

## **Ordinance No. 1431**

### **Creating Title No. 6 (Zoning and Subdivision) of the Fridley City Code, Repealing Chapter 205 (Zoning), Repealing Chapter 211 (Subdivision), Repealing Chapter 213 (Fences), Amending Chapter 209 (Fees) and Amending Chapter 506 (Signs)**

The City Council of the City of Fridley does ordain, after review, examination and staff recommendation that the Fridley City Code be amended as follows:

#### **Section 1**

That Fridley City Code Chapter 205 (Zoning) is hereby repealed in its entirety and replaced with the chapters contained in the Fridley City Code Title No. 6 (Zoning and Subdivision).

#### **Section 2**

That Fridley City Code Chapter 211 (Subdivision) is hereby repealed in its entirety and replaced with the chapters contained in the Fridley City Code Title No. 6 (Zoning and Subdivision).

#### **Section 3**

That the Fridley City Code Chapter 213 (Fences) is hereby repealed in its entirety and replaced with the chapters contained in the Fridley City Code Title No. 6 (Zoning and Subdivision).

#### **Section 4**

That the Fridley City Code Title No. 6 (Zoning and Subdivision) is hereby adopted as follows:

Fridley City Code  
Chapter 600 General Provisions

600.01 Authority

1. Title

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

2. Purpose and Intent

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

3. Effective Date

- (a) The effective date of this Title is July 1, 2025. This Title hereby supersedes and replaces in its entirety, Chapter 205 (Zoning) of the Fridley City Code on the effective date hereof.
- (b) The provisions of this Title apply to all permits, permit applications and development plans (general, revised or final) filed on or after July 1, 2025. Plans on file before July 1, 2025 will be reviewed for compliance with the Zoning Title effective at the time of filing.

4. Authority to Adopt

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

#### 600.02 Applicability

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

#### 600.03 Administration

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

#### 600.04 Interpretation

11. Relationship to Comprehensive Plan
  - (a) It is the policy of the City that the enforcement, amendment and administration of this Title be accomplished with due consideration of the recommendations contained in the Comprehensive Plan as developed and amended from time to time by the City. The City Council recognizes the Comprehensive Plan as the policy guide responsible

for regulation of land use and development in accordance with the policies and purpose herein set forth.

12. Use of Graphics, Illustrations, Figures, Photos and Cross-References

- (a) Graphics, illustrations, figures and photos are provided for illustrative purposes only and are not to be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, figure or photo, the text controls.
- (b) In some instances, cross-references between chapters, sections and subsections are provided that include the chapter, section, or subsection number along with the name of the reference. Where a conflict may occur between the given cross-reference number and name, the name controls.

13. Conflicting Regulations or Provisions

- (a) Where the provisions of this Title are inconsistent with state or federal law or any other city ordinance, code provision, or regulation, the more restrictive provision governs unless otherwise expressly stated.

14. Abrogation and Greater Restrictions

- (a) This Title is not intended to repeal, abrogate, annul, impair or interfere with any existing easement, covenant or any other private agreement. However, provided that where the regulations of this Title are more restrictive or impose higher standards or requirements on such easements, covenants or other private agreements, the requirements of this Title govern.

15. Severability

- (a) It is hereby declared to be the intention of the City that the provisions of this Title are severable in accordance with the following:
  - (1) If any court of competent jurisdiction shall adjudge any provision of this Title to be invalid, such judgment shall not affect any other provisions of this Title not specifically included in said judgment.
  - (2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Title to a particular property, building or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

16. Fees. The fees for administrative processes, land and building development, alterations, improvements and subdivisions are provided for in the Fees Chapter of the Code.

Fridley City Code  
Chapter 601 Definitions

601.01 Interpretation of Definitions

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

601.02 General Definitions

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

Alternate Energy Devices. Non fossil fuel energy devices.

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

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

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

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

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

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

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

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

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

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

**Building Height.** The vertical distance measured from the average elevation of a finished grade at the front of the building to the highest point in the case of a flat roof; to the deck line of a mansard roof; and to the mean distance between eaves and ridge of a gable, hip or gambrel roof (See Figure 1).

Figure 1



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

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

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

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

**City.** The City of Fridley.

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

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

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

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

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

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

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

1. Battery electric vehicle
2. Plug-in hybrid electric vehicle

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

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

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

Electrical Capacity means, at minimum:

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

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

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

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

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

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

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

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

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

**Ground Cover.** The ground area covered by vegetation.

**Impervious Surface.** A constructed hard surface that either obstructs the entry of water into the soil, or causes water to run off the surface in greater quantities and at an increased rate of flow than existed prior to development. Examples include rooftops, sidewalks, roads, patios, driveways, parking lots, storage areas, concrete, asphalt or other material that does not absorb stormwater run-off.

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

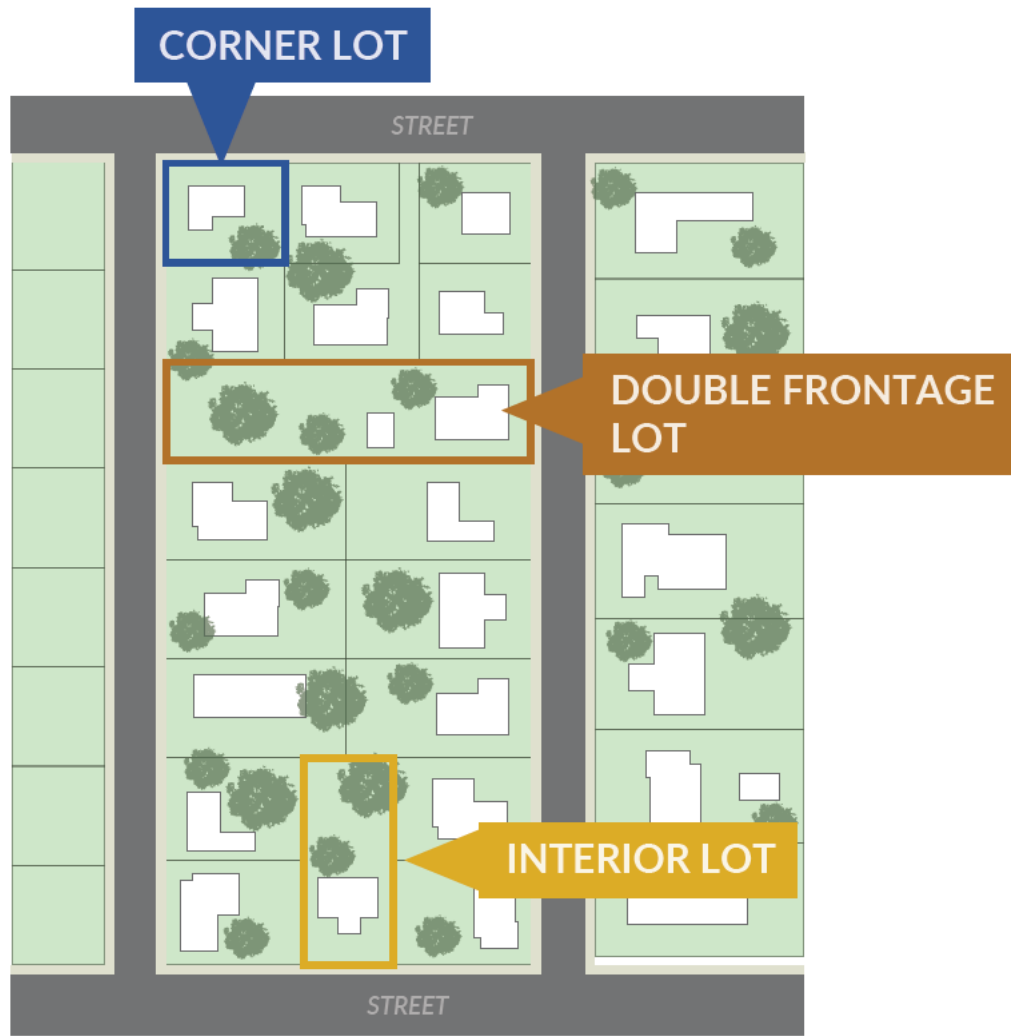
**Living Area.** The area of a dwelling unit designed to be used for habitation purposes, including bedrooms, dining room, living room and the like, which are usually and customarily used for habitation purposes, as distinguished from any garage or other type of accessory space.

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

**Lot.** A parcel of land sufficient in size to meet the minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are required (See Figure 2). A lot must have frontage on a dedicated or private street and may consist of:

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

Figure 2



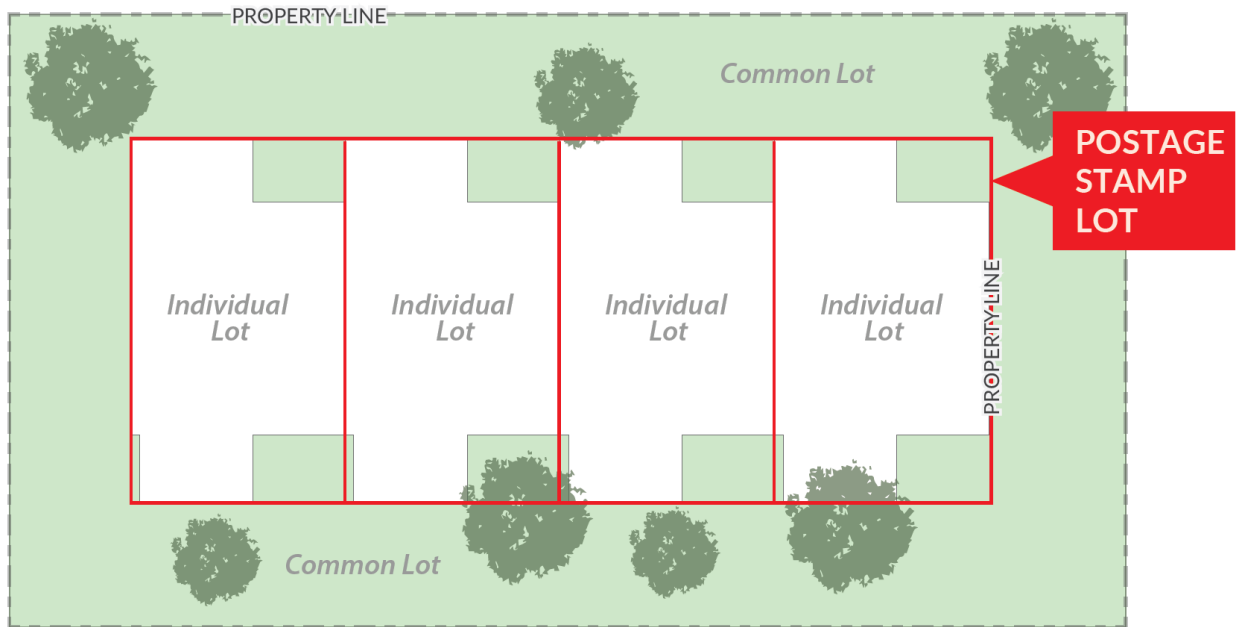
Lot, Corner. A lot situated at the intersection of two or more streets (See Figure 2).

Lot, Double Frontage (Through). A lot with opposite lot lines on two non-intersecting streets. Both street frontages will be considered as front yard areas (See Figure 2).

Lot, Interior. A lot situated such that its lot line abuts another lot, open space or yard (See Figure 2).

Lot, Postage Stamp. A lot arrangement typically within a homeowner's association where individual lots define the area around the perimeter of an individual unit and there is a common lot for the remainder of the yard area (See Figure 3).

Figure 3



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

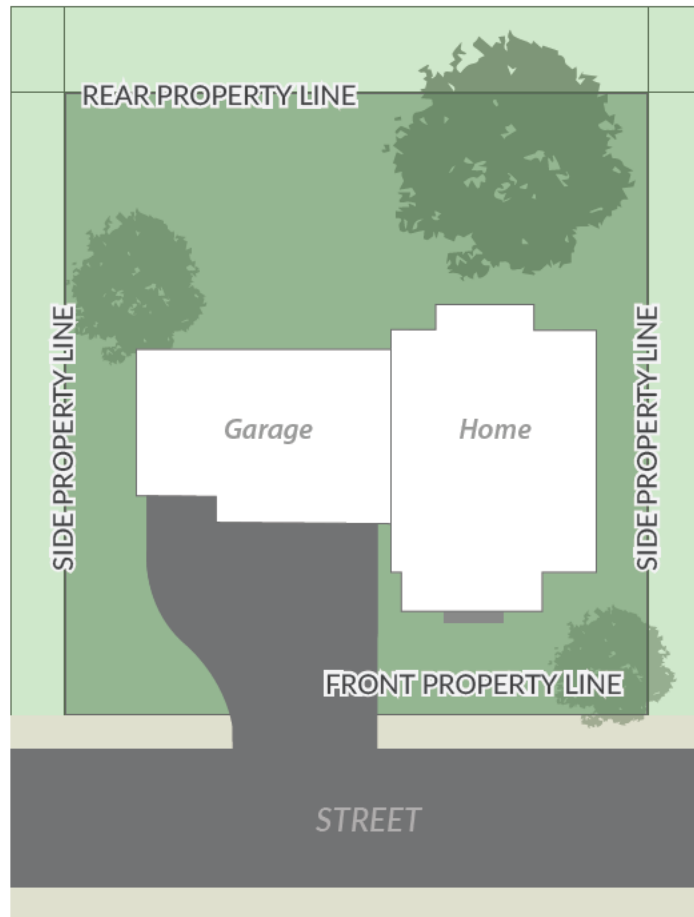
**Lot Coverage.** That portion of a lot that is covered by buildings or structures, but excluding paving and other impervious surfaces.

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

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

**Lot (Property) Line.** A line dividing one lot from another or from a street or any public space (See Figure 4).

Figure 4



Lot (Property) Line, Front. The front line of a lot is that boundary abutting a public right-of-way, typically having the least width(See Figure 4).

Lot (Property) Line, Rear. The boundary of a lot that is opposite the front lot line (See Figure 4).

Lot (Property) Line, Side. Any boundary of a lot which is not a front or rear lot line (See Figure 4).

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

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

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

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

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

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

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

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

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

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

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

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

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

**Setback.** The minimum horizontal distance between a lot line and a structure located on that lot (See Figure 5).

Figure 5



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Use, Nonconforming. Any building, structure or land lawfully occupied by a use or lawfully existing at the time of the passage of this Chapter or amendments thereto, which does not conform with the regulations of this Chapter or future amendments for the district in which it is situated.

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

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

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

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

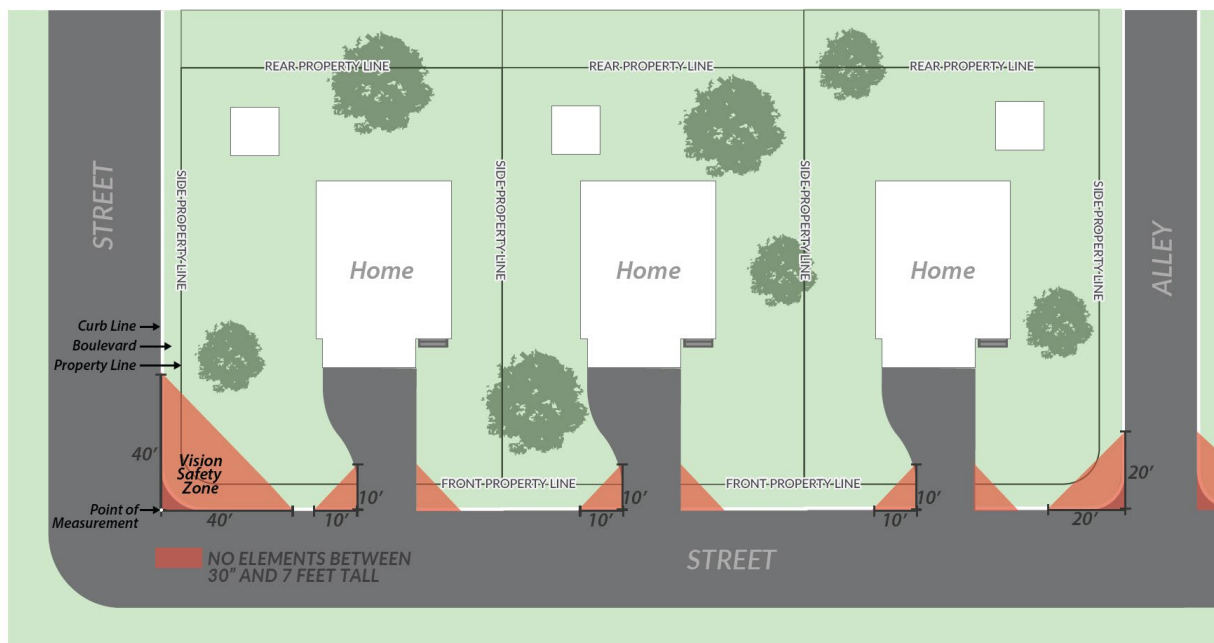
Use, Protected. In reference to this Chapter's provisions regarding mandatory distances between uses, the "protected use" is a use which may be adversely affected by a proposed use. Protected uses include but are not limited to residential uses and schools.

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

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

Vision Safety Zone. A triangular area of unobstructed vision that is located at the intersection of two streets; a street and an alley; or a street and a driveway. The area is measured by placing two points of the triangle 40 feet from a street corner, 20 feet from the alley intersection and 10 feet from the driveway intersection. The third side of the triangle is a straight line between the two aforementioned points (see Figure 6).

Figure 6

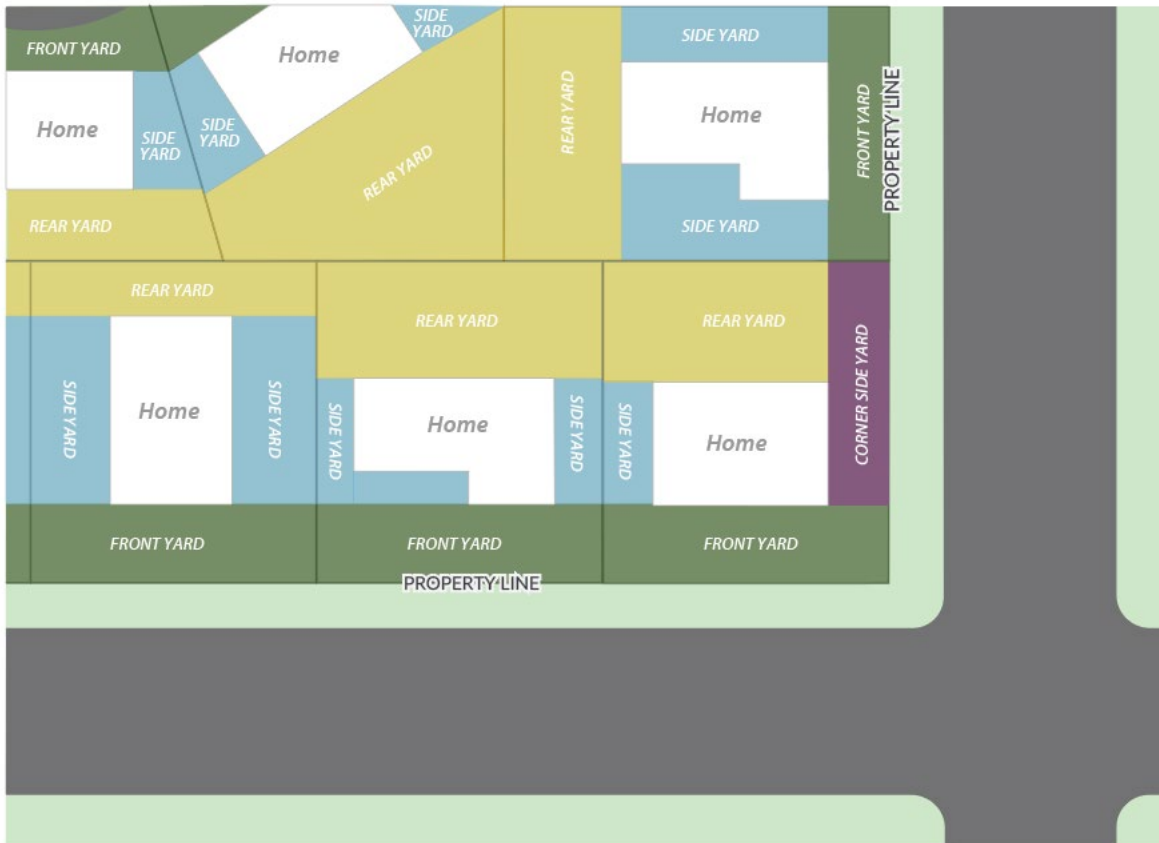


Walkway or Sidewalk. A surface designated for pedestrian use.

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

Yard. The horizontal distance between the principal structure and a lot line, as measured perpendicular to the lot line. Eaves are not to be considered part of the principal structure for the purpose of determining the location or extent of a yard (See Figure 7).

Figure 7



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

Yard, Front. A yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the principal building (See Figure 7).

Yard, Rear. A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building(See Figure 7).

Yard, Side. A yard extending across the full length of a lot and the main building extending from the front yard to the rear yard and having a width equal to the shortest distance between the side line and the principal building(See Figure 7).

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

#### 601.03 Use Definitions

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

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

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

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

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

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

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

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

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

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

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

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

Brewpub. A restaurant with an accessory brewery.

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

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

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

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

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

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

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

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

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

Care Facility, Residential. An in-home residential facility licensed by the state which provides primarily nonmedical care to individuals who are in need of personal assistance to manage the activities of daily life or for the protection of the individual. The number of people allowed in each

facility is dictated by state statute with either groups of six or few persons or groups between seven – 16 persons.

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

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

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

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

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

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

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

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

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

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

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

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

Dwelling, Attached Townhouse or Rowhouse. A single dwelling unit within a larger residential structure containing three or more units which is separated from the adjoining dwelling unit(s) by a common wall. Each dwelling unit may be located on its own individual lot or on a common lot

containing all of the attached units, and each dwelling unit must have separate and individual entrances.

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

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

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

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

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

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

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

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

1. Embalming and the performance of other services used in preparation of the dead for burial;
2. The performance of autopsies and other surgical procedures;
3. The storage of caskets, urns, and other related funeral supplies;
4. The storage of funeral vehicles; or
5. A funeral chapel or other area used for the performance of funeral ceremonies, mourning and viewing of the deceased.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Manufacturing, Light.** An establishment or use of land for the assembly or processing of previously processed components or manufactured parts using processes that do not create significant amounts of odors, noise, vibration, illumination or particulates that may impact surrounding properties. Examples include, but are not limited to the following: manufacturing of food, pharmaceuticals, clothes, furniture (where wood is milled off-site), hardware, toys, light sheet metal products or mechanical components; printing; and small vehicle assembly.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Trucking Terminal.** Any premises used by a motor freight company that is a carrier of goods, which is the origin or destination point of goods being transported, for the purpose of storing, transferring, loading or unloading goods. This may include the repair and service of vehicles over 9,000 pounds and areas for the temporary storage of such vehicles.

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

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

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

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

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

Wireless Telecommunications Facility. Any cable, wire, line, wave guide, antenna or any other equipment or facility associated with the transmission or reception of communications (other than radio or television broadcast communications) which a person seeks to locate or have installed upon or near a tower or an antenna support structure.

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

#### 601.04 Subdivision Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Registered Land Survey.** A survey of unplatted registered land which meets the requirements of M.S. § 508.47, subd. 4. A registered land survey may be used as a means to subdivide property.

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

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

**Street, Collector.** A street which collects and distributes the internal traffic within an area of a community such as a residential neighborhood or industrial district and between arterial and local streets, providing some access to abutting property.

**Street, Corporate Boundary.** A public street, road, or highway that can be used to define part of a corporate boundary.

**Street, Cul-De-Sac.** A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

**Street, Half Width.** A portion of the width of a street, usually along the edge or boundary of a development, where the remaining portion of the street is to be provided by the development of an adjacent property.

**Street, Interior.** A private roadway located within the lot boundary.

**Street, Trunk Highway.** The trunk highway system is a network of interstate and state highways that connects communities throughout the state.

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

**Subdivision.** The separation of an area, parcel or tract of land, under single ownership, into two or more parcels, tracts, lots or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, or roads, for residential, commercial, industrial, or other use or any combination thereof, except those separations referenced in M.S. § 462.358, subd. 4b.

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

Fridley City Code  
Chapter 610 Zoning Districts

610.01 Establishment of Districts

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

610.02 Official Zoning Map

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

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

#### 610.03 District Boundaries

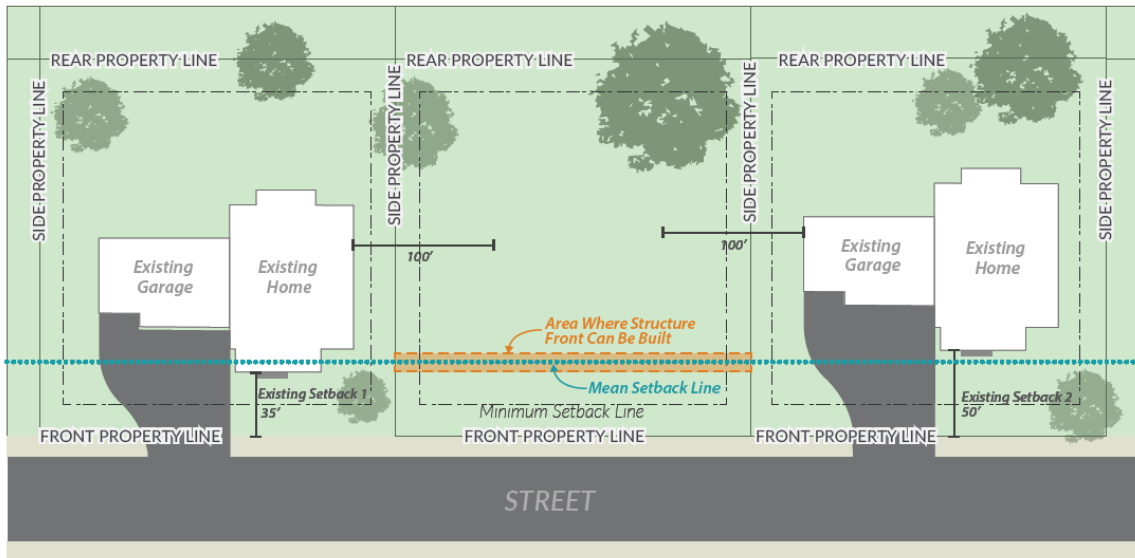
1. The district boundaries shall be determined by measurement from and as shown on the Zoning Map, and in case of any questions as to the interpretation of such boundary lines, the Community Development Director shall interpret the map according to the reasonable intent of this Chapter.
2. Where uncertainty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

#### 610.04 General Provisions for All Zoning Districts

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

(a) Where the front setback of existing buildings is greater than the minimum front setback required and said existing buildings are within 100 feet on either side of a structure to be erected, then the setback for the new structure may be six feet more or less of this mean depth of the adjacent structures, but it must not be less than the required front setback. In the case where one of the adjacent properties is vacant, the assumed setback will be the minimum front setback requirement of the zoning district that applies to the property (see Figure 1).

Figure 1



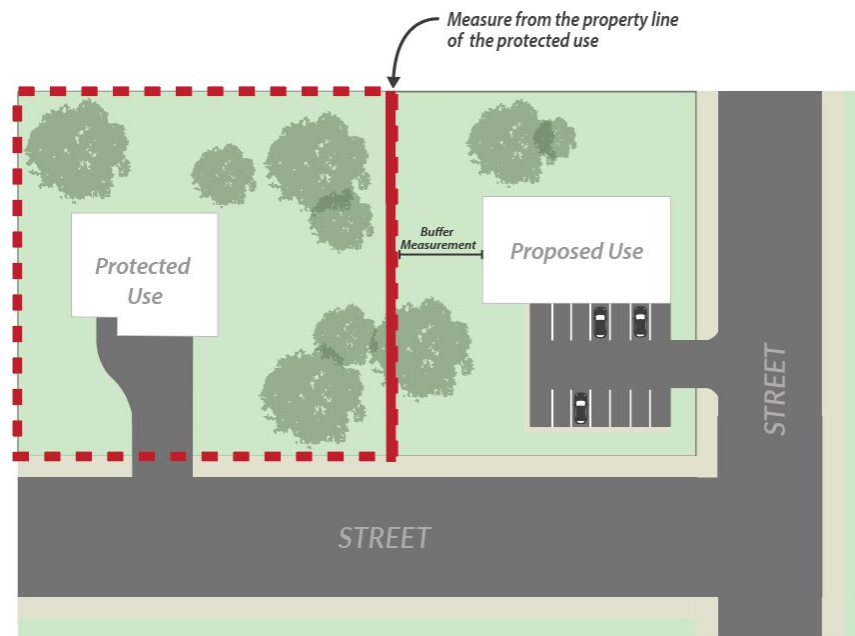
(b) In computing the depth of a rear setback for any principal building where the rear line of the lot adjoins an alley, one half of the width of the alley may be included in the calculation, provided that the actual rear yard depth on the lot will not be less than 25 feet in any district. (See Figure 2).

Figure 2



5. The following are not be considered an encroachment on setback requirements:
  - (a) Basement egress window wells required to meet fire or building code requirements.
  - (b) Chimneys, flues, ornamental architectural features, eaves, bays, gutters and other similar projections are permitted on the primary structure provided that they do not extend within three feet of the lot line.
  - (c) Canopies and steps to building entrances may extend no more than 10 feet into any required front yard.
  - (d) Unenclosed porches, decks, canopies and steps to building entrances may extend no more than 10 feet into any required rear setback and a maximum of three feet into any required side setback, provided they do not extend nearer than five feet to any lot line.
  - (e) On existing structures, enclosed entryways may extend no more than five feet into the required setbacks provided they are only one story in height and do not exceed 50 square feet.
  - (f) Essential services, utility electric power transmission lines and communication transmission lines are exempt from the setback and distance requirements of this Chapter.
6. Required distance between proposed and protected uses.
  - (a) The required distance between uses is computed by direct measurement in a straight line from the nearest legal parcel line of the land used for the protected uses (e.g., residential uses; schools) to the nearest external portion of the building in which the proposed use (e.g., automotive uses; cannabis uses) is to be located (see Figure 3).

Figure 3



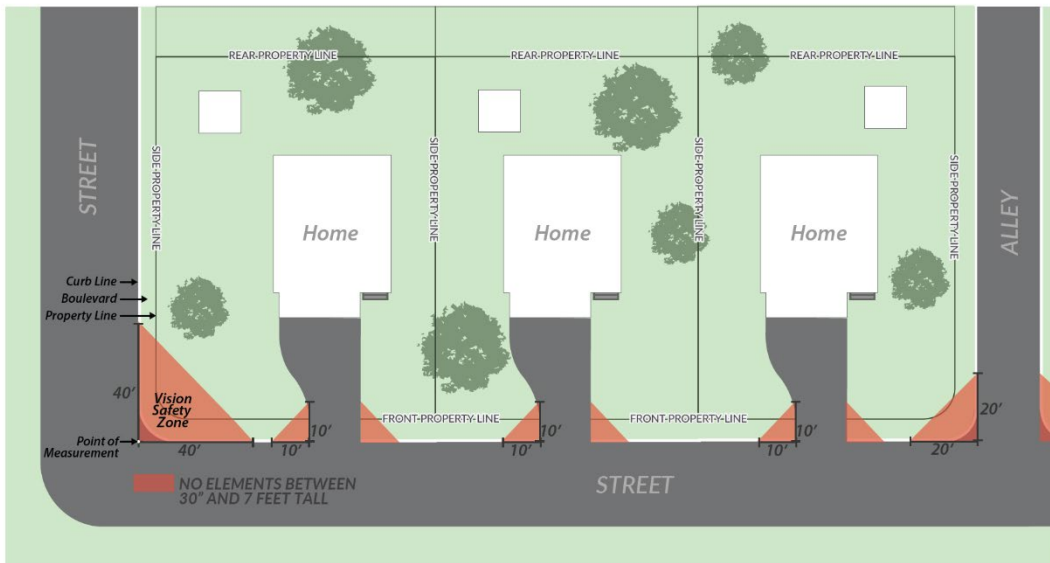
## 7. Vision Safety Zone

(a) A fence or similar barrier must not impede vehicular vision or cause a hazardous condition to exist.

(b) Plantings or structures are not allowed to impede vision between a height of 30 inches and seven feet above the curb line in the Vision Safety Zone, which extends at the intersection:

- (1) 40 feet from the corner of the curb;
- (2) 20 feet from the corner of an alley; and
- (3) 10 feet from the corner of a driveway. (See Figure 4).

Figure 4



8. Adequate area must be designed for snow storage such that clear visibility must be afforded from the property to any public street.
9. Provisions for active transportation must be provided on those parcels abutting streets designated for trails or sidewalks in the currently approved version of the City's Active Transportation Plan.
  - (a) At a minimum, the City will require the designation of an easement. The City will determine the required width of easements and elevations for grades at the time a building is constructed on the property.
  - (b) At its discretion, the City may require the construction of a pedestrian or bicycle path as part of new construction, additions and parking lot improvements.
  - (c) If not constructed immediately, any landscaping or irrigation systems installed in the easement must be removed and replaced at the property owner's expense when the trail or sidewalk is installed in the future.
10. Outdoor storage
  - (a) Outdoor storage of materials, equipment and vehicles is prohibited as a principal use in all districts unless otherwise approved through a conditional use permit, following the procedures in the Procedures Chapter, or listed as an exemption by this section. Accessory outdoor storage must adhere to the standards in the Accessory Use-Specific Standards Chapter.
  - (b) The following is exempt from the outdoor storage requirements and are only permitted as an accessory use to one- or two-unit dwellings:
    - (1) Split and neatly stacked firewood in the side or rear yard.
    - (2) Private outdoor recreational equipment currently being used or intended for use upon the premises.

(3) Landscaping materials and machinery currently being used or intended for use on a current project upon the premises.

(4) Boats, non-motorized camping trailers, and empty utility trailers in the side or rear yard. Boats, non-motorized camping trailers and empty utility trailers stored in the front yard are required to be located on a hard surface driveway and must be set back at least 15 feet from the back of the street curb.

#### 610.05 Nonconforming Uses and Structures

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

Fridley City Code

Chapter 611 Residential Zoning Districts

611.01 Application

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

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

611.02 District Intents

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

611.03 Uses

1. Table 1 Residential District Principal Uses and Table 2 Residential District Accessory Uses list land uses and indicate whether they are permitted, permitted with standards (reference the for Principal Use-Specific Standards and Accessory Use-Specific Standards Chapters), conditional, or prohibited in each zoning district. The following definitions apply to Tables 1 and 2.

- (a) Permitted Use – a “P” in a cell of the use tables indicates that the land use is allowed by right in the zoning district.
2. Permitted with Standards Use – a “PS” in a cell of the use tables indicates that the land use is allowed in the zoning district as long as it meets the certain use-specific standards as described in the Principal Use-Specific Standards and Accessory Use-Specific Standards Chapters.
- (a) Conditional Use – a “C” in a cell of the use tables indicates that the land use is allowed in the zoning district only upon approval of a conditional use permit as described in the Procedures Chapter and compliance with any applicable use-specific standards identified in the Principal Use-Specific Standards and Accessory Use-Specific Standards Chapters
- (b) Prohibited Use – a blank cell in the use tables indicates that the land use is prohibited in that zoning district.
3. In the event a proposed use is not listed in the use tables, the Community Development Director will make a determination if the use is consistent by type, intensity, physical characteristics, style, size and purpose with any use listed in Tables 1 and 2.
- (a) If the proposed use found to be consistent with another listed use, the proposed use will be treated the same as the similar one identified by the Community Development Director.
- (b) If the proposed use is not found to be consistent with any listed use, the City Council, Planning Commission, or property owner may request an amendment to this Chapter to provide guidance for the proposed use as described in the Procedures Chapter.
4. Table 1 Residential District Principal Uses

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

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

5. Table 2 Residential District Accessory Uses

Accessory Use Type	Residential					Use Standard References
	R-1	R-2	R-3	R-4	R-H	
Accessory dwelling unit, attached	PS	PS	PS		PS	See Chapter 621
Accessory dwelling unit, detached	C	C	C		C	See Chapter 621
Accessory structure	PS	PS	PS	PS	PS	See Chapter 621
Daycare center	PS	PS	PS	PS	PS	See Chapter 621
Day care, group family	P	P	P	P	P	
EV charging	PS	PS	PS	PS	PS	See Chapter 621
Farmers market	PS	PS			PS	See Chapter 621

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

611.04 Lot and Site Dimensions

1. All uses in Tables 1 and 2 must comply with the lot and site dimensional requirements set forth in the following tables and all other applicable regulations set forth in this Chapter.
2. All lot and site dimension standards listed in this Section are subject to the standards and exemptions listed in the Zoning Districts Chapter.
3. The following requirements apply for any development that includes postage stamp lots:
  - (a) Lot width of the common lot must be equal to or greater than the combined lot width requirement of the individual units contained within the common lot.

(b) Lot area must equal or be greater than the combined lot area requirement of the individual units. The lot area calculation will include the common lot plus each individual unit lot area.

(c) In any development that includes postage stamp lots, setbacks will be calculated from the common property lot line rather than individual unit lot line.

4. Table 3 establishes the minimum lot area and lot width requirements for all residential zoning districts.

5. Table 3 Residential District Lot Dimensions

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

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

6. Table 4 establishes the minimum site dimension standards for all residential zoning districts. Setbacks for any use not listed must be the most restrictive of the base district.

7. Table 4 Residential District Site Dimensions

Zoning District	Use Types	Principal Building Setbacks (ft.)				Max. Bldg Coverage	Max. Bldg Height (ft.)
		Front	Side	Rear	Corner		
R-1	Single unit	25	10' living 5' garage	25	17.5	25%	30
	All other uses	25	10	25	17.5	25%	30

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

611.05 District Standards

1. In all residential districts, occupancy in dwelling units is limited to no more than three persons in any efficiency unit, and no more than two persons per bedroom, plus one additional resident per dwelling unit.
2. R-1 District Standards

(a) Only one principal structure is allowed to be located on a lot.

3. R-1, R-2 and RH Districts

(a) All garages whether attached to, tucked under or detached from the principal dwelling are considered to be an accessory structure and must not exceed 100% of the first-floor area of the dwelling unit or a maximum of 1,000 square feet.

4. R-4 District Standards

(a) Purpose

(1) The purpose of this Chapter is to establish a process which will permit the placement of a new manufactured home park or the expansion of an existing manufactured homes park within the City.

(2) This Chapter is also established to ensure the health, safety and general welfare of owners of manufactured homes within existing manufactured home parks. This is accomplished by adopting and enforcing minimum standards related to location of the home, use of the home, and the construction, alteration, and arrangement of homes on lots within a manufactured home park.

(b) Permit Required. No person is allowed to establish, maintain, operate, or expand a manufactured home park as defined by Minnesota Statutes (M.S.) § 327.14, subdivision 3 within the City without first obtaining a conditional use permit from the City. Prior to issuance of the conditional use permit, the City will ensure that the manufactured home park has a license from the Department of Health, Anoka County or the appropriate licensing authority.

(c) Conflicts

(1) This Chapter is intended to complement other municipal, state, and federal regulations that affect the establishment or expansion of manufactured home parks. This Chapter is not intended to revoke or repeal any other public law, ordinance, regulation or permit.

(2) Whenever the provisions of this Chapter impose greater restrictions on the establishment or expansion of a manufactured home park than those of any statute, other city code provision, or regulation; the provisions of this Chapter apply.

(3) Where the provisions of any statute, other city code provision, or regulation impose greater restrictions than this Chapter on the establishment or expansion of a manufactured home park, the more restrictive provisions or regulations apply.

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

(1) Application

((a)) Requests to establish or expand a manufactured home park must be reviewed and decided through the conditional use permit process outlined in the Procedures Chapter. A conditional use permit is required in order to establish or expand a manufactured home park in the City.

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

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

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

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

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

((C)) Proposed roadways and driveways;

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

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

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

(3) Location Restrictions. A conditional use permit for a new manufactured home park or the expansion of a manufactured home park will only be issued for property that complies with the requirements of M.S. § 462.357, subd. 1(b).

(4) Hearing and Process. A public hearing and process will be consistent with all procedures outlined in the Procedures Chapter .

(5) Building Permits

((a)) The applicant for a building permit for the construction of a manufactured home park or any part thereof must comply will all appliable provisions of the State Building Code.

((b)) Each application must be accompanied by a detailed set of plans for the proposed construction and improvements of the site.

((c)) Every application for a building permit to construct individual manufactured homes authorized by the conditional use permit must be accompanied by certification that the individual unit meets all requirements of the State of Minnesota, including, but not limited to, the Manufactured Home Building Code as defined by M.S. § 327.31, subd. 3.

(e) Manufactured Home Park Development Standards

(1) Minimum Area and Maximum Density

- ((a)) The size of a manufactured home park base lot determines the maximum number of manufactured homes that can be placed in the park. Steps to make this determination are as follows:
          - ((1)) At least two percent of the proposed base lot must be devoted to a recreation area which must be established, constructed and maintained for the benefit of the manufactured home park residents.
          - ((2)) The location(s) for an on-site community storm shelter must be identified along with locations for on-site management facilities. All land within 10 feet of such facilities will be excluded from land eligible for the placement of manufactured homes.
          - ((3)) For every 3,500 square feet of land available after establishment of the required recreation area, storm shelter and on-site management facilities; one manufactured home may be located within the new proposed park or park expansion area.
- (2) Minimum Setbacks
  - ((a)) Perimeter Lot Setbacks. The following minimum setbacks apply to manufactured home parks:
    - ((1)) 30 feet from all adjacent public right-of-way;
    - ((2)) 30 feet from all adjacent residentially zoned property having a different zoning classification than the manufactured home park; and
    - ((3)) Five feet from all side and rear property lines abutting the same zoning classification as the manufactured home park or commercial or industrial zoned property.
  - ((b)) Internal Unit Setbacks. The following minimum setbacks apply to homes within a manufactured home park:
    - ((1)) 10 feet from all internal public and private streets or alleys;
    - ((2)) 10 feet between the long sides of adjacent manufactured homes and structures physically attached to the manufactured home. The initial unit layout authorized by the conditional use permit must demonstrate there is ample room for accessory structures to be built with each unit while still maintaining the required 10-foot separation; and
    - ((3)) Three feet between manufactured homes parked end to end.
    - ((4)) Three feet between a manufactured home and the side lot lines of the Manufactured Home Park.
- (3) Parking. At least two off-street parking spaces located adjacent to each manufactured home must be provided for each unit. Parking spaces must be constructed of concrete or asphalt.
- (4) Street Requirements

- ((a)) Public streets must comply with City requirements specified in the Required Subdivision Improvements Chapter.
  - ((b)) If private streets are provided, they must comply with requirements as determined by the City Engineer.
  - ((c)) Curbing requirements. A concrete curb must be constructed on each side of the street of a public street. The curb must be of a standard approved by the City. Requirements for private streets will be determined by the City Engineer.
  - ((d)) Sidewalk requirements. A concrete sidewalk not less than 30 inches wide must be constructed adjacent to the concrete curb on the unit side and must be connected to the patio or parking pad.
- (5) Landscaping
- ((a)) Landscaping requirements must comply with the Landscaping Chapter, unless otherwise approved through the conditional use permit process.
  - ((b)) Tree per lot requirement. At least one tree must be planted and maintained near each unit. The tree must have a minimum caliper of 2.5 inches at the time of planting.
  - ((c)) Grass cover requirement. The land area for each unit and within the perimeter setbacks must be sodded and maintained with grass except for areas used for the manufactured home, patio, sidewalk, driveway, and off-street parking.
  - ((d)) Perimeter Buffer Zone.
    - ((1)) A 20-foot-wide perimeter buffer zone must be provided along manufactured home park property lines not abutting a public right-of-way.
    - ((2)) The buffer zone will be comprised of a mixture of evergreen and deciduous trees, shrubs and ground cover.
    - ((3)) The buffer zone must be free of buildings and structures.
    - ((4)) The buffer zone may be used as part of the dedicated recreation area if the City finds that it is suitable for that purpose as part of the conditional use permit approval.
  - ((e)) Screening must comply with the Screening Chapter requirements.
- (6) Drainage. Every manufactured home park must be located on a well-drained area and the premises must be properly graded to prevent the accumulation of storm or other water.
- (7) Utility Requirements. Water facilities, sewage disposal, and street lighting must be installed and maintained by the owner of the manufactured home park and must be constructed in accordance with State laws, the recommendations of the State, and the requirements of the City Code.

- (8) Fire Hydrant Requirements. Fire hydrants must be placed throughout the manufactured home park in such a way as to satisfy the City that adequate fire protection is achieved.
- (9) Storage Requirements
- ((a)) Outdoor storage is prohibited on individual manufactured home lots, except for split and neatly stacked firewood in the side or rear yard and private outdoor recreational equipment currently being used or intended for use.
  - ((b)) A bulk storage and parking area must be provided on site by the park owner for boats, campers, travel trailers, recreational vehicles, snowmobiles, motorcycles and other seasonally used recreation equipment.
- (10) Recreation Requirements. A dedicated recreation area for the manufactured home park must include improvements intended to serve the anticipated demographics of the community. As part of the conditional use permit review, the applicant must demonstrate that a reasonable nexus exists between the number of manufactured homes being served to the level of investment being made to the recreation area.
- (11) Requirements for Manufactured Home Parks established prior to the adoption of this Code Building Permits
- ((a)) The installation of any new manufactured homes within an existing manufactured home park requires obtaining a building permit for each home in order to ensure building code requirements and development standards are met.
  - ((b)) A certification that the individual unit meets all requirements of the State of Minnesota must also be submitted to the City.
- (12) Development Standards
- ((a)) All manufactured homes must meet the minimum setbacks set forth in M.S. § 327.20, subd. 1 (3):
    - ((1)) 10 feet from any public right-of-way or alley;
    - ((2)) 10 feet from all adjacent residentially zoned property having a different zoning classification than the manufactured home park;
    - ((3)) 5 feet from all adjacent properties zoned commercial or industrial;
    - ((4)) 3 feet from all side property lines;
    - ((5)) 10 feet between the long sides of adjacent manufactured homes and structures physically attached to the manufactured home (excluding open porches and carports); and
    - ((6)) 3 feet between manufactured homes parked end to end.
  - ((b)) All manufactured homes must meet the minimum lot width requirements set forth in M.S. § 327.20:



Fridley City Code  
Chapter 612 Non-Residential Zoning Districts

612.01 Application

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

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

612.02 District Intent

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

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

#### 612.03 Uses

1. Table 1 Non-Residential District Principal Uses and Table 2 Non-Residential District Accessory Uses list land uses and indicate whether they are permitted, permitted with standards (reference the Principal Use-Specific Standards and Accessory Use-Specific Standards Chapters), conditional, or prohibited in each zoning district. The following definitions apply to Tables 1 and 2.
  - (a) Permitted Use – a "P" in a cell of the use tables indicates that the land use is allowed by right in the zoning district.
  - (b) Permitted with Standards Use – a "PS" in a cell of the use tables indicates that the land use is allowed in the zoning district as long as it meets the certain use-specific standards as described in the Principal Use-Specific Standards and Accessory Use-Specific Standards Chapters.
  - (c) Conditional Use – a "C" in a cell of the use tables indicates that the land use is allowed in the zoning district only upon approval of a conditional use permit as described in the Procedures Chapter and compliance with any applicable use-specific standards identified in the Principal Use-Specific Standards and Accessory Use-Specific Standards Chapters.
  - (d) Interim Use – an "I" in a cell of the use tables indicates that the land use is allowed in the zoning district only upon approval of an interim use permit as described in the Procedures Chapter and in compliance with any applicable use-specific standards identified in the Principal Use-Specific Standards and Accessory Use-Specific Standards Chapters.
  - (e) Prohibited Use – a blank cell in the use tables indicates that the land use is prohibited in that zoning district.

2. In the event a proposed use is not listed in the use tables, the Community Development Director will make a determination if the use is consistent by type, intensity, physical characteristics, style, size and purpose with any use listed in Tables 1 and 2.
  - (a) If the proposed use found to be consistent with another listed use, the proposed use will be treated the same as the similar one identified by the Community Development Director.
  - (f) If the proposed use is not found to be consistent with any listed use, the Council, Planning Commission or property owner may request an amendment to this Chapter to provide guidance for the proposed use.

Table 1 Non-Residential District Principal Uses

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

	Commercial		Industrial				Public	Use Standards Reference
Principal Use Type	B-1	B-2	M-1	M-2	M-3	M-O (S-3)	P	
middle, or secondary								
Private school, elementary, middle, or secondary	P	P						
<b>Commercial</b>								
Mixed use building	PS	PS	PS				PS	See Chapter 620
Cannabis combination business	The components of the business must meet the individual district requirements for the aspect of the business listed in the use table. E.g. Cultivation, Manufacturing, Retail, Testing and Transportation.							See Chapter 620
<b>Food or Beverage Services</b>								
Brewpub	P	P						
Liquor store	P	P					P	
Restaurant	P	P						
<b>Retail Sales or Service</b>								
Animal boarding, shelter, or daycare center		C	C	C		C		See Chapter 620
Animal veterinary clinic or hospital	PS	PS	PS			PS		See Chapter 620
Automotive fuel station	PS	PS	PS					See Chapter 620
Automotive repair, major			C	C		C		See Chapter 620
Automotive repair, minor	C	C	C	C		C		See Chapter 620
Cannabis retail business	PS	PS						See Chapter 620
Car wash	C	C	C			C		See Chapter 620
Commercial center, large		P						
Commercial center, small	P	P						

Principal Use Type	Commercial		Industrial				Public	Use Standards Reference
	B-1	B-2	M-1	M-2	M-3	M-O (S-3)	P	
Garden center/nursery		PS						See Chapter 620
Motor vehicle sales or rental	C	C						See Chapter 620
Off-site service business	P	P	P	P	P	P		
Outdoor sales	C	C						
Pawn shop	PS	PS						See Chapter 620
Large standalone store, retail or service		P						
Small standalone store, retail or service	P	P						
<b>Business &amp; Technical Services</b>								
Financial institution	P	P						
Laboratory			P	P	P	P		
Office	P	P	P	P		P		
<b>Industrial</b>								
Automobile recycling center			C	C	C	C		See Chapter 620
Brewery, winery, or distillery	PS	PS	PS	PS		C		See Chapter 620
Cannabis cultivation business			C	C	C			
Cannabis or hemp manufacturing			C	C	C			See Chapter 620

Principal Use Type	Commercial		Industrial				Public	Use Standards Reference
	B-1	B-2	M-1	M-2	M-3	M-O (S-3)	P	
Cannabis processing or extraction				C	C			See Chapter 620
Construction contractor yard					P			
Makerspace or studio	P	P	P	P	P	P		
Manufacturing, heavy				P	P	P		
Manufacturing, light			P	P		P		
Mining, sand, stone, and gravel extraction					I			
Recycling, scrap, or salvage yard			C	C	C	C		
Storage facility, personal		C	PS	PS				See Chapter 620
Towing / impound establishment			C	C	C			
Warehouse and distribution facility			PS	PS	PS	PS		See Chapter 620
Wholesale establishment			P	P	P	P		
<b>Arts, Entertainment, or Recreation</b>								
Commercial recreation, indoor	P	P	C	C	C	C		
Commercial recreation, outdoor	C	C						

Principal Use Type	Commercial		Industrial				Public	Use Standards Reference
	B-1	B-2	M-1	M-2	M-3	M-O (S-3)	P	
Recreational facility, public	P	P					P	
Adult entertainment establishment		PS	C	C		C		See Chapter 620
<b>Transportation and Utilities</b>								
Cannabis transportation or delivery			C	C	C			See Chapter 620
Parking lot	I	I	I	I	I	I		
Transportation garage			C	C	P			
Trucking terminal					PS			See Chapter 620
Utilities (transformers, stations, etc.)	P	P	P	P	P	P	P	
Telecommunications tower			C	C	C		P	See Chapter 620

Table 2 Non-Residential District Accessory Uses

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

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

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

#### 612.04 Lot and Site Dimensions

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

Table 3 Non-Residential District Lot Dimensions

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

Zoning District	Use	Minimum Area (sq. ft.)	Lot	Minimum Width (ft.)	Lot
P	All uses	N/A		N/A	

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

Table 4 Non-Residential District Site Dimensions

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

<sup>1</sup> 30ft. setback from adjacent residential districts  
<sup>2</sup> 50ft. setback from adjacent residential districts  
<sup>3</sup> Structures exceeding 65ft. (6 stories) buildings are allowed in B-2 with CUP  
<sup>4</sup> 0ft. side setback is allowed where a common wall meeting the requirements of the Building Code is provided between two buildings.

#### 612.01 District Standards

1. M-1, M-2, M-3, and M-O Districts
  - (a) A Conditional Use Permit is required for any outdoor storage of materials, motor vehicles and equipment in compliance with the Principal Use-Specific Standards and Accessory Use-Specific Standards Chapters.
  - (b) Whenever any industrial district is adjacent to or adjoins any other district, permitted buildings and uses, except automobile parking and loading spaces, driveways, essential services, walks and planting spaces must not be:

- (1) Closer to a street right-of-way line, abutting a residential district, than 50 feet.
- (2) Closer to the alley right-of-way line than 40 feet (25 feet for M-O).

2. P Public Facilities District

- (a) The P District includes such land areas, waterways and water areas which are owned, controlled, regulated, used or proposed to be used by the City of Fridley or other governmental body.
- (b) Land within the P District is automatically designated at the time of land acquisition for the principal uses set forth in this Chapter.
- (c) Upon removal of public use, land within the P District automatically reverts back to the original zoning that was on the property prior to the acquisition for such use.
- (d) All lot requirements and setbacks for uses in this District must be comparable to other similar uses that are allowed in other districts.
- (e) Building Requirements
  - (1) All building requirements for uses in this District will be comparable to other similar uses that are allowed in other districts.

Fridley City Code  
Chapter 613 Special Zoning Districts

613.01 S-2 Redevelopment District Regulations

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

## 613.02 Approved S-2 Districts

1. The purpose of this Section is to identify all of the approved S-2 districts developed within the City of Fridley.
2. All redevelopment plans and submittal materials for each S-2 district must be filed within the City's official records repository.
3. The S-2 Districts approved by the City are listed below in chronological order. The list of S-2 Districts will be updated as new S-2 Districts are approved.
  - (a) Southeast quadrant of Mississippi Street and University Avenue – 6341, 6401, 6431, and 6499 University Ave: adopted May 17, 1982
    - (1) 6341 University Ave: amended November 3, 2003 and September 9, 2013
    - (2) 6431 University Ave: amended January 7, 2019 and readdressed to 6455 University Ave.
    - (3) 6499 University Ave: Plan approved 1982; Plan amended July 25, 2005
  - (b) Medtronic – 710 Medtronic Parkway: adopted August 18, 1986'
  - (c) Rottlund Company / Christenson Crossing – Southeast quadrant of Mississippi & University; adopted April 22, 1996
  - (d) Gateway East Townhomes – 5807, 5755 University Ave; 353, 339 57<sup>th</sup> Place; 348 57<sup>th</sup> Ave: adopted March 26, 2001
  - (e) Columbia Arena - 7011 University Ave: adopted May 12, 2009
  - (f) Triland / Cub site – 250 57<sup>th</sup> Avenue: adopted March 29, 2010 as PUD; rezoned to S-2 on July 1, 2025
  - (g) Walgreens – 6525 University Ave: adopted June 18, 1990, amended November 24, 1997
  - (h) Southwest quadrant of Mississippi and Central / 1282 Mississippi; 6490, 6400, 6352, 6300 Central: adopted January 5, 2004
  - (i) Southeast quadrant of Mississippi and Central / 1314, 1340 Mississippi; 6421 Central: adopted July 11, 2005
  - (j) Gateway Northeast / Cielo Apartments– 5831-6071 University Ave: adopted November 26, 2012
  - (k) Northern Stacks/Paul Hyde – 4800 East River Road: adopted October 30, 2013
  - (l) Locke Point Villas / Pulte Homes – Adopted May 8, 2018
  - (m) Fridley Station Village / Sherman – 6050 Main Street: adopted November 7, 2018
  - (n) Holly Center / Axle Apartments—6530 University Ave: Adopted September 23, 2020
  - (o) Moon Plaza / Callisto Commons—6257 University Ave: adopted January 23, 2023

Fridley City Code  
Chapter 614 Overlay Zoning Districts

614.01 Introductory Provisions

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

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

614.02.01 O-1 Floodplain Management Overlay District

1. Statutory Authorization. This floodplain ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statute (M.S.) Chapter 103F; Minnesota Rules, parts 6120.5000 – 6120.6200; the rules and regulations of the National Flood Insurance Program (NFIP) in 44 CFR § 59 to 78; and the planning and zoning enabling legislation in M.S. Chapter 462.

2. Purpose

(a) This ordinance regulates development in the flood hazard areas of the City of Fridley. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.

(b) This ordinance is adopted in the public interest to promote sound land use practices, and floodplains are a land resource to be developed in a manner which will result in minimum loss of life and threat to health, and reduction of private and public economic loss caused by flooding.

(c) This ordinance is adopted to maintain eligibility in the National Flood Insurance Program.

(d) This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

3. Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. The standards in this ordinance take precedence over any less restrictive, conflicting local laws, ordinances, or codes. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

4. Warning and Disclaimer of Liability. This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. Not all flood risk is mapped. Larger floods do occur and the flood height may be increased by man-made or natural causes, such as ice jams or bridge openings restricted by debris. This ordinance does not create liability on the part of the City of Fridley or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

5. Severability. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

#### 614.02.02 Definitions

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

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

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

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

Building: see *Structure*.

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

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

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

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

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

FEMA: Federal Emergency Management Agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

purposes of this ordinance, the term recreational vehicle is synonymous with the term "travel trailer/travel vehicle."

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

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

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

Start of Construction: includes substantial improvement, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

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

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

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." For the purpose of this ordinance, "historic structure" is defined in 44 CFR § 59.1.

Variance: the same as that defined in 44 CFR § 59.1 and M.S. § 462.357, Subd. 6(2).

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

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

#### 614.02.03 Jurisdiction and Districts

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

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

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

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



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

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

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

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

### 3. Districts

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

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

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

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

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

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

#### 614.02.04 Requirements For All Floodplain Districts

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

(a) The erection, addition, modification, rehabilitation, repair, or alteration of any building, structure, or portion thereof. Normal maintenance requires a permit to determine if such work, either separately or in conjunction with other planned work, constitutes a substantial improvement, as specified in Section 12.2.

(b) The construction of a fence, pool, deck, or placement of anything that may cause a potential obstruction.

(c) The change or expansion of a nonconforming use.

(d) The repair of a structure that has been damaged by flood, fire, tornado, or any other source.

(e) The placement of fill, excavation, utilities, or other service facilities.

(f) The storage of materials or equipment, in conformance with Section 4.2.B.

(g) Relocation or alteration of a watercourse (including stabilization projects or the construction of new or replacement dams, culverts and bridges). A local permit is not required if a public waters work permit has been obtained from the Department of Natural Resources, unless a significant area above the ordinary high water level is also to be disturbed.

(h) Any other type of "development," as defined in Section 2.0 of this ordinance.

2. Minimum Development Standards

(a) All development must:

(1) Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

- (2) Be constructed with materials and equipment resistant to flood damage;
- (3) Be constructed by methods and practices that minimize flood damage;
- (4) Be constructed with heating, ventilation, duct work, and air conditioning equipment and other service facilities elevated at least up to the Regulatory Flood Protection Elevation (RFPE). Water, sewage, electrical, and other utility lines below the RFPE shall be constructed so as to prevent water from entering or accumulating within them during conditions of flooding;
- (5) Be reasonably safe from flooding and consistent with the need to minimize flood damage;
- (6) Be assured to provide adequate drainage to reduce exposure to flood hazards;
- (7) Not be detrimental to uses in adjoining areas; and
- (8) Not adversely affect the efficiency or restrict the flood carrying capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.
- (9) Ensure that any fill or other materials are protected from erosion, discharge, and sediment entering surface waters by the use of vegetative cover or other methods as soon as possible.

(b) Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life shall be stored at or above the Regulatory Flood Protection Elevation (RFPE), floodproofed, or protected by other measures as approved by the Community Development Director or their designee. Storage of materials likely to cause pollution of the waters, such as sewage; sand; rock; wrecked and discarded equipment; dredged spoil; municipal, agricultural or industrial waste; and other wastes as further defined in M.S. § 115.01, are prohibited unless adequate safeguards approved by the Minnesota Pollution Control Agency are provided. For projects not requiring approvals by the Minnesota Pollution Control Agency, adequate safeguards must be approved by the Community Development Director or their designee prior to issuance of a permit.

(c) Critical facilities shall be located so that the lowest floor is not less than two feet above the Base Flood Elevation (BFE), or the 0.2% annual chance flood elevation, whichever is higher.

#### 614.02.05 Floodway District

1. Permitted Uses in Floodway. Development allowed in the floodway district is limited to that which has low flood damage potential and will not obstruct flood flows, increase velocities, or

increase the water surface elevations of the one-percent annual chance flood. The following uses and activities may be allowed with a permit, subject to the standards in Section 5.2:

(a) Agricultural uses, recreational uses, parking lots, loading areas, airport landing strips, water control structures, navigational facilities, as well as public open space uses.

(b) Roads, driveways, railroads, trails, bridges, and culverts.

(c) Public utility facilities and water-oriented industries which must be in or adjacent to watercourses.

(d) Grading, filling, land alterations, and shoreline stabilization projects.

(e) No structures, as defined in Section 2.0, are allowed in the Floodway District, except structures accessory to the uses detailed in Sections 5.1.A and 5.3.

(f) Residential lawns, landscaping, parking, and play areas.

2. Standards for Permitted Uses in Floodway. In addition to the applicable standards detailed in Section 4.0:

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

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

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

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

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

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

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

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

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

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

#### 614.02.06 Flood Fringe District

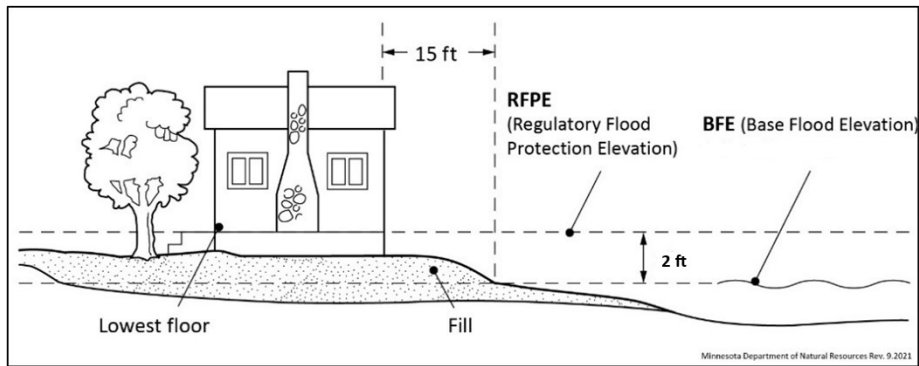
1. Permitted Uses in Flood Fringe. Any uses or activities allowed in any applicable underlying zoning districts may be allowed with a permit, subject to the standards set forth in this Chapter.

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

(a) Residential Structures.

(1) Elevation on Fill. Structures erected, constructed, reconstructed, altered, or moved on fill within the Flood Fringe District shall be placed so that the lowest floor, as defined in Section 2.0 of this ordinance, is elevated at or above the Regulatory Flood Protection Elevation (RFPE). The finished fill elevation shall be at or above the elevation associated with the base flood plus two feet. Fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the Community Development Director or their designee. Elevation methods alternative to these fill standards are subject to a Conditional Use Permit, as provided below.

Figure 2: Overview of fill standards for residential structures.

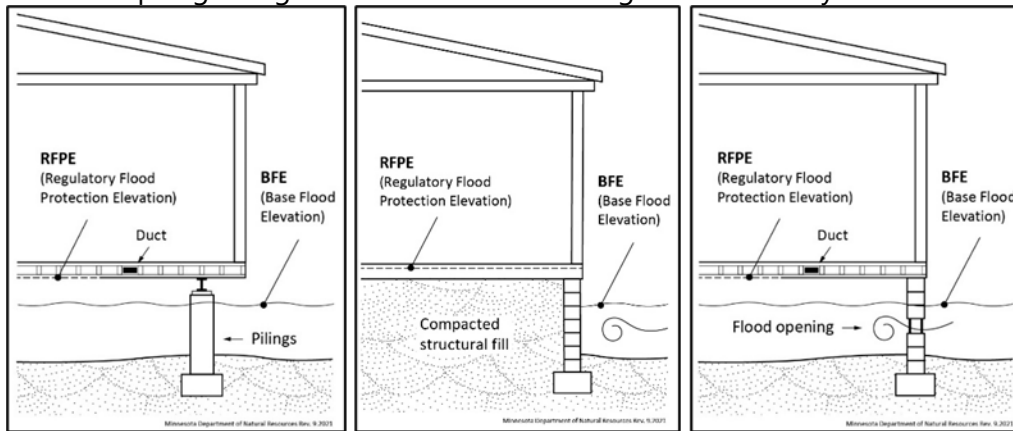


(b) Nonresidential Structures. Nonresidential structures must meet one of the following construction methods:

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

nonresidential. Residential structures must meet the requirements of Section 6.2.A, and nonresidential structures must meet the requirements of Section 6.2.B.

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

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

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

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

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

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

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

(d) Accessory uses such as yards and parking lots may be at an elevation lower than the Regulatory Flood Protection Elevation. However, any facilities used by employees or the general public must be designed with a flood warning system acceptable to the Community Development Director or their designee that provides adequate time for

evacuation or be designed to ensure that within the area inundated during the base flood event, the depth (in feet) multiplied by the velocity (in feet per second) is less than four.

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

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

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

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

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

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

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

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

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

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

#### 614.02.7 General Floodplain District

1. Permitted Uses in General Floodplain District

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

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

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

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

## 2. Determining Flood Elevations

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

## 3. Encroachment Analysis

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

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

## 4. Standards for the Analysis of Floodway Boundaries

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

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

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

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

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

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

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

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

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

#### 614.02.8 Subdivision Standards

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

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

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

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

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

#### 614.02.9 Public and Private Utilities, Service Facilities, Roads, Bridges, and Railroads

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

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

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

#### 614.02.10 Manufactured Homes and Recreational Vehicles

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

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

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

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

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

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

(1) The vehicle must be fully licensed.

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

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

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

#### 614.02.11 Administration

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. Where physical changes affecting flooding conditions may increase or decrease the water surface elevation of the base flood, the City of Fridley must notify FEMA

of the changes in order to obtain a Letter of Map Revision (LOMR), by submitting a copy of the relevant technical or scientific data as soon as practicable, but no later than six months after the date such supporting information becomes available. Within the General Floodplain District, a map revision is only required if development results in stage increases greater than 0.5 feet.

## 2. Conditional Uses and Variances

### (a) Process.

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

(2) An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with M.S. § 394.27, subd. 7 and this ordinance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(4) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;

(5) The importance of the services to be provided by the proposed use to the community;

(6) The requirements of the facility for a waterfront location;

(7) The availability of viable alternative locations for the proposed use that are not subject to flooding;

(8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;

(9) The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area;

(10) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

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

(1) Limitations on period of use, occupancy, and operation.

(2) Imposition of operational controls, sureties, and deed restrictions.

(3) The prevention of soil erosion or other possible pollution of public waters, both during and after construction.

(4) Other conditions as deemed appropriate by the Community Development Director or their designee.

### 3. Notifications to the Department of Natural Resources

(a) All notices of public hearings to consider variances or conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist at least 10 days before the hearings. Notices of hearings to consider subdivisions/plats must include copies of the subdivision/plat.

(b) A copy of all decisions granting variances and conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist within 10 days of final action.

### 614.02.12 Nonconformities

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

(a) Within the floodway and general floodplain districts (when a site has been determined to be located in the floodway following the procedures in Section 7.3, or when the floodway has not been delineated), any expansion or enlargement of uses or structures is prohibited.

(b) Within all districts, any addition, modification, rehabilitation, repair, or alteration shall be in conformance with the provisions of this ordinance, shall not increase the flood damage potential or increase the degree of obstruction to flood flows, and where applicable, must be protected to the Regulatory Flood Protection Elevation (RFPE).

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

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

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

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

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

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

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

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

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

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

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

3. Enforcement. Violations of the provisions of this ordinance constitutes a misdemeanor and is punishable as defined by law. The Community Development Director or their designee may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance. The City of Fridley must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

#### 614.02.14 Amendments

1. Ordinance Amendments. Any revisions to the floodplain maps by the Federal Emergency Management Agency or annexations of new map panels require an ordinance amendment to update the map references in Section 3.2 of this ordinance.

2. Required Approval. All amendments to this ordinance must be submitted to the Department of Natural Resources for review and approval prior to adoption, for compliance with state and federal rules and requirements. The floodplain ordinance shall not be considered valid until approved.

#### 614.03 O-2 Critical Area Overlay District

##### 614.03.01 Purpose

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

The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of designated critical areas and thus preserve and enhance the quality of important historic, cultural, aesthetic values, and natural systems and provide for the wise use of these areas.

### 614.03.02 General Provisions

1. Jurisdiction. The provisions of this Chapter apply to land within the O-2 District, which is land within the river corridor boundary as described in the State Register, volume 43, pages 508 to 519 and shown on the City zoning map.
2. Severability. If any section, clause, provision, or portion of this Chapter is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.
3. Abrogation and Greater Restrictions. It is not intended by this Chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail. All other Chapters inconsistent with this Chapter are hereby repealed to the extent of the inconsistency only.
4. Underlying Zoning. Use and standards of underlying zoning apply except where standards of this overlay district are more restrictive.
5. Enforcement. The City is responsible for the administration and enforcement of this Chapter. Any violation of its provisions or failure to comply with any of its requirements including violations of conditions and safeguards established in connection with grants of variances or conditional uses constitutes a misdemeanor and is punishable as defined by law. Violations of this Chapter can occur regardless of whether or not a permit is required for a regulated activity listed in Section 614.03.04.01.

### 614.03.03 Definitions

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

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

Adjacent: Having a boundary that physically touches or adjoins.

Agricultural use: A use having the meaning given under M.S. § 40A.02.

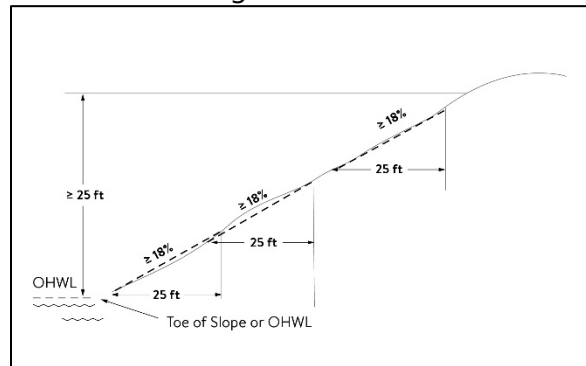
Alternative design: Subdivision design methods such as conservation design, transfer of development density, or similar zoning and site design techniques that protect open space and natural areas.

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

Bluff:

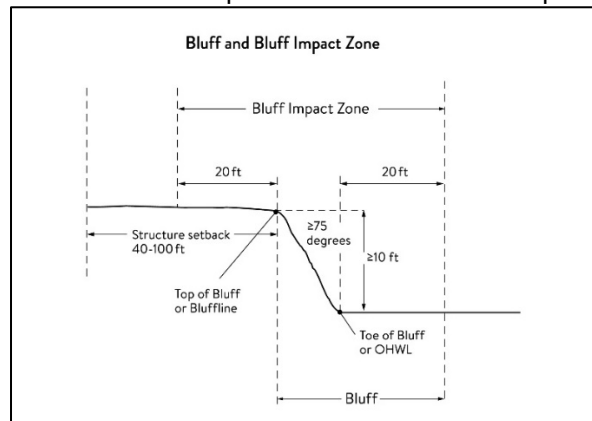
1. A slope that rises at least 25 feet where the grade of the slope averages 18% or greater, measured over any horizontal distance of 25 feet, from the toe of the slope to the top of the slope. Where the slope begins below the ordinary high water level, the ordinary high water level is the toe of the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

Figure 1. Bluff



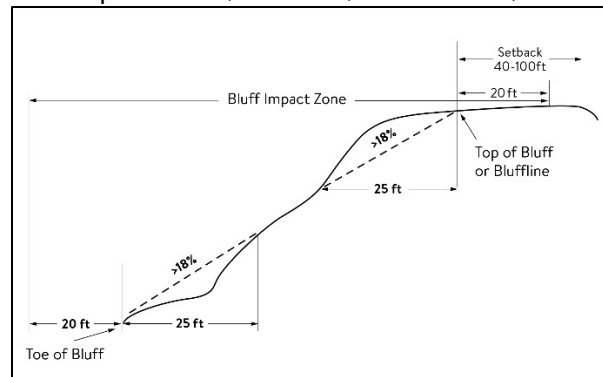
2. A natural escarpment or cliff with a slope that rises at least ten feet above the ordinary high water level or toe of the slope, whichever is applicable, to the top of the slope, with a slope of 75 degrees or greater. See Figure 2.

Figure 2. Natural Escarpment Bluff and Bluff Impact Zone



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

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



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

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

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

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

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

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

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

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

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

Developer: Having the meaning given under M.S. § 116G.03.

Development: Having the meaning given under M.S. § 116G.03.

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

Dock: Having the meaning given under Minnesota Rules Chapter 6115.

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

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

Floodplain: Having the meaning given the meaning given under Minnesota Rules Chapter 6120.

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

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

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

1. Listed in the National Register of Historic Places or the State Register of Historic Places or locally designated as a historic site under M.S. Chapter 471;
2. Determined to meet the criteria for eligibility to the National Register of Historic Places or the State Register of Historic Places as determined by the Director of the Minnesota Historical Society; or

3. An unplatted cemetery that falls under the provisions of M.S. 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.

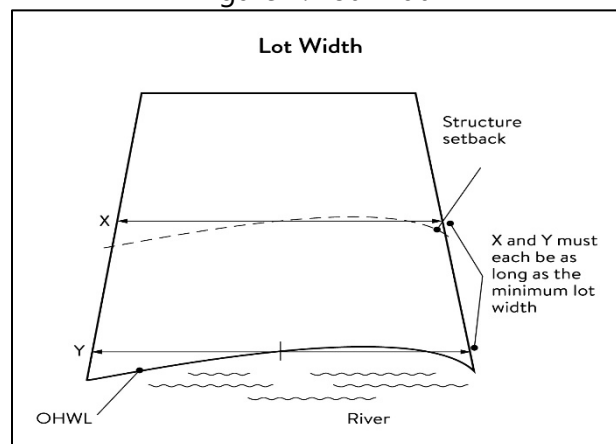
**Interim use:** A use having the meaning given under M.S. Chapters 394 and 462.

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

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

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

Figure 4. Lot Width



**Marina:** Having the meaning given under Minnesota Rules Chapter 6115.

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

**Mooring Facility:** Having the meaning given under Minnesota Rules part 6115.0170.

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

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

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

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

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

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

**Parcel:** Having the meaning given under M.S. § 116G.03.

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

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

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

**Plat:** Having the meaning given under M.S. § 505 and 515B.

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

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

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

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

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

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

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

Public waters: Having the meaning given under M.S. § 103G.005.

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

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

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

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

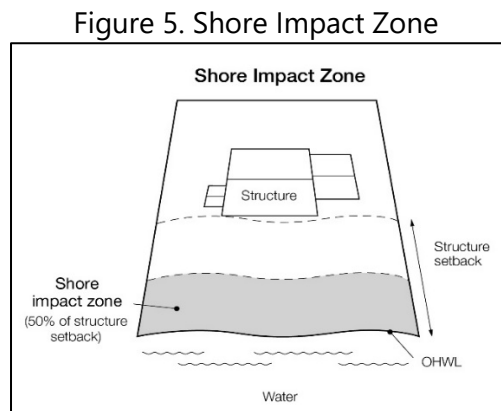
River corridor boundary: The boundary approved and adopted by the Metropolitan Council under M.S. § 116G.06, as approved and adopted by the legislature in M.S. § 116G.15, and as legally described in the State Register, volume 43, pages 508 to 518.

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

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

Setback: A separation distance measured horizontally.

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



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

Sign: See definition in the Signs Chapter.

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

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

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

Subsurface sewage treatment system. Having the meaning given under Minnesota Rules Part 7080.1100.

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

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

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

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

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

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

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

Wetland: Having the meaning given under M.S. § 103G.005.

#### 614.03.04 Administration

1. Permits. A permit is required for the construction of buildings, building additions, and structures (including construction of decks and signs), vegetation removal consistent with Section 614.03.11 and land alteration consistent with Section 614.03.12.
2. Variances. Variances to the requirements under this Chapter may only be granted in accordance with M.S. § 462.357 and must consider the potential impacts on primary conservation areas, public river corridor views, birds and other wildlife using the Mississippi

Flyway through habitat loss, collision threats or light pollution, and other resources identified in the MRCCA plan. In reviewing the variance application, the following shall be considered:

(a) Impacts to the resources listed above. If negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts consistent with Section 614.03.04.04; and

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

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

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

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

(a) Impacts to the resources listed above. If negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts consistent with Section 614.03.04.04; and

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

(1) The extent, location and intensity of the conditional or interim use permit will be in substantial compliance with the MRCCA Plan; and

(2) The conditional or interim use permit is consistent with the character and management purpose of the MRCCA district in which it is located.

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

(a) Restoration of vegetation;

(b) Implementation of animal habitat support as outlined in the most recent version of the Minnesota B3 Guidelines;

- (c) Increasing and/or improving habitat for pollinators, birds, and other wildlife using native trees, shrubs, and vegetation;
- (d) Expansion of public access;
- (e) Preservation of existing vegetation;
- (f) Storm water runoff management;
- (g) Reducing impervious surface;
- (h) Increasing structure setbacks;
- (i) Wetland and drainage route restoration and/or preservation;
- (j) Limiting the height of structures;
- (k) Modifying structure design to limit visual impacts on public river corridor views; and
- (l) Other conservation measures.

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

- (a) A detailed project description; and
- (b) Scaled maps and plans, dimensional renderings, maintenance agreements, and other materials that identify and describe:
  - (1) Primary conservation areas;
  - (2) Public river corridor views;
  - (3) Buildable area;
  - (4) Proposed size, alignment, height, and intended use of any structure to be erected or located on the site;
  - (5) A delineation of the location and amounts of excavated soils to be stored on the site during construction;
  - (6) Existing and proposed topography and drainage patterns;

- (7) Proposed storm water and erosion and sediment control practices;
- (8) Existing and proposed vegetation to be removed and established;
- (9) Ordinary high water level, blufflines, and all required setbacks;
- (10) Existing and proposed impervious surfaces as well as surfacing to be used; and
- (11) Any other information pertinent to the particular project which in the opinion of the City or applicant is necessary or helpful for the review of the project.

6. Nonconformities

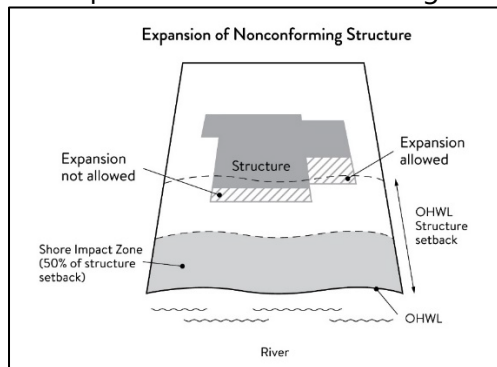
(a) All legally established nonconformities as of the date of adoption of this Chapter may continue consistent with M.S. § 462.357, Subd. 1e.

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

(c) Legally nonconforming principal structures that do not meet the setback requirements of Section 614.03.07.03 may be expanded laterally provided that:

- (1) The expansion does not extend into the shore or bluff impact zone or further into the required setback than the building line of the existing principal structure (See Figure 6); and
- (2) The expanded structure's scale and bulk is consistent with that of the original structure and existing surrounding development.

Figure 6. Expansion of Nonconforming Structure



7. Notifications

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

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

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

(2) National Park Service; and

(3) Where building heights exceed the height limits specified in Section 614.03.07.01 as part of the conditional use or variance process, adjoining local governments within the MRCCA, including those with overlapping jurisdiction and those across the river.

(c) Notice of final decisions for actions in Section 614.03.04.07.B, including findings of fact, must be sent to the Commissioner of the DNR, the National Park Service, and adjoining local governments within the MRCCA within ten (10) days of the final decision.

(d) Requests to amend district boundaries must follow the provisions in Minnesota Rules Part 6106.0100, Subp. 9, Item C.

8. Accommodating disabilities. Reasonable accommodations for ramps or other facilities to provide persons with disabilities access to the persons' property, as required by the federal Americans with Disabilities Act and the federal Fair Housing Act and as provided by Minnesota Rules Chapter 1341, must:

(a) Comply with Sections 614.03.07-614.03.14; or

(b) If Sections 614.03.07-614.03.14 cannot be complied with, ramps or other facilities are allowed with a Reasonable Accommodation License provided:

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

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

#### 614.03.05 MRCCA Districts

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

(a) Rural and Open Space (ROS)

The Rural and Open Space District is characterized by rural and low-density development patterns and land uses and includes land that is riparian or visible from the river, as well as large, undeveloped tracts of high ecological and scenic value, floodplain, and undeveloped islands. Many primary conservation areas exist in the district.

The Rural and Open Space District must be managed to sustain and restore the rural and natural character of the corridor and to protect and enhance habitat, parks and open space, public river corridor views, and scenic, natural, and historic areas.

(b) River Neighborhood (RN)

The River Neighborhood District is characterized by primarily residential neighborhoods that are riparian or readily visible from the river or that abut riparian parkland. The district includes parks and open space, limited commercial development, marinas, and related land uses.

The River Neighborhood District must be managed to maintain the character of the river corridor within the context of existing residential and related neighborhood development, and to protect and enhance habitat, parks and open space, public river corridor views, and scenic, natural, and historic areas. Minimizing erosion and the flow of untreated storm water into the river and enhancing habitat and shoreline vegetation are priorities in the district.

(c) Separated from River (SR)

The Separated from River District is characterized by its physical and visual distance from the Mississippi River. The district includes land separated from the river by distance, topography, development, or a transportation corridor. The land in this district is not readily visible from the Mississippi River.

The Separated from River district provides flexibility in managing development without negatively affecting the key resources and features of the river corridor. Minimizing negative impacts to primary conservation areas and minimizing erosion and flow of untreated storm water into the Mississippi River are priorities in the district. The SR district must be managed in a manner that allows continued growth and redevelopment in historic downtowns and more intensive redevelopment in limited areas at river crossings to accommodate compact walkable development patterns and connections to the river. Minimizing erosion and the flow of untreated storm water into the river, providing public access to and public views of the river, and restoring natural vegetation in riparian areas and tree canopy are priorities in the district.

2. Urban Mixed (UM)

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

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

### 3. MRCCA district map

The locations and boundaries of the MRCCA districts established by this Chapter are shown on the Critical Area Overlay District Map, which is incorporated herein by reference. The district boundary lines are intended to follow the centerlines of rivers and streams, highways, streets, lot lines, and municipal boundaries, unless a boundary line is otherwise indicated on the map. Where district boundaries cross unsubdivided property, the district boundary line is determined by use of dimensions or the scale appearing on the map.

#### 614.03.06 Special Land Use Provisions

1. Uses excluded. The following uses are excluded from the MRCCA:
  - (a) Any use that is excluded within the underlying zoning district;
  - (b) Any barge fleeting or barge loading;
  - (c) Any solid waste storage use or treatment facilities;
  - (d) Any mining or extraction uses other than the soil preparation or peat removal necessary for construction;
  - (e) The construction of new subsurface sewage treatment systems;
  - (f) Agricultural use unless perennial ground cover is provided within at least 50 feet of the ordinary high water level and within the bluff impact zone; and
  - (g) Tree harvesting and biomass harvesting within woodlands, and associated reforestation, unless it is conducted consistent with recommended practices in Conserving Wooded Areas in Developing Communities: Best Management Practices in Minnesota.

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

(a) Structures and parking areas, except shoreline facilities and private roads and conveyances serving river-dependent uses as provided in Section 614.03.14, must meet the dimensional and performance standards in this Chapter, must be designed so that they are not readily visible, and must be screened by establishing and maintaining natural vegetation;

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

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

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

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

3. Wireless communication towers

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

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

(1) The applicant must demonstrate that functional coverage cannot be provided through co-location, a tower at a lower height, or a tower at a location outside of the MRCCA;

(2) Freestanding towers must not be located in a bluff or shore impact zone;

(3) Placement of the tower must minimize impacts on public river corridor views; and

(4) Comply with the general design standards in Section 614.03.09.01.

614.03.07 Structure Height, Placement, and Lot Size

1. Structure height. Structures and facilities must comply with the following standards or the underlying development standard, whichever is lesser, unless identified as exempt in Section 614.03.14. Height is measured on the side of the structure facing the Mississippi River:

(a) River and Open Space District: 35 feet.

(b) River Neighborhood District: 35 feet.

(c) Separated from River District: Height is determined by underlying development standard, provided the allowed height is consistent with that of the mature treeline, where present, and existing surrounding development, as viewed from the OWHL of the opposite shore.

(d) Urban Mixed District: 65 feet, provided tiering of structures away from the Mississippi River and from blufflines is given priority, with lower structure heights closer to the river and blufflines, and that structure design and placement minimize interference with public river corridor views. Structures over 65 feet are allowed as a conditional use according to Section 614.03.07.02.

2. In addition to the variance or conditional use requirements of Section 614.03.04.04, criteria for considering whether to grant a variance or conditional use permit for structures exceeding the height limits must include:

(a) Assessment of the visual impact of the proposed structure on public river corridor views, including views from other communities;

(b) Identification and application of techniques to minimize the perceived bulk of the proposed structure, such as:

(1) Placing the long axis of the building perpendicular to the river;

(2) Stepping back of portions of the facade;

(3) Lowering the roof pitch or use of a flat roof;

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

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

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

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

(8) Opportunities for creation or enhancement of public river corridor views.

3. Structure and impervious surface placement.

(a) Structures and impervious surface must not be placed in the shore or bluff impact zones unless identified as an exemption in Section 614.03.14.

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

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

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

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

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

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

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

(2) River Neighborhood District: 40 feet.

(3) Separated from River District: 40 feet.

(4) Urban Mixed District: 40 feet.

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

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

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

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

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

#### 4. Lot size and buildable area.

(a) The width of lots abutting the Mississippi River in the ROS District must be at least 200 feet, unless alternative design methods are used that provide greater protection of the riparian area.

(b) All new lots must have adequate buildable area to comply with the setback requirements of Sections Section 614.03.07.01 and Section 614.03.07.03 so as to not require variances to use the lots for their intended purpose.

#### 614.03.08 Performance Standards for Private Facilities

1. General design standards. All private facilities must be developed in accordance with the vegetation management and land alteration requirements in Sections 614.03.11 and 614.03.12.

2. Private roads, driveways, and parking areas. Except as provided in Section 614.03.14, private roads, driveways and parking areas must:

(a) Be designed to take advantage of natural vegetation and topography so that they are not readily visible from the river;

(b) Comply with structure and impervious surface setback requirements according to Section 614.03.07.03; and

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

3. Private water access and viewing facilities.

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

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

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

(b) Private water access ramps must:

(1) Comply with Minnesota Rules Parts 6115.0210 and 6280.0250; and

(2) Be designed and constructed consistent with the applicable standards in the most current version of the Design Handbook for Recreational Boating and Fishing Facilities.

(c) Design and construction of private stairways, lifts, and landings located above the OHWL are subject to the following standards:

(1) Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be approved for commercial properties and residential facilities held in common;

(2) Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet area may be approved for commercial properties and residential facilities held in common;

(3) Canopies or roofs are prohibited on stairways, lifts, or landings;

(4) Stairways, lifts, and landings must be located in the least visible portion of the lot whenever practical; and

(5) Ramps, lifts, mobility paths, or other facilities for persons with physical disabilities are allowed for achieving access to shore areas according to Section 614.03.08.3.C 1-4, and as provided under Section 614.03.04.08.

(d) One water-oriented accessory structure is allowed for each riparian lot or parcel less than 300 feet in width at the ordinary high water level, with one additional water-oriented accessory structure allowed for each additional 300 feet of shoreline on the same lot or parcel. Water-oriented accessory structures are prohibited in the bluff impact zone and must:

(1) Not exceed 12 feet in height;

(2) Not exceed 120 square feet in area; and

(3) Be placed a minimum of 10 feet from the ordinary high water level.

3. Decks and patios in setback areas. Decks and at-grade patios may encroach into the required setbacks from the ordinary high water level and blufflines without a variance, when consistent with Sections 614.03.11 and 614.03.12, provided that:

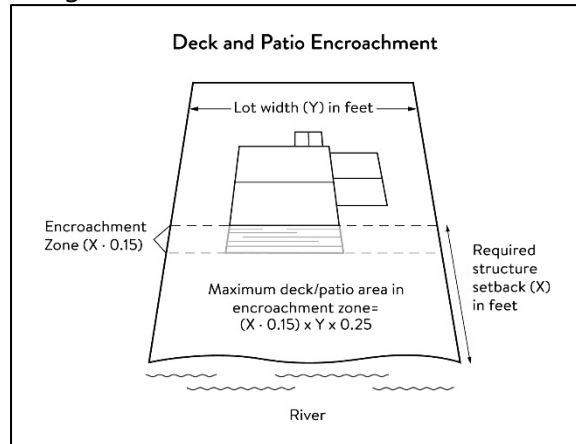
(a) The encroachment of the deck or patio into the required setback area does not exceed 15% of the required structure setback;

(b) The area of the deck or patio that extends into the required setback area occupies no more than 25% of the total area between the required setback and the 15% using the formula:

Required setback depth (feet) x 0.15 x lot width at setback (feet) x 0.25 = maximum total area.

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

Figure 7. Deck and Patio Encroachment



#### 4. Off-Premise and Directional Signs

(a) Off-premise advertising signs must:

(1) Meet required structure height and placement standards in Sections 614.03.07.01 and 614.03.07.03.

(2) Not be readily visible from the river

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

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

(2) Only convey the location and name of the establishment and the general types of goods and services available, if located in a shore impact zone.

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

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

#### 5. Lighting. Within the Shore Impact Zone:

(a) Lighting shall be fully shielded and directed away from the river.

(b) Uplighting is prohibited.

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

#### 614.03.09 Performance Standards for Public Facilities

1. General design standards. All public facilities must be designed and constructed to:

(a) Minimize visibility of the facility from the river to the extent consistent with the purpose of the facility;

(b) Comply with the structure placement and height standards in Section 614.03.07, except as provided in Section 614.03.14;

(c) Be consistent with the vegetation management standards in Section 614.03.11 and the land alteration and storm water management standards in Section 614.03.12, including use of practices identified in Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001, where applicable; and

(d) Avoid primary conservation areas, unless no alternative exists. If no alternative exists, then disturbance to primary conservation areas must be avoided to the greatest extent practicable, and design and construction must minimize impacts.

(e) Where feasible, minimize disturbance of spawning and nesting times by scheduling construction at times when local fish and wildlife are not spawning or nesting in areas where this activity is known to occur.

2. Right-of-way maintenance standards. Right-of-way maintenance must comply with the following standards:

(a) Vegetation currently in a natural state must be maintained to the extent feasible;

(b) Where vegetation in a natural state has been removed, native plants must be planted and maintained on the right-of-way; and

(c) Chemical control of vegetation must be avoided when practicable, but when chemical control is necessary, chemicals used must be in accordance with the regulations and other requirements of all state and federal agencies with authority over the chemical's use.

3. Crossings of public water or public land. Crossings of public waters or land controlled by the commissioner are subject to approval by the commissioner according to M.S. § 84.415 and 103G.245.

4. Public utilities. Public utilities must comply with the following standards:

(a) High-voltage transmission lines, wind energy conversion systems greater than five megawatts, and pipelines are regulated according to M.S. Chapter 216E, 216F, and 216G respectively;

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

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

(d) The appearance of structures must be as compatible as practicable with the surrounding area in a natural state with regard to height and width, materials used, and color.

5. Public transportation facilities. Public transportation facilities shall comply with structure placement and height standards in Section 614.03.07 except as provided in Section 614.03.14. Where such facilities intersect or abut two or more MRCCA districts, the least restrictive standards apply. Public transportation facilities must be designed and constructed to give priority to:

(a) Providing scenic overlooks for motorists, bicyclists, and pedestrians;

(b) Providing safe pedestrian crossings and facilities along the river corridor;

(c) Providing access to the riverfront in public ownership; and

(d) Allowing for use of the land between the river and the transportation facility.

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

(a) Buildings and parking associated with public recreational facilities must comply with the structure placement and height standards in Section 614.03.07, except as provided in Section 614.03.14;

(b) Roads and driveways associated with public recreational facilities must not be placed in the bluff or shore impact zones unless no other placement alternative exists. If no alternative exists, then design and construction must minimize impacts to shoreline vegetation, erodible soils and slopes, and other sensitive resources;

(c) Trails, access paths, and viewing areas associated with public recreational facilities and providing access to or views of the Mississippi River are allowed within the bluff and shore impact zones if design, construction, and maintenance methods are consistent with the best management practice guidelines in Trail Planning, Design, and Development Guidelines:

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

(2) Trails, paths, and viewing areas must be designed and constructed to minimize:

((a)) Visibility from the river;

((b)) Visual impacts on public river corridor views; and

((c)) Disturbance to and fragmentation of primary conservation areas.

(d) Public water access facilities must comply with the following requirements:

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

(2) Facilities must be designed and constructed consistent with the standards in the most recent version of the Minnesota DNR's Design Handbook for Recreational Boating and Fishing Facilities.

(e) Public signs and kiosks for interpretive or directional purposes are allowed in the bluff or shore impact zones, provided they are placed and constructed to minimize disturbance to these areas and avoid visual impacts on public river corridor views; and

(f) Public stairways, lifts, and landings must be designed as provided in Section 614.03.08.03.C.

#### 614.03.10 Public Access

1. Public river access to and along the river shall be provided for any new development that is adjacent to or part of a city plan including public access.

2. Public river access shall be provided to the riverfront of developments on publicly owned and publicly controlled riverfront property where feasible.

#### 614.03.11 Vegetation Management

1. Applicability. This section applies to:

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

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

- (a) Development must be sited to minimize removal of or disturbance to natural vegetation;
- (b) Soil, slope stability, and hydrologic conditions are suitable for the proposed work as determined by the Community Development Director or their designee
- (c) Clearing is the minimum necessary and designed to blend with the natural terrain and minimize visual impacts to public river corridor views;
- (d) Vegetation removal activities must be conducted so as to expose the smallest practical area of soil to erosion for the least possible time; and
- (e) Grading must be conducted in a manner that preserves the root zone aeration and stability of existing trees and provides an adequate watering area equal to at least one-half of each tree crown. If this is not possible, a replacement tree must be provided in conformance with Section 614.03.11.07.

3. Activities allowed without a permit:

- (a) Maintenance of existing lawns, landscaping, and gardens;
- (b) Removal of vegetation in emergency situations as determined by the Community Development Director or their designee;

(c) Right-of-way maintenance for public facilities meeting the standards Section 614.03.09.02

(d) Agricultural and forestry activities meeting the standards of Sections 614.03.06.01.F and 614.03.06.01.G;

(f) Selective vegetation removal provided that vegetative cover as viewed from the river remains consistent with the management purpose of the MRCCA district and trees are replaced in conformance with Section 614.03.11.06.

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

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

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

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

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

(e) The minimum necessary for development that is allowed with a building permit or as an exemption under Section 614.03.14.

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

(a) For any vegetation removed with a permit under Section 614.03.11.04;

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

(c) As part of the planning process for subdivisions as provided in Section 614.03.13.

6. Vegetation Restoration Plan Performance Standards. The vegetation restoration plan must satisfy the application submittal requirements in Section 614.03.04.05, and:

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

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

- (2) Restoration or enhancement of shoreline vegetation including shoreline areas within 25 feet of the water with no natural vegetation, degraded vegetation, or planted with turf grass;
  - (3) Revegetation of bluffs or steep slopes visible from the river; and
  - (4) Other approved priority opportunity area, including priorities identified in the MRCCA plan, if none of the above exist.
- (b) Include vegetation that provides suitable habitat and effective soil stability, runoff retention, and infiltration capability. Vegetation species, composition, density, and diversity must be guided by nearby patches of native plant communities and by Native Vegetation Establishment and Enhancement Guidelines;
  - (c) Any highly erodible soils disturbed during removal and/or restoration must be stabilized with deep-rooted vegetation with a high stem density;
  - (d) Vegetation removed must be restored with natural vegetation to the greatest extent practicable. The area (square feet) of the restored vegetation should be similar to that removed to the greatest extent practicable;
  - (e) For restoration of removed native plant communities, restored vegetation must also provide biological and ecological function equivalent to the removed native plant communities;
  - (f) Be prepared by a qualified individual except for:
    - (1) Vegetation plans required in response to Section 614.03.11.04.D which must be prepared by a professional ecologist, landscape architect, or person with demonstrable experience and knowledge related to vegetation management as accepted and approved by the City; and
  - (g) Include a maintenance plan that includes management provisions for controlling invasive species and replacement of plant loss for three years.

## 7. Tree Removal and Replacement

- (a) Except for tree removal conducted in accordance 614.03 with an approved vegetation restoration plan, any trees over four inches diameter at breast height that are removed shall be restored with an equal number of trees to that which existed before cutting by September 30 of the subsequent year. If insufficient space is available for tree replanting as determined by the City, a monetary fee may be provided in lieu of tree replanting.

## 614.03.12 Land Alteration and Stormwater Management

### 1. Land alteration

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

(1) Erosion control consistent with a plan approved by the Community Development Director or their designee;

(2) The minimum necessary that is allowed as an exception under Section 614.03.14; and

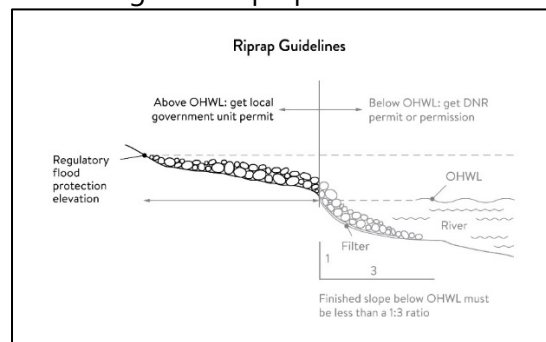
(3) Repair and maintenance of existing buildings and facilities.

(b) Within the water quality impact zone, land alteration that involves more than ten cubic yards of material or affects an area greater than 1,000 square feet requires a permit.

### 2. Rock riprap, retaining walls, and other erosion control structures

(a) Construction, repair, or replacement of rock riprap, retaining walls, and other erosion control structures located at or below the OHWL must comply with Minnesota Rules Part 6115.0215, Subp. 4, item E, and 6115.0216, Subp. 2. Work must not proceed until necessary approvals by the Commissioner, the US Army Corps of Engineers as necessary, and any other required permits are obtained. See Figure 8.

Figure 8. Riprap Guidelines



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

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

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

(3) The size and extent of the structures are the minimum necessary to correct the erosion problem and are not larger than the following, unless a professional engineer determines that a larger structure is needed to correct the erosion problem:

((a)) Retaining walls must not exceed four feet in height;

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

((c)) Riprap must not exceed the height of the regulatory flood protection elevation.

(c) Repair of existing rock riprap, retaining walls, and other erosion control structures above the OHWL does not require a permit provided it does not involve any land alteration.

3. Storm water management.

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

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

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

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

(4) Mitigation based on the best available engineering and geological practices is required and applied to eliminate or minimize the risk of slope failure.

(b) In the water quality impact zone, development that creates new impervious surface, as allowed by exemption in Section 614.03.14, or fully reconstructs existing impervious surface of more than 10,000 square feet requires a permit. Multipurpose trails and sidewalks are exempt if there is down gradient vegetation or a filter strip that is at least five feet wide.

(c) In all other areas, storm water runoff must be directed away from the bluff impact zones or unstable areas.

4. Development on steep slopes.

Construction of structures, impervious surfaces, land alteration, vegetation removal, or other construction activities are allowed on steep slopes if:

- (a) The development can be accomplished without increasing erosion or storm water runoff;
- (b) The soil types and geology are suitable for the proposed development; and
- (c) Vegetation is managed according to the requirements of Section 614.03.11.

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

- (a) Temporary and permanent erosion and sediment control measures retain sediment onsite consistent with best management practices in the Minnesota Stormwater Manual;
- (b) Natural site topography, soil, and vegetation conditions are used to control runoff and reduce erosion and sedimentation;
- (c) Construction activity is phased when possible;
- (d) All erosion and sediment controls are installed before starting any land alteration;
- (e) Erosion and sediment controls are maintained during construction to ensure effective operation;
- (f) The proposed work is consistent with the vegetation standards in Section 614.03.11; and
- (g) Best management practices for protecting and enhancing ecological and water resources identified in Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001.

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

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

### 614.03.13 Subdivisions

1. The design standards in this Section apply to subdivisions, planned unit developments and master- planned development and redevelopment of land involving ten or more acres for contiguous parcels that abut the Mississippi River and 20 or more acres for all other parcels within the MRCCA, including smaller individual sites within these developments that are part of a common plan of development that may be constructed at different times.

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

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

3. Project information listed in Section 614.03.04.05 must be submitted for all proposed developments.

4. Design standards.

(a) Primary conservation areas, where they exist, must be set aside and designated as protected open space in quantities meeting the following as a percentage of total parcel area:

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

(b) If the primary conservation areas exceed the amounts specified in Section 614.03.13.04, then protection of native plant communities and natural vegetation in riparian areas shall be prioritized.

(c) If primary conservation areas exist but do not have natural vegetation (identified as restoration priorities in the MRCCA Plan), then a vegetation assessment must be completed to evaluate the unvegetated primary conservation areas and determine whether vegetation restoration is needed. If restoration is needed, vegetation must be restored according to Section 614.03.11.04.

(d) If primary conservation areas do not exist on the parcel and portions of the parcel have been identified in the MRCCA plan as a restoration area, vegetation must be restored in the identified areas according to Section 614.03.11.04, and the area must be set aside and designated as protected open space.

(e) Storm water treatment areas or other green infrastructure may be used to meet the protected open space requirements if the vegetation provides biological and ecological functions.

(f) Land dedicated under the Subdivision Chapter for public river access, parks, or other open space or public facilities may be counted toward the protected open space requirement.

(g) Protected open space areas must connect open space, natural areas, and recreational areas, where present on adjacent parcels, as much as possible to form an interconnected network.

5. Permanent protection of designated open space

(a) Designated open space areas must be protected through one or more of the following methods:

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

(2) A permanent conservation easement, as provided in M.S. Chapter 84C;

(3) A deed restriction; or

(4) Other arrangements that achieve an equivalent degree of protection.

(b) Permanent protection methods must ensure the long-term management of vegetation to meet its biological and ecological functions, prohibit structures, and prohibit land alteration, except as needed to provide public recreational facilities and access to the river.

6. Alternative design standards. Applicants are encouraged to propose alternative design methods that achieve better protection or restoration of primary conservation areas. Methods may include protection and restoration of continuous vegetation, preventing the fragmentation of vegetation, concentration of density in exchange for higher levels of open space protection, or other zoning and site design techniques.

#### 614.03.14 Exemptions

##### 1. Applicability

(a) Uses and activities not specifically exempted must comply with this Chapter. Uses and activities exempted under shore impact zone and bluff impact zone must comply with the vegetation management and land alteration standards in Sections 614.03.11 and 614.03.12.

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

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

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

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

##### 2. Use and activity exemptions classification.

(a) General uses and activities.

<b>Use or Activity</b>	<b>Set backs</b>	<b>Height Limits</b>	<b>SI Z</b>	<b>BI Z</b>	<b>Applicable standards with which the use or activity must comply</b>
Industrial and utility structures requiring greater height for operational reasons (such as elevators, refineries and railroad signaling towers)	N	E	N	N	Structure design and placement must minimize interference with public river corridor views.
Barns, silos, and farm structures	N	E	N	N	
Bridges and bridge approach roadways	E	E	E	(E)	Section 614.03.09
Wireless communication towers	E	E	N	N	Section 614.03.06.03
Chimneys, religious spires, flag poles, public monuments, and mechanical stacks and equipment	N	E	N	N	

<b>Use or Activity</b>	<b>Set backs</b>	<b>Height Limits</b>	<b>SI Z</b>	<b>BI Z</b>	<b>Applicable standards with which the use or activity must comply</b>
Historic properties and contributing properties in historic districts	E	E	E	E	Exemptions do not apply to additions or site alterations

(b) Public utilities.

<b>Use or Activity</b>	<b>Set backs</b>	<b>Height Limits</b>	<b>SI Z</b>	<b>BI Z</b>	<b>Applicable standards with which the use or activity must comply</b>
Electrical power facilities	E	E	E	(E)	Section 614.03.09
Essential services (other than storm water facilities)	E	E	E	(E)	Section 614.03.09
Storm water facilities	E	N	E	(E)	Section 614.03.12
Wastewater treatment	E	N	E	N	Section 614.03.09
Public transportation facilities	E	N	(E)	(E)	Section 614.03.09

(c) Public recreational facilities.

<b>Use or Activity</b>	<b>Set backs</b>	<b>Height Limits</b>	<b>SI Z</b>	<b>BI Z</b>	<b>Applicable standards with which the use or activity must comply</b>
Accessory structures, such as monuments, flagpoles, light standards, and similar park features	E	E	(E)	(E)	Section 614.03.09; within BIZ, only on slopes averaging less than 30%. Exemptions do not apply to principal structures.
Picnic shelters and other open-sided structures	E	N	(E)	N	Section 614.03.09
Parking lots	(E)	N	(E)	(E)	Section 614.03.09; within BIZ, only within 20 feet of toe of bluff; not on face of bluff; and must not affect stability of bluff
Roads and driveways	(E)	N	(E)	(E)	Section 614.03.09
Natural-surfaced trails, access paths, and viewing areas	E	N	E	E	Section 614.03.09
Hard-surfaced trails and viewing platforms	E	N	E	(E)	Section 614.03.09; within BIZ, only on slopes averaging less than 30%
Water access ramps	E	N	E	(E)	Section 614.03.09

<b>Use or Activity</b>	<b>Set backs</b>	<b>Height Limits</b>	<b>SI Z</b>	<b>BI Z</b>	<b>Applicable standards with which the use or activity must comply</b>
Public signs and kiosks for interpretive or directional purposes	E	N	E	(E)	Section 614.03.09

(d) River-dependent uses.

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

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

<b>Use or Activity</b>	<b>Set backs</b>	<b>Height Limits</b>	<b>SI Z</b>	<b>BI Z</b>	<b>Applicable standards with which the use or activity must comply</b>
Private roads serving 3 or more lots	(E)	N	N	(E)	Section 614.03.08; in BIZ, only on slopes averaging less than 30%. Exemption does not apply to private roads serving fewer 3 lots or to private driveways and parking areas
Access paths	E	N	E	E	Section 614.03.08
Water access ramps	E	N	E	N	Section 614.03.08

Use or Activity	Set backs	Height Limits	SI Z	BI Z	Applicable standards with which the use or activity must comply
Stairways, lifts, and landings	E	N	E	E	Section 614.03.08
Water-oriented accessory structures	E	N	E	N	Section 614.03.08
Patios and decks	E	N	N	N	Section 614.03.08
Directional signs for watercraft (private)	E	N	E	N	Section 614.03.08.05; exemption does not apply to off-premise advertising signs
Temporary storage of docks, boats, and other equipment during the winter months	E	N	E	N	
Erosion control structures, such as rock riprap and retaining walls	E	N	E	(E)	Section 614.03.12.2
Flood control structures	E	N	E	(E)	Section 614.03.12

614.04 O-3 Telecommunications Towers and Wireless Facilities Overlay District

1. Definitions

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

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

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

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

City means the City of Fridley, Minnesota.

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

Electrical Engineer. An electrical engineer licensed by the State of Minnesota.

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

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

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

Pad Mount Device. A device which is designed for collecting, storing, processing, filtering and forwarding utility meter data within the public safety and utility bandwidth licensed by Federal

Communications Commission, including any antenna attached to such device like the automatic meter reading device, but, which is installed on its own pedestal and not on an existing public utility structure.

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

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

Small Wireless Facility. A wireless facility that meets both of the following qualifications; or

- (a) Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all its exposed elements could fit within an enclosure of no more than six cubic feet; and
- (b) All other wireless equipment associated with the small wireless facility, excluding electric meters, concealment elements, telecommunications demarcation boxes, batter backup power systems, grounding equipment, power transfer switches, cutoff switches, cable, conduit, vertical cable runs for the connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment, is in aggregate no more than 28 cubic feet in volume; or
- (c) A micro wireless facility.

State. The State of Minnesota.

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

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

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

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

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

- (a) Cables, wires, lines, wave guides, antennas and any other equipment associated with wireless service;
- (b) A radio transceiver, antenna, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration; or
- (c) A small wireless facility.

The term "wireless facilities" shall not include:

- (a) Any satellite earth station antenna two meters in diameter or less which is located in an area zoned industrial or commercial;
- (b) Any satellite earth station reception antenna one meter or less in diameter, regardless of zoning category;
- (c) Automatic meter reading systems;
- (d) Small wireless facilities;
- (e) Wireless support structures;
- (f) Wireless backhaul facilities; and
- (g) Coaxial or fiber-optic cables between utility poles or wireless support structures or that are not otherwise immediately adjacent to or directly associated with a specific antenna.

Wireless Service. Any service using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or by means of a mobile device, that is provided using wireless facilities. Wireless service does not include services regulated under Title VI of the Communications Act of 1934, as amended, including a cable service under 47 U.S.C. § 522 (6).

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

## 2. Purpose and Intent

- (a) The general purpose of this Section is to create an overlay district to regulate the placement, construction and modification of telecommunications towers and wireless facilities.
- (b) Specifically, the purpose of this Section is:
  - (1) To ensure that telecommunications towers and wireless facilities are compatible with surrounding land uses;

- (2) To minimize adverse visual impact of telecommunications towers and wireless facilities through careful design, siting, landscaping and innovative camouflaging techniques;
  - (3) To promote and encourage shared use/collection of telecommunications towers and existing antenna support structures as a primary option rather than construction of additional single-use towers in order to minimize the adverse visual impact of telecommunications towers and wireless facilities;
  - (4) To avoid potential damage to property caused by telecommunications towers and wireless facilities by ensuring that such structures are soundly and carefully designed, constructed, modified, maintained, located and removed when no longer used or determined to be structurally unsound;
  - (5) To facilitate the provision of telecommunications towers and wireless facility services to the residents and businesses of the City in a streamlined, orderly, and efficient fashion;
  - (6) To encourage the location of telecommunications towers in industrial and business districts, rather than residential areas;
  - (7) To enhance the ability of providers of telecommunication services to provide such services to the community quickly, effectively, and efficiently; and
  - (8) To identify specific sites within the City where telecommunications towers and wireless facilities may be located;
3. District Boundaries for Overlay District
    - (a) The O-3, Telecommunications Towers and Facilities District, is created and shall apply to all land within the City subject to the provisions and use requirements contained in this Section.
  4. Uses Permitted
    - (a) All principal and accessory uses allowed in each underlying primary zoning district are permitted in the telecommunications towers and wireless facilities district, except that no telecommunications towers shall be constructed, and no wireless facilities shall be placed, on telecommunications towers or antenna support structures except as provided for in this Chapter.
    - (b) The construction of telecommunications towers and the installation, operation and maintenance of wireless facilities shall be permitted uses in the approved sites identified on Appendix A to this Ordinance, subject to the provisions of this Chapter.
    - (c) Conditional Uses
      - (1) The construction of telecommunications towers and the installation, operation and maintenance of wireless facilities shall be a conditional use in Zoning districts M-1, M-2, and M-3, and any abutting railroad rights-of-way.
      - (2) The construction of telecommunications towers and the installation, operation, and maintenance of wireless facilities shall be a conditional use in the Critical Area Overlay District and subject to jurisdiction of the Critical Area Chapter.

## 5. Nonconforming Uses

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

## 6. Priority for Use

- (a) Priority for use of the installation, maintenance and operation of telecommunications towers and wireless facilities will be given to the following entities in descending order:
  - (1) City of Fridley.
  - (2) Public safety agencies, including law enforcement, fire and ambulance services, which are not part of the City of Fridley and private entities with a public safety agreement with the City of Fridley.
  - (3) Other governmental agencies, for uses which are not related to public safety.
  - (4) Entities providing licensed commercial wireless facility services including cellular, public and personal communication services (PCS), and similar services that are marketed to the general public.

## 7. Installation Requirements on Water Towers and in City

- (a) Installation of wireless facilities on water towers will be permitted when the City is fully satisfied that the following requirements are met:
  - (1) The wireless facility will not increase the risks of contamination to the City's water supply.
  - (2) There is sufficient room on the structure or on the grounds to accommodate the wireless facility.
  - (3) The presence of the wireless facility will not increase the water tower or reservoir maintenance costs to the City.
  - (4) The presence of the wireless facility will not be harmful to the health of workers maintaining the water tower or reservoir.
  - (5) All state and federal regulations pertaining to non-ionizing radiation and other health hazards has been satisfied.

8. Building Permit Required

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

9. Setbacks

- (a) The telecommunications towers and wireless facilities shall be located in rear or side yard areas and shall be setback at least 10 feet from side or rear lot lines.

10. Use Standards

(a) Telecommunications Tower Height

- (1) Telecommunications towers are exempt from the maximum height restrictions of the underlying zoning districts where they are located.
- (2) Telecommunications tower height shall be measured from the average adjoining grade to the highest point of construction of any telecommunications tower or wireless facilities.
- (3) Telecommunications towers shall be permitted to a height of 125 feet.
- (4) An additional 25 feet of telecommunications tower height shall be permitted for a total height of 150 feet, if all of the following criteria are met:
  - ((a)) The telecommunications tower exists within a lineal dimension of 250 feet of any one of the following structures that exceed the height of 150 feet. These structures include:
    - ((1)) Buildings;
    - ((2)) Power lines; and
    - ((3)) Train/rail yard fixtures such as light fixtures.
  - ((b)) Telecommunications towers must meet or exceed any local, state or federal regulations relative to tower fall distance.
  - ((c)) All permits required to replace or expand an existing telecommunications tower must be reviewed and approved by the City prior to replacement or expansion.

(b) Co-Location

- (1) Telecommunications towers shall be designed to support more than two wireless facilities. Support structures shall be designed to support more than one small wireless facility.

(c) Stealth Design and Exterior Finishes

- (1) All approved sites, telecommunications towers and wireless facilities shall be designed to blend into the surrounding environment.

- (2) Monopoles with antenna arrays shall be finished so as to be compatible with other buildings or structures in the area, and shall be finished with a non-corrosive material.
  - (3) Wireless facilities placed on water towers shall be finished with a non-corrosive material to match the color of the water tower.
- (d) Illumination
- (1) Telecommunications towers shall not be artificially illuminated except as required by the Federal Aviation Administration ("FAA").
- (e) Special Landscape Requirements
- (1) All sites shall include appropriate landscaping as required herein and shall comply with all landscaping requirements of the underlying zoning district.
  - (2) At minimum, all ground equipment shall be fully screened from public rights-of-way or residential property by existing structures, a brick decorative wall, or a solid 100% opaque vegetative enclosure, six feet in height at the time of planting.
  - (3) Accessory above-ground equipment must utilize existing buildings or structures, if possible. If no existing structures are available, the owner of the wireless facility must construct such a structure.
- (f) Security
- (1) All telecommunications towers must be reasonably posted and secured to protect against trespass. Chain link fences may be used to protect telecommunications towers and wireless facilities. Barbed or razor wire is prohibited. All facilities shall be designed to discourage unauthorized climbing on the structure.
- (g) Signs
- (1) Signs no larger than four square feet in size and attached to a structure are the only permitted signage associated with the telecommunications towers and wireless facilities.
  - (2) An exception to the above restriction shall be made for applicable warning and equipment information signage required by the manufacturer or by federal, state or local regulations.
- (h) Maintenance
- (1) Ordinary and reasonable care of telecommunications towers and wireless facilities shall be employed at all times.
  - (2) All telecommunications towers and wireless facilities shall at all times be kept and maintained in good condition, order and repair so that the same shall not menace or endanger the life or property of any person.
  - (3) Owners shall install and maintain telecommunications towers and wireless facilities in compliance with the requirements of the National Electric Safety Code and all FCC, State and local regulations, and in such manner that will not interfere with the use of other property.

- (4) All maintenance or construction on telecommunications towers and wireless facilities shall be performed by qualified maintenance and construction personnel.
- (5) All owners of wireless facilities shall maintain compliance with current radio frequency emission standards of the FCC.
- (6) In order to provide information to its citizens, copies of all FCC information concerning wireless facilities shall be made available to the City and updated annually.
- (7) In the event the use of a telecommunications tower, a public utility structure or a wireless facility is discontinued by the owner of the wireless facility, or in the event an owner files notice to the FCC of its interest to cease operating, the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued.

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

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

- (8) An application fee as required by the Fees Chapter of the Code; and
  - (9) The application shall also contain an affirmative statement indicating that the applicant agrees to comply with the provisions in this Section regarding abandonment; and
  - (10) No new or existing wireless facility service shall interfere with public safety communications. Before the introduction of new service or before implementing any change in existing service, all wireless facility service providers shall notify the City at least 10 calendar days in advance of such changes and allow the City to monitor interference levels during the testing process; and
  - (11) An application for a building permit to the City pursuant to the Building Code Chapter of the Code; and
  - (12) A statement as to whether the proposed development of an approved site is capable of being developed to support more than two operating wireless facilities comparable to the others in weight, size and surface area; and
  - (13) Written, technical evidence from an independent consulting engineer licensed to practice geological engineering in the State of Minnesota confirming that the soil at the location of the telecommunication tower and wireless facility is capable of supporting the proposed antenna arrays, equipment and personnel performing typical work functions; and
  - (14) A landscaping plan showing location of materials, height at planting, types of materials and installation practices.
- (b) All persons seeking to install, operate and maintain telecommunications towers and wireless facilities in M-1, M-2, M-3 Zoning Districts as a conditional use permit shall submit the information required in this section, except a lease and building permit are not required at time of application.

## 12. Application Process

- (a) If a telecommunications towers and wireless facilities is approved by a conditional use permit, the applicant must also apply for and receive a building permit.

## 13. Fees

- (a) The applicant shall pay the fees listed in the Fees Chapter of the Code for processing a request to install, operate and maintain a tower, public utility structure, pad mount device or a wireless facility in the City.
- (b) If deemed as necessary due to the nature of the application, the applicant shall also be required to reimburse the City for the City's cost to retain a consultant to review the requested application.

## 14. Certifications and Inspections

- (a) All telecommunications towers and wireless facilities shall be periodically reviewed by the City to be structurally sound and in conformance with the requirements of the City Code, this Chapter, any conditions of approval placed on a conditional use permit and

all other construction standards set forth by the City Code and federal, state and local law.

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

#### 15. Abandonment

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

#### 16. No Recourse

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

## 17. Violation

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

## 614.05 O-4 Pre-1955 Residential Lots Overlay District

### 1. Purpose

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

### 2. District Boundaries

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

#23, #77, #103; Rice Creek Terrace Plats 1-4; Riverview Heights; Sandhurst Addition; Second Revised Auditors Subdivision #21; Scherer Addition; Shaffer's Subdivision #1; Shorewood; Springbrook Park; Spring Lake Park Lakeside; Spring Valley; Subdivision of Lot 10, Auditor's Subdivision #94; Sylvan Hills; Sylvan Hills Plat 2 & 3; Vineland Addition to Fridley Park; and any unplatted lots created, prior to December 29, 1955, as recorded at Anoka County. Any lot combinations or divisions of Parcel Identification Numbers done on or after January 1, 2001 makes the property ineligible for inclusion in this overlay district.

3. Applicability

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

4. Uses Permitted

(a) Principal Uses.

- (1) One unit detached dwellings.

(b) Accessory Uses.

- (1) All garages whether attached to, tucked under or detached from the principal dwelling is considered to be an accessory structure and shall not exceed 100% of the first-floor area of the dwelling unit or a maximum of 1,000 square feet.

- (2) All permitted accessory uses authorized by the underlying base zoning district of this overlay district, including substandard lots, may be applied, when meeting all requirements for the applicable accessory use in Chapter 621.

- (3) All accessory uses shall meet the following performance standards:

((a)) Only one accessory structure in excess of 240 square feet is allowed per site. One additional accessory structure is allowed provided it does not exceed 240 square feet. Total accessory structure size shall be limited to a 500 square feet per property.

((b)) Any accessory structure in excess of the above requirements (square footage or number of buildings) requires a conditional use permit in accordance to the procedures in the Procedures Chapter.

((c)) All accessory structures must be permanently attached to a foundation or held in place with approved tie-downs and may not be used for home occupations.

(c) Existing Uses.

- (1) Existing one unit detached dwellings that do not conform to the conditions of this Chapter will be allowed to continue as a permitted use.

- (2) Alterations and additions are permitted to improve the structure, provided they meet the required setbacks as stated in this Chapter.

- (d) Any uses not listed indicates that the land use is prohibited. In the event a proposed use is not listed, the Community Development Director shall make a determination if

the use is consistent by type, intensity, physical characteristics, style, size and purpose with any use listed in the Principal or Accessory Use tables for the respective zoning district.

5. Lot Requirements and Setbacks

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

<sup>1</sup>Two side yards are required with the minimum width listed except as follows:  
 Where a house is built without an attached garage, a minimum side yard requirement shall be 10 feet on one side, and 13 feet on the other side, so that there is access to the rear yard for a detached garage and off-street parking area.  
 Where a house is built with an attached garage, the side yard adjoining the attached garage or accessory structure may be reduced to not less than five feet, provided the height of the garage or accessory structure on that side is not more than 14 feet.  
<sup>2</sup> Detached accessory structures may be built not less than three feet from any lot line in the rear yard not adjacent to a street.

6. O-4 District Standards

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

614.06 O-5 Shoreland Overlay District

1. Purpose and Intent

(a) The unregulated use of shorelands in the city affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise use and development of shorelands of public waters.

(b) Statutory authorization. These shoreland regulations are adopted pursuant to the authorization and policies contained in M.S. Chapter 103F, Minnesota Regulations, Parts 6120.2500 through 6120.3900, and the planning and zoning enabling legislation in M.S. Chapter 462.

(c) Jurisdiction. The provisions of this Code shall apply to shorelands of the public water bodies as classified in this Chapter except for those properties that are also under the jurisdiction of the Critical Area Chapter for which only the Critical Area Chapter will apply. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this Code.

(d) Compliance. The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the grading and filling of any shoreland area; and the cutting of shoreland vegetation shall be in full compliance with the terms of this Code and other applicable regulations.

(e) District application. The shoreland overlay district shall be superimposed (overlaid) upon all the zoning districts as identified in Chapter Zoning and Subdivision of this Code as existing or amended by the text and map of this Code. The regulations and requirements imposed by the shoreland overlay district shall be in addition to those established by the base zoning district which jointly apply. Under joint application of the districts, the more restrictive requirements shall apply.

(f) Exemption. A structure or use which was lawful before adoption of this Chapter, but which is not in conformity with the provisions of the shoreland overlay district, may be continued subject to this Chapter.

## 2. District Boundaries

(a) The boundaries of the shoreland permit overlay district within the City consists of the first tier of riparian lots abutting a protected lake or tributary identified in this Chapter. The specific boundaries of the shoreland permit overlay district are shown on the official Fridley Shoreland Overlay District Map in the Fridley City Code.

(b) Properties that are also within the jurisdiction of the Critical Area Chapter, shall remain mapped as part of the Shoreland Overlay District; however, only the provisions of the Critical Area Chapter shall apply.

## 3. Definitions

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

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

(a) Accessory Structure or Facility.

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

(b) Bluff.

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

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

Figure 1. Illustration of Bluff

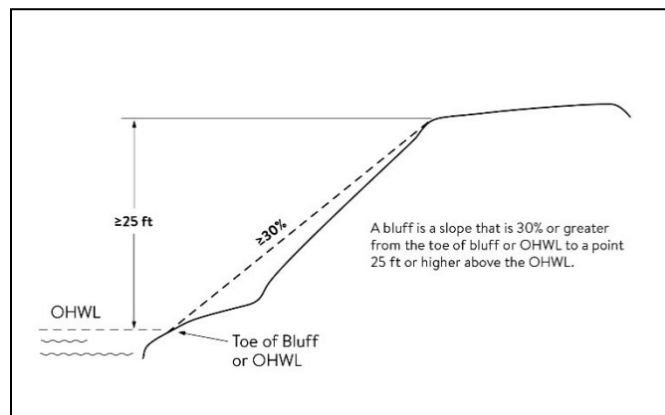
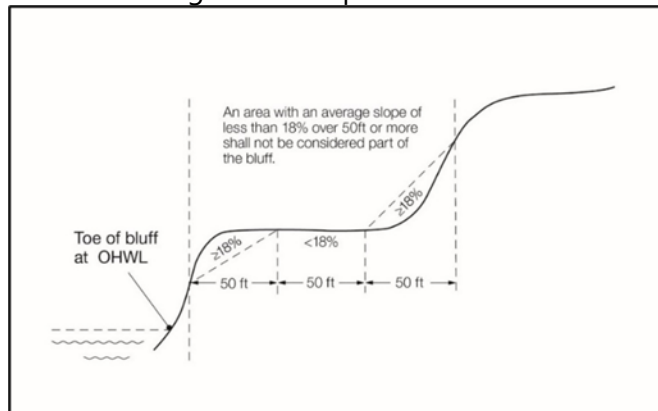


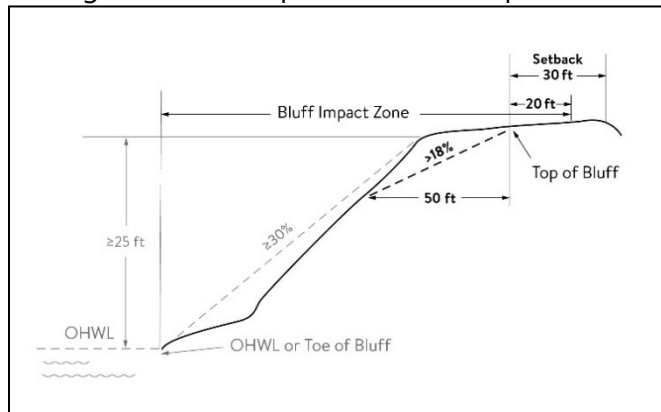
Figure 2. Exception to Bluff



(c) Bluff impact zone.

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

Figure 3. Bluff Impact Zone and Top of Bluff



(d) Bluff, Toe of.

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

(e) Bluff, Top of.

For the purposes of measuring setbacks, bluff impact zone, and administering vegetation management standards, the higher point of a 50-foot segment with an average slope exceeding 18%. See Figure 3.

(f) Commission.

The City of Fridley Planning Commission.

(g) Commissioner.

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

(h) Council.

The Fridley City Council.

(i) Critical Area.

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

(j) Development.

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

(k) Impervious Surface.

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

(l) Intensive vegetation clearing.

The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

(m) Lot Coverage.

The amount of impervious surface on a lot.

(n) Ordinary High Water Level.

M.S. § 103G.005, subd. 14 defines ordinary high water level as the boundary of waterbasins, watercourses, public waters, and public waters wetlands, and:

((a)) the ordinary high water level is an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial;

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

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

(o) Shoreland.

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

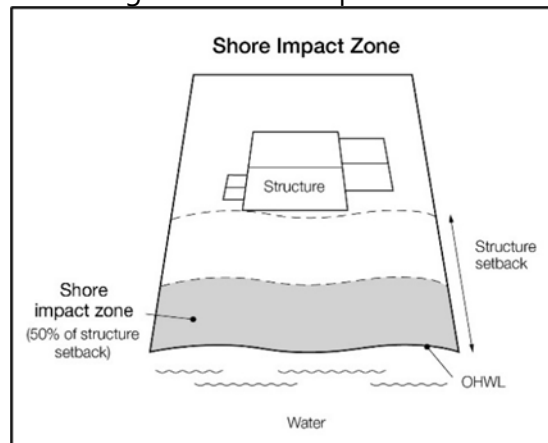
((a)) land within 1,000 feet from the normal high watermark of a lake, pond, or flowage; and

((b)) land within 300 feet of a river or stream or the landward side of a floodplain delineated by ordinance on the river or stream, whichever is greater.

(o) Shore Impact Zone.

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

Figure 4. Shore Impact Zone



(p) Steep Slopes.

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

(r) Structure.

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

#### 4. Shoreland classification system

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

(b) Official map. The shoreland permit district for the waterbodies listed below shall be shown on the Fridley Zoning Map.

(1) Lakes

*Recreational Development Lakes Protected Waters Inventory I.D. #*

Moore Lake 2-75P

Spring Lake 2-71P

*General Development Lakes Protected Waters Inventory I.D. #*

Locke Lake 2 - 77P

Harris Pond 2-684W

Farr Lake 2-78P

*Natural Environment Lakes Protected Waters Inventory I.D. #*

Public Water in Springbrook Park 2-688P

(2) Rivers and streams

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

*Tributary Streams*

Rice Creek

Springbrook Creek

5. Administration

(a) Building permit required. A permit is required for the construction of buildings or building additions (and including such related activities as construction of decks and signs), and those grading and filling activities not exempted by this Code that occur within the shoreland district. Application for a building permit shall be filed with the zoning administrator or any staff persons designated by the city manager on an official application form of the city, accompanied by a fee as set forth in the Fees Chapter of the Code. Where required by law, the building permit application shall be forwarded to the applicable watershed district for review and comment. The application shall include the necessary information so that the zoning administrator can determine the site's suitability for the intended use.

(b) Variance. Variances may only be granted in accordance with the Zoning and Subdivision Chapter of this Code. A variance may not circumvent the general purposes and intent of this Code. No variance may be granted that would allow any use that is prohibited in the underlying zoning district in which the subject property is located.

(c) Notifications to the Department of Natural Resources.

(1) *Public hearings.* Copies of all notices of any public hearings to consider variances, amendments, or special uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.

(2) *Approval.* A copy of approved amendments and subdivisions/plats, and final decisions granting variances or special uses under local shoreland management controls must be sent by the City to the commissioner or the commissioner's designated representative and postmarked within ten days of final action.

#### 6. Land use district descriptions

Allowed land uses within the shoreland district shall be determined by the underlying zoning district, as listed within Chapter Zoning and Subdivision.

#### 7. Lot area and width standards

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

#### 8. Placement, design, and height of structures

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

(1) *Required setbacks.* All required rear yard, side yard and front yard setbacks shall be met per the underlying zoning district.

(2) *Ordinary high water level setback.* Structure setbacks (in feet) from the ordinary high water level.

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

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

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

(4) *Bluff impact zones.* Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

(5) *Height of structures.* Maximum allowable height for all structures shall be regulated per underlying zoning district in Chapter Zoning and Subdivision.

(b) Shoreland alterations. Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

(1) *Vegetation alteration.* Removal or alteration of vegetation is allowed subject to the following standards:

((a)) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed.

((b)) In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities provided that:

((i)) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced.

((ii)) Along rivers, existing shading of water surfaces is preserved.

((iii)) The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards and the removal of plants deemed noxious under the Minnesota Noxious Weed Law.

(2) *Building permit.* Grading and filling and excavations necessary for the construction of structures and driveways under validly issued building permits for these facilities do not require the issuance of a separate shoreland grading and filling permit.

(3) *Land alteration permit.* Notwithstanding (2) above, a land alteration permit will be required for:

((a)) The movement of more than ten cubic yards of material on steep slopes or within shore or bluff impact zones.

((b)) The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.

(4) *Conditions.* The following considerations and conditions must be adhered to during the issuance of building permits, land alteration permits, special use permits, variances and subdivision approvals:

((a)) Grading or filling in any type 2-8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland (This evaluation shall also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers):

((i)) Sediment and pollutant trapping and retention.

((ii)) Storage of surface runoff to prevent or reduce flood damage.

((iii)) Fish and wildlife habitat.

((iv)) Recreational use.

((v)) Shoreline or bank stabilization.

((vi)) Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

((b)) Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.

((c)) Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible.

((d)) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.

((e)) Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service.

((f)) Fill or excavated material must not be placed in a manner that creates an unstable slope.

((g)) Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must create finished slopes of less than 3:1 slope.

((h)) Fill or excavated material must not be placed in bluff impact zones.

((i)) Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under M.S. § 103G.245.

((j)) Alterations of topography must only be allowed if they are accessory to permitted or special uses and do not adversely affect adjacent or nearby properties.

((k)) Placement of natural rock rip rap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the rip rap is within ten feet of the ordinary high water level, and the height of the rip rap above the ordinary high water level does not exceed three feet. Must be done in accordance with other State and Federal regulations. A permit from the DNR is required.

(5) Connections to public waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after written authorization has been obtained from the Minnesota Department of Natural Resources approving the proposed connection to public waters.

(c) Stormwater management. The following general and specific standards shall apply:

(1) General standards.

((a)) When possible, existing natural drainage-ways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.

((b)) Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.

((c)) When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used.

Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.

(2) Specific standards.

((a)) Impervious surface lot coverage shall not exceed 35% of the lot area, except as a variance, which shall comply with the following standards:

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

((ii)) The lot shall be served with municipal sewer and water.

((iii)) The lot shall provide for the collection and treatment of stormwater in compliance with the Erosion Control and Stormwater Management Chapter of the Code if determined that the site improvements will result in increased runoff directly entering a public water. All development plans shall require review and approval by the city engineer and the underlying watershed district.

((iv)) Measures to be taken from the treatment of stormwater runoff and/or prevention of stormwater from directly entering a public water. The measures may include, but not be limited to the following:

(A) Appurtenances as sedimentation basins debris basins, desilting basins, or silt traps.

(B) Installation of debris guards and microsilt basins on storm sewer inlets.

(C) Use where practical, oil skimming devices or sump catch basins.

(D) Direct drainage away from the lake and into pervious, grassed, yards through site grading, use of gutters and down spouts.

(E) Construction sidewalks of partially pervious raised materials such as decking which has natural earth or other pervious material beneath or between the planking.

(F) Use grading and construction techniques which encourage rapid infiltration, e.g., sand and gravel under impervious materials with adjacent infiltration swales graded to lead into them.

(G) Install berms, water bars, or terraces which temporarily detain water before dispersing it into pervious area.

((b)) When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.

((c)) New constructed stormwater outfall to public waters must provide for filtering or settling of suspended solids and skimming or surface debris before discharge.

(3) Nonconformities. All legally established nonconformities as of the date of this section may continue, but they will be managed according to this Chapter of Code with the following exceptions:

((a)) Decks are allowed as a conforming use provided all of the following criteria and standards are met:

((i)). The principle structure existed on the date the structure setbacks were established.

((ii)). No other reasonable location for a deck exists.

((iii)). The deck encroachment toward the ordinary high water level maintains a minimum setback in accordance with applicable code sections and a maximum encroachment of 10 feet into the Bluff Impact Zone or Shore Impact Zone.

((iv)). The deck is framed construction, and is not roofed or screened.

#### 9. Public Nuisance - Penalty

(a) Any person who violates any provisions of this district or fails to comply with any of its terms or requirements shall be guilty of a misdemeanor punishable by a fine of not more than \$500 or imprisoned for not more than 90 days, or both, and in addition shall pay all costs of prosecution and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

(b) Every obstruction or use placed or maintained in the Preservation District in violation of this Chapter is hereby declared to be a public nuisance and creation thereof may be enjoined and the maintenance thereof abated by appropriate judicial action.

(c) Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent, remedy or remove any violation.

#### 614.07 O-6 Transit Oriented Development Overlay District

##### 1. Definitions

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

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

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

##### 2. Background and Authority

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

### 3. Purpose

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

### 4. District Boundary

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

### 5. Uses Permitted

- (a) Permitted uses in the O-6 TOD Overlay District are those uses which are acceptable in the underlying zoning district as noted in the Principal and Accessory Use Tables or in the Northstar TOD TIF District Master Plan if the parcel being developed is included in the Northstar TOD TIF District as approved by the City.
  - (1) Any uses not listed indicates that the land use is prohibited. In the event a proposed use is not listed in the use tables, the Community Development Director may allow the use after making a determination that the use is consistent by type, intensity, physical characteristics, style, size and purpose with a permitted listed use.
- (b) Mixed use structures do not require a conditional use permit as underlying zoning requirements may require.

### 6. Process for TOD Plan Approval

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

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

7. Design Criteria

- (a) All new development or redevelopment TOD proposals requiring a building permit after the effective date of this Chapter must meet the following design criteria standards designed to enhance the pedestrian scale and safety of the development.
- (b) In situations where an existing building is being partially expanded, the new standards will only apply to the new addition.
- (c) Landscaping and streetscape design features shall be specified in a project’s Master Plan to match the models shown in Appendix B of this code section.
- (d) Site and Lot Requirements

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

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

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

<sup>3</sup> Except for one unit detached dwellings in the R-H, Hyde Park Zoning District in the Residential Zoning Districts Chapter.

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

<sup>5</sup>Zero lot line setbacks are encouraged.

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

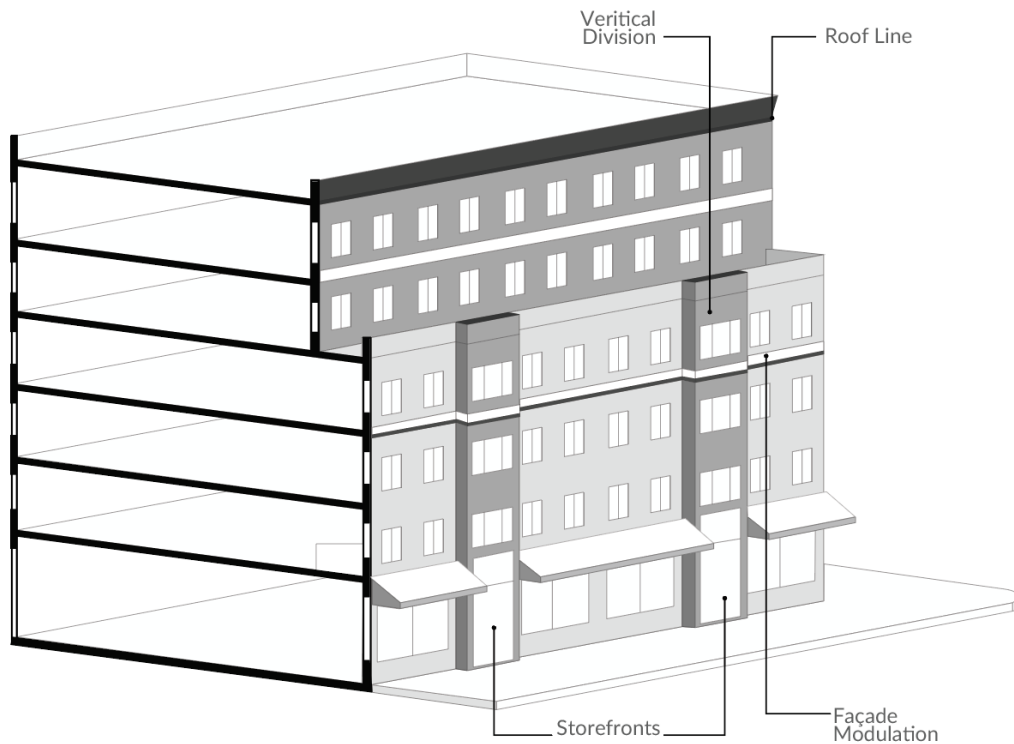
(e) Building Design Standards

(1) Exterior Building Materials

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

- ((b)) The following exterior materials are specifically prohibited in the TOD district: Plain or painted concrete block; sheet metal panels; reflective glass; aluminum; vinyl; fiberglass; asphalt; or fiberboard siding.
  - ((c)) Parking structures shall be constructed with building materials that are architecturally compatible with the adjoining structure(s).
  - ((d)) No blank walls shall be permitted to face the public street, sidewalk or other public spaces, such as plazas.
  - ((e)) Elements such as windows, doors, columns, changes in material and similar details should be used to add visual interest.
  - ((f)) Buildings shall be designed with a base, middle and top, created by variations in detailing, color and material.
    - ((1)) Articulated tops shall be considered in the design of all new buildings. This articulation may consist of pitched roofs, dormers, gable ends or cornice detailing.
    - ((2)) The base of the building shall include human scale elements, such as doors, windows, projections, awnings, canopies and ornamentation.
- (2) Entrance Orientation
- ((a)) Primary building entrances on all new buildings shall be oriented to the primary abutting public street.
  - ((b)) Additional secondary entrances may be oriented to a secondary street or parking area.
  - ((c)) Entries shall be clearly visible and identifiable from the street, and delineated with elements such as roof overhangs, recessed entries, landscaping or similar design features.
- (3) Façade Articulation
- ((a)) Building widths of 40 feet or less are encouraged.
  - ((b)) New buildings of more than 40 feet in width shall be divided into smaller increments, between 20 and 40 feet in width, through articulation of the façade. This can be achieved through combinations of the following architectural design techniques and others that may meet the intent of this section (see Figure 1):

Figure 1



- ((1)) Façade Modulation – Stepping back or extending forward a portion of the façade.
  - ((2)) Vertical Division – Using different textures or materials, provided materials are drawn from a common palette.
  - ((3)) Storefronts – Division of building face into distinct storefronts with separate entrances and display windows.
  - ((4)) Roof Lines – Varied roof lines with alternating dormers, stepped roofs, gables or other roof elements to reinforce the modulation or articulation interval.
  - ((5)) Articulation Interval – Placement of arcades, awnings, window bays, arched windows or balconies at intervals equal to the articulation interval.
- (4) Door and Window Openings
- ((a)) In new commercial, mixed-use and civic buildings, window and door openings shall comprise at least 50% of the length of the main floor of the primary street façade. Window openings shall be located at a pedestrian sight level.
    - ((1)) Windows shall be designed with openings that create a strong rhythm of light and shadow.
    - ((2)) Glass on windows and doors on the primary street façade shall be clear or slightly tinted, allowing views into and out of the building interior

or, as an alternative, used as display windows enclosed by walls inside the building.

((3)) Where security needs warrant it, spandrel glass may be used in the primary street façade windows subject to City approval in the plan review process.

((4)) Window shape, size and patterns shall emphasize the intended organization of the façade and the definition of the building.

(5) Loading Docks

((a)) Outside loading docks shall be located in the rear or side yard and be screened from view from any public right-of-way.

((b)) The space needed for the loading dock must be adequate to handle the loading and unloading needs of the building without obstructing the public right-of-way.

(6) Refuse/Recycling Storage

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

8. Landscaping Requirements

(a) Scope

(1) A landscaping plan shall be submitted according to the requirements of the Landscaping Chapter.

(2) Mixed use projects must have a unified landscaping scheme.

(3) The landscaping requirements in this Chapter will only apply to new construction projects or projects where existing buildings are expanded to the reduced 15-foot setback.

(b) Plant Materials Substitutions

(1) The landscaping requirements in the underlying zoning district shall apply to properties in the TOD Overlay District with some exceptions:

((a)) TOD landscape plans for redevelopment of property located in the underlying Hyde Park zoning district must follow the landscape requirements for the zoning district that most closely represents the use proposed.

((b)) In the TOD Overlay District, one ornamental tree will count as one overstory deciduous tree. In addition, ornamental trees may exceed 50% of the required trees.

((c)) Due to the amount of hardscape needed for pedestrian walkways, if the level of open space for planting restricts the ability to provide adequate growth space for tree roots, perennial planting beds and permanent planters may be substituted for over-story trees at a rate of 36 square feet of plant area per tree substitution.

((d)) Decorative walkway light poles meeting the design specified in the Fridley Northstar TOD TIF District Master Plan as shown in Appendix B may be substituted at a ratio of one light pole for two trees if the site design warrants additional walkway lighting.

((e)) Street-side sculptures, public art, permanent or movable planters, light pole banners, clock towers, arbors, seating benches or similar ornamentation may be considered as substitution to meet landscaping requirements.

(2) If it is not feasible to meet the landscaping requirements of the underlying zoning district with the allowed substitutions above, the City may approve a monetary payment per fees established in the Fees Chapter of the Code into the TOD Capital Project Fund for the purpose of funding streetscape amenities within the street rights of ways within the TOD overlay district.

(c) Water

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

9. Streetscape Requirements

(a) Sidewalks and Pedestrian Connections

(1) Sidewalks of a minimum six-foot width must be provided on all street frontages.

(2) All streetscape and sidewalk design detail will need to be approved by the City as part of a development's TOD master plan in compliance with the design criteria in the Northstar TOD TIF District Master Plan, along public right of ways adjacent to the proposed development.

(3) Scored concrete, colored concrete, permeable and concrete pavers are suggested pavement options for sidewalks.

(4) Paved connections to building entrances, crosswalks, and adjacent bus stops must also be incorporated into any site design.

(5) A colorized pavement pattern connecting the sidewalk on each side of the driveway shall be incorporated into driveways, warning drivers of the sidewalk connection on each side of the driveway. Such connection shall be accessible in accordance with ADA standards.

(b) Lighting

(1) A lighting plan and fixture specification schedule shall be included in the documents submitted to the City for approval.

(2) Street and pathway lighting types, styles and colors shall be provided according to the specifications in Appendix B and coordinated with the overall design of City-installed lighting in the TOD District.

- (3) Pedestrian-oriented lighting is required on all streets, trails, sidewalks and public gathering places within the TOD District.
  - (4) Energy efficiency is encouraged in all aspects of a project's Master Plan.
- (c) Site Furnishings
- (1) Decorative fencing, railings, walls, bike racks, benches, waste receptacles and dumpster enclosures that are incorporated into landscape designs shall match features designated in the Northstar TOD TIF District Master Plan or similar design approved by the City.
  - (2) Public transit benches located in the Northstar TOD District shall also meet the TOD design criteria.

#### 10. Maintenance

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

Fridley City Code  
Chapter 620 Principal Use-Specific Standards

620.01 Adult Entertainment Establishment

1. Adult entertainment establishments must follow all standards set forth in the Adult Entertainment Establishment Chapter of the Code.

620.02 Animal Boarding, Shelter or Day Care and Animal Veterinary Clinic or Hospital

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

620.03 Automotive Fuel Station

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

620.04 Automobile Recycling Center

1. Property being utilized as an automobile recycling center must satisfy all drainage requirements and environmental quality performance standards in accordance to the Performance Standards Chapter of the Code.

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

#### 620.05 Automotive Repair, Major

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

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

#### 620.06 Automotive Service, Minor

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

#### 620.07 Brewery, Winery, Distillery

1. The use must comply with all applicable provisions of state and local law and obtain all required licenses.
2. Outdoor dining is subject to the use-specific standards outlined for outdoor dining in the Accessory Use-Specific Standards Chapter.

#### 620.08 Cannabis Combination Business

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

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

#### 620.09 Cannabis Cultivation

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

#### 620.10 Cannabis or Hemp Manufacturing

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

#### 620.11 Cannabis Processing or Extraction

1. A cannabis processing or extraction facility requires a manufacturing license from the Office of Cannabis Management.
2. Entities engaged in cannabis processing or extraction may only store, dry, trim, or process cannabis plant products or extract inside of a completely enclosed structure within a limited access area. A cannabis cultivation facility may transport regulated cannabis in an

outdoor portion of its limited access area only in compliance with state and local laws and regulations.

3. A required odor mitigation plan must be provided. The plan will identify all odor emitting aspects of the business, as well as mitigations to be implemented to ensure odor is not readily detectable beyond the boundaries of the immediate site. Mitigation measures identified in the plan are required upon establishment of the business and to remain operational for the full duration of the business. The completely enclosed facility must be managed to prevent nuisance odors from being detectable from outside of the property.
4. No cannabis business may use metals, butane, propane or other solvent or flammable product, or produce flammable vapors, to process or test marijuana unless the process used and the premises are verified as safe and in compliance with all applicable codes by a qualified industrial hygienist.
5. The city requires the business provide verification from a qualified industrial hygienist that the manner in which the business producing or testing marijuana complies with all applicable laws and does not produce noxious or dangerous gases or odors or otherwise create a danger to any person or entity in or near the businesses.
6. A cannabis processing or extraction business must agree to comply with an approved National Fire Protection Association (NFPA) standard.

#### 620.12 Cannabis Retail Business

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

#### 620.13 Cannabis Testing Facility

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

#### 620.14 Cannabis Transportation or Delivery

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

#### 620.15 Cannabis Wholesale Establishment

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

#### 620.16 Car wash

1. Vehicle stacking and circulation patterns must not interfere with required parking or travel along a public right of way.
2. Water from the car wash must not drain across any sidewalk or into a public right-of-way.

3. Vacuum facilities must be located in an enclosed structure or located away from any residential use to avoid the impacts of noise.

#### 620.17 Care Facility

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

#### 620.18 Daycare Center

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

#### 620.19 Dwelling, Apartment

1. Sidewalks must be provided throughout the complex including from parking areas, loading zones and recreation areas to the entrance(s) of the building.
2. A 15-foot buffer meeting the requirements of the Screening Chapter must be provided along all property lines abutting the R-1 or R-2 Districts.
3. Outdoor swimming pools or other intensive recreation must observe setbacks required for accessory structures.
4. Building Requirements
  - (a) Storage Space.
    - (1) 40 square feet of floor area, floor to ceiling, must be provided per dwelling unit for storage. A minimum of 20 square feet of storage must be provided within the principal structure exclusive of the individual dwelling unit. The remaining required storage area may be located anywhere on the lot provided this area is convenient and not located or included in the storage space within each individual dwelling unit.
    - (2) The storage space for each dwelling unit must be enclosed and separated from other storage spaces.
  - (b) Floor Areas.
    - (1) Efficiency units must have a minimum floor area of 400 square feet per unit.

- (2) In any apartment dwelling, not more than 25 percent of the units may be efficiency units.

#### 620.20 Dwelling, Attached Townhouse or Rowhouse

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

#### 620.21 Funeral Home

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

#### 620.22 Garden Center/Nursery

1. Materials must be stored inside a permanent structure, attached to and architecturally compatible with the principal structure.
2. Products containing chemical fertilizers, pesticides or herbicides must be stored in a roofed and contained area where water runoff cannot reach the exterior landscape or storm sewer.
3. Floor drainage for garden center/nursery must protect storm and ground water sources by following stormwater best management practices (BMP's), including a stormwater pollution prevention plan.

4. No off-season storage may occur in the outdoor sale area unless specified in a land use approval.
5. Creation of the garden center must not disrupt safe traffic flow through the site.

#### 620.23 Hemp Manufacturing

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

#### 620.24 Hotel or Motel

1. All hotels or motels must obtain a license, in accordance with the Lodging Chapter of the City Code.

#### 620.25 Mixed Use Building

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

#### 620.26 Motor Vehicle Sales or Rental

1. A minimum building floor area of 20 percent of the lot area must be devoted to the related motor vehicle sales or rental use.
2. On lots with multi-tenant buildings, the individual parking demand of all uses must be met. The spots for the motor vehicle sales or rental use must be shown on a parking plan and identified with signage on site.
3. A fire lane must be maintained around the perimeter of the entire building.
4. The outdoor sales or display area must not interfere with circulation in any required parking, loading, maneuvering or pedestrian area.
5. The outdoor sales or display area must conform to the principal building setback requirements of the applicable zoning district.
6. Junk vehicles are prohibited.

#### 620.27 Pawn Shop

1. Pawn shop uses must meet all requirements listed in the Pawn Shops Chapter of the Code.

#### 620.28 Place of Assembly

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

#### 620.29 Residential Care Facility

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

#### 620.30 Sacred Community

1. Any sacred community use must meet all requirements listed in M.S. § 327.30.

#### 620.31 Storage Facility, Personal

1. The facility must consist of a permanent structure(s) only; temporary/mobile storage units, such as storage pods and shipping containers, are prohibited.
2. Individual storage units must be used for dead storage only. Storage units must not be used for retail, commercial, human habitation, office, workshop, studio, hobby or rehearsal area, manufacturing or processing of goods or repair/service of autos or equipment. Auctions, garage or estate sales are prohibited.
3. Outdoor storage is not allowed in the B-2 District in conjunction with this use. Outdoor storage may be allowed with a conditional use permit in the M-1 and M-2 districts. Any outdoor storage use must meet the requirements listed in the Accessory Use-Specific Standards Chapter.
4. The perimeter of the storage facility must be entirely enclosed by a combination of buildings and decorative fencing. Chain link, barbed wire or wood privacy fencing is not permitted as decorative material, except as may otherwise be approved by the City Council.
5. All driveways and parking areas must have an approved hard surface and allow for adequate turning radius for fire truck maneuverability and to be maintained throughout the site.
6. The hours of operation for a self-service storage facility must be restricted to between the hours of 6 a.m. and 11 p.m.
7. Access to the interior of the fenced area must be available to emergency responders in a manner to be acceptable to the fire marshal.

### 620.32 Towing/Impound Establishment

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

### 620.33 Transportation Garage

1. Vehicles must be licensed and street operable.
2. Vehicles must be parked on an approved hard surface.
3. Vehicles must be parked in the side or rear yard only.
4. Vehicles must be under a gross vehicle weight of 26,000 lbs.
5. The parking stalls dedicated for the parking of fleet vehicles must be in addition to what code would require for parking stalls on the site.
6. The parking area must be properly lit in accordance with the Lighting Chapter, with shielded and downcast lighting and must be properly secured.

### 620.34 Trucking Terminal

1. Any trucking terminal must have direct access to a collector or higher classification street.

### 620.35 Warehouse and Distribution Facility

1. Any warehouse and distribution facility must have access to a collector or higher classification street.

620.36 Telecommunications Tower

1. A conditional use permit is required for any wireless tower which is located outside of the Telecommunications Towers and Wireless Facilities Overlay District.

Fridley City Code  
Chapter 621 Accessory Use-Specific Standards

621.01 Accessory Dwelling Unit

1. General Provisions

- (a) An accessory dwelling unit will only be permitted on a lot with a detached single-family dwelling. No accessory dwelling unit will be permitted upon a lot on which more than one residential dwelling is located.
- (b) There must be no more than one accessory dwelling unit permitted per lot.
- (c) The accessory dwelling unit must not be sold or conveyed independently of the principal residential dwelling and may not be on a separate tax parcel. A parcel with a principal structure and an ADU may not be subdivided through any means including, but not limited to, filing of a plat, a waiver of platting, lot split, a common interest community plat, or a registered land survey.
- (d) Either the ADU or the principal dwelling must be occupied by the property owner. There must be a restriction recorded against the property requiring owner occupancy with respect to at least one of the units. A rental license for the non-owner-occupied unit is required.
- (e) The accessory dwelling unit must contain a minimum of 250 square feet of habitable space and a maximum of two bedrooms
- (f) The exterior appearance of the accessory dwelling unit must be architecturally compatible with principal structure's siding, color schemes, roofing materials, roof type and roof pitch.
- (g) The accessory dwelling unit must have a separate address from the principal structure and must be identified with address numbers assigned by the City.
- (h) Accessory dwelling units in combination with their associated principal structure must conform to Zoning Code requirements for single family dwellings, including but not limited to setback, height, impervious surface, curb cut and driveway, and accessory structure standards. At the time of permitting, the accessory dwelling unit must meet current Building, Plumbing, Electrical, Mechanical, and Fire Code provisions including that there must be fire or emergency vehicle access to the accessory dwelling unit.
- (i) The home and the accessory dwelling unit together must have adequate off-street parking for any use on the lot. Parking spaces may be garage spaces or paved outside parking spaces.

2. Accessory Dwelling Unit, attached

- (a) An accessory dwelling unit must be no more than 50% of the finished square footage of the principal structure. Notwithstanding this provision, if the accessory dwelling unit is completely located on a single floor of a preexisting structure, the Community

Development Director or their designee may allow increased size in order to efficiently use all floor area on a single floor.

(b) An attached Accessory Dwelling Unit must have a separate, locking door.

3. Accessory Dwelling Unit, detached

(a) A detached accessory dwelling unit must be no more than 50% of the finished square footage of the principal structure.

(b) A detached accessory dwelling unit must have a water and sewer connection to directly to the respective utility main within the public right of way, or if direct connection is impractical, to the existing water and sewer connection at a location on the service to the principal structure. Utility service must be in conformance with building codes and utility provider requirements.

(c) Any exterior stairway which accesses an accessory dwelling unit above the first floor must be located in a way to minimize visibility from the street and, to the extent possible, from neighboring property.

(d) Balconies and decks above the ground floor must not face an interior side yard or an interior rear yard not abutting an alley. Rooftop decks for an accessory dwelling unit are not allowed.

(e) Detached accessory dwelling units must also comply with the following additional requirements:

(1) For construction of a new detached building, the accessory dwelling unit must be separated from the principal structure by a minimum of five feet; and

(2) The accessory dwelling unit must be located on a frost-protected foundation.

(f) Accessory dwelling units that are detached from the principal structure must comply with the regulations for accessory structures set forth in the Accessory Use- Specific Standards Chapter with the following exceptions:

(1) Detached accessory dwelling units must be located a minimum of 10 feet from any side or rear lot line.

(2) An accessory dwelling unit constructed above a detached garage must not exceed 21 feet in total height. Detached accessory dwelling units not constructed above a garage must comply with the applicable height limit for accessory structures in the district where they are located.

(3) The footprint of an accessory dwelling unit constructed above a detached garage will not be included in the maximum allowable square footage for accessory structures as specified in this Chapter.

621.02 Accessory Repair

1. This use must be accessory to a motor vehicle sales or rental principal use.

2. There must be no outdoor storage on site, including inoperable or salvage vehicles, unless otherwise approved through a conditional use permit.

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

#### 621.03 Accessory Retail or Service

1. This use must be supplemental to and for the convenience of persons employed within an office or industrial building.
2. The maximum gross floor area occupied by such uses must not exceed 20% of the total gross floor area of the building.
3. The parking supply must be in compliance with the requirements of the Off-Street Parking Chapter and be sufficient to support full occupancy of the building. Parking requirements will be determined by the City for each tenant prior to occupancy.
4. The building owner and/or agent is responsible for informing any prospective tenant that the property is zoned for industrial use.

#### 621.04 Accessory Structure

1. General Requirements
  - (a) No accessory structure is permitted on any lot prior to the construction of the principal building.
  - (b) An accessory structure is considered attached to the principal building if it is connected to the principal building by a covered passageway. Attached accessory structures must meet principal use-specific standards, principal structure setbacks and dimensional requirements.
  - (c) Any garage, whether attached to, tucked under or detached from the principal dwelling is considered to be an accessory structure.
  - (d) Accessory structures must be architecturally compatible with the existing principal structure through siding, color schemes, roofing materials, roof type and roof pitch.
  - (e) All accessory structures must be permanently attached to a foundation or held in place with approved tie-downs.
  - (f) Unless otherwise herein specified, no accessory structure is allowed to exceed the size or the height of the principal structure.
2. Detached Accessory Structure Placement

- (a) In all districts, detached accessory structures are permitted only in the side and rear yard only, subject to the following restrictions:
- (1) Accessory structures must not be any closer than three feet to any lot line or any adjacent building on the site.
  - (2) Any accessory structure on a corner lot where the garage door faces the side street must be setback 25 feet from the side street property line, unless otherwise noted within a zoning district's regulations (see Figure 1).
  - (3) In a corner side yard, an accessory structure must be located behind the front of the principal structure.

Figure 1



### 3. Maximum Accessory Structure Size

- (a) The size limits in this Section do not apply to lots containing residential uses with three or more units where detached accessory structures may be required to provide enclosed parking spaces listed in the Off-Street Parking Chapter, maintenance buildings or structures containing common amenities.
- (b) For residential lots 15,000 square feet or less in area:
- (1) All residential lots are permitted to have one garage, either attached or detached from the residence. No more than two additional detached accessory structures are allowed per lot.
  - (2) The maximum total square footage footprint of all accessory structures is 1,500 square feet.
  - (3) Each individual accessory structure must be smaller in size than the footprint of the principal structure excluding any attached garage.

- (c) For residential lots greater than 15,000 square feet in area:
    - (1) All residential lots are permitted to have one garage, either attached or detached from the residence. No more than three additional detached accessory structures are allowed per lot.
    - (2) The maximum total square footage footprint of all accessory structures is 2,000 square feet.
    - (3) Each individual accessory structure must be smaller in size than the footprint of the principal structure excluding any attached garage.
  - (d) Properties within the Pre-1955 Residential Lots Overlay Zoning District that are 4,000 square feet or less in area shall be limited to a total detached accessory structure size of 500 square feet per property, in addition to any applicable district standards in the Residential Zoning Districts Chapter.
  - (e) For any non-residential lot, a maximum of one detached accessory structure for the storage of goods or equipment is permitted. This structure may be no more than 500 square feet in area.
4. Any accessory structure proposed exceeding the requirements (in square footage or number of buildings) must obtain a Conditional Use Permit.

#### 621.05 Car Wash

- 1. See the Principal Use-Specific Standards Chapter for regulations.

#### 621.06 Daycare Center

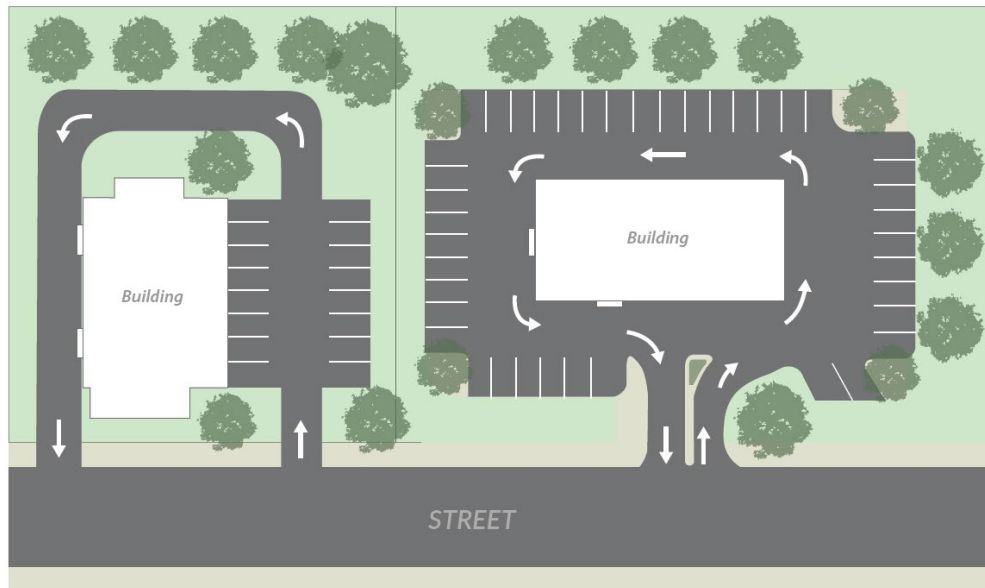
- 1. Daycare centers are only allowed as accessory uses in public or institutional uses such as places of worship or schools, and must follow the standards in the Principal Use-Specific Standards Chapter.

#### 621.07 Drive-Through Establishment

- 1. Vehicle stacking and circulation patterns must not interfere with required parking or travel along a public right of way
- 2. A drive-through establishment may be limited in proximity as deemed appropriate by the City Council so as not to unreasonably interfere with adjacent and nearby uses.
- 3. Unreasonable Traffic Volume. No Drive-through establishment is allowed to be located on a site if the probable result of such location would be to unreasonably increase traffic volume on nearby streets.
- 4. Size of Lot. No drive-in business or drive-up window is allowed to be located on a lot of less than 24,000 square feet.
- 5. Electronic Devices. Electronic devices such as loudspeakers or devices, and similar instruments, must not be located within 50 feet of any adjacent lot line regardless of use or zoning district.
- 6. Snow Storage. Adequate area must be designed for snow storage such that clear visibility must be afforded from the property to any public street.
- 7. Screening. Suitable screening must be erected along all property lines except those which are also public right-of-way lines.

8. Access. Access must be to public streets from at least two points on the subject premises. A divided entry with a center island may meet the requirements of this provision (See Figure 2).

Figure 2



#### 621.08 EV Charging

1. Standards in the Off-Street Parking Chapter apply, in accordance with the use.

#### 621.09 Farmers Market

1. A farmers' market may be located accessory to an institutional or commercial use.
2. A farmers Market must meet the requirements for a City-issued Farmers Market permit per the requirements of this Title , in addition to the following standards:
  - (a) Must be a member of the Minnesota Farmers Market Association or other similar recognized association of farmers markets and meet all of their respective requirements;
  - (b) Must identify a market manager that facilitates the requirements of the City;
  - (c) Must have General Liability insurance including Products and Completed Operations coverage with a minimum Limit of Liability of \$1,500,000 per occurrence;
  - (d) Must have applied for and received all required county and state licenses and have complied with all applicable City of Fridley regulations and city codes;
  - (e) A majority of the products sold must be grown or produced in Minnesota;
  - (f) The sale of live animals and alcoholic beverages is prohibited;
  - (g) The location of the event must have written authorization from the property owner;
  - (h) An established schedule must be submitted as to the dates and times of the market;

- (i) Any temporary structure used for the farmers market must be erected and removed on the day of the event;
- (j) A site plan must be submitted showing tent and vendor locations, vehicle circulation and parking prior to commencement of event. Site plan to be approved by the Community Development Director;
- (k) A Zoning Permit Application must be completed, approved and on file with the Community Development Director prior to commencement of event; providing proof that all above requirements are being met;
- (l) The City reserves their right to revoke any Zoning Permit issued for failure of compliance with the above requirements. The City will process any such permit revocation according to the procedures listed in the Procedures Chapter All State Building and Fire Code requirements must be met, including but not limited to, the requirements for assembly use are met for indoor markets.

#### 621.10 Garage Sale

1. No more than three garage sales of no more than three consecutive days per sales event may be conducted on a property in a 12-month period.
2. Sales are conducted on the owner's property; multiple family sales must be held on the property of one of the participants.

#### 621.11 Helicopter Landing Pad

1. A helicopter landing pad must be associated with a hospital.

#### 621.12 Home Occupation

1. Home occupations must be carried on entirely within the principal structure.
2. Home occupations are not permitted within a detached or attached accessory building or garage.
3. The entrance to the space devoted to such occupation must be within the dwelling. There must be no separate entrance into the business area.
4. Employees are restricted to occupants of the dwelling and a maximum of one non-occupant employee.
5. There must be no internal or external alterations which involve construction features not customarily found in dwellings.
6. Mechanical equipment that is not customarily found in a home may not be installed within the dwelling.
7. Exterior storage of equipment or materials used in the home occupation is prohibited.
8. Parking of commercial vehicles must follow regulations set forth in the Vehicle Parking Chapter of Fridley City Code.
9. There must be no additional exterior indication of the home occupation, including advertising and/or displays of any kind other than the permitted signage set forth in the Signs Chapter.

10. Parking needs for the home occupation must not exceed more than two off-street parking spaces at any given time in addition to the spaces required by the occupants.
11. A home occupation involving teaching is limited to four or fewer students at any given time.
12. Prohibited activities:
  - (a) Over the counter retail sales are prohibited except for articles incidental to a permitted commercial service such as shampoo sold by a barber and sales conducted by mail or the internet;
  - (b) Motor vehicle service or repair of any vehicles other than those registered to residents of the property;
  - (c) A commercial food service requiring a State license or inspection by a government entity other than the City;
  - (d) Activities that generate significant amounts of customer traffic to the premises, in excess of 10 vehicles per day;
  - (e) Activities that generate significant amounts of truck traffic to the premises in excess of three deliveries or pick-ups per week. Deliveries and pick-ups by semi-truck/trailer are prohibited.
  - (f) A massage therapy business is prohibited.
  - (g) The rental of guest rooms to more than two persons per dwelling unit.
  - (h) The sale, lease, trade or other transfer of firearms or ammunition by a firearms dealer. Firearms dealers existing on or before July 1, 2025, and in all other respects in conformance with the provisions of this ordinance, will be permitted to continue as nonconforming uses in accordance with the section in the Procedures Chapter governing Nonconforming Uses and Structures.
  - (i) Headquarters or dispatch centers where persons come to the site and are dispatched to other locations.
  - (j) Any cannabis business is prohibited.

#### 621.13 Keeping of Bees, Livestock, or Poultry

1. The use must comply with the requirements of the Animal Control Chapter of the Code.

#### 621.14 Mobile Food Unit

1. Mobile Food Units must comply with the Mobile Food Units Chapter of the Code.

#### 621.15 Outdoor Dining

1. Where appropriate and applicable, an outdoor patio is permitted in a location which is the furthest away from any adjacent residential zone or use. In no instance will an outdoor patio be located closer than 25 feet from a property legally used, zoned, or guided for residential use.

2. Hours of operation of an outdoor patio that lies adjacent to a property legally used, zoned, or guided for residential use will be limited to no later than 9 p.m. weekdays and 10 p.m. weekends.
3. Outdoor dining areas may be incorporated into the front and side yard setbacks up to five feet from the property line, leaving six feet for the sidewalk.
4. The dining area must be designed with safety protections that reasonably attempt to prevent vehicles from encroaching into the dining area.
5. Store locations that serve alcohol must apply for a patio endorsement on their liquor license pursuant to the Principal Use-Specific Standards Chapter.

#### 621.16 Outdoor Display

1. Outdoor display for a business may take place with an approved zoning permit, in accordance with the Procedures Chapter, on the same property on which the business is located.
2. Temporary Displays – Contiguous to the Principal Structure
  - (a) Only items associated with the principal use may be displayed.
  - (b) The merchandise must be displayed adjacent to the principal structure in a manner that does not impede pedestrian or vehicular circulation or obstruct required parking spaces.
  - (c) The merchandise must not be displayed in the boulevard or on any landscaped area.
  - (d) If a tent or sign is to be used, structures must comply with applicable permit requirements.
3. Temporary Displays – Freestanding
  - (a) Only items associated with the principal use may be displayed.
  - (b) The merchandise must be in an area approved on a zoning permit, in a manner that does not impede pedestrian or vehicular circulation or required parking spaces.
  - (c) The merchandise must not be displayed in the boulevard or on any landscaped area.
  - (d) If a tent or sign is to be used, structures must comply with applicable permit requirements.

#### 621.17 Outdoor Sales

1. A zoning permit, following the procedures in the Procedures Chapter, is required for any sales which are not adjacent to the principal building and for accessory outdoor food sales which are not associated with a mobile food unit.
2. Outdoor sales areas are to be located on a paved surface immediately adjacent to and within the dimensions of the building frontage and must not extend beyond the building edge.
3. The outdoor sales area must not interfere with pedestrian walkways, doorways, parking stalls, drive aisles (including access for emergency services). Five feet is the minimum width required to maintain pedestrian access.

4. Prior to conducting food sales activities, a license must be obtained from all appropriate agencies, including, but not limited to, the Anoka County Health Department, the Minnesota Department of Agriculture, and the City of Fridley, in accordance with the requirements of the Mobile Food Units Chapter of the Code.

#### 621.18 Outdoor Storage

1. The outdoor storage area is limited to a maximum size equal to 50% of the principal building's footprint. This area must be as designated on a site plan approved with the CUP and must be located in the side or the rear yard.
2. The materials and equipment kept in the designated outdoor storage area must be fully screened so as to not be visible from:
  - (a) A property zoned, guided, or occupied for residential use adjacent to the use.
  - (b) A public park adjacent to the use.
  - (c) A public right-of-way, including railroad right-of-way, adjacent to the use.
  - (d) Any commercial use adjacent to the use.
3. Screening of the outdoor storage area must be achieved through a combination of masonry walls, fencing, berming, and landscaping in accordance with the Screening Chapter.
4. Materials and equipment stored outside must not exceed 12 feet in height.
5. The outdoor storage area must be a city-approved hard surface and bound on the perimeter by curb and gutter.
6. Limited outdoor storage does not permit the outside storage of semi-trucks, semi-trailers, or heavy construction equipment (off-highway equipment or on-highway equipment over 26,000 Gross Vehicle Weight).
7. Hazardous chemicals and materials are prohibited from being stored outside.
8. The outdoor storage must not affect the required amount of parking stalls needed on site.
9. The location and types of materials to be stored are to be reviewed by the Fire Marshal.

#### 621.19 Sacred community

1. The sacred community, and any micro-units constructed within it, must meet all the requirements of Minnesota Statute (M.S.) § 327.30, as may be amended. This includes the requirement that any sacred community not located on the grounds of a religious institution's primary worship location must be located on a contiguous parcel to that of the primary worship location.
2. On an annual basis, a certification must be provided which demonstrates that the sacred community meets all requirements of M.S. § 327.30, including that the residents meet the eligibility requirements.

#### 621.20 Short-term vacation rental

1. A rental license will be required for all short-term vacation rentals.

2. The maximum number of overnight guests will be limited to two times the number of bedrooms rented plus one.
3. Sufficient parking must be accommodated on the property and meet the minimum residential parking requirements in the Off-Street Parking Chapter; no on-street parking is allowed.
4. The property owner must register with the city, their name, property address, primary phone number, email, and supply a secondary contact and telephone number of the local representative or managing agent for the property that can be reached at anytime.
5. A list of all current and prior stays in each short-term vacation rental must be maintained. The owner or registered agent must make the list available to City staff and/or law enforcement upon request.
6. The owner must disclose in writing to their guests the rules and regulations
  - (a) The name, phone number and address of the owner, operating lessee or managing agent/representative;
  - (b) The maximum number of guests allowed at the property;
  - (c) The maximum number of vehicles allowed at the property and where they are to be parked;
  - (d) City nuisance ordinances require that noise levels be reduced between 10:00 p.m. and 8:00 a.m. and that this will be enforced by the Fridley Police Department; and
  - (e) Property rules related to use of outdoor features, such as decks, patios, grills, recreational fires, saunas and other recreational facilities.
7. The property must be maintained and free of nuisance. The owner must ensure that appropriate recycling and solid waste containers are available for use by guests and must not be stored in public view.

#### 621.21 Solar Energy System

1. A conditional use permit is required for all ground-mounted solar energy systems and solar carports. Building-integrated and roof-mounted solar energy systems are permitted by right so long as the standards in this Section are met.
2. Setbacks.
  - (a) Solar energy systems must meet the accessory structure setback requirements for the underlying zoning district.
3. Visibility.
  - (a) Building-integrated and roof-mounted solar energy systems are limited to the following height when oriented at maximum tilt:
    - (1) No more than 10 inches above a pitched roof.
    - (2) No more than six feet above a flat roof.
  - (b) Where visible from the public right-of-way, ground-mounted solar energy systems must not exceed 15 feet in height when oriented at maximum tilt.
  - (c) Solar carports must not exceed:
4. ((a)) 20 feet in non-residential districts.
5. ((b)) The height of the principal structure or 20 feet, whichever is lower, in residential districts.

- (a) All solar energy systems using a reflector to enhance solar production must minimize glare from the reflector affecting nearby properties.
- 6. Lot coverage.
  - (a) The total collector area of a ground-mounted solar energy system must not exceed half the building footprint of the principal structure unless specifically authorized by the Conditional Use Permit. This provision does not apply to solar carports.
- 7. Landscaping
  - (a) Solar energy systems must be integrated onsite to minimize impact to existing landscaping and continue to meet requirements in the Landscaping Chapter. Large-scale removal of mature trees on the site is discouraged. City may set additional restrictions on tree clearing or require mitigation for cleared trees.
- 8. Abandoned or Unused Systems.
  - (a) Abandoned or Unused Solar Energy Systems must be removed within 90 days of the cessation of operations unless an extension is approved by the Community Development Director. If an extension is not approved, such Solar Energy Systems will be considered a public nuisance. Such nuisances may be abated according to the procedures established in the Abatement of Exterior Nuisances Chapter of the Code.
- 9. Permit required.
  - (a) All solar energy systems require a solar electrical permit and building permit.
  - (b) Applications for building-integrated and roof-mounted solar energy systems must be accompanied by scaled horizontal and vertical elevation drawings, an electrical plan, and roof engineering plan. The drawings must show the location of the system on the building.
  - (c) A site plan must be provided for solar energy systems that require a conditional use permit. In addition to the materials required for a solar permit in provision (b) above, the following information must be provided with the site plan application:
    - (1) Height, setbacks, lot coverage, and visibility standards as described by this section.
    - (2) Any screening or fencing plans;
    - (3) Drainage plan that complies with the requirements in the Stormwater Management and Erosion Control Chapter;
    - (4) Ground cover plan; and
    - (5) Other requirements as requested by the Community Development Director in accordance with the Procedures Chapter.

#### 621.22 Wind Energy Conservation System

- 1. Equipment and associated facilities for generating electric power or devices for converting wind energy to electrical energy will be regulated according to M.S. § 216E.

#### 621.23 Wireless Telecommunications Facility

- 1. All standards must comply with the Telecommunications and Wireless Facilities Overlay Zoning District requirements.

Fridley City Code  
Chapter 630 Performance Standards

630.01 Performance Standards for All Districts

1. Maintenance.

(a) It is the property owner's responsibility to ensure that:

- (1) Exterior improvements, buildings and structures on their property are maintained, in good repair to maintain their structural integrity including keeping exterior protective surfaces, walls, foundations and roofs from deterioration and dilapidation.
- (2) Every outdoor wall, foundation and roof of any building or structure shall be reasonably watertight, weathertight, and rodentproof. Exterior walls shall be maintained free from extensive cracks, tears or breaks of deteriorated plaster, stucco, brick, wood or other exterior building material that gives evidence of long neglect.
- (3) A building, structure and their features such as doors, windows, screens, eaves and soffits shall be deemed to be out of repair if it meets any of the following:
  - ((a)) More than 25% of the area of any plane or wall on which the protective surface paint is blistered, cracked, flaked, rusted, scaled or chalked away;
  - ((b)) More than 25% of the pointing of any brick or stone wall is loose or has fallen out. Pieces of the wood, metal, or other approved protective cover are missing;
  - ((c)) More than 25% of the area of any door or window has evident delaminating of wood, discoloration of permanent finish or warping;
  - ((d)) There is a hole on a surface that is one-inch in diameter or larger; or
  - ((e)) Any garage door which fails to close entirely or is missing a panel.
- (4) All openings intended for windows and doors shall have intact windows and doors installed in said openings.
- (5) Gutters and downspouts shall be installed properly and shall be maintained so to avoid unsightly appearance by virtue of sagging, collapsed sections or missing pieces.
- (6) Every yard with site elements including but not limited to fences, walkways, steps, driveways and landscaping shall be maintained in a well-kept condition and meet all the standards of this Chapter.
- (7) Every exterior stairway of a building and every porch, deck or balcony shall be kept in a safe condition and sound repair. Every exterior stairway, step, stoop, porch and balcony shall be free of deterioration and/or rotting supports.

2. Essential Services

- (a) Connection is required on each lot served by City sanitary sewer.
- (b) Connection is required on each lot served by a City water line.
- 3. Drainage and Grading Requirements.
  - (a) For all properties, a finished ground grade must be established such that natural drainage away from all buildings is provided. The following minimum criteria apply:
    - (1) The minimum elevation of finished grade must comply with the State Building Code requirements;
    - (2) The City may specify a minimum finished ground grade for any structure in order to allow proper drainage and a minimum top of footing elevation to allow for connection to City utilities;
- 4. Grading must meet all other requirements of the Erosion Control and Stormwater Management Chapter; and
  - (1) For non-residential properties, the minimum elevation of finished grade must not be less than one-fourth inch rise per horizontal foot of setback measured from curb grade.

#### 630.02 Environmental Quality

- 1. In order to assure compliance with these standards, the City may require the owner or operator of any use to conduct such investigations and tests as may be required to show adherence to the standards.
  - (a) Any investigations and tests will be carried out by an independent testing organization agreed upon by all parties concerned or, if after a 30 days' notice, there is failure to agree, an independent testing organization will be selected by the City.
  - (b) The costs incurred in having such investigations or tests conducted will be shared equally by the owner or operator and the City.
  - (c) If the investigation and testing disclose noncompliance with these standards, the entire cost must be paid by the owner or operator.
  - (d) This procedure does not preclude the City from making any tests and investigations it finds appropriate to determine compliance with these standards.
  - (e) Any property that is in violation of any of this section will be given one year from the date of written notification by the City or any other regulatory agency to abate the violation. If the pollution is determined to be hazardous to any person, animal or plant life, the time of one year will be reduced to a reasonable limit.
  - (f) If action is not taken to abate the condition during the specified time, the use is not allowed to continue operation within the City.

#### 630.03 Nuisances

- 1. Enclosure of Uses. All principal, accessory, and temporary uses must be established, operated and maintained within a completely enclosed structure, unless specifically allowed by this code, or it is considered a nuisance.

## 2. Prohibited Activities and Nuisances in All Districts

- (a) Explosives. No activities involving the storage, utilization or manufacture of materials or products such as TNT, dynamite or other explosives which could detonate is permitted except such as are specifically allowed by Minnesota Statutes (M.S.) § 624.20 Fireworks.
- (b) Radiation and Electrical Emissions. No activities are permitted that emit dangerous radioactivity beyond enclosed areas. There must be no electrical disturbance (except those from domestic household appliances) adversely affecting the operation of any equipment other than that of the creator of such disturbance beyond the property line.
- (c) No noise, odors, vibration, smoke, air pollution, liquid or solid wastes, heat, glare, dust or other such adverse influences from uses are permitted in any district that have an unreasonable effect upon adjacent or nearby property. Minimum standards are as follows:
  - (1) Waste: Waste materials, refuse or garbage in all districts must be contained in closed containers as required under the Solid Waste Management Chapter of the Code. Waste disposal must not be dangerous to public health and safety, nor damage public waste transmission or disposal facilities. Sanitary landfills are prohibited within the City limits.
  - (2) Noise: The noise standards must comply with the Noise Chapter of the Code.
  - (3) Smoke and Odors: The smoke and odor standards must comply with M.S. Chapter 116 except for woodburning devices used for supplemental heat, as regulated in the Fire Prevention Chapter of the Code.
  - (4) Air Pollution and Dust: The air pollution and dust standards must comply with M.S. Chapter 116.
  - (5) Vibration
    - ((a)) Any vibration beyond the property line discernible to the human sense or feeling for three minutes or more of duration in any one hour or any vibration producing an acceleration of more than 0.1 G's or resulting in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, United States Department of the Interior, Bureau of Mines Bulletin No. 442, "Seismic Effects of Quarry Blasting", on any structure is prohibited.
    - ((b)) Uses which may cause vibration must meet all applicable state and federal laws, local ordinances and policies.
  - (6) Toxic or Noxious Matter: No use is allowed to, for any period of time, deposit or discharge toxic or noxious matter of such concentration as to be detrimental to or endanger the public health, safety, comfort or welfare or cause injury or damage to property or businesses.
  - (7) Erosion. No erosion is permitted onto neighboring properties or into natural waterways. A property owner must not permit the property to be used or built on without applying all such reasonable measures as may be required to prevent wind or water erosion. The City may require reasonable measures of a property owner

or developer to meet specific land alterations and stormwater requirements to prevent wind or water erosion, as specified in the Erosion Control and Stormwater Management Chapter of the Code.

- (8) Water Pollution. The discharge of raw sewage, industrial wastes or other pollutants into the waterways or lakes of the City is subject to the regulations within the Erosion Control and Stormwater Management Chapter of the Code.

Fridley City Code

Chapter 631 Off-Street Parking

631.01 General Parking Standards

1. Change in Use. Each time there is a change in use on a property, a site plan to demonstrate that there is sufficient parking and loading spaces as required by this Chapter must be reviewed and approved as required by the Procedures Chapter.
2. Use of Space. Required parking or loading spaces must not be used for snow storage, permanent storage of goods or equipment or for vehicles that are inoperable or for sale or rent.
3. All driveways, parking areas, and loading docks must be surfaced with blacktop, concrete, or other hard surface material approved by the City.
4. Outdoor Vehicle Parking
  - (a) Outdoor vehicle parking is permitted provided that the following standards are met:
    - (1) Meets the provision in the Off-Street Parking Chapter.
    - (2) Vehicles parked or stored on private property within any district must be operable and registered to the business, occupants or guests.
    - (3) Parking is prohibited in loading areas.
  - (b) Automotive repair uses are allowed to have outdoor vehicle parking as long as the requirements of the Principal Use Specific Standards or Accessory Use Specific Standards Chapter are met.

631.02 Minimum Parking Spaces Required

1. Calculating Spaces
  - (a) Calculations resulting in any fraction less than one-half may be disregarded and any fraction of one-half or more must be rounded up to one additional space.
  - (b) The term "floor area" for the purpose of calculating the number of off-street parking spaces required is determined on the basis of the exterior floor area dimensions of the building structure or use, multiplied by the number of floors, minus 10%.
  - (c) Should a building or structure contain two or more types of uses, each use should be calculated separately for determining the off-street parking spaces required.
2. The public right-of-way portion of a driveway cannot be used to meet the minimum parking requirements of a property.
3. The minimum number of off-street parking spaces required must be provided and maintained as follows in Table 1:

<b>Use</b>	<b>Minimum Parking Spaces Required</b>
<b>Residential</b>	
<b>Family Living</b>	

<b>Use</b>	<b>Minimum Parking Spaces Required</b>
Dwelling, one unit detached	2 enclosed spaces per dwelling unit
Dwelling, two unit	2 enclosed spaces per dwelling unit
Dwelling, three- to six -unit	1.5 spaces for a studio or 1 bedroom unit  Plus 0.5 space for each additional bedroom per dwelling unit
Dwelling, attached townhouse or rowhouse	2 spaces per unit plus 1 guest space for every 5 units
Dwelling, apartment	1.5 spaces for a studio or 1 bedroom unit  Plus 1/2 space for each additional bedroom per dwelling unit
Manufactured home park	2 spaces per dwelling unit
<b>Group Living</b>	
Care facility	1 space per 3 client rooms/units
Assisted living facility	½ space per client rooms/unit
Continuum of care facility	Parking must be provided to meet each use included in the facility.
Residential care facility, licensed in-home	1 space per 3 client rooms, including at least 1 enclosed space
Senior independent living	1 space per studio or 1 bedroom unit; 1.25 per 2-bedroom unit; 2 per 3+ bedroom units; Plus 1 guest space per 5 units 4. 50% of the total spaces must be enclosed
<b>Lodging</b>	
Hotel or motel	1.25 per guest room. Additional facilities (restaurant, assembly hall, etc.) must be calculated according to its use within this table and added to total
<b>Community Services</b>	
Clinic	3 spaces per treatment room

Use	Minimum Parking Spaces Required
Commercial recreation, outdoor	50 spaces per field or sports court plus 1 space per 3 fixed seats for spectator area
Daycare center	1 space per classroom Plus 1 space per 5 students/clients and any additional spaces necessary to accommodate the parking of vans and buses used for client transport by the school or center
Place of assembly use, such as funeral home, museum/art gallery, public building or use, indoor commercial recreation, and theater, music, or performance space	1 space per every 4 persons of the maximum building occupancy
School, college/vocational	1 space per classroom Plus 1 space for each 3-student capacity. Additional spaces must be provided for assembly uses at a rate of 1 space per every 4 persons of the maximum building occupancy
Public or private school, elementary or middle	1 space per classroom Plus 1 space for each 8-student capacity and any additional spaces necessary to accommodate the parking of vans and buses used for client transport by the school or center
Public or private school, secondary	1 space per classroom Plus 1 space for each 3-student capacity and any additional spaces necessary to accommodate the parking of vans and buses used for client transport by the school or center
<b>Commercial</b>	
Mixed use building	Parking must be provided to meet each use included in the facility
<b>Retail, Food or Beverage Sales and Services</b>	
Liquor store	1 per 300 square feet of floor area
Restaurant, including brewpub	1 space per every 4 persons of the maximum building occupancy

<b>Use</b>	<b>Minimum Parking Spaces Required</b>
Animal boarding, shelter, or daycare center	1 per 300 square feet of floor area used for office space
Animal veterinary clinic or hospital	1 per 400 square feet of floor area
Automotive fuel station/convenience store	1 space per 2 fuel pumps. Space adjacent to fuel pumps does not count toward this requirement
Automotive repair (minor and major)	1 per 300 square feet of floor area Plus 2 per repair bay
Retail uses, such as commercial centers, standalone stores and pawn shop	1 per 300 square feet of floor area
Garden center/nursery	1 per 300 square feet of retail area Plus 1 space per 2,000 SF outdoor display area
Motor vehicle sales or rental	1 space per 500 square feet of indoor showroom Plus 1 space for each 3,000 square feet of outdoor storage area
Off-site service business	1 space per 300 square feet of office space Plus 1 space for each company-owned vehicle stored on-site
Outdoor sales	1 space per 300 square feet of office space Plus 1 space for each 3,000 square feet of outdoor storage area
<b>Business &amp; Technical Services</b>	
Financial institution	1 space per 300 square feet floor area
Laboratory	1 space per 300 square feet floor area
Office	1 space per 300 square feet floor area
<b>Industrial</b>	
Automobile recycling center	1 space per 300 square feet of office space Plus 1 space for each 3,000 square feet of indoor/outdoor storage area
Brewery, winery or distillery	1 space for every four persons per maximum building occupancy
Construction contractor yard	1 space per 300 square feet of office, sales, or display area

Use	Minimum Parking Spaces Required
	Plus 1 space per 3,000 square feet (indoor/outdoor) storage area
Makerspace or studio	1 space per 500 square feet of indoor showroom Plus 1 space for each 3,000 square feet of outdoor storage or sales lot
Manufacturing	1 space per 800 square feet
Warehouse and distribution facility	1 space per 2,000 square feet
Wholesale establishment	1 space per 2,000 square feet
<b>Transportation and Utilities</b>	
Transportation garage	1 space for every 2 employees Plus 1 space for each company-owned vehicle stored on-site
Trucking terminal	1 space per 300 square feet of office space Plus 1 space for each 3,000 square feet of indoor/outdoor storage area

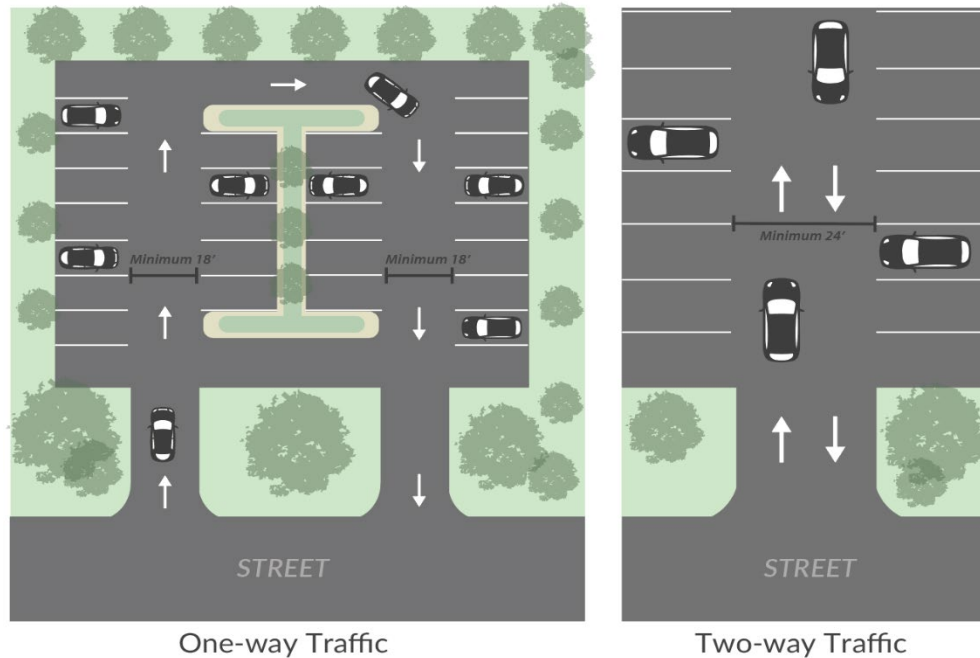
6. Accessible parking spaces must be provided in accordance with Minnesota Rules, Chapter 1341.
7. Parking spaces within garages or ramps will count towards minimum parking requirements.
8. Additional Parking. When the provisions for parking spaces required for specific district or uses are inadequate on-site, the City may require additional off-street parking to be provided through another mechanism (e.g. off-site or shared parking).
9. Reduction of Parking.
  - (a) Reduction of Existing Spaces. No parking or loading spaces existing upon the effective date of this Chapter are allowed to subsequently be reduced below the requirements unless said number of spaces exceeds the requirement set forth herein.
  - (b) Proof of Parking. The Community Development Director, or their designee may allow a reduction in the minimum parking spaces required if the following conditions are met:
    - (1) A scaled parking plan is submitted which demonstrates that the site can comply with the total parking requirements of this Chapter. The parking plan must clearly delineate where the proof of parking area is located and how the area will be curbed and landscaped while not in use for parking.

- (2) The proof of parking area must not be used to satisfy any other requirements of zoning, including landscaping or screening, and must not be located in an area occupied by a building.
  - (3) The City may, at any time in its sole discretion, require that the proof of parking area be paved and striped to provide required parking spaces on the site.
  - (4) The City may require the owner to enter into a proof of parking agreement to be filed at Anoka County, specifying the requirements and restrictions and stating that the owner, developer and successor are responsible for making improvements to meet the Code at the time the City requires such action.
- (c) Shared Parking. Off-street parking facilities may be provided collectively for more than one structure or use, if the following conditions are met:
- (1) The proposed shared parking is within 500 feet of the use(s) it will serve.
  - (2) It is demonstrated that because of the hours, size and mode of operation of the respective uses, there will be an adequate amount of parking available to each use during its primary hours of operation to meet the needs of such use.
  - (3) Total required parking spaces must be based on the combined peak requirement and must not be fewer than the minimum requirements for the use which requires the most parking.
  - (4) The shared use of the parking facilities must be protected by an agreement that recognizes all the users and the lots on which the parking facility satisfies the shared parking requirements of this section. The agreement must contain all joint user conditions and must grant an access easement for parking on the shared principal use lots. The manner of execution and content of such agreement must be approved by the city and the agreement document must be filed at the county. Such agreement must be provided prior to issuance of building or site permits.

#### 631.03 Parking Facility Design Requirements

1. This section applies to all parking facilities with four or more stalls.
2. Parking stalls
  - (a) All parking stalls must have a minimum stall width of nine feet and a minimum stall depth of 20 feet. Parking stalls within parking structures may be reduced to a minimum of 8.5 feet wide and 18 feet deep.
  - (b) The minimum stall depth for a parking space may be reduced equal to the amount of overhang, up to two feet.
3. Parking drive aisles
  - (a) Parking drive aisles for one-way traffic must be a minimum of 18 feet wide. Two-way traffic must be a minimum of 24 feet wide (see Figure 1).

Figure 1



4. All parking areas must be:
  - (a) No closer than 20 feet from any street right of way.
  - (b) No closer than five feet from any side lot line, except for a drive shared with the adjacent lot.
  - (c) No closer than five feet from any rear lot line, including alleys. Unless the property is located within the M-O District, then the rear lot line setback adjacent to an alley, may be zero feet.
  - (d) No closer than five feet to any building.
  - (e) All stalls must be striped.
5. Curbing
  - (a) The entire perimeter of all parking areas, access driveways, truck loading spaces or other hard surface areas that handle motor vehicle traffic must be curbed in accordance with curbing specifications on file at the City.
  - (b) Curbing is required around safety islands.
  - (c) The City may exempt curbing:
    - (1) Where the City has approved future expansion.
    - (2) Where the City has approved storm water features like natural swales or rain gardens.
    - (3) Where other circumstances exist to satisfy the curbing requirements.

6. A continuous internal pedestrian walkway must be provided from any perimeter public sidewalk or trail to each of the following connections. More than one walkway may be needed based upon specific site conditions:
  - (a) Entrances to each building on the site;
  - (b) Public sidewalks, walkways, paths or trails on adjacent properties that extend to the boundaries shared with the subject development;
  - (c) Public sidewalks along the perimeter streets adjacent to the development;
  - (d) Adjacent public park, trail or other public or civic use; and
  - (e) Adjacent public transit station areas, transit stops, park and ride facilities, or other transit facilities.
7. Safety signs, markings and traffic control devices may be required to promote vehicular and pedestrian safety.
8. All driveways and parking areas must be graded according to a drainage plan that has been approved by the City.

#### 631.04 Residential Parking Requirements

##### 1. One- and Two-Unit Dwelling Parking Requirements

###### (a) General Provisions.

- (1) Vehicle parking must only be located on a driveway or hard-surfaced parking space approved by the City.
- (2) Paved driveways and any associated off-street parking areas within the front yard, must not occupy more than 50% of the area between the building front yard setback and the property line.
- (3) Driveways must be set back at minimum three feet from any side or rear property line.
- (4) The maximum slope (grade) on a residential driveway must not exceed 10%.

###### (b) Garage Requirements

###### (1) R-1, R-2, & R-H Districts

- ((a)) A two-stall garage is required for each principal dwelling unit. Two off-street parking spaces are required for an Accessory Dwelling Unit.

##### 2. O-8 Transit Oriented Development Parking Requirements

- (1) Reduction of the parking stall dimensions and number of parking stalls required in the underlying zoning district may be allowed due to the nature of the proposed use.
- (2) The number of required parking stalls may be reduced by no more than 50% of the minimum required in the underlying zoning district for the proposed use.
- (3) The maximum number of parking stalls must not exceed 120% of the minimum number of parking stalls required by the use in the underlying zoning district. This maximum provision does not apply to park-and-ride or other transit facilities.

- (4) Off-street surface parking is not permitted in the front yard. Parking may be located in the rear or side yard.

#### 631.05 Loading Facilities

1. Any use which requires receiving or distributing of materials must provide adequate space for off-street loading, adhering to the following requirements:
  - (a) Loading facilities must be located on the same lot as the use served.
  - (b) The space needed for the loading docks must be adequate to handle the loading and unloading needs of the use without obstructing the public right-of-way.
  - (c) Loading facilities must be on an impervious surface located in the rear or side yard of the property.
  - (d) Loading facilities must comply with the applicable standards in the Screening Chapter.
  - (e) Loading facilities must not to be used for the storage of goods or inoperable vehicles, or included as part of meeting the minimum off-street parking requirements.
  - (f) Within Industrial districts, no loading docks on corner lots across from any residential district are allowed to face the public right-of-way.

#### 631.06 Driveway Requirements

1. Permit Required. Alterations to an existing driveway requires approval of a driveway permit from the City and must meet the following requirements.
  - (a) General Requirements:
    - (1) In the R-1 and R-H districts, the maximum width of a driveway at the property line is 26 feet (See Figure 2)

Figure2



- (2) In the R-2 and R-3 districts, the maximum width of a driveway at the property line is 32 feet for all driveways on the site combined.
- (3) The curb opening, excluding the entrance radii, may be at maximum four feet wider than the driveway at the property line.
- (b) For one- and two-unit dwellings:
  - (1) Driveways must be set back 35 feet at minimum from the intersection of streets on a corner lot.
  - (2) Only corner lots may have two driveways. Each driveway must meet the minimum 35-foot corner intersection setback.
- (c) For parking areas in any district with four or more stalls:
  - (1) The edge of the curb opening to a parking area must not be closer to the nearest portion of a street right of way intersection than 75 feet or two thirds of the lot width, whichever is smaller.

631.07 Electric Vehicle Charging Stations (EVCS) Requirements

- 1. Electric vehicle charging stations are allowed in all zoning districts.
- 2. Minimum Number of Required EVCS.
  - (a) A Level 1 or higher wall plug is required for charging an electric vehicle in one unit detached or two-unit dwellings.
  - (b) For residential developments of three or more units with new parking areas, adding more than 25% of additional parking spaces to existing parking areas, and existing parking areas being fully reconstructed by more than 25% of the parking area are subject to the standards of Table 2:

Number Of Parking Spaces	Minimum Required Installed EV Charging Stations	Minimum Required EV-Ready Parking Spaces	Additional Requirements
1 to 19	5% Level 1 or higher	20% Level 1 or higher	
20-49	5% Level 1 or higher	20% Level 1 or higher plus at least one Level 2 or higher	At least one accessible parking with access to an installed EV Charger

<b>Number Of Parking Spaces</b>	<b>Minimum Required Installed EV Charging Stations</b>	<b>Minimum Required EV-Ready Parking Spaces</b>	<b>Additional Requirements</b>
50 or more	5% Level 1 or higher plus at least one Level 2 or higher	20% Level 1 or higher plus at least five Level 2 or higher	At least one accessible parking with access to an installed EV Charger

- (c) If calculation results in a fraction, the next higher whole number must be used.
  - (d) For existing parking areas that are expanded or reconstructed (per this Chapter) by more than 25%, EVCS must be provided at the minimum quantities required for the prorated number of parking spaces in the area of expansion or improvement.
  - (e) Accessible Parking Spaces. An EVCS will be considered accessible if it can serve as an accessible parking space as defined and required by the ADA. It is not necessary to designate the EVCS exclusively for the use of vehicles parked in the accessible parking space and it shall not count toward required ADA parking requirements.
  - (f) Reductions to EVCS requirements.
    - (1) This number may be reduced by the Community Development Director, or their designee if proof can be provided that:
      - ((a)) Such spaces will not be used.
      - ((b)) The cost of installing the Electric Vehicle Supply Equipment (EVSE) required by this Chapter exceeds five% of the total project cost; or
      - ((c)) It is unfeasible to provide sufficient electrical capacity at the site to power the EVSE.
3. Electric Vehicle Charging Spaces and EVSE must be designed and installed to meet the following minimum design requirements:
- (a) EVSE must be in a parking island; mounted to an adjacent pedestal, wall or similar structure. Free standing EVSE must be protected by bollards, structures or curb.
  - (b) EVSE may be located adjacent to designated parking spaces in a garage or parking lot as long as the devices do not encroach into the required dimensions of the parking space (length, width, and height clearances).
  - (c) EVSE must be set back at least three feet from any property line. However, upon written request from the property owner, the Community Development Director, or their designee may reduce or rescind this setback requirement for shared access agreements or pursuant to a finding of necessity and public convenience.

- (d) Where EVSE is located within three feet of the public right-of-way, the location must be approved by the Director of Public Works. EVSE may be in the right-of-way, with permission from the Director of Public Works and issuance of a Right-of-Way Permit.
- (e) EVSE must be designed and located so as not impede pedestrian travel. Cords must be retractable or hung sufficiently above any pedestrian surface when not in use and must not extend across sidewalks or trails during charging.
- (f) EVSE must be installed per manufacturer specification and must comply with all applicable building codes and relevant Americans with Disabilities Act (ADA) requirements.
- (g) Any EVSE in single-family or two-family residential zoning district must be stored on the exterior wall of the home, in the garage, or on a freestanding pole with footing adjacent to the parking area.
- (h) Any EVSE with a Charging Level 2 or Level 3 located inside a structure with three or more units must be approved by the Fire Marshal or their designee.
- (i) EVSE must be maintained in all respects.
  - (1) The exterior of the station must be maintained in good condition including free of any rust.
  - (2) The manufacturer or specialist contact information must be provided on any Level 2 or Level 3 EVSE for reporting problems with the equipment or access to it.
  - 4. EVSE must remain functional at all times. When an EVSE is not operational for 30 consecutive days, it must be removed or have a repair plan approved by the Community Development Director, or their designee. If applicable, a replacement may be required for compliance with Table 2.

#### 631.08 Bicycle Parking Requirements

1. All dwellings with three or more units and all non-residential uses must provide at least one bicycle facility for any new development, building addition that adds more than 25% to the building square footage, or improvement to the parking lot that adds more than 25% of additional parking spaces.
2. Additional bicycle parking must be provided at two bike spaces bicycle space per 20 automobile spaces.
3. All bicycle rack design must be either of an inverted "U" or post and ring design; or as approved by the Community Development Director as providing a similar level of security.
4. All bicycle racks or lockers must be securely anchored to the ground or building structure on a level paved surface.
5. Bicycle racks must be placed near building entrances, within a view of each business front entrance, generally within 50 feet. Adjoining businesses may share common bicycle parking areas.
6. Bicycle racks must be located to avoid conflicts with pedestrians.
7. Sufficient lighting must be provided to illuminate the bicycle facilities at night.

Fridley City Code  
Chapter 632 Landscaping

632.01 Purpose

1. The City recognizes the health, safety, aesthetic, ecological and economic value of landscaping and screening. The provisions of this section are intended to:
  - (a) Add visual interest to open spaces and blank facades;
  - (b) Prevent soil erosion and sedimentation;
  - (c) Improve air quality;
  - (d) Reduce noise pollution;
  - (e) Conserve energy through windbreaks and shading;
  - (f) Increase property values;
  - (g) Protect privacy by maintaining and establishing buffers between conflicting land uses;  
and
  - (h) Provide habitat for wildlife.

632.02 General Provisions

1. All open areas of any site, except for areas used for parking, driveways or storage, must be sodded, seeded or have ground cover.
2. It is the owner's responsibility to see that all required landscaping is maintained in a neat and healthful condition. This requirement runs with the land and is binding on all future property owners.
3. All uses must provide adequate watering service to yard areas for the maintenance of landscaping.
4. Landscaping Materials.
  - (a) Grass and ground cover.
    - (1) Ground cover must be planted in such a manner as to present a finished appearance and reasonably complete coverage within 12 months after planting, with proper erosion control during plant establishment period. An exception to this is undisturbed areas containing natural vegetation which can be maintained, if free of foreign and noxious materials.
    - (2) Acceptable ground covers are sod, seed or other organic material, including native plantings. The use of rock and bark mulch is limited to areas around other vegetation (i.e. shrubs) and must be contained by edging.
    - (3) Artificial turf may be used as a ground cover so long as it is professionally installed, documented to be permeable, and maintained as permeable over its lifespan.
5. Plant Diversity

- (a) For properties required to plant or replace five or more trees, no single genus may comprise more than 20% and no single species may comprise more than 10% of the required landscaping.
  - (b) For properties required to plant or replace fewer than five trees, at least two different species must be planted.
6. Minimum Plant Size. All plants must meet the minimum size requirements listed in Table 1 at the time of installation/planting.

Table 1.

<b>Plant Type</b>	<b>Minimum Size at Installation</b>
Overstory deciduous tree	2.5 caliper inch
Ornamental tree	1.5 caliper inch
Coniferous tree	6 feet tall

7. Slopes. Final slope grades steeper than 3:1 are not be permitted without City approval or treatment such as terracing or retaining walls.
8. Payment in Lieu
- (a) If it is not feasible to meet the landscaping requirements of the underlying zoning district, the City Council may approve a monetary payment per fees established in the Fees Chapter of the Code for the purpose of funding landscaping amenities within the City.
9. Plantings must occur within six months of issuance of a certificate of occupancy. If occupancy occurs prior to the planting of trees, a letter of credit, cash escrow or other financial guarantee acceptable to the City in an amount determined by the City may be posted for landscaping installation.

632.03 One- and Two-Unit Residential Landscaping Requirements

1. Applicability. Provision of landscaping and tree plantings is required for the following:
  - (a) New construction or reconstruction of a principal structure; or
  - (b) Construction that results in a 100% or more of an increase in building footprint of a principal structure.
2. Planting requirements.
  - (a) At minimum, three overstory deciduous or coniferous trees are required to be installed per lots of 9,000 square feet or more. Lots smaller than 9,000 square feet must install two trees at minimum.
  - (b) No more than one required tree may be substituted with two ornamental trees.
  - (c) At least one tree must be located in the front yard.
  - (d) Sodding and landscaping must extend across the entire front and side yards, including the boulevard.
  - (e) All plantings must meet the minimum size requirements in Table 1.

## 632.04 Landscape Requirements for All Other Uses

### 1. Landscaping Plans

- (a) A landscape plan must be submitted to and approved by the City prior to issuance of a building permit or land use approval for the following types of developments:
  - (1) All new multi-unit residential and non-residential development requiring a building permit.
  - (2) Existing multi-unit residential and non-residential development if one or more of the following applies:
    - ((a)) An expansion or alteration that changes 25% or more of the gross floor area of the principal building.
    - ((b)) Construction of new parking areas in excess of four stalls.
    - ((c)) Construction of additional loading docks.
  - (3) *Small addition.* When an addition is proposed that would increase total floor area on a site by less than 25%, but would physically impact existing landscaping, a modified landscape plan for the portion of the site affected by the addition, demonstrating compliance with the requirements of this section, must be submitted for approval.
  - (4) If full compliance cannot be achieved due to site constraints, partial compliance as determined by the City will be enforced.
- (b) A landscape plan will not be required for the following:
  - (1) Construction of a single-unit or two-unit dwelling.
  - (2) Routine replacement of existing materials or the installation of new materials when not associated with a building project.
- (c) Landscape plans must provide sufficient detail to demonstrate compliance with requirements and be prepared by a certified landscape architect or similar professional to include the following information:
  - (1) Location, size, quantity (number or square footage) and genus of all existing and proposed plantings.
  - (2) Methods for protecting existing trees and other landscape areas during alterations.
  - (3) Seeding, sodding and ground cover materials.
  - (4) A plant schedule depicting height and spread of each plant type at the time of planting and at the time of maturity. The plant schedule must acknowledge that expected maturity size may differ based on the setting in which the tree is planted.
  - (5) All existing and proposed features such as buildings, structures, parking areas, pervious and impervious pavement, signs, fences, walls, enclosures, other natural features, grading, property lines, easements, utilities and driveways must be clearly shown on the plan.
  - (6) Specifications for the installation process, irrigation and maintenance.

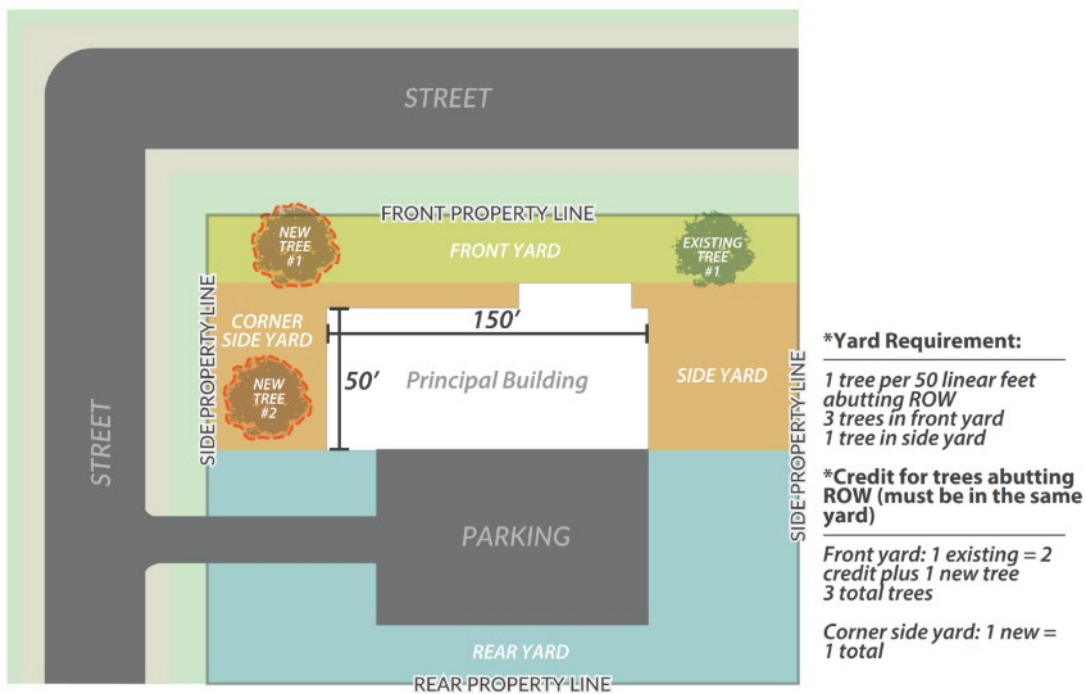
(7) Provisions for snow storage.

- ((a)) Snow storage should not be located in an area that damages required landscaping.
- ((b)) Space for snow storage is recommended to be located in the rear yard.
- ((c)) Vegetation planted in snow storage areas should be of a type capable of withstanding the salt and chemicals associated with snow removal.
- ((d)) Deicer used in snow removal and storage must follow the requirements of the Winter Maintenance Chapter of the Code.
- ((e)) Snow storage areas must be located to preserve site circulation and visibility.

2. Perimeter Landscaping Standards.

- (a) In order to achieve landscaping which is appropriate in scale with the size of a building and site, the following minimum standards apply:
  - (1) One overstory deciduous or coniferous tree for every 1,500 square feet of the principal building footprint.
    - ((a)) A minimum of 30% of the trees required must be coniferous.
    - ((b)) Two ornamental trees may be substituted for every one overstory deciduous shade tree. In no case may ornamental trees exceed 50% of the required number of trees.
  - (2) For every 50 linear feet of principal building abutting a public street, at least one tree must be provided in the corresponding side or front yard (see Figure 1). Credit for existing trees as may only be applied to this requirement if the trees are located in the corresponding yard.
  - (3) All buildings must have foundation plantings on building sides facing a public street.

Figure 1



### 3. Interior Parking Lot Landscaping Standards.

(a) Minimum landscaping is required in the following situations:

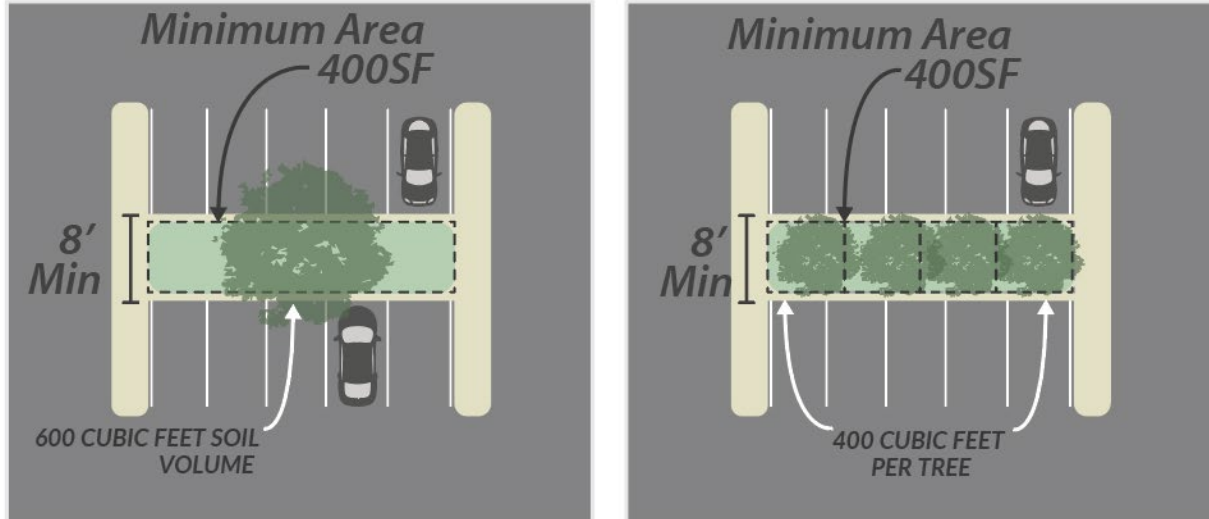
- (1) Any new parking lot with at least 15 surface parking spaces must provide at least one overstory deciduous or ornamental tree for every 15 parking spaces.
- (2) A parking lot expansion with more than 45 stalls must provide at least one overstory deciduous or ornamental tree for every 15 surface parking spaces.
- (3) No additional landscaping is required for striping or restriping of existing parking lots.

(b) Trees required for parking lot landscaping may not be used to satisfy the Perimeter Landscaping requirements.

(c) Required trees must be reasonably distributed throughout the parking area in landscape islands, landscape medians or within 10 feet of the perimeter of the parking area in order to provide shading and break up the expanses of paved areas

(d) Any landscape island or median must be a minimum of eight feet in width and provide a minimum of 400 square feet in area. Islands or medians with a tree must include a minimum soil volume of 600 cubic feet per tree. Soil volume may be reduced to 400 cubic feet per tree if trees share a connected planting area. (See Figure 2)

Figure 2



- (e) Landscaped areas must be provided with deciduous shade trees or ornamental trees plus ground cover, mulch or shrubbery.
  - (f) Parking area landscaping must be contained in planting beds bordered by a curb, unless the area serves as a stormwater treatment facility, as defined in the Erosion Control and Stormwater Management Chapter.
4. Credit for Existing Trees
- (a) The total number of required new overstory trees for perimeter landscaping may be reduced by the retention of existing overstory trees provided that the following conditions are satisfied:
    - (1) Such trees are healthy and of an appropriate non-invasive species, as identified in the Minnesota Department of Agriculture's Noxious Weed list and Department of Natural Resources' List of Invasive Non-native Plants.
    - (2) Such trees are eight inches or greater in caliper measured 12 inches from soil level.
    - (3) For each existing tree meeting the requirement, two required trees in the same yard as the existing tree, as required in Section D above, may be exempted.
    - (4) Proper precautions to protect trees during development must be indicated on grading plans submitted for plan review. Such precautions are outlined in Section J. The cost of these precautions must be included in the landscape security.
5. Irrigation
- (a) All landscaped areas, including parking area islands, must be equipped with an underground, automatic irrigation system or an alternative.
  - (b) An alternative plan may include, but is not limited to, rain gardens, closed rain barrels or greywater systems. Any alternative system must ensure that landscaping will be provided with adequate irrigation.

#### 632.05 Installation

1. The following standards must be met when installing the required landscaping:
  - (a) Plant materials must be located to maintain reasonable access to all utilities.
  - (b) Sodded areas on slopes must be staked.
  - (c) Seeded areas must be mulched with straw to prevent erosion. Hydro mulching is acceptable.
  - (d) Plantings must not obstruct the vision safety zone, as depicted in the Definitions Chapter.
  - (e) No plant materials reaching a mature height of 20 feet or more may be planted within a 25-foot lineal path of the centerline of an overhead power line that is not the service line to the house.
2. The applicant must install all landscape materials within one year.
3. The City will retain a cash escrow or a letter of credit, for one growing season after the installation of landscape materials is completed.

#### 632.06 Maintenance

1. All lots, tracts or parcels must be properly maintained in an orderly manner free of litter and junk.
2. The property owner is responsible for replacement of any required trees, ground cover and sodding which have died or been removed.
3. Any time a tree is removed from a multi-unit residential, commercial or industrial property, it must be replaced unless it is removed as part of an approved landscaping plan. This requirement runs with the land and is binding on all future property owners.
4. If any plant materials are not maintained or replaced, the property owner will have, upon written notification from the City, one growing season to replace said materials before the City will maintain or replace said plant materials and assess the property for the costs thereof.
  - (a) The following are deemed to be public nuisances:
    - (1) Dead or diseased plant material that has not been removed within a specified amount of time from the date of the notification by the City.
    - (2) Required landscaping that has been removed and has not been replaced within a specified amount of time from the date of the notification by the City.
5. Plant materials need not be replaced exact genus for genus; however, in no case may the number of plant materials or proportional genus diversity be reduced from the minimum that is required by this section when replacing dead or removed plant materials.

Fridley City Code  
Chapter 633 Architectural Standards

632.01 General Provisions & Purpose

1. Purpose. Recognizing that most buildings will have several owners over the course of their usable life, the City establishes minimum architectural standards to provide, preserve and enhance the character of buildings and property values within the community. By preventing the physical deterioration of buildings and promoting durable and aesthetically pleasing designs, the general community welfare is maintained.
2. Applicability. Architectural standards apply to three-or-more-unit multi-family residential and all non-residential principal structures, in any of the following situations:
  - (a) Any new development or redevelopment;
  - (b) Façade replacement 50% or more; and
  - (c) Building expansions greater than 50% of the floor area.

632.02 Exterior Building Materials

1. In general. all exterior materials must be of a durable finish, good aesthetic and architectural quality to not adversely impact the community's public health, safety and general welfare.
2. Material classes. Exterior materials shall be divided into Class I, Class II, Class III and a Prohibited category as follows:
  - (a) Class I are considered high-quality building materials that are durable to withstand climate conditions, wear and tear with a typical life expectancy of 40 years or more. Class I materials include but are not limited to:
    - (1) Unpainted full or thin veneer fired clay brick;
    - (2) Unpainted full or thin natural, manufactured or cast stone;
    - (3) Architectural ceramic panel rainscreen systems;
    - (4) Architectural cementitious panel rainscreen systems;
    - (5) Glass, including bird-friendly glass, glass curtain walls and glass cladding systems;
    - (6) Materials specified as part of a building's certification under the LEED (Leadership in Energy and Environmental Design) program.
  - (b) Class II are considered standard building materials with a typical life expectancy of 20 years or more, but less than 40 years. Class II materials include but are not limited to:
    - (1) Masonry stucco, provided that the material is not allowed within 24 inches from grade;
    - (2) Metal wall panel systems (this does not include metal siding and corrugated or ribbed metal sheets);
    - (3) Exterior Insulation and Finish System (EIFS);

- (4) Fiber cement lap siding or trim;
  - (5) Integrally colored textural concrete panels; and
  - (6) Integrally colored specialty concrete block.
- (c) Class III are considered lower-cost and trim grade materials more prone to damage or degradation from weatherization with a typical life expectancy of 20 years or less. Class III materials include but are not limited to:
- (1) Vinyl siding or panels;
  - (2) Painted wood or masonry; and
  - (3) Translucent wall panel systems.
- (d) Prohibited exterior materials are restricted on all applicable principal structures and accessory buildings except those accessory buildings not visible from public view due to location, screening or as determined by the Community Development Director or their designee. Prohibited materials include:
- ((a)) Unadorned or pre-stressed concrete panels;
  - ((b)) Non-decorative concrete block; and
  - ((c)) Sheet, corrugated, or unfinished metal wall panels.
3. Minimum material requirements.
- (a) Front façades and façades facing a public right-of-way must be composed of at least 50% Class I materials and no more than 10% Class III materials.
  - (b) Side and rear façades must be composed of at least 40% Class I materials and no more than 20% Class III materials.
  - (c) Each façade must utilize a minimum of two types of Class I materials.

#### 632.03 Architectural Design

1. All buildings must be designed with elements that incorporate varying articulation and textured façade, with at least two of the following elements on any façade that can be viewed from a public street:
  - (a) Change in materials, change in color, and other significant visual relief provided in a manner or at intervals in keeping with the size, mass and scale of the wall.
  - (b) Architectural detailing such as arches, clerestories, columns, corbeling, pilasters, portals, quoins, tiling and towers. Additional architectural elements may include the use of awnings, canopies, embrasures, lunettes, plant boxes and recesses.
  - (c) Primary entrance clearly defined through the use of awnings, canopies, pillars, peaked roof form, entryway or architectural tilework, moldings or similar features integrated into the building design.
2. Building façade transparency. On the ground floor front facade, the following minimum standards apply:
  - (a) Amounts of transparency which can provide unobstructed views into and out of the building:

- (1) Multi-unit dwellings must have a minimum of 20% transparency in the area occupied by dwelling units.
  - (2) Non-residential uses must provide a minimum of 30% transparency. Industrial uses are exempt from this requirement, but uses accessory to industrial (e.g., office or retail portions of mixed-use buildings) are not exempt.
- (b) Transparency must not be permanently blocked by storage, shelving, mechanical equipment or other visual barriers.
- (c) Darkly tinted windows, reflective glass or window signs that block two-way visibility are prohibited. Tinted windows must be no darker than 20% tint.

#### 632.04 Architectural Standards Review Procedures

1. For any project required to meet architectural standards, the applicant must submit building elevations, materials diagrams, and associated drawings in color that illustrate the construction techniques to be used in the installation of the materials as part of required plan submittals identified in the Procedures Chapter. At least one elevation must be provided to show nighttime conditions.
2. Substitution of materials. The Community Development Director or their designee may approve alternative building materials on a case-by-case basis, provided that such materials exhibit the durability and structural integrity desired, with sufficient architectural relief, and do not detract from the desired aesthetic character of the building or the surrounding area.
3. The Community Development Director or their designee may determine that the substitution of materials requires further review by the Planning Commission and City Council.
4. Construction must follow the approved architectural plans. At the discretion of the Community Development Director or their designee, a request to change up to five percent of the originally approved building materials can be reviewed administratively. Requests for more significant changes, or as determined by the Community Development Director or their designee to need additional review, must follow the site plan process identified in the Procedures Chapter.

Fridley City Code  
Chapter 634 Fencing

634.01 Purpose

1. The City recognizes the health, safety, aesthetic and economic value of fences. The provisions of this Chapter are intended to:
  - (a) Allow for areas on site for privacy, while maintaining the City's general open design along streets;
  - (b) Provide screening and mitigation of potential conflicts between active areas and more passive areas;
  - (c) Enhance the overall aesthetic conditions of the City;
  - (d) Limit sight line obstructions;
  - (e) Reduce the potential for criminal and illegal activities; and
  - (f) Prevent conflicts with utilities and drainage flow.

634.02 General Fencing Provisions

1. Fences are permitted in all yards and zoning districts subject to the provisions in this Chapter.
2. Property owners wishing to erect a fence must first apply for and obtain a zoning permit from the City, in accordance with the Procedures chapter.
3. Fencing must be located entirely upon the private property of the owner constructing the fence. No fence is allowed to be located on a property line. The property owner is responsible for maintaining the area between the property line and the owner's fence.
4. No fence is allowed to encroach into the Vision Safety Zone as described in the Definitions chapter.
5. Fences in Easements
  - (a) Fences placed within a drainage or utility easement is at the risk of the property owner. The City or any utility company that has the authority to use such easement will not be liable for any damages, repair or replacement of the fence in the event it is moved, damaged or destroyed in the installation, maintenance or repair of the facilities or utilities within the easement area.
  - (b) If located within a drainage or utility easement, the fence must not impede the flow of water runoff or interfere with planned or installed utilities. Fences which have been determined by the Community Development Director to impede water runoff or interfere with utilities are deemed a public nuisance and must be removed at the owners' expense.
6. Specific district standards may apply to special fencing as applicable in Section 634.04.

7. Every fence must be constructed in a substantial and sturdy manner and of a substantial material. Fences must be constructed of wood, metal, bricks, masonry, plastic or other materials designed for permanent outdoor fencing. Wood fences must be constructed of cedar, redwood or other decay resistant wood. Fences must not be constructed from razor wire, snow fencing, plywood or materials originally intended for other purposes.
  - (a) Fence installation, posts and supporting members. All fence elements must be permanently installed and constructed in a durable manner to secure the fence in a vertically level position. Fences must be installed so that fasteners, posts and lateral supports are not on the side of the fence facing an adjacent property or public right-of-way, unless exposed on both sides.
8. All fencing must be maintained, kept safe and in a state of good repair by the property owner. The property owner is responsible for maintaining the area between the property line and the owner's fence.
9. Every fence must be maintained in a condition of reasonable repair and may not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such fence that has become a nuisance must be repaired or removed. Any violation of this Section is subject to the Abatement of Exterior Public Nuisances Chapter of the Code.
10. Any fence existing on the effective date of this Chapter and not in conformance with this section may be maintained, but no alteration, modification or improvement of said fence must occur, unless installed in conformance with this section.

634.03 Fence Height

1. Except where otherwise required by this code or required by a condition of approval for a land use application, the following limitations apply to fence height:

<b>Type of Yard</b>	<b>Maximum Fence Height</b>	
	<b>R-1 and R-2 Districts</b>	<b>Multi-Unit Dwellings (3+ units) and Nonresidential Uses</b>
Front Yard	4 ft.	4 ft.
Side or Rear Yard	6 ft.	8 ft.

2. No fence may exceed a height of 30 inches within 10 feet of a driveway for a distance of 10 feet in each direction from the intersection of the property line, as illustrated in Figure 1.

Figure 1



3. Building permits are required for fences over seven feet in height.
4. Exceptions and interpretation. The following exceptions and guidance on interpretation apply to fence height limitations:
  - (a) A residential fence abutting a nonresidential use may rise to the height of eight feet.
  - (b) For the purposes of determining fence height, the Community Development Director will determine the front yard.

#### 634.04 Special Fence Provisions

1. Security Fencing
  - (a) Security and electrical fencing are permitted only in industrial zoning districts that:
    - (1) Abut a railroad;
    - (2) Have approved outdoor storage uses;
    - (3) Contain public utility or defense contractor facilities.
  - (b) Additional height is allowed for an electric security fence or a barbed wire security fence if:
    - (1) The fence is located in the side or rear yard of an industrial property that has been approved for outdoor storage use; and

- (2) In any yard of a public utility or defense contractor facility, the following conditions are met:
- ((a)) Barbed wire security fence. In addition to an eight-foot fence, up to three strands of barbed wire, not to exceed 18 inches total in height, may be affixed to the top of the eight-foot fence and mounted on standard barbed wire arms designed specifically for that purpose.
  - ((b)) Electric security fence.
    - ((1)) In addition to an eight-foot-tall fence, commercially-available electric security fencing which meets the standards established in American Society for Testing and Materials (ASTM) "Standard Practice for Commercial Application of Electric Security Fences" and is installed and maintained to manufacturer specifications may extend up to 24 inches above the eight-foot-high fence.
    - ((2)) Electric security fencing must be placed inside a solid surface or otherwise impenetrable, eight-foot tall, non-electric fence capable of preventing ground-level persons, animals or objects from contacting it from outside the fence.
    - ((3)) The electric security fence must at all times be marked with clearly legible electric fence warning signage. Signage must be placed at least every 30 linear feet and on every gate.
    - ((4)) The area three feet from the electric security fence in any direction must be kept free of vegetation which may contact the electric security fence.
  - (c) With City approval, during times of national emergency, properties may be authorized for additional usage of barbed wire or electric security fencing including temporary barriers made of barbed wire and barbed wire used on top of temporary security fences.

#### 634.05 Prohibited Fences

1. The following fences are prohibited within the City:
  - (a) Any fence charged with or connected to an electrical current, able to be transmitted to persons, animals or objects which might come in contact with it, unless otherwise authorized by this Chapter.
  - (b) Any fence constructed within or upon any public right-of-way or pedestrian or vehicle access.
  - (c) Any fence constructed within, upon or through any stormwater drainage areas, ponds or wetlands.
  - (d) Any fence that encloses, hinders or restricts access to above ground utility boxes, fire hydrants or other above ground utility structures or components.
  - (e) Any fence over 30 inches tall located within a Vision Safety Zone as described in the Zoning Districts Chapter.

Fridley City Code  
Chapter 635 Screening

635.01 Purpose

1. The City recognizes the health, safety, aesthetic, ecological and economic value of screening. The provisions of this section are intended to:
  - (a) Soften dominant building mass;
  - (b) Improve the visual quality and continuity between developments;
  - (c) Provide screening and mitigation of potential conflicts between activity areas and more passive areas;
  - (d) Protect and improve property values; and
  - (e) Improve air quality and provide a buffer from air and noise pollution.

635.02 General Screening Provisions

2. Applicability
  - (a) Lot screening. Where the side or rear yard of an industrial use abuts a residentially zoned or guided property, the industrial use must provide a 15-foot-wide planting area to create a visual and physical separation between the properties.
  - (b) Site element screening. For all multi-unit residential and non-residential uses, screening is required for the following, with landscaping or materials compatible with the design, materials, and colors used elsewhere on the site:
    - (1) Off-street parking areas with four or more spaces must be screened along the side and rear yards but may be open to the front yard;
    - (2) Accessory structures, driveways and loading areas, including loading docks, in a yard adjacent to or abutting residential districts or the public-right-of way;
    - (3) Motor vehicles necessary to the operation of the principal use may be stored without screening in the rear yard or in the side yard behind the front building line if they are not readily visible from a public right-of-way or a public park;
    - (4) All mechanical equipment and utility functions, except approved alternate energy devices and rooftop mechanical equipment, must be screened unless the equipment is designed as an integral part of the building and is compatible with the building.
    - (5) Refuse and recycling containers must be screened as specified in the Solid Waste Management Chapter of the Code.
      - ((a)) Within the M-O Heavy Industrial, Onaway Addition District, any bulk or box type container used for storage of mixed municipal solid waste, recyclables or compostables located within an alleyway, must be located within five feet from

the principal structure and does not require screening from any public right-of-way.

(6) Outdoor storage areas, as described in the Accessory Use Specific Standards Chapter. The following related outdoor storage activities are exempt from screening requirements:

((a)) Merchandise being displayed for sale; and

((b)) Materials and equipment currently being used for construction on the premises.

3. General screening standards

(a) All required screening or buffering must be located entirely on the private property occupied by the use, building, facility or structures to be screened. No screening or buffering is allowed to be located on any public right of way or within any easement.

(b) No screening is allowed to impede pedestrian or vehicular traffic.

(c) Screening must not be placed so as to obstruct Vision Safety Zones at street corners, alleys and driveways as illustrated in Figure 1.

Figure 1



(d) Unless part of another approval (e.g., CUP), screening type, size and location must be approved by the City through a zoning permit in accordance with the Procedures chapter.

(e) Landscape screening must be maintained in a neat and healthful condition. Dead, diseased or dying vegetation must be promptly replaced.

#### 635.03 Screening Materials

4. Screening must consist of the following elements or a combination of these elements, so as to block direct visual access to a structure or use, at a minimum height of three feet:
  - (a) A continuous planting screen:
    - (1) The planting screen must consist of healthy, hardy plant materials such as a closely grown hedge with year-round foliage, rows of deciduous trees, coniferous trees, shrubs or other vegetation approved by the City.
    - (2) The planting screen must be designed to provide a year-round minimum opaqueness of 80% at three or more feet in height to achieve the required screening at the time of maturity.
  - (b) A solid screening fence or wall:
    - (1) The fence or wall must comply with the fence height standards in the Fencing Chapter and must not be located within 15 feet of any public right of way.
    - (2) The fence or wall must be constructed of attractive, permanent finished materials, compatible with the principal structure or surrounding buildings such as masonry, brick, wood or steel. When used for screening purposes, chain link fences must have slats.
    - (3) Chain link fences may not be used to screen industrial property from abutting residential uses.
    - (4) Additional plantings may also be required in addition to a fence or wall.
  - (c) Landscaped earth berm with year-round foliage. Berms may not be used as the sole means of screening.
    - (1) Earth berms screening parking lots and other open areas must not have slopes exceeding 3:1.
  - (d) If the topography, natural growth of vegetation, permanent buildings or other methods meet the standards for screening as approved by the Community Development Director or their designee, they may be substituted for all or part of the screening fence or planting screen.

Fridley City Code  
Chapter 636 Lighting

636.01 Purpose

1. The City of Fridley recognizes the health, safety, welfare and aesthetic value of providing lighting standards in the community. These lighting provisions are intended to:
  - (a) Establish efficient and cost-effective lighting requirements adequate for safety and security;
  - (b) Reduce light pollution, light trespass, glare and offensive light sources;
  - (c) Provide an environmentally sensitive nighttime environment;
  - (d) Discourage inappropriate, poorly designed or installed outdoor lighting by requiring quality lighting design, light fixture shielding and maximum uniformity ratios; and
  - (e) Protect motor vehicle operators, pedestrians and adjacent land uses from glare.

636.02 General Requirements

2. Lighting must not negatively impact adjacent properties nor create a hazard for vehicular or pedestrian traffic. Unless exempted by this section, exterior lighting must be directed downward and away from adjoining property with luminaries shielded.
3. Lighting must be designed to provide adequate lighting throughout a site.
4. Site plans submitted with a building permit application, except for single-unit or two-unit dwellings, must contain lighting and landscape plans, in accordance with the Procedures Chapter. Plans must be signed by a registered Electrician, Electrical Engineer or a Lighting Certified (LC) professional certified by the National Council on Qualifications for the Lighting Professions.
5. Lights for illuminating parking and loading areas or yards for safety and security purposes may be provided where necessary. No light or combination of lights which cast light upon a public street may exceed one foot candle meter reading as measured from the centerline of the street nor may any light or combination of lights cast light upon residentially zoned property exceeding 0.3 foot candle meter reading as measured at the receiving residential lot line.
6. The maximum height above the ground grade permitted for poles, fixtures and light sources mounted on a pole is 25 feet.
7. Any lighting used to illuminate an off-street parking area must be shielded or diffused to reflect the light away from adjoining property and traffic.
8. Outdoor lighting reduction in non-residential areas and common areas of multi-unit residential properties must be no later than 11 p.m. For those businesses which are open later than 11 p.m., outdoor lighting reduction must occur one hour after the close of business. After such time, total outdoor brightness (foot candles) must be reduced by at least 50% or turned off.

9. Motion sensing light fixtures must be adjusted according to the manufacturer's instructions to dim or turn off no more than 10 minutes after detected motion ceases.
10. The Community Development Director may approve a lighting plan that has different standards for time of lighting reduction and motion lights if applicable based on traffic, safety or other unique site conditions.
11. Expansions, additions or replacements to exterior lighting installations must be designed to avoid harsh contrasts in color or lighting levels.

#### 636.03 Exceptions

12. The lighting below is exempt from the provisions of this Chapter:
  - (a) Publicly controlled or maintained street lighting and warning, emergency or traffic signals;
  - (b) Lighting required by federal, state, county or city ordinances and regulations;
  - (c) Lighting for public monuments, statues, flagpoles or other similar elements, provided that:
    - (1) Any spotlight used for this purpose is shielded from adjacent properties
    - (2) A flagpole may not have more than three upward aimed, fully shielded spotlight fixtures per flag.
  - (d) Lighting specified or identified in a land use approval;
  - (e) Temporary outdoor lighting used for civic events, performance areas, outdoor events and construction sites;
  - (f) Lighting for public outdoor recreation uses;
  - (g) Neon signs, theater marquee lights or decorative lighting that meets all of the requirements of this Chapter and the Signs Chapter of the Code.
  - (h) Athletic fields and outdoor recreation facilities serving or operated by an institutional or public use that otherwise meet all of the requirements of this Chapter is exempt between the hours of 7 a.m. and 10 p.m.;
  - (i) Ornamental lighting, such as low voltage light fixtures (12 volts or less), low wattage ornamental landscape lighting fixtures, and solar operated light fixtures having self-contained rechargeable batteries; and
  - (j) Underwater lighting in swimming pools, fountains and other water features.

Fridley City Code  
Chapter 640 Subdivision Design Standards

640.01 Purpose

1. Subdivision design standards are established to guide a coordinated, adjusted and harmonious development of the City.
2. Subdivision design standards are established to ensure that subdivisions are designed to accommodate existing and future growth and address community needs.
3. Subdivision design standards are established to promote the public, health, safety, order, convenience, and the general welfare with efficiency and economic consideration in the process of subdivision development.

640.02 General Design Standards

1. The following design standards are hereby established for land subdivisions:
  - (a) The proposed subdivision, including the general layout, street pattern, street widths, proposed private and public areas, facilities and uses, must conform to these regulations and other applicable laws, and to the City's Comprehensive Plan.
  - (b) The design features set forth in this Chapter are minimum requirements. The City may impose additional or more stringent requirements concerning lot size, streets, and overall design as deemed appropriate considering the property being subdivided.
  - (c) Land Suitability
    - (1) Land must be suited to the purpose for which it is to be subdivided. No subdivision will be approved if the site is not suitable for the purposes proposed by reason of potential flooding, topography, or adverse soil, rock formation or wetlands.
    - (2) Land subject to hazards to life, health, or property must not be subdivided until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the subdivision plans.
2. Exceptions to Design Standards
  - (a) The City Council may authorize a modification or exception to the design standards listed in this Chapter to permit reasonable subdivision of property as recommended by City staff based on characteristics unique to the property. These conditions may include, but are not limited to, natural features (topography, wetlands floodplain, etc.), presence of major utilities (i.e., high pressure gas main), and the overall size of the subdivision.

640.03 Blocks and Lots

1. Blocks
  - (a) Block Length

- (1) Block lengths will be determined by circulation and other needs, with lengths of up to 1,500 feet permissible when approved by the City Council.
- (2) On blocks 700 feet or more in length, the City Council may require walkways not less than 10 feet wide for a pedestrian way or crosswalk near the center of the block, or to provide access to schools, playgrounds, shopping centers, and other areas and facilities (see Figure 1).

Figure 1



(b) Block Width

- (1) Residential blocks must be of sufficient width for two tiers of lots except when adjoining a lake, stream, railroad or arterial street, or where one tier of lots is necessary because of topographic conditions.
- (2) Where residential blocks with lots deeper than 260 feet are proposed, the City Council may require the dedication of future right-of-way through the middle of the block longitudinally.
- (3) Blocks for commercial and industrial areas must be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

2. Lots

- (a) Lots must conform to the requirements and dimensional standards of the zoning chapters of the Code.

3. Each lot must be adequate to provide space for the principal structure and all necessary accessory structures. A corner lot must be at least an additional five feet in width to ensure compliance with building setbacks from both streets.

- (a) Side lot lines must be at right angles or radial to street lines. Slight variations under difficult conditions are permissible with City Council approval.

- (b) Irregularly shaped lots are discouraged. Where such lots are proposed, the applicant must demonstrate to the City an ability to properly place principal buildings and accessory structures on the lot in a manner which is compatible in size and character to the surrounding area.
- (c) All remnants of lots below minimum size left over after subdividing a larger tract must be:
  - (1) Added to adjacent lots;
  - (2) Dedicated to the public;
  - (3) Owned with by a homeowner association or comparable association with specified restrictions; or
  - (4) Platted as an outlot with specific restrictions.
- (d) Accessibility. Each lot in a subdivision must be satisfactorily served from a public street to allow for general accessibility for firefighting, refuse collection and delivery purposes unless a particular lot in the subdivision has received approval from City Council that will allow access to the lot via an access easement.

#### 640.04 Street Design

1. All streets must be designed to comply with the standards set by the City's Engineering Specifications.
2. Proposed streets must conform to the state, county, and city plans as have been prepared, adopted, and filed as prescribed by law.
3. Street Patterns. Street patterns must substantially follow the patterns shown on the land use plan or be at least the equal of the planned patterns in these respects:
  - (a) They must adequately serve platted lots when developed;
  - (b) They must intersect existing or planned trunk highways and major thoroughfares at infrequent intervals only;
  - (c) They must not obstruct the reasonable and desirable development of adjoining, unsubdivided lands in conformity with any applicable plans or with these design standards;
  - (d) They must be designed to discourage through traffic from using local streets in the subdivision;
  - (e) They must be suited to the topography of the land, but with their orientation influenced by walking direction and distance to and from existing and planned parks, playgrounds and schools;
  - (f) No more than four corners are allowed for an intersection; and
  - (g) New streets must extend to the boundary line of any new subdivision.
4. Temporary Dead-End Streets

- (a) Where a future street is proposed in connection to the proposed subdivision development, a temporary turn-around by fire code standards must be constructed of temporary concrete or alternative approved by the City Engineer.
  - (b) The proposed subdivision may result in only one means of ingress/egress for a period of time until a later phase of development occurs or until an abutting property extends the roadway. Temporary dead-end streets that serve land uses that generate more than 500 average daily traffic (ADT) must provide an alternative access or make other necessary accommodations for safe ingress and egress to the satisfaction of the City Council.
5. Access. The street pattern must be designed to minimize access points and crossings along all railroad and arterial thoroughfares.
  6. Public Streets. All proposed streets must be offered for dedication as public streets, with no private streets shown.
  7. Right Angle Intersection. Streets must intersect or intercept each other at right angles. Intersections may be permitted to vary, at most 20 degrees when considered necessary.
  8. Jogs. Jogs in streets must have center line offsets of 125 feet or more.
  9. Corners. Property lines at residential street corners must be rounded on a radius of at least 10 feet and curb lines on a radius of at least 20 feet, provided that greater radii may be required by the City Council when deemed necessary.
  10. The location, width and alignment of streets must conform, to the City General Specifications and Standard Details, major street plan, or any other applicable plans, as specified by the City Engineer including state and county highway plans.
  11. Half-width Streets. Half-width streets are not acceptable except as found practically necessary by the City Council and only with the assurance of dedication of the other half of the street when adjoining property will be subdivided.
  12. Corporate Boundary Streets. For protecting the City in developing and maintaining streets bordering the corporate limits, where a half-width street dedication is proposed, the applicant must furnish one of the following with the preliminary plat:
    - (a) Assurance that the remaining half of the street that is outside the corporate limits has or will be dedicated; or
    - (b) A warranty deed for the remaining half of the street that is outside the corporate limits; or
    - (c) An easement for right-of-way purposes for the remaining half of the street, signed by the owners of the property in which the street will be located.
  13. Grades. Street grades of six percent are considered a desirable maximum. This maximum may be exceeded only when required by topography or other controlling physical conditions. Grades of all streets, walks, curbs, and gutters must be approved by the City.
  14. Drainage. All interior streets must have concrete curbs and the road surface constructed according to City standards to handle drainage according to a City approved drainage plan.

15. Street Names. Names of streets which are extensions of existing streets must be the same, provided that these and other street names are subject to City approval.

#### 640.05 Non-Motorized Connections

1. Sidewalk design

- (a) Sidewalks are required on at least one side of every local street. Sidewalks are not required along a cul-de-sac but may be required to extend between residential properties at the end to connect to an adjacent neighborhood.
- (b) Sidewalks must be placed in the public right-of-way or within an easement in favor of the City.
- (c) Sidewalks must be at least six feet in width and meet specifications set forth by the City General Specifications and Standard Details approved by the City Engineer, including accessibility requirements.
- (d) The City Council may allow the applicant to delay the installation of the sidewalk if the applicant signs an agreement that it will be constructed when the City requires the installation. A letter of credit or cash escrow may be required in order to ensure that the sidewalk is installed at a later date.

2. Trail Design

- (a) Multi-use trails are required on one side of all collector and arterial roadways. Where a sidewalk already exists on a collector or arterial roadway, the City Council will determine whether a sidewalk or a trail will be installed.
- (b) Trail linkages or easements for trail linkages must also be established in accordance with the City's Comprehensive Plan and Active Transportation Plan.
  - (1) The City will designate the required width of easements and elevations for grades at the time a building is constructed on the property.
  - (2) Any landscaping or irrigation systems installed within an easement must be removed and replaced at the property owner's expense when the trail or sidewalk is installed in the future.
- (c) Multi-use trails must be placed in the public right-of-way or an easement in favor of the City.
- (d) Multi-use trails must be at least 10 feet in width and meet specifications set forth by the Public Works Design Manual or the City Engineer, including accessibility requirements.

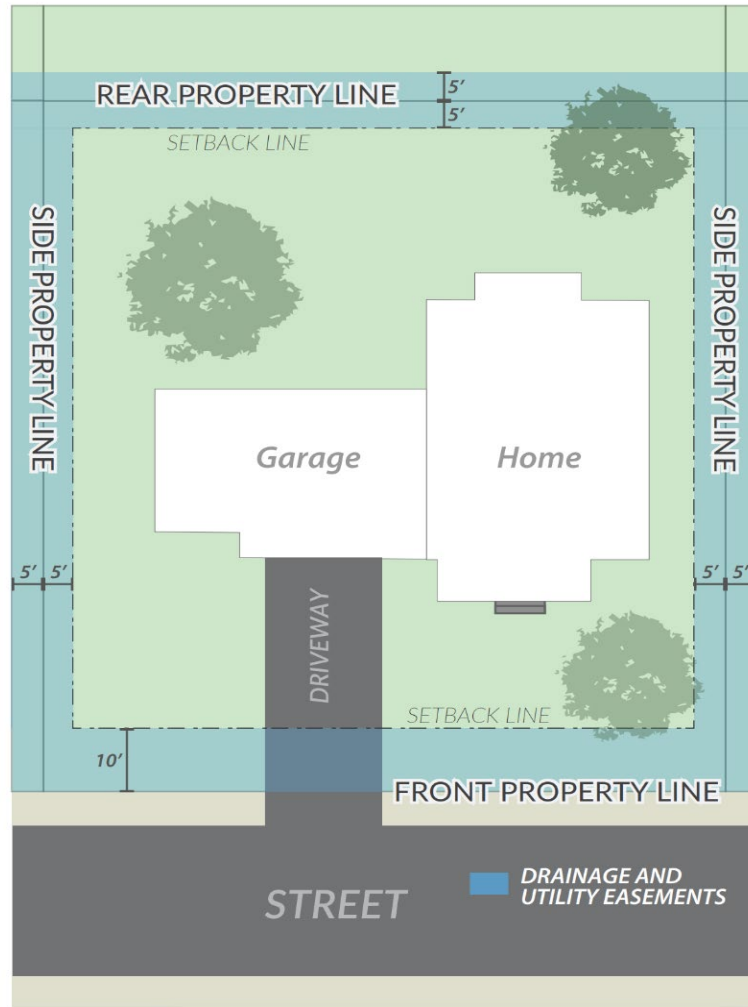
#### 640.06 Easements

1. Watercourses and stormwater facilities must be identified and delineated within an easement.
2. Easements offered for dedication should be shown along lot lines where needed for utility, drainage, screen planting, or other purposes.
3. Drainage and utility easements must be provided along front, rear, and shared side lot lines. Easements must be 10 feet wide along the front property line and five feet wide

along rear and side lot lines. Easements of greater width of area may be required if necessary for the extension of utilities, drainage purposes, or to incorporate wetlands.

4. Drainage and utility easements must connect with easements established in adjoining properties. These easements, when approved, may not thereafter be changed without the approval of the City Council after a public hearing (see Figure 2).

Figure 2



## Fridley City Code

### Chapter 641 Required Subdivision Improvements

#### 641.01 Purpose

1. The purpose of requiring subdivision improvements is to ensure that all new developments are safe, functional and aesthetically pleasing.
2. Subdivision improvements must be designed to the standards within this Chapter to provide essential infrastructure that meet community needs.
3. These requirements aim to promote sufficient access, efficiency and preservation of environmental resources.

#### 641.02 Required Improvements

1. The City may require the following improvements of any subdivision applicant:
  - (a) Streets, Sidewalks and Trails. The applicant must grade and improve all streets, sidewalks and trails in accordance with adopted plans and City specifications.
  - (b) Install Underground Utilities. Install water mains, storm and sanitary sewers and additional drainage facilities, where any or all are required. Where water mains, storm and sanitary sewers, and additional drainage facilities are to be installed, any required street improvements may be deferred until after such installation.
  - (c) Off Street Improvements. Erect street name signs, sod boulevard areas, and plant the required number of trees on each lot near the front lot line, or in the boulevard area, whichever is specified by the City. Grades will be set by the City and improvements must be in accordance with the standards and specifications established by the City Code and the Council.
  - (d) Monuments. All subdivision boundary corners, block and lot corners, road intersection corners, and points of tangency and curvature must be marked with survey monuments meeting the minimum requirements of state law and the County surveyor. All federal, state, county and other official bench marks, monuments or triangulation stations in or adjacent to the property must be preserved in precise position unless a relocation is approved by the controlling agency.

#### 641.03 Surety for Improvements

1. As a condition to the approval of a final plat, the applicant must give satisfactory assurance of the installation of at least the above required improvements at the applicant's own expense, within a period of time specified by the City Council.
  - (a) Cost of improvements. To cover the cost of improvements that may not have been completed at the time of filing the final plat, the applicant must furnish cash, a certified check, or a letter of credit to the City of Fridley to secure the performance of such installation by the applicant within a period of time as stipulated by the Council or to cover installation by the City.

#### 641.04 Required Agreements; Proper Installation

1. If the Community Development Director determines that public improvements are required, the applicant must enter into a development contract with the City, prior to the approval of the final plat. The contract will require the applicant to furnish and construct the public improvements at their sole cost and in accordance with plans, specifications, and usual contract conditions.
2. The development contract will include provision for supervision of details of construction by the City Engineer and grant to the City Engineer authority to correlate the work to be done under the development contract by any subcontractors authorized to proceed thereunder and with any other work being done or contracted by the City in the vicinity.
3. The applicant must provide to the City a written warranty that all required improvements on the site will meet or exceed all City standards and that such improvements have been inspected and tested in regards to the City standards. The applicant is responsible for having all such inspections and testing completed at their expense.
4. The applicant is required to maintain all improvements and provide for snow removal and maintenance of streets, if required, until acceptance of said improvements by the City Council in coordination of the development contract.

#### 641.05 Inspection

1. All required improvements on the site that are to be installed under the provisions of this Chapter will be inspected during the course of construction by the City Engineer, Community Development Director or Building Inspector.

Fridley City Code  
Chapter 642 Park Dedication

642.01 Land Dedication Required

1. In every subdivision of land, a reasonable portion of such land shall be dedicated to the public or preserved for conservation purposes or for public use as parks, recreational facilities, playgrounds, trails, or public open space.
2. It is hereby found and declared that, pursuant to Minnesota Statutes § 462.358, subd. 2b, as a prerequisite to subdivision approval, it is reasonable to require dedication of an amount of land equal in value to that set forth in this section (or require a cash contribution in lieu of such dedication).
3. This dedication shall be in addition to the land dedicated for streets, alleys, storm water ponds and other public purposes.
4. Previously subdivided property from which a park dedication has been received, that is being re-subdivided with the same number of lots, is exempt from park dedication requirements. If, as a result of re-subdividing the property, the number of lots is increased, then the park dedication or per-lot cash fee must apply only to the net increase of lots.

642.02 Land to be Dedicated

1. Land Suitability
  - (a) Land to be dedicated must be suitable for its intended public use and must be at a location convenient to the people to be served. Factors used in evaluating the adequacy of the proposed park and recreation areas include size, shape, topography, geology, hydrology, tree cover, access, and location.
  - (b) The City is not required to accept land which will not be usable for parks, recreational facilities, playgrounds, trails, or open space or which would require extensive expenditures on the part of the City to make them usable.
  - (c) All land dedicated for parks, recreational facilities, playgrounds, trails or public open space must be designed to incorporate natural features as much as possible, such as rivers, streams, wetlands, wildlife habitats, woodlands and ponding areas.
2. As part of the subdivision approval, the applicant is responsible for making certain improvements to dedicated park land, including, but not limited to, finish grading, ground cover, construction of trails, and clearly identifying park and trail boundaries with City-approved markers.
3. Prior to the dedication of the required property, the developer must:
  - (a) Provide a survey with topographic data, including contours at vertical intervals of at least two feet, watercourses, wetlands, marshes, rock outcrops, easements, utilities and vegetative data. Portions of any property dedicated to the public for park and recreation purposes to be used for borrow and fill activities elsewhere in the

development must be clearly identified.

(b) Provide the City with evidence of title in a form acceptable to the City Attorney and a title insurance policy ensuring the City's interest in the property. In any dedication of required land, the developer must have good and marketable title to the land, free and clear of any mortgages, liens, encumbrances or assessments, except easements or minor imperfections of title acceptable to the City. The developer must provide the City with a warranty deed for the property. The warranty deed must be provided at the time of recording of the final plat.

4. If the City accepts park dedication in an amount less than the amount required by Section 642.03, the applicant shall pay cash in lieu to the City; the appraised fair market value of the remaining land required to be dedicated. The appraised value of the remaining land required to be dedicated shall be determined by the method specified in Section 642.04.

#### 642.03 Dedication Formula

1. The amount of land required for public dedication will be calculated in the following manner:
  - (a) 10% of all the gross area of residential zoned property to be subdivided; and
  - (b) Three% of the gross area of commercial or industrial zoned property to be subdivided.

#### 642.04 Cash in Lieu of Land Dedication

1. The City may choose to accept an equivalent amount in cash from the applicant for part or all of the portion required to be dedicated to such public uses or purposes based on the average fair market value of the land no later than at the time of final approval.
2. The City may elect to receive a combination of land and cash for park use. The City will determine the amount of land dedication that it requires, and the cash contribution will be calculated based on the percentage of unmet land dedication.
3. Any cash payments received must be placed in a special fund which will be held and used by the City to acquire land for, or to improve, parks, recreational facilities, playgrounds, trails, or public open space. Cash payments will not be used by the City for ongoing operation or maintenance of parks, recreational facilities, playgrounds, trails, or public open space.
4. The City will require a cash payment in lieu of parks, recreational facilities, playgrounds, trails, or public open space dedication whenever:
  - (a) The proposed dedication of land for public use is not needed;
  - (b) The proposed dedication of land for public use is not suitable for the intended use;
  - (c) The proposed dedication of land is too small for practical maintenance; or
  - (d) The cash payment would be more beneficial to the development of the overall park system than dedication of the land within the property to be developed.
5. Determination of Cash Payment

- (a) Cash contributions must be paid according to the Fees Chapter of the City Code. Payment of the cash contribution will be required at the time of recording of the final plat.
- (b) If the applicant disputes the amount of the proposed cash contribution in lieu of land dedication, the park dedication fee will be determined as follows:
  - (1) The applicant must obtain an appraisal of the market value of the property at the time of final subdivision approval at their own expense. The appraisal must be made by approved members of the Member Appraisal Institute (MAI), or equivalent real estate societies.
  - (2) A percentage equal to the percentage of land to be dedicated will be applied to the market value and shall be the park dedication fee.
  - (3) If the City disputes such appraisal, the City may, at the applicant's expense, obtain an appraisal of the property by a qualified real estate appraiser.

#### 642.05 Timing

- 1. The requirements of this section for dedication of land or for contribution of cash in lieu of land apply at the time of final subdivision approval, and apply to any subdivision which receives final approval.

#### 642.06 Modification of Requirements

- 1. The dedication requirements based on the development's proportional share of the City park system are presumptively appropriate.
- 2. A developer may request a deviation from the presumptive requirements as part of an application for final plat approval based upon:
  - (a) The anticipated impact of that particular subdivision;
  - (b) Existing park and recreational facilities; or
  - (c) Proposed parks, open space, recreational, or common areas and facilities open to the public as designated on development plans.
- 3. The City Council, after consideration of the request, may modify or reduce the requirements of this section.

#### 642.07 Credit for Private Park and Open Space

- 1. No credit to the requirements of this section will be given for private park, recreational facilities, or trails.

Fridley City Code  
Chapter 650 Procedures

650.01 Common Procedures and Requirements

1. Applicability

- (a) Hereafter all development applications, permits and subdivisions of land as defined herein, made within the City of Fridley, are subject to and must conform to the regulations in this Title and other applicable laws unless otherwise stated. All developments must conform to the official Zoning Map and other City plans, ordinances, chapters and regulations.
- (b) No conveyance of any lot or parcel of land in a subdivision is lawful until final approval by the City Council and recording of the plat have occurred.
- (c) No permit to erect, alter or repair any building may be issued until any required approvals are granted by the City.

2. Authority to File Applications

- (a) Development review applications for an individual property may be initiated by:
  - (1) The owner of the property that is the subject of the application; or
  - (2) An agent authorized by the owner of the property that is the subject of the application, which may include a lessee of the property. The property owner must sign the application in order to show authorization.
- (b) If the property subject to an application has more than one owner, all owners or their authorized agents must sign the application.
- (c) The City may initiate zoning text and map amendments to this chapter. If the subject of the amendment is a specific site or project, the City may initiate amendments with or without application from the owner.

3. Application Submittal

- (a) A complete application must be made in writing, submitted in a format prescribed by the City, together with a non-refundable application fee as established by the Fees Chapter of the Code.
- (b) Accompanying materials, such as a site plan or other documentation as required by the City, must be supplied with the application.
- (c) Application fees are not refundable, except where the Community Development Director has determined that an application was accepted in error or when the fee paid exceeded the amount due, in which case an appropriate refund will be made to the applicant.
- (d) An application will not be accepted until all required materials have been submitted. Any application not submitted in the manner prescribed under this Chapter will be deemed "incomplete."

- (e) When a written request or submitted application is received by the City, the City will, within 15 business days of its receipt, notify the person making the written request or submission if it is not complete. Notification will be done in writing. If such notification is sent, it will contain a list of those items necessary to complete the application. No period for agency action specified in Minnesota Statutes (M.S.) § 15.99 will commence until a complete application is submitted to the City, including any items specified in the notice from the City as the basis for a determination of incompleteness.

#### 4. Application Review

- (a) Upon receipt of a complete application, the Community Development Director or a designee will:
  - (1) Review the request.
  - (2) Refer the request to the appropriate staff as needed.
  - (3) Refer the application to the appropriate body(/ies) for review.
  - (4) Instruct the appropriate staff persons to prepare technical reports and/or provide general assistance in preparing a recommendation on the request to the appropriate decision-making body.
- (b) Any and all expenses incurred by the City for engineering, planning, legal or other services related to the review and processing of the land use or subdivision application that exceeds the established application fee will be collected from the applicant.
- (c) Timelines for Review
  - (1) The City expressly reserves the right to extend, with written notice, the period for action under M.S. § 15.99 for a land use application for a period of up to 60 days beyond the deadline specified therein if the Community Development Director finds that additional time is reasonably necessary to process and review the submission. The applicant may provide a written extension of the review deadline beyond 60 days.
  - (2) Under M.S. § 462.358, subdivision applications for preliminary plats will be preliminarily approved or disapproved within 120 days following delivery of a complete application, unless an extension of the review period has been agreed to by the applicant.
  - (3) Under M.S. § 462.358, an application for a final plat will be approved or disapproved within 60 days following delivery of a complete application, unless an extension of the review period has been agreed to by the applicant.

#### 5. Decision-Making Bodies and Officials.

- (a) The following decision-making bodies have the primary responsibility of review and decision-making authority on development applications submitted to the City. Any determination made by the City Council or Board of Appeals is final, unless otherwise stated.
  - (1) Community Development Director. The Community Development Director has the primary responsibility for the enforcement of this Title. No structure may be built,

moved or altered and the use of land substantially changed except after having an approved development application and obtained a permit from the City. Additional powers and duties to enforce the provisions of this Title include:

- ((a)) Examining and filing any application pertaining to the use of land, buildings or structures to determine if the application conforms with the provisions of this title;
  - ((b)) Receive, file and forward for action all applications for appeals, variances, conditional uses, interim uses and amendments to this Title which are filed in the Community Development Department;
  - ((c)) Conduct inspections of buildings, structures and uses of land to determine their compliance with this Title;
  - ((d)) Revoke certificates of zoning compliance where provisions of this Title are being violated;
  - ((e)) Maintain permanent and current records of zoning code, including all maps, amendments, conditional uses, interim uses and variations;
  - ((f)) Provide and maintain public information relative to all matters arising out of this title.
- (2) Development Review Committee. The Development Review Committee consists of city staff members appointed by the City Manager. The committee is established to provide feedback and review of plans for conformance with the technical requirements of this Title. The Development Review Committee can make recommendations to the Planning Commission and City Council regarding applications for land use approval. Discussions or recommendations that occur from the Development Review Committee are not binding on the City and do not constitute official assurances of the City.
- (3) Planning Commission. As established and organized under the Commissions Chapter of the Fridley City Code, the Planning Commission serves as an advisory body to the City Council on all matters related to land use, zoning and community development, except that the Planning Commission may unanimously approve requests for variances for single family uses in the R-1 and R-H districts if the staff recommendation and public hearing comments also support approval. As directed by this Title, the Planning Commission holds public hearings. Review of all applications are determined on the relationship to the Comprehensive Plan, other approved City plans, and the ordinances amending this Title.
- (4) City Council. The Council has the authority to adopt, amend, and repeal zoning ordinances and conduct public hearings. They review and decide on development and land use applications, oversee zoning compliance and enforce penalties for violations.

## 6. Public Hearings

- (a) Public hearings required by this Chapter will be conducted pursuant to the rules established for each of the bodies, the City Code, and in compliance with state law.

- (b) Upon official submission of a complete application requiring a public hearing, the Community Development Director will set a public hearing for the next available regular meeting.
- (c) Notice of the public hearing with the location of the meeting and a description of the property and the application will be published in the official newspaper of the City no more than 30 days and no less than 10 days prior to the date of the hearing.
- (d) Written notification of the public hearing will also be mailed at least 10 business days prior to the date of the hearing to the following recipients regarding the property in question:
  - (1) All property owners of record according to the county assessment records within 350 feet of the boundary of the subject property.
  - (2) If the proposed project abuts or includes a state trunk highway, a county state aid road or a shoreland area, a copy of the application and notice of hearing will be provided to the Minnesota Department of Transportation (MNDOT), the Anoka County Engineer or the Minnesota Department of Natural Resources, respectively.
  - (3) A copy of the notice and list of the individuals and/or property owners and addresses to which the notices were sent will be attested to by the Community Development Director and made part of the official record. The failure to give mailed notice to individual property owners, or defects in the notice, does not invalidate the proceedings, provided a bona fide attempt to comply with this division has been made.
- (e) Written notification of the hearing may also be posted on the subject property in a format that will be legible to those in the vicinity.

#### 7. Planning Commission Action

- (a) The Planning Commission will hold the public hearing when required, or except as otherwise provided herein. The applicant is encouraged to attend the public hearing.
- (b) The Planning Commission will have the authority to request additional information from the applicant concerning operational factors, or to retain expert testimony with the consent, and at the expense, of the applicant concerning operational factors. Said information may include operational factors necessary to establish performance conditions in relation to all pertinent sections of this Chapter.
- (c) Unless otherwise provided for by this Title, the Planning Commission will make findings of fact and recommend such actions or conditions relating to the request as it deems necessary to carry out the intent and purpose of the chapter. Such recommendation will be in writing and accompanied by any report and recommendation of the City staff.
- (d) Where required by this Title, the Planning Commission will review and recommend approval, recommend approval with conditions, or recommend denial of the application. Findings for the recommendation will be stated and provided in writing.

#### 8. City Council Action

- (a) The City Council has the option to set and hold a public hearing if deemed necessary.
- (b) Unless exempted by this Title, the City Council will review and approve, approve conditionally or deny the application. Findings for the decision will be stated and provided to the applicant in writing.

#### 9. Actions after Approval

- (a) Following the decision, the Community Development Director will notify the applicant of the decision and reasons thereof.
- (b) The granting of a specific application by the City does not constitute, imply or guarantee the granting of any other required approvals (e.g., a building permit).
- (c) Recording. The City will file all required documents, such as ordinances, resolutions and agreements with County Recorder or Registrar of Title's office within 90 days of approval. Proof of recording will be submitted to the applicant.
- (d) If conditions of approval have been provided, they must be satisfied by the applicant within one year of approval or as specified in the approval. If the applicant fails to satisfy any of the conditions within the relevant timeframe, the approval will be deemed revoked or void applicable to the procedures in Section 650.05.
- (e) Lapse of Approval by Non-Use
  - (1) If work as permitted by a land use or subdivision approval is not commenced within one year after the approval was granted, then the approval will become null and void unless a written request for extension of time in which to complete the work has been granted by the City Council. The request for an extension must be approved prior to the original approval's expiration.
  - (2) Such an extension must be requested in writing and filed with the City at least 20 days before the expiration of the original approval. The request for extension must state facts showing a good faith attempt to complete the work permitted in the original approval and the reasons for requesting the extension.
  - (3) Such a request will be presented to the City Council for review and decision.

#### 10. Withdrawal of Applications

- (a) Any request for the withdrawal of an application must be submitted in writing by the applicant to the Community Development Director.
- (b) In all cases where the applicant has requested withdrawal of an application, the associated fee paid, and any costs incurred by the City in the processing of an application will not be refunded.

#### 11. Successive Applications

- (a) Whenever an application has been considered and denied by the City Council, a similar application affecting substantially the same property will not be accepted by the City for at least six months from the date of its denial; and a subsequent application affecting substantially the same property will likewise not be accepted by the City for an additional six months from the date of the second denial unless a decision to reconsider such matter is made by not less than four-fifths vote of the full City Council.

## 12. Permits Required

- (a) No construction is permitted to commence until the property owner(s) or their agent(s) obtain and are issued all required permits from the City indicating that the existing or proposed structure and the use of the land comply with this Title and all city codes.

## 13. Certificate of Occupancy

- (a) A certificate of occupancy must be obtained for all new construction stating that all provisions of this Chapter and the Lands and Buildings Title are in compliance.
- (b) No permit or license required by the City of Fridley or other governmental agency may be issued by any department official or employee of the City of such governmental agency, unless the application for such permit or license is accompanied by proof of the issuance of a certificate of occupancy or certificate of compliance.

## 14. Annexation

- (a) Areas hereinafter annexed to the City of Fridley will be considered to be in the R-1 District, and may be changed wholly or partly to any other District(s) only by an amendment as provided for herein in the Ordinance Amendment (Text or Map) Section except where a different zoning classification is established by and under any ordinance for the annexation of the affected lands.

## 15. Common interest community (CIC) plats.

- (a) All CIC plats prepared pursuant M.S. Chapters 505, 508, or 508A must be reviewed and approved by the City Council after undergoing the preliminary plat and final plat process identified in this article, except that the CIC plat does not have to be signed by the City. If the Planning Commission recommends approval of the preliminary CIC plat, the final CIC plat does not need to be reviewed by the Planning Commission before City Council consideration.
- (b) Developments using plats for common interest communities prepared pursuant to M.S. § 515B.2-1101(c) are subject to park dedication requirements and other similar development fees applicable to subdivisions platted under M.S. Chapter 505 and a copy of such a plant must be delivered to the City no later than the date such plat is recorded.

## 650.02 Concept Plans

1. The Community Development Director may require or recommend a concept plan in order to ensure that an applicant is informed of the procedural requirements, the minimum standards of this chapter and the requirements or limitations imposed by other City ordinances, code provisions or plans prior to the development of a site or preliminary plat.
2. If a concept plan is required by the City, the applicant must submit a concept plan to the Community Development Director prior to the filing of a land use application or a preliminary plat.
3. Concept plans may also be submitted voluntarily by an applicant prior to a formal application. At the time of submittal, the applicant may request a pre-application meeting.

4. If a pre-application meeting is requested by the applicant or recommended by the City, it is considered an informal discussion regarding the possible project subject to this Title. The Community Development Director or a designee shall discuss the possible project with the Development Review Committee.
5. The Community Development Director has the authority to refer the concept plan to the Planning Commission and/or City Council for review and comment.
6. Comments or discussions on the concept plan will not be considered binding on the City in regard to subsequent development or plat review and do not constitute official assurances or representations of the City, including any comments or discussions by the City Council.

#### 650.03 Site Related Procedures

1. Zoning Permit
  - (a) The purpose of a zoning permit is to ensure that exterior property improvements meet code requirements prior to the installation of said improvements. This process protects property owners from unnecessary costs of addressing noncompliant improvements and protects adjacent properties that may be adversely affected by noncompliant improvements.
2. A zoning permit is required for any structure or site improvement exempt from the State Building Code but regulated within this chapter, including, but not limited to, decks and platforms less than 30 inches above adjacent grade and not attached to a structure with frost footings; driveways; fences; patios; sheds less than 200 square feet in size; sidewalks and swimming pools (without footings).
  - (a) Zoning Permits are not required for those items otherwise permitted by the City (e.g., under a Critical Area Permit or Engineering Permit), or those items that can be reasonably relocated by the property owner without:
    - (1) use of heavy equipment;
    - (2) damage to the structure or site improvement, including its exterior surface;
    - (3) damage to the site where the structure or site improvement is located, including the groundcover beneath the structure.
  - (b) A zoning permit application must be submitted in the format required by the City. The application must include a site plan depicting the requirements in this Section.
  - (c) Zoning permits for temporary uses.
    - (1) are valid for the time period stated on the approved permit (typically 14 days).
    - (2) A temporary zoning permit may not exceed 30 days. There must be 30 days between repeated temporary zoning permits for the same location.
    - (3) A refundable deposit may be required with a zoning permit for a temporary use.
  - (d) No additional fee is required for a zoning permit unless the zoning permit application requires an investigation or inspection by City Staff to ensure compliance with this Title or other applicable sections of the City Code or document recording. The applicant

must pay the established inspection/investigation and recording fees prior to the City granting the zoning permit.

- (e) The Community Development Director will approve or deny the zoning permit application. A zoning permit application will be denied if the proposed building, structure or other improvement fails to meet all requirements of this Chapter or other applicable provisions of this Title.

### 3. Site Plan Review

- (a) A site plan is required for the following:

- (1) Any residential building addition;
- (2) All new residential developments with three or more units;
- (3) New manufactured homes;
- (4) Any nonresidential developments or projects, including but not limited to exterior building improvements, additions and parking lots affecting four or more stalls; and
- (5) Demolitions.

- (b) Site plan review may be part of a building permit approval process, or may be included as part of the review process for other requests, such as conditional use permits or variances.

- (c) The Community Development Director will approve or deny the site plan application.

- (d) All site improvements are to be secured at the rate of three percent of the total project cost up to a maximum amount of \$60,000, guaranteed by letter of credit in favor of the City.

- (e) The Council may waive the financial security requirement, but a performance agreement would then be required from the land owner, requiring the work to be done within a reasonable time to be fixed in the agreement, and if such improvements are not completed within the time specified, the City may construct or complete such improvements and assess the cost against the owner.

### 4. Conditional Use Permit (CUP)

- (a) Purpose

- (1) The purpose of this Section is to provide the City with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare, public health and safety. In making this determination, the City may consider the nature of the land upon which the use is to be located, the nature of the adjoining land or buildings, the effect upon traffic into and from the premises or on any adjoining roads and all such other factors as the City reasonably deems requisite of consideration in determining the effect of such use pursuant to M.S. § 462.3595, subd. 1.

- (b) Application Review

- (1) An application must be made and reviewed following the procedures in this Chapter.
  - (2) The City Council may grant such CUP with additional conditions and safeguards therein.
  - (3) CUPs may be denied by a resolution of the Council. Such resolution must identify findings of fact with reasons for the denial.
  - (4) The City Council may require a written agreement and the deposit of a certified check or funds, a letter of credit or other assurance of faithful observance of conditions, the violation of which shall invalidate the permit and shall be considered a violation of this Chapter.
- (c) Findings for Approval. In considering applications for CUPs under this Title, the City Council shall consider the advice and recommendations of the Planning Commission and evaluate the following potential findings:
- (1) The potential for the proposed use to be in harmony with the general purpose and intent of the Zoning Code and the Comprehensive Plan;
  - (2) The effect of the proposed use upon the health, safety and general welfare of occupants of surrounding lands;
  - (3) The existing and anticipated traffic conditions; and
  - (4) The effect on values of property in the surroundings.
- (d) Revocation of Conditional Use Permit
- (1) Failure to comply with any and all conditions and stipulations issued with a Conditional Use Permit shall result in revocation of the Conditional Use Permit. Revocation shall occur after a public hearing by the City Council and in compliance with M.S. Chapter 462.
- (e) Amendments. All requested amendments to the conditions of an existing CUP shall be processed in the same manner as a new application.
5. Interim Use Permit (IUP)
- (a) The purposes for allowing interim uses are:
- (1) To allow a use for a temporary period of time until a permanent location is obtained or while the permanent location is under construction;
  - (2) To allow a use that is presently judged acceptable by the City Council, but that with anticipated development or redevelopment will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the respective district;
  - (3) To allow a use that is seasonal in nature; or
  - (4) To allow a use for a limited period of time that reasonably uses the property where it is not reasonable to use it in the manner otherwise provided in the zoning ordinance or comprehensive plan.
- (b) Application Review

- (1) An IUP application shall be made and reviewed following the procedures in this Chapter.
  - (2) If an interim use is not already identified as a principal or accessory use in Tables 1 and 2 in the Residential Zoning Districts Chapter or in Tables 1 and 2 in the Non-Residential Zoning Districts Chapter, then the City Council may determine the use to be an interim use.
- (c) Findings for Approval. No IUP may be granted unless the City Council determines that the use will comply with the following:
- (1) The use will not delay anticipated development or redevelopment of the site;
  - (2) The use will not adversely impact implementation of the Comprehensive Plan;
  - (3) The use will not be in conflict with provisions of the City Code on an ongoing basis;
  - (4) The use will not adversely affect the adjacent property, the surrounding neighborhood, or other uses on the property where the use will be located;
  - (5) The date or event that will terminate the use can be identified with certainty;
  - (6) The use will not impose additional unreasonable costs on the public;
  - (7) The applicant has signed a consent agreement stating that the applicant, owner, operator, tenant and/or user has no entitlement to future re-approval of the interim use permit and that the interim use permit will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future; and
  - (8) The applicant agrees in writing to any conditions that the City Council deems appropriate for the use including the requirement for a financial security to ensure removal of all evidence of the use upon termination.
- (d) Effect of Permit
- (1) An IUP is effective only for the location specified in the permit.
  - (2) An IUP, including any conditions, shall run with the land and shall not be affected by a change in ownership of the property unless it is stated in the interim use permit that a change in ownership of the property will terminate the interim use permit.
  - (3) The issuance of an IUP does not confer on the property any vested right.
- (e) Termination
- (1) An IUP expires and the interim use must terminate at the earlier of:
    - ((a)) The expiration date of the IUP;
    - ((b)) The occurrence of any event identified in the IUP for the termination of the use;
    - ((c)) Revocation of the IUP; or
    - ((d)) An amendment to the city code that no longer allows the interim use.

- (2) An IUP expires if the interim use ceases operation for a continuous period of at least one year.
- (f) IUP Renewal
  - (1) The property owner may initiate renewal of an IUP set to expire. Application requirements for renewal of an existing IUP shall be the same as for a new application.
  - (2) Upon receiving a complete application for an IUP renewal, the City shall send notice of the requested renewal to all property owners within 350 feet of the parcel(s) containing the interim use. If any objections are raised within 10 days of the mailed notice, the application shall be processed in the manner of a new application.
  - (3) If no objections are raised, the City shall prepare a resolution to approve, outlining the conditions and stipulations of renewal for consideration by the City Council. The City Council at its discretion may approve or deny the request with findings. Denial of a renewal request does not constitute termination of the existing IUP.
  - (4) Revoked interim use permits shall not be renewed.
- (g) Revocation of an IUP
  - (1) The City Council may review an IUP periodically and may revoke a permit upon violation of any condition of the permit, any state or federal law, or any city ordinance.
  - (2) If it is discovered after approval of the IUP that the City's decision was based at least in part on false, misleading or fraudulent information, the City Council may revoke the permit to ensure compliance with this section.
  - (3) The procedure for revocation of an IUP will be the same as that for CUPs specified in this section.
- (h) Amendments. All requested amendments to the conditions of an existing IUP shall be processed in the same manner as a new application.
6. Administrative Nonconforming Expansion Permit
  - (a) The City may permit an expansion of a legal nonconforming structure imposing reasonable regulations to prevent a public nuisance or protect the public health, welfare and safety pursuant to M.S. § 462.357, Subd. 1(e)(b).
  - (b) A nonconforming structure may only be expanded if the expansion does not increase the nonconformity present and meets the relevant land use regulations, including but not limited to lot coverage, setbacks and height.
  - (c) Application Review
    - (1) In order to be able to legally expand a structure that is nonconforming, an application for a nonconforming expansion permit must be made to the City.
    - (2) An expansion permit for a nonconforming structure may be granted by the Community Development Director if the applicant meets the following findings for approval:

- ((a)) The expansion does not increase or intensify the existing nonconformity;
- ((b)) The expansion would be architecturally compatible with the existing principal structure;
- ((c)) There is adequate off-street parking for the expansion;
- ((d)) There is an absence of adverse off-site impacts from such things as traffic, vision safety, noise, dust, odors and parking;
- ((e)) The expansion is an improvement to the appearance and stability of the property and neighborhood as the proposed expansion would meet all currently existing zoning and building code requirements; and
- ((f)) The expansion would be compatible with the character of the neighborhood.

(3) The Community Development Director may impose reasonable conditions on the expansion permit approval related to health and safety. All other applicable permits will need to be obtained by the applicant in addition to the expansion permit.

(d) Terms of Expansion Permit

- (1) An expansion permit granted by the City will run with the land and will be perpetual unless no building permit has been issued or substantial work performed within one year of the approval, in which case the permit will be null and void.
- (2) The Community Development Director may extend the period for construction upon finding that the interest of the owners of neighboring properties will not be adversely affected by such extension. If the expansion permit is part of an approved site and building plan, extension of the time period of construction will be contingent upon a similar extension of the time period for the site and building plan by the Community Development Director. Once the project is completed as approved, the expansion permit runs with the land.

(e) Violation of Nonconforming Expansion Permit

- (1) Any person who violates, fails to comply with or assists, directs or permits the violation of the terms or conditions of an expansion permit is guilty of a misdemeanor.
- (2) A violation of the expansion permit shall result in revocation of the expansion permit. Revocation shall occur after a public hearing by the City Council.
- (3) A violation also constitutes a public nuisance that may be abated by the City in accordance with the provisions of the Abatement of Exterior Public Nuisances Chapter of the Code.

7. Variance

(a) Purpose

- (1) The purpose of a variance is to provide for deviations from the literal provisions of this Title in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under

consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of this Title.

(b) Application Review

- (1) An application shall be made and reviewed following the procedures in this Chapter. Within the application, the applicant shall state the exceptional conditions and practical difficulties claimed as a basis for a variance.
- (2) The City Council may impose reasonable conditions in the granting of a variance that the Council considers necessary to protect adjacent properties or the public health, safety, and welfare.
- (3) Findings of Fact. In considering applications for variances under this Title, the City Council shall consider the advice and recommendations of the Planning Commission and determine the following findings for approval:
  - ((a)) The variance is in harmony with the general purposes and intent of this Title;
  - ((b)) The variance is consistent with the Comprehensive Plan; and
  - ((c)) The variance meets the criteria of a practical difficulty. Practical difficulty means:
    - ((1)) The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Code;
    - ((2)) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
    - ((3)) The variance, if granted, will not alter the essential character of the locality.
    - ((4)) Economic considerations alone do not constitute practical difficulties.
    - ((5)) Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
    - ((6)) Variances shall be granted for earth sheltered construction as defined in M.S. § 216C.06, subd. 14, when in harmony with this Title.

(c) Variances in R-1 and R-H Zoning Districts

- (1) In areas zoned R-1 and R-H, the Planning Commission has the authority to grant final approval of variances when all of the following conditions are met:
  - ((a)) There is unanimous agreement of the Planning Commission.
  - ((b)) The staff concurs with the recommendations of the Planning Commission.
  - ((c)) The general public attending the meeting or responding to the notice of public hearing have no objection.
  - ((d)) The applicant is in agreement with the recommendation.

- (2) When the above conditions are not met, the variance request must be reviewed by the City Council.

## 8. Vacation of Right-of-Way or Easement

### (a) Application Review

- (1) A party desiring to vacate any public right-of-way or easement may file a written petition with the City. The request shall be on a City application form, include any additional documentation required by the City, and include the fee established in the Fees Chapter of the City Code. The petition must be signed by a majority of the owners of the land abutting the right-of-way or easement. The City Council, on its own initiative, may also by resolution vacate any public right-of-way or easement.

- (2) The City Council shall conduct a public hearing as specified in this Chapter, except that the public hearing shall be preceded by two weeks' published and posted notice in accordance with M.S. § 412.851. Failure of a property owner to receive notice shall not invalidate any such proceedings as set forth within this Chapter.

- ((a)) If a public right-of-way or easement included in a vacation application adjoins a body of public water, a written notice must be sent by certified mail to the Commissioner of the Minnesota Department of Natural Resources at least 60 days before the hearing on the matter. At least 15 days prior to convening the hearing required under this section, the City must consult with the Commissioner of the Minnesota Department of Natural Resources to review the proposed vacation.

- (3) The City Council shall follow such requirements as established by the City Charter for approval of vacation requests.

- (b) Reservation of Interest. The City Council may specify the extent to which such vacation affects existing easements therein and the extent to which the vacation affects the authority of any person, corporation or city owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains and hydrants, thereon or thereunder, to continue to maintain the same or to enter upon such public right of way or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto.

## 9. Process for Transit Oriented Development (TOD) Plan Approval

- (a) Project plans will be reviewed by the Planning Commission, who will provide a recommendation to the City Council. The City Council shall have final authority to approve all project plans.

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

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

- (d) Project plans submitted to the Planning Commission and City Council shall include the following minimum criteria:
  - (1) Scaled site plans, showing the location of buildings, off-street parking, street and utility locations, auto and pedestrian access to and from the project, any modification to existing services, grading plans, storm water plans, building exterior finish, lighting and signing, TOD streetscape features, and landscape plans.
  - (2) Written city staff review on project compatibility to the overall Transit Oriented Development District.
- (e) Any substantial modification to the plan must be submitted through the Planning Commission and approved by the City Council.

#### 10. Process for S-2 District Approval

- (a) Plans for each individual project or combination of projects must be submitted, upon payment of any required fee as provided in the Fees Chapter of the Code to the City for review according to the procedures listed in this Procedures Chapter. The City Council shall have final authority to approve all project plans.
- (b) Project plans submitted to the Planning Commission and City Council shall include the following minimum information:
  - (1) Site plans showing the location of buildings, off street parking, street and utility locations, auto and pedestrian access to and from the project, any modification to existing services, grading plans, storm water plans, building exterior finish, lighting and signing and landscape plans.
  - (2) Written City staff review of the project plans on the project's compatibility to the City's overall redevelopment plan.
  - (3) Review and recommendation of the project plans to the City Council from the Fridley Housing and Redevelopment Authority (HRA).
- (c) Any substantial modification to the project plans must be submitted to the Planning Commission for review and approved by the City Council.

#### 650.04 Subdivision Procedures

1. Applicability. The requirements of this Chapter shall apply to all subdivision applications subject to development review under this Code unless otherwise stated.
2. Exemptions. As defined in M.S. § 462.352, subdivision approval by the City is not required for any of the following:
  - (a) Separations where all the resulting parcels, tracts, lots or interests will be 20 acres or larger in size and 500 feet in width for residential uses and five acres or larger in size for commercial and industrial uses;
  - (b) Separations creating cemetery lots;
  - (c) Separations resulting from court orders; or
  - (d) Separations resulting from the adjustment of a lot line by the relocation of a common boundary.

3. Conditions for Recording. No plat or subdivision shall be entitled to be recorded in the County Recorder or Registrar of Titles' office or have any validity until the plat thereof has been prepared, approved and acknowledged in the manner prescribed by this chapter.
4. Denial of Plats
  - (a) The City may deny the subdivision if it makes any one or more of the following findings:
    - (1) That the proposed subdivision is in conflict with the City's Comprehensive Plan or any specific area plans of the City;
    - (2) That the physical characteristics of this site, including but not limited to topography, soil conditions, susceptibility to flooding, water storage, drainage, and retention, are such that the site is not suitable for the type of development, design or use contemplated;
    - (3) That the site is not physically suitable for the proposed density of development;
    - (4) That the design of the subdivision or the proposed improvements are likely to cause environmental damage;
    - (5) That the design of the subdivision or the type of improvements are likely to cause public health problems;
    - (6) That the design of the subdivision or the type of improvements will conflict with easements of record or with easements established by judgment of a court;
    - (7) That the proposed subdivision, its site or its design adversely affects the flood-carrying capacity of the floodway, increases flood stages and velocities or increases flood hazards within the floodway fringe or within other areas of the city;
    - (8) That the proposed subdivision is inconsistent with the policies and standards of the state-defined Shoreland, Floodplain, and Critical Area Districts; or
    - (9) That the design of the subdivision does not conform to minimum City standards.
5. Registered Land Surveys.
  - (1) Registered land surveys shall not be used to avoid the requirements of this title.
  - (2) All registered land surveys shall be prepared in conformance with M.S. § 508.47, subd. 4.
  - (3) A registered land survey shall be reviewed by the Planning Commission and approved by the City Council in the same manner as a preliminary plat, including holding the requisite public hearing. Unless the registered land survey has been approved by the City Council, building permits will be withheld by the City for buildings on tracts which have been subdivided by registered land surveys, and the City may refuse to take over tracts that are to be used as streets or roads or to improve, repair, or maintain any such tracts unless the registered land survey is approved by the City Council.
6. Conveyance by Metes and Bounds.
  - (a) No conveyance of land to which the regulations of this Chapter are applicable shall be filed or recorded if the land is:

- (1) described in the conveyance by metes and bounds;
  - (2) described by reference to an unapproved registered land survey made after April 21, 1961; or
  - (3) described by reference to an unapproved plat made after such regulations become effective.
7. The preceding shall not apply if the conveyance is one of the exceptions identified in M.S. § 462.358, subd. 4b.
  - (a) In any case in which compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purpose of this Chapter, the City Council may waive such compliance by adoption of a resolution to that effect and the conveyance may then be filed or recorded.
8. Administrative Adjustment
  - (a) Applicability. An administrative adjustment application shall be submitted to the City when any of the following apply:
    - (1) An applicant is proposing to relocate a property line(s) without increasing or decreasing the number of parcels and where all parcels meet Code requirements; or
    - (2) Zero lot line subdivision.
  - (b) The Community Development Director may approve administrative adjustments.
  - (c) Submittal and Approval Process. Applications for an administrative adjustment shall be made on forms furnished by the City and reviewed by the Community Development Director.
    - (1) The Community Development Director shall review the application and plans and determine if further review by the Development Review Committee is required.
    - (2) The Community Development Director shall confirm as part of the review process whether consent by a mortgage holder is required.
    - (3) The Community Development Director shall provide the applicant with written notice of the decision and reasons for approval or denial.
    - (4) Approved plans shall be recorded among the records of the County within 180 days after the date of the approval or resolution, unless a longer period of time is granted and provided for recording at the time of approval.
    - (5) A plan not recorded within a period of 180 days, or the approved extension time, is deemed to be one that is not approved and such subdivision is not entitled to be recorded; and the same shall not thereafter be recorded except and unless it is presented to the Planning Commission and Council and re-approved.
  - (d) Requirements for a Zero Lot Line Subdivision
    - (1) All other zoning requirements in the respective districts except for the setbacks along the zero lot line(s) must be met. Lots shall be divided equally as is reasonably possible within the restrictions of the existing guidelines of this Title.

- (2) Separate meters must be provided to each dwelling unit for water, electricity and natural gas. In addition, the common party wall(s) fire rating shall be one hour for existing structure and two, one-hour walls for new construction.
- (3) The owner of the property shall execute and record at their expense a "Declaration of Covenants, Conditions and Restrictions" as provided by the City. The said document shall be used to protect the rights of the individual owners sharing the single structure to maintain and repair any in case of damage to the original structure. The declarations, covenants, conditions and restrictions shall provide protection to the property owners and the City on the following objects:
  - ((a)) Building and use restrictions.
  - ((b)) Party walls.
  - ((c)) Maintenance and use of any common area.
  - ((d)) Relationships among owners of adjoining units and resolution of disputes.
- (4) City consent shall be required in order to amend the declarations, covenants, conditions and restrictions.

#### 9. Minor Subdivision

- (a) Applicability. An application for a minor subdivision shall be submitted to the City when all of the following apply:
  - (1) An applicant is proposing to divide land by the owner or applicant resulting in the creation of not more than three parcels or building sites, where all parcels meet Code requirements;
  - (2) The land has been previously subdivided by plat or Registered Land Survey and is on file and of record in the office of the County Recorder or Registrar of Title's Office;
  - (3) The application will not cause the parcel or any structure on the parcel to be in violation of this Code or the building code;
  - (4) With the exception of sidewalks or trails, the application will not involve the construction of any new street or road, the extension of municipal facilities, the creation of any public improvements, or the dedication of any public easements; and
  - (5) The application does not involve an outlot.
- (b) Application Review
  - (1) Applications for a minor subdivision shall be made in a format prescribed by the City. The applicant shall submit legal descriptions of the proposed parcels and a survey showing the proposed parcels prepared by a licensed land surveyor.
  - (2) If the Community Development Director determines that the minor subdivision process is being used repeatedly to avoid the preliminary plat process or is impacting adjacent parcels or the City's ability to provide services in the

neighborhood, the Community Development Director will require the applicant to complete the preliminary plat process.

- (3) The application shall be processed in accordance with this Chapter, including a public hearing at the Planning Commission prior to consideration by the City Council
- (4) Approved minor subdivisions shall be recorded among the property records of the County within 180 days after the date of the approval or resolution, unless a longer period of time is granted and provided for recording at the time of approval.
- (5) A minor subdivision not recorded within a period of 180 days, or the approved extension time, is deemed to be one that is not approved and such subdivision is not entitled to be recorded; and the same shall not thereafter be recorded except and unless it is presented to the Planning Commission and Council and re-approved.

(c) Preliminary Plat

- (1) Applicability. A preliminary plat application shall be submitted to the City when the proposed subdivision does not qualify as an administrative adjustment or minor subdivision.

(2) Application Review

- ((a)) An applicant shall prepare a preliminary plat of a subdivision before preparing a final plat.
- ((b)) The applicant shall submit the preliminary plat together with all required accompanying material on forms furnished by the City.
- ((c)) The application shall be processed in accordance with this Chapter, including a public hearing at the Planning Commission prior to consideration by the City Council.

(3) Actions after Approval

- ((a)) All preliminary plats must be final platted into lots, blocks, and outlots within one year of preliminary plat approval or the preliminary plat approval shall be null and void.
- ((b)) An extension from this requirement may be granted by the City Council upon request. An extension shall be requested in writing and filed with the City at least 14 days before the voidance of the approved preliminary plat. There shall be no charge for the filing of such request. The request for extension shall state facts showing a good faith attempt was made to meet the final plat submission requirement and the reasons for the extension.
- ((c)) If an amendment to a preliminary plat is requested, it shall follow the same process as a new preliminary plat, except that no public hearing will be required if the opinion of the Community Development Director is that the scope of change does not constitute a new preliminary plat. A filing fee shall be charged for amendment processing.

(d) Effect of Subdivision Approval

- (1) For one year following preliminary approval and for two years following final approval, unless the applicant and the City agree otherwise, no amendment to a comprehensive plan or official control shall apply to or affect the use, development density, lot size, lot layout or dedication or platting required or permitted by the approved application.
- (2) Pursuant to its regulations, the City may extend the period by agreement with the applicant and subject to all applicable performance conditions and requirements, or it may require submission of a new application unless substantial physical activity and investment has occurred in reasonable reliance on the approved application and the applicant will suffer substantial financial damage as a consequence of a requirement to submit a new application.
- (3) In connection with a subdivision involving planned and staged development, the City may by resolution or agreement grant the rights referred to herein for such periods of time longer than two years which it determines reasonable and appropriate.

650.05 Ordinance Amendment (Text or Map)

1. Purpose

- (a) Whenever the public necessity, convenience, general welfare or good zoning practice requires, the City Council may by ordinance:
  - (1) Amend, change or supplement the text of the regulations established by this Title;  
or
  - (2) Change the district boundaries established by this Title and the Zoning Map incorporated herein.

2. Initiation for Amendment. A request to amend this Title or Zoning Map may be made by:

- (a) Any property owner or representative of a property owner of a subject property; or
- (b) The City Council or the Planning Commission.

3. Application Review.

- (a) The Planning Commission shall hold a public hearing, review the application and provide a recommendation to Council as specified in this Chapter.
- (b) The City Council shall review the application following the process for approval of an ordinance as required under the Fridley City Charter.
- (c) After review, the Council, by majority vote, may adopt amendments to this Title or the Zoning Map.

4. S-2 District Process for Approval

- (a) The procedure for the establishment of an S-2 Special District shall follow the amendment procedure as laid out above, and shall clearly describe the purpose for the amendment and the district boundaries.

- (b) If initiated by a property owner or a property owner's representative, plans for each individual project or combination of projects must be submitted, upon payment of any required fee as provided the Fees Chapter of the Code herein, to the Planning Commission and Housing and Redevelopment Authority (HRA), for review and recommendation to the City Council according to the procedures listed in this Title. The City Council shall have final authority to approve all project plans.
  - (c) If initiated by a property owner or a property owner's representative, materials for review provided to the Planning Commission and City Council shall include the following:
    - (1) Site plans from the applicant showing the location of buildings, off street parking, street and utility locations, auto and pedestrian access to and from the project, any modification to existing services, grading plans, storm water plans, building exterior finish, lighting and signing and landscape plans.
    - (2) Written City staff review on project compatibility to the overall redevelopment plan.
    - (3) Review and recommendation to the City Council from the Fridley Housing and Redevelopment Authority (HRA).
5. Any substantial modification to the project plans, as determined by the Community Development Director, must be reviewed by the Planning Commission and HRA and approved by the City Council.

#### 650.06 Appeals

- 1. Appeal of Decision.
  - (a) Purpose. The purpose of this section is to provide for an appeal process where it is alleged that there is an error in any order, requirement, decision, or determination by the City or in the enforcement of this Chapter.
  - (b) An appeal shall be filed by any aggrieved person not later than 30 days after the original applicant has received a determination from their initial application with a written notice to the Community Development Director. If the appeal is not filed by the deadline, the appeal shall be considered void.
- 2. Appeals of Administrative Decisions.
  - (a) Any person aggrieved by an alleged error in any order, requirement, decision, or determination made by the Community Development Director in the enforcement of this Chapter may request a hearing before the Planning Commission. The appeal must be made in writing to the Community Development Director, and must clearly describe the code section under appeal, the facts of the matter, and the mailing address of the owner, and must be accompanied by the required fee.
  - (b) The Planning Commission, serving as the Board of Adjustment and Appeals, shall, after receiving the written report and recommendation of City staff, make findings of fact and make a decision on appeals where it is alleged by the appellant that error has occurred in any order, requirement, decision, or determination made by the

Community Development Director in the enforcement of this Title, and for variances from the literal provisions of this Title.

- (c) The Planning Commission shall render a decision on the appeal within 60 days from the date upon which the application for the appeal was deemed complete, unless extended by the City or the applicant as permitted by M.S. § 15.99 and any amendments thereto.
- (d) The Planning Commission shall provide for a written record or video recording of its proceedings which shall include the minutes of its meeting, its findings and the recommendation, approval, or denial of each matter heard by it.

3. Appeals of Planning Commission Decisions.

- (a) Appeals from decisions of the Planning Commission acting as the Board of Adjustments and Appeals must be heard by the City Council as provided for by M.S. § 462.354, before any judicial review under M.S. § 462.361 may be initiated.
- (b) An application for appeal to the City Council, requesting the Council to reconsider the decision of the Planning Commission, shall be received no later than 30 days after the date the Planning Commission has issued its written findings of fact and decision. The application for appeal shall set forth reasons that the appeal is justified in order to make reasonable use of the land, structure or building.
- (c) A fee shall be charged pursuant to the Fees Chapter of the Code. The fee shall accompany the application request by the appellant and shall not be refundable.
- (d) The City Council shall take action on the appellant's request within a reasonable time after the appellant's written request and the application fee has been received by the Community Development Director or their designee.

4. Appeals of City Council Decisions.

- (a) Any aggrieved person shall have the right to appeal any land use decision by the City Council to the Anoka County District Court.
- (b) All decisions made by the City Council regarding subdivision shall be final, except that any aggrieved person shall have the right to appeal to the Anoka County District Court.

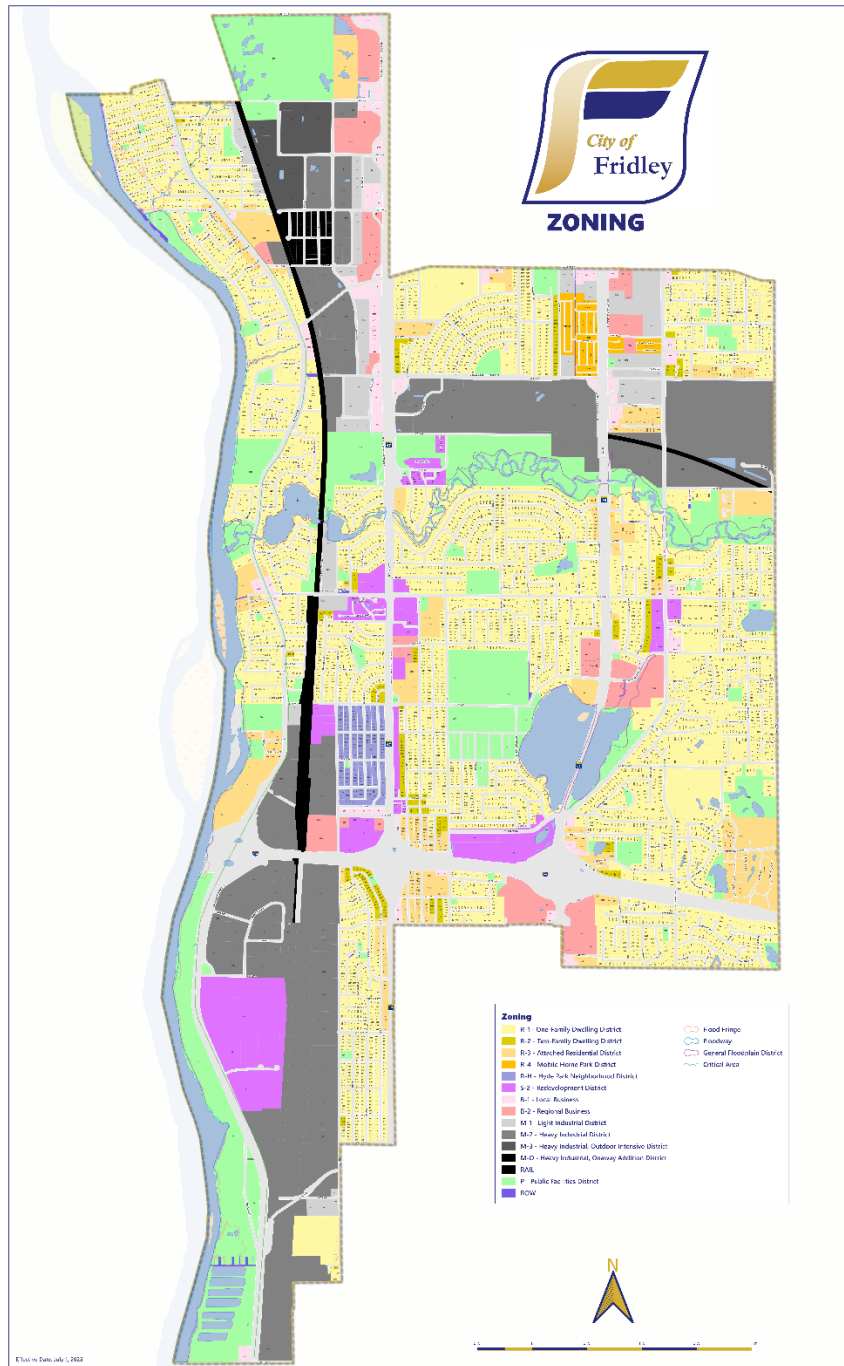
650.07 Enforcement

- 1. Any violation of or failure to comply with this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provisions of the Penalties Chapter of the Code.
- 2. Any such person who, having been served with an order to remove any such violation, continues to violate any provisions of the regulations made under authority of this Chapter, or failing to comply with said order to remove any such violation, within a reasonable period of time, not less than 20 days from the date of the notice, shall be guilty of a misdemeanor and subject to all penalties provided for such violations under the provisions of the Penalties Chapter of the Code.
- 3. Each day that such violation continues shall be a separate violation.

## Section 5

That the Fridley City Code Appendix 1, Zoning Map, which classifies properties in the City of Fridley within different zoning districts is hereby adopted as follows:

### Fridley City Code Appendix 1, Zoning Map



2024 Zoning	Zoning After July 1, 2025	PIN	Street Address
C-1	B-1	123024130084	1360 ONONDAGA ST NE
C-1	B-1	033024240128	505 FAIRMONT ST NE
C-1	B-1	253024220011	5151 CENTRAL AVE NE
C-1	B-1	113024120004	620 OSBORNE RD NE
C-1	B-1	133024420053	6301 CENTRAL AVE NE
C-1	B-1	133024420051	6303 CENTRAL AVE NE
C-1	B-1	133024420049	6381 CENTRAL AVE NE
C-1	B-1	133024420046	6391 CENTRAL AVE NE
C-1	B-1	133024420024	6401 CENTRAL AVE NE
C-1	B-1	153024420102	6485 EAST RIVER RD NE
C-1	B-1	123024130019	7345 CENTRAL AVE NE
C-1	B-1	103024140055	7365 EAST RIVER RD NE
C-1	B-1	123024130091	7401 CENTRAL AVE NE
C-1	B-1	103024140015	7429 EAST RIVER RD NE
C-1	B-1	113024220008	7510 UNIVERSITY AVE NE
C-1	B-1	113024220028	7520 UNIVERSITY AVE NE
C-1	B-1	123024120076	7651 CENTRAL AVE NE
C-1	B-1	123024120075	7671 CENTRAL AVE NE#101
C-1	B-1	123024120053	7691 CENTRAL AVE NE
C-1	B-1	033024430008	7899 EAST RIVER RD NE
C-1	B-1	033024240153	8100 EAST RIVER RD NE
C-1	B-1	033024240127	8150 EAST RIVER RD NE
C-1	B-1	033024240155	8154 EAST RIVER RD NE
C-1	B-1	103024140056	<i>Address unassigned</i>
C-1	B-1	133024420052	<i>Address unassigned</i>
C-1	B-1	253024220010	<i>Address unassigned</i>
C-1	B-1	253024220012	<i>Address unassigned</i>
C-1	R-3	253024220013	1050 52ND AVE NE
C-1	R-3	253024220014	1120 52ND AVE NE
C-1	R-3	253024220015	1170 52ND AVE NE
C-2	B-1	123024220003	1010 OSBORNE RD NE
C-2	B-1	123024220028	1040 OSBORNE RD NE
C-2	B-1	133024240101	1299 MISSISSIPPI ST NE
C-2	B-1	233024230144	201 57TH AVE NE
C-2	B-1	113024220021	225 OSBORNE RD NE
C-2	B-1	233024230145	251 57TH AVE NE
C-2	B-1	233024230175	255 57TH AVE NE
C-2	B-1	233024230022	262 57TH PL NE
C-2	B-1	233024230023	289 57TH AVE NE
C-2	B-1	343024430012	3720 EAST RIVER RD NE

C-2	B-1	233024440003	5300 CENTRAL AVE NE
C-2	B-1	233024340036	5311 UNIVERSITY AVE NE
C-2	B-1	233024340100	5333 UNIVERSITY AVE NE
C-2	B-1	233024440002	5400 CENTRAL AVE NE
C-2	B-1	233024340001	5480 7TH ST NE
C-2	B-1	233024340095	5484 7TH ST NE
C-2	B-1	233024310107	5649 UNIVERSITY AVE NE
C-2	B-1	233024310108	5667 UNIVERSITY AVE NE
C-2	B-1	243024320134	5695 HACKMANN AVE NE
C-2	B-1	133024310072	6301 HIGHWAY 65 NE
C-2	B-1	133024310073	6319 HIGHWAY 65 NE
C-2	B-1	133024130045	6501 CENTRAL AVE NE
C-2	B-1	153024130064	6501 EAST RIVER RD NE
C-2	B-1	133024130022	6519 CENTRAL AVE NE
C-2	B-1	153024130056	6520 EAST RIVER RD NE
C-2	B-1	133024130047	6525 CENTRAL AVE NE
C-2	B-1	153024130055	6530 EAST RIVER RD NE
C-2	B-1	123024310025	7091 HIGHWAY 65 NE#205
C-2	B-1	123024310012	7101 HIGHWAY 65 NE
C-2	B-1	113024320034	7110 UNIVERSITY AVE NE
C-2	B-1	123024310010	7151 HIGHWAY 65 NE
C-2	B-1	123024310008	7191 HIGHWAY 65 NE
C-2	B-1	113024320032	7200 UNIVERSITY AVE NE
C-2	B-1	113024320028	7260 UNIVERSITY AVE NE#145
C-2	B-1	113024310002	7295 UNIVERSITY AVE NE
C-2	B-1	123024320004	7298 HIGHWAY 65 NE
C-2	B-1	123024310051	7299 HIGHWAY 65 NE
C-2	B-1	113024230019	7300 UNIVERSITY AVE NE
C-2	B-1	123024240047	7315 HIGHWAY 65 NE
C-2	B-1	113024230018	7320 UNIVERSITY AVE NE
C-2	B-1	113024230008	7362 UNIVERSITY AVE NE#104
C-2	B-1	123024130083	7365 CENTRAL AVE NE
C-2	B-1	113024230006	7388 UNIVERSITY AVE NE
C-2	B-1	113024230005	7398 UNIVERSITY AVE NE
C-2	B-1	113024230004	7400 UNIVERSITY AVE NE
C-2	B-1	113024230003	7420 UNIVERSITY AVE NE
C-2	B-1	113024230002	7440 UNIVERSITY AVE NE
C-2	B-1	103024140057	7449 EAST RIVER RD NE
C-2	B-1	113024220030	7500 UNIVERSITY AVE NE
C-2	B-1	113024220024	7550 UNIVERSITY AVE NE
C-2	B-1	113024220002	7600 UNIVERSITY AVE NE

C-2	B-1	113024220019	7610 UNIVERSITY AVE NE
C-2	B-1	123024220008	7680 HIGHWAY 65 NE
C-2	B-1	123024210002	7699 HIGHWAY 65 NE
C-2	B-1	023024320006	7910 UNIVERSITY AVE NE
C-2	B-1	023024320028	7920 UNIVERSITY AVE NE
C-2	B-1	023024320027	7968 UNIVERSITY AVE NE
C-2	B-1	023024320005	8094 UNIVERSITY AVE NE
C-2	B-1	023024230013	8100 UNIVERSITY AVE NE
C-2	B-1	023024230005	8290 UNIVERSITY AVE NE
C-2	B-1	023024230006	8298 UNIVERSITY AVE NE
C-2	B-1	023024220011	8300 UNIVERSITY AVE NE
C-2	B-1	023024220010	8310 UNIVERSITY AVE NE
C-2	B-1	023024220016	8480 UNIVERSITY AVE NE
C-2	B-1	023024220015	8490 UNIVERSITY AVE NE
C-2	B-1	123024220030	970 OSBORNE RD NE
C-2	B-1	023024220014	<i>Address unassigned</i>
C-2	B-1	113024230007	<i>Address unassigned</i>
C-2	B-1	123024310053	<i>Address unassigned</i>
C-2	B-1	133024310074	<i>Address unassigned</i>
C-2	B-1	153024130054	<i>Address unassigned</i>
C-2	B-1	153024130060	<i>Address unassigned</i>
C-2	B-1	343024430013	<i>Address unassigned</i>
C-2	B-2	023024220012	8450 UNIVERSITY AVE NE
C-3	B-2	133024340035	1000 EAST MOORE LAKE DR NE
C-3	B-2	133024340044	1001 EAST MOORE LAKE DR NE
C-3	B-2	123024210017	1150 OSBORNE RD NE
C-3	B-2	123024240005	1160 FIRESIDE DR NE
C-3	B-2	133024340037	1200 EAST MOORE LAKE DR NE
C-3	B-2	123024210016	1200 OSBORNE RD NE
C-3	B-2	133024340038	1250 EAST MOORE LAKE DR NE
C-3	B-2	133024340043	1250 EAST MOORE LAKE DR NE
C-3	B-2	233024320007	200 57TH AVE NE
C-3	B-2	143024340003	350 63RD AVE NE
C-3	B-2	253024220073	5201 CENTRAL AVE NE
C-3	B-2	253024220077	5205 CENTRAL AVE NE
C-3	B-2	253024220072	5207 CENTRAL AVE NE
C-3	B-2	253024220004	5277 CENTRAL AVE NE
C-3	B-2	243024330011	5339 CENTRAL AVE NE
C-3	B-2	243024330009	5351 CENTRAL AVE NE
C-3	B-2	243024330008	5407 CENTRAL AVE NE
C-3	B-2	223024410007	5650 MAIN ST NE

C-3	B-2	223024410010	5660 MAIN ST NE
C-3	B-2	233024320006	5696 UNIVERSITY AVE NE
C-3	B-2	133024330001	6161 HIGHWAY 65 NE
C-3	B-2	133024330046	6210 HIGHWAY 65 NE
C-3	B-2	133024330004	6220 HIGHWAY 65 NE
C-3	B-2	133024330058	6230 HIGHWAY 65 NE#101
C-3	B-2	133024330059	6230 HIGHWAY 65 NE#103
C-3	B-2	133024330060	6230 HIGHWAY 65 NE#104
C-3	B-2	133024330061	6230 HIGHWAY 65 NE#105
C-3	B-2	133024330062	6230 HIGHWAY 65 NE#106
C-3	B-2	133024330048	6240 HIGHWAY 65 NE
C-3	B-2	133024330049	6240 HIGHWAY 65 NE#201
C-3	B-2	133024330050	6240 HIGHWAY 65 NE#202
C-3	B-2	133024330051	6240 HIGHWAY 65 NE#207
C-3	B-2	133024330052	6240 HIGHWAY 65 NE#208
C-3	B-2	133024330053	6260 HIGHWAY 65 NE#301
C-3	B-2	133024330054	6260 HIGHWAY 65 NE#302
C-3	B-2	133024330055	6260 HIGHWAY 65 NE#303
C-3	B-2	133024330056	6260 HIGHWAY 65 NE#307
C-3	B-2	133024330057	6260 HIGHWAY 65 NE#308
C-3	B-2	143024340002	6279 UNIVERSITY AVE NE
C-3	B-2	133024330044	6280 HIGHWAY 65 NE#401
C-3	B-2	133024330045	6280 HIGHWAY 65 NE#402
C-3	B-2	133024330065	6290 HIGHWAY 65 NE
C-3	B-2	143024310033	6299 UNIVERSITY AVE NE
C-3	B-2	133024330034	6304 HIGHWAY 65 NE
C-3	B-2	133024320070	6310 HIGHWAY 65 NE
C-3	B-2	143024310031	6315 UNIVERSITY AVE NE
C-3	B-2	123024240054	7501 HIGHWAY 65 NE
C-3	B-2	233024440009	753 53RD AVE NE
C-3	B-2	233024440008	755 53RD AVE NE
C-3	B-2	123024210023	7597 HIGHWAY 65 NE
C-3	B-2	123024210022	7601 HIGHWAY 65 NE
C-3	B-2	113024220027	7616 UNIVERSITY AVE NE
C-3	B-2	113024220026	7620 UNIVERSITY AVE NE
C-3	B-2	233024440005	765 53RD AVE NE
C-3	B-2	123024210026	7651 HIGHWAY 65 NE
C-3	B-2	023024330009	7700 UNIVERSITY AVE NE
C-3	B-2	033024430009	7701 EAST RIVER RD NE
C-3	B-2	023024330008	7710 UNIVERSITY AVE NE
C-3	B-2	023024330025	7710 UNIVERSITY AVE NE

C-3	B-2	023024330006	7730 UNIVERSITY AVE NE
C-3	B-2	233024440006	775 53RD AVE NE
C-3	B-2	033024430044	7751 EAST RIVER RD NE
C-3	B-2	023024330028	7810 UNIVERSITY AVE NE
C-3	B-2	023024330002	7820 UNIVERSITY AVE NE
C-3	B-2	233024440007	785 53RD AVE NE
C-3	B-2	023024330001	7890 UNIVERSITY AVE NE
C-3	B-2	023024230021	8150 UNIVERSITY AVE NE
C-3	B-2	023024230022	8200 UNIVERSITY AVE NE
C-3	B-2	023024230020	<i>Address unassigned</i>
C-3	B-2	023024230023	<i>Address unassigned</i>
C-3	B-2	023024330032	<i>Address unassigned</i>
C-3	B-2	113024230009	<i>Address unassigned</i>
C-3	B-2	113024230010	<i>Address unassigned</i>
C-3	B-2	113024230011	<i>Address unassigned</i>
C-3	B-2	123024210020	<i>Address unassigned</i>
C-3	B-2	123024210021	<i>Address unassigned</i>
C-3	B-2	133024339901	<i>Address unassigned</i>
C-3	B-2	133024339901	<i>Address unassigned</i>
C-3	B-2	133024339901	<i>Address unassigned</i>
C-3	B-2	133024340020	<i>Address unassigned</i>
C-3	B-2	133024340036	<i>Address unassigned</i>
C-3	B-2	133024340039	<i>Address unassigned</i>
C-3	B-2	143024310030	<i>Address unassigned</i>
C-3	B-2	223024410011	<i>Address unassigned</i>
C-3	B-2	243024330004	<i>Address unassigned</i>
C-3	B-2	243024330005	<i>Address unassigned</i>
C-R	B-1	133024340045	1109 EAST MOORE LAKE DR NE
C-R	B-1	113024120058	7675 MADISON ST NE
C-R	B-1	243024320133	941 HILLWIND RD NE
C-R	B-1	243024320060	951 HILLWIND RD NE
C-R	B-1	243024320014	961 HILLWIND RD NE
M-4	B-2	123024210034	<i>Address unassigned</i>
M-4	M-1	123024210033	7585 HIGHWAY 65 NE
M-4	M-1	033024130016	<i>Address unassigned</i>
PUD	R-1	033024310115	301 LIBERTY ST NE
PUD	R-1	033024310114	303 LIBERTY ST NE
PUD	R-1	033024310113	305 LIBERTY ST NE
PUD	R-1	033024310116	8002 RUTH ST NE
PUD	R-1	033024240037	8027 FAIRMONT CIR NE
PUD	R-1	033024310117	8041 EAST RIVER RD NE

PUD	R-1	033024240036	8041 FAIRMONT CIR NE
PUD	R-1	033024310118	8051 EAST RIVER RD NE
PUD	R-1	033024240035	8057 FAIRMONT CIR NE
PUD	R-1	033024310119	8061 EAST RIVER RD NE
PUD	R-1	033024240034	8071 FAIRMONT CIR NE
PUD	R-1	033024240033	8087 FAIRMONT CIR NE
PUD	R-1	033024240032	8101 FAIRMONT CIR NE
PUD	R-1	033024240025	8102 FAIRMONT CIR NE
PUD	R-1	033024240024	8104 FAIRMONT CIR NE
PUD	R-1	033024240023	8106 FAIRMONT CIR NE
PUD	R-1	033024240022	8110 FAIRMONT CIR NE
PUD	R-1	033024240031	8111 FAIRMONT CIR NE
PUD	R-1	033024240021	8112 FAIRMONT CIR NE
PUD	R-1	033024240020	8114 FAIRMONT CIR NE
PUD	R-1	033024240030	8121 FAIRMONT CIR NE
PUD	R-1	033024240029	8131 FAIRMONT CIR NE
PUD	R-1	033024240028	8141 FAIRMONT CIR NE
PUD	R-1	033024240027	8151 FAIRMONT CIR NE
PUD	S-2	233024320013	230 57TH AVE NE
PUD	S-2	233024320012	250 57TH AVE NE
PUD	S-2	233024320011	268 57TH AVE NE
PUD	S-2	233024320010	286 57TH AVE NE
R-1	R-3	263024220099	5101 HORIZON DR NE
R-2	R-3	243024330024	1200 CHERI LN NE
R-2	R-3	243024330025	1230 CHERI LN NE
R-2	R-3	243024330026	1260 CHERI LN NE
R-2	R-3	243024330027	1290 CHERI LN NE
R-2	R-3	233024330085	213 53RD AVE NE
R-2	R-3	233024330086	305 53RD AVE NE
R-2	R-3	263024230070	4901 3RD ST NE
R-2	R-3	263024230071	4913 3RD ST NE
R-2	R-3	263024230072	4921 3RD ST NE
R-2	R-3	263024230073	4939 3RD ST NE
R-2	R-3	263024230074	4949 3RD ST NE
R-2	R-3	263024230075	4965 3RD ST NE
R-2	R-3	263024230076	4985 3RD ST NE
R-2	R-3	263024230077	5005 3RD ST NE
R-2	R-3	263024230078	5025 3RD ST NE
R-2	R-3	263024230079	5035 3RD ST NE
R-2	R-3	263024230080	5045 3RD ST NE
R-2	R-3	263024230081	5057 3RD ST NE

R-2	R-3	263024230083	5069 3RD ST NE
R-2	R-3	263024230084	5100 HORIZON DR NE
R-2	R-3	263024220008	5200 3RD ST NE
R-2	R-3	263024220004	5201 3RD ST NE
R-2	R-3	263024220007	5230 3RD ST NE
R-2	R-3	263024220003	5231 3RD ST NE
R-2	R-3	263024220006	5260 3RD ST NE
R-2	R-3	263024220002	5261 3RD ST NE
R-2	R-3	263024220005	5290 3RD ST NE
R-2	R-3	263024220001	5291 3RD ST NE
R-2	R-3	233024330051	5475 MAIN ST NE
R-2	R-3	233024330052	5495 MAIN ST NE
S-1	R-H	233024230111	100 58TH AVE NE
S-1	R-H	233024230002	101 57TH PL NE
S-1	R-H	233024230110	110 58TH AVE NE
S-1	R-H	233024220140	110 61ST AVE NE
S-1	R-H	233024230003	131 57TH PL NE
S-1	R-H	233024230004	215 57TH PL NE
S-1	R-H	233024230005	219 57TH PL NE
S-1	R-H	233024230117	232 58TH AVE NE
S-1	R-H	233024230006	233 57TH PL NE
S-1	R-H	233024230138	241 57TH PL NE
S-1	R-H	233024230139	247 57TH PL NE
S-1	R-H	233024230118	248 58TH AVE NE
S-1	R-H	233024220034	250 61ST AVE NE
S-1	R-H	233024230153	251 57TH PL NE
S-1	R-H	233024220026	251 60TH AVE NE
S-1	R-H	233024220033	260 61ST AVE NE
S-1	R-H	233024230132	261 57TH PL NE
S-1	R-H	233024220017	270 61ST AVE NE
S-1	R-H	233024230176	271 57TH PL NE
S-1	R-H	233024230142	276 58TH AVE NE
S-1	R-H	233024230164	281 57TH PL NE
S-1	R-H	233024230143	290 58TH AVE NE
S-1	R-H	233024230165	291 57TH PL NE
S-1	R-H	233024230174	5725 3RD ST NE
S-1	R-H	233024230159	5735 3RD ST NE
S-1	R-H	233024230158	5745 3RD ST NE
S-1	R-H	233024230157	5755 3RD ST NE
S-1	R-H	233024230133	5760 3RD ST NE
S-1	R-H	233024230115	5761 2ND ST NE

S-1	R-H	233024230156	5765 3RD ST NE
S-1	R-H	233024230108	5765 MAIN ST NE
S-1	R-H	233024230113	5770 2 1/2 ST NE
S-1	R-H	233024230106	5770 2ND ST NE
S-1	R-H	233024230120	5770 3RD ST NE
S-1	R-H	233024230135	5775 2 1/2 ST NE
S-1	R-H	233024230136	5775 MAIN ST NE
S-1	R-H	233024230112	5780 2 1/2 ST NE
S-1	R-H	233024230134	5783 2 1/2 ST NE
S-1	R-H	233024230171	5790 2ND ST NE
S-1	R-H	233024230121	5791 2 1/2 ST NE
S-1	R-H	233024230082	5800 2 1/2 ST NE
S-1	R-H	233024230095	5800 2ND ST NE
S-1	R-H	233024230061	5800 3RD ST NE
S-1	R-H	233024230062	5801 2 1/2 ST NE
S-1	R-H	233024230141	5801 2ND ST NE
S-1	R-H	233024230177	5801 3RD ST NE
S-1	R-H	233024230039	5805 3RD ST NE
S-1	R-H	233024230063	5807 2 1/2 ST NE
S-1	R-H	233024230040	5807 3RD ST NE
S-1	R-H	233024230081	5810 2 1/2 ST NE
S-1	R-H	233024230060	5810 3RD ST NE
S-1	R-H	233024230064	5813 2 1/2 ST NE
S-1	R-H	233024230085	5815 2ND ST NE
S-1	R-H	233024230146	5815 MAIN ST NE
S-1	R-H	233024230094	5816 2ND ST NE
S-1	R-H	233024230065	5817 2 1/2 ST NE
S-1	R-H	233024230080	5820 2 1/2 ST NE
S-1	R-H	233024230066	5821 2 1/2 ST NE
S-1	R-H	233024230148	5821 3RD ST NE
S-1	R-H	233024230058	5824 3RD ST NE
S-1	R-H	233024230172	5825 2 1/2 ST NE
S-1	R-H	233024230086	5825 2ND ST NE
S-1	R-H	233024230098	5825 MAIN ST NE
S-1	R-H	233024230057	5826 3RD ST NE
S-1	R-H	233024230079	5828 2 1/2 ST NE
S-1	R-H	233024230093	5830 2ND ST NE
S-1	R-H	233024230147	5831 3RD ST NE
S-1	R-H	233024230131	5832 3RD ST NE
S-1	R-H	233024230173	5833 2 1/2 ST NE
S-1	R-H	233024230078	5834 2 1/2 ST NE

S-1	R-H	233024230087	5835 2ND ST NE
S-1	R-H	233024230099	5835 MAIN ST NE
S-1	R-H	233024230045	5839 3RD ST NE
S-1	R-H	233024230054	5840 3RD ST NE
S-1	R-H	233024230070	5841 2 1/2 ST NE
S-1	R-H	233024230100	5841 MAIN ST NE
S-1	R-H	233024230071	5845 2 1/2 ST NE
S-1	R-H	233024230077	5846 2 1/2 ST NE
S-1	R-H	233024230053	5846 3RD ST NE
S-1	R-H	233024230072	5847 2 1/2 ST NE
S-1	R-H	233024230101	5847 MAIN ST NE
S-1	R-H	233024230092	5848 2ND ST NE
S-1	R-H	233024230073	5849 2 1/2 ST NE
S-1	R-H	233024230046	5849 3RD ST NE
S-1	R-H	233024230076	5850 2 1/2 ST NE
S-1	R-H	233024230074	5851 2 1/2 ST NE
S-1	R-H	233024230088	5851 2ND ST NE
S-1	R-H	233024230075	5852 2 1/2 ST NE
S-1	R-H	233024230137	5854 3RD ST NE
S-1	R-H	233024230149	5857 MAIN ST NE
S-1	R-H	233024230151	5859 3RD ST NE
S-1	R-H	233024230050	5860 3RD ST NE
S-1	R-H	233024230103	5861 MAIN ST NE
S-1	R-H	233024230091	5866 2ND ST NE
S-1	R-H	233024230089	5875 2ND ST NE
S-1	R-H	233024230090	5881 2ND ST NE
S-1	R-H	233024220091	5900 2 1/2 ST NE
S-1	R-H	233024220111	5900 3RD ST NE
S-1	R-H	233024220112	5901 2 1/2 ST NE
S-1	R-H	233024220092	5901 2ND ST NE
S-1	R-H	233024220158	5901 3RD ST NE
S-1	R-H	233024220077	5905 MAIN ST NE
S-1	R-H	233024220090	5908 2 1/2 ST NE
S-1	R-H	233024220093	5909 2ND ST NE
S-1	R-H	233024220078	5909 MAIN ST NE
S-1	R-H	233024220076	5910 2ND ST NE
S-1	R-H	233024220157	5911 3RD ST NE
S-1	R-H	233024220089	5916 2 1/2 ST NE
S-1	R-H	233024220075	5916 2ND ST NE
S-1	R-H	233024220162	5917 2ND ST NE
S-1	R-H	233024220144	5920 3RD ST NE

S-1	R-H	233024220156	5921 3RD ST NE
S-1	R-H	233024220096	5923 2ND ST NE
S-1	R-H	233024220079	5923 MAIN ST NE
S-1	R-H	233024220088	5924 2 1/2 ST NE
S-1	R-H	233024220074	5924 2ND ST NE
S-1	R-H	233024220080	5925 MAIN ST NE
S-1	R-H	233024220097	5929 2ND ST NE
S-1	R-H	233024220155	5931 3RD ST NE
S-1	R-H	233024220073	5932 2ND ST NE
S-1	R-H	233024220081	5933 MAIN ST NE
S-1	R-H	233024220098	5935 2ND ST NE
S-1	R-H	233024220072	5936 2ND ST NE
S-1	R-H	233024220103	5940 3RD ST NE
S-1	R-H	233024220154	5941 3RD ST NE
S-1	R-H	233024220087	5942 2 1/2 ST NE
S-1	R-H	233024220071	5942 2ND ST NE
S-1	R-H	233024220119	5945 2 1/2 ST NE
S-1	R-H	233024220099	5945 2ND ST NE
S-1	R-H	233024220120	5947 2 1/2 ST NE
S-1	R-H	233024220086	5948 2 1/2 ST NE
S-1	R-H	233024220159	5951 3RD ST NE
S-1	R-H	233024220143	5955 2 1/2 ST NE
S-1	R-H	233024220100	5957 2ND ST NE
S-1	R-H	233024220151	5961 3RD ST NE
S-1	R-H	233024220082	5961 MAIN ST NE
S-1	R-H	233024220137	5973 3RD ST NE
S-1	R-H	233024220083	5973 MAIN ST NE
S-1	R-H	233024220102	5974 3RD ST NE
S-1	R-H	233024220085	5980 2 1/2 ST NE
S-1	R-H	233024220070	5980 2ND ST NE
S-1	R-H	233024220101	5980 3RD ST NE
S-1	R-H	233024220138	5981 3RD ST NE
S-1	R-H	233024220084	5981 MAIN ST NE
S-1	R-H	233024220042	6000 2 1/2 ST NE
S-1	R-H	233024220059	6000 2ND ST NE
S-1	R-H	233024220025	6000 3RD ST NE
S-1	R-H	233024220043	6001 2ND ST NE
S-1	R-H	233024220041	6004 2 1/2 ST NE
S-1	R-H	233024220009	6007 3RD ST NE
S-1	R-H	233024220149	6007 MAIN ST NE
S-1	R-H	233024220058	6008 2ND ST NE

S-1	R-H	233024220044	6009 2ND ST NE
S-1	R-H	233024220024	6010 3RD ST NE
S-1	R-H	233024220027	6011 2 1/2 ST NE
S-1	R-H	233024220010	6011 3RD ST NE
S-1	R-H	233024220147	6011 MAIN ST NE
S-1	R-H	233024220160	6012 2ND ST NE
S-1	R-H	233024220040	6014 2 1/2 ST NE
S-1	R-H	233024220028	6015 2 1/2 ST NE
S-1	R-H	233024220148	6015 MAIN ST NE
S-1	R-H	233024220045	6017 2ND ST NE
S-1	R-H	233024220011	6017 3RD ST NE
S-1	R-H	233024220055	6018 2ND ST NE
S-1	R-H	233024220064	6019 MAIN ST NE
S-1	R-H	233024220023	6020 3RD ST NE
S-1	R-H	233024220065	6021 MAIN ST NE
S-1	R-H	233024220054	6022 2ND ST NE
S-1	R-H	233024220039	6024 2 1/2 ST NE
S-1	R-H	233024220029	6025 2 1/2 ST NE
S-1	R-H	233024220053	6030 2ND ST NE
S-1	R-H	233024220022	6030 3RD ST NE
S-1	R-H	233024220046	6031 2ND ST NE
S-1	R-H	233024220012	6031 3RD ST NE
S-1	R-H	233024220038	6032 2 1/2 ST NE
S-1	R-H	233024220030	6035 2 1/2 ST NE
S-1	R-H	233024220047	6035 2ND ST NE
S-1	R-H	233024220066	6035 MAIN ST NE
S-1	R-H	233024220036	6036 2 1/2 ST NE
S-1	R-H	233024220048	6037 2ND ST NE
S-1	R-H	233024220049	6039 2ND ST NE
S-1	R-H	233024220052	6040 2ND ST NE
S-1	R-H	233024220021	6040 3RD ST NE
S-1	R-H	233024220013	6041 3RD ST NE
S-1	R-H	233024220031	6045 2 1/2 ST NE
S-1	R-H	233024220037	6046 2 1/2 ST NE
S-1	R-H	233024220020	6050 3RD ST NE
S-1	R-H	233024220014	6051 3RD ST NE
S-1	R-H	233024220032	6055 2 1/2 ST NE
S-1	R-H	233024220035	6060 2 1/2 ST NE
S-1	R-H	233024220051	6060 2ND ST NE
S-1	R-H	233024220019	6060 3RD ST NE
S-1	R-H	233024220050	6061 2ND ST NE

S-1	R-H	233024220015	6063 3RD ST NE
S-1	R-H	233024220018	6070 3RD ST NE
S-1	R-H	233024220016	6073 3RD ST NE
S-1	R-H	233024230001	<i>Address unassigned</i>
S-1	R-H	233024230059	<i>Address unassigned</i>
S-1	R-H	233024230114	<i>Address unassigned</i>
S-1	R-H	233024230116	<i>Address unassigned</i>
S-1	R-H	233024230150	<i>Address unassigned</i>
S-1	R-H	233024230166	<i>Address unassigned</i>
S-1	R-H	233024230170	<i>Address unassigned</i>
S-1	R-H	233024239906	<i>Address unassigned</i>
S-3	M-O	033024440073	13 77TH AVE NE
S-3	M-O	033024440064	19 77TH WAY NE
S-3	M-O	033024440063	21 77TH AVE NE
S-3	M-O	033024440062	39 77TH WAY NE
S-3	M-O	033024440079	51 77TH AVE NE
S-3	M-O	033024440038	55 77TH AVE NE
S-3	M-O	033024440061	7701 BEECH ST NE#2
S-3	M-O	033024440065	7710 MAIN ST NE
S-3	M-O	033024440060	7713 BEECH ST NE
S-3	M-O	033024440081	7714 BEECH ST NE
S-3	M-O	033024440059	7733 BEECH ST NE
S-3	M-O	033024440041	7740 BEECH ST NE
S-3	M-O	033024440054	7748 ELM ST NE
S-3	M-O	033024440072	7751 ELM ST NE
S-3	M-O	033024440075	7753 BEECH ST NE
S-3	M-O	033024440040	7760 BEECH ST NE
S-3	M-O	033024440074	7760 ELM ST NE
S-3	M-O	033024440090	7763 ELM ST NE
S-3	M-O	033024440057	7779 BEECH ST NE
S-3	M-O	033024440039	7786 BEECH ST NE
S-3	M-O	033024440088	7790 ELM ST NE
S-3	M-O	033024440089	7791 ELM ST NE
S-3	M-O	033024440056	7795 BEECH ST NE
S-3	M-O	033024440035	7800 BEECH ST NE
S-3	M-O	033024440023	7800 ELM ST NE
S-3	M-O	033024440083	7800 MAIN ST NE
S-3	M-O	033024440017	7801 ELM ST NE
S-3	M-O	033024440082	7805 BEECH ST NE
S-3	M-O	033024440080	7830 ELM ST NE
S-3	M-O	033024440091	7831 HICKORY ST NE

S-3	M-O	033024440086	7839 ELM ST NE
S-3	M-O	033024440020	7840 ELM ST NE
S-3	M-O	033024440087	7840 MAIN ST NE
S-3	M-O	033024440026	7845 BEECH ST NE
S-3	M-O	033024440085	7847 ELM ST NE
S-3	M-O	033024440034	7850 BEECH ST NE
S-3	M-O	033024440025	7855 BEECH ST NE
S-3	M-O	033024440003	7860 MAIN ST NE
S-3	M-O	033024440076	7864 ELM ST NE
S-3	M-O	033024440028	7865 BEECH ST NE
S-3	M-O	033024440032	7871 HICKORY ST NE
S-3	M-O	033024440077	7872 ELM ST NE
S-3	M-O	033024440024	7875 BEECH ST NE
S-3	M-O	033024440036	7880 BEECH ST NE
S-3	M-O	033024440078	7880 ELM ST NE
S-3	M-O	033024440002	7880 MAIN ST NE
S-3	M-O	033024440037	7890 HICKORY ST NE
S-3	M-O	033024440084	7891 ELM ST NE
S-3	M-O	033024440030	7891 HICKORY ST NE
S-3	M-O	033024440009	7893 ELM ST NE
S-3	M-O	033024440001	<i>Address unassigned</i>
S-3	M-O	033024440010	<i>Address unassigned</i>
S-3	M-O	033024440042	<i>Address unassigned</i>
S-3	M-O	033024440055	<i>Address unassigned</i>
S-3	M-O	033024440071	<i>Address unassigned</i>
S-3	M-O	033024449901	<i>Address unassigned</i>

## Section 6

That the Fridley City Code Chapter 209 (Fees) is hereby amended as follows:

### Fridley City Code Chapter 209 Fees

#### 209.12 Fees

#### 7. Planning and Zoning Fees

CODE	SUBJECT	FEE
<del>650.04.7</del>	<del>Administrative Lot Line Adjustment</del>	<del>\$200</del>
<del>650.06.2</del>	<del>Appeal of Administrative Decision</del>	<del>\$200</del>
<del>650.06.3</del>	<del>Appeal of Planning Commission Decision</del>	<del>\$500</del>
M.S. § 462.355	Comprehensive Plan Amendment	\$1,500
505	Conservation Plan Review (as part of building permit for new construction)	\$450
<del>205</del>	<del>Farmers Market Event Permit</del>	<del>\$100</del>
<del>650.03.4 205</del>	Interim Use Permit	
	- R-1	\$1,000
	- All others	\$1,500
<del>211</del>	<del>Lot Splits</del>	<del>\$1,250</del>
<del>650.03.9 205.24</del>	Master Plan, Application or Amendment <del>(S-2 District Approval)</del>	\$1,500
509	Manufactured Home Parks	\$30 + \$1 per trailer site (one-time fee)
<del>650.4.8</del>	<del>Minor Subdivision (3 or fewer parcels)</del>	
	<del>- R-1</del>	<del>\$1,000</del>
	<del>- All others</del>	<del>\$1,500</del>
506	Signs and/or Billboards	
	- Permanent wall sign	\$100
	- Permanent free-standing/monument	\$200
	<del>Permanent re-face/face-change</del>	<del>\$50</del>
	- Temporary sign	\$100 plus (\$200 deposit refunded if conditions met)
<del>205.30614.04</del>	Telecommunications Permit to add Equipment to an Approved Site	\$400/user/tower
		\$500

	Small Cell Telecommunications Towers and Facilities District	\$1,500 \$2,000
	<ul style="list-style-type: none"> <li>- <del>205.30.24</del> Distributed Antenna System (DAS) Application Fee</li> <li>- <del>205.30.24</del> DAS Application Review Fee</li> <li>- <del>205.30.9(9)</del> DAS Abandonment Escrow</li> </ul>	
<del>650.03.12</del> <del>205.30</del>	Temporary <del>Outdoor Display</del> Zoning Permit (14 day period) <u>Refundable deposit</u>	\$75 <u>\$200</u>
<del>650.03.8</del> <del>205.33</del>	Transit Oriented District (TOD) Project Plan Application	\$1,500
<del>205.33</del> <del>614.07.8</del> <del>632</del>	TOD Tree Substitution Fee to TOD Capital Project Fund <u>Fee in Lieu of Landscaping</u>	\$500 per tree
<del>650.04</del> <del>211</del> <del>650.01.14</del>	Plat <u>or Common Interest Community (CIC) Plat</u>	
	<ul style="list-style-type: none"> <li>- Up to 200 lots</li> <li>- Each additional lot</li> </ul>	\$1,500 \$15
<del>650.04.5</del>	<u>Registered Land Surveys</u>	<u>\$1,500</u>
<del>650.05</del> <del>205</del>	<u>Rezoning Ordinance Amendment (Text or Map)</u>	\$1,500
<del>650.03.3</del> <del>205</del>	<u>Special-Conditional</u> Use Permit	
	<ul style="list-style-type: none"> <li>- R-1</li> <li>- All others</li> </ul>	\$1,000 \$1,500
<del>650.03.7</del> <del>205</del>	Vacations, Right of Way or Easement	\$1,500
<del>650.03.6</del> <del>205</del>	Variance	
	<ul style="list-style-type: none"> <li>- R-1</li> <li>- All others</li> </ul>	\$500 \$1,400
<del>205</del> <del>505</del>	Wetlands	
	<ul style="list-style-type: none"> <li>- Certifying Exemptions</li> <li>- Replacement Plan Application</li> <li>- No Loss Determination</li> <li>- Appeal of Decision</li> </ul>	\$1,500 \$1,500 \$1,500 \$1,500
<del>650.03.1</del>	<u>Zoning Permit</u>	
	<ul style="list-style-type: none"> <li>- <u>Inspection Fee</u></li> <li>- <u>Investigation Fee (work without a permit)</u></li> <li>- <u>Document recording (per certificate)</u></li> </ul>	<u>\$50</u> <u>\$100</u> <u>\$100</u>

## Section 7

That the Fridley City Code Chapter 209 (Fees) is hereby amended as follows:

### Fridley City Code Chapter 506 Signs

#### 506.01 Purpose

The purpose of this Chapter is to provide a comprehensive and constitutionally-sound sign ordinance providing for the regulations in the City of Fridley (City). Regulation of signs is necessary to prevent traffic hazards and property damage. The purpose of this Chapter is to:

1. Regulate the number, location, size, type, illumination, and other physical characteristics of signs within the City in order to promote the public health, safety, and welfare;
2. Maintain, enhance, and improve the aesthetic environment of the City by preventing visual clutter that is harmful to the appearance of the community;
3. Improve the visual appearance of the City while providing for effective means of communication consistent with constitutional guarantees and the City's goals of public safety and aesthetics; and
4. Provide for the fair and consistent enforcement of this Chapter.

It is not the purpose or intent of this Chapter to regulate the message displayed on any sign, to regulate any building design or any display not defined as a sign, or to regulate any sign which cannot be viewed from outside a building.

#### 506.02 Definitions

Abandoned Sign: A sign which:

1. Continues to be displayed after expiration of a Sign Permit;
2. Remains after the demolition of a principal structure located on the property where the sign is located.

Any sign meeting this definition will be considered abandoned even if the Sign is legally nonconforming or authorized pursuant to a Special Conditional Use Permit or variance.

Address Sign: A sign consisting of numbers or numbers and a street name identifying the address of a building or property.

**Alteration:** Any major change to a sign structure, a sign face, or a sign area. Alteration does not include changes to the sign's message if the message solely is changed without altering the sign face, sign structure, or the surface of the sign.

**Area Gateway Sign:** A permanent, free-standing sign located near a principal entrance of a residential or commercial property or group of properties sharing a common identity (e.g., plat, neighborhood, development, etc.).

**Banner:** A type of Temporary Sign comprised of any fabric, vinyl, or similar lightweight or non-rigid material, attached on all edges or corners to prevent movement of the material. Banner will include flags with a dimensional ratio exceeding 1.9 as established in this Chapter.

**Bench Sign:** A sign which is attached to the front and rear surfaces of the backrest of a bench.

**Billboard:** A permanent, free-standing sign with a standard sign area of 14 feet by 48 feet.

**Changeable Message:** A message on a sign with characters, letters, pictures, panels, or illustrations that can be changed, rearranged, or replaced electronically or manually without altering the sign face or the sign structure.

**Commercial Speech:** Speech advertising a business, profession, commodity, service, or entertainment.

**Directional Sign:** A permanent, freestanding sign located no closer than 10 feet to a property line or driveway and situated to be readily visible to vehicles and pedestrians accessing a property.

**Electronic Changeable Message:** Programmable electronic message board, or programmable illuminated sign.

**Flag:** Any fabric or similar lightweight material attached at one edge or no more than two corners of the material, usually to a staff or pole, to allow movement of the material, and which has dimensions in a 1.9 ratio or other ratio as prescribed by Executive Order 10834, "The Flag of the United States."

**Flashing Sign:** A directly or indirectly illuminated sign with changing light or color effects, or that provides the illusion of intermittent flashing light, zooming, twinkling, or sparkling by means of animation.

**Free-Standing Sign:** A sign which is located on the ground and not attached to any part of a building or structure.

**Incidental Sign:** A small sign with a purpose secondary and accessory to the uses on the property on which it is located. No sign with a message legible off the premises will be considered incidental.

Institution: A public or private institution including but not limited to places of worship, schools, hospitals, and medical clinics.

Institutional Sign: A sign on the premise of an institution.

Interstate 694 Corridor: Any real property immediately adjacent to and within 275 feet of the centerline of Interstate 694 right-of-way.

Interstate 694 Primary Sign: A permanent, free-standing sign located within the Interstate 694 Corridor, intended to be visible from Interstate 694, and constructed or erected pursuant to Minnesota Statutes (M.S.).

Interstate 694 Secondary Sign: A permanent, free-standing sign located on real property within the Interstate 694 Corridor, intended to be visible from public right-of-way intersecting Interstate 694, and constructed or erected pursuant to M.S.

Multiple Use Non-Residential Building: A building designed for multiple occupancy of non-residential tenants.

Motion Sign: A sign which revolves, rotates, has moving parts, or gives the illusion of motion. A motion sign does not include walking signs, changeable signs or flashing signs if the sole motion is changing lights or illuminance. A Motion Sign also does not include a Flag as defined and regulated by this chapter.

Mural: An image painted or applied to the exterior of a building wall or other permanent structure, and for which no more than five percent of the total area covered by the mural, or 100 square feet (whichever is less), consists of text.

Nonconforming Sign: A sign lawfully erected prior to the effective date of this Chapter and which fails to conform to the requirements of this Chapter.

Noncommercial Speech: Speech not classified as commercial speech which includes, but is not limited to, messages concerning political, religious, social, ideological, public service, and informational topics.

Obsolete Sign Copy: Sign copy that no longer advertises or correctly identifies a use conducted on the property where the sign is located.

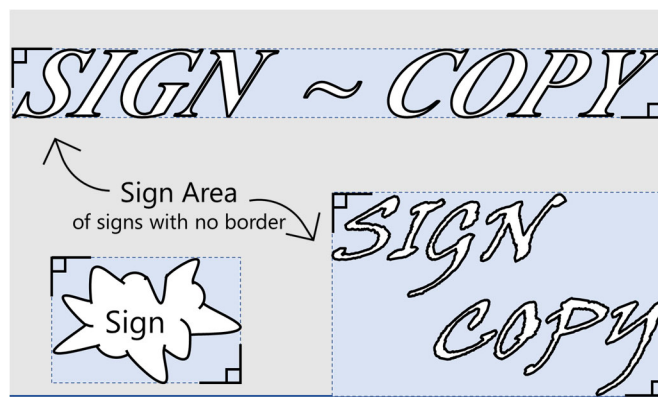
Permanent Sign: A sign comprised of durable materials and designed to be displayed for an indefinite period of time which is not easily removed or relocated.

Sign: Any letter, word, symbol, poster, picture, reading matter, advertisement, announcement, message, or visual communication, whether painted, posted, printed, affixed, or constructed,

which is displayed for informational or communicative purposes, including its sign structure. The term sign does not include architectural features or art not intended to communicate information, nor murals, nor flags.

Sign Area: The area of a sign, including the border and the surface that bears the message, but excluding the sign structure containing no message. The area of a sign with more than one visible face is calculated by the sum of the area of each sign face divided by two. For signs without a frame, the square footage is calculated as the area within a plane figure or figures bounded by straight lines connecting at right angles connecting the outermost points of the sign, as illustrated in [Exhibit Figure 1](#) below.

Figure 1



Sign Face: The surface of a sign upon which the message of the sign is exhibited.

Sign Structure: A structure including the supports, uprights, bracing, and framework which supports or is capable of supporting a sign.

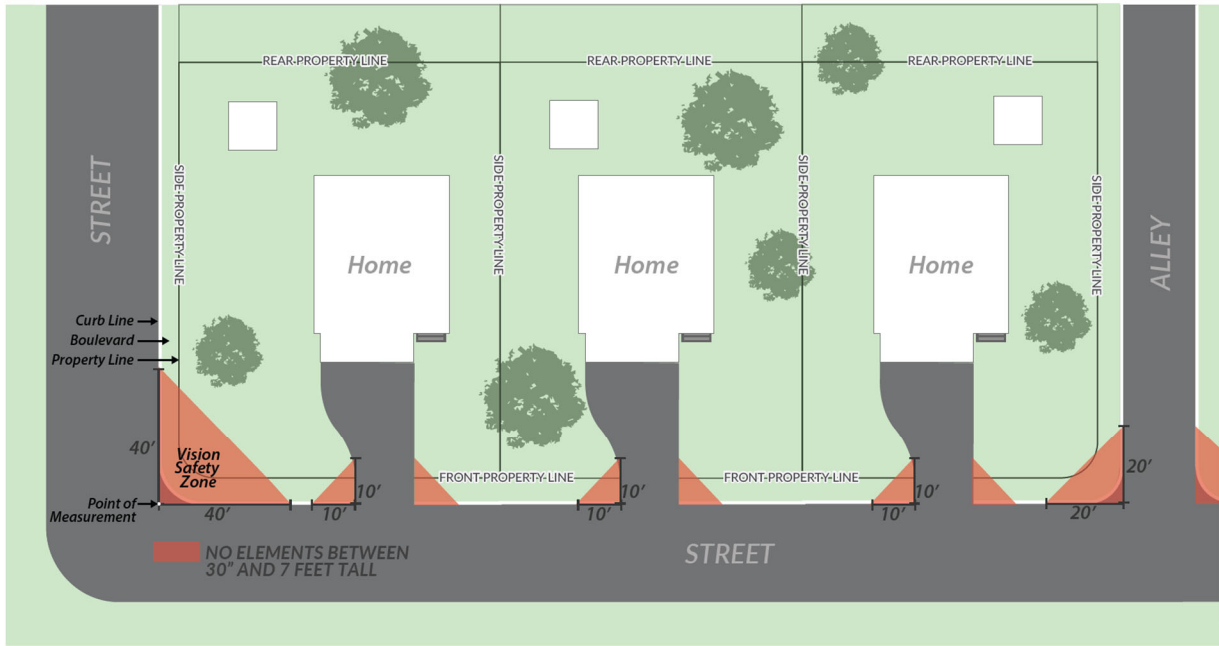
Special [Conditional Use Permit](#): A Special Use Permit [or Conditional Use Permit](#) as defined in the zoning chapters of the Fridley City Code (Code).

Static Display Area Signage: A durable, non-moving sign or grouping of signs constructed of plywood, rigid plastic, or similar durable weatherproof materials.

Temporary Sign: A sign designed to be erected or displayed for a limited period of time, including but not limited to: banners, pennants, beacons, sandwich or curb signs, walking signs, yard signs and balloons or other air or gas filled structures.

Vision Safety Zone: [A triangular area of unobstructed vision that is located at the intersection of two streets; a street and an alley; or a street and a driveway. The area is measured by placing two points of the triangle 40 feet from a street corner, 20 feet from the alley intersection and 10 feet from the driveway intersection. The third side of the triangle is a straight line between the two aforementioned points \(see Figure 2\).](#)

Figure 2



The triangular area of a corner lot beginning at the intersection of the street surface edge or curb lines, measuring 40 feet along each curb line and a straight line between the two points, as illustrated in Exhibit 2.

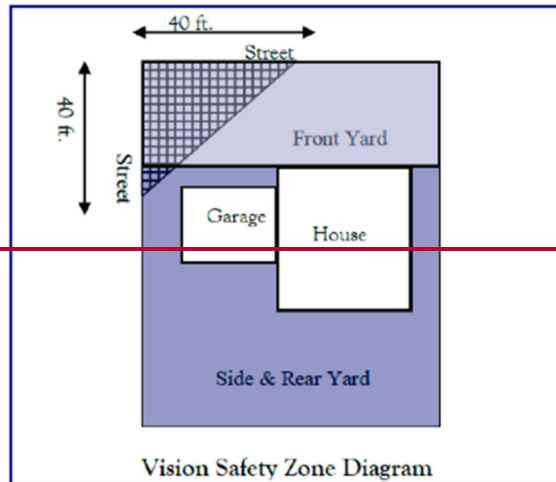


Exhibit 2: Vision Safety Zone

Wall Sign: A sign which is attached to the wall of a building or structure.

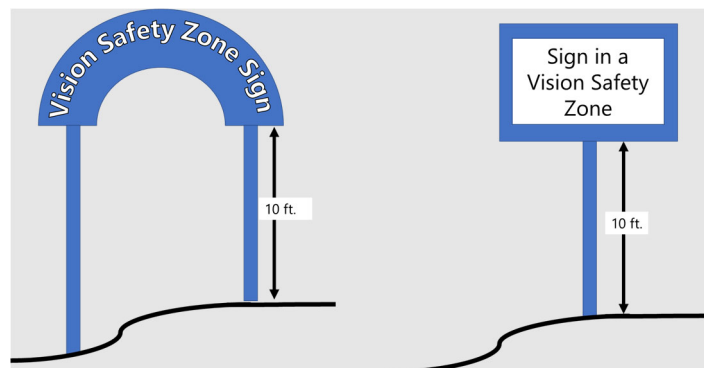
Walking Sign: A sign held by or attached to a person or animal who stands or walks on the premises of a business or event location. A person or animal dressed in costume, seeking to draw attention to an individual, business, commodity, service, activity, or product is considered a walking sign.

Window Sign: A sign attached to the inside of a window for the purpose of viewing from outside the building. A window sign does not include merchandise located in a window.

### 506.03 General Provisions for Signs

1. No sign may be erected, constructed, posted, or utilized in the City unless the sign is in compliance with this Chapter and all other provisions of the City Code.
2. No free-standing sign may be placed closer than 10 feet to any property line or driveway, except free-standing temporary signs may be placed on sidewalks in front of businesses or location otherwise open to the public when the business or location is open. The sign must be placed immediately in front of the entrance and must not violate the Americans with Disabilities Act or otherwise prohibit or impede pedestrian or vehicular traffic.
3. Freestanding signs located within a Vision Safety Zone must have a minimum height of 10 feet from the bottom of the sign to the finished ground grade, ~~as illustrated in Exhibit 3: (see Figure 3).~~

Figure 3



4. No sign may create a glare that impacts adjacent properties, drivers, or pedestrians.

### 5. Sign Maintenance

(a) Sign structures and surfaces of all signs must be maintained in a safe and presentable condition at all times, including the replacement of defective parts, painting, repainting,

cleaning, and other acts required to prevent the sign and sign structure from becoming unsafe or hazardous.

(b) When any permanent sign erected pursuant to a sign permit is removed, the City must be notified, and the entire sign must be removed.

6. Nonconforming Signs. Nonconforming signs will be treated like other nonconforming uses and structures as for provided in the Zoning Title of the Code or M.S. Use of any nonconforming sign may not be continued after the sign is abandoned.

7. No sign may cause a public nuisance. If the City determines a sign is a public nuisance, the City may proceed in accordance with the Violations section of this Chapter and may bill the costs of enforcement to the property owner. The following are deemed to be public nuisances:

(a) Electronic signs which are non-working, have burnt out bulbs, incoherent messages, or are malfunctioning.

(b) Signs which have an incoherent message or missing characters.

(c) Signs that due to defective parts or lack of maintenance are deemed unsafe or hazardous.

(d) Signs that are dilapidated or damaged.

(e) Abandoned signs.

(f) Obsolete sign copy that has not been covered or removed within 30 days after written notification from the City.

(g) Signs in violation of this Chapter, including but not limited to, those posted without a sign permit, signs in excess of number limitations, signs exceeding size limitations, signs in violation of setback and location requirements, signs impeding pedestrian or vehicular traffic, signs with changeable messages changing more quickly than allowed, electronic signs exceeding luminance levels, and signs that otherwise are a menace to the general health, safety, and welfare of the public.

#### 506.04 Signs Allowed in all Districts

1. Address Signs: Each dwelling, business, or building must have a minimum of one address sign that is a minimum size as prescribed in the Building Code. The sign must be illuminated or reflective and visible from the public right-of-way. Where building access is by means of a private road and the building address cannot be viewed from the public right of way, a monument, pole, or other sign must be used to identify the structure. A sign permit is not required for address signs.

2. Bench Signs: Bench signs may be displayed in all districts but may only be placed on benches at transit stops and may not be any larger than or extend beyond any portion of the bench. A bench sign may only be placed on a bench not larger than 42 inches high or more than 30 inches wide or seven feet long overall. No sign permit is required for bench signs.

3. Noncommercial Flags: Non-commercial flags may be displayed in all districts in accordance with state and federal law. Any non-commercial flag may be displayed in lieu of the United States or State of Minnesota flag. No sign permit is required for noncommercial flags.

4. Permanent Free-Standing Sign: Permanent free-standing signs may be displayed in all Districts, subject to all requirements of the District, including permit requirements.

5. Wall Signs: Wall signs may be displayed in all districts but must comply with size and number requirements of the district, including permit requirements.

6. Noncommercial Signs: During a state general election year, there is no permit required or restrictions on size or number of noncommercial signs beginning 46 days before the state primary election until 10 days following the state general election, pursuant to Minnesota Statute Section 211B.045. Such signs are subject to all other restrictions for their sign type and district, including all setback requirements.

In the R-1, R-2, R-3, R-4, & ~~S-1R-H~~ districts, noncommercial signs are also allowed as window signs, subject to a maximum sign area of 40 percent of the window area where the sign is placed.

7. Temporary Signs: All other temporary signs may be displayed in all districts, subject to the requirements of the district including permit requirements.

8. Window Signs: Window signs may be displayed in all districts without a permit but must comply with all size and number requirements of the district.

9. Signs may be erected within a public right-of-way in any district provided that such sign is approved by the appropriate governmental agency with authority over the right of way.

10. Incidental Signs: Incidental signs may be displayed without a permit in all districts, subject to all requirements of the district.

11. Signs on Hospital Property: Notwithstanding any provisions to the contrary, due to the necessity of quickly and efficiently finding treatment, the City Council finds that hospital identification and emergency signs on hospital property may be larger than other permanent free-standing signs or wall signs. Consistent with this, signs on a hospital property, including both free-standing and wall signs, may have a maximum sign area of 100 square feet in all districts. A sign permit is required.

#### 506.05 Signs Prohibited in All Districts

1. Signs erected or displayed on any public right-of-way, or public property, as defined in the Definitions section of the zoning chapters of the Code, except official or temporary traffic control signs, signals, or devices, unless otherwise permitted by this Chapter or other applicable law. Any sign posted in violation of this Section is deemed abandoned property and the City may seize the sign and immediately destroy it. A violation of this Section is a misdemeanor. The City may file a citation against the individual who placed the sign and may seek the costs of removal.
2. Signs depicting, representing, or constituting obscene material, pursuant to M.S. or other applicable law.
3. Signs which by reason of size, location, movement, content, coloring, or manner of illumination may be confused with the lights of an emergency or road equipment vehicle, a traffic sign, signal, or device, or which hides from view any traffic sign, signal, or device.
4. Motion signs.
5. Flashing signs.
6. Signs obstructing a Vision Safety Zone.
7. Roof signs.
8. Abandoned signs.
9. Signs with obsolete sign copy.

#### 506.06 Permit Requirements

1. The following signs may not be erected, altered, reconstructed, or moved in the City without first securing a sign permit from the City. A sign permit is not required to change the display surface or message on a previously approved and erected sign:
  - (a) Permanent, free-standing signs, including but not limited to area gateway signs, billboards, institutional signs, and interstate 694 Corridor signs.
  - (b) Wall signs.
  - (c) Temporary signs not located in an R-1, R-2, ~~R-4~~, or ~~S-1R-H~~ District.
  - (d) Static display area signs.

2. For signs requiring a sign permit, the content of the message or speech displayed on the sign will not be reviewed or considered in determining whether to approve or deny a sign permit. Applications for a sign permit must be made in writing on a form approved by the City and addressed to the City Manager or their designee. Applications must contain the information necessary to approve the permit request.

3. The City or their designee may approve or deny a temporary sign permit within five business days of receiving a complete application. If the City denies the sign permit, the City must provide written reasons for the denial at the time the City denies the sign permit.

4. A temporary sign permit is valid for the time period stated on the approved permit. A temporary sign permit will not exceed 30 days. There must be 30 days between repeated temporary sign permits for the same location.

5. Failure to comply with this Section is a misdemeanor.

(a) If a temporary sign is posted in violation of the permit requirements, the City may issue a citation to the sign owner, remove the sign, and invoice the property owner for the cost of the sign permit and any penalties as provided in the Fees Chapter of the Code.

(b) If a permanent sign is posted in violation of the permit requirements, the City may issue a citation to the property owner, and seek abatement in accordance with the Violations section of this Chapter, including, but not limited to, removal of the sign, and payment of the sign permit, any penalties as provided by the Fees Chapter of the Code, and any enforcement costs.

6. A sign permit for a permanent sign will expire if the work has not been substantially initiated within 180 days or substantially completed within one year of the date of the permit's issuance.

7. Any sign permit may be revoked by the City on failure of the holder to comply with any provision of this Chapter, the City Code, or with the terms of the permit. A permit holder may appeal a decision to revoke a permit pursuant to the process set forth in the Appeals section of this Chapter. The revocation will be stayed pending a decision on an appeal.

The following table represents the allowable signage and area requirements of a single sign (in square feet) by zoning district. "No" indicates the sign type is not allowed in the district. A sign permit is required unless otherwise specified in this Chapter:

Sign Type	Maximum Sign Size by Zoning District <u>(in square feet unless otherwise noted)</u>						Number of Signs Allowed	Sign Specific Standard
	R-1, R-2, R-4, & <del>RHS-1</del>	R-3	<del>C-1, C-2B-1</del>	<del>C-3B-2</del>	M-1, M-2	M-3, <del>M-4, S-3M-O</del>		
Area Gateway Sign	24	32	80	80	80	80	One per development	506.07.01
Institutional Sign	32/80/^	32/80/^					One freestanding sign per street frontage	506.07.02
Directional Signs	4	4	4	4	4	4	No numeric limit	506.07.03
Wall Signs	3	^	^	^	^	^	One sign in R-1, R-2, R-4, & <del>S-1R-H</del> 2 in M-1, M-2, M-3, <del>M-4</del> , & <del>S-3M-O</del> & as Institutional Signs 1 per wall in <del>CR-1, BC-1, C-2</del> & <del>C-3B-2</del>	506.07.04
Window Signs (Percentage of Window Size)	40%*	40%*	40%	40%	40%	40%	One per window	506.07.05
Permanent Freestanding Signs	32; as Institutional Signs only	32	80	80	80	80	One per street frontage	506.07.06
Billboards	No	No	No	700	700	No	No numeric limit	506.07.07
I-694 Corridor Signs	No	No	By property size	By property size	By property size	By property size	One per frontage	506.07.08
Temporary Signs	6	32	32	32	32	32	One per property in R-1, R-2, R-4, & <del>S-1R-H</del> 1 or 2 per street frontage in all other Districts	506.07.09
Incidental Signs	2	4	6	6	6	6	No numeric limit	506.07.10
Static Display Area Signage	32; as Institutional Signs Only	48	48	48	48	48	One per property	506.07.11

1. Area Gateway Signs are allowed under the following parameters:

- (a) Maximum of one area gateway sign per development. The development must include at least six parcels or two acres of land, whichever is less, and all properties that comprise the area must consent to the placement of the area gateway sign.

(b) The land on which the sign is located must be dedicated for use by easement, plat or other legal and recordable instrument unless such sign would otherwise be permitted.

(c) A maintenance agreement must be recorded which, among other things, provides for the long-term responsibility, care, and maintenance of the sign.

(d) Maximum sign area of 24 square feet in R-1, R-2, R-4, and ~~S-1R-H~~ Districts, 32 square feet in the R-3 District, ~~48 square feet in the CR-1 District,~~ and 80 square feet in the ~~C-1, C-2, B-1, B-2, C-3,~~ M-1, M-2, M-3, ~~M-4,~~ and ~~S-3 M-O~~ Districts.

## 2. Institutional Signs.

(a) In the R-1, R-2, and ~~S-1R-H~~ Residential Districts, a property which contains a legal nonresidential institutional use authorized by issuance of a Special Conditional Use Permit may display institutional signs under the following parameters:

(1) Institutions may have one permanent freestanding sign per street frontage area.

(2) Maximum sign area of 32 square feet, or 80 square feet, if located a minimum distance of 50 feet from any neighboring residential property.

(3) Maximum height of 25 feet above the finished ground grade.

(b) Institutions may have wall signs as follows:

(1) Maximum of two walls per institution.

(2) Maximum sign area of 15 times the square root of the wall length on which the sign is to be placed.

(c) Institutions may have static display area signs are allowed as follows:

(1) One per street frontage.

(2) Maximum size of 32 square feet.

(d) In all other districts, institutional signs may be allowed by district regulations for applicable sign type (e.g., wall signs, permanent freestanding signs, or static display area signs).

(e) Sign permits are required for institutional signs.

### 3. Directional Signs.

(a) Directional signs are allowed under the following parameters:

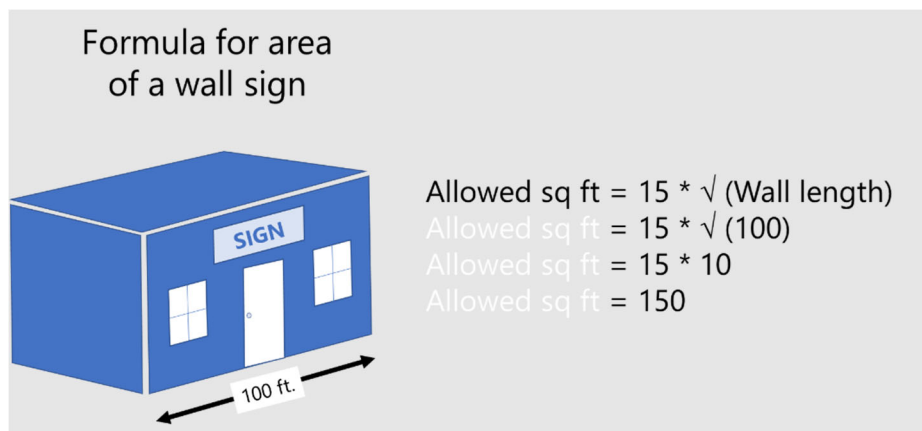
- (1) Maximum sign area of four square feet.
- (2) Minimum 20 feet in any direction between directional signs placed on the same property.
- (3) Sign permits are not required for directional signs.

### 4. Wall Signs.

(a) Wall signs are allowed under the following parameters:

- (1) For residential properties in the R-1, R-2, R-4, and ~~S-1R-H~~ districts, the maximum wall sign size is three square feet.
- (2) For permitted nonresidential uses in the R-1, R-2, and ~~S-1R-H~~ Residential Districts, a property which contains a legal nonresidential institutional use authorized by issuance of a Special Conditional Use Permit, two walls may display signs with a maximum sign area of 15 times the square root of the wall length on which the sign is to be placed, ~~as illustrated in Exhibit 4 below: (see Figure 4)~~

Figure 4



- (3) Wall signs with a maximum sign area of 15 times the square root of the wall length on which the sign is to be placed may be placed on a maximum of two walls of properties in the M-1, M-2, M-3, ~~M-4~~, and ~~S-3M-O~~ Districts, as illustrated in Exhibit 4.

(4) Wall signs with a maximum sign area of 15 times the square root of the wall length on which the sign is to be placed may be placed in the ~~CR-1, C-1B-1, C-2,~~ and ~~C-3B-2~~ Districts, as illustrated in Exhibit 4 above.

(5) Sign Permits are required for wall signs.

## 5. Window Signs.

(a) Window signs are allowed under the following parameters:

(1) Maximum sign area of 40 percent of the window area.

(2) In the R-1, R-2, R-3, R-4, and ~~S-1R-H~~ Districts, noncommercial window signs are allowed.

(3) Sign permits are not required for window signs.

## 6. Permanent Freestanding Signs.

(a) Permanent freestanding signs are allowed under the following parameters:

(1) Maximum of one sign per street frontage, not including directional signs, billboards, Interstate 694 primary signs and Interstate 694 secondary signs.

(2) Maximum height of 25 feet above the finished ground grade.

(3) Minimum distance of 50 feet from any R-1, R-2, R-4, and ~~S-1R-H~~ Residential District.

(4) Maximum size of 32 square feet in the R-1, R-2, R-4, and ~~S-1R-H~~ Districts; 32 square feet in the R-3 District; ~~48 square feet in the CR-1 District;~~ and 80 square feet in the ~~C-1B-1, C-2, C-3B-2,~~ M-1, M-2, M-3, ~~M-4,~~ and ~~S-3M-O~~ Districts.

(5) May have an electronic changeable message provided that the:

(a) Message does not change more than once every eight seconds.

(b) Message never flashes or has motion that may distract vehicular traffic.

(c) Light level does not exceed three tenths of a foot candle above ambient light as measured from 250 feet.

(6) Sign permits are required for permanent freestanding signs.

## 7. Billboards.

(a) Billboards are permitted in the ~~C-3B-2~~, M-1, and M-2 Districts on real property adjoining the public rights-of-way of the Interstate Highway 694 Corridor and must follow the following parameters:

- (1) Maximum height of 35 feet above the finished ground grade.
- (2) Minimum vertical distance between the bottom of the billboard and the ground is 10 feet.
- (3) Not to exceed two sign faces. Billboards with two sign faces must have the sign faces attached back-to-back at a horizontal angle not to exceed 45 degrees.
- (4) Minimum of 1,000 linear feet between billboards located on the same side of the public right-of-way. Distance must be measured along the centerline of the right-of-way.
- (5) Minimum of 2,500 linear feet between billboards located on the same side or the opposite side of the public right-of-way that have an electronic changeable message. Distance must be measured along the centerline of the right-of-way.
- (6) Minimum of 30 feet from any property line abutting a public right-of-way.
- (7) Minimum of 10 feet from any other property line.
- (8) Minimum of 500 feet from any street, ramp, or merging traffic.
- (9) Minimum of 500 feet from any residential or public zoning district.
- (10) The sign structure must be all metal or another durable material and be either painted or treated to prevent deterioration.
- (11) Any lighting must be shielded to prevent beams or rays of light from being directed at any portion of the traveled way of the public rights-of-way, may not be of such intensity or brilliance as to cause glare or to impair the vision of any motor vehicle operator, may not otherwise interfere with any driver's operation of a motor vehicle, and may not create a nuisance on adjoining property.
- (12) Billboards may be in addition to, and not in lieu of, permanent free-standing sign allowances.
- (13). Sign permits are required for billboards.

8. Interstate 694 Corridor Signage.

(a) Interstate 694 Corridor signage is allowed under the following parameters:

(1) Maximum of one Interstate 694 primary sign per property zoned ~~CR-1, C-1B-1, C-2, C-3B-2~~, M-1, M-2, M-3 and S-2 and located within 275 feet of the centerline of Interstate 694.

(2) Where the property abuts a second public right-of-way, the property may also be allowed an Interstate 694 secondary sign on the frontage adjacent to the second public right-of-way.

(3) Interstate 694 primary signs may be up to 35 feet above the finished ground grade.

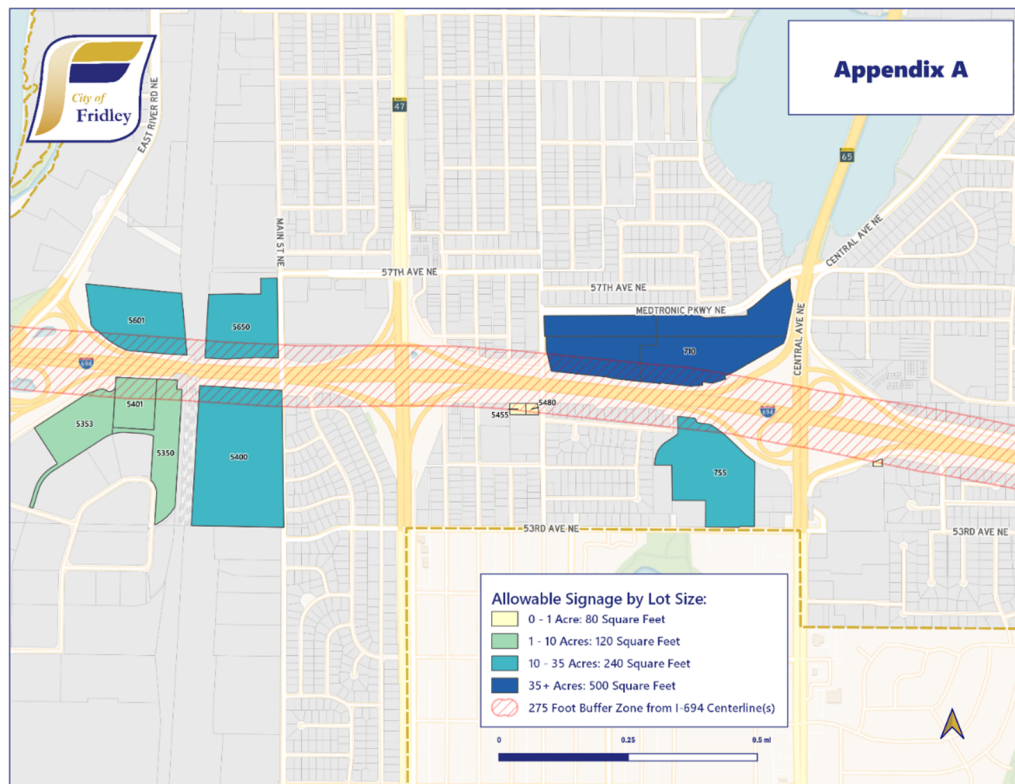
(4) Interstate 694 secondary sign may be up to 25 feet above the finished ground grade.

(5) For Interstate 694 primary signs, maximum sign area is determined by the acreage class of the development. The following chart determines the maximum sign area:

<u>Acreage Class</u>	<u>Sign Size Permitted</u>
35 acres +	500 square feet
10-35 acres	240 square feet
1-10 acres	120 square feet
Less than one acre	80 square feet

Allowed size by parcel is shown in ~~Exhibit 5:Figure 5~~.

Figure 5



(6) Interstate 694 secondary signs may have a maximum sign area of 40 square feet. The maximum sign area can be increased up to 80 square feet if the sign area of the Interstate 694 primary sign is reduced by the equivalent number of square feet (e.g., if the Interstate 694 secondary sign is 72 square feet, the maximum sign area of the Interstate 694 primary sign is reduced by 32 square feet).

(7) Interstate 694 Corridor signage is subject to all setback requirements for permanent free-standing signs within the District.

(8) Interstate 694 primary signs must be located within the Interstate 694 Corridor.

(9) Interstate 694 secondary signs must be located on frontage adjacent to a public right-of-way intercepting Interstate 694.

(10) Interstate 694 primary sign and Interstate 694 secondary signs may be in addition to, and not in lieu of, permanent free-standing sign allowances.

(11) Interstate 694 primary signs and Interstate 694 secondary signs are subject to all restrictions for permanent free-standing signs within the District not in conflict with this subsection.

(12) Sign permits are required for Interstate 694 Corridor signs.

## 9. Temporary Signs.

(a) Free-standing temporary signs may be placed on sidewalks during the hours that the property placing the temporary sign is open to the public under the following parameters:

(1) The sign must be located immediately in front of the entrance of the property placing the temporary sign.

(2) The sign must not violate the Americans with Disabilities Act or otherwise prohibit or impede pedestrian or vehicular traffic.

(3) A limit of one sign per property in the R-1, R-2, R-4, and ~~S-1R-H~~ Districts and one per street frontage in all other Districts, except properties with more than 100 linear feet of street frontage may have two temporary signs per street frontage exceeding 100 linear feet.

(4) Maximum size of six square feet in the R-1, R-2, R-4, and ~~S-1R-H~~ Districts and 32 square feet in all other Districts.

(5) Sign permits are not required for temporary signs in the R-1, R-2, R-4, and ~~S-1R-H~~ Districts. Sign permits are required for temporary signs in other Districts.

## 10. Incidental Signs.

(a) Incidental signs are allowed under the following conditions:

(1) Signs must be oriented or designed so the sign message is not legible off the premises where the sign is displayed.

(2) The sign must be accessory to the use(s) on the property on which it is located.

(3) Maximum size of two square feet in the R-1, R-2, R-4, and ~~S-1R-H~~ Districts, four square feet in the R-3 District, and six square feet in all other Districts.

(4) A sign permit is not required for incidental signs.

## 11. Static Display Area Signage.

(a) Static display area signage is allowed under the following parameters:

(1) A manual changeable message may comprise up to 50% of the static display area signage.

(2) Signs may not include an electronic changeable message.

(3) Signs may not be internally illuminated.

(4) A maximum height of six feet for freestanding static display area signage.

(5) A maximum size of 32 square feet- in the R-1, R-2, R-4, and ~~S-1R-H~~ Districts and 48 square feet in all other Districts.

(6) One static display area signage installation is allowed per street frontage.

(7) Legal nonconforming real estate signs and construction signs established prior to the effective date of this Chapter will be included in a property's allowance for static display area signs.

(8) Static display area signage will be allowed in addition to other freestanding or wall signs for a property.

#### 506.08 Multiple Use Non-Residential Buildings

1. All owners of multiple use non-residential buildings containing three or more non-residential units must submit a comprehensive sign plan to the City Manager or their designee for approval.

2. All future signs erected within the multiple use non-residential building must conform to the -sign plan.

3. Existing signs within the multiple use non-residential building which do not meet the requirements of this Chapter or sign plan are nonconforming signs and will be subject to the restrictions set forth in the Nonconforming Signs Section of this Chapter.

#### 506.09 Enforcement

The City Manager or their designee is responsible for the enforcement of this Chapter.

#### 506.10 Violations

1. Any sign that is unsafe, appears unkempt or neglected, has been constructed or erected in violation of the Code, is a hazard to the health, safety, and/or general welfare of the public, or is in violation of any other section of the Code is hereby declared to be a nuisance and to be in violation of this Chapter.

2. Any person who has erected a sign without first obtaining a sign permit prior to erection, will be, when subsequently securing such sign permit, be required to pay an investigation fee equal to the sign permit fee and is subject to all other penal provisions of this City Code.

3. Notice of violations, hearings, and abatement will be governed by the provisions of the Public Nuisance Chapter- providing for the abatement of nuisances. Copies of the notice will be mailed to the property owner. Administrative assessments and penalties may be assessed as provided in Fees Chapter to the property owner.

4. Nothing in this Section or in the Abatement of Exterior Public Nuisances Chapter will be deemed to prevent the City from seeking other relief and penalties, including but not limited to criminal penalties.

#### 506.11 Appeals

1. To provide for a reasonable interpretation of the provisions of this Chapter, any owner, tenant, applicant, or any other person or business aggrieved by any order, requirement, decision, or determination made by the City or its representatives in the enforcement and interpretation of this Chapter may request a hearing before the Planning Commission. Appeals will be governed by the procedure in the Appeals section of the zoning chapters of the Code.

2. Any owner, tenant, applicant, or any other person or business aggrieved by a final decision of the Planning Commission, pursuant to the procedure in the zoning chapters may seek judicial review within 30 days after the final decision.

#### 506.12 Noncommercial Speech Substitution

Signs containing noncommercial speech are permitted anywhere that signs containing commercial speech are permitted, subject to the same regulations applicable to such signs.

#### 506.13 Variances

Variances to the strict application of this Chapter may be granted under the provisions established under the Variance requirements of the zoning chapters of the Code.

#### 506.14 Severability

If any subsection, sentence, clause, or phrase of this section is for any reason held to be invalid by a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this section. The City Council hereby declares that it would have adopted this Chapter and section in each subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses, or phrases were declared invalid.

**Passed and adopted by the City Council of the City of Fridley on this 27th day of May, 2025.**

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Dave Ostwald - Mayor

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Melissa Moore - City Clerk

Public Hearing: May 12, 2025

First Reading: May 12, 2025

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