this Chapter, together with detailed graphic materials, the number, size, and format as prescribed by the Community Development Director, fully explaining the proposed change, development, or use.

5. A copy of any approved site plan for the property or an "as built" survey which accurately represents existing conditions on the site, including entrances and exits, bona fide parking and driving areas, and which accurately indicates any proposed temporary structures, including tents, stands, and signs.

6. An accurate floor plan, when in the judgment of the Community Development Director, such plan is necessary.

7. Certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the administrative permit application relates.

8. Other information deemed necessary by the Community Development Director.

E. Findings. The City Council may grant an interim use permit for the interim use of property if:

1. The use conforms to the zoning regulations;
2. The date or event that will terminate the use can be identified with certainty;
3. Permission of the use will not impose additional costs on the City if it is necessary for the City to take the property in the future; and
4. The applicant agrees in writing to any conditions that the City Council deems appropriate for permission of the use.

F. Lapse of interim use permit. An interim use permit shall lapse and become null and void three (3) months following the date on which the interim use permit became effective if it is not in use.

§ 11-2-10: ENVIRONMENTAL ASSESSMENT WORKSHEETS AND IMPACT STATEMENTS:

A. When an environmental assessment worksheet (EAW), alternative urban areawide review (AUAR), or environmental impact statement (EIS) is required or otherwise ordered or submitted, the applicable review procedures shall be as set forth in the Minnesota Environmental Quality Board regulations for the Environmental Review Program, as authorized by Minnesota Statutes and specified in Minnesota Rules Part 4410.

B. An EAW, AUAR, or EIS application, together with the completed data portions of the environmental document, shall be accompanied by a fee and cash escrow as set forth in the City Code Section 11-2-17. Costs of City time and materials expended in reviewing and processing the application shall be charged against the cash escrow account and credited to the City.

C. Upon completion of the environmental document for distribution, the Community Development Director shall provide mailed notice of the availability of the environmental document, and date of the meeting at which the Planning Commission will consider the matter, to all property owners within five hundred feet (500') of the boundaries of the property that is the subject of the environmental document. Said notice shall be mailed at least ten (10) days before the Planning Commission meeting. Failure of a property owner to receive notice shall not invalidate any such proceedings as set forth in this Chapter. The Planning Commission shall provide its recommendations to the City Council.

§ 11-2-11: DENIAL:

The City may deny an application upon a written finding of legally sufficient reasons with a factual basis and must be provided to the applicant. Findings for denial may be adopted at the next subsequent meeting following the hearing and must be adopted pursuant to the

time frame required by City Code Section 11-2-2. No application which has been denied wholly or in part shall be resubmitted for a period of six (6) months from the date of the order of denial, except on grounds of new evidence or proof of changes of conditions found to be valid by the Community Development Director.

§ 11-2-12: LAPSE:

Approval of a site plan, variance, ~~administrative~~ conditional ~~administrative~~ use permit, and conditional use permit shall lapse and become null and void one (1) year following the date on which the approval was granted, unless prior to the expiration of the one (1) year the work or improvement described in the approval is commenced and diligently pursued on the subject site. The City Council may grant an extension for good cause.

§ 11-2-13: APPEALS:

A. Planning Commission as Board of Appeals and Adjustments; Authority: The Planning Commission shall act as the Board of Appeals and Adjustments and shall determine, in harmony with the general purpose of this title and the Comprehensive Plan, by resolution, all appeals from any order, requirement, permit or decision made by the Community Development Director under this Title, and from any interpretation of the text of this title, or any determination by the Community Development Director as to the location of the boundary of a zoning district as shown on the zoning map.

B. Filing of Appeal: Within ten (10) business days after a decision of the Community Development Director under the provisions of this title, except in connection with prosecutions for violations thereof, the applicant or other person or officers of the City affected thereby may appeal to the Planning Commission by filing a written notice to the City Clerk, stating the specific grounds upon which the appeal is made.

C. Board Hearing; Notice: The Planning Commission, as the Board of Appeals and Adjustments, may conduct such hearings and shall afford the applicant an opportunity to present evidence, testimony and witnesses. The Planning Commission shall render a decision to uphold or overturn the decision of the Community Development Director.

D. Council Hearing: An applicant may appeal from a decision of the Board of Appeals and Adjustments made pursuant to City Code Section 11-2-13.C., within ten (10) business days after a decision of the Board of Appeals and Adjustments by filing a written notice to the City Clerk, stating the specific grounds upon which the appeal is made.

1. The Council may review and revise any decision of the Board of Appeals and Adjustments. The hearing shall be held within thirty (30) days after the decision is made by the Board of Appeals and Adjustments.

2. Notice of the hearing before the Council shall be mailed to all appellants. In all cases involving determination of district boundary lines or interpretation of the text of this Title, ten (10) days' published notice of hearing in the official newspaper shall be given. The City

Council will conduct the hearing based on the record of the Board of Appeals and Adjustments and may consider new testimony and evidence at its discretion. The City Council shall determine whether or not the decision of the Board of Appeals and Adjustments should be upheld or overturned. The decision of the City Council shall be final.

§ 11-2-14: REVOCATION:

The City Council may hold a hearing to consider the revocation of any site plan, conditional use permit, administrative use permit approval, interim use permit or variance upon a determination and recommendation from the Community Development Director that the authorized use is not in conformance with the conditions of approval or is in continued violation of City Codes or other applicable regulations. The Community Development Director shall notify the responsible person to whom the permit was issued or to the current property owner that they have an opportunity to show cause, present evidence, testimony and witnesses before the City Council at a hearing as to why the permit, resolution or approval should not be revoked. The City Council will conduct a hearing and determine whether or not the permit, resolution or approval should be revoked. The decision of the City Council shall be final.

§ 11-2-15: AMENDMENT TO APPROVED APPLICATION:

Holders of any site plan, conditional use permit, administrative use permit approval, interim use permit or variance may propose amendments to the permit at any time, following the procedures for a new permit as set forth in this Chapter. Administrative approval may be granted, for administrative use permits as set forth in City Code Section 11-2-7. No significant changes in the circumstances or scope of the use shall be undertaken without review by the Planning Commission and approval by the City Council. The Community Development Director shall determine what constitutes a significant change and may administratively approve insignificant changes. Significant changes include, but are not limited to, hours of operation, number of employees, expansion of structures and/or premises, different and/or additional signage, and operational modifications resulting in increased external activities and traffic, and the like. The Planning Commission may recommend, and the City Council may approve significant changes and modifications to a site plan, conditional use permit, interim use permit or variance, including additional or revised conditions.

§ 11-2-16: DEVELOPMENT AGREEMENTS:

All proposed subdivisions, rezonings, planned unit developments, conditional use permits and/or site plan reviews may require a development agreement between the City and developer and/or landowner specifying the improvements required, financial guarantees and any other matter pertaining to the proposed development at the sole discretion of the City.

§ 11-2-17: ZONING APPLICATION FEES; DEPOSITS:

A. Generally. The fees to be paid for each zoning application shall be as prescribed in the chart in subsection C below. They are reviewed annually by the City Council. Fees shall be payable at the time applications are filed with the Community Development Director and are not refundable unless application is withdrawn prior to legal publication and notice. There shall be no fee in the case of applications filed in the public interest by City Council or by the Planning Commission. Fees shall include application fees, filing fees, consultant, legal, planning and engineering fees and/or escrow fees.

B. Escrow payment. Applicants shall be required to pay a cash escrow fee as required by the Fee Schedule in this Chapter. The escrow fee shall be used to pay any outside expenses and fees incurred by the City, including, but not limited to consultants, attorneys, planning and engineering fees or other expenses due to the application. If, at any time, the balance in the cash escrow account is depleted to less than ten percent (10%) of the originally required cash escrow amount, the applicant shall deposit additional funds in the cash escrow account as determined by the Community Development Director. All expenses and fees in excess of the escrow deposit, shall be paid by the applicant to the City within thirty (30) days of final action on the matter by the City. If not paid within thirty (30) days, the account shall be deemed delinquent. Any balance remaining in the cash escrow account upon completion of the process shall be returned to the applicant after all expenses and fees thereto have been deducted, following final action by the City in the matter.

C. Fee Schedule:

Item	Fee
Agricultural Preservation Documentation Processing	\$100.00
Business Subsidy Application	\$10,000.00 Escrow
Comprehensive Plan	\$50.00 per Paper Copy / \$10 Digital Format
Comprehensive Plan Amendment, Map or Text	\$620.00 + \$55.00 GIS Fee + \$2,500.00 Escrow
Concept Plan Review	\$1,030.00 plus \$20.00 per Acre; \$1,000.00 Escrow
Conditional Use Permit, Commercial	\$515.00 plus \$5,000.00 Escrow
Conditional Use Permit, Interim	\$515.00 Annually
Conditional Use Permit, Residential	\$515.00 plus \$1,000.00 Escrow
Administrative Use Permit, Commercial	\$515.00 plus \$5,000.00 Escrow

Administrative Use Permit, Residential	\$515.00 plus \$1,000.00 Escrow
Sketch Plan Review	\$155.00 plus \$500.00 Escrow
Business Park AUAR	\$111.00 per Acre
East Ravine AUAR Charge	\$120.00 per Acre
Environmental Assessment Worksheet	\$620.00 plus Actual Costs
Financial Guarantee, Escrow for Subdivision Improvements	Public Improvements - 125% of Estimated Cost. Boulevard, Landscaping Improvements - 150% of Estimated Cost.
Historic Preservation Delisting	\$515.00
Historic Preservation Designation	\$515.00
Lot Grading and Corner Lot Pin Compliance Escrow	\$1,000.00 per Lot
Metropolitan Council SAC Charge	\$2,485.00 per Unit for Applicable 2023 Permits
Mining, Annual Inspection and Review	\$2,060.00
Mining, Permit Removal per Occurrence	Under 100,000 tons \$250.00. Over 100,000 tons \$500.00
Natural Resources Inventory	\$70.00 per Paper Copy
Park Land Dedication, Commercial	Estimated \$7,800.00 Per Acre or 4% of the Fair Market Value, based on individualized determination.
Park Land Dedication, Industrial	Based on individualized determination.
Park Land Dedication, Residential	Estimated \$4,400.00 Per Unit or 10% of the Fair Market Value, based on individualized determination.
Plat, Final	\$310.00 + \$100.00/acre + \$5,000.00 Escrow
Plat, Preliminary	\$515.00 + \$50.00 per Lot/Unit + \$5,000.00 Escrow
Public ROW and Easement Vacations	\$310.00
Re-addressing	\$100.00
Signs, Illegal, Return of	\$10.00 per Sign
Site Plan	\$415.00 plus \$5,000.00 Escrow
Sketch Plan Review	\$155.00 plus \$500.00 Escrow
Street Lighting - New Developments	\$2.83/Lot/Month for 24 Months
Street Renaming	\$200.00 plus sign material and labor for installation
Subdivision, Minor	\$310.00 plus \$2,000 Escrow

Tree Mitigation	See Title 11-3-13
Variance, Post-Construction	\$875.00
Variance, Pre-Construction	\$255.00
Zoning Amendment, Text or Map	\$615.00 plus \$2,000.00 Escrow
Zoning Appeal	\$260.00
Zoning Letter	\$75.00
Zoning Ordinance	\$30.00 per Paper Copy / \$10 Digital Format
City Maps, Urban or Rural	\$5.00 Each

11-2-18: HISTORIC PROPERTIES CONDITIONAL USE PERMITS:

A. Definitions: The following words, terms, and phrases when used in this Title shall have the meaning ascribed to them in this Title except where the context clearly indicates a different meaning. Where definitions differ from other sections of the City Code, the definition herein shall apply:

Adaptive reuse: The process of transforming a historic building or property into a new function while preserving its character and heritage.

Art Gallery: A facility in which works of art are displayed and goods are not produced, sold, or repaired.

Bed and Breakfast: A place of lodging that:

1. Provides not more than four (4) rooms for rent to no more than 10 guests at a time;
2. Provides no meals, other than breakfast served to persons who rent rooms; and
3. Was originally built and occupied as, or was converted to, a single-family residence prior to being used as a place of lodging.

Brewpub: A brewer who also holds one or more retail on-sale licenses and who manufactures fewer than 3,500 barrels of malt liquor in a year, at any one licensed premises, the entire production of which is solely for consumption on tap on any licensed premises owned by the brewer.

Cocktail Room: Establishment on the premises of or adjacent to one (1) microdistillery location owned by a distiller for the on-sale of distilled liquor produced by the distiller.

Limited Retail Establishment: An establishment that sells goods directly to the consumer. Limited retail shall include but is not limited to bakeries, cafés, delicatessens, ice cream parlors, and craft boutiques.

Meeting/Conference Facility: A facility for public or private meetings consisting of one or more meeting or multi-purpose rooms.

Microdistillery: A facility that produces not more than forty thousand (40,000) proof gallons of distilled spirits in a calendar year as regulated by Minnesota statutes, as may be amended.

Museum: A facility in which objects of historical, scientific, artistic, or cultural interest and significance are stored and exhibited.

Office: A facility in which the handling of information or the performing of administrative services is conducted; including services provided to persons both on site and off site on a walk-in or appointment basis and where goods are not produced, sold, or repaired.

Reception Facility: A facility, including event centers, which is rented by individuals or groups to host private social gatherings including, but not limited to, banquets, meetings, weddings, and other similar events.

Restaurant: An eating facility where a meal is served to a customer and consumed while seated indoors at a counter or table.

B. Policy and Purpose. Certain buildings within the City have been designated by the City as Historic Preservation Sites pursuant to City Code Section 2-2-3 and are listed in the City's Register of Historic Sites and Landmarks or are listed in the National Register of Historic Places. The intent of this section is to encourage preservation, revitalization, and adaptive reuse of these historic properties located in the City of Cottage Grove.

Adaptive reuses of these historically registered properties or structures shall promote preservation of the architectural and historic character by encouraging retention of its historic value. All reuses shall be complementary to the historical character of the structure or site and the surrounding uses. Adapted reuses in this section shall be reviewed by the Advisory Committee on Historic Preservation (ACHP) and approved by the City Council after consideration in each case of the impact of such uses upon the property, neighboring uses, the surrounding area, and the public need for the particular use at the particular location. Limitations and standards are herein established to ensure the use's consistency with the character, uses, and activities on lands surrounding the use. In order to accomplish such purposes, the following provisions relating to the issuance of adaptive reuse conditional use permits are adopted.

C. Procedure:

1. The application for a Historic Properties Conditional Use Permit shall follow the procedures in City Code Section 11-2-8.B: Procedures.
2. The Historic Properties Conditional Use Permit shall receive Site Plan Review approvals if the application meets the criteria for a Site Plan Review pursuant to City Code Section 11-2-4: Site Plan Review.
3. The City Council shall, after receipt of the report of the ACHP, either approve or deny the application, within the timeframe established by City Code Section 11-2-2. Denial must comply with the requirements of City Code Section 11-2-11.

4. The City Council may impose such restrictions or conditions as may be necessary to comply with the standards established by this Title, or to reduce or minimize the impacts upon other properties in the neighborhood and to better carry out the intent of the Comprehensive Plan and the Zoning Code. Any condition must be directly related to and must bear a rough proportionality to the impact created by the application.

D. Application: The application for a Historic Properties Conditional Use Permit shall follow the procedures in City Code Section 11-2-8.C: Required application information and materials.

E. Findings: In addition to the factors in City Code Section 11.2.8.D, a historic properties conditional use permit may be granted subject to the City Council making the following findings:

1. The applicant has demonstrated that the historic characteristics of the property cannot be maintained reasonably and economically unless the Historic Properties Conditional Use Permit is granted.
2. The property or structure is listed on the City's Register of Historic Sites and Landmarks and/or is listed on the National Register of Historic Places.

F. Performance Standards for All Historic Properties Conditional Use Permits: As may be applicable, the evaluation of any proposed historic properties conditional use permit request shall be subject to and include, but not limited to, the following general performance standards and criteria:

1. The standards of City Code Section 11-2-8.E: Conditional Use Permits are met.
2. The parcel size is greater than five (5) acres, unless a smaller size is approved by the City Council.
3. One (1) sign is permitted not to exceed thirty-two (32) square feet, and six (6) feet in height.
4. Site improvements meet City Code Section 2-2-6: Alterations to Historic Sites and Landmarks.

G. Allowed Uses for Historic Properties Conditional Use Permit. The adaptive reuse proposed for the property must be a use listed below:

1. Bed and Breakfast
2. Reception Facility
3. Meeting/Conference Facility
4. Office
5. Museum
6. Art Gallery
7. Limited Retail Establishment
8. Restaurant
9. Microdistillery with a Cocktail Room
10. Brewpub with a restaurant

11. Other uses deemed similar by the City Council

H. Amendment to Historic Properties Conditional Use Permit: Amendments to any condition contained in an approved Historic Properties Conditional Use Permit may be made only in accordance with the procedures applicable to the initial application as contained above in Section E: Procedure.

I. Lapse: Lapse of approval is governed by City Code Section 11-2-12.

CHAPTER 3: GENERAL ZONING PROVISIONS

Section

11-3-1: Nonconforming Uses and Structures

11-3-2: Encroachment Exceptions

11-3-3: Height Limit Modifications

11-3-4: Off-Street Parking and Loading

11-3-5: Accessory Structures

11-3-6: Fences, Retaining Walls and Screening

11-3-7: Exterior Storage

11-3-8: Trash Enclosures

11-3-9: Mechanical Equipment Screening Requirements

11-3-10: Glare and Lighting

11-3-11: Architectural Design Standards

11-3-12: Landscaping

11-3-13: Tree Preservation

~~11-3-14: Signs~~

§ 11-3-1: NONCONFORMING USES AND STRUCTURES:

A. Purpose. Within the districts established by this Chapter or amendments that may later be adopted, there may exist lots, structures and uses of land, which were lawful before this Title was passed or amended, but which would be prohibited, regulated or restricted under the terms of the current Zoning Code or future amendments. It is the intent of this Chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this Chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this Chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

B. Any nonconforming use or structure within the City shall be governed by Minnesota Statutes Section 462.357, subdivision 1e.

§ 11-3-2: ENCROACHMENT EXCEPTIONS:

A. Exceptions. The following shall not be considered encroachments on setback requirements in all zoning districts.

1. Principal building cornices, canopies, eaves, gutters, and other similar features, provided they project not more than thirty inches (30"). In no event shall such features be closer than twenty-four inches (24") from any lot line;

2. Principal building chimneys, flues, vents, and other similar features, provided they project not more than twenty-four inches (24") and are no more than five feet (5') in width. In no event shall such features be closer than thirty inches (30") from any lot line;

3. Principal building window wells and bay windows, provided they project not more than thirty-six inches (36"). In no event shall they be closer than twenty-four inches (24") from any lot line;

4. In front yards, principal building entry vestibules that extend a distance of six feet (6') or less, provided such vestibule is not more than eight feet (8') in width or more than one (1) story in height;

5. In front yards, principal building balconies that extend a distance of four feet (4') or less, provided they are seven feet (7') or more above grade at the front building line;

6. In front and rear yards, landings, steps, uncovered porches, and other similar features attached to the principal building that extend a distance of ~~six~~ ~~seven~~ feet (6') or less provided the landing or uncovered porch is no more than thirty inches (30") off the ground; a railing enclosure no more than three feet (3') in height may be placed around such landing or uncovered porch, unless prior approval for a greater height is granted by the City Staff;

7. In side yards, principal building steps, stoops, handicap access ramps, and other similar features that extend a distance of three feet (3') or less. In no event shall they be closer than two feet (2') from a side lot line.

B. No encroachment shall be permitted in existing or required drainage and utility easements, unless approved by the City Engineer.

§ 11-3-3: HEIGHT LIMIT MODIFICATIONS:

A. Scope. The requirements and regulations specified in this Title shall be subject to the provisions of this Section.

B. Increases in height limits:

1. Height limitations set forth elsewhere in this Title shall be increased up to fifty percent (50%) when applied to the following structures:

- a. Church spires.
- b. Belfries.
- c. Cupolas and domes which do not contain usable space.
- d. Monuments.
- e. Flagpoles.
- f. Smokestacks.
- g. Parapet walls extending not more than three feet (3') above the limiting height of the building.
- h. Elevator penthouses.

2. Height limitations set forth elsewhere in this Title shall be increased up to seventy-five percent (75%) when applied to the following structures:

- a. Water towers.
- b. Fire and hose towers.
- c. Cooling towers.

§ 11-3-4: OFF-STREET PARKING AND LOADING:

A. Purpose. The regulation of off-street parking spaces is intended to alleviate or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public by establishing minimum requirements for off-street parking of motor vehicles in accordance with the use intensity of the various parcels of land or structures.

B. Application. The regulations and requirements set forth in this Section shall apply in all zoning districts.

C. General parking requirements.

1. The term "floor area" is used to calculate the number of off-street parking spaces. It is the sum of the gross horizontal areas of all floors of a building or portion thereof devoted to a particular use, however, the "floor area" shall not include floor area other than area devoted to retailing activities, the production or processing of goods, warehousing, and business or professional offices. Only the principal structure floor area contributes to parking requirements.

2. Snow storage area(s) shall be provided so that the number of parking spaces is not reduced below the minimum required. The City may initiate proceedings to require that

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snow be hauled off the site if parking and circulation problems related to inadequate snow-removal occur.

3. Proof of parking. The City may also consider a proof of parking when a business can demonstrate a proposed use will not require the minimum number of spaces as stated in this Section. When parking is reduced, the City may require that area to be reserved in open space for future parking needs.

D. Use of parking facilities.

1. No Class I commercial vehicles shall be allowed to park in a residential district except while making a pickup or delivery or performing a service.

a. Conditional use permit. One (1) Class I commercial vehicle may be permitted to park on a residential lot with a conditional use permit in compliance with the following conditions:

(1) The Class I commercial vehicle shall be kept within the principal building, or an accessory building, at all times when not in use.

(2) The hours of operation of the vehicle shall not adversely affect adjoining property.

(3) The lot shall be five (5) acres or more in size.

2. Class II commercial vehicles. Residential lots are permitted one (1) Class II commercial vehicle per dwelling unit.

3. No auxiliary motors or engines on any commercial vehicle shall be allowed to operate in residential districts unless making a pick-up, delivery or performing a service.

4. School buses designed to carry individuals may be parked in a residential district during school hours only.

5. This Section does not apply to agricultural equipment being used for agricultural purposes.

E. Location of parking facilities. Required off street parking must be on the same lot as is the principal building and must meet the following setback requirements.

1. Corner lots. May not be located within any yard area abutting a street on a corner lot.

2. Single family lots. Must comply with minimum setback requirements for accessory structures.

a. On corner lots the driveway must be setback a minimum of 10 feet from the side yard property line.

3. Access drives, drive aisles, and parking spaces for religious institutions, schools, public parking lots, parks, and municipal facilities must be set back thirty feet (30') from the front, side, and rear property lines.

a. Exception. Where a joint driveway or access point serving more than one (1) property will provide better and safer traffic circulation.

4. Within all business zoning districts, off street parking spaces, drive aisles and/or garages shall be located in areas other than a required yard.

a. Exception. Parking may be located in a rear yard to within ten feet (10') of the rear or side lot line and in the front yard within twenty feet (20') of front yard lot line or adjacent to a public right-of-way or residential district.

5. Within all industrial zoning districts, off street parking spaces, drive aisles, and truck staging areas must at least twenty feet (20') from any street right of way line, and at least ten feet (10') from any interior side or rear lot line.

a. Exception. When a side or rear lot line abuts a residential district, off street parking must be at least one hundred feet (100') from such lot lines.

F. Off site parking facilities. When required accessory off street parking facilities are provided elsewhere than on the lot on which the principal use served is located, written authority for using such property for off street parking shall be filed with the City, so as to maintain the required number of off-street parking spaces during the existence of such principal use. No such parking facility shall, at its closest point, be located more than one hundred feet (100') from the premises nor more than four hundred feet (400') from the principal use or building served.

G. Use of parking area for use other than parking. Required off street parking space in all districts shall not be utilized for open storage of goods or for the storage of vehicles which are inoperable, for lease, rent or sale.

H. Design and maintenance of off-street parking areas.

1. General Requirements. Access and parking areas shall be designed so as to provide an adequate means of access to a public alley or street. Such driveway access shall not exceed the driveway dimensions of this Code and shall be so limited so as to cause the least interference with the traffic movement.

a. Except for single-family, two-family, and townhouse dwellings, head in parking, directly off of and adjacent to a public street, with each stall having its own direct access to the public street, shall be prohibited. All parking spaces shall have access from driveways and not directly on a public street.

2. Parking Spaces Striped. All parking spaces shall be striped with suitable paint in accordance with approved plans, except for single-family residences.

3. Calculating Space. When the determination of the number of required off street parking spaces results in a fraction, each fraction up to and including one-half (1/2) shall be disregarded; fractions over one-half (1/2) shall count as one (1) additional space.

4. Surfacing. All parking areas and driveways in the front yard of property in the MUSA must be paved with asphalt, paver bricks, or concrete.

a. All parking surfaces in front of the principal structure must be in conformance with this code and must not exceed forty percent (40%) of the front yard area. A maximum width of two feet (2') of landscape rock or similar landscaping material may additionally be permitted to border such parking or driveway area. The parking or driveway surface may not encroach on any drainage and utility easement, except the front yard drainage and utility easement running adjacent and parallel to the street.

b. Any parking or driveway surface behind the principal structure must be one (1) of the following: concrete, asphalt, class V gravel (minimum six inches (6") compacted), landscape rock (minimum six inches (6") compacted), landscape paver blocks, or brick. All parking surfaces must be contained within a solid edging or other border. The setback for parking surfaces behind the front of the principal structure is the same as the setbacks for accessory structures in the zoning district. Such parking or driveway surface cannot encroach on any drainage and utility easements.

c. All development in non-MUSA areas must have an asphalt or concrete driveway between the roadway edge and the minimum front yard setback line. The City, at its discretion, can require the entire or a greater portion of the driveway to be paved if erosion or drainage problems are experienced on public or private land. This requirement applies to open sales lots in or out of the MUSA.

5. Curbing. All open off-street parking areas and loading areas designed to have head in parking along the perimeter of the off-street parking area or loading area shall provide a concrete curb or equivalent of adequate height approved by the City.

6. Drive-Up Facilities. Business establishments containing drive-up facilities, including restaurants and financial institutions, shall provide a motor vehicle stacking area for vehicles on the site. A minimum of six (6) vehicle spaces per lane shall be provided. The vehicle stacking area shall not extend beyond the street right of way line and shall be delineated in such a manner that vehicles waiting in line will not interfere with nor obstruct the primary driving, parking and pedestrian facilities on or off the site.

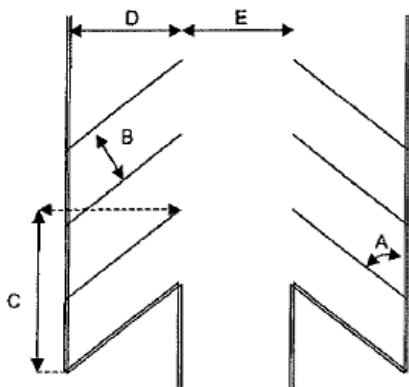
7. Bumper Overhang. The minimum parking space length may be decreased by up to two feet (2') for spaces which allow the bumper of the vehicle to project over the parking space without obstructing other parking spaces or vehicle circulation.

8. Turnarounds. All required parking spaces shall be accessed by adequate maneuvering space. All dead-end parking rows shall contain a turnaround area.

9. Parking Lot Design Standards. Parking areas shall be designed in conformance with the following:

Parking Angle (A)	Stall Width (B)	Curb Length (C)	Stall Depth (D)	Aisle Width (E)
Parking Angle (A)	Stall Width (B)	Curb Length (C)	Stall Depth (D)	Aisle Width (E)
0°	9'	23'	9'	12'

20°	9'	26'4"	15'	11'
30°	9'	18'	17'4"	11'
40°	9'	14'	19'2"	12'
45°	9'	12'9"	19'10"	13'
50°	9'	11'9"	20'5"	12'
60°	9'	10'5"	21'	18'
70°	9'	9'8"	21'	19'
80°	9'	9'2"	20'4"	24'
90°	9'	9'	20'	24'



I. Required Off-Street Parking. The following minimum areas shall be provided and maintained by ownership, easement or lease, for and during the life of the respective uses set forth below.

Auto repair	3 spaces per auto bay, plus 1 space for each employee.
Banks and financial services	1 space for each 250 square feet of floor area.
Boat and marine sales	4 spaces, plus 1 space for each 500 square feet of floor area over the first 1,000 square feet.
Community, activity, and cultural centers, post offices, commercial recreation facilities	1 space per maximum capacity of patrons, plus 1 space for every employee

(indoor and outdoor), libraries, museums and art galleries	
Funeral homes and mortuaries	1 space per 3 seats based upon design capacity of assembly area, plus 1 space for every 2 employees plus 1 space per company vehicle. Notwithstanding the above, a minimum of 10 parking spaces shall be provided.
Hospitals	2 spaces for each patient bed.
Hotels and motels	1 space per sleeping unit, plus one space per day shift employee plus one space for each 40 square feet devoted to meeting or banquet rooms.
Manufacturing, fabricating and processing	4 spaces, plus 1 space for each 400 square feet of floor area.
Motor fuel stations and motor fuel station convenience stores	4 spaces plus 2 spaces for each service stall. Those facilities designed for sale of additional items other than strictly automobile products, parts or service shall be required to provide additional parking in compliance with other applicable Zoning Code Sections
Multiple-family dwellings	1.6 spaces per dwelling unit in the multi-family residential districts. Additional spaces for visitor parking shall be provided based on the development characteristics and anticipated demand for visitor spaces as determined by the City.
Day Care Facilities (child and/or adult)	1 space for each 6 individuals of licensed capacity.
Office including clinics for human care	1 space for each 250 square feet of floor area for the first 100,000 square feet, plus 1 space for each 350 square feet of floor area thereafter.
Open sales lots	1 space for each 2,000 square feet of land up to the first 8,000 square feet, plus 1 space for each 4,000 square feet of land up to a parcel of 24,000 square feet, plus 1 space for each 6,000 square feet thereafter.
Places of Worship Assembly (Places of Worship, Conference Centers, Theaters, Auditoriums)	1 space for each 4 seats, based on the design capacity of the main assembly hall.
Restaurants	1 space for each 3 seats, based on capacity design or where there is no design layout, 1 space for each 50 square feet of floor area, whichever is greater, plus employee parking.

Restaurants; drive-in or convenience food	1 space for each 3 seats based on capacity design, plus employee parking. 6 spaces of stacking of a drive-thru facility.
Retail	1 space for each 200 square feet of floor area.
Schools, elementary and junior high	1 space for each classroom, plus 1 additional space for each 100-student capacity.
Schools, post-secondary	1 space for each 10 students, based on design capacity, plus 1 additional space for each 2 classrooms.
Self-service passenger vehicle car wash	2 spaces per bay.
Senior citizen housing (dependent)	1 space for each 6 beds for which accommodations are offered, plus 1 additional space for each 15 beds, plus 1 space per employee.
Senior citizen housing (independent)	1.5 parking spaces for each unit.
Single-family dwellings	2 spaces for each dwelling unit. A garage may fulfill this requirement. However, a building permit shall not be granted to convert a garage to living space unless other acceptable provisions are made to provide the required parking space.
Theaters, ball fields, stadiums, ice rinks and arenas	1 space for each 3 seats of design capacity.
Two-family dwellings	2 spaces per dwelling unit, but not more than one 2-car garage per dwelling unit.
Wholesale business, storage and warehouse establishment	1 space for each 2,000 square feet of floor area for any building used solely in a storage capacity. For mixed use building where storage and warehousing is an incidental use to other activity, required parking spaces shall be based upon the specific requirements for each use appearing in this Section.
Vet Clinics and Kennels	5 spaces plus 1 space for each 500 square feet of floor area over 1,000 square feet.
Uses not specifically noted	Parking space requirements shall be determined by, but not limited to, characteristics for the most similar use.

§ 11-3-5: ACCESSORY STRUCTURES:

In all zoning districts, accessory structures shall be subject to the following performance standards.

A. Construction:

1. ~~Accessory s~~Structures are prohibited from being taller than, ~~or greater in footprint than,~~ the principal structure.
2. Building permits are required for all permanent accessory structures over two hundred (200) square feet in residential districts and one thousand (1,000) square feet in business and industrial districts.
3. Temporary accessory structures including tents that consist of metal or fiberglass poles, metal hoops and PVC, cotton or nylon fabric covering materials are prohibited except as permitted in conjunction with an approved conditional use, permitted camping area, or special event.
4. The exterior finishes of accessory structures sized less than two hundred (200) square feet shall be constructed of quality weather resistant materials.

B. Accessory Structures, ~~Primary and Accessory Garages~~ Exterior Material Standards:

Property Classification	Exterior Finish
Agricultural Districts	For accessory structures over 200 sq. ft.: Wood, metal, split face block, vinyl lap, or cement board materials that are complimentary to the color palette of the principal structure
Residential Districts	For accessory structures over 200 sq. ft.: Wood, split face block, vinyl lap, or cement board materials that are complimentary to the color palette of the principal structure
Business Districts incl. Mixed-Use	Materials, texture, and color palette to compliment the principal structure, accessory structures greater than 1,000 sq. ft. require site plan review
Industrial Districts	Materials, texture, and color palette to compliment the principal structure, accessory structures greater than 1,000 sq. ft. require site plan review

C. Number and Size. The number and size of accessory structures ~~or accessory garages~~ ~~are~~ permitted on any lot shall be determined by the following table. On a residential lot, the ~~principal primary~~ garage, attached or detached, one (1) accessory structure up to two hundred (200) square feet, and swimming pools shall not count towards the number of accessory structures or total square footage calculations.

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Property Classification	Number	Total Size
Property Classification	Number	Total Size
AG-1	2	2,500 sq. ft.
AG-2	2	2,500 sq. ft.
R-1	2	2,500 sq. ft.
R-2	2	2,000 sq. ft.
R-3	1	1,000 sq. ft.
R-4	1	500 sq. ft. per unit
R-5	1	500 sq. ft. per unit
R-6	1	500 sq. ft. per unit
Business industrial	Site plan review over 1,000 sq. ft	Site plan review over 1,000 sq. ft
industrial		

D. Setbacks. Setbacks for accessory structures, primary and accessory garages, shall be determined by the following table.

Property Classification	Side Yard	Rear Yard	Front Yard
Property Classification	Side Yard	Rear Yard	Front Yard
AG-1	25 feet	50 feet	Behind principal structure
AG-2	25 feet	50 feet	Behind principal structure
R-1	20 feet	50 feet	Behind principal structure
R-2	20 feet	20 feet	Behind principal structure
R-3	6 feet	10 feet	Behind principal structure
R-4	6 feet	10 feet	Behind principal structure
R-5	6 feet	10 feet	Behind principal structure
R-6	6 feet	10 feet	Behind principal structure

Business	Not permitted in side-yard	Follow building setbacks	Behind principal structure
Industrial adjacent to Residential	Not permitted in side-yard	100 feet	Behind principal structure
Industrial not adjacent to Residential	Follow building setbacks	Follow building setbacks	Behind principal structure

E. Height. Height of accessory structures primary and accessory garages shall be determined by the following table.

Property Classification	Maximum
AG-1	20 feet, except as permitted under Minnesota Statutes
AG-2	20 feet, except as permitted under Minnesota Statutes
R-1	20 feet
R-2	20 feet
R-3	18 feet
R-4	18 feet
R-5	18 feet
R-6	18 feet
Business and industrial	20 feet

F. Miscellaneous Requirements.

1. Accessory structures and- accessory garages greater than those permitted in subsections C and E of this Section may be approved by conditional use permit if the following standards are met:

a. There is adequate setback, screening, or topography changes that buffer the proposed structure from adjacent public roadways or adjacent properties.

b. The proposed building height or building square footage does not exceed the ordinance criteria by more than twenty percent (20%) within the metropolitan urban service area (MUSA) and forty percent (40%) outside the MUSA.

c. Setback distances are increased five feet (5') for each one foot (1') of height or one hundred (100) square feet of size increase or fraction thereof.

2. No accessory structures or accessory garages shall be constructed on any lot prior to the time of construction of the principal structure, unless the building is accessory to the ongoing agricultural land use.

3. No tent, trailer, camper, motor home, storage container or accessory building shall at any time be used as a habitable building.

4. At-grade structures such as basketball courts, tennis courts, patios, tree houses, and dog kennels shall meet the established accessory structure setbacks for the appropriate districts. These structures are not included in the total allowable accessory structure square footage, as long as the total impervious surface of the lot does not exceed thirty-five percent (35%) of the rear area of the lot measured from the rear building line of the house to the rear lot line.

5. Swimming pools and surrounding apron/decks shall meet the established accessory structure setbacks for the appropriate districts. These structures are not included in the total allowable accessory structure square footage.

6. Temporary family healthcare dwellings are prohibited in all zoning districts.

7. Detached primary or accessory garages over 400 square feet may be located in the front yard between the dwelling and front property line on properties located adjacent to the Mississippi River or are impacted by bluffs within the Mississippi River Corridor Critical Area Overlay (MRCCA) provided all of the following are met:

a. Detached primary or accessory garages shall meet the underlying zoning district's development standards and shall not be located within the minimum front yard setback.

b. Exterior materials including color and roof material of detached garages and accessory structures shall match or complement the existing primary residential structure and shall conform to all other requirements of the underlying zoning district.

c. No other accessory structures are permitted in the front yard.

G. Primary Attached or Detached Garage Requirements in Residential Districts: The garage total floor area ~~attached to the principal structure~~ in any residential district must not exceed one thousand two hundred (1,200) square feet.

§ 11-3-6: FENCES, RETAINING WALLS AND SCREENING:

A. General Requirements for All Types of Fences or Retaining Walls.

1. Fences are allowed in any zoning district, subject to the provisions of this Chapter.

2. All parts of a fence shall be on the property of the owner of the fence. The owner of a fence is responsible to verify the location of their property lines.

3. Every fence shall be constructed in a workmanlike manner and of substantial material reasonably suited to the purpose for which the fence is to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition which would constitute a public nuisance or a dangerous condition.

4. Fences shall not be permitted from the following materials: fabric, tarp, sheet metals, rebar, plastic slats for chain link, cardboard, pallets, sticks, plywood, and similar temporary type materials as determined by City Staff.

5. All chainlink fences must have a top rail, barbed ends must be placed at the bottom of the fence, and vertical posts must be spaced at intervals not to exceed ten feet (10').

6. No fences or walls shall be placed on or extend into public rights-of-way.

7. The finished side of any fence or wall must face abutting property or street rights of way.

8. No fence or wall shall obstruct a motorist's or pedestrian's safe view from the driveway or street as determined by the City.

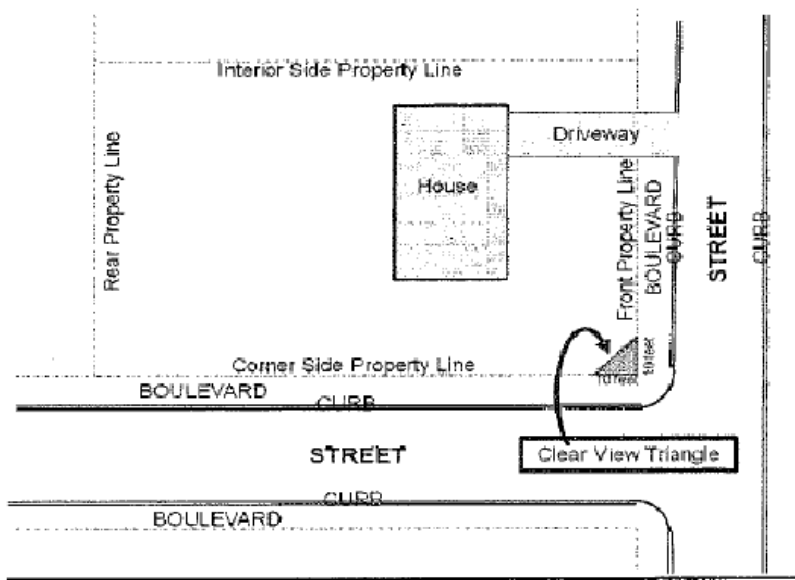
9. All fences and retaining walls located within the Mississippi River Corridor Critical Area (MRCCA) shall comply with Title 11, Chapter 13.

B. Prohibited Fences in All Districts.

1. Electric fences are prohibited in all districts, unless the property is used to fence livestock and has a minimum of five (5) acres of land.

2. Barbed and razor wire fences.

3. Fences located in the clear view triangle: On corner lots in front or rear yard, no structure, fence or planting in excess of thirty inches (30") above the curb line or less than ten feet (10') above the curb line shall be permitted within a clear view triangle described as that area that begins at the intersection of the impacted property line and corner side property line and is measured back ten feet (10') along both property lines. Those points are then connected with a straight line. See diagram below.



NOTE: Illustration is for illustrative purposes only and does not depict all situations which require compliance with the clear view triangle.

C. Fences or Retaining Walls in Residential Districts. All fences and retaining walls within residential districts must comply with the following.

1. No fence or wall shall exceed six feet (6') above grade level along rear and side property lines or four feet (4') above grade level in the front yard.
2. Fences within fifteen feet (15') of the front property line must be less than thirty inches (30") above grade level and at least fifty percent (50%) transparent.

D. Fences or Retaining Walls in Business or Industrial Districts. All fences and retaining walls within business and industrial districts must comply with the following.

1. Fences in business districts must not exceed eight feet (8') above grade level and are prohibited in the front yard. Fences in excess of eight feet (8') above grade level and not located in a front yard require a conditional use permit.
2. Fences in industrial districts must not exceed ten feet (10') above grade level and are prohibited in the front yard. Fences in excess of ten feet (10') above grade level and not located in a front yard require a conditional use permit.

3. Fences in business and industrial districts shall be high-quality vinyl-coated chain link (minimum nine (9) gauge thickness with a required top rail support), brick, stone, wrought iron, decorative metal or other such material as approved by City Staff.

E. Fences on Agricultural Property. All fences on agricultural use property must comply with the following.

1. Fences for agricultural uses must not be greater than eight feet (8') above grade level and may be located along all property boundary lines.

F. Retaining Walls.

1. Retaining wall materials shall be of industry accepted quality and standards so as to prevent unstable retaining walls.

2. Construction techniques shall be properly followed in order to prevent unstable retaining walls.

3. Retaining walls over four feet (4') in height must be designed by a registered architect or engineer and be reviewed and approved by the City Engineer.

4. Retaining walls over thirty inches (30") in height that are located in pedestrian traffic areas or within thirty-six inches (36") of a public way walk shall be completely fenced along the top edge with a permanent fencing material.

§ 11-3-7: EXTERIOR STORAGE:

A. Purpose. The presence and accumulation of excessive amounts of material and equipment on real property creates unsightly conditions that may reduce the value of real property, create fire and safety hazards, promote blight and deterioration in the community, and attract rodents and other vermin. Therefore, accumulation and improper storage of personal property, material and equipment in violation of this Chapter is declared to constitute a public nuisance and may be abated as such, which remedy shall be in addition to any other remedy provided in City Code or by state law.

B. Agricultural Districts. Agricultural equipment and materials may be located on agricultural use property if they are used or usable and intended for use on the premises.

C. Residential Districts. All materials and equipment shall be stored within a building or be fully hidden with a solid fence or wall so as not to be visible from adjoining properties except for the following items which are in use, or usable, and in good condition and limited in quantities to that normally associated with residential use:

1. Clothesline pole and wires;

2. Swings, slides and other recreational play structures;

3. Outdoor furniture, lawn decorations, nonmotorized lawn and garden equipment, and outdoor cooking equipment;

4. Construction and landscaping material and equipment that are used or intended for use on the premises within a six (6) month period;

5. Off street parking or storage of vehicles and recreational vehicles as permitted by City Code.

6. Trash and garbage receptacles that comply with the standards set forth in City Code Section 11-3-8; or

7. Firewood stacks in any residential district that comply with the standards set forth in City Code Section 4-1-4.C.

8. Storage pods up to ninety (90) days on an improved surface.

D. Business Districts. No exterior storage allowed except as an interim use pursuant to Title 11, Chapter 8.

E. Industrial districts. All business, service, storage, merchandise, display, repair, waste disposal, and processing must be conducted wholly within a building, except for off street vehicular parking, and off-street loading and uses specifically listed as including outdoor storage. Outdoor storage is allowed pursuant to Title 11, Chapter 9. All outdoor storage areas must be completely screened from all public streets and adjacent properties. Such screening must include a combination of earth berms fences, walls, and/or landscaping.

F. No exception listed in this Section shall be construed to avoid other restrictions imposed by City Code or any conditions imposed on any conditional use permit.

§ 11-3-8: TRASH ENCLOSURES:

A. Application. This Section applies to property in the business districts, industrial districts and residential properties with shared trash enclosures.

B. Closed Containers Required. All waste material, debris, refuse, or garbage shall be kept in an approved closed container designed for such purposes.

C. Specifications for Enclosure Structures: For all new construction or major alterations to existing structures, the following standards apply to the placement and construction specifications of trash enclosure structures:

1. The trash enclosure structure must be setback ten feet (10') from all property lines.

2. Such structure shall be situated on a poured in place concrete base, which shall be extended a minimum of six feet (6') beyond the door opening to the structure.

3. The walls shall be a minimum of six feet (6') in height and shall be a masonry material or composite fencing consistent with the principal structure. No roof is required.

4. The door opening shall a maintenance-free opaque material. Use of chain link with vinyl slats is not permitted.

5. The trash enclosure shall be consistent with materials found on the principal structure.

§ 11-3-9: MECHANICAL EQUIPMENT SCREENING REQUIREMENTS:

A. Screening Required.

1. Rooftop mechanical equipment as viewed from ground level at a variety of locations must be screened by a raised parapet; or with comparable and compatible exterior building materials.

2. Standards for mechanical equipment screening:

a. Incidental rooftop equipment deemed unnecessary to be screened by City Staff must be of a color to match the roof or the sky, whichever is more effective.

b. Metal cabinets used to enclose and protect rooftop mechanical equipment must not substitute as screening.

3. All ground mounted mechanical equipment accessory to the principal structure thirty inches (30") or greater than twelve (12) cubic feet shall be screened from public views with landscaping, berming, or screen wall, except single dwelling unit and double dwelling unit buildings.

§ 11-3-10: GLARE AND LIGHTING:

A. In all districts, any lighting used to illuminate an off street parking area, sign, building, or yard shall be so arranged as to deflect light away from any adjoining residential zone or from the public streets and will be compatible with adjacent lighting in adjoining districts.

1. Reflected glare of spill light shall not exceed 0.5 foot-candle as measured on the property line when abutting any residential parcel.

2. Reflected glare of spill light shall not exceed one (1) foot-candle as measured on the property line when abutting any business or industrial parcel.

B. Streetlights installed in public rights of way shall be exempt from these standards.

C. Direct or sky reflected glare, whether from floodlights or from high temperature processes, such as combustion or welding, shall not be directed into any adjoining property.

D. Exterior lighting shall be employed to limit glare and spill light to protect neighboring parcels and to maintain traffic safety on public roads. These measures shall include lenses, shields, louvers, prismatic control devices, and limitations on the height and type of fixtures. The City may also limit the hours of operation of outdoor lighting if it is deemed necessary to reduce impacts on the surrounding neighborhood.

E. No flickering or flashing lights shall be permitted. Holiday lighting shall be exempt from this provision.

§ 11-3-11: ARCHITECTURAL DESIGN STANDARDS:

A. Process. Architectural plans shall be prepared by an architect or other qualified person and shall show the following:

1. Elevations of all sides of the building;
2. Type and color of exterior building materials and table with material percentage breakdown;
3. Typical floor plans;
4. Dimensions of all structures;
5. The location of trash containers and of exterior electrical, heating, ventilation, and air conditioning equipment (not necessary for single family buildings); and
6. Additional plans deemed necessary by the City Staff.

B. Building orientation. Buildings shall be oriented so that at least one (1) principal entrance faces the public street rather than the interior of the site.

C. Building location. No structure of any kind shall be placed within twenty feet (20') of a public street right-of-way on a corner lot.

D. Exterior materials. The main exterior wall surface of all buildings shall be constructed of wood, brick, stone, cement board planks, glass, architectural concrete textured surfaces or other materials of high quality as approved by City Staff. Unadorned pre-stressed concrete panels, standard concrete block and unfinished metal, except naturally weathering metals such as copper, shall not be permitted as exterior materials for buildings. This restriction shall apply to all principal structures and to all accessory buildings, including parking ramps, except those accessory buildings not visible from any exterior lot line. Exterior materials of structures are subject to the following:

1. Classes of materials. For the purpose of this subsection, materials are divided into Class 1, Class 2, Class 3, and Class 4 categories as described below.

a. Class 1:

- (1) Fired clay face brick.
- (2) Natural stone, ~~synthetic-manufactured~~ or cultured stone.
- (3) Transparent glass, opaque or mirror window panels.

(4) Other comparable or superior materials as determined by the Community Development Director.

b. Class 2:

- (1) Concrete brick.
- (2) Masonry stucco/synthetic stucco.
- (3) Specialty concrete block such as textured, burnished block or rock faced block.
- (4) Tile.

c. Class 3:

- (1) Architectural metal panels.
- (2) Vinyl siding.
- (3) Cement board or engineered wood siding.
- (4) Architecturally finished precast concrete panels; grade A or B, but not grade C.
- (5) Exterior finish insulation system (EFIS).

d. Class 4:

- (1) Glass block.
- (2) Smooth concrete block.
- (3) Smooth scored concrete block.
- (4) Steel or aluminum siding.
- (5) Wood.

E. Architectural design/compatibility. The exterior architectural appearance of the proposed structure shall complement the existing structures and intended character of the immediate area, taking into consideration building materials, size, shape and heights.

F. Window treatment. The use of bars, chains or similar security devices that are visible from a public street or sidewalk are prohibited.

G. Equal façade treatment. "Three hundred sixty degree (360°) architecture" is required, meaning that facades must be designed to be viewed from all directions. At a minimum, the same window types and similar trim detailing must be used on all sides. This requirement shall not be applicable to walls or roof surfaces which are completely screened from view by other buildings.

H. Residential zoning districts.

1. Single family detached dwellings.

a. Width. The minimum width of the main portion of the structure shall be not less than twenty feet (20'), as measured across the narrowest portion.

b. Placement. Every dwelling shall be placed so that the apparent entrance or front of the home faces or parallels the principal street frontage, except where the lot size exceeds one (1) acre.

2. Multi-family attached dwellings.

a. Width. The minimum width of the main portion of the structure shall be not less than twenty feet (20') as measured across the narrowest portion in relation to townhomes, duplexes, and other housing products deemed similar by City Staff.

b. Placement. Every dwelling shall be placed so that the apparent entrance or front of the home faces or parallels the principal street frontage.

3. Apartments and nonresidential.

a. Materials. Residential buildings of more than six (6) units and nonresidential or mixed-use buildings must use at least three (3) different Class 1 materials and be composed of at least sixty-five percent (65%) Class 1 or 2 materials and not more than ten percent (10%) of Class 4 materials.

b. The following materials are not acceptable:

- (1) Unadorned plain or painted concrete block;
- (2) Tilt-up concrete panels;
- (3) Synthetic stucco products; and
- (4) Reflective glass.

c. All building facades visible from a public street or walkway shall employ material and design features similar to those of the front facade.

I. Business Districts.

1. Materials. Must use at least three (3) different Class 1 or 2 materials and be composed of at least sixty-five percent (65%) Class 1 materials and not more than ten percent (10%) of Class 4 materials.

2. Exception. The Planned Business District (PB) shall follow the architectural standards for industrial districts as defined in Section I below.

J. Industrial Districts.

1. Materials. Must use at least two (2) different Class 1 or 2 materials and be composed of at least sixty-five percent (65%) Class 1 or 2 materials and not more than ten percent (10%) of Class 4 materials.

2. For industrial zoned property only, grade A or B architecturally finished precast concrete panels are considered a Class 2 material. Grade C precast panels are prohibited.

3. In industrial districts no wall that faces a public right of way, park or a residential use or district, may have an uninterrupted length exceeding one hundred feet (100') without including at least two (2) of the following: change in plane, change in texture or masonry pattern, windows, or an equivalent element that subdivides the wall into human scale proportions.

§ 11-3-12: LANDSCAPING:

A. Purpose and objective.

1. Purpose. Landscaping promotes immediate and long-term public health, safety, economic stability and general welfare of the City. Landscaping improves the livability of residential neighborhoods, enhances the appearance and customer attraction of commercial areas, increases property values, improves the compatibility of adjacent uses, screens undesirable views, protects against erosion and reduces air and noise pollution. Uniform standards of development and maintenance of landscaping are established to promote a reasonable balance between the right of individuals to develop and maintain their property in a manner they prefer, while creating pleasant, attractive and safe surroundings for the community.

2. Objective. Required landscaped areas serve the following objectives:

- a. Protect against soil erosion.
- b. Reduce hazards of flooding.
- c. Absorb carbon dioxide and supply oxygen.
- d. Reduce the effects of noise, glare, dust and other objectionable activities.
- e. Safeguard and enhance property values.
- f. Promote the pleasant appearance and character of neighborhoods and cities.
- g. Shade of plants promotes cooling effects.
- h. Facilitate the safe movement of traffic.
- i. Promote quality development.
- j. Promote orderly growth.
- k. Provide buffering and screening between different intensities of land use.

l. Aid in water conservation and water quality protection by requiring the use of plant material native to this climate in landscaping and retention of existing natural vegetation thereby reducing the need for irrigation, pesticides, herbicides and fertilizers.

B. Minimum landscape requirements.

1. Locations. The following areas of a site are required to be kept as landscaped areas:

a. Parking lot.

(1) Perimeters. The area within fifteen feet (15') of a parking lot perimeter shall be landscaped with clustered landscaped materials.

(2) Interior. Parking lots with more than twenty-five (25) parking stalls shall contain interior landscaped islands or other landscaped traffic control or natural stormwater management features making up at least eight percent (8%) of the parking lot area in size, meeting the following specifications:

(a) Islands adjacent to single vehicle perpendicular parking rows must be a minimum of five feet (5') wide and sixteen feet (16') in length; islands adjacent to double vehicle perpendicular parking rows must be a minimum of five feet (5') wide and thirty-two feet (32') in length.

(b) Islands adjacent to single vehicle diagonal parking rows must be a minimum of eighty (80) square feet; islands adjacent to double vehicle diagonal parking rows must be a minimum of one hundred sixty (160) square feet.

(c) Islands must be defined by concrete curbing.

(d) In lieu of multiple small freestanding landscaped islands, internal landscape area requirements may be met by the placement of large linear landscaped areas that define traffic lanes and break up large hard surface expanses.

b. Building perimeters.

(1) The sides of a building that face a public street or parking lot shall be landscaped for a length equal to one-half (1/2) of the building dimension, with the landscaped region having an average depth of four feet (4').

(2) Existing buildings that have difficulty providing building perimeter landscape areas because of existing site conditions, may substitute alternative landscape area designs to satisfy the requirements of this Section.

c. Boulevards and right-of-way easements.

(1) Areas shall be sodded from the curb to the property line at the time of completion of the site landscaping.

(2) Plantings and locations of materials shall have the approval of the Public Works Director or designee prior to installation. All maintenance or replacement of landscape materials is the sole responsibility of the property owner.

(3) Areas in a dedicated public right-of-way or right-of-way easement are not included in the calculations of the total minimum required landscaping or open space of a site.

d. Storage, loading and mechanical areas of a building.

(1) Screening must be provided around exterior storage, exterior loading, service and mechanical areas to screen the uses from view by adjacent property or streets.

(2) Screening may consist of fences, walls, earth berms and landscape plantings. Fencing must be a City approved fence design.

(3) Walls must be compatible with the architectural treatment of the principal structure.

2. Groundcover. Commercial, industrial or residential sites. Back of curb to rear of lot line shall be sodded.

a. Exceptions.

(1) Properties within rural residential or agricultural zoning districts may be seeded.

(2) On sites of five (5) acres or more, the City Staff may approve plantings of native prairie grasses and wildflowers in front yards, or side and rear yards adjacent to a public roadway. A long-term maintenance strategy shall be provided for approval by City Staff.

C. Landscaping materials.

1. Materials. All landscaping in required landscaped areas shall be proportionately balanced with other features on the site and shall consist of a combination of three (3) or more of the following:

- a. Sod;
- b. Mulch;
- c. Shrubs;
- d. Coniferous trees;
- e. Ornamental trees;
- f. Overstory trees;
- g. Decorative rock;
- h. Decorative site amenities;
- i. Any other decorative landscape treatment; and/or
- j. Berms.

2. Size. The following table lists the minimum size requirements for landscaping vegetation:

Vegetation	Caliper/Gallons	Height
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Ornamental tree	1.5 inch	
Overstory tree	2.5 inch	
Coniferous tree		6 feet
Shrubs		18 inches
Street Tree	2.5 inch	

Caliper Measurements. Caliper measurements shall be taken six inches (6") above grade for trees under four inches (4") in diameter and twelve inches (12") above grade for trees larger than four inches (4").

3. Landscaping and installation standards.

a. Plant Materials. All plant material shall conform to and be installed in accordance with the most current edition of the American Standard for Nursery Stock as published by the American Association of Nurserymen, and professional horticultural standards as established by the most current edition of the Landscape Construction Reference Manual as published by the Minnesota Nursery and Landscape Association. All new trees shall be balled and burlapped for installation.

b. Species: No required overstory trees shall include the following species: any tree on the Minnesota Department of Natural Resources invasive species list, ash, elm, or box elder tree.

D. Residential developments. The minimum required tree and shrub requirements for all residential developments are as follows:

Vegetation Type	Minimum Size	Single-Family Dwellings	Townhouse Developments	Multiple-Family Dwellings
Coniferous trees	6 feet	May be substituted for any of the overstory deciduous trees (maximum of 2)	1 per unit, but may be substituted on a 1 for 1 basis for the overstory deciduous trees	Minimum of 30% of required overstory trees must be coniferous
Ornamental deciduous trees	1.5 inch (caliper)		2 may be substituted for 1 overstory (maximum substitution equals 25% of required overstory trees)	2 may be substituted for 1 overstory (maximum substitution equals 50% of

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				required overstory trees)
Overstory deciduous trees	2.5 inch (caliper)	On lots 60 feet wide or less: 2 per lot On lots greater than 60 feet wide: 3 per lot, no less than 2 different species	1 per 40 linear feet of site perimeter	1 per 40 linear feet of site perimeter, not including the street tree
Shrubs	18 inch height	10 per unit	5 per unit	1 per 5 linear feet of site perimeter
Street tree	2.5 inch (caliper)	1 per adjacent street	1 per unit	Not required

1. All non-residential uses in a Residential District shall meet the Business and Industrial Development landscaping standards in section 11-3-12 (F).

2. Street trees.

a. One (1) tree must be planted in the front yard right-of-way of every subdivided lot in a manner determined by the City Forester. Street trees may be planted in the street boulevard or in the front yard of the lot as determined by City Staff. On corner or double fronted lots, one (1) street tree must be planted on each side of the lot adjacent to a street.

b. The location, size and type or species of trees planted shall be of mixed varieties and shall be approved by the City Forester and shall include those with root structures unlikely to interfere with utility lines or sidewalks or otherwise cause nuisance or damage.

c. The minimum size of trees to be planted as street trees or right-of-way replacement trees shall be two and one-half inches (2 ½") caliper.

d. The City Forester shall review and approve proposed street tree locations per the approved landscape plan.

e. On streets having sidewalks, street trees will generally be planted between the curb and the sidewalk.

~~23.~~ Residential district landscape buffer along major roadways.

a. Purpose. The City recognizes the need to protect new and existing residential developments in R-2 through R-5 residentially zoned districts from the detrimental effects adverse impacts of being located adjacent to principal arterials, minor arterials expander, and major and minor collectors as defined in the City's comprehensive plan ("Major Roadways"), including concerns for safety, noise, light, glare and emissions. In the interest

of the health, safety, and welfare of residents, new developments adjacent to Major Roadways must provide for landscaping and screening lying outside and parallel to the road right-of-way.

b. Requirements. For ~~all residential and nonresidential developments within the R-2 through R-5 residentially zoned districts~~ ~~new single family residential developments that trigger a preliminary and final plat and all multi-family residential developments that include rear lot~~ frontage along a Major Roadway, the landscape plan must provide an average of a fifty-foot (50') buffer, but not less than a thirty-foot (30') buffer, running parallel to the rear lot line for the purposes of creating a barrier to the Major Roadway. The buffer shall be a combination of trees, fences and shrubs that create a minimum of fifty percent (50%) year-round opacity at maturity.

c. Maintenance. The proposed ~~residential~~ developments shall also include a plan to protect and maintain the tree buffer. This could include a homeowners association or some other form of protection as approved by City Staff, which incorporates the buffer into rear yard landscaping.

~~F~~E. Business and industrial developments.

1. Minimum vegetation requirements for open space: Each development must have at least the minimum percentage open space shown in the following table:

	All Nonresidential Uses In AG and R Districts, Mixed Use, And B-1 Districts	B-2, B-3 and P-B Districts	Industrial Districts
Total gross development site	30%	20%	15%

2. The open space areas must not be covered by a building or other impervious surface, and must be planted with trees, shrubs, flowers, native plant species or similar plantings and covered with sod, landscape rock or mulch. Areas used for demonstrated parking cannot be used to fulfill the open space requirement.

3. Tree and Shrub Calculations. The number of trees and shrubs required shall be calculated by multiplying the site area in square feet by the coefficients in the following table for each landscape material:

Zoning District	Overstory Deciduous	Coniferous	Shrubs
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All nonresidential uses in all AG and R districts, B-1, Mixed Use, and (site area minus stormwater basins)	0.0002786	0.0002600	0.0006
B-2, B-3 and P-B (site area minus stormwater basins)	0.0001858	0.0001733	0.0004
Industrial (site area minus stormwater basins)	0.0001392	0.0001300	0.00039

FG. Building Permits and Certificates of Occupancy.

1. Financial Guarantee and Warranty. For new construction in industrial, business and residential districts with common lot landscaping, no building permit shall be issued until the required landscaping plan has been submitted to and approved by City Staff, and a cash escrow, or irrevocable letter of credit from an approved banking institution, has been posted and approved by the City. The required financial guarantee shall be one hundred fifty percent (150%) of the cost of the landscaping project. Once the approved and required landscape has been installed, the City shall inspect to verify completion and reduce the financial guarantee by fifty percent (50%). The remaining financial guarantee shall be in effect for one (1) year from the date of verified installation to ensure the installation, survival and replacement of the landscaping improvements. The landscaping improvements must survive one (1) full growing season from the date of the installation, and any plantings that do not survive shall be replaced.

2. Installation of Landscaping. After an escrow or irrevocable letter of credit has been posted, the landscaping material required in the approved landscaping plan shall be installed within six (6) months after the date of posting the bond or irrevocable letter of credit. A 1-month extension of the planting period may be granted by City Staff upon a demonstration by the property owner or developer that such an extension is warranted because of adverse weather conditions or unavailability of required plant materials. No more than three (3) such one (1) month extensions may be granted. The City may draw upon any posted financial guarantee if the required landscaping improvements have not been installed by the specified completion time or any plantings that have not survived a period of one (1) year have not been replaced.

HG. Irrigation. Irrigation shall be provided for all sodded and landscaped areas. Said irrigation shall consist of an underground sprinkling system that is designed by a professional irrigation installer to meet the water requirements of the site's specific vegetation. The system shall be detailed on the landscape plan. Systems are permitted in the public right-of-way. The maintenance and repair of all private irrigation systems placed in public rights-of-way shall be the responsibility of the system owner. Irrigation systems that will interfere with any improvement projects in the public right-of-way shall, upon notification, be moved by the system owner at the system owner's expense prior to the project commencement. Any additional improvement project costs incurred as a result of irrigation systems that are not removed after notification shall be the responsibility of the

system owner. Irrigation systems shall be so designed and installed that they do not spray across public streets or sidewalks.

H. Public landscaping care. The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within any public right-of-way or public grounds as may be necessary to ensure the proper health of the vegetation or surrounding vegetation, the general public safety or to preserve or enhance the symmetry and beauty of such public ground.

H. Landscape plan submittal requirements.

1. Plan required. A detailed landscape plan prepared by a professional landscape company, an accredited landscape technician or a landscape architect registered by the state shall be submitted for review and approval by the planning division with any application for a building permit for a new structure, a site plan approval, or a subdivision approval. Each landscape plan shall reflect the purpose statement of this Section and shall be prepared to meet the objectives and requirements.

2. Design emphasis shall be placed on the following:

- a. Screening parking view from public roadways and adjoining properties.
- b. Enhancing driveway entrance areas.
- c. Promoting the maintenance of vital sightlines of the principal use on the site.
- d. Mitigating the visual impacts of large areas of impervious surfaces.
- e. Maintaining efficient traffic and parking control.
- f. Reducing the amount of uninterrupted blank walls.
- g. Reducing the amount of contiguous hard surface areas at building entrances, along sidewalks and around other highly visible areas.

3. Plan drawings. At the time of application, all of the following information shall be indicated graphically and labeled clearly on a one (1) dimension scaled drawing electronic copy for all exhibits in the plan:

- a. Property lines, easements, and other pertinent boundary information.
- b. Adjacent and intersecting street rights-of-way, widths, and street names.
- c. Existing and proposed structures, buildings, walks, drives, landscaping and parking areas (with number of spaces noted), and any other structures. Existing items shall be differentiated from proposed.
- d. Existing and proposed utilities and utility easements.
- e. Existing and proposed two (2) foot contour lines.
- f. Corner visibility triangle areas.

- g. Tree inventory and preservation plan.
- h. Proposed plantings by location, scientific name, common name, quantity, caliper and planting method.
- i. Total square footage of parcel, buildings, parking lot interior, driveways, sidewalks, and required landscaped areas.
- j. Location, height and material of proposed screening, fencing and berms.
- k. Title block containing the following: date, name of project, name, address and phone numbers of owner, and the identity of the party who prepared the plan.
- l. Legal description.
- m. North arrow.
- n. Graphic scale of 1-inch equals forty feet (40') or larger.
- o. Adjacent land uses.
- p. Fringe information within a distance of one hundred fifty feet (150') from the project.
- q. Vegetation management plan for areas planted with native prairie grasses and wildflowers.
- r. Property identification number.

§ 11-3-13: TREE PRESERVATION:

A Site Plan Review is required if trees are being removed from the property, unless the removal meets an exception in City Code Section 11-3-13.E.

A. Purpose and objective.

1. Purpose. Trees and woodlands are considered a valuable asset to the City of Cottage Grove. The City places a priority on protecting this asset and finds that it is in the best interests of the public to regulate the development and alteration of wooded areas within the City. The City also finds that a certain amount of tree removal is an inevitable consequence of the development process and seeks to establish comprehensive standards related to reasonable tree removal and preservation.

2. Objective. In order to achieve a realistic balance between tree protection and development, the City has established standards that with compliance and enforcement will:

- a. Protect, preserve and enhance the integrity of the natural environment;
- b. Allow for orderly development within wooded areas;

- c. Minimize tree and wildlife habitat loss and maintain wildlife corridors;
- d. Protect privacy by maintaining buffers between land uses;
- e. Increase and maintain property values;
- f. Prevent and reduce soil erosion and sedimentation;
- g. Promote sound stormwater management practices;
- h. Improve air quality;
- i. Reduce noise pollution; and
- j. Enhance energy conservation through natural insulation and shading.

B. Definitions: The following words, terms and phrases when used in this Chapter shall have the meaning ascribed to them in this Section except where the context clearly indicates a different meaning.

ACTIVELY DEVELOPING SUBDIVISION: A residential subdivision that has an approved tree preservation plan, and vacant platted lots controlled by a development company that is actively promoting, selling, or building residential units.

CONIFEROUS TREE: A wood plant which, at maturity, is at least twelve feet (12') or more in height, and which retains its green color year-round and does not drop its fronds or needles in the winter.

CRITICAL ROOT ZONE: An imaginary circle surrounding the tree trunk with a radius of one foot (1') per one inch (1") of trunk diameter, such that, for example, a twenty-inch (20") diameter tree has a critical root zone with a radius of twenty feet (20').

DBH: Diameter of a tree measured four and one-half feet (4 ½') above the ground.

DRIP LINE: The farthest distance away from the trunk of a tree that rain or dew will fall directly to the ground from the leaves or the branches of the tree.

HARDWOOD DECIDUOUS TREE: A tree of one (1) of the following species: ironwood, oak, maple (hard), walnut, hickory, birch, black cherry, hackberry, or locust.

HEALTHY TREE: A healthy tree has:

1. A live top (live crown) that is greater than one-third (1/3) the total tree height,
2. Newly dead branches that make up less than fifteen percent (15%) of the total crown,
3. Less than fifteen percent (15%) of the tree crown with missing branches,
4. Foliage that is dense throughout the live portion of the crown,

5. A tree trunk with open wounds that are less than one-third (1/3) the diameter of the tree, no wounds in contact with the ground, and no wounds that have soft, punky wood or other indication of decay.

LARGE WOODLAND TRACT: A wooded area greater than or equal to seven thousand five hundred (7,500) square feet of contiguous or nearly contiguous canopy cover.

QUALIFYING TREE: A healthy tree meeting one (1) of the following definitions: a hardwood deciduous tree at least six inches (6") DBH, a softwood deciduous tree at least eight inches (8") DBH, or a coniferous tree at least ten feet (10') in height, but no trees consisting of the following species: any tree on the Minnesota Department of Natural Resources invasive species list, ash, or elm.

SOFTWOOD DECIDUOUS TREE: A tree of one (1) of the following species: cottonwood, poplar, aspen, silver maple, basswood, or willow.

C. Prohibited tree removal. The removal of qualifying trees on any property by means of clear cutting or in a systematic removal method shall be prohibited, except in accordance with a City-approved tree preservation plan or agricultural management/harvest plan, or unless it is excepted pursuant to subsection E.

D. Allowable tree removal. The following table establishes the maximum percentage of existing qualifying inches on a project site that may be removed without mitigation. Mitigation according to the tree replacement schedule is required when removal surpasses this threshold.

Land Use	Permitted removal threshold (percent of existing qualifying inches)
Residential <10 units/acre	25%
Residential >10 units/acre, Business/Commercial	40%
Industrial	50%

1. The following types of trees do not need to be included as part of the total computation of tree removals:

a. Trees determined by the City or the project arborist to be dead, dying, diseased, or seriously hazardous;

b. Trees that were planted as part of a commercial business such as a tree farm or nursery. The applicant shall provide evidence to support the finding that the trees were planted as part of a commercial business.

E. Exceptions. Tree removal is allowed without preservation plan in the following circumstances:

1. The removal of individual qualifying trees on a developed single-family residential lot that is not in a pending or actively developing subdivision.

2. The removal of shrubs, brush, buckthorn, and nonqualifying trees by a property owner.

3. The removal of trees seriously damaged by storms, other catastrophic events or disease, as verified by the City Forester.

4. The removal of trees with potential to cause serious damage as determined by the City Forester.

5. The removal of twenty-five (25) or fewer qualifying trees annually associated with agricultural or commercial horticultural use. Properties in active agricultural production of trees/tree farms shall have an agricultural management/harvest plan filed with the City for planned tree removal in excess of twenty-five (25) qualifying trees annually that shall include the following:

a. Legal description of property.

b. Crop/tree identification.

c. Acres to be managed.

d. Soil erosion control measures.

e. Removal staging plan.

6. The removal of twenty-five (25) or fewer trees.

F. Tree preservation plan. The tree preservation plan shall include separate plan sheets with the following information:

1. Contact information of applicants, property owners, developer/builder, and signature of the person preparing the plan, the certification, and employer or firm.

2. Delineation of the existing buildings, structures, or impervious surfaces situated on the site.

3. Delineation of the proposed buildings, structures, grading or impervious surfaces planned on the site.

4. Delineation of all areas to be graded and limits of land disturbance.

5. Graphic identification of all existing qualifying trees.

6. Graphic identification of all qualifying trees proposed to be removed within the construction area.

7. Tree protection plan as described below.

8. A listing of the total diameter inches of existing qualifying trees on the site.

9. A listing of the total diameter inches of healthy qualifying trees proposed to be removed.

10. Calculation of replacement trees required per the mitigation requirements this Chapter.

a. Coniferous tree calculation. Every two feet (2') in height of a removed qualifying coniferous tree is equal to one (1) qualifying inch.

11. Tree inventory prepared by a certified arborist that meets the following requirements:

a. Table listing each qualifying tree on the site and specifying its identification number (linked to a metal field tag placed on the tree's trunk five feet (5') from grade); species; size (dbh in inches for deciduous trees and height in feet for coniferous trees); classification as hardwood, softwood, or coniferous per the definitions of this Section; and whether the tree is to be preserved or removed.

b. Exception. For sites containing a large woodland tract within which no qualifying trees will be disturbed, an alternative inventory meeting the following requirements may be provided:

(1) Trees within undisturbed large woodland tracts are not required to be inventoried individually. Instead, the area of the undisturbed tract may be measured in square feet (on site or by means of an aerial photo) and divided by sixty (60) to produce a proxy that shall be counted as the number of inches the tract contributes to the total qualifying inches.

(2) All qualifying trees located on the site but outside of an undisturbed large woodland tract shall be inventoried as described in (1) above.

(3) The site's total existing qualifying inches shall be the sum of the inches contributed by undisturbed large woodland tracts and by qualifying trees outside the tract.

G. Mitigation.

1. For any development or site in which the number of qualifying inches removed exceeds the permitted removal threshold, the applicant shall mitigate the tree loss in one (1) of the following ways.

a. Planting replacement trees in appropriate areas within the development in accordance with the tree replacement schedule; or

b. Paying to the City a cash mitigation fee, based on the diameter inches of required replacement in accordance with the tree replacement schedule. The cash fee in lieu of required replacement inches shall be in accordance with the individualized calculation for the development or site and described fully in a development agreement or improvement agreement; payment shall be deposited into the public landscaping initiative fund prior to tree removal activities.

2. Landscaping credit. Replacement trees planted in accordance with a tree preservation plan and related mitigation shall be credited against City landscaping requirements.

3. Tree Replacement Schedule:

a. Quantity: Qualifying tree inches removed beyond the permitted thresholds shall be replaced at a rate of fifty percent (50%), equaling one (1) replacement caliper inch for two (2) removed diameter inches.

b. Size: Deciduous trees planted in mitigation of excessive tree loss shall have a minimum caliper of two and one-half inches (2 1/2") and coniferous trees shall be a minimum of six feet (6') tall.

c. Species: Coniferous trees or hardwood deciduous trees as defined and described in Section B are the only tree species permitted to be used as replacement trees. One (1) new conifer six feet (6') in height shall be credited as contributing two (2) caliper inches to the total of required replacement inches. Where ten (10) or more replacement trees are required, not more than thirty-three percent (33%) of the replacement trees shall be of the same species of tree. Applicants are encouraged to plant trees indigenous to the area. In no case shall a tree of a species listed on the DNR invasive species list be planted as a replacement tree.

4. Example calculation:

Total Existing Qualifying Inches	Permitted Removal Threshold	Inches Permitted to Be Removed	Inches Removed	Excess Inches Removed
1500	50%	750	1,000	250

Replacement Rate	Replacement Inches Required	Replacement Inch Credits	Replacement Trees (One Possible Combination)
50%	125	Hardwood deciduous: 2.5" Coniferous: 2"	30 hard wood deciduous and 25 coniferous

H. Tree protection plan. The applicant shall implement the tree protection plan prior to and during any grading or construction activity. In addition, tree protection measures shall remain in place until all land disturbance and construction activity is terminated or until a request to remove the tree protection measures is made to, and approved by, the City.

1. The applicant will hire a project arborist that is a certified arborist or forester to assist with all facets of tree preservation on the site.

2. The applicant shall arrange for the City and project arborist to inspect the construction site prior to the beginning of grading to ensure that protective fencing and other protective measures are in place and installed correctly, if requested by the City. Minor encroachment, grading, trenching, filling, compaction, or change in soil chemistry may occur within the fenced areas protecting the critical root zone of the trees to be saved under the direct supervision of the project arborist.

3. Qualifying trees designated for preservation which are found to be diseased, or dying, or are not suited for location into the project may be removed without penalty based upon the written recommendation of the project arborist. Documentation of qualifying trees recommended for removal by project arborist must be provided to the City prior to removal of said trees.

4. If a qualifying tree that was intended to be preserved is removed without providing prior documentation to the City, the applicant shall mitigate the unplanned tree removal through replacement at a rate of one hundred percent (100%), that is, one (1) replacement caliper inch will be required for each one (1) diameter inch of a removed deciduous tree, and one (1) replacement foot shall be required for each one foot (1') of height of a removed coniferous tree. Alternatively, unplanned tree removal shall be mitigated by payment of a cash fee equivalent to the cost of the number of new trees this replacement rate would require, in accordance with the City Forester's annual determination of the costs of new trees.

5. The City shall have the right to inspect the development and/or building site in order to determine compliance with the approved tree preservation plan. The City shall determine whether compliance with the tree protection plan has been met.

6. Required protective measures. The applicant shall complete all recommendations made by the project arborist, and shall implement the following measures to be utilized to protect qualifying trees:

a. No grade change, construction activity, or storage of materials shall occur within the drip line or critical root area of qualifying trees to be preserved.

b. Prevention of change in soil chemistry due to concrete washout and leakage or spillage of toxic materials, such as fuels or paints.

7. Warranty. Any replacement tree which is not alive or healthy, as determined by the City, or which subsequently dies, other than those damaged by storms or other acts of God, or diseased, unless caused by construction activity, within one (1) year after the date of project closure, shall be removed by the applicant and replaced with a new, healthy tree meeting the same minimum size requirements immediately after removal. The required landscaping letter of credit may be retained by the City and used to ensure the applicant conforms to this requirement.

§ 11-3-14: SIGNS:

—A. Purpose: The purpose of this Section is to protect and promote the general welfare, health, safety, and aesthetics within the City through the establishment of comprehensive standards, regulations, and procedures governing the erection, use, and/or display of devices, signs, or symbols serving as visual communicative media to persons situated within or upon public rights of way or properties. Signs are an essential element of any community. Their location, number, size, design, and relationship to each other and to other structures have a significant influence upon a community's appearance and welfare.

—B. Intent: The provisions of this Chapter are intended to encourage creativity, a reasonable degree of freedom of choice, an opportunity for effective communication, and a sense of concern for visual amenities on the part of those designing, displaying, or otherwise utilizing needed communicative media of the types regulated by this Chapter, while at the same time assuring that the public is not endangered, annoyed, or distracted by unsafe, disorderly, indiscriminate, or unnecessary use of such communicative facilities.

—C. Definitions: The following words, terms and phrases when used in this Chapter shall have the meanings ascribed to them in this Section except where the context clearly indicates a different meaning.

—ABANDONED SIGN: Any sign and/or its supporting sign structure that remains without a message or whose display surface remains blank for more than one (1) year or that pertains to a time, event, or purpose that no longer applies. ABANDONED SIGNS are not legally established nonconforming signs.

—ADDRESS SIGN: A sign on a building displaying numbers only, whether written or in numeric form, used for proper identification of the location of the building.

—ALTERATION: Any major change to a sign excluding routine maintenance, painting, or changing of copy of an existing sign.

—ANIMATED OR FLASHING SIGN: Any sign or part of a sign which changes physical position by any movement or rotation, or which gives the visual impression of such movement by use of lighting, including blinking, chasing, scrolling, or other animation effects, or signs which exhibit intermittent or sequential flashing of natural or artificial light or color effects.

—AREA IDENTIFICATION SIGN: A monument sign which identifies the name of a neighborhood, a residential subdivision, a multi-family complex consisting of three (3) or more structures or ten (10) or more units, a commercial development consisting of three (3) or more separate structures, a shopping center area, an industrial area consisting of three (3) or more structures or any combination of the above, which does not specifically identify the individual business therein.

—AWNING: A roof like cover, often of fabric, plastic, metal, or glass, designed and intended for protection from the weather or as a decorative embellishment that projects from a wall or roof of any structure primarily over a window, door, wall, or the like.

—BALLOON SIGN: A bag or membrane which is inflated with air, has air actively blown through it to inflate it, or is filled with a lighter than air gas typically intended to rise or float above the ground and is greater than twenty four inches (24") in diameter.

—BANNER: A temporary attention getting device which resembles a flag or similar type of advertisement constructed of a strip of cloth, paper, or other material supported either between poles or fastened to a

building.

—BEACON: Any light with one or (1) more beams directed into the atmosphere or directed at one (1) or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

—BENCH SIGN: A sign which is affixed or painted to a bench, such as a bus bench.

—BILLBOARD: See definition of OFF PREMISES SIGN.

—BUILDING FACADE: That portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.

—BUILDING HEIGHT: The vertical distance from the average elevation of the adjoining ground level, or the established grade adjacent to the building, whichever is lower, to the top of the cornice of a flat roof, to the deck line of a mansard roof, to a point of the roof directly above the highest wall of a shed roof, the uppermost point on a round or other arch type roof, or to the highest gable on a pitched or hip roof.

—BUILDING MARKER: Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

—BUSINESS: Any establishment, occupation, employment, or enterprise wherein merchandise is manufactured, exhibited, or sold or which occupies time, attention, labor, and materials or where services are offered for compensation.

—CANOPY: A roof like structure projecting over a doorway.

—CHANGEABLE COPY SIGN: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A CHANGEABLE COPY SIGN shall also include reader board signs.

—COMMEMORATIVE OR MEMORIAL SIGN: A sign, tablet, or plaque commemorating or memorializing a person, event, structure, or site.

—COMMERCIAL SPEECH: Speech that is advertising a business, profession, commodity, service, or entertainment.

—COPY AND GRAPHIC: The wording and other display messages such as logos or symbols on a sign.

—COPY AND GRAPHIC AREA: The area in square feet of the smallest four (4) sided figure which encloses the copy and graphic of a sign.

—DIRECTIONAL SIGN: A sign erected on public or private property which is designated to guide vehicular or pedestrian traffic.

—DISTRICT: A specific zoning district as defined in City Code Title 11.

—DYNAMIC DISPLAY: Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink", video display, or any other method or technology that allows the sign face to present a series of images or displays.

—ERECT: The activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing, or any other way of bringing in to being or establishing.

—FACADE: A false, superficial, or artificial appearance of a building side, given special architectural treatment.

—FLAG: Any fabric or similar lightweight material attached at one (1) end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and that contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

—FLASHING SIGN: An illuminated sign which contains flashing lights or exhibits noticeable changes in color or light intensity.

—FREESTANDING SIGN: A sign that is placed in the ground and not affixed to any part of a structure or building.

—FRONTAGE: For purposes of this Chapter, the front side of a building or tenant space.

—GOVERNMENTAL SIGN: A sign which is erected by a governmental unit for the purposes of identification, information, or directing or guiding traffic.

—GRADE: For purposes of this Chapter, the elevation or level of the ground at the place the sign is to be erected.

—GROSS SIGN AREA CALCULATION: The method of calculating the allowable square footage of signs shall be as follows:

—A. Individual Letters or Figures: When attached onto a surface such as a building, canopy, wall, or awning, the area shall be the smallest rectangle that encompasses all of the letters

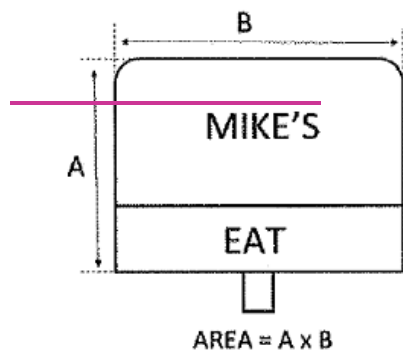
or symbols unless the letters and/or symbols are separated by two feet (2') or more in length, in which case the letter(s) and symbol(s) area shall be calculated separately and added together.



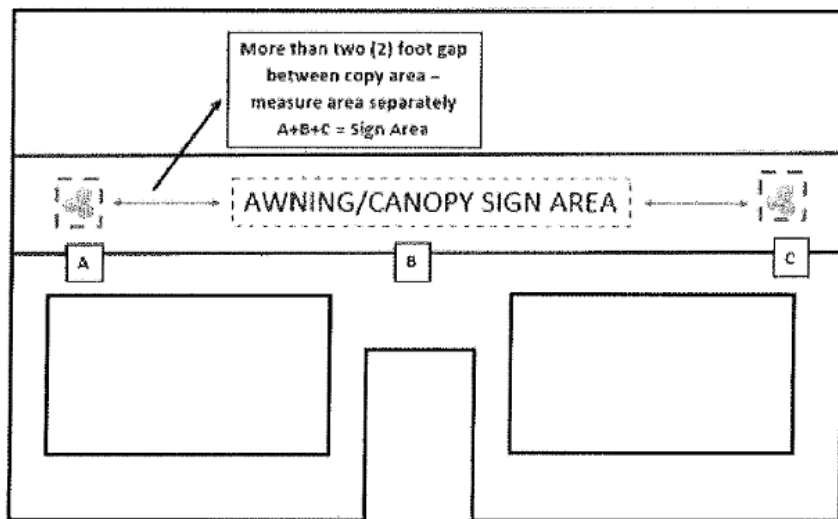
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—B. Monument and Pylon Signs: The smallest rectangle, square, circle, triangle, or combination thereof that will encompass the entire area of the sign face, including all lettering, wording, and accompanying designs and symbols, together with all the background, whether open or enclosed, on which they are displayed and in no case passing through or between elements of such sign. The area shall not include the main supporting sign structure but shall include other ornamental attachments that are not a part of the main support of the sign.





—C. Wall Signs: The smallest rectangle, square, circle, triangle, or combination thereof that will encompass the entire area of the frame, including all lettering, wording, and accompanying designs and symbols, together with all the background, whether open or enclosed, on which they are displayed and in no case passing through or between elements of such sign. The area shall not include the main supporting sign structure but shall include other ornamental attachments that are not a part of the main support of the sign. Letter(s) and symbol(s) separated by two feet (2') or more in length shall be calculated separately and added together.



—HEIGHT: The vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.

—IDENTIFICATION SIGN: Any sign which states the name or address or both of the business or occupant of the lot or building where the sign is placed and may be a directory listing the names, addresses, profession or occupation, and business of occupants.

—ILLEGAL SIGN: A sign that is erected without first complying with all City ordinances and regulations in effect at the time of its construction and erection or use. Abandoned signs and unsafe signs are also illegal signs.

—ILLUMINATED SIGN: Any sign that contains an element designated to emanate artificial light internally or externally.

—INFORMATIONAL SIGN: Any sign erected for the safety or convenience of the public including “no parking”, “entrance/exit”, “loading only”, “telephone”, “manager’s office”, “danger”, and other signs that do not promote or contain advertising or identification of a business, property, or product.

—LEGALLY ESTABLISHED NONCONFORMING SIGNS: Any sign and its support structure lawfully erected prior to the effective date of any provision of this Chapter that fails to conform to the requirements of this Chapter.

—LIMITED TENANT BUILDING: A commercial retail establishment or a group of commercial retail establishments with the designed occupancy of three (3) or fewer tenants which has shared parking and a visual appearance as a contiguous structure which may or may not be planned, constructed, or managed as a total entity. This includes single tenant retail structures.

—LOGO: A symbol, image, insignia, word, word abbreviation, or initials which are designed for easy recognition, and which represents or identifies in graphic form, a nation or organization of nation; businesses; states or cities; or fraternal, religious and civic organizations or any educational institutions, irrespective of whether they are made of permanent, semipermanent, or temporary materials.

—MERCHANDISE SIGN: A temporary A frame or sandwich board style sign advertising merchandise or services displayed outside an enclosed building.

—MONUMENT SIGN: A freestanding sign independent from any building or other structure that is mounted on the ground or mounted on a base that is at least as wide as the sign, but in no event shall the base exceed one hundred fifty percent (150%) of the greatest width of the sign. A MONUMENT SIGN is typically solid from grade to the top of the structure; however, a monument sign may include open area below the face of the sign if the sign complies with the monument sign supporting sign structure design criteria.

—MOTION SIGN: Any sign which revolves, rotates, has any moving parts, or gives the illusion of motion including animated or flashing signs.

—MURAL: A work of graphic art painted on a building wall, which contains no commercial advertising or logos and which does not serve to advertise or promote any business, product, activity, service, interest, or entertainment.

—NAMEPLATE: See definition of IDENTIFICATION SIGN.

—NONCOMMERCIAL FLAG: Any flag other than a business or commercial flag, including, without limitation, a flag of any governmental, religious, charitable, fraternal, or political organization or cause.

—NONCOMMERCIAL SIGN: A sign that does not contain speech but promotes a message concerning political, religious, social, ideological, public service, or informational topics.

—NONCONFORMING SIGN:

—ILLEGAL: A sign which was constructed after the passage of the ordinance codified in this Chapter or amendments thereto which does not conform to the requirements of this Chapter which were in effect on the date of construction of the sign.

—LEGAL: A sign which lawfully existed prior to the passage of the ordinance codified in this Chapter or amendments thereto but which does not conform to this Chapter.

—OBSOLETE SIGN: Any sign which no longer advertises a bona fide business conducted or products sold at that location or premises where the sign is located.

—OFF PREMISES SIGN: A sign bearing a commercial message that is located on a property that is not the premises, property, or site of the use identified or advertised on the sign.

—ON PREMISES SIGN: A sign bearing a commercial message that is located on the premises, property, or site of the use identified or advertised on the sign.

—PARAPET: A low wall which is located on a roof of a building.

—PENNANT: A relatively long tapering flag.

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

—PROJECTING SIGN: A sign other than a wall sign which is affixed to a building and which extends perpendicular from the building wall.

—PYLON SIGN: A sign supported by a post or posts so that the sign and supports are finished to grade and the post or posts are encased in a material consistent with the sign and where the base width dimension is a minimum of forty percent (40%) of the width of the sign.

—REAL ESTATE DEVELOPMENT SIGN: A sign placed on the premises of a subdivision or other real estate development related to the subdivision or real estate development.

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

—**ROOF SIGN:** Any sign erected and constructed wholly upon the roof or parapet of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

—**ROOF SIGN, INTEGRAL:** Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches (6").

—**ROOFLINE:** The uppermost line of the roof of a building or in the case of an extended facade, the uppermost height of such facade.

—**ROTATING SIGN:** A sign which revolves or rotates on its axis by mechanical means.

—**SHOPPING CENTER:** An integrated grouping of commercial stores where the building/structure which houses the store is under single ownership or control.

—**SIGN:** Any letter, word, symbol, device, poster, picture, reading matter, or representation in the nature of an advertisement, announcement, message, or visual communication, whether painted, posted, printed, affixed, or constructed, which is displayed outdoors for informational, corporate identification, or communicative purposes and is visible to the general public.

—**SIGN STRUCTURE:** The supports, uprights, raceway, bracing, and framework for a sign, including the sign area.

—**STREET FRONTAGE:** The proximity of a parcel of land to one (1) or more streets. An interior lot has one (1) street frontage, and a corner lot has two (2) frontages.

—**TEMPORARY SIGN:** Any sign which is erected or displayed for a limited period of time, including signs affixed or attached to vehicles, including trailers, and capable of being readily removed such as fliers, banners, inflatable signs, A-frame signs, or flying signs.

—**UNSAFE SIGN:** Any sign that is out of order, in disrepair, rotten, hazardous, or in any other manner unsafe.

—**WALL SIGN:** A sign which is affixed to the exterior wall of a building and which is parallel to the building wall and which does not project more than twelve inches (12") from the surface to which it is attached, nor extend beyond the top of the parapet wall.

—**WINDOW SIGN:** A sign affixed to or inside of a window in view of the general public. This does not include merchandise on display or business hours.

—**D. Permits:**

—**1. Sign Permit Requirements:** All signs must be constructed in accordance with all applicable City Code provisions, including requirements for obtaining permits and payment of required fees. No sign, unless exempted by this Chapter, shall be erected, altered, reconstructed, or moved in the City without first securing a permit from the City.

~~— a. Application for Permit: The following information shall be submitted within or along with the permit application for a sign:~~

~~— (1) Name, address, and telephone number of person making application.~~

~~— (2) Name, address, and telephone number of person owning the sign.~~

~~— (3) A site plan drawn to scale showing the location of lot lines, buildings, structures, parking areas, existing and proposed signs, and any other physical features of the property where the sign will be located.~~

~~— (4) Plans, location, specifications, number of signs and their dimensions and square footage, and method of construction and attachment to the building or placement method in the ground.~~

~~— (5) Copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this Chapter and all other state or federal laws and ordinances of the City.~~

~~— (6) Written consent of the owner or lessee of any site on which the sign is to be erected if the applicant is not the owner of the property.~~

~~— (7) Such other information as is required by the Building Official or Community Development Director to show full compliance with this Chapter and all other state or federal laws and ordinances of the City. The Building Official may waive subsections D.1.a(4) and D.1.a(5) of this Section.~~

~~— b. Sign Contractors: License Required; Application, Fee: No person shall install, erect, or maintain any sign within the City for which a permit is required without having first obtained a license from the City pursuant to City Code Title 3, Chapter 1. Upon submission of a complete application, the license may be approved administratively by the City Clerk.~~

~~— 2. Exceptions: No permit or license for the sign installation thereof shall be required for the following signs which shall be permissible in all zoning districts. These exceptions shall not be construed so as to excuse the installer of the sign, or the owner of the property upon which the sign is located, from conforming to the other provisions of this Chapter, the Zoning Ordinance, or this Code.~~

~~— a. Address Signs: Address signs not exceeding three (3) square feet.~~

~~— b. Noncommercial Flags: Noncommercial flags.~~

~~— c. Building Markers: Building markers not exceeding four (4) square feet.~~

~~— d. Commemorative or Memorial Signs: Commemorative or memorial signs not exceeding four (4) square feet.~~

~~— e. Noncommercial Signs: Noncommercial signs in accordance with the following:~~

~~— (1) In a state general election year, all noncommercial signs of any size may be posted in any number within or outside the public right of way on private property from~~

~~forty-six (46) days before the state primary in a state general election year until ten (10) days following the state general election. Noncommercial signs may be placed in a City right of way on private property only if they are located more than ten feet (10') from the back of the curb or more than two feet (2') from the edge of a sidewalk or trail, whichever is farthest from the street curb and/or mounted on the face of a fence if the fence is less than ten feet (10') from the back edge of the street curb or less than two feet (2') from the edge of a sidewalk or trail.~~

~~——(2) If there is a primary for any office in a year that is not a state general election year, noncommercial signs may be posted within or outside the public right of way on private property twenty-one (21) days before the primary election. When there is no primary, noncommercial signs may be posted twenty-one (21) days before the general election.~~

~~——(3) All noncommercial signs except those otherwise permitted by this Chapter must be removed within ten (10) days following the general election.~~

~~——f. Public Notices or Signs Required: Official public notices or signs required by local, state, or federal regulations and all governmental signs, including, but not limited to, traffic control and other regulatory purpose signs, street signs, informational signs, danger signs, and railroad crossing signs.~~

~~——g. Window Signs: Window signs placed within a building and within view of the general public not exceeding forty percent (40%) of total window area in accordance with the following:~~

~~——(1) Window signs consisting solely of individual alphabetic letters, numerals, or other symbolic characters without any background may be displayed but the net area of the window sign shall not cover more than forty percent (40%) of the total window area.~~

~~——(2) A window sign that includes opaque objects, logos, and other images with any type of background may be displayed, but the net area of the window sign shall not exceed forty percent (40%) of the total window area. Opaque objects without any lettering, numerals, other symbolic characters, logos, or any other images are limited to window coverage area.~~

~~——(3) The "total window area" shall be measured and calculated so as to include one (1) continuous panel of glass or other transparent material or a set of two (2) or more panels divided by mullions of six inches (6") in width or narrower. Panels surrounded on all sides by solid walls or mullions wider than six inches (6") shall be considered individual windows.~~

~~——(4) The net area shall be determined by measuring a box around each group of characters, objects, images, logos, and any background to the objects, images, and logos.~~

~~——(5) For purposes of this Section, any banner attached to the outside of a window shall not be considered a window sign and shall be considered a temporary sign for which a permit is required.~~

~~—— (6) Hours of operation and “open”/“closed” signs shall not be included in window sign area calculation.~~

~~—— (7) Window signs may be illuminated, but flashing lights are prohibited.~~

~~—— h. Signs Not Exceeding Three Square Feet of Display Surface: A sign not exceeding three (3) square feet of display surface on a residential building stating merely the name, address, and/or profession of an occupant.~~

~~—— i. Informational and Directional Signs: Informational and directional signs posted on the premises to which they pertain, provided the signs are no more than four (4) square feet in size per sign.~~

~~—— j. Merchandise Signs: Merchandise signs in accordance with the following:~~

~~—— (1) Must be within twenty feet (20') from the main entrance to the business or service being advertised.~~

~~—— (2) Must be removed at the end of each business day.~~

~~—— (3) May be no larger than six (6) square feet in size per side.~~

~~—— (4) Merchandise signs in the public right of way or public easements are prohibited.~~

~~—— k. Nameplate: Nameplate not exceeding two (2) square feet in size.~~

~~—— l. Temporary Real Estate Development Signs: New construction temporary real estate development sign(s) advertising new construction are permitted in accordance with the following:~~

~~—— (1) One freestanding temporary sign permitted announcing the development no larger than thirty-two (32) square feet and not exceeding more than eight feet (8') in height.~~

~~—— (a) Sign is permitted to be located on the property under development.~~

~~—— (b) Sign shall be set back at least twenty feet (20') from all property lines.~~

~~—— (c) Sign shall be allowed until eighty percent (80%) of the construction in the development is completed.~~

~~—— (d) If an area identification sign exists on the site, then the new construction temporary sign must be located a minimum of two hundred feet (200') away from the area identification sign.~~

~~—— (2) No more than three (3) temporary directional signs for each model home may be posted within the subdivision.~~

~~—— (a) Sign(s) may be no more than eighteen inches by eighteen inches (18" x 18") in size.~~

~~—— (b) Must be located within the developing subdivision.~~

~~——(c) May not be closer than ten feet (10') to the back of the curb nor closer than two feet (2') to any sidewalk or trail.~~

~~——(d) Sign(s) shall be allowed until eighty percent (80%) of the construction in the development is completed.~~

~~——m. Real Estate Signs: On site real estate signs for the sale or lease of property are allowed subject to the following regulations:~~

~~——(1) One sign per street frontage is permitted.~~

~~——(2) In residential districts, signs must not exceed six (6) square feet in area and six feet (6') in height.~~

~~——(3) Permitted as window signs not exceeding forty percent (40%) of total window area.~~

~~——(4) In nonresidential districts, one (1) banner sign attached to the principal structure no larger than thirty-two (32) square feet and/or a freestanding sign with a maximum height of twelve feet (12') and no larger than thirty-two (32) square feet is permitted.~~

~~——(5) Real estate signs must be removed within seven (7) days following lease or sale closing or building is fully occupied.~~

~~——n. Official Government Flags/Emblems: Official government flags and emblems.~~

~~——o. Home Security Signs: Home security signs, "no trespassing", and "no parking" signs provided that the total signage on any individual tax parcel shall not exceed two (2) square feet in area and such signs shall not be illuminated or placed in the public right of way.~~

~~——p. Murals: Murals.~~

~~——3. Prohibited Signs: The following signs are specifically prohibited in any district:~~

~~——a. Motion Signs: Motion signs, including rotating, animated, and flashing signs other than dynamic display signs as permitted elsewhere in this chapter.~~

~~——b. Roof Signs: Roof signs.~~

~~——c. Signs Painted on Walls: Signs painted on walls excluding murals.~~

~~——d. Obsolete or Abandoned Signs: Obsolete or abandoned signs shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure, or property upon which the sign may be found within ten (10) days after written notification from the building official.~~

~~——e. Illegal Signs: Illegal signs and illegal nonconforming signs.~~

~~——f. Signs Attached to Utility Poles, Streetlights, and Trees: Signs attached to utility poles, streetlights, and trees other than governmental or traffic signs.~~

—g. Searchlights or Beacons: Searchlights or beacons unless otherwise permitted with a special event permit or grand opening permit.

—h. Signs on Bridges and Overpasses: No person shall display, place, erect, post, maintain, install, affix, or carry any sign, including a hand carried sign, on any portion of a pedestrian bridge or overpass that passes over a freeway or a controlled access highway when such highway has a speed limit of more than fifty five (55) miles per hour.

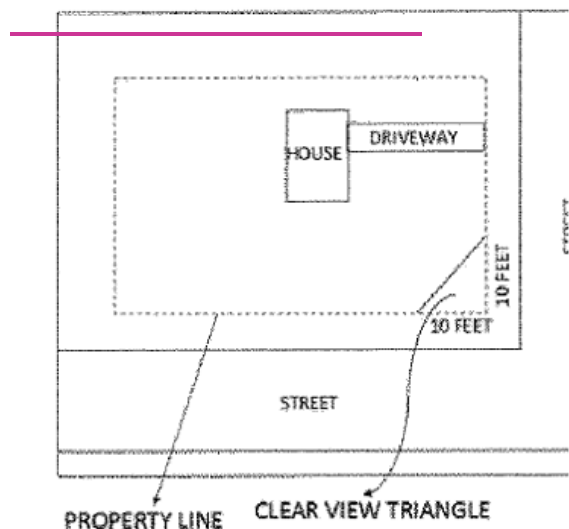
—i. Unsafe or Dangerous Signs: No sign shall be permitted that is a hazard to the public health, safety, convenience, or general welfare.

—j. Benches and Bus Shelter Signs: Signs on bus shelters and bus benches are prohibited.

—k. Tethered Balloons/Balloon Signs: Tethered balloons and balloon signs.

—l. Off Premises Signs: Off premises signs.

—m. Signs Within the Clear View Triangle: On corner lots, no signs are permitted within a clear view triangle. The clear view triangle is that area that begins at the intersection of the front property line and corner side property line and is measured back ten feet (10') along both property lines. Those points are then connected with a straight line.



—n. Obscene Contents of Signs: No sign shall contain any obscene matter as defined by Minnesota Statutes Section 617.241.

—o. Pennants: Pennants.

—p. Signs Containing Audio Speakers: Signs containing audio speakers or any form of pyrotechnics.

—q. Obstructing Signs: Signs that obstruct windows, doors, fire escapes, or an opening intended to provide ingress or egress to any structure or building.

—r. Signs Affixed to Fences or Natural Surfaces: Signs affixed to fences, trees, rocks, or other similar natural surfaces, or attached to public utility poles, bridges, towers, or similar public structures.

—s. Signs That Resemble Traffic Signs/Signals: Signs that appear in color or design to resemble a traffic sign or signal or that make use of words, symbols, or characters in such a manner as to interfere with, mislead, or confuse pedestrian or vehicular traffic.

—E. General Provisions:

—1. Sign Chart:

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Sign Type	Zoning District													References	
	AG-1 & AG-2	R-1 & R-2	R-2.5	R-3, R-4, R-5, & R-6	R-2A, R-2B, R-2C & R-2D	R-2E & R-2F	B-1	B-2 & B-3	P-B	N-B	I-1, I-2 & I-3	I-4	I-5		
Abandoned	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	9-8-3C4	
Address	A	A	A	A	A	A	A	A	A	A	A	A	A	9-8-3B1	
Animated or flashing	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	9-8-3C1	
Area identification	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	9-8-5A1	
Awning	n/a	n/a	n/a	n/a	n/a	n/a	A	A	A	A	A	A	A	9-8-6C	
Balloons and tethered balloons	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	9-8-3C11	
Banner ———— temporary	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	9-8-5A2 9-8-6D	

[illegible]

Obsolete	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	9-8-3C4
On—premises temporary	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	9-8-3B5 9-8-5A2 9-8-6D
Projecting	n/a	n/a	n/a	n/a	n/a	n/a	PR	PR	PR	PR	PR	PR	PR	9-8-4N
Pylon	n/a	n/a	n/a	n/a	n/a	n/a	PR	PR	PR	PR	PR	PR	PR	9-8-6A
Real-estate	A	A	A	A	A	A	A	A	A	A	A	A	A	9-8-3B13
Real—estate development	A	A	A	A	A	A	n/a	n/a	n/a	n/a	n/a	n/a	n/a	9-8-3B12
Roof	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	9-8-3C2
Wall-sign	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	9-8-6B
Window	A	A	A	A	A	A	A	A	A	A	A	A	A	9-8-3B7

~~—2. Color of Signs: All signs which have their backs visible to public view shall have such backs painted in a neutral color compatible with the background against which they are set.~~

~~—3. Signs Affixed Flat Against Building Walls: No sign affixed flat against a building wall shall extend beyond any edge of such wall, nor shall any such sign extrude more than twelve inches (12") from the wall.~~

~~—4. Changing Copy of Sign: The changing of the copy or message of a painted, plastic face, or printed sign is permitted provided that there is no change in the size, shape, or lighting of the sign and provided that such change is not done in a manner so as to constitute a flashing sign.~~

~~—5. Compliance with Building and Electrical Code: All signs shall comply with all applicable provisions of the building code and, if applicable, electrical code.~~

~~—6. Approval of Property Owner: No sign shall be placed on any property without the approval of the property owner.~~

~~—7. Height Above Public Ways: Except for necessary poles, uprights, pedestals, and other support structure elements, no portion of any sign located over a public right of way shall be less than eight feet (8') above grade level, except for signs that are designed such that they present no hazard to pedestrians or vehicles.~~

~~—8. Illuminated Signs: Illuminated signs shall comply with the following requirements:~~

~~—a. Any illuminated sign located within fifty feet (50') of a residential lot line shall be diffused or indirect so as not to reflect direct rays of light into adjacent residences. All illuminated signs in business and industrial districts in close proximity to residential~~

~~districts or residential uses shall be designed, to the extent practical, so as to illuminate the sign and not the residential property or residential use.~~

~~—b. Illuminated signs lighted by any means, whether as an integral part of the sign or a light away from the sign, such as floodlights, shall be governed as follows:~~

~~—(1) Any combination of signs or light sources which cast a light on a public street shall not exceed one (1) foot candle (foot candle meter reading) as measured at the property line.~~

~~—(2) Any combination of signs or lights which cast light on property zoned for residential use shall not exceed five-tenths (0.5) of a foot candle (foot candle meter reading) as measured at the property line of such residential property.~~

~~—(3) In no instance shall exposed light bulbs be utilized to light signs, property, or merchandise. The lights shall be hooded or controlled in some manner so as to direct light away from public streets or adjacent or nearby property.~~

~~—(4) The illumination source shall not be placed so as to cause or create a traffic hazard or to conflict with traffic control signs or lights.~~

~~—(5) The illumination electrical power supply, wiring, and conduits must not be visible on the exterior of the sign.~~

~~—c. The illumination of building facades with neon or light emitting diode (LED) architectural lighting shall be permitted when properly maintained.~~

~~—d. The display luminosity of dynamic signs shall be limited to five thousand (5,000) nits (illuminative brightness measurement) during daylight hours, and seven hundred fifty (750) nits between one-half (1/2) hour before sunset to one-half (1/2) hour after sunrise as measured utilizing industry accepted standards.~~

~~—9. Dynamic Display Signs: Dynamic display signs shall be governed as follows:~~

~~—a. Permitted Locations:~~

~~—(1) On wall or monument signs located:~~

~~—(a) On properties located in any commercial or industrial zoning district.~~

~~—(b) On properties with a conditional use permit for religious or institutional use.~~

~~—(c) On government buildings or sites located in any zoning district.~~

~~—(d) On temporary signs used for traffic control during construction or maintenance projects on state, county, or local roads.~~

~~—b. Prohibited Locations:~~

~~—(1) On pylon signs except for retail uses required by Minnesota Statutes to display prices.~~

- ~~—— (2) As window signs greater than three (3) square feet.~~
- ~~—— (3) As portable signs.~~
- ~~—— (4) On rooftops.~~
- ~~—— (5) In residential and agricultural districts.~~
- ~~—— c. Setback Requirements: Ten feet (10') from edge of sign to any property line.~~
- ~~—— d. Display Size:~~
 - ~~—— (1) Twenty four (24) square feet maximum per property.~~
 - ~~—— (2) Included in total wall and monument signage square footage calculations.~~
- ~~—— e. Display Height: Fifteen feet (15') maximum from grade to top of sign.~~
- ~~—— f. Display Image: Pictures, graphics, logos, symbols, images, and messages displayed on the onsite dynamic sign must be static.~~
- ~~—— g. Display Transition: Scrolling, the appearance of motion, flashing, animation, motion video, and similar transitions are prohibited.~~
- ~~—— 10. Display Frequency: One (1) hour minimum between changes in display transition. Emergency notifications or alerts posted on government or institutional signs are exempt from this Section.~~
- ~~—— 11. Planned Unit Developments: Planned unit developments (PUDs) or planned development overlays (PDOs) shall submit a comprehensive sign plan at such time when the total PUD or PDO is reviewed by the planning commission. Due to the multiple land uses in a planned unit development, all signs shall be compatible in character, materials, and color with each other and the surrounding land uses.~~
- ~~—— 12. Shopping Centers: A comprehensive sign plan shall be submitted for shopping centers at the time when the building plans are reviewed by the planning commission.~~
- ~~—— 13. Mississippi River Critical Area: Within the designated Mississippi River critical area, no sign is permitted that is visible from the river, except those necessary for safe navigation along the river.~~
- ~~—— 14. Statues, Sculptures, and Architectural Features: Symbols, statues, sculptures, and integrated architectural features of a design which deviates from the architectural character of the surrounding structures shall require a conditional use permit.~~
- ~~—— 15. Projecting Signs: Permitted only in business and industrial districts, subject to the following restrictions:~~
 - ~~—— a. The maximum sign area shall be twenty (20) square feet per building face.~~
 - ~~—— b. Not less than eight feet (8') of clearance shall be provided between the sidewalk elevation and the lowest point of the projecting sign.~~

~~—c. Signs shall project from the face of the building no more than the lesser of one-third (1/3) of the sidewalk width or four feet (4'). Sidewalk width shall be measured perpendicular from the face of the building at the proposed sign location.~~

~~—16. Contractor Signs: Contractor signs denoting the architect, engineer, or contractor placed on premises are permitted when construction, repair, or renovation is in the process, provided such signs are five (5) square feet or less.~~

~~—17. Changeable Copy Signs:~~

~~—a. Permitted as a permanent sign in accordance with the requirements set forth in City Code.~~

~~—b. Permitted as a temporary sign in accordance with the requirements set forth in City Code.~~

~~—F. Signs in Residential and Agricultural Districts:~~

~~—1. Design Standards:~~

~~—a. Area Identification Signs:~~

~~—(1) Monument Sign: Must be a monument sign.~~

~~—(2) Located at Entrance: Shall be located at the entrance to the project or subdivision.~~

~~—(3) Located on Private Property: Shall be located on private property and prohibited on public rights of way unless specifically approved by the City Council.~~

~~—(4) Maximum Permitted: A maximum of two (2) area identification signs, not exceeding a total of one hundred (100) square feet in sign area with no more than fifty (50) square feet per sign, may be permitted at each project entrance or subdivision entrance. Two (2) signs are permitted at each project entrance only to create a gateway effect at opposite corners of the entrance to the project.~~

~~—(5) Maximum Height: The maximum height of an area identification sign shall be ten feet (10').~~

~~—(6) Multiple-Family Buildings: A multiple-family complex consisting of three (3) or more structures or ten (10) or more units shall be allowed an area identification sign not to exceed sixty-four (64) square feet.~~

~~—b. On Premises Temporary Signs: Residential or agricultural lots greater than three (3) acres in size are permitted no more than two (2) separate on-premises temporary signs at one (1) time in accordance with the following:~~

~~—(1) Combined area of sign(s) must be no more than thirty-two (32) square feet.~~

~~—(2) Sign(s) may be posted for no more than fifteen (15) consecutive calendar days at a time.~~

~~—— (3) Sign(s) must be set back from the roadway edge a minimum of twenty-five feet (25').~~

~~—— (4) A no fee temporary sign permit is required.~~

~~—— (5) Nine (9) temporary sign permits permitted per property per calendar year.~~

~~—— (6) Banner signs must be attached to the principal structure.~~

~~—— c. Places of Worship, Parks, Hospitals, Schools, and Other Nonresidential Buildings:~~

~~—— (1) Places of worship, parks, community centers, hospitals, schools, libraries, City, and other nonresidential buildings are permitted one (1) monument sign upon their property with a building permit. Such sign shall not exceed a total of fifty (50) square feet and shall not exceed a height of ten feet (10').~~

~~—— (2) In addition to monument signage, wall signage is permitted provided that the wall sign area shall not exceed fifty (50) square feet.~~

~~—— (3) If signage in excess of subsections F.1.c(1) and F.1.c(2) of this subsection is desired, a Conditional Use Permit shall be required.~~

~~—— G. Signs in Business and Industrial Districts:~~

~~—— 1. Monument or Pylon Sign:~~

~~—— a. Number of Signs: One (1) on premises monument or pylon sign shall be permitted on each separate property within a business or industrial district.~~

~~—— b. Tenant Identification Monuments: Tenant identification monuments are not permitted in industrial districts in areas designated for mixed uses on the City Comprehensive Plan Map or zoned P-B, planned business, on the City Zoning Map.~~

~~—— c. Location:~~

~~—— (1) Monument or pylon signs shall be no closer than seventy-five feet (75') to another monument or pylon sign.~~

~~—— (2) No monument or pylon sign shall be erected within the clear view triangle.~~

~~—— (3) No monument or pylon sign shall extend above the roofline of any structure on the property on which it is located.~~

~~—— d. Size:~~

~~—— (1) The size of a monument or pylon sign permitted on any individual property is determined by the gross square footage of the principal structure located on the property.~~

~~—— (2) One sign per tax parcel is permitted unless the tax parcel contains a multi-tenant building or limited tenant building and is eighty thousand (80,000) gross square feet or more and has two (2) or more primary access points in which case a second monument or pylon sign is permitted. A second monument sign at a secondary access point is permitted~~

if the primary freestanding sign is of monument style. The second monument sign shall not exceed fifty percent (50%) of the copy and graphic area and height requirement of the permitted principal sign.

—(3) The following table lists the maximum size and heights for permitted monument and pylon signs:

-

Principal Structure (Gross Square Feet)	Monument Height	Pylon Copy and Graphic (Square Feet)	Height	Copy and Graphic (Square Feet)
Greater than 400,000	10 feet	100	15 feet	50
100,001–400,000	10 feet	100	15 feet	50
20,001–100,000	10 feet	90	15 feet	45
Less than 20,000	10 feet	70	15 feet	35

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—2. Design: The base of the monument sign shall be constructed of class I materials that match those used on the building for which the sign is located. If no class I materials are used on the building, class II materials shall be used.

—3. Wall Signs:

—a. Gas station canopies or other canopies are considered principal structures for computing allowable signage.

—b. The following table indicates maximum wall signage permitted per tenant wall:

-

Principal Structure Size (Gross Square Feet)	Individual Wall Sign Calculation
100,001–400,000 square feet	200 square feet or 1.25 square feet of sign per linear foot of the tenant frontage, whichever is less
20,001–100,000 square feet	150 square feet or 1.25 square feet of sign per linear foot of the tenant frontage, whichever is less
Less than 20,000 square feet	100 square feet or 1.25 square feet of sign per linear foot of the tenant frontage, whichever is less

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~~—c. Sign area measured shall be the allowable wall sign square footage for each of the tenant walls.~~

~~—d. The City may recognize separate sign plans for buildings which will supersede the ordinance. The sign plans which have been approved by the Community Development Director will have the effect of a sign ordinance for the specific property.~~

~~—e. Each tenant's wall sign on a multi-tenant building shall not extend closer than two feet (2') from the tenant's lease line. Wall signs may include tenant identification, tenant logo, shopping center name, shopping center logo, or any combination of the four (4).~~

~~—f. Tenant identification shall be individually mounted or located on a raceway that is consistent in color with the wall facade.~~

~~—g. All returns of tenant identification signs on a single multi-tenant building shall be uniform in color.~~

~~—h. All tenant wall signs shall be internally illuminated.~~

~~—i. Wall signs shall not extend above the roofline of any principal building.~~

~~—j. Sign changeouts require repair to holes or other wall markings left and painting to match tenant wall facade color.~~

~~—4. Awnings, Canopies, Marquees:~~

~~—a. Signs on awnings, marquees, and canopies shall be considered wall signs under the terms of this Section and subject to the regulations for said signs.~~

~~—(1) Copy or graphics on awnings, canopies, or marquees shall be considered as part of the individual wall area calculation.~~

~~—(2) An awning may be designated as a sign area as an alternative or addition to a sign on the building facade, provided the awning signage does not exceed the total sign area allowed.~~

~~—(3) A sign may be displayed on the side panels of the awning.~~

~~—(4) The sign displayed on the awning shall not be more than forty percent (40%) of the awning's principal face.~~

~~—5. On Premises Temporary Signs:~~

~~—a. Existing Business: A maximum of four (4) temporary sign permits may be issued to each business per calendar year for up to fifteen (15) days each. The temporary sign must be in the form of a weatherproof banner no larger than thirty two (32) square feet in size attached to the principal structure.~~

~~—b. New Business or Reopening of an Existing Business or Store Closing: One (1) temporary sign permit per calendar year shall be issued for no more than fifteen (15) days.~~

~~—c. Removal After Expiration of Permit: On premises temporary signs must be removed within twenty four (24) hours after the expiration of the permit.~~

~~—H. Legally Established Nonconforming Signs:~~

~~—1. Continuance of Use: Any legally established nonconforming sign (legal nonconforming sign), including its structure, may be continued at the same size and in the same manner of operation except as hereinafter specified.~~

~~—2. Dangerous Conditions: A legal nonconforming sign must be removed if the sign and/or structure is declared unsafe by the building inspection division.~~

~~—3. Discontinuance of Use: When the use of a legal nonconforming sign has been for a period of twelve (12) months or has changed to conform to this Chapter, any further use of the sign must comply with all provisions of this Chapter and Minnesota Statutes Section 462.357.~~

~~—4. Damaged Signs: Whenever a legal nonconforming sign shall have been damaged by fire, flood, explosion, earthquake, war, or an act of God and the damage of the sign and/or structure is fifty percent (50%) or more of its fair market value as estimated by the building inspection division, it may be reconstructed and used as before if a building permit has been applied for within one hundred eighty (180) days from the date the sign was damaged. If no building permit is applied for within one hundred eighty (180) days from the date the sign was damaged, any subsequent use or reconstruction of the sign shall be for a use in accordance with the provisions of this Chapter.~~

~~—5. Alteration of Signs: A legal nonconforming sign may not be altered except as permitted by state statute.~~

~~—6. Maintenance and Repair: Normal maintenance of a legal nonconforming sign is permitted, including necessary structural repairs and incidental alterations which do not extend or intensify the nonconforming use.~~

~~—I. Maintenance and Repair Requirements:~~

~~—1. All signs, together with all their supports, braces, guys, and anchors shall be kept in repair and in proper state of preservation.~~

~~—2. The display surfaces of all signs and tier supports shall be kept neatly painted or posted at all times.~~

~~—3. All signs which are unsafe, dangerous, and/or unsightly shall be repaired or removed. Unsafe or dangerous signs shall be removed or otherwise properly secured by the property owner and/or sign owner upon receipt of notice to do so given by the City. Any abandoned, unsafe, or illegal sign is hereby declared to be a danger to the health, safety, and welfare of the citizens of Cottage Grove and is declared to be a public nuisance subject to abatement and assessment, except that legally established nonconforming signs shall not be abated until they have been abandoned for more than one (1) year. Unsightly signs must be repaired or removed within fifteen (15) days of notification. The term "unsightly" shall mean a condition in which the sign has deteriorated to the point where at~~

~~least one-fourth (1/4) of the surface area of the name, identification, description, display, illustration, or other symbol is no longer clearly recognizable at a distance of twenty feet (20'); or where paint is peeling, chipping, or flaking from the structure surface, or where the sign has developed significant rust, corrosion, rotting, or other deterioration in the physical appearance.~~

~~—4. Every sign and the immediate surrounding premises shall be maintained by the owner or person in charge thereof in a clean, sanitary, and inoffensive condition and free and clear of all obnoxious substances, rubbish, and weeds. Notice shall be given to the Community Development Director of any change in sign user, sign owner, or owner of the property on which the sign is located.~~

CHAPTER 4: SPECIAL ZONING PROVISIONS

Section

11-4-1: Density Bonuses

11-4-2: Drive-Through Establishments and Fast-Food Restaurants

11-4-3: Home Occupations

11-4-4: Event Centers

11-4-5: Motor Fuel Stations

11-4-6: Automotive, Motorcycle, Trailer, Recreational Vehicle and Farm Equipment Sales and Leasing

11-4-7: Automobile Car Wash

11-4-8: Vehicle Repair as Permitted or Conditional Use

11-4-9: Self-Storage Facilities

11-4-10: Donation Drop Boxes

11-4-11: Wind Energy Conversion Systems (WECS)

11-4-12: Satellite Receive-Only Antennas (SROA)

11-4-13: Solar Energy Systems

11-4-14: Antennas and Towers

11-4-15: Farming Operations in Residential Districts

11-4-16: Outdoor Seating or Dining

11-4-17: Temporary Accessory Outdoor Sales

§ 11-4-1: DENSITY BONUSES:

Density bonuses consistent with the comprehensive plan may be granted by the City Council to increase the maximum permitted density for residentially guided land, if the proposed project meets certain affordable housing policies. The allowable total density increase under this provision shall not be increased more than twenty percent (20%). For determining AMI requirements, the City shall utilize Metropolitan Council data.

Average Median Income (AMI) Density Increases:	Density Bonus
Average Median Income (AMI) Density Increases:	Density Bonus
10 to 15% of the total units set aside for 30% AMI	15-20%
15 to 20% of the total units set aside for 31 to 50% AMI	10-15%
20 to 30% of the total units set aside for 51 to 80% AMI	10-15%
Affordable housing site and design incentives:	
Preservation of significant wooded areas and open space	0-5%
Sustainable design (i.e. LEED, Solar, etc.)	0-5%
Onsite amenities (common space, playgrounds, sport courts)	0-5%
Underground parking	0-5%
Transit Access (i.e. TOD, BRT, or park and rides)	0-5%

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§ 11-4-2: DRIVE-THROUGH ESTABLISHMENTS AND FAST-FOOD RESTAURANTS:

Drive-through establishments and fast-food restaurants in all districts shall be subject to the following performance standards:

- A. Screening. Screening shall be required on property lines that are adjacent to residential districts or uses.
- B. Menuboard. Digital menuboard shall not be lit outside the hours of operation.
- C. Stacking. Business establishments containing drive-up facilities, including restaurants and financial institutions, shall provide a motor vehicle stacking area for vehicles on the site. A minimum of six (6) vehicle spaces per lane shall be provided. The vehicle stacking area shall not extend beyond the street right of way line and shall be delineated in such a manner that vehicles waiting in line will not interfere with nor obstruct the primary driving, parking and pedestrian facilities on the site. Stacking area shall be setback from property lines ten feet (10') to allow sufficient space for adequate snow removal and storage. One drive-through use is permitted per parcel.

D. Electronic Devices. Loudspeakers, squawkboxes or similar drive-through speaker systems shall not be located less than fifty feet (50') from any adjacent residential district or use.

§ 11-4-3: HOME OCCUPATIONS:

A. Permitted Use. Home occupations are permitted as an accessory use to a residential use of a property within all zoning districts within the City, subject to meeting the performance standards established in this Section.

B. Performance Standards. A home occupation must conform to all of the following standards.

1. No more than one (1) person, other than the occupants of the dwelling, shall be employed on the premises at any one (1) time.

2. Identification signs shall conform to this Code.

3. The appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting or advertising signs or the emission of sounds, odors, noise, vibrations, heat, glare or electrical disturbances.

4. No home occupation shall be conducted in any accessory building that is conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting or advertising signs or the emission of sounds, odors, noise, vibrations, heat, glare or electrical disturbances.

5. The use shall not create substantial traffic. The number of customer vehicular trips to the dwelling unit for the purpose of obtaining products or service shall not exceed ten (10) per day. Vehicular trips related to package pick-ups and deliveries for home occupations shall be limited to four (4) per day and is restricted to straight axle vehicles only. Any need for parking shall be off the street and be located on approved parking surfaces.

6. No home occupation shall cause an increase in sewer or water usage so that the combined total use for dwelling and home occupation purposes exceeds the normal range for residences in the City.

7. Exterior storage or display of materials or equipment of any kind is prohibited.

8. No more than twenty-five percent (25%) of the principal structure may be devoted to home occupation use.

9. Food related businesses must comply with Minnesota Statutes Section 28A.152 and all provisions of the Zoning Code.

C. Prohibited Home Occupations. The following uses shall not be permitted as home occupations:

1. Adult uses.
2. Animal hospitals, pet shops, pet daycare.
3. Medical marijuana dispensary.
4. Medical and dental offices, clinics and laboratories.
5. Intoxicating CBD Product sales.
6. Restaurants.
7. Stables or kennels, except as allowed by City Code.
8. Vehicle sales requiring a Minnesota dealers or wholesale license.
9. Vehicle, trailer or boat repair or service.
10. Other uses as determined by the Community Development Director.

§ 11-4-4: EVENT CENTERS:

A. Event Centers must comply with the requirements of this Section.

B. Patios and outdoor seating, dining or gathering areas:

1. When adjacent to residentially zoned property, there shall be a minimum setback of one hundred fifty feet (150') from any patio or outdoor gathering area to the nearest residentially zoned property line. Patio or outdoor gathering areas shall be separated from residential use or district by the principal structure or other method of screening acceptable to the City. The minimum distance from a residential use or district may be reduced should the City determine the applicant has added sufficient elements to reduce the impact of this use.

2. Patio or outdoor gathering areas shall be screened in a manner that completely restricts vision of the patio or gathering area from an adjacent residentially zoned property.

3. No outdoor sound amplification systems shall be allowed when adjacent to residential properties. When not located adjacent to residentially zoned property an outdoor sound amplification system shall not be allowed after eight o'clock (8:00) P.M. All speakers must be directed away from any residentially zoned property.

4. Any outdoor seating or dining area shall comply with City Code Section 11-4-16.

C. Parking areas:

1. Parking areas shall be screened from any adjacent residentially zoned property.

2. Off street parking requirements shall meet the restaurant parking requirements and other standards identified in City Code Section 11-3-4.

D. Lighting:

1. Lighting shall be provided as necessary for security safety, and traffic circulation. All light poles shall be a maximum of twenty feet (20') in height, including base, and shall be shoebox style, with LED lamps. Other than wash or architectural lighting, attached security lighting shall be shoebox style. In addition, any entry lighting under canopies shall be recessed and use a flush lens. All lighting shall be downward directed with flush lens and shall be zero lumen at any residentially zoned property line or one (1.0) lumen at any nonresidential zoned property line.

2. Lights producing varying intensities, changing colors, moving lights or search lights are prohibited.

E. The hours of operation shall be no later than ten o'clock (10:00) P.M. on Sunday through Thursday and twelve o'clock (12:00) A.M. on Friday and Saturday.

F. The serving of food and beverages is permitted only in conjunction with a private event that is not open to the general public.

G. Trash containers shall be stored indoors, or if outdoors, all trash enclosures shall be screened.

§ 11-4-5: MOTOR FUEL STATIONS:

Motor fuel stations in all districts shall be subject to the following standards:

A. Minimum Pump Setback Requirements. Pumps shall be set back no less than twenty-five feet (25') from all property lines.

B. Canopies.

1. The setback of any overhead canopy or weather protection, freestanding or projecting from the station structure, shall be not less than ten feet (10') from the street right-of-way line, nor less than twenty feet (20') from an adjacent property line.

2. The total height of any overhead canopy or weather protection shall not exceed twenty feet (20').

3. No light banding around the exterior of the canopy.

4. Canopy columns shall be constructed of a primary material that matches and compliments the principal building.

C. Architectural Design. Each motor fuel station shall be so architecturally designed as to be as compatible as possible with the general architectural intent of the area in which it is located.

D. Landscaping. A minimum twenty (20) foot landscaped yard shall be planted and maintained behind all property lines adjacent to public streets, except at driveway entrances.

E. Screening. Whenever a motor fuel station abuts a residential district, a fence or landscape hedge not less than fifty percent (50%) opaque nor less than six feet (6') high shall be erected and maintained along the property line(s) that abuts the residential district. Application of this provision shall not require a fence within fifteen feet (15') of any street right-of-way line.

§ 11-4-6: AUTOMOTIVE, MOTORCYCLE, TRAILER, RECREATIONAL VEHICLE AND FARM EQUIPMENT SALES AND LEASING:

A. Performance Standards.

1. Display and storage areas must be on the same lot as the principal structure.
2. No parking of items for sale is allowed in landscaped areas.
3. Customer and employee parking areas must be clear. No parking or vehicle display is allowed in driveways, entrances, or customer parking areas.
4. No test driving on local residential roads.
5. Pennants, balloons, streamers, pinwheels, or other attention attracting devices are not allowed. Open hoods of vehicles, windshields, car windows, trunks, roofs, or the like must not be used for signage.
6. All lighting must be downward directed with cutoff fixtures. No signs may be attached to light poles.
7. No loudspeakers or music systems are allowed outside of the building.

§ 11-4-7: AUTOMOBILE CAR WASH:

A. The site and building(s) shall be designed to limit the effects of the washing operation on adjacent properties and public rights of way. Garage doors shall be positioned to limit exposure to main roadways and residential districts. No car wash use shall be located abutting any residential use or district, unless a public street separates the two (2) uses.

B. The principal building shall be the primary source for screening the stacking and exiting areas from adjacent properties and/or public rights of way. Landscaping and berming at a minimum of fifty percent (50%) capacity shall be a secondary source for screening the stacking and exiting areas. Should landscaping and berming be found ineffective by the City, the City may approve screening walls and/or decorative fencing as an alternative if the following standards are met:

1. Shall be constructed of the same materials as the principal building;
 2. Shall not extend more than twenty-five feet (25') without a change in architecture to reduce their mass and appearance;
 3. Stacking areas shall have a minimum of ninety percent (90%) opacity screen to a height of six feet (6'); and
 4. Exiting areas shall have a minimum of fifty percent (50%) opacity screen to a height of at least four feet (4').
- C. All overhead vehicle doors on the building shall remain closed except when a vehicle is entering or exiting the building.
- D. Commercial car washes shall have a minimum of four (4) stacking spaces per wash stall.
- E. Stacking lanes shall not interfere with circulation in any required parking, loading, maneuvering or pedestrian area.
- F. Untreated water from the car wash shall not be discharged into the storm sewer.

§ 11-4-8: VEHICLE REPAIR AS PERMITTED OR CONDITIONAL USE:

- A. Vehicle repair as a permitted use in industrial districts is subject to the following:
1. Vehicle repair uses within one hundred feet (100') from a residential use or residential zoning district are prohibited.
 2. All repair, assembly, disassembly or maintenance of vehicles shall occur within a closed building, except minor maintenance, including tire inflation, adding oil, wiper replacement and the like.
 3. Outdoor storage of tires, parts, materials and equipment is prohibited.
 4. Vehicle repair uses shall designate on a site plan separate areas for customer parking and parked vehicles awaiting repair or pick up.
 5. Public address system outside a building is prohibited.
 6. The hours of operation for a vehicle repair use shall be between seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M., seven (7) days per week.
 7. Repair of class I and class II commercial vehicles is prohibited.
- B. Vehicle repair as a conditional use in business districts is subject to the following:
1. The site and building(s) shall be designed to limit the effects of this use on adjacent properties and public right of way.

2. All repair, assembly, disassembly or maintenance of vehicles shall occur within a closed building, except minor maintenance, including tire inflation, adding oil, wiper replacement and the like.

3. All overhead vehicle doors facing a residential use or residential zoning district shall remain closed except when a vehicle is entering or exiting the building.

4. Outdoor storage of tire, parts, materials and equipment is prohibited.

5. Vehicle repair uses shall designate on a site plan separate areas for customer parking and parked vehicles awaiting repair or pick up. Storage of inoperable vehicles awaiting repair that are within one hundred feet (100') from a residential use or residential zoning district must be enclosed from public view with a solid fence that is six feet (6') in height. A chain link fence with slats is not acceptable screening.

6. Public address system outside a building is prohibited.

7. The hours of operation may be restricted to limit impacts to adjacent uses.

8. Auto body repair is prohibited.

9. Additional landscaping and screening on the site may be required to limit sight and noise impacts on adjacent uses.

10. Repair of Class I and Class II commercial vehicles is prohibited.

11. Advertising signage facing residential uses is prohibited.

§ 11-4-9: SELF-STORAGE FACILITIES:

Self-storage facilities require a conditional use permit and in addition are subject to the following conditions:

A. Shall not allow maintenance of any vehicles on site, except for minor maintenance such as tire inflation, adding oil, wiper replacement, and battery replacement.

B. No businesses shall be allowed to operate out of the storage unit facilities.

C. Shall have a security system adequate to limit access to persons renting a storage site.

D. Shall not be located closer than three hundred feet (300') to any residential use.

E. All drive aisles and parking surfaces must be surfaced with asphalt or concrete.

F. All storage space openings shall be oriented internally to the facility and shall not directly face a public street or adjoining property if feasible.

§ 11-4-10: DONATION DROP BOXES:

Donation Drop Boxes require an Administrative Conditional Use permit with conditions regarding the time, location, size and collection schedule.

§ 11-4-11: WIND ENERGY CONVERSION SYSTEMS (WECS):

A. Purpose: The purpose of this Section is to provide for the regulation of the construction and operation of wind energy conversion systems in Cottage Grove, subject to reasonable conditions that will protect the environment, public health, safety, and welfare.

B. Definitions: The following words, terms and phrases when used in this Chapter shall have the meaning ascribed to them in this Section except where the context clearly indicates a different meaning.

FACILITY OPERATOR: The entity responsible for the day to day operation and maintenance of the wind energy conversion system.

FACILITY OWNER: The entity or entities having controlling or majority equity interest in the wind energy conversion system, including their respective successors and assigns.

SUBSTATION: The apparatus that connects the electrical collection system of the WECS(s) and increases the voltage for connection with the utility's transmission lines.

WECS: A wind energy conversion system consisting of one (1) or more wind turbines, a tower(s), and associated control or conversion electronics, which has a total rated capacity of fifty (50) or more kilowatts.

WIND POWER: The conversion of wind energy into another form of energy.

WIND TURBINE HEIGHT: The distance measured from grade at the center of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation.

C. Conditional Use: Wind energy conversion systems shall be allowed as a conditional use in the agricultural zoning districts.

D. Permit Application: Application for a WECS permit shall be accompanied by drawings that show the following:

1. Location of the proposed WECS, including guywires and any other auxiliary equipment.
2. Property lines and physical dimensions of the lot.
3. A photograph or detailed drawing of the WECS, including the tower.
4. Specific information on the WECS, including type, size, rated power output, rotor material and performance, safety and noise characteristics.
5. Specific information on the type, height and material of the tower.

6. Clearance distances between the farthest extension of the WECS blades to property lines.

7. Location, dimensions and types of existing structures and uses on the lot.

8. Location of all aboveground utility lines within distance equivalent to the total height of the WECS.

9. Location and size of structures, trees and other objects within three hundred feet (300') which are taller than the lowest extent of the blades of the proposed WECS.

E. Size Regulations; Compliance:

1. Rotors. The minimum height of the lowest extent of any WECS rotor shall be thirty feet (30') above the ground.

2. Height.

a. Freestanding wind turbine height shall not exceed two hundred fifty feet (250').

b. Roof mounted wind turbines must not exceed fifteen feet (15') above the height limit established for the principal or accessory structure.

3. Compliance With Regulations: All WECS shall comply with federal aviation administration notification requirements and any other applicable regulations.

F. Installation And Design:

1. Towers:

a. All WECS tower structures shall be designed and constructed to be in compliance with pertinent provisions of the Minnesota state building code. Indication of compliance may be obtained from the manufacturer's engineering staff or a state professional engineer.

b. The compatibility of the tower structure with the rotors and other components of the WECS shall be certified by the manufacturer's engineering staff or by a state professional engineer.

c. WECS towers shall either have tower climbing apparatus located not closer than twelve feet (12') to the ground or be unclimbable by design for the first twelve feet (12').

2. Safety Wires: Safety wires shall be installed on the turnbuckles on guywires of guyed WECS towers.

3. Overspeed Controls: Every WECS shall be equipped with manual and automatic overspeed controls. The conformance of rotor and overspeed control design and fabrication with good engineering practices shall be certified by the manufacturer's engineering staff or by a state professional engineer.

4. Electrical Requirements:

a. All electrical components of the WECS shall be in compliance with the applicable requirements of the national electrical code as currently adopted by the Minnesota state building code division and shall be inspected by a qualified electrical inspector. The interconnection between the WECS and the electric utility shall be in compliance with the most recent edition of the national electrical code. Certification will be supplied in writing that the WECS will automatically disconnect from the utility when there is no power input from the utility. This certification can be supplied by the manufacturer of the WECS.

b. The interconnection of the WECS with the local electrical utility shall comply with all applicable federal and state regulations. Every applicant for a WECS permit should notify his/her electrical utility in advance of his/her installation plans.

c. Every battery storage unit associated with a WECS shall be in compliance with the national electrical code as currently adopted by the Minnesota state building code division and shall be inspected by a qualified electrical inspector.

d. The WECS, including the blades, shall be grounded and shielded to protect against natural lightning strikes in conformance with the national electrical code.

e. No WECS shall have affixed or attached lights, reflectors, flashers or any other illumination, except for those devices required by the federal aviation administration.

5. Structural Components:

a. The safety of structural components of every WECS and the compatibility of the rotors with the towers of WECS shall be certified by a state engineer. The safety of electrical components of every WECS shall be certified by a state registered electrical engineer or individual with technical training on WECS.

b. The safety of all modifications to any WECS shall be certified by a state registered professional engineer. Certification of safety is required before the building permit is granted for modifications made prior to installation. Certification of the safety of modifications made after the WECS is installed and the permit is granted is also required. Failure to have the safety of modifications certified after the permit has been granted shall result in revocation of the permit until certification has been obtained.

6. Signs Required: At least one (1) sign shall be posted at the base of the WECS tower and shall contain the following information:

a. Notice of no trespassing; and

b. Warning of high voltage.

7. The visual appearance of WECS shall at a minimum:

a. Be a nonobtrusive color such as white, off white or gray; and

b. Not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, facility owner and operator.

G. Setbacks:

1. Setbacks: The base of the tower of any WECS shall be set back from any property line a minimum of one thousand feet (1,000').

2. Easements: No part of a WECS shall be located within or over drainage, utility or other established easements.

3. Vehicular Areas: Efforts should be made when siting a WECS and any related equipment to avoid locations that may be vulnerable to vehicular accidents.

4. Wind Turbines: A wind turbine must not be within one thousand three hundred twenty feet (1,320') from any conservation easements or public parks.

H. Nuisance Concerns:

1. Noise Control: Noise area classification (NAC1, NAC2, etc.), established by the Minnesota pollution control agency shall be used to evaluate and regulate noise from every WECS. The audible sound from a WECS will be measured at the property boundary line. Every owner of a WECS that is found to be in violation of Minnesota pollution control agency's noise standards shall cooperate in taking reasonable mitigating measures.

2. Electrical or Radio Frequency Interference: Efforts should be taken by the proposed WECS owner to purchase, build or recondition an electrical generator that will not create electrical or radio frequency interference to reception of communication signals. Complaints about electrical or radio frequency interference shall be directed to the federal communications commission.

3. Communication Interference: Efforts should be made to site each WECS to reduce the likelihood of blocking or reflecting television or other communication signals. If signal interference occurs, both the WECS owner and the individual receiving interference shall make reasonable efforts to resolve the problem. If the problem cannot be eliminated or reduced to a reasonable level, the WECS can be shut down.

4. It shall be a public nuisance if any of the following conditions exist:

a. A WECS is not maintained in operational condition and poses a potential safety hazard; or

b. A WECS is not maintained and operated in compliance with applicable zoning provisions and state and federal laws; or

c. A WECS has not generated electricity for a period of twelve (12) consecutive months and the wind energy facility owner has failed to remove the WECS or make it operational within thirty (30) days after the City has given written notice to remove the WECS.

5. The City has the right to abate a public nuisance under the procedures set forth in City Code Section 4-1-6.

I. Other Regulations:

1. Mississippi River Corridor Critical Area Overlay District: No WECS shall be located within the Mississippi River corridor critical area overlay district.

2. Wind Access: Adequate wind access is essential to the safe and efficient operation of a WECS, and the City encourages the use of private and restrictive covenants to protect wind access.

3. Exemptions From Provisions: Any WECS that is by nature ornamental, rather than functional, shall be exempt from this Section if total height is less than twenty-five feet (25').

4. Inspections: Each WECS shall be inspected yearly by the building official, to verify that the WECS is operational and that all requirements of installation continue to be met.

5. Wind Turbines: All wind turbines shall comply with all applicable state and federal regulatory standards, including the uniform building code as adopted by the state of Minnesota; national electrical code as adopted by the state of Minnesota; federal aviation administration (FAA) requirements; and Minnesota pollution control agency (MPCA)/environmental protection agency (EPA) regulations (hazardous waste, construction, stormwater, etc.).

§ 11-4-12: SATELLITE RECEIVE-ONLY ANTENNAS (SROA):

A. Satellite receive-only antennas (SROA) shall be permitted in all districts, provided they are roof-mounted and subject to the standards of this Section.

B. Every SROA mounted on a roof shall be subject to the normal height limits of the zoning district in which it is located and shall comply with any applicable requirements of the Building Code. The maximum diameter of a SROA shall be no more than thirty-six inches (36").

1. For commercial and industrial districts, roof-mounted SROA's shall be screened in accordance with City Code Section 11-3-9.

C. Advertising shall not be placed on satellite antennas.

§ 11-4-13: SOLAR ENERGY SYSTEMS:

A. Purpose: Cottage Grove supports the use of solar energy systems in appropriate zoning districts within the City. The development of solar energy systems should be balanced with the protection of the public safety and the existing natural resources in Cottage Grove. This Section provides for the regulation of the construction and operation of solar energy systems in Cottage Grove, subject to reasonable conditions to protect the environment, public health, safety, and welfare. The provisions of this Section shall apply within all zoning districts. In no case shall the provisions of this Section guarantee rights to solar access.

B. Definitions: The following words, terms and phrases when used in this Chapter shall have the meaning ascribed to them in this Section except where the context clearly indicates a different meaning.

COMMUNITY SOLAR GARDEN: A solar electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off site from the location of the solar energy system, under the provisions of Minnesota Statutes Section 216B.1641.

PHOTOVOLTAIC SYSTEM: An active solar energy system that converts solar energy directly into electricity.

SOLAR COLLECTOR: A device, structure, or a part of a device or structure for which the primary purpose is to capture sunlight and transform it into thermal, mechanical, chemical, or electrical energy.

SOLAR DAYLIGHTING: A device specifically designed to capture and redirect the visible portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.

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 DEVICE: A system or series of mechanisms designed primarily to provide heating, cooling, electrical power, mechanical power, or solar daylighting or to provide any combination of the foregoing by means of collecting and transferring solar generated energy into such uses either by active or passive means. Such systems may also have the capability of storing such energy for future utilization.

SOLAR ENERGY SYSTEM: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

SOLAR ENERGY SYSTEM, GRID INTERTIE: A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

SOLAR ENERGY SYSTEM, GROUND MOUNTED: A freestanding solar energy system mounted directly to the ground using a rack or pole rather than being mounted on a building.

SOLAR ENERGY SYSTEM, OFF GRID: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

SOLAR ENERGY SYSTEM, ROOF MOUNTED: A solar energy system mounted onto the roof of a building.

SOLAR FARM: A commercial facility that converts sunlight into electricity, whether by photovoltaic (PV), concentrating solar power devices (CSP), or other conversion technology, for the principal purpose of wholesale sales of generated electricity.

SOLAR HEAT EXCHANGER: A component of a solar energy device that is used to transfer heat from one (1) substance to another, either liquid or gas.

SOLAR HOT AIR SYSTEM: An active solar energy system that includes a solar collector to provide direct supplemental space heating by heating and recirculating conditioned building air.

SOLAR HOT WATER SYSTEM: A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

SOLAR MOUNTING DEVICES: Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

C. General Standards. Solar energy systems in accordance with the standards in this Section are allowed as a permitted accessory use in all zoning districts.

1. Wall Mounted Solar Energy Systems: Wall mounted solar energy systems must be flush with the wall and are prohibited facing a public street.

2. Roof-Mounted Solar Energy Systems:

a. Roof mounting devices and roof mounted solar energy systems shall be flush mounted on pitched roofs, parallel to the roofline.

b. Roof-mounted solar energy systems mounted on a flat roof of a building located in a nonresidential district may be mounted at an angle to the roof to improve their efficiency; however, the highest point of a solar collector shall not be more than five feet (5') from the surface of the roof, measured in a straight line above the roof upon which the solar collector is mounted.

c. Roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built or as required by Building Code.

d. Exterior piping for solar hot water systems is prohibited to extend beyond the perimeter of the building.

e. Roof-mounted solar energy systems shall comply with the maximum height requirements for the zoning district in which they are located.

f. Roof-mounted solar energy systems shall use colors that blend with the color of the roof.

g. Reflection angles from collector surfaces shall be oriented away from neighboring windows. Where necessary, screening may be required to address glare.

3. Ground-Mounted Solar Energy Systems:

a. Ground mounted solar energy systems may only be erected on properties consisting of five (5) or more acres, regardless of the zoning district in which they are located.

b. Ground mounted solar energy systems shall not exceed fifteen feet (15') in height when oriented at maximum tilt as measured from the ground to the highest point of the solar collector or related appurtenance.

c. Ground-mounted solar energy systems shall comply with the accessory structure setback standards for the applicable zoning district in which they are located, except as otherwise required in this Section. Solar energy systems shall not extend into the minimum front, rear, or side yard setbacks when oriented at minimum or maximum design tilt.

d. Ground-mounted solar energy systems are prohibited in the front yard of properties located within the MUSA. Ground mounted solar energy systems are permitted in the front yard of properties located outside the MUSA, but must comply with the minimum front yard setback as required in the zoning district they are located in or such greater distance as may be required in this Section.

4. Heliostats: Heliostats are prohibited in all zoning districts.

D. Additional Requirements:

1. Public Easements: Solar energy systems shall not encroach on public drainage or utility easements.

2. Glare: Solar collectors shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties, or roadways, and shall not emit unreasonable glare as determined by City Staff.

3. Building Permit Required: All solar energy systems require a building permit. A building permit application and plan submittal must comply with the following requirements:

4. Applications for Solar Energy Systems: An application to the City for a building permit under this Section shall contain information, including, but not limited to, the following:

- a. A building permit application.
- b. A site plan of existing and proposed site conditions.
- c. Description and depiction of solar energy system.
- d. Number of solar collectors to be installed.
- e. Location and spacing of solar collectors and mounting devices.

f. Applications for ground mounted solar energy systems shall identify existing vegetation on the installation site (list vegetation type and percent of coverage; i.e.,

grassland, plowed field, wooded areas, etc.), and provide a maintenance plan for controlling vegetative growth on site upon installation of the solar energy system.

g. A description of the method of connecting the solar collectors to a building or substation and a signed copy of the interconnection agreement with the local electric utility shall be included or a written explanation outlining why an interconnection agreement is not required.

h. Planned location of underground or overhead electric lines connecting the solar energy system to the substation or distribution line.

i. New electrical equipment other than at the existing building or substation that is the connection point for the solar energy system.

j. Manufacturer's specifications and recommended installation methods for all major equipment, including solar collectors, mounting systems and foundations for poles or racks. The City reserves the right to deny a building permit for proposed solar energy systems deemed to have inadequate certification.

k. Existing and proposed (if existing grade will be altered) topography at two foot (2') contours.

l. A completed glare study that demonstrates that there will be no unreasonable glare generated by the solar energy system and that any glare generated shall not be directed onto adjacent buildings, properties, or roadways or otherwise adversely impact neighboring properties as deemed necessary by City Staff.

5. Grid Interties: For all grid intertie solar energy systems, all power lines shall be placed underground within the interior of each parcel and between the solar energy system and its connection to the electric grid. The collection system may be placed overhead near substations or points of interconnection to the electric grid. All grid intertie systems shall have an agreement with the local utility prior to the issuance of a building permit. A visible external disconnect must be provided if required by the utility. Off grid systems are exempt from this requirement.

6. Special Exceptions: Solar collectors and solar energy systems with a cumulative area of six (6) square feet or less are permitted in all zoning districts and are exempt from the provisions of this Section. Examples of these systems include outdoor accent lighting systems, power supply for traffic control systems, powering a water pump for water gardens, telecommunication systems, backup power systems during power outages, and similar solar energy systems, as long as the system has a cumulative area of six (6) square feet or less.

E. Community Solar Gardens and Solar Farms: Community solar gardens and solar farms are permitted with an interim use permit subject to the following requirements:

1. Ground Mounted Community Solar Gardens and Solar Farms: Ground mounted community solar gardens and solar farms are permitted only in those areas shown on

Exhibit A in Resolution 985 on file in the City, and must comply with the following requirements:

a. A minimum of five (5) acres of land is required. All ground mounted solar energy systems and solar collection appurtenant equipment must set back a minimum of three hundred feet (300') from all property boundary lines.

b. Vegetative screening and buffering of the ground-mounted solar energy systems will be required as part of the conditions of approval. Screening may include walls or fences.

c. The electrical connection systems shall be placed underground within the interior of each parcel and between the solar energy system and the point where the interconnection to the electric grid is made.

2. Roof Mounted Community Solar Gardens and Solar Farms: Roof mounted community solar gardens and solar farms are permitted on flat roofs on principal structures in all zoning districts regardless of lot size, and must comply with the following requirements:

a. All feeder lines and grid interties shall be placed underground between the solar energy system and the point where the interconnection to the electric grid is made. The collection system may be placed overhead near substations or points of interconnection to the electric grid.

b. Roof-mounted systems shall comply with all building setbacks in the applicable zoning district and shall not extend beyond the exterior perimeter of the building on which the system is mounted or as required by Building Code.

c. Roof-mounted solar energy systems must abut an existing electric distribution system for purposes of making the interconnection to the electric grid.

d. Solar energy systems are allowed on flat roofs on accessory structures only in non-residential zoning districts.

e. Solar collectors mounted on flat roofs on principal and accessory structures in non-residential zoning districts may be mounted at an angle, but no portion of the solar collector may extend more than five feet (5') above the surface of the flat roof.

F. Decommissioning: A decommissioning plan shall be submitted with all applications for community solar gardens or solar farm systems.

1. Decommissioning plans shall outline the anticipated means and cost of removing the solar energy system at the end of its serviceable life or upon the discontinuation of its use. The cost estimates shall be made by a competent party, such as professional engineer, a contractor capable of decommissioning the system, or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the system. Owners of solar energy systems may rely on manufacturer's data to submit estimates.

2. Decommissioning of the system must occur within ninety (90) days from either of the following:

- a. The end of the system's service life; or
- b. The system becomes a discontinued use.

3. A system shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed during the year the system is discontinued and submitted to the Zoning Administrator outlining the steps and schedule for returning the system back into service.

4. The City may, at its discretion, require the owner and/or operator of the solar energy system to provide financial security in the form of a cash escrow, bond, or irrevocable letter of credit in an amount equal to one hundred twenty-five percent (125%) of a cost estimate for decommissioning the system.

5. The owner of the property where a community solar garden or solar farm is located must notify the City in writing when feeder lines and/or grid interties are disconnected from the local utility transmission line.

G. Abandonment: If a solar energy system remains nonfunctional or inoperative for a continuous period of one (1) year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at its expense after a demolition permit has been obtained. Removal shall include removal of the entire solar energy systems, including all solar collectors, mounting structures, and related components.

§ 11-4-14: ANTENNAS AND TOWERS:

A. Purpose. In order to accommodate the communication needs of residents and business while protecting the public health, safety and general welfare of the community, the Council finds that these regulations are necessary in order to:

1. Facilitate the provision of wireless telecommunication services to the residents and businesses of the City;

2. Minimize adverse visual effects of towers through careful design and siting standards;

3. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and

4. Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.

B. Area specific requirements for towers and antennas.

1. Towers outside the right-of-way in residential zoning districts. Towers shall be allowed only in the following residentially zoned areas:

a. Towers supporting amateur radio antennas and conforming to all applicable provisions of this code shall be allowed only in the rear yard of residentially zoned parcels.

b. Antennas conforming to all applicable provisions of this code shall be allowed via administrative conditional ~~administrative~~-use permits in the following locations:

(1) Water towers.

(2) On existing telecommunication monopoles or towers.

(3) Roofs of buildings over three (3) stories.

(4) Sides of buildings over two (2) stories.

(5) Existing lighting and utility structures within commercially zoned private property.

(6) Bell tower, steeple or similar structure as long as the antenna support structure is fully camouflaged.

(7) Antennas mounted on existing public utility owned lighting structures less than thirty feet (30') above grade and located in and/or adjacent to residentially zoned property and/or rights-of-way.

2. New towers and monopoles conforming to all applicable provisions of this code shall be allowed as a Conditional Use at the following locations:

a. Properties over twenty (20) acres in size and located outside of the MUSA.

b. Agriculturally and industrial zoned parcels over twenty (20) acres inside of the MUSA.

c. Public parks and open spaces above ten (10) acres in size.

d. Government, and public utility structures.

e. Antennas mounted to public utility owned lighting structures and/or towers in excess of thirty feet (30') in height above grade and located in and/or adjacent to residentially zoned property and/or rights-of-way.

C. Co-location of personal wireless communication service equipment requirements: All commercial wireless telecommunication towers erected, constructed or located within the City shall comply with the following requirements.

1. A proposal for a new commercial wireless telecommunication service tower shall not be approved unless the approving body finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one-mile search radius of the proposed tower due to one (1) or more of the following reasons:

a. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost;

b. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost;

c. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer; and/or other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

2. Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is one hundred twenty feet (120') in height or for at least one (1) additional user if the tower is seventy-five feet (75') in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

D. Tower setbacks.

1. Towers shall be setback the height of the structure plus twenty-five feet (25') from the nearest building or property line.

2. A tower's setback may be reduced or its location in relation to a public street varied, at the sole discretion of the approving body, to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device or similar structure.

E. Tower height.

1. Towers located outside of the MUSA may have a maximum height of one hundred twenty feet (120').

2. Towers inside the MUSA the maximum height is seventy-five feet (75').

F. Application and submittal requirements.

1. Submittal of a complete site and building plan review application, accompanied by a registered land survey, complete site plan, schematic drawings, photographic perspectives, and signed by a registered architect, civil engineer or other appropriate design professional.

2. A scaled drawing showing the size, location, construction materials, landscaping and screening plan.

3. A report prepared by a qualified and licensed professional engineer indicating the existing structure is suitable to accept the antenna, and the proposed method of affixing the antenna to the structure.

4. Submittal of an analysis prepared by a radio or electrical engineer demonstrating that the proposed location of the antennas is necessary to meet the coverage and capacity needs of the applicant's system.

5. Documents stating what steps the applicant will take to avoid interference with established public safety telecommunications.

6. Submittal of any necessary easements and easement exhibits, which have been prepared by an attorney knowledgeable in the area of real estate and which are subject to the City Attorney's approval.

7. Any application for a new tower and/or monopole shall not be approved unless it can be documented by the applicant that the proposed equipment cannot be accommodated on an existing or approved tower or commercial building within one-half (1/2) mile radius, transcending municipal borders, of the proposed tower due to one (1) or more of the following reasons:

a. The planned equipment would exceed the structural capacity of the existing or approved tower or commercial building.

b. The planned equipment would cause interference with other existing or planned equipment at the tower or building.

c. Existing or approved towers and commercial buildings within one-half (1/2) mile radius cannot accommodate the planned equipment at a height necessary to reasonably function.

G. Tower and antenna design requirements. Proposed or modified towers and antennas shall meet the following design requirements.

1. Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration. The use of color or design features to attract attention to the tower is prohibited.

2. Commercial wireless telecommunication service towers shall be of a monopole design unless the approving body determines that an alternative design would better blend into the surrounding environment.

3. Antennas, towers, monopoles located in rights-of-way are exempt from this Section, except otherwise specifically provided by this chapter.

4. No part of any antenna, tower or monopole shall be constructed, located, or maintained at any time, permanently or temporarily, in or upon any required tower and monopole setback area.

5. Antennas, towers and monopoles located outside the right-of-way shall not be erected in any zoning district in violation of the following restrictions: Towers and monopoles shall be constructed of, or treated with, corrosive-resistant material.

6. Tower and monopole locations should provide the maximum amount of screening possible for off-site views of the facility.

7. Existing on-site vegetation shall be preserved to the maximum extent practical.

8. The installation location shall be designed to be compatible with the underlying site plan.

9. The tower and/or monopoles shall be a light blue, gray or other color that is demonstrated to minimize visibility. Antennas mounted to tower and/or monopole shall be painted to match. No advertising or identification visible off-site shall be placed on the tower or antennas.

10. Antennas or similar apparatuses mounted upon the tower shall be subject to state and federal regulations pertaining to non-ionizing radiation and other health hazards related to such facilities. If new, more restrictive standards are adopted, the antennas shall be made to comply or continued operations may be restricted by the City Council. The cost of verification of compliance shall be borne by the owner and operator of said equipment.

11. To prevent unauthorized entry, towers and monopole shall have secure accesses.

12. Antennas located on the roof of an existing structure shall not extend more than fifteen feet (15') above the principal structure to which they are mounted. All roof mounted antennas and associated equipment shall be hidden from view utilizing materials found on the building.

13. Any façade mounted antennas shall use designs and mounts that minimize visual impact. Antennas and mounts shall be painted to match the existing structure. All wires and associated equipment shall be hidden from view.

14. Antennas mounted on light poles and/or utility structures are subject to the following additional standards:

a. Equipment shall not extend more than three feet (3') above the top of the light pole or utility structure.

b. Any replacement light pole or utility structure shall not exceed the height of the existing structure, including antennas or associated equipment, and shall not exceed the diameter of the existing pole or structure by more than fifty percent (50%).

c. Any replacement light pole or utility structures shall match the existing and surrounding structures in materials and color.

d. Equipment shall use designs and mounts that minimize visual impact.

e. All equipment shall be aesthetically compatible with the structure upon which the proposed antenna is to be mounted and with the surrounding use.

f. Any equipment associated with the antennas and towers located at grade in or adjacent to the residentially zoned rights-of-way is prohibited.

H. At grade accessory structures and equipment associated with antennas, towers and monopoles shall comply with the following standards:

1. At grade accessory structures and equipment shall be placed below grade unless not technically feasible;

2. Accessory structures and equipment shall be designed to be architecturally compatible with principal structures on the site;

3. At grade accessory structures and equipment shall be screened by landscaping or other screening compatible with the surrounding environment if deemed necessary by the Community Development Director or designee.

I. Lights and other attachments. No antenna or tower shall have affixed or attached to it in any way except during time of repair or installation, any lights, reflectors, flashers, daytime strobes or steady nighttime red lights or other illuminating devices, except as required by the Federal Aviation Agency or the Federal Communications Commission or the City, nor shall any tower have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair.

J. Removal of abandoned or damaged antennas, towers and monopoles. Any antenna, tower, and/or monopole which is not used for six (6) months shall be deemed abandoned and shall be removed unless a time extension is approved by the Community Development Director. In the event that a tower is not removed within six (6) months of cessation of operations at a site, the tower and associated facilities may be removed by the City and the costs of removal assessed against the property.

§ 11-4-15: FARMING OPERATIONS IN RESIDENTIAL DISTRICTS:

Agriculture is a permitted use in all residential districts, subject to the following:

A. Farm Animals:

1. Parcels less than forty (40) but more than five (5) acres: The keeping of any farm animal on parcels of less than forty (40) but more than five (5) acres in size shall be permitted, subject to the following conditions:

a. The property must contain at least one and one-half (1 ½) acres of land per animal unit as defined by Minnesota Rules Part 7020.0300.

b. All buildings intended to house animals shall be set back at least sixty feet (60') from all property lines and at least three hundred feet (300') from a dwelling other than the dwelling on the property in question.

c. All pens, yards or other confinement areas, excluding pastures, where animals are kept shall be set back at least sixty feet (60') from all property lines.

d. The Minnesota Pollution Control Agency does not require that a feedlot permit be issued.

2. Parcels larger than forty (40) acres: The keeping of farm animals on parcels larger than forty (40) acres in size is permitted, subject to the following conditions:

a. All buildings intended to house animals shall be set back at least sixty feet (60') from all property lines and at least three hundred feet (300') from a dwelling other than the dwelling on the property in question.

b. All pens, yards or other confinement areas, excluding pastures, where animals are kept shall be set back at least sixty feet (60') from all property lines.

c. The Minnesota Pollution Control Agency does not require that a feedlot permit be issued.

§ 11-4-16: OUTDOOR SEATING OR DINING:

All outdoor seating or dining shall comply with the following:

A. The seating area shall not be located within a required setback.

B. The seating area shall not interfere with circulation in any required parking, loading, maneuvering or pedestrian area.

C. The seating area shall be located in a controlled or cordoned area acceptable to the City with at least one (1) opening to an acceptable pedestrian walk.

D. The seating area shall not be permitted within one hundred fifty feet (150') of any residential use or district as measured at the property line and shall be separated from residential use or district by the principal structure or other method of screening acceptable to the City. The minimum distance from a residential use or district may be reduced should the City determine the applicant has added sufficient elements to reduce the impact of this use.

E. No public address system or external music, live or recorded shall be audible from a nonbusiness or nonindustrial use or district.

F. The seating area shall have an improved and maintained surface.

G. The seating shall be located so as not to compromise safety. Seating shall not obstruct the entrance or any required exits or be located on landscaping or parking areas. If located on private sidewalks or walkways, it shall be located so as to leave a minimum of a four (4) foot wide passage for pedestrians. Applicable building and fire codes for ingress and egress shall be met.

H. Additional parking for thirty (30) outdoor seats or less is not required. Any additional seating over thirty (30) seats shall provide required parking based on one (1) space per four (4) seats.

I. The outdoor seating area shall be subordinate to the principal use and shall not exceed thirty percent (30%) of the square footage of the principal use building space. An outdoor seating area exceeding thirty percent (30%) requires a conditional use permit.

J. The outdoor seating area shall be defined with the use of landscaping and/or permanent attractive fencing.

§ 11-4-17: TEMPORARY ACCESSORY OUTDOOR SALES:

Outside merchandise display and storage or equipment may be displayed and offered for sale, rental or lease outside the building providing that:

A. The merchandise or equipment are adjacent to and project no farther than five feet (5') from the primary building.

B. Where sidewalks are present, a minimum access width of four feet (4') must be provided.

C. Outside display area is limited to a maximum of one hundred fifty (150) square feet of area and shall not extend beyond the building frontage.

D. Outside display to be maintained in an orderly and attractive manner that does not detract from the image of the community or adjacent businesses.

E. Outside display should be a general representation of the products sold or rented on site, not a storage area for inventory on pallets.

CHAPTER 5: ADEQUATE PUBLIC FACILITIES

Section

11-5-1: Purpose; Facts

11-5-2: Application of Provisions

11-5-3: Administration

11-5-4: Minimum Needs Assessment

11-5-5: Standards for Determination of Adequate Public Facilities

11-5-6: Priority List

11-5-7: Annual Development Report

11-5-8: Provisions are Supplemental

§ 11-5-1: PURPOSE; FACTS:

A. The purpose of this Chapter is to stage the zoning, subdivision and development of land within the City's residential, commercial and industrial areas so that sewer and transportation capacity demands caused by new development are consistent with the Comprehensive Plan, do not have substantial impacts on metropolitan, County and City sewer and transportation facilities and plans, and the adequate facility and infrastructure capacity is available concurrently with demands generated by new development. In particular, this Chapter is intended to control the generation of peak period traffic on Highway 61/10 and the use of the Cottage Grove sewage treatment plant by imposing staged limits on the use of existing, planned and programmed capacity.

B. The Cottage Grove wastewater treatment plant operated by the Metropolitan Council Environmental Services Division provides service to only Cottage Grove. The plant has a capacity to treat 2.54 million gallons per day. The plant is not projected to have an expansion for additional capacity prior to 2003.

C. The City has three hundred three (303) acres of residential, fifty-six (56) acres of commercial and five hundred thirty (530) acres of industrial land within the Metropolitan Urban Service Area (MUSA) which is not developed. Based on a market study, the industrial land is projected to develop at an average rate of three percent (3%) per year. Based on the development history of residential land use, the City does not have adequate land within the MUSA to accommodate additional residential growth.

D. In order to accommodate development of land within the MUSA and obtain a reasonable amount of additional residential land, to be added to the MUSA without exceeding the current capacity of the plant, the City is enacting an ordinance to allow development, but only if there is adequate sewer plant capacity to serve new development.

§ 11-5-2: APPLICATION OF PROVISIONS:

The provisions of this Chapter shall apply to land that is within the MUSA that has not received approval for development before February 21, 1996. Any development approved after February 21, 1996, must comply with the terms of this Chapter.

§ 11-5-3: ADMINISTRATION:

A. All applications, maps and documents relative to a new development shall be submitted to the Community Development Director. All new developments shall be reviewed and processed in accordance with applicable procedures established elsewhere in this Code.

B. The Planning Commission and Council may not approve a new development unless: 1) the public facilities to serve the new development exist or, in the case of transportation

facilities, are planned for construction, or 2) the developer has executed an agreement to construct the necessary improvements to enable compliance with this Chapter. Nothing in this Chapter shall prevent the City from approving a portion of a new development if the approved portion complies with the provisions of this Chapter.

§ 11-5-4: MINIMUM NEEDS ASSESSMENT:

A. Transportation Impact Analysis:

1. A traffic impact analysis shall be prepared and submitted to City Staff for each new development. An environmental assessment worksheet may, if it contains the following, be substituted for a traffic impact analysis. A traffic impact analysis must contain the following information:

a. Introduction and description of existing conditions and identification of the traffic study area. This should include maps of the existing roads and highways including intersections that will be impacted by vehicular traffic generated by the new development.

b. Analysis of existing traffic conditions within the traffic study area.

c. Analysis of future traffic conditions within the study area without the proposed development. Use various measures as appropriate (intersection capacity analysis; level of service; volume/capacity ratio).

d. Description of proposed site traffic characteristics within the traffic study area which shall include the number of A.M. and P.M. peak period trips that will be generated by the new development.

e. An analysis of future traffic conditions with proposed development within the traffic study area. This includes an assignment of the new trips to the roadway network (trips added to TH 61/10 must be shown).

2. A determination of the level of service resulting from the additional trips must be made. If the level of service causes the future traffic conditions outside of the proposed development to fall below a grade "D" within the traffic impact analysis, the improvements needed to mitigate the additional traffic must be described and proposed. These improvements may include both capacity improvements (e.g., signalization, turn lanes, new roads) and traffic demand management strategies (e.g., park and ride, flexible work hours, telecommuting). How the improvements will be phased along with the staging of development and a schedule and commitment to both capital improvements and TDM strategies must be shown.

3. A development that is projected to generate peak period trips (PPT) exceeding the "baseline peak period trip contribution (BPPTC)", may not be approved without implementation of traffic mitigation measures that reduce the PPT to or below the BPPTC.

B. Sewer Impact Analysis: A sewer impact analysis shall be prepared and submitted to the Community Development Director for each new development. A sewer impact analysis

shall contain information necessary to determine whether existing public facilities which will be utilized by the new development will be adequate to serve the demand generated by the new development. An environmental assessment worksheet may, if it contains the following, be substituted for a sewer impact analysis. A sewer impact analysis shall contain the following: Analysis of the amount (average daily) of sewage flow to be generated from the new development within the study area and a breakdown by proposed use.

§ 11-5-5: STANDARDS FOR DETERMINATION OF ADEQUATE PUBLIC FACILITIES:

A. Roads:

1. It shall be determined that there are adequate public facilities to serve a new development if, after taking into account traffic generated by all existing and approved new development which will utilize the impacted roads, one (1) of the following conditions will be satisfied:

a. Existing City, County, State or regional roads and intersections which will be impacted will be adequate to accommodate the traffic that will be generated by the new development; or

b. Any road or intersection construction necessary to accommodate the additional traffic above BPPTC from the new development is planned for construction; or

c. The new development will not cause the vehicular trip generation from the City to exceed the baseline peak period trip contribution; or

d. That with offsetting improvements, or the implementation of transportation demand management strategies, the new development will not cause the vehicular trip generation from the City to exceed the baseline peak period trip contribution.

2. In determining compliance with the above factors, the following shall be considered, and related requirements may be imposed:

a. Whether the developer agrees to construct necessary roads and road and intersection improvements, implement a traffic management plan or undertake other traffic mitigation measures that offset impacts from the new development.

b. The availability and likely use of existing or programmed public bus, rail, or other forms of mass transportation to serve the new development.

c. Other plans, programs or measures that would offset impacts from the new development.

B. Sewers:

1. Generally: It shall be determined that there are adequate public facilities to serve a new development if, after taking into account sewerage generated by all existing and approved new development which will impact the sewage treatment plant, the following conditions will be satisfied:

a. The expected annual average and maximum daily loadings from the new development, together with existing flows and flows from other approved development, will not exceed the maximum allocated sewer capacity.

b. The provisions of this subsection may not be amended without approval of the Metropolitan Council.

2. Sewers in Industrial Park MUSA: High-capacity sanitary sewer discharge users shall be limited to fifty (50) acres within the industrial park MUSA. The fifty (50) acres may “float” within in the industrial park MUSA and are not assigned to a particular fifty (50) acres. Once fifty (50) acres of land within the industrial park MUSA has developed with high-capacity sewer discharge users, any land remaining undeveloped within the industrial park MUSA must develop only with low capacity sanitary sewer discharge users.

§ 11-5-6: PRIORITY LIST:

The City shall create and maintain a priority list which shall be a waiting list arranged by date of completion of the review for approved new developments which are prevented from developing due to the lack of adequate public facility capacity. Removal from priority list shall occur and construction of the new development may commence when condition(s) preventing construction of the new development have been satisfied, including the execution of necessary public facility improvement agreements.

§ 11-5-7: ANNUAL DEVELOPMENT REPORT:

A. The Community Development Department shall prepare an annual development report describing new development and facility capacity for submission to the Planning Commission, City Council and Metropolitan Council by January 31 for each previous year. The annual development report shall describe the development which has occurred in the preceding year. The report shall include, but not be limited to, the following information:

1. Number of building permits approved for new residential dwelling units by type.
2. Number of building permits approved for nonresidential uses by type and total floor area.
3. Estimated increase in population, household and employment.
4. Presentation of the same information for the previous five (5) years.

B. The annual report shall include an analysis of the current and future utilization and capacity of specific public facilities and services. For sewers, the report shall include the following:

1. Average sewage generation (in gallons per day and RECs) for each type of dwelling unit and commercial/industrial use;

2. Inventory/tabulation of existing flows, including all allocations to the system and total system capacity;

3. Sewage generation projection for the system including the basis for their computation; and

4. A list of capital projects contained in the capital improvements program for the expansion of sewage facilities and the construction of improvements to reduce sewage flow including project status.

C. The report shall contain the following information with regard to transportation:

1. Peak period trip generation on Highway 61/10 attributable to new development during the past year;

2. A list of the existing average daily traffic (ADT) and level of service on major roadways within and which service the City; and

3. A list of capital improvement projects contained in the City's capital improvements program for expanded transportation services and capital improvement projects contained in the County and State transportation improvement programs which will facilitate transportation in the City.

D. The City shall submit the annual development report to the Metropolitan Council and shall meet with the Metropolitan Council staff to review and, as appropriate, supplement and/or modify the information contained in the report within one (1) month following submission.

E. Based on development, capacity improvements planned for construction, and traffic demand strategies, the Metropolitan Council will evaluate the base peak period trips on an annual basis. After completing the evaluation, the Metropolitan Council will determine if any revision to the BPPTC figures should be made.

§ 11-5-8: PROVISIONS ARE SUPPLEMENTAL:

The provisions of this Chapter are supplementary to other laws, rules, regulations and ordinances applicable to development within the City. Compliance with the provisions in this Chapter shall not release an applicant from complying with the requirements of other Federal, State, County and City laws, rules, regulations and ordinances applicable to the zoning, subdivision, development and use of land within the City.

CHAPTER 6: AGRICULTURAL DISTRICTS

Section

11-6-1: AG-1 Agricultural Preservation District

11-6-2: AG-2 Agricultural District

§ 11-6-1: AG-1 Agricultural Preservation DISTRICT:

A. Purpose: This District is intended to preserve areas of high-quality soils or highly productive agricultural capability to maintain and enhance the use of the land for long-term or permanent agricultural use and preserve the rural character of outlying areas of the City and agriculturally related uses in areas of the City not served by public sewer.

B. Permitted Uses:

1. The following are permitted uses in the AG-1 District:

- a. Commercial agriculture and horticulture.
- b. Commercial greenhouses.
- c. Farm buildings and pole barns.
- d. Farm drainage and irrigation systems.
- e. Forestry.
- f. Small wireless facilities located in the public right of way.

g. One single-family detached dwelling per each forty (40) acres. Any parcel of land that has thirty-seven and one-half (37 ½) acres or more, after deducting road right of way, complies with the forty (40) acre requirement.

2. Minimum lot area: Forty (40) acres provided that a parcel of more than five (5) acres and less than ten (10) acres may be created as a minor subdivision as long as the following criteria is met:

- a. The initial parcel is forty (40) acres or more in size and must be a parcel of record as of the date of this Chapter.
- b. Only one (1) minor subdivision from the initial parcel is allowed until the property receives full public utilities.
- c. Two hundred feet (200') of street frontage is required for each parcel.
- d. Lots created solely for municipal utility facilities shall not be subject to minimum lot width, depth and area requirements.
- e. Both lots must comply with the minimum setback requirements.

3. Setback requirements:

Front yard 100 feet

Side yard 25 feet

Rear yard 50 feet

4. Location of Driveways: The lot shall be located in such a manner that no driveways may be located within three hundred feet (300') of an intersection of a minor arterial with another road or within one hundred fifty feet (150') of an intersection of two (2) collector streets.

C. Accessory Uses: Uses and structures which are customarily accessory and clearly subordinate to permitted uses and structures shall be permitted, including:

1. Accessory structures incidental to residential uses as regulated in City Code Section 11-3-5.

2. Home occupations as regulated in City Code Section 11-4-3.

3. Private swimming pools, intended for and used solely by the occupants of the property on which it is located and their guests.

4. Signs as regulated by the City.

5. Structures incidental to farm operations such as garages, barns, storage buildings, poultry barns, etc. on lots greater than ten (10) acres.

6. Produce stands selling only items produced on the property.

7. In home daycare facility licensed under Minnesota Rules Parts 9502.0315 to 9502.0445, serving fourteen (14) or fewer children.

D. Conditional Uses: No structure or land shall be used for the following uses except by conditional use permit:

1. Structures incidental to farm operations such as garages, barns, storage buildings, poultry barns, etc. on lots less than ten (10) acres.

2. Commercial horse stables, dog kennels, boarding stables and similar uses, which shall not be located within three hundred feet (300') of a dwelling other than the dwelling on the property in question.

E. Interim Uses: The following are interim uses allowed in the AG-1 District and require an interim use permit based upon procedures set forth in and regulated in City Code Section 11-2-9. Additional specific standards and criteria may be cited below for respective uses.

1. Farmers Market.

F. Administrative Conditional Uses: Subject to application provisions of this Chapter, performance and processing standards established by this Title, the following are uses allowed in the AG-1 District by administrative conditional use permit and may be issued by the Zoning Administrator.

1. Communication / Cellular antennas as regulated by City Code Section 11-4-14.
2. Public utility and public service structures, including electrical transmission lines and substations, gas regulator stations, communications equipment buildings, pumping stations or reservoirs.

§ 11-6-2: AG-2 Agricultural DISTRICT:

A. Purpose: This District represents those areas which are suitable for agricultural uses, but because of their proximity to public sewer and water, they may be appropriate for development in the future. These areas are not considered to be land suited to long-term agricultural use. It is the purpose of this District to preserve these lands in agricultural uses until such time as streets, sewers, water supply and other community facilities and services are provided or scheduled, so as to ensure orderly and beneficial conversion of such lands to nonagricultural use, and to prevent their premature conversion.

B. Permitted Uses:

1. The following are permitted uses in the AG-2 District:
 - a. Commercial agriculture and horticulture.
 - b. Commercial greenhouses.
 - c. Farm buildings and pole barns.
 - d. Farm drainage and irrigation systems.
 - e. Forestry.
 - f. Small wireless facilities located in the public right of way.
 - g. One (1) single-family detached dwelling per each ten (10) acres.
2. Minimum lot area: ten (10) acres provided that a parcel of more than three (3) acres and less than five (5) acres may be created as a minor subdivision as long as the following criteria is met:
 - a. The initial parcel is ten (10) acres or more in size and must be a parcel of record as of the date of this Chapter.
 - b. Only one (1) minor subdivision from the initial parcel is allowed until the property receives full public utilities.
 - c. One hundred eighty feet (180') of street frontage is required for each parcel.
 - d. Lots created solely for municipal utility facilities shall not be subject to minimum lot width, depth and area requirements.
 - e. Both lots must comply with the minimum setback requirements.

3. Setback requirements:

Front yard 100 feet
Side yard 25 feet
Rear yard 50 feet

4. Location of driveways: The lot shall be located in such a manner that no driveways may be located within three hundred feet (300') of an intersection of a minor arterial with another road or within one hundred and fifty feet (150') of an intersection of two (2) collector streets.

C. Permitted Accessory Uses: Uses and structures which are customarily accessory and clearly subordinate to permitted uses and structures shall be permitted, including:

1. Accessory structures incidental to residential uses as regulated in City Code Section 11-3-5.

2. Home occupations as regulated in City Code Section 11-4-3.

3. Private swimming pools, intended for and used solely by the occupants of the property on which it is located and their guests.

4. Signs as regulated by the City Code.

5. Structures incidental to farm operations such as garages, barns, storage buildings, poultry barns, etc. on lots greater than five (5) acres.

6. Produce stands selling only items produced on the property.

7. In home daycare facility licensed under Minnesota Rules Parts 9502.0315 to 9502.0445, serving fourteen (14) or fewer children.

D. Conditional Uses: No structure or land shall be used for the following uses except by conditional use permit:

1. Structures incidental to farm operations such as garages, barns, storage buildings, poultry barns, etc. on lots less than five (5) acres.

2. Commercial horse stables, dog kennels, boarding stables and similar uses, which shall not be located within three hundred feet (300') of a dwelling other than the dwelling on the property in question.

E. Interim Uses: The following are interim uses allowed in the AG-2 District and require an interim use permit based upon procedures set forth in and regulated by City Code Section 11-2-9. Additional specific standards and criteria may be cited below for respective uses.

1. Farmers Market.

F. Administrative Conditional Uses: Subject to application provisions of this Chapter, performance and processing standards established by this Title, the following are uses allowed in the AG-2 District by administrative conditional use permit as may be issued by the Zoning Administrator.

1. Communication / Cellular antennas as regulated in City Code Section 11-4-14.

2. Public utility and public service structures, including electrical transmission lines and substations, gas regulator stations, communications equipment buildings, pumping stations or reservoirs.

CHAPTER 7: RESIDENTIAL DISTRICTS

Section

11-7-1: R-1 Rural Residential Zoning District

11-7-2: R-2 Residential Estate Zoning District

11-7-3: R-3 Single-Family Zoning District

11-7-4: R-4 Transitional Residential Zoning District

11-7-5: R-5 Medium Density Residential Zoning District

11-7-6: R-6 High Density Residential Zoning District

§ 11-7-1: R-1 RURAL RESIDENTIAL ZONING DISTRICT:

A. Purpose: The R-1 rural residential district represents those areas without public utilities that are suitable for residential development. These areas are designated as rural residential in the City's comprehensive plan. It is the intent that low densities be maintained in order to permit efficient re-subdivision of lots to urban densities at such future time that public utilities become available.

B. Permitted Uses: The following are permitted uses in the R-1 District:

1. One (1) single-family detached dwelling.

2. Agriculture and agricultural related buildings.

3. Structures and essential services for local, county, state, or federal government or public utility purposes, except those requiring administrative permits or Conditional Use Permits.

4. Public parks, trails, scientific areas, playgrounds, and directly related buildings and structures.

5. Small wireless facilities located in the public right-of-way.

6. A state licensed residential facility serving six (6) or fewer persons, a licensed day care facility serving twelve (12) or fewer persons, and a group family day care facility licensed under Minnesota Rules Parts 9502.3015 to 9502.0445 to serve fourteen (14) or fewer children, except a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be permitted pursuant to Minnesota Statutes Section 462.357, subdivision 7.

C. Permitted Accessory Uses: The following are permitted accessory uses in the R-1 District:

1. Accessory buildings and structures as regulated by City Code Section 11-3-5.
2. Accessory uses incidental and customary to the uses listed as permitted, conditional, interim, and uses by administrative permit in this Section.
3. Accessory apartments.
4. Home occupations as regulated by City Code Section 11-4-3.
5. Keeping of animals as regulated by City Code Section 11-4-15 and Title 5, Chapter 4.
6. Signs as regulated by City Code.
7. Produce Stand.

D. Conditional Uses: The following are conditional uses allowed in the R-1 District and require a Conditional Use Permit based upon procedures set forth in and regulated in City Code Section 11-2-8. Additional specific standards and criteria may be cited below for respective conditional uses. No structure or land shall be used for one (1) or more of the following uses except by Conditional Use Permit:

1. Accessory buildings and structures requiring a Conditional Use Permit as provided in City Code Section 11-3-5.
2. Telecommunication tower, as regulated by City Code Section 11-4-14.
3. Places of worship and religious institutions.
4. Cemeteries and/or memorial gardens.
5. Licensed home-based daycare facilities serving up to sixteen (16) persons.
6. Licensed group daycare/nursery school in a religious institution, community center, or academic institution.
7. Educational facilities including but not limited to, public and private elementary, middle, junior high, and senior high schools, provided that no building shall be located within fifty feet (50') of any lot line abutting an R district.

8. Commercial greenhouses, provided, that all outside storage is fenced in such a manner so as to screen the stored material from view when observed from the public street or an adjoining lot.

9. Commercial horse stables, dog kennels, dog training facilities, boarding stables and similar uses, on parcels of ten (10) acres or more and which shall not be located within three hundred feet (300') of a dwelling other than the dwelling on the property in question.

10. Home occupations as regulated by City Code Section 11-4-3.

11. Limited commercial ventures conducted at historic properties as regulated in City Code Section 2-2-6.

12. Tax exempt clubs and lodges.

13. Golf course.

E. Interim Uses: The following are interim uses allowed in the R-3 District and require an interim use permit based upon procedures set forth in and regulated by City Code Section 11-2-9. Additional specific standards and criteria may be cited below for respective uses.

1. Farmers Market.

F. Administrative Conditional Uses: Subject to application provisions of this Chapter, performance and processing standards established by this Title, the following are uses allowed in the R-1 District by conditional administrative permit as may be issued by the Zoning Administrator.

1. Accessory buildings and structures requiring a conditional administrative permit as provided in City Code Section 11-3-5.

2. Communication / Cellular antenna as regulated by City Code Section 11-4-14.

3. Public utility and public service structures, including electrical transmission lines and substations, gas regulator stations, communications equipment buildings, pumping stations or reservoirs.

4. Essential services and structures, provided that no building shall be located within fifty feet (50') of any lot line abutting an R district.

G. Development Standards: The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications set forth in this Title:

Lot area	3 acres
Lot width	180 feet
Front yard	30 feet
Rear yard	50 feet
Side yard	25 feet
Side yard, attached garage	20 feet

Corner yard

20 feet

Maximum structure height 35 feet

Maximum impervious lot coverage 25 percent

§ 11-7-2: R-2 RESIDENTIAL ESTATE ZONING DISTRICT:

A. Purpose: The R-2 residential estate district is intended to represent areas well suited to high value housing of very low densities. These areas will provide a permanent, semirural lifestyle on land for which this is considered the highest and best use. This area may be served by public utilities in the future.

B. Permitted Uses: The following are permitted uses in the R-2 District:

1. One (1) single-family detached dwelling.
2. Agriculture and agricultural related buildings on lots greater than five (5) acres.
3. Structures and essential services for local, county, state, or federal government or public utility purposes, except those requiring administrative permits or Conditional Use Permits.
4. Public Parks, trails, scientific areas, playgrounds, and directly related buildings and structures.
5. Small wireless facilities located in the public right-of-way.
6. A state licensed residential facility serving six (6) or fewer persons, a licensed day care facility serving twelve (12) or fewer persons, and a group family day care facility licensed under Minnesota Rules Parts 9502.3015 to 9502.0445 to serve fourteen (14) or fewer children, except a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be permitted pursuant to Minnesota Statutes Section 462.357, subdivision 7.

C. Permitted Accessory Uses: The following are permitted accessory uses in the R-2 District:

1. Accessory buildings and structures as regulated by City Code Section 11-3-5.
2. Accessory uses incidental and customary to the uses listed as permitted, conditional, interim, and uses by administrative permit in this Section.
3. Accessory apartments.
4. Home occupations as regulated by City Code Section 11-4-3.

5. Keeping of animals as regulated by City Code Section 11-4-15 and Title 5, Chapter 4.

6. Signs as regulated by City Code.

D. Conditional Uses: The following are conditional uses allowed in the R-2 District and require a Conditional Use Permit based upon procedures set forth in and regulated in City Code Section 11-2-8. Additional specific standards and criteria may be cited below for respective conditional uses. No structure or land shall be used for one (1) or more of the following uses except by Conditional Use Permit:

1. Accessory buildings and structures requiring a Conditional Use Permit as provided in City Code Section 11-3-5

2. Telecommunication tower, as regulated by City Code Section 11-4-14.

3. Licensed home-based daycare facilities serving thirteen (13) to sixteen (16) persons.

4. Licensed group daycare/nursery school in a religious institution, community center, or academic institution.

5. Educational facilities including but not limited to, public and private elementary, middle, junior high, and senior high schools, provided that no building shall be located within fifty feet (50') of any lot line abutting an R district.

6. Commercial horse stables, dog kennels, boarding stables and similar uses on parcels of ten (10) acres or more, which shall not be located within three hundred feet (300') of a dwelling other than the dwelling on the property in question.

7. Small wireless facilities as regulated in City Code Title 7, Chapter 6.

8. Golf courses and country clubs, which may include a restaurant, on-sale liquor license, assembly, and accessory retailing; tennis clubs, and swimming pools serving more than 1 family. The principal structure for any of the above listed uses shall be one hundred feet (100') or more from any abutting lot in an R district, and accessory structures shall be a minimum of fifty feet (50') from any lot line.

9. Home occupations as regulated by City Code Section 11-4-3.

10. Places of worship and religious institutions

E. Interim Uses: The following are interim uses allowed in the R-2 District and require an interim use permit based upon procedures set forth in and regulated by City Code Section 11-2-9. Additional specific standards and criteria may be cited below for respective uses.

1. Farmers Market.

F. Administrative Conditional Uses: Subject to application provisions of this Chapter, performance and processing standards established by this Title, the following are uses allowed in the R-2 District by conditional administrative permit as may be issued by the Community Development Director.

1. Accessory buildings and structures requiring a conditional administrative permit as provided in City Code Section 11-3-5.

2. Communication / Cellular antennas as regulated by City Code Section 11-4-14.

3. Public utility and public service structures, including electrical transmission lines and substations, gas regulator stations, communications equipment buildings, pumping stations or reservoirs.

4. Essential services and structures, provided that no building shall be located within fifty feet (50') of any lot line abutting an R district.

G. Development Standards: The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications set forth in this Title:

Lot area	1 and 1/2 acres
Lot width	100 feet
Front yard	30 feet
Rear yard	50 feet
Side yard	25 feet
Side yard, garage	20 feet
Corner yard	20 feet
Maximum structure height	35 feet
Maximum impervious lot coverage	30 percent

§ 11-7-3: R-3 SINGLE-FAMILY ZONING DISTRICT:

A. Purpose: The R-3 single-family residential district is intended to preserve the character of existing single-family neighborhoods and provide for additional development of single-family detached residential neighborhoods.

B. Permitted Uses: The following uses are permitted in the R-3 residential district:

1. Single-family detached dwellings.

2. Structures and essential services for local, county, state, or federal government or public utility purposes, except those requiring administrative permits or Conditional Use Permits, provided, that no building shall be located within fifty feet (50') of any lot line.

3. Public Parks, trails, scientific areas, playgrounds, and directly related buildings and structures.

4. Small wireless facilities located in the public right-of-way.

5. A state licensed residential facility serving six (6) or fewer persons, a licensed day care facility serving twelve (12) or fewer persons, and a group family day care facility

licensed under Minnesota Rules Parts 9502.3015 to 9502.0445 to serve fourteen (14) or fewer children, except a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be permitted pursuant to Minnesota Statutes Section 462.357, subdivision 7.

C. Permitted Accessory Uses: The following uses are permitted accessory uses in the R-3 residential district:

1. Accessory buildings and structures as regulated by City Code Section 11-3-5.
2. Accessory uses incidental and customary to the uses listed as permitted, conditional, interim, and uses by administrative permit in this Title.
3. Accessory apartments.
4. Home occupations as regulated by City Code Section 11-4-3.
5. Keeping of animals as regulated by City Code Section 11-4-15 and Title 5, Chapter 4.
6. Signs as regulated by City Code.
7. Private swimming pools, recreational courts and play apparatus intended for and used by the occupants of the property on which they are located.
8. Buildings or trailers for purposes of construction or sales on the premises for a period of time not to exceed construction.

D. Conditional Uses: The following are conditional uses allowed in the R-3 District and require a Conditional Use Permit based upon procedures set forth in and regulated in City Code Section 11-2-8. Additional specific standards and criteria may be cited below for respective conditional uses. No structure or land shall be used for one (1) or more of the following uses except by Conditional Use Permit:

1. Accessory buildings and structures requiring a Conditional Use Permit as provided in City Code Section 11-3-5.
2. Telecommunication towers, as regulated by City Code Section 11-4-14.
3. Licensed home-based daycare facilities serving thirteen (13) to sixteen (16) persons.
4. Licensed group daycare/nursery school in a religious institution, community center, or academic institution.
5. Educational facilities including but not limited to, public and private elementary, middle, junior high, and senior high schools, provided that no building shall be located within fifty feet (50) of any lot line abutting an R district.
6. Places of worship and religious institutions.
7. Cemeteries.

8. Small wireless facilities as regulated in City Code Title 7, Chapter 6.

9. Golf courses and country clubs, which may include a restaurant, on-sale liquor license, assembly, and accessory retailing; tennis clubs, and swimming pools serving more than one (1) family. The principal structure for any of the above listed uses shall be one hundred feet (100') or more from any abutting lot in an R district, and accessory structures shall be a minimum of fifty feet (50') from any lot line.

10. Home occupations as regulated by City Code Section 11-4-3.

11. Limited commercial ventures conducted at "historic properties" as regulated in City Code Section 2-2-6.

E. Interim Uses: The following are interim uses allowed in the R-3 District and require an interim use permit based upon procedures set forth in and regulated by City Code Section 11-2-9. Additional specific standards and criteria may be cited below for respective uses.

1. Farmers Market.

F. Administrative Conditional Uses: Subject to application provisions of this Chapter, performance and processing standards established by this Title, the following are uses allowed in the R-3 District by conditional administrative permit as may be issued by the Community Development Director.

1. Accessory buildings and structures requiring an administrative permit as provided in City Code Section 11-3-5.

2. Communication / Cellular antennas as regulated by City Code Section 11-4-14.

3. Public utility and public service structures, including electrical transmission lines and substations, gas regulator stations, communications equipment buildings, pumping stations or reservoirs.

4. Essential services and structures, provided that no building shall be located within fifty feet (50') of any lot line abutting an R district.

5. Buildings or trailers for purposes of construction or sales on the premises for a period of time not to exceed construction.

G. Development Standards: Minimum Requirements: The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications set forth in this Title:

Lot depth	130 feet
Lot width	65 feet
Front yard	25 feet
Rear yard	35 feet
Side yard	7.5 feet
Side yard, garage	5 feet

Corner yard 20 feet

Maximum structure height 35 feet

Maximum impervious surface 3540%

§ 11-7-4: R-4 TRANSITIONAL RESIDENTIAL ZONING DISTRICT:

A. Purpose: The purpose of the R-4 District is to provide transitional areas that will allow a mixing of two-family dwellings and/or single-family dwellings on smaller lots where property is adjacent to arterial streets and/or where property is adjacent to higher intensity development. Directly related, complementary uses are also appropriate. A full range of public services and facilities shall be available to R-4 areas.

B. Permitted Uses: The following uses are permitted in the R-4 residential district:

1. Single-family detached dwellings.
2. Multi-family dwellings.
3. Structures and essential services for local, county, state, or federal government or public utility purposes, except those requiring administrative permits or Conditional Use Permits, provided, that no building shall be located within fifty feet (50') of any lot line.
4. A state licensed residential facility serving six (6) or fewer persons, a licensed day care facility serving twelve (12) or fewer persons, and a group family day care facility licensed under Minnesota Rules Parts 9502.3015 to 9502.0445 to serve fourteen (14) or fewer children, except a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be permitted pursuant to Minnesota Statutes Section 462.357, subdivision 7.
5. Public Parks, trails, scientific areas, playgrounds, and directly related buildings and structures.
6. Small wireless facilities located in the public right-of-way.

C. Permitted Accessory Uses: The following uses are permitted accessory uses in the R-4 residential district:

1. Accessory buildings and structures as regulated by City Code Section 11-3-5.
2. Accessory uses incidental and customary to the uses listed as permitted, conditional, interim, and uses by administrative permit in this Title.
3. Accessory apartments.

4. Home occupations as regulated by City Code Section 11-4-3.

5. Daycare facility licensed under Minnesota Rules Parts 9502.0315 to 9502.0445, serving fourteen (14) or fewer children.

6. Keeping of animals as regulated by City Code Section 11-4-15 and Title 5, Chapter 4.

7. Signs as regulated by City Code.

8. Buildings or trailers for purposes of construction or sales on the premises for a period of time not to exceed construction.

9. Private swimming pools, recreational courts and play apparatus intended for and used by the occupants of the property on which they are located.

D. Conditional Uses: The following are conditional uses allowed in the R-4 District and require a Conditional Use Permit based upon procedures set forth in and regulated in City Code Section 11-2-8. Additional specific standards and criteria may be cited below for respective conditional uses. No structure or land shall be used for one (1) or more of the following uses except by Conditional Use Permit:

1. Accessory buildings and structures requiring a Conditional Use Permit as provided in City Code Section 11-3-5.

2. Antennas not located upon an existing structure or existing tower, as regulated by City Code Section 11-4-14.

3. State licensed residential facility serving seven (7) to sixteen (16) persons or a licensed day care facility serving thirteen (13) to sixteen (16) persons.

4. Licensed group daycare/nursery school in a religious institution, community center, or academic institution.

5. Educational facilities including but not limited to, public and private elementary, middle, junior high, and senior high schools, provided that no building shall be located within fifty feet (50') of any lot line abutting an R district.

6. Cemeteries.

7. Places of worship and religious institutions.

8. Essential services requiring a Conditional Use Permit pursuant to City Code Section 11-2-8.

9. Home occupations as regulated by City Code Section 11-4-3. E. Administrative Conditional Uses: Subject to application provisions of this Chapter, performance and processing standards established by this Title, the following are uses allowed in the R-4 District by conditional administrative permit as may be issued by the Community Development Director.

1. Accessory buildings and structures requiring an administrative permit as provided in City Code Section 11-3-5.

2. Communication / Cellular antenna as regulated by City Code Section 11-4-14.

3. Public utility and public service structures, including electrical transmission lines and substations, gas regulator stations, communications equipment buildings, pumping stations or reservoirs.

4. Essential services and structures, provided that no building shall be located within fifty feet (50') of any lot line abutting an R district.

F. Development Standards:

1. Single-Family Detached Dwellings: The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications as set forth in this Title:

Lot width	55 45 feet
Lot depth	120 feet
Front yard	25 feet
Rear yard	30 feet
Side yard	7.5 feet
Side yard, garage	5 feet
Corner yard	20 feet
Maximum structure height	35 feet
Maximum impervious surface	40 50%

2. Attached Dwellings: Exceptions to rigid lot width requirements shall be granted for attached units subject to approval of a site plan pursuant to City Code Section 11-2-4 in compliance with the development standards of this District. The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications as set forth in this Title:

Setbacks between buildings	15 feet between dwelling structures, 10 feet for residential garages
Setbacks from other districts	25 feet abutting R-1, R-2, and R-3 districts
Parking	2 paved off-street parking spaces per dwelling unit
Maximum site coverage	40% total impervious

§ 11-7-5: R-5 MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT:

A. Purpose: The purpose of the R-5 District is to promote the development of higher density, primarily attached housing and directly related, complementary uses. Densities will help the City meet its multiple family density goals. A full range of public services and facilities shall be available to R-5 areas.

B. Permitted Uses: The following uses are permitted in the R-5 residential district:

1. Multi-family dwellings.
2. Structures and essential services for local, county, state, or federal government or public utility purposes, except those requiring administrative permits or Conditional Use Permits, provided, that no building shall be located within fifty feet (50') of any lot line.
3. Public parks, trails, scientific areas, playgrounds, and directly related buildings and structures.
4. Small wireless facilities located in the public right-of-way.
5. Memory care facilities and/or nursing homes.
6. Hospitals for human care; provided, that all structures except fences shall be located one hundred feet (100') or more from the lot line.

C. Permitted Accessory Uses: The following uses are permitted accessory uses in the R-5 residential district:

1. Accessory buildings and structures as regulated by City Code Section 11-3-5.
2. Accessory uses incidental and customary to the uses listed as permitted, conditional, interim, and uses by administrative permit in this Title.
3. Home occupations as regulated by City Code Section 11-4-3.
4. Signs as regulated by City Code.
5. Buildings or trailers for purposes of construction or sales on the premises for a period of time not to exceed construction.
6. Private swimming pools, recreational courts and play apparatus intended for and used by the occupants of the property on which they are located and maintained by the community's homeowners association.

D. Conditional Uses: The following are conditional uses allowed in the R-5 District and require a Conditional Use Permit based upon procedures set forth in and regulated in City Code Section 11-2-8. Additional specific standards and criteria may be cited below for respective conditional uses. No structure or land shall be used for one (1) or more of the following uses except by Conditional Use Permit:

1. Accessory buildings and structures requiring a Conditional Use Permit as provided in City Code Section 11-3-5.

2. Antennas not located upon an existing structure or existing tower, as regulated by City Code Section 11-4-14.

3. State licensed residential facility serving seven (7) to sixteen (16) persons or a licensed day care facility serving thirteen (13) to sixteen (16) persons.

4. Places of worship and religious institutions.

5. Residential shelters.

6. Essential services requiring a Conditional Use Permit pursuant to City Code Section 11-2-8.

7. Home occupations as regulated by City Code Section 11-4-3.

8. Educational facilities including but not limited to, public and private elementary, middle, junior high, and senior high schools, provided that no building shall be located within fifty feet (50') of any lot line abutting an R district.

E. Administrative Conditional Uses: Subject to application provisions of this Chapter, performance and processing standards established by this Title, the following are uses allowed in the R-5 District by conditional administrative permit as may be issued by the Community Development Director.

1. Accessory buildings and structures requiring an administrative permit as provided in City Code Section 11-3-5.

2. Communication / Cellular antennas as regulated by City Code Section 11-4-14.

3. Public utility and public service structures, including electrical transmission lines and substations, gas regulator stations, communications equipment buildings, pumping stations or reservoirs.

4. Essential services and structures, provided that no building shall be located within fifty feet (50') of any lot line abutting an R district.

F. Development Standards: The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications as set forth in this Title:

Front yard	25 feet
Rear yard	30 feet
Side yard	15 feet
Corner yard	20 feet
Maximum height	35 feet
Setbacks between buildings	10 feet

Setbacks from other districts	30 feet abutting R-1, R-2, R-3, and R-4 districts
Parking	2 paved off-street parking spaces per dwelling unit
Maximum site coverage	40 50% total impervious

§ 11-7-6: R-6 HIGH DENSITY RESIDENTIAL ZONING DISTRICT:

A. Purpose: The purpose of the R-6 District is to provide for high-density, apartment-style, rental and condominium housing and directly related complementary uses. A full range of public services and facilities shall be available to R-6 areas.

B. Permitted Uses: The following uses are permitted in the R-6 residential district:

1. Multi-family dwellings including apartments and condominiums.
2. Structures and essential services for local, county, state, or federal government or public utility purposes, except those requiring administrative permits or Conditional Use Permits, provided, that no building shall be located within fifty feet (50') of any lot line.
3. Public parks, trails, scientific areas, playgrounds, and directly related buildings and structures.
4. Small wireless facilities located in the public right-of-way.
5. Memory care facilities and/or nursing homes.
6. Hospitals for human care; provided, that all structures except fences shall be located one hundred feet (100') or more from the lot line.

C. Permitted Accessory Uses: The following uses are permitted accessory uses in the R-6 residential district:

1. Accessory buildings and structures as regulated by City Code Section 11-3-5.
2. Accessory uses incidental and customary to the uses listed as permitted, conditional, interim, and uses by administrative permit in this Title.
3. Home occupations as regulated by City Code Section 11-4-3.
4. Signs as regulated by City Code.
5. Buildings or trailers for purposes of construction or sales on the premises for a period of time not to exceed construction.
6. Private swimming pools, recreational courts and play apparatus intended for and used by the occupants of the property on which they are located and maintained by the community's homeowners association.

D. Conditional Uses: The following are conditional uses allowed in the R-6 District and require a Conditional Use Permit based upon procedures set forth in and regulated in City

Code Section 11-2-8. Additional specific standards and criteria may be cited below for respective conditional uses. No structure or land shall be used for one (1) or more of the following uses except by Conditional Use Permit:

1. Antennas not located upon an existing structure or existing tower, as regulated in City Code Section 11-4-14.
2. State licensed residential facility serving seven (7) to sixteen (16) persons or a licensed day care facility serving thirteen (13) to sixteen (16) persons.
3. Places of worship and religious institutions.
4. Residential shelters.
5. Small wireless facilities as regulated in City Code Title 7, Chapter 6.
6. Essential services requiring a Conditional Use Permit pursuant to City Code Section 11-2-8.
7. Home occupations as regulated in City Code Section 11-4-3.

8. Educational facilities including but not limited to, public and private elementary, middle, junior high, and senior high schools, provided that no building shall be located within fifty feet (50') of any lot line abutting an R district.

E. Administrative Conditional Uses: Subject to application provisions of this Chapter, performance and processing standards established by this Title, the following are uses allowed in the R-6 District by conditional administrative permit as may be issued by the Community Development Director.

1. Accessory buildings and structures requiring an administrative permit as provided in City Code Section 11-3-5.
2. Communication / Cellular towers as regulated by City Code Section 11-4-14.
3. Public utility and public service structures, including electrical transmission lines and substations, gas regulator stations, communications equipment buildings, pumping stations or reservoirs.
4. Essential services and structures, provided that no building shall be located within fifty feet (50') of any lot line abutting an R district.

F. Development Standards: The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications as set forth in this Title, however exceptions to rigid lot area, width and depth requirements shall be granted for attached units subject to approval of a site plan pursuant to City Code Section 11-2-4 in compliance with the development standards of this District.

Front yard	15 feet
Rear yard	15 feet

Side yard	15 feet
Maximum structure height	55 feet
Setbacks between buildings	15 feet
Setbacks from other districts	30 feet abutting R-1, R-2, R-3, R-4, and R-5 districts
Parking	2 paved off-street parking spaces per dwelling unit
Maximum site coverage	50 65% total impervious

CHAPTER 8: BUSINESS DISTRICTS

Section

11-8-1: Purpose

11-8-2: Permitted, Conditional, Accessory, Administrative and Interim Uses

11-8-3: Minimum and Maximum Development Standards

§ 11-8-1: PURPOSE:

A. Limited Business District, B-1. The limited business district (B-1) is intended to provide a buffer district to adjoining residential districts for administrative office buildings and related office uses which are subject to more restrictive controls than the General Business District (B-3).

B. Retail Business District, B-2. The retail business district (B-2) is to encourage retail sales and services while minimizing the negative impact to the surrounding residential neighborhoods.

C. General Business District, B-3. The general business district (B-3) is intended to provide centralized areas for retail business areas and highway or automobile-oriented businesses.

D. Planned Business District, P-B. The planned business district (P-B) is intended to provide for the mix of suitable retail, commercial and industrial uses which are complementary and ancillary to the Cottage Grove industrial park. The district allows for a blend of manufacturing and retail uses which have significant customer interaction.

E. Mixed-Use Business District, M-U. The Mixed-Use Business District (M-U) is a commercial district intended to provide flexibility to allow complementary uses that support one another, including high density residential, commercial services and retail, employment opportunities, and transit. The district promotes a walkable, sustainable development pattern while still accommodating the automobile.

§ 11-8-2: PERMITTED, CONDITIONAL, ACCESSORY, ADMINISTRATIVE AND INTERIM USES:

A. Purpose: The use table as provided in this Section depicts the classification of land uses within zoning districts.

B. Table Key: The following labeling applies to the table in this Section:

1. Uses Defined: Uses not defined in this Chapter are subject to standard dictionary definitions.
2. Permitted Uses: Uses identified in the zoning district column with the letter "P" are allowed as permitted uses, primary or accessory, in the respective zoning district.
3. Conditional Uses: Uses identified in the zoning district column with the letter "C" are allowed as conditional uses, primary or accessory, in the respective zoning district. Conditional uses must obtain a conditional use permit prior to commencing.
4. Administrative Conditional Uses: Uses identified in the zoning district column with the letters "AC" are allowed as administrative conditional uses, primary or accessory, in the respective zoning district. Administrative conditional uses must obtain an administrative conditional use permit prior to commencing.
5. Interim Uses: Uses identified in the zoning district column with the letter "I" are allowed as interim uses, primary or accessory, in the respective zoning district. Interim uses must obtain an interim conditional use permit prior to commencement.
6. Accessory Uses: Uses identified in the zoning district column with the letter "A" are allowed as accessory uses in the respective zoning district.
7. Prohibited Uses: Uses not listed or not associated with a letter in the zoning district column are prohibited uses in the respective zoning district.
8. Standards: For ease of reference, uses for which specific standards apply include a reference to the applicable Code Section.

C. Use Table:

USE TYPE	B-1	B-2	B-3	P-B	M-U
USE TYPE	B-1	B-2	B-3	P-B	M-U
Accessory uses or retail sales which are customarily incidental and clearly subordinate to the primary use within the principal structure	A	A	A	A	A
Adult uses			P		

Apartments / condominiums					P
Apartments with Commercial					C
Automated car wash as an accessory use	A	A	A	A	A
Automobile car wash (drive- through, mechanical and self-service)		C	C	C	C
Automobile Repair-Major				C	
Automobile Repair-Minor			C	C	C
Automotive, motorcycle, trailer, recreation vehicles, boats and/or farm equipment establishments for display, hire, service, rental, leasing and/or sales conducted outside a building, provided servicing is conducted within a building.			C	C	
Banks and other financial institutions with a drive-up window	C	C	C	C	C
Banks and other financial institutions without drive-up window	P	P	P	P	P
Blacktop or crushing materials for roadway materials	I	I	I	I	
Cannabis or intoxicating CBD sales			P	P	P
Catering establishment		P	P	P	
Cellular Antennas (attached to structures)		AC	AC	AC	AC
Commercial Recreation - Indoor		P	P	P	P
Commercial Recreation - Outdoor			C	C	
Community Center			C	C	C
Dance and/or music studios	P	P	P	P	P
Daycare	C	C	C		P
Donation Drop Boxes		AC	AC	AC	AC
Construction and/or trades sales and service shops; with storage of equipment, supplies or materials inside a building			P	P	
Electric Car Charging Station	AC	AC	AC	AC	AC
Equipment rental, inside a building (no outdoor display)		P	P	P	P
Equipment rental with outside storage			C	C	
Essential service structures, including, but not limited to, buildings such as telephone stations, booster or pressure stations, elevated tanks, lift stations and electric power substations	AC	AC	AC	AC	AC
Event Center			C	C	C

Farmers' market	I	I	I	I	I
Funeral homes	P	P	P		P
Furniture and upholstery repair refinish shops			P	P	
Garden Centers and nurseries			C	C	
Greenhouse (seasonal)		I	I	I	I
Hotel, motel		C	C	C	C
Manufacturing, compounding, assembly, and packaging inside a building				P	
Medical and/or dental clinics, hospitals	P	P	P	P	P
Motor fuel stations	C	C	C	C	C
Movie theater		P	P	P	P
Municipal and government buildings and structures, including police, fire, library, public works garages	C	C	C	C	C
Nursing homes, memory care, or retirement homes	C	C	C		C
Off street parking, storage garage, parking decks, parking ramps and buildings and loading areas when incidental and subordinate to any permitted use	A	A	A	A	A
Offices for administrative, executive, or professional services	P	P	P	P	P
Outdoor seating or dining	C	A	A	A	A
Park and ride facilities				C	
Pawnshop			C		
Personal Services (nail, massage, hair, tanning, etc)	P	P	P	P	P
Pet related care including dog daycare, boarding, veterinary clinics and grooming with outdoor use.			C	C	
Pet related care including veterinary clinics with no outdoor use.		P	P	P	P
Public parks	P	P	P	P	P
Public, parochial and private schools, trade and business schools, colleges and universities	C	C	C	C	C
Research and development including laboratories (i.e. medical, software, communications, scientific, etc.)	P	P	P	P	P
Restaurants, excluding a drive-up window	P	P	P	P	P
Restaurants, with drive-up window		C	C	C	C
Restaurants, with on-sale liquor	P	P	P	P	P
Retail uses	P	P	P	P	P
Self-storage facility				C	

Showroom warehouse				P	
Signs	A	A	A	A	A
Stockpiling of materials incidental to construction activities		I	I	I	I
Tattoo and body piercing		P	P	P	P
Tax exempt lodges and clubs; provided, they are more than 75 feet from a residential district		C	C		C
Temporary accessory outdoor sales		AC	AC	AC	AC
Temporary buildings for construction purposes for a period not to exceed the completion date of such construction	AC	AC	AC	AC	AC
Wholesale businesses		P	P	P	P

§ 11-8-3: MINIMUM AND MAXIMUM DEVELOPMENT STANDARDS:

A. Standards to be Observed: The minimum and maximum development standards for each zoning district shown in the development standards table shall be observed.

B. Development Standards Table:

Development Standards	B-1	B-2	B-3	P-B	M-U
Minimum lot width	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.
Maximum building height	35 ft.	35 ft.	40 ft.	50 ft.	55 ft.
Minimum front yard	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Minimum side yard, interior lot line	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Corner Lot setback on front and side yard	30 ft.	30 ft.	20 ft.	20 ft.	20 ft.
Minimum side yard line adjacent to a street	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Corner Lot setback on front and side yard	30 ft.	30 ft.	20 ft.	20 ft.	20 ft.
Minimum rear yard	35 ft.	35 ft.	10 ft.	10 ft.	10 ft.
Minimum rear yard, abutting a residential district	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.
Minimum rear yard, abutting a railroad track right of way	--	10 ft.	10 ft.	10 ft.	10 ft.
Maximum building height	35 ft.	35 ft.	40 ft.	50 ft.	55 ft.
Maximum Impervious coverage	70%	70%	70%	70%	70%

CHAPTER 9: INDUSTRIAL DISTRICTS

Section

11-9-1: Purpose

11-9-2: Permitted, Conditional, Accessory, Administrative and Interim Uses

11-9-3: Development Standards

§ 11-9-1: PURPOSE:

A. I-1 General Industrial District: The I-1 General Industrial District is intended to provide a district which is appropriate for manufacturing, compounding, processing, packaging or treatment of products, excluding hide or animal processing. Property zoned I-1 will be located within the metropolitan urban service area (MUSA) and served by public utility systems.

B. I-2 Heavy Industrial District: The I-2 Heavy Industrial District is to provide areas suitable for industrial uses which are more intense than the I-1 district, however will not allow hide or animal processing, and may have greater impact to noncommercial land uses. Property zoned I-2 will be located inside the metropolitan urban service area.

C. I-3 Commercial Excavation District: The I-3 Commercial Excavation District is to provide for the excavation of sand, gravel and other mineral deposits or materials for the current future, recognizing that the areas will be rezoned after excavation is complete. Property zoned I-3 will be located outside the metropolitan urban service area.

§ 11-9-2: PERMITTED, CONDITIONAL, ACCESSORY, ADMINISTRATIVE AND INTERIM USES:

A. Purpose: The use table as provided in this Section depicts the classification of land uses within zoning districts.

B. Table Key: The following labeling applies to the table in this Section:

1. Uses Defined: Uses not defined in this Chapter are subject to standard dictionary definitions.

2. Permitted Uses: Uses identified in the zoning district column with the letter "P" are allowed as permitted uses, primary or accessory, in the respective zoning district.

3. Conditional Uses: Uses identified in the zoning district column with the letter "C" are allowed as conditional uses, primary or accessory, in the respective zoning district. Conditional uses must obtain a conditional use permit prior to commencing.

4. Administrative Conditional Uses: Uses identified in the zoning district column with the letters “AC” are allowed as administrative conditional uses, primary or accessory, in the respective zoning district. Administrative conditional uses must obtain an administrative conditional use permit prior to commencing.

5. Interim Uses: Uses identified in the zoning district column with the letter “I” are allowed as interim uses, primary or accessory, in the respective zoning district. Interim uses must obtain an interim conditional use permit prior to commencement.

6. Accessory Uses: Uses identified in the zoning district column with the letter “A” are allowed as accessory uses in the respective zoning district.

7. Prohibited Uses: Uses not listed or not associated with a letter in the zoning district column are prohibited uses in the respective zoning district.

8. Standards: For ease of reference, uses for which specific standards apply include a reference to the applicable Code Section.

C. Use Table:

USE TYPE	I-1	I-2	I-3
USE TYPE	I-1	I-2	I-3
Agricultural	P	P	P
Automobile repair, painting, body work (inside the principal structure)	P	P	
automotive sales - Indoor, no exterior storage	P	P	
Brewery/Distillery/Restaurant	C	P	
Buildings temporarily located for purposes of construction for the construction period only	AC	AC	AC
Cafeteria	A	A	
Cannabis manufacturing	C	C	
Cleaning and maintenance services including but not limited to carpet, laundry, furniture, upholstery, appliances, etc.)		C	
Commercial production greenhouses	C	C	
Recreational facilities - Indoor	P		
Construction trades	P	P	
Data center	C	C	
Essential services and buildings	P	P	P
Gas Station	C	C	

Gun and/or archery ranges (inside a structure)	P	P	
Gun and/or archery ranges (outdoors)		C	
Laboratories, research and development facilities	P	P	
Machine shops	P	P	
Manufacturing within an enclosed building (assembly & packaging)	P	P	
Mining and excavation			C
Municipal and government buildings	P	P	P
Offices	P	P	
Off street parking, storage garages and buildings and loading areas	A	A	
Outdoor parking of trucks and commercial vehicles	A	A	A
Outdoor screen storage incidental to principal use: up to 5,000 sq ft (P), over 5,000 sq ft (C)	P/C	P/C	P/C
Packaging/processing food products	C	C	
Parcel delivery services	P	P	
Pharmaceutical/Medical device manufacturing	C	P	
Power plants		C	
Public enclosed rental storages or garages	C	C	
Sale showrooms	P		
Signs	A	A	A
Storage (inside the principal structure)	P	P	
Storage of crude oil, refined oil, alcohol and other liquids in outdoor aboveground storage tanks, incidental to the principal use and not for sale	A	A	A
Truck, service and maintenance stations (inside the principal structure)	C	C	
Veterinarian clinics (inside the principal structure) (P); with outdoor run (C)	P/C		
Vocation/technical schools	P	P	
Warehouses and distribution facilities	P	P	
Wastewater treatment facilities		C	

§ 11-9-3: DEVELOPMENT STANDARDS:

The following table of minimum lot area, yard and bulk requirements shall be observed:

<u>Development Standards</u>	I-1	I-2	I-3
<u>Minimum</u> Lot width	175 feet	200 feet	200 feet
<u>Minimum</u> Front yard setback	40 feet	50 feet	100 feet
<u>Minimum side yard setback, interior lot line</u>	<u>40 feet</u>	<u>40 feet</u>	<u>40 feet</u>
<u>Minimum Side yard setback, adjacent to a street</u>	<u>40 feet</u>	<u>40 feet</u>	<u>125 feet</u>
<u>Minimum</u> Side yard setback, abutting a <u>Residential</u> district	100 feet	125 feet	200 feet
Side yard setback adjacent to a street	40 feet	40 feet	125 feet
Interior side yard setback	40 feet	40 feet	40 feet
<u>Minimum</u> Rear yard setback	60 feet	60 feet	100 feet
<u>Minimum</u> Rear yard setback abutting a <u>Residential</u> district	100 feet	150 feet	200 feet
<u>Maximum</u> Building height	55 feet	60 feet	60 feet
Note: No minimum lot width is required for essential public services.			

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CHAPTER 10: FLOODPLAIN MANAGEMENT

Section

11-10-1: Authority; Findings of Fact; Purpose

11-10-2: General Provisions

11-10-3: Establishment of Zoning District Overlay

11-10-4: Floodway District (FW)

11-10-5: Flood Fringe District (FF)

11-10-6: General Floodplain District

11-10-7: Subdivisions

11-10-8: Public Utilities, Railroads, Roads, and Bridges

11-10-9: Manufactured Homes and Manufactured Home Parks and Placement of Recreational Vehicles

11-10-10: Administration

11-10-11: Nonconforming Uses

11-10-12: Amendments

§ 11-10-1: AUTHORITY; FINDINGS OF FACT; PURPOSE:

A. Statutory Authority: The legislature of the state of Minnesota, in Minnesota Statutes, Chapters 103F and 462, has delegated the responsibility to local government units to adopt regulations designed to minimize flood losses.

B. Findings of Fact: The City Council of the City of Cottage Grove makes the following findings:

1. The flood hazard areas of the City of Cottage Grove, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures or flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. This Chapter is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.

3. This Chapter is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59-78, as amended, so as to maintain eligibility of the Cottage Grove community in the national flood insurance program.

C. Statement of Purpose: It is the purpose of this Chapter to promote the public health, safety, and general welfare and to minimize those losses described in this Section.

§ 11-10-2: GENERAL PROVISIONS:

A. Lands to Which Chapter Applies: This Chapter applies to all lands within the jurisdiction of the City as shown on the City's Official Zoning Map and the attachments thereto as being located within the boundaries of the floodway, flood fringe, or general floodplain districts.

B. Establishment of Official Zoning Map: The Official Zoning Map together with all attachments thereto is hereby adopted by reference. The attachments to the Official Zoning Map include the flood insurance study for Washington County, Minnesota, and incorporated areas and flood insurance rate map panels therein numbered 27163C0392E,

27163C0394E, 27163C0403E, 27163C0405E, 27163C0410E, 27163C0411E, 27163C0412E, 27163C0413E, 27163C0414E, 27163C0416E, 27163C0417E, 27163C0418E, 27163C0419E, 27163C0430E and 27163C0438E, all dated February 3, 2010, and prepared by the federal emergency management agency. The Official Zoning Map shall be on file in the Office of the City Clerk.

C. Regulatory Flood Protection Elevation: The regulatory flood protection elevation shall be seven hundred feet (700') above mean sea level or an elevation no lower than one foot (1') above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway, whichever is greater.

D. Interpretation:

1. In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

2. The boundaries of the zoning districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Community Development Director, the Board of Adjustments and Appeals shall make the necessary interpretation. All decisions will be based on elevations on the regional (one hundred (100) year) flood profile, the ground elevations that existed on the site at the time the city adopted its initial floodplain ordinance or on the date of the first national flood insurance program map showing the area within the one hundred (100) year floodplain if earlier, and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board of Adjustments and Appeals and to submit technical evidence.

E. 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. The regulations in this Chapter are in addition to rather than in substitution of regulations imposed by any other zoning classification for designated floodplains. In the event of any inconsistency between the provisions of this Chapter and other City Code provision, the more restrictive provision shall prevail.

F. Warning and Disclaimer of Liability: This Chapter does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This Chapter shall not create liability on the part of the City or any officer or employee thereof for any flood damages that may result from reliance on this Chapter or any administrative decision lawfully made thereunder.

G. Severability: If any Section, clause, provision, or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.

H. Annexations: The flood insurance rate map panels adopted by reference in this Section may include floodplain areas that lie outside of the corporate boundaries of the City at the time of adoption of this Chapter. If any of these floodplain land areas are annexed into the City after the date of adoption of this Chapter, the newly annexed floodplain lands shall be subject to the provisions of this Chapter immediately upon the date of annexation into the City.

§ 11-10-3: ESTABLISHMENT OF ZONING DISTRICT OVERLAY:

A. Flood Management Overlay Districts:

1. Floodway District: The floodway district shall include those areas designated as floodway on the flood insurance rate map adopted in City Code Section 11-10-2.

2. Flood Fringe District: The flood fringe district shall include those areas designated as floodway fringe. The flood fringe district shall include those areas shown on the flood insurance rate map as adopted in City Code Section 11-10-2 as being within zone AE but being located outside of the floodway.

3. General Floodplain District: The general floodplain district shall include those areas designated as zone A and zone AE without a floodway on the flood insurance rate map adopted in City Code Section 11-10-2.

B. Compliance: No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this Chapter. Within the floodway, flood fringe and general floodplain districts, all uses not listed as permitted uses or conditional uses in City Code Sections 11-10-4, 11-10-5 and 11-10-6 that follow, respectively, shall be prohibited. In addition, a caution is provided here that:

1. New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this Chapter and specifically City Code Section 11-10-9.

2. Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this Chapter and specifically City Code Section 11-10-11.

3. As built elevations for elevated or floodproofed structures must be certified by ground surveys and floodproofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this Chapter and specifically as stated in City Code Section 11-10-10.

§ 11-10-4: FLOODWAY DISTRICT (FW):

A. Permitted Uses:

1. General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
2. Industrial-commercial loading areas, parking areas, and airport landing strips.
3. Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.
4. Residential lawns, gardens, accessory parking areas, and play areas.

B. Standards for Floodway Permitted Uses:

1. The use shall have a low flood damage potential.
2. The use shall be permissible in the underlying zoning district.
3. The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

C. Conditional Uses:

1. Structures accessory to permitted uses listed above.
2. Extraction and storage of sand, gravel, and other materials.
3. Marinas, boat rentals, docks, piers, wharves, and water control structures.
4. Railroads, streets, bridges, utility transmission lines, and pipelines.
5. Storage yards for equipment, machinery, or materials, other than fuel storage tanks.
6. Placement of fill or construction of fences.
7. Recreational vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of City Code Section 11-10-9.C.
8. Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the ten (10) year frequency flood event.

D. Standards for Floodway Conditional Uses:

1. All Uses: No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional use that will cause any increase in the stage of the one hundred (100) year or regional flood or cause an increase in flood damages in the reach or reaches affected.

2. Conditional Uses: All floodway conditional uses are subject to the procedures and standards contained in City Code Section 11-10-10.D.

3. Conditional Use Permissible: The conditional use shall be permissible in the underlying zoning district.

4. Fill:

a. Fill, dredge spoil, and all other similar materials deposited or stored in the floodplain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.

b. Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.

c. As an alternative, and consistent with subsection D.4.b of this Section, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the one hundred (100) year or regional flood but only after the City has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The conditional use permit must be recorded in the Office of the County Recorder or County Registrar of Titles, as appropriate.

5. Accessory Structures:

a. Accessory structures shall not be designed for human habitation.

b. Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters:

(1) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and

(2) So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

c. Accessory structures shall be elevated on fill or structurally dry floodproofed in accordance with the FP-1 or FP-2 floodproofing classifications in the state building code. As an alternative, an accessory structure may be floodproofed to the FP-3 or FP-4 floodproofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed five hundred (500) square feet in size at its largest projection, and for a detached garage, the detached garage must be used solely

for parking of vehicles and limited storage. All floodproofed accessory structures must meet the following additional standards:

(1) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls;

(2) Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly floodproofed; and

(3) To allow for the equalization of hydrostatic pressure, there must be a minimum of two (2) "automatic" openings in the outside walls of the structure having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two (2) sides of the structure and the bottom of all openings must be no higher than one foot (1') above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

6. Storage of Materials and Equipment:

a. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

b. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the City Council.

7. Structural Works: Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statutes, Chapter 103G. Community wide structural works for flood control intended to remove areas from the regulatory floodplain shall not be allowed in the floodway.

8. Levee, Dike or Floodwall in Floodway: A levee, dike or floodwall constructed in the floodway shall not cause an increase to the one hundred (100) year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

§ 11-10-5: FLOOD FRINGE DISTRICT (FF):

A. Permitted Uses: Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). All permitted uses shall comply with the standards for flood fringe district "permitted uses" listed in subsection B of this Section and subsection E, "Standards For All Flood Fringe Uses", of this Section.

B. Standards For Flood Fringe Permitted Uses:

1. All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one foot (1') below the regulatory flood protection elevation and the fill shall extend at such elevation at least fifteen feet (15') beyond the outside limits of the structure erected thereon.

2. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed five hundred (500) square feet at its largest projection may be internally floodproofed in accordance with City Code Section 11-10-4.D.5.c.

3. The cumulative placement of fill where at any one (1) time in excess of one thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless said fill is specifically intended to elevate a structure in accordance with subsection B.1 of this Section.

4. The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.

5. The provisions of subsection E of this Section shall apply.

C. Conditional Uses: Any structure that is not elevated on fill or floodproofed in accordance with subsections B.1 through B.2 of this Section or any use of land that does not comply with the standards in subsections B.3 through B.4 of this Section shall only be allowable as a conditional use. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in subsections D and E of this Section and City Code Section 11-10-10.D.

D. Standards for Flood Fringe Conditional Uses:

1. Alternative Methods: Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above grade and not a structure's basement or lowest floor if: a) the enclosed area is above grade on at least one (1) side of the structure; b) it is designed to internally flood and is constructed with flood resistant materials; and c) it is used solely for parking of vehicles, building access or storage. The above noted alternative elevation methods are subject to the following additional standards:

a. Design and Certification: The structure's design and as built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the state building code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent floodwater from entering or accumulating within these components during times of flooding.

b. Specific Standards for Above Grade, Enclosed Areas: Above grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

(1) A minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. There shall be a minimum of two (2) openings on at least two (2) sides of the structure and the bottom of all openings shall be no higher than one foot (1') above grade. The automatic openings shall have a minimum net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters without any form of human intervention; and

(2) That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

2. Basements: Basements, as defined by City Code Section 11-1-3, shall be subject to the following:

a. Residential basement construction shall not be allowed below the regulatory flood protection elevation.

b. Nonresidential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry floodproofed in accordance with subsection D.3 of this Section.

3. Floodproofing Structures Below Regulatory Flood Protection Elevation: All areas of nonresidential structures including basements to be placed below the regulatory flood protection elevation shall be floodproofed in accordance with the structurally dry floodproofing classifications in the state building code. Structurally dry floodproofing must meet the FP-1 or FP-2 floodproofing classification in the state building code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures floodproofed to the FP-3 or FP-4 classification shall not be permitted.

4. Erosion/Sedimentation Control Plan: When at any one (1) time more than one thousand (1,000) cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the City is enforcing a state approved shore land management ordinance. In the absence of a state approved shore land ordinance, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the one hundred (100) year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual

acceptable to the City Council. The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.

5. Storage of Materials and Equipment:

- a. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
- b. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the City Council.

6. Other Provisions that Apply: The provisions of subsection E of this Section shall also apply.

E. Standards for all Flood Fringe Uses:

1. All new principal structures must have vehicular access at or above an elevation not more than two feet (2') below the regulatory flood protection elevation. If a variance to this requirement is granted, the Board of Adjustments and Appeals must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.

2. Commercial uses: Accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four (4) upon occurrence of the regional flood.

3. Manufacturing and industrial uses: Measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in subsection E.2 of this Section. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in floodplain areas.

4. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The federal emergency management agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the one hundred (100) year flood elevation; FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

5. Floodplain developments shall not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.

6. Standards for recreational vehicles are contained in City Code Section 11-10-9.C.

7. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over the top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

§ 11-10-6: GENERAL FLOODPLAIN DISTRICT:

A. Permissible Uses:

1. The uses listed in City Code Section 11-10-4.A shall be permitted uses.

2. All other uses shall be subject to the floodway/flood fringe evaluation criteria pursuant to subsection B of this Section. City Code Section 11-10-4 shall apply if the proposed use is in the floodway district and City Code Section 11-10-5 shall apply if the proposed use is in the flood fringe district.

B. Procedures for Floodway and Flood Fringe Determinations Within the General Floodplain District:

1. Upon receipt of an application for a permit or other approval within the general floodplain district, the applicant shall be required to furnish such of the following information as is deemed necessary by the Community Development Director for the determination of the regulatory flood protection elevation and whether the proposed use is within the floodway or flood fringe district.

a. A typical valley cross section(s) showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross sectional areas to be occupied by the proposed development, and high-water information.

b. A surface view plan showing elevations or contours of the ground, pertinent structure, fill, or storage elevations, the size, location, and spatial arrangement of all proposed and existing structures on the site, and the location and elevations of streets.

c. Photographs showing existing land uses, vegetation upstream and downstream, and soil types.

d. A profile showing the slope of the bottom of the channel or flow line of the stream for at least five hundred feet (500') in either direction from the proposed development.

2. The applicant shall be responsible to submit one (1) copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the floodway or flood fringe district and to

determine the regulatory flood protection elevation. Procedures consistent with Minnesota Rules Parts 6120.5000 - 6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources area hydrologist prior to commencing the analysis. The designated engineer or expert shall:

- a. Estimate the peak discharge of the regional flood.
- b. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
- c. Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than one-half ($\frac{1}{2}$) foot. A lesser stage increase than one-half ($\frac{1}{2}$) foot shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.

3. The Community Development Director shall present the technical evaluation and findings of the designated engineer or expert to the City Council. The City Council must formally accept the technical evaluation and the recommended floodway and/or flood fringe district boundary or deny the permit application. The City Council, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources or the Planning Commission for review and comment. Once the floodway and flood fringe district boundaries have been determined, the City Council shall refer the matter back to the Community Development Director who shall process the permit application consistent with the applicable provisions of City Code Sections 11-10-4 and 11-10-5.

§ 11-10-7: SUBDIVISIONS:

A. Review Criteria: No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the floodplain districts shall be able to contain a building site outside of the floodway district at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this Chapter and have road access both to the subdivision and to the individual building sites no lower than two feet (2') below the regulatory flood protection elevation. For all subdivisions in the floodplain, the floodway and flood fringe district boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

B. Floodway/Flood Fringe Determinations in the General Floodplain District: In the General Floodplain District, applicants shall provide the information required in City Code Section 11-10-6.B to determine the one hundred (100) year flood elevation, the floodway

and flood fringe district boundaries and the regulatory flood protection elevation for the subdivision site.

C. Removal of Special Flood Hazard Area Designation: The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the one hundred (100) year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

§ 11-10-8: PUBLIC UTILITIES, RAILROADS, ROADS, AND BRIDGES:

A. Public Utilities: All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain shall be floodproofed in accordance with the State Building Code or elevated to above the regulatory flood protection elevation.

B. Public Transportation Facilities: Railroad tracks, roads, and bridges to be located within the floodplain shall comply with City Code Sections 11-10-4 and 11-10-5. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

C. On Site Sewage Treatment and Water Supply Systems: Where public utilities are not provided:

1. On site water supply systems must be designed to minimize or eliminate infiltration of floodwaters into the systems; and

2. New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters and they shall not be subject to impairment or contamination during times of flooding.

3. Any sewage treatment system designed in accordance with the state's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.

§ 11-10-9: MANUFACTURED HOMES AND MANUFACTURED HOME PARKS AND PLACEMENT OF RECREATIONAL VEHICLES:

A. New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by City Code Section 11-10-7.

B. The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in floodplain districts will be treated as a new structure and may be placed only if elevated in compliance with City Code Section 11-10-5. If vehicular road access for preexisting manufactured home parks is not provided in accordance with City Code Section 11-10-5.E.1, then replacement manufactured homes will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the City Council.

1. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over the top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

C. Recreational vehicles that do not meet the exemption criteria specified in subsection C.1 of this Section shall be subject to the provisions of this Chapter and as specifically spelled out in subsections C.3 through C.4 of this Section.

1. Exemption: Recreational vehicles are exempt from the provisions of this Chapter if they are placed in any of the areas listed in subsection C.2 of this Section and meet the following criteria:

a. Have current licenses required for highway use.

b. Are highway ready meaning that they are on wheels or an internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks, and the recreational vehicle has no permanent structural type additions attached to it.

c. The recreational vehicle and associated use must be permissible in the underlying zoning district.

2. Areas Exempted for Placement of Recreational Vehicles: Recreational vehicles that meet the criteria in subsection C.1 of this Section are exempt from the provisions of this Chapter only if they are placed in one (1) of the following locations:

a. Individual lots or parcels of record.

b. Existing commercial recreational vehicle parks or campgrounds.

c. As part of an existing condominium type association.

3. Recreational Vehicles Exempted: Recreational vehicles exempted in subsection C1 of this section lose the exemption when development occurs on the parcel exceeding five hundred dollars (\$500.00) for a structural addition to the recreational vehicle or exceeding five hundred dollars (\$500.00) for an accessory structure such as a garage or storage building. The recreational vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/floodproofing requirements and the use of land restrictions specified in City Code Sections 11-10-4 and 11-10-5. There shall be no development or improvement on the parcel or attachment to the

recreational vehicle that hinders the removal of the recreational vehicle to a flood free location should flooding occur.

4. New Recreational Vehicle Parks or Campgrounds: New commercial recreational vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:

a. Any new or replacement recreational vehicle will be allowed in the floodway or flood fringe districts provided said recreational vehicle and its contents are placed on fill above the regulatory flood protection elevation and proper elevated road access to the site exists in accordance with City Code Section 11-10-5.E.1. No fill placed in the floodway to meet the requirements of this Section shall increase flood stages of the one hundred (100) year or regional flood.

b. All new or replacement recreational vehicles not meeting the criteria of subsection C.4.a of this Section may, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the provisions of City Code Section 11-10-10.D. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the one hundred (100) year flood. Said plan shall be prepared by a registered engineer or other qualified individual, shall demonstrate that adequate time and personnel exist to carry out the evacuation, and shall demonstrate the provisions of subsections C.1.a and C.1.b of this Section will be met. All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with City Code Section 11-10-8.C.

§ 11-10-10: ADMINISTRATION:

A. Community Development Director: The Community Development Director shall administer and enforce this Chapter. If the Community Development Director finds a violation of the provisions of this Chapter the Community Development Director shall notify the person responsible for such violation in accordance with the procedures stated in City Code.

B. Permit Requirements:

1. Permit Required: A permit issued by the Community Development Director in conformity with the provisions of this Chapter shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or onsite septic system; prior to the change or extension of a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.

2. Application for Permit: Application for a permit shall be made in duplicate to the Community Development Director on forms furnished by the Community Development Director and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.

3. State and Federal Permits: Prior to granting a permit or processing an application for a conditional use permit or variance, the Community Development Director shall determine that the applicant has obtained all necessary state and federal permits.

4. Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use: It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the Community Development Director stating that the use of the building or land conforms to the requirements of this Chapter.

5. Construction and Use to be as Provided on Applications, Plans, Permits, Variances and Certificates of Zoning Compliance: Permits, conditional use permits, or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Chapter, and punishable as provided by City Code.

6. Certification: The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Chapter. Floodproofing measures shall be certified by a registered professional engineer or registered architect.

7. Record of First Floor Elevation: The Community Development Director shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The Community Development Director shall also maintain a record of the elevation to which structures or alterations and additions to structures are floodproofed.

8. Notifications for Watercourse Alterations: The Community Development Director shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the City authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota Statutes, Chapter 103G, this shall suffice as adequate notice to the commissioner of natural resources. A copy of said notification shall also be submitted to the Chicago regional office of the Federal Emergency Management Agency (FEMA).

9. Notification to FEMA when Physical Changes Increase or Decrease the One Hundred (100) Year Flood Elevation: As soon as is practicable, but not later than six (6) months after

the date such supporting information becomes available, the Community Development Director shall notify the Chicago regional office of FEMA of the changes by submitting a copy of said technical or scientific data.

C. Board of Adjustments and Appeals:

1. Administrative Review: The Board of Adjustments and Appeals shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this Chapter.

2. Variances: The Board of Adjustments and Appeals may authorize upon appeal in specific cases such relief or variance from the terms of this Chapter as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration. In the granting of such variance, the Board of Adjustments and Appeals shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in this chapter, other zoning regulations in the City, and applicable state law, that justified the granting of the variance. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. The following additional variance criteria of the federal emergency management agency must be satisfied:

a. Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

b. Variances shall only be issued upon: 1) a showing of good and sufficient cause, 2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and 3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

3. Hearings: Upon filing with the Board of Adjustments and Appeals of an appeal from a decision of the Community Development Director, or an application for a variance, the Board of Adjustments and Appeals shall fix a reasonable time for a hearing and give due notice to the parties in interest as specified by law. The Board of Adjustments and Appeals shall submit by mail to the Commissioner of the Department of Natural Resources a copy of the application for proposed variances sufficiently in advance so that the Commissioner will receive at least ten (10) days' notice of the hearing.

4. Decisions: The Board of Adjustments and Appeals shall arrive at a decision on such appeal or variance within the time required by law. In passing upon an appeal, the Board of Adjustments and Appeals may, so long as such action is in conformity with the provisions

of this chapter, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the Community Development Director or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a variance the Board of Adjustments and Appeals may prescribe appropriate conditions and safeguards such as those specified in City Code Section 11-10-10.D.7, which are in conformity with the purposes of this Chapter. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Chapter. A copy of all decisions granting variances shall be forwarded by mail to the Commissioner of the Department of Natural Resources within ten (10) days of such action.

5. Appeals: Appeals from any decision of the Board of Adjustments and Appeals may be made, and as specified in the City Code Section 11-2-13.

6. Flood Insurance Notice and Recordkeeping: The Community Development Director shall notify the applicant for a variance 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 twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage and b) such construction below the one hundred (100) year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. The City shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the administrator of the national flood insurance program.

D. Conditional Uses: The procedures in City Code Section 11-2-8 shall apply to all applications for conditional use permits under this Chapter. The following additional provisions shall apply to such applications:

1. Copy of Application: The Community Development Director shall mail to the Commissioner of the Department of Natural Resources a copy of the conditional use permit application sufficiently in advance so that the Commissioner will receive at least ten (10) days' advance notice of the public hearing on the application.

2. Copy of Decisions Granted: The Community Development Director shall mail to the Commissioner of the Department of Natural Resources a copy of all decisions granting conditional use permits within ten (10) days of such action.

3. Information Required for Applications: Applications for conditional use permits must include the following information:

a. Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, floodproofing measures, and the relationship of the above to the location of the stream channel; and

b. Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

4. Copy of Information to Designated Engineer: The Community Development Director will transmit one (1) copy of the information described in subsection D.3 of this Section to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters. Based upon the technical evaluation of the designated engineer or expert, the City Council shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.

5. Factors Upon Which Decision Shall be Based: In passing upon conditional use applications, the City Council shall consider all relevant factors specified in other Sections of this Chapter, and:

- a. The danger to life and property due to increased flood heights or velocities caused by encroachments.
- b. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
- c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- e. The importance of the services provided by the proposed facility to the community.
- f. The requirements of the facility for a waterfront location.
- g. The availability of alternative locations not subject to flooding for the proposed use.
- h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- k. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
- l. Such other factors which are relevant to the purposes of this Chapter.

6. Time for Acting on Application: The City Council shall act on an application in the manner described above within the time required by law. The City Council shall render a written decision on the application.

7. Conditions Attached to Conditional Use Permits: Upon consideration of the factors listed above and the purpose of this Chapter, the City Council shall attach such conditions

to the granting of conditional use permits as it deems necessary to fulfill the purposes of this Chapter. Such conditions may include, but are not limited to, the following:

- a. Modification of waste treatment and water supply facilities.
- b. Limitations on period of use, occupancy, and operation.
- c. Imposition of operational controls, sureties, and deed restrictions.
- d. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
- e. Floodproofing measures, in accordance with the State Building Code and this Chapter. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

§ 11-10-11: NONCONFORMING USES:

A structure or the use of a structure or premises which was lawful before the passage or amendment of this Chapter but which is not in conformity with the provisions of this Chapter may be continued subject to the following conditions.

A. No such use shall be expanded, changed, enlarged, or altered in a way that increases its nonconformity.

B. Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP-1 through FP-4 floodproofing classifications) allowable in the State Building Code, except as further restricted in City Code Sections 11-10-11.C, 11-10-11.D and 11-10-11.E. A structural addition to a nonconforming structure must be located outside of the floodway and must be elevated on fill to the regulatory flood protection elevation in accordance with subsection 11-10-2.C of this Chapter.

C. The cost of all structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed fifty percent (50%) of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds fifty percent (50%) of the market value of the structure, then the structure must meet the standards of Section 11-10-4 or 11-10-5 of this Chapter for new structures depending upon whether the structure is in the floodway or flood fringe district, respectively.

D. If any nonconforming use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this chapter. The assessor shall notify

the Community Development Director in writing of instances of nonconforming uses that have been discontinued for a period of twelve (12) months.

E. If a substantial improvement occurs from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming structure, then the structural addition and the existing nonconforming structure must meet the requirements of City Code Section 11-10-4 or City Code Section 11-10-5 for new structures, depending upon whether the structure is in the floodway or flood fringe district, respectively. A nonconforming structure shall not be substantially improved if said structure is located in the floodway.

§ 11-10-12: AMENDMENTS:

A. The floodplain designation on the official zoning map shall not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the commissioner of natural resources if he or she determines that, through other measures, lands are adequately protected for the intended use.

B. All amendments to this Chapter, including amendments to the Official Zoning Map, must be submitted to and approved by the Commissioner of the Department of Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) technical conditions and criteria and must receive prior FEMA approval before adoption. The Commissioner of the Department of Natural Resources must be given ten (10) days' written notice of all hearings to consider an amendment to this Chapter and said notice shall include a draft of the ordinance amendment or technical study under consideration.

CHAPTER 11: CD CONSERVANCY DISTRICT

Section

11-11-1: Purpose

11-11-2: Lands Designated

11-11-3: Interpretation of District Boundaries

11-11-4: Petition Requirements

11-11-5: Permitted Uses

11-11-6: Special Uses

11-11-7: Development Standards

§ 11-11-1: PURPOSE:

The purpose of this District is to establish provisions for areas containing valuable environmental qualities which, in order to conserve the City's natural resources, preserve the amenities of its environment, prevent the overcrowding of land, avoid undue concentration of population and alleviate severe flooding problems, have been determined to best be retained in substantially an undeveloped state.

§ 11-11-2: LANDS DESIGNATED:

Private Property: Property in private ownership, consisting of ten (10) acres or more, that meets the requirements, may also be designated for the Conservancy District, but only upon acceptance of a petition from the property owner.

§ 11-11-3: INTERPRETATION OF DISTRICT BOUNDARIES:

When uncertainty exists as to the Conservancy District boundaries, the following rules shall apply:

A. District boundaries along a stream are intended to represent the high-water line of a regional flood; provided, however, that along a stream, such line shall not be less than fifty feet (50') from the center of such stream.

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

C. District boundaries in a public park or common open space are intended to represent the property lines of such area.

§ 11-11-4: PETITION REQUIREMENTS:

Before any property in private ownership shall be accepted for inclusion in the Conservancy District, the petitioner shall provide the following:

A. A survey of the property and a legal description of the property. Such survey shall be prepared by a registered land surveyor.

B. A topographic map with contour lines designated at an interval of five feet (5') or less.

C. A site plan indicating the location of all trees of fifteen inches (15") in diameter or more, as well as other environmentally significant features.

D. An agreement, acceptable to the City Council, which specifies the length of time such petitioner wishes to have his/her property remain in the Conservancy District. Under no circumstances shall the time period be less than five (5) years.

§ 11-11-5: PERMITTED USES:

The following uses are permitted as a right in the Conservancy District:

- A. Agricultural uses.
- B. Conservation uses, including drainage control, forestry, wildlife sanctuaries and facilities for making such uses available and useful to the public.
- C. Nature study areas and arboretums.
- D. Open space areas connected with residential, commercial and industrial planned unit developments.
- E. Outdoor recreational uses operated by a governmental agency or conservation group, homeowners' or private associations and facilities for making such uses useful to the public or to associations.

§ 11-11-6: PLANNED UNIT DEVELOPMENT:

If, through good site and engineering designs, a development can be created which is compatible and harmonious with the natural amenities of the Conservancy District area and with surrounding land uses, a request for a Planned Unit Development may be submitted in compliance with Title 11, Chapter 12. Such requests shall be accompanied by an overall plan of the entire area showing roads, parking areas, lot lines, easements, the location of tree cover, including the designation of individual trees of fifteen inches (15") in diameter or more, the location of other natural and biological features, such as wetlands and areas of valuable wildlife habitat, the locations of proposed structures, existing contours and proposed grading, drainage, utilities and landscaping in such detail as the Community Development Director and City Engineer shall require before they may be reviewed by the Planning Commission. The approval of such a request by the City Council shall require a finding that:

- A. The development will not detrimentally affect or destroy natural features, such as ponds, streams, wetlands and forested areas, but will preserve and incorporate such features into the development's site design.
- B. The location of natural features and the site's topography have been considered in the designing and siting of all physical improvements.
- C. Adequate assurances have been received that the clearing of the site topsoil, trees and other natural features before the commencement of building operations will not occur. Only those areas approved for placement of physical improvements may be cleared.

D. The development will not substantially reduce the natural retention storage capacity of any watercourse, thereby increasing the magnitude and column of flood at other locations.

E. The soil and subsoil conditions are suitable for excavation and site preparation, and the drainage is designed to prevent erosion and environmentally deleterious surface runoff.

F. The development will be free from offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, fumes, water pollution and other objectionable influences.

G. The petitioner will be substantially damaged by being required to place the intended development outside the CD District.

§ 11-11-7: DEVELOPMENT STANDARDS:

The following standards for development of land located within the Conservancy District are required. They are not meant to abridge or otherwise alter any regulations promulgated by the State Department of Natural Resources or watershed district authority:

A. Minimum Lot Area: Unless intended for a permitted use, the minimum lot area for a development shall be five (5) acres.

B. Lot Coverage: No more than ten percent (10%) of the lot area located in a CD District shall be occupied by structures, parking facilities and roadways.

C. Location in Floodprone Areas: Areas of Conservancy Districts which are located in a flood plain or floodway shall be additionally subject to the provisions of the Floodway and Flood Plain District.

CHAPTER 12: PUD PLANNED UNIT DEVELOPMENT OVERLAY

Section

11-12-1: Purpose

11-12-2: Uses

11-12-3: Application Requirements

11-12-4: Approval Process

11-12-5: Lapse of Approval

11-12-6: Amendments

§ 11-12-1: PURPOSE:

A Planned Unit Development (PUD) is intended to allow flexibility in the zoning process to encourage innovative design and development. Utilization of a PUD shall meet the goals and policies of the comprehensive plan and adopted master plans of the City, while preserving the health, safety, and welfare of its residents. Pursuant to meeting the purpose(s) listed below, this article may allow modification to zoning and subdivision requirements.

A. To facilitate the economical and efficient provision of streets and public utilities and to prevent development that would burden the existing tax base or in areas without adequate public improvements;

B. To facilitate developments that provide a benefit to the City as a whole, through, but not limited to, higher standards of architectural and site design, enhanced or innovative public infrastructure, sustainable design, provision of life-cycle and/or affordable housing, redevelopment or expanded transportation options;

C. Preservation of valuable natural resources and amenities to ensure a higher quality of environmental conservation;

D. To increase public open space to ensure concentration of open space into more usable areas and restoration of natural resources.

E. High quality of design and design compatible with surrounding land uses, including both existing and planned;

F. Sensitive development in transitional areas located between different land uses and along significant transportation or scenic corridors within the City; and

G. Development which is consistent with the Comprehensive Plan.

§ 11-12-2: USES:

The provisions of this article apply to any zoning district established within the City. Within the PUD, uses are determined by the underlying zoning district and must be in harmony with the Comprehensive Plan.

§ 11-12-3: APPLICATION REQUIREMENTS:

The following information is required for each PUD application:

A. Location map showing property in relation to the City as a whole and to the City's primary elements such as streets, schools, parks and shopping areas along with a supporting narrative description of the applicant's interest in the property in question;

B. A legal description of the property including approximate total acreage;

C. A full set of civil plans for the proposed development, including the following elements: location of structures; vehicular and pedestrian circulation facilities; parking facilities; housing densities; open space disposition; grading; building elevations; public utilities including water, sanitary sewer, and storm water lines and facilities; landscaping plan; lighting plan including photometrics; and a surface water plan;

D. Grading in plan in conformance with the requirements of City Code Title 9, Chapter 7.

E. Architectural plans for all structures including colored elevation drawings;

F. Preliminary and final plat, if applicable;

G. Landscape and tree preservation plans as required by City Code Sections 11-3-12 and 11-3-13.

§ 11-12-4: APPROVAL PROCESS:

The PUD shall be considered at a public hearing pursuant to City Code Section 11-2-3. Findings for approval must include the following:

A. The PUD is consistent with the intent of this Chapter;

B. The area surrounding the PUD can be planned and developed in coordination and substantial compatibility with the proposed PUD;

C. Any variation of flexibility from zoning standards most similar in function to the proposed PUD must produce results equal to or better than those achieved by the applicable zoning standard.

§ 11-12-5: LAPSE OF APPROVAL:

Lapse pursuant to City Code Section 11-2-12.

§ 11-12-6: AMENDMENTS:

A. Amendments to an approved PUD shall be administered by submitting an application with the appropriate fees as follows:

B. Minor Amendments: Minor amendments to a PUD are:

1. Size increases to signage approved as part of the PUD;
2. Landscape changes;
3. Parking lot configuration changes (not change in number of spaces);
4. Less than a ten percent (10%) change in floor area in any one (1) structure;

5. Less than a ten percent (10%) change in the approved separation of buildings;
6. Less than five percent (5%) change in the ground area covered by the project;
7. Less than a five percent (5%) change in the number of residential units; or
8. Less than a five percent (5%) change in the number of parking spaces.

C. Major Amendments: Major amendments to a PUD are:

1. Any decrease in the amount of approved open space;
2. More than a ten percent (10%) change in floor area in any one (1) structure;
3. More than a ten percent (10%) change in the approved separation of buildings;
4. Any change in the original approved setbacks from property lines;
5. More than five percent (5%) change in the ground area covered by the project;
6. More than five percent (5%) change in the number of parking spaces; or
7. The introduction of new uses not included in the PUD approval.

D. Review of Minor Amendments: Proposed minor amendments to a PUD shall be reviewed and decided by the Community Development Director. The Community Development Director may determine that a proposed "minor" amendment is a "major" amendment and may refer such proposed amendments to the Planning Commission and City Council according to the procedure established in City Code Section 11-2-4.

E. Review of Major Amendments. Any major amendment to a PUD district shall be considered by the Planning Commission and City Council pursuant to City Code Section 11-2-4.

CHAPTER 13: MISSISSIPPI RIVER CORRIDOR CRITICAL AREA OVERLAY DISTRICT

Section

11-13-1: Authority

11-13-2: Purpose And Intent

11-13-3: General Provisions

11-13-4: Definitions

11-13-5: Administration

11-13-6: Overlay Districts

11-13-7: Special Land Use Provisions

11-13-8: Structure Height And Placement And Lot Size

11-13-9: Performance Standards For Private Facilities

11-13-10: Performance Standards For Public Facilities

11-13-11: Vegetation Management

11-13-12: Land Alteration Standards And Stormwater Management

11-13-13: Subdivision And Land Development Standards

11-13-14: Exemptions

§ 11-13-1: AUTHORITY:

A. Statutory Authorization. This Mississippi River Corridor Critical Area (MRCCA) Chapter 13 is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 116G, Minnesota Rules Parts 6106.0010 - 6106.0180, and the planning and zoning enabling legislation in Minnesota Statutes, Chapters 462 and 473.

B. Policy. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of designated critical areas and thus preserve and enhance the quality of important historic, cultural, aesthetic values, and natural systems and provide for the wise use of these areas.

§ 11-13-2: PURPOSE AND INTENT:

A. The purpose and intent of this Chapter to prevent and mitigate irreversible damage to this unique State, local, regional and national resource to promote orderly development of the residential, commercial, industrial, recreational and public areas, to preserve and enhance its values to the public and protect and preserve the system as an essential element in the City's transportation, sewer and water and recreational systems.

B. The Mississippi River Corridor shall be managed as a multi-purpose public resource by continuing use of the river channel for transportation, continuing use of certain areas for floating for river transportation, conserving the scenic, environmental, recreational, mineral, economic, cultural and historic resources and functions of the river corridor and providing for the continuation of development of a variety of urban uses within the river corridor.

§ 11-13-3: GENERAL PROVISIONS:

A. Jurisdiction. The provisions of this chapter apply to land within the river corridor boundary as described in the State Register, volume 43, pages 508 to 519 and shown on the City's Zoning Map.

B. **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 a permit is or is not required for a regulated activity listed in Section 11-13-5 (B) of this chapter.

C. **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.

D. **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.

E. **Underlying Zoning.** Uses and standards of underlying zoning districts apply except where standards of this overlay district are more restrictive.

§ 11-13-4: 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 Minnesota Statutes Section 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: A natural topographic feature having:

A. A slope that rises at least twenty-five (25) feet and the grade of the slope averages eighteen percent (18/%) or greater, measured over a horizontal distance of twenty-five

feet (25'), from the toe of the slope to the top of the slope. Where the slope begins below the OHWL, the OHWL is the toe of the slope. See Figure 1; or

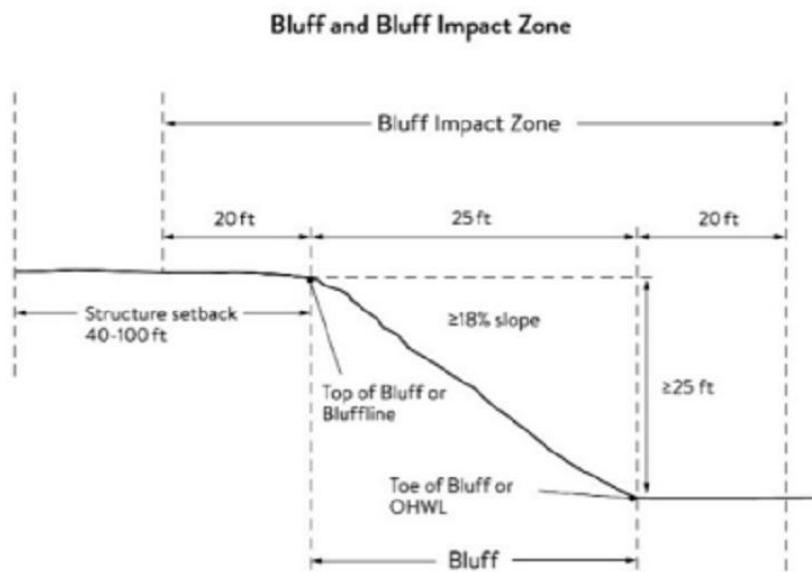


Figure 1. Bluff and Bluff Impact Zone

B. A natural escarpment or cliff with a slope that rises at least ten feet (10') above the OHWL or toe of the slope, whichever is applicable, to the top of the slope, with a slope of seventy-five degrees (75°) or greater. See Figure 2.

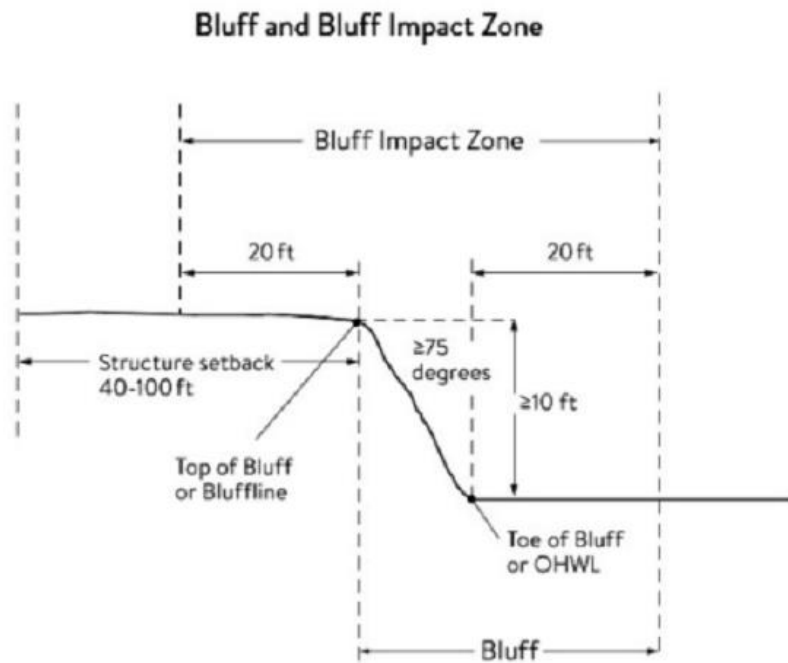


Figure 2. Natural Escarpment Bluff and Bluff Impact Zone

BLUFF IMPACT ZONE (BIZ): A bluff and land located within twenty feet (20') of the bluff. See Figures 1 and 2.

BLUFFLINE: A line delineating the top of the bluff. More than one (1) bluffline may be encountered proceeding landward from the river. See Figures 1 and 2.

BLUFF, TOE OF: A line along the bottom of a bluff, requiring field verification, such that the slope above the line exceeds eighteen percent (18%) and the slope below the line is eighteen percent (18%) or less, measured over a horizontal distance of twenty-five feet (25'). See Figures 1 and 2.

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 OHWL of public waters, and other unbuildable areas.

BUILDING: A structure with two (2) or more outside rigid walls and a fully secured roof and affixed to a permanent site.

CERTIFICATE OF COMPLIANCE: A document written after a compliance inspection, certifying that the development complies with applicable requirements at the time of the inspection.

COMMISSIONER: The commissioner of the Minnesota Department of Natural Resources.

CONDITIONAL USE: A use having the meaning given under Minnesota Statutes, Chapters 394 and 462.

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.

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 Minnesota Statutes Section 116G.03.

DEVELOPMENT: Having the meaning given under Minnesota Statutes Section 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 Minnesota Statutes, Chapter 216E.

ESSENTIAL SERVICES: Underground or overhead gas, electrical, communications, steam, or water distribution, 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 or other similar equipment and accessories in conjunction with the systems. Essential services does not include buildings, treatment works as defined in Minnesota Statutes Section 115.01, electric power facilities or transmission services.

FEEDLOT: Having the meaning given for animal feedlots under Minnesota Rules, Chapter 7020.

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 asphalt, crushed aggregate, or other hard surface, for multi-purpose use, as determined by local, regional, or state agency plans.

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

A. 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;

B. 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

C. 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.

LOCAL GOVERNMENT: Counties, cities, and townships.

LOT: Having the meaning given under Minnesota Rules, Chapter 6120.

LOT WIDTH: The shortest distance between lot lines measured at both the OHWL and at the required structure setback from the OHWL. See Figure 3.

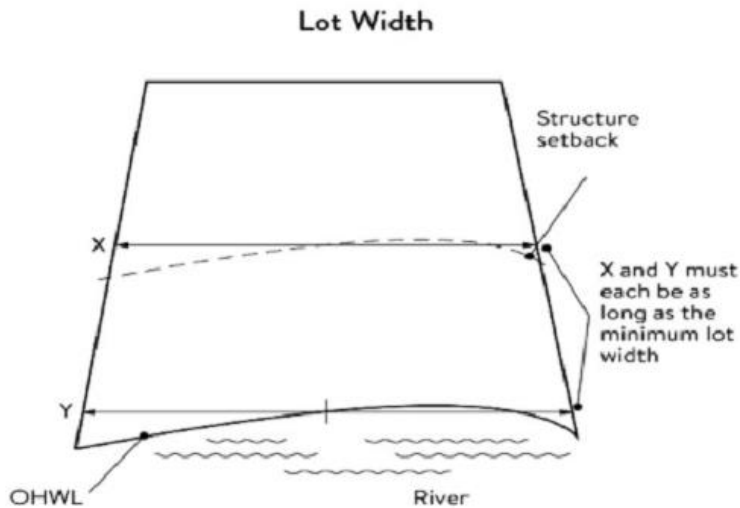


Figure 3. Lot Width

MARINA: Having the meaning given under Minnesota Rules, Chapter 6115.

MISSISSIPPI RIVER CORRIDOR CRITICAL AREA (MRCCA): The area within the River Corridor Boundary (See critical area boundary on City's Zoning Map).

MISSISSIPPI RIVER CORRIDOR CRITICAL AREA (MRCCA) PLAN: A chapter or other element in the City's Comprehensive Plan.

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.

ORDINARY HIGH WATER LEVEL (OHWL): Having the meaning given under Minnesota Statutes Section 103G.005.

OVERLAY DISTRICT: A zoning district applied over one (1) or more previously established zoning districts, establishing additional or stricter standards and criteria for covered properties in addition to those of the underlying zoning district. **OVERLAY DISTRICTS** are often used to protect historic features and natural resources such as shoreland or floodplain.

PARCEL: Having the meaning given under Minnesota Statutes Section 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 (PUD): 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 Minnesota Statutes, Chapters 505 and 515B.

PORT: A water transportation complex established and operated under the jurisdiction of a port authority according to Minnesota Statutes, Chapter 458.

PRIMARY CONSERVATION AREAS: 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 facilities, decks and patios in setback areas, and private signs.

PROFESSIONAL ENGINEER: An engineer licensed to practice in Minnesota.

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: 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 plan/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 Minnesota Statutes Section 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 regardless of size, vertical timber pilings, horizontal timber planks with piling supports, sheet pilings, poured concrete, concrete blocks, or other durable materials.

RIVER CORRIDOR BOUNDARY: The boundary approved and adopted by the Metropolitan Council under Minnesota Statutes Section 116G.06, as approved and adopted by the legislature in Minnesota Statutes Section 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.

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.

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 fifty percent (50%) of the required structure setback or, for agricultural use, fifty feet (50') landward of the OHWL. See Figure 4.

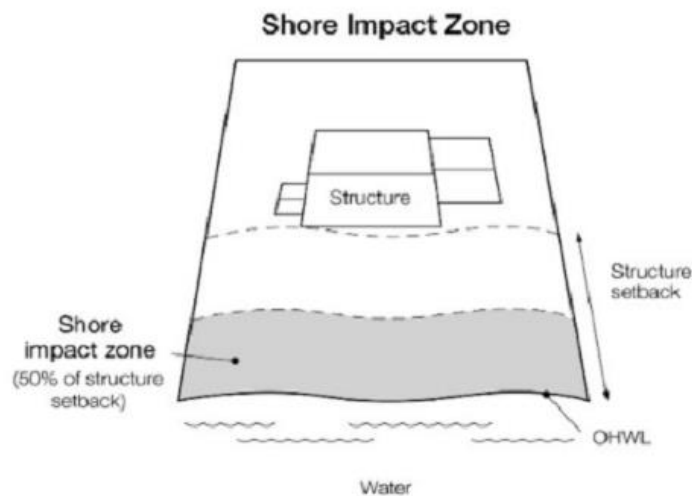


Figure 4. Shore Impact Zone

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 barge facilities, port facilities, commodity loading and unloading equipment, 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.

STEEP SLOPE: A natural topographic feature with an average slope of twelve percent (12%) to eighteen percent (18%), measured over a horizontal distance equal to or greater than fifty feet (50'), and any slopes greater than eighteen percent (18%) that are not bluffs.

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.

SUBDIVISION: Having the meaning given under Minnesota Statutes Section 462.352.

SUBSURFACE SEWAGE TREATMENT SYSTEM: Having the meaning given under Minnesota Rules Part 7080.1100.

TRANSMISSION SERVICES:

A. Electric power lines, cables, pipelines, or conduits that are:

1. Used to transport power between two (2) points, as identified and defined under Minnesota Statutes Section 216E.01, subdivision 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 (2) points; and

B. Telecommunication lines, cables, pipelines, or conduits.

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

VARIANCE: Having the meaning given under Minnesota Statutes Section 394.22.

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

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

WATER QUALITY IMPACT ZONE: Land within the shore impact zone or within fifty feet (50') of the OHWL of the river, whichever is greater, and land within fifty feet (50') of a public water, wetland, or natural drainage route.

WETLAND: Having the meaning given under Minnesota Statutes Section 103G.005.

§ 11-13-5: ADMINISTRATION:

A. Purpose. The purpose of this Section is to identify administrative provisions to ensure this chapter is administered consistent with its purpose.

B. Permits. A permit is required for the construction of buildings or building additions (including construction of decks and signs), the installation and/or alteration of sewage treatment systems, vegetation removal consistent with Section 11-13-11 and land alterations consistent with Section 11-13-12.

C. Variances. Variances to the requirements under this chapter may only be granted in accordance with Minnesota Statutes Section 462.357 and must consider the potential impacts of variances on primary conservation areas, public river corridor views, and other resources identified in the MRCCA plan. In reviewing the variance application, the City shall evaluate the impacts to these resources. If negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts, consistent with

Section 11-13-5(E) and 11-2-7. Make written findings that the variance is consistent with the purposed of this chapter.

D. Conditional and interim use permits. All conditional and interim uses, required under this chapter, must comply with Minnesota Statutes Section 462.3595 and must consider the potential impacts on primary conservation areas, public river corridor views, and other resources identified in the MRCCA plan. In reviewing the application, the City shall evaluate the impacts to these resources and if negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts, consistent with Section 11-13-5 (E) and 11-2-9.

E. Conditions of Approval. The City shall evaluate the impacts to primary conservation areas, public river corridor views, and other resources identified in the MRCCA Plan, and if negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts. Mitigation may include:

1. Restoration of vegetation identified as “vegetation restoration priorities” identified in the MRCCA plan.
2. Preservation of existing vegetation;
3. Stormwater runoff management;
4. Reducing impervious surface;
5. Increasing structure setbacks;
6. Wetland and drainage route restoration and/or preservation;
7. Limiting the height of structures;
8. Modifying structure design to limit visual impacts on public river corridor views; and
9. Other conservation measures.

F. Application materials. Applications for permits and discretionary actions required under this chapter must submit the following information unless the City determines that the information is not needed.

1. A detailed project description; and
2. Scaled maps and plans, dimensional renderings, maintenance agreements, and other materials that identify and describe:
 - a. Primary conservation areas;
 - b. Public river corridor views;
 - c. Buildable area;
 - d. Existing and proposed topography and drainage patterns;

- e. Proposed storm water and erosion and sediment control practices;
- f. Existing and proposed vegetation to be removed and established;
- g. Ordinary high water level, blufflines, and all required setbacks;
- h. Existing and proposed structures;
- i. Existing and proposed impervious surfaces; and
- j. Existing and proposed subsurface sewage treatment systems.

G. Nonconformities.

1. All legally established nonconformities as of the date of this ordinance may continue consistent with Minnesota Statutes Section 462.357, subdivision 1e.

2. New structures erected in conformance with the setback averaging provisions of Section 11-13-8(E)(4) are conforming structures.

3. 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.

4. Legally nonconforming principal structures that do not meet the setback requirements of Section 11-13-8 may be expanded laterally provided that:

a. The expansion does not extend into the shore or bluff impact zone or further into the required setback than the building line of the existing principal structure (See Figure 5); and

b. The expanded structure's scale and bulk is consistent with that of the original structure and existing surrounding development.

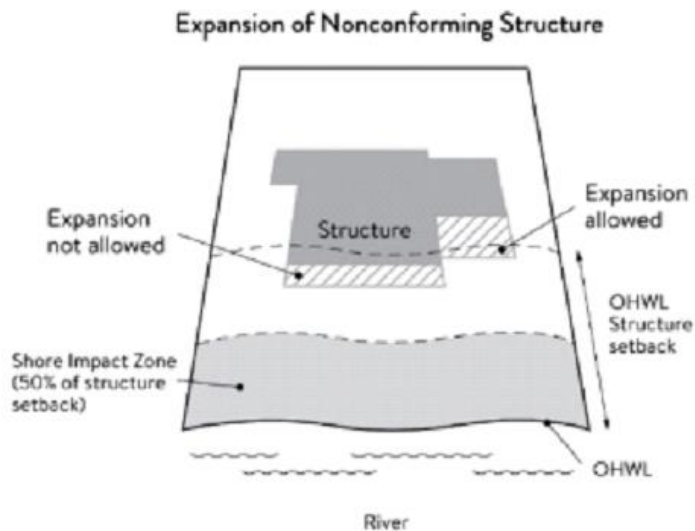


Figure 5. Expansion of Nonconforming Structure

H. Notifications.

1. Amendments to this chapter and to the MRCCA plan must be submitted to the Commissioner as provided in Minnesota Rules Part 6106.0070, subpart 3, items B - I.

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

- a. The Commissioner in a format prescribed by the DNR;
- b. National Park Service; and

c. Where building heights exceed the height limits specified in Section 11-13-8(B) 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.

3. Notice of final decisions for actions stated in this section, including findings of fact, must be sent to the Commissioner, the National Park Service, and adjoining local governments within the MRCCA within ten (10) days of the final decision.

4. Requests to amend district boundaries must follow the provisions in Minnesota Rules Part 6106.0100, subpart 9, Item C.

5. The DNR will be notified at time of application submittal of master plans, PUDs, preliminary, and final plats.

I. 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:

1. Comply with Sections 11-13-8 to 11-13-14; or
2. If Sections 11-13-8 to 11-13-14 cannot be complied with, ramps or other facilities are allowed with an administrative permit provided:
 - a. The permit terminates on either a specific date or upon occurrence of a particular event related to the person requiring accommodation; and
 - b. Upon expiration of the permit, the ramp or other facilities must be removed.

§ 11-13-6: OVERLAY DISTRICTS:

A. Purpose. The purpose of this Section is to establish districts under which building height and structure placement are regulated to protect and enhance the Mississippi River's resources and features consistent with the natural and built character of each district.

B. District description and management purpose. The MRCCA within the city is divided into the following MRCCA Districts:

1. River Neighborhood (RN).

a. Description. The RN District is characterized by primarily residential neighborhoods that are riparian or readily visible from the river or that abut riparian parkland. The district includes parks and open space, limited commercial development, marinas, and related land uses.

b. Management purpose. The RN District must be managed to maintain the character of the river corridor within the context of existing residential and related neighborhood development, and to protect and enhance habitat, parks and open space, public river corridor views, and scenic, natural, and historic areas. Minimizing erosion and the flow of untreated storm water into the river and enhancing habitat and shoreline vegetation are priorities in the district.

2. Rural and Open Space (ROS).

a. Description. The ROS District is characterized by rural and low-density development patterns and land uses, and includes land that is riparian or visible from the river, as well as large, undeveloped tracts of high ecological and scenic value, floodplain, and undeveloped islands. Many primary conservation areas exist in the district.

b. Management purpose. The ROS District must be managed to sustain and restore the rural and natural character of the corridor and to protect and enhance habitat, parks and open space, public river corridor views, and scenic, natural, and historic areas.

3. Separated from River (SR).

a. Description. The SR District is characterized by its physical and visual distance from the Mississippi River. The district includes land separated from the river by distance, topography, development, or a transportation corridor. The land in this district is not readily visible from the Mississippi River.

b. Management purpose. The SR district provides flexibility in managing development without negatively affecting the key resources and features of the river corridor. Minimizing negative impacts to primary conservation areas and minimizing erosion and flow of untreated storm water into the Mississippi River are priorities in the district. The RTC district must be managed in a manner that allows continued growth and redevelopment in historic downtowns and more intensive redevelopment in limited areas at river crossings to accommodate compact walkable development patterns and connections to the river. Minimizing erosion and the flow of untreated storm water into the river, providing public access to and public views of the river, and restoring natural vegetation in riparian areas and tree canopy are priorities in the district.

4. Urban Mixed (UM).

a. Description. The UM 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.

b. Management purpose. The UM 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.

C. MRCCA district map. The locations and boundaries of the MRCCA districts established by this chapter are shown on MRCCA Overlay District map which is incorporated herein by reference. The district boundary lines are intended to follow the centerlines of rivers and streams, highways, streets, lot lines, and municipal boundaries, unless a boundary line is otherwise indicated on the map. Where district boundaries cross unsubdivided property, the district boundary line is determined by use of dimensions or the scale appearing on the map.

§ 11-13-7: SPECIAL LAND USE PROVISIONS:

A. Purpose. To identify development standards and considerations for land uses that have potential to negatively impact primary conservation areas and public river corridor views.

B. Underlying zoning. Uses within the MRCCA are generally determined by underlying zoning, with additional provisions for the following land uses:

1. Agricultural uses. Perennial ground cover is required within fifty feet (50') of the OHWL and within the bluff impact zone.

2. Feedlots. New animal feedlots and manure storage areas are prohibited. Existing animal feedlots and manure storage areas must conform with Minnesota Rules, Chapter 7020.

3. Forestry. Tree harvesting and biomass harvesting within woodlands, and associated reforestation.

4. Nonmetallic mining. Nonmetallic mining requires a conditional use permit or interim use permit issued by the local government, subject to the following:

a. New nonmetallic mining is prohibited within the shore impact zone and bluff impact zone and within the required structure setback from the bluffline and OHWL;

b. Processing machinery must be located consistent with setback standards for structures as provided in Section 11-13-8(E);

c. Only one (1) barge loading area, which must be limited to the minimum size practicable, is permitted for each mining operation;

d. New and, where practicable, existing nonmetallic mining operations must not be readily visible and must be screened by establishing and maintaining natural vegetation. The unscreened boundaries of nonmetallic mining areas are limited to only the barge loading area;

e. A site management plan must be developed by the operator and approved by the local government before new nonmetallic mining commences. Operations must be consistent with the site plan throughout the duration of operations at the site. The site management plan must:

(1) Describe how the site will be developed over time with an emphasis on minimizing environmental risk to public waters;

(2) Explain where staged reclamation may occur at certain points during the life of the site;

(3) Address dust, noise, storm water management, possible pollutant discharges, days and hours of operation, and duration of operations; and

(4) Describe any anticipated vegetation and topographic alterations outside the pit, and reclamation plans consistent with the stated end use for the land; and;

f. Existing and new nonmetallic mining operations must submit land reclamation plans to the local government compatible with the purposes of this ordinance.

5. Commercial and industrial facilities. Expansion of existing facilities only when they can be served by existing public or private sewerage, water and transportation facilities, and where the expansion has been determined to have no impact on regional systems.

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

1. Structures and parking areas, except shoreline facilities and private roads and conveyances serving river-dependent uses as provided in Section 11-13-14, 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;

2. Shoreline facilities must comply with Minnesota Rules, Chapter 6115 and must:

a. Be designed in a compact fashion so as to minimize the shoreline area affected; and

b. Minimize the surface area of land occupied in relation to the number of watercraft or barges to be served; and

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

D. Wireless communication towers. Wireless communication towers require a conditional or interim use permit and are 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. The tower must not be located in a bluff or shore impact zone'

3. Placement of the tower must minimize impacts on public river corridor views.

4. Comply with the general design standards in Section 11-13-10(B). In addition, small wireless facilities must also comply with the design standards in City Code Section 7-6-11(C). If there are any inconsistencies, the stricter provision shall apply.

§ 11-13-8: STRUCTURE HEIGHT AND PLACEMENT AND LOT SIZE:

A. Purpose. To establish standards that protect primary conservation areas and public river corridor views from development impacts and ensure that new development is sited consistent with the purpose of the MRCCA.

B. Structure height. Structures and facilities must comply with the following standards unless identified as exempt in Section 11-13-14.

1. Structures and facilities must comply with the following standards unless identified as exempt in Section 11-13-14.

a. ROS District: thirty-five feet (35').

b. RN District: thirty-five feet (35').

c. SR District: Height is determined by underlying zoning, provided the allowed height is consistent with that of the mature treeline, where present, and existing surrounding development, as viewed from the OWHL of the opposite shore.

d. UM District: sixty feet (60'), 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 sixty feet (60') are allowed as a conditional use according to Sections 11-4-5 and 11-13-8 (D).

C. Height is measured on the side of the structure facing the Mississippi River.

D. In addition to the conditional use permit requirements of Section 11-13-5 (D), criteria for considering whether to grant a conditional use permit for structures exceeding the height limits must include:

1. Assessment of the visual impact of the proposed structure on public river corridor views, including views from other communities;

2. Determination that the proposed structure meets the required bluff and OHWL setbacks;

3. Identification and application of techniques to minimize the perceived bulk of the proposed structure, such as:

a. Placing the long axis of the building perpendicular to the river;

b. Stepping back of portions of the facade;

c. Lowering the roof pitch or use of a flat roof;

d. Using building materials or mitigation techniques that will blend in with the natural surroundings such as green roofs, green walls, or other green and brown building materials;

e. Narrowing the profile of upper floors of the building; or

f. Increasing the setbacks of the building from the Mississippi River or blufflines;

4. Identification of techniques for preservation of those view corridors identified in the MRCCA Plan; and

5. Opportunities for creation or enhancement of public river corridor views.

E. Structure and impervious surface placement.

1. Structures and impervious surface must not be placed in the shore or bluff impact zones unless identified as an exemption in Section 11-13-14.
2. Structures and facilities must comply with the following OHWL setback provisions unless identified as exempt in Section 11-13-14.
 - a. ROS District: two hundred feet (200') from the Mississippi River.
 - b. RN District: one hundred feet (100') from the Mississippi River.
 - c. SR District: fifty feet (50') or as specified in underlying zoning.
 - d. UM District: fifty feet (50') from the Mississippi River.
3. Structures and facilities must comply with the following bluffline setback provisions unless identified as exempt in Section 11-13-14:
 - a. ROS District: one hundred feet (100').
 - b. RN District: forty feet (40').
 - c. SR District: forty feet (40').
 - d. UM District: forty feet (40').
4. Where principal structures exist on the adjoining lots on both sides of a proposed building site, the minimum setback may be altered to conform to the average of the adjoining setbacks, if the new structure's scale and bulk riverward or bluffward of the setbacks required above are consistent with adjoining development. See Figure 6. The City may consider the setbacks of additional structures on nearby lots in determining the average setbacks if needed, for example for corner lots.

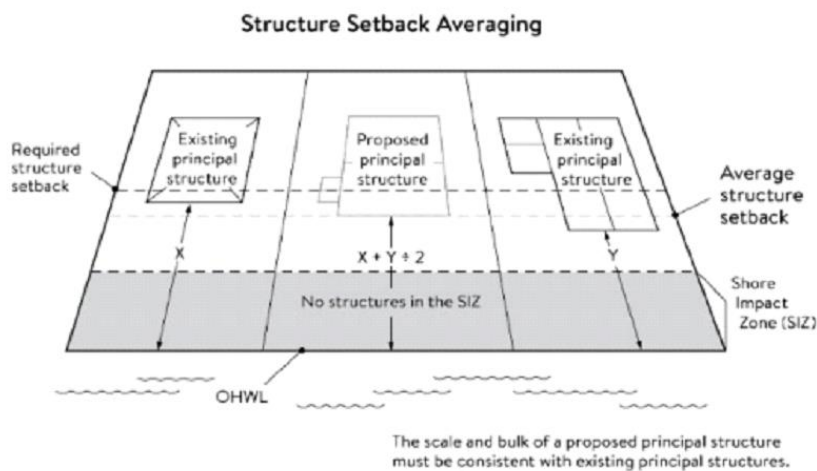


Figure 6. Structure Setback Averaging

5. Subsurface sewage treatment systems, including the septic tank and absorption area, must be located at least seventy-five feet (75') from the ordinary high-water level of the Mississippi River and all other public waters.

F. Lot size and buildable area.

1. The width of lots abutting the Mississippi River in the ROS District must be at least two hundred feet (200'), unless alternative design methods are used that provide greater protection of the riparian area.

2. All new lots must have adequate buildable area to comply with the setback requirements of this section 11-13-8(E)2 and 3 to not require variances to use the lots for their intended purpose.

§ 11-13-9: PERFORMANCE STANDARDS FOR PRIVATE FACILITIES:

A. Purpose. To establish design standards for private facilities that are consistent with best management practices and that minimize impacts to primary conservation areas, public river corridor views and other resources identified in the MRCCA plan.

B. General design standards. All private facilities must be developed in accordance with the vegetation management and land alteration requirements in Sections 11-13-11 and 11-13-12.

C. Private roads, driveways, and parking areas. Except as provided in Section 11-13-14, private roads, driveways and parking areas must:

1. Be designed to take advantage of natural vegetation and topography so that they are not readily visible;
2. Comply with structure setback requirements according to Section 11-13-8(E); and
3. Not be placed within the bluff impact zone or shore impact zone, unless exempt under Section 11-13-14 and designed consistent with Section 11-13-10(B).

D. Private water access and viewing facilities.

1. Private access paths must be no more than:
 - a. Eight feet (8') wide, if placed within the shore impact zone; and
 - b. Four feet (4') wide, if placed within the bluff impact zone.
2. Private water access ramps must:
 - a. Comply with Minnesota Rules Parts 6115.0210 and 6280.0250; and

b. Be designed and constructed consistent with the applicable standards in Design Handbook for Recreational Boating and Fishing Facilities.

3. Design and construction of private stairways, lifts, and landings are subject to the following standards:

a. Stairways and lifts must not exceed four feet (4') in width on residential lots. Wider stairways may be used for commercial properties and residential facilities held in common, if approved by the City;

b. Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet area allowed for commercial properties and residential facilities held in common, if approved by the City;

c. Canopies or roofs are prohibited on stairways, lifts, or landings;

d. Stairways, lifts, and landings must be located in the least visible portion of the lot whenever practical; and

e. Ramps, lifts, mobility paths, or other facilities for persons with physical disabilities are allowed for achieving access to shore areas according to items A-E of this section and as provided under Section 11-13-5(I).

4. One water-oriented accessory structure is allowed for each riparian lot or parcel less than three hundred feet (300') in width at the ordinary high-water level, with one (1) additional water-oriented accessory structure allowed for each additional three hundred feet (300') of shoreline on the same lot or parcel. Water-oriented accessory structures are prohibited in the bluff impact zone and must:

a. Not exceed twelve feet (12') in height;

b. Not exceed one hundred and twenty (120) square feet in area; and

c. Be placed a minimum of ten feet (10') from the OHWL.

E. Decks and patios in setback areas. Decks and at-grade patios may encroach into the required setbacks from the OHWL and blufflines without a variance, when consistent with Sections 11-13-11 and 11-13-12, provided that:

1. The encroachment of the deck or patio into the required setback area does not exceed 15 percent of the required structure setback;

2. The area of the deck or patio that extends into the required setback area occupies no more than twenty-five percent (25%) of the total area between the required setback and the fifteen percent (15%) using the formula:

[Required setback depth (feet) x 0.15 x lot width (feet) = maximum total area]

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

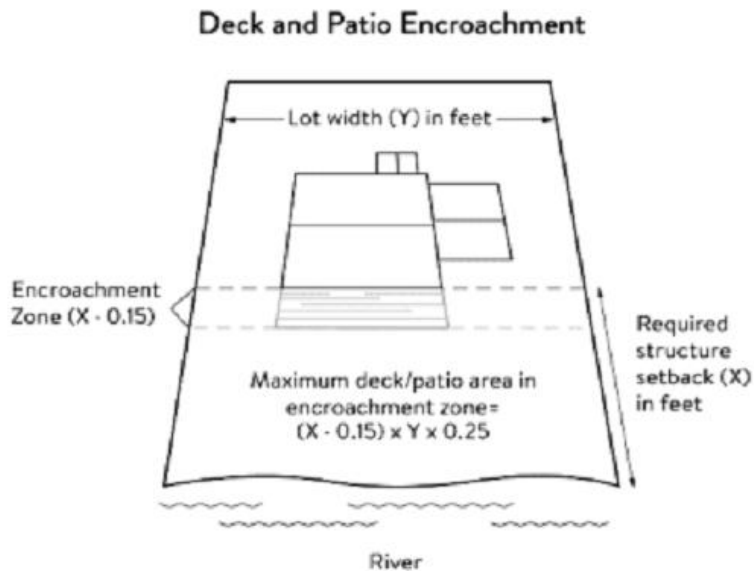


Figure 7. Deck and Patio Encroachment

F. Directional signs. Directional signs for patrons arriving at a business by watercraft must comply with the following standards:

1. They must be consistent with Minnesota Statutes Section 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 (10') in height and thirty-two (32) square feet in surface area; and
4. If illuminated, the lighting must be fully shielded and directed downward to prevent illumination out across the river or to the sky.

G. Fences. Fences between principal structures and the river are allowed if fences are:

1. Not higher than six feet (6').
2. Not located within the shore impact zone and bluff impact zone.
3. Not located in the regulatory floodplain.

H. Lighting. Within the OHWL setback:

1. Lighting shall be fully shielded and directed away from the river.
2. Uplighting is prohibited.

§ 11-13-10: PERFORMANCE STANDARDS FOR PUBLIC FACILITIES:

A. Purpose. To establish design standards for public facilities that are consistent with best management practices and that minimize impacts to primary conservation areas, public river corridor views and other resources identified in the MRCCA plan. Public facilities serve the public interest by providing public access to the Mississippi River corridor or require locations in or adjacent to the river corridor and therefore require some degree of flexibility.

B. General design standards. All public facilities must be designed and constructed to:

1. Minimize visibility of the facility from the river to the extent consistent with the purpose of the facility;
2. Comply with the structure placement and height standards in Section 11-13-8, except as provided in Section 11-13-14;
3. Be consistent with the vegetation management standards in Section 11-13-11 and the land alteration and storm water management standards in Section 11-13-12, including use of practices identified in Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001, where applicable;
4. Avoid primary conservation areas, unless no alternative exists. If no alternative exists, then disturbance to primary conservation areas must be avoided to the greatest extent practicable, and design and construction must minimize impacts; and
5. Minimize disturbance of spawning and nesting times by scheduling construction at times when local fish and wildlife are not spawning or nesting.
6. Minimize disturbance during bird migration and nesting times by scheduling construction at times when birds are not migrating or nesting.

C. Right-of-way maintenance standards. Right-of-way maintenance must comply with the following standards:

1. Vegetation currently in a natural state must be maintained to the extent feasible;
2. Where vegetation in a natural state has been removed, native plants must be planted and maintained on the right-of-way; and
3. 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.

D. Crossings of public water or public land. Crossings of public waters or land controlled by the commissioner are subject to approval by the commissioner according to Minnesota Statutes Sections 84.415 and 103G.245.

E. Public utilities. Public utilities must comply with the following standards:

1. High-voltage transmission lines, wind energy conversion systems greater than five (5) megawatts, and pipelines are regulated according to Minnesota Statutes, Chapters 216E, 216F, and 216G respectively; and
2. If overhead placement is necessary, utility facility crossings must minimize visibility of the facility from the river and follow other existing rights of way as much as practicable.
3. 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.
4. Wireless communication facilities, according to Section 11-13-7 (D).

F. Public transportation facilities. Public transportation facilities shall comply with structure placement and height standards in Section 11-13-8. Where such facilities intersect or about two (2) or more MRCCA districts, the least restrictive standards apply. Public transportation facilities must be designed and constructed to give priority to:

1. Providing scenic overlooks for motorists, bicyclists, and pedestrians;
2. Providing safe pedestrian crossings and facilities along the river corridor;
3. Providing access to the riverfront in public ownership; and
4. Allowing for use of the land between the river and the transportation facility.

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

1. Buildings and parking associated with public recreational facilities must comply with the structure placement and height standards in Section 11-13-8, except as provided in Section 11-13-14;
2. 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.
3. 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.

a. Hard-surface trails are not allowed on the face of bluffs with a slope exceeding thirty percent (30%). Natural surface trails are allowed, provided they do not exceed eight feet (8') in width.

b. Trails, paths, and viewing areas must be designed and constructed to minimize:

(1) Visibility from the river;

(2) Visual impacts on public river corridor views; and

(3) Disturbance to and fragmentation of primary conservation areas.

4. Public water access facilities must comply with the following requirements:

a. Watercraft access ramps must comply with Minnesota Rules, Chapters 6115.0210 and 6280.0250; and

b. Facilities must be designed and constructed consistent with the standards in Design Handbook for Recreational Boating and Fishing Facilities.

5. 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. If illuminated, the lighting must be fully shielded and be directed downward.

6. Public stairways, lifts, and landings must be designed as provided in Section 11-13-9(D)(3).

§ 11-13-11: VEGETATION MANAGEMENT:

A. Purpose. To establish standards that sustain and enhance the biological and ecological functions of vegetation; preserve the natural character and topography of the MRCCA; and maintain stability of bluffs and steep slopes and ensure stability of other erosion-prone areas.

B. Applicability. This section applies to:

1. Shore impact zones;

2. Areas within fifty feet (50') of a wetland or natural drainage route;

3. Bluff impact zones;

4. Areas of native plant communities; and

5. Significant existing vegetative stands identified in the MRCCA plan.

C. Activities allowed without a vegetation permit.

1. Maintenance of existing lawns, landscaping and gardens;

2. Removal of vegetation in emergency situations as determined by the City;
 3. Right-of-way maintenance for public facilities meeting the standards Section 11-13-10(C);
 4. Agricultural and forestry activities meeting the standards of Sections 11-13-7(B)1 and 3;
 5. Selective vegetation removal, provided that vegetative cover remains consistent with the management purpose of the MRCCA District, including removal of:
 - a. Vegetation that is dead, diseased, dying, or hazardous;
 - b. Vegetation to prevent the spread of diseases or insect pests;
 - c. Individual trees and shrubs; and
 - d. Invasive non-native species.
- D. Activities allowed with a vegetation permit.

1. Only the following intensive vegetation clearing activities are allowed with a vegetation permit:

- 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 to prepare for restoration and erosion control management activities consistent with a plan approved by the City.
- e. The minimum necessary for development that is allowed with a building permit or as an exemption under Section 11-13-14.

2. General Performance Standards. The following standards must be met, in addition to a restoration plan under Section 11-13-11(F), in order to approve a vegetation permit:

- a. Development is sited to minimize removal of or disturbance to natural vegetation;
- b. Soil, slope stability, and hydrologic conditions are suitable for the proposed work as determined by a City Engineer;
- c. Clearing is the minimum necessary and designed to blend with the natural terrain and minimize visual impacts to public river corridor views and other scenic views;
- d. Vegetation removal activities are conducted so as to expose the smallest practical area of soil to erosion for the least possible time, and to avoid bird migration and nesting seasons; and
- e. Any other condition determined necessary to achieve the purpose of this section.

E. Prohibited activities. All other intensive vegetation clearing is prohibited.

F. Vegetation restoration plan.

1. Development of a vegetation restoration plan and reestablishment of natural vegetation is required:

- a. For any vegetation removed with a permit under Section 11-13-11(D);
- 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 11-13-13.

2. Restoration Plan Performance Standards. The vegetation restoration plan must satisfy the application submittal requirements in 11-13-5(F), and:

a. Vegetation must be restored in one (1) or more of the following restoration priority areas:

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

(2) Shoreline areas within twenty-five feet (25') of the water with no natural vegetation, degraded vegetation, or planted with turf grass;

(3) Areas on steep slopes and bluffs that are visible from the river with no natural vegetation, degraded vegetation, or planted with turf grass; or

(4) Other approved priority opportunity area, including priorities identified in the MRCCA plan, if none of the above exist.

b. 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 native 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. The area (square feet) of the restored vegetation should be equivalent to that removed;

f. Be prepared by a qualified individual; and

g. Include a maintenance plan that includes management provisions for controlling invasive species and replacement of plant loss for three (3) years.

3. A certificate of compliance will be issued after the vegetation restoration plan requirements have been satisfied.

§ 11-13-12: LAND ALTERATION STANDARDS AND STORMWATER MANAGEMENT:

A. Purpose. To establish standards that protect water quality from pollutant loadings of sediment, nutrients, bacteria, and other contaminants; and maintain stability of bluffs, shorelines, and other areas prone to erosion.

B. Land alteration.

1. Within the bluff impact zone, land alteration is prohibited, except for the following, which are allowed by permit.

a. Erosion control consistent with a plan approved by the local government or resource agency and consistent with Section 11-13-12(F);

b. The minimum necessary for development that is allowed as an exception under Section 11-13-14; and

c. Repair and maintenance of existing buildings and facilities.

2. Within the water quality impact zone, land alteration that involves more than ten (10) cubic yards of material or affects an area greater than one thousand (1,000) square feet requires a permit.

C. Rock riprap, retaining walls, and other erosion control structures.

1. 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, subpart 4, item E, and Part 6115.0216, subpart 2. Work must not proceed until approved by the commissioner, permitted by the US Army Corps of Engineers, and any other permits are obtained. See Figure 8.

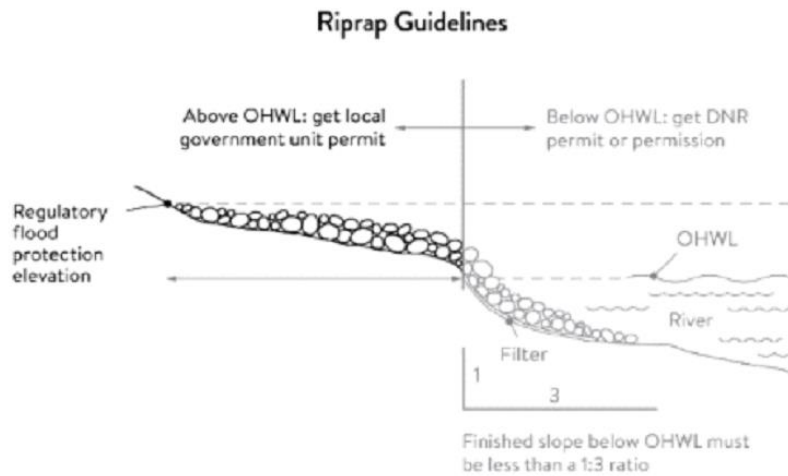


Figure 8. Riprap Guidelines

2. 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 11-13-12(F) provided that:

a. If the project includes work at or below the OHWL, the commissioner has already approved or permitted the project.

b. The structures are used only to correct an established erosion problem as determined by the City.

c. 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:

(1) Retaining walls must not exceed five feet (5') in height and must be placed a minimum horizontal distance of ten feet (10') apart; and

(2) Riprap must not exceed the height of the regulatory flood protection elevation.

d. 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.

D. Stormwater management.

1. In the bluff impact zone, storm water management facilities are prohibited, except by permit if:

a. There are no alternatives for storm water treatment outside the bluff impact zone on the subject site;

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

c. The construction and operation of the facility does not affect slope stability on the subject property or adjacent properties; and

d. Mitigation based on the best available engineering and geological practices is required and applied to eliminate or minimize the risk of slope failure.

2. In the water quality impact zone, development that creates new impervious surface, as allowed by exemption in Section 11-13-14, or fully reconstructs existing impervious surface of more than ten thousand (10,000) square feet requires a storm water permit. Multipurpose trails and sidewalks are exempt if there is down gradient vegetation or a filter strip that is at least five feet (5') wide.

3. In all other areas, storm water runoff must be directed away from the bluff impact zones or unstable areas.

E. Development on steep slopes. Construction of structures, impervious surfaces, land alteration, vegetation removal, or other construction activities are allowed on steep slopes if:

1. The development can be accomplished without increasing erosion or storm water runoff;

2. The soil types and geology are suitable for the proposed development; and

3. Vegetation is managed according to the requirements of Section 11-13-11.

F. Conditions of land alteration permit approval.

1. Temporary and permanent erosion and sediment control measures retain sediment onsite consistent with best management practices in the Minnesota Stormwater Manual;

2. Natural site topography, soil, and vegetation conditions are used to control runoff and reduce erosion and sedimentation;

3. Construction activity is phased when possible;

4. All erosion and sediment controls are installed before starting any land disturbance activity;

5. Erosion and sediment controls are maintained to ensure effective operation;

6. The proposed work is consistent with the vegetation standards in Section 11-13-11; and

7. 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.

G. Compliance with other plans and programs. All development must:

1. Be consistent with Minnesota Statutes, Chapter 103B, and local water management plans completed under Minnesota Statutes, Chapter 8410;
2. Meet or exceed the wetland protection standards under Minnesota Rules, Chapter 8420; and
3. Meet or exceed the floodplain management standards under Minnesota Rules Parts 6120.5000 - 6120.6200.

§ 11-13-13: SUBDIVISION AND LAND DEVELOPMENT STANDARDS:

A. Purpose.

1. To protect and enhance the natural and scenic values of the MRCCA during development or redevelopment of the remaining large sites; and
2. To establish standards for protecting and restoring biological and ecological functions of primary conservation areas on large sites; and
3. To encourage restoration of natural vegetation during development or redevelopment of large sites where restoration opportunities have been identified in MRCCA Plans.

B. Applicability.

1. The design standards in this section apply to subdivisions, Planned Unit Developments and master-planned development and redevelopment of land involving ten (10) or more acres contiguous parcels that abut the Mississippi River and twenty (20) or more acres for all other parcels, including smaller individual sites within the following developments that are part of a common plan of development that may be constructed at different times:

- a. Subdivisions;
- b. Planned Unit Developments; and
- c. Master-planned development and redevelopment of land.

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

- a. Minor subdivisions consisting of three (3) 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.

C. Application materials. Project information listed in Section 11-13-5(F) must be submitted for all proposed developments.

D. Design standards.

1. 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:

- a. CA-ROS District: fifty percent (50%);
- b. CA-RN District: twenty percent (20%);
- c. CA-UM Districts: ten percent (10%);

d. CA-SR District: ten percent (10%) if the parcel includes native plant communities or provides feasible connections to a regional park or trail system, otherwise no requirement.

2. If the primary conservation areas exceed the amounts specified in Section 11-13-13(D)(1), then protection of native plant communities and natural vegetation in riparian areas shall be prioritized.

3. 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 11-13-11(F).

4. 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 11-13-11(F) and the area must be set aside and designated as protected open space.

5. 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.

6. Land dedicated under City Code Title 10, Chapter 4, Section 3 for public river access, parks, or other open space or public facilities may be counted toward the protected open space requirement.

7. 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.

E. Permanent protection of designated open space.

1. Designated open space areas must be protected through one (1) or more of the following methods:

- a. Public acquisition by a government entity for conservation purposes;
- b. A permanent conservation easement, as provided in Minnesota Statutes, Chapter 84C;
- c. A deed restriction; and
- d. Other arrangements that achieve an equivalent degree of protection.

2. 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.

F. Alternative design standards. Alternative design standards may be considered through a PUD or cluster development. Individual lots in a PUD or cluster development are not required to meet the design standards of this section if it can be demonstrated that the overall development is in compliance with the standards and purpose of this section.

§ 11-13-14: EXEMPTIONS:

A. Purpose. To provide exemptions to structure placement, height and other standards for specific river or water access dependent facilities as provided in Minnesota Statutes Section 116G.15, subdivision 4.

B. Applicability.

1. Uses and activities not specifically exempted must comply with this section. Uses and activities exempted under shore impact zone and bluff impact zone must comply with the vegetation management and land alteration standards in Sections 11-13-10 and 11-13-11.

2. Uses and activities in Section 11-13-14 (C) are categorized as:

Exempt - E. This means that the use or activity is allowed;

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

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

C. Use and activity exemptions classification.

1. General uses and activities. On the tables below:

SIZ - Shore Impact Zone

BIZ - Bluff Impact Zone

Use or Activity

Setbacks

Height Limits

SIZ

BIZ

Applicable Standards with Which the Use or Activity must Comply

SIZ - Shore Impact Zone

BIZ - Bluff Impact Zone

Use or Activity

Setbacks

Height Limits

SIZ

BIZ

Applicable Standards with Which the Use or Activity must Comply

Industrial and utility structures requiring greater height for operational reasons (such as elevators, refineries and railroad signaling towers)

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)

11-13-10

Wireless communication towers

E
E
N
N

11-13-7 (D)

Chimneys, church 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

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2. Public utilities.

Use or Activity	Setbacks	Height Limits	SIZ	BIZ	Applicable Standards with Which the Use or Activity must Comply
Electrical power facilities	E	E	E	(E)	11-13-10
Essential services (other than storm water facilities)	E	E	E	(E)	11-13-10
Storm water facilities	E	N	E	(E)	11-13-12
Wastewater treatment	E	N	E	N	11-13-10
Public transportation facilities	E	N	(E)	(E)	11-13-10

3. Public recreational facilities.

Use or Activity	Setbacks	Height Limits	SIZ	BIZ	Applicable Standards with Which the Use or Activity must Comply
Use or Activity	Setbacks	Height Limits	SIZ	BIZ	Applicable Standards with Which the Use or Activity must Comply
Accessory structures, such as monuments, flagpoles, light standards, and similar park features	E	E	(E)	(E)	11-13-10 ; 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	11-13-10
Parking lots	(E)	N	(E)	(E)	11-13-10 ; 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)	11-13-10
Natural-surfaced trails, access paths, and viewing areas	E	N	E	E	11-13-10

Hard-surfaced trails and viewing platforms	E	N	E	(E)	11-13-10 ; within BIZ, only on slopes averaging less than 30%
Water access ramps	E	N	E	(E)	11-13-10
Public signs and kiosks for interpretive or directional purposes	E	N	E	(E)	11-13-10

4. River-dependent uses.

Use or Activity	Setbacks	Height Limits	SIZ	BIZ	Applicable Standards with Which the Use or Activity must Comply
Shoreline facilities	E	N	E	(E)	11-13-7 (C). Exemptions do not apply to buildings, structures, and parking areas that are not part of a shoreline facility
Private roads and conveyance structures serving river-dependent uses	E	N1	E	(E)	11-13-7 (C)

5. Private residential and commercial water access and use facilities.

Use or Activity	Setbacks	Height Limits	SIZ	BIZ	Applicable Standards with Which the Use or Activity must Comply
Use or Activity	Setbacks	Height Limits	SIZ	BIZ	Applicable Standards with Which the Use or Activity must Comply
Private roads serving 3 or more lots	(E)	N	N	(E)	11-13-9 ; in BIZ, only on slopes averaging less than 30%. Exemption does not apply to private roads serving fewer 3 lots or to private driveways and parking areas
Access paths	E	N	E	E	11-13-9
Water access ramps	E	N	E	N	11-13-9

Stairways, lifts, and landings	E	N	E	E	11-13-9
Water-oriented accessory structures	E	N	E	N	11-13-9
Patios and decks	E	N	N	N	11-13-9 (E)
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)	11-13-12 (C), (E) and (F)
Flood control structures	E	N	E	(E)	11-13-12

	Historic Property	Address	Acres	Register Type & Year
1	Cordenio Severance House ("Cedarhurst")	6490 Keats Avenue	10	National Register of Historic Places (1976)
2	Grey Cloud Lime Kiln	10398 Grey Cloud Trail	4.2.	National Register of Historic Places (1978)
3	John P. Furber House	7310 Lamar Avenue	.7	National Register of Historic Places (1982)
4	Schilling Archeological District	Lower Grey Cloud Island	NA	National Register of Historic Places (1978)
5	First Congregational Church/Acacia Lodge No.51	11094 70th Street	1	City Register of Historic Sites and Landmarks (1987)
6	Dr. Authur L. Steen House	7405 Lamar Avenue	3.9	City Register of Historic Sites and Landmarks (1983)
7	Dr. William W. Furber House	7697 Lamar Avenue	1.3	City Register of Historic Sites and Landmarks (1987)
8	Atkinson Cemetery	7211 East Point Douglas Road	.9	City Register for Historic Site and Landmarks (1982)
9	Watson Family Home Farm	8919 70th Street	.6	City Register of Historic Site and Landmarks (1982)
10	Cottage Grove Town Hall	9540 Islay Avenue	.2	City Register of Historic Sites and Landmarks (1982)
11	Cottage Grove Cemetery	NE Section 11	31.8	City Register of Historic Sites and Landmarks (1989)
12	William F. Mackintosh/John Healy House/Hope Glen Farm	10276 East Point Douglas Road	7.4	City Register of Historic Sites and Landmarks (House 2002 and Barn 2012)
13	Lyceum Hall Caretaker's Sheds	Cottage Grove Cemetery	31.8	City Register of Historic Sites and Landmarks (1983)
14	Roger Shepard House ("Green Acres")	8946 70th Street	38	City Register of Historic Sites and Landmarks (2017)
15	Harry Roberts House	8348 Keats Avenue	5	City Register of Historic Sites and Landmarks (1998)
16	St. Mathhew's Evangelical and Reform Church/Cottage Grove Community Club	6000 Lamar Avenue	5	City Register of Historic Sites and Landmarks (1983)
18	John P. Furber Wedding & Event Center	7310 Lamar Avenue	5	City Register of Historic Sites and Landmarks (2013)
19	Old People's Cemetery	NE/NE Quarter Section 7	1	City Register of Historic Sites and Landmarks (1982).



COTTAGE GROVE PLANNING COMMISSION

12800 Ravine Parkway South
Cottage Grove, MN 55016

March 25, 2024

COUNCIL CHAMBER – 7:00 P.M.

The Regular Meeting of the Planning Commission was held in the Council Chamber and telecast on Local Government Cable Channel 16.

1. CALL TO ORDER

Frazier called the Planning Commission meeting to order at 7:00 p.m.

2. ROLL CALL

Pradeep Bhat-Here; Ken Brittain-Here; Jessica Fisher-Absent; Evan Frazier-Here; Eric Knable-Here; Derek Rasmussen-Here; Emily Stephens-Here

Members Absent: Jessica Fisher

Staff Present: Emily Schmitz, Community Development Director; Conner Jakes, Associate Planner; Amanda Meyer, City Engineer; Tony Khambata, City Council Liaison.

3. APPROVAL OF AGENDA

Brittain made a motion to approve the agenda. Rasmussen seconded. The motion was approved unanimously (6-to-0 vote).

4. OPEN FORUM

Frazier opened the open forum and asked if anyone wished to address the Planning Commission on any non-agenda item.

Dan Ohmann, 9680 Geneva Avenue South, St. Paul Park, stated that he is the Town Chair with Grey Cloud Island Township, and he came before you today with the Dunes development starting out, just curious if there's any provisions that the City has made for construction traffic. He is receiving calls nonstop for all the heavy equipment and everything is coming up, underneath the train bridge; so, it's all traveling through our township roads, not County roads but our township roads and through our private residences. We have a lot of mining trucks that go by and all that stuff, but we get compensated for that. So, I guess I'm just wondering what has been put in place or any of that as that development goes on to keep traffic off of our roads and all the housing and all that stuff, to not have to travel there or if we have to expect to see that go on.

Dick Polta, 9600 Geneva Avenue South, of the Grey Cloud Town Board, stated it's the same thing as Dan, we're going to get all the traffic. And all that I've heard from the 103rd Street bridge so far is when I was here before, and they said well, they're going to put in additional signage, Stop Ahead. Talking to Karla Bigham and looking at the County's plans, there's nothing in the plans for

that 103rd Street bridge, nothing finalized, nothing finished, and Karla agreed with that. I brought it up to her what you should do is this traffic affects us and St. Paul Park because you've got a 10-foot 4-inch clearance underneath that 103rd Street bridge. So, all your Ready Mix trucks, sand, gravel, building products, everything is going to come through our township and St. Paul Park. So, I suggested to her and this would help you guys out, why don't you make a County road all the way through St. Paul Park, all the way down; now, part of it is County road before you get to the Y down there. When you take a left at Grey Cloud Trail, make that a County road, at least up to the Cottage Grove border, and if you guys wanted it farther, pursue that. At the same time, going the other direction, it's County road halfway around Grey Cloud, two-thirds of the way, make the rest of it a County road. Then our problems would be alleviated, it would actually help you guys out, so I'd ask you guys to push it onto the powers that be to work with the County to make that a County road. I've taken a close look at different County roads, they start in a city and stay in a city, or in a township and stay in a township. There's other ones, like 19, that go all the way through Woodbury and down here. Okay, so that would be a perfect fit for a County road because it's a major arterial for St. Paul Park, Grey Cloud, and Cottage Grove's development, and development on the lower island when they have that park down there. So, I'd just ask you guys to push it along and try to put some pressure on our County Board to do it. Karla didn't give us an answer, she just said okay, okay. But, anyway, we'd appreciate it if you guys would help pursue that, too. It'd be to everybody's benefit. Thanks.

As no one else wished to speak, Frazier closed the Open Forum.

5. CHAIR'S EXPLANATION OF THE PUBLIC HEARING PROCESS

Frazier explained the purpose of the Planning Commission, which serves in an advisory capacity to the City Council, and that the City Council makes all final decisions. In addition, he explained the process of conducting a public hearing and requested that any person wishing to speak should go to the microphone and state their full name and address for the public record.

6. PUBLIC HEARINGS AND APPLICATIONS

6.1 SUMMER VALLEY – CASE ZA2024-008 & PP2024-008

Summergeate Development has applied for a zoning amendment to rezone 24.5 acres of land located south of the Woodbury Border, east of the Northwick Park development, west of the Rolling Meadows development, and north of the Parkview Pointe development, from AG-2, Agriculture, to R-3, Single Family Residential; and a preliminary plat for a residential subdivision to be called Summer Valley, which would consist of 71 single family lots and 2 outlots.

Jakes summarized the staff report and recommended approval subject to the conditions stipulated in the staff report.

Frazier asked if the applicant would like to add any additional information. Bryan Tucker with Summergeate Development, based out of Lakeville, stated with me is Christian Froemke from Westwood Professional Services, they're our engineer for the project. I don't really have too much to add to staff's presentation in terms of project details. If we're successful through the entitlement process, we would expect to start grading probably the end of June or early July, assuming weather cooperates here over the next few months. That being the case, then we'd look to hopefully have

infrastructure in by the end of this year, and our intent would be to develop this as a single phase to put in all the streets with the initial construction. As staff indicated, we are working with several different builders that are interested in this site. Once we make it through our due diligence process a little bit more, then we'll select a builder or a few builders to be working in this area. So, with that, we're happy to answer any questions. No questions were asked.

Frazier opened the public hearing.

Dee Shonkwiler, 6019 Jasmine Bay South, which is a cul-de-sac right behind the farm. We didn't receive the notice for the March 12 meeting, so we thought that was this one. However, we are a little concerned about, I know that you already said that the owners of the farm that's behind us said no to the road. Would we be notified if there's any road going in? Because our trees are on our property, kind of bend up to the farm. Would we be notified of any construction or if they just changed their mind and put the road through for this construction project? I mean, I don't have any objections to it; I'm just wondering if we'd be notified before that would happen since we have fencing, our neighbors have fencing, and our property is right on the line. So, if they do change their mind for whatever reason, things change in the course of a construction project, would we be notified, the residents that live right back behind, that back up to the farm? Frazier stated okay, so, you live abutting the City border there, and so that driveway that runs east-west, you are abutting that; so, your question is if there is a change and construction traffic starts to use that, are you going to get notified because of the concerns about your fence and trees and property there? Shonkwiler stated that is correct, and then if they damage our trees and our fence, will they be responsible for the replacement? That's kind of what we're looking at since it's kind of like when you look at that property, it is literally right on the line, and if they were to put their driveway through to accommodate any kind of construction, it's going to be a big deal. So, I know his combine comes right up to our fence. So, if they decide to use that, that would be something that I would hope that would be either notified or had some input on. Frazier stated okay, staff is taking notes, and they're going to discuss all the questions and concerns later.

Anthony Levine, 9440 63rd Street, so, just behind the pond that we were all seeing a second ago. I just figured I would take a moment to voice my overall support for the development of the current design. I'm happy that we're bringing more housing to Cottage Grove. The only things that I'm going to note, which have already kind of been spoken about, are the concerns regarding the traffic, especially at the corner of Jensen and 63rd; it's a school bus route, we get a stop right there with 20-30 kids lining up, so, we're always a little concerned, as there hasn't been a stop sign heading down Jensen. So, once this opens up eventually, and this is not so much towards Summergate, but once the roads are developed, we were hoping that perhaps there might be an idea of putting in an additional stop sign in that area. I'm not sure if that's within this body's ability to put forward, but a thought. Obviously, we've discussed at the Neighborhood Meeting, which we really appreciated, that we're hoping for proactive policing. We've been there since 2020, and we've seen the developments go in, a lot of speeding trucks, things like that; as we've said before, police have been very proactive, so we hope that continues. The second thing was just simply, and we've discussed this already with the Neighborhood Meeting, just having vibrational controls. Because I'm right behind the pond, there's a bit of concern that if you're riding back there with a large compactor, using oscillating equipment, that potentially you could damage some of the homes' foundations. The concern has been brought up to the City Engineer; they feel comfortable with it. We still have some concerns as neighbors, judging how we're going to have to be taking pictures of our foundations, things of that nature. So, one of the things through these discussions was that it doesn't seem that there are clear City guidelines for both the developers as well as the

homeowners for like notification of those things as well as when is this a problem; it's sort of left up to general engineering knowledge, which puts a lot of burden on the Public Works folks, I would think. So, just looking for some guidance potentially being developed in the future that might take away that gray area for everybody involved. But otherwise happy that it's getting developed, and again, adding more homes to Cottage Grove.

No one else spoke. Frazier closed the public hearing.

Frazier stated I'll have staff answer or talk about some of the things that were brought up.

Jakes stated just to touch on the northern access point along the border, in conversations with the applicant/developer, and they can touch on this as well, but in order for the project to be financially viable and to be a successful project, they would not pursue that access anymore with that property owner. So, the access is currently planned to travel through those existing neighborhoods within the City for those reasons. I'll defer the stop sign and bus stop questions to our City Engineer, Amanda Meyer.

Brittain stated I understand that that's the plan. I think the question was if some unforeseen thing changed and that plan changed, would the homeowners be notified? Jakes replied we would work to notify all property owners along that access route to ensure there's a plan in place and everybody knows dates and times of occurrences into that access route if it was to be utilized.

Meyer stated there are a couple of things to touch on regarding some of the comments and questions/concerns. So, again, related to the traffic, I know at the Neighborhood Meeting there was a lot of concern about Jeffery versus Jensen. We did take a look, so just some additional information: The difference in length is about 200 feet or so, both streets have bus stops on them, and both have quite a few kids from our understanding. To reiterate what Conner had mentioned in the presentation, it is really more about the communication, the coordination, and the emphasis with our developer and their contractor about safety, obeying traffic laws, being cognizant and respectful of those existing neighborhoods. As it relates to the stop sign, generally, yes, as we are creating more of a four-way intersection with traffic coming from all four directions, we would look to add a stop sign. This is similar to when Woodward Ponds was connected into I think Eastridge Woods to the south. That was an existing three-way intersection with a future connection; when we made that connection, we did add stop signs on the leg with the least amount of traffic. So, I think in this situation the stop signs would likely be placed on the 63rd Street leg, so the east-west; that would be something that would be addressed through an engineering memo and the plan adjustments through the City Engineer and the developer's engineer.

Meyer stated as related to vibrational controls, this is something as the resident mentioned, we've gone back and forth having some conversations on those. It's not something where as a City we've had any specific guidance on how developers complete their work; we have some guidance on how different levels of compaction need to be reached for various items within the development. With this being a private development, and I know the developer has been shared these concerns, I imagine that they'll be working with the contractor on those specific concerns. I will say in my years of construction experience, I haven't had a situation where we've had an adjacent property experience issues in their house with adjacent construction, whether it be new residential, road reconstruction, those sorts of things. But if there are specific concerns, we'd be coordinating with that developer to review those concerns with the resident.

Frazier asked one of the things I know that we read in here and obviously this has come up now tonight is the school bus stops and construction traffic going through. We had the two members of the Grey Cloud Island Township Board, who talked about construction traffic down there. I guess one of the things that concerns me I think a little more is the school bus stops, and now it sounds like there's stops on both of the main entries that would be used to this. Is there any thought to changing the times; I know Condition #29 in the proposed conditions says here's when construction can happen on this project, and we set specific hours. Is there any thought or discussion, from staff's point of view, of trying to adapt those hours to make it a little less likely that school bus traffic or times where there's going to be a high amount of traffic on those roads can kind of miss construction traffic? Meyer replied, yes, so the hours that you see in the staff report are actually set by City Ordinance. Those are hours that we generally haven't strayed from, whether it's a private development or a public road project. Obviously, there have been exceptions, but it's usually to go beyond those working hours if you've got one truckload of asphalt to put down and they need an extra 15 minutes, those sorts of things. With developer mentioning that they're looking to start June or July, we are in that timeframe where school is generally out, maybe with the exception of some summer school. That may give us a couple of months to evaluate how the construction traffic is routing if there are any concerns; so, as school is starting, come September, if it is something that we need to consider, we could definitely chat with staff and see if that's something we could do. But, generally, those working hours are set by City Ordinance.

Brittain stated you mentioned the 103rd Street bridge, so are the trucks going down to the development not being able to use the bridge because it's too short? Are they being diverted, or are there any complications; what's going on, I guess would be my question. Meyer replied unfortunately, I don't have a good answer for you right now. I haven't heard there being concerns about not being able to get under the bridge. I believe the Community Development Director and I will be chatting with some staff and also the developer to understand if there have been some issues getting vehicles under the bridge. At this point, the only work that's been occurring down there is the tree clearing; so, if it's other equipment, I would just need to ask more questions, and I believe we'd follow up with a memo in the next Planning Commission packet for you.

Brittain made a motion to approve the zoning amendment and preliminary plat for Summer Valley, subject to the conditions stipulated in the staff report. Stephens seconded. Motion passed unanimously (6-to-0 vote).

7. APPROVAL OF PLANNING COMMISSION MINUTES OF FEBRUARY 26, 2024

Rasmussen made a motion to approve the minutes of the February 26, 2024, Planning Commission meeting. Bhat seconded. Motion passed unanimously (6-to-0 vote).

8. REPORTS

8.1 RECAP OF MARCH CITY COUNCIL MEETINGS

Schmitz provided a summary of actions taken at the March 6 and 20, 2024, City Council meetings.

Khambata stated he thinks Schmitz covered it all. We had a couple busy meetings, and he is open to taking any questions from the commission. There were no questions asked.

Khambata stated I'd like to thank you guys again for your hard work and dedication. It's nice to have a couple quick meetings here.

8.2 RESPONSE TO PLANNING COMMISSION INQUIRIES – None.

8.3 PLANNING COMMISSION REQUESTS

Frazier stated I'll take Brittain's request for information about the bridge as one; do we have any other requests for staff?

Knable asked when starting the construction is starting on East Point Douglas Road and Jamaica? Meyer replied with East Point and Jamaica, the tentative startup date is April 8, depending on weather. There will be with the full closure of East Point Douglas, between the temporary signal and 92nd Street to construct the roundabout.

9. ANNUAL ORGANIZATIONAL MEETING

9.1 ADOPT 2024 PLANNING COMMISSION RULES

Frazier asked if there were any proposed modifications, additions, or deletions to the 2024 Planning Commission Rules for the next year. There were none.

Knable made a motion to adopt the 2024 Planning Commission Rules. Rasmussen seconded. Motion passed unanimously (6-to-0 vote).

9.2 ELECTION OF OFFICERS

Frazier asked if there were any nominations for Vice Chair and Secretary. Vice Chair would take over and run the meeting in the event that the Chair can't be here for the meeting. Currently, Brittain is Vice Chair.

Rasmussen made a motion to nominate Brittain for Vice Chair. Second by Stephens. Brittain accepted the nomination. Motion passed unanimously (6-to-0 vote).

Frazier asked if there were any nominations for Secretary; currently, Rasmussen is the Secretary. The Secretary does the Roll Call and then I think also takes over the meeting if both the Chair and the Vice Chair can't be here.

Brittain made a motion to nominate Rasmussen for Secretary. Second by Knable. Rasmussen accepted the nomination. Motion passed unanimously (6-to-0 vote).

10. ADJOURNMENT

Rasmussen made a motion to adjourn the meeting. Brittain seconded. Motion passed unanimously (6-to-0 vote). The meeting was adjourned at 7:32 p.m.

April 18, 2024

RE: Response to March 25, 2024, Planning Commission Open Forum

Dear Grey Cloud Township Board:

In response to the open forum statements made at the March 25th Planning Commission meeting, the City has since been in contact with Washington County and the City of St Paul Park given the segment of Grey Cloud Island Trail between the Cottage Grove City limits and County Road 75 is owned by both Grey Cloud Island Township and St Paul Park.

The City is working to coordinate a meeting between all jurisdictions on April 30, 2024, at Cottage Grove City Hall to better understand current maintenance agreements and long-range plans for the roadways in the area. You are invited to participate in this meeting and an official invite will be sent once the date and time are solidified.

Sincerely,



Emily Schmitz
Community Development Director

Cc: Amanda Meyer, City Engineer
Jennifer Levitt, City Administrator