Council Study Session
City Hall Council Chambers
December 12, 2022

AGENDA

1. **City Council Discussion of Agenda Items and Questions - 6 p.m.**
2. **Miscellaneous**
3. **Discussion of Work Session Agenda Item as Time Permits**
4. **Adjourn**

CITY COUNCIL MEETING
City Hall Council Chambers
December 12, 2022

AGENDA

1. Informal Open Forum with City Council - 6:45 p.m.

Provides an opportunity for the public to address the Council on items which are not on the agenda. Open Forum will be limited to 15 minutes, it is not televised, and it may not be used to make personal attacks, to air personality grievances, to make political endorsements, or for political campaign purposes. Council Members will not enter into a dialogue with presenter. Questions from the Council will be for clarification only. Open Forum will not be used as a time for problem solving or reacting to the comments made but, rather, for hearing the presenter for informational purposes only.

I will first call on those who notified the Clerk that they would like to speak during open forum, and then I will ask if anyone else connected to this meeting would like to speak. When I do, please indicate your name and then proceed when I call on you. Please be sure to state your name and address before speaking.

2. Invocation - Elliott - 7 p.m.

3. Call to Order Regular Business Meeting

The City Council requests that attendees turn off cell phones and pagers during the meeting. A copy of the full City Council packet is available to the public. The packet ring binder is located at the podium.

a. Council Norms

4. Roll Call

5. Pledge of Allegiance

6. Approval of Agenda and Consent Agenda

The following items are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event the item will be removed from the consent agenda and considered at the end of Council Consideration Items.

a. Approval of Minutes

- Motion to approve the following minutes:

- *Nov. 9 - Jt CC/FC*
- *Nov. 14 - Canvass Board*
- *Nov. 14 - Study Session*
- *Nov. 14 - Regular Session*
- *Nov. 21 - Jt. CC/FC*

b. Approval of Licenses

- Motion to approve the licenses as presented.

c. Resolution Designating Polling Places for 2023 Elections

- It is recommended that the City Council consider approving a resolution designating polling places for the City of Brooklyn Center for 2023 Elections

d. Emergency Services Vehicle Replacement

Approve contract for purchase.

e. An Ordinance Adopting a Unified Development Code and Amending the City Code of Ordinances by Repealing Chapters 15 and 34 and Repealing and Replacing Chapter 35 (Second Reading)

(1) Motion to approve a second reading regarding the adoption of the Unified Development Code and an amendment of the City Code of Ordinances by repealing Chapters 15 and 34 and repealing and replacing Chapter 35; and

(2) Motion to approve a resolution approving a Summary Publication for the aforementioned ordinance amendment in the Brooklyn Center *Sun Post*.

f. Rescinding Notice of Withdrawal Membership in the Minneapolis Northwest Tourism Bureau

Consider Approval of a Resolution Rescinding Notice of Withdrawal Membership in the Minneapolis Northwest Tourism Bureau

g. Resolution Declaring a Public Nuisance and Ordering the Removal of Diseased Trees at Certain Properties in Brooklyn Center, Minnesota

- Motion to approve a resolution declaring a public nuisance and ordering the removal of diseased trees at certain properties as listed in the resolution.

h. Engagement of Legal Services

Authorizing The Execution Of A Letter of Engagement With A Law Firm For Legal Services.

7. Presentations/Proclamations/Recognitions/Donations

a. Resolution Recognizing Mike Elliott for Serving as Mayor for the City of Brooklyn Center 2019 through 2022

RESOLUTION EXPRESSING RECOGNITION AND APPRECIATION OF MIKE ELLIOTT FOR FOUR YEARS OF DEDICATED PUBLIC SERVICE AS MAYOR

b. Resolution Recognizing Dan Ryan for Serving as Council Member for the City of Brooklyn Center 2007 through 2022

RESOLUTION EXPRESSING RECOGNITION AND APPRECIATION OF DAN RYAN FOR HIS DEDICATED PUBLIC SERVICE AS COUNCIL MEMBER

8. Public Hearings

a. A Request to Consider Planning Commission Application No. 2022-006 Requesting Issuance of a Special Use Permit to Operate an Adult Day Care Facility at 6070 Shingle Creek Parkway

(1) Motion to:

- Open the public hearing;

- Take public input; and
- Close the public hearing.

(2) Motion to adopt a resolution approving Planning Commission Application No. 2022-006 for issuance of a Special Use Permit to operate an adult day care facility at 6070 Shingle Creek Parkway, based upon the findings of fact and submitted application, and as amended by the conditions of approval in the resolution.

9. Planning Commission Items

10. Council Consideration Items

a. Resolution Ordering Improvements and Authorizing Preparation of Plans and Specifications for Improvement Project No. 2023-01, Knox, James, and 54th Area Improvements

- Motion to approve a resolution ordering the Knox, James, and 54th Area Improvements, Improvement Project No. 2023-01 and authorizing preparation of project plans and specifications.

b. Resolution Ordering Improvements and Authorizing Preparation of Plans and Specifications for Improvement Project No. 2023-02, 50th Avenue Improvements

- Motion to approve a resolution ordering the 50th Avenue Improvements, Improvement Project No. 2023-02 and authorizing preparation of project plans and specifications.

c. Resolution Ordering Improvements and Authorizing Preparation of Plans and Specifications for Improvement Project No. 2023-03, 51st Avenue Improvements

- Motion to approve a resolution ordering the 51st Avenue Improvements, Improvement Project No. 2023-03 and authorizing preparation of project plans and specifications.

11. Council Report

12. Adjournment

We Agree To

Internal Council Relations – Norms for 2021 – Practiced for next 90 days

- Seek to not repeat or re-iterate points that were already shared
- Engage in discussion and sharing alternate perspectives *without* weaponizing other people's words
- Recognize others with "What I heard you say is _____, with your permission, I'd like to move forward now."
- Call for consensus when it's time to make a discussion
- Allow new solutions in a time of dynamic change, process: (1) name the problem (2) find the process to resolve (3) have the discussion (4) make a decision.
- After open discussion, close down the chat during council chamber discussion (*need to vote on it).

Council Regular Meeting

DATE: 12/12/2022

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Barb Suciu, City Clerk/Interim Assistant City Manager

SUBJECT: Approval of Minutes

Requested Council Action:

- Motion to approve the following minutes:

- *Nov. 9 - Jt CC/FC*
- *Nov. 14 - Canvass Board*
- *Nov. 14 - Study Session*
- *Nov. 14 - Regular Session*
- *Nov. 21 - Jt. CC/FC*

Background:

In accordance with Minnesota State Statute 15.17, the official records of all meetings must be documented and approved by the governing body.

Budget Issues:

None

Inclusive Community Engagement:

None

Antiracist/Equity Policy Effect:

None

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
11.9 Jt CC/FC	11/30/2022	Backup Material
11.14 Canvass	11/23/2022	Backup Material
11.14 Study	11/30/2022	Backup Material
11.14 Regular	11/30/2022	Backup Material

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL/FINANCIAL COMMISSION
OF THE
CITY OF BROOKLYN CENTER IN THE
COUNTY OF HENNEPIN AND STATE OF MINNESOTA

JOINT WORK SESSION
NOVEMBER 9, 2022
VIA ZOOM

1. CALL TO ORDER

The Brooklyn Center City Council/Financial Commission Joint Work Session was called to order by Mayor Pro Tem Ryan at 6:00 p.m.

2. ROLL CALL

Mayor Pro Tem Mike Elliott and Councilmembers April Graves and Kris Lawrence-Anderson were present.

Also present was Financial Commissioner Chair Taneshia Kragness and Commissioner Dean Van Der Werf.

Also present were City Manager Reggie Edwards, City Clerk/Interim Assistant City Manager Barb Suciu, Director of Finance and Fiscal Services Angela Holm, Communications & Community Engagement Manager/Interim Assistant City Manager, and Police Chief Kellace McDaniel.

3. PURCHASING POLICY REVIEW

3a. PURCHASING POLICY 2019

City Manager Reggie Edwards summarized the item and introduced Director of Finance and Fiscal Services Angela Holm to continue the Staff presentation.

Ms. Holm explained the policy is short and provides directions for City Staff regarding purchasing items, whether direct or contracted. The purpose of the policy is to ensure all purchases are made following local, State, and Federal laws, provide uniform purchasing procedures and provide City Manager with adequate control over purchasing functions.

Ms. Holm added disbursements must be properly authorized, appropriately classified within the City's Chart of Accounts, and accurately recorded in the financial system.

Ms. Holm stated the policy includes a listing of procedures that guide City Staff regarding the application of the Policy to common purchasing activities. Appendix A provides a listing of all authorized purchasers by job title for the City. Appendix B describes the procedure for petty cash.

Ms. Holm showed a slide with a table detailing purchasing authorization by purchase amount. Purchases under $1,000 may be approved by an authorized purchaser. Purchases under $10,000 require the Department Head's approval of the invoice. Purchases under $25,000 require the Department Head's preapproval of purchases, two quotes or purchased through a cooperative purchasing program, and the Department Head's approval of the invoice. Purchases under $175,000 require the Department Head's preapproval of purchases, two quotes or purchased through a cooperative purchasing program, and the Department Head and City Manager's approval of the invoice. Lastly, purchases over $175,000 require a formal bidding process.

Ms. Holm stated purchasing controls include required price quotations, approvals of purchases by certain Staff, formal bidding about a certain threshold, and the monitoring of budget concerns. Dr. Edwards noted purchases above a certain amount must also be reviewed and approved by Council through a resolution.

Ms. Holm noted there are future related projects. Communication with comparable cities and industry groups will be completed for best practices. There will need to be ongoing updates to policies about technology advances. Also, the Staff is working on a Grant Management Policy with a similar purpose and procedural documents.

Councilmember Lawrence-Anderson suggested the Finance Commission take on some legwork to alleviate the time of Staff and also use their expertise. Dr. Edwards stated the Finance Commission has the opportunity to provide input at the current meeting. From there, it can be brought back to the Council to consider amendments. Councilmember Lawrence-Anderson stated she would like the Finance Commission to review the document on its own as a formal advisory board.

Finance Commission Chair Taneshia Kragness agreed she was under the impression the Finance Commission would have a separate opportunity to review the document and provide recommendations to the Council.

Mayor Pro Tem Ryan noted there is at least one CPA on the Finance Commission. He asked for the date when the software package would be ready for use. Ms. Holm stated the software package is in use, but there isn't full integration of the software process into the currently proposed purchasing policy.

Councilmember Lawrence-Anderson added she would hope no single person could go through the whole process without another person looking it over. Ms. Holm stated it would be possible, but the scenario is very unlikely. The entire trail would be tracked either way.

Councilmember Lawrence-Anderson stated she would like to see something in the policy to address the possibility of a single person doing an entire purchase process. Additionally, there should be certain triggers in the process that require an additional check based on the financial amount. The volunteered financial experts on the Commission should be utilized in the process.

Dr. Edwards confirmed there are additional checks and balances at certain price points. The only way one person could purchase with no checks and balances is for a purchase of under $1,000.

Councilmember Lawrence-Anderson added the $175,000 portion should be lowered. The Finance Commission should have the opportunity to weigh in on all of the financial categories from the chart.

Chair Kragness suggested there be a policy added that requires the person who works with the vendor to be separate from the person who oversees the payment portion. Ms. Holm stated there is a technician with the City who handles the invoicing process. The technician makes sure information is available to the relevant parties for the approval process to begin.

Chair Kragness asked if there have been recommendations from the Audit Committee. Ms. Holm stated the Audit Committee reviews the process every couple of years, but there have been no major issues.

Mayor Pro Tem Ryan added the auditor is aware of the implications of a smaller Staff sharing the functions. An auditor has recommended procedures to ensure the steps are completed by different Staff members.

Finance Commissioner Dean Van Der Werf asked if there is a consideration if the purchase is within the budget. Ms. Holm stated it is the responsibility of the Department Head to ensure the purchase is within their Department's budget. Dr. Edwards added Departments get monthly updates on their budgets so they are more aware of what has been spent.

Chair Kragness asked what is done to ensure there is one request for $30,000 rather than three for $9,999. Ms. Holm stated that is the responsibility of the Department Heads to follow the procedures. It is also an issue of compliance that the auditor would pay attention to.

Commissioner Kpaleh asked what the function of the Mayor is if everything is run through Staff. Dr. Edwards stated the Council and Mayor are in charge of policy. From there, the Council hires a City Manager to ensure the policies are executed.

Councilmember Graves noted there are best-practices documents offered by the Government Alliance on Race and Equity (GARE) that could be of use to Brooklyn Center. Mayor Pro Tem Ryan added the Minnesota League of Cities also has the expertise that could benefit the City.

Councilmember Lawrence-Anderson stated the Finance Commission could do the work finding comparable policies from GARE and the Minnesota League of Cities.

Dr. Edwards stated Staff can coordinate a time for the Finance Commission to return to Staff with their recommendations based on their research.

4. AUDIT COMMITTEE RECOMMENDATION

4a. AUDIT COMMITTEE SUMMARY

City Manager Reggie Edwards introduced the item and invited Director of Finance and Fiscal Services Angela Holm to continue the Staff presentation.

Ms. Holm explained the item was on the Consent Agenda at the previous City Council meeting, but it was pulled for further discussion. The recommendation was to go with Abdo for the audit. The established schedule for professional Auditing services authorized by Resolution No. 2017-97 is every six years, with an established review of services due in 2020. Due to the COVID pandemic and staffing turnover, the review was not performed as scheduled and the existing audit services contract was extended for one additional year. A new contract for continued audit services now needs to be executed for the next Fiscal Year beginning in 2022. Request for Proposals (RFP) for audit services was submitted to ten local CPA firms. Staff received proposals from five of these firms.

Ms. Holm stated, as further stated in Section 2.80, audit service proposals are reviewed by a committee of City Council Members and Financial Commission Members appointed by the Mayor, in consultation with the Chair of the Financial Commission, and approved by the City Council. The committee also includes the City Manager and the Finance Director. Based on expressed interest, a committee was established of the following individuals: City Manager Dr. Reggie Edwards, Finance Director Angela Holm, Councilmember Lawrence Anderson, Chair Kragness, and Commissioner Dwapu.

Ms. Holm noted an initial meeting of the committee was held on October 3, 2022, to discuss the Audit RFP and the submissions received from five interested audit firms. Committee members were asked to complete the evaluations for each firm and submit them to the Finance Director for tabulation. Committee members also discussed the next steps including interviews with the top two firms.

Ms. Holm stated, based on the rankings submitted by Committee members, interviews were scheduled on October 18, 2022, with representatives from Eide Bailly and Abdo. Eide Bailly was unable to attend the interviews in person, and the representatives were not the individuals who would have been conducting the audit. On the other hand, Abdo's interview included the auditors who would handle the audit. Based on these interviews, the Finance Director recommended entering into an audit engagement with the firm of Abdo. This was presented to Council at the regular business meeting on October 24, 2022. The Council subsequently recommended further discussion by the Committee and Finance Commission.

Ms. Holm pointed out there is a deadline that must be considered during the deliberations to ensure there is a completed product before June 30, 2023. She offered to answer any questions or concerns.

Commissioner Dwapu asked what is the issue that needs to be resolved.

Councilmember Lawrence-Anderson stated she wanted a further discussion on the item because she was not aware of the meeting on October 18, 2022. There was a mention of meeting with the top three auditors. Then on October 24, 2022, she hadn't heard feedback from the other members of the Audit Committee or other Finance Commissioners, so she asked for the item to be pulled from the Consent Agenda.

Chair Kragness agreed to October 18, 2022, which was shared with them as a tentative date. No one on the Audit Committee was aware of the meeting on October 18, 2022. The next meeting the Committee was aware of included the recommendation from Staff.

Ms. Holm apologized for the misunderstanding. Her perspective was that the October 18, 2022 meeting was considered an invitation and open meeting. She added the interview with EideBailly got into some political concerns which reflected a preconceived notion regarding Brooklyn Center. It was important to Staff to have an auditor that was comfortable working with Brooklyn Center and the City Council.

Councilmember Lawrence-Anderson noted her respect for Ms. Holm and her expertise. Her decision to pull the item is not a reflection of that. Councilmember Lawrence-Anderson explained she is completely on board with the recommendation, and she believed it was important to hear more about the interviews.

Commissioner Van Der Werf asked if the previous auditor was interviewed. Ms. Holm stated the previous firm was not one of the top-scoring firms. Some Staff has expressed that they didn't believe the previous firm was giving the best product. Also, rotating auditors is beneficial for the City. The initial contract would be for three years, then there is an option to continue with the new auditor or restart the RFP process.

Chair Kragness pointed out there were some unanswered questions in the RFPs, and she was under the impression Staff would follow up with the potential firms to complete the questions from the RFP. For example, there were questions for the previous auditor that stand.

Mayor Pro Tem Ryan stated he is comfortable moving forward with the recommendation from Ms. Holm.

Commissioner Dwapu commented in the future he would like to see small businesses considered for these services.

Ms. Holm confirmed the item would be added to the Consent Agenda for the upcoming City Council meeting.

5. 2023 BUDGET DISCUSSION

City Manager Reggie Edwards noted there was a request from Council to hear more about the budget allocations by Department, in particular to the Police Department.

Dr. Edwards explained the budget included a three percent adjustment to salaries to promote livable wages. Other items in the budget reflected inflation costs. There is a desire to increase the measurement of outcomes, so that was included in the budget.

Dr. Edwards pointed out that when the budget was passed in 2022, it was premised on the notion of freezing three positions in the Police Department. Then a labor study would be conducted to assess the need for those positions. There was also the intention to begin a pilot for alternative

police responses. However, those projects have not been completed. The Council and Staff are just recently receiving recommendations from the Implementation Committee regarding a pilot program.

Dr. Edwards stated the Council has the option to un-freeze the positions in the Police Department, but that would have to be funded and reflected in the levy. When the first budget was presented, there was $100,000 set aside to unfreeze one of the three positions. The Council discussed the budget, and there was tension. Staff then proposed $150,000 in response to the three frozen positions. The Council then was interested in unfreezing all three positions.

Dr. Edwards explained if the Council chooses to unfreeze the positions, Staff has found the money to fully fund the frozen positions. He explained there are some one-time projects in 2023 that are budgeted for and could be reallocated to the Police Department in 2024. There were also some other items moved around.

Dr. Edwards concluded the current budget includes a 6.9 percent levy. It is the role of the Council to choose if the positions will remain frozen or not.

Mayor Pro Tem Ryan noted he favors unfreezing the positions.

Councilmember Graves stated as many Councilmembers as possible need to be present for a complete discussion. She added only two positions need funding as the third is a School Resource Officer that the school doesn't want. Instead, the money could go towards other unfunded projects related to communications or community engagement.

Police Chief Kellace McDaniel explained the school position helps build community and communication. However, there are more pressing issues with a lack of detectives. There are currently 40 officers, and there is an opportunity for up to 49 officers. Brooklyn Center has the highest call volume in the State, and the Chief himself is responding to calls. More officers are needed. As for the school officer, if the school is not interested in the partnership, the Police Department has the need for that 49th officer in another capacity.

Mayor Pro Tem Ryan asked when the workforce study will be completed. Chief McDaniel stated it is a matter of making sure the report is right and that the City Manager receives the information. Mayor Pro Tem Ryan added the study may reveal the need for more police officers.

Councilmember Lawrence-Anderson asked if the Fire Inspector position is included in the current proposal. Dr. Edwards stated the position was not initially included, but it was added after the Council showed interest. The current budget does include it.

Councilmember Lawrence-Anderson commended Councilmember Graves for her compromise solution in the previous year's budget discussion. 2022 has had an increase in time, so the best solution is to provide the funds to the Police Department for the Chief to determine its best use. She noted she had a recent conversation with Attorney General Keith Ellison, and he expressed concern about fentanyl and guns. The money could also be used to support hiring incentives or retention incentives.

Mayor Pro Tem Ryan noted his agreement with Councilmember Lawrence Anderson. He explained he would like to see the Police Department fully funded, as that is the desire and need of the community. If the Council desires to discuss the item with other Councilmembers, Councilmember Butler will return from maternity leave in December. Mayor Pro Tem Ryan stated he would prefer to have the discussion earlier, but her voice is also important.

Councilmember Graves pointed out law enforcement is not the only crime deterrent. The Chief can find a way to use the extra $100,000. However, maybe there is a better alternative such as a partnership with the school or supporting jobs and internships for the community. Chief McDaniel agreed with Councilmember Graves. For example, playing sports with youth can make a big impact.

Dr. Edwards explained Council passed an Act that directed Staff to create alternative community programs. There was no funding available to do that. It then became an issue framed as alternative strategies instead of law enforcement efforts. The staff has always had the desire to do both as they complement one another.

Mayor Pro Tem Ryan noted his agreement with Dr. Edwards and stated there needs to be both a short-term response to "stop the bleeding" and a long-term approach to address systemic issues.

Dr. Edwards added Brooklyn Center has the highest bond rating available to the City of its size. It shows the stability and instability of Brooklyn Center.

Councilmember Graves asked how closely the City has been working with alternative response options through the County. Councilmember Lawrence-Anderson agreed they cannot do it on their own.

Dr. Edwards stated Staff has not been included or allowed to weigh in on that option yet. They are waiting for direction from the Council to seek out such options and fully engage in alternative offerings. Instead, the Council implemented a Committee to handle the task. Staff will come together to create a response with insights and perspectives once the alternative response strategies have been presented to the Council from the Implementation Committee.

Mayor Pro Tem Ryan pointed out he would not have chosen such a long process. Also, it would be beneficial to collaborate with St. Paul for alternative response strategies.

Councilmember Graves added she would like recommendations from the Implementation Committee, but it is beneficial for the Council to review as many options and as much information as possible. The Council needs to know what is possible to know where the gaps are. It would be beneficial for Staff to provide a presentation on the alternatives offered by the County or other cities.

Dr. Edwards explained Staff hasn't taken that on because they have not been directed. Also, they didn't want to be in a position to be pitted against or work against the Implementation Committee.

Chief McDaniel noted he sits on several Committees, and he could also provide insight into the offerings.

Councilmember Lawrence-Anderson stated Brooklyn Center needs to know all of the options and get everyone at the table to discuss.

Mayor Pro Tem Ryan stated the Council will decide on the budget at a City Council meeting.

6. ADJOURN

Councilmember Graves moved, seconded by Councilmember Lawrence-Anderson to adjourn the meeting of the Brooklyn Center City Council/Financial Commission at 7:41 p.m.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss. Certification of Minutes
CITY OF BROOKLYN CENTER)

The undersigned, being the duly qualified and appointed City Clerk of the City of Brooklyn Center, Minnesota, certifies:

1. That attached hereto is a full, true, and complete transcript of the minutes of a Joint City Council Financial Commissionr Session of the City Council of the City of Brooklyn Center held on November 9,2022.

2. That said meeting was held pursuant to due call and notice thereof and was duly held at Brooklyn Center City Hall.

3. That the City Council adopted said minutes at its December 12, 2022, Regular Session.

_____ _____

City Clerk Mayor

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF BROOKLYN CENTER IN THE COUNTY
OF HENNEPIN AND THE STATE OF MINNESOTA

SPECIAL MEETING
NOVEMBER 14, 2022
CITY HALL – COUNCIL CHAMBERS

1. CALL TO ORDER

The Brooklyn Center City Council met for a Special Meeting called to order by Mayor Mike Elliott at 6:04 p.m.

2. ROLL CALL

Mayor Mike Elliott and Councilmembers April Graves, Kris Lawrence-Anderson, and Dan Ryan. Councilmember Marquita Butler was absent and excused. Also present were City Manager Reggie Edwards, City Clerk/Interim Assistant City Manager Barb Suciu, and City Attorney Jason Hill.

3. CANVASS THE RESULTS OF THE 2022 GENERAL ELECTION

City Clerk & Interim Assistant City Manager Barb Suciu stated there were 88 election judges, 6 precincts, and 4 facilities. There were 8,551 votes, 5,508 of which were cast on election day. There was a 52 percent voter turnout for Brooklyn Center and the Statewide turnout was 60.6 percent.

Ms. Suciu stated in the Mayoral race, April Graves received 4,321 votes at 54 percent and Mike Elliott received 3,646 votes at 45.56 percent. As for the Council results, Teneshia Kragness received 3,982 votes, which was 32.59 percent and Dan Jerzak received 3,614 votes, which was 29.58 percent of the votes. The elect candidates will take office on January 3, 2023.

Ms. Suciu stated the three Charter questions needed to be approved by 51 percent of voters. The first question passed with a percentage of 62.28 percent. The second question failed with 50.24 percent, and the third question passed with 68.38 percent. There is the potential for a publicly funded recount for question two. That process would require signatures from 25 voters.

Ms. Suciu thanked Staff and election judges for their work to support the election.

Councilmember Lawrence-Anderson asked for Ms. Suciu to summarize the role of election judges. Ms. Suciu explained election judges assist in the day of the election, be it a half- or full-day. Some help with absentee voting at the healthcare facilities. Other set up equipment to alleviate the burden on Staff. Election judges need to be trained every two years and must be a registered voter in the State of Minnesota.

Mayor Elliott asked when election judges need to be trained. Ms. Suciu stated election judges need to be trained every two years.

Mayor Elliott asked what qualifications someone must have to be an election judge. Ms. Suciu stated must be a registered voter in the State of Minnesota.

Mayor Elliott asked why two precincts were hosted at the same location. Ms. Suciu explained that was partly due to the redistricting process where Brooklyn Center went from seven to six districts. Also, there was a goal to stay away from schools because of congestion. It worked well for two precincts to be combined at a precinct because of parking, availability of election judges, and accessibility.

Mayor Elliott asked how many districts Brooklyn Center has. Ms. Suciu stated Brooklyn Center went from seven to six districts.

Mayor Elliott asked if that was based on population. Ms. Suciu stated the change was based on school districts. Each precinct had one school district whereas previously there could have been three school districts represented at one precinct. It decreased errors in voting.

Mayor Elliott asked which precincts did not have a polling location within their boundaries. Ms. Suciu stated districts 4 and 5 did not have polling places within their boundaries.

Mayor Elliott asked if the same was true in previous election years. Ms. Suciu stated voting was completed at the Heritage Center to decrease COVID-19 issues in schools. In 2018, voting was in schools and Spiritual Life Church. However, the City was asked not to return to Spiritual Life Church. There are not very many facilities available in precincts 4 and 5. She asked a church in precinct 4 to host a polling place, but they were already committed to being a polling place for Brooklyn Park.

Mayor Elliott asked which precinct had the school in 2018. Ms. Suciu stated Garden City hosted a polling place for precinct 5 in 2018. Spiritual Life was in the fourth precinct.

Mayor Elliott asked if there was feedback from voters about the combined voting locations. Ms. Suciu stated she did not receive any feedback, and she also did not receive any feedback from the primary elections which used the same locations.

Councilmember Ryan thanked Staff and the volunteers for their work with the election.

Councilmember Graves moved and Councilmember Lawrence-Anderson seconded to accept the results of the 2022 General Election.

Motion passed unanimously.

4. ADJOURNMENT

Councilmember Ryan moved and Councilmember Graves seconded adjournment of the City Council meeting at 6:21 p.m.

Motion passed unanimously.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss. Certification of Minutes
CITY OF BROOKLYN CENTER)

The undersigned, being the duly qualified and appointed City Clerk of the City of Brooklyn Center, Minnesota, certifies:

1. That attached hereto is a full, true, and complete transcript of the minutes of an Election Canvass Session of the City of Brooklyn Center held on November 14, 2022.

2. That said meeting was held pursuant to due call and notice thereof and was duly held at Brooklyn Center City Hall.

3. That the City Council adopted said minutes at its November 28, 2022 Regular Session.

_____ _____

City Clerk Mayor

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF BROOKLYN CENTER IN THE COUNTY
OF HENNEPIN AND THE STATE OF MINNESOTA

STUDY SESSION
NOVEMBER 14, 2022
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council met in a Study Session called to order by Mayor Mike Elliott at 6:22 p.m.

ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Reggie Edwards, Finance Director Angela Holm, Director of Public Works Liz Heyman, and City Clerk/Interim Assistant City Manager Barb Suciu.

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

City Manager Reggie Edwards asked for an item to be added to the Council Consideration Items related to tree removal at 7224 Morgan Avenue North and 6900 Quail Avenue North. Dr. Edwards clarified that the item is on the agenda, but the resolution was not included in the packet.

Councilmember Lawrence-Anderson noted the Consent Agenda is very long. One was to authorize the execution of professional service agreements. She explained she doesn't have a conflict of interest with any firms, but she has had a personal experience with ash tree issues in Lakeville at her mother's residence. Councilmember Lawrence-Anderson stated she would like to provide a recommendation for Staff consideration.

Councilmember Ryan asked if the City engages any public relations firms currently, about Consent Agenda Item 6h. Resolution Authorizing Execution of Professional Service Agreements with Qualifying Consulting Firms. Dr. Edwards noted the item refers to Public Works Department contracts.

Mayor Elliott asked for Dr. Edwards to explain the process involved in Consent Agenda Item 6h. Resolution Authorizing Execution of Professional Service Agreements with Qualifying Consulting Firms. Dr. Edwards invited Director of Public Works Elizabeth Heyman to provide more information on the item.

Ms. Heyman explained that consulting services for architectural, engineering, scientific, or other professional training are typically obtained on an individual project basis as needed by obtaining

bids from several consultants. To streamline the process and to assist Public Works Staff in obtaining consulting services a pre-approved consulting pool is being provided for consideration. This consultant pool would exist for three years and would be drawn upon on a project-by-project basis to enter into professional services agreements for the needed services. The pool would not preclude Staff from contracting with other firms.

Mayor Elliott asked how equity was considered in the process. Ms. Heyman stated six of the firms are certified as Disadvantaged Business Enterprises (DBE). Staff will continue to expand the pool as new and equitable opportunities arise.

Mayor Elliott asked where Staff is at with drafting a formal policy. Dr. Edwards stated the process is being led by the Finance Director, and the draft is underway.

Ms. Heyman added the firms on the list are for engineering and design rather than labor services, to Councilmember Lawrence-Anderson's point.

Finance Director Angela Holm noted Staff has been working with Paddio since May 2022 on the purchasing policy. The first few months were dedicated to fact-finding. Most recently, Paddio has been hosting focus groups to deal directly with business owners of all sizes in Brooklyn Center. Paddio has had challenges getting participants for the groups.

Ms. Holm added the initial response from Paddio was that a draft policy would be available to Brooklyn Center by May of 2023. Staff meets with them every two weeks or so to receive updates.

Councilmember Graves asked how long it takes for folks to be paid after they completed the contract. She asked if businesses have to have the money upfront to do the contracted work and then are reimbursed by the City. Ms. Holm stated the City has 35 days to make payment after the goods or services are received. It can be a barrier for small businesses, and Staff is not doing anything to remedy that concern.

MISCELLANEOUS

GROUP HOMES IN RESIDENTIAL AREAS

Councilmember Ryan noted there is an increasing number of group homes in residential areas of Brooklyn Center. Group homes can be a source of nuisances and friction in neighborhoods. They also may receive more calls for service and require more time from law enforcement than other homes. He encouraged the 2023 Council to ask Staff to look into the concern and provide information and potential options.

Mayor Elliott asked what Councilmember Ryan meant by "nuisances." Councilmember Ryan stated there are several concerns such as a lack of proper garbage receptacles and availability of on-street parking. Most of the group homes are operating out of single-family homes. There are several responsible group home operators, but there are also cases with problems that the City

needs to address.

Mayor Elliott stated the Implementation Committee has been sorting through calls for service and determining response alternatives to law enforcement. He agreed group homes have a higher number of calls for service than a single-family homes.

EARLY START FOR THE NOVEMBER 28 WORK SESSION

City Manager Reggie Edwards explained the Opportunity Site has some renderings. There is not currently a Public Arts Commission, so Staff was asking if Council could come in early to receive presentations on public art options. Mayor Elliott asked if that would work for everyone on the Council. No one disagreed.

Mayor Elliott asked the City Clerk to ensure an invitation goes out to Council.

ADJOURN STUDY SESSION TO INFORMAL OPEN FORUM WITH CITY COUNCIL

Councilmember Graves moved and Councilmember Ryan seconded to close the Study Session at 6:46 p.m.

Motion passed unanimously.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss. Certification of Minutes
CITY OF BROOKLYN CENTER)

The undersigned, being the duly qualified and appointed City Clerk of the City of Brooklyn Center, Minnesota, certifies:

1. Attached hereto is a full, true, and complete transcript of the minutes of a Study Session of the City Council of the City of Brooklyn Center held on November 14, 2022.

2. That said meeting was held according to due call and notice thereof and was duly held at Brooklyn Center City Hall.

3. That the City Council adopted said minutes at its December 12, 2022, Regular Session.

_____ _____

City Clerk Mayor

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF BROOKLYN CENTER IN THE COUNTY
OF HENNEPIN AND THE STATE OF MINNESOTA

REGULAR SESSION
NOVEMBER 14, 2022
CITY HALL – COUNCIL CHAMBERS

1. INFORMAL OPEN FORUM WITH THE CITY COUNCIL

CALL TO ORDER INFORMAL OPEN FORUM

The Brooklyn Center City Council met in an Informal Open Forum called to order by Mayor Mike Elliott at 6:47 p.m.

ROLL CALL

Mayor Mike Elliott and Councilmembers April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Reggie Edwards, Finance Director Angela Holm, Assistant City Planner Olivia Boerschinger, Communication Coordinator Angel Smith, Clerk Barb Suciu, and City Attorney Jason Hill.

Councilmember Marquita Butler was absent and excused.

Mayor Mike Elliott opened the meeting with an Informal Open Forum.

Roger C. stated the 2023 budget is $1.4 million more than it was in 2022. $389,000 is allotted for City vehicle replacement. All of the equipment he sees that is owned by the City looks to be in excellent condition, and $389,000 is excessive. He suggested a committee of citizens is established and scrutinize it before being voted on by the Council.

Roger C. commented, regarding the Woodbine Street project, there was an article in the *Star Tribune* regarding similar projects. He provided copies of the article for members of the Council. The article questions if the assessment method for projects is legal. Some cities have been sued for their assessment practices. The article also details other methods of payment available to local governments.

Alfreda D. stated she is disappointed to hear a Councilmember refer to community members with disabilities as a nuisance. She added she would like there to be a policy establishing guidelines for Councilmembers interacting with the public. Brooklyn Park recently enacted a similar policy. Alfreda D. offered to assist in drafting a policy.

Mayor Elliott asked if Alfreda D. had ideas for the policy. Alfreda D. stated she would be happy to dedicate time to creating a policy as it isn't a priority for the Council. It would be more than a conduct policy but also a policy with accountability measures.

Councilmember Graves read a quote from an article regarding the Brooklyn Park Council conduct policy. She noted Brooklyn Center does have a Council conduct policy with some accountability measures included in the agenda. She stated she would be willing to discuss the topic further and review Brooklyn Park's policy and its most recent changes. Councilmember Graves added she would also like to see more respectful discussions and interactions in the future.

Alfreda D. stated she has been asking for the policy for over two years. She stated the Council needs to acknowledge the power they hold and how they act disrespectfully toward members of the community. There may be a code of conduct for the Council, but it doesn't include any consequences. Alfreda D. pointed out she has had negative interactions with multiple Councilmembers, the City Attorney, and the former Police Chief. The comments made by Councilmember Graves are triggering and inconsiderate. There needs to be accountability.

Councilmember Graves addressed the Mayor and stated she didn't believe the Council allowed personal attacks during the Informal Open Forum. Alfreda D. stated they don't allow for dialogue either.

Mayor Elliott stated it was time to move on.

Councilmember Ryan moved and Councilmember Graves seconded to close the Informal Open Forum at 7:00 p.m.

Motion passed unanimously.

Julie B. stated she has been unable to speak at the previous two meetings although her hand was raised. Mayor Elliott stated the Informal Open Forum is now closed and apologized for missing her hand.

2. INVOCATION

Councilmember Lawrence-Anderson noted Thanksgiving is coming up. She shared a quote, "Thanksgiving is an emotional holiday. People travel thousands of miles to see family members once a year, only to find once a year is too often." As they enter the holiday shopping season, she encouraged community members to be kind to and patient with the service providers and those around them.

Councilmember Lawrence-Anderson shared another quote, "Make it a habit to tell people to thank you, to express your appreciation sincerely and without the expectation of anything in return. Truly appreciate those around you, and you will soon find many others around you. Truly appreciate life, and you will find that you have more of it."

3. CALL TO ORDER REGULAR BUSINESS MEETING

The Brooklyn Center City Council met in a Regular Session called to order by Mayor Mike Elliott at 7:04 p.m.

4. ROLL CALL

Mayor Mike Elliott and Councilmembers April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Reggie Edwards, Finance Director Angela Holm, Assistant City Planner Olivia Boerschinger, Communication & Community Engagement/Interim Assistant City Manager Angel Smith, City Clerk/Interim Assistant City Manager Barb Suciu, and City Attorney Jason Hill.

Councilmember Marquita Butler was absent and excused.

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

Councilmember Ryan moved and Councilmember Graves seconded to approve the Agenda and Consent Agenda, and the following consent items were approved

6a. APPROVAL OF MINUTES

1. October 24, 2022 – Study Session
2. October 24, 2022 – Regular Session

6b. LICENSES

GASOLINE SERVICE STATION

City of Brooklyn Center Municipal Garage	6844 Shingle Creek Parkway Brooklyn Center, MN 55430
Kabalan Co dba Pump N Munch	1505 69th Avenue N Brooklyn Center, MN 55430

MECHANICAL

Aqua Wizards Plumbing LLC	102 143rd NW Andover, MN 55304
Ductech LLC	1022 S Robert Street West St Paul, MN 55118
Flare Heating and Air Conditioning	9303 Plymouth Avenue N Golden Valley, MN 55427
MS Universal Services	4785 Underwood Lane Plymouth, MN 55442
The Tarbeck Company LLC	910 121st Avenue NE

RENTAL

INITIAL (TYPE IV – six-month license)

4809 Twin Lake Avenue N	Twin Lake Apartments, LLC Joseph Cheney
1217 54th Avenue N	Jackson & Cierra Hurst

INITIAL (TYPE III – one-year license)

3800 Burquest Lane	Hennepin RP Funding, LLC
6337 June Avenue N	SFR ACQUISITIONS 2 LLC

INITIAL (TYPE II – two-year license)

4207 Lakeside Avenue N, #139	ALEXANDER ANDRZEJEK

INITIAL (TYPE I – three-year license)

6229 Brooklyn Drive	Joy Vang

RENEWAL (TYPE IV – six-month license)

700 66th Avenue N	Georgetown-bc Company Lllp
3614 50th Avenue N	Devlin Wubbena
6331 Beard Avenue N	Ccf1 Mn LLC
3218 63rd Avenue N	Madison Ave Homes LLC
3501 62nd Avenue N	Doreen Kalema
5043 Brooklyn Boulevard	THR Property Illinois LP
5133 France Avenue N	Resi SFR Sub LLC
5228 Ewing Avenue N	IH2 Property Illinois LP
5636 Fremont Avenue N	Alice I Mansaray
5737 Emerson Avenue N	Nutida Wong
5748 Humboldt Avenue N	Fyr Sfr Borrower LLC
5807 Bryant Avenue N	Koladex Venture, LLC
6018 Camden Avenue N	Crystal Clear Investment LLC

RENEWAL (TYPE III – one-year license)

6737 Humboldt Avenue N	Humboldt Square Ventures LLC
5715 Emerson Avenue N	J And M Homes Ii LLC
5913 June Avenue N	Mohammed K Mehdi
6418 Girard Avenue N	Genet Gashaw
6430 June Avenue N	Euphemia Brewer

RENEWAL (TYPE II – two-year license)

4500 58th Avenue N	Tln Lanel A Ltd Partnership
6305 Camden Avenue N	Melrose Gates LLC
6740 Grimes Place	Victoria Townhouses 1
1340 68th Lane N	Jin Li
5631 Hillsview Road	Lrg 2 LLC
6019 Colfax Avenue N	Alice T Cooper

RENEWAL (TYPE I – three-year license)

4207 Lakeside Avenue N, #123	Donna E Kabanuk
1316 68th Lane N	Valerie McKissack
5524 Dupont Avenue N	Nicholas Manthey
5836 James Avenue N	Olusola A Agunbiade
6343 Dupont Avenue N	We Are Superior Contracts
6400 Noble Avenue N	Zamzam Gesaade
6637 Xerxes Place N	Douglas Finch

TOBACCO RELATED PRODUCTS

A M Brothers dba Cloud Nine Smokeshop	615 66th Avenue N Brooklyn Center, MN 55430
Burr Street Market Inc dba Quick Shop	5808 Xerxes Avenue N Brooklyn Center, MN 55429

Diamond Lake 1994 LLC dba Cub Foods	3245 County Road No. 10 Brooklyn Center, MN 55429
Kabalan Co dba Pump N Munch	1505 69th Avenue N Brooklyn Center, MN 55430
Sun Foods	6350 Brooklyn Boulevard Brooklyn Center, MN 55429
Walgreens	6390 Brooklyn Boulevard Brooklyn Center, MN 55429

6c. RESOLUTION NO. 2022-120; APPROVING AND ENTERING INTO A JOINT POWERS AGREEMENT WITH THE CITY OF BROOKLYN PARK REGARDING WORKFORCE DEVELOPMENT INITIATIVES

6d. RESOLUTION NO. 2022-121; DECLARING A PUBLIC NUISANCE AND ORDERING THE REMOVAL OF DISEASED TREES AT CERTAIN PROPERTIES IN BROOKLYN CENTER, MINNESOTA

6e. RESOLUTION NO. 2022-122; DECLARING A PUBLIC NUISANCE AND ORDERING THE REMOVAL OF DEAD TREES AT CERTAIN PROPERTIES IN BROOKLYN CENTER, MINNESOTA

6f. RESOLUTION NO. 2022-123; ESTABLISHING INTEREST RATE FOR 2023 SPECIAL ASSESSMENTS

6g. RESOLUTION NO. 2022-124; ESTABLISHING 2023 STREET AND STORM DRAINAGE SPECIAL ASSESSMENT RATES

6h. RESOLUTION NO. 2022-125; AUTHORIZING EXECUTION OF PROFESSIONAL SERVICE AGREEMENTS WITH QUALIFYING CONSULTING FIRMS

6i. RESOLUTION NO. 2022-116; AWARDING AUDIT ENGAGEMENT LETTER

6j. RESOLUTION NO. 2022-126; APPROVING A TEN-YEAR COMMITMENT FOR LOGIS ERP AND UTILITY BILLING SOFTWARE APPLICATIONS

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

7a. FOURTH JUDICIAL DISTRICT JUDGE BARNETTE

Fourth Judicial District Judge Barnette introduced himself and noted he is Chief Judge in Hennepin County. He noted the pandemic has pushed the County to provide remote hearing services, and their staff has done a great job setting up Zoom to allow for the hearings. There are over 500 employees,

and there are 63 judges and 12 or 14 referees. Similar to private businesses, Hennepin County has also experienced a lot of turnovers.

Chief Judge Barnette explained there are five different divisions within the Hennepin County Attorney's Office. There are 10 judicial districts in the State, and Hennepin is the largest. Hennepin County handles anywhere from 25 percent to 33 percent of the cases in the entire State.

Chief Judge added many members of Brooklyn Center have been called to jury duty, even throughout the pandemic, to keep the court system going.

Chief Judge Barnette pointed out there is a backlog in the handling of housing and eviction cases due to the eviction moratorium. The courts are also behind on criminal proceedings due to the pandemic, but they are close to catching up.

Chief Judge Barnette thanked the Council for the time to present and offered to answer any questions. Mayor Elliott thanked Chief Judge Barnette for the information.

Mayor Elliott asked how far behind the courts are. Chief Judge Barnette stated the housing court is about three or four months behind schedule. He stated he hired another referee to help with the housing backlog. The number of hearings has increased and decreased the backlog. In January, there will be more in-person hearings; it takes more Staff power to host a remote hearing than an in-person hearing. Therefore, the backlog will decrease further at that time.

Mayor Elliott noted several tenants in Brooklyn Center have reported their rent money was stolen and received eviction notices. He asked if the court handles multiple cases together for such a scenario. Chief Judge Barnette stated some similar cases have been taken, for example, the protesters on Highway 94. Parties can ask for their cases to be assigned to one judge or hearing, but he has not received that request for eviction issues in Brooklyn Center. Mayor Elliott noted the issue involves senior citizens.

Mayor Elliott stated if someone misses a court date, a bench warrant is issued. He asked how the court is handling bench warrants and if they are allowing for discretion by the local law enforcement. Chief Judge Barnette explained during the peak of the pandemic, there was a collaboration amongst justice partners to ensure the jail wasn't crowded to avoid COVID spreading. The change also eliminated transfers for minor offenses. In the last three years, there has always been a warrant helpline. The staff has certain authority to handle certain warrants and reset court dates.

Chief Judge Barnette added if someone was summonsed for a misdemeanor, besides domestic assaults and DWIs, the court allows a sign and release. That allows for the court date to be set and communicated rather than for someone to be taken into custody or transported. There is a similar process called to book and release for people in custody.

Mayor Elliott asked if there is a discussion around a public program for civil cases and legal representation. Chief Judge Barnette pointed out there are some organizations that provide legal representation such as the Volunteer Lawyer Network and Legal Aid. As for housing, Hennepin

County provides Adult Representation Services (ARS) where lawyers are provided for the proceedings. The ARS programming has been going on for a year, and there is talk of expansion.

Councilmember Graves asked for more information on the specialized treatment courts. Chief Judge Barnette stated treatment courts include criminal mental health court, drug court, DWI court, and veteran's court. They are recognized Statewide. There are also restorative court options for misdemeanors and felonies. A person is referred to a specialized treatment court and then assessed by triage staff to determine which court would be the most beneficial for them.

Chief Judge Barnette noted the specialized treatment courts have more intensive probation and require more in-person court appearances. Most participants are folks who are not first-time offenders. Therefore, the program is an alternative to a serious length of prison or workhouse sentencing.

Chief Judge Barnette stated there is a social worker who attends the misdemeanor restorative court to connect participants with services. Felony restorative court is an alternative to a diversion program and that allows for expungement. The participants are primarily experiencing mental health or addiction issues. He added all alternative courts are optional.

Councilmember Graves asked who is on the triage team. Chief Judge Barnette stated there are two judges, probation officers, a prosecutor, a defense attorney, treatment providers, and potentially other community members.

Mayor Elliott noted he was part of a committee commissioned by the Minnesota Supreme Court considering alternative justice avenues. Minnesota has a variety of cultures that utilize culturally-specific justice methods. He asked if the court is trying to find ways to incorporate alternative justice practices.

Chief Judge Barnette stated there is a group of judges and community members working to incorporate alternative justice practices. One effort is to streamline expungement for juveniles as it has been a difficult process for juveniles to navigate, which was a recommendation from that group. It isn't necessarily an alternative justice practice, but the group is trying to be more responsive to the needs of the public.

Councilmember Lawrence-Anderson thanked Chief Judge Barnette for sharing information with the Council.

Councilmember Graves moved and Councilmember Ryan seconded to accept the presentation.

Motion passed unanimously.

7b. RANDOM ACTS OF KINDNESS PROCLAMATION

Mayor Elliott read in full a Proclamation declaring November 17, 2022, as Random Acts of Kindness Day.

Councilmember Ryan moved and Councilmember Lawrence-Anderson seconded to adopt the Proclamation for Random Acts of Kindness and declare November 17, 2022, as Random Acts of Kindness Day.

Motion passed unanimously.

Councilmember Graves asked about the process for Random Acts of Kindness. Dr. Edwards stated there will be a celebration honoring recipients of Random Acts of Kindness at the Heritage Center soon on November 17. Dr. Edwards asked for the names of the nominees to be read.

Councilmember Lawrence-Anderson noted the Council has received the nominations in advance to review to learn more about the nominees. She asked for Staff to provide a copy of the nominations.

Councilmember Graves stated Dr. Angel Smith may want to say something. Communications and Community Engagement Manager Dr. Angel Smith explained there was a change to provide more attention for the nominees and more time to acknowledge their efforts. Therefore, there is a celebration separate from the City Council meeting.

The Council took turns reading the names of the following nominees:

Julie Bourque	Matt Branch	Brooklyn Center Lions Club
Paula Brown	Melissa Carey	Brooklyn Center Lady Lions
Jan Cedarholm	Victoria & Hassan Christian	Tom Dahlstrom & Bobbi Hanson
Alfreda Daniels	Lisa Ellis	Mayra & Jonathan Deras
Free Bikes for Kidz	Grace Green	Tom Green
James “Jimmy: Johnson	Marsha Jones	Jamar Hester, BC Cub Manager
Chris Mahigan	Matt Malwitz	Nancy Mikulak
Mpls Elk Lodge #44	Diane Sannes	Diane & Darryl Sannes
Carol Shetka	Shoe Away Hunger	John Solomon
Andrew Splinter	Richard Sund	Cha Lee Yang

8. PUBLIC HEARINGS

8a. AN ORDINANCE NO. 2022-07; AMENDING THE MAYOR AND COUNCIL SALARIES FOR 2023 AND 2024 (SECOND READING)

City Manager Reggie Edwards introduced the item and invited Finance Director Angela Holm to make the staff presentation.

City Attorney Jason Hill recommended tabling the item. Per the Charter and Minnesota Statutes, changes in salaries cannot be implemented until after the next election, which is scheduled for 2024. The Council still needs to adopt an Ordinance for the 2023 salaries and can amend the proposed item or pass an entirely different Ordinance.

Mayor Elliott stated the item should be passed to allow for a salary in 2023. After the meeting, there can be a conversation about an increase in salaries.

Mayor Elliott moved to Approve Second Reading and Adopt an Ordinance Approving the Salaries for the Mayor and Council for 2023 and 2024.

Motion failed for lack of a second.

Mr. Hill stated there still needs to be a public hearing unless they choose to continue the public hearing. From there, the motion would be to adopt the Ordinance with an amendment.

Councilmember Graves asked how the item ended up on the agenda if it isn't supposed to be handled until 2024. The changes are not very significant anyways. She asked what the options are. Mr. Hill recommended the Council amend the proposed Ordinance with an amendment reflecting the previous salaries and reassess the increase in 2024 before the election.

Councilmember Graves asked if there is an issue because the hearing wasn't held before the election. Mr. Hill confirmed the item has to be handled before an election per Charter and Minnesota Statutes.

Dr. Edwards apologized for the error in bringing it to the Council. He explained Staff was under the impression that because the process started before the election, it could be passed. Mr. Hill stated the item has to be fully adopted before the election to be in line with the Charter and State Statutes.

Mayor Elliott moved and Councilmember Graves seconded to open the Public Hearing.

Motion passed unanimously.

Laurie M. asked if this was brought to the Council previously but was delayed due to Councilmembers or the Mayor being absent. Dr. Edwards stated that wasn't the case.

Laurie M. stated it was a faux pas then. Mayor Elliott asked what a faux pas is. Laurie M. asked if the Mayor didn't know what a faux pas is. Mayor Elliott confirmed he doesn't know what a faux pas is.

Laurie M.asked Dr. Edwards if this was an oversight by Staff. Mayor Elliott stated Laurie M. needed to address him rather than Staff. Laurie M.stated she didn't as she was asking Dr. Edwards. Mayor Elliott stated Laurie M.needed to address him directly as it is in their rules. Laurie M. stated she doesn't need to address the Mayor.

Laurie M.asked Dr. Edwards if this was an oversight by Staff. Dr. Edwards stated Staff followed the process completed in previous years without knowing previous practices were not appropriate.

Laurie M.stated it is unfortunate that the 2023 Council and Mayor should have been able to reap the benefits of an increase.

Councilmember Graves moved and Councilmember Ryan seconded to close the Public Hearing.

Motion passed unanimously.

Mayor Elliott moved and Councilmember Graves seconded to approve Second Reading and adopt ORDINANCE NO. 2022-07; Maintaining the Current Salaries for the Mayor and Council for 2023 and 2024.

Motion passed unanimously.

8b. AN ORDINANCE NO. 2022-08; ADOPTING A UNIFIED DEVELOPMENT CODE AND AMENDING THE CITY CODE OF ORDINANCES BY REPEALING CHAPTERS 15 AND 34 AND REPEALING AND REPLACING CHAPTER 35 (PUBLIC HEARING AND FIRST READING)

City Manager Reggie Edwards introduced the item and invited Assistant City Planner Olivia Boerschinger to make the staff presentation.

Assistant City Planner Olivia Boerschinger explained in 2019, the City adopted the 2040 Comprehensive Plan and embarked on a major overhaul of the City's current zoning (Chapter 35), sign (Chapter 34), and platting (Chapter 15) codes with consultant Bolton & Menk. City Staff have worked with Bolton & Menk to merge the three chapters into one, unified document (Unified Development Ordinance).

Mike Thompson, Bolton & Menk Senior Urban Planner, thanked the Council for their time. As part of adoption of a new UDO, many properties within the City will be rezoned to align with the new regulations and new zoning districts. In addition, some existing zoning districts will be updated with new, more modern, regulations. The UDO hasn't had a major update since the 1960s. The intent of the updated UDO therefore is to be a robust living, breathing document that modernizes City land use policies, and can be further revised and evolve over time.

Mr. Thompson noted the code is being updated to align the code with the city's 2040 Comprehensive Plan, bring the City zoning code into compliance with state law, reorganize the code so it is clearer and easier to use, modernize regulations to ensure they meet community
needs and promote equity, and improve customer service and regional competitiveness. The overall goal is to create a strong Zoning Code for city adoption, with the understanding it is to be a living document to be revised over time.

Mr. Thompson explained zoning and land use policies have historically contributed to systemic racism, and the legal separation of people and uses. Redlining, restrictive covenants, large lot sizes, and segregating land uses are all policy examples of how this has manifested. Brooklyn Center's history is not as explicit in this regard, but its traditionally auto-oriented design patterns has created issues of job access and transportation equity.

Mr. Thompson stated he Zoning Code is addressing steps outlined by the 2040 Comprehensive Plan including mixed-use districts, neighborhood commercial nodes, organize around transit, zoning flexibility in exchange for identified goals of sustainability, housing affordability, and affordable commercial spaces, multi-generational housing needs, home-based businesses, and supporting more housing options and more affordable home ownership, through strategies like ADU's, Duplex's, and mixed-use zoning.

Mr. Thompson pointed out there has been a lot of community engagement efforts including info sheets, full drafts sections online, a taskforce, recorded webinars, online open houses, surveys, an interactive map, and online resources. Mr. Thompson showed a sign with a list of current districts in comparison to the proposed districts with corresponding colors.

Mr. Thompson added the key updates include accessory dwelling units, single family home site standards, home occupations, clarified approval processes, land use definitions, and mixed-use and transit-oriented development districts.

Ms. Boerschinger stated the UDO makes a number of changes that modernize the language and ensure that processes remain in compliance with State law. The process for review and adoption of planned unit developments (PUDs) has been amended to be processed as a conditional use permit (CUP) as opposed to a re-zoning of the particular parcel or parcels. Processing as a CUP eliminates the need for a re-zoning and an ordinance amending the Zoning Map, eliminates the City's need to conduct a 1st and 2nd reading of an Ordinance, and other PUD requirements remain relatively unchanged.

Ms. Boerschinger added the update and amendment of the Zoning Map and Code bring both into compliance with the 2040 Comprehensive Plan, including the identification of permitted uses in various zoning districts, and will create non-confirming uses and structures in various locations. Very generally, non-conforming uses and structures are allowed to continue, but they cannot expand or intensify the use. The intention is that non-conforming uses will be brought into compliance over time.

Ms. Boerschinger explained Staff mailed a postcard to every house that would be impacted by the Zoning Code change with a link to the interactive map on the website. Remote owners were also notified of the impact. Mr. Thompson showed the interactive map and how to use it. A public hearing notice was published in the Brooklyn Center Sun Post on November 3, 2022.

Mayor Elliott asked if the change adversely impacts any current structures. Mr. Thompson confirmed any structures that are currently legal will remain legal but cannot expand or intensify.

Mayor Elliott asked if the Mosque would experience any rezoning. Mr. Thompson stated that parcel's uses were not impacted.

Councilmember Lawrence-Anderson asked if Chapters 15 and 34 are being repealed and is now being called Chapter 35. Ms. Boerschinger confirmed Chapters 15 and 34 would be repealed. Then Chapter 35 would be replaced with the proposed text. It will be called the Unified Development Ordinance.

Councilmember Ryan asked what engagement was done with businesses and stakeholders. Mr. Thompson confirmed there was community engagement, but that occurred before his time with Bolton & Menk. He pointed out there was feedback gathered, but he would have to look up the specifics. Councilmember Ryan asked for the information to be provided before the second reading.

Councilmember Lawrence-Anderson noted she has spoken to community members about the revisions. She asked for another copy of the presentation be sent out to the Council as the link isn't working.

Mayor Elliott moved and Councilmember Ryan seconded to open the Public Hearing.

Motion passed unanimously.

Mohamed D. stated some business owners are concerned about which locations were chosen to be rezoned. He asked if the adoption of the new Code would place existing structures out of compliance if there are relevant changes. Mr. Hill stated any structures that are currently legal will remain legal but cannot expand or intensify.

Mayor Elliott stated the commenter is specifically asking about the Mosque. He asked if the property was rezoned. Mr. Hill there was a previous Code amendment to allow religious uses in the Mosque's district, and there is a special use permit for the property. Ultimately, there aren't any changes in the proposed draft that impact the Mosque's parcel.

Matt D. stated he is with Pop Car Wash and has questions about the new sign regulations. Multiple customers reach out to him due to weather or issues with the Car Wash. The City should allow digital message centers for businesses to better communicate with the public.

Douglas B. noted he is encouraged with the progressiveness in the ordinances, and he looks forward to continue working with the City.

Councilmember Graves moved and Councilmember Ryan seconded to close the Public Hearing.

Motion passed unanimously.

Councilmember Graves moved and Councilmember Ryan seconded to approve a First Reading of an Ordinance No. 2022-08; regarding the adoption of the Unified Development Code and an amendment of the City Code of Ordinances by repealing Chapters 15 and 34 and repealing and replacing Chapter 35, and set the Second Reading for December 12, 2022.

Motion passed unanimously.

9. PLANNING COMMISSION ITEMS

None.

10. COUNCIL CONSIDERATION ITEMS

10a. RESOLUTION 2022-127; AWARDING THE SALE OF $4,670,000 GENERAL OBLIGATION IMPROVEMENT AND UTILITY REVENUE BONDS, SERIES 2022A FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT

Dr. Edwards introduced the item and invited Ms. Holm to make the Staff presentation.

Finance Director Angela Holm stated on October 10, 2022 the City Council adopted a resolution setting the date for the competitive negotiated sale of $4,670,000 General Obligation Improvement and Utility Revenue Bonds. The bond proceeds will be used to finance the construction of Woodbine Area Improvements including street reconstruction and utility infrastructure improvements. She introduced Doug Green of Baker Tilly to continue the presentation.

Doug Green, a director at Baker Tilly, stated the sale was very successful. The previous years have been a tough environment. He showed a slide depicting the interest rate environment in Brooklyn Center. The yields from November 2021 to present have more than doubled.

Mr. Green stated there were six bidders, and they will award bonds based on the lowest True Interest Cost (TIC), which was Robert W. Baird of 3.38 percent. Likely buyers are Minnesota-based separately managed accounts (SMA) and mutual funds.

Mr. Green showed a table with details on the past sales. The amount has been between four and eight million dollars. He showed a table with post-sale pricing summary. The offered par amount for the bond sale pricing was $4,670,000. Bidding parameters allow flexibility that meets City and bondholder needs. Premium pricing reduces par amount in exchange for higher coupons. The new par amount is $4,335,000.

Mr. Green showed a table of repayment by source of revenue. Different portions would be repaid by property tax levy, assessments, and the three utility funds. He noted Brooklyn Center retained an AA with a stable outlook. The negative outlook was removed. Minnesota cities tend to have high debt levels, but Brooklyn Center has a manageable debt level. Debt service as a percent of governmental fund expenditures is 13 percent.

Mayor Elliott stated Brooklyn Center cannot get an AAA rating because of its size. Mr. Green stated it is a number of factors such as size and wealth of a city.

Councilmember Ryan asked if the resolution was passed, the City would quote the new par amount. Mr. Green stated that would work, but they don't have to be that specific.

Councilmember Ryan moved and Mayor Elliott seconded to adopt RESOLUTION NO. 2022-127; Awarding the Sale of General Obligation and Utility Revenue Bonds, Series 2022A fixing their form and specifications; directing their execution and deliver; and providing for their payment.

Motion passed unanimously.

11. COUNCIL REPORT

None.

12. ADJOURNMENT

Mayor Elliott moved and Councilmember Ryan seconded adjournment of the City Council meeting at 8:36 p.m.

Dr. Edwards asked to speak. Mayor Elliott stated he was entertaining a motion to adjourn.

Councilmember Graves asked if she could share a Council report. Mayor Elliott stated they could share reports at the next meeting.

Mayor Elliott asked Staff to include Council Report on the agenda.

Motion passed unanimously.

Mayor Elliott asked if there was anymore business before the Council. Ms. Suciu stated they were adjourned.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss. Certification of Minutes
CITY OF BROOKLYN CENTER)

The undersigned, being the duly qualified and appointed City Clerk of the City of Brooklyn Center, Minnesota, certifies:

1. Attached hereto is a full, true, and complete transcript of the minutes of a Regular Session of the City Council of the City of Brooklyn Center held on November 14, 2022.

2. That said meeting was held according to due call and notice thereof and was duly held at Brooklyn Center City Hall.

3. That the City Council adopted said minutes at its December 12, 2022, Regular Session.

_____ _____

City Clerk Mayor

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL/FINANCIAL COMMISSION
OF THE
CITY OF BROOKLYN CENTER IN THE
COUNTY OF HENNEPIN AND STATE OF MINNESOTA

JOINT WORK SESSION
NOVEMBER 21, 2022
COUNCIL CHAMBERS

1. CALL TO ORDER

The Brooklyn Center City Council/Financial Commission Joint Work Session was called to order by Mayor Elliott at 6:10 p.m.

2. ROLL CALL

Mayor Mike Elliott and Councilmembers April Graves and Dan Ryan were present. Councilmember Marquita Butler was absent and excused.

Also present was Financial Commission Chair Taneshia Kragness. Commissioner Dean Van Der Werf was absent and excused.

Also present were City Manager Reggie Edwards, City Clerk/Interim Assistant City Manager Barb Suciu, Director of Finance and Fiscal Services Angela Holm, Director of Public Works Elizabeth Heyman, and Deputy Director of Public Works Mike Marsh.

3. APPROVAL OF AGENDA

There was a motion by Mayor Elliott and seconded by Councilmember Ryan to approve the agenda. Motion passed unanimously.

4. DISCUSSION ITEMS

4a. CENTRAL GARAGE

City Manager Reggie Edwards introduced the item and invited Director of Public Works Elizabeth Heyman and Director of Finance Angela Holm to continue the presentation.

Mayor Elliott noted he has to leave at a certain time, and Councilmember Ryan will take over at that time.

Finance Director Angela Holm explained the Central Garage allows for more efficient management of the City vehicles. The Public Works Department has the goal to responsibly provide for the maintenance and operations of the City's infrastructure and facilities in a quality, cost-effective matter.

Director of Public Works Elizabeth Heyman summarized the Staffing level of the Public Works Department. The fleet is maintained based on a set of policies.

Ms. Holm added Public Works operates by planning to save up and better afford large equipment repairs or replacement. An inflation factor was also added more recently to take future inflation into account. There should have been a seven percent inflation increase in the fund, but three percent was the compromised number.

Ms. Holm showed a slide depicting the cash flow of the Central Garage including the capital outlay, actual cash balance, and targeted cash balance. At any given time, there is a reserve to handle three months of operations. She added she is not concerned that the actual cash balance is not at the level of the targeted cash balance as it is very rare for Public Works to face a financial emergency.

Mayor Elliott noted it would be interesting to see the average distance between the targeted cash balance and the capital outlay. Ms. Holm explained that is part of the evaluation process.

Councilmember Graves asked what items were purchased in 2023 and where the information is in the line-item budget. She pointed out there are no items listed for 2023. Ms. Holm stated the headings are not updated, but the numbers are correct. The equipment purchases are under the total capital outlay for vehicles.

Ms. Heyman added they try to stretch equipment as long as possible, so not all of the 2023 items may not be purchased. For example, there is one mower that needs to be replaced, but they may be able to stretch another mower.

Councilmember Graves asked how many items are expected to be purchased in 2025, as that has a high capital outlay in the graph. Deputy Director of Public Works Mike Marsh stated there are trucks to retire in 2024 and 2025, which are very expensive. The Central Garage has about 144 pieces of equipment with a standard replacement schedule based on industry standards. When looking to replace something, Staff considers the cost of the replacement, the amount the item would resell for, and the status of the current equipment.

Financial Commission Chair Taneshia Kragness asked if the spending slated for 2025 can be spread out between 2024 and 2026. Mr. Marsh stated Staff plans to assess the equipment and strategize how to spread out the spending more evenly. They hope to move around some of the smaller purchases, but it is difficult when replacing larger items such as a fire truck. Plus, the replacement costs go up significantly each year, and it is hard to catch up.

Mayor Elliott asked if the cash balance is bearing interest. Ms. Holm stated a fair amount of the reserve cash in investments such as CDs and municipal bonds. Bonds are yielding between three and 3.5 percent whiles CDs are yielding 1.5 to two percent.

Mayor Elliott asked if the interest and the three percent inflation adjustment bring the expenses in line with inflation. Ms. Holm stated it gets them closer to inflated prices.

4b. UTILITIES

Ms. Holm stated Brooklyn Center provides water, sanitary sewer, storm drainage, street light utility, and recycling utilities. The income from fees needs to cover expenses such as operational funds and maintenance. Brooklyn Center occasionally seeks out bonding to support the funds, and the fees still need to be set.

Ms. Heyman noted the water utility includes 1.3 billion gallons each year supplied to customers from wells, water towers, and the water treatment plant. She showed a slide depicting Staffing levels for public utilities. There are approximately 13 total positions between part-time and full-time employees. Staff recommends adding more part-time positions to address new initiatives.

Ms. Heyman explained the first goal is to meet or exceed safe drinking water standards of the State of Minnesota and manage stormwater runoff in an efficient and environmentally sensitive manner. Another goal is to initiate improved, streamlined management strategies and techniques through the use of refined methods and technologies.

Ms. Heyman showed a slide with a table depicting utility performance measures. The goal was to do more than 990 miles of street sweeping, and Brooklyn Center completed almost 1500 miles of street sweeping. The goal is to televise, clean, root-saw, line, and replace piping one-fifth of the total piping each year, but they recently surpassed that number with 26 miles.

Mr. Marsh noted the goal is one-fifth because of insurance purposes. There are 97.9 total miles of pipe in Brooklyn Center, and they have to be serviced every five years.

Ms. Heyman pointed out there was one private sanitary sewer backup due to City system blockage. All drinking water requirements were met.

Ms. Heyman stated key initiatives for the coming year include rain garden landscaping and maintenance, stocking light poles, lead and copper data collection, continuing lift station rehabilitations, 1-94 & Dupont 24" steel water main replacement, water treatment plant redundant water main connection, and Freeway and Highway utility crossing replacements.

Ms. Heyman stated Brooklyn Center currently doesn't have any backup light poles, and they take months to replace. Therefore, they are hoping to stock backups. The City has to send out notices if there is any lead in the water, so the City recommends two part-time positions to address any lead concerns.

Councilmember Ryan asked if the lead and copper data collection is due to an unfunded federal mandate. Ms. Heyman confirmed the lead and copper data collection is due to an unfunded federal mandate. However, there is support at the State level.

Councilmember Ryan noted most of Brooklyn Center was built in the 1960s. He asked how the rust would impact the data collection. Mr. Marsh stated the lining prevents issues with rust.

Councilmember Ryan asked when the 20-year loan on the water treatment plant would be paid off. Ms. Holm stated it is scheduled to be paid off in 2034. Councilmember Ryan pointed out that will relieve a lot of debt service. Ms. Holm stated there is around $1 million in principal paid by Brooklyn Center each year.

Dr. Edwards noted the City has saved money through the loan process rather than contracting services from Minneapolis.

Mayor Elliott stated the City has taken on the replacement of street lights with LED lights. Ms. Heyman stated the plan is for a policy review regarding street lights in 2023.

Mayor Elliott asked if there is a policy about sources of energy for the fleet. Ms. Heyman stated as a vehicle comes up for replacement, they will continue to discuss alternative energy sources and determine the long-term impact of switching energy sources.

Mr. Marsh stated there was a recent purchase of three hybrid cars with the plan to purchase four more. However, there were significant issues with the first three cars. They were constantly at the shop. Some of the vehicles were traded in.

Mayor Elliott asked if fully electric cars are being considered. Mr. Marsh stated electric vehicles, especially for City Staff vehicles, are being discussed. There are grant and bonding opportunities available for electric vehicles. There is a hope that electric vehicles would be more reliable than hybrids.

Councilmember Ryan asked which type of hybrid cars were used. Mr. Marsh stated it was a Ford hybrid. The gas usage decreased from about 10 gallons of gas needed per shift to three gallons.

Councilmember Ryan noted the batteries for electric cars are much more expensive than gas cars. Mr. Marsh stated the cars they ordered included a 100,000-mile battery warranty. The squad cars are rarely used up to 100,000 miles, so there weren't battery concerns.

Ms. Holm stated the assumptions for cash flow and rate projections include capital outlay based on a 15-year CIP. Anticipated debt issues include water GO revenue bonds in 2024, 2025, and 2028, sanitary sewer GO revenue bonds in 2024, 2025, 2028, and 2030, and storm sewer GO revenue bonds in 2029 and 2030. Assumptions also include a three percent annual increase in personal services and a two percent annual increase in operating expenses.

Ms. Holm noted Staff gets the most questions about water, in terms of utilities. She showed a slide with a table depicting the water utility rate and cash from 2021 and the projected amounts for 2022-2026.

Ms. Holm then showed a chart with the water utility cash flow with the capital outlay, ending cash balance, and the minimum targeted balance. She pointed out the ending cash balance is lower than the targeted rate for several years. That may require a rate increase for residents. Staff would prefer to make minor increases than larger increases down the line. The ending cash balance will increase significantly in 2034 when they are done with the debt service.

Chair Kragness asked what the forecast is for the capital improvements. Ms. Heyman stated they do projections every year.

Councilmember Graves asked what is coming up in 2024. Ms. Heyman stated the largest outlay is a large neighborhood improvement, and they are considering converting it into a two-year project.

Councilmember Ryan noted some of the water lines in the City are very old. Mr. Marsh stated the water lines have been skipped in the past to focus on streets. The water mains will be addressed in the coming years.

Ms. Holm showed a chart comparing the water utility rate for Brooklyn Center, White Bear Lake, Fridley, Shoreview, Richfield, Roseville, Maplewood, Golden Valley, Crystal, and New Hope. Brooklyn Center's 2022 rate and 2023 rate are both on the lower end for the comparison cities. She noted the projections are for the cost of 18,000 gallons of water per quarter. The proposed increase would be $6.

Dr. Edwards pointed out that the yellow bar is the increase for Brooklyn Center in 2023, but the rates for other cities are from 2022. Likely, the comparison cities will also increase in 2023, which would make Brooklyn Center even lower in comparison.

Mr. Marsh noted the three most expensive cities are Golden Valley, Crystal, and New Hope, all of which contract with Minneapolis for water. Mayor Elliott added those cities claim to have better water quality.

Mayor Elliott asked if there is anything the City can do to address the hardness of the water. Mr. Marsh stated there isn't anything the City can do at the water treatment plant to decrease water hardness.

Mayor Elliott asked what the cost would be for the City to address hardness in comparison to an individual resident to install something to improve the water. Mr. Marsh stated he doesn't have the information in front of him. Mayor Elliott stated people pay $600-900 per month to soften their water.

Dr. Edwards added it is important to consider only some households soften their water, which is something to consider when comparing costs. Mayor Elliott noted there is likely a portion of the residents who would like to soften their water but cannot afford to on their own.

Councilmember Ryan pointed out the hardness of the water has decreased. Mr. Marsh stated the hardness hasn't decreased very much because the calcium levels are the same.

Councilmember Graves commented she doesn't like how softened water feels. She asked if the complaints about the chlorine smell have decreased. Mr. Marsh stated he hasn't heard complaints recently, but the water itself hasn't changed. He hasn't experienced the smell himself. There was an extensive water study completed when the treatment plant opened, and there weren't any issues

with water quality.

Dr. Edwards agreed there haven't been complaints of chlorine lately, but the Staff is still aware of the concern.

Ms. Holm showed a slide with a table for the sanitary sewer utility rate and cash flow from 2021 and the projected amounts for 2022-2026. She explained the fund is quite liquid and has healthy reserves. Ms. Holm then showed a chart with the sanitary sewer utility cash flow with the capital outlay, ending cash balance, and the minimum targeted balance.

Ms. Holm showed a sanitary sewer utility rate comparison to several cities, and Brooklyn Center was on the mid-to low-end of the chart. The comparison cities included Roseville, Golden Valley, Maplewood, Shoreview, White Bear Lake, Richfield, Crystal, Fridley, and New Hope. She pointed out that the rates on the chart are from 2022 with the yellow bar depicting the 2023 Brooklyn Center rate.

Ms. Holm showed a slide with a table for the stormwater utility rate and cash flow from 2021 and the projected amounts for 2022-2026. She explained the fund is also solid and stable, but some capital outlay projects need to be dealt with in the coming years. Ms. Holm then showed a chart with the stormwater utility cash flow with the capital outlay, ending cash balance, and the minimum targeted balance.

Ms. Holm showed a storm sewer utility rate comparison to several cities, and Brooklyn Center was on the mid-to low-end of the chart. The comparison cities included Roseville, Golden Valley, Maplewood, Shoreview, White Bear Lake, Richfield, Crystal, Fridley, and New Hope. She pointed out that the rates on the chart are from 2022 with the yellow bar depicting the 2023 Brooklyn Center rate.

Ms. Holm showed a table with the combined water, sewer, and storm utility bill would be in comparison to other cities. The comparison cities included Roseville, Golden Valley, Maplewood, Shoreview, White Bear Lake, Richfield, Crystal, Fridley, and New Hope. In 2022, Brooklyn Center was the second lowest rate. She then showed a visual graph of the same information and noted other cities will see an increase in 2023 that is not reflected in the current data.

Ms. Holm showed a slide with a table for the street light utility rate and cash flow from 2021 and the projected amounts for 2022-2026. There is a low margin in 2026, and it needs to be handled appropriately in the coming years.

Ms. Holm then showed a chart with the stormwater utility cash flow with the capital outlay, ending cash balance, and the minimum targeted balance. Staff hopes to increase the cash balance in the next couple of years to handle the planned capital outlay projects. There is a desire to introduce smooth, incremental increases. After 2029, there is a large increase in the cash balance.

Mayor Elliott asked what they pay for the light bill. Ms. Holm stated Brooklyn Center pays around $225,000 per year for electricity.

Mayor Elliott asked how much the City pays for natural gas. Ms. Holm stated she doesn't have the information in front of her because it doesn't come out of this fund.

Mayor Elliott asked how much the City pays for fuel at the Central Garage. Ms. Heyman stated there isn't a simple total because it is split amongst Departments, but Staff would gather the data for Council.

Ms. Holm showed a storm sewer utility rate comparison to several cities, and Brooklyn Center was on the mid-to-high-end of the chart. The comparison cities included Crystal, New Hope, Richfield, Golden Valley, and Shoreview. Not all cities charge for streetlights. She pointed out that the rates on the chart are from 2022 with the yellow bar depicting the 2023 Brooklyn Center rate.

Ms. Holm showed a graph with the recycling utility rate and cash flow. Brooklyn Center has a relationship with two other cities that provide recycling services to its residents. The City charges a fee and pays it out to the contracted parties. There is a healthy cash balance that would slowly decrease until about 2030. There aren't many administrative costs, and there is no capital outlay for the fund.

Councilmember Graves stated she has had issues with her recycling being picked up. She asked if the City has received complaints about recycling. City Clerk/Interim Assistant City Manager Barb Suciu stated she has received complaints, and there have been issues staffing enough trucks. She noted residents have had success with residents calling the recycling entity directly to ask for them to pick it up.

Ms. Holm showed a table with the recycling utility rate comparison, and Brooklyn Center is in the middle of the pack. The comparison cities include Roseville, Fridley, Crystal, New Hope, Maplewood, and Golden Valley.

Councilmember Graves asked about the change in the fund balance. Ms. Holm stated the net change takes into account cash and appreciation. There are some weaknesses in how government accounting is presented as it needs to show appreciation and capital outlay among other things. It is ultimately an issue of presentation.

5. FUTURE MEETINGS

5a. BUDGET MEETING DECEMBER 5, 2022

Mayor Elliott noted the next budget meeting is December 5, 2022.

Dr. Edwards noted Staff hasn't had the opportunity to present on enterprise funds yet, so he will propose a date to address the golf course, Heritage Center, and liquor stores. Ms. Holm noted November 29, 2022 was proposed via email.

Mayor Elliott noted he has a conflict that day, but the meeting can

6. ADJOURN

There was a motion by Mayor Elliott and seconded by Councilmember Ryan to adjourn the meeting. Motion passed unanimously. The Brooklyn Center City Council/Financial Commission adjourned at 8:37 p.m.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss. Certification of Minutes
CITY OF BROOKLYN CENTER)

The undersigned, being the duly qualified and appointed City Clerk of the City of Brooklyn Center, Minnesota, certifies:

1. Attached hereto is a full, true, and complete transcript of the minutes of the City Council from the City of Brooklyn Center Joint Work Session with the Financial Commission held on November 21, 2022.

2. That said meeting was held pursuant to due call and notice thereof and was duly held at Brooklyn Center City Hall.

3. That the City Council adopted said minutes at its December 12, 2022, Regular Session.

_____ _____

City Clerk Mayor

Council Regular Meeting

DATE: 12/12/2022

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Alix Bentrud, Deputy City Clerk

SUBJECT: Approval of Licenses

Requested Council Action:

- *Motion to approve the licenses as presented.*

Background:

The following businesses/persons have applied for City licenses as noted. Each business/person has fulfilled the requirements of the City Ordinance governing respective licenses, submitted appropriate applications, and paid proper fees. Applicants for rental dwelling licenses are in compliance with Chapter 12 of the City Code of Ordinances, unless comments are noted below the property address on the attached rental report.

Gasoline Service Station Licenses

Liquor Intoxicating

Top Golf	6420 Camden Ave N Brooklyn Center MN 55430

Liquor Intoxicating - Sunday Sales

Top Golf	6420 Camden Ave N Brooklyn Center MN 55430

Liquor Off Sales 3.2

Liquor On Sale 3.2

Liquor Wine

Mechanical Licenses

Mespo Heating & Cooling Inc	1904 Glenwood Ave N Minneapolis MN 55443
Metropolitan Mechanical Contractors Inc	7450 Flying Cloud Dr Eden Prairie MN 95294
Travis Glanzer HVAC	2470 Island Dr Spring Park MN 55384

Tobacco Related Products Licenses

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Rental Criteria	3/16/2021	Backup Material
Rental Licenses 12-12-2022	12/5/2022	Backup Material

Property Code and Nuisance Violations Criteria		
License Category (Based on Property Code Only)	**Number of Units**	**Property Code Violations per Inspected Unit**
Type I – 3 Year	1-2 units	0-2
	3+ units	0-0.75
Type II – 2 Year	1-2 units	Greater than 2 but not more than 5
	3+ units	Greater than 0.75 but not more than 1.5
Type III – 1 Year	1-2 units	Greater than 5 but not more than 9
	3+ units	Greater than 1.5 but not more than 3
Type IV – 6 Months	1-2 units	Greater than 9
	3+ units	Greater than 3

b. Police Service Calls.

Police call rates will be based on the average number of valid police calls per unit per year. Police incidences for purposes of determining licensing categories shall include disorderly activities and nuisances as defined in Section 12-911, and events categorized as Part I crimes in the Uniform Crime Reporting System including homicide, rape, robbery, aggravated assault, burglary, theft, auto theft and arson.

Calls will not be counted for purposes of determining licensing categories where the victim and suspect are "Family or household members" as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (b) and where there is a report of "Domestic Abuse" as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (a).

License Category	**Number of Units**	**Validated Calls for Disorderly Conduct Service & Part I Crimes** (Calls Per Unit/Year)
No Category Impact	1-2	0-1
	3-4 units	0-0.25
	5 or more units	0-0.35
Decrease 1 Category	1-2	Greater than 1 but not more than 3
	3-4 units	Greater than 0.25 but not more than 1
	5 or more units	Greater than 0.35 but not more than 0.50
Decrease 2 Categories	1-2	Greater than 3
	3-4 units	Greater than 1
	5 or more units	Greater than 0.50

Rental Licenses for Council Approval 12.12.22

Location Address	License Subtype	Renewal/Initial	Owner	Property Code Violations	License Type	Police CFS*	Final License Type**	Previous License Type***
4216 Lakebreeze Ave N	Multiple Family 1 Bldg 4 Units	Initial	Judd Duninick	17 = 4.25 per unit	Type IV		Type IV	N/A
5849 Colfax Ave N	Single	Initial	Bay Street Homes, LLC	7	Type III		Type III	N/A
6825 Camden Ave N	Single	Initial	Christian Paese Et Al Eleonor Thomas	0	Type I		Type II	N/A
6937 Palmer Lake Dr W	Single	Initial	Michael T Brooks	13	Type IV		Type IV	N/A
5341 Penn Ave N	Two Family	Renewal	Lifetime Resrcs Prop Mgt Llc	15	Type IV	N/A	Type IV	Type III
1605 56th Ave N	Single	Renewal	Fyr Sfr Borrower Llc	33	Type IV	N/A	Type IV	Type I
3306 62nd Ave N	Single	Renewal	S A Adejuwon Jr/o D Adejuwon	4	Type II	N/A	Type II	Type II
3701 66th Ave N	Single	Renewal	Victor O Ogunbanwo	11	Type IV	N/A	Type IV	Type I
4200 Winchester La	Single	Renewal	Obafemi Oladeji	2	Type I	N/A	Type I	Type IV
4309 63rd Ave N	Single	Renewal	Azingo, LLC	6	Type III	N/A	Type III	Type IV
5301 France Ave N	Single	Renewal	Juniper Land Trust Llc	12	Type IV	N/A	Type IV	Type III
5324 Boulder La	Single	Renewal	Real Assets Llc	4	Type II	N/A	Type II	Type IV
5755 Humboldt Ave N	Single	Renewal	Toan Thanh Truong	5	Type II	N/A	Type III	Type III
5900 Pearson Dr	Single	Renewal	Mary T Properties Llc	10	Type IV	N/A	Type IV	Type I
5901 Aldrich Ave N	Single	Renewal	Fyr Sfr Borrower Llc	6	Type III	8/22/22 Disturbance	Type III	Type III
6231 Chowen Ave N	Single	Renewal	Cameron Hedlund	7	Type III	N/A	Type III	Type II
6611 Camden Dr	Single	Renewal	Jenn-Yuan Chen/Shin Chiang	2	Type I	N/A	Type I	Type II
6908 Unity Ave N	Single	Renewal	Sun Llc	11	Type IV	N/A	Type IV	Type I

7049 Regent Ave N	Single	Renewal	Home Sfr Borrower Llc	3	Type II	N/A	Type II	Type IV
7211 Camden Ave N	Single	Renewal	Bannerman Real Estate	9	Type IV	N/A	Type IV	Type IV
7212 Humboldt Ave N	Single	Renewal	Ih2 Property Illinois Lp	14	Type IV	N/A	Type IV	Type I

*CFS = Calls for Service for Renewal Licenses Only (Intitial licenses are not applicable to calls for service and will be listed N/A

**License type being issued

***Initial licenses will not show a Type I = 3 Year, Type II = 2 Year, Type I = 1 Year, Type IV = 6 months

All properties are current on City utilities and property taxes

Council Regular Meeting

DATE: 12/12/2022

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Barb Suciu, City Clerk

SUBJECT: Resolution Designating Polling Places for 2023 Elections

Requested Council Action:

- It is recommended that the City Council consider approving a resolution designating polling places for the City of Brooklyn Center for 2023 Elections

Background:

In 2017, legislation was passed that added a requirement for cities to designate polling places annually by December 31 for elections to be held in the following year. Even if a city does not have a scheduled election for the following year, a resolution or ordinance must be passed to cover any special elections that may occur the following year. A resolution has been drafted and is attached for Council consideration. An excerpt from Minnesota Statutes 204B.16 has been attached for your reference.

The precincts for 2023 will be the same as 2022.

Budget Issues:

None

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

Strategic Priorities and Values:

Safe, Secure, Stable Community, Customer Intimacy , Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Excerpt from MN Statutes 204B.16	12/8/2020	Backup Material
Resolution	11/30/2022	Resolution Letter

Excerpt from Minnesota State Statute 204B.16

204B.16 POLLING PLACES; DESIGNATION.

Subdivision 1. **Authority; location.** By December 31 of each year, the governing body of each municipality and of each county with precincts in unorganized territory must designate by ordinance or resolution a polling place for each election precinct. The polling places designated in the ordinance or resolution are the polling places for the following calendar year, unless a change is made:

(1) pursuant to section 204B.175;

(2) because a polling place has become unavailable; or

(3) because a township designates one location for all state and federal elections and one location for all township only elections.

Polling places must be designated and ballots must be distributed so that no one is required to go to more than one polling place to vote in a school district and municipal election held on the same day. The polling place for a precinct in a city or in a school district located in whole or in part in the metropolitan area defined by section 200.02, subdivision 24, shall be located within the boundaries of the precinct or within one mile of one of those boundaries unless a single polling place is designated for a city pursuant to section 204B.14, subdivision 2, or a school district pursuant to section 205A.11. The polling place for a precinct in unorganized territory may be located outside the precinct at a place which is convenient to the voters of the precinct. If no suitable place is available within a town or within a school district located outside the metropolitan area defined by section 200.02, subdivision 24, then the polling place for a town or school district may be located outside the town or school district within five miles of one of the boundaries of the town or school district.

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION DESIGNATING POLLING PLACES FOR THE CITY OF BROOKLYN CENTER FOR 2023 ELECTIONS

WHEREAS, the City of Brooklyn Center is currently constituted into seven election precincts; and

WHEREAS, Minnesota Statutes, Section 204B.16, Subd. 1, requires that by December 31 of each year, the governing body of a municipality must designate a polling place for each election precinct for the following year; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that the polling places meet the statutory requirements and are hereby designated for 2023 elections as follows:

Precinct 1 – The Heritage Center of Brooklyn Center, 6155 Earle Brown Drive

Precinct 2 – The Heritage Center of Brooklyn Center, 6155 Earle Brown Drive

Precinct 3 – Evergreen Park Elementary School, 7020 Dupont Avenue North

Precinct 4 – Brooklyn Center Community Center, 6301 Shingle Creek Parkway

Precinct 5 – Brooklyn Center Community Center, 6301 Shingle Creek Parkway

Precinct 6 – Northport Elementary School, 5421 Brooklyn Boulevard

__December 12, 2022____ _____
Date Mayor

ATTEST: _____
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member

and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Council Regular Meeting

DATE:	12/12/2022
TO:	City Council
FROM:	Dr. Reggie Edwards, City Manager
THROUGH:	N/A
BY:	Todd Berg, Fire Chief and Kellace McDaniel, Police Chief
SUBJECT:	Emergency Services Vehicle Replacement

Requested Council Action:

Approve contract for purchase.

Background:

The fire department is requesting to purchase a replacement for Salvage1. This truck was scheduled to be replaced in 2019 and is currently 23 years old, nearing the end of its expected life. We are also proposing to decommission the police department's mobile command/emergency services vehicle that is 37 years old. This proposal would be to remove both of these vehicles from our fleet and replace it with a 2023 emergency services truck very similar in size and style as our old Salvage 1 truck. This new truck would wrap in all the necessary things needed for all 3 department to perform tasks in the field. Uses for this truck would include a light tower, air bottle refills for the firefighter's air packs, indoor interview space that doubles as a warm/cool respite area. This would include scenarios like, large fire incidents, search for missing juvenile or elderly and mobile assessment for emergency management. Therefore, the replacement of these two trucks would be pivotal to the safety and welfare of our citizens of Brooklyn Center.

Both the fire department and police department have strategically made these type of specialty vehicle replacements based on the need of the community and the department's safety. About a year ago we started the process with a committee comprised of Commander Flesland, Detective Vesey, Public Works mechanic Jake Fabian, IT specialist Olds, Fire Chief Berg Assistant Fire Chief G. Jones, and firefighters Holden and M. Jones. We met with 3 different vendors and have spent numerous hours researching the best value and safety features. The committee has recommended to proceed with Custom Fire Apparatus, Inc. of Osceola, WI through the HGAC purchasing consortium.

BIDS:

McQueen Emergency - $625,000
Rosenbauer - declined to bid
Custom Fire - $521,427







Unfortunately, under our current fleet replacement program, most of our fire fleet is worth very little at its end of useful life. Currently, we keep our ladder trucks for 25 years and our engines for 20. Both vehicle will be auctioned by the Central Garage. None of the bids included a trade in value or want.

Budget Issues:

This replacement has been a part of the fire department's budget since 1999. Equipment replacement funds have been transferred from the General fund to the Capital Replacement fund in anticipation of future replacement. In addition to a one time transfer of funds from the police department because their truck wasn't set up in the original replacement funding. Moving forward, the replacement funding for this new truck will be split between both departments. The quoted price of this vehicle includes a $110,000 payment for the chassis when it arrives, and the remaining upon delivery.

Most truck builders are between 20 - 30 months out from final delivery because of chassis shortages at the factories. Custom Fire had pre-bought some

chassis and was able to pass the savings and shortened finish time on to us as part of the bid. We should receive the truck in the later part of 2023.

By approving the contract before the end of 2022 we will save a 5% price hike on 1/1/2023 which would mean a savings of ~ $25,000

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Safe, Secure, Stable Community, Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Spec book	12/6/2022	Backup Material
Proposal	12/6/2022	Backup Material
Contract	12/6/2022	Backup Material
Resolution	12/6/2022	Cover Memo

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As Per HGAC FS19ED02

Brooklyn Center, Minnesota

POST CONTRACT SURCHARGES

"The pricing contained in this proposal for the apparatus body and accessories is quoted at current price levels and is valid for 30 days.

The chassis price is valid till December 30, 2022 .

Due to supply chain volatility, surcharges may be added after contract and will be disclosed and passed on to buyer at cost. Surcharges shall not be deemed suitable reason for contract termination by either party."

INTENT OF SPECIFICATIONS

These specifications cover only the general requirements as to the type of construction and test to which the apparatus will conform, together with certain details as to finish, equipment and appliances with which Custom Fire Apparatus, Inc. (CustomFIRE) will provide. Minor details of construction and materials, which are not otherwise specified, are left to the discretion CustomFIRE, who will be solely responsible for the design and construction of all features. Apparatus will meet the applicable requirements of the National Fire Protection Association (NFPA) as stated in current edition at time of contract execution. Loose equipment will be provided only as stated in the following pages.

Custom Fire Apparatus, Inc. has been incorporated and building fire apparatus in Osceola, Wisconsin since 1978. We enjoy an established reputation in the field of fire apparatus construction and maintain dedicated service facilities, at this factory site, for the repair and service of our products and those of other manufacturers.

You will find these Proposal or "Contractor's Specifications" consist of a detailed description of the apparatus and equipment proposed and to which the apparatus furnished under contract will conform.

QUALITY AND WORKMANSHIP

The design of the apparatus will embody the latest approved automotive engineering practices. The workmanship will be of the highest quality in its respective field. Special consideration will be given to the following points:

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Accessibility of the various units which require periodic maintenance, ease of operation (including both pumping and driving) and symmetrical proportions. Construction will be rugged and ample safety factors will be provided to carry the loads specified and to meet both on and off road requirements and speed conditions as set forth under "Performance Tests and Requirements".

Custom Fire Apparatus, Inc. utilizes premium "concealed-all-bolted" construction methods allowing future removal and repair of damaged apparatus body components. Welding will not be employed in the assembly of the apparatus in a manner that will prevent the ready removal of any component part for service or repair. The minimal steel welding utilized will follow American Welding Society D1.1-96 recommendations for structural steel welding. Any aluminum welding will be done to American Welding Society and ANSI D1.2-96 requirements for structural welding of aluminum. Flux core arc welding will use alloy rods, type 7000, American Welding Society standards A5.20-E70T1. An independent American Welding Society certified welding inspector will monitor weld quality.

PROGRESS PAYMENT

In order to eliminate interest and handling charges for the chassis portion, the customer is required to "Progress Pay" an equivalent portion of the contract upon its shipment to the Osceola, Wisconsin factory.

SPECIAL PAYMENT INCENTIVES:

You may prepay any undue portion of the contract and receive . __% simple interest for each full calendar month until such funds are due.

DELIVERY

Apparatus, to insure proper break in of all components while still under warranty, **shall be delivered under its own powe**r - within two hundred sixty (260) working days of receipt of contract.

Custom Fire Apparatus, Inc. will not be held liable for delay of delivery caused by accidents, strikes, floods, or other events not subject to our control.

The completed unit shall be delivered to the purchaser with full instructions provided to Fire Department personnel on operation, care, and maintenance of apparatus at the purchaser's fire station.

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Final Payment for the apparatus shall be made on the day of delivery. The apparatus will not be left at purchaser location without full acceptance and payment or prior agreement.

Final delivery price shall not include any Local, State, or Federal taxes. Custom Fire Apparatus, Inc. shall not be liable for any State or Federally mandated tax or program after the sale of this apparatus.

A qualified delivery engineer will deliver the apparatus and remain for a sufficient length of time to demonstrate and advise personnel in the proper operation, care and maintenance of the equipment delivered.

INFORMATION REQUIRED

At time of delivery, one (1) complete operation and maintenance manual(s) shall be provided. Information covering the completed apparatus as delivered shall be included per NFPA requirements. A permanent plate shall be mounted in the driver's compartment which specifies the quantity and type of fluids required including engine oil, engine coolant, transmission, pump transmission lubrication, pump primer and drive axle.

SAFETY DOCUMENTATION

Documentation provided at the time of delivery shall address key safety considerations for personnel to follow when they are driving, operating, and maintaining the apparatus. Safety procedures for the following shall be included: vehicle pre-trip inspection, chassis operation, pump operation, and maintenance.

PERFORMANCE TESTS AND REQUIREMENTS

A road test shall be conducted with the apparatus fully loaded and a continuous run of ten (10) miles or more shall be made under all driving conditions, during which time the apparatus shall show no loss of power or overheating. The transmission drive shaft or shafts, and rear axles shall run quietly and be free from abnormal vibration or noise throughout the operating range of the apparatus. Vehicle shall adhere to the following parameters:

A) The apparatus, when fully equipped and loaded, shall have not less than 25% nor more than 50% of the weight on the front axle, and not less than 50% nor more than 75% on the rear axle.

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B) The apparatus shall be capable of accelerating to 35 mph from a standing start within 25 seconds on a level concrete highway without exceeding the maximum governed rpm of the engine.

C) The service brakes shall be capable of stopping a fully loaded vehicle in 35 feet at 20 mph on a level concrete highway. The air brake system shall conform to Federal Motor Vehicle Safety Standards (FMVSS) 121.

D) The apparatus, fully loaded, shall be capable of obtaining a speed of 50 mph on a level concrete highway with the engine not exceeding its governed rpm (full load).

E) The apparatus shall be able to maintain a top speed of at least of 20 mph on any grade up to and including 6 percent.

TOP SPEED

The maximum top speed of fire apparatus with a GVWR over 26,000 pound. shall not exceed either 68 mph or the manufacturer's maximum fire service speed rating for the tires installed on the apparatus, whichever is lower.

FAILURE TO MEET TEST

In the event the apparatus fails to meet the test requirements of these specifications on the first trial, second trials may be made at the option of Custom Fire Apparatus, Inc. within 30 days of the date of the first trial. Such trials shall be final and conclusive and failure to comply with these requirements shall be cause for rejection. Failure to comply with changes to conform to any clause of the specifications, within 30 days after notice is given of such changes, may also be cause for rejection of the apparatus. Permission to keep or store the apparatus in any building owned or occupied by the purchaser or its use by the purchaser during the above-specified period with the permission of CustomFIRE shall not constitute acceptance.

LIABILITY

Custom Fire Apparatus, Inc. shall defend any and all suits and assume all liability for the use of any patented process including any device or article forming a part of the apparatus or any appliance furnished under the contract.

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GENERAL CONSTRUCTION

The apparatus is to be designed with due consideration to distribution of load between the front and rear axles. Weight balance and distribution will be in accordance with the recommendations of the National Fire Protection Association.

COMMERCIAL GENERAL LIABILITY INSURANCE

During the performance of this contract and for three (3) years following acceptance of the product, Custom Fire Apparatus, Inc. will keep in force at least the following minimum limits of commercial general liability insurance:

Products/Completed Operations Aggregate	$2,000,000
Personal and Advertising Injury	$1,000,000
Each Occurrence	$1,000,000

Coverage is written on a Commercial General Liability form. The policy is written on an occurrence form and includes Contractual Liability coverage. The policy includes "owner" as an additional insured as their interest may appear.

Coverage is provided by a carrier(s) rated "Excellent" by A.M. Bests.

UMBRELLA/EXCESS LIABILITY INSURANCE

During the performance of the contract and for three (3) years following acceptance of the product, keep in force at least the following minimum limits of umbrella liability insurance:

Aggregate:	$10,000,000
Each Occurrence:	$10,000,000

The policy is written on an occurrence basis and at a minimum provide the same coverage's as the General Liability, Automobile Liability and Employer's Liability policies. The required limits can be provided by one or more policies provided all other insurance requirements are met.

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A current Certificate of Insurance with the coverages listed above is provided within this bid. The Certificate of Insurance provides that the owner be given 30 days advance notice of cancellation, nonrenewal or material change in coverage.

NFPA 2016 STANDARDS

This unit will comply with the NFPA standards effective January of 2016 unless specific features are designated as not applicable to compliance.

Certifications as requested will be provided in the delivery binder.

A plate that is highly visible to the driver while seated will be provided. This plate will show the overall height, length, and gross vehicle weight rating.

CustomFIRE has provided training to all staff members involved in any certification documentation.

NFPA 2016 COMPLIANCE

This apparatus being proposed shall meet the applicable requirements of the National Protection Association (NFPA) as stated in current edition at time of contract execution. Fire department's specifications that differ from NFPA specifications are hereby indicated in the proposal as "non-NFPA".

PRE-BUILD MEETING

The Pre-Build Meeting will be conducted at the Osceola, Wisconsin factory for the representatives from your Fire Department Truck Committee. The Pre-Build Meeting shall be scheduled at times mutually agreed upon between the manufacturer's representative and the customer. All travel costs to and from Minneapolis, Minnesota will be the purchaser's responsibility, airport to CFA, lodging, and meals shall be the responsibility of CustomFIRE.

INSPECTION TRIP(S)

One (1) factory inspection trip(s) will be scheduled for representatives from your Fire Department Truck Committee. The inspection trip(s) shall be scheduled at times mutually agreed upon between the manufacturer's

representative and the customer. All costs such as travel, lodging and meals shall be the responsibility of the purchaser/customer.

MAXIMUM OVERALL HEIGHT

The maximum overall height of the apparatus will not exceed __' __".

MAXIMUM OVERALL LENGTH

The maximum overall length of the apparatus will not exceed __' __".

ON-LINE CUSTOMER INTERACTION

CustomFIRE will provide the capability for online access through the "Factory Floor Blog" of our website; www.customfire.com . The Customer will have a section of this website to access for status of their apparatus during the construction phases. Weekly digital photos will be taken of:

1. Chassis (front, drivers side and passengers side)
2. Body, prior to painting (front, drivers side, passengers side, and rear)
3. Body and pump module combined (front, drivers side, passengers side, and rear)
4. Final assembly area (front, drivers side, passengers side, and rear)

APPROVAL DRAWING

A drawing of the proposed apparatus is provided with the Bid Proposal. The finalized and approved drawing shall become part of the contract documents. This drawing shall indicate the chassis make and model, location of the lights, siren, horns, compartments, major components, etc.

A "revised" approval drawing of the apparatus shall be prepared and submitted by the CustomFIRE to the purchaser showing any changes made to the approval drawing before construction begins.

We trust that the Quality and accuracy of our Proposal Drawing will be a major consideration, for your determining the most "responsible" proposal.

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FACTORY DELIVERY:

The completed unit is to be delivered to the purchaser at the Factory location of the Apparatus Manufacturer, with full instructions provided to Fire Department personnel present on operation, care, and maintenance of apparatus.

DELIVERY ENGINEER:

Delivery training is to be performed by a factory employed Delivery Engineer. Delivery Engineer is to remain with the acceptance committee for a reasonable time for training and making normal adjustments.

The Delivery Engineer is to be factory trained, fully capable of conducting informative classes on the complete operation of the vehicle. This means familiarity with engine, running gear, transmission, driving skill, as well as handling of pump equipment and all controls.

Delivery training is to include, but not be limited to: conducting daytime classes for instruction of Fire Department personnel and Drivers for safe operation.

The Delivery Engineer is to set delivery and instruction schedule with the person appointed by Purchaser, recognizing the need for either daytime or evening classes. Advance notice of at least one (1) week is to be given to the purchaser, advising the specific day on which the new apparatus will be ready.

GENERAL WARRANTY

The new fire apparatus manufactured per these specifications shall be warranted for a period of ONE (1) year from the date of delivery, except for chassis and other components noted herein.

Under this warranty, Custom Fire Apparatus, Inc. agrees to furnish any parts to replace those that have failed due to defective material or workmanship where there is no indication of abuse, neglect, unusual or other than normal service providing that such parts are, at the option of Custom Fire Apparatus, Inc., made available for inspection upon request, returned to the Osceola, Wisconsin factory or other location designated by CustomFIRE with transportation prepaid within 30 days after the date of failure or within ONE (1) year from the date of delivery of the apparatus to the original purchaser, whichever occurs first, and inspection indicates the failure was attributed to defective material or workmanship. Accessories/components warranted by their original manufacturer may be

subject to re-installation charges under the terms of their respective warranties, especially if such warranties exceed the above 1-year warranty terms.

Conditions and Exclusions: This general limited warranty does not apply to aspects of the product that are covered by specific Custom Fire or Supplier warranties. See the applicable specific warranty for details of coverage and exclusions. Specific warranties may include but are not limited to paint, corrosion, frame, structure, electronics, lighting, electrical components, pumps, piping and graphics. Where conflict exists, the coverage and exclusions of the specific warranty shall apply. If the specific warranty is a pro-rated warranty, the terms at the end of the pro-rated period will apply for the remaining years of the bumper-to-bumper coverage.

The warranty on the chassis and chassis supplied components, storage batteries, generators, electrical lamps and other devices subject to deterioration is limited to the warranty of the manufacturer thereof and adjustments for the same are to be made directly with the chassis manufacturer by the purchaser.

This warranty will not apply to any fire apparatus which has been repaired or altered outside the Osceola, Wisconsin factory or designated facility in any way, which, in the opinion of Custom Fire Apparatus, Inc. might affect its stability or reliability. Each warranty claim needing repair or service at the designated facility must receive preauthorization by CustomFIRE prior to performance of any work.

This warranty will not apply to those items which are usually considered to be normal maintenance and upkeep services: including, but not limited to, normal lubrication or proper adjustment or minor auxiliary pumps or reels.

This warranty is in lieu of all other warranties, expressed or implied all other representations to the original purchaser, and all other obligations or liabilities, including liabilities for incidental or consequential damage on the part of Custom Fire Apparatus, Inc. Without limiting the foregoing, any express or implied warranties of merchantability or fitness for a particular purpose or warranties arising by CustomFIRE neither assumes nor authorizes any person to assume for CustomFIRE, any liability in connection with the sales of our apparatus unless made in writing by Custom Fire Apparatus, Inc.

20-YEAR WARRANTY ON STAINLESS STEEL BODY FABRICATIONS

CUSTOM FIRE APPARATUS, INC. shall warrant to the original purchaser only that the stainless-steel body components as fabricated by and assembled by CUSTOM FIRE APPARATUS, INC., under normal use and with

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reasonable maintenance, are structurally sound and shall remain so, for a period of 20-YEARS. Furthermore, all stainless-steel fabrications shall remain free from corrosion perforation, for the same 20 YEARS.

In the event that the body is "remounted" to another chassis that is different from the chassis of origination, this warranty shall be void.

This warranty does not apply to the following items which are covered by a separate warranty: paint finish, hardware, moldings, and other purchased or non-stainless steel accessories which are attached to this body.

> *Surface tarnishing or discoloration on any exposed body surface is not covered under this warranty. Body Damage that occurs when normal wear and tear to hinges, latches, or other fasteners results in damage to doors or body panels is not covered. It is the responsibility of the purchaser to maintain fit and alignment of doors and latches. This warranty terminates upon transfer of possession or ownership from the original purchaser.*

CUSTOM FIRE APPARATUS, INC. MAKES NO OTHER WARRANTY, EXPRESS OR IMPLIED, WITH RESPECT TO THE STAINLESS-STEEL BODY AND ALL IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE ARE HEREBY DISCLAIMED.

CUSTOM FIRE APPARATUS, INC. shall replace, without charge, repair at the factory, or make a fair allowance for any defect in material or workmanship demonstrated to the satisfaction to have existed at the time of delivery or not due to misuse, negligence, or accident. If CUSTOM FIRE APPARATUS, INC. elects to repair the body, the extent of such repair shall be determined solely by CustomFire, and shall be performed solely at the Osceola, Wisconsin factory, or at an OEM approved facility. The expense of any transportation to or from such repair facility shall be borne by the purchaser and is not an item covered under this warranty.

CUSTOM FIRE APPARATUS, INC. shall not be liable for consequential damages and under no circumstances shall its liability exceed the price for a replacement body. The remedies set forth herein are exclusive and in substitution for all other remedies to which the purchaser would otherwise be entitled.

CUSTOM FIRE APPARATUS, INC. shall be given a reasonable opportunity to investigate all claims. The purchaser must commence any action arising out of, based upon or relating to agreement or the breach thereof, within twelve months from the date the cause of the action occurred.

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"Original Vehicle" requires that each of the following apparatus components match the As Delivered state of the vehicle and refers to the state of the apparatus at time of delivery including Original Apparatus Chassis, Original Apparatus Pump and Associated Plumbing, Original Apparatus Body Components and Enhancements, Original Apparatus Electrical Systems, and Original Water Tank.

CORROSION PERFORATION WARRANTY - 20 YEARS

In addition to the Paint Warranty as specified, the Stainless Steel apparatus body is to be warranted against corrosion perforation for a period of twenty (20) years.

WARRANTY - ELECTRICAL SYSTEM - 12 VOLT DC, MULTIPLEXED PDC

The Apparatus 12-volt DC Electrical System (exclusive of chassis) shall be covered, by Custom Fire Apparatus, Inc. under normal use with normal service and maintenance, for a period of two (2) years, of which one (1) year is for Parts and Labor, and year two is for Parts Only. This warranty covers: Weldon V-pMux Node, Power Distribution Center (PDC), Looms and Harnesses, Multi-Pin Connectors, and Workmanship as provided by Custom Fire Apparatus, Inc. Individual emergency and non-emergency electrical devices, light fixtures, audible equipment, intercoms, and motors shall be covered by the prevailing manufacturer's warranty.

10-YEAR APPARATUS PAINT WARRANTY

The TEN (10) year paint performance guarantee will cover the areas of the vehicle as are originally finished by the apparatus body builder with the specified product for a period of TEN (10) years beginning the day the vehicle is delivered to the purchaser.

The areas as outlined on the Guarantee Certificate, will be covered for the following paint failures:

GUARANTEE INCLUSIONS:

FULL APPARATUS BODY:

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* Peeling or delaminating of the topcoat and/or other layers of paint.

* Cracking or checking

* Loss of gloss caused by cracking, checking, or hazing.

* Any paint failure caused by defective finishes which are covered by this guarantee.

All guarantee exclusions, limitations, and methods of claims are covered in the full certificate provided to the original owner.

The warranty on the chassis paint is limited to the warranty of the chassis manufacturer thereof and adjustments for the same are to be made directly with the chassis manufacturer by the Purchaser. Where painted shutter style doors are provided, the warranty is limited to that which is provided by the manufacturer thereof. Graphics are excluded from refinishing under warranty.

LIFETIME SUB-FRAME WARRANTY - STAINLESS STEEL

The specified tubular stainless steel apparatus body sub-frame is to be warranted for the vehicle's lifetime, against cracks, corrosion and rubber isolator deterioration.

CHASSIS BEING FURNISHED: COMMERCIALLY-BUILT CAB and CHASSIS

The following specified chassis is a commercially-built "conventional style" cab and chassis, to be provided by Custom Fire Apparatus, and its cost is included in the Total Bid Proposal Price.

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FREIGHTLINER SPECIFICATION PROPOSAL

Vehicle Configuration

M2 106 CONVENTIONAL CHASSIS

2024 MODEL YEAR SPECIFIED

SET BACK AXLE - TRUCK

General Service

DOMICILED, USA (EXCLUDING CALIFORNIA AND CARB OPT-IN STATES)

RESCUE AND EMERGENCY SERVICE

MEDIUM TRUCK 2 YEAR WARRANTY

EXPECTED FRONT AXLE LOAD: 14600 lbs

EXPECTED REAR DRIVE AXLE LOAD: 26000 lbs

EXPECTED GROSS VEHICLE CAPACITY: 40600 lbs

Engine

CUM L9 360EV HP @ 2200 RPM, 2200 GOV RPM, 1150 LB-FT @ 1200 RPM, FIRE/EMERGENCY

Engine Equipment

2010 EPA/CARB/GHG21 CONFIGURATION

NFPA COMPLIANT EMBER SCREEN AND FIRE RETARDANT DONALDSON AIR CLEANER

DR 12V 300 AMP 40-SI BRUSHLESS PAD MOUNT ALTERNATOR WITH REMOTE BATTERY VOLTAGE SENSE

(2) DTNA GENUINE, FLOODED STARTING, MIN 2000CCA, 370RC, THREADED STUD BATTERIES WITH POSITIVE JUMP START POST

BATTERY BOX FRAME MOUNTED

WIRE GROUND RETURN FOR BATTERY CABLES WITH ADDITIONAL FRAME GROUND RETURN

POSITIVE LOAD DISCONNECT WITH CAB MOUNTED CONTROL SWITCH MOUNTED OUTBOARD DRIVER

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CUMMINS TURBOCHARGED 18.7 CFM AIR COMPRESSOR WITH INTERNAL SAFETY VALVE

C-BRAKE BY JACOBS WITH HIGH MED LOW BRAKE SWITCH

RH MTD HORIZONTAL AFTERTREATMENT SYSTEM ASSEMBLY WITH RH HORIZONTAL TAILPIPE

AIR POWERED ON/OFF ENGINE FAN CLUTCH

AUTOMATIC FAN CONTROL WITHOUT DASH SWITCH, NON ENGINE MOUNTED

CUMMINS SPIN ON FUEL FILTER

COMBINATION FULL FLOW/BYPASS OIL FILTER

1100 SQUARE INCH ALUMINUM RADIATOR

ANTIFREEZE TO -34F, OAT (NITRITE AND SILICATE FREE) EXTENDED LIFE COOLANT

GATES BLUE STRIPE COOLANT HOSES OR EQUIVALENT

CONSTANT TENSION HOSE CLAMPS FOR COOLANT HOSES

ELECTRIC GRID AIR INTAKE WARMER

DELCO 12V 38MT HD STARTER WITH INTEGRATED MAGNETIC SWITCH

Transmission

ALLISON 3000 EVS 5 SPD AUTOMATIC TRANSMISSION

Transmission Equipment

MAGNETIC PLUGS, ENGINE DRAIN, TRANSMISSION DRAIN, AXLE(S) FILL AND DRAIN

ELECTRONIC ALLISON SHIFT CONTROL

TRANSMISSION PROGNOSTICS - ENABLED 2013

WATER TO OIL TRANSMISSION COOLER

TRANSMISSION OIL CHECK AND FILL WITH ELECTRONIC OIL LEVEL CHECK

SYNTHETIC TRANSMISSION FLUID (TES-295 COMPLIANT)

Front Axle and Equipment

DETROIT DA-F-14.7-3 14,700# FF1 71.5 KPI/3.74 DROP SINGLE FRONT AXLE

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WABCO MAXXUS AXIAL AIR DISC FRONT BRAKES

FIRE AND EMERGENCY SEVERE SERVICE, NON-ASBESTOS FRONT LINING

FRONT OIL SEALS

FRONT AIR DISC BRAKE INTERNAL ADJUSTERS

TRW TAS-85 POWER STEERING

Front Suspension

14,600# TAPERLEAF FRONT SUSPENSION

MAINTENANCE FREE RUBBER BUSHINGS

FRONT SHOCK ABSORBERS

Rear Axle and Equipment

26,000# R-SERIES FIRE/EMERGENCY SERVICE SINGLE REAR AXLE

IRON REAR AXLE CARRIER WITH STANDARD AXLE HOUSING

MXL 17T MERITOR EXTENDED LUBE MAIN DRIVELINE WITH HALF ROUND YOKES

DRIVER CONTROLLED TRACTION DIFFERENTIAL

MERITOR 16.5X7 P CAST SPIDER CAM REAR BRAKES, DOUBLE ANCHOR, CAST SHOES

FIRE AND EMERGENCY SEVERE SERVICE NON-ASBESTOS REAR BRAKE LINING

REAR OIL SEALS

HALDEX AUTOMATIC REAR SLACK ADJUSTERS

Rear Suspension

26,000# FLAT LEAF SPRING REAR SUSPENSION WITH HELPER AND RADIUS ROD FOR FIRE/EMERGENCY SERVICE

FORE/AFT CONTROL RODS

Brake System

AIR BRAKE PACKAGE

WABCO 4S/4M ABS WITH TRACTION CONTROL WITH ESC

STANDARD AIR SYSTEM PRESSURE PROTECTION SYSTEM

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BW AD-9 BRAKE LINE AIR DRYER WITH HEATER

CUSTOM STEEL AIR BRAKE RESERVOIRS

BW DV-2 AUTO DRAIN VALVE WITH HEATER - WET TANK

Wheelbase & Frame

(229 INCH) WHEELBASE / (163 INCH) CA

11/32X3-1/2X10-15/16 INCH STEEL FRAME 120KSI

(78 INCH) REAR FRAME OVERHANG

Chassis Equipment

THREE-PIECE 14 INCH CHROME STEEL BUMPER WITH COLLAPSIBLE ENDS AND CUTOUT FOR SPEAKER

FRONT TOW HOOKS - FRAME MOUNTED

FENDER AND FRONT OF HOOD MTD FRONT MUDFLAPS

GRADE 8 THREADED HEX HEADED FRAME FASTENERS

Fuel Tanks

50 GALLON RECTANGULAR ALUMINUM FUEL TANK - LH

6 GALLON DIESEL EXHAUST FLUID TANK

FUEL/WATER SEPARATOR WITH WATER IN FUEL SENSOR AND 12 VOLT PREHEATER

Tires

MICHELIN XZE 12R22.5 16 PLY RADIAL FRONT TIRES

MICHELIN XDS 12R22.5 16 PLY RADIAL REAR TIRES

Hubs

CONMET PRESET PLUS PREMIUM IRON FRONT HUBS

CONMET PRESET PLUS PREMIUM IRON REAR HUBS

Wheels

22.5X8.25 10-HUB PILOT ALUMINUM DISC FRONT WHEELS WITH DURA-BLACK FINISH

22.5X8.25 10-HUB PILOT ALUMINUM DISC REAR WHEELS WITH DURA-BLACK FINISH

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Cab Exterior

106 INCH BBC FLAT ROOF ALUMINUM CONVENTIONAL AIR RIDE CAB

NFPA COMPLIANT LH AND RH EXTERIOR GRAB HANDLES

HOOD MOUNTED CHROMED PLASTIC GRILLES

FIBERGLASS HOOD & FIREWALL INSULATION

DUAL 25 INCH ROUND STUTTER TONE HOOD MOUNTED AIR HORNS WITH DUAL LANYARDS

DUAL ELECTRIC HORNS

LED HEADLIGHT ASSEMBLY AND INCANDESCENT MARKER/TURN LAMP WITH CHROME BEZELS & DAYTIME RUNNING LIGHTS

LED AERODYNAMIC MARKER LIGHTS

DUAL 102" WEST COAST BRIGHT FINISH HEATED MIRRORS WITH LH AND RH REMOTE

LH AND RH 8 INCH BRIGHT FINISH CONVEX MIRRORS MOUNTED UNDER PRIMARY MIRRORS

63X14 INCH TINTED REAR WINDOW

TINTED DOOR GLASS LH AND RH WITH TINTED NON-OPERATING WING WINDOWS

RH AND LH ELECTRIC POWERED WINDOWS & DOOR LOCKS

1-PIECE SOLAR GREEN GLASS WINDSHELD

2 GALLON WINDSHIELD WASHER RESERVOIR WITH FLUID LEVEL INDICATOR, FRAME MOUNTED

Cab Interior

GRAY & CARBON VINYL INTERIOR

MOLDED PLASTIC DOOR PANELS WITH ALUMINUM KICKPLATES LOWER DOORS

BLACK MATS WITH PREMIUM INSULATION

FORWARD ROOF MOUNTED CONSOLE

AM/FM/WB RADIO WITH AUXILIARY INPUT, J1939

(2) CUP HOLDERS LH AND RH DASH

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M2 DASH WITH DUAL USB PORTS (2) IN DASH

HEATER, DEFROSTER AND AIR CONDITIONER

MAIN HVAC CONTROLS WITH RECIRCULATION SWITCH

SOLID-STATE CIRCUIT PROTECTION AND FUSES

12V NEGATIVE GROUND ELECTRICAL SYSTEM

LED PREMUIM CAB LIGHTING

SEATS INC 911 UNIVERSAL SERIES HIGH BACK AIR SUSPENSION DRIVER SEAT NFPA COMPLIANT

SEATS INC 911 UNIVERSAL SERIES HIGH BACK AIR SUSPENSION PASSENGER SEAT NFPA COMPLIANT

BLACK CORDURA PLUS CLOTH SEAT COVERS

NFPA 1901-2009 HIGH VISIBILITY ORANGE SEAT BELTS

ADJUSTABLE TILT AND TELESCOPING STEERING COLUMN

4-SPOKE 18 INCH BLACK STEERING WHEEL

DRIVER AND PASSENGER INTERIOR SUN VISORS

Instruments & Controls

BRIGHT ARGENT FINISH GAUGE BEZELS

LOW AIR PRESSURE INDICATOR LIGHT AND AUDIBLE ALARM

DUAL NEEDLE PRIMARY AND SECONDARY AIR PRESSURE GAUGE

ELECTRONIC AIR RESTRICTION INDICATOR DISPLAYED IN DRIVER DISPLAY

CUSTOM BACKUP ALARM

ELECTRONIC CRUISE CONTROL WITH CONTROLS ON STEERING WHEEL SPOKES

PREMIUM INSTRUMENT CLUSTER WITH 5.0 INCH TFT COLOR DISPLAY

FIRE AND EMERGENCY SERVICE VEHICLES ENGINE WARNING

2 INCH ELECTRIC FUEL GAUGE

ELECTRICAL ENGINE COOLANT TEMPERATURE GAUGE

DIGITAL TRANSMISSION OIL TEMPERATURE IN DRIVER DISPLAY

ENGINE AND TRIP HOUR METERS INTEGRAL WITHIN DRIVER DISPLAY

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ELECTRIC ENGINE OIL PRESSURE GAUGE

ELECTRONIC MPH SPEEDOMETER WITH SECONDARY KPH SCALE

ELECTRONIC 3000 RPM TACHOMETER

IGNITION SWITCH CONTROLLED ENGINE STOP

DIGITAL VOLTAGE DISPLAY INTEGRAL WITH DRIVER DISPLAY

SINGLE ELECTRIC WINDSHIELD WIPER MOTOR WITH DELAY

ROTARY HEADLAMP SWITCH, MARKER LIGHTS/HEADLIGHTS SWITCH

ONE VALVE PARKING BRAKE SYSTEM WITH DASH VALVE CONTROL

SELF CANCELING TURN SIGNAL SWITCH WITH DIMMER, HEADLAMP FLASH, WASH/WIPE/INTERMITTENT

INTEGRAL ELECTRONIC TURN SIGNAL FLASHER

Paint Design

ONE SOLID CUSTOM BASE/CLEAR COAT CAB COLOR

BLACK, HIGH SOLIDS POLYURETHANE FRAME/CHASSIS PAINT

APPARATUS SIZE

Total overall length of apparatus is not to exceed: 30-feet

Overall Width is not to exceed: 102-inches

NOTE: Any peripherals that are 'removable' are not be incorporated into this Overall Width measurement. Items that are considered 'removable' are: Rub Rails, Fenderettes, Mirrors, Lights, Handrails, Etc.

Highest point of apparatus (including overhead monitors in stored position) is not to exceed:136-inches

Chassis wheelbase is not to exceed: 228-inches

ROLLOVER STABILITY - NFPA (CURRENT) CHASSIS ESC SYSTEM

BROOKLYN CENTER COMMAND TRUCK

As Per HGAC FS19ED02

The apparatus shall meet the rollover stability criteria defined in current NFPA by being equipped with an Electronic Stability Control (ESC) system as provided by the chassis manufacturer. The system shall have, at a minimum, a steering wheel position sensor, a vehicle yaw sensor, a lateral accelerometer, and individual wheel brake controls.

FLUID DATA LABEL

A printed Fluid Data Field label is to be furnished, installed inside the chassis and visible from exterior ground level. Data Field is to provide the following information, **as is applicable** to the particular apparatus:

1. Engine Oil
2. Engine Coolant
3. Chassis Transmission Fluid
4. Pump Transmission Lubrication Fluid
5. Pump Primer Fluid
6. Drive Axle Lubrication Fluid
7. Air Conditioning Refrigerant
8. Air Conditioning lubrication oil
9. Power Steering Fluid
10. CAFS System Lubricant
11. Transfer Case Fluid
12. Front Tire Cold Pressure
13. Cab Tilt Mechanism Fluid
14. Transfer Case Fluid (chassis)
15. Equipment Rack Fluid
16. Generator System Lubricant
17. Chassis Manufacturer
18. OEM Production Number
19. Paint Number
20. Year Built
21. Date Shipped
22. Vehicle Identification Number (VIN)
23. Rear Tire Cold Pressure

Fluid Data label is to be permanently encased in a chrome full surround bezel.

BROOKLYN CENTER COMMAND TRUCK

As Per HGAC FS19ED02

WARNING LABEL: VEHICLE WEIGHT, HEIGHT, LENGTH, AND SEATING CAPACITY

A single label, with printed data field, is to be installed in the cab, in direct view of the seated Driver, to denote the following:

VEHICLE WEIGHT
To indicate, in pounds and tons, the vehicle's total "as delivered" weight (with water and/or foam load, if so equipped), and the maximum for seated occupants (250 pounds allowance for each person).

VEHICLE HEIGHT AND LENGTH
In feet-and-inches; the overall height of the vehicle (to the highest permanent point-except antennas), and overall length of vehicle (bumper to tailboard).

SEATING/OCCUPANCY
The exact number of passengers to be carried in the chassis cab and/or crew cab.

NOTE: The dimensions and weight are to be "as manufactured", and the customer must revise the data plate, if they so change the height (by permanent loading and accessory equipment/device installations), and the weight by adding loose equipment, products, and supplies.

WARNING Label is to be permanently encased in a chrome full surround bezel.

SEAT BELT WARNING LABELS

One or more permanent labels to be installed in the cab visible to each seating position, to read: **WARNING: Occupants must be seated and belted while apparatus in in motion**. Labels are to be permanently encased in a chrome full surround bezel.

HELMET WARNING LABEL

One or more permanent labels to be installed in the cab visible to each seating position, to read: **WARNING: Occupants MUST NOT wear helmets while seated**.

BROOKLYN CENTER COMMAND TRUCK

As Per HGAC FS19ED02

Labels are to be permanently encased in a chrome full surround bezel.

REFLECTIVE MEDIA (STRIPING), CAB INTERIOR DOORS

A White ScotchLite or equivalent reflective stripe is to be affixed to the interior of each chassis cab door. The stripes are each to be a minimum of 96 sq. in. so as to meet the NFPA 1901 requirement.

AIR INLET

An air coupler "shoreline" shall be furnished, consisting of: exterior male coupler with built-in check valve, appropriate high pressure vinyl airline tubing with brass fittings, and mating female coupler (ship loose). Air shoreline shall be piped to chassis "wet" tank so as to allow "keep-full" of the chassis air system when connected to Fire Station air supply.

AIR SYSTEM PRESSURE PROTECTION VALVE

The chassis air system shall be furnished with a Pressure Protection Valve/Device, located at point of air supply to auxiliary accessories. The Pressure Protection Valve shall prevent the passage of air pressure, to apparatus builders installed accessories, such as: Air Horns, PTO or Pump Shift, Air Actuators, and other air operated accessories, whenever system air pressure is below 80 PSI.

CAB ACCESS STEPS, CUSTOM TWO (2) LEVEL STEP HOUSINGS EACH SIDE

The passenger's side cab step housing shall be furnished, completely covering the vehicle exhaust system, designed with two (2) full depth step levels, the lower level in line with the body rub rails. Step housing is to be fabricated of polished aluminum treadplate, with inboard vertical riser extending to bottom of cab door opening. Inboard riser is to be "vented" with multiple slotted holes, designed to prevent entrapment of the exhaust's heat.

A driver's side cab step housing shall be furnished, completely covering the chassis fuel tank and DEF tank, designed with two (2) full depth step levels, the lower level in line with the body rub rails. Step housing is to be fabricated of polished aluminum treadplate, with inboard vertical riser extending to bottom of cab door opening. The fuel tank cap shall be exposed for refueling. A **"LOW SULFUR DIESEL FUEL ONLY"** green (color)

nametag shall be furnished, adjacent to the fuel fill pipe/cap. A **"DIESEL EXHAUST FLUID ONLY"** red (color) nametag shall be furnished, adjacent to the fuel fill pipe/cap

All specified aluminum treadplate shall have an NFPA approved non-slip 4-way pattern.

AIR INTAKE EMBER SEPARATOR

The chassis engine air intake system shall be equipped with an intake screen or filter provided by chassis manufacture that will block particulate matter larger than 0.039" from reaching the air filter element, to prevent ignition of the same.

UREA FILL, AS PROVIDED BY CHASSIS OEM

The Urea Fill Station, is to be as is furnished by the commercial chassis manufacturer. Access for Urea fill is available "exposed" underside the chassis, or through an optionally specified tank enclosure.

DIESEL FUEL FILL, AS PROVIDED BY CHASSIS OEM

The Diesel Fuel Fill Port, is to be as is provided by the commercial chassis manufacturer. Access for Diesel fill is available "exposed" underside the upper level cab step, or through an optionally specified cab step housing.

UREA RESERVOIR TO BE FILLED UPON DELIVERY

The chassis furnished Urea Reservoir is to be "topped-off" (filled) upon the vehicle's delivery to the purchaser.

CHASSIS WHEEL FINISH:

Please refer to chassis specifications for chassis front and rear wheel finish and/or wheel trim. All wheels are to remain on the vehicle, and in the original OEM "factory" finish.

BROOKLYN CENTER COMMAND TRUCK

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TIRE PRESSURE WARNING DEVICE, LED CAPS FOR 6 TIRES

There shall be a VECSAFE LED, tire alert pressure management system furnished that shall monitor each tire's pressure. A chrome plated brass sensor shall be furnished on the valve stem of each tire for a total of six (6) tires. The sensor shall activate an integral battery-operated LED when the pressure of a tire drops 8 PSI, from the nominal pressure when the cap was installed. Removing the cap from the sensor shall indicate the functionality of the sensor and battery. If the sensor and battery are in working condition, the LED shall immediately start blinking.

MUD FLAPS

Driver's side and passenger's side front fender and rear body wheel well mud flaps shall be furnished, made of fabric reinforced neoprene rubber, bolted to the front fender liner and rear wheel well bulkheads using stainless steel strap brackets and bolts. Mud flaps shall extend approximately 10" below running board level.

HELMET STORAGE

The customer shall store the firefighter's helmets inside one of the apparatus body compartments, during road travel.

MODIFICATIONS TO CHASSIS, TO BE PROVIDED BY BODY BUILDER:

The following special modifications are to be performed by the Fire Apparatus Body Builder/Manufacturer, on the specified fire apparatus Truck Cab and Chassis.

CHASSIS MODIFICATIONS: COMMERCIAL CHASSIS APPLICATION:

SUSPENSION AND FRAME CORROSION PROTECTION
Rear axle suspension brackets, left and right sides, front and rear, are to be caulked with silicone sealant preventing build-up of road salts and moisture that may cause future corrosion of bracket-to-frame-rail attachment points.

FRAME PREPARATION

BROOKLYN CENTER COMMAND TRUCK

As Per HGAC FS19ED02

In order to assure maximum apparatus body compartmentation along the entire length of the left and right frame rails ahead of and behind the rear axles, all exterior frame mounted accessories are to be removed and relocated inside the frame rails so as to not interfere with location of the driveline or exhaust system. Relocation of air dryer and air tanks is to facilitate access for maintenance of these same components. Where rivets or permanent fasteners are furnished by the chassis OEM, to mount accessories to be relocated, they will be removed and replaced by hardened threaded fasteners.

FRAME RAIL MOUNTING PROCEDURE
All chassis frame rail mounted brackets, supports, pump flanges, and apparatus body sub-frame components are to be bolted to the frame rail sides. No holes are to be drilled in the frame flanges, only the web may be drilled. No welding will be allowed to the chassis frame, web, or flanges, ahead of the rear most spring shackles. Frame flange sandwich clamping devices (U-bolts) will not be used.

CHASSIS WEIGHTS AND MEASUREMENTS

The apparatus manufacturer is to perform the following described weight recordings and suspension deflection tests, on the bare chassis, and provide resulting information to the Purchaser:

Load Distribution NFPA 1901, 4.13.3.3: The fire apparatus, when loaded to its estimated in-service weigh, shall have a side-to-side tire load variation of no more than 7-percent of the total tire load for that axle. In order to provide baseline information for the completed apparatus' demonstration of compliance with this NFPA requirement, the following tests and measurements are to be performed:

BARE CHASSIS SIDE-TO-SIDE WEIGHT RECORDINGS
Individual weights of the bare chassis, at 4-points, are to be taken as follows:

Driver side front tire only weight
Passenger side front tire only weight,
Driver side only rear tires weight
Passenger side only rear tires weight.

These weights are to demonstrate the bare chassis side-to-side weight disparities, prior to installation of permanent apparatus components.

BARE AND VARYING LOAD CHASSIS SUSPENSION DEFLECTION TEST

BROOKLYN CENTER COMMAND TRUCK

As Per HGAC FS19ED02

Measurements are to be taken, from top of chassis frame rails-to-ground, above front axle and rear axle(s) driver side and passenger side (4-points), under the following conditions:

Bare chassis, prior to installation of permanent apparatus components.
With 4,000 pounds of imposed weight, at projected apparatus load centerline.
With 8,000 pounds of imposed weight, at projected apparatus load centerline.
With 12,000 pounds of imposed weight, at projected apparatus load centerline.

These bare and weighted measurements are to demonstrate the actual amount of suspension deflection, front and rear/side-to-side, with simulated apparatus payloads.

NOTE; THE ABOVE WEIGHTS AND DEFLECTION RESULTS, ARE TO BE NOTED WITHIN THE COMPLETED VEHICLE DELIVERY DOCUMENTS.

NFPA RELATED STANDARDS:

GROUND CLEARANCE STANDARDS
Axle housings are to clear the road surface by at least 8" and; an angle of departure of at least 8 degrees is to be maintained at rearmost protrusion (bumper/tailboard) of the vehicle when fully loaded.

VISIBLE WARNING DEVICE AND PLACARDS
The specified "Hazard" Indicator Light is to be mounted inside chassis cab so as to be prominently visible to the driver.

ORIGINAL EQUIPMENT EXHAUST TAIL PIPE RE-ROUTED TO DRIVER SIDE

The original equipment chassis engine horizontal exhaust system, downstream of the DPF/DEF (diesel particulate filter/diesel exhaust fluid) canisters is to be re-routed to the Driver Side of Apparatus, ahead of the rear wheels.

GATED COOLANT LINES: AUXILIARY HEATER(S)

BROOKLYN CENTER COMMAND TRUCK

As Per HGAC FS19ED02

Engine cooling system chassis cab heater return-to-engine line shall be separated and equipped with a gate valve and .625" i.d. neoprene rubber heater hose extending to specified auxiliary heater(s). An additional gate valve is to be furnished on the auxiliary heater(s)-to-engine return line. Gate valves shall allow complete shut-off of the chassis cab and remote auxiliary heating system(s) that are downstream of the chassis cab heater. Gate valves shall prevent hot water circulation during warm weather periods and to allow shutdown should a hose or heater core leak develop.

ENGINE COOLANT BOOST PUMP

The specified squad cab hot water type heater core shall be piped to the engine coolant system, installation to include: a 12-volt in-line Groco "free-flow" centrifugal cast bronze bodied coolant "boost" pump, parallel run of high grade coolant hoses with stainless steel screw type hose clamps, and chassis cab mounted toggle switch control with engraved nameplate to read: "COOLANT PUMP", accessible to driver. Installation of coolant pump shall provide increased rate of coolant flow to assure maximum available chassis cab and Squad/Command Cab auxiliary heater core temperatures during extreme winter conditions.

Coolant Pump is to be activated and deactivated by the optionally specified "auxiliary" heater fan switch.

WHEEL CHOCKS - FOLDING STYLE, WITH UNDERBODY BRACKETS, DRIVER SIDE

One pair (2 each) Ziamatic SAC-44 "folding" aluminum wheel chocks to be furnished, complete with SQCH-44H horizontal underbody slide-out mounting brackets. Chock underbody brackets are to be mounted beneath compartment floors, on driver side: 1-ahead of and 1-behind the rear wheels.

EMI/RFI PROTECTION

The electrical system proposed shall include means to control undesired electromagnetic and radio frequency emissions. State of the art electrical system design and components shall be used to insure radiated and conducted EMI (electromagnetic interference) and RFI (radio frequency interference) emissions are suppressed at their source.

The apparatus proposed shall have the ability to operate in the electromagnetic environment typically found in fire ground operations. The contractor shall be able to demonstrate the EMI and RFI testing has been done on similar apparatus and certifies that the vehicle proposed meets SAE J551 requirements.

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EMI/RFI susceptibility shall be controlled by applying immune circuit designs, shielding, twisted pair wiring and filtering. The electrical system shall be designed for full compatibility with low-level control signals and high powered 2-way radio communication systems. Harness and cable routing shall be given careful attention to minimize the potential for conducting and radiated EMI-RFI susceptibility.

MANUALS, CERTIFICATIONS, AND DIAGRAMS, IN ENGLISH LANGUAGE

At the time of delivery, one (1) hard copy(ies) of: each of the following manuals will be provided.

1. Engine manufacturer's certified brake horsepower curve showing the maximum no-load governed speed.

2. Manufacturer's record of pumper construction details, per NFPA 1901.

3. Manufacturer's Run-In Certification with preliminary test results.

4. Pump Manufacturer's Certification of Hydrostatic Tests.

5. Pump Manufacturer's Certification of Pump Test Results.

6. The Certification of Inspection/Test of Fire Department Pumper by an Independent Third Party per NFPA 1901 standards.

7. Weight documents shall be supplied with the completed vehicle to determine compliance with NFPA section 10-1. Weights shall be for each tire or dual set of tires, so as to verify side-to-side loading, to be in compliance with NFPA section 4.12.2.3.3.

8. The complete operation and maintenance manual covering the completed apparatus as delivered including the pump, emergency lighting and siren, generator, or other furnished accessories.

9. A finalized drawing of apparatus as completed.

10. A "Delivery Manual", consisting of a 3-ring notebook type binder with reference tabs for each section, shall be furnished to include the following items: invoice copy(ies), proof of insurance, Manufacturer's Statement of Origin, acceptance forms, certifications, specifications, individual component manufacturer instructions and parts

manuals, warranty forms for body, warranty forms for all major components, warranty instructions and format to be used for compliance with warranty obligations, routine service forms/publications, technical publications or training guide for major components, and apparatus body print "as built".

11. Paint numbers of all color coatings.

12. Certifications of tank(s) capacity.

13. Written load analysis of 12-volt electrical system as installed by body builder.

A test data plate shall be provided at the pump operator's position which gives the rated discharges and pressures together with the speed of the engine as is determined by the manufacturer's test for this particular unit. Plate shall also include delivery date, pump serial number(s), original Customer, and the apparatus manufacturer's serial number.

NFPA REQUIRED TESTING OF APPARATUS NOISE LEVELS

The completed apparatus shall be "Noise Level Tested" to be in compliance with NFPA standards in effect on the day of purchase, Noise level testing shall be of the particular apparatus, not of a similar series or model, and shall be accomplished just prior to delivery to the customer.

COMMAND CAB , INTEGRAL WITH COMPARTMENTED SALVAGE BODY

A custom designed modular Command Cab is to be provided, forward of and integral with the specified compartmented Salvage Body. The Command Cab and Salvage Body are to be furnished with underside stainless steel subframe structure, itself installed bolted to the frame rails of the provided commmercial Chassis. Command Cab is to be positioned approximately two (2) inches rearward of, and totally separate from the Chassis Cab, to allow for independant side-to-side movement.

The modular Command Cab is to incorporate the following specified exterior and interior features:

COMMAND CAB EXTERIOR AND INTERIOR DIMENSIONS

BROOKLYN CENTER COMMAND TRUCK

As Per HGAC FS19ED02

The Command Cab's exterior dimensions are to be: 100" overall width (96" interior side wall-to-wall), 120" to 136" overall length (___" interior front wall-to-back wall), and 96" to 112"" exterior height (above rub rail level) providing at least ___" upper level interior floor-to-ceiling stand-up height.

COMMAND CAB STAINLESS STEEL TUBULAR SUBFRAME

DESIGN AND MATERIALS

A Command Cab "yoke" style subframe is to be furnished, constructed of welded heavy wall non-painted stainless steel tubing. Subframe yokes are to "wrap-around" the top and sides of chassis frame rails, with upper horizontal members resting on the frame top flanges. Top horizontal transverse over-the-chassis-frame cab floor supports are to be 3" x 1.5" stainless steel tubing, allowing for a "low-profile" substructure, and maximum interior cab stand up head room.

To allow for optional exterior lower level (below Command Cab floor) compartments, the vertical subframe members are to be rectangular stainless steel tubing located no more than 1" outboard the chassis frame side rails (web). Rubber cushion bolted-puck style torsional vibration isolators are to be furnished, at least three (3) per side, separating the yoke sub-frame from the chassis frame rails, mounting designed to allow flexing of chassis frame rails independent of Command Cab's yoke subframe. The subframe lower level, horizontal members, supporting the floors of optionally specified rub rail level compartments, are to also be rectangular stainless steel tubing.

MOUNTING/ATTACHMENT TO CHASSIS FRAME

Command Cab subframe vibration isolator support brackets are to be bolted to the side web of the chassis frame with hardened steel carriage bolts. Design and installation, of the yoke style subframe, must allow for easy removal of the intra-body Command Cab from the chassis along with the apparatus body' subframe.

LIFETIME SUB-FRAME WARRANTY - STAINLESS STEEL

The specified tubular stainless steel subframe is to be warranted for the vehicle's lifetime, against cracks, corrosion and rubber isolator deterioration.

TWO (2) DRIVER SIDE COMMAND CAB SLIDING WINDOW UNITS

BROOKLYN CENTER COMMAND TRUCK

As Per HGAC FS19ED02

The driver side Command Cab side panel is to be equipped with two () each upper level rectangular non-opening window units. Easch window unit is to be at least 54" wide by 20" high, with tinted glass panel, installed with interior clamp ring.

PASSENGER SIDE COMMAND CAB SLIDING WINDOW UNIT

The passenger side Command Cab side panel is to be equipped with one (1) each upper level rectangular non-opening window unit. Window unit is to be at least 54" wide by 20" high, with tinted glass panel, installed with interior clamp ring.

COMMAND CAB CONSTRUCTION METHODS

The Command Cab's sheet metal components are to be precision cut with a computer controlled laser beam, fabricated using a computer controlled brake press, and assembled using "all-bolted" mated flange construction methods. Bolted construction must allow for separation and removal of the individual fabrications, without the need for cutting apart of or damage to adjacent structures. Mating flanges of all fabricated Command Cab components are to be located interior of the Cab, to prevent threaded fasteners from being visible on the Cab exterior.

The fabricated Command Cab components including, but not be limited to: full height transverse front panel, driver's and passenger's side forward Cab corners, driver's and passenger's side panels, and the modular roof cap assembly, are to be bolted in position, easily separable and individually removable for future repairs or modifications. Removal of any one of these listed Command Cab components must not require cutting of welds or repainting of adjacent mated fabrication.

Command Cab front corners are to be fabricated with a 2" outboard full height radius, integral with the transverse front Cab panel.

THREADED FASTENERS

All Command Cab screw type fasteners are to be stainless steel "low profile" button socket head cap screws, size of fastener and spacing must provide for maximum structural integrity and no leakage between mated flanges. All nuts are to be stainless steel hex, Ny-Lok, designed to prevent loosening. Exposed exterior fasteners, used only where absolutely necessary on front or rear surfaces, are to be low profile button socket head screws or polished stainless steel "acorn" covering fastener threads. Hex head, truss head, Phillips pan head, or other large profile fasteners are not be used for assembly of fabricated components.

BROOKLYN CENTER COMMAND TRUCK

As Per HGAC FS19ED02

COMMAND CAB SHEET METAL CONSTRUCTION MATERIALS

STAINLESS STEEL STRUCTURALS
The Command Cab structural components are to be fabricated of minimum 12-gauge, type 304-2B stainless steel, including but not limited to: full height front transverse panel with integral outboard radius corners, and full height driver's and passenger's outboard side panels. Where optional side compartment cavities are specified, all door jambs, interior wall, ceiling, and floor surfaces are to be 12-gauge stainless steel.

ALUMINUM FABRICATIONS
The following cab components are to be fabricated of .125" 5052-H32 smooth aluminum: exterior panels of Cab side entry door(s), and miscellaneous interior Cab non-structural trim fabrications.

Where specified, aluminum treadplate step surfaces are to be fabricated of NFPA approved non-slip 4-way pattern material. Treadplate fabrications would include, but not be limited to step wells, interior flooring, and interior liner of Cab side entry door(s). NOTE: Commad Cab Roof materials and consturction methods are as designated in following specifications.

COMMAND CAB ROOF CAP, INTEGRAL WITH SALVAGE BODY ROOF CAP

The Command Cab roof cap is to be brake-formed fabricated construction, featuring front and side 45-degree outboard top "bevel" perimeter. Cab roof cap is to be a forward continuation of, and integral with the Salvage Body roof cap.

The Cab and Body full length and full width roof top assembly is to be bolted to and removable from the exterior perimeter walls of the Command Cab and Salvage Body. Fabricated perimeter flanges are to be formed inboard, and sandwich bolted to upper walls with concealed stainless steel fasteners. Note: non-removable "weld-on roof caps", or overlapping perimeter panels with exposed fasteners are not acceptable.

The rear of roof cap shall be fabricated with a full width square top outboard corner, providing for a rear facing flat mounting surface for optionally specified light fixtures or traffic bar.

The interior under side of crew cab roof cap shall be supported by single piece transverse mounted channel fabricated "crowned" roof bow(s), strategically placed rear of and/or forward of the door openings, designed to provide rigid "walk-on" roof support while allowing for maximum interior floor-to-ceiling head room.

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ROOF CAP MATERIAL

The above specified Command Cab and Salvage Body roof cap assembly is to be fabricated of smooth sheet aluminum, exterior painted single job color. Flanged mating surfaces are to be lined with dielectric barrier tape.

BOOTED PASSAGEWAY TO CHASSIS CAB

A Command Cab forward wall "pass-through" opening is to be provided, in line with and similar size to the chassis cab rear window opening. An aluminum panel ring surround is to be provided, painted job color, installed in the place of the removed OEM rear window. The panel ring is to provide an opening perimeter surround flange, designed to accommodate a replaceable neoprene rubber "accordion-style" flexible weatherproof surround boot. Weatherproof flexible boot is to perimeter line the pass-through opening, joining at the bottom with an adhesive sealed seam.

COMMAND CAB SIDE ACCESS DOORWAY

A passenger's side Command Cab doorway is to be furnished, at least 98" high x 28" wide, provided with following specified flush-fit vertically hinged crew door and interior doorway step well, NOTE: The top of doorway opening is to be within six inches of the roof cap (10 inches of roof top), to allow for maximum entry/exit head room.

Full length machine polished extruded aluminum drip molding is to be furnished, immediately above cab doorway opening. Drip molding is to be drilled/fitted prior to and installed after final painting.

The rear "trailing-edge" doorway jamb is to be lined, full height and full depth (also wrapping around the door jamb corner), with machine polished stainless angular trim molding for paint protection.

A vertically mounted 1.25" diameter non-slip tubular handrail with chrome plated bolt-on brackets and surface mount gaskets, is to be furnished, located at trailing edge of exterior Command Cab doorway opening.

CAB DOOR

BROOKLYN CENTER COMMAND TRUCK

As Per HGAC FS19ED02

Passenger's side "flush" vertically hinged crew cab access door is to be furnished, outer door panel fabricated of 125" smooth aluminum, minimum 2" thick, with U-formed flanged perimeter. Removable single piece interior door liner (see below specified material) is to be furnished, custom fit to door perimeter inboard flange, installed after finish painting with: low profile stainless screw fasteners, threaded nut-serts imbedded in door flange (tapping of door flange or self-tapping screws will not be allowed), and silicone sealant between door flange and liner mating surface. The cab door is to be equipped with: upper and lower (dual) rotary-slam passenger restraint approved latches (**single point latching is not acceptable**), chrome plated paddle style exterior key locking passenger restraint approved exterior door handle, chrome plated paddle style passenger restraint approved interior door handle with lock override lever, removable clip-on hollow core neoprene rubber weatherstripping on perimeter doorway jamb, upper and lower (2 each) nylon reinforced strap type door stop bolted to door and doorway jamb, stainless steel spring loaded top door jamb mounted door prop, and polished stainless steel full height piano hinge bolted to the door and the forward "leading-edge" flange of doorway. Hinge leaves are to be lined with 3M dielectric insulating polyester film tape on mating surfaces hinge to door and doorway jamb. Interior cavity of cab crew door, between outer door panel and removable inner liner, is to be packed with foam soundproofing material.

OVERHEAD DRIP PROTECTION

Doorway width machine polished extruded aluminum drip molding is to be furnished, bolted in position immediately above crew cab doorway opening. Drip molding is to be drilled/fitted prior to and installed after final painting.

HAND RAIL, INTERIOR

Interior door liner angle-mounted 1-1/4" diameter non-slip tubular hand rail is to be furnished, with chrome plated bolt-on brackets and surface mount gaskets.

DOORWAY STEP WELL

Passenger's side interior dual level step well is to be provided, at least 28" wide x 11" deep (front-to-rear), evenly dividing the step height from exterior running board/rub rail step level to the interior upper floor/walk-way. The vertical step riser is to be outboard sloping, providing maximum lower stepping surface depth and minimum upper step well depth, while also maintaining maximum interior crew cab floor width (side-to-side). Step surface, back riser, and step well sides are to be bolted in position and easily removable.

INTERIOR FLOOR

BROOKLYN CENTER COMMAND TRUCK

As Per HGAC FS19ED02

The Command Cab floor is to span the full width and length of cab interior, plated with a non-slip scuff resistant unpainted material. Floor plating is to be bolted to the specified cab sub-frame cross channels, with under layment for rigid support, constructed so as to be no more than 2" above the chassis frame rails. Where the interior cab floor consists of more than one piece of material, the pieces are to be pattern-matched, and provided with 3" high perimeter risers, for wash-out convenience.

All interior floor fabrications and/or overlays must be bolted in position and easily removable. P**ermanently welded interior overlays and fabrications are not acceptable.**

UPPER DOOR WINDOW

Tempered glass window unit is to be provided, at least 20" wide x 32" high, located in the upper portion of the cab access door.

The window unit is to have black anodized extruded aluminum exterior window frame with interior perimeter clamp-ring surround. Window unit exterior underside flange is to be silicone seal-caulked prior to installation in the window cut-out of the door outer panel. Permanent window unit is to have outboard "tinted" tempered glass window panel with vinyl glazing weatherstripping, and continuous formed extrusions with minimum 3" radius corners. Specified tinted glass is to be 62% light transfer medium gray

CREW CAB INTERIOR DOOR LINER, STAINLESS STEEL

The specified crew cab door liner(s) shall be constructed of natural finish #4 brushed stainless steel, so as to provide a scuff resistant non-painted surface. Liner to be bolted in position and easily removable for service of the internal door latch mechanisms.

The lower surface of crew cab interior door liners shall have at least 96 sq. in. of reflective material.

COMMAND CAB INTERIOR DOOR PANEL LED WARNING LIGHT

One (1) each, Red flashing LED warning light is to be furnished, recess mounted into the lower trailing/outboard edge of the Command Cab door's interior liner.

Light to be grommet mount 12-volt, activated by opening of respective cab door. Flashing warning light is to be provided, in addition to NFPA conspicuity material.

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UNDER DOORWAY STEP

One (1) each, Zico automatic "drop-extension and raise-retract" under doorway step is to be furnished, located below the Command Cab Crew Door. Step platform to be a minimum 24" wide x 8.375" deep with a 7.625" drop, top step surface shall meet NFPA 1901 requirements for slip resistance.

Auto-Step is to extend with opening of the respective inteiror cab access door (with battery master switch on -or- off) and retract with closing of same door.

HAND RAIL, EXTERIOR REAR OF DOORWAY

One (1) exterior trailing doorway vertically mounted 1-1/4" diameter stainless steel tubing handrail is to be provided, with 3" stand-off end brackets, and neoprene rubber surface mounting gaskets furnished between rail bracket and painted body surface.

Tubular railing is to be provided with an aggressive machined "knurled" non-slip exterior surface, located at vertical trailing edge of cab doorway.

PASSENGER (CURB) SIDE AWNING

The following specified awning is to be installed on the curb side of the apparatus, immediately below roof cap.

AWNING, DC POWER OPERATED

One (1) 14-foot Girard Systems G2000 or equivalent brand and model, power operated awning with wind sensor is to be furnished and mounted on the specified side of the apparatus body, immediately below the roof cap. When retracted, the awning is to be encapsulated in a metal housing, for protection. The awning is to be 12-volt, electrically operated by an electronic control switch (location designated by purchaser). In addition to the electric deployment and retraction, the awning is to be furnished with a mechanical device to retract the awning in the event of an electric power failure. Location and mounting of the awning is to allow for full use of all specified compartment doors, crew access doors, roll-out tool boards, slide-out trays, lift-up compartment doors, etc:

BROOKLYN CENTER COMMAND TRUCK

As Per HGAC FS19ED02

An automatic awning retraction device is to be provided for high wind conditions.

Awning is to be equipped with self-supporting extension arms that project horizontally, for a clear path around the canopy.

Tools, crank, and handles, as necessary for deployment and retraction, are to be provided.

AWNING SURFACE MOUNTING

The specified awning is to be mounted on the exposed flat vertical surface of the apparatus, non-recessed. NOTE: As with chassis mirrors, this mounting location will cause the awning's "stored-bundle" to exceed the specified overall apparatus body width (refer to Apparatus Drawing).

AWNING COLOR

The above specified Awning is to be solid WHITE in color.

AWNING BUNDLE COVER TO BE PAINTED JOB COLOR

The above specified awning's bundle cover to be painted a single job color, to match the upper apparatus side wall.

PASSENGER (CURB) SIDE ENCLOSED COMPARTMENTS

EXTERIOR COMPARTMENT(S), ROLL-OUT TRAY W/ATTACHED SLAM-LOCK DOOR

Two (2) each, exterior body rub rail level fully enclosed compartment(s) to be provided, located passenger (curb) side of the apparatus, outboard of the chassis frame rail, and below the interior command cab floor level.

The interior walls, floor and ceiling of each compartment are to be constructed of body matching stainless steel, equipped with wash-out floor. Compartment outboard perimeter door jambs are to be integral with exterior body

panels, the inboard flanges perimeter lined with hollow core replaceable neoprene rubber weatherstripping. Weatherstripping is to seal against interior perimeter of compartment door, allowing "flush fit" of exterior door surface with exterior body sides. Weatherstripping is to be a single continuous piece, with no splice joints in the vertical or top horizontal areas.

Each compartment is to be provided with a 12-gauge stainless steel box pan roll-out tray with full compartment height back and side vertical flanges, and an outboard vertical panel forming the inner liner of the compartment door. Each box pan tray is to be furnished with two (2) side flange mounted cadmium plated 150 pound. capacity (300-pound. total) telescoping roller bearing slides and stainless steel slide-to-floor angle mounting brackets.

Each compartment is to have a single double panel door, when closed recessed into the perimeter door jambs, to be "flush" with exterior command cab side (over-lapping doors not acceptable). The exterior door panel is to be constructed of smooth aluminum, fabricated with a double-break perimeter flange fastened to the outboard box pan tray panel. Tray mounted door is to be equipped with: large polished stainless steel bent D-ring door handle spring-loaded to return to horizontal position, dual (2) encapsulated rotary slam latch assemblies, foam packed interior core, full perimeter door jamb weather stripping, and exterior screw-on overhead polished aluminum drip molding. A neoprene rubber gasket is to be furnished, isolating the painted exterior door panel surface from the D-ring latch assembly. Exterior door panel is to be smooth with no welds or fasteners exposed.

DRIVER (STREET) SIDE ENCLOSED COMPARTMENTS

EXTERIOR COMPARTMENT(S), ROLL-OUT TRAY W/ATTACHED SLAM-LOCK DOOR

Three (3) each, exterior body rub rail level fully enclosed compartment(s) to be provided, located driver (street) side of the apparatus, outboard of the chassis frame rail, and below the interior command cab floor level.

The interior walls, floor and ceiling of each compartment are to be constructed of body matching stainless steel, equipped with wash-out floor. Compartment outboard perimeter door jambs are to be integral with exterior body panels, the inboard flanges perimeter lined with hollow core replaceable neoprene rubber weatherstripping. Weatherstripping is to seal against interior perimeter of compartment door, allowing "flush fit" of exterior door surface with exterior body sides. Weatherstripping is to be a single continuous piece, with no splice joints in the vertical or top horizontal areas.

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Each compartment is to be provided with a 12-gauge stainless steel box pan roll-out tray with full compartment height back and side vertical flanges, and an outboard vertical panel forming the inner liner of the compartment door. Each box pan tray is to be furnished with two (2) side flange mounted cadmium plated 150 pound. capacity (300-pound. total) telescoping roller bearing slides and stainless steel slide-to-floor angle mounting brackets.

Each compartment is to have a single double panel door, when closed recessed into the perimeter door jambs, to be "flush" with exterior command cab side (over-lapping doors not acceptable). The exterior door panel is to be constructed of smooth aluminum, fabricated with a double-break perimeter flange fastened to the outboard box pan tray panel. Tray mounted door is to be equipped with: large polished stainless steel bent D-ring door handle spring-loaded to return to horizontal position, dual (2) encapsulated rotary slam latch assemblies, foam packed interior core, full perimeter door jamb weather stripping, and exterior screw-on overhead polished aluminum drip molding. A neoprene rubber gasket is to be furnished, isolating the painted exterior door panel surface from the D-ring latch assembly. Exterior door panel is to be smooth with no welds or fasteners exposed.

RUBBERIZED FLOORING, WITH NO-SLIP GRIT "COIN" PATTERN

The interior floor surface of the Command Cab is to be overlayed with a rubberized flooring with non-slip "coin" grit patterns. Flooring is to be industrial rated rubber, adhesive installed wall-to-wall, over a multiple-layer composite sub-flooring

CEILING: PEBBLE BOARD, INSULATED CEILING CAVITY

The interior Command Cab ceiling (underside roof) is to be lined with pebble grain fiberglass reinforced plastic covered paneling, screw fastened to the roof support bows. Ceiling material mating seams and joints are to be covered with extruded aluminum moldings, screwed in position and removable. All corners are to be white silicone caulked.

The void area between the pebble grain fiberglass covered paneling and metal underside roof panels is to be provided with R-20 rated foam board insulation. In addition to insulation, the void space between roof panel and ceiling panels is to provide sufficient depth for "flush" mounting of optionally specified ceiling lighting fixtures and HVAC accessories.

PEBBLE BOARD INTERIOR WALLS, INSULATED CAVITY

The interior Command Cab walls (front, side and rear) are to be lined with pebble grain fiberglass covered paneling, screw fastened to the wall support fabrications. Wall material seams are to be covered with extruded

aluminum moldings, screwed in position and removable. All corners are to be white silicone caulked, and all seams to be covered with trim moldings.

The void area (2-inches) between the pebble grain fiberglass covered paneling and exterior sheet metal wall panels is to be "packed" with foam board insulation.

Driver Side Interior Wall Mounted Countertops > Select Style

INTRA-BODY CAB INTERIOR OUTBOARD WALL MOUNTED COUNTERTOPS

Wall mounted countertops are to be provided ten (10) running feet total (driver side and/or passenger side), with exact locations as designated by the purchaser at the pre-build conference.

Countertops are to be at least 22-inches deep, 40 to 42-inches above the interior cab floor, under supported with stainless steel wall brackets to eliminate the need for riser posts.

Countertops are to be constructed of minimum 14-gauge brushed stainless steel, with triple-break outboard fabricated flange, and inboard vertical riser mated to the interior wall liner material.

Officer Side Interior Wall Mounted Countertops > Select Style

INTRA-BODY CAB INTERIOR OUTBOARD WALL MOUNTED COUNTERTOPS

Wall mounted countertops are to be provided five (5) running feet total (driver side and/or passenger side), with exact locations as designated by the purchaser at the pre-build conference.

Countertops are to be at least 22-inches deep, 40 to 42-inches above the interior cab floor, under supported with stainless steel wall brackets to eliminate the need for riser posts.

Countertops are to be constructed of minimum 14-gauge brushed stainless steel, with triple-break outboard fabricated flange, and inboard vertical riser mated to the interior wall liner material.

FOLD-DOWN WALL-MOUNTED SEATING, INTERIOR COMMAND CAB

FOLD-DOWN BENCH SEATING, TWO (2) POSITION, NOT FOR TRAVEL (NO BELTS)

BROOKLYN CENTER COMMAND TRUCK

As Per HGAC FS19ED02

A single piece two-person fold-down black vinyl covered foam cushion bench seat is to be furnished, with two (2) cast iron spring-loaded wall brackets, mounted to the passenger's side interior Squad Cab walk-way wall. A full length wall mounted matching black vinyl covered foam back cushion is to also be provided. Seating is to accommodate two (2) people. Seat bottom and back cushions are to be at least 48" long.

DRIVER SIDE INTERIOR UNDER CEILING/UPPER WALL CABINET

2-DRIVER SIDE OVERHEAD STORAGE COMPARTMENTS

Two (2) Interior Command Cab upper wall/under ceiling horizontal storage cabinetsa are to be provided, fabricated of aluminum and equipped with a lift-up style horizontally hinged cabinet door with stainless piano hinge and D-ring 1/4-turn stainless steel latch. Each cabinet is to be at least 15" interior height x 14" interior depth by one (1) inches wide. Door openings must have a clear unobstructed height of at least 13", to allow for passage of and interior storage of hard cover 3-ring binders.

Cabinet doors are to be overlapping style, each provided with two (2) pneumatic lift struts, perimeter surround and perimeter weatherstripping.

Cabinets interior and exterior surfaces are to be painted Gloss White.

DRIVER SIDE UPPER WALL CABINETS LED LIGHTING, ON WITH PARK BRAKE

Each interior overhead cabinent is to have an LED light strip provided, located above the lift-up door opening. Light strips are to be activated by setting of the vehicle Park Brake.

OFFICER SIDE INTERIOR UNDER CEILING/UPPER WALL CABINET

1-OFFICER SIDE OVERHEAD STORAGE COMPARTMENT

One (1) Interior Command Cab upper wall/under ceiling horizontal storage cabinet is to be provided, fabricated of aluminum and equipped with a lift-up style horizontally hinged cabinet door with stainless piano hinge and D-ring 1/4-turn stainless steel latch. Cabinet is to be at least 15" interior height x 14" interior depth by one (1) inches wide. Door opening must have a clear unobstructed height of at least 13", to allow for passage of and interior storage of hard cover 3-ring binders.

BROOKLYN CENTER COMMAND TRUCK

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Cabinet door is to be overlapping style, provided with two (2) pneumatic lift struts, perimeter surround and perimeter weatherstripping.

Cabinet interior and exterior surfaces are to be painted Gloss White.

OFFICER SIDE UPPER WALL CABINET LED LIGHTING, ON WITH PARK BRAKE

An interior overhead cabinent LED light strip is to be provided, located above the lift-up door opening. Light strip is to be activated by setting of the vehicle Park Brake.

INTERIOR WALL MOUNTED WIPE BOARD, 48" X 36"

One (1) each rectangular wall mounted Porcelain "Dry Erase Board" is to be furnished, with "magnetic" white write-on/wipe-off smooth surface and full perimeter extruded aluminum perimeter frame. Bottom of the wall board(s) must have a marker rail, to store multiple colored marker pens.

DRIVER SIDE INTERIOR CABINET: IN & OUT LOCKING FLANGE-PULL DRAWERS

FILE DRAWER CABINET, CUSTOM MADE, FIVE DRAWER

A five (5) drawer custom manufactured File Cabinet is to be furnished, fabricated of .125" natural finish aluminum sheet.

The File Cabinet is to contain five individual pull out drawers, each provided with a pair of side drawer ball bearing slide tracks. Each right hand drawer track is to have a locking mechanism allowing the drawer to lock in the closed and extended position. A double-bend top flange is to be formed in the front drawer panel to provide a full width pull handle.

DRAWER LENGTH
Drawer outboard to inboard length is to be determined by depth of cabinet cavity, not to exceed 24". Drawer side to side width is to be determined by width of cabinet cavity.

CABINET HEIGHT
The total height of the cabinet with its five (5) individual pull-out drawers is to be approximately 40-inches, to fit beneath a countertop with a height of 42".

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DRAWER DEPTHS, FIVE (5) FLANGE-PULL DRAWERS

Top Drawer Depth is to be 3"

Second Drawer Depth is to be 3"

Third Drawer Depth is to be 3"

Fourth Drawer Depth is to be 8"

Bottom Drawer Depth is to be 12"

FILE DRAWER CABINET, CUSTOM MADE, FIVE DRAWER

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The total height of the cabinet with its five (5) individual pull-out drawers is to be approximately 40-inches, to fit beneath a countertop with a height of 42".

DRAWER DEPTHS, FIVE (5) FLANGE-PULL DRAWERS

Top Drawer Depth is to be 3"

BROOKLYN CENTER COMMAND TRUCK

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Second Drawer Depth is to be 3"

Third Drawer Depth is to be 3"

Fourth Drawer Depth is to be 8"

Bottom Drawer Depth is to be 12"

DRIVER SIDE INTERIOR COMMAND CAB, UNDERSIDE COUNTERTOP CAVITY

PARTITIONED CAVITIES, UNDERSIDE COUNTERTOP

Two (2) each, interior Command Cab side wall partitioned cavity(ies) to be provided, located beneath the wall mounted countertop, driver side. Each cavity is to include a left and right side (2) flange-fabricated .125" aluminum partitions, which extend from floor to underside of countertop, same depth as countertop, bolted in position and removable.

OFFICER SIDE INTERIOR COMMAND CAB, UNDERSIDE COUNTERTOP CAVITY

PARTITIONED CAVITIES, UNDERSIDE COUNTERTOP

One (1) each, interior Command Cab side wall partitioned cavity(ies) to be provided, located beneath the wall mounted countertop, officer side. Each cavity is to include a left and right side (2) flange-fabricated .125" aluminum partitions, which extend from floor to underside of countertop, same depth as countertop, bolted in position and removable.

COMMAND CAB REAR WALL COUNTERTOP AND RECESSED TRANSVERSE CAVITY

COUNTERTOP AND CANTEEN CAVITY, INTERIOR COMMAND CAB

One (1) each, interior Command Cab rear wall recessed "transverse" cavity is to be provided, located above, surrounding the rear wall countertop. Cavity is to have vertical left side, right side, and rear 14-gauge brushed stainless steel walls, which extend from the countertop to underside of Command Cab ceiling. Recessed transverse cavity is to be same front-to-rear depth as countertop, bolted in position and removable. Cavity is to provide adequate space for Coffee Maker and other Canteen accessories.

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A 14-gauge brushed stainless steel countertop is to be provided, at least 24-inches deep, 80-inches side-to-side width, 45-inches above the interior cab floor. Countertop is to have a triple-break outboard fabricated flange, and inboard vertical riser mated to the interior wall liner material.

OFFICER FORWARD SIDE INTERIOR COMMAND CAB TECH CLOSET

One (1) inboard facing fully enclosed storage cabinet is to be furnished, constructed of .125" smooth natural finish aluminum, mounted to the interior floor of the Intra-Body Command Cab. Cabinet is to be a free-standing enclosure, extending the full interior height floor-to-ceiling, bolted to and removable from the interior cab floor. Inside dimensions of the fully enclosed closet are to be 32" wide x 80" high x 26" deep, with a single vertically hinged door, 26" wide by 78" tall.

Five (5) vertically adjustable full width by full depth interior shelves are to be provided, to accommodate audio visual, camera, and communications equipment.

The Tech Closet is to be equipped with multiple wiring conduits extending to the specified interior Command Cab counter top work stations and exterior apparatus body enclosed TV cabinet.

HVAC COMBINATION AIR CONDITIONING/HOT WATER HEAT, DUCTED AIR FLOW

A Red Dot R-2300-2P or equal 17,700 BTU Cooling/32,000 BTU Heating combination heater and air conditioner evaporator is to be furnished, complete with: insulated engine coolant heater lines extending from engine compartment to heater core, air conditioning refrigerant lines extending from chassis air conditioning system to evaporator.

OVERHEAD DOME LIGHTING

Five (5) each 4" diameter 12-volt LED surface mount overhead ceiling lights are to be furnished, bolted to specified interior roof support shroud.

Lighting is to be activated by door jamb plunger switches and an interior crew cab mounted back-lit rocker switch.

CREW CAB EXTERIOR ILLUIMINATON, 12-VOLT LED FIXTURES

BROOKLYN CENTER COMMAND TRUCK

As Per HGAC FS19ED02

Two (2) each, 1-Driver's and 1-passenger's side interior stepwell mounted chrome plated 12-volt LED light fixtures shall be furnished, "ON" with chassis cab head lights, so as to provide stepwell lighting with doors opened or closed.

Two (2), 4" round under body 12-volt LED ground lights to be furnished, located: beneath each crew cab access door.

Lights to be grommet mount, completely sealed for weather resistance, lenses to be 4" diameter Clear.

Lights to be activated application of the vehicle park brake.

COMPARTMENTED BODY CONSTRUCTION MATERIALS and FABRICATION:

FABRICATION MATERIALS

The apparatus body compartments shall be fabricated using a combination of 12-gauge thickness and 14-gauge thickness, type 304 smooth sheet stainless steel, with #4-polished/brushed finish. All structural sheet metal fabrications shall be of 12-gauge material thickness, including, but not limited to: side and rear lower level compartment floors, wheelwell outer panels, and rear body corners.

Other specified interior compartment shelving, trays, and shelving tracks shall be fabricated of smooth aluminum, of designated thickness, and shall have a machine sanded finish.

Where specified, custom fitted U-formed hinged compartment door outboard panels are to be fabricated of .125" smooth sheet aluminum, and removable inner door panels are to be 3003 aluminum treadplate.

The specified 4-way treadplate apparatus body components shall be type 3003 "Brite" aluminum C-102 or equal pattern treadplate, NFPA approved no-slip diamond on step and walk surfaces.

PRECISION MACHINING AND FABRICATION

All individual apparatus body fabricated components are to be: computer designed for repeatable tolerances, precision computer control machined for superior cut edge quality, and computer control machine fabricated for assembled parts accuracy

FASTENERS:

BROOKLYN CENTER COMMAND TRUCK

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All apparatus body screw type fasteners shall be stainless steel "low profile" button socket head cap screws with stainless steel hex "Ny-Lok" threaded nuts designed to prevent loosening. Size of fasteners, .25" minimum, and their spacing must provide for maximum structural integrity and no leakage in flanged areas between fasteners. Any necessary exterior exposed nut fasteners shall be polished stainless steel or chrome plated "acorn" covering fastener threads. **NOTE: Hex head, truss head, Phillips pan head, or other large profile style fasteners shall not be used for assembly of fabricated sheet metal components. Additionally, there are to be NO .187" fasteners of any style used for structural applications. s.**

CONSTRUCTION METHODS:

All individual apparatus body fabricated components are to be assembled with removable fasteners for ease of modifications and repairs. Exterior and interior compartment fabrications are to be free of all projections which might injure personnel or equipment. **NOTE**: Where punched, nibbled, plasma or other non-continuous non-laser-smooth cutting methods are used to machine the body material, all edges must be reworked/filed for injury prevention and improved appearance.

The described construction methods are to ensure easy disassembly of the apparatus body in the event of damage or need for future modifications. Apparatus designs and construction methods which do not allow for disassembly and removal of individual fabricated components, are not to be considered "equal" to this construction and assembly method. With this intended method of construction, the only welding and finish sanding to be employed; is to be "closure" welds, of fabricated corner seams.

Where upper level over-the-wheel side compartments are specified, they are to have minimum width fabricated vertical door jambs separating the adjacent forward and rearward side compartments. So as to be easily removable and allow replacement in the event of damage, the bottom and top flanges of door jambs are to be bolted to the horizontal sweep-out flange of the removable wheel well outboard body panel, and to the underside flange of overhead compartment roof fabrication.

For maximum cubic footage of enclosed storage space, the interior back walls of the side compartments are to extend inward, to within 4-inches of the chassis frame rails, on both sides of the apparatus body.

FASTENERS:

All apparatus body screw type fasteners are to be stainless steel "low profile" button socket head cap screws with stainless steel hex "Ny-Lok" threaded nuts designed to prevent loosening. Size of fasteners, .25" minimum, and their spacing must provide for maximum structural integrity and no leakage in flanged areas between fasteners.

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Any exterior exposed nut fasteners are to be polished stainless steel or chrome plated "acorn" encapsulating fastener threads. **NOTE: Hex head, truss head, Phillips pan head, or other large profile style fasteners are not be used for assembly of fabricated sheet metal components. Additionally, there are to be no .187" or smaller fasteners of any style used for structural applications.**

REAR BODY CORNER STYLE:

The rear driver side and passenger side body corners are to be a single piece fabrication with "square" outboard corners and integral vertical compartment door jamb. The rearward facing surface of rear body corners is to allow for mounting of optionally specified DOT and emergency lighting, handrails, multiple steps, and other bolt-on accessories.

FRONT BODY CORNER STYLE:

The driver side and passenger side front body corners are to be a single piece fabrication, including the full height vertical forward-facing surface, outboard side facing surface, and inboard flange forming an integral front compartment door jamb.

SWEEP OUT COMPARTMENT FLOORS:

Driver's side and passenger's side compartments, and where specified rear compartment(s), are to all be equipped with "sweep/wash-out" floors, located at least 1" above the compartment door threshold and exterior rub rail. All running board/tailboard level side compartment door thresholds are to extend outboard, below the compartment doors, with a minimum 3" flange-down (flush with body sides) and 1" return-in, to provide a structural surface for mounting of the specified rub rail material. Door thresholds are to be bolted to and removable from the interior raised compartment floors.

Upper level compartment floors are also to be "sweep/wash-out" design, fabricated of body material matching smooth sheet material. Upper level compartment door bottom thresholds are to be integral with the underside panel, positioned at least 1" below the interior compartment floor surface. Upper level compartment thresholds and to be overlaid with angular mirror finish stainless steel for doorway scuff protection.

BEVELED FRONTCOMMAND CORNERS

BROOKLYN CENTER COMMAND TRUCK

As Per HGAC FS19ED02

The driver side and passenger side outboard front Command Cab corners are to incorporate a fabricated full height 45-degree bevel, designed to provide a streamline transition from the forward facing surface of the front corners to the Comand Cab and Body sides.

REMOVABLE INTERIOR COMPARTMENT BULKHEADS

The passenger's side and the driver's side rear interior compartment corners shall include vertical full height/full depth bulkheads (wiring harness covers) which are to be bolted in position and therefore easily removable. Bulkheads shall completely conceal the backside of front and rear body corner mounted lighting fixtures and bolt on accessories.

Interior compartment corner bulkheads shall be constructed of #4 brushed finish type 304 sheet stainless steel, fabricated construction, designed to provide a rigid mounting surface for specified bolt-on adjustable shelving tracks.

CONSTRUCTION FEATURES:

Wheel well radiuis trim is to be provided as specified below, bolted in position and easily replaceable, surrounding driver's side and passenger's side rear body "radius" wheel well cut-outs.

Removable type 304-2B sheet stainless steel circular underside wheel well liners are to be furnished, driver and passenger side wheel well housings. Liners shall be bolted in position and easily removable to allow for underside access to optionally specified wheel well panel mounted accessories, such as: warning light fixtures, fuel fill piping, air bottle containers,etc.: Removal of liners shall also provide convenient access to the rear axle suspension components. Where the outboard edge of the circular liners meets with the inboard surface of the wheel well body panel, a replaceable hollow-core neoprene rubber gasket shall be provided.

OFFICER SIDE SALVAGE BODY OVER-THE-WHEELS ENHANCEMENTS

OFFICER SIDE OVER-THE-WHEELS TV MONITOR BRACKET & CABLE CONDUIT

The back wall of officer side compartment over-the-rear wheels is to be furnished with a Television Mounting Bracket, centered vertically and horizontally in the compartment doorway.

BROOKLYN CENTER COMMAND TRUCK

As Per HGAC FS19ED02

Waterproof flexible conduit is to be provided extending from the above compartment, to the specified media closet. Conduit is to accommodate line voltage wiring, antenna cable, and media cabling. Where cabling requires special shielding (to prevent interference) multiple conduits are to be provided.

UNDER BODY STAINLESS STEEL SUB-FRAME

An apparatus body sub frame is to be furnished, completely independent of the assembled apparatus body fabrications, bolted to and easily removable from the body module. The apparatus body sub frame, transverse and a rigid cantilevered rear platform, are to be constructed of rectangular heavy wall type 304 stainless steel welded tubing. Overall sub frame design will provide a corrosion-free structural under body "platform" onto which the compartmented apparatus body is to be bolted to and easily removable from.

REARWARD BODY SUB-FRAME

A "cantilevered" rear under body and tailboard sub-frame platform will be furnished, with transverse and longitudinal tubular stainless structures welded to .75" x 8" glove plate frame drops which are bolted to the side web of rear most chassis frame rails. Glove plates are to be located immediately rearward of the chassis rear axle suspension, and are to include integral bottom 3" diameter closed tow eyes. A bolt-on tubular structure is to be provided, spanning between the glove/tow plates,with its removal allowing for the entire body sub frame (with compartmented body attached) to be lifted vertically from the chassis.

BODY SUB-FRAME MOUNTING TO CHASSIS

Apparatus body sub frame components are to be bolted to the chassis frame with hardened steel locking thread nut and bolt fasteners, bolt holes precision drilled through chassis frame side webs. Body sub frame is to be positioned parallel with and leveled to the chassis frame rails, designed to provide approximately 22" from the ground to top of apparatus body rub rails, running boards, and rear tailboard, when fully loaded.

NOTE: The apparatus body sub frame is not to be fastened to the chassis frame rails with U-bolts, sandwich clamps, or other temporary fastening methods, AND/OR the body sub frame is not to be permanently welded to the body fabrications or extrusions. Above all, the body sub frame is to provide the above specified under-compartment-floor support.

Top mating surface (body to sub frame) of underbody and tailboard tubular supports is to be fully lined with 3M vinyl barrier tape so as to properly isolate the sub frame from the compartment floors.

SALVAGE BODY CONFIGURATION:

BROOKLYN CENTER COMMAND TRUCK

As Per HGAC FS19ED02

A "design-engineered" and custom fabricated fully compartmented Salvage style apparatus body shall be furnished, located immediately to the rear of the Command Cab. Side accessible compartments shall be provided, mounted to and under-supported by the specified tubular apparatus body sub-frame.

The Salvage body's design and construction shall provide for the maximum volume of enclosed compartmentation above and behind the rear wheel housing, driver's side and passenger's side of vehicle, and rear ahead of bumper/tailboard. In order to provide maximum depth of side compartmentation, the apparatus body's overall width shall be 100" (not to exceed 101" at running boards/rub rails).

Passenger's side compartments shall be provided: one (1) each overhead the rear wheel housing, and one (1) each rearward of the wheelwell housing.

A rear centerline compartment shall be provided, located between the back walls of the rear side compartments.

Driver's side compartments shall be provided: one (1) each overhead the rear wheel housing, and one (1) each rearward of the wheelwell housing.

COMPARTMENTATION, TWO (2) EACH: PASSENGER SIDE

P1: The passenger's side over-the-wheels upper level compartment segment shall be 62" interior width x 48" interior height x 95" transverse interior. Compartment to be fully enclosed and weather sealed, equipped with one (1) roll-up compartment door, size of 56" wide x 48" high, (clear opening size of 53" wide x 44" high).

P2: The passenger's rear side compartment segment shall be 47" interior width x 75" interior height x 27" interior depth. Compartment to be fully enclosed and weather sealed, equipped with one (1) roll-up compartment door, size of 47" wide x 75" high, (clear opening size of 44" wide x 71" high).

COMPARTMENTATION, TWO (2) EACH: DRIVER SIDE

D1: The driver's side over-the-wheels upper level compartment segment shall be 62" interior width x 48" interior height x 95" transverse interior. Compartment to be fully enclosed and weather sealed, equipped with one (1) roll-up compartment door, size of 56" wide x 48" high, (clear opening size of 53" wide x 44" high).

BROOKLYN CENTER COMMAND TRUCK

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D2: The driver's rear side compartment segment shall be 47" interior width x 75" interior height x 27" interior depth. Compartment to be fully enclosed and weather sealed, equipped with one (1) roll-up compartment door, size of 47" wide x 75" high, (clear opening size of 44" wide x 71" high).

COMPARTMENTATION, REAR CENTERLINE

A rear apparatus body compartment shall be furnished, located at rub rail level, ahead of the bumper/tailboard, to the rear of the chassis frame rails.

The rear compartment shall be fully enclosed and weather sealed, equipped with a "sweep/wash-out" floor, which is raised at least 1" above the compartment door sill and the specified tailboard/bumper. The entire compartment floor shall rest on, and be supported by, the specified rear under body tubular sub frame platform.

Rear compartment shall extend vertically from its interior floor to the height of specified side compartments, and longitudinally from inner door liner to the rear of the chassis frame rails.

Where a rear under chassis frame fuel tank is furnished, a removable front wall "vented" panel shall be provided, for access to the fuel tank's fuel sender and fuel feed and return lines.

REAR COMPARTMENT DOOR, ROLL-UP STYLE

The following specified roll-up style compartment door track extrusions are to be "flush" with exterior rear of body panel.

The rear body panel shall be fabricated with inboard flanges at doorway sides, which are machined for screw type fasteners for bolt-on mounting of the following specified roll-up compartment door aluminum side track extrusions.

The rear compartment door shall be an extruded anodized aluminum roll-up shutter style, provided with: spring loaded "front roll" door lift assist mechanism, a single full width bottom slat mounted tubular bar latch handle, and two (2) outboard doorway mounted latch handle retainers.

Extruded anodized aluminum vertical left and right side tracks and horizontal overhead molding shall be provided, each with removable neoprene rubber weather-stripping. The door tracks and molding shall be bolted to vertical side and horizontal overhead door jambs so as to be easily removable for repairs or replacement of the

weather-stripping, NOTE: Roll-up door tracks and/or moldings which are riveted or welded in position are not acceptable.

The roll-up door shall be of maximum width and height for the available doorway opening size. The door opening size may be reduced by no more than 3" total width (1.5" per side track) and 4" total height (obstruction below door bundle). The decrease in compartment opening size is only allowed due to the profile of side track extrusions with attached weather-stripping and the bottom door slat which remains in the door opening.

The rear compartment dimensions shall be: 42" interior width x 79" interior height x 42" interior depth.

The specified rear compartment door opening shall be: 42" wide x 75" high, (clear opening size of 39" wide x 71" high).

The above specified Roll-Up style rear compartment door shall be a matching brand to the side roll-up doors.

TRANSVERSE UPPER LEVEL OVER-THE-WHEEL SIDE COMPARTMENTS

The driver side and the passenger's side over-the-wheel side compartments, shall be "full transverse width" of the apparatus body. The interior width shall be a minimum side-to-side dimension of 95" between driver side and passenger side door panels. The transverse area shall be configured as per the following specified optional enhancements.

COMPARTMENT DOORS AND DOOR ACCESSORIES:

The following specified roll-up style compartment door tracks/extrusions to be "flush" with exterior body panels/door jambs.

Specified compartment door jambs shall be fabricated with inboard flanges which are machined for screw type fasteners and mounting of specified roll-up compartment door aluminum side track extrusions.

All side compartment doors shall be Amdor brand Roll up style, urethane painted job color, complete with: 1” Extruded double wall aluminum shutter slats with continuous ball and socket type hinge joints for superior strength and durability, smooth and flat back surface to eliminate hang-up on compartment contents, narrow slat design to allow for a compact balancer and minimum coil size, reusable slat shoes with positive snap-lock securement, bottom flange cut-out for easy access to tubular latch, stainless steel tubular bar style bottom rail

latch, door striker with support beneath the lift bar to prevent door curtain bounce, anodized extruded aluminum vertical side tracks and top gutter with non-marring seal and spring loaded "front roll" door lift/roll-up mechanism.

Each individual roll-up extruded aluminum door shall be of maximum size for the available door opening. Front and rear extruded aluminum door tracks shall be furnished, bolted to vertical door jambs and interior compartment bulkheads so as to be easily removable for repairs or modifications. All roll-up style compartment doors shall be installed and adjusted during body construction. NOTE: Roll-up door tracks which are riveted or welded in position are not acceptable.

The following specified door opening sizes may be reduced by no more than 3" total width (1.5" per side) and 4" total height. Decrease in compartment opening sizes is caused by profile of side track extrusions with weather stripping and bottom door slat which remains in door opening.

PAINTED ROLL-UP DOOR TRACKS AND BOTTOM DOOR SLATS

The above specified roll-up door extruded aluminum side tracks, and the bottom door slat of all doors, shall be painted job color, to match door bundle slats.

COMPARTMENT HEADER PLATE

Specified exterior body compartments are to be trimmed at top with 6" extruded aluminum header plate.

Header is to be painted job color.

ENCAPSULATED ROLL-UP DOOR PROTECTION

The above specified four (4) roll-up door "bundles" will be encapsulated within custom fabricated brushed finish stainless steel shrouds, protecting "bundled" door slats from interior compartment damage. Fabricated shrouds to be of minimum size necessary, to accommodate largest diameter door bundle, and will span the full width of compartment.

NOTE: The above specified door bundle encapsulators are removable, from within the compartment interior, so as to allow for door slat and rewind mechanism maintenance/cleaning, without having to remove exterior compartment roof liners/overlapping body panels.

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LUMABAR DOOR TRACK COMPARTMENT LIGHTING

Two (2) per compartment Lumabar AY-9200-62 12-volt multiple LED element, interior compartment vertical "strip" tubular lights, shall be furnished, one (1) each side of each compartment door opening. Light strips are to be "canted" providing proper direction of illumination, based on orientation. Lights to be inboard the specified door tacks or jambs, activated by "opening" of the respective compartment door, using a magnetic bar latch switch where roll-up doors are provided (mechanical plunger switch where hinged doors are provided). Lighting shall have polycarbonate lens to resist breakage from impact and damage from light element heat.

NOTE: Where audio visual monitors and/or televisions are located within an enclosed compartment, same compartment is to be without automatic door-open interior lighting.

ADJUSTABLE SHELF TRACKS, LOW PROFILE

Four (4) sets of Laser cut vertically slotted bolt-on "low profile" shelf tracks are to be furnished, mounted two (2) on forward and two (2) on rearward interior side walls of the designated apparatus body side compartments. Tracks are to be designed to accommodate spring-loaded threaded cleats allowing for infinite vertical adjustment of the optionally specified horizontal compartment shelves, NOTE: Cleats are to be provided, only with the optionally specified shelves, four (4) each per shelf.

Shelf tracks are to be fabricated of .12 gauge type 304 stainless steel with brushed finish, their design must allow for the shelving width to match the compartment clear opening width.

ALUMINUM TAILBOARD, NFPA TREAD PATTERN

A 101" wide rear step/tailboard shall be furnished, six (6)” deep (front-to-rear). Rear tailboard shall be a single piece fabrication, spaced .5" away from the rear face of body, bolted in position and easily replaceable in the event of damage. Perimeter fabricated flanges shall be provided, side and rear same width as the body rubrails, with outboard rear corners "beveled" 45-degrees. The corner flanges and the rear flange of tailboard shall be double-broke and have a total of five (5) diamond shape cut-outs, exposing the under flange mounted rear corner marker lights and rear center marker light cluster. Underside of aluminum treadplate tailboard is to be lined with a dielectric barrier tape, separating the aluminum from the underbody sub-frame structure.

The tailboard is to be constructed of .190" Embossed polished 4-way aluminum treadplate material, with an NFPA approved non-slip foot grip tread top surface.

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Steps, platforms, or secure ladders shall be provided so that firefighters have access to all working and storage areas of the apparatus. The maximum stepping height from ground to first step shall not exceed 24". Additional steps cannot be more than 18" apart. All steps, platforms, or ladders shall sustain a minimum static load of 500 pounds. without permanent deformation and shall have skid resistant surfaces. Any step shall have a minimum area of 35 sq. in. Platform shall have a minimum depth of 8".

TOW EYES, TWO (2) EACH

Two (2) tow eyes shall be installed below the rear of body, eyes to be 3" in diameter.

The tow eyes shall be machined into .75" thick steel plates, integral with body subframe, bolted to the side webs of each chassis frame rail, designed to allow vehicle to be straight-line pulled using both of the tow eyes.

SALVAGE BODY OVERALL DIMENSIONS:

A custom designed and fabricated fully enclosed Salvage Apparatus Body is to be provided, to be totally separate from the chassis cab.

The Salvage Body exterior dimensions shall be a minimum of 100" wide (side-to-side), 120" long (front-to-rear), and 119" high above rub rail level. Maximum overall height from ground shall not exceed 136". Forward dimension (front of compartmented salvage body to centerline rear axle) is to be 31" and Aft Dimension (centerline rear axle to end of bumper/tailboard) is to be 89".

ALUMINUM PLATE PULL-OUT TRAY(S), ROM CARGO TRAY SERIES

One (1), each fabricated .190" smooth natural unpainted aluminum pull-out pan style tray(s) shall be furnished. Pull-out pan tray(s) shall be maximum width and maximum front-to-rear dimension for specified mounting arear, with 3.75" deep perimeter flanges, equipped with underside mounted 600 pound. capacity ROM Cargo Tray single direction, multi-section, roller slide assemblies. Tray slide assemblies shall be labeled for their load capacity.

PULL-OUT TRAY LOCATION(S)

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The above specified "apparatus body" pull-out tray(s) are to be located in the following compartment(s):

1 ea. on floor level of D-1, over-the-wheels compartment:

REFLECTIVE STRIPING - ON PULL-OUT TRAY FLANGES

One (1) above specified aluminum pull-out trays are to be lined, on sides and outboard perimeter flanges, with 3M P/N CC983-326ES "high conspicuity" alternating 6" long red and 6" long white reflective stripes.

ROLL-OUT TRAYS LINED WITH VINYL TILES

Sectional vinyl tiles are to be furnished, installed on top floor surface of one (1) interior compartment rollout trays. Tiles shall be cut to size and shape of all trays.

The specified 12" x 12" floor tiles are to be BLACK in color.

BLACK BAR STOCK POLY RUBRAIL

Bottom edge of side compartments, ahead of and behind rear wheel cut-out, are to be lined with rectangular shape extruded Black 1" deep x 3" high Poly (plastic) Bar Stock bumper material. Rub rails are to be located immediately below the sweep-out bottom door threshold, extending from front to rear of body, equipped tapered ends.

Rub rails shall be bolted in position, with .375" stainless steel fasteners on 12-inch centerlines, easily replaceable.

BLACK BAR STOCK POLY, TAILBOARD REAR FLANGE

The rear full width flange of the tailboard is to be lined with rectangular shape extruded Black 1" deep x 3" high Poly (plastic) Bar Stock bumper material, forming a rub rail to match body rub rails. Bar stock rub rail shall be bolted in position, easily replaceable.

ROUTING OF POLY RUB RAILS, FOR DOT MARKER LIGHTS

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The flat bar stock poly rub rail is to be routered, directly in-line with each of the marker lights, so as to allow rear visibility of the illuminated marker light fixtures.

BLACK BAR STOCK POLY, RUNNINGBOARD OUTBOARD FLANGES

The outboard full width flange of the driver and passenger side pump panel running boards are to be lined with rectangular shape extruded Black 1" deep x 3" high Poly (plastic) Bar Stock bumper material, forming a rub rail to match body rub rails. Bar stock rub rail is to be bolted in position, easily replaceable.

ROUTING OF POLY RUB RAILS, FOR RECESSED LIGHT FIXTURES

Four (4) each, routed-out areas are to be provided for the following specified light fixtures. Routed areas are to be large enough (height and width) to expose the marker light fixture, and to allow for the fixture lens to be removed through the routed area. (refer to lighting fixtures for special recessed mounting).

BODY FENDER MOLDINGS

Polished extruded aluminum 25" radius wheelwell moldings shall be furnished, bolted in position surrounding driver's side and passenger's side rear body "radius" wheelwell cut-outs. Wheel well molding fasteners shall be concealed beneath the extrusion, NOTE: The profile of these moldings will allow the apparatus body to remain within the legal overall width as required by Federal D.O.T. vehicle standards, furthermore; wheelwell moldings will not extend beyond the purchaser specified rubrails.

Breathing Air System Booster Pump Not Requested

6000 PSI CASCADE SYSTEM

AIR STORAGE BOTTLES

Eight (8) 6000 PSI ISO/UN 509 cu. ft. air storage tanks shall be furnished. Air Bottles are to be approved by DOT/IO/UN for Breathing Air Storage.

Air purity in tanks shall meet or exceed the standard of the Compressed Gas Association Specifications G-7.1 for Grade "E" Breathing Air. All tubing shall meet NFPA, SAE, JIC and ANSI standards. All valves shall meet the

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applicable National Codes such as those of DOT and CGA. All major components and accessories are to be clearly identified with permanently affixed nameplates stating the make, model, and serial number. Appropriate tags and warning labels shall be affixed where necessary for safety and ease in the operation and adjustment of the valves, switches, and controls.

A placard is to be affixed in the vicinity of the cascade control panel indicating the date of the required hydrostatic test of the ISO/UN cylinders.

CASCADE FILL PANEL

All gauges shall read 7500 PSI. All high pressure tubing, hoses, and valves shall be rated at 6000 PSI working pressure with a 4:1 safety factor. All metal stainless steel tubing shall be fully annealed and suitable for bending, clamped every 36" or less to prevent chafing.

A custom built fill station instrument panel shall be provided, to include the following:

1. Eight (8), liquid filled 2.5", 0-7500 PSI gauges, one (1) for each of the six (6) 6000 PSI air banks, one (1) for adjustable regulator, one (1) for supply pressure, and one (1) for filled SCBA bottle pressure.

2. Seven (7) control valves shall be furnished, one (1) for each of the six (6) 6000 PSI banks and one (1) for SCBA bottle fill.

3. One (1), adjustable pressure regulator shall be furnished 6000 PSI in/50-6000 PSI out.

4. One (1), Pioneer 3000 male connector with bleed valve and mating female connector shall be furnished on face of panel, with dust cap, for refilling cascade cylinders.

LOCATION(S) CASCADE FILL PANEL

Above specified cascade fill panel shall be located _____ .

AIR STORAGE BOTTLE STORAGE LOCATON, REAR BODY COMPARTMENT

The above specified quantity of air storage bottles are to be installed inside the centerline rear compartment, at floor level. Bottles are to be installed standing vertically, rigidly restrained within heavy steel base and collar brackets, and accessible by removable of rear bulkhead/back wall of rear compartment.

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Apparatus body's rear compartment floor and understructure is to be sufficiently reinforced to carry the load of multiple heavy weight bottles.

SPACE SAVER CONTAINMENT SYSTEM - 2 BOTTLE

A dual bottle containment system shall be furnished, manufactured by Resolve Specialty Products, LLC. Fill enclosure shall be designed for mobile applications and incorporated into the fire apparatus body. Fill station shall be totally enclosed and constructed of .1875" steel plate, designed to contain SCBA cylinder in the event of rupture.

Fill station shall be installed in a manner that allows air to exhaust through bottom of enclosure.

The loading position from the compartment floor to the bottle connector shall be 14.25” in the lower holder and 22.60” in the upper holder. The maximum length of SCBA bottle with the valve and fill adapter shall be 29 inches in the lower holder and 27 inches in the upper holder. The fill station door shall be constructed of .25” stainless steel.

Each fill position shall be lined with a plastic material to protect each SCBA or SCUBA cylinder from abrasion.

To ensure operator protection, automatic safety interlocks that prevent SCBA or SCUBA cylinder filling until the door is completely closed shall be provided and located within the enclosure.

A bottom rubber seal shall be provided to seal out road dirt.

NFPA 1901 testing certification shall have been performed with a bottom seal of the same type material and thickness.

LOCATIONS OF CONTAINMENT SYSTEMS

Above specified dual (2) bottle containment systems shall be located in officer read side compartment O-2.

ROOF CAP CONSTRUCTION:

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The entire roof cap shall be all fabricated construction with a "beveled" top outboard perimeter (square fabrications are not acceptable), and a perimeter inboard bottom flange for bolt-on attachment to the front, side, and rear perimeter body panels. The roof cap outboard bevels shall consist of a 2.5" vertical rise (flush with body/cab panels) and a 45-degree inboard slope, for a total roof cap height/profile of 4.5".

Full width transverse single piece fabricated reinforcing roof bows shall be provided, spaced on maximum 24-inch centers, running the full length of the roof cap. Roof bows shall be tapered from center to outboard sides allowing for sloped drainage of roof top panels.

Entire roof cap assembly shall be of "all-bolted-construction", so as to allow removal of individual fabricated components for repairs and modifications.

The roof cap fabrications shall be computer designed, for repeatable tolerances, and ease of replacing sections. The assembled roof cap perimeter inboard flanges shall be bolted to and removable from the cab/body panels using concealed stainless fasteners. Design and assembly of roof cap, shall allow for the easy and relatively inexpensive repairs to -or- replacement of the roof cap, in the event of overhead damage.

ROOF CAP CONSTRUCTION MATERIALS:

The roof cap shall be fabricated of minimum .125" polished 4-way aluminum treadplate, type 3003, with NFPA approved non-slip knurled diamond pattern.

RECESSED LIGHT TOWER STOWAGE CAVITY

A forward longitudinal cavity shall be provided, in the overhead body roof cap, allowing for recessed mounting of the following forward light tower open well cavity.

One (1) transverse recessed well/cavity area shall be furnished in the upper level forward portion of the apparatus body roof cap. Well/cavity area to be at least 56" long (front-to-rear) x 40" wide (side-to-side) x 14" deep, designed to accommodate a fully recessed folding/extendible Light Tower. Well/cavity area to be fabricated entirely of roof cap matching material, underside barrier coated, perimeter seal caulked, and equipped with bottom floor drains with PVC hoses extending down through the body side walls and underside compartments, to the underbody area. The floor of light tower cavity shall be reinforced, providing a rigid structure for support of lift-up/extending light tower.

FILTERED COMPARTMENT VENTING, EXTERIOR SIDE COMPARTMENTS

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Back walls of all apparatus body side compartments, lower level (below top of chassis frame rails) ahead of and behind the wheelwell housings, shall be equipped with vented openings to the body under side. Vent openings are to be covered with 3M water resistant mesh filter media and an interior compartment metal grille. Grille shall be attached to the interior compartment walls with reusable screw fasteners, allowing for removal and cleaning of the filter media. Vent openings, mesh filter media, and removable grille shall allow for dust and moisture free ventilation of the compartment interiors, without reduction of the interior compartment depth.

UPPER BODY RISER SIDE PANELS

Driver's side and passenger's side upper body outboard riser panels (door headers) shall be furnished, overhead the specified compartment door tops, beneath the body roof cap, extending full length of the Special Services apparatus body. The riser side panels shall be "flush" with outboard sides of the front and rear body corners, and the perimeter roof cap outboard sides.

The outboard side facing surfaces of the riser side panels shall provide an overhead-the-compartment doors vertical mounting surface for the optionally specified awning(s), upper level side emergency lighting, and scene lighting.

The upper level side panels shall be precision machine fabricated of apparatus body matching material, "concealed-bolted-construction" (to allow for removal and replacement), properly reinforced without the use of exterior angles or structural shapes. Flanged areas of side panels shall be hidden inside cavity areas so screw type fasteners are not visible from the exterior.

COST ALLOWANCE: COMPARTMENT ROLL-OUT TRAYS AND DRAWERS

The apparatus total cost is to include an “Allowance” of $10,000.00, for furnishing and installation of Roll-Out Trays and Drawers, in the driver and passenger side compartments.

ELECTRICAL - 12 VOLT - VEHICLE SYSTEMS

NFPA RELATED NON-EMERGENCY 12-VOLT ELECTRICAL STANDARDS:

ELECTRICAL WIRING INSTALLATION - 12 VDC

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All electrical circuit wiring installed by the apparatus body builder is to be stranded copper alloy conductors of a gauge rated to carry 125% of the maximum current for which the current is protected. Wiring is to be colored and/or printed with circuit function code over each conductor's entire length.

Original non-protected chassis wiring, extending to rear, including: left turn circuit, right turn circuit, brake circuit, and back-up light circuit is to be re-routed to the interior chassis cab. New replacement color coded legend imprinted SXL insulated multi-stranded copper chassis wiring is to extend from chassis cab to rear body electrical chassis functions. Wiring is to be enclosed inside specified apparatus body in heat resistant vinyl loom.

AMBER TURN LIGHT ACTIVATION
Dedicated wiring is to be provided from chassis turn signal control, to the rear of the apparatus, for signaling of the specified apparatus body left and right side rear amber turn lights. NOTE: Rear amber turn lights are not to be activated by brake lights or tail lights.

ELECTRICAL WIRING INSTALLATION PERFORMANCE - 12 VDC
All wires are to be of sufficient size so that voltage drop in any electrical device does not exceed 15%.

BATTERY CABLE INSTALLATION STANDARDS
Chassis battery cables are to be routed from batteries' common positive to engine starter, return from engine starter to battery switch, and from battery switch to the chassis power distribution terminal post and to post located on a frame rail, and then to the apparatus body power distribution center (PDC). All battery cables are to be appropriately sized welding cable, heavily insulated super fine multi-stranded copper enclosed within high temperature vinyl loom and equipped with plated copper soldered terminals/lugs. Edge protector or rubber grommet is to be furnished where ever battery cables pass through sheet metal panels.

AUDIBLE DEVICE INSTALLATION STANDARDS
When furnished, air horns, electric siren, electronic siren speakers, and other audible emergency equipment are to be mounted as low and as far forward on the apparatus as practical. Audible warning equipment is not to be mounted overhead the driver or other vehicle occupants.

NON-REMOVABLE IGNITION DEVICE
The chassis ignition actuation is to be by a rotary/toggle style switch, or by a key switch with the key permanently tethered to the dashboard.

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WIRING HARNESSES

All apparatus body wiring for specified lights and electrical equipment is to be suitably protected inside heat resistant vinyl, forming multiple harnesses. Multiple harnesses are to run from chassis cab and apparatus body to a PDC (power distribution center). Harnesses are to consist of individual legend imprinted multi-stranded copper color coded SAE-J 1128 compliant automotive wires inside vinyl loom. Spare wires are to run throughout the apparatus compartmented body so as to allow for future installations of electrical accessories, while using original harnesses. All wiring is to be identified, "imprinted" with number and/or function. Auto-reset circuit breakers are to be furnished, of various amperage capacities, sized for intended load.

All 12-volt switches, relays, terminals, connectors, and wiring are to have a direct current rating of 125% of maximum current for which the current is protected. All wiring terminals are to be machine crimped, pull-tested during assembly.

APPARATUS BODY POWER DISTRIBUTION CENTER

An enclosed 12 -Volt electrical cavity is to be provided in the driver's side front compartment. This cavity is to be recessed inboard a front compartment removable bulkhead, of adequate size. to house all of the body wiring junction points, terminal strips, relays, etc. The design of this cavity must not decrease the storage capacity area of the compartment in which it is located. A flush mounted removable panel is to be provided for access to this cavity.

The power distribution center is to be located interior of 12 -Volt electrical cavity, and is to contain engineered electrical components and waterproof pin/socket bulkhead connectors. Multiple circuit breaker sockets are to be furnished for future use.

BATTERY CABLE UPGRADE

A 600 amp fuse protected 2-0 multi-stranded copper insulated battery cable is to be run inside protective loom, extending from specified battery disconnect to a chassis frame mounted threaded copper stud, providing power to high amperage items such as: primer motor, electrical discharge valves, reel rewind motors, generator starter motor, etc.

"Vehicle Specific" wiring information is to be provided for this particular apparatus "as built" upon completed delivery of the same. Information to be in spreadsheet format, describing PDC connections and functions.

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DO NOT MOVE APPARATUS " HAZARD" INDICATOR LIGHT

An LED style flashing indicator light shall be furnished, installed on cab dashboard, visible to driver, and as per current NFPA requirements, the light shall be illuminated automatically, as listed below:

The light shall be labeled "**DO NOT MOVE APPARATUS IF LIGHT IS ON**".

DEVICES WHICH ACTIVATE THE "DO NOT MOVE APPARATUS" INDICATORS

Opened chassis cab doors, crew cab doors, and/or open apparatus body exterior compartment doors, are to activate/illuminate the above specified "DO NOT MOVE APPARATUS" hazard warning indicator light.

NFPA REQUIRED TESTING OF ELECTRICAL SYSTEM

The apparatus shall be electrically tested upon completion of the vehicle and prior to delivery. The electrical testing, certifications, and test results shall be submitted with delivery documentation per requirements of the applicable NFPA standards. The following minimum testing shall be completed by the apparatus manufacturer:

1. Reserve capacity test:

The engine shall be started and kept running until the engine and engine compartment temperatures are stabilized at normal operating temperatures and the battery system is fully charged. The engine shall be shut off and the minimum continuous electrical load shall be activated for ten (10) minutes. All electrical loads shall be turned off prior to attempting to restart the engine. The battery system shall then be capable of restarting the engine. Failure to restart the engine shall be considered a failed test.

2. Alternator performance test at idle:

The minimum continuous electrical load shall be activated with the engine running at idle speed. The engine temperature shall be stabilized at normal operating temperature. The battery system shall be tested to detect the presence of battery discharge current. The detection of battery discharge current shall be considered a test failure.

3. Alternator performance test at full load:

The total continuous electrical load shall be activated with the engine running up to the engine manufacturer's governed speed. The test duration shall be a minimum of two (2) hours. Activation of the load management system is permitted during this test. However, if an alarm sounds due to excessive battery discharge, as detected by the system requirements in the NFPA standards, or a system voltage of less than 11.7 -Volts dc for more than 120 seconds is present, the test has failed.

4. Low voltage alarm test:

Following the completion of the above tests, the engine shall be shut off. The total continuous electrical load shall be activated and shall continue to be applied until the excessive battery discharge alarm activates. The battery voltage shall be measured at the battery terminals. With the load still applied, a reading of less than 11.7 -Volts dc for a 12 -Volt system shall be considered a test failure. The battery system shall then be able to restart the engine. Failure to restart the engine shall be considered a test failure.

NFPA REQUIRED DOCUMENTATION

The following documentation shall be provided on delivery of the apparatus:

a. Documentation of the electrical system performance tests required above.

b. A written load analysis, including:

1. The nameplate rating of the alternator.

2. The alternator rating under the conditions.

3. Each specified component load.

4. Individual intermittent loads

APPARATUS LIGHTING INSTALLATION STANDARDS:

All specified 12-volt to be in accordance with D.O.T. regulations at time of purchase.

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WALKWAY, STANDING PLATFORM, AND WORK AREA LIGHTING

Specified standing, stepping, and walking surface lighting fixtures are be located to minimize accidental breakage.

LIGHTING INSTALLATION REQUIREMENTS

All specified light fixtures are to be located in the engineered model, mounting holes machined, and installed after finish painting, so that all metal edge surfaces receive the same protective parimer and finish paint coatings. Where fixture wiring passes through metal body panel, the pass-thru hole is to be equipped with a rubber grommet. All specified light fixtures are be installed, using stainless steel screws with non-metallic "replaceable" threaded inserts, to allow removal of light fixture, from exterior of body. No holes are to be cut or drilled, after finish painting.

FMVSS LIGHTING CONFIGURATION

The following specified rear body tail/stop turn and back up lights to be positioned: Red (tail/stop) TOP, Amber (turn) MIDDLE, and Clear (back up) BOTTOM, driver's and passenger's sides at the rear of body.

VEHICLE DATA RECORDER AND SEAT BELT WARNING DEVICE:

Please refer to the CHASSIS specifications for information on the Vehicle Data Recorder, to be furnished.

ELECTRICAL CONSOLE BETWEEN FRONT SEATS

A custom-built fabricated aluminum electrical console to be furnished, inside chassis cab, between driver's and officer's seats. Console to be of maximum width, with top surface same height at driver's and officer's seat bottom cushions. Top surface of electrical console to accommodate specified switch panel, pump shift assembly, battery switch, and other following specified accessories. Console to be "DA" natural aluminum finish.

ROCKER SWITCH PANEL - WITH MASTER ROCKER - ON CONSOLE

Specified emergency lighting fixtures, non-emergency lighting fixtures, and electrical components are to be individually activated by fully illuminated rocker style switches. Emergency lighting switches to be illuminated

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RED, non-emergency switches to be illuminated a contrasting color. An illuminated red switch shall be furnished to left of emergency lighting rocker switches, identified as "MASTER WARN SWITCH". Master Warn Switch to provide power for individual emergency lighting switches. Back-lit nametags, describing function of each individual switch, to be located above toggle and rocker switches. Switches are to be mounted in such a way so as to prevent windshield glare.

Controls and switches, which are expected to be operated by the driver while the apparatus is in motion, are to be within convenient reach of the driver. The controls to operate the siren to be within convenient reach of both driver and front passenger (officer).

MASTER BATTERY SWITCH

A Cole Hersee model 75908 two-position battery "cut-off" switch shall be furnished, mounted to be easily accessible to driver. Multi-stranded copper battery cable shall run between engine starter solenoid and battery post of Cole-Hersee cut-off switch. A second battery cable shall run from Cole Hersee cut-off switch to apparatus electrical system. All cables shall be enclosed in heavy water-proof automotive loom.

A green "battery-on" pilot light shall be furnished, mounted to be visible to driver.

LED REAR STEP LIGHTS

One (1) each, 12-volt Tecniq model E03-W000-1 LED courtesy step lights are to be furnished, located to illuminate step surfaces at the rear of the body, where individual steps are specified. Light fixture to have polished stainless bezel and shielded clear polycarbonate lens. Lights to be activated by parking brake set.

DOT LIGHTING

REAR LED ID/MARKER LIGHTING

Five (5), 3/4" LED marker lights to be furnished, located: two (2) recessed into outboard rear tailboard corner flanges, and three (3) recessed behind center rear tailboard flange. Marker lights to be activated by headlamp switch.

The three (3) LED marker lights located at the rear to be:

As close as practical to the vertical Centerline.

Centers spaced not less than six (6) inches or more than twelve (12) inches apart.

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Red in color.
All at the same height.

The two (2) LED outboard marker lights located at the rear shall be installed:
To indicate the overall width of the vehicle.
At the same height.
To be visible from the rear and the side.

MID-TURN/MARKERS
Two (2), surface mount mid-ship Weldon model 9186-8580-29 LED dual element, combination marker and turn lights, are to be furnished, located: one (1) driver's side mid-ship vehicle and one (1) passenger's side mid-ship vehicle. Light fixtures are to have Amber lens. Marker Light is to be steady on with headlights, Turn Lights are to have flashing element, activated by vehicle turn signals.

Per FMVSS 108 and CMVSS 108 requirements.

REAR BODY RED REFLECTORS

Four (4) red reflectors shall be furnished, located at rear and rear sides of body.

STOP/TAIL , BACK-UP and TURN LIGHTS

Two (2), Whelen model 60BTT, Red element 5" x 8" rectangular surface mount LED combination stop/tail lights to be furnished, mounted each side at rear of body. Lights to be wired for activation by service brake and headlamp switch.

REAR TURN SIGNALS

Two (2), Whelen model 6OA00TAD, Amber element 5" x 8" rectangular surface mount LED turn signal lights with populated arrow shape and multiple flash patterns to be furnished, mounted one each side at rear of body. Lights to be wired for activation by left or right turn signal (not by brake lights).

BACK-UP LIGHTS

BROOKLYN CENTER COMMAND TRUCK

As Per HGAC FS19ED02

Two (2), Whelen 60J000CR rectangular surface mount non-LED back up lights to be furnished, mounted one each side at rear of body. Lenses to be clear. Lights to be wired for activation by reverse gear of truck transmission.

Above specified lights to include appropriate “chrome plated” 6EFLANGE(s) and be bolted in position, evenly spaced, driver's side and passenger's side rear body corners.

BACK-UP ALARM

One (1), 12-volt Ecco model 520 electronic back-up alarm to be furnished, mounted at rear below body, activated by reverse gear of truck transmission.

REAR OBSERVATION and AUDIO MONITORING SYSTEM

A rear observation and audio system shall be provided, consisting of a rear apparatus mounted high resolution (270K pixels) completely waterproof color camera with adjustable viewing angles and built-in audio microphone, and a Slim line flat panel color LCD high resolution/low reflection monitor with a 5" viewing screen and built-in speaker. The camera shall be recessed into the vertical rear face of the apparatus body (as high as possible), and the LCD monitor shall be provided with a swivel pivoting base, bolted to the interior cab dashboard. The rear observations system shall be automatically activated with: engine running, park brake released, and transmission in reverse gear.

COMPARTMENT INTERIOR LIGHTING

See APPARATUS BODY segment of specifications, for description, and location of provided body compartments interior lighting.

ENGINE COMPARTMENT LIGHT, LED

One (1), 12-volt LED engine compartment interior light to be furnished on firewall.

Light to be activated by park brake.

PERIMETER UNDERCAB LIGHTS

BROOKLYN CENTER COMMAND TRUCK

As Per HGAC FS19ED02

Two (2) each, 4" LED grommet mount under chassis cab 12-volt ground lights to be furnished, located one (1) driver's side and one (1) passenger's side, beneath cab doors. Lenses to be 4" diameter, Clear. Lights to be completely sealed for weather resistance. Lights to be activated by setting of the parking brake.

PERIMETER UNDERBODY LIGHTS

Five (5) each, 4" LED grommet mount under body 12-volt ground lights to be furnished, located: two (2) each driver's side ahead of and behind rear wheels, two (2) each passenger's side ahead of and behind rear wheels, one (1) each center rear underside tailboard. Lights to be completely sealed for weather resistance, lenses 4" diameter. Lights to be wired for activation by setting of the parking brake.

12-VOLT AUXILIARY LIGHTING

CAB ROOF "BROW" LIGHT, PFH1 12-VOLT LED

One (1) Whelen Pioneer PFH1 LED Contour Brow Mount 12-volt scene light(s) shall be furnished, mounted on radius of specified custom chassis cab. The bow light(s) shall have a 3000 Lumen LED light element, and be activated by an illuminated rocker switch, accessible to driver, and properly identified.

Exact positions shall be determined at pre-construction meeting.

12-VOLT BROW SCENE LIGHT SWITCHING, CAB SWITCH

The specified Forward Facing 12-Volt Brow scene light(s) to be activated by one (1) cab dashboard switch. Switch is to be labeled to identify type of light and the forward facing location(s).

APPARATUS BODY 12-VOLT SCENE LIGHTING

12-Volt LIGHT TOWER

- WILL BURT 12VDC LIGHT TOWERS ^ to select location alternatives

BROOKLYN CENTER COMMAND TRUCK

As Per HGAC FS19ED02

WILL-BURT NIGHTSCAN LIGHT TOWER, 600 WATT, FOUR (4) LIGHTS

One (1), WillBurt model NS 2.3-600 WHL NightScan Chief remote controlled, low profile extendable lighting system to be furnished with: 7.5 foot lift-up telescoping mast with 12-volt actuator (for elevation) and pneumatic controls (for telescoping), surface mount base unit with shroud, four (4) Whelen 12-volt Pioneer 150-watt PCP2 LED light fixtures, RCP 12-volt directional system with singletilt, wired handheld kit with E-stop, remote panel mount controls, interior cab dash mounted "LIGHT TOWER EXTENDED" indicator light and "auto-stow" feature.

No Light Tower Protection Requested

12-VOLT OVERHEAD APPARATUS BODY SIDE FACING SCENE LIGHTS

One (1) each, of the below specified Overhead Side-Facing Scene Lights to be located on the Driver Side of the Apparatus.

One (1) each, of the below specified Overhead Side-Facing Scene Lights to be located on the Passenger Side of the Apparatus.

12-VOLT SIDE FACING SCENE LIGHT SWITCHING, IN CAB & IN COMMAND AREA

Specified 12-Volt side facing scene lights are to be activated by two (2) sources. one (1) cab dashboard switch is to be provided, in addition to cab switching, lights are to be activated by a switch located on pump panel. Switches are to be labeled to identify location and type of lights to be switched.

12 VOLT LED SCENE LIGHTING, RECESSED MOUNT

Four (4), Whelen model PFP1AR5, 75-Watt Pioneer Flood Light(s) Single, 12-volt LED, white light fixture installed at 15-degrees/down in a recessed mount with chrome perimeter flange.

12-VOLT OVERHEAD REAR FACING SCENE LIGHTS

The following specified Rear-Facing Scene Light is to be located at the uppermost portion of the driver side Rear Body Corner.

BROOKLYN CENTER COMMAND TRUCK

As Per HGAC FS19ED02

12 VOLT LED SCENE LIGHTING, SEMI-RECESSED MOUNT

One (1), Whelen model PFH1, 75-Watt Pioneer Flood Light(s) Single, 12-volt LED, White light fixture installed in a 15-degree recessed mount with chrome perimeter flange.

12-VOLT REAR SCENE LIGHT SWITCHING, CAB SWITCH AND REVERSE GEAR

Specified 12-Volt scene light(s) are to be activated by two (2) sources. one (1) cab dashboard switch is to be provided, in addition to cab switching, lights are to be activated by reverse gear of vehicle transmission. Switch is to be labeled to identify location and type of lights to be switched.

AIR HORN(S)

See CHASSIS segment of specifications, for description of: Air Horns to be furnished, Activation Device(s), and mounting locations for same components

ELECTRONIC SIREN

One (1), Whelen model 295SLSA1, "Hands Free" electronic siren amplifier w/park-kill feature, selectable 100 or 200 watt output to be furnished. Electronic siren to have a "piercer" tone. A permanently wired microphone to be furnished with coil cord and mounting clip. Siren amplifier to be wired to specified electronic speaker(s).

Siren control head shall be located Surface mounted to center console.

100 WATT SPEAKER

One (1), Whelen model SA315P, 100-watt rectangular concealed speaker to be furnished, located recessed behind front bumper. Vertical surface of front bumper to be "cut-out", back side (between bumper and speaker) furnished with polished stainless steel speaker grille.

CAB ROOF LIGHTBAR: WHELEN FREEDOM, 55" RED and CLEAR LED ELEMENTS

BROOKLYN CENTER COMMAND TRUCK

As Per HGAC FS19ED02

One (1ea), Whelen "Freedom" model F4N2VLED, 55" long Linear-LED light bar shall be furnished and installed, permanently mounted to forward roof top of chassis cab.

Light bar shall be provided with:

Six (6) red LED's, located: 2-forward facing, 2-front corners, 2-rear corners.

Two (2) clear LED's, located: 2-forward facing.

Light bar shall be switched in the chassis cab, identified as: "CAB ROOF LIGHTBAR"

All lenses are to be clear, with clear and red light elements, as specified.

NOTE: Activation of vehicle's Parking Brake shall disengage any forward facing clear lights.

PRE-WIRING AND SWITCH LOCATION FOR VEHICLE PREEMPTION EMITTER

Wiring and emergency switch console accommodations shall be provided, for installation of the Customer's furnished Emergency Vehicle Preemption Emitter (Opticom or equivalent). Wiring shall extend from the emergency switch panel to the chassis cab roof underside, and the switch panel shall have proper "hole" size for emitter control. Customer shall designate circuitry configuration for operation of the emitter.

OPTICOM EMITTER, BUILT-INTO LIGHTBAR

One (1), 3M "OptiCom" 795H, or equal, Traffic Pre-Emption Emitter to be furnished, complete with appropriate power supply. Emitter to be installed interior center segment of specified front facing light bar. Emitter lens color is to be clear. Emitter to be activated by a single illuminated rocker switch, identified as: **"OPTICOM"**. Opticom shall be wired to deactivate when park brake is set.

TRAFFIC DIRECTING LIGHT BAR - REAR OF BODY

BROOKLYN CENTER COMMAND TRUCK

As Per HGAC FS19ED02

One (1), Whelen model TAL65 Traffic Directing 36" wide light bar with six (6) Amber LED lamps and one (1) TACTRL1 control head is to be furnished. The light bar is to be surface mounted at center rear of body, as high as possible. Control head is to be installed inside driver's compartment, location as designated by Customer.

REAR BODY TRAFFIC BAR PROTECTION

The optionally specified rear body mounted traffic light bar is to be surface mounted to rear face of the apparatus body, beneath a tubular rear horizontal handrail which is located so as to protect the light bar and lenses.

HORIZONTAL REAR HANDRAIL, BELOW HOSE BED

Matching material tubular railing is to be provided, horizontally on rear body vertical panel below the hose bed gratings. Railing is to be as wide as is possible, without causing interference with optionally specified rear inlets/outlets or step assemblies.

GRILLE WARNING LIGHTS - LED

Two (2), Whelen 500 series, TIR Super LED, 5" x 1-.625" rectangular surface mount LED light heads and two (2) 5TSMAC chrome plated surrounds to be furnished, surface mounted located on front grille. Light elements to be RED light lens to be RED. Lights to be activated by a separate illuminated rocker switch, identified by function.

FRONT LOWER LEVEL LED WARNING LIGHTS

Two (2), Whelen model 500 series TIR6 Super LED rectangular lightheads and two (2) 5TSMAC chrome plated surrounds to be furnished, surface mounted located driver and passenger front bumper sides or hood/cab sides. Light lenses to be driver's Red, passenger's side Red. Lights to be activated by a separate illuminated rocker switch, identified by function.

ZONE B and D LOWER ZONE MID-SECTION SIDE, LED WARNINGS

Two (2), Whelen model M6R, M6 Series Super LED, 4" x 7" rectangular light heads with 18-RED flashing Super LED light elements, Red Polycarbonate Lens, and M6FC chrome plated surround bezels are to be

furnished, one (1) on each side of the apparatus in the front, center, or the rear portion of the rear wheel wells. Lights are to meet the NFPA Zone B and D lower level lighting requirement.

SIDE ZONE UPPER LIGHTING

ZONE C, REAR OF BODY LOWER LEVEL LED WARNING LIGHTS

Two (2), Whelen 600 Series model 60R02FRR, 6" x 4" rectangular surface mounted Super LED light heads and two (2) 6EFLANGE chrome plated surrounds to be furnished, located one (1) driver's side lower rear body corner, one (1) passenger's side lower rear body corner. Light lenses to be driver's side Red, passenger's side Red. Lights to be activated by specified switch, identified by function.

REAR ZONE B-C-D, UPPER LEVEL LED LIGHTS: 1-"B", 4-"C", AND 1-"D"

Six (6), Whelen 500 series TIR6 Super LED rectangular surface mounted light heads, with six (6) each 5TSMAC chrome plated surrounds, to be furnished and mounted: two (2) rear upper sides (1-each side) two (2) driver's side rear and two (2) passenger's side rear "stacked" one above. All light elements and light lenses to be RED. Lights to be activated by specified switch, identified by function.

AUTO EJECT COVER COLOR

The furnished Air Eject weather proof cover shall be YELLOW in color.

LINE VOLTAGE SHOREPOWER ACCESSORIES

120-VOLT SHORELINE "SUPER" AUTO-EJECT FOR SHORE POWERED DEVICES

One (1) each, 15-Amp Kussmaul model 091-55-15-120 "Super Auto-Eject" automatic shoreline disconnect is to be furnished with; recessed 3-wire straight blade male receptacle, one (1) eject compatible 3-wire female receptacle plug (shipped loose for attachment to customer’s provided power cord), and a colored spring loaded weatherproof Auto-Eject cover plate. The auto shoreline disconnect device is to be held in position with four (4) cover plate screws. The Super Auto-Eject is to be wired to the vehicle’s 12-volt engine starter or momentary starter switch; such that when the engine is "cranked" the device ejects the line voltage powered cord receptacle.

BROOKLYN CENTER COMMAND TRUCK

As Per HGAC FS19ED02

Back side of auto shoreline disconnect device is to be completely sealed in a non-corrosive waterproof enclosure, with device's external wiring equipped with water-tight connectors. All wiring, extending to the specified shoreplug powered devices, is to be insulated weatherproof jacketed and properly protected to prevent damage.

The specified mating 3-wire female receptacle plug is to be a Kussmaul product, so as to be compatible with eject device.

Receptacle Location:

SHOREPOWER RECEPTACLE LOCATION

The above specified line voltage shorepower receptacle's location is to be determined at the factory prebuild conference.

SHOREPOWER COVER COLOR

The furnished weather proof cover shall be BLACK in color.

BATTERY CHARGER 15A WITH GAST 120VAIR COMPRESSOR

A Powermax charger consisting of a 120 -Volt 15-amp battery charger, and Kussmaul 120-volt air compressor, is to be furnished and installed interior chassis cab or apparatus body compartment.

The battery charger and compressor are to be powered by the optionally specified 120-volt "shore power receptacle".

Charger is to be provided with a digital voltage meter visible from exterior ground level, through open door or window.

POWER INVERTER, 2000W, 12-VDC-TO 120 VAC

One (1), Kisae Tech True Sine Wave Inverter is to be furnished, located within the apparatus body, wired to provide line voltage power to the optionally specified 120-volt receptacles. Inverter is to have a maximum power output of 2000 watts at 120-VAC.

BROOKLYN CENTER COMMAND TRUCK

As Per HGAC FS19ED02

AUTO-TRANSFER SWITCH- UP TO 20-AMPS

A transfer switch is to be furnished, automatically transferring the power source for the optionally specified portable device chargers and 120 -Volt receptacles (up to 20-amps total), from the Shore Power to the Generator. Transfer shall take place upon start-up of the generator system.

125-VOLT 5-20R LINE VOLTAGE RECEPTACLE FOR REFRIGERATOR

One (1) 5-20R (household), 125-volt, 20-amp, 3-wire plug-in receptacle is to be furnished with a single gang outlet box, surface mounted to the compartment back wall and provided with a appropriate gasketed hinged cap or stainless steel duplex cover plate. Receptacle's wiring to include: appropriate gauge multi-stranded insulated copper wiring, and a dedicated manual-reset style circuit breaker. A permanently engraved placard, identifying voltage and power source, is to be provided adjacent to receptacle box.

NOTE: NEMA 5-20R receptacles will accommodate 5-20P plugs and 5-15P plugs.

125-VOLT 5-20R RECEPTACLES - SHORELINE - CHASSIS CAB

Six (6), duplex 5-20R (household), 125-volt, 20-amp, 3-wire plug-in receptacle(s), to be furnished, located in chassis cab at customer designated location(s). Receptacle(s) are to be recessed into a single gang cast aluminum outlet box and surface mounted to chassis cab interior panel, with a stainless steel duplex cover plate. Receptacle's wiring to include: appropriate gauge multi-stranded insulated copper wiring, and a dedicated manual-reset style circuit breaker. A permanently engraved placard, identifying voltage and power source, is to be provided adjacent to receptacle box.

PAINT COLOR/CODE

The paint color (job color) code shall be: red to match existing apparatus.

PAINT PROCESS

Body surfaces which are to be painted, are to be cleaned using DX436 wax and grease remover. Next, the entire to be painted surface is to be sprayed with F3963 Etching Primer which exhibits very good adhesion and corrosion resistance. A high build primer surfacer, F3975, is to then be applied directly over the etch primer. After allowing the primer surfacer to air dry, the entire unit is to be sanded using dual action sanders leaving a very smooth surface to be painted.

BROOKLYN CENTER COMMAND TRUCK

As Per HGAC FS19ED02

The paint applied to the apparatus shall be PPG Industries Delfleet® Evolution brand, applied throughout a mulit-step process including at least two coats of each color and clearcoat finish.

Special attention will be given to proper application of coatings according to the specified film build (wet and dry) recommendations of PPG. Product or technical data bulletins should be consulted for any needed information above that which has been outlined herein. All paint materials shall be prepared and applied in accordance with this specification and the paint manufacturer's latest written recommendation prior to paint application.

The coating shall be baked or air dried. The coatings shall provide full gloss when finished curing and must be suitable for application by conventional pressure air atomizing spray.

Body panels and sub-frame area which cannot be painted after assembly shall be pre-primed and painted prior to main painting process.

The coatings shall not contain lead, cadmium or arsenic. The polyiscoyanate component shall consist of only aliphatic isocyanates, with no portion being aromatic isocyanate in character. The solvents used in all components and products shall not contain ethylene glycol, mono-ethyl ethers, or their acetates (commercially recognized as cello solves), nor shall they contain any chlorinated hydrocarbons. The products shall have no adverse health effects or present any unusual hazard to personnel when used according to manufacturer's recommendations for handling and proper protective safety equipment, and for its intended use.

The coating system, as supplied and recommended for application, shall meet all applicable federal, state and local laws and regulations now in force or at any time during the courses of the bid.

The specified apparatus body painted surfaces shall receive the primer coats and the finish coats. These painted surfaces shall have a finish with no runs, sags, craters, pinholes or other defects.

HIGH LUSTER BUFFING

The specified color painted components (except roll-up door slats) shall be "wet" color sanded with ultra-fine media, machine buffed with rubbing compound and wool pad, machine buffed with glaze and foam pad, and hand wiped to remove residue.

PAINT COLOR

Finish color of the apparatus body exterior and painted accessories shall be of a single color to match major chassis cab exterior color.

BROOKLYN CENTER COMMAND TRUCK

As Per HGAC FS19ED02

Unless otherwise specified, the **c**hassis frame, axles, and suspension shall remain the OEM color and coating material.

COMPARTMENT INTERIORS
The enclosed compartment interiors, side and rear, are to be unpainted natural smooth metal finish.
Where body material is aluminum, the metal is to have a finish as described in the Paint and Graphics Section of therse specifications. Where metal specified to be stainless steel, the finish is to be mill polished #4-brushed.

COMPARTMENT FABRICATED ACCESSORIES
The optionally specified fabricated compartment accessories (shelves and boards, etc), are to be unpainted natural smooth metal finish. Where material is aluminum, the metal is to have a machine "swirl-pattern" finish, where metal is stainless steel, the finish is to be #4-brushed.

BODY RE-ASSEMBLY
During reassembly of all individually painted fabricated components, special care shall be taken to prevent deterioration of top paint coats of mating flanged areas. Fabricated accessory components, which have been removed prior to painting, shall be seal coated where mated to dissimilar metal painted components. Accessory fabrications to be installed using stainless steel button socket head cap screw fasteners. Edges of accessories, where meeting exterior body painted fabrications, shall be properly caulked with G.E. or equal silver metallic body sealant to prevent moisture accumulation between metal layers.

TOUCH-UP PAINT
One (1), full quart of original finish color top coat paint material shall be provided for use as future touch-up paint.

NATURAL UNPAINTED "BRUSHED" STAINLESS STEEL FINISH

The interiors of all compartments, floors, walls, and ceilings are to remain in the natural unpainted brushed stainless steel surface finish.

MACHINE "SWIRLED" FINISH ON BULKHEAD WIRE COVERS

The optionally specified interior compartment front and rear bulkhead wire covers are to be abrasive machined, where exposed inside compartment, with a "swirl" pattern, providing a scuff resistant aluminum finish.

BROOKLYN CENTER COMMAND TRUCK

As Per HGAC FS19ED02

MACHINE "SWIRLED" FINISH ON ROLL-OUT TRAY(S)

The optionally specified one (1) each Roll-Out Tray(s) to be abrasive machined, fully on interior floor and perimeter flanges, with a "swirl" pattern, providing a scuff resistant marbled natural aluminum finish. Swirl machining of the metal surface is to be performed after profile cutting of tray and prior to its fabrication.

DA ORBITAL SANDED FINISH ON TOOLBOARD(S)

The optionally specified one (1) each Tool boards are to be completely machine sanded, on both sides, with a dual-action orbital abrasive sander, providing a scuff resistant light abraded natural aluminum finish.

CHASSIS FRAME AND DRIVE TRAIN FINISH, TO REMAIN ORIGINAL OEM FINISH

The chassis frame assembly is to remain the color and paint quality as received from the chassis manufacturer (OEM). The frame and drive train components are not be repainted.

Components that are considered part of the "frame assembly" are frame rails, cross members, axles, suspension, steering gear and the fuel tank.

ADDITIONAL CORROSION PREVENTION

In addition to the above specified corrosion prevention, the apparatus shall be assembled using ECK or electrolysis corrosion control, on all high corrosion potential areas, such as door latches, door hinges, trim plates, fenderettes, etc. This coating is a high zinc compound that shall act as a sacrificial barrier to prevent electrolysis and corrosion between dissimilar metals.

All .375" diameter and smaller screws and bolts shall be stainless steel with a wax coating, designed to reduce the potential for electrolysis and corrosion to occur where items are assembled and attached.

REFLECTIVE STRIPING: 1-2" + 1" GAP + 1-4" + 1" GAP + 1-2" SCOTCHLITE STRIPES

Three (3) each, horizontal ScotchLite reflective stripes are to be provided affixed to the full length of driver side and passenger side of the vehicle, in conformance with NFPA 1901 reflectivity requirement. The three (2) reflective bands are to consist of one (1) top 2" WHITE stripe, followed by a 1" gap exposing job color, one (1) center 4" WHITE stripe, followed by 1" gap exposing job color, and one (1) bottom 2" WHITE stripe.

BROOKLYN CENTER COMMAND TRUCK

As Per HGAC FS19ED02

REFLECTIVE MEDIA (STRIPING), CAB INTERIOR DOORS

A White ScotchLite or equivalent reflective stripe is to be affixed to the interior of each chassis cab door. The stripes are each to be a minimum of 96 sq. in. so as to meet the NFPA 1901 requirement.

GOLD LETTERING, BLACK SHADED

Driver's side and passenger's side chassis cab front doors shall be furnished with CAD generated machine cut simulated Gold Leaf lettering, suitably shaded with Black vinyl.

Forty-one (41) to sixty (60) CAD generated machine cut simulated gold leaf letters, 3.00" tall, highlighted with black vinyl shading shall be provided.

Lettering to be encapsulated between two (2) layers of Mylar, for protection and longevity.

LETTERING DESIGN

The driver's side and the passenger's side (2-each) chassis cab front doors shall be lettered as follows:

The Department name (top row) shall be in an "'ARCH", to read: _____

The words: **FIRE DEPT.** shall be in a "straight-line" immediately below Fire Department name.

VEHICLE NUMBER

The vehicle's assigned number shall be displayed in the following form:

UNIT / ENGINE / TRUCK (select one or none) **No.___**

Lettering shall match the above specified Department name, in style, material, and size; and be located: _____.

CHEVRON STRIPING, REAR OF APPARATUS, 3M DIAMOND GRADE CONSPICUITY

BROOKLYN CENTER COMMAND TRUCK

As Per HGAC FS19ED02

Up to 72 square feet of NFPA compliant color and pattern 6" multiple diagonal 3M brand Diamond Grade Conspicuity reflective stripes are to be provided, full width at rear of apparatus body. Stripes are to form "Chevrons", using alternating Solid Red/Fluorescent Yellow-Green reflective stripes, only interrupted by the rear apparatus lighting, handrails, steps, and other bolt-on accessories. Chevron patterned material is to be applied on to the flat metal "painted" surface, prior to the final installation of the specified bolt-on (removable) fixtures and accessories. Stripes shall be oriented at 45-degree angle, sloping downward and away from centerline of vehicle. The cut edges of the diamond grade reflective material are to be overlaid with a clear sealant tape product, such that the edges are not exposed to the elements.

CHEVRONS, FRONT BUMPER SURFACE, RED and YELLOW-GREEN

Multiple diagonal 3M brand Diamond Grade Conspicuity reflective stripes are to be provided, full width of the front bumper. Stripes are to form "Chevrons", using alternating colors to match the Ruby Red/Sun Flower Yellow chevrons on rear of apparatus. Chevron stripes are to only be interrupted by the bumper face mounted accessories. The cut edges of the diamond grade reflective material are to be overlaid with a clear sealant tape product, such that the edges are not exposed to the elements.

Built For Life
CustomFIRE

Custom Fire Apparatus, Inc. ■ 509 68th Ave., Osceola, WI 54020-4044 ■ 715.294.2555 Fax 715.294.2168
www.customfire.com

To: **The Brooklyn Center Fire Department**
Brooklyn Center, Minnesota

December 6, 2022

HGAC SALES PROPOSAL FS19ED02 COMMAND

Dear Sirs:

We hereby propose and agree to furnish, after your acceptance of this proposal and the signing of a contract, the following Apparatus and Equipment: ***"One (1) FS19ED02 Fire Department Special Services Command Truck with Published and Unpublished Options to include a 2-door Freightliner M2-106 chassis cab, custom designed Command Cab, compartmented style stainless steel body featuring painted Amdor side compartment doors, a Cascade system, awning, light tower, and NFPA compliant emergency lighting."***

All of which are to be manufactured in accordance with the specifications provided, which will be made part of the necessary contracts.

PROPOSAL PRICE

The above offered is made for the sum of: **USD $521,427.45 (Five Hundred Twenty-One Thousand Four Hundred Twenty-Seven and 45/100 Dollars). Delivered to your Fire Department Personnel at the Osceola, WI factory.** ***NOTE: This price is per HGAC FS12 contract Pricing and inclusive of the $2,000 HGAC purchase fees.***

A Progress Payment in the amount of **$110,000.00** is due upon shipment of the Freightliner Chassis to our factory in Osceola, Wisconsin. Balance of payment is due on day of apparatus delivery and equipment.

PROPOSAL VALIDITY
Till December 30, 2022

DELIVERY SCHEDULE
260 Working Days

Respectfully Submitted,

CUSTOM FIRE APPARATUS, INC.

James M. Kirvida
President of the Corporation

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Custom Fire Apparatus, Inc. ■ 509 68th Ave., Osceola, WI 54020-4044 ■ 715.294.2555 Fax 715.294.2168
www.customfire.com

MOTOR VEHICLE PURCHASE CONTRACT

THIS AGREEMENT, Made by and between CUSTOM FIRE APPARATUS, INC. of Osceola, Wisconsin, Party of the First Part, and: The CITY OF BROOKLYN CENTER, of Brooklyn Center, Minnesota Party of the Second Part, hereinafter called the BUYER.

WITNESSETH, That CUSTOM FIRE APPARATUS, INC. Agrees to sell, upon the conditions which are below written, the apparatus and equipment herein before described, all of which are to be in accordance with the specifications and warrantees submitted by CUSTOM FIRE APPARATUS, INC. and which are made a part of this agreement and Contract. As per Proposal Specifications submitted which includes;

"One (1) FS19ED02 Fire Department Special Services Command Truck with Published and Unpublished Options to include a 2-door Freightliner M2-106 chassis cab, custom designed Command Cab, compartmented style stainless steel body featuring painted Amdor side compartment doors, a Cascade system, awning, light tower, and NFPA compliant emergency lighting."

The BUYER agrees to purchase and pay for the aforesaid property delivered as aforesaid, the Sum of: **USD $521,427.45.**

NOTE: This price is per HGAC FS12-19 contract pricing and inclusive of the program fees.

> ***"The pricing contained in this proposal is based on prevailing material and labor costs. Due to volatility, surcharges may be added after contract and will be disclosed and passed on to buyer at cost. Surcharges shall not be deemed suitable reason for contract termination by either party."***
>
> ***BUYER may pre-pay undue funds and receive interest credit on the amount pre-paid until such funds are due. Current interest credit is based upon amounts prepaid, anticipated number of months of interest earnings and an interest rate equating to not more than 4.0% per annum. Restrictions may apply and be adjusted on a monthly basis if prepayment is not received within 30-days of contract execution.***

TERMS OF PAYMENT: Progress Payment of **$110,000.00** is due upon delivery of the Freightliner chassis to the Osceola factory, final is due on the Day of its Acceptance.

GUARANTY: The BUYER hereby guarantees that the funds will be ready and available for transfer in the form of legal tender, a negotiable check or direct bank wire transfer on or prior to the day of delivery. And it is further mutually agreed that no misunderstanding, verbal or written, regarding equipment or otherwise, shall enjoin CUSTOM FIRE APPARATUS, INC. unless in this contract.

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Custom Fire Apparatus, Inc. ■ 509 68th Ave., Osceola, WI 54020-4044 ■ 715.294.2555 Fax 715.294.2168
www.customfire.com

DELIVERY: Is to be made to; The BROOKLYN CENTER FIRE and/or POLICE DEPARTMENT Personnel on or around 260 Working Days following receipt and approval of this Contract duly executed, subject to all causes beyond our control, or as soon thereafter as is consistent with good workmanship and proper finishing and providing the delivery of the truck chassis has been made to our factory in Osceola, Wisconsin.

LIABILITY: Physical damage to the truck or chassis will be the responsibility of CUSTOM FIRE APPARATUS, INC. on a primary basis, regardless of what other insurance is available, as long as the vehicle is in the care, custody and control of same. Any componentry furnished by the BUYER, including the truck chassis, will be insured for its purchase price, by and when in the possession of CUSTOM FIRE APPARATUS, INC. Upon delivery and acceptance of the apparatus at the factory in Osceola, Wisconsin, Party of the Second Part (BUYER) does agree to provide all insurance to hold both parties harmless and free from any loss.

WITNESS our hands and official seal this _____ day of December 2022.

CUSTOM FIRE APPARATUS, INC.	**CITY OF BROOKLYN CENTER, MN**
_____	_____
James M. Kirvida/President	_____
President of Custom Fire Apparatus, Inc.	_____

Member introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION REQUESTING APPROVAL FOR A NEW FIRE TRUCK PURCHASE

WHEREAS, Emergency Services Vehicles serve as a valuable life safety tool in protecting the community of Brooklyn Center; and

WHEREAS, Brooklyn Center Fire needs to replace a 1999 Custom Freightliner Salvage truck; and

WHEREAS, Brooklyn Center Police needs to replace a 1985 Custom Emergency Services truck; and

WHEREAS, After researching and meeting with 3 vendors since February 2022. The committee has put forth a recommendation that the City Manager sign a purchase agreement for a 2023 Custom Freightliner Emergency Services truck; and

WHEREAS, The purchase order is received through the HGAC joint powers group. Many fire trucks throughout the county are purchased through this cooperative of which the City is a member; and

WHEREAS, The purchase agreement for the new fire truck is $521,427.45; and

WHEREAS, The City will pay $371,427.45 from our Capital Replacement Fund and $150,000 from the 2023 police operating budget; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, authorize the purchase of a New 2023 Custom Freightliner Emergency Services Truck from Custom Fire Apparatus, Inc in the amount of $521,427.45 and authorize the appropriate City officials to execute the purchase order.

December 12, 2022
Date

_____
Mayor

ATTEST: _____
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member

and upon vote being taken thereon, the following voted in favor thereof:

RESOLUTION NO. _____

and the following voted against the same:
whereupon said resolution was declared duly passed and adopted.

Council Regular Meeting

DATE: 12/12/2022

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Jesse Anderson, Interim Community Development Director
BY: Ginny McIntosh, City Planner and Zoning Administrator

SUBJECT: An Ordinance Adopting a Unified Development Code and Amending the City Code of Ordinances by Repealing Chapters 15 and 34 and Repealing and Replacing Chapter 35 (Second Reading)

Requested Council Action:

(1) Motion to approve a second reading regarding the adoption of the Unified Development Code and an amendment of the City Code of Ordinances by repealing Chapters 15 and 34 and repealing and replacing Chapter 35; and

(2) Motion to approve a resolution approving a Summary Publication for the aforementioned ordinance amendment in the Brooklyn Center *Sun Post*.

Background:

Background:
The City's zoning code has not been meaningfully updated since the 1960s. In 2019, the City adopted the 2040 Comprehensive Plan and embarked on a major overhaul of the City's current zoning (Chapter 35), sign (Chapter 34), and platting (Chapter 15) codes with consultant Bolton & Menk, as these chapters present significant barriers, difficulties, and confusions in their ease of use and overall accessibility for not only City staff, but residents, business owners, and prospective developers as well. Further, these chapters are out of compliance with state law, opening the City up to legal risks. City staff have worked with Bolton & Menk to merge the three chapters into one, unified document (Unified Development Ordinance).

Over the past three years, City staff have been working through a complete overhaul of the UDO, with the intent to:

- Align the UDO with the City's 2040 Comprehensive Plan;
- Bring the UDO into compliance with state law, particularly with waterbody protections and development review requirements;
- Reorganize the UDO so it is clearer and easier to use;
- Modernize regulations to ensure they meet community needs and promote equity; and
- Improve customer service and regional competitiveness

The updated UDO consists of the following components:

- Section 1: General Provisions
- Section 2: Zoning Districts
- Section 3: Overlay Districts
- Section 4: Use Regulations

- Section 5: Development Standards and Incentives
- Section 6: Signs
- Section 7: Administration
- Section 8: Subdivisions and Planned Unit Developments
- Section 9: Definitions

Key changes to the updated UDO include:

- The consolidation of zoning districts;
- Clarifying and modernizing allowed uses within each zoning district;
- Bringing environmental preservation policies into alignment with state law; and
- Clarifying city land use approval and review policies to better support staffs' ability to effectively administer the UDO

City staff recognizes that no UDO is perfect, and that updating and writing land use policies is as much an "art" as it is a technical process. The intent of the updated UDO therefore is to be a robust living, breathing document that modernizes City land use policies, and can be further revised and evolve over time.

A public hearing notice was published in the Brooklyn Center Sun Post on November 3, 2022. Mail notifications were mailed to those properties proposed for re-zoning, and a public hearing and first reading was held by City Council on November 14, 2022.

During the meeting there was discussion by Councilmembers regarding potential impacts to existing properties and structures, questions on the repealing, replacing, and consolidation of code chapters, and the engagement of local businesses and stakeholders. Certain property owners were present and inquired on potential impacts to their properties and changes to the sign code, and one property owner expressed support for the update. Following close of the public hearing, City Council elected to approve the first reading of the Ordinance adopting a Unified Development Code- (UDO) and amending the City Code of Ordinances by repealing Chapters 15 and 34, and repealing and replacing Chapter 35, and set the second reading for the December 12, 2022 City Council meeting.

Following the first reading and in advance of the second reading City staff made select minor modifications to the draft UDO and updates to three properties on the accompanying zoning map. A copy of the latest draft Unified Development Code and Zoning Map are included for review. It should be noted that any changes to the draft UDO text post November 14, 2022 are indicated by red text. A separate document is also attached as reference and summarizes the changes made and the reason why.

Budget Issues:

None to be considered at this time.

Inclusive Community Engagement:

Engagement to Date

Public and targeted stakeholder engagement around the updated UDO have been among the most significant engagement efforts the City has undertaken to date. Careful attention was given towards ensuring the public and impacted stakeholders were provided multiple opportunities and formats for education on the UDO, and in providing feedback that would help craft the UDO's formation.

Key engagement efforts conducted include:

- Dedicated UDO Project Website

- *A dedicated project website was created to be the clearing house for all public-facing information, outreach, and summary of project updates - https://clients.bolton-menk.com/brooklyncenter2019/zoning/*

- Thematic One-Pager Info Sheets
  - *Six info sheets hosted on the UDO project website, that cover topics related to housing, accessory dwelling units (ADUs), commercial standards, and waterbody protections.*
- Citizen Zoning Task Force
  - *14-member resident task force, that met four times with City staff and the consultant team. Task force members helped inform updates to residential and commercial standards, and vetted proposed district updates.*
- Sign Code Task Force
  - *Local business owners met with City staff and consultant team to review draft sign code and offer feedback on updating standards and regulations.*
- Recorded Webinars
  - *Three public overview webinars were recorded in winter 2021 to provide an overview of each draft section of the UDO. Each recorded webinar was uploaded to the UDO project website, and included a comment & question form link for public feedback.*
- Public Online Open Houses
  - *Three virtual public meetings were hosted in summer 2021 to preview draft residential, commercial, and waterbody protections. Meetings were recorded and uploaded to the UDO project website.*
- Targeted Stakeholder Open House
  - *Property owners and residents of properties that would be impacted by either the Shoreland or MRCCA ordinance provisions within the UDO were sent a mailer prior to a waterbody protection open house. The mailer included details about the open house and website where people could learn more information about proposed changes.*
- Surveys
  - *Two surveys were uploaded to the UDO project website to collect feedback on residential standards, and commercial standards related to the new UDO.*
- Property Owner Mailers
  - *As part of adoption of a new UDO, many properties within the City will be re-zoned to align with the new regulations, new zoning districts (refer to Exhibit A), and 2040 Comprehensive Plan. In addition, nearly all existing zoning districts will be updated with new, more modern, regulations. All properties in the City which are anticipated to experience a change in zoning designation have received a postcard in the mail directing them to an online interactive zoning map where they can get more information about the proposed changes and how it will affect their property.*
- Interactive Draft Zoning Map
  - *An online interactive draft zoning map was created for the public to view properties' current zoning and proposed future zoning, and gain more information on potential impacts of the change - https://bmi.maps.arcgis.com/apps/webappviewer/index.html?id=e3b4a4e3bca1482faa4deec8926dd82d*
- Hosting Full Draft Code Sections Online
  - *Full versions of each draft section of the UDO were uploaded to the UDO project website for public review. Online comment forms were provided for the public to submit comments or questions.*
- Joint Planning and Housing Commission Updates
  - *Four work sessions were held with members of the Planning and Housing Commissions, to provide updates on the UDO's development, and to assess key questions related to residential and commercial standards, and environmental protections.*

- City Council Work Sessions
  - *Three work sessions were held with the City Council, to provide updates on the UDO's development, and to vet key questions related to residential and commercial standards, and land use approval processes.*

Antiracist/Equity Policy Effect:

UDO and Equity
While drafting the UDO, City staff prioritized an equity-centered lens when considering impacts of new land use policies within the UDO. Staff recognizes the historic connections that zoning and land use policies have had on systemic racism and the legal separation of people and uses. Practices such as redlining, restrictive covenants, large lot sizes, and segregating land uses are all policy examples of how this has manifested throughout US history.

While Brooklyn Center's land use history is not as explicit in this regard, its traditionally auto-oriented design patterns have created issues related to job access, transportation equity, and flexibility regarding integrated land uses.

The updated UDO therefore seeks to address equity-promotion as outlined by the 2040 Comprehensive Plan, and as suggested from community members in the following ways:

- Creation of mixed-use districts;
- Creation of neighborhood commercial nodes;
- Organizing density around transit;
- Permitting zoning flexibility in exchange for identified goals of sustainability, housing affordability, and affordable commercial spaces;
- Supporting multi-generational housing needs;
- Permitting and updating home-based businesses provisions; and
- Supporting more housing options and more affordable home ownership through strategies like ADUs, duplexes, and mixed-use zoning.

Strategic Priorities and Values:

Enhanced Community Image, Inclusive Community Engagement, Targeted Redevelopment, Safe, Secure, Stable Community, Customer Intimacy , Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
An Ordinance Adopting the City's Unified Development Code and Amending the City Code of Ordinances by Repealing Chapters 15 and 34 and Repealing and Replacing Chapter 35	11/7/2022	Ordinance
UDO Coversheet (12.05.2022)	12/5/2022	Cover Memo
Final Draft UDO (12.05.2022)	12/5/2022	Backup Material
Final Draft UDO- Revision Tracking Summary (12.05.2022)	12/5/2022	Backup Material
Final Draft Zoning Map (12.05.2022)	12/5/2022	Backup Material
Summary Publication Resolution UDO	12/8/2022	Resolution Letter

CITY OF BROOKLYN CENTER

Notice is hereby given that the Planning Commission of the City of Brooklyn Center will hold a public hearing on Monday November 14, 2022 at 7:00 p.m. at Brooklyn Center City Hall, located at 6301 Shingle Creek Parkway, Brooklyn Center, MN 55430 to hear from the public, discuss, and take action on the comprehensive update of the City's zoning code, including the adoption of a Unified Development Ordinance that repeals and replaces Chapters 15 (Platting), 34 (Sign), and 35 (Zoning) of the City Code. Public hearing materials, including a copy of the Unified Development Ordinance, can be accessed and will be available in advance of the meeting by visiting the City of Brooklyn Center's website at: https://www.ci.brooklyn-center.mn.us/. Comments and questions may be forwarded to Olivia Boerschinger, Associate Planner, at oboerschinger@ci.brooklyn-center.mn.us or (763) 569-3316 up until 4:30 pm on the day of the meeting.

Auxiliary aids for persons with disabilities are available upon request at least 96 hours in advance. Please contact the City Clerk at (763) 569-3300 to make arrangements.

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE CITY'S UNIFIED DEVELOPMENT CODE AND AMENDING THE CITY CODE OF ORDINANCES BY REPEALING CHAPTERS 15 AND 34 AND REPEALING AND REPLACING CHAPTER 35

THE CITY COUNCIL OF THE CITY OF BROOKLYN CENTER DOES ORDAIN AS FOLLOWS:

Article I. Background and Purpose. City staff, the City's Planning Commission and the City Council, in consultation with community development and planning professionals, undertook an extensive process to review and update the City's zoning code, in addition to City Code provisions regarding platting, subdivisions and signs, and to incorporate those updates into a comprehensive Unified Development Code for the City of Brooklyn Center, including an update of the City's official zoning map. The Unified Development Code updates and modernizes many existing zoning, subdivision and signage provisions, amends the official zoning map, and seeks to implement the goals and strategies of the City's 2040 Comprehensive Plan, including specific zoning ordinance updates regarding the creation of new zoning districts, sign standards, conditional use permit processes, variance processes, planned unit development processes and additional shoreland regulations.

Article II. Chapters 15 and 34. The Brooklyn Center City Code is hereby amended by repealing and deleting in their entirety Chapters 15 regarding platting and 34 regarding signs.

Article III. Chapter 35. The Brooklyn Center City Code is hereby amended by repealing and replacing Chapter 35 with the Unified Development Code, attached hereto as Exhibit A, and the zoning map, attached hereto as Exhibit B.

Article IV. Table of Contents and Non-Substantive Changes. City staff is authorized and directed to create a table of contents for Chapter 35 as part of incorporating the amendments adopted by this Ordinance into the Brooklyn Center City Code and to make any other non-substantive corrections as may be needed as part of incorporating the amendments adopted by this Ordinance into the Brooklyn Center City Code, including the renumbering of sections, subsections, subdivisions, and paragraphs as needed.

Article V. Severability. Should any section or part of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision will not affect the validity of the ordinance as a whole or any part other than the part declared invalid.

Article VI. Effective Date. This ordinance shall become effective after adoption and upon thirty days following its legal publication.

Adopted this ____ day of _____, 2022.

_____
Mike Elliott, Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

EXHIBIT A
Unified Development Code

(attached hereto)

EXHIBIT B
Zoning Map

(attached hereto)

DATE: December 5, 2022

TO: Dr. Reggie Edwards, City Manager

THROUGH: Jesse Anderson, Interim Community Development Director

FROM: Ginny McIntosh, City Planner and Zoning Administrator

SUBJECT: An Ordinance Adopting a Unified Development Code and Amending the City Code of Ordinances by Repealing Chapters 15 and 34 and Repealing and Replacing Chapter 35 (Second Reading)

Recommendation:

(1) Motion to approve the second reading regarding the adoption of the Unified Development Code and an amendment of the City Code of Ordinances by repealing Chapters 15 and 34 and repealing and replacing Chapter 35; and

(2) Motion to approve a resolution approving a Summary Publication for the aforementioned ordinance amendment in the Brooklyn Center *Sun Post*.

Background:

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- Align the UDO with the City's 2040 Comprehensive Plan;
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Engagement to Date

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- City Council Work Sessions
  - *Three work sessions were held with the City Council, to provide updates on the UDO's development, and to vet key questions related to residential and commercial standards, and land use approval processes.*

A public hearing notice regarding this comprehensive update and the recommended adoption of the Unified Development Ordinance was published in the Brooklyn Center *Sun Post* on November 3, 2022 and is attached. Mail notifications were sent to those residents and property owners whose properties are proposed for re-zoning.

Key UDO Approval Questions & Answers:

Q: How Will the New UDO Replace the Current UDO?

A: Upon Council approval, the new UDO will "repeal and replace" corresponding sections within the current city code. The sections to be repealed within the current City Code include Chapter 15 (*Platting*) and Chapter 34 (*Signs*). Chapter 35, which is the City's existing Zoning Code, would be repealed and replaced with said UDO.

Q: When will the new UDO take effect? How will the public be able to view the new UDO content or zoning map?

A: The new UDO will take effect 30 days after City Council adoption. Upon City approval, City staff will begin the process of digitizing the new UDO, and uploading it online for documentation and public access.

Q: Will land uses or site design features become non-compliant if they're within a zoning district that is guided to change? Will land owners have to make changes to bring their property into compliance?

A: No, all current property within the city is "grandfathered" into the new UDO, and is considered "legally non-conforming".

Q: Will all properties in the city be re-zoned at once? When does that process occur?

A: Upon City UDO approval process, the City will also be adopting a new Zoning Map. Upon adoption of the zoning map will change the zoning of all properties within the City of Brooklyn Center, as indicated in the zoning map.

Section 0: Unified Development Ordinance – CHAPTER 12

DRAFT 12/05/2022

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Section 1: General Provisions

1.1 Title, Purpose, and Effective Date

1.1.1 Title

This Chapter 35 and the regulations set forth herein shall be known as the UNIFIED DEVELOPMENT CODE OF THE CITY OF BROOKLYN CENTER and will be referred to herein as the "Unified Development Ordinance". It may also be referenced to throughout Chapter 35 as "UDO" or "this Chapter."

1.1.2 Statement of Policy

The provisions of Chapter 35 have been enacted in order to protect and promote health, safety, equity, and the general welfare of the people of Brooklyn Center. This UDO is adopted to achieve the following objectives:

(a) **Compatibility between different land uses;**

(b) **Promotion of a more equitable and sustainable community for all people;**

(c) **Adequate light, air, and safety from fire, flood, and other dangers for occupants of structures;**

(d) **Protection of the character and stability of residential, commercial, and industrial locations throughout the city, and to ensure the orderly and beneficial development of those areas;**

(e) **Protection and conservation of the value of land and buildings;**

(f) **A balanced tax base between residential, commercial, and industrial uses;**

(g) **Avoidance of business failures through improper location;**

(h) **Provision for the safe and efficient circulation of all modes of transportation, with particular regard to the avoidance of congestion in the public streets; and**

(i) **Reasonable standards to which structures and uses shall conform**

1.1.3 Effective Date: Month, date, year

This ordinance shall be in full force and take effect from and after the date established upon adoption by the City Council.

1.2 Authority, Applicability, and Jurisdiction

1.2.1 Authority

This Unified Development Ordinance is enacted pursuant to the authority granted by the Municipal Planning Act, Minnesota Statutes, Section 462.351 to 462.365 and other applicable laws.

1.2.2 General Applicability

(a) Where the conditions imposed by any provision of this Unified Development Ordinance are either more or less restrictive than comparable conditions imposed by other ordinances, rules, or regulations of the City, the Unified Development Ordinance rule or regulation which imposes the more restrictive condition, standard, or requirement shall prevail.

(b) Except as herein provided, no building, structure, or premises shall hereafter be used or occupied, and no building permit shall be granted, and no plat approved that does not conform to the requirements of this Unified Development Ordinance.

(c) No structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used for any purpose which is not in conformity with the provisions of this Chapter.

(d) In any zoning district, whenever a use is neither specifically allowed nor specifically prohibited, the use shall be considered prohibited unless the City Council determines the proposed use is substantially similar to a permitted use in which case the proposed use shall be deemed permitted.

(e) The City Council or the Planning Commission, on their own initiative or upon request, may conduct a study to determine if a use not listed as permitted or prohibited is acceptable and if so, what zoning district would be most appropriate and the conditions and standards relating to development of the use. The City Council, Planning Commission, or property owner, if appropriate, may initiate an amendment to the Unified Development Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the City.

(f) This Unified Development Ordinance is a comprehensive revision to Chapters 15, 34 and 35 of the City Code. Any act done, offense committed, or rights accruing or accrued, or liability, penalty incurred or imposed prior to the effective date of this Unified Development Ordinance is not affected by its enactment.

1.2.3 Jurisdiction

This Unified Development Ordinance applies to all lands within the jurisdiction of the City of Brooklyn Center shown on the official Zoning Map.

1.3 Interpretation and Conflicting Provisions

1.3.1 Rules of Interpretation

In their interpretation, the provisions of this Unified Development Ordinance shall be held to be the minimum requirements necessary to promote and preserve the public health, safety, morals, and welfare.

(a) **The word "person" includes firm, association, organization, company, partnership, cooperative, or corporation as well as an individual.**

(b) **The present tense includes the future tense, the singular number includes the plural, and the plural includes the singular.**

(c) **The word "shall" is mandatory and the word "may" is permissive.**

(d) **The word "lot" shall include the words "plot," "piece," "parcel," and "property" and shall be interpreted broadly to give full effect of the provisions of this Chapter.**

(e) **All distances, unless otherwise specified, shall be measured horizontally.**

(f) **References in this Chapter to any statutes, rules, or regulations shall include any amendments to, or successors of, those statutes, rules, or regulations. Furthermore, such references shall serve to incorporate those statutes, rules, or regulations by reference to the extent necessary to achieve the intent and purposes of this Chapter. However, such incorporations are intended only to give effect to this Chapter and are not intended to make the City responsible for the administration or enforcement of the referenced statutes, rules, or regulations.**

(g) **Whenever a word or term defined hereinafter appears in the text of this Chapter, its meaning shall be constructed as set forth in such definition. If no set definition is given in this Chapter, the word or term shall have the meaning given it in the Minnesota Statutes, Minnesota Rules, or the most applicable Hennepin County ordinance to the extent the term is given a specific definition therein. Any question as to the meaning of a word or term used in this Chapter shall be determined by the City Council.**

(h) **General words are construed to be restricted in their meaning by preceding particular words.**

(i) **The listing of examples to further explain a term, concept, requirement, or process is not intended to be, and shall not be interpreted as, an exclusive listing. Unless the context clearly indicates otherwise, such listings are intended to be explanative without being exclusive or limited. The exception to this general rule of interpretation is the listing of uses allowed in a district, which is intended to be limited to only those uses and the uses the City Council finds to be substantially similar as provided in this Chapter.**

The Minnesota legislature has adopted various provisions by statute requiring local governments to treat certain uses as permitted or conditional uses within their respective jurisdictions for the purposes of zoning regulations. Notwithstanding the general prohibition contained herein of uses not expressly allowed by this Chapter, this Chapter shall be interpreted as allowing those uses the legislature expressly requires the City to allow. Such uses shall be classified as provided in the legislative mandate and shall only be allowed in those areas described in the applicable statute, and then only to the extent and scope as prescribed in the statute.

For example, Minnesota Statutes, Section 462.357, subdivision 7 requires a licensed day care facility serving 12 or fewer persons to be considered a permitted single family residential use of property. As such, this Chapter shall be interpreted as allowing that

specific use as a permitted residential use, but only up to a capacity of 12 persons. A proposed use that exceeds the scope described in the statute shall not be allowed unless the expanded use is expressly permitted in the particular zoning district by this Chapter. Furthermore, if the statute indicates the use is to be allowed as a conditional use, the use may only occur upon the submission of an application and receipt of a conditional use permit from the City. All mandated uses shall obtain a land use permit and all other permits and permissions as required by this Chapter and all other applicable laws.

1.3.2 Supremacy

When any condition imposed by any provision of this Unified Development Ordinance upon the use of land or buildings or upon the bulk of buildings is either more restrictive or less restrictive than similar conditions imposed by provisions of another City ordinance or resolution, the more restrictive condition shall prevail.

This Unified Development Ordinance is not intended to abrogate any easements, covenants, or any other private agreement, providing that where the provisions of this Unified Development Ordinance are more restrictive than such easements, covenants, or other private agreements, the provisions of this Unified Development Ordinance shall prevail.

1.4 Transition from Prior Regulations

1.4.1 Prior Zoning Regulations

This Chapter supersedes and replaces Brooklyn Center City City Code Chapters 15, 34 and 35, and all such provisions are hereby repealed. The repeal of the City's previous zoning and subdivision chapters does not itself affect the status of any use, structure, or lot that was not in conformance with the earlier chapters.

1.5 Comprehensive Plan

1.5.1 General

The City Council hereby undertakes to carry on comprehensive study and planning as a continuing guide for land use and development legislation within the municipality. For this purpose, the City Council has adopted a Comprehensive Guide Plan for the City of Brooklyn Center, and the City's Planning Commission aids in such planning as the advisory planning agency. Comprehensive Plan Amendment procedures, criteria, and adoption are detailed in Section 7.12.

1.5.2 Coordination with Other Agencies

In the performance of its planning activities, the Planning Commission shall consult with and coordinate the planning activities of other departments and agencies of the municipality to ensure conformity with and to assist in a development of the comprehensive municipal plan. Furthermore, the Planning Commission shall take due cognizance of the planning activities of adjacent units of government and other affected public agencies.

1.5.3 Relationship between Comprehensive Plan and this UDO

Minnesota statutes require the Unified Development Ordinance be consistent with the approved Comprehensive Plan.

1.6 Other General Provisions

1.6.1 Applications.

All applications must be on forms approved by the City Council. Any requests not submitted on an approved City form shall not be considered an application for the purposes of this UDO or Minnesota Statutes, Section 15.99, and shall be rejected. An application shall be immediately rejected if it is not accompanied by the required application fee. If an escrow is required, the applicant shall submit the required amount for escrow with the City within five days of the submission of the application or the application shall be deemed incomplete and will not be processed.

1.6.2 Enforcement.

This Unified Development Ordinance shall be administered and enforced Zoning Administrator. The Zoning Administrator may authorize other employees or agents of the City to perform the various duties of the Zoning Administrator specified in Section 7.1.

1.6.3 Penalties.

Violation of the provisions of this Unified Development Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional use permits) shall constitute a misdemeanor. Any person who violates this Unified Development Ordinance or fails to comply with any of its requirements shall, upon conviction thereof by lawful authority, be fined not more than one thousand dollars ($1,000) or imprisoned for not more than ninety (90) days or both, and in addition, shall pay all costs and expenses of prosecution. Each day such violation continues shall be considered a separate offense.

Nothing herein contained shall prevent the City of Brooklyn Center from taking such other lawful action as is necessary to prevent or remedy any violation. No provision of this Chapter designating the duties of any official or employee of the City shall be so construed as to make such official or employee liable for the penalty provided in this section for failure to perform such duty, unless the intention of the City Council to impose such penalty on such official or employee is specifically and clearly expressed in the section creating the duty.

1.6.4 Severability.

Every section, provision, or part of this Unified Development Ordinance is declared separable from every other section, provision, or part to the extent that if any section, provision, or part of the Unified Development Ordinance shall be held invalid, it shall not invalidate any other section, provision, or part thereof.

Section 2: Zoning Districts

2.1 Zoning Districts and Zoning Map

2.1.1 Zoning Districts.

Residential Districts	
R1	Low Density Residential
R2	Medium Low Density Residential
R3	Medium Density Residential
R4	Medium High Density Residential
R5	High Density Residential
Mixed-Use Districts	
MX-N1	Neighborhood Mixed-Use
MX-N2	Neighborhood Mixed-Use
MX-C	Commercial Mixed-Use
TOD	Transit Oriented Development
Non-Residential Districts	
C	Commerce - Service/Office
MX-B	Business Mixed-Use
I	General Industrial
Special Purpose Districts	
O	Public Open Space

2.1.2 Zoning Map.

The boundaries of the zoning districts are shown on the map entitled "Zoning Map of Brooklyn Center, Minnesota," as may be amended from time to time. The Zoning Map of Brooklyn Center, Minnesota shall be referred to in this Unified Development Ordinance as the Zoning Map or the Map. The Map and all amendments shall be certified by the City Clerk and maintained in the office of the City Clerk. The Zoning Map and all the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and are thereby made a part of this Unified Development Ordinance by reference. The official Zoning Map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this Section.

2.1.3 General District Regulations.

(a) **Generally.**

Land within a particular zoning district shall be subject to: the general standards, regulations, and restrictions contained within this UDO; any specific standards, regulations, and restrictions established in this UDO for the particular district; any performance standards established for the particular use; the standards, regulations, and restrictions of any applicable overlay district; and any applicable standards, regulations, and restrictions imposed by any other applicable federal, state, and local laws, rules, regulations, and ordinances.

(b) **Overlay District Regulations.**

Land located within an overlay district is subject to both the regulations established herein for the primary zoning district in which it is located as well as the regulations applicable within the overlay district.

(c) **Identified Uses.**

Except as otherwise provided in this UDO, only those uses that are expressly identified by this UDO as being allowed within a district may occur within that district, and then only upon the issuance of all required permits and compliance with all applicable federal, state, and local laws, rules, regulations, and ordinances. If an owner proposes to undertake a use that is not expressly allowed in the particular district, the owner may apply for an amendment to the text of the UDO to add the use to those allowed within the zoning district, or seek a rezoning of the property to a district in which the use is allowed.

(d) **Prohibited Uses.**

Only those uses identified as being allowed within a zoning district under this UDO may occur within that district, subject to the additional restrictions and prohibitions contained in this UDO. References to other uses in this UDO, such as in the standards, are not intended, and shall not be interpreted, as expanding the uses allowed within a particular district.

(e) **Existing Planned Unit Developments**

Planned unit developments, and parcels zoned as a planned unit development, in accordance with prior zoning regulations shall remain in effect and shall remain subject to any and all agreements, conditions and standards applicable to the planned unit development. Amendments shall be processed in accordance with the procedures identified for planned unit developments in this UDO.

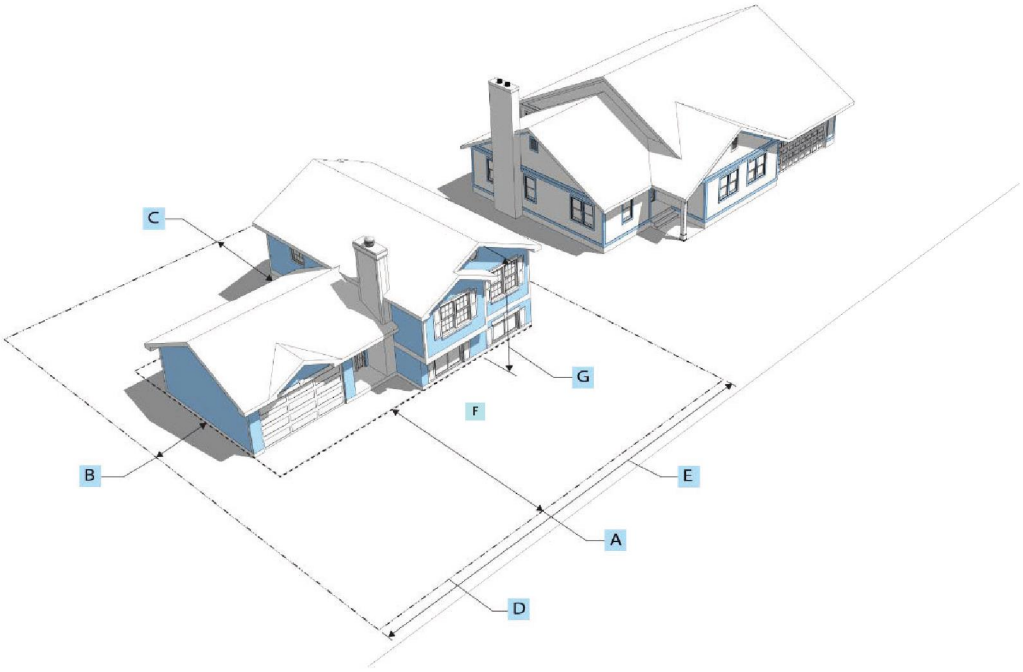
2.2 Residential Districts and Standards

2.2.1 R1 – Low Density Residential

(a) **Purpose**

The purpose of the R1 (Low Density Residential) zoning district is to conserve low-density, single-family neighborhoods. This district primarily supports one family dwellings. Allowed uses are shown in Section 4.2 Allowed Use Table.





(b) **R1 Dimensional Standards**

	Building Setbacks	
A	Front building setback (minimum)	35 feet (interior lot) or 35 feet along primary street and 15 along secondary street (corner lot)
B	Side building setback (minimum)	10 feet
C	Rear building setback (minimum)	25 feet
D	Lot area – (minimum)	9,500 sq. ft. (interior lot) or 10,500 sq. ft. (corner lot)
E	Lot width – one family (minimum)	75 feet (interior lot) or 90 feet (corner lot)

	Accessory Structure setback, Interior Side or Rear (Minimum)	5 feet
	Other Standards	
F	Primary structure height (maximum)	25 feet
	Accessory Structure height (Maximum)	16 feet
	Density	3-5 units/acre

(a) **General Regulations**

(1) Complete, detailed dimensional standards are located in Section 5 – Development Standards and Incentives.

(2) In R1 districts, every building hereafter erected or structurally altered shall be located on a lot, and in no case shall there be more than one principal building on one lot. The term " principal building" shall be given its common, ordinary meaning; in case of doubt, or on any question of interpretation, the decision shall rest with the Zoning Administrator.

(3) All dwellings shall be on permanent foundations which comply with the State Building Code, except that accessory uses such as screened or enclosed porches, canopies, decks, balconies, stairs, etc. may be placed on a noncontinuous permanent foundation as approved by the Building Official.

(4) In the case of permitted dwellings, the dwelling may be located less than ten (10) feet, but not less than five (5) feet, from not more than one (1) of the established interior side lot lines, provided:

All other yard setback requirements are met;

The remaining minimum ten (10) foot setback between the dwelling and the lot line, shall not be used for any accessory building;

The exterior wall of the dwelling, facing the interior side yard of less than ten (10) feet, shall contain no openings including doors, or windows, or provision for mechanical equipment.

(5) In instances where an existing single-family dwelling is deficient in its setback requirements, the building may be expanded along the existing building line, provided there is no greater encroachment into the required yard area. This provision in no way permits the expansion of a conforming building resulting in a setback less than established by this Unified Development Ordinance. In no case shall the expansion be closer than five (5) feet from an interior side yard property line

(6) Where no more than three interior lots have frontage on a "cross street," and where the corner lots are developed so that one side yard of each corner lot faces the "cross street," the front yard setback of the interior lots may conform to the side yard setbacks of the corner primary structures.

(7) Permitted Encroachments into the regular setbacks are listed in Section 5.1 of this UDO.

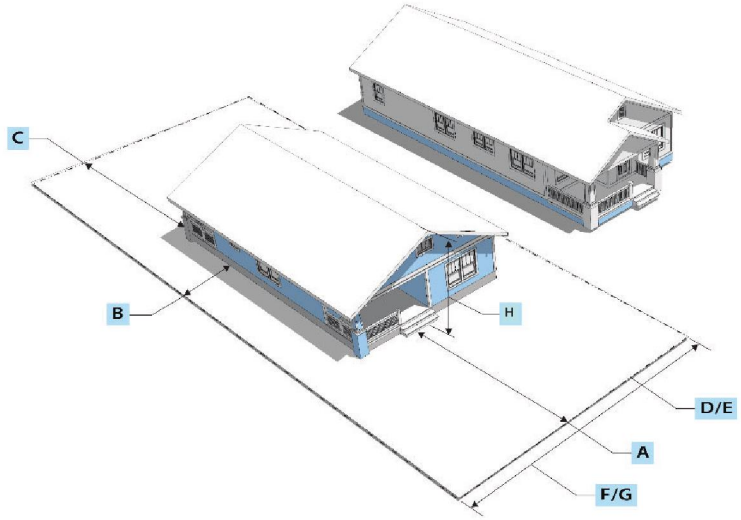
2.2.2 R2 – Medium Low Density Residential

(a) Purpose

The purpose of the R2 (Medium Low Density Residential) zoning district is to allow for smaller lot sizes or two-family dwellings in residential neighborhoods. Allowed uses are shown in Section 4.2.



(b) **R2 Dimensional Standards**



	Building Setbacks	
A	Front building setback (minimum)	35 feet (interior lot) or 35 feet along primary street and 15 along secondary street (corner lot)
B	Side building setback (minimum)	10 feet
C	Rear building setback (minimum)	20 feet
D	Lot area – one family per unit (minimum)	7,600 sq. Ft. (interior lot) or 8,500 sq. Ft. (corner lot)
E	Lot area – two family (minimum)	5,000 sq. Ft./unit (interior and corner lot)
F	Lot width – one family (minimum)	60 feet (interior lot) or 75 feet (corner lot)
G	Lot width – two family (minimum)	75 feet (interior lot) or 90 feet (corner lot)
	Accessory Structure setback, Interior Side or Rear (Minimum)	5 feet
	Other Standards	
H	Primary structure height (maximum)	25 feet
	Accessory Structure Height (Maximum)	16 feet
	Density	3-10 units/acre

(c) **General Regulations**

(1) Complete detailed dimensional standards are located in Section 5 – Development Standards and Incentives.

(2) Every building hereafter erected or structurally altered shall be located on a lot, and in no case shall there be more than one principal building on one lot. The term " principal building" shall be given its common, ordinary meaning; in case of

doubt, or on any question of interpretation, the decision shall rest with the Zoning Administrator.

(3) All dwellings shall be on permanent foundations which comply with the State Building Code, except that accessory uses such as screened or enclosed porches, canopies, decks, balconies, stairs, etc., may be placed on a noncontinuous permanent foundation as approved by the Building Official.

(4) In the case of permitted dwellings, the dwelling may be located less than ten (10) feet, but not less than five (5) feet, from not more than one (1) of the established interior side lot lines, provided:

All other yard setback requirements are met;

The remaining minimum ten (10) foot setback between the dwelling and the lot line, shall not be used for any accessory building;

The exterior wall of the dwelling, facing the interior side yard of less than ten (10) feet, shall contain no openings including doors, or windows, or provision for mechanical equipment.

(5) In instances where an existing single-family dwelling is deficient in its setback requirements, the building may be expanded along the existing building line, provided there is no greater encroachment into the required yard area. This provision in no way permits the expansion of a conforming building resulting in a setback less than established by this Unified Development Ordinance. In no case shall the expansion be closer than five (5) feet from an interior side yard property line.

Where no more than three interior lots have frontage on a "cross street," and where the corner lots are developed so that one side yard of each corner lot faces the "cross street," the front yard setback of the interior lots may conform to the side yard setbacks of the corner primary structures.

Permitted Encroachments into the regular setbacks are listed in Section 5.1 of this UDO.

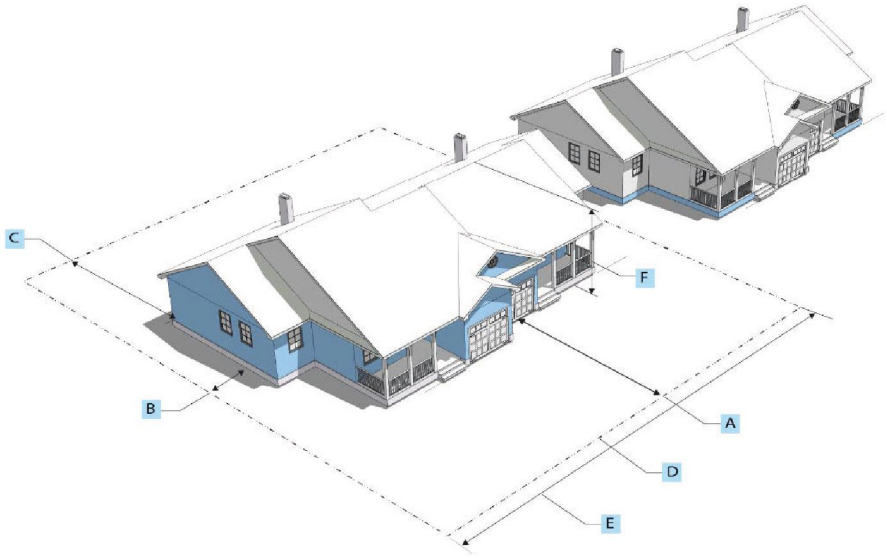
2.2.3 R3 – Medium Density Residential

(a) Purpose

The purpose of the R3 (Medium Density Residential) zoning district is to provide medium-density housing in townhouses, or condominium single family attached dwelling units. This district primarily supports attached single-family dwellings, but small lot, detached single-family dwellings are permitted as well. Allowed uses are shown in Section 4.2 Allowed Use Table.



(b) R3 Dimensional Standards



	Building Setbacks	
A	Front building setback (minimum)	35 feet (interior lot) or 35 feet along primary street and 15 along secondary street (corner lot)
B	Side building setback (minimum)	10 feet
C	Rear building setback (minimum)	40 feet
D	Lot area – (minimum)	4,000 sq. ft. per unit
E	Lot width – (minimum)	25 feet

	Accessory Structure setback, Interior Side or Rear (minimum)	5 feet
	Other Standards	
F	Primary structure height (maximum)	35 feet
	Accessory structure height (Maximum)	16 feet
	Density	5-10 units/acre

(c) **General Regulations**

(1) Complete detailed dimensional standards are located in Section 5 – Development Standards and Incentives

(2) Every building hereafter erected or structurally altered shall be located on a lot, and in no case shall there be more than one principal building on one lot. The term " principal building" shall be given its common, ordinary meaning; in case of doubt, or on any question of interpretation, the decision shall rest with the Zoning Administrator.

(3) All dwellings shall be on permanent foundations which comply with the State Building Code, except that accessory uses such as screened or enclosed porches, canopies, decks, balconies, stairs, etc., may be placed on a noncontinuous permanent foundation as approved by the Building Official.

(4) Permitted Encroachments into the regular setbacks are listed in Section 5.1 of this UDO.

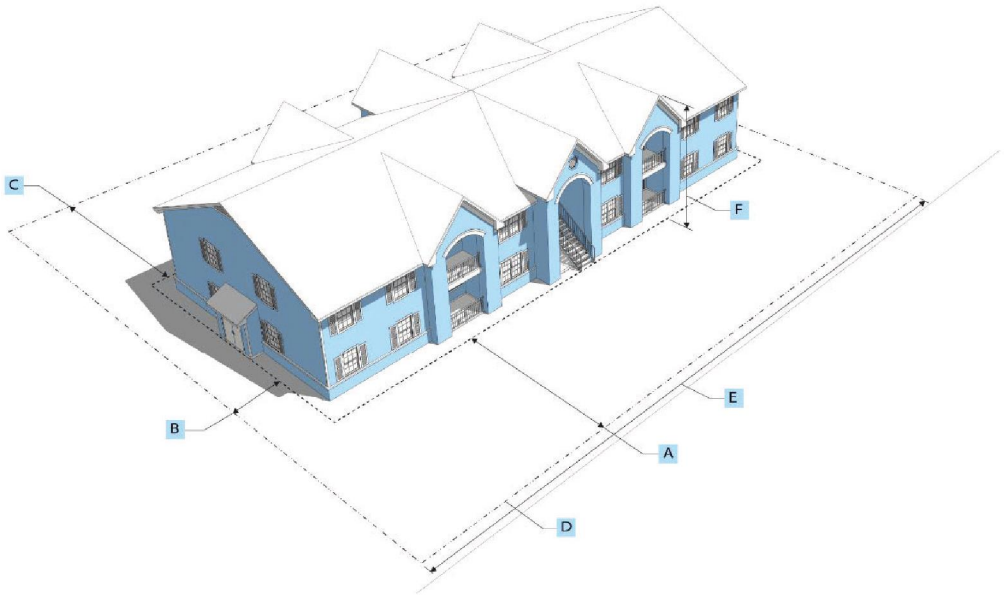
2.2.4 R4 – Medium High Density Residential

(a) **Purpose**

The purpose of the R4 (Medium High Density Residential) zoning district is to provide medium- to high-density housing in multiple family dwellings. This district primarily supports multi-family dwellings, but some attached single-family dwellings may also be permitted. Allowed uses are shown in Section 4.2 Allowed Use Table.



(a) R4 Dimensional Standards



	Building Setbacks	
A	Front building setback (minimum)	35 feet along primary street and secondary street (corner lot)
B	Side building setback (minimum)	10 feet
C	Rear building setback (minimum)	40 feet
D	Lot area (minimum)	2,200 sq. ft. per unit
E	Lot width (minimum)	100 feet

	Accessory Structure setback, Interior side or rear (minimum)	5 feet
	Other Standards	
F	Primary structure height (maximum)	40 feet
	Accessory Structure height (maximum)	16 feet
	Density	10-25 Units/acre

(b) **General Regulations**

(1) Complete detailed dimensional standards are located in Section 5 – Development Standards and Incentives.

(2) Every building hereafter erected or structurally altered shall be located on a lot, and in no case shall there be more than one principal building on one lot. The term " principal building" shall be given its common, ordinary meaning; in case of doubt, or on any question of interpretation, the decision shall rest with the Zoning Administrator.

(3) The required total minimum land area may be reduced 500 square feet for each required parking stall constructed completely underground, or otherwise provided in an integrated parking structure.

(4) Permitted Encroachments into the regular setbacks are listed in Section 5.1 of this UDO.

(5) In the case of corner lots, the lot lines not abutting street right-of-way shall, for the purpose of this Unified Development Ordinance, be considered side-interior lot lines, and except as otherwise provided, the use shall adhere to the setback requirements set out for interior side yards.

(6) For lots abutting R1 and R2 Districts, other than at a public street line

When a building exceeds 25 feet in height the setback from the R1 or R2 property shall be no less than equal to the height of the building, unless the building steps down to no greater than 25 feet on the side abutting the R1 or R2 zone.

A 15-foot-wide buffer strip on the side abutting the R1 or R2 District shall be provided which meets the following provisions:

The buffer strip shall be landscaped and not be used for parking, garages, driveways, off-street loading or storage.

The buffer strip shall contain an opaque fence, which is at least four feet in height.

The City Council may approve an alternative screening device design, provided it is in harmony with the residential neighborhood and provides a similar level of screening to an opaque fence.

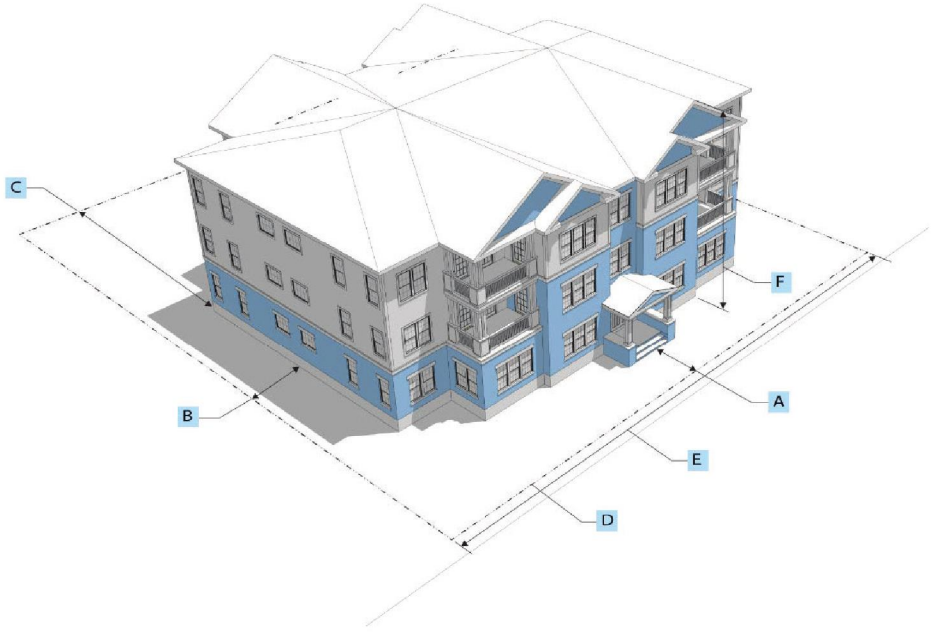
2.2.5 R5 – High Density Residential

(a) Purpose

The purpose of the R5 (High Density Residential) zoning district is to provide high-density housing of multiple family dwellings, such as townhomes, apartments, and condominiums. Future development or redevelopment of R5 land should be consistent with this land use designation and compatible with surrounding and adjacent land uses. Allowed uses are shown in Section 4.2 Allowed Use Table.



(a) R5 Dimensional Standards



Building Setbacks	

A	Front building setback (minimum)	35 feet along primary street and secondary street (corner lot)
B	Side building setback (minimum)	10 feet
C	Rear building setback (minimum)	40 feet
D	Lot area (minimum)	1,400 sq. ft. per unit
E	Lot width (minimum)	100 feet
	Accessory Structure setback, Interior side or rear (minimum)	5 feet
	Other Standards	
F	Primary structure height (maximum)	48 feet
	Accessory Structure height (maximum)	16 feet
	Density	20-31 Units/acre

(b) **General Regulations**

(1) Complete detailed dimensional standards are located in Section 5 – Dimensional Standards.

(2) Every building hereafter erected or structurally altered shall be located on a lot, and in no case shall there be more than one principal building on one lot. The term "principal building" shall be given its common, ordinary meaning; in case of doubt, or on any question of interpretation, the decision shall rest with the Zoning Administrator.

(3) The required total minimum land area may be reduced 500 square feet for each required parking stall constructed completely underground, or otherwise provided in an integrated parking structure.

(4) Permitted Encroachments into the regular setbacks are listed in Section 5.1 of this UDO.

(5) In the case of corner lots, the lot lines not abutting street right-of-way shall, for the purpose of this Unified Development Ordinance, be considered side-interior lot lines, and except as otherwise provided, the use shall adhere to the setback requirements set out for interior side yards.

(6) Lots Abutting R1 and R2 Districts, other than at a public street line

When a building exceeds 25 feet in height the setback from the R1 or R2 property shall be no less than equal to the height of the building, unless the building steps down to no greater than 25 feet on the side abutting the R1 or R2 zone.

A 15-foot-wide buffer strip on the side abutting the R1 or R2 District shall be provided which meets the following provisions:

The buffer strip shall be landscaped and not be used for parking, garages, driveways, off-street loading or storage.

The buffer strip shall contain an opaque fence, which is at least four feet in height.

2.3 Mixed-Use Districts

2.3.1 MX-N1 – Neighborhood Mixed-Use

(a) Purpose

The purpose of the MX-N1 (Neighborhood Mixed-Use) district is to accommodate low- to medium-density residential and multi-family residential development, with or without small-scale ground floor non-residential uses. In addition, MX-N1 allows for the reuse of residential structures with frontage on an arterial street for a variety of residential and non-residential uses. It is intended primarily for use along arterial corridors, at or near major intersections, and areas adjacent those zoned MX-N2 or similarly zoned areas. Allowed uses are shown in Section 4.2 Allowed Use Table.



MX-N1 Dimensional Standards



	Building Setbacks	
A	Front build-to line (min-max)	5-20 feet on primary and secondary street frontage
B	Side building setback (minimum)	10 feet
C	Rear building setback (minimum)	20 feet
D	Minimum lot size	N/A
	Accessory Structure setback, Interior side or rear (minimum)	5 feet
	Other Standards	
E	Structure height (maximum)	48 feet
	Density	15-31 Units/acre
	Accessory Structure height (maximum)	20 feet
	Maximum size of individual non-residential use	7,500 Square Feet

(b) **General Regulations**

(1) Complete detailed dimensional standards are located in Section 5 – Development Standards and Incentives.

(2) Every building hereafter erected or structurally altered shall be located on a lot, and in no case shall there be more than one principal building on one lot. The term "principal building" shall be given its common, ordinary meaning; in case of doubt, or on any question of interpretation, the decision shall rest with the Zoning Administrator.

(3) The required total minimum land area may be reduced 500 square feet for each required parking stall constructed completely underground, or otherwise provided in an integrated parking structure.

(4) Permitted Encroachments into the regular setbacks are listed in Section 5.1 of this UDO.

(5) In the case of corner lots, the lot lines not abutting street right-of-way shall, for the purpose of this Unified Development Ordinance, be considered side-interior lot lines, and except as otherwise provided, the use shall adhere to the setback requirements set out for interior side yards.

(6) After the effective date of this UDO, no new or additional vehicle parking spaces may be created between the front façade of an existing or new structure and the primary street frontage of the lot unless otherwise permitted by the zoning administrator.

(7) Lots Abutting R1 and R2 Districts, other than at a public street line

a. When a building exceeds 25 feet in height the setback from the R1 or R2 property shall be no less than equal to the height of the building, unless the building steps down to no greater than 25 feet on the side abutting the R1 or R2 zone.

b. A 15-foot-wide buffer strip on the side abutting the R1 or R2 District shall be provided which meets the following provisions:

1. The buffer strip shall be landscaped and not be used for parking, garages, driveways, off-street loading or storage.
2. The buffer strip shall contain an opaque fence, which is at least four feet in height.
3. The City Council may approve an alternative screening device design, provided it is in harmony with the residential neighborhood and provides a similar level of screening to an opaque similar level of screening to an opaque fence.

(c) **Building and Site Design**

(1) At least 50 percent of the first floor of the front façade of each primary building shall be located not more than ten feet from the front lot line.

(2) Each primary structure shall have at least one pedestrian entrance on each façade facing a public right-of-way.

(3) Each required pedestrian entrance for a nonresidential use shall open directly to the adjacent sidewalk without requiring pedestrians to pass through a lobby area, garage, parking lot, or a non-pedestrian area located between the building entrance and the entrance to individual ground floor nonresidential establishments in the building.

(4) At least 50 percent of each building façade facing a street, park, plaza, or other public space (not including areas occupied by doors or windows), shall be faced in brick, stone, cultured stone, real stucco, or other material of equivalent visual attractiveness, quality, and durability as determined by the Zoning Administrator.

(5) Each ground floor façade for a nonresidential use facing a public right-of-way shall have transparent windows or other transparent glazed areas covering at least 50 percent of the ground floor façade area between three and eight feet above sidewalk grade. Required glazed areas shall have a visible light transmittance ratio of 0.6 or higher, and shall not include reflective, heavily tinted, or black glass windows.

(d) **Streets and Public Space**

(1) Should new blocks be established, blocks shall be between 300 and 500 feet in length and shall have a block perimeter no greater than 2,000 feet.

(2) Bicycle and pedestrian facilities shall be constructed and connected to existing adjacent bicycle and pedestrian infrastructure, including the provision of bicycle parking.

(3) Attractive public gathering/seating areas, quality streetscaping, and space for outdoor seating shall be integrated into the site design.

(4) A six-foot minimum clear width shall be maintained on all walkways

(5) Public spaces shall be designed to promote social interaction, leisure opportunities, public gathering and activities, and/or to create focal points and activity nodes within development.

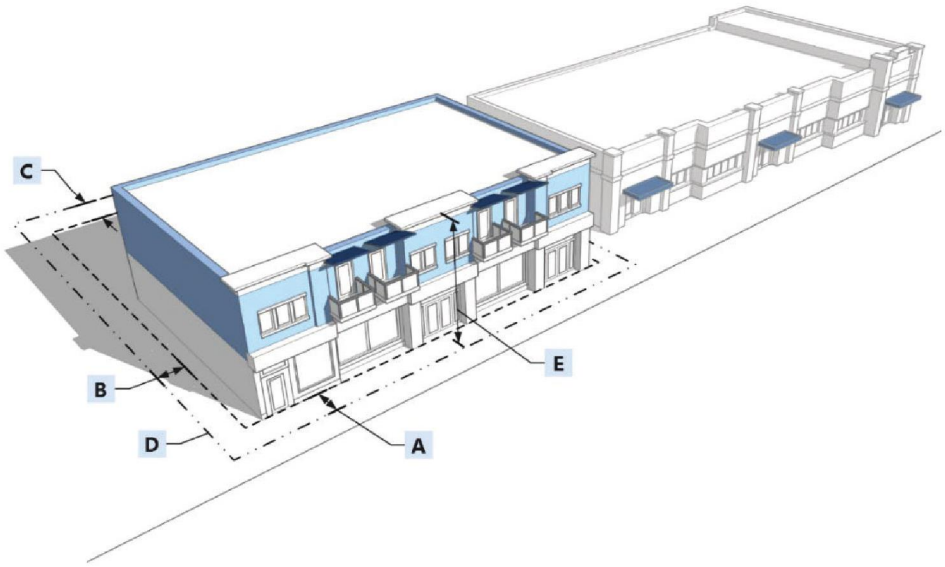
2.3.2 MX-N2 – Neighborhood Mixed-Use

(a) Purpose

The purpose of the MX-N2 (Neighborhood Mixed-Use) district is to accommodates small-scale, mixed-use neighborhood activity centers with comfortable gathering places, located and scaled to provide minor/convenience services near low density residential neighborhoods. Requirements for this zoning district avoid strip development patterns and the creation of destination retail or business uses serving areas beyond the immediate neighborhood. Allowed uses are shown in Section 4.2 Allowed Use Table.



(b) MX-N2 Dimensional Standards



	Building Setbacks	
A	Front build-to line (min-max)	5-20 feet on primary and secondary street frontage
B	Side building setback (minimum)	10 feet
C	Rear building setback (minimum)	10 feet
D	Minimum lot size	N/A
	Accessory Structure setback, Interior side or rear (minimum)	5 feet
	Other Standards	
E	Structure height (maximum)	48 feet
	Density	15-31 Units/acre
	Accessory Structure height (maximum)	20 feet
	Maximum size of individual non-residential use	10,000 Square Feet

(c) **General Regulations**

(1) Complete detailed dimensional standards are located in Section 5 – Development Standards and Incentives.

(2) Every building hereafter erected or structurally altered shall be located on a lot, and in no case shall there be more than one principal building on one lot. The term "principal building" shall be given its common, ordinary meaning; in case of doubt, or on any question of interpretation, the decision shall rest with the Zoning Administrator.

(3) The required total minimum land area may be reduced 500 square feet for each required parking stall constructed completely underground, or otherwise provided in an integrated parking structure.

(4) Permitted Encroachments into the regular setbacks are listed in Section 5.1 of this UDO.

(5) In the case of corner lots, the lot lines not abutting street right-of-way shall, for the purpose of this Unified Development Ordinance, be considered side-interior lot lines, and except as otherwise provided, the use shall adhere to the setback requirements set out for interior side yards.

(d) **Building and Site Design**

(1) At least 50 percent of the first floor of the front façade of each primary building shall be located not more than ten feet from the front lot line.

(2) Each primary structure shall have at least one pedestrian entrance on each façade facing a public right-of-way.

(3) Each required pedestrian entrance for a nonresidential use shall open directly to the adjacent sidewalk without requiring pedestrians to pass through a lobby area, garage, parking lot, or a non-pedestrian area located between the building

entrance and the entrance to individual ground floor nonresidential establishments in the building.

(4) At least 50 percent of each building façade facing a street, park, plaza, or other public space (not including areas occupied by doors or windows), shall be faced in brick, stone, cultured stone, real stucco, or other material of equivalent visual attractiveness, quality, and durability as determined by the Zoning Administrator.

(5) Each ground floor façade for a nonresidential use facing a public right-of-way shall have transparent windows or other transparent glazed areas covering at least 50 percent of the ground floor façade area between three and eight feet above sidewalk grade. Required glazed areas shall have a visible light transmittance ratio of 0.6 or higher, and shall not include reflective, heavily tinted, or black glass windows.

(6) After the effective date of this UDO, no new or additional vehicle parking spaces may be created between the front façade of an existing or new structure and the primary street frontage of the lot unless otherwise permitted by the zoning administrator.

(7) Lots Abutting R1 and R2 Districts, other than at a public street line

When a building exceeds 25 feet in height the setback from the R1 or R2 property shall be no less than equal to the height of the building, unless the building steps down to no greater than 25 feet on the side abutting the R1 or R2 zone.

A 15-foot-wide buffer strip on the side abutting the R1 or R2 District shall be provided which meets the following provisions:

The buffer strip shall be landscaped and not be used for parking, garages, driveways, off-street loading or storage.

The buffer strip shall contain an opaque fence, which is at least four feet in height.

The City Council May approve an alternative screening device design, provided it is in harmony with the residential neighborhood and provides a similar level of screening to an opaque similar level of screening to an opaque fence.

(e) **Streets and Public Space**

(1) Should new blocks be established, blocks shall be between 300 and 500 feet in length and shall have a block perimeter no greater than 2,000 feet.

(2) Bicycle and pedestrian facilities shall be constructed and connected to existing adjacent bicycle and pedestrian infrastructure, including the provision of bicycle parking.

(3) Attractive public gathering/seating areas, quality streetscaping, and space for outdoor seating shall be integrated into the site design.

(4) A six-foot minimum clear width shall be maintained on all walkways

(5) Public spaces shall be designed to promote social interaction, leisure opportunities, public gathering and activities, and/or to create focal points and activity nodes within development.

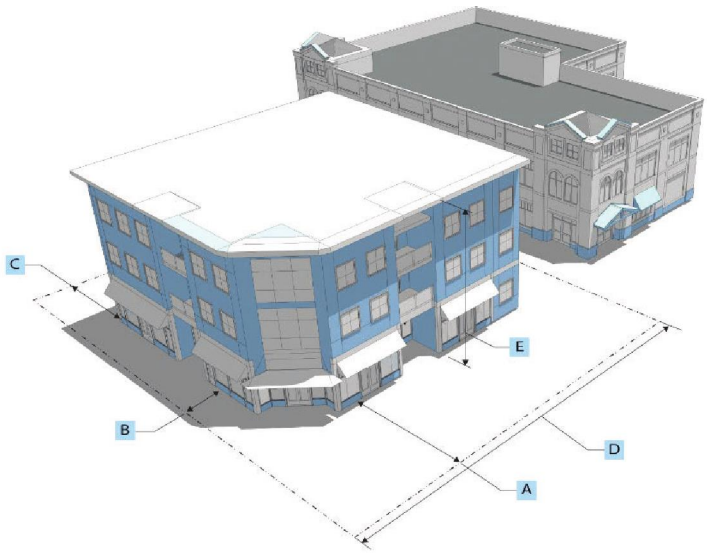
2.3.3 MX-C Commercial Mixed-Use

(a) Purpose

The purpose of the MX-C (Commercial Mixed-Use) district is to accommodate a hybrid urban form of commercial, office, retail, service and residential uses. This designation is intended primarily for areas adjacent to TOD, and is planned to have a more significant proportion of the land use designated for commercial, office, retail, and service uses, with supporting residential uses. This land use designation will focus on walkable and bikeable connections to adjacent land uses and selected destination nodes along transit corridors. Allowed uses are shown in Section 4.2 Allowed Use Table.



(b) MX-C Dimensional Standards



	Building Setbacks	
A	Front building setback (minimum)	10 feet on primary and secondary street frontage
B	Side building setback (minimum)	10 feet
C	Rear building setback (minimum)	20 feet
D	Lot width (minimum)	100 feet
	Accessory Structure setback, Interior side or rear (minimum)	5 feet
	Other Standards	
E	Structure Height	48 ft
	Density	10-60 Units/acre
	Lot Area	Minimum 2 acres contiguous parcel for residential uses
	Accessory Structure height (maximum)	20 feet

(c) **General Regulations**

(1) Complete detailed dimensional standards are located in Section 5 – Development Standards and Incentives.

(2) Every building hereafter erected or structurally altered shall be located on a lot, and in no case shall there be more than one principal building on one lot. The term "principal building" shall be given its common, ordinary meaning; in case of doubt, or on any question of interpretation, the decision shall rest with the Zoning Administrator.

(3) The required total minimum land area may be reduced 500 square feet for each required parking stall constructed completely underground, or otherwise provided in an integrated parking structure.

(4) Permitted Encroachments into the regular setbacks are listed in Section 5.1 of this UDO.

(5) In the case of corner lots, the lot lines not abutting street right-of-way shall, for the purpose of this Unified Development Ordinance, be considered side-interior lot lines, and except as otherwise provided, the use shall adhere to the setback requirements set out for interior side yards.

(d) **Building and Site Design**

(1) Interior side yard setback requirements may be waived where abutting property owners wish to abut along a common wall built along the property line.

(2) Lots Abutting R1 and R2 Districts, other than at a public street line

(A) When a building exceeds 25 feet in height the setback from the R1 or R2 property shall be no less than equal to the height of the building, unless the building steps down to no greater than 25 feet on the side abutting the R1 or R2 zone.

(B) A 15-foot-wide buffer strip on the side abutting the R1 or R2 District shall be provided which meets the following provisions:

1. The buffer strip shall be landscaped and not be used for parking, garages, driveways, off-street loading or storage.
2. The buffer strip shall contain an opaque fence, which is at least four feet in height.
3. The City Council may approve an alternative screening device design, provided it is in harmony with the residential neighborhood and provides a similar level of screening to an opaque similar level of screening to an opaque fence.

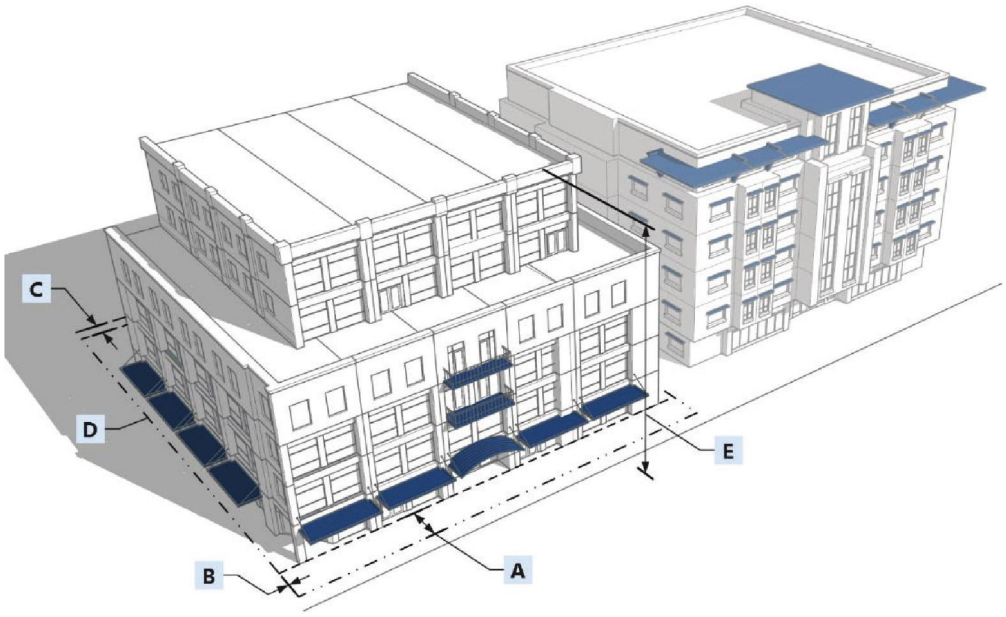
2.3.4 Transit Oriented Development

(a) Purpose

The purpose of the TOD (Transit Oriented Development) district is to support opportunities for dense, transit-supportive and transit-oriented development. The TOD district requires intensities and patterns of development that support vibrant pedestrian activity, and discourages land uses and development patterns that could decrease walkability or interfere with future growth of transit-oriented development and transit ridership. The district intends to promote sustainable urban places that include places to live, work, shop, and recreate, reduce reliance on automobiles, and encourage the use of public transit. The district intends to foster job creation and economic growth in near-proximity to transit, and provides citizens with new housing and lifestyle choices with a high level of amenities and spaces for social interaction. Allowed uses are shown in Section 4.2 Allowed Use Table.



(b) TOD Dimensional Standards



	Building Setbacks	
A	Front building setback (maximum)	0-10 feet both primary and secondary street frontage
B	Side building setback (minimum)	10 feet, or 50 feet if abutting a R1 or R2 district
C	Rear building setback (minimum)	If no alley: 10 feet; If alley: 5 feet Except as required by Fire Code 50 feet if abutting an R1 or R2 district
	Accessory Structure setback, Interior side or rear (minimum)	5 feet
	Other Standards	
D	Block Perimeter (maximum)	2000 ft
E	Structure Height	No Limit
	Density	31-130 Units/acre
	Accessory Structure height (maximum)	20 feet

(c) General Regulations

(1) Complete detailed dimensional standards are located in Section 5 – Development Standards and Incentives.

(2) Every building hereafter erected or structurally altered shall be located on a lot, and in no case shall there be more than one principal building on one lot. The term "principal building" shall be given its common, ordinary meaning; in case of doubt, or on any question of interpretation, the decision shall rest with the Zoning Administrator.

(3) The required total minimum land area may be reduced 500 square feet for each required parking stall constructed completely underground, or otherwise provided in an integrated parking structure.

(4) Permitted Encroachments into the regular setbacks are listed in Section 5.1 of this UDO.

(5) In the case of corner lots, the lot lines not abutting street right-of-way shall, for the purpose of this Unified Development Ordinance, be considered side-interior lot lines, and except as otherwise provided, the use shall adhere to the setback requirements set out for interior side yards.

(d) **Building and Site Design**

(1) At least 60 percent of the first floor of the front façade of each primary building shall be located not more than eight feet from each lot line.

(2) Each primary structure shall have at least one pedestrian entrance on each façade facing a public right-of-way.

(3) Each required pedestrian entrance for a nonresidential use shall open directly to the adjacent sidewalk without requiring pedestrians to pass through a lobby area, garage, parking lot, or a non-pedestrian area located between the building entrance and the entrance to individual ground floor nonresidential establishments in the building.

(4) At least 50 percent of each building façade facing a street, park, plaza, or other public space (not including areas occupied by doors or windows), shall be faced in brick, stone, cultured stone, real stucco, or other material of equivalent visual attractiveness, quality, and durability as determined by the Zoning Administrator.

(5) At least 50 percent of the ground floor of any parking structure abutting a public street shall have habitable or commercial space for a depth of at least 30 feet.

(6) Each ground floor façade for a nonresidential use facing a public right-of-way shall have transparent windows or other transparent glazed area covering at least 65 percent of the ground floor façade area between three and eight feet above sidewalk grade. Required glazed areas shall have a visible light transmittance ratio of 0.6 or higher, and shall not include reflective, heavily tinted, or black glass windows.

(7) Non-residential ground floor areas facing streets shall be designed with a minimum height of 13 feet to accommodate retail or other uses generating pedestrian traffic.

(e) **Streets and Public Space**

(1) Should new blocks be established, blocks shall be between 300 and 500 feet in length and shall have a block perimeter no greater than 2,000 feet.

(2) Bicycle and pedestrian facilities shall be constructed and connected to existing adjacent bicycle and pedestrian infrastructure, including the provision of bicycle parking.

(3) Each development in the TOD district shall support walkability, multimodal connectivity, and public space principles and goals outlined in the City Comprehensive Plan, cohesive with the surrounding context, and:

Integrate attractive public gathering/seating areas, quality streetscaping, and space for sidewalk cafes while maintaining a six-foot minimum clear zone for pedestrian passage,

Allocate a portion of TDC for landscaping, streetscaping, public art and/or placemaking elements.

(4) Public spaces shall be designed to promote social interaction, leisure opportunities, public gathering and activities, and/or to create focal points and activity nodes within development.

(5) Along all public streets, all utility boxes and above-ground utility installations other than street and pedestrian light poles, traffic safety signals, and fire hydrants shall comply with the following standards to the maximum extent practicable and consistent with their function:

(6) They shall be located to the side or rear of buildings; or

Where a side or rear location is impracticable, they shall be set back a minimum of three feet from the sidewalk, and the three foot minimum setback shall be landscaped with shrubbery that will screen the utility structure from public view.

(7) Interior side yard setback requirements may be waived where abutting property owners wish to abut along a common wall built along the property line.

(f) Motor Vehicle Parking

At least 70 percent of provided parking shall be located in structured or covered parking

(g) Density and Incentive Bonuses

See section 5.2.1 for Density Bonus program details

2.4 Non-Residential Districts

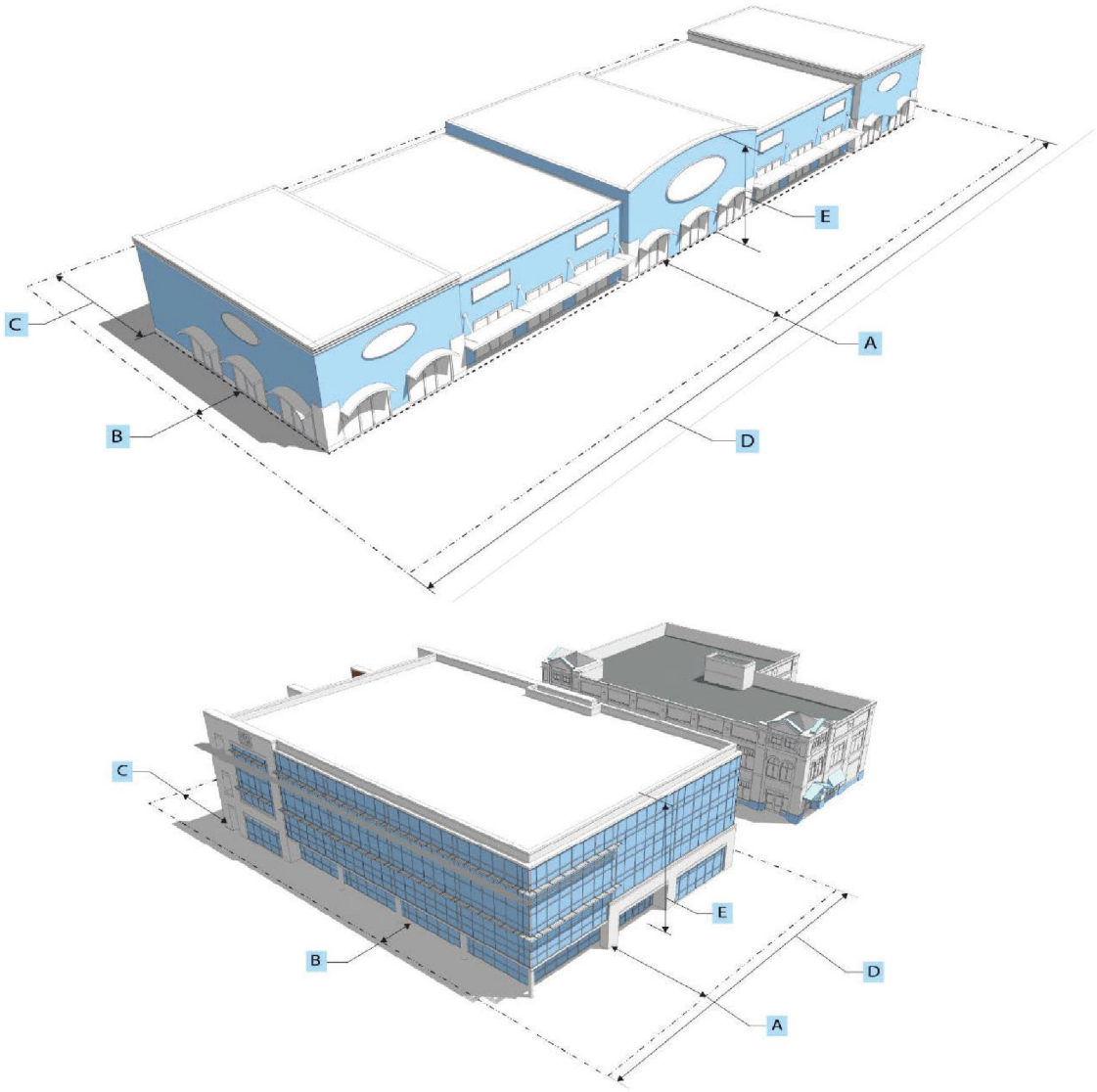
2.4.1 C – Commerce – Service/Office District

(a) Purpose

The purpose of the C (Commerce) district is to supports commerce activity in the form of the retail sale, eating establishments, service/office uses, repair/service uses, medical and health uses, contract/construction uses, educational uses, and other uses similar in nature, as determined by the City Council. Allowed uses are shown in Section 4.2 Allowed Use Table.



(b) C Dimensional Standards



	Building Setbacks	
A	Front building setback (minimum)	35 feet primary and secondary street frontage
B	Side building setback (minimum)	10 feet
C	Rear building setback (minimum)	40 feet
D	Lot width (minimum)	100 feet
	Other Standards	
E	Primary structure height (maximum)	40 feet

(c) General Regulations

(1) Complete detailed dimensional standards are located in Section 5 – Development Standards and Incentives.

(2) Every building hereafter erected or structurally altered shall be located on a lot, and in no case shall there be more than one principal building on one lot. The term "principal building" shall be given its common, ordinary meaning; in case of doubt, or on any question of interpretation, the decision shall rest with the Zoning Administrator.

(3) The required total minimum land area may be reduced 500 square feet for each required parking stall constructed completely underground, or otherwise provided in an integrated parking structure.

(4) Permitted Encroachments into the regular setbacks are listed in Section 5.1 of this UDO.

(5) In the case of corner lots, the lot lines not abutting street right-of-way shall, for the purpose of this Unified Development Ordinance, be considered side-interior lot lines, and except as otherwise provided, the use shall adhere to the setback requirements set out for interior side yards.

(d) Building and Site Design

Interior side yard setback requirements may be waived where abutting property owners wish to abut along a common wall built along the property line.

(e) Lots Abutting R1 and R2 Districts

(1) When a building in a Commercial zone exceeds 25 feet in height and abuts an R1 or R2 zone, the setback of this building from the R1 or R2 property shall be no less than equal to the height of the building, unless the building steps down to no greater than 25 feet on the side abutting the R1 or R2 zone.

(2) In the case of corner lots, the lot lines not abutting street right-of-way shall, for the purpose of this Unified Development Ordinance, be considered side-interior lot lines, and except as otherwise provided, the use shall adhere to the setback requirements set out for interior side yards.

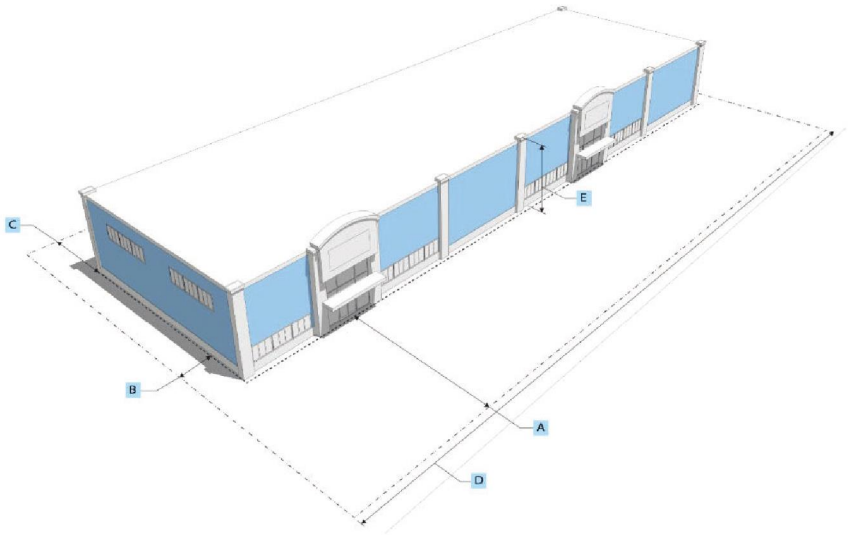
2.4.2 MX-B – Business Mixed Use

(a) Purpose

The purpose of the MX-B (Business Mixed Use) district to accommodate land for a mix of business and light industrial uses, with allowances for supporting retail/service uses. This designation encourages redevelopment or development of commercial, office, general business, and light industrial uses in coordination with supportive retail/commercial uses towards encouraging a more dynamic and connected experience for workers. This land use does not plan for residential uses but may include limited live-work opportunities as established through supporting official controls. Allowed uses are shown in Section 4.2 Allowed Use Table.



(b) MX-B Dimensional Standards



Building Setbacks

A	Front building setback (minimum)	35 feet primary and secondary street frontage
B	Side building setback (minimum)	10 feet
C	Rear building setback (minimum)	25 feet
D	Lot width (minimum)	100 feet

(c) General Regulations

(1) Complete detailed dimensional standards are located in Section 5 – Development Standards and Incentives.

(2) Every building hereafter erected or structurally altered shall be located on a lot, and in no case shall there be more than one principal building on one lot. The term "principal building" shall be given its common, ordinary meaning; in case of doubt, or on any question of interpretation, the decision shall rest with the Zoning Administrator.

(3) The required total minimum land area may be reduced 500 square feet for each required parking stall constructed completely underground, or otherwise provided in an integrated parking structure.

(4) Permitted Encroachments into the regular setbacks are listed in Section 5.1 of this UDO.

(5) In the case of corner lots, the lot lines not abutting street right-of-way shall, for the purpose of this Unified Development Ordinance, be considered side-interior lot lines, and except as otherwise provided, the use shall adhere to the setback requirements set out for interior side yards.

(d) Building and Site Design

Interior side yard setback requirements may be waived where abutting property owners wish to abut along a common wall built along the property line.

(e) Lots Abutting R1 and R2 Districts

(1) When a building in a Commercial zone exceeds 25 feet in height and abuts an R1 or R2 zone, the setback of this building from the R1 or R2 property shall be no less than equal to the height of the building, unless the building steps down to no greater than 25 feet on the side abutting the R1 or R2 zone.

(2) In the case of corner lots, the lot lines not abutting street right-of-way shall, for the purpose of this Unified Development Ordinance, be considered side-interior lot lines, and except as otherwise provided, the use shall adhere to the setback requirements set out for interior side yards.

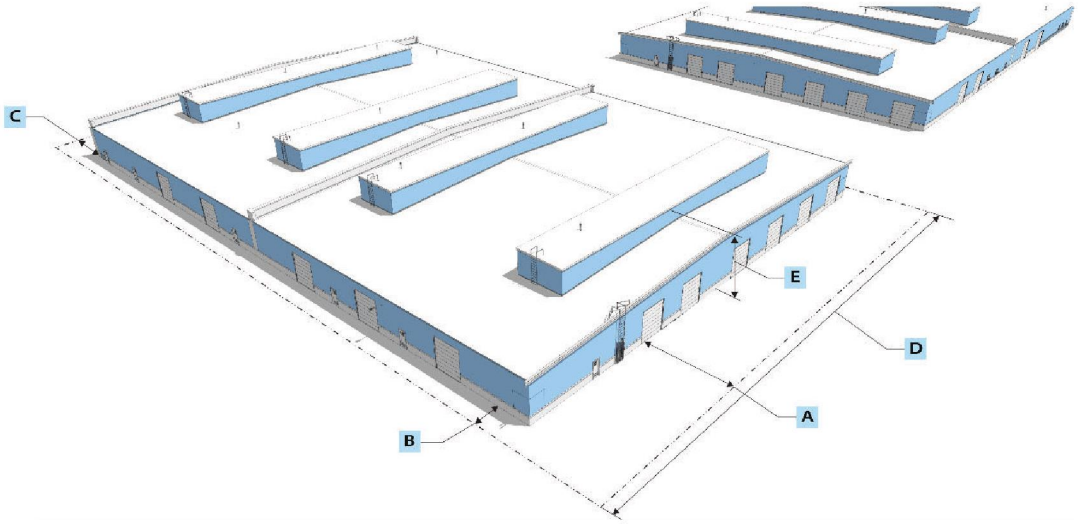
2.4.3 I – General Industry

(a) Purpose

The purpose of the I (General Industrial) district is to support industrial uses such as manufacturing, wholesale trade activities, service activities, truck terminals or exchange stations, public transit terminals, and similar uses. Allowed uses are shown in Section 4.2 Allowed Use Table.



(a) I Dimensional Standard



	Building Setbacks	
A	Front building setback (minimum)	50 feet primary and secondary street frontage
B	Side building setback (minimum)	10 feet
C	Rear building setback (minimum)	25 feet
D	Lot width (minimum)	100 feet
	Other Standards	
E	Primary structure height (maximum)	48 feet

(b) **General Regulations**

(1) Complete detailed dimensional standards are located in Section 5 – Development Standards and Incentives.

(2) Every building hereafter erected or structurally altered shall be located on a lot, and in no case shall there be more than one principal building on one lot. The term "principal building" shall be given its common, ordinary meaning; in case of doubt, or on any question of interpretation, the decision shall rest with the Zoning Administrator.

(3) The required total minimum land area may be reduced 500 square feet for each required parking stall constructed completely underground, or otherwise provided in an integrated parking structure.

(4) Permitted Encroachments into the regular setbacks are listed in Section 5.1 of this UDO.

(5) In the case of corner lots, the lot lines not abutting street right-of-way shall, for the purpose of this Unified Development Ordinance, be considered side-interior lot lines, and except as otherwise provided, the use shall adhere to the setback requirements set out for interior side yards.

(c) **Building and Site Design**

Interior side yard setback requirements may be waived where abutting property owners wish to abut along a common wall built along the property line.

(d) **Lots Abutting R1 and R2 Districts**

(1) When a building in a Commercial zone exceeds 25 feet in height and abuts an R1 or R2 zone, the setback of this building from the R1 or R2 property shall be no less than equal to the height of the building, unless the building steps down to no greater than 25 feet on the side abutting the R1 or R2 zone.

(2) In the case of corner lots, the lot lines not abutting street right-of-way shall, for the purpose of this Unified Development Ordinance, be considered side-interior lot lines, and except as otherwise provided, the use shall adhere to the setback requirements set out for interior side yards.

2.5 Special Purpose Districts

2.5.1 O – Public Open Space

(a) **Purpose**

The purpose of the O (Public Open Space) district is to preserve or encourage the use of lands designated for public park and open space use. Allowed uses are shown in Section 4.2 Allowed Use Table.



Section 3: Overlay Districts

3.1 Overlay Districts.

The following overlay districts are hereby established for the City:

Overlay Districts	
FP	Floodplain
SL	Shoreland
CA	Mississippi River Corridor Critical Area

The boundaries of the overlay districts are shown on the Zoning Map.

3.1.1 FP – Floodplain

(a) Statutory Authorization, Findings of Fact and Purpose

(1) Statutory Authorization

The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 462, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses.

(A) Purpose. This Unified Development Ordinance regulates development in the flood hazard areas of the City. 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 Unified Development Ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.

(B) National Flood Insurance Program Compliance. This UDO is adopted to comply with the rules and regulations of the National Flood Insurance Program.

(C) This UDO 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.

(b) General Provisions

(1) How to Use This Section

(A) This section adopts the floodplain maps applicable to the City of Brooklyn Center and includes three floodplain districts: Floodway, Flood Fringe, and General Floodplain.

(B) Where Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards in Sections 3.1.1(d) and 3.1.1(e) will apply, depending on the location of a property.

(C) Locations where Floodway and Flood Fringe districts are not delineated on the floodplain maps are considered to fall within the General Floodplain district. Within the General Floodplain district, the Floodway District standards in Section 3.1.1(d) apply unless the floodway boundary is determined, according to the process outlined in Section 3.1.1(f) Once the floodway boundary is determined, the Flood Fringe District standards in Section 3.1.1(e) may apply outside the floodway.

(2) Lands to Which Section Applies

(A) This section applies to all lands within the jurisdiction of the City of Brooklyn Center shown on the Official Zoning Map and/or the attachments to the map as being located within the boundaries of the Floodway, Flood Fringe, or General Floodplain Districts.

(B) The Floodway, Flood Fringe and General Floodplain Districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in this Unified Development Ordinance. In case of a conflict, the more restrictive standards will apply.

(C) Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Board of Adjustments and Appeals and to submit technical evidence.

(3) Incorporation of Maps by Reference

(A) 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 Unified Development Ordinance. The attached material includes the Flood Insurance Study for Hennepin County, Minnesota, and Incorporated Areas, dated November 4, 2016 and the Flood Insurance Rate Map panels enumerated below, dated November 4, 2016, all prepared by the Federal Emergency Management Agency. These materials are on file in the offices of the Zoning Administrator and the City Clerk.

(B) Effective Flood Insurance Rate Map panels numbers as follows: 27053C0203F; 27053C0204F; 27053C0208F; 27053C0209F; 27053C0212F; 27053C0216F.

(4) Regulatory Flood Protection Elevation

The regulatory flood protection elevation (RFPE) is an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

(5) Interpretation

(A) The boundaries of the zoning districts are determined by scaling distances on the Flood Insurance Rate Map.

(B) Where a conflict exists between the floodplain limits illustrated on the official zoning map and actual field conditions, the flood elevations shall be the governing factor. The Zoning Administrator must interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.

(C) Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Board of Adjustments and Appeals and to submit technical evidence.

(6) Abrogation and Greater Restrictions

It is not intended by this section to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this section imposes greater restrictions, the provisions of this Unified Development Ordinance prevail. All other sections inconsistent with this section are hereby repealed to the extent of the inconsistency only.

(7) Warning and Disclaimer of Liability

This Unified Development 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. This Unified Development Ordinance does not create liability on the part of the City of Brooklyn Center or its officers or employees for any flood damages that result from reliance on this Unified Development Ordinance or any administrative decision lawfully made hereunder.

(8) Annexations

The Flood Insurance Rate Map panels adopted by reference into Section 3.1.1(b)(3) above may include floodplain areas that lie outside of the corporate boundaries of the City of Brooklyn Center at the time of adoption of this Unified Development Ordinance. If any of these floodplain land areas are annexed into the City of Brooklyn Center after the date of adoption of this Unified Development Ordinance, the newly annexed floodplain lands will be subject to the provisions of this Unified Development Ordinance immediately upon the date of annexation.

(9) Detachments

The Flood Insurance Rate Map panels adopted by reference into Section 3.1.1(b)(3) above will include floodplain areas that lie inside the corporate boundaries of other municipalities at the time of adoption of this Unified Development Ordinance. If any of these floodplain land areas are detached from another municipality and come under the jurisdiction of the City of Brooklyn Center after the date of adoption of this Unified Development Ordinance, the newly detached floodplain lands will be subject to the provisions of this Unified Development Ordinance immediately upon the date of detachment.

(c) Establishment of Zoning Districts

(1) Districts

(A) Floodway District

The Floodway District includes those areas within Zones AE that have a floodway delineated as shown on the Flood Insurance Rate Map adopted in Section 3.1.1(b)(3). For lakes, wetlands and other basins within Zones AE that do not have a floodway delineated, the Floodway District also includes those areas that are at or below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005.

(B) Flood Fringe District

The Flood Fringe District includes areas within Zones AE that have a floodway delineated on the Flood Insurance Rate Map adopted in Section 3.1.1(b)(3), but are located outside of the floodway. For lakes, wetlands and other basins within Zones AE that do not have a floodway delineated, the Flood Fringe District also includes those areas below the one percent (1%) annual chance (100-year) flood elevation but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005.

(C) General Floodplain District

The General Floodplain District includes those areas within Zone A as shown on the Flood Insurance Rate Map adopted in Section 3.1.1(b)(3).

(2) Applicability

Within the floodplain districts established in this Unified Development Ordinance, the use, size, type and location of development must comply with the terms of this ordinance and other applicable regulations. In no cases shall floodplain development adversely affect the efficiency or unduly

restrict the capacity of the channels or floodways of any tributaries to the mainstream, drainage ditches, or any other drainage facilities or systems. All uses not listed as permitted uses or conditional uses in Section 3.1.1(d), Section 3.1.1(e), and Section 3.1.1((f) noted herein are prohibited. In addition, critical facilities, as defined in Section 3.1.1(b)(9) are prohibited in all floodplain districts.

(d) Floodway District (FW)

(1) Permitted Uses

The following uses, subject to the standards set forth in Section 3.1.1(d)(2) below are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:

(A) General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

(B) Industrial-commercial loading areas, parking areas, and airport landing strips.

(C) Open space uses, including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails.

(D) Residential lawns, gardens, parking areas, and play areas.

(E) Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources' Area Hydrologist is notified at least ten days prior to issuance of any permit.

(2) Standards for Floodway Permitted Uses

(A) The use must have a low flood damage potential.

(B) The use must not obstruct flood flows or cause any increase in flood elevations and must not involve structures, obstructions, or storage of materials or equipment.

(C) Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

(3) Conditional Uses in Floodway

The following uses may be allowed as conditional uses following the standards and procedures set forth in Section 3.1.1(j)(4) of this Unified Development Ordinance and further subject to the standards set forth in Section 3.1.1(d)(4) below, if otherwise allowed in the underlying zoning district or any applicable overlay district.

(A) Structures accessory to the uses listed in Section 3.1.1(d)(1)(A), (1)(B), and (1)(C) above and the uses listed in in Section 3.1.1(d)(3)(A) and (3)(B) below.

(B) Extraction and storage of sand, gravel, and other materials.

(C) Marinas, boat rentals, docks, piers, wharves, and water control structures.

(D) Storage yards for equipment, machinery, or materials.

(E) Placement of fill or construction of fences that obstruct flood flows. Farm fences, as defined Section 3.1.1(b)(9)(A) are permitted uses.

(F) Travel-ready recreational vehicles meeting the exception standards in Section 3.1.1(i)(2)(B).

(G) Levees or dikes intended to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

(4) **Standards for Floodway Conditional Uses**

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

(B) Accessory structures. Structures accessory to the uses detailed in Section 3.1.1(d)(3) and Section 3.1.1(d)(1) must be constructed and placed so as to offer a minimal obstruction to the flow of flood waters, and are subject to the standards in Section 3.1.1(e)(B).

(e) **All Uses.**

A conditional use must not cause any increase in the stage of the 1% chance or regional flood or cause an increase in flood damages in the reach or reaches affected.

(1) **Fill; Storage of Materials and Equipment:**

(A) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

(B) Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.

(C) Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the 1% percent chance or regional flood may only be allowed if the City has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.

(2) **Accessory Structures.**

Accessory structures, as identified in Section 3.1.1(d)(3)(A) above may be permitted, provided that:

(A) Structures are not intended for human habitation;

(B) Structures will have a low flood damage potential;

(C) Structures will be constructed and placed so as to offer a minimal obstruction to the flow of flood waters;

(D) Service utilities, such as electrical and heating equipment, within these structures must be elevated to or above the regulatory flood protection elevation or properly floodproofed;

(E) Structures must be elevated on fill or structurally dry floodproofed in accordance with the FP1 or FP2 floodproofing classifications in the State Building Code. All floodproofed structures must be adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls.

(F) As an alternative, an accessory structure may be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided the accessory structure constitutes a minimal investment and does not exceed 576 square feet in size. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:

i. To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

ii. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

(G) Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of Minnesota Statutes, Section 103G.245.

(H) A levee, dike or floodwall constructed in the floodway must not cause an increase to the 1% chance or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.

(I) Floodway developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

(f) Flood Fringe District (FF)

(1) Permitted Uses

Permitted uses are those uses of land or structures allowed in the underlying zoning district(s) that comply with the standards in Section 3.1.1(f)(2) below. If no pre-existing, underlying zoning districts exist, then any residential or nonresidential structure or use of a structure or land is a permitted use provided it does not constitute a public nuisance.

(2) Standards for Flood Fringe Permitted Uses

(A) All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure.

(B) Accessory Structures. As an alternative to the fill requirements of Section 3.1.1(e)(2)(A) noted above, structures accessory to the uses identified in Section 3.1.1(e)(1) above may be permitted to be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided that:

i. The accessory structure constitutes a minimal investment, does not exceed 576 square feet in size, and is only used for parking and storage.

ii. All portions of floodproofed accessory structures below the Regulatory Flood Protection Elevation must be:

1. adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls;
2. be constructed with materials resistant to flood damage; and
3. must have all service utilities be water-tight or elevated to above the regulatory flood protection elevation.

(C) Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:

i. To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

ii. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

(D) The cumulative placement of fill or similar material on a parcel must not exceed 1,000 cubic yards, unless the fill is specifically intended to elevate a structure in accordance with Section 3.1.1(e)(2)(A) of this Unified Development Ordinance, or if allowed as a conditional use under Section 3.1.1(f)(3)(C) below.

(E) The storage of any materials or equipment must be elevated on fill to the regulatory flood protection elevation.

(F) All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.

(G) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

(H) All fill must be properly compacted, and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.

(I) All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation or must have a flood warning / emergency evacuation plan acceptable to the City.

(J) Accessory uses such as yards, railroad tracks, 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 that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

(K) Interference with normal manufacturing/industrial plant operations must be minimized, especially along streams having protracted flood durations. In considering permit applications, due consideration must be given to the needs of industries with operations that require a floodplain location.

(L) Manufactured homes and recreational vehicles must meet the standards of Section 3.1.1(i) of this Unified Development Ordinance.

(3) Conditional Uses

The following uses and activities may be allowed as conditional uses, if allowed in the underlying zoning district(s) or any applicable overlay district, following the procedures in Section 3.1.1(j)(4) of this Unified Development Ordinance.

(A) Any structure that is not elevated on fill or floodproofed in accordance with Section 3.1.1(e)(2)(A) and (2)(B) of this Unified Development Ordinance.

(B) Storage of any material or equipment below the regulatory flood protection elevation.

(C) 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 3.1.1(e)(2)(A) of this Unified Development Ordinance.

(D) The use of methods to elevate structures above the regulatory flood protection elevation, including stilts, pilings, parallel walls, or above-grade, enclosed areas such as crawl spaces or tuck under garages, shall meet the standards in Section 3.1.1(e)(2)(E) below.

(4) Standards for Flood Fringe Conditional Uses

(A) The standards listed in Section 3.1.1(f)(2)(D) through (2)(J) above apply to all conditional uses.

(B) Basements, as defined by Section 3.1.1(b)(9)(A) of this Unified Development Ordinance, are subject to the following:

i. Residential basement construction is not allowed below the regulatory flood protection elevation; and

ii. Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry floodproofed in accordance with the below Section 3.1.1(e)(4)(C) of this Unified Development Ordinance.

iii. All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be floodproofed in accordance with the structurally dry floodproofing classifications in the State Building Code. Structurally dry floodproofing must meet the FP1 or FP2 floodproofing classification in the State Building Code, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

iv. 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.

(C) 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.

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

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

i. Storage of materials and equipment below the regulatory flood protection elevation must comply with an approved emergency plan providing for removal of such materials within the time available after a flood warning.

ii. Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. The base or floor of an enclosed area shall be considered above grade and not a structure' s basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

4. Design and Certification – The structure' s design and as-built condition must be certified by a registered professional engineer as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.
5. Specific Standards for Above-grade, Enclosed Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:
   I. *The minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. There shall be a minimum of two 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 automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and*
   II. *That the enclosed area will be designed of flood resistant materials in accordance with the FP3 or FP4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.*

(g) General Floodplain District (GF)

(1) Permitted Uses

(A) The uses listed in Section 3.1.1(d)(1) of this Unified Development Ordinance, Floodway District Permitted Uses, are permitted uses.

(B) All other uses are subject to the floodway/flood fringe evaluation criteria specified in Section 3.1.1(g)(2) below. Section 3.1.1(d) applies if the proposed use is determined to be in the Floodway District. Section 3.1.1(e) applies if the proposed use is determined to be in the Flood Fringe District.

(2) Procedures for Floodway and Flood Fringe Determinations

(A) Upon receipt of an application for a permit or other approval within the General Floodplain District, the Zoning Administrator must obtain, review and reasonably utilize any regional flood elevation and floodway data available from a federal, state, or other source.

(B) If regional flood elevation and floodway data are not readily available, the applicant must furnish additional information, as needed, to determine the regulatory flood protection elevation and whether the proposed use would fall within the Floodway or Flood Fringe District. Information must be consistent with accepted hydrological and hydraulic engineering standards and the standards in Section 3.1.1(f)(2)(C) below.

(C) The determination of floodway and flood fringe must include the following components, as applicable:

i. Estimate the peak discharge of the regional (1% chance) flood.

ii. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.

iii. Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than one-half (0.5) foot. A lesser stage increase than 0.5 foot is required if, as a result of the stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries.

(D) The Zoning Administrator will review the submitted information and assess the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary. The assessment must include the cumulative effects of previous floodway encroachments. The Zoning Administrator may seek technical assistance from a designated engineer or other expert person or agency, including the Department of Natural Resources. Based on this assessment, the Zoning Administrator may approve or deny the application.

(E) Once the Floodway and Flood Fringe District boundaries have been determined, the Zoning Administrator must process the permit application consistent with the applicable provisions of Sections 3.1.1(d) and 3.1.1(e) of this Unified Development Ordinance.

(h) Land Development Standards

(1) In General

Recognizing that flood prone areas may exist outside of the designated floodplain districts, the requirements of this section apply to all land within the City of Brooklyn Center.

(2) Subdivisions

(A) No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this Unified Development Ordinance.

(B) All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.

(C) All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been approved by the City. The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.

(D) For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.

(E) In the General Floodplain District, applicants must provide the information required in Section 3.1.1(f)(2) of this Unified Development Ordinance to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.

(F) If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal must be reviewed to assure that:

i. All such proposals are consistent with the need to minimize flood damage within the flood prone area;

ii. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and

iii. Adequate drainage is provided to reduce exposure of flood hazard.

(3) Building Sites

If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) must be:

(A) Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(B) Constructed with materials and utility equipment resistant to flood damage;

(C) Constructed by methods and practices that minimize flood damage; and

(D) Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(i) Public Utilities, Railroads, Roads, and Bridges

(1) Public Utilities

All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be floodproofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.

(2) Public Transportation Facilities

Railroad tracks, roads, and bridges to be located within the floodplain must comply with Sections 3.1.1(d) and 3.1.1(e) of this Unified Development Ordinance. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

(3) On-site Water Supply and Sewage Treatment Systems

Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and are subject to the provisions in Minnesota Rules Part 4725.4350, as amended; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, they must not be subject to impairment or contamination during times of flooding, and are subject to the provisions in Minnesota Rules Part 7080.2270, as amended.

(4) Recreational Vehicles

(A) New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Placement of recreational vehicles in existing recreational vehicle parks or campgrounds in the floodplain must meet the exemption criteria below or be treated as new structures meeting the requirements of this Unified Development Ordinance.

(B) Recreational vehicles are exempt from the provisions of this Unified Development Ordinance if they are placed in any of the following areas and meet the criteria listed in Section 3.1.1(i)(4)(C) below.

i. Individual lots or parcels of record.

ii. Existing commercial recreational vehicle parks or campgrounds.

iii. Existing condominium-type associations.

iv. Criteria for Exempt Recreational Vehicles:

v. The vehicle must have a current license required for highway use.

vi. The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.

vii. No permanent structural type additions may be attached to the vehicle.

viii. The vehicle and associated use must be permissible in any preexisting, underlying zoning district.

ix. Accessory structures are not permitted within the Floodway District. Any accessory structure in the Flood Fringe District must be constructed of flood-resistant materials and be securely anchored, meeting the requirements applicable to manufactured homes in Section 3.1.1(h)(3).

x. An accessory structure must constitute a minimal investment

(C) Recreational vehicles that are exempt in Section 3.1.1(i)(2)(B) lose this exemption when development occurs on the site that exceeds a minimal investment for an accessory structure such as a garage or storage building. The recreational vehicle and all accessory structures will then be treated as new structures subject to the elevation and floodproofing requirements of Section 3.1.1(e) of this Unified Development Ordinance. No development or improvement on the parcel or attachment to the recreational vehicle is allowed that would hinder the removal of the vehicle should flooding occur.

(j) Administration

(1) Zoning Administrator

The Zoning Administrator or other official designated by the City Manager must administer and enforce this Unified Development Ordinance.

(2) Permit Requirements

(A) Permit Required. A permit must be obtained from the Zoning Administrator prior to conducting the following activities:

i. The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this Unified Development Ordinance.

ii. The use or change of use of a building, structure, or land.

iii. The construction of a dam, fence, or on-site septic system, although a permit is not required for a farm fence as defined in this Unified Development Ordinance.

iv. The change or extension of a nonconforming use.

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

vi. The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.

vii. Relocation or alteration of a watercourse (including new or replacement culverts and bridges), unless a public waters work permit has been applied for such work.

viii. Any other type of "development" as defined in Section 3.1.1(b)(9)(A) of this Unified Development Ordinance.

ix. Application for Permit. Permit applications must be submitted to the Zoning Administrator on forms provided by the Zoning Administrator. The permit application must include the following as applicable:

x. A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.

xi. Location of fill or storage of materials in relation to the stream channel.

xii. Copies of any required municipal, county, state or federal permits or approvals.

xiii. Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.

(B) 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 Zoning Administrator stating that the use of the building or land conforms to the requirements of this Unified Development Ordinance.

(C) Certification. The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Unified Development Ordinance. Floodproofing measures must be certified by a registered professional engineer or registered architect.

(D) Record of First Floor Elevation. The Zoning Administrator must maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The Zoning Administrator must also maintain a record of the elevation to which structures and alterations or additions to structures are floodproofed.

(E) Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency FEMA).

(F) Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Zoning Administrator must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

(3) Variances

(A) Variance Applications. An application for a variance to the provisions of this Unified Development Ordinance will be processed and reviewed in accordance with applicable state statutes and Section 7.10 of this Unified Development Ordinance.

(B) Adherence to State Floodplain Management Standards. A variance must not allow a use that is not allowed in that district, or permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area or permit standards lower than those required by state law.

(C) Additional Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

i. Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

ii. Variances may only be issued by a community upon the following:

1. a showing of good and sufficient cause;
2. a determination that failure to grant the variance would result in exceptional practical difficulties to the applicant; and
3. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

iii. Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

iv. Flood Insurance Notice. The Zoning Administrator must notify the applicant for a variance that:

v. 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

vi. Such construction below the base or regional flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.

vii. General Considerations. The community shall consider the following factors in granting variances and imposing conditions on variances and conditional uses in floodplains:

viii. The potential danger to life and property due to increased flood heights or velocities caused by encroachments;

ix. The danger that materials may be swept onto other lands or downstream to the injury of others;

x. The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;

xi. The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;

xii. The importance of the services to be provided by the proposed use to the community;

xiii. The requirements of the facility for a waterfront location;

xiv. The availability of viable alternative locations for the proposed use that are not subject to flooding;

xv. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;

xvi. The relationship of the proposed use to the Comprehensive Land Use Plan and floodplain management program for the area;

xvii. The safety of access to the property in times of flood for ordinary and emergency vehicles; and

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

(D) Submittal of Hearing Notices to the Department of Natural Resources (DNR). The Zoning Administrator must submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least ten (10) days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

(E) Submittal of Final Decisions to the DNR. A copy of all decisions granting variances must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

(F) Record-Keeping. The Zoning Administrator must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

(4) Conditional Uses

(A) Administrative Review. An application for a conditional use permit under the provisions of this Unified Development Ordinance will be processed and reviewed in accordance with Section 7.7 of this Unified Development Ordinance.

(B) Factors Used in Decision-Making. In decisions on conditional use applications, the City must consider all relevant factors specified in other sections of this Unified Development Ordinance, and those factors identified in Section 3.1.1(j)(3) of this Unified Development Ordinance.

(C) Conditions Attached to Conditional Use Permits. The City may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this Unified Development Ordinance. Such conditions may include, but are not limited to, the following:

i. Modification of waste treatment and water supply facilities.

ii. Limitations on period of use, occupancy, and operation.

iii. Imposition of operational controls, sureties, and deed restrictions.

iv. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.

v. Floodproofing measures, in accordance with the State Building Code and this Unified Development Ordinance. The applicant must submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

(D) Submittal of Hearing Notices to the Department of Natural Resources (DNR). The Zoning Administrator must submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten (10) days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

(E) Submittal of Final Decisions to the DNR. A copy of all decisions granting conditional uses must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

(k) Nonconformities

(1) Continuance of Nonconformities

(A) A use, structure, or occupancy of land which was lawful before the passage or amendment of this Unified Development Ordinance but which is not in conformity with the provisions of this Unified Development Ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 3.1.1(b)(9)(A) of this Unified Development Ordinance, are subject to the provisions of Section 3.1.1(k)(1)(B) through (1)(G) noted below of this Unified Development Ordinance.

(B) A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided in Section 3.1.1(k)(1)(C) below. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.

(C) Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP1 thru FP4 floodproofing classifications) allowable in the State Building Code, except as further restricted in Section 3.1.1(k)(1)(D) and (1)(H) below.

(D) If the cost of all previous and proposed alterations and additions exceeds fifty percent (50%) of the market value of any nonconforming structure, that shall be considered substantial improvement, and the entire structure must meet the standards of Sections 3.1.1(d) or Section 3.1.1(e) of this Unified Development Ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor.

(E) 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 Unified Development Ordinance. The Assessor must notify the Zoning Administrator in writing of instances of nonconformities that have been discontinued for a period of more than one year.

(F) If any nonconformity is substantially damaged, as defined in Section 3.1.1(b)(9)(A) of this Unified Development Ordinance, it may not be reconstructed except in conformity with the provisions of this Unified Development Ordinance. The applicable provisions for establishing new uses or new structures in Sections 3.1.1(d) or 3.1.1(e) will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.

(G) If any nonconforming use or structure experiences a repetitive loss, as defined in Section 3.1.1(b)(9)(A) of this Unified Development Ordinance, it must not be reconstructed except in conformity with the provisions of this Unified Development Ordinance.

(H) Any substantial improvement, as defined in Section 3.1.1(b)(9)(A) of this Unified Development Ordinance, to a nonconforming structure requires that the existing structure and any additions must meet the requirements of Sections 3.1.1(d) or 3.1.1(e) of this Unified Development Ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District.

(l) Penalties and Enforcement

(1) Violation Constitutes a Misdemeanor

Violation of the provisions of this Unified Development Ordinance 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) constitute a misdemeanor and will be punishable as defined by law.

(2) Other Lawful Action

Nothing in this Unified Development Ordinance restricts the City of Brooklyn Center from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this Unified Development Ordinance and will be prosecuted accordingly.

(3) Enforcement

Violations of the provisions of this Unified Development Ordinance will be investigated and resolved in accordance with the provisions of Sections 1.2.4 and 1.2.5 of the Unified Development Ordinance. In responding to a suspected Unified Development Ordinance violation, the Zoning Administrator and City 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 availability to the guilty party. The City of Brooklyn Center must act in good faith to enforce these official controls and to correct Unified Development Ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

(m) Amendments

(1) Flood Plain Designation – Restrictions on Removal

The floodplain designation on the Official Zoning Map must not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood

protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of the Department of Natural Resources (DNR) if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.

(2) Amendments Require DNR Approval

All amendments to this Unified Development Ordinance must be submitted to and approved by the Commissioner of the Department of Natural Resources (DNR) prior to adoption. The Commissioner must approve the amendment prior to community approval.

(3) Map Revisions Require Code Amendments

The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Section 3.1.1(b)(3) of this Unified Development Ordinance.

3.1.2 SL – Shoreland

(a) Statutory Authorization and Policy

(1) Statutory Authorization

This shoreland section is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F, Minnesota Rules, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes Chapter 462.

(2) Policy

The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is herebyrecognized by the City of Brooklyn Center.

(b) General Provisions and Definitions

(1) Jurisdiction

The provisions of this section apply to the shorelands of the public water bodies as classified in Section 3.1.2.(d)(1) of this Unified Development Ordinance.
Pursuant to Minnesota Rules, Parts 6120.2500 - 6120.3900, no lake, pond, or flowage less than 10 acres in size in municipalities or 25 acres in size in

unincorporated areas need be regulated in a local government's shoreland regulations. 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 Unified Development Ordinance.

The Mississippi River and adjacent river corridor lands are designated and classified as a "Critical Area" by the State of Minnesota and are regulated by provisions of the Mississippi River Corridor Critical Area Overlay District, Section 3.1.3 of this code, and any other applicable provisions, whichever is more restrictive.

(2) Enforcement

The City Manager or designee is responsible for the administration and enforcement of this Unified Development Ordinance. Any violation of the provisions of this Unified Development Ordinance 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 Unified Development Ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in Section 4 of this Unified Development Ordinance.

(3) District Application

The Shoreland Overlay is applied over zoning districts as identified in the official city Shoreland Areas Map. Regulations and requirements imposed by the Shoreland Overlay shall be enforced in addition to those in the base zoning district. In instances where two or more overlay districts apply, the more restrictive requirements shall apply.

(4) Definitions

Unless specifically defined in Section 9, words or phrases used in this Unified Development Ordinance must be interpreted according to common usage and so as to give this Unified Development Ordinance its most reasonable application.

(c) Administration

(1) Purpose

The purpose of this Section is to identify administrative provisions to ensure this Section is administered consistent with its purpose.

(2) Permits

(A) A permit is required for the construction of buildings or building additions (including construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by section 3.1.2(g)(3) of this Unified Development Ordinance.

(B) A certificate of compliance, consistent with Minnesota Rules Part 7082.0700 Subp. 3, is required whenever a permit or variance of any type is required for any improvement on or use of the property. A sewage treatment system shall be considered compliant if the only deficiency is the system's improper setback from the ordinary high water level.

(3) Application materials.

(A) Application for permits and other zoning applications such as variances shall be made to the Zoning Administrator on the forms provided. The application shall include the necessary information so that the Zoning Administrator can evaluate how the application complies with the provisions of this Unified Development Ordinance.

(4) Certificate of Zoning Compliance.

The Zoning Administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in Section 3.1.2 of this Unified Development Ordinance. This certificate will specify that the use of land conforms to the requirements of this Unified Development Ordinance. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this Unified Development Ordinance and shall be punishable as provided in Section 1.6.3 of this Unified Development Ordinance.

(5) Variances.

Variances may only be granted in accordance with Minnesota Statutes, Section 462.357 and are subject to the following:

(A) A variance may not circumvent the general purposes and intent of this Unified Development Ordinance; and

(B) For properties with existing sewage treatment systems, a certificate of compliance, consistent with Minnesota Rules Chapter 7082.0700 Subp. 3, is required for variance approval. A sewage treatment system shall be considered compliant if the only deficiency is the system's improper setback from the ordinary high water level.

(6) Conditional Uses

All conditional uses in the shoreland area are subject to a thorough evaluation of the waterbody and the topographic, vegetation, and soil conditions to ensure:

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

(B) The visibility of structures and other facilities as viewed from public waters is limited;

(C) There is adequate water supply and on-site sewage treatment; and

(D) The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercrafts.

(7) Mitigation

(A) In evaluating all variances, conditional uses, zoning and building permit applications, the zoning authority shall require the property owner to address when appropriate the following conditions, when related to and proportional to the impact, to meet the purpose of this Unified Development Ordinance, to protect adjacent properties, and the public interest:

i. Advanced storm water runoff management treatment;

ii. Reducing impervious surfaces;

iii. Increasing setbacks from the ordinary high water level;

iv. Restoration of wetlands;

v. Limiting vegetation removal and/or riparian vegetation restoration;

vi. Provisions for the location, design, and use of structures, sewage treatment systems, water supply systems, watercraft launching and docking areas, and parking areas; and

vii. Other conditions the zoning authority deems necessary.

(B) In evaluating plans to construct sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes, conditions to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters assuming summer, leaf-on vegetation shall be attached to permits.

(8) Notifications to the Department of Natural Resources.

(A) All amendments to this Shoreland Section must be submitted to the Department of Natural Resources for review and approval for compliance with the statewide shoreland management rules. The City of Brooklyn Center will submit the proposed amendments to the commissioner or the commissioner's designated representative at least 30 days before any scheduled public hearings.

(B) All notices of public hearings to consider variances, Unified Development Ordinance amendments, or conditional uses under shoreland management controls must be sent to the commissioner or the commissioner's designated representative at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.

(C) All approved Unified Development Ordinance amendments and subdivisions/plats, and final decisions approving variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

(D) Any request to change the shoreland management classification of public waters within Brooklyn Center must be sent to the commissioner or the commissioner's designated representative for approval, and must include a resolution and supporting data as required by Minnesota Rules, part 6120.3000.

(E) Any request to reduce the boundaries of shorelands of public waters within Brooklyn Center must be sent to the commissioner or the commissioner's designated representative for approval and must include a resolution and supporting data. The boundaries of shorelands may be reduced when the shoreland of water bodies with different classifications overlap. In these cases, the topographic divide between the water bodies shall be used for adjusting the boundaries.

(9) Mandatory EAW.

An Environmental Assessment Worksheet consistent with Minnesota Rules, Chapter 4410 must be prepared for projects meeting the thresholds of Minnesota Rules, part 4410.4300.

(d) Shoreland Classification System and Land Uses

(1) Purpose

To ensure that shoreland development on the public waters of Brooklyn Center is regulated consistent with the classifications assigned by the commissioner under Minnesota Rules, part 6120.3300.

(A) Lakes are classified as follows:

Lake Classification	DNR Public Waters I.D. #
General Development	
Middle Twin	27004202
Upper Twin	27004201
Recreational Development	
Ryan	27005800
Natural Environment	
Palmer	27005900

(2) Land Uses

(A) Purpose. To identify land uses that are compatible with the protection and preservation of shoreline resources in order to conserve the economic and environmental values of shoreland and sustain water quality.

(B) Shoreland district land uses listed below are regulated as:

i. Permitted uses (P). These uses are allowed, provided all standards in this Unified Development Ordinance are followed;

ii. Conditional uses (C). These uses are allowed through a conditional use permit. The use must be evaluated according to the criteria in Section 3.1.2(c)(6) of this Unified Development Ordinance and any additional conditions listed in this Unified Development Ordinance; and

iii. Not permitted uses (N). These uses are prohibited.

(C) Land Uses for lake, river, and stream classifications:

	Lake Classification		
Land Uses	**General Development**	**Recreational Development**	**Natural Environment**
Single residential	P	P	P
Duplex, triplex, quad residential	P	P	C
Residential PUD	C	C	C
Water-dependent commercial - As accessory to a residential planned unit development	C	C	C
Commercial	P	P	C
Commercial PUD - Limited expansion of a commercial planned unit development involving up to six additional dwelling units or sites may be allowed as a permitted use provided the provisions of Section 8.3 of this UDO are satisfied.	C	C	C
Parks & historic sites	C	C	C
Public, semipublic	P	P	C
Industrial	C	C	N
Agricultural: cropland and pasture	P	P	P
Agricultural feedlots - New	N	N	N
Agricultural feedlots - Expansion or resumption of existing	C	C	C
Forest management	P	P	P
Forest land conversion	C	C	C
Extractive use	C	C	C
Mining of metallic minerals and peat	P	P	P

(e) Special Land Use Provisions

(1) Commercial, Industrial, Public, and Semipublic Use Standards

(A) Water-dependent uses may be located on parcels or lots with frontage on public waters provided that:

i. The use complies with the provisions of Section 3.1.2(f).

ii. The use is designed to incorporate topographic and vegetative screening of parking areas and structures;

iii. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and

iv. Uses that depend on patrons arriving by watercraft may use signs and lighting, provided that:

a. Signs placed in or on public waters must only convey directional information or safety messages and may only be placed by a public authority or under a permit issued by the county sheriff; and

b. Signs placed within the shore impact zone are:

i. No higher than ten feet above the ground, and no greater than 32 square feet in size; and

ii. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination across public waters; and

c. Other lighting may be located within the shore impact zone or over public waters if it is used to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination across public waters. This does not preclude use of navigational lights.

(B) Commercial, industrial, public, and semi-public uses that are not water-dependent must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

(2) Agriculture Use Standards

(A) Buffers.

i. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.

ii. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in perennial vegetation or operated under an approved conservation plan that includes alternative riparian water quality practices consistent with the field office technical guides of the local soil and water conservation district or the Natural Resource Conservation Service, and as approved by the local soil and water conservation district.

(B) New animal feedlots are not allowed in shoreland. Modifications or expansions to existing feedlots or resumption of old feedlots are conditional uses and must meet the following standards:

i. Feedlots must be designed consistent with Minnesota Rules, Chapter 7020;

ii. Feedlots must not further encroach into the existing ordinary high water level setback or the bluff impact zone and must not expand to a capacity of 1,000 animal units or more; and,

iii. Old feedlots not currently in operation may resume operation consistent with Minnesota Statutes, Section 116.0711.

(f) Dimensional and General Performance Standards

(1) Purpose

To establish dimensional and performance standards that protect shoreland resources from impacts of development.

(2) Lot Area and Width Standards

Lot Area and Width Standards. After the effective date of this Unified Development Ordinance, all new lots must meet the minimum lot area and lot

width requirements in Sections 2.2 through 2.5, subject to the following standards:

(A) Only lands above the ordinary high water level can be used to meet lot area and width standards;

(B) Lot width standards must be met at both the ordinary high water level and at the building line;

(C) The sewer lot area dimensions can only be used if publicly owned sewer system service is available to the property;

(D) Residential subdivisions with dwelling unit densities exceeding those in Sections 2.2 through 2.5 are allowed only if designed and approved as residential PUDs under Section 8.3 of this Unified Development Ordinance; and

(E) Lake Minimum Lot Area and Width Standards:

General Development – Sewer				
	Riparian		*Nonriparian*	
	Lot Area (sf)	Lot Width (ft)	Lot Area (sf)	Lot Width (ft)
Single	15,000	75	10,000	75
Duplex	26,000	135	17,500	135
Triplex	38,000	195	25,000	190
Quad	49,000	255	32,500	245
Recreational Development – Sewer				
	Riparian		*Nonriparian*	
	Lot Area (sf)	Lot Width (ft)	Lot Area (sf)	Lot Width (ft)
Single	20,000	75	15,000	75
Duplex	35,000	135	26,000	135
Triplex	50,000	195	38,000	190
Quad	65,000	255	49,000	245
Natural Environment – Sewer				
	Riparian		*Nonriparian*	
	Lot Area (sf)	Lot Width (ft)	Lot Area (sf)	Lot Width (ft)
Single	40,000	125	20,000	125
Duplex	70,000	225	35,000	220
Triplex	100,000	325	52,000	315
Quad	130,000	425	65,000	410

(3) Special Residential Lot Provisions

(A) Subdivisions of duplexes, triplexes, and quads are conditional uses on Natural Environment Lakes and must also meet the following standards:

i. Each building must be set back at least 200 feet from the ordinary high water level;

ii. Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;

iii. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and

iv. No more than 25 percent of a lake's shoreline can be in duplex,

triplex, or quad developments.

(B) One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in Sections 3.1.2(f)(2) provided the following standards are met:

i. For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within an area equal to the smallest duplex-sized lot that could be created including the principal dwelling unit;

ii. A guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height; and

iii. A guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.

(C) Controlled access lots are permissible if created as part of a subdivision and in compliance with the following standards:

i. The lot must meet the area and width requirements for residential lots, and be suitable for the intended uses of controlled access lots as provided in Section 3.1.2(f)(3)(C)iv below.

ii. If docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by a percentage of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

Controlled Access Lot Frontage Requirements	
Ratio of Lake Size to Shore Length (acres/mile)	*Required Percent Increase in Frontage*
Less than 100	25%
100 – 200	20%
201 – 300	15%
301 – 400	10%
Greater than 400	5%

iii. The lot must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot; and

iv. Covenants or other equally effective legal instruments must be developed that:

a. Specify which lot owners have authority to use the access lot;

b. Identify what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, docking, swimming, sunbathing, or picnicking;

c. Limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water;

d. Require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations; and

e. Require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

(4) Placement, Height, and Design of Structures

(A) Placement of Structures and Sewage Treatment Systems on Lots.

When more than one setback applies to a site, structures and facilities must be located to meet all setbacks, and comply with the following OHWL setback provisions:

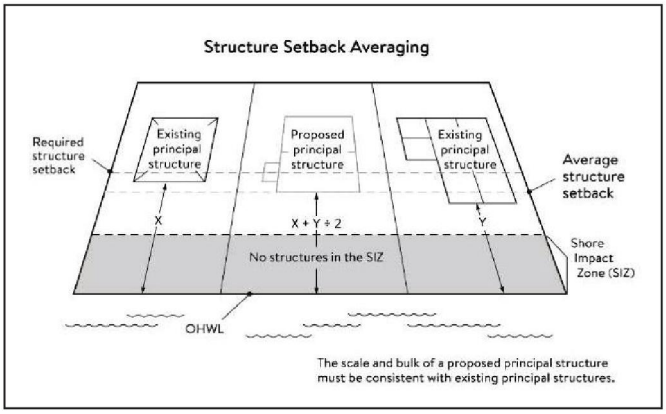
Classification	Structures Sewer (ft)	Sewage Treatment System (ft)
Natural Environment	150	150
Recreational Development	75	75
General Development	50	50

(B) OHWL Setbacks.

Structures, impervious surfaces, and sewage treatment systems must meet setbacks from the OHWL, except that one water- oriented accessory structure or facility, designed in accordance with Section 3.1.2(f)(3) of this Unified Development Ordinance, may be set back a minimum distance of ten (10) feet from the OHWL:

(C) Setback averaging.

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 OHWL, provided the proposed structure is not located in a shore impact zone or in a bluff impact zone;



(D) Setbacks of decks.

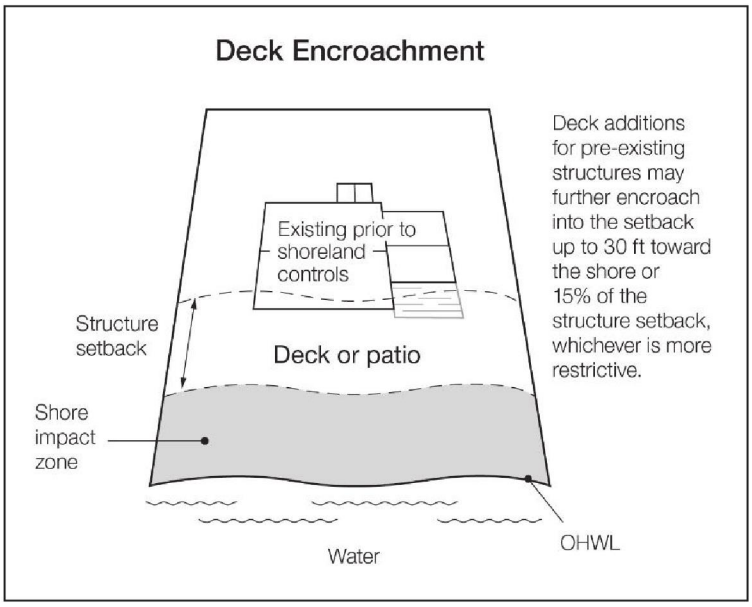
Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria are met:

i. The structure existed on the date the structure setbacks were established;

ii. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing OHWL setback of the structure;

iii. The deck encroachment toward the OHWL does not exceed 15 percent of the existing setback of the structure from the OHWL or is no closer than 30 feet from the OHWL, whichever is more restrictive; and

iv. The deck is constructed primarily of wood and is not roofed or screened.



(E) Additional structure setbacks.

Structures must also meet the following setbacks, regardless of the waterbody classification:

Setback from:	Setback (ft)
Top of bluff	30 (40 for Mississippi River)
Unplatted cemetery	50
Right-of-way line of federal, state, or county highway	50
Right-of-way line of town road, public street, or other roads not classified	20

(F) Bluff Impact Zones.

Structures, impervious surfaces, and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

(G) Height of Structures.

All structures in residential districts, except places of religious assembly and nonresidential agricultural structures, must not exceed 25 feet in height.

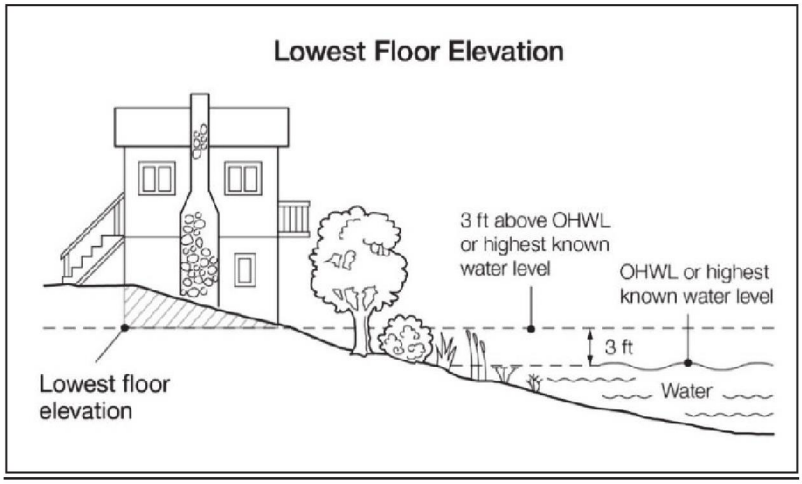
(H) Lowest Floor Elevation.

Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:

i. For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher;

ii. For rivers and streams, by placing the lowest floor at least three feet above the highest known flood elevation. If data are not available, by placing the lowest floor at least three feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with Minnesota Rules, Parts 6120.5000 to 6120.6200 governing the management of floodplain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and

iii. If the structure is floodproofed instead of elevated under items i and ii above, then it must be floodproofed in accordance with Minnesota Rules, part 6120.5900.



(I) Significant Historic Sites.

No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

(5) Water Supply and Sewage Treatment

(A) Water Supply.

Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

(B) Sewage treatment.

Any premises used for human occupancy must be connected to a publicly-owned sewer system, where available or comply with Minnesota Rules, Chapters 7080 – 7081.

(g) Performance Standards for Public and Private Facilities

(1) Placement and Design of Roads, Driveways, and Parking Areas.

Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening as viewed from public waters and comply with the following standards:

(A) Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts;

(B) Watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met;

(C) Private facilities must comply with the grading and filling provisions of Section 3.1.2(h) (Vegetation and Land Alteration) of this Unified Development Ordinance; and

(D) For public roads, driveways and parking areas, documentation must be provided by a qualified individual that they are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.

(2) Stairways, Lifts, and Landings.

Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas.
Stairways, lifts, and landings must meet the following design requirements:

(A) Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public recreational uses, and planned unit developments;

(B) Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public-space recreational uses, and planned unit developments;

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

(D) Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;

(E) Stairways, lifts, and landings must be located in the least visible portion of the lot as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and

(F) Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, if they are consistent with the dimensional and performance standards of Section 3.1.2(a) through (f) above, and the requirements of Minnesota Rules, Chapter 1341.

(3) Water-oriented Accessory Structures or Facilities.

Each residential lot may have one water-oriented accessory structure or facility if it complies with the following provisions:

(A) The structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 120 square feet. The structure or facility may include detached decks not exceeding eight feet above grade at any point or at-grade patios;

(B) The structure or facility is not in the Bluff Impact Zone;

(C) The setback of the structure or facility from the ordinary high water level must be at least ten feet;

(D) The structure is not a boathouse or boat storage structure as defined under Minnesota Statutes, Section 103G.245;

(E) The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;

(F) The roof may be used as an open-air deck with safety rails, but must not be enclosed with a roof or sidewalls or used as a storage area;

(G) The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities;

(H) As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for storage of watercraft and boating- related equipment may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the shoreline; and

(I) Water-oriented accessory structures may have the lowest floor placed lower than the elevation specified in Section 3.1.2(f)(4)(H) if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

(h) Vegetation and Land Alterations

(1) Purpose.

Alterations of vegetation and topography are regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, sustain water quality, and protect fish and wildlife habitat.

(2) Vegetation Management

(A) Removal or alteration of vegetation must comply with the provisions of this subsection except for:

i. Vegetation alteration necessary for the construction of structures and sewage treatment systems under validly issued permits for these facilities;

ii. The construction of public roads and parking areas if consistent with Section 3.1.2(f)(1) of this Unified Development Ordinance;

iii. Forest management uses consistent with Section 3.1.2(e) of this Unified Development Ordinance; and

iv. Agricultural uses consistent with Section 3.1.2(e)(2) of this Unified Development Ordinance.

(B) Intensive vegetation clearing in the shore and bluff impact zones and on steep slopes is prohibited. Intensive clearing outside of these areas is allowed if consistent with the forest management standards in Section 3.1.2(e) of this Unified Development Ordinance.

(C) Limited clearing and trimming of trees and shrubs in the shore and bluff impact zones and on steep slopes, is allowed to provide a view to the water from the principal dwelling and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, 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. Existing shading of water surfaces along rivers is preserved;

iii. Cutting debris or slash shall be scattered and not mounded on the ground; and

iv. Perennial ground cover is retained.

(D) Removal of trees, limbs, or branches that are dead, diseased, dying, or pose safety hazards is allowed without a permit.

(E) Fertilizer and pesticide runoff into surface waters must be minimized through use of vegetation, topography or both.

(3) Grading and Filling.

(A) Grading and filling activities must comply with the provisions of this subsection except for the construction of public roads and parking areas if consistent with Section 3.1.2(g)(1) of this Unified Development Ordinance.

(B) Permit Requirements.

i. Grading, filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways, if part of an approved permit, do not require a separate grading and filling permit. However, the standards in Section 3.1.2(h)(3)(C) of this

Unified Development Ordinance must be incorporated into the permit.

ii. For all other work, including driveways not part of another permit, a grading and filling permit is required for:

a. the movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and

b. the movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.

(C) Grading, filling and excavation activities must meet the following standards:

i. Grading or filling of any wetland must meet or exceed the wetland protection standards under Minnesota Rules, Chapter 8420 and any other permits, reviews, or approvals by other local state, or federal agencies such as watershed districts, the DNR or US Army Corps of Engineers;

ii. Land alterations must be designed and implemented to minimize the amount of erosion and sediment from entering surface waters during and after construction consistently by:

a. Limiting the amount and time of bare ground exposure;

b. Using temporary ground covers such as mulches or similar materials;

c. Establishing permanent vegetation cover as soon as possible;

d. Using sediment traps, vegetated buffer strips or other appropriate techniques;

e. Stabilizing altered areas to acceptable erosion control standards consistent with the field office technical guides of the soil and water conservation district;

f. Not placing fill or excavated material in a manner that creates unstable slopes. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;

g. Fill or excavated material must not be placed in bluff impact zones;

h. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, Section 103G;

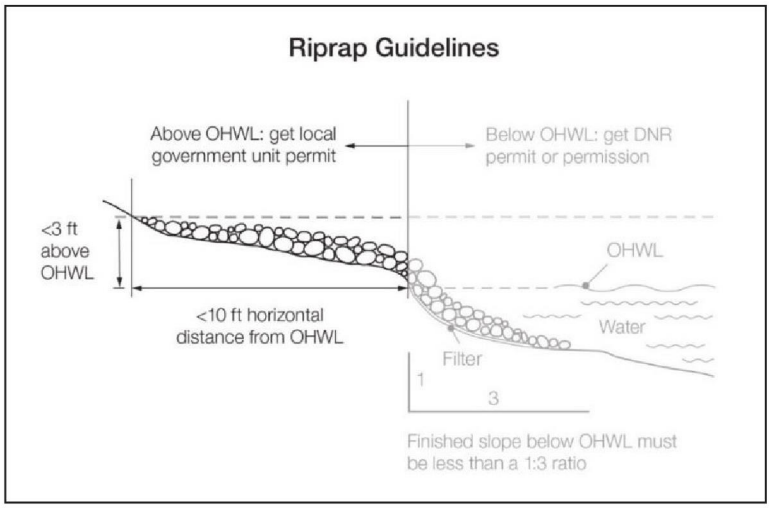
i. Alterations of topography are only allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and

j. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if:

i. the finished slope does not exceed three feet horizontal to one foot vertical;

ii. the landward extent of the riprap is within ten feet of the ordinary high water level; and

iii. the height of the riprap above the ordinary high water level does not exceed three feet.



(D) Connections to public waters.

Excavations to connect boat slips, canals, lagoons, and harbors to public waters require a public waters permit and must comply with Minnesota Rules, Chapter 6115.

(4) Stormwater Management.

(A) General Standards:

i. When possible, existing natural drainageways, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.

ii. 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 volumes. Disturbed areas must be stabilized as soon as possible, and appropriate facilities or methods used to retain sediment on the site.

iii. When development density, topography, soils, and vegetation are not sufficient to adequately handle stormwater runoff, constructed facilities such as settling basins, skimming devices, dikes, waterways, ponds and infiltration may be used. Preference must be given to surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

(B) Specific Standards:

i. Impervious surfaces of lots must not exceed 25 percent of the lot area.

ii. 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 district or the Minnesota Stormwater Manual, as applicable.

iii. New constructed stormwater outfalls to public waters must be consistent with Minnesota Rules, part 6115.0231.

(i) Subdivision/Platting Provisions

(1) Purpose

To ensure that new development minimizes impacts to shoreland resources and is safe and functional.

(2) Land Suitability

Each lot created through subdivision, including planned unit developments authorized under Section 8.3 of this Unified Development Ordinance, must be suitable in its natural state for the proposed use with minimal alteration. A suitability analysis must be conducted for each proposed subdivision, including planned unit developments, to determine if the subdivision is suitable in its natural state for the proposed use with minimal alteration and whether any feature of the land is likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

(3) Consistency with other Controls

Subdivisions and each lot in a subdivision shall meet all official controls so that a variance is not needed later to use the lots for their intended purpose.

(4) Water and Sewer Design Standards

(A) A potable water supply and a sewage treatment system consistent with Minnesota Rules, Chapters 7080 – 7081 must be provided for every lot.

(B) Each lot must include at least two soil treatment and dispersal areas that support systems described in Minnesota Rules, parts 7080.2200 to 7080.223 or site conditions described in part 7081.0270, as applicable.

(C) Lots that would require use of holding tanks are prohibited.

(5) Information requirements.

(A) Topographic contours at ten-foot intervals or less from United States Geological Survey maps or more current sources, showing limiting site characteristics;

(B) The surface water features required in Minnesota Statutes, Section 505.021, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more current sources;

(C) Adequate soils information to determine suitability for building and sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;

(D) Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;

(E) Location of 100-year floodplain areas and floodway districts from existing adopted maps or data; and

(F) A line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.

(6) Dedications.

When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

(7) Platting.

All subdivisions that cumulatively create five or more lots or parcels that are 2- 1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Section 462.358 and Section 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after the adoption of this Unified Development Ordinance unless the lot was previously approved as part of a formal subdivision.

(8) Controlled Access Lots.

Controlled access lots within a subdivision must meet or exceed the lot size criteria in Section 3.1.2(f)(3) of this Unified Development Ordinance.

(j) Planned Unit Developments (PUDs)

(1) Purpose

To protect and enhance the natural and scenic qualities of shoreland areas during and after development and redevelopment of high density residential and commercial uses.

(2) Types of PUDs Permissible

Planned unit developments are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. Deviation from the minimum lot size standards of Sections 2.2 through 2.5 of this Unified Development Ordinance is allowed if the standards in this Section are met.

(3) Processing of PUDs

Planned unit developments must be processed as a conditional use. An expansion to an existing commercial PUD involving 6 or less new dwelling units or sites since the date this Unified Development Ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in 3.1.2(j)(5). Approval cannot occur until all applicable environmental reviews are complete.

(4) Application for a PUD.

The applicant for a PUD must submit the following documents prior to final action on the application request:

(A) Site plan and/or plat showing:

i. Locations of property boundaries;
ii. Surface water features;
iii. Existing and proposed structures and other facilities;
iv. Land alterations;
v. Sewage treatment and water supply systems (where public systems will not be provided);
vi. Topographic contours at ten-foot intervals or less; and
vii. Identification of buildings and portions of the project that are residential, commercial, or a combination of the two (if project combines commercial and residential elements).

(B) A property owners association agreement (for residential PUD's) with mandatory membership, and consistent with Section 3.1.2(j)(6) of this Unified Development Ordinance.

(C) Deed restrictions, covenants, permanent easements or other instruments that:

i. Address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUDs; and
ii. Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section 3.1.2(j)(6) of this Unified Development Ordinance.

(D) A master plan/site plan describing the project and showing floor plans for all commercial structures.

(E) Additional documents necessary to explain how the PUD will be designed and will function.

(5) Density Determination

Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures.

(A) Step 1. Identify Density Analysis Tiers. Divide the project parcel into tiers by drawing one or more lines parallel to the ordinary high water level at the following intervals, proceeding landward:

Classification	Tier Depth Sewer (ft)
General Development Lakes – 1st tier	200
General Development Lakes – all other tiers	200
Recreational Development Lakes	267
All Rivers	300

(B) Step 2. Calculate Suitable Area for Development. Calculate the suitable area within each tier by excluding all wetlands, bluffs, or land below the ordinary high water level of public waters.

(C) Step 3. Determine Base Density:

i. For residential PUDs, divide the suitable area within each tier by the minimum single residential lot area for lakes to determine the allowable number of dwelling units, or base density, for each tier. For rivers, if a minimum lot area is not specified, divide the tier width by the minimum single residential lot width.

ii. For commercial PUDs:

a. Determine the average area for each dwelling unit or dwelling site within each tier. Include both existing and proposed dwelling units and sites in the calculation.

i. For dwelling units, determine the average inside living floor area of dwelling units in each tier. Do not include decks, patios, garages, or porches and basements, unless they are habitable space.

ii. For dwelling sites (campgrounds), determine the area of each dwelling site as follows:

- For manufactured homes, use the area of the manufactured home, if known, otherwise use 1,000 sf.
- For recreational vehicles, campers or tents, use 400 sf.

iii. Select the appropriate floor area/dwelling site area ratio from the following table for the floor area or dwelling site area determined in Section 3.1.2(c)(ii)(A) above.

iv. Multiply the suitable area within each tier determined in (B) above by the floor area or dwelling site area ratio to yield the total floor area or dwelling site area for each tier to be used for dwelling units or dwelling sites.

v. Divide the total floor area or dwelling site area for each tier calculated in (C)(ii)(a), (iv) above by the average inside living floor area for dwelling units or dwelling site area determined in (C)(ii), (a)(i) above This yields the allowable number of dwelling units or dwelling sites, or base density, for each tier.

b. Allowable densities may be transferred from any tier to any other tier further from the waterbody but must not be transferred to any tier closer to the waterbody.

c. All PUDs with densities at or below the base density must meet the design standards in Section 3.1.2(j)(6).

(D) Step 4. Determine if the Site can Accommodate Increased

Inside Living Floor Area or Dwelling Site Area (sq. Ft.)	Floor Area/Dwelling Site Area Ratio		
	General Development Lakes w/Sewer – all tiers, Urban Rivers	Recreational Development Lakes	Natural Environment Lakes
< 200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
> 1,500	.150	.075	.038

Density:

i. The following increases to the dwelling unit or dwelling site base densities determined (B) above are allowed if the design criteria in

Section 3.1.2(j)(6) of this Unified Development Ordinance are satisfied as well as the standards in item ii below:

Shoreland Tier	Maximum Density Increase within Each Tier
1st	50%
2nd	100%
3rd	200%
4th	200%
5th	200%

ii. Structure setbacks from the ordinary high water level:

a. Are increased to at least 50 percent greater than the minimum setback; or

b. The impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional acceptable means and the setback is at least 25 percent greater than the minimum setback.

(6) Design Criteria

All PUDs must meet the following design criteria.

(A) General Design Standards.

i. All residential planned unit developments must contain at least five dwelling units or sites.

ii. On-site water supply and sewage treatment systems must be centralized and meet the standards in Section 3.1.2(f)(5) of this Unified Development Ordinance. Sewage treatment systems must meet the setback standards of Section 3.1.2(f)(4) of this Unified Development Ordinance.

iii. Dwelling units or dwelling sites must be clustered into one or more groups and located on suitable areas of the development.

iv. Dwelling units or dwelling sites must be designed and located to meet the dimensional standards in Section 3.1.2(f)(3) and (4)

v. Shore recreation facilities:

a. Must be centralized and located in areas suitable for them based on a suitability analysis.

b. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor).

c. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.

vi. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.

vii. Accessory structures and facilities, except water oriented accessory structures, must meet the required structure setback and must be centralized.

viii. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 3.1.2(g) of this Unified Development Ordinance and are centralized.

(B) Open Space Requirements.

i. Open space must constitute at least 50 percent of the total project area and must include:

a. Areas with physical characteristics unsuitable for development in their natural state;

b. Areas containing significant historic sites or unplatted cemeteries;

c. Portions of the shore impact zone preserved in its natural or existing state as follows:

i. For existing residential PUD's, at least 50 percent of the shore impact zone

ii. For new residential PUDs, at least 70 percent of the shore impact zone.

iii. For all commercial PUD's, at least 50 percent of the shore impact zone.

ii. Open space may include:

a. Outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;

b. Subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems; and

c. Non-public water wetlands.

iii. Open space shall not include:

a. Dwelling sites or lots, unless owned in common by an owners' association;

b. Dwelling units or structures, except water-oriented accessory structures or facilities;

c. Road rights-of-way or land covered by road surfaces and parking areas;

d. Land below the OHWL of public waters; and

e. Commercial facilities or uses.

(C) Open Space Maintenance and Administration Requirements.

i. Open space preservation. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved and maintained by use of deed restrictions, covenants, permanent easements, public dedication, or other equally effective and permanent means. The instruments must prohibit:

a. Commercial uses (for residential PUD's);

b. Vegetation and topographic alterations other than routine maintenance;

c. Construction of additional buildings or storage of vehicles and other materials; and

d. Uncontrolled beaching of watercraft.

ii. Development organization and functioning. Unless an equally effective alternative community framework is established, all residential planned unit developments must use an owners' association with the following features:

a. Membership must be mandatory for each dwelling unit or dwelling site owner and any successive owner;

b. Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or dwelling sites;

c. Assessments must be adjustable to accommodate changing conditions; and

d. The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

(D) Erosion Control and Stormwater Management.

i. Erosion control plans must be developed and must be consistent with the provisions of Section 3.1.2(h)(3) of this Unified Development Ordinance. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.

ii. Stormwater management facilities must be designed and constructed to manage expected quantities and qualities of stormwater runoff. For commercial PUDs, impervious surfaces within any tier must not exceed 25 percent of the tier area, except that 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with Section 3.1.2(h) of this Unified Development Ordinance.

3.1.3 CA – Mississippi River Corridor Critical Area (MRCCA)

(a) Authority, Intent, and Purpose

(1) Statutory Authorization.

This Mississippi River Corridor Critical Area (MRCCA) (Section 3.1.3) is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 116G, Minnesota Rules, Parts 6106.0010 - 6106.0180, and the planning and zoning enabling legislation in

Minnesota Statutes, Chapter 462 and 473.

(2) Policy

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

(b) General Provisions and Definitions

(1) Jurisdiction

The provisions of this Section apply to land within the river corridor boundary as described in the State Register, volume 43, pages 508 to 519 and shown on the official zoning map (insert reference citation).

(2) Enforcement

The Zoning Administrator is responsible for the administration and enforcement of this section. Any violation of its provisions or failure to comply with any of its requirements including violations of conditions and safeguards established in connection with grants of variances or conditional uses constitutes a misdemeanor and is punishable as defined by law. Violations of this Section can occur regardless of whether or not a permit is required for a regulated activity listed in Section 3.1.2.

(3) Severability

If any section, clause, provision, or portion of this Section is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Section shall not be affected thereby.

(4) Abrogation and Greater Restrictions

It is not intended by this Section to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section imposes greater restrictions, the provisions of this Section shall prevail. All other Sections inconsistent with this Section are hereby repealed to the extent of the inconsistency only.

(5) Underlying Zoning

Uses and standards of underlying zoning districts apply except where standards of this overlay district are more restrictive.

(6) Definitions

Unless specifically defined in Section 9, words or phrases used in this Unified Development Ordinance must be interpreted according to common usage and so as to give this Unified Development Ordinance its most reasonable application.

(c) Administration

(1) Purpose

The purpose of this Section is to identify administrative provisions to ensure this Section is administered consistent with its purpose.

(2) Permits

A permit is required for the construction of buildings or building additions (including construction of decks and signs), the installation and/or alteration of

sewage treatment systems, vegetation removal, and land alterations consistent with this Chapter.

(3) Variances.

Variances to the requirements under this Section may only be granted in accordance with Minnesota Statutes, Section 462.357 and must consider the potential impacts of variances on primary conservation areas (PCAs), public river corridor views (PRVCs), and other resources identified in the MRCCA plan. In reviewing the variance application the City of Brooklyn Center shall:

(A) Evaluate the impacts to these resources. and if negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts, consistent with Section 3.1.3(e) and

(B) Make written findings that the variance is consistent with Section 7.10 and with the following criteria.

i. The extent, location and intensity of the variance will be in substantial compliance with the MRCCA Plan;

ii. The variance is consistent with the character and management purpose of the MRCCA district in which it is located;

iii. The variance will not negatively impact birds and other wildlife using the Mississippi Flyway through habitat loss, collision threats, or light pollution, in compliance with Minnesota B3 guidelines version 3.2, Site and Water Guideline: S. 5 Animal Habitat Support;

iv. The variance will not limit public access to parklands and the River;

v. The variance will not be detrimental to PCAs and PRCVs nor will it contribute to negative incremental impacts to PCAs and PRCVs when considered in the context of past, present and reasonable future actions.

(4) Conditional and Interim Use Permits

All conditional and interim uses, required under this Section, must comply with Minnesota Statutes, Section 462.3595 and must consider the potential impacts on primary conservation areas, public river corridor views, and other resources identified in the MRCCA plan. In reviewing the application, the City shall:

(A) Evaluate the impacts to these resources and if negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts, consistent with Section 3.1.3(j); and

(B) Make written findings that the conditional use is consistent with the purpose of this Section, as follows.

i. The extent, location and intensity of the conditional use will be in substantial compliance with the MRCCA Plan;

ii. The conditional use is consistent with the character and management purpose of the MRCCA district in which it is located;

iii. The conditional use permit will not negatively impact birds and other wildlife using the Mississippi Flyway through habitat loss, collision threats, or light pollution, in compliance with Minnesota B3 guidelines version 3.2, Site and Water Guideline: S. 5 Animal Habitat Support;

iv. The conditional use will not be detrimental to PCAs and PRCVs nor will it contribute to negative incremental impacts to PCAs and PRCVs when considered in the context of past, present and reasonable future actions.

(5) Conditions of Approval.

The City shall evaluate the impacts to PCAs, PRCVs, and other resources identified in the MRCCA Plan, and if negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts.
Mitigation may include:

(A) Restoration of vegetation identified as "vegetation restoration priorities" identified in the MRCCA plan;

(B) Preservation of existing vegetation;

(C) Stormwater runoff management;

(D) Reducing impervious surface;

(E) Increasing structure setbacks;

(F) Wetland and drainageway restoration and/or preservation; and

(G) Other conservation measures, including;

i. Increasing and/or improving habitat for pollinators, birds and other wildlife using native trees, shrubs and other vegetation.

(6) Application materials.

Applications for permits and discretionary actions required under this Section must submit the following information unless the City determines that the information is not needed.

(A) A detailed project description; and

(B) Scaled maps and plans, dimensional renderings, maintenance agreements, and other materials that identify and describe:

i. Primary conservation areas;

ii. Public river corridor views;

iii. Buildable area;

iv. Existing and proposed topography and drainage patterns;

v. Proposed storm water and erosion and sediment control practices;

vi. Existing and proposed vegetation to be removed and established;

vii. Ordinary high water level, blufflines, and all required setbacks;

viii. Existing and proposed structures;

ix. Existing and proposed impervious surfaces; and

x. Existing and proposed subsurface sewage treatment systems.

(7) Nonconformities.

(A) All legally established nonconformities as of the date of this Unified Development Ordinance may continue consistent with Minnesota Statutes Section 462.357.

(B) New structures erected in conformance with the setback averaging provisions of Section 3.1.3(f)(5)(D) are conforming structures.

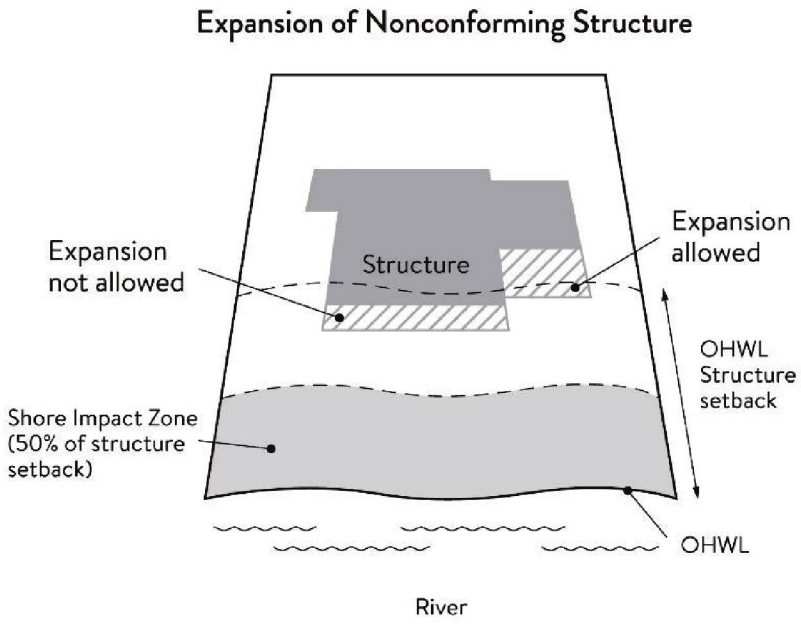
(C) Site alterations and expansion of site alterations that were legally made prior to the effective date of this Unified Development Ordinance are conforming. Site alterations include vegetation, erosion control, storm water control measures, and other nonstructural site improvements.

(D) Legally nonconforming principal structures that do not meet the setback requirements of Section 3.1.3(f)(2) may be expanded laterally provided that:

i. The expansion does not extend into the shore or bluff impact zone or further into the required setback than the building line of the existing principal structure (See Figure 5); and

ii. The expanded structure's scale and bulk is consistent with that of the original structure and existing surrounding development.

Figure 5. Expansion of Nonconforming Structure



(8) Notifications

(A) Amendments to this Section and to the MRCCA plan must be submitted to the Commissioner as provided in Minnesota Rules, part 6106.0070.

(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 ten (10) days prior to the hearing:

i. The Commissioner in a format prescribed by the DNR;

ii. National Park Service; and

iii. Where building heights exceed the height limits specified in Section 3.1.3(f)(2) as part of the conditional use or variance process, adjoining local governments within the MRCCA, including those with overlapping jurisdiction and those across the river.

(C) Notice of final decisions for actions in Section 3.1.3(c)(8)(B), including findings of fact, must be sent to the Commissioner, the National Park Service, and adjoining local governments within the MRCCA within ten (10) days of the final decision.

(D) Requests to amend district boundaries must follow the provisions in Minnesota Rules, part 6106.0100.

(9) Accommodating disabilities.

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

(A) Comply with Sections 3.1.3(f) through (l); or

(B) If Sections 3.1.3(f) through (l) cannot be complied with, ramps or other facilities are allowed with an administrative permit provided:

i. The permit terminates on either a specific date or upon occurrence of a particular event related to the person requiring accommodation; and

ii. Upon expiration of the permit, the ramp or other facilities must be removed.

(d) MRCCA Districts

(1) Purpose.

The purpose of this Section is to establish districts under which building height and structure placement are regulated to protect and enhance the Mississippi River's resources and features consistent with the natural and built character of each district.

(2) District Application

MRCCA Districts are overlaid over zoning districts as identified in the official city Zoning Map. Regulations and requirements imposed by MRCCA Districts shall be

enforced in addition to those in the base zoning district. In instances where two or more overlay districts apply, the more restrictive requirements shall apply.

(3) District description and management purpose.

The MRCCA within the City is divided into the following MRCCA Districts:

(A) River Neighborhood (RN).

i. Description.

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

ii. Management Purpose

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

(B) Separated from River (SR).

i. Description.

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

ii. Management purpose.

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

(4) MRCCA District Map

The locations and boundaries of the MRCCA districts established by this Section are shown on the City Zoning Map which is incorporated herein by reference. The district boundary lines are intended to follow the center lines of rivers and streams, highways, streets, lot lines, and municipal boundaries, unless a boundary

line is otherwise indicated on the map. Where district boundaries cross unsubdivided property, the district boundary line is determined by use of dimensions or the scale appearing on the map.

(e) Special Land Use Provisions

(1) Purpose

To identify development standards and considerations for land uses that have potential to negatively impact primary conservation areas and public river corridor views.

(2) Underlying Zoning

Uses within the MRCCA are generally determined by underlying zoning, with additional provisions for the following land uses:

(A) Agricultural use.

Perennial ground cover is required within 50 feet of the ordinary high water level and within the bluff impact zone.

(B) Feedlots.

New animal feedlots and manure storage areas are prohibited. Existing animal feedlots and manure storage areas must conform with Minnesota Rules, chapter 7020.

(C) River-dependent uses.

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

i. Structures and parking area, except shoreline facilities and private roads and conveyances serving river-dependent uses as provided in Section 3.1.3(l), must meet the dimensional and performance standards in this Section, must be designed so that they are not readily visible, and must be screened by establishing and maintaining natural vegetation;

ii. Shoreline facilities must comply with Minnesota Rules, chapter 6115 and must:

   a. be designed in a compact fashion so as to minimize the shoreline area affected; and

   b. minimize the surface area of land occupied in relation to the number of watercraft or barges to be served; and

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

(D) Wireless communication towers.

Wireless communication towers require a conditional or interim use permit and are subject to the following design standards:

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

ii. The tower must not be located in a bluff or shore impact zone; and

iii. Placement of the tower must minimize impacts on public river corridor views.

iv. Comply with the general design standards in Section 3.1.3(h)(2)

(f) Structure Height and Placement and Lot Size

(1) Purpose

To establish standards that protect primary conservation areas and public river corridor views from development impacts and ensure that new development is sited consistent with the purpose of the MRCCA.

(2) Structure Height

Structures and facilities must comply with the following standards unless identified as exempt in Section 3.1.3(l)

(A) Structures and facilities must comply with the following standards unless identified as exempt in Section 3.1.3(l).

i. RN District: 25 feet in residential districts, except for places of religious assembly. 35 feet for all other districts.

ii. SR District: Height is determined by underlying zoning, provided the allowed height is consistent with that of the mature treeline, where present, and existing surrounding development, as viewed from the OHWL of the opposite shore.

(3) Height is measured of the side of the structure facing the Mississippi River.

(4) In addition to the conditional use permit requirements of Section 3.1.3(c)(4), criteria for considering whether to grant a conditional use permit for structures exceeding the height limits must include:

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

(B) Determination that the proposed structure meets the required bluff and OHWL setbacks;

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

i. Placing the long axis of the building perpendicular to the river;

ii. Stepping back of portions of the facade;

iii. Lowering the roof pitch or use of a flat roof;

iv. Using building materials or mitigation techniques that will blend in with the natural surroundings such as green roofs, green walls, or other green and brown building materials;

v. Compliance with the Minnesota B3 Guidelines version 3.2, Site and Water Guideline: S. 5 Animal Habitat Support;

vi. Narrowing the profile of upper floors of the building; or

vii. Increasing the setbacks of the building from the Mississippi River or blufflines;

(D) Identification of techniques for preservation of those view corridors identified in the MRCCA Plan; and

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

(5) 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 3.1.3(l).

(B) Structures, impervious surfaces, and facilities must comply with the following OHWL setback provisions unless identified as exempt in 3.1.3(l).

i. RN District: 100 feet from the Mississippi River.

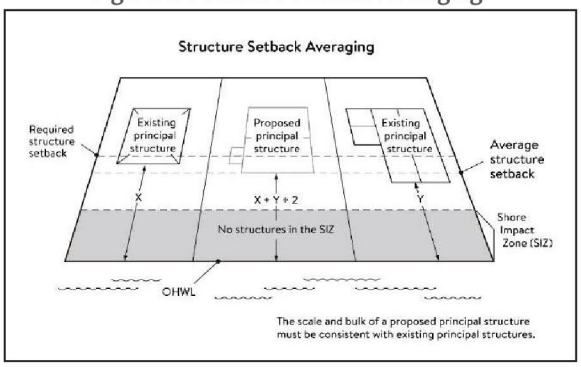
(C) Structures, impervious surfaces, and facilities must comply with the following bluffline setback provisions unless identified as exempt in Section 3.1.3(l):

i. RN District: 40 feet.

ii. SR District: 40 feet.

(D) Where principal structures exist on the adjoining lots on both sides of a proposed building site, the minimum setback may be altered to conform to the average of the adjoining setbacks, provided that the new structure's scale and bulk riverward or bluffward of the setbacks required under Section 3.1.3(f)(C) and (D) are consistent with adjoining development. See Figure 6.

Figure 6. Structure Setback Averaging



(E) Subsurface sewage treatment systems, including the septic tank and absorption area, must be located at least 75 feet from the ordinary high water level of the Mississippi River and all other public waters.

(6) Lot size and buildable area.

(A) All new lots must have adequate buildable area to comply with the setback requirements of Section 3.1.3(b) and (c) so as to not require variances to use the lots for their intended purpose.

(g) Performance Standards for Private Facilities

(1) Purpose

To establish design standards for private facilities that are consistent with best management practices and that minimize impacts to primary conservation areas, public river corridor views and other resources identified in the MRCCA plan.

(2) General Design Standards

All private facilities must be developed in accordance with the vegetation management and land alteration requirements in Section 3.1.3(i) and Section 3.1.3(j).

(3) Private Roads, Driveways, and Parking Areas

Except as provided in Section 3.1.3(l), private roads, driveways and parking areas must:

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

(B) Comply with structure setback requirements according to Section 3.1.3(c); and

(C) Not be placed within the bluff impact zone or shore impact zone, unless exempt under Section 3.1.3(l) and designed consistent with Section 3.1.3(h).

(4) Private water access and viewing facilities.

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

i. Eight feet wide, if placed within the shore impact zone; and

ii. Four feet wide, if placed within the bluff impact zone.

(B) Private water access ramps must:

i. Comply with Minnesota Rules, Parts 6115.0210 and 6280.0250; and

ii. Be designed and constructed consistent with the applicable standards in Design Handbook for Recreational Boating and Fishing Facilities.

(C) Design and construction of private stairways, lifts, and landings are subject to the following standards:

i. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties and residential facilities held in common, if approved by the City;

ii. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet area allowed for commercial properties and residential facilities held in common, if approved by the City Zoning Administrator;

iii. Canopies or roofs are prohibited on stairways, lifts, or landings;

iv. Stairways, lifts, and landings must be located in the least visible portion of the lot whenever practical; and

v. Ramps, lifts, mobility paths, or other facilities for persons with physical disabilities are allowed for achieving access to shore areas according to Section 3.1.3(g) and as provided under Section 3.1.3(c).

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

i. not exceed 10 feet in height;

ii. not exceed 120 square feet in area; and

iii. be placed a minimum of 10 feet from the ordinary high water level.

(5) Decks and patios in setback areas.

Decks and at-grade patios may encroach into the required setbacks from the ordinary high water level and blufflines without a variance, when consistent with Sections 3.1.3(i) and (j), provided that:

(A) The structure existed on the date the structure setbacks were established;

(B) A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;

(C) The deck is constructed primarily of wood and is not roofed or screened;

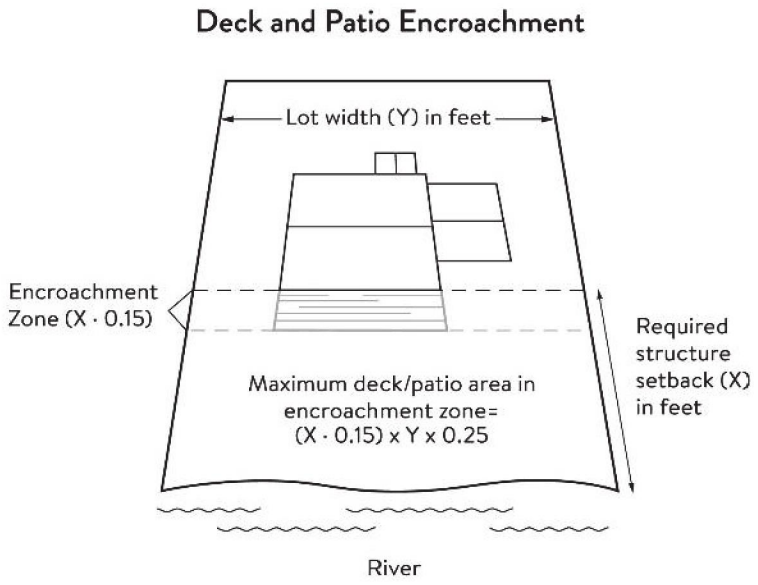
(D) The deck or patio does not extend into the bluff impact zone;

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

(F) The area of the deck or patio that extends into the required setback area occupies no more than 25 percent of the total area between the required setback and 15 percent using the below formula, as shown in Figure 7:

[required structure setback depth (feet) x 0.15 x lot width at setback (feet) x 0.25 = maximum total area]

Figure 7. Deck and Patio Encroachment



(6) Off-premise and directional signs

(A) Off-premise adverting signs must:

i. Meet required structure placement and height standards in Sections 3.1.3(f)(2) and (3).

ii. Not be readily visible

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

i. They must be consistent with Minnesota Statutes, Section 86B.115.

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

iii. Be no greater than ten feet in height and 32 square feet in surface area; and

iv. If illuminated, the lighting must be fully shielded and be directed downward to prevent illumination out across the river to the sky.

(C) Fences. Fences between principal structures and the river are allowed provided that fences are:

i. Not higher than six feet;

ii. Not located within the Bluff Impact Zone and the Shore Impact Zone;

iii. Not located in the regulatory floodplain.

(7) Lighting

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

(B) Uplighting is prohibited.

(h) Performance Standards for Public Facilities

(1) Purpose

To establish design standards for public facilities that are consistent with best management practices and that minimize impacts to primary conservation areas, public river corridor views and other resources identified in the MRCCA plan.
Public facilities serve the public interest by providing public access to the Mississippi River corridor or require locations in or adjacent to the river corridor and therefore require some degree of flexibility.

(2) General Design Standards

All public facilities must be designed and constructed to:

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

(B) Comply with the structure placement and height standards in the underlying zoning district, except as provided in Sections 3.1.3(f) and 3.1.3(l).

(C) Be consistent with the vegetation management standards in Section 3.1.3(i) and the land alteration and storm water management standards in Section 3.1.3(j), including use of practices identified in Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001, where applicable;

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

(E) Minimize disturbance of spawning and nesting times by scheduling construction at times when local fish, birds, and other wildlife are not spawning, nesting, or breeding.

(3) Right-of-way maintenance standards.

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

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

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

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

(4) Crossings of public water or public land.

Crossings of public waters or land controlled by the commissioner are subject to approval by the commissioner according to Minnesota Statutes, Sections 84.415 and 103G.245.

(5) Public utilities.

Public utilities must comply with the following standards:

(A) High-voltage transmission lines, wind energy conversion systems greater than five megawatts, and pipelines are regulated according to Minnesota Statutes, chapter 216E, 216F, and 216G respectively; and

(B) If overhead placement is necessary, utility facility crossings must minimize visibility of the facility from the river be hidden from view and follow other existing right of ways as much as practicable.

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

(D) Wireless communication facilities, according to Section 3.1.3(e).

(6) Public transportation facilities.

Public transportation facilities shall comply with structure placement and height standards in Section 3.1.3(f). Where such facilities intersect or about two or more MRCCA districts, the least restrictive standards apply. Public transportation facilities must be designed and constructed to give priority to:

(A) Providing scenic overlooks for motorists, bicyclists, and pedestrians;

(B) Providing safe pedestrian crossings and facilities along the river corridor;

(C) Providing access to the riverfront in public ownership; and

(D) Allowing for use of the land between the river and the transportation facility.

(7) Public recreational facilities.

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, and use standard in Section 2 and Section 4, respectively;

(B) Roads and driveways associated with public recreational facilities must not be placed in the bluff or shore impact zones unless no other placement alternative exists. If no alternative exists, then design and construction must minimize impacts to shoreline vegetation, erodible soils and slopes, and other sensitive resources.

(C) Trails, access paths, and viewing areas associated with public recreational facilities and providing access to or views of the Mississippi River are allowed within the bluff and shore impact zones if design, construction, and maintenance methods are consistent with the best management practice guidelines in Trail Planning, Design, and Development Guidelines.

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

ii. Trails, paths, and viewing areas must be designed and constructed to minimize:

a. Visibility from the river;

b. Visual impacts on public river corridor views; and

c. Disturbance to and fragmentation of primary conservation areas.

(D) Public water access facilities must comply with the following requirements:

i. Watercraft access ramps must comply with Minnesota Rules, Parts6115.0210 and 6280.0250; and

ii. Facilities must be designed and constructed consistent with the standards in Design Handbook for Recreational Boating and Fishing Facilities.

(E) Public signs and kiosks for interpretive or directional purposes are allowed in the bluff or shore impact zones, provided they are placed and constructed to minimize disturbance to these areas and avoid visual impacts on public river corridor views. If illuminated, the lighting must be fully shielded and be directed downward.

(F) Public stairways lifts, and landings must be designed as provided in Section 3.1.3(g)(4)(C).

(i) Vegetation Management

(1) Purpose

To establish standards that sustain and enhance the biological and ecological functions of vegetation; preserve the natural character and topography of the

MRCCA; and maintain stability of bluffs and steep slopes and ensure stability of other erosion-prone areas.

(2) Applicability

The vegetation management regulations in this Section supersede yard maintenance and yard cover ordinances elsewhere in city code for the following locations within the MRCCA Overlay:

(A) Shore impact zones

(B) Areas within 50 feet of a wetland or natural drainage way;

(C) Bluff impact zones;

(D) Areas of native plant communities; and

(E) Significant existing vegetative stands identified in the MRCCA plan.

(3) Activities allowed without a vegetation permit.

(A) Maintenance of existing lawns, landscaping and gardens;

(B) Removal of vegetation in emergency situations as determined by the City of Brooklyn Center;

(C) Right-of-way maintenance for public facilities meeting the standards Section 3.1.3(h)(3);

(D) Agricultural and forestry activities meeting the standards of Sections 3.1.3(e)(2)(A) and 3.1.3(e)(2)(C);

(E) Selective vegetation removal, provided that vegetative cover remains consistent with the management purpose of the MRCCA District, including:

i. Vegetation that is diseased or hazardous, and/or dead or dying trees that do not provide bird or wildlife habitat;.

ii. To prevent the spread of diseases or insect pests;

iii. Individual trees less than 4 inches (dbh) in circumference and shrubs; and

iv. For removal of invasive non-native species.

(4) Activities allowed with a vegetation permit.

(A) Only the following intensive vegetation clearing activities are allowed with a vegetation permit:

i. Clearing of vegetation that is dead, diseased, dying, or hazardous;

ii. Clearing to prevent the spread of diseases or insect pests;

iii. Clearing to remove invasive non-native species.

iv. Clearing to prepare for restoration and erosion control management activities consistent with a plan approved by the City.

v. The minimum necessary for development that is allowed with a building permit or as an exemption under Section 2.

vi. Removal of healthy trees over 4 inches (dbh).

(B) General Performance Standards.

The following standards must be met, in addition to a restoration plan under Section 3.1.3(i) in order to approve a vegetation permit:

i. Development is sited to minimize removal of or disturbance to natural vegetation;

ii. Soil, slope stability, and hydrologic conditions are suitable for the proposed work as determined by a professional engineer;

iii. Clearing is the minimum necessary and designed to blend with the natural terrain and minimize visual impacts to public river corridor views and does not remove any healthy trees 4 inches or more (dbh) in circumference;

iv. Vegetation removal activities are conducted so as to expose the smallest practical area of soil to erosion for the least possible time and to avoid bird migration and nesting seasons; and

v. Any other condition determined necessary to achieve the purpose of this section.

(5) Prohibited activities.

All other intensive vegetation clearing is prohibited.

(6) Vegetation restoration plan.

(A) Development of a vegetation restoration plan and reestablishment of natural vegetation is required:

i. For any vegetation removed with a permit under Section 3.1.3(i)(4);

ii. Upon failure to comply with any provisions in this section; or

iii. As part of the planning process for subdivisions as provided in Section 3.1.3(k)

(B) Restoration Plan Performance Standards.

i. The vegetation restoration plan must satisfy the application submittal requirements in this Chapter and:

ii. Vegetation must be restored in one or more of the following restoration priority areas:

a. Stabilization of erodible soils Areas with soils showing signs of erosion, especially on or near the top and bottom of steep slopes and bluffs;

b. Restoration or enhancement of shoreline vegetation Shoreline areas within 25 feet of the water with no natural vegetation, degraded vegetation, or planted with turf grass;

c. Revegetation of bluffs or steep slopes visible from the river Areas on steep slopes and bluffs that are visible from the river with no natural vegetation, degraded vegetation, or planted with turf grass; or

d. Other approved priority opportunity area, including priorities identified in the MRCCA plan, if none of the above exist.

iii. 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;

iv. Any highly erodible soils disturbed during removal and/or restoration must be stabilized with deep-rooted vegetation with a high stem density;

v. Vegetation removed must be restored with native vegetation to the greatest extent practicable. The area (square feet) of the restored vegetation should be similar to that removed to the greatest extent practicable.

vi. For restoration of removed native plant communities, restored vegetation must also provide biological and ecological function equivalent to the removed native plant communities. The area (square feet) of the restored vegetation should be equivalent to that removed;

vii. Be prepared by a qualified individual; and

viii. Include a maintenance plan that includes management provisions for controlling invasive species and replacement of plant loss for three years.

(C) A certificate of compliance will be issued after the vegetation restoration plan requirements have been satisfied.

(j) Land Alteration Standards and Stormwater Management

(1) Purpose

To establish standards that protect water quality from pollutant loadings of sediment, nutrients, bacteria, and other contaminants; and maintain stability of bluffs, shorelines, and other areas prone to erosion.

(2) Land Alteration Permit

(A) Within the bluff impact zone, land alteration is prohibited, except for the following which are allowed by permit.

i. Erosion control consistent with Section 3.1.3(j)(6);

ii. The minimum necessary for development that is allowed as an exception under Section 3.1.3(l); and

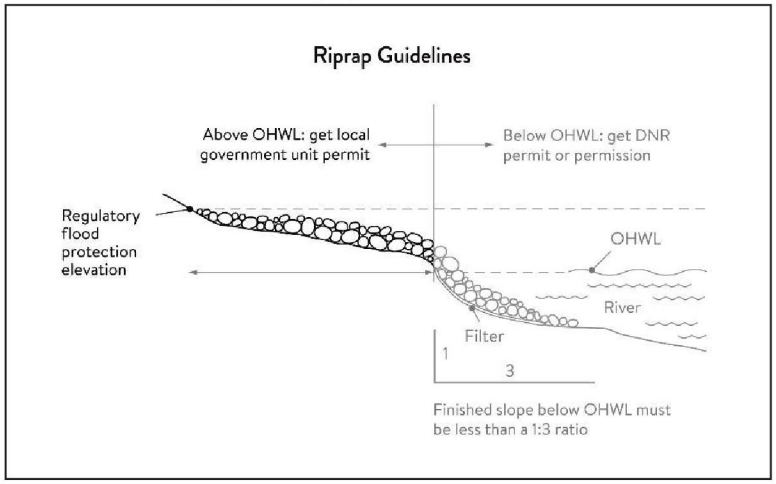
iii. Repair and maintenance of existing buildings facilities.

(B) Within the water quality impact zone, land alteration that involves more than five cubic yards of material or affects an area greater than 500 square feet requires a permit.

(3) Rock riprap, retaining walls, and other erosion control structures

(A) Construction, repair, or replacement of rock riprap, retaining walls, and other erosion control structures located at or below the OHWL must comply with Minnesota Rules, Parts 6115.0215, subpart 4, and 6115.0216, subpart 2. Work must not proceed until approved by the commissioner. See Figure 8.

Figure 8. Riprap Guidelines



(B) Construction or replacement of rock riprap, retaining walls, and other erosion control structures within the bluff impact zone and the water quality impact zone are allowed with a permit consistent with provisions of Section 3.1.3((j)(6) provided that:

i. If the project includes work at or below the OHWL, the commissioner has already approved or permitted the project.

ii. The structures are used only to correct an established erosion problem as determined by the City.

iii. The size and extent of the structures are the minimum necessary to correct the erosion problem and are not larger than the following, unless a professional engineer determines that a larger structure is needed to correct the erosion problem:

a. Retaining walls must not exceed five feet in height and must be placed a minimum horizontal distance of ten feet apart; and

b. Riprap must not exceed the height of the regulatory flood protection elevation.

(C) Repair of existing rock riprap, retaining walls, and other erosion control structures above the OHWL does not require a permit provided it does not involve any land alteration under Section 3.1.3(j)(2).

(4) Stormwater Management

(A) Impervious surfaces of lots must not exceed 25 percent of the lot area

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

i. There are no alternatives for storm water treatment outside the bluff impact zone on the subject site;

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

iii. The construction and operation of the facility does not affect slope stability on the subject property or adjacent properties; and

iv. Mitigation based on the best available engineering and geological practices is required and applied to eliminate or minimize the risk of slope failure.

(C) In the water quality impact zone, development that creates new impervious surface, as allowed by exemption in 3.1.3(l), or fully reconstructs existing impervious surface of more than 10,000 square feet requires a storm water permit or approved storm water plan. Multipurpose trails and sidewalks are exempt if there is down gradient vegetation or a filter strip that is at least five feet wide.

(D) In all other areas, storm water runoff must be directed away from the bluff impact zones or unstable areas.

(5) Development on steep slopes.

Construction of structures, impervious surfaces, land alteration, vegetation removal, or other construction activities are allowed on steep slopes if:

(A) The development can be accomplished without increasing erosion or storm water runoff;

(B) The soil types and geology are suitable for the proposed development; and

(C) Vegetation is managed according to the requirements of Section 3.1.3(i).

(6) Conditions of land alteration permit approval.

(A) Temporary and permanent erosion and sediment control measures retain sediment onsite consistent with best management practices in the Minnesota Stormwater Manual;

(B) Natural site topography, soil, and vegetation conditions are used to control runoff and reduce erosion and sedimentation;

(C) Construction activity is phased when possible;

(D) All erosion and sediment controls are installed before starting any land disturbance activity;

(E) Erosion and sediment controls are maintained to ensure effective operation;

(F) The proposed work is consistent with the vegetation standards in Section 3.1.3(i); and

(G) Best management practices for protecting and enhancing ecological and water resources identified in Best Practices for Meeting DNR General Public Waters Work Permit GP 2004- 0001.

(7) Compliance with other plans and programs. All development must:

(A) Be consistent with Minnesota Statues, chapter 103B, and local water management plans completed under chapter 8410;

(B) Meet or exceed the wetland protection standards under Minnesota Rules, chapter 8420; and

(C) Meet or exceed the floodplain management standards under Minnesota Rules, Parts 6120.5000 – 6120.6200

(k) Subdivision and Land Development Standards

(1) Purpose

(A) To protect and enhance the natural and scenic values of the MRCCA during development or redevelopment of the remaining large sites

(B) To establish standards for protecting and restoring biological and ecological functions of primary conservation areas on large sites; and

(C) To encourage restoration of natural vegetation during development or redevelopment of large sites where restoration opportunities have been identified in MRCCA Plans.

(2) Applicability.

(A) The design standards in this section apply to subdivisions, planned unit developments and master- planned development and redevelopment of land involving five or more acres for contiguous parcels that abut the Mississippi River and ten or more acres for all other parcels, including smaller individual sites within the following developments that are part of a common plan of development that may be constructed at different times:

i. Subdivisions;

ii. Planned unit developments; and

iii. Master-planned development and redevelopment of land.

(B) The following activities are exempt from the requirements of this section:

i. Minor subdivisions consisting of three or fewer lots;

ii. Minor boundary line corrections;

iii. Resolutions of encroachments;

iv. Additions to existing lots of record;

v. Placement of essential services; and

(3) Application materials.

Project information listed in Section 3.1.3(c)(6)(E) must be submitted for all proposed developments.

(4) Design standards.

(A) Primary conservation areas, where they exist, must be set aside and designated as protected open space in quantities meeting the following as a percentage of total parcel area:

i. CA-RN District: 20%;

ii. **CA-SR District: 10% if the parcel includes native plant communities or provides feasible connections to a regional park or trail system, otherwise no requirement.**

(B) If the primary conservation areas exceed the amounts specified in Section 3.1.3(k)(4), 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 3.1.3(i)(6)(B).

(D) If primary conservation areas do not exist on the parcel and portions of the parcel have been identified in the MRCCA plan as a restoration area, vegetation must be restored in the identified areas according to Section 3.1.3(i)(6)(B) and the area must be set aside and designated as protected open space.

(E) Storm water treatment areas or other green infrastructure may be used to meet the protected open space requirements if the vegetation provides biological and ecological functions.

(F) Land dedicated for public river access, parks, or other open space or public facilities may be counted toward the protected open space requirement.

(G) Protected open space areas must connect open space, natural areas, and recreational areas, where present on adjacent parcels, as much as possible to form an interconnected network.

(5) Permanent protection of designated open space.

(A) Designated open space areas must be protected through one or more of the following methods:

i. Public acquisition by a government entity for conservation purposes;

ii. A permanent conservation easement, as provided in Minnesota Statutes, Chapter 84C;

iii. A deed restriction; and

iv. Other arrangements that achieve an equivalent degree of protection.

(B) Permanent protection methods must ensure the long-term management of vegetation to meet its biological and ecological functions, prohibit structures, and prohibit land alteration, except as needed to provide public recreational facilities and access to the river.

(l) Exemptions

(1) Purpose

To provide exemptions to structure placement, height and other standards for specific river or water access dependent facilities as provided in Minnesota Statutes 116G.15.

(2) Applicability

(A) Uses and activities not specifically exempted must comply with this section. Uses and activities exempted under shore impact zone and bluff impact zone must comply with the vegetation management and land alteration standards in Sections 3.1.3(i) and 3.1.3(j).

(B) Uses and activities in Section 3.1.3(l)(3) are categorized as:

i. Exempt – E. This means that the use or activity is allowed;

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

iii. Not Exempt - N. This means that a use or activity is not exempt and must meet the standards of this Unified Development Ordinance.

(3) Use and activity exemption classification

A. General Uses and Activities					
Use or Activity	Setbacks	Height Limits	SIZ	BIZ	Applicable Standards with which the use or activity must comply
Industrial and utility structures requiring greater height for operational reasons (such as elevators, refineries and railroad signaling towers)	N	E	N	N	Structure design and placement must minimize interference with public river corridor views.
Barns, silos, and farm structures	N	E	N	N	
Bridges and bridge approach roadways	E	E	E	(E)	Section 3.1.3(h)
Wireless communication towers	E		N	N	Section 3.1.3(e)(2)(F)
Chimneys, church spires, flag poles, public monuments, and mechanical stacks and similar mechanical equipment	N	E	N	N	
Historic properties and contributing properties in historic districts	E	E	E	E	Exemptions do not apply to additions or site alterations to historic buildings or structures

B. Public Utilities

Use or Activity	Setbacks	Height Limits	SIZ	BIZ	Applicable Standards with which the use or activity must comply
Electrical power facilities	E	E	E	(E)	Section 3.1.3(h)
Essential services (other than storm water facilities)	E	E	E	(E)	Section 3.1.3(h)
Storm water facilities	E	N		(E)	Section 3.1.3(j)
Wastewater treatment	E	N	E	(E)	Section 3.1.3(h)
Public transportation facilities	E	N	(E)	(E)	Section 3.1.3(h)

C. River Dependent Uses

Use or Activity	Setbacks	Height Limits	SIZ	BIZ	Applicable Standards with which the use or activity must comply
Shoreline facilities	E	N[1]	E	(E)	Section 3.1.3(e)(2)(E). Exemptions do not apply to buildings, structures, and parking areas that are not part of a shoreline facility
Private roads and conveyance structures serving river-dependent uses	E	N[1]	E	(E)	Section 3.1.3(e)(2)(E)

[1] River-dependent commercial, industrial and utility structures are exempt from height limits only if greater height is required for operational reasons.

D. Public Recreational Facilities

Use or Activity	Setbacks	Height Limits	SIZ	BIZ	Applicable Standards with which the use or activity must comply
Accessory structures, such as monuments, flagpoles, light standards, and similar park features	E	E	(E)	(E)	Section 3.1.3(h); 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 3.1.3(h)
Private roads and conveyance structures serving river-dependent uses	E	N[1]	E	(E)	Section 3.1.3(e)(2)(E)
Parking lots	(E)	N	(E)	(E)	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			Section 3.1.3(h)

Natural-surfaced trails, access paths, and viewing areas	E	N	E	E	Section 3.1.3(h)
Hard-surfaced trails and viewing platforms	E	N	E	(E)	Section 3.1.3(h); within BIZ, only on slopes averaging less than 30%
Water access ramps	E	N	E	(E)	Section 3.1.3(h)
Public signs and kiosks for interpretive or directional purposes	E	N	E	(E)	Section 3.1.3(h)

E. Private Residential and Commercial Water Access and Use Facilities

Use or Activity	Setbacks	Height Limits	SIZ	BIZ	Applicable Standards with which the use or activity must comply
Private roads serving 3 or more lots	(E)	N	N	(E)	Section 3.1.3(f); 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 3.1.3(f)
Water access ramps	E	N	E	N	Section 3.1.3(f)
Stairways, lifts, and landings	E	N	E	N	Section 3.1.3(f)
Water-oriented accessory structures	E	N	E	N	Section 3.1.3(f)
Patios and decks	E	N	N	N	Section 3.1.3(f)(5)
Directional signs for watercraft (private)	E	N	E	N	Section 3.1.3(f); 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)	Sections 3.1.3(j)(2)(E) and 3.1.3(j)(2)(F)
Flood control structures	E	N	E	(E)	Section 3.1.3(j)

Section 4: Use Regulations

4.1 Explanation of table of permitted uses.

4.1.1 Use Table Explanation

Table 4.2 below lists the principal uses within all zoning districts except for the overlay zoning districts. The uses permitted in overlay districts shall be guided by the underlying base zoning district, but are controlled by applicable overlay district requirements.

4.1.2 Organization of table

Table 4.2.1 organizes uses by use category, and use type.

(a) **Use categories.**

The use categories provide a systematic basis for assigning present and future land uses into broad general classifications (e.g., household living, commercial, etc.). .

(b) **Use types.**

The use categories are organized into specific use types based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions.. The use types identify the specific uses that are considered to fall within characteristics identified in the broader use category. For example, one-family or two-family are some of the specific use types that fall under the "household living" use category.

(c) **Symbols in table.**

The symbols used in Table 4.2.1 are defined as follows:

(1) **Permitted uses (P).**

A "P" in a cell indicates that a use type is allowed by-right in the respective zoning district subject to compliance with the use-specific standards set forth in the final "use-specific standards" column of Table 4.2. Permitted uses are subject to all other applicable standards of this UDO.

(2) **Accessory uses (A).**

An "A" in a cell indicates that a use type is allowed as an accessory use in the respective zoning district. An accessory use is one that is incidental and subordinate to the principal use on the same lot. If a use is permitted in this Section as a principal use, it is also allowed as an accessory use.

(3) **Conditional uses (C).**

A "C" in a cell indicates that a use type is allowed as a conditional use in the respective zoning district subject to compliance with the use-specific standards set forth in the final "use-specific standards" column of Table 4.2 and approval of a conditional use permit in accordance with the UDO. Conditional uses are subject to all other applicable standards of this UDO.

(4) **Interim Uses (I).**

An "I" in a cell indicates that a use type is allowed as an interim use in the respective zoning district subject to compliance with the use-specific standards set forth in the final "use-specific standards" column of Table 4.2 and approval of an Interim Use Permit in accordance with the UDO. Interim uses are subject to all other applicable standards of this UDO.

(5) **Prohibited uses ( ).**

A blank cell indicates that the listed use type is prohibited in the respective zoning district.

(d) **Use-specific standards.**

The "use-specific standards" column of Table 4.2 cross-reference standards that are specific to an individual use type and are applicable to that use in all districts unless otherwise stated in the use-specific standards.

(e) **Unlisted uses.**

If a use is not listed in Table 4.2, it shall be considered a Prohibited use, unless the City Council determines that the use is substantially similar in nature and potential impacts on the surrounding community as an existing use in the use table.

(f) **Uses allowed by statute or rule.**

If a provision in Minnesota statute or rule expressly requires a city to allow a certain use or facility as a permitted or conditional use within a residential district, the use or facility shall be allowed as provided in law up to the number of people indicated in the particular statute or rule, unless a larger number is allowed in the district under this UDO.

4.2 Allowed Use Table

4.2.1 Table 4.2.1 Allowed Use Table

P = Permitted use, C = Conditional use, I = Interim Use, A = Accessory Use														
	Residential					Commercial/ Mixed Use				Nonresidential				Use-Specific Standards
	R1	R2	R3	R4	R5	MX-N1	MX-N2	MX-C	TOD	C	MX-B	I	O	
RESIDENTIAL USES														
Household Living														
Dwelling, one family	P	P												

P = Permitted use, C = Conditional use, I = Interim Use, A = Accessory Use														
	Residential					Commercial/ Mixed Use				Nonresidential				Use-Specific Standards
	R1	R2	R3	R4	R5	MX-N1	MX-N2	MX-C	TOD	C	MX-B	I	O	
Dwelling, two family		P												
Townhouse or Condominium Single Family Attached Dwelling Units			P			P	P		P					
Dwelling, live/work						C	C	P	P	A	C			4.3.1(a)
Dwelling, multiple family				P	P	P	P	P	P					
Accessory dwelling unit (ADU)	A	A												4.3.3
Accessory structures including but not limited to, detached garages, carports, gazebos, sheds, patios, decks, porches, amateur radio equipment, etc. for use by the occupants of the principal use	A	A	A	A	A	A	A	A	A					4.4
Playground equipment and recreation installations, including private swimming pools and sport courts	A	A	A	A	A	A	A	A	A					
Licensed Day Care Facilities (12 and fewer children) or Licensed Group Family Day Care Facilities (14 and fewer children)	P	P	P			P	P		P					4.3.2(c)
Licensed Day Care Facilities (13 and greater children) or Licensed Group Family Day Care Facilities (15 and greater children)				C	C	C	C	C	C					4.3.2(c)

P = Permitted use, C = Conditional use, I = Interim Use, A = Accessory Use														
	Residential					Commercial/ Mixed Use				Nonresidential				Use-Specific Standards
	R1	R2	R3	R4	R5	MX-N1	MX-N2	MX-C	TOD	C	MX-B	I	O	
The renting of not more than two sleeping rooms in the principal building by a resident family, provided adequate off-street parking is provided	A	A												
Group Living														
Nursing homes			C	C	C	C	C							
Assisted living homes			C	C	C	C	C	C	C					
Licensed Residential Facility (6 and fewer person)	P	P	P			P	P		P					
Licensed Residential Facility (7 and greater person)				C	C	C	C	C	C					
PUBLIC, INSTITUTIONAL, AND CIVIC USES														
Community and Cultural Facilities														
Community Center						C	C	C	C	C				
Funeral and crematory services								C		C				
Cemetery	C													
Public Building	C	C	C	C	C	C	C	C	C	C	C	C	C	
Libraries and art galleries						P	P	P	P	P	P			
Places for religious assembly	C	C								C		C		

P = Permitted use, C = Conditional use, I = Interim Use, A = Accessory Use														
	Residential					Commercial/ Mixed Use				Nonresidential				Use-Specific Standards
	R1	R2	R3	R4	R5	MX-N1	MX-N2	MX-C	TOD	C	MX-B	I	O	
Educational Facilities														
Nonresidential educational uses including Area Learning Centers (ALC), post secondary schools, business schools, trade schools and the like, but excluding public and private elementary and secondary schools							C	C	P	P	P			
Public and private elementary and secondary schools offering a regular course of study	C	C			C									
Accessory educational structures serving public and private elementary and secondary schools offering a regular course of study	I	I			I									4.4.8
Healthcare Facilities														
Medical and health uses						P	P	P	P	P	P			
Care Centers and Convalescent Homes			C	C	C	C	C	C	C					
COMMERCIAL USES														
Agricultural and Animal Uses														
Animal hospitals						P	P	P	P	P	P			
Commercial Animal Establishment										P	P	P		

P = Permitted use, C = Conditional use, I = Interim Use, A = Accessory Use														
	Residential					Commercial/ Mixed Use				Nonresidential				Use-Specific Standards
	R1	R2	R3	R4	R5	MX-N1	MX-N2	MX-C	TOD	C	MX-B	I	O	
Urban Agriculture, Commercial						C	C	C	C	C	C	C	C	4.3.2(b)
Urban Agriculture, non-commercial	A	A	A	A	A	A	A	A	A				P	
Eating, Drinking, and Lodging														
Brewpub, micro-winery, and micro-distillery						P	P	P	P	P	P	P		
Clubrooms and lodges						C	C	C	C	C				
Drive-thru eating establishments							C	C		C				4.4.2(c)
Eating establishments						P	P	P	P	P	P	A		
Banquet, Event, or Conference Facility							C	C	C	C	A			
Hospitality lodging and associated uses							C	C	C	C	C			
Entertainment and Recreation														
Adult uses											C			4.3.3(e)
Amusement center (indoor)						A	A	C	P	C				4.3.2(e)
Amusement center (outdoor)							C	C	C	C				4.3.2(e)
Golf courses and essential accessory buildings													P	

P = Permitted use, C = Conditional use, I = Interim Use, A = Accessory Use														
	Residential					Commercial/ Mixed Use				Nonresidential				Use-Specific Standards
	R1	R2	R3	R4	R5	MX-N1	MX-N2	MX-C	TOD	C	MX-B	I	O	
Indoor Recreation Fitness center or club, Indoor						C	P	P	P	P	C			4.3.2(d)
Public recreational uses of a noncommercial nature	P	P	P	P	P	P	P	P	P	P	P	P	P	
Commercial Uses														
Business to business services						P	P	P	P	P	P	P		
Financial institutions including, but not limited to, full-service banks and savings and loan associations							P	P	P	P				
Stand alone ATMs							A	A	A	A				
Pawn shops										C				
Sauna and massage establishments							A	A	A	A				
Office						P	P	P	P	P	P	P		
Personal services				A	A	P	P	P	P	P				
Contractor's Offices										C	P	P		
A real estate office for the purpose of leasing or selling apartment units in the				A	A	A	A	A	A					

P = Permitted use, C = Conditional use, I = Interim Use, A = Accessory Use														
	Residential					Commercial/ Mixed Use				Nonresidential				Use-Specific Standards
	R1	R2	R3	R4	R5	MX-N1	MX-N2	MX-C	TOD	C	MX-B	I	O	
development in which it is located														
Allowable Home occupations (not to include Conditional Home Occupations)	A	A	A	A	A	A	A	A	A					4.4.2 (d)
Conditional Home Occupations	C	C	C	C	C	C	C	C	C					4.4.2 (d)
Other uses similar in nature, as determined by the City Council	C	C	C	C	C	P	P	P	P	P	P	P	P	4.3.2
Retail Sales														
General Indoor Retail Sales, Large								P	P	P	A			
General Indoor Retail Sales, Small						P	P	P	P	P	A	A		4.4.5
Groceries and related products						P	P	P	P	P	P			
Retail sale of building and construction materials										P	A	A		
Retail sale of tires, batteries, and automobile accessories and marine craft accessories								A		P	A	A		4.3.3(a)
Outdoor display and sale of merchandise							A	A	A	A	A			4.4.5

P = Permitted use, C = Conditional use, I = Interim Use, A = Accessory Use														
	Residential					Commercial/ Mixed Use				Nonresidential				Use-Specific Standards
	R1	R2	R3	R4	R5	MX-N1	MX-N2	MX-C	TOD	C	MX-B	I	O	
The compounding, dispensing, or sale (at retail) of medical drugs, devices, or supplies.						A	A	A	A	A	A			
Vehicles and Equipment														
Automobile and truck rental and leasing							C			C		P		4.3.3(a)
Automobile and truck repair and service station							C	C	C	C	P	P		4.3.3(a)
Car wash							A	A		P	A	A		
Gasoline stations							C			C	C			
Private fuel pumps										A	A	A		
Public transportation terminals							P	P	P	C	P			
Sale of motor vehicles and marine craft at retail										C				4.3.3(a)
Off-site dealership vehicle storage										I	I	I		4.4.8
Bus garage facilities												C		4.3.3(a)
Truck terminals or exchange stations												C		
Bicycle Sharing Station						A	A	A	A	A	A			
Electrical Vehicle Charging Station			A	A	A	A	A	A	A	A	A	A	A	

P = Permitted use, C = Conditional use, I = Interim Use, A = Accessory Use														
	Residential					Commercial/ Mixed Use				Nonresidential				Use-Specific Standards
	R1	R2	R3	R4	R5	MX-N1	MX-N2	MX-C	TOD	C	MX-B	I	O	
Energy Collection and Communications Technologies														
Solar Collector, Building-Mounted	A	A	A	A	A	A	A	A	A	A	A	A	A	
Solar Collector, Ground-Mounted	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	C	
Wind Energy System, Small Ground-Mounted	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	
Wind Energy System, Small Roof-Mounted	A	A	A	A	A	A	A	A	A	A	A	A	A	
Telecommunications facilities and towers	C	C	C	C	C	C	C	C	C	C	C	C	C	4.3.3(b)
Satellite receive-only antenna	A	A	A	A	A	A	A	A	A	A	A	A	A	4.3.3(d)
Manufacturing and Processing														
Manufacturing, assembly, and processing of products											P	P		
Wholesale trade											P	P		
Artisan Production and Sales						P	P	P	P	P	P	P		
Foundries											C	C		
Laundering, dry cleaning, and dyeing										P	P	P		
Textile mills and mill products											C	P		
Outdoor storage and display of materials, equipment, and products accessory and											CA	A		4.4.6

P = Permitted use, C = Conditional use, I = Interim Use, A = Accessory Use														
	Residential					Commercial/ Mixed Use				Nonresidential				Use-Specific Standards
	R1	R2	R3	R4	R5	MX-N1	MX-N2	MX-C	TOD	C	MX-B	I	O	
necessary to a principal or permitted use														
Storage, Distribution, or Warehouse														
Storage of raw materials, work in process and inventory, provided such storage is completely within enclosed buildings											**A**	**A**		
Warehousing and Distribution											**P**	**P**		
Outdoor storage and display of materials, equipment, and products accessory and necessary to a principal and permitted use.											**CA**	**A**		
Planned Unit Development														
Planned Unit Development	**C**	**C**	**C**	**C**	**C**	**C**	**C**	**C**	**C**	**C**	**C**	**C**	**C**	**8.3**

4.3 Use Specific Standards

4.3.1 Residential Uses

(a) **Dwelling, Live/Work**

(1) **Not more than three people may be engaged in the making, servicing, or selling of goods, or provision of personal and professional services, within a single unit.**

(2) **At least one person must reside in the dwelling unit where the non-residential activity or activities occur.**

(3) **The residential unit shall be located above or behind the non-residential areas of the structure.**

(4) **In cases where the commercial activity is occurring within the dwelling unit, it shall not exceed 50 percent of the gross floor area of the dwelling unit.**

(5) **Signs are limited to not more than two non-illuminated wall or window signs not exceeding 10 square feet in total area.**

(6) **The work activities shall not adversely impact the public health, safety, or welfare of adjacent properties.**

4.3.2 Commercial Uses

(a) **Animal hospitals/veterinary clinics. Except in the TOD, MX-N1, and MX-N2, outdoor facilities, such as dog kennels or runs, are allowed with a conditional use permit and are subject to the following standards:**

(1) **Such use shall be incidental to the animal hospital use and used for the short-term boarding of animals; and**

(2) **The applicant has demonstrated that the outdoor facility will not negatively impact neighboring properties through the use of screening or buffering.**

(b) **Urban Agriculture**

(1) **Structures**

(A) **Cold frames are limited to a maximum height of two feet and shall be located at least 10 feet from any lot line where the abutting lot has an occupied residential use.**

(B) **Greenhouses and hoop houses are limited to a maximum height of 10 feet, shall be located at least 10 feet from any lot line where the abutting lot has an occupied residential use, and may not cover more than 25 percent of the rear lot.**

(C) **Agricultural stands may be located on commercially zoned properties provided they are limited to a maximum height of 10 feet, and are located at least 10 feet from any property lot line, and outside of the clear view triangle.**

(2) **Operational Standards**

(A) **Retail sales of produce grown on the property are permitted provided that all sales tax and other applicable licenses and permits for sale are obtained and maintained by the seller**

(B) **The site drainage and maintenance shall prevent water, fertilizer, or any other product from draining onto adjacent property that is not part of the contiguous land in common use.**

(C) **Refuse and compost area shall be enclosed at ground level to be rodent-resistant and compost piles shall not exceed four feet in height.**

(D) **No outdoor work activity that involves power equipment or generators may occur between sunset and sunrise.**

(3) **Soil Quality**

(A) **Food products may be grown in soil native to the site if the applicant can provide documentation to the City that a composite sample of the native soil, consisting of no less than five individual samples, has been tested for lead content and the lead content in the soil is determined to be at or below the residential screening levels for soil exposure, direct-contact for lead established by the State of Minnesota; and either:**

i. **Proof through maps, deeds, prior permits, or a combination of those sources that the site has only been used for residential or agricultural activities in the past; or**

ii. **A composite sample of the native soil, consisting of no less than five individual samples, has been tested for metal content using the US EPA 3050B, 3051, or a comparable method and that the metals arsenic, cadmium, mercury, molybdenum, nickel, selenium, and zinc are determined to be at or below the residential screening levels for soil exposure, direct-contact established by the State of Minnesota. If metal content in soil exceed established thresholds, food products may only be grown in raised beds filled with clean top soils.**

a. As an alternative to meeting the standards in Subsection (A) above, food products may be grown in clean soil brought to the site without completing a soil test of the soil native to the site.

(c) **Group Day Care Facilities**

(1) **In the case of group day care facilities, outside recreational facilities are required, and shall be appropriately separated from the parking and driving areas by a wood fence not less than four feet in height; or a Council approved substitute; shall be located contiguous to the day care facility; shall not be located in any yard abutting a major thoroughfare unless buffered by a device set forth in Section 5.6; shall not have an impervious surface for more than half the playground area; and shall be a minimum of 50 square feet square feet per child in attendance unless otherwise noted in Minnesota Rules, part 9502.0425, subpart 2.**

(2) **Group day care facilities shall be permitted where noted in Section 4.2, provided that such developments, in each specific case, are demonstrated to be:**

(A) **Compatible with existing adjacent land uses as well as with those uses permitted in the zoning district generally.**

(B) **Complementary to existing adjacent land uses as well as to those uses permitted in the zoning district generally.**

(C) **Of comparable intensity to permitted zoning district land uses with respect to activity levels.**

(D) **Planned and designed to assure that generated traffic will be within the capacity of available public facilities and will not have an adverse impact upon those facilities, the immediate neighborhood, or the community.**

(E) **Traffic generated by other uses on the site will not pose a danger to those served by the day care use.**

(3) **Group day care facilities shall be allowed as an accessory use to places of religious assembly and educational uses, as noted in Section 4.2, and shall demonstrate provisions as outlined in 4.3.2(c)**

(4) **When required, group day care facilities shall be licensed by the Minnesota Department of Human Services pursuant to a valid license application. A copy of said license and application shall be submitted annually to the City.**

(d) **Fitness center or club, Indoor**

(1) **Fitness centers or club uses shall not abut an R1, R2, or R3 district, including abutment at a street line.**

(e) **Amusement Centers (indoor and outdoor)**

(1) **Amusement centers shall not abut an R1, R2, or R3 district, including abutment at a street line.**

4.3.3 Non-Residential Uses

(a) **Vehicles and Equipment Uses**

The following requirements are intended to minimize adverse functional and aesthetic conditions of abutting and adjacent land uses, which may result from operation of automobile service stations adjacent and that the use:

(1) No vehicle and equipment use constructed after the adoption of this ordinance, shall be constructed on a parcel which abuts an R1, R2, or R3 district including abutment at a street line. For the purpose of this paragraph, a parcel which adjoins another parcel at one corner will be deemed to abut.

(2) No driveway curb opening will be permitted within 40 feet of the intersection of the property lines of a corner use site. The maximum right angle width of any driveway shall be thirty feet at the property line. No driveway shall be located within 50 feet of another driveway at the property line on the same use site, or be flared outward on the boulevard in such a way as to encroach upon the boulevard or abutting property.

(3) Provisions shall be made for an unobstructed area free of all vehicles, pumps, signs, displays or other materials, which tend to obscure vision where the use site is at the intersection of two streets. The unobstructed area shall be bounded by the street right-of-way lines abutting the lot and a straight line joining points on such street lines, 50 feet from the point of intersection of the street right-of-way lines. This is not intended to preclude one identification sign which is 10 feet or more above the street grade level and is supported by a pedestal 12 inches or less in diameter.

(4) Facilities for chassis and gear lubrication must be enclosed within the principal building. Vehicle washes may be located in a separate building on the site provided that the materials and exterior treatment for the wash building shall be of the same level of quality as for the principal building. No merchandise may be displayed for sale outside the principal building except within four feet of the building or in pump islands unless enclosed by a structure compatible with the building. No discarded trash, parts, or tires may be stored outside the building unless enclosed by a durable structure compatible with the design of the principal building.

(5) Any required buffer or screening area shall be so constructed and maintained as to keep the beam of automobile headlights from shining into abutting properties.

(6) The following activities are prohibited:

(A) Except for the vehicles owned by the business owner and employees used for personal use as well as motor vehicles for sale on permitted sales lots, all motor vehicles must be stored in an enclosed structure. Motor vehicles which are being serviced may be parked in an appropriate outdoor location on the premises for a maximum period of 48 hours at any one time.

(B) Body work and painting may take place as accessory to the primary service use.

(7) The lawful use of land for any vehicle or equipment use existing at the time of the adoption of this Unified Development Ordinance may be continued even if such use does not conform to the above Section 4.3.3(a) shall apply to all exterior additions, alterations, accessory buildings and signs erected or constructed after the effective date of this Unified Development Ordinance.

(8) The owner and lessee shall be jointly and severally responsible for seeing that the above regulations are observed.

(b) Telecommunications Towers and Telecommunications Facilities

The following regulations are intended to protect residential areas from potential adverse impacts of telecommunications towers and facilities, to promote and encourage shared use or co-location of telecommunications towers and antenna support structures, and to avoid potential damage to property caused by these facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained and removed when no longer used:

(1) **No telecommunications tower or facility shall be built, erected or constructed upon any parcel of land in the zoning districts where conditionally permitted unless a building permit has been issued by the City's Building Official.**

(2) **Telecommunications towers are exempt from the maximum height restrictions of the districts where they are located; however, these towers shall not be permitted to exceed the height authorized in the airport safety zones established for the Crystal Airport.**

(3) **Co-location requirements**

All telecommunications towers erected, constructed or located within the city shall comply with the following requirements.

(A) **A proposal for a new telecommunications tower shall not be approved unless the approving body finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one-mile search radius (one-half mile search radius for towers under 120 feet in height, one-quarter mile search radius for towers under 80 feet in height) of the proposed tower due to one or more of the following reasons:**

a. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost;

b. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost;

c. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer; and/or

d. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

(B) Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional user if the tower is over 60 feet in height. Telecommunications towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

(4) **Telecommunications towers are prohibited on property in which the use includes the storage, distribution, or sale of volatile, flammable, explosive or hazardous materials such as LP gas, propane, gasoline, natural gas, and corrosive or dangerous chemicals.**

(5) **All telecommunications towers shall be setback on all sides a distance equal to the setback requirement for accessory structures in the applicable zoning district. Said towers may not be located in a front yard or side corner yard between a principal structure and a public street.**

(6) **All telecommunications towers must be designed and certified by an Engineer to be structurally sound and, at minimum, in conformance with the Minnesota State Building Code and all other construction standards set forth by City regulation and Federal and State law.**

(7) **Telecommunications towers shall be separated from residentially zoned lands by a minimum distance of twice the height of the proposed tower.**

(8) **Telecommunications towers shall not be artificially lighted except when required by the Federal Aviation Administration (FAA).**

(9) **Telecommunications towers not requiring FAA painting or marking shall have an exterior finish of stealth design.**

(10) **Any fences constructed around or upon parcels containing telecommunications towers, antenna support structures or telecommunications facilities shall be fully opaque, but otherwise constructed in accordance with screening requirements in the applicable zoning district unless more stringent fencing requirements are required by FCC regulations. No barbed or razor wire fencing is allowed.**

(11) **Landscaping on parcels containing telecommunications towers, antenna support structures or telecommunications facilities must be in accordance with the landscape point system. Utility buildings and structures accessory to a tower must be designed to blend in with the surrounding environment and to meet setback requirements as provided for in the applicable zoning district. Ground mounted equipment must be screened from view by suitable vegetation or opaque fence. No barbed or razor wire fencing is allowed.**

(12) **No telecommunications tower, or portion thereof, shall be used for the posting of signs or advertising other than required signs. Said signs must be in compliance with the Section 6 of this Unified Development Ordinance.**

(13) **All telecommunications towers, telecommunications facilities and antenna support structures shall at all times be kept and maintained in good condition, order and repair so that the same shall not be a danger to the public.**

(14) **Any telecommunications facilities which are not attached to a telecommunications tower may be permitted as an accessory use to any antenna support structure at least 75 ft. tall regardless of the zoning restrictions applicable to the zoning district where the structure is located. The telecommunications facility and antenna support structure must comply with the provisions of the Minnesota State Building Code. No such structure or facility shall be built, constructed or erected without first having obtained a building permit from the building official.**

(15) **Telecommunications facilities are permitted upon City-owned water towers provided an approved lease agreement with the City has been executed and a building permit from the Building Official has been obtained.**

(16) **Any telecommunications tower, telecommunications facility and/or antenna support structure that is not used for telecommunications purposes for one year shall be deemed abandoned and the property owner shall remove the tower facility and/or antenna in the same manner. If the owner fails to remove the tower facility and/or antenna after one year, it may be removed by the City with costs of such removal assessed against the property owner of the site.**

(17) Rooftop or façade-attached telecommunication towers and antennas shall not exceed fifteen (15) feet in height, as measured from top of roof parapet. The antenna and any supporting structure shall be aesthetically compatible with the structure upon which the antenna is mounted, and with surrounding uses, including camouflaging whenever able. The structure upon which a rooftop or façade-attached antenna is to be mounted shall have the structural integrity to carry the weight of the antenna and supporting structures.

(c) **Amateur Radio Towers.**

(1) **Amateur radio towers shall only be allowed in the rear yard and made of unpainted metal or other visually unobtrusive material.**

(d) **Satellite Receive-Only Antennas (SROA):**

(1) **Satellite receive-only antennas (SROA), as defined in Section 9.2, shall be a permitted accessory use in all districts, subject to the standards of this Section.**

(2) **SROAs located in residential districts shall not exceed one (1) meter in diameter. SROAs located in all other districts shall not exceed two (2) meters in diameter.**

(3) **Advertising shall not be placed on SROAs.**

(4) **Freestanding SROAs:**

(A) **In all districts, no SROA shall be placed within any required front yard.**

(B) In all districts, SROAs shall be subject to the same setback requirements in rear or side yards which would apply to other accessory structures within the district.

(C) No antenna shall be placed less than twenty feet (20') from a public street right of way. All such antennas shall be securely anchored.

(5) Roof-mounted SROAS

(A) Every SROA mounted on a roof shall be subject to the normal height limits of the zoning district in which it is located and shall comply with any applicable requirements of the UDO and the Building Code.

(e) Adult Uses

(1) Findings and Purpose

Studies conducted by the Minnesota Attorney General, the American Planning Association, and cities such as Saint Paul, Minnesota; Indianapolis, Indiana; Hopkins, Minnesota; Ramsey, Minnesota; Minnetonka, Minnesota; Rochester, Minnesota; Phoenix, Arizona; Los Angeles, California; and Seattle, Washington have studied the impacts that adult establishments (referred to in the UDO as adult uses) have in those communities. These studies have concluded that sexually oriented uses have adverse impacts on the surrounding neighborhoods. These impacts include increased crime rates, lower property values, increased transiency, neighborhood blight, and potential health risks. Based on these studies and findings, the City Council concludes:

(A) Adult uses and adult establishments are understood as defined in Section 9.2 of the UDO.

(B) Adult uses have adverse secondary impacts of the types set forth above.

(C) The adverse impacts caused by adult uses tend to diminish if such establishments are governed by geographic, licensing, and health requirements.

(D) It is not the intent of the City Council to prohibit adult uses from having a reasonable opportunity to locate in the city.

(E) Minnesota Statutes, Section 462.357, allows the City to adopt regulations to promote the public health, safety, and general welfare.

(F) The public health, safety, and general welfare will be promoted by the City adopting regulations governing sexually oriented uses.

(G) Adult establishments can contribute to an increase in criminal activity in the area in which such businesses are located, taxing city crime prevention programs and law enforcement services.

(H) Adult establishments can be used as fronts for prostitution and other criminal activity. The experience of other cities indicates that the proper management and operation of such businesses can, however, minimize this risk, provided the owners and operators of such facilities are regulated by licensing or other procedures.

(I) The risk of criminal activity and/or public health problems can be minimized through a regulatory scheme as prescribed herein.

(2) Definitions. The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in Section 9.2, except where the context clearly indicates a different meaning.

(3) **Adult establishments may be located only as allowed by Section 4.2 of this code, and with the following restrictions:**

(A) No adult use may be allowed within 500 ft of the R1, R2, or R3 district, as measured from the two nearest property lines.

(B) Only one adult use may be allowed per block face.

(4) **Minnesota Statutes Section 617.242 shall not apply in the City.**

4.4 Accessory Uses and Structures

This subsection authorizes accessory uses and structures that are incidental and customarily subordinate to principal uses. The intent of this subsection is to allow accessory uses while not creating adverse impacts on surrounding uses.

4.4.1 General Provisions

(a) **Accessory structures shall only be constructed concurrent with or after the construction of the principal building on the same site. No more than two accessory structures may be constructed on the same lot.**

(b) **Uses and structures that are accessory to a conditional principal use shall be permitted in accordance with this subsection, without requiring a conditional use permit amendment, unless specifically required as a condition of the conditional use permit approval.**

(c) **Accessory structures are not permitted within the front and corner required setback.**

(d) **The total ground coverage of all accessory structures shall not exceed the ground coverage of the principal building.**

(e) **No accessory structure, unless it is connected to the principal building, shall be erected, altered, or moved, within six feet of the principal building or another accessory structure, as measured from exterior wall to exterior wall.**

(f) **Unless otherwise indicated in this UDO, accessory structures must be set back at least five (5) feet from an interior side or rear lot line.**

(g) **Any accessory structure that may be used for the parking or storage of motor vehicles shall:**

(1) **Have a floor constructed of poured concrete in accordance with standards approved by the city engineer and building official;**

(2) **Include a driveway connecting it to a public right of way; and**

(3) **Not be constructed of the following materials: fabric, canvas, concrete block, cloth, plastic sheets, tarps, unfinished or corrugated metal, exposed plywood, particle board, or similar materials.**

(4) **Shall be architecturally compatible with the principle structure**

(h) **Small accessory structures such as arbors, retaining walls, benches, doghouses, garden decorations, trellises and firewood cribs are exempt from the provisions of this UDO, but cannot be located in public rights-of-way.**

4.4.2 Accessory uses

(a) **Assembly or gathering space.**

Adequate parking shall be provided for both the assembly or gathering space and the principal use on the property.

(b) **Accessibility ramps.**

Accessibility ramps are subject to the following standards:

(1) **To reduce visibility, accessibility ramps shall, to the extent practicable, be located to the side or rear of the building;**

(2) **If an accessibility ramp is located in the front of the building, the ramp run shall not exceed four feet in width leading to an entrance landing and handrails not more than three feet in height and not more than 50 percent opaque; and the entrance landing shall not exceed 36 square feet in area.**

(c) **Drive-through facilities.**

Drive-through facilities are subject to the following standards:

(1) **The establishment is served by arterial, collector, or municipal state aid streets and such pedestrian facilities as are necessary to accommodate the traffic generated by the facility. The city council may require the applicant to provide a traffic study prepared by a professional engineer for the proposed use, and may base its findings of fact on said study or other information related to potential traffic impacts on the street system and adjacent land uses;**

(2) **Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be located within 100 feet of any residential dwelling unit, and shall not be audible at levels greater than those established as provided in the Brooklyn Center city code,**

(3) **To the maximum extent feasible, all drive-through elements including, but not limited to, menu boards, stacking lanes, trash receptacles, loudspeakers, drive up windows, and other objects associated with the drive-through area shall be located in the most visually inconspicuous area of the property that does not cause unnecessary negative impacts to residential properties, and shall not cross, interfere with, or impede any public right-of way; and**

(4) **A opaque fence or vegetative screen of six feet in height shall be installed and maintained along any property line abutting a property used for residential purposes. Such screen shall also lessen the negative impact of vehicle headlights on adjacent properties.**

(d) **Home businesses**

(1) **The purpose of this standard is to accommodate residents who desire to start home businesses while ensuring that said businesses:**

(A) Are compatible with residential activity and do not adversely impact the character of the surrounding residential area;

(B) Are secondary and incidental to the residential use of the dwelling unit;

(C) Do not adversely affect the health, safety or welfare of other persons residing in the area.

(2) **Review and approval. A conditional use permit is required for all Conditional Home Occupations.**

(3) **Types of Home Occupations**

(A) *Allowable Home Occupations.*

Allowable Home Occupations are a type of home businesses that City Council has found do not adversely affect the health, safety or welfare of other persons residing in the area. External impacts generated from this use are typically insignificant.

(B) *Conditional Home Occupations.*

Conditional Home Occupations are a type of home business that the City Council has found to have external impacts on the surrounding residential area which are potentially significant. All Conditional Home Occupations shall require approval of a conditional use permit pursuant to Section 7.7 of this Unified Development Ordinance.

(4) **Standards**

(A) Health, safety, and welfare.

Home businesses must not endanger the health, safety or welfare of the community by reason of blight, noise, smoke, dust, odor, glare, vibration, fire hazard, increased vehicular traffic including deliveries, unsanitary or unsightly conditions, or similar conditions that have a reasonable likelihood of disturbing the peace, comfort, repose or quiet enjoyment of the indoor and outdoor spaces of neighboring residential properties. Activity that produces light, glare, noise, odor, dust, smoke or vibration perceptible beyond the boundaries of the premises and distinguishable from neighboring residential uses is prohibited. Toxic, explosive, flammable, radioactive or other restricted materials used, sold, or stored on the site in connection with the home enterprise must conform to the Unified Development Ordinance and Uniform Fire Code for residential uses.

(B) Use of accessory buildings or garages.

i. **Allowable Home Occupations. No Allowable Home Occupation shall involve the use of any accessory structure.**

ii. **Conditional Home Occupations. No Conditional Home Occupation shall use more than one accessory structure and such structure must be a permitted use under Section 4.2 of the Unified Development Ordinance.**

(C) Equipment

i. **Allowable Home Occupations. No Allowable Home Occupation shall involve the use of equipment other than that customarily found in a residential dwelling unit.**

ii. **Conditional Home Occupations. A Conditional Home Occupation may use equipment not customarily found in a residential dwelling unit.**

(D) Primary residence requirement

The owner of the home business must use the dwelling unit as the person's primary residence.

(E) Employees

i. **Allowable Home Occupations. No Allowable Home Occupation shall involve the employment on the premises of persons who are not members of the family residing on the lot.**

ii. **Conditional Home Occupations. No Conditional Home Occupation shall employ or contract with more than one person who is not an occupant of the dwelling, at any one time.**

(F) Client visits

i. **Allowable Home Occupations. The total number of clients upon the premises must not exceed six clients per day and must not exceed two clients at any one time.**

ii. **Conditional Home Occupations. The Planning Commission may determine the number and intensity of client visits per day and time.**

(G) Traffic congestion and parking

i. **Allowable Home Occupations. No Allowable Home Occupation shall cause traffic congestion on the lot containing the Allowable Home Occupation or on the streets adjacent thereto.**

ii. **Conditional Home Occupations. No Conditional Home Occupation shall cause traffic congestion on the streets adjacent thereto. A Conditional Home Occupation may store and/or park off-street up to one commercial vehicle that is accessory and necessary to the approved on-site business, provided that the commercial vehicle is licensed and operable and is designated within vehicles classes 1-4 only, as defined by the Minnesota Department of Transportation in their official vehicle classification scheme.**

No automobile parking related to the Conditional Home Occupation shall be permitted on the street provided, however, that upon a finding that the conditional home occupation is not feasible without on street parking, the City Council may authorize parking on the street based upon a consideration of Section 5.5 and of the following:

a. The amount of the applicant's street frontage.
b. The rights of adjacent residents to park on the street.
c. Preservation of the residential character of the neighborhood.

(H) Exterior displays, window displays, and signage

Exterior display, exterior signage, advertisement, or other exterior indication of a home business is prohibited. No items may be displayed in windows which are for sale on the premises.

(I) Deliveries and pick-ups

Home businesses may receive up to four deliveries and pick-ups per day for the receiving or shipping of goods produced or used on site. This allotment is in

addition to the number of allowed client visits determined by this Unified Development Ordinance and/or the City Council.

(J) Authorization and Enforcement

The Zoning Administrator shall make the final determination as to whether a proposed home business constitutes and Allowable Home Occupation or a Conditional Home Occupation.

(e) **Swimming pools and hot tubs.**

Swimming pools and hot tubs are subject to the following standards:

(1) **A permit is required before work can commence on any in-ground swimming pool.**

(2) **No portion of a swimming pool or hot tub may be located less than 5 feet from any side or rear property line, nor in front of any principal structure. In-ground pools shall not be located within six feet (6') of any principal structure or frost footing.**

(3) **No filtering unit, pump, heating unit, or other noise making equipment shall be located less than ten feet from any lot line, or 20 feet from any principal structure on an adjacent property.**

(4) **Underground utility lines may not be located under or within 15 feet of any pool, unless otherwise approved by the zoning administrator. Utility connections for pool lighting and accessories are permitted if installed in accordance with the City electrical code.**

(5) **All outdoor pool lighting shall be directed toward the pool, and away from adjacent properties.**

(6) **Pool water shall be maintained in a suitable manner to avoid health hazards of any type.**

(7) **A fence or similar screening at least four (4) feet in height but no greater than six (6) feet in height shall surround any outdoor swimming pools. Any fence opening must be equipped with a self-closing gate. Fences and gates shall not have an opening greater than five inches at the bottom. For an aboveground pool, where the combined heights of the pool and deck/railing is four (4) feet or greater above grade, and access points to the pool are provided with self-closing, lockable, self-latching gates, a separate fence shall not be required. Latches must be located on the inside (pool side) of the fence.**

(8) **A ground-level deck at least 2 feet in width, measured from the pool water's edge, shall completely surround any below ground pool.**

(9) **All swimming pools must be installed in conformance with all other applicable city and state laws.**

4.4.3 Accessory dwelling units.

In the case of Accessory Dwelling Units (ADUs), defined in Section 9.2, the following standards apply:

(a) **The following types of ADUs are permitted as accessory uses in the R1 and R2 zoning districts, or any zoning district in which residential uses are permitted and contains an existing single-family home. Accessory dwelling units are not permitted in conjunction with two-family dwellings, townhomes/rowhomes or multiple-family dwellings.**

(1) **Internal – ADUs located within the structure of the main house, for example, a converted basement or attic.**

(2) **Attached – ADUs which share one or more walls with the primary house, commonly constructed as additions or conversions of attached garages**

(3) **Detached – Freestanding ADUs typically built as backyard structures, detached garage conversions, same-level additions to a detached garage, or above-garage units. This type of ADU is the most visible.**

(b) **All ADUs shall be designed to be compatible with neighborhood character.**

(c) **Primary owner occupancy is required on the lot, in either the principal structure or the ADU. Properties on which an ADU is located shall have filed a deed restriction requiring the property to remain homesteaded.**

(d) **The accessory dwelling unit shall not be sold independently of the principal residential dwelling and may not be a separate tax parcel.**

(e) **ADUs shall not be required to obtain a rental license from the City.**

(f) **No more than one ADU shall be permitted per parcel.**

(g) **ADUs must comply with the building code for the zoning district of which it is built within.**

(h) **The combined lot coverage of the principal structure and all accessory structures shall not exceed 45 percent of the parcel.**

(i) **The square footage of an ADU shall not be less than 200 square feet.**

(j) **A detached ADU may be erected within the accessory structure setbacks for the zoning district which the principal structure occupies. A detached ADU shall be considered an Accessory structure and shall comply with all the necessary requirements of that type.**

(k) **A detached ADU shall not exceed 16 feet in height.**

(l) **One off-street parking space is required per each ADU on the same lot.**

4.4.4 Fuel pumps, private use.

Private fuel pumps for use by commercial businesses are allowed, provided that the current business, or its successor business, only uses the fuel pumps for its vehicles and equipment and does not allow them to be used by the general public. For the purposes of this UDO, private fuel pumps do not include those fuel pumps in use by a vehicle fuel sales business as allowed in

4.4.5 Outdoor sales.

Outdoor sales are subject to the following standards:

(a) **Retail establishments.**

(1) **The service, sale, display or rental area is hard surfaced and clearly designated on the site as being limited to the specific, approved area; and**

(2) **The sales area does not exceed 40% of the gross floor area of the principal use excluding basement storage areas, 20% of the area of the property, or 6,000 square feet, whichever is less;**

(b) **Vehicle fuel sales.**

The sales and display of merchandise is limited to the walkway adjacent to the building, but a minimum of five feet of the walkway shall be clear of merchandise to allow for safe pedestrian movement.

(c) **Tent or sidewalk sales on private property. Tent or sidewalk sales on private property are subject to the following standards:**

(1) **A minimum of five feet of the sidewalk shall be clear of merchandise to allow for safe pedestrian movement;**

(2) **The property shall contain an area that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing vegetated areas, open space, landscaping, or traffic movements. Tents shall not be located in the public right-of-way;**

(3) **The applicant shall demonstrate that adequate off-street parking is provided for patrons. If applicable, consideration shall be given to the parking needs of other occupants on the same property; and**

(4) **Hours of operation for the sale are limited to between 8 a.m. and 9 p.m. and merchandise shall only be displayed during that time; and**

(5) **Tents shall be maintained in good repair. Any tent that is potentially dangerous or in disrepair shall be removed or repaired.**

4.4.6 Outdoor Storage and Display of Materials in I and MX-B districts

Outdoor storage and display of materials, equipment, and products accessory and necessary to a principal or permitted use may be permitted in the MX-B and I Districts with as an accessory use, subject to the following standards:

(a) **The items for outdoor storage or sales display area shall be effectively screened from view from adjacent public rights-of-way or adjacent properties by a solid wall or fence constructed of wood, masonry or other durable materials, or a combination of fence, berm and landscaping.**

(b) **In properties zoned MX-B only, allowable areas used for outdoor storage or display areas on an individual site shall not exceed fifteen percent (15%) of the gross floor area of the principal building.**

(c) **Outdoor storage or sales display area shall not be located within any front yard abutting a public right-of-way, or within the buffer setback areas as defined under Section 5.1.**

(d) **Height of stacked or stored materials or equipment in the storage area shall not exceed the height of the screening.**

(e) **Outdoor areas shall not be used for the storage of junk or inoperable vehicles, trash, debris, or any nuisance items as defined in the UDO.**

(f) **The storage of hazardous liquids, solids, gases or wastes is strictly prohibited, unless authorized by the city's Building Official and Fire Chief.**

(g) **The outdoor storage area shall not be within or interfere with designated parking or drive aisles areas required by UDO Section 5.5.**

(h) **Any new or additional lighting installed to illuminate the storage area must be down-cast, cut-off style light fixtures, with a photometric plan.**

(i) **The storage area shall consist of a concrete or bituminous surface. The property owner or responsible tenant shall keep the outdoor storage areas free of refuse, trash, debris, weeds, and waste fill.**

(j) **Any storage or placement of materials outside of the designated area shall be a violation of the City Code.**

(k) **A detailed site plan specifically delineating the storage area, including the landscaping and lighting plans for said areas, must be submitted to the City Planner for approval.**

4.4.7 **Outdoor storage or display of materials in all other districts.**

(a) **In all districts with the exception of I and MX-B, all storage, display, service, repair or processing shall be conducted wholly within an enclosed building. For lots abutting an R1-R3 district, such structures shall not be conducted closer than twenty (20) feet from the adjacent residential property.**

(b) **Semi-trailers and other portable storage containers may not be used for the out of door storage of materials, equipment, merchandise, inventory, etc.**

(c) **The outdoor display of merchandise, without a temporary use permit, during business hours on a private pedestrian walkway located contiguous to the primary building is not prohibited by this Section.**

(d) **This requirement shall not apply to the out of door storage and display of new and used motor vehicles or marine craft for which a conditional use permit has been issued. Neither shall the requirement apply to the out of door retail sale of food at drive-thru eating establishments for which a conditional use permit has been issued. Temporary outdoor storage and display of merchandise may be allowed by Temporary Use Permit pursuant to Section 4.4.9 of this UDO.**

(1) **Solar energy systems.**

Solar energy systems are subject to the following standards:

(A) Visibility.

i. Building-mounted solar energy systems shall be designed to be flush-mounted with the roof when facing a public rights-of-ways other than an alley.

ii. Building-integrated photovoltaic systems shall be allowed regardless of visibility, provided the building component in which the system is integrated meets all required setback or other standards for the district in which the building is located.

a. Feeder lines. Any electric lines accompanying a solar energy system, other than those attached to on- site structures by leads, shall be buried within the subject parcel; and

b. Abandonment. A solar energy system that is allowed to remain in a nonfunctional or inoperative state for a period of twelve consecutive months, and which is not brought in operation within the time specified by the city, shall be presumed abandoned and shall constitute a public nuisance that may be removed by the City and the costs thereof certified as a special assessment against the owner of the property on which the abandoned solar energy system was located.

(2) **Ground mounted.**

Ground-mounted solar energy systems are not allowed in the MX-N1, MX-N2, MX-C, or TOD Districts. When permitted, ground-mounted solar energy systems shall be considered Accessory Structures and all requirements apply

(3) **Tennis and other recreational courts.**

Noncommercial outdoor tennis and other recreational courts are subject to the following standards:

(A) Court fencing shall comply with the requirements as provided in Section 5.6.9.

(B) Court lighting shall not exceed a height of 20 feet, measured from the court surface. The lighting shall be directed downward and shall only illuminate the court.

4.4.8 Interim Uses

(a) **The following use types may be allowed as interim uses in the, subject to the standards set in paragraph (b):**

(1) **Accessory educational structures serving public and private elementary and secondary schools offering a regular course of study**

(2) **Off-Site dealership vehicle storage**

(b) **Procedures and conditions for the approval of interim use permits:**

(1) **Interim use permits will be issued in accordance with the procedures and subject to the conditions stated in Section 7.8.**

(2) **At the time of granting such a permit the City Council shall specify a date or event that can be identified with certainty by which the interim use must be terminated and the structure(s) shall be removed from the site. In any event, however, such interim use shall not continue beyond any date when the Council, or any other governmental body having the power of eminent domain, adopts a resolution approving acquisition of the property by eminent domain, or the zoning of the property is changed to any classification under which the interim use is no longer permitted.**

(3) **The City Council may impose any conditions on such interim use which it deems necessary or expedient to protect the public health, safety or welfare or to assure that permission for the interim use will not impose additional costs on the public if it is necessary or expedient to take the property in the future. No such permit shall be issued unless the applicant first agrees in writing to the imposition of any such conditions.**

(4) **In addition to any other conditions which may be imposed by the City Council, the following restrictions shall apply:**

(A) Applicable lot standards and sign regulations shall be observed.

(B) A landscape and parking plan for the property shall be submitted and approved by the Council.

(C) Unless approved by the Council pursuant to this Section and Section 7.8, no new buildings may be erected on the property and no existing buildings maybe expanded while the interim use continues.

(D) Temporary classrooms may be used for classrooms only and may not be used for storage or converted to another use.

(E) The total square footage of both temporary and permanent classrooms on any one site shall not exceed allowable district or use standards as outlined in Sections 2.3 and 4.3, unless otherwise allowed by the Zoning Administrator as outlined in Section 7.8.

4.4.9 Temporary Uses and Structures

(a) Purpose.

This subsection allows for the establishment of certain temporary uses and structures of limited duration, provided that such uses or structures do not negatively affect adjacent properties, and provided that such uses or activities are discontinued upon the expiration of a set time period. Temporary uses and structures shall not involve the construction or alteration of any permanent building or structure. The regulations of this subsection are not applicable to special events that are otherwise subject to leases, permits, or other forms of permission that are duly established between the special event organization and the city.

(b) General provisions.

The table at Section 4.4.9(f) lists the temporary uses allowed within all zoning districts except for the overlay zoning districts. The uses permitted in overlay districts shall be guided by the underlying base zoning district, but are controlled by applicable overlay district requirements.

(c) Unlisted uses.

If an application is submitted for a use that is not listed in the table at Section 4.4.9(f) the Zoning Administrator is authorized to classify the new or unlisted use, with consultation from appropriate City departments, into an existing use type that most closely fits the new or unlisted use. If no similar use determination can be made, the Zoning Administrator shall refer the use to the Planning Commission, who may initiate an amendment to the text of this UDO to clarify where and how the use should be permitted.

(d) Use-specific standards.

The "use-specific standards" column of the table at Section 4.4.9(f) cross-reference standards that are specific to an individual use type and are applicable to that use in all districts unless otherwise stated in the use-specific standards.

(e) Temporary Use permit application.

Application for permission to engage in a temporary use shall be made to the City. The applicant shall set forth their name, address, the location of the temporary use, the duration of the temporary use, the hours of the temporary use, the nature of the proposed use and shall submit a map or diagram describing the layout of the temporary use. The Zoning Administrator may require further information as will enable them to determine whether the temporary use meets the standards of this ordinance. The Zoning Administrator may, subject to the appeal provisions of this UDO, refuse to issue a temporary use permit; provided, however, that the reasons for refusal shall be stated in writing to the applicant, and the applicant shall be notified of the appeal provision.

(f) Permitted Temporary Uses Table

Permitted Temporary Uses and Structures							
Use Category and Use Type	Construction Dumpster	Garage/ Yard Sale	Outdoor Dining*	Outdoor Sales*	Portable Storage Container	Mobile food units	Signs, Temporary
R1	P	P					P
R2	P	P					P
R3	P	P					P
R4	P	P					P
R5	P	P					P
MX-N1	P		P	P	P	P	P
MX-N2	P		P	P	P	P	P
MX-C	P		P	P	P	P	P
TOD	P		P	P	P	P	P
C	P		P	P	P	P	P
MX-B	P		P	P	P	P	P
I	P		P	P	P	P	P
O							P
Allowable Duration (per site)	One year, or duration of construction whichever is less	Maximum of three consecutive days, four times per calendar year	6 months per site per calendar year	6 months per site per calendar year	9 months per calendar year, taken consecutively or apart	N/A	See sign code
Use Specific Standards in Section:	4.4.9(g)(1)	4.4.9(g)(2)	4.4.9(g)(3)	4.4.9(g)(4), 4.4.5	4.4.9(d)	4.4.9(g)(7)	See sign code

*Outdoor seating for eating establishments or outdoor sales areas for retail establishments may be permitted as a permanent use with a conditional use permit.

(g) Use-specific standards for temporary uses and structures.

(1) Construction dumpsters.

Construction dumpsters are subject to the following standards:

(A) On private property, the dumpster must be stored on an improved hard surface if located in front of the site, or it shall be located to the side or rear of the site, but away from principal buildings on adjacent properties, to the extent practical. The zoning administrator, upon written request, may grant extensions to the maximum duration permitted.

(B) For the purposes of construction operations, dumpster may be of both the soft-sided or hard-sided varieties.

(2) Garage or yard sales.

Garage or yard sales are subject to the following standards:

(A) Hours of operation for the garage or yard sale are limited to between 8:00 a.m. and 9:00 p.m.; and

(B) Garage or yard sale signs identifying the location and times of a sale may be placed on the property at which the sale is to be conducted or on the property of others with their consent. Such signs shall not exceed 4 square feet in area per side; shall not be placed on or attached to any public property or utility pole; shall not be placed within the clear view triangle as required in the UDO, Section 9.2; and must be removed within 24 hours of the time stated on such sign for the conclusion of the sale.

(3) Outdoor seating for cafes or restaurants.

Outdoor seating for cafes and restaurants is subject to the following standards:

(A) An outdoor dining area may be allowed accessory and incidental to a restaurant with indoor eating area on the same site provided that the outdoor eating area shall comply with the parking requirements in this UDO

(B) Outdoor dining areas shall be designated on a site plan submitted for the Temporary Use Permit application

(C) If no grade separation is provided between vehicular traffic and the outdoor dining area, permanent railings or fencing shall be provided around the dining area. If the outdoor dining area is adjacent to a sidewalk or other facility that is closed to vehicular traffic, no railing or fencing shall be required unless it is a required condition of the establishment's liquor license;

(D) Umbrellas, or other protective elements, that shelter diners from the elements shall be secured so as not to create a hazard;

(E) Enclosing an outdoor dining area either by a permanent roof or to expand the existing structure shall meet all the requirements of a building within the applicable zoning district; and

(F) Within the TOD and N-MX districts, outdoor dining may encroach into setback areas or the public right-of-way, provided that the sidewalk remains clear to a width of five feet.

(4) Seasonal agricultural sales.

Seasonal agricultural sales are subject to the following standards:

i. **The property contains an area that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing vegetated areas, open space, landscaping, or traffic movements;**

ii. **The applicant shall demonstrate that adequate off-street parking is provided for the duration of the sale. If applicable, consideration shall be given to the parking needs of other occupants on the same property; and**

iii. **The sale of goods shall not occur within the public right-of-way.**

iv. **Hours of operation. The hours of operation of the seasonal sale of agricultural products shall be between the hours of 8:00 a.m. and 9:00 p.m., or the same hours of operation as the principal use on the same lot, whichever is more restrictive.**

(5) **Portable storage containers.**

Portable storage containers are subject to the following standards:

(A) On private property, the container shall be placed on a paved surface.

(B) Containers on properties used for residential only:

i. **The container is associated with an open building permit that is making progress towards completion, or allowed in any other case for up to 30 days.**

ii. **Emergency situations (acts of god, fire, flood, tornado and high-speed winds, and other similar events) to provide temporary storage of articles, goods, or commodities.**

a. Storage containers are allowed on a residential property a total of 90 days, taken consecutively or apart, within one calendar year.

i. This limit may be extended with approval from the zoning administrator.

(C) Containers on properties that are mixed-use, commercial, or non-residential

i. **Storage containers do not require a permit if:**

a. The container is associated with an open building permit that is making process towards completion.

b. Emergency situations (acts of god, fire, flood, tornado and high-speed winds, and other similar events) to provide temporary storage of articles, goods, or commodities

(D) Storage containers require a Temporary Use Permit if:

i. **The storage container is intended for seasonal use**

ii. **The number of permits is limited to one permit per businesses, per calendar year, based on the year it was issued. There is no limit on the number of containers requested within one permit.**

iii. The permit and use of storage container(s) are limited to a total of 9 months, taken consecutively or apart within one (1) calendar year.

Section 5: Development Standards and Incentives

5.1 Dimensional Standards Summary

Dimensional Standards													
	Lot Dimensions (Minimum, only for lots created after the effective date)												
Zoning Districts	**R1**	**R2**	**R3**	**R4**	**R5**	**MX-N1**	**MX-N2**	**MX-C**	**TOD**	**C**	**MX-B**	**I**	**O**
Lot area (Sq. ft/unit).	9,500 (Interior) 10,500 (Corner)	7,600 (One-family Interior), 8,500 (one-family corner), 5,000 (two-family)	4,000	2,200	1,400	--	--	Minimum 2 Acres Contiguous Parcel For Residential Use	2000 ft perimeter (max)	--	--	--	--
Density (Units/acre)	3-5	3-10	5-15	10-25	20-31	15-31	15-31	10-60	31 – 130	--	--	--	--
Maximum size of individual non-residential use	--	--	--	--	--	7,500	~~7,500~~ 1,000	--	--	--	--	--	--
Lot width (Interior)	75	60 (one-family) 75 (two-family	25	100	100	--	--	100	--	100	100	100	--
Lot width (Corner)	90	75 (one-family) 90 (two-family)	25	100	100	--	--	100	--	100	100	100	--
Setbacks (Principal Structure)													
Front build-to line	--	--	--	--	--	5-20	5-20	--	0-10	--	--	--	--
Front (Interior)	35	35	35	35	35	NA	NA	10	NA	35	35	35	--
Secondary Front (Corner)	15	15	15	35	35	5-20	5-20	10	0-10	35	35	35	--
Side (Interior)	10	10	10	10	10	10	10	10	10 - 50	10	10	10	--
Rear	25	20	40	40	40	20	10	20	10 - 50	40	25	25	--
Additional Standards													
Impervious surface coverage (maximum)	--	--	--	--	80%	80%	80%	80%	85%	80%	--	--	--
Primary structure height (maximum)	25	25	35	40	48	48	48	NA	NA	40	NA	48	--

Dimensional Standards													
	Lot Dimensions (Minimum, only for lots created after the effective date)												
Zoning Districts	R1	R2	R3	R4	R5	MX-N1	MX-N2	MX-C	TOD	C	MX-B	I	O
Accessory structure height (maximum)	16	16	16	16	16	20	20	20	20	16	16	16	--
Accessory structure setback, Interior side or rear (minimum)	5	5	5	5	5	5	5	5	5	5	5	5	5
Accessory structure setback, corner side or front (minimum)	Not Allowed, unless less than required lot width, then 15	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

5.2 General Site and Building Standards for All Districts Except R1 and R2

5.2.1 Building Form

(a) **Buildings shall be designed with a base, a middle, and a top, created by variations in detailing, color, and materials. A single-story building need not include a middle. The building form should consider the following characteristics:**

(1) **The base of the building should include elements that relate to the human scale, including doors and windows, texture, projections, awnings, and canopies.**

(2) **Articulated building tops may include varied rooflines, cornice detailing, dormers, gable ends, step backs of upper stories, and similar methods.**

(b) **Building design shall provide consistent architectural treatment on all building walls. All sides of a building must display compatible materials, although decorative elements and materials may be concentrated on street-facing facades.**

5.2.2 Façade Treatment

No blank walls are permitted to face public streets, walkways, or public open space. Street-facing facades shall incorporate offsets in the form of projections and/or recesses in the facade plane. Open porches and balconies are encouraged on building fronts. In addition, at least one of the following design features shall be applied on a street-facing facade to create visual interest:

(a) **Dormer windows or cupolas**

(b) **Recessed entrances**

(c) **Covered porches or stoops**

(d) **Bay windows with a minimum 12-inch projection from the facade plane**

(e) **Eaves with a minimum 6 inch projection from the facade plane**

(f) **Changes in materials, textures, or colors**

(g) **Facades greater than 40 feet in length shall be visually articulated into smaller intervals by one or a combination of the following techniques:**

(1) **Stepping back or extending forward a portion of the facade**

(2) **Variations in texture, materials, or details**

(3) **Division into storefronts**

(4) **Stepbacks of upper stories, or**

(5) **Placement of doors, windows, and balconies**

5.2.3 Building Materials

All exterior wall finishes on any building must be a combination of the following materials:

(a) **No less than 60% face brick; natural or cultured stone; pre-colored or factory stained or stained on site textured pre-cast concrete panels; textured concrete block; stucco; glass; fiberglass; or similar materials and no more than 40% pre-finished metal, cor-ten steel, copper, premium grade wood with mitered outside corners (e.g., cedar redwood, and fir), or fiber cement board**

(b) **Under no circumstances shall sheet metal aluminum, corrugated aluminum, asbestos, iron plain or painted, or plain concrete block be acceptable as an exterior wall material on buildings within the city.**

(c) **Other materials of equal quality to those listed, may be approved by the Community Development Department.**

5.2.4 Permitted Encroachments

The following shall not be considered as encroachments on setback requirements:

(a) Retaining walls, fences, and patios are allowed to encroach up to the property line provided they meet all other provisions of this UDO.

(b) Ramps and landings providing handicapped accessibility may encroach up to the property line, provided the requirements in Section 2.2 of this UDO are met.

(c) Recreation equipment, such as play structures, trampolines, seasonal swimming pools, basketball hoops, and other similar features may encroach into required interior side and rear setbacks provided they are no closer than three (3) feet from the property lines.

(d) Uncovered decks may encroach up to six (6) feet into the required front setback provided all of the following provisions are met:

(1) The entire encroachment, including stairs and attachments, must not exceed 100 square feet in area;

(2) The deck provides access to the main entrance of the principal dwelling;

(3) The floor of the deck is no higher than the threshold of the main entrance to the principal dwelling;

(4) The underside of the deck, when viewed from the street, must be screened with a decorative lattice, skirt board, landscaping or combination of materials to at least fifty percent (50%) opaque; and

(5) The deck must be constructed with quality materials, maintained in in good condition, and architecturally compatible with the principal dwelling to the greatest extent reasonably possible.

(e) Enclosed or Unenclosed Porches may encroach up to ten feet (10') into the front setback provided all of the following provisions are met:

(1) The porch must maintain a minimum 25-foot setback from the front lot line; 10-foot setback from a side interior lot line; and 20-foot setback from any street corner side-yard lot line, with steps and/or accessibility ramps excluded from this provision

(2) The width of the porch shall not exceed 20-feet along the front edge of the dwelling, and the maximum allowable size of the porch shall not exceed 200 sq. ft. in area;

(3) The floor of the porch is no higher than the threshold of the main entrance;

(4) Enclosed porches may be not be erected or converted to four-season, year-round use;

(5) In cases where a corner lot dwelling has separate front-door entrances on each street-side, only one porch encroachment is allowed;

(6) The underside of the porch must be screened with a decorative lattice, skirt board, landscaping or combination of materials, which is at least fifty percent (50%) opaque when viewed from the street; and

(7) All new elements and features of the porch, including the roof, must be architecturally compatible with the principal dwelling.

(f) **Other conditions not considered as encroachments on yard setback requirements include:**

Additional Conditions for Permitted Encroachments				
Condition Description	**Front Yard**	**Side Yard (Interior)**	**Rear Yard**	**Additional Standards**
Principal building cornices, canopies, eaves, gutters, and other similar features	30 inches	30 inches	30 inches	Shall not be closer than 24 inches from any lot line
Principal building chimneys, flues, vents, and other similar features	30 inches	30 inches	30 inches	Shall not be more than 5 feet in width Shall not be closer than 24 inches from any lot line
Principal building window wells and bay windows	36 inches	36 inches	36 inches	Shall not be closer than 24 inches from any lot line
Principal building entry vestibules	6 feet	--	--	Shall not be more than 8 feet in width, or more than 1 story in height
Principal building balconies	6 feet	--	--	Must be 7 feet or more above grade
Fire escapes attached to the principal building	4.5 feet	4.5 feet	--	
Landings, steps, uncovered decks, and other similar features	6 feet	3 feet, but not be closer than 5 feet from the side lot line	6 feet	Shall not be located more than 30 inches off the ground A railing enclosure no more than three (3) feet in height may be placed around such landing or uncovered deck, unless prior approval for a greater height is granted by the Building Official

(g) **Interior side yard setback requirements may be waived in Mixed-use, Commercial and Industrial districts where abutting property owners wish to abut along a common wall built along the property line.**

5.3 Operating and Maintenance Standards

5.3.1 Security Systems and Devices

(a) For the purpose of providing a reasonable amount of safety and general welfare for persons occupying multiple family dwellings, an approved security system shall be provided to control access at each multiple family building hereafter constructed. The security system shall consist of locked building entrances or foyer doors, and locked doors leading from hallways into individual dwelling units. Dead-latch type locks shall be provided with lever knobs (or door knobs) on the inside of building entrance doors and with key cylinders on the outside of building entrance doors. Building entrance door latches shall be of a type that are permanently locked from the outside and permanently unlocked from the inside.

(b) Every door that is designed to provide ingress or egress for a dwelling unit within a multiple family building shall be equipped with an approved lock that has a deadlocking bolt that cannot be retracted by end pressure; provided, however, that such doors shall be openable from the inside without the use of a key or any special knowledge or effort.

5.4 Exterior Lighting

5.4.1 Lighting standards

(a) Lighting shall be designed and arranged to restrict direct illumination and glare onto abutting parcels.

(b) Mitigative measures shall be employed to limit glare and spill light to protect neighboring parcels and to maintain traffic and pedestrian safety on public streets and sidewalks. Illumination cast from lighting of the subject parcel shall not exceed one (1) footcandle as measured from the centerline of a public street or residential property line. These measures shall include lenses, shields, louvers, prismatic control devices and limitations on the height and type of fixtures. (Amended, Bill 2009-1)

(c) Flickering or flashing lights shall not be permitted.

(d) Direct off-site views of the light source shall not be permitted except for globe and/or ornamental light fixtures. Globe and ornamental fixtures shall only be used if the developer can demonstrate that off-site impacts stemming from direct views of the bulb are mitigated by the fixture design and/or location.

(e) Lights under the canopy of a gasoline dispensing station or similar structure shall not be directly visible from a public street or another property. Such lights shall either be recessed into the underside of the canopy or screened from view with shields.

(f) Poles within landscaped areas and plazas shall have a maximum height of 20 feet, measured from grade. Poles within these areas may be set on pedestals no more than eight (8) inches in height.

(g) Poles in parking lots shall have a maximum height of 24 feet measured from finished grade.

(h) **Lighting fixtures mounted directly on structures shall be permitted when utilized to enhance specific architectural elements or to help establish scale or provide visual interest, except as otherwise noted in Subdivisions 9 and 10. (Amended, Bill 2009-1)**

(i) **"Wall packs" shall be permitted only in loading and service areas and shall be down-lit. (Amended, Bill 2009-1)**

(j) **Shielded illuminators or fixtures shall be permitted to light building mounted signage, building facades, or pedestrian arcades if they are integrated into a building's architectural design.**

(k) **Lighting should highlight entrances, art, terraces and special landscape features.**

(l) **If installed, exterior lighting shall meet the functional needs of the use, without adversely affecting adjacent properties, neighborhoods or public uses, as determined by the City. Specific requirements are listed below; however, the City reserves the right to adjust these requirements based on concerns regarding safety, security and/or impacts on surrounding properties. Illumination measurements shall be taken by positioning the meter horizontally at ground level.**

(m) **Site lighting should provide consistent levels of illumination, avoiding pockets of very high or low levels of illumination.**

Open-air parking lots (including the roof level of multi-level parking structures):

Minimum	Maximum	Maximum Uniformity Ratio
0.2 fc	4.0 fc	20:1

Primary building entrances/exits and along pedestrian pathways:

Multifamily residential	Commercial/Industrial
Minimum: 5.0 fc within five (5) feet of the entrance/exit	Minimum: 10.0 fc within five (5) feet of the entrance/exit

5.5 Parking and Driveways

5.5.1 Traffic and parking studies

(a) **In review of a project or application, the City may require, at the developer's expense, submission of a traffic and/or parking analysis that is prepared by a traffic engineer. Such analysis shall assess the potential impact of a proposed project on roadways, intersections, and/or on-site parking and circulation.**

(b) **If a traffic study indicates that a proposed project or use will have significant impact on the existing service levels of roadways and intersections, the City may require a "traffic management plan" to mitigate traffic impacts. Such plan may include travel demand management strategies, use of transit facilities, or other appropriate measures to reduce traffic congestion. Such plan may also necessitate improvements to road systems. The developer shall be responsible for installation and expense of necessary road system improvements and pedestrian facilities, and any such improvements shall be constructed and installed according to City specifications.**

(c) **Off-Street Loading**

(1) **In connection with any use which is to be established or substantially altered and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, there shall be provided off-street loading space on the basis of the following minimum requirements:**

(d) **Minimum number of berths required for retail commerce, wholesale commerce, manufacturing, and warehousing:**

Sq. Ft. of Aggregate Gross Floor Area	Minimum Required Number of Berths
Under 10,000	0
10,000 to 25,000	1
25,000 to 40,000	2
40,000 to 100,000	3
100,000 to 250,000	4
Each additional 200,000	1

(e) **Minimum number of berths required for other uses – Space adequate for the convenient and uncongested loading and unloading of materials.**

(f) **Location – All loading berths shall be 25 feet or more from the intersection of two street right-of-way lines. Loading berths shall not occupy any yard requirement bordering a street.**

(g) **Size – The first berth required shall not be less than 12 feet in width and 50 feet in length. Additional berths shall not be less than 12 feet in width and 25 feet in length. All loading berths shall maintain a height of 14 feet or more.**

(h) **Access – Each loading berth shall be located so as to provide convenient access to a public street or alley in a manner which will least interfere with traffic.**

(i) **Accessory Uses – Any area designated as a required loading berth or access drive so as to comply with the terms of this Unified Development Ordinance shall not be used for storage of goods or inoperable vehicles nor shall such area be included as a part of the area necessary to meet the off-street parking area.**

5.5.2 Off-Street Parking Requirements

(a) **Off-street parking and loading space shall be provided in all multi-family residential, mixed-use, commercial, and industrial districts in accordance with the requirements of this Unified Development Ordinance.**

(b) **A development may reduce the required off-street parking spaces by up to fifty percent when it can be demonstrated, in a parking-traffic study, prepared consistent with city standards, that use of transit or demand management programs, special characteristics or customer, client, employee or resident population will reduce expected vehicle use and parking space demand for their development, as compared to standard Institute of Transportation Engineers vehicle trip generation rates and city parking requirements.**

(c) **Considerations may include the presence of shared parking, district parking, or on-street parking that is available for the use of the development during regular usage hours**

5.5.3 Shared parking.

(a) **Except for one and two-family dwellings, a portion of the required parking spaces may be located on an adjacent property if the parking area complies with the standards in this subdivision and is authorized in accordance with the approval of a Conditional Use Permit.**

(b) **Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities.**

(c) **The applicant shall have the burden of proof for reduction of the total number of parking spaces and shall document and submit information substantiating their request. Shared parking may be approved if:**

(1) **A sufficient number of spaces is provided to meet the highest demand of the participating uses;**

(2) **Evidence has been submitted by the parties operating the shared parking facility, to the satisfaction of the zoning administrator, documenting the nature of uses and the times when the individual uses will operate so as to demonstrate the lack of potential conflict between them;**

(3) **The shared parking spaces will not be located in excess of 800 feet from the further most point of the space to the front door, or other viable building entrance as approved by the zoning administrator, of the use they are intended to serve;**

(4) **Accessory off-site parking shall be located such that pedestrian traffic will not be required to cross a major thoroughfares as defined in Section 9.2.**

(5) **A shared parking agreement is submitted and reviewed as to form by the city attorney that provides:**

(A) For the rights of the respective parties to use the shared parking areas in a manner adequate to accommodate multiple users or that parking spaces will be shared at specific times of the day (i.e., one activity uses the spaces during daytime hours and another activity uses the spaces during evening hours);

(B) Assigned roles and responsibilities as to maintenance of the shared parking area;

(C) Evidence of deed restrictions or other recorded covenants that ensure that the spaces will be properly maintained during the life of the development; and

(6) **The approved shared parking agreement shall be filed with the application for a zoning certificate or site plan and shall be recorded at Hennepin County in a manner as to encumber all properties involved in the shared parking agreement; and**

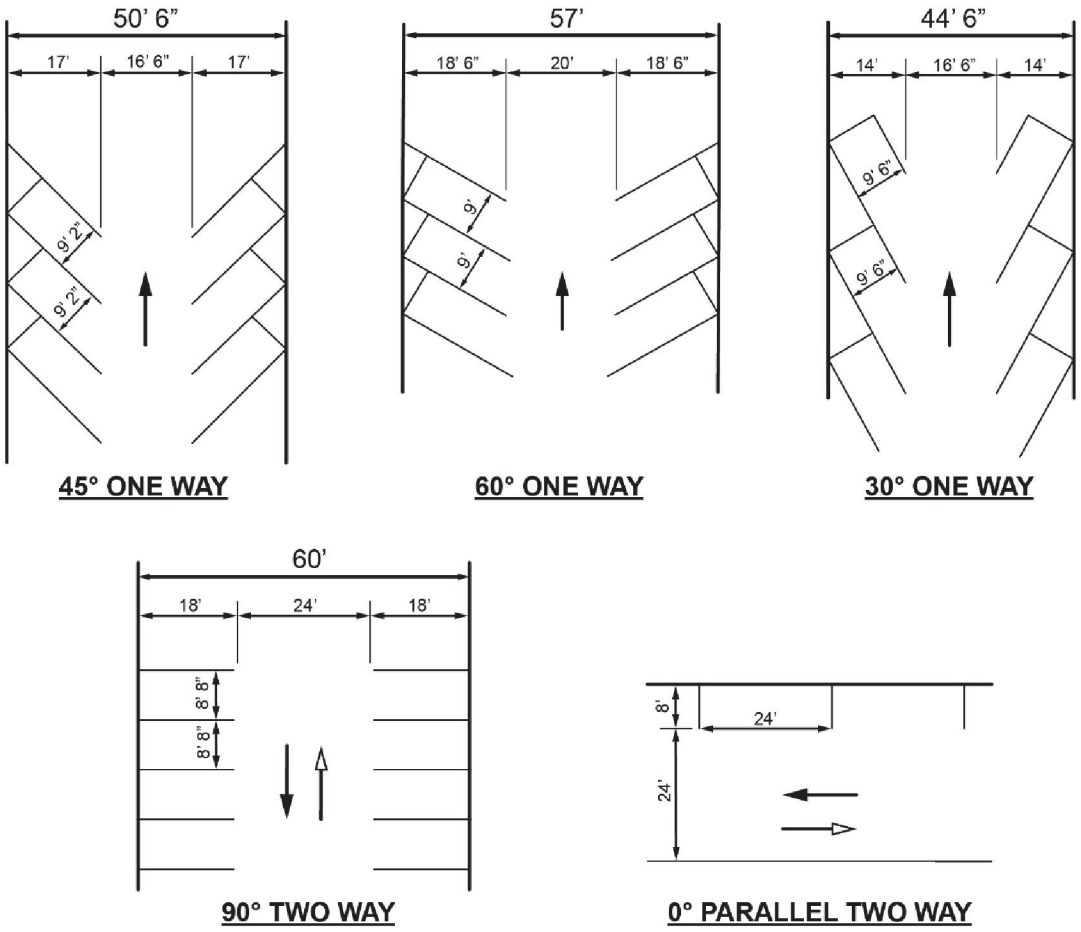
(7) **No zoning certificate will be issued until proof of recordation of the agreement is provided to the zoning administrator.**

(8) **Site improvements to ensure adequate lighting and pedestrian access between the shared parking and primary use may be required as a condition of approval by the City Council.**

5.5.4 Parking Space Standards

(a) **The following minimum parking standards are hereby established for all districts other than R1 and R2:**

Angle	Space Width	Two Space Lengths Plus One Center Aisle	
		Curb to Curb	With Curb Overlap
90° (Two-way)	8'8"	19.5+19.5+24.0=63'0"	18.0+18.0+24.0=60'0"
60° (One-way)	9'0"	20.0+20.0+20.0=60'0"	18.5+18.5+20.0=57'0"
45° (One-way)	9'2"	18.0+18.0+16.5=52'6"	17.0+17.0+16.5=50'6"
30° (One-way)	9'6"	15.0+15.0+16.5=46'6"	14.0+14.0+16.5=44'6"
0° (Parallel)	8'0" wide by 24'0" long, with 24'0" aisle		



(b) **An accurate, dimensioned parking layout which complies with the foregoing shall be submitted for approval with a site plan, and parking arrangements shall thereafter comply with such layout. Parking spaces shall be clearly designated by lines painted upon the surface of the parking area.**

5.5.5 Access to Parking Space

Access to off-street areas shall be restricted to driveways 30 feet or less in width. No two driveways on any single parcel of land in a business or industrial district shall be less than 50 feet apart at the property line.

5.5.6 Required Parking Spaces

The minimum and/or maximum number of required off-street parking spaces for the following uses shall be as shown in the following tables. Where no required minimum number of required parking spaces is specifically listed for a individual use, the Zoning Administrator shall determine the minimum number of required off-street parking spaces. The Zoning Administrator shall co

nsider functional similarities between uses where a parking requirement is listed in the UDO and the proposed use in determining the parking requirement.

(a) Residential

Use	Minimum
One- and Two-Family Dwellings	2 spaces per unit
Use	**Maximum**
Multiple Family	2 spaces per unit
Licensed Residential Homes	3 parking spaces for every 5 beds offered for residential purposes per adult resident. 3 spaces per 4 children residents for foster homes and children's homes.

(b) Commerce (Retail and Service/Office)

Use	Maximum
Eating and Drinking Places	Two spaces for every four seats, and one space for every two employees on the average maximum shift. In drive-in establishments, consumption of food and beverages typically takes place outside the principal structure within the parking area on the parcels, as well as inside the structure. Parking spaces for designated for drive-in customers shall not be credited as a part of the off-street parking area needed to serve the sales operation conducted within the buildings. Business establishments containing drive-through facilities, including restaurants and financial institutions, shall provide a motor vehicle stacking area for vehicles on the site. A minimum of six (6) vehicle spaces per lane shall be provided. The vehicle stacking area shall not extend beyond the street right of way line and shall be delineated in such a manner that vehicles waiting in line will not interfere with nor obstruct the primary driving, parking and pedestrian facilities on the site

Automobile Service Stations	Three spaces for each enclosed bay plus one space for each day shift employee plus a minimum of two spaces for service vehicles and one additional space for each service vehicle over two in number.
Other retail stores or centers and financial institutions	Maximum allowable spaces are determined by the building's Gross Floor Area (GFA) as follows: Less than 10,000 sq. ft. = 3 spaces per 1,000 sq. ft. Greater than 10,000 sq. ft. = 4 spaces per 1,000 sq. ft In multi-tenant retail centers, no additional parking spaces beyond those allowed by the retail formula shall be required of restaurant uses which altogether occupy not more than 15% of the gross floor area of the center. The parking formula for eating and drinking establishments shall apply proportionately to the seats and employees occupying space in the center over and above 15% of the gross floor area
Motels and Hotels	Two spaces for each unit plus one space for each employee on any one shift.
Bowling Establishments	Five spaces for each lane. Additional parking for food and refreshment facilities shall be determined according to requirements for Eating and Drinking establishments above.
Medical and dental clinics	Three spaces for each doctor or dentist, plus one space for every two employees or one space for each 150 square feet of gross floor area, whichever is the greater.
Office Buildings, exclusive of those specific uses otherwise listed in this section	Required spaces are determined by the building's Gross Floor Area (GFA) as follows: 3 spaces for every 1,000 sq. ft. of GFA
Other commercial uses, excluding wholesale	One space for each 200 square feet of gross floor area.
Indoor Recreation	Twenty spaces for the first 1,000 sq. ft. of gross building floor area, plus one space per 300 sq. ft. of

	gross floor area in excess of 1,000 sq. ft. plus two (2) spaces per outside tennis court.

(c) Industry and Wholesale

Use	Minimum
Industry and Wholesale	One space for every two employees based upon maximum planned employment during any work period or one space for each 800 square feet of gross floor area whichever requirement is greater. In the event the latter requirement is greater, adequate land area shall be provided for the required off-street parking area, but improved space need only be provided according to the employees ratio.

(d) Miscellaneous

Use	Minimum
Places of public assembly such as houses of worship, theatres, auditoriums (other than school auditoriums) mortuaries, stadiums, arenas, dance halls	One space for every three seats. Places of public assembly located in a retail shopping center complex of 50,000 square feet or more, exclusive of the place of public assembly, may have one space for every four seats
Nursing Care Homes	1 space for every 4 beds plus 1 space for every 2 employees and 1 space for each staff doctor
Hospitals	One space for every two beds plus one space for every two employees and one space for each staff doctor.
Uses not covered by this list	Spaces as required for the most similar use as determined by the Zoning Administrator.

5.5.7 Surfacing, Drainage, and Curbing for All Districts Except R1 and R2

(a) Open off-street driving and parking areas shall be improved with a minimum of two inches of hot mixed paver laid bituminous mat, or a comparable concrete slab, placed over a well compacted subgrade and gravel base. The base gravel shall conform to the Minnesota Highway Department specifications for Class 5 gravel.

(b) Drainage plans shall be submitted to and approved by the City Engineer; drainage shall be discouraged across sidewalks or driveways. The perimeters of all driving and parking areas shall be bounded by cast in place concrete curb and gutter which conforms with the Minnesota Highway Department Type "B-612". Other shapes of concrete curb and gutter may be permitted providing the design provides an equal cross-sectional area and is approved in writing by the City Engineer. The concrete used for curbing shall conform to the current City specifications.

5.5.8 Surfacing, Drainage, and Curbing for R1 and R2 Districts

(a) Driveways and parking lots shall be constructed so as to provide drainage from the garage to the street or storm sewer system unless an alternative method is approved by the City Engineer.

(b) Off-street parking areas and driveways must be paved with concrete, plant mixed bituminous surface (i.e., asphalt), brick, stone or form concrete pavers, or equivalent material. Such surfacing shall be approved by the City Engineer and maintained in good repair.

5.5.9 Curb cuts

(a) There shall only be one curb cut for each residential lot having curb and gutter. Approval of a new or second curb cut shall require that the original curb cut be closed and the driveway removed and the curb cut repaired at the applicant's expense.

(b) No curb cuts shall be made which will impair proper street drainage or cause ingress and egress from properties to constitute a hazard to traffic if so determined by the City Engineer.

(c) The existing curb shall be removed in complete whole sections. No cutting, sawing or breaking of the existing curb shall be allowed, except for blacktop curbs. Joints between the existing curb and the new entrance shall be made at the existing joints in the in-place curb.

(d) Any portion of the existing pavement structure disturbed during the curb cut work shall be repaired with similar materials of equal or greater structural capacity. Repair limits shall be defined by right angle saw cuts so oriented to provide the least noticeable surface patch.

(e) On existing streets, improved with curb and gutter, the period between removing the in-place curb and constructing the new entrance shall not exceed seventy-two (72) hours.

5.5.10 Joint Parking Facilities

With respect to development complexes, the required parking facilities to serve two or more uses may be located on the same lot or in the same structure, provided that:

(a) **The total number of parking spaces furnished shall not be less than the sum of the separate requirements for each use.**

(b) **With respect to separate individual establishments, the City Council may approve the joint use of common parking facilities under the following conditions:**

(1) **The building or use for which application is made to utilize the off-street parking facilities provided by another building or use shall be located within 800 feet of such parking facilities; and shall not be separated by a building or use with which it does not share parking facilities in the manner prescribed by this Unified Development Ordinance.**

(2) **The applicant shall show and the City Council must determine that there is no substantial conflict in the principal operating hours and parking demands of the two buildings or uses contemplating joint use of off-street parking facilities.**

(3) **A properly drawn legal instrument providing for joint use of off-street parking facilities, duly approved by the City Council as to form and manner of execution shall be filed as an easement encumbrance upon the title of the property.**

5.5.11 Minimum Parking Reduction

A development may reduce the required off-street parking spaces up to fifty (50) percent, as approved by the City Council, when it can be demonstrated that:

(a) **In a parking-traffic study, prepared consistent with city standards, that use of transit or demand management programs, special characteristics or customer, client, employee or resident population will reduce expected vehicle use and parking space demand for their development, as compared to standard Institute of Transportation Engineers vehicle trip generation rates and city parking requirements.**

(b) **Considerations may include the presence of shared parking, district parking, or on-street parking that is available for the use of the development during regular usage hours**

5.5.12 Commercial Vehicles Parked in R1 and R2 Districts

For each dwelling unit, off-street parking of not more than one licensed and operable commercial motor vehicle is permitted provided that:

(a) **Any such vehicle must be operated by a resident of that dwelling unit.**

(b) **Such parking is only permitted in a garage, driveway or improved hard surface in accordance with the requirements of the UDO Section 2.2 for R1 and R2 districts.**

(c) **Only class 1-4 vehicles may occupy off-street parking space in R1 and R2 districts, as defined by the Minnesota Department of Transportation's vehicle classification scheme.**

(d) **Under no circumstances shall a semi-truck or tractor-trailer combination be parked or stored off-street in an R1-R4 District.**

5.5.13 Parking Lot Landscaping

(a) **Off-street open parking facilities that accommodate more than 6 cars shall include landscaping adjacent the lot, to the extent of at least 3 percent the total surface area of all impervious parking facility area.**

(b) **For parking lot islands, a minimum of one deciduous tree shall be provided per island, unless:**

(1) **The parking lot island is used for stormwater management**

(2) **The parking lot contains less than 40 spaces**

(3) **The parking island is located within a structured parking facility**

5.5.14 Parking Lot Screening

All open off-street parking areas having more than six parking spaces and all off-street loading and unloading spaces shall be effectively screened from any abutting residential lots by:

(a) **a solid wall or opaque fence six feet high, or by such other device as may be approved by the City Council.**

(b) **The screening device shall not extend within 10 feet of any street right-of-way.**

(c) **Such off-street parking and loading areas within any yards which abuts along a street which is residentially zoned on the side opposite shall be screened from street view by a screening device as approved by the City Council.**

(d) **Other landscaping requirements as outlined in Section 5.6.**

5.6 Landscaping, Screening, and Fences

5.6.1 Landscape plans

(a) **Except for R1 and R2, a landscape plan must be submitted:**

(1) **With any application for new development;**

(2) **With any application for additions or modifications to existing development that physically impacts existing landscaping or screening; or**

(3) **When changes are made to an existing landscaping or screening plan on file with the city.**

5.6.2 Landscaping Requirements Generally

For all districts, any lot area that is not devoted to the building site, driveways, sidewalks, off-street loading or parking facilities, or similar elements, is considered the landscape planting area. This area shall be planted and maintained with grass, shrubs, trees, or similar vegetation and/or treatments typically found in landscaping. In addition, all districts must adhere to the following landscape standards:

(a) **Projects that require a landscape plan, shall submit a unified landscape plan that creates a consistent character within the site, complementing the project scale, and attempting to maintain a coherent landscape character with adjacent sites.**

(b) **Landscape plans are expected to be coordinated with any and all lighting plans, as details in Section 5.4**

(c) **Any natural screening such as hedges or trees shall maintain at least a 50 percent screening opacity throughout the year.**

(d) **To promote species diversity and resilience, no more than 40% of the total number of trees may be of the same species**

(e) **When possible, existing mature trees should either be preserved, or reused during the construction process.**

(f) **Landscape vegetation should use native and resilient plant types when possible, in order to promote landscape resiliency and reduce site maintenance requirements.**

(g) **Where landscaping is required, soil shall be provided that does not include substandard fill, gravel, sand, or contaminated materials.**

(h) **When installed landscape materials include a ball or burlap, they shall be installed so that the ball and burlap does not extend above the immediate grade at installation.**

(i) **In order to preserve and promote the public safety, landscape materials shall not be located in a manner that in their mature state, they interfere with safe pedestrian sight lines, and does not conflict with overhead leads or utility lines.**

(j) **In order to preserve and promote the public safety, nothing shall be erected, placed, planted, maintained, or allowed to grow on a corner lot of any district in a manner that materially impedes the vision withing the Clear View Triangle. Certain objects may remain in the Clear View Triangle if, based on city engineering judgment and discretion, there are other circumstances that limit or minimize risk at the intersection.**

(k) **Berms or similar mounding features shall use proper and adequate plant materials to mitigate risk of erosion, and when intended to be mowed, the maximum permitted slope is 3:1.**

(l) **The site layout for any non-residential development shall include an underground lawn sprinkler system to facilitate maintenance of site landscaping and green areas.**

5.6.3 District Landscaping Requirements

At least 50 percent of the landscape planting area shall include vegetation, and be based on the following systems:

(a) **Minimum landscape requirements for the R2-R3 Districts**

(1) **1 tree per 1000 square feet of landscape planting area**

(2) **1 shrub per 100 square feet of landscape planting area**

(b) **Minimum landscape requirements for the R4-R5, C, MX-B, and I Districts**

(1) **1 tree per 750 square feet of landscape planting area**

(2) **1 shrub per 75 square feet of landscape planting area**

(c) **Minimum landscape requirements for the TOD, MX-N, and MX-C Districts shall be based on the following project value**

Project Value	Landscape Minimums
Below $1,000,000.00	2 percent
$1,000,000.00—$3,000,000.00	$20,000.00 + 1 percent of total project value
$4,000,000.00—$5,000,000.00	$40,000.00 + .50 percent of total project value
Over $5,000,000.00 value - in excess of $4,000,000.00	1 percent + .25 percent of total project value

(d) **The above systems do no substitute applicable screening and buffer requirements set forth in the UDO under section 5.6.8. Plantings used for screening purposes will be counted as part of the minimum planting requirements, but fulfilling the requirements will not obviate the requirements for screening.**

(e) **Mature existing trees will be counted as part of the minimum planting requirements on the basis of the above system. A consideration equal up to the full landscape planting requirement of a site may be granted by the city for the preservation of large existing plantings.**

5.6.4 Landscaping and Parking

Parking shall be landscaped as outlined in sections 5.5.1 – 5.5.2.

5.6.5 Landscape Visibility at Intersections

In order to preserve and promote the public safety, nothing shall be erected, placed, planted, maintained, or allowed to grow on a corner lot in any district in such a manner as materially to impede vision within the Clear View Triangle. Certain objects may remain in the Clear View Triangle if, based on engineering judgment and discretion, there are other circumstances that limit or minimize risk at the intersection.

5.6.6 Landscaping Exceptions

The zoning administrator may approve the substitution or reduction of landscape requirements, materials, applicable area, or other standards as outlined in section 5.6.2-5.6.4, provided one or more of the following conditions exists:

(a) **The application will provide a site and landscape plan of exceptional design, including amenities such as outdoor public space, public seating, bike or pedestrian facilities, and/or a transit shelter that will enhance the area.**

(b) **The application will provide landscape plan of exceptional design that is more consistent with the design of the site, and/or the surrounding area.**

(c) **The application will provide a site plan that is more consistent with the surrounding character.**

(d) **Existing site conditions, including plant, topography, or screening of the site and its surroundings make the required landscaping or screening unnecessary.**

(e) **The required landscaping or screening will hinder delivery and/or service access necessary to the operation of the use.**

(f) **The required landscaping and/or screening may reduce pedestrian surveillance or sightlines of the site, or obstruct views of traffic, or conflict with the Clear View Triangle.**

5.6.7 Landscape Maintenance

All approved landscaping shall be kept well maintained and in good repair.

5.6.8 Screening

Perimeter screening should be designed as required, to provide a visual buffer between incompatible uses.

(a) **Screening shall be included in the following circumstances:**

(1) **Along the perimeter of off-street parking with more than six parking spaces, and abutting an R1-R5 or MX-N district.**

(2) **Along the lot lines of any I or MX-B district located adjacent to an R1-R5, or MX-N district, and along any lot line that faces across a street from an R1-R5 or MX-N district.**

(3) **Along the lot lines of any principle or accessory structure in any commercial, mixed use, industrial, or TOD district located adjacent to an R1 or R2 residential district.**

(4) **Along the perimeter of telecommunications towers**

(b) **Screening standards**

(1) **Required screening can be achieved with fences, hedges, or similar landscaping elements.**

(2) **All required screening shall have a minimum height of five feet above grade, and be architecturally complimentary of the principle building. When possible, the screening should also be visually cohesive with abutting lots.**

(3) **Required screening shall be located within the lot occupied by the use or structure to be screened. No screening shall be located in the public right of way, unless otherwise approved by the zoning administrator.**

(4) **All required screening plans shall be submitted alongside required landscape plans.**

(5) **Any vegetative screening such as hedges or trees shall maintain at least a 50 percent screening opacity throughout the year when the planting reaches maturity.**

(c) **Rooftop Mechanical Equipment: As viewed from ground levels at a variety of locations, all mechanical equipment located on the roof of a structure must be screened by a raised parapet; or with comparable and compatible exterior building materials.**

(1) **A raised parapet or other architectural feature that is an integral part(s) of the building may be required as screening for rooftop mechanical equipment or to soften rooftop views.**

(2) **Screening for rooftop mechanical equipment must incorporate similar architectural features of the building and/or be constructed of a material and color compatible with other elements of the building.**

(3) **Incidental rooftop equipment deemed unnecessary to be screened by the Zoning Administrator or designee must be of a color to match the roof or the sky, whichever is more effective.**

(4) **Metal cabinets used to enclose and protect rooftop mechanical equipment must not substitute as screening.**

(d) **Ground Mounted Mechanical Equipment: All ground mounted mechanical equipment accessory to the principal structure over thirty inches (30") or greater than twelve (12) cubic feet shall be screened from public views, except for lots containing one and two family dwellings. Acceptable screening materials must be similar to or compatible in design and color with those used on the principal structure.**

5.6.9 Fences

Fences may be erected, placed, or maintained along or adjacent to a lot line. The fence owner shall be responsible for properly locating all property lines before fence construction.

(a) **Permit required**

(1) **For fences located in any district which are six (6) feet in height or greater, a permit is required before any work may commence.**

(b) **Fence standards**

(1) **Allowable height**

(A) Front yard. No fence shall exceed four (4) feet in height at the front property lines.

(B) Rear and side yards. No fence shall exceed six (6) feet in height at the side and rear property lines.

(C) No fence shall encroach within the Clear View Triangle, unless otherwise permitted by the Zoning Administrator.

(2) **Permitted materials**

(A) Fences shall be constructed of wood, metal, bricks, masonry or other similar materials, designed for permanent fencing. Fences constructed of wood shall be resistant to decay. Fences on a single property may not be constructed of more than two different materials. All fence materials shall be uniform in color with the exception of minimal hardware and fasteners, including screws, and gate hinges and latches.

(3) **Prohibited materials**

(A) Fences shall not be constructed of electrically charged wire, barbed wire, razor wire, or other similar materials not specifically manufactured for permanent fencing.

(B) Any materials not listed here should be considered prohibited unless approval is provided by the Zoning Administrator.

(4) **Posts and supporting members**

(A) All fence posts and related supporting members of the fence shall be erected so that the finished side or sides of the fence face the adjacent property or public right-of-way.

(5) **Maintenance**

(A) Every fence and retaining wall on or adjacent to residential property shall be kept well maintained and in good repair.

5.6.10 Drainage Ways

No obstruction, diversion, bridging or confining of the existing channel of any natural waterway, or any drainage swale approved as a part of the drainage system of a plat in the municipality through which surface water in time of storms naturally flows upon or across the land, shall be permitted without special permit. Before granting a special permit, the Zoning Administrator shall

first find that the diversion, bridging, etc. will carry the amount of water usually likely to flow. The right is reserved to the municipality as an incident to the development of the municipality, including the construction of streets and gutters, ditches, etc., to cause considerable increases or decreases in the amount of water which would in a state of nature flow into and through such natural water channel or drainage swale.

Section 6: Signs

6.1 General Provisions

6.1.1 Purpose

This Section is designed to provide regulations for the erection and maintenance of signs. The general objectives of these regulations are to enhance the health, safety, welfare and convenience of the public and to achieve the following for the City:

(a) **Comprehensive standards, regulations and procedures governing the erection, use or display of devices serving as visual communications;**

(b) **Aesthetic preservation;**

(c) **Preservation of the residential character of residential neighborhoods;**

(d) **Preservation of order and cleanliness;**

(e) **Avoidance of the appearance of clutter;**

(f) **Avoidance of litter and the growth of weeds around signs;**

(g) **Providing necessary visual communications;**

(h) **Preservation and promotion of a pleasant physical environment;**

(i) **Protection of public and private property;**

(j) **Encouraging safety on the roadways by preserving sight lines and reducing distractions to motorists;**

(k) **Reduction of administrative burdens; and**

(l) **Compliance with all federal and state laws requiring content-neutral regulation of signs and promoting freedom of speech and expression.**

6.1.2 Procedures

(a) **The Zoning Administrator shall review and make a decision on the application.**

(b) **If the Zoning Administrator approves the application, then a 20% increase above the total sign area on the lot otherwise permitted by this Section is permitted, with the additional area to be allocated as specified by the Zoning Administrator.**

(c) **Permit and Fee**

(1) No sign shall hereafter be erected, re-erected or altered unless a permit for each such sign has been obtained or unless permitted by Section 6.7.

(2) A sign permit shall be required any time the sign area is increased and any time a static message sign is converted to an electronic message sign or vice versa.

(3) Electrical permits shall be obtained for all electric signs.

(4) Applications for a sign permit shall be made in writing upon forms furnished by the Community Development Department. The Community Development Department may require filing of plans or other pertinent information where, in their opinion, such information is necessary to ensure compliance with this Section.

(5) A permit fee, as set forth in the City's approved fee schedule, shall be collected before the issuance of any sign permit when fees are required under this Section.

6.1.3 Criteria for approval

An application for a creative sign program shall be approved if the Zoning Administrator determines that it meets the following criteria:

(a) Architectural criteria

(1) The sign(s) use or enhance the architectural elements of the building;

(2) The sign(s) are placed in a logical location in relation to the overall composition of the building facade;

(3) The sign(s) are integrated within and do not cover any key architectural features and details of the building facade; and

(4) No sign is larger than 100 square feet.

(b) Wall signs

(1) Each wall sign is centered within an area uninterrupted by doors, windows or architectural details.

(2) Each wall sign is designed to be compatible with and relate to the architectural style of the main building or buildings upon the site where the sign is located.

(3) Each wall sign's colors are complementary to the colors of the building on or near where it is to be located.

(c) Design quality

The sign(s) as a whole:

(1) Constitute a substantial aesthetic improvement to the site and have a positive visual impact on the surrounding area;

(2) Exhibit imagination, inventiveness and unique design;

(3) Provide strong graphic character through the imaginative use of graphics, color, texture, quality materials, scale, proportion and form; and

(4) Contribute to the image of the City by conveying a distinctive character and convey a strong sense of place.

(5) Do not include any illuminated box signs with clear or translucent sign message surfaces.

(d) Multiple signs

Where more than one sign is proposed, all signs have designs that incorporate the following design elements in a compatible and coordinated fashion including:

(1) Letter style of copy;

(2) Components;

(3) Type of construction materials;

(4) Lighting; and

(5) Structural **support (e.g. wall or ground base).**

(e) **Neighborhood impacts**

When evaluating neighborhood impacts, the sign(s) must:

(1) **Constitute a substantial aesthetic improvement to the site and have a positive visual impact on the surrounding area;**

(2) **Provide strong graphic character through the imaginative use of graphics, color, texture, quality materials, scale and proportion; and**

(3) **Do not create adverse impacts on neighboring uses.**

(f) **Sign materials**

The sign(s) maintain attractive and compatible styling so as not to conflict or distract from the architectural character of the area and the choice of materials and the workmanship in the use of the materials conveys both a sense of quality and creativity.

6.1.4 Displays on Walls or Structures that Exceed Maximum Sizes

Displays painted on or mounted on fabric affixed to walls or structures that exceed maximum sign area permitted by this Section may be approved by the Planning Division provided that the display:

(a) **Is a form of speech or expression protected by the First Amendment of the U.S. Constitution and/or the Minnesota Constitution;**

(b) **Will be created, constructed, erected, or displayed in a way that is visually distinct from other permitted signs on the property;**

(c) **If located on public property, will activate or enhance a public space or streetscape;**

(d) **Does not exceed the dimensions of any surface upon which it is mounted;**

(e) **Will be treated to address vandalism and exposure to sun;**

(f) **Will not require extensive or repeated maintenance, or the applicant has provided adequate assurance (including financial assurance) that maintenance and repairs will be timely performed;**

(g) **Does not create a threat to public health or safety or to vehicular, bicycle, or pedestrian traffic safety;**

(h) **Does not create noise, sound, light, reflection, glare, shading, flickering, vibration, or odor impacts on nearby properties;**

(i) **Does not impair the performance of required city functions on or around the property.**

(j) **Not be located on residential zoned property; and**

(k) **Not be visible within 125 feet of the sign from a property that is zoned for residential use.**

6.1.5 Maintenance

All signs permitted by this Unified Development Ordinance must be:

(a) **Clearly legible;**

(b) **Kept in good repair and free from faded or peeling paint, rust, damaged or rotted supports, framework or other material, broken or missing faces or missing letters.**

(c) **Repaired or removed by the licensee, owner or agent of the owner of the property upon written notice from the Zoning Administrator that the sign does not comply with the provisions of this Section;**

(d) **Removed by the property owner when the occupant of a building or parcel ceases to use the property and abandons the site or building space. If the owner of the property fails to remove all obsolete signs within 90 days after the former occupant vacates the premises, the City shall be entitled to have such signs removed, either by its own forces or by hire of a licensed sign contractor and the cost of such removal shall be assessed against the property. The City shall notify the owner at least 30 days before the City intends to remove the sign.**

6.2 Standards Applicable to all Signs

6.2.1 Location

(a) **No part of any permanent freestanding sign shall be closer than 10 feet to the side lot line.**

(b) **No part of any freestanding sign shall project over or beyond the property line of the property where the sign is located.**

(c) **Unless set back 10 or more feet from the street right-of-way line, the supporting column(s) of a freestanding sign exceeding 16 feet in area shall not materially impede vision between a height of two-and-a-half and seven-and-a-half feet above the centerline grade of the street. Freestanding signs located within the clear view triangle defined in Section 9.2 shall have a minimum vertical clearance of 10 feet above the centerline grade of the intersecting streets.**

(d) **Wall signs shall be of a uniform design compatible with the exterior appearance of the building.**

(e) **When electrical signs are installed, their installation shall be subject to the City's electrical code.**

6.2.2 Lighting

Illuminated signs shall be illuminated by lighting internal to the sign or shall be shielded to prevent light trespass onto adjacent properties or public streets. Signs on the top of office or industrial buildings adjacent to residential districts shall not be illuminated after 10 p.m. or before 6 a.m.

6.2.3 Projecting Signs

No projecting sign shall:

(a) **Project more than 96 inches out from the wall where it is attached;**

(b) **Extend above the roof line;**

(c) **Exceed the area of a freestanding sign that is permitted according to Table 5.6.5(c.2).**

6.3 Nonconforming Signs

6.3.1 Existing conforming signs

(a) **Any legal nonconformity under a previous City Code will also be a legal nonconformity under this Code, so long as the situation that resulted in the legal nonconforming status under the previous Code continues to exist. If a legal nonconformity under the previous Code becomes conforming because of the adoption of this Code, then the situation will no longer be considered nonconforming.**

(b) **Nonconformities will generally be permitted to continue under the provisions of this Code.**

6.3.2 Appeals

Any person may appeal any administrative decision authorized by this Section in accordance with the procedures set forth in Section 7.3.

6.3.3 Message Substitution

Sign copy or messaging may be changed without additional approvals.

6.4 Prohibited Signs

The following types of signs are not permitted in the City:

Signs that, by reason of position, shape or color would interfere with the proper function of a traffic sign or signal.

Signs within the public right-of-way or easement except for government installed signs.

Signs that resemble any official marker erected by a governmental agency or that display such words as “Stop” or “Danger.”

Flashing or rotating signs, including those located indoors, if they are visible from public streets.

Signs that obstruct any window, door, fire escape, stairway or opening intended to provide ingress or egress for any building structure, except for signs in commercial or industrial zoned properties located on the inside glass portions of windows or doors that do not cover more than 20% of any individual pane of glass.

Sign posters that are tacked or posted on trees, fences, utility poles or other similar supports.

Signs painted directly on building walls.

Internally illuminated cabinet signs with clear or translucent sign message surfaces.

Roof-mounted signs or signs that project above the highest point of the building.

Off-premises advertising signs as defined in Section 9.2.

6.5 Sign Standard Adjustments and Variances

Adjustments to the requirements and standards for the height, number, type, lighting, area, and/or location of a sign or signs established by this Section may be approved with a Site Plan Review or a Planned Unit Development process. This provision shall not be used to permit dynamic display signage. In order to approve any sign standard adjustment, one of following (1) or (2) criteria shall be satisfied, and the necessary criteria of (3) shall be satisfied:

(1) There are site conditions which require a sign adjustment to allow the sign to be reasonably visible from a street immediately adjacent to the site;

(2) The sign adjustment will allow a sign of exceptional design or a style that will enhance the area or that is more consistent with the architecture and design of the site;

(3) The sign adjustment will not result in a sign that is inconsistent with the purpose of the zoning district in which the property is located or the current land use.

All other adjustments that cannot satisfy the above allowance shall be processed as a variance. The procedure for obtaining a variance from the requirements of this Section are set out in Section 7.10.

6.6 On-Premises Signs that Require a Sign Permit

6.6.1 Residential (R1 through R5) Districts

Signs in the R1 through R5 District are permitted with a sign permit as follows:

Table 6.6.1: R1 – R5 On-Premises Signs

Type of Residence	*Number and Type of Signs Permitted*	*Maximum Size of Sign(s) Permitted*	*Exceptions (if any)*
In R1, R2 and R3 District in structures where a permitted home occupation is being conducted	One freestanding or wall sign per dwelling	Two and half square feet in area and six feet in height	If located along a major thoroughfare, as defined in Section 9.2, maximum area is six square feet
Multiple family dwelling buildings with up to 36 units	Two wall signs per building	25 square feet in area if located on a lot abutting an R1, R2, or R3 district, provided the sign does not face an R1, R2, or R3 lot containing a single or two-family dwelling	40 square feet in area if located in a zone district other than R1, R2, or R3
Multi-establishment in R3 through R5 Districts with at least 37 dwelling units		Freestanding: 25 square feet in area and 10 feet in height Wall: 40 square feet in area	If there is only one freestanding sign and no wall signs erected, then maximum area is 36 square feet

6.6.2 Mixed Use Districts (MX-N1, MX-N2, TOD-Edge, TOD-Core)

(a) **Wall signs and projecting signs in the Mixed Use Districts are permitted as follows:**

Table 5.6.5(b.1): Mixed Use On-Premises Signs

Type of Establishment or Enterprise	*Number and Type of Signs Permitted*	*Maximum Size of Sign(s) Permitted*	*Exceptions (if any)*
Individual establishment or multistory office building	A wall or projecting sign on each wall	10% of the aggregate area of the wall supporting the signs	If the building front is articulated, total sign area may be measured based on the entire area of the front facing wall

Table 5.6.5(b.1): Mixed Use On-Premises Signs			
Type of Establishment or Enterprise	*Number and Type of Signs Permitted*	*Maximum Size of Sign(s) Permitted*	*Exceptions (if any)*
Multi-establishment	Each establishment may have wall or projecting signs on each of its exterior walls	10% of the aggregate area of the wall supporting the signs	When no signs are erected on any establishment, then the aggregate of the establishments may have a wall or projecting sign on each wall identifying the tenants collectively or identifying the complex so long as the areas of each sign does not exceed 10% of the area of the wall supporting it
Multi-establishment with at least 37 dwelling units	Two freestanding signs or wall signs	Freestanding: 25 square feet in area and 10 feet in height Wall: 40 square feet in area	If there is only one freestanding sign and no wall signs erected, then maximum area is 36 square feet

(b) **Freestanding signs in the Mixed Use Districts are permitted as follows:**

Table 5.6.5(b.2): Mixed Use On-Premises Signs			
Type of Establishment or Enterprise	*Number and Type of Signs Permitted*	*Maximum Size of Sign(s) Permitted*	*Exceptions (if any)*
Individual establishment or multistory office building	One freestanding sign	72 square feet in area and 20 feet in height	When the building abuts two or more collector or arterial streets, one freestanding sign with a maximum area of 108 square feet may be erected along each street frontage
Multi-establishment	In addition to freestanding signs otherwise permitted by this Section, one freestanding sign per street frontage	145 square feet in area and 15 feet in height	None

(c) **Canopy signs in the Mixed Use Districts are permitted if the following conditions are met:**

(1) **The canopy structure complies with all minimum building setback standards applicable to the principal structure.**

(2) **The canopy structure is attached to the building wall and is deemed by the Building Official to be an integral part of the building.**

(3) **The primary function of the canopy is to provide an outside cover or shelter for pedestrians as opposed to automobiles.**

(4) **The sign does not extend or project above the top of the canopy.**

(5) **The area of the sign does not exceed 10% of the canopy face or elevation that is parallel to the wall where the canopy is attached.**

(6) **All lighting on the underside of the canopy shall be recessed. Under canopy lighting shall be designed to provide an average level of illumination not to exceed 20 foot-candles with a maximum foot-candle reading beneath the canopy not exceeding 30 foot-candles.**

(7) **The sign complies in all other respects with the provisions of this Section for wall signs.**

6.6.3 C, MX-B1, and I Districts

(a) **Wall and projecting signs in the C, MX-B1, and I District are permitted as follows:**

C, MX-B1, I On-Premises Signs			
Type of Establishment or Enterprise	*Number and Type of Signs Permitted*	*Maximum Size of Sign(s) Permitted*	*Exceptions (if any)*
Individual establishment	Wall signs and projecting signs on each wall	Abutting and facing freeway frontage: 15% of the aggregate area of the wall supporting the signs Other: 10% of the aggregate are of the wall supporting the signs	If the building front is articulated, total sign area may be measured based on the entire area of the front facing wall
Multistory office building	Wall or projecting signs on each wall	10% of the area of the wall supporting the sign	If the building front is articulated, total sign area may be measured based on the entire area of the front facing wall

C, MX-B1, I On-Premises Signs			
Type of Establishment or Enterprise	*Number and Type of Signs Permitted*	*Maximum Size of Sign(s) Permitted*	*Exceptions (if any)*
Multi-establishment or enclosed shopping center	Wall signs and Projecting signs on each of its exterior walls that does not face an adjacent lot in an R1, R2, or R3 District	Abutting and facing freeway frontage: 15% of the aggregate area of the wall supporting the signs Other: 10% of the aggregate area of the wall supporting the sign.	If the building front is articulated, total sign area may be measured based on the entire area of the front facing wall

(b) **Freestanding signs in the C, MX-B1 and I Districts**

(1) **One freestanding sign is permitted, or if the establishment has two or more collector or arterial street frontages exceeding 400 feet then one freestanding sign on each street is permitted, provided the maximum size and height complies with the following table:**

C, MX-B1 and I On-Premises Signs		
Building Gross Floor Area Square Feet	*Maximum Sign Area Square Feet*	*Maximum Sign Height (above 1st floor) Feet*
5,000 and below	Abutting and facing freeway frontage: 155 Other: 124	25
5,001 – 10,000	Abutting and facing freeway frontage: 180 Other: 155	26
10,001 – 20,000	Abutting and facing freeway frontage: 210 Other: 180	28
20,001 and above	Abutting and facing freeway frontage: 230 Other: 210	30

6.6.4 Outdoor sales

(a) **An additional freestanding sign more than what is allowed in Section 6.6.5(a) is permitted in an individual establishment having a gross building floor area larger than 24,000 square feet and a minimum lot area of four acres or more, when at least 50% of the land is used for outdoor sales.**

(b) **The additional freestanding sign above shall not exceed 125 square feet in area and 24 feet above the first floor of the building and shall be separated from the first freestanding sign by a minimum of 200 feet.**

(c) **An individual establishment is not eligible for an additional freestanding sign under this Subsection if:**

(1) **Any nonconforming signs exist on the premises;**

(2) **The additional sign would be located within 150 feet of residentially zoned property; or**

(3) **It is located on a corner lot and qualifies for an additional freestanding sign under Section 6.6.**

6.6.5 Wall and freestanding sign tradeoff

(a) **An individual or clustered establishment may be entitled to one additional freestanding sign if the building owner or a duly authorized agent agrees in writing to forego all permitted wall signs and the additional freestanding sign complies with all applicable standards in this Section.**

6.6.6 Development complex

(a) **In addition to other signs permitted by this Section, every multiple building development complex shall be entitled to one additional freestanding sign per street front not to exceed 145 square feet in area and 15 feet in height.**

6.6.7 Canopy signs in the C, MX-B1 and I District

Individual and clustered establishments or enterprises and multistory office buildings may have canopy signs, to be considered a type of wall sign, if the following conditions are met:

(a) **The canopy structure complies with all minimum building setback standards applicable to the principal structure.**

(b) **The canopy structure is attached to the building wall and is deemed by the Building Official to be an integral part of the building.**

(c) **The primary function of the canopy is to provide an outside cover or shelter for pedestrians as opposed to automobiles.**

(d) **The sign does not extend or project above the top of the canopy.**

(e) **The sign is placed on the elevation of the canopy that is parallel to the wall where it is attached.**

(f) **The area of the sign for individual and clustered establishments does not exceed 30% of the canopy face or elevation that is parallel to the wall where it is attached. The area of the sign for a multistory office building does not exceed 10% of the canopy face or elevation that is parallel to the wall where it is attached.**

(g) **All lighting on the underside of the canopy shall be recessed. Under canopy lighting shall be designed to provide an average level of illumination not to exceed 20 foot-candles with a maximum foot-candle reading beneath the canopy not exceeding 30 foot-candles.**

(h) **The sign in all other respects is consistent with the provisions of this Section for wall signs.**

6.6.8 Gasoline service stations in the C, MX-B1 and I District

(a) **In addition to other signs permitted by this Section, gasoline service stations shall be entitled to a freestanding sign on each pump island. Sign sizes shall not exceed 20 square feet in area and 15 feet in height.**

6.6.9 Public Uses (All Districts Where Public Uses Are Permitted)

(a) **Public use freestanding signs**

One freestanding sign not to exceed 36 square feet in area and 10 feet in height is permitted in all Districts where public uses are permitted. An additional freestanding sign is permitted if the use abuts two or more streets. Properties entitled to an additional freestanding sign may erect an additional freestanding sign not to exceed 72 square feet in area and 15 feet in height.

6.6.10 Public use wall signs

(a) **One wall sign not to exceed 36 square feet in area is permitted.**

(b) **An additional wall sign not to exceed 10 square feet in area immediately above or beside each public entrance to that part of the building is permitted.**

(c) **Any wall sign that does not exceed three square feet and is not intended to be legible from public streets is permitted.**

6.6.11 Dynamic Messaging Signs (DMS)

(a) **DMS, as defined in Section 9.2, are permitted in any District where public uses are permitted in accordance with the provisions in this Section. Notwithstanding Section 4.3.1, a conditional use permit is required for DMS.**

(b) **DMS regulations**

(1) **DMS are permitted on a freestanding sign aligned perpendicular to the adjacent arterial or collector street as specified in the City's Comprehensive Plan.**

(2) **The message must remain constant for at least five seconds.**

(3) **The sign may not remain blank for longer than one second in between message changes.**

(4) **The area may not exceed an equivalent of 50% of each sign face area.**

(5) **The sign shall be located no closer than 50 feet from any residential dwelling.**

(6) **Signs within 500 feet of a residential dwelling that face a residence shall display a static message between the hours of 9:00pm and 7:00am.**

(7) **The sign may not flash, blink, rotate, spin, contain full motion video or create any other distraction to motorists.**

(8) **If the sign malfunctions, it must automatically turn black.**

(9) **Lighting intensity shall not exceed 5,000 nits in daytime and 500 nits at nighttime.**

(10) **The sign must have dimming technology that automatically adjusts its brightness in direct correlation with ambient light conditions. Brightness shall not exceed 0.3 foot-candles above ambient light as measured from a preset distance depending on the sign size, as indicated in Table 5.6.5(d).**

Table 5.6.5(d) – DMS Sign Measurement Distance for Brightness Measurement Calculation = Sign Area x 100

Area of Sign in Square Feet	*Measurement Distance in Feet*
10 – 30	55
31 – 60	75
61 – 90	95
91 – 100	100

6.7 Temporary Signs that Require a Permit

6.7.1 Temporary freestanding signs

Temporary freestanding signs that do not meet the standards of Section 6.8.2 may be approved as follows:

(a) **One temporary sign not to exceed 100 square feet in area per side or 200 square feet for a two-sided sign with a height not to exceed 12 feet is permitted during any time between when a building permit is issued and when a certificate of completion or certificate of occupancy is issued.**

(b) **A maximum of eight off-premises signs per applicant located within two miles, measured along the shortest public street right-of-way, of a property is permitted during any time between when a building permit is issued and when a certificate of completion or certificate of occupancy is issued. Each sign may not exceed 16 square feet per side or 32 square feet for a two-sided sign with a height not to exceed 12 feet. Each sign must be a minimum of 600 feet from another temporary off-site sign.**

6.7.2 Portable signs;

(a) **Portable signs in residential districts shall not exceed six feet in height and 10 square feet in area.**

(b) **Portable signs in nonresidential districts shall not exceed 12 feet in height and 40 square feet in area.**

6.7.3 Banners

(a) **Up to up to 2 banners may be displayed provided they do not exceed a total of 30 square feet each in size and are displayed for no more than 60 days in aggregate per calendar year.**

(b) **The banners must be affixed to a building or in compliance with lot and setback requirements and obtain a temporary sign permit.**

6.7.4 Pennants, streamers, balloons, stringers or similar attention attracting devices

(a) **Pennants, streamers, balloons and similar attention attracting devices are permitted for no more than 60 days in aggregate per calendar year with a temporary sign permit.**

(b) **The devices must be affixed to a building or other stationary structure, and my not obstruct pedestrian or traffic flow. The devices may not be located within the public right-of-way or affixed to any publicly-owned facility.**

(c) **Rotating beams, beacons or flashing illuminations or those that do not remain stationary;**

(d) **Roof signs;**

6.7.5 Special On-Premises Sign Program

(a) **Purpose**

The special on-premises sign program allows property owners and businesses to propose creatively designed signs that:

(1) **Encourage signs of high-quality materials and workmanship;**

(2) **Encourage signs of unique design that exhibit a high degree of imagination and inventiveness; and**

(3) **Provide a process for the application of creatively designed signs that make a positive visual contribution to the overall image of the City, while mitigating the impacts of large or unusually designed signs.**

6.8 Signs that May be Erected without a Permit

No sign permitted by this Section may be erected or maintained in the public right-of-way or easement unless the sign does not exceed six square feet in area and is set back at least 10 feet from the back of the curb or improved edge of a roadway and set back at least two feet from the improved edge of a trail or sidewalk and outside of the clear view triangle defined in Section 9.2.

6.8.1 Permanent Signs

The following types of permanent signs are permitted without need to first obtain a sign permit from the City:

(a) **Traffic control signs, railroad crossing signs and temporary safety or emergency signs.**

(b) **Any freestanding sign that is oriented primarily for viewing by persons travelling within the lot (and not from a public street or right-of-way), that does not exceed 10 square feet in size and does not exceed four feet in height.**

(c) **One sign not to exceed 10 square feet per each commercial or industrial zoned property at the point of ingress to the property that may be viewed from the public street or right-of-way.**

(d) **One sign not to exceed six square feet in area on residential zoned property, with the consent of the property owner, not including illuminated signs.**

(e) **Flags that are located on residential zoned property that do not exceed 20 square feet in size and are mounted on a pole that does not exceed 35 feet in height or the maximum height permitted in the zoning district where the lot is located, whichever is less.**

(f) **Flags that are located on commercial or industrial zoned property that do not exceed 50 square feet in size and are mounted on a pole that does not exceed 50 feet in height or the maximum height permitted in the zoning district where the lot or property is located, whichever is less.**

6.8.2 Temporary Signs

The following types of temporary signs are permitted without need to first obtain a sign permit from the City:

(a) **Any sign located on residential zoned property erected for less than nine consecutive days that does not exceed two square feet in area. One additional temporary sign per frontage, not to exceed six square feet in area and three feet in height, is permitted during any time between when a building permit is issued and when a certificate of completion or certificate of occupancy is issued. One additional temporary sign per street frontage, not to exceed six square feet in area and three feet in height, is permitted during any time when all or a portion of the property is actively listed for sale or lease.**

(b) **Any sign located on commercial or industrial zoned property erected for less than 14 consecutive days in a calendar year that does not exceed 48 square feet in area and four feet in height. One additional temporary sign per street frontage, not to exceed 48 square feet in area and eight feet in height, is permitted during any time between when a building permit is issued and when a certificate of completion or certificate of occupancy is issued. One additional temporary sign per street frontage, not to exceed 48 square feet in area and eight feet in height, is permitted during any time when all or a portion of the property is actively listed for sale or lease.**

(c) **Signs or posters painted on or attached to the inside of a display window, including illuminated signs, but excluding flashing signs, so long as the signs or posters do not cover more than 20% of any individual pane of glass.**

(d) **Decorative banners attached to or hung from light standards or similar structures provided they are no larger than 16 square feet in area.**

(e) **Bench signs provided they are installed and maintained by a person, firm or corporation licensed by the City Council.**

(f) **All non-commercial signs must be removed within 10 days following the state general election in accordance with Minnesota Statute 211B.045.**

(g) **All signs permitted by this Section must be constructed of durable, non-fading materials and shall be securely mounted to avoid displacement off the property by wind or weather.**

Section 7: Administration

7.1 Zoning Administrator

7.1.1 Appointment

The city manager shall appoint a zoning administrator to administer and enforce this UDO.

7.1.2 Authority.

In addition to the authorities set forth in this UDO, the zoning administrator is authorized to perform the following duties for the City:

(a) **Accept applications, determine their completeness, and identify what additional information is required to make an application complete;**

(b) **Process and issue permits once they have been approved in accordance with this UDO;**

(c) **Issue notices of denial;**

(d) **Create reports with recommendations on zoning matters for the Planning Commission and the City Council;**

(e) **Provide for notices required under this UDO;**

(f) **Conduct inspections as may be needed;**

(g) **Administer and issue notices under Minnesota Statutes, section 15.99;**

(h) **Enforce this UDO through the issuance of violation notices, cease and desist orders, and correction orders as may be needed; and**

(i) **Perform such other duties and responsibilities as identified in this UDO or as may otherwise be needed to administer this UDO as directed by the City Manager.**

7.2 Planning Commission

7.2.1 Establishment.

A Planning Commission of seven members is hereby established and continued as a planning agency advisory to the City Council. The Planning Commission shall have the powers and duties conferred upon it by statute, charter, ordinance or resolution.

7.2.2 Rules and Procedures.

The rules and procedures of the Planning Commission shall be those established by resolution of the City Council, including, but not limited to, specific duties, composition, officers, member qualifications, removal, terms, conflicts of interest, compensation, and neighborhoods/district, and in accordance with bylaws approved by the City Council.

7.2.3 City Council Action.

The City Council may conduct a public hearing and take final action on an application without a recommendation from the Planning Commission if the Planning Commission

does not conduct a public hearing or forward a recommendation on an application to the City Council within sufficient time to allow the City Council to consider and act on the application within the applicable statutory timeline.

7.3 Board of Adjustments and Appeals

7.3.1 Board of Adjustments and Appeals.

Pursuant to Minnesota Statutes, section 462.354, the city of Brooklyn Center Board of Adjustments and Appeals is hereby established for the City. The City's Planning Commission shall serve as the Board of Adjustments and Appeals for the City. Pursuant to Minnesota Statutes, section 462.354, subdivision 2, the decisions of the Board of Adjustments and Appeals are advisory to the City Council, which will make all final decisions.

7.3.2 Duties of the board.

The Board of Adjustments and Appeals shall have the following duties:

(a) Hear and make recommendations with respect to appeals from any order, decision, or determination made by an administrative officer in the enforcement of this UDO, where it is alleged that some error as provided for in Minnesota Statutes, Section 462.357, subd. 6(1).

(b) Hears requests for variances from literal provisions of this UDO in accordance with the provisions of Minnesota Statutes, section 462.357.

(c) Hear appeals from the denial of a building permit for structures within the limits of a mapped street pursuant to Minnesota Statutes, section 462.359.

7.4 Applications

7.4.1 Form.

An application must be submitted on the appropriate City form approved by the City Council. Any requests not submitted on an approved form shall not constitute an application for the purposes of this UDO, or Minnesota Statutes, section 15.99, and shall be rejected.

7.4.2 Submission.

All applications shall be submitted to the Zoning Administrator or the Zoning Administrator's designee. The Zoning Administrator shall forward applications to the Planning Commission, the Board of Adjustments and Appeals, or the City Council as appropriate and is authorized to schedule and provide notice of hearing on the application if required.

7.4.3 Completeness.

An application shall not be deemed complete, and shall immediately be rejected, if it is not accompanied by the required application fee and, if required, an escrow. An application that does not contain all of the information required by this UDO for the

particular type of request, any additional information required on the application form, and any other additional information the Zoning Administrator may reasonably determine is necessary to properly process the application shall be deemed incomplete and shall not be processed until the applicant provides the additional information and materials required to make it complete. The Zoning Administrator shall review and make decisions on the completeness of an application as provided for in Minnesota Statutes, section 15.99. The Zoning Administrator may expressly waive one or more application requirements if the Zoning Administrator determines the information is not required under the particular circumstances.

7.4.4 Minimum Information.

Every application shall, at a minimum, contain the following information:

(a) **The name and address of the applicant;**

(b) **The description of the property to which the application relates, including the property identification number established by the County;**

(c) **The name and address of the owner of the property, if different from the applicant;**

(d) **If the applicant is not the owner, an explanation of the interest which the applicant has in the property; and**

(e) **A showing that all requisite permits, licenses and approvals from the City have been obtained and that the requirements of any other governmental authority have been met.**

7.4.5 Owner Consent.

An application submitted by someone other than the owner of the property shall have the consent of the owner to be considered a complete application.

7.4.6 Accuracy.

No person shall knowingly make a false statement in an application or present inaccurate information to the City. If the City Council determines an approval was issued based, at least in part, on an applicant's false statement or on the presentation of inaccurate information, it may act to revoke or modify the approval. The City Council shall provide the applicant written notice and an opportunity to be heard before acting to revoke or modify the approval.

7.5 Public Hearings

7.5.1 Content of Notice.

For all applications for review that are subject to public notice requirements under this UDO or any applicable law or rule, public hearings shall be noticed, scheduled, held, and decided pursuant to this UDO and applicable law. Notices for public hearings, whether by publication or mail, shall, at a minimum:

(a) **Identify the address or location of the property subject to the application and the name of the applicant or the applicant's agent;**

(b) **Indicate the date, time, and place of the public hearing;**

(c) **Describe the land involved by street address, legal description, or the nearest cross street and project area (size);**

(d) **Describe the nature, scope, and purpose of the application or proposal;**

(e) **Identify the location (e.g., city hall) where the public may view the application and related documents;**

(f) **Include a statement that the public may appear at the public hearing, be heard, and submit evidence and written comments with respect to the application;**

(g) **Include a statement describing where written comments will be received prior to the public hearing; and**

(h) **If applicable, indicate the date of the city council meeting at which the application will be considered.**

Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Failure of a party to receive written notice shall not invalidate subsequent action.

When the records of the City document the publication, mailing, and posting of notices as required by this section, it shall be presumed that notice of a public hearing was given as required by this section.

7.5.2 Timing of Notice.

Unless otherwise expressly provided in state law or this UDO, notice, when required, shall be published in the official newspaper of the City at least ten (10) days prior to the day of the hearing. The notice shall also be posted on the City's website and any social media accounts.

7.5.3 Mailed Notice.

When the provisions of state law or this UDO require that notice be mailed, the Zoning Administrator shall prepare and mail the written notice at least ten days before the day of the public hearing to each owner of property situated wholly or partly within 350 feet of the outer boundaries of the subject property.

For the purpose of giving mailed notice, the Zoning Administrator may use any appropriate records to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the Zoning Administrator and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.

7.5.4 Sign Notice.

When a zoning application involves changes in district boundaries affecting an area of five acres or more, a change of a zoning district , or construction or major alteration of a structure, except one and two family dwellings and buildings accessory thereto, the property owner must post a public notice sign in accordance with the following:

(a) **Public notice signs shall be posted on any property subject to the public hearing provisions. Public notice signs shall be installed by the owner of the property for which the public hearing is required.**

(b) **Display Period. Public notice signs shall be installed on the subject property no less than ten days prior to an established public hearing date, and shall be removed no more than seven days following application determination by City Council**

(c) **Public notice signs shall be posted according to the following standards:**

(1) **Number. One sign shall be posted along each public street frontage.**

(2) **Location. Whenever practical, signs shall be set back ten (10) feet from a public street right-of-way and positioned in a manner to best inform the vehicle and pedestrian traffic, without creating a safety hazard.**

(3) **Size and Content. All public notice signs shall be of adequate size and design to be clearly visible and legible to passing vehicles and pedestrians. At a minimum, a public notice sign shall specify the time, date and location of the scheduled public hearing, the general nature of the hearing, and a phone number for the Zoning Administrator for additional information.**

(4) **All sign content, location, and size must be reviewed and approved in writing by the Zoning Administrator.**

7.5.5 Decisions.

If the public hearing is related to a specific application (CUP, variance, etc.) the decision shall be in writing, shall be accompanied by findings based upon the record, and shall be provided to interested parties as required by State statute and City Code and as determined appropriate by the City.

(a) **Shoreland Notice of Decisions. For applications within the Shoreland Districts, notice of decisions shall be conducted as noted in Section 3.2.2 (c)(7) of the Unified Development Ordinance.**

(b) **Floodplain Notice of Decisions. For applications within Floodplain Districts, notice of the decision shall be conducted as noted in Section 3.2.1 of the Unified Development Ordinance.**

(c) **MRCCA Notice of Decisions. For applications within Mississippi River Corridor Critical Area Districts, notice of the decision must be sent to the Commissioner of the Department of Natural Resources pursuant to Minnesota Statutes, Section 1116G.15.**

7.6 Site & Building Plan Approval

7.6.1 Applicability.

Without first obtaining site and building plan approval, it shall be a violation of this UDO to do any of the following:

(a) **Construct or erect a new building or add on to an existing building that would result in an increase in gross floor area of all buildings on the lot by more than ten percent;**

(b) **Move a modular housing structure to or within any lot within the City;**

(c) **Expand or change the use of a building or parcel of land or modify a building, accessory structure or site or land feature in any manner which results in a different intensity of use, including the requirement for additional parking;**

(d) **Grade or take other actions to prepare a site for development, except in conformance with a permit or an approved plan; and**

7.6.2 Remove earth, soils, gravel or other natural material from, or place the same on, a site, except in conformance with a permit or an approved plan.Exceptions

Except in those cases specifically cited within this Section, the following shall not require a site and building plan approval:

(a) **Construction or alteration of a one-family or two-family residential building or accessory building;**

(b) **Relocation of a modular housing structure to or within any lot in a R1 or R2 zoning district;**

(c) **Enlargement of a building by less than ten percent of its gross floor area, provided that there is no variance required and the Zoning Administrator has conducted an administrative review pursuant to this Section; and**

(d) **Changes in the leasable space of a multitenant building where the change does not intensify the use, require additional parking, or result in an inability to maintain required performance standards as specified in Section 5.**

7.6.3 Procedure.

(a) **Application. A site and building plan review application shall be submitted to the Zoning Administrator in accordance with the application criteria of this UDO. If an applicant is submitting a conditional use permit application, the conditional use permit and site and building plan review application shall be reviewed concurrently.**

(b) **Additional Application Requirements. In addition to the application requirements set forth in Section 7.4 of this UDO, a site and building plan approval applicant shall submit the following documents and information when applicable:**

(1) **A survey drawing by a registered engineer or land surveyor showing pertinent existing conditions, accurately dimensioned.**

(2) **A complete set of preliminary architectural and site drawings prepared by a registered architect or engineer showing:**

(A) **An accurately scaled and dimensioned site plan indicating property lines, parking layout including access provisions, designation of locations of possible accessory buildings; landscaping, including trees and shrubbery with indication of species, planting, size and location;**

(B) **Fences or walls or other screening, including height, placement, and type of material;**

(C) **Lighting provisions, including fixture specifications and type, illumination levels, and location;**

(D) **Curbs and gutters;**

(E) **Building floor plans, elevations, sections, and outline specifications, including materials proposed; and**

(F) **Existing and proposed land elevations, drainage provisions, temporary and permanent erosion control provisions, and utility provisions as may be required.**

(3) **Any special studies requested.**

The City Engineer or the Zoning Administrator may request special impact studies when there is evidence that the proposed plan may negatively impact public infrastructure, the environment or adjacent land uses. Such studies may include, but are not limited to, traffic, environmental, storm water management, wetland, and utility studies.

(c) **Review and approval.**

(1) **The Zoning Administrator, or their designee, will review and act administratively upon the following types of final site and building plan applications:**

(A) **One and Two-family dwellings;**

(B) **Accessory buildings in R1 and R2 districts;**

(C) **Garages in R1 and R2 districts**

(D) **Parking lots or other site characteristic modifications;**

(E) **New buildings or building additions to un-platted properties that do not exceed 1,000 square feet; and**

(F) **Revisions to previously approved final site and building plans except those that involve:**

i. **Building additions that exceed 5% of the existing floor area for the building or that exceed 10,000 square feet;**

ii. **An increase in the number of dwelling units;**

iii. **Deviations to City Code requirements; or**

iv. **Modifications to any condition of approval adopted by the Planning Commission or City Council. If a revision requires modification to a condition of approval previously adopted by the City Council, the revision must be reviewed by the City Council.**

(2) **In the event that a final site and building plan application is denied by the Zoning Administrator, or their designee, the applicant may appeal the decision as set forth in Section 7.11.**

(3) **The Planning Commission will review and act upon all other types of final site and building plan applications, including those related to an associated conditional use permit, interim use permit, variance, rezoning or Comprehensive Plan amendment application when City Council review is required for the related application.**

(d) **All applications shall first be reviewed by the Zoning Administrator and City staff, and reports concerning the application shall be submitted to the Planning Commission for its consideration (if required) within 30 days of receipt of all material required by this Unified Development Ordinance for review of the application. The Zoning Administrator shall provide the applicant with comments and changes that are required to be in compliance with the provisions of this UDO. The applicant shall be required to submit revised plans and documents incorporating the required changes prior to the Planning Commission meeting.**

(e) **Notice and public hearing. After determining that an application contains all the necessary and required information, the Zoning Administrator shall place the application on the Planning Commission agenda, schedule a public hearing on the proposed request, when required, and notify the public pursuant to Section 7.5 of this UDO.**

(f) **Recommendation by Planning Commission. The Planning Commission shall hear and make a recommendation on the application. If the Planning Commission so desires, it**

may continue the public hearing and/or table the item to allow for further review, so long as such action is in accordance with Minnesota Statutes, section 15.99. The Planning Commission shall consider the applicable decision criteria of this UDO and shall recommend approval, recommend approval with conditions, or recommend denial of an application, citing the specific reasons therefor.

(g) **Action by the City Council. The City Council shall consider and make the final decision on the application, acting to approve the request, approve with conditions, or deny the request, citing the specific reasons therefor. The City Council shall adopt findings and shall act upon the application in accordance with Minnesota Statutes, section 15.99.**

(h) **The applicant or their agent shall appear at each meeting of the Planning Commission and City Council during which the application is considered. Furthermore, each applicant shall provide the Planning Commission or the City Council the maps, drawings, plans, records, or other information requested for the purpose of assisting in the recommendation or determination of the application.**

(i) **The City Council may conduct a public hearing and take final action on an application without a recommendation from the Planning Commission if the Planning Commission does not conduct a public hearing or forward a recommendation on an application to the City Council with sufficient time to allow the City Council to consider and act on the application within the applicable statutory timeline.**

(j) **The City Clerk, following the City Council's action upon the application, shall give the applicant a written notice of the action taken. A copy of this notice shall be kept on file as a part of the permanent record of the application.**

(k) **Appeals. The decision of the City Council is appealable to the district court within 30 days after the date of the decision.**

7.6.4 Site and Building Plan Approval Criteria.

No site and building plan review application shall be approved unless it meets the following criteria:

(a) **It fully complies with all applicable requirements of this UDO;**

(b) **It adequately protects residential uses from the potential adverse effects of a non-residential use;**

(c) **It is consistent with the use and character of surrounding properties; and**

(d) **It provides safe conditions for pedestrians or motorists and prevents the dangerous arrangement of pedestrian and vehicular ways.**

7.6.5 Amendments.

Approved site and building plans may only be amended upon the review of the proposed amendment as follows:

(a) **Minor Amendments. Minor amendments may be granted for the following proposed changes or modifications that do not require variances, and the proposed changes or modifications, do not, as determined by the Zoning Administrator, significantly intensify the use of the site:**

(1) **Landscape changes;**

(2) **Parking lot configuration changes (not change in number of spaces);**

(3) **Less than 25 percent change in floor area in any one (1) structure;**

(4) **Less than 25 percent change in the approved separation of buildings;**

(5) **Less than 20 percent change in the ground area covered by the project;**

(6) **Less than 20 percent change in the number of residential units; and**

(7) **Less than 20 percent change in the number of parking spaces provided or required.**

Minor amendments shall comply with the criteria set for the above for site and building plan approval. Decisions of the Zoning Administrator may be appealed to the City Council. The Zoning Administrator may determine that a proposed minor amendment is in fact a major amendment and may refer such proposed amendments to the Planning Commission and City Council according to the procedure set forth below with regard to major amendments.

(b) **Major Amendments. Major amendments to a site plan include the following:**

(1) **25 percent or greater change in floor area in any one (1) structure;**

(2) **25 percent or greater change in the approved separation of buildings;**

(3) **Any reduction in the original approved setbacks from property lines if adjacent to one- or two-family residential property;**

(4) **20 percent or greater change in the ground area covered by the project;**

(5) **20 percent or greater change in the number of residential units; and**

(6) **20 percent or greater change in the number of parking spaces provided or required.**

The review of major amendments shall follow the procedure set forth above for the issuance of a new site and building plan approval.

7.6.6 Effect of Site and Building Plan Approval.

(a) **Site and building plan approval shall expire one year from the date of approval unless the applicant has applied for and received a building permit.**

(b) **The applicant may request an extension of the expiration date in writing to the Zoning Administrator. The City Council may approve one extension of not more than one year. Such written request shall include the following:**

(1) An explanation of what, if any, good faith efforts have been made to complete the site plan process; and

(2) The anticipated completion date.

(c) **If required as a condition of approval of the site and building plan, the applicant shall sign a development agreement with the City with a supporting financial guarantee that the subject property will be constructed, developed, and maintained in conformance with the applicable plans, specifications and standards.**

7.7 Conditional Use Permits

7.7.1 Applicability.

Conditional uses are those uses which have been identified, because of their nature, operation, location, special requirements or characteristics, and that may only be allowed in a particular zoning district after submittal of an application, review, and recommendation by the Planning Commission, and approval by the City Council. The Conditional Use Permit process regulates the location, magnitude, and design of conditional uses consistent with the Comprehensive Plan, and the regulations, purposes, and procedures of this Unified Development Ordinance.

7.7.2 Procedure.

(a) **Application submittal. The applicant shall submit an application, in accordance with Section 7.4 of this UDO, to the Zoning Administrator.**

(b) **Review by the Zoning Administrator and City Staff. The Zoning Administrator may consult with other City staff on the application. The Zoning Administrator shall provide the applicant with comments and changes that are required to be in compliance with the provisions of this UDO. The applicant shall be required to submit revised plans and documents incorporating the required changes prior to the Planning Commission meeting.**

(c) **Notice and public hearing. After determining that an application contains all the necessary and required information, the Zoning Administrator shall place the application on the Planning Commission agenda, schedule a public hearing on the proposed request, and notify the public pursuant to Section 7.5 of this UDO.**

(d) **Preparation of staff report. The Zoning Administrator or City staff shall prepare a staff report providing an analysis of the proposal and a recommendation. The report shall consider comments from other City staff in formulating the recommendation. The written report shall be forwarded to the Planning Commission for its consideration.**

(e) **Recommendation by Planning Commission. The Planning Commission shall hear and make a recommendation on the application. If the Planning Commission so desires, it may continue the public hearing and/or table the item to allow for further review, so long as such action is in accordance with Minnesota Statutes, section 15.99. The Planning Commission shall consider the applicable decision criteria of this UDO and shall recommend approval, recommend approval with conditions, or recommend denial of an application, citing the specific reasons therefor.**

(f) **Action by the City Council. The City Council shall consider and make the final decision on the application, acting to approve the request, approve with conditions, or deny the request, citing the specific reasons therefor. The City Council shall adopt findings and shall act upon the application in accordance with Minnesota Statutes, section 15.99.**

(g) **The applicant or their agent shall appear at each meeting of the Planning Commission and City Council during which the application is considered. Furthermore, each applicant shall provide the Planning Commission or the City Council the maps, drawings, plans, records, or other information requested for the purpose of assisting the recommendation or determination of the application.**

(h) **The City Council may conduct a public hearing and take final action on an application without a recommendation from the Planning Commission if the Planning Commission does not conduct a public hearing or forward a recommendation on an application to the City Council with sufficient time to allow the City Council to consider and act on the application within the applicable statutory timeline.**

(i) **The City Clerk, following the City Council's action upon the application, shall give the applicant a written notice of the action taken. A copy of this notice shall be kept on file as a part of the permanent record of the application.**

(j) **Appeals. The decision of the City Council is appealable to the district court within 30 days after the date of the decision.**

7.7.3 Conditional Use Permit Criteria.

A conditional use permit may not be granted by the City Council unless the following criteria have been satisfied:

(a) The conditional use will be in accordance with the general objectives, or with any specific objective, of the City's Comprehensive Plan and this UDO;

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

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

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

(e) Adequate measures have been or will be taken to provide ingress, egress, and parking so designed as to minimize traffic congestion in the public streets;

(f) Impacts such as noise, hours of activity, and exterior lighting have been sufficiently addressed to mitigate negative impacts on nearby uses; and

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

7.7.4 Standards for Conditional Use Permits in the Floodplain (FP), Shoreland (SL) and Mississippi River Critical Corridor Area (CA).

(a) Specific standards for conditional uses in the Floodplain (FP) overlay district are found in Sections 3.1.1(d)(3), 3.1.1(d)(4), 3.1.1(f)(3), and 3.1.1(j)(4).

(b) Specific standards for conditional use permits in the Shoreland (SL) overlay district are found in Section 3.2.2(c)(5).

(c) Specific standards for conditional use permits in the Mississippi River Critical Corridor Area (CA) are found in Section 3.2.3(c)(4).

7.7.5 Conditions and Restrictions.

The Planning Commission may recommend, and the City Council may impose, such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary for the protection of the public interest and to secure compliance with requirements specified in this Unified Development Ordinance. In all cases in which conditional use permits are granted, the City Council may require such evidence and guarantees as it may deem necessary as part of the conditions stipulated in connection therewith.

7.7.6 Amendments.

Approved conditional use permits may only be amended upon the review of the proposed amendment as follows:

(a) **Minor Amendments. A minor amendment may be granted for proposed changes or modifications which are determined by the Zoning Administrator to not have a significant effect on required parking, required yards, floor area ratios, ground floor area ratios, signage, building height, density, covenants or agreements required by the original conditional use permit.**

(b) **Major Amendments. Major amendments shall include all changes that are not classified as minor amendments above and shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued.**

7.7.7 Revocation.

(a) **A violation of any condition set forth in a conditional use permit shall be a violation of this UDO, and failure to correct said violation within the time period established by the City Council or no later than thirty (30) days of written notice from the Zoning Administrator may result in the revocation of the permit.**

(b) **Prior to revoking a conditional use permit, the City Council shall provide the permittee at least ten (10) days' written notice of a hearing to be held by the City Council regarding the revocation of the conditional use permit.**

(c) **If, at the conclusion of the hearing, the City Council determines the violation or violations have not been corrected, it may revoke the conditional use permit and record notice of the revocation against the affected property. As an alternative to immediately revoking the conditional use permit, the City Council may issue a corrective order that, if not fully complied with by the date or dates set out in the order, shall cause the conditional use permit to be revoked without further action by the City Council. The City shall provide the permittee written notice of a revocation or a copy of a corrective order if one is issued. Once revoked, all uses allowed by the conditional use permit shall immediately cease.**

7.7.8 Filing and Recording of Approved Conditional Use Permit.

The resolution approving a conditional use permit or an amended conditional use permit shall include the legal description of the property for which the permit was issued and a list of any conditions set forth by the City Council as part of the approval of the conditional use permit. A certified copy of the resolution shall be filed and recorded by the applicant with the Hennepin County Recorder-Registrar of Titles within 60 days of approval of the resolution.

7.7.9 Resubmission.

No application for a conditional use permit which has been denied by the City Council shall be resubmitted for a period of twelve (12) months from the date of the final determination by the City Council; except that the applicant may set forth in writing newly discovered evidence of change of condition upon which they rely to resubmit at an earlier time.

7.7.10 Existing Uses.

All uses existing at the time of adoption of this UDO that now require a conditional use permit may continue in the same manner of operation as the use did upon the effective date of this UDO. Any enlargement, structural alteration or intensification of use shall require a conditional use permit as provided for above. Additional reasonable conditions may be imposed for the continuation of such use in accordance with the hearing provisions as set forth in Section 7.5 of this UDO.

7.7.11 Effect of Conditional Use Permit Approval.

(a) **A conditional use permit shall authorize a particular conditional use on a specific parcel for which it was approved. A change of use from one permitted conditional use to another shall require a new application and approval pursuant to this section.**

(b) **If a site plan was approved as part of the conditional use permit, the permit shall expire one year from the date of approval unless the applicant has applied for and received a building permit. The applicant may request an extension of the expiration date in writing to the Zoning Administrator. The City Council may approve one extension of not more than one year. Such written request shall include the following:**

(1) **An explanation of what, if any, good faith efforts have been made to complete the site plan process; and**

(2) **The anticipated completion date.**

(c) An approved conditional use may continue in operation, regardless of ownership or ownership changes, provided the use meets all the standards and conditions of approval.

7.8 Interim Use Permits

7.8.1 Applicability.

Interim uses are allowed temporarily by an interim use permit which is subject to certain conditions and expiration on a particular date, until the occurrence of a particular event, or until this UDO no longer allows the use. A use allowed by an interim use permit shall be consistent with the City's Comprehensive Plan and be compatible with surrounding uses. Conditions may be applied to the issuance of the permit and a periodic review of the permit may be required. Upon the expiration of a permit, all activities associated with the use allowed by the permit shall cease until a new permit is applied for and granted by the City.

7.8.2 Procedure.

(a) Application submittal. The applicant shall submit an application, in accordance with Section 7.4 of this UDO, to the Zoning Administrator.

(b) Additional Application Requirements. In addition to the application requirements set forth in Section 7.4 of this UDO, an interim use permit application shall be accompanied by development plans of the proposed use including the following documentation and information as may be deemed necessary by the Zoning Administrator. The Zoning Administrator, on a case-by-case basis, may waive certain items in writing:

(1) The scale of maps submitted shall be appropriately scaled in accordance with the size and scope of the project. The number of maps and reports to be submitted shall be specified by the Zoning Administrator. All maps shall be reduced and included in the applicable reports;

(2) Certificate of Survey;

(3) A site plan drawn to scale showing the following information:

(A) Existing Conditions. Property lines and dimensions, building location and setbacks, dimensions of buildings, curb cuts, driveways, access roads, parking, off-street loading areas, septic systems, and wells.

(B) Proposed Conditions. Property lines and dimensions, building location and setbacks, building dimensions, curb cuts, driveways, access roads, parking, off-street loading areas and any other proposed improvements; and

(4) A landscaping plan with the following information:

(A) Existing vegetation, proposed plantings, plant schedule including information about the plant size, quantity, type and root condition and ground cover;

(5) Grading, Drainage and Erosion Control Plan;

(6) Soil Conditions;

(7) Building Floor Plans;

(8) Building Elevations, noting exterior materials;

(9) General Location Map;

(10) Principal land uses within 200 feet of the property;

(11) Proof of ownership in the form of Abstract of Title, Certificate of Title, Attorney's Legal Opinion, unrecorded documents where applicant will acquire legal or equitable ownership;

(12) Type of business or activity and proposed number of employees;

(13) Primary and secondary septic systems and well locations;

(14) Aerial photograph of site area;

(15) An analysis or evaluation of the impact of the proposed use on the health, safety, and general welfare on the occupants of the surrounding lands;

(16) A proposed plan for mitigation of any impacts on the health, safety, and general welfare on the occupants of the surrounding lands and the City; and

(17) Such other materials as may be required by the Zoning Administrator.

(c) Review by the Zoning Administrator and City Staff. The Zoning Administrator may consult with other City staff on the application. The Zoning Administrator shall provide the applicant with comments and changes that are required to be in compliance with the provisions of this UDO. The applicant shall be required to submit revised plans and documents incorporating the required changes prior to the Planning Commission meeting.

(d) Notice and public hearing. After determining that an application contains all the necessary and required information, the Zoning Administrator shall place the application on the Planning Commission agenda, schedule a public hearing on the proposed request, and notify the public pursuant to Section 7.5 of this UDO.

(e) Preparation of staff report. The Zoning Administrator or City staff shall prepare a staff report providing an analysis of the proposal and a recommendation. The report shall consider comments from other City staff in formulating the recommendation. The written report shall be forwarded to the Planning Commission for its consideration.

(f) Recommendation by Planning Commission. The Planning Commission shall hear and make a recommendation on the application. If the

Planning Commission so desires, it may continue the public hearing and/or table the item to allow for further review, so long as such action is in accordance with Minnesota Statutes, section 15.99. The Planning Commission shall consider the applicable decision criteria of this UDO and shall recommend approval, recommend approval with conditions, or recommend denial of an application, citing the specific reasons therefor.

(g) Action by the City Council. The City Council shall consider and make the final decision on the application, acting to approve the request, approve with conditions, or deny the request, citing the specific reasons therefor. The City Council shall adopt findings and shall act upon the application in accordance with Minnesota Statutes, section 15.99.

(h) The applicant or their agent shall appear at each meeting of the Planning Commission and City Council during which the application is considered. Furthermore, each applicant shall provide the Planning Commission or the City Council the maps, drawings, plans, records, or other information requested for the purpose of assisting the recommendation or determination of the application.

(i) The City Council may conduct a public hearing and take final action on an application without a recommendation from the Planning Commission if the Planning Commission does not conduct a public hearing or forward a recommendation on an application to the City Council with sufficient time to allow the City Council to consider and act on the application within the applicable statutory timeline.

(j) The City Clerk, following the City Council's action upon the application, shall give the applicant a written notice of the action taken. A copy of this notice shall be kept on file as a part of the permanent record of the application.

(k) Appeals. The decision of the City Council is appealable to the district court within 30 days after the date of the decision.

7.8.3 Interim Use Permit Criteria.

An interim use permit may not be granted by the City Council unless the following criteria have been satisfied:

(a) The interim use will be in accordance with the general objectives, or with any specific objective, of the City's Comprehensive Plan and this UDO;

(b) The date or event that will terminate the use can be identified with certainty;

(c) Permission of the use will not impose costs on the public if it is necessary for the public to take the property in the future;

(d) The applicant agrees to all conditions placed on the permit;

(e) In determining whether the proposed use is in harmony with the general objectives of this UDO and the City's Comprehensive Plan, the Planning Commission and City Council shall consider:

(1) The impact of the proposed use on the health, safety and general welfare of the occupants of the surrounding lands.

(2) Existing and anticipated traffic conditions, including parking facilities on adjacent streets and lands.

(3) The effect of the proposed use on utility and school capacities.

(4) The effect of the proposed use on property values and scenic views in the surrounding area.

(5) The effect of the proposed use on the Comprehensive Plan.

(6) The ability of the proposed use to meet the standards of the Unified Development Ordinance.

(7) The effects of the proposed use on groundwater, surface water and air quality.

(8) That the proposed use is allowed with an interim use permit in the designated zoning district in which it is proposed.

7.8.4 Acceptance and Compliance.

An applicant undertaking the use allowed by an interim use permit issued by the City shall be deemed acceptance by the applicant of the conditions imposed on the permit. The use allowed by an interim use permit shall conform to the applicable sections of this UDO.

7.8.5 Length of Interim Use.

Any use permitted under the terms of any interim use permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith. Interim use permits shall remain in effect until they expire on the date or occurrence of the event identified in the permit, or until this UDO no longer allows the use within the district. The City shall be notified in writing within ten (10) days of the transfer

of the land which is subject to an interim use permit. Said notice shall be provided by the seller of said land and shall include notification of the buyers, name, address, telephone number, and certification that the seller has provided the buyer with a copy of the interim use permit and the notice to the City.

7.8.6 Revocation.

(a) A violation of any condition set forth in an interim use permit shall be a violation of this UDO, and failure to correct said violation within the time period established by the City Council or no later than thirty (30) days of written notice from the Zoning Administrator may result in the revocation of the permit.

(b) Prior to revoking an Interim Use Permit, the City Council shall provide the permittee at least ten (10) days written notice of a hearing to be held by the City Council regarding the revocation of the Interim Use Permit.

(c) If, at the conclusion of the hearing, the City Council determines the violation or violations have not been corrected, it may revoke the interim use permit. As an alternative to immediately revoking the interim use permit, the City Council may issue a corrective order that, if not fully complied with by the date or dates set out in the order, shall cause the interim use permit to be revoked without further action by the City Council. The City shall provide the permittee written notice of a revocation or a copy of a corrective order if one is issued. Once revoked, all uses allowed by the interim use permit shall immediately cease.

7.8.7 Records of Interim Uses.

(a) The City will not file a copy of an interim use permit with the County Recorder or Registrar of Titles.

(b) The City shall maintain a record of all interim use permits issued including information on the use, location, conditions imposed by the City, time limits, review dates, expiration date or event, and such other information as may be appropriate.

(c) Two copies of as built plans must be submitted to City upon completion.

7.8.8 Amended Interim Use Permits.

Amended interim use permits shall be requests for changes in conditions of the existing permit. An amended interim use permit application shall be

administered in a manner similar to that required for a new interim use permit.

7.8.9 Expiration of Interim Use Permits.

An application for a new interim use permit for a property for which an interim use permit was issued may be submitted before, and in anticipation of, the expiration of the then current interim use permit.

7.8.10 Resubmission.

No application for an interim use permit for a particular use on a particular parcel of land shall be resubmitted for a period of six (6) months from the date of the denial of the previous application.

7.8.11 Existing Uses.

All uses existing at the time of adoption of this UDO that now require an interim use permit may continue in the same manner of operation as the use did upon the effective date of this Ordinance. Any enlargement, structural alteration or intensification of use shall require an interim use permit as provided for above. Additional reasonable conditions may be imposed for the continuation of such use in accordance with the hearing provisions as set forth in Section 7.5 of this UDO.

7.8.12 Effect of Interim Use Permit.

(a) An interim use permit shall authorize a particular interim use on a specific parcel for which it was approved. A change of use from one permitted interim use to another shall require a new application and approval pursuant to this section.

(b) If a site plan was approved as part of the interim use permit, the permit shall expire one year from the date of approval unless the applicant has applied for and received a building permit. The applicant may request an extension of the expiration date in writing to the Zoning Administrator. The City Council may approve one extension of not more than one year. Such written request shall include the following:

(1) An explanation of what, if any, good faith efforts have been made to complete the site plan process; and

(2) The anticipated completion date.

7.9 Land Disturbance Permits

7.9.1 Applicability.

No construction, reconstruction, development, redevelopment, grading, excavation, or other activity shall occur without first securing a permit from the Community

Development Department if such activity causes a land disturbance of 10,000 square feet or more of land.

7.9.2 Exemptions.

Reserved.

7.9.3 Required Plans.

The applicant shall submit construction plans and supporting calculations. The submittals shall comply with the following requirements

(a) The plans shall meet the requirements of the Shingle Creek and West Mississippi Watershed Management Commission's Rules and Standards, and the Minnesota Pollution Control Agency Construction Permit. Alternative treatment best management practices must be considered where any of the following apply:

(1) Where industrial facilities are not authorized to infiltrate industrial stormwater under a National Pollutant Discharge Elimination System/State Disposal System Permit;

(2) When receiving runoff from fueling and vehicle maintenance areas, unless the infiltration practices is designed to allow for spill control;

(b) The infiltration practice shall be 10 feet away from all buildings, or;

(c) The infiltration practice shall not be used within fifty (50) feet of a City or private well, unless specifically allowed by an approved wellhead protection plan.

(d) The plan shall provide 2-foot contour lines with spot elevations of proposed grades in relation to existing grades on the subject property and adjacent land. The location and type of erosion control devices shall be clearly labeled.

(e) The plan shall address the management of post development runoff and means of assuring the long-term maintenance and operation of best management practices and storm water management structures, devices and methods.

7.9.4 Conditions and Restrictions.

(a) The City Engineer may require such additions or modifications to the plan and may impose such conditions and restrictions on the permit as the City Engineer deems necessary to provide water quality protection. Such conditions may include, but are not limited to: limiting the size, kind or character of the proposed development; requiring the

construction of structures, drainage facilities, storage basins and other facilities; requiring the replacement of vegetation; establishing required monitoring procedures; requiring that the work be staged over time; requiring the execution and filing of such declarations or agreements as the City Engineer deems necessary to assure the continuing monitoring and maintenance of all facilities and systems; and requiring a performance bond, or other acceptable security, to assure that all facilities and systems are constructed as required.

(b) The Building Official may require such additions or modifications to the plan and may impose such conditions and restrictions on the permit as deemed necessary to comply with the Americans with Disabilities Act provisions and to ensure continuous connections with existing public sidewalk and trail infrastructure.

(c) Every effort shall be made during the permit application process to determine the full extent of erosion control required. However, the City Engineer may require additional controls to correct specific site related problems as inspections are performed during construction.

(d) All erosion control noted on the approved plan shall be installed prior to the initiation of any site grading or construction.

(e) All activities requiring a permit under this section shall conform to all requirements of federal, state and local laws, rules and regulations.

(f) The City Engineer shall inspect and enforce all control measures and shall receive and consider reports of non-compliance or other information on construction issues related to water quality submitted by members of the public. Non-compliance with the requirements of this section, the approved plan, any conditions or restrictions imposed by the City Engineer, or any orders issued by the City Engineer is a violation of this Section. Violation of this Section is a misdemeanor and constitutes grounds for the City to issue an order to halt all construction or pursue any other legal or equitable remedy to enforce the requirement of this Section.

7.9.5 Maintenance of Private Stormwater Management Facilities.

(a) No private Stormwater Management Facilities may be approved unless a maintenance plan is provided and is consistent with City Code, and the Shingle Creek and West Mississippi Watershed Management Commissions' Rules and Standards. All such facilities shall be inspected annually, with reports submitted to the City, and maintained in proper

condition consistent with the performance standards for which they were originally designed.

(b) Owners of private Stormwater Management Facilities shall enter into an agreement with the City setting out how the owners shall provide for the long-term operations and maintenance of the facilities

7.9.6 Easements.

The applicant shall establish, in a form acceptable to the City, temporary and perpetual easements for ponding, flowage, and drainage purposes over hydrologic features such as water bodies and stormwater basins. The easements shall include the right of reasonable access for inspection, monitoring, maintenance, and enforcement purposes.

7.9.7 Enforcement Action to Ensure Compliance.

(a) Orders. The City may issue an order to modify the approved plan and stipulate a time frame for compliance. The applicant must comply with said order.

(b) Permit Suspension. The City shall suspend the permit and issue a stop work order if the City determines the applicant supplied incorrect information, or the applicant is in violation of any provision of the approved plans, the permit, or this Section. The City shall reinstate a suspended permit upon the applicant's correction of the cause of the suspension.

(c) Construction Stop Work Order. The City Building Official may issue a stop work order for a related building permit if requested by the City.

(d) Permit Revocation. If the applicant fails or refuses to cease work as required, the City shall revoke the permit and the applicant shall be subject to enforcement, penalties, and loss of its financial security. The City shall not reinstate a revoked permit, but an owner may apply for a new permit.

(e) Remedial Corrective Action. The City or a private contractor under contract with the City may conduct remedial or corrective action on the project site or adjacent sites affected by project failure or to implement actions specified in an order to modify plans. The City may charge applicant for all costs associated with correcting failures or remediating damage from the failures according to the order including but not limited to, materials, equipment, staff time and attorney's fees. If payment is not made within thirty (30) days, payment will be made

from the applicant's financial security or, in the case where no permit was issued, payment will be assessed against the property.

(f) Action Against Financial Security. In any of the following circumstances, the City shall use funds from the financial security to finance remedial work undertaken later by the City or a private contractor under contract to the City, and to reimburse the City for all direct costs including, but not limited to, staff time and attorney's fees:

(1) The applicant ceases land-disturbing activities or filling activities prior to completion of the Stormwater Management Plan;

(2) The applicant fails to conform to the Stormwater Management Plan as approved or as modified under the City Code, and has the Permit revoked under this City Code;

(3) The techniques utilized under the Stormwater Management Plan fail within one (1) year of installation, or before final stabilization is implemented for the site or portions of the site, whichever is later; or

(4) The City determines that action by the City is necessary to prevent excessive erosion from occurring on the Site.

(g) Cumulative Enforcement. The procedures for enforcement of a permit, as set forth in this Section, are cumulative and not exclusive.

7.9.8 Financial Security.

The City shall collect a surety for erosion and sediment control before any building permit is issued. The surety is returned to the person who posted the security when the permanent erosion and sediment control has been established and has been approved by the City. The surety will be used to either remedy erosion or sediment control violations or to complete the establishment of permanent erosion and sediment control, as necessary.

7.10 Variances

7.10.1 Applicability.

A variance is a modification or variation of the provisions of this UDO as applied to a specific piece of property. Pursuant to the procedures provided in Minnesota Statutes, section 462.357, use variances are prohibited.

7.10.2 Procedure.

(a) Application submittal. The applicant shall submit an application, in accordance with Section 7.4 of this UDO, to the Zoning Administrator.

(b) Review by the Zoning Administrator and City Staff. The Zoning Administrator may consult with other City staff on the application. The Zoning Administrator shall provide the applicant with comments and changes that are required to be in compliance with the provisions of this UDO. The applicant shall be required to submit revised plans and documents incorporating the required changes prior to the Board of Adjustments and Appeals meeting.

(c) Notice and public hearing. After determining that an application contains all the necessary and required information, the Zoning Administrator shall place the application on the Board of Adjustments and Appeals agenda, schedule a public hearing on the proposed request, and notify the public pursuant to Section 7.5 of this UDO.

(d) Preparation of staff report. The Zoning Administrator or City staff shall prepare a staff report providing an analysis of the proposal and a recommendation. The report shall consider comments from other City staff in formulating the recommendation. The written report shall be forwarded to the Board of Adjustments and Appeals for its consideration.

(e) Recommendation by Board of Adjustments and Appeals. The Board of Adjustments and Appeals shall hear and make a recommendation on the application. If the Board of Adjustments and Appeals so desires, it may continue the public hearing and/or table the item to allow for further review, so long as such action is in accordance with Minnesota Statutes, section 15.99. The Board of Adjustments and Appeals shall consider the applicable decision criteria of this UDO and shall recommend approval, recommend approval with conditions, or recommend denial of an application, citing the specific reasons therefor.

(f) Action by the City Council. The City Council shall consider and make the final decision on the application, acting to approve the request, approve with conditions, or deny the request, citing the specific reasons therefor. The City Council shall adopt findings and shall act upon the application in accordance with Minnesota Statutes, section 15.99.

(g) The applicant or their agent shall appear at each meeting of the Board of Adjustments and Appeals and the City Council during which the application is considered. Furthermore, each applicant shall provide the Board of Adjustments and Appeals or the City Council the maps,

drawings, plans, records, or other information requested for the purpose of assisting the recommendation or determination of the application.

(h) The City Council may conduct a public hearing and take final action on an application without a recommendation from the Board of Adjustments and Appeals if the Board of Adjustments and Appeals does not conduct a public hearing or forward a recommendation on an application to the City Council with sufficient time to allow the City Council to consider and act on the application within the applicable statutory timeline.

(i) The City Clerk, following the City Council's action upon the application, shall give the applicant a written notice of the action taken. A copy of this notice shall be kept on file as a part of the permanent record of the application.

(j) Appeals. The decision of the City Council is appealable to the district court within 30 days after the date of the decision.

7.10.3 Variance Criteria.

(a) Pursuant to Minnesota Statutes, section 462.357, subdivision 6, the City Council may only grant approval of variances where practical difficulties exist as to strict compliance with this UDO and each of the following criteria are satisfied:

(1) The variance is in harmony with the general purposes and intent of this UDO;

(2) The variance is consistent with the Comprehensive Plan;

(3) The property owner proposes to use the property in a reasonable manner not permitted by this UDO;

(4) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and

(5) The variance, if granted, will not alter the essential character of the locality.

(b) Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

(c) Variances shall be granted for earth shelter construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this UDO.

7.10.4 Standards for Variances in the Floodplain (FP), Shoreland (SL) and Mississippi River Critical Corridor Area (CA).

(a) Specific standards for variances in the Floodplain (FP) overlay district are found in Section 3.1.1(j)(3).

(b) Specific standards for variances in the Shoreland (SL) overlay district are found in Section 3.1.2(c)(5).

(c) Specific standards for variances in the Mississippi River Critical Corridor Area (CA) are found in Section 3.1.3(c)(3).

7.10.5 Conditions. The City Council may impose reasonable conditions on the approval of variances to ensure compliance and to protect adjacent properties. All such conditions shall be directly related to and bear a rough proportionality to the impact created by the variance.

7.10.5 Limitation on Variances. No application for a variance shall be accepted, and no variance shall be granted by the City, for floor elevations lower than the Flood Protection Elevation or levels of flood protection required in the Floodplain District.

7.10.6 Denial. Variances may be denied by resolution of the City Council. A resolution of denial shall constitute a finding by the City Council that the conditions required for approval do not exist.

7.11 Appeals

7.11.1 Applicability.

The Board of Adjustments and Appeals shall hear and recommend and the City Council shall make a final determination in the following appeal matters:

(a) Appeals from the denial of a building permit for structures within the limits of a mapped street pursuant to Minnesota Statutes, section 462.359.

(b) Appeals from an order, requirement, or determination made by an administrative officer in the enforcement of this UDO, where it is alleged that some error in interpretation exists as provided for in Minnesota Statutes, section 462.357.

7.11.2 Procedure.

(a) Application. A written appeal stating the position of the appellant, the specific decision being appealed, the applicable City Code provisions, and the requested relief and a fee in an amount as set forth by City Council resolution shall be filed with the Zoning Administrator within fourteen (14) days of the order, requirement, or determination.

(b) Notice and public hearing. After determining that an appeal application contains all the necessary and required information, the Zoning Administrator shall place the application on the Board of Adjustments and Appeals agenda, schedule a public hearing on the proposed request, and notify the public pursuant to Section 7.5 of this UDO.

(c) Recommendation by Board of Adjustments and Appeals. The Board of Adjustments and Appeals shall hear and make a recommendation on the appeal application. If the Board of Adjustments and Appeals so desires, it may continue the public hearing and/or table the item to allow for further review, so long as such action is in accordance with Minnesota Statutes, section 15.99.

(d) Action by the City Council. The City Council shall consider and make the final decision on the appeal application, acting to reverse or affirm, wholly or partly, or modify the order or decision being appealed, and issue such orders, requirements, decisions, permits, or determinations, or provide such other relief as it deems appropriate. The City Council shall adopt findings and shall act upon the application in accordance with Minnesota Statutes, section 15.99.

(e) The applicant or their agent shall appear at each meeting of the Board of Adjustments and Appeals and City Council during which the appeal application is considered. Furthermore, each applicant shall provide the Board of Adjustments and Appeals or the City Council the

additional information requested for the purpose of assisting the recommendation or determination of the appeal application.

(f) The City Council may conduct a public hearing and take final action on an appeal application without a recommendation from the Board of Adjustments and Appeals if the Board of Adjustments and Appeals does not conduct a public hearing or forward a recommendation on an application to the City Council with sufficient time to allow the City Council to consider and act on the application within the applicable statutory timeline.

(g) The City Clerk, following the City Council's action upon the application, shall give the applicant a written notice of the action taken. A copy of this notice shall be kept on file as a part of the permanent record of the appeal application.

(h) Appeals. The decision of the City Council is appealable to the district court within 30 days after the date of the decision.

7.11.3 Appeal Criteria.

An order, requirement, decision, or determination shall not be reversed or modified unless there is competent material, and substantial evidence in the record that the order, requirement, decision, or determination fails to comply with either the procedural or substantive requirements of this UDO, state law, or federal law.

7.12 Comprehensive Plan Amendments.

7.12.1 Applicability.

An amendment of the Comprehensive Plan or the Comprehensive Plan Land Use Map may be initiated by the City Council, the Planning Commission or a City property owner. This subsection outlines the procedures for consideration of those amendments.

7.12.2 Procedure.

(a) Initiation. Proceedings for amending the Comprehensive Plan shall be initiated by at least one (1) of the following three (3) methods:

(1) By application an owner or owners of property which is proposed to be rezoned, or for which district regulation changes are proposed.

(2) By recommendation of the Planning Commission.

(3) By action of the City Council.

(b) Applications by an Owner or Owners of Property. For applications by an owner or owners of property, the following additional procedures apply:

(1) An application for a Comprehensive Plan amendment shall be initiated by the owner of the property or their authorized agent. The applicant shall submit an application, in accordance with Section 7.4 of this UDO, to the Zoning Administrator.

(2) Review by the Zoning Administrator and City Staff. The Zoning Administrator may consult with other City staff on the application. The Zoning Administrator shall provide the applicant with comments and changes that are required to be in compliance with the provisions of this UDO. The applicant shall be required to submit revised documents incorporating the required changes prior to the Planning Commission meeting.

(c) Notice and public hearing. After determining that an application contains all the necessary and required information, or upon the initiation of a Comprehensive Plan amendment by the Planning Commission or City Council, the Zoning Administrator shall place the proposed amendment on the Planning Commission agenda, schedule a public hearing on the proposed request, and notify the public pursuant to Section 7.5 of this UDO.

(d) Preparation of staff report. The Zoning Administrator or City staff shall prepare a staff report providing an analysis of the proposal and a recommendation. The report shall consider comments from other City staff in formulating the recommendation. The written report shall be forwarded to the Planning Commission for its consideration.

(e) Recommendation by Planning Commission. The Planning Commission shall hear and make a recommendation on the proposed amendment. If the Planning Commission so desires, it may continue the public hearing and/or table the item to allow for further review, so long as such action is in accordance with Minnesota Statutes, section 15.99. The Planning Commission shall consider the applicable decision criteria of this UDO and shall issue a recommendation to the City Council, citing the specific reasons therefor.

(f) Action by the City Council. The City Council shall consider and make the final decision on the proposed amendment, acting to approve or deny the proposed amendment, citing the specific reasons therefor. A proposed Comprehensive Plan amendment may not be acted upon by

the City Council until it has received the recommendation of the Planning Commission, or until 60 days have elapsed from the date an amendment proposed by the City Council has been submitted to the Planning Commission for its recommendation.

(g) For amendments proposed by a property owner or property owners, the applicant or their agent shall appear at each meeting of the Planning Commission and City Council during which the application is considered. Furthermore, each applicant shall provide the Planning Commission or the City Council the additional information requested for the purpose of assisting the recommendation or determination of the application. The City Council shall adopt findings and shall act upon the application in accordance with Minnesota Statutes, section 15.99.

(i) For amendments proposed by a property owner or property owners the City Clerk, following the City Council's action upon the application, shall give the applicant a written notice of the action taken.

7.12.3 Comprehensive Plan Amendment Criteria.

The Planning Commission and City Council shall review the necessary submittal requirements, facts, and circumstances of the proposed amendment and make a recommendation and decision on the amendment based on, but not limited to, consideration of the following criteria:

(a) Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact since the adoption of the Comprehensive Plan;

(b) Whether the proposed amendment is consistent with the policy foundation of the Comprehensive Plan; and

(c) Whether the proposed amendment will be compatible with the adjacent land uses of the property in question.

7.12.4 Adoption by the City Council.

(a) Except for amendments to permit affordable housing development, a resolution to amend or adopt a Comprehensive Plan must be approved by a two-thirds vote of all of the members.

(b) Amendments to permit an affordable housing development are approved by a simple majority of all of the members. For purposes of this subsection, "affordable housing development" means a development in which at least 20 percent of the residential units are restricted to occupancy for at least ten years by residents whose

household income at the time of initial occupancy does not exceed 60 percent of area median income, adjusted for household size, as determined by the United States Department of Housing and Urban Development, and with respect to rental units, the rents for affordable units do not exceed 30 percent of 60 percent of area median income, adjusted for household size, as determined annually by the United States Department of Housing and Urban Development.

7.13 Rezoning or Text Amendment.

7.13.1 Applicability.

An amendment of this UDO or the official Zoning Map may be initiated by the City Council, the Planning Commission or a City property owner. This subsection outlines the procedures for consideration of those amendments.

7.13.2 Policy.

It is the policy of the City that:

(a) Zoning classifications must be consistent with the Comprehensive Plan; and

(b) Rezoning proposals shall not constitute "spot zoning", defined as a zoning decision which discriminates in favor of a particular landowner, and does not relate to the Comprehensive Plan or to accepted planning principles.

7.13.3 Procedure.

(a) Initiation. Proceedings for amending this UDO or the official Zoning Map shall be initiated by at least one (1) of the following three (3) methods:

(1) By application an owner or owners of property which is proposed to be rezoned, or for which district regulation changes are proposed.

(2) By recommendation of the Planning Commission.

(3) By action of the City Council.

(b) Applications by an Owner or Owners of Property. For applications by an owner or owners of property, the following additional procedures apply:

(1) An application for an amendment of this UDO or the official Zoning Map shall be initiated by the owner of the property or their authorized agent. The applicant shall submit an

application, in accordance with Section 7.4 of this UDO, to the Zoning Administrator.

(2) In addition to the requirements of Section 7.4 of this UDO, the application must, at a minimum, contain all of the following information:

(A) If the application involves a request to change district boundaries affecting an area of five acres or less, the name and mailing address of all property owners of record, according to the county auditor's property tax records, within one-half mile of the property to which the application relates;

(B) The name of the applicant and of all owners of the property to which the application relates; and

(C) A description of the specific provisions of this UDO, or the proposed change in zoning, and proposed change.

(3) Review by the Zoning Administrator and City Staff. The Zoning Administrator may consult with other City staff on the application. The Zoning Administrator shall provide the applicant with comments and changes that are required to be in compliance with the provisions of this UDO. The applicant shall be required to submit revised documents incorporating the required changes prior to the Planning Commission meeting.

(c) City Initiated Amendments. An amendment proposed by the Planning Commission shall be forwarded in writing to the City Council for review. If the City Council authorizes the Planning Commission to proceed with the amendment, the Planning Commission shall hold a hearing on the proposed amendment in accordance with this Section. If the City Council initiated the amendment, the Planning Commission shall hold a hearing on the proposed amendment in accordance with this Section.

(d) Notice and public hearing. After determining that an application contains all the necessary and required information, or upon the initiation of an amendment by the Planning Commission or City Council, the Zoning Administrator shall place the proposed amendment on the Planning Commission agenda, schedule a public hearing on the proposed request, and notify the public pursuant to Section 7.5 of this UDO.

(e) Preparation of staff report. The Zoning Administrator or City staff shall prepare a staff report providing an analysis of the proposal and a recommendation. The report shall consider comments from other City staff in formulating the recommendation. The written report shall be forwarded to the Planning Commission for its consideration.

(f) Recommendation by Planning Commission. The Planning Commission shall hear and make a recommendation on the proposed amendment. If the Planning Commission so desires, it may continue the public hearing and/or table the item to allow for further review, so long as such action is in accordance with Minnesota Statutes, section 15.99. The Planning Commission shall consider the applicable decision criteria of this UDO and shall issue a recommendation to the City Council, citing the specific reasons therefor.

(g) The City Council may conduct a public hearing and take final action on a proposed amendment without a recommendation from the Planning Commission if the Planning Commission does not conduct a public hearing or forward a recommendation on the proposed amendment to the City Council. A proposed amendment may not be acted upon by the City Council until it has received a recommendation from the Planning Commission, or until 60 days have elapsed from the date an amendment proposed by anyone other than the Planning Commission has been submitted to the Planning Commission for its recommendation.

(h) Action by the City Council. The City Council shall consider and make the final decision on the proposed amendment, acting to approve or deny the proposed amendment, citing the specific reasons therefor.

(i) For amendments proposed by a property owner or property owners, the applicant or their agent shall appear at each meeting of the Planning Commission and City Council during which the application is considered. Furthermore, each applicant shall provide the Planning Commission or the City Council the additional information requested for the purpose of assisting the recommendation or determination of the application. The City Council shall adopt findings and shall act upon the application in accordance with Minnesota Statutes, section 15.99.

(j) For amendments proposed by a property owner or property owners the City Clerk, following the City Council's action upon the application, shall give the applicant a written notice of the action taken.

7.13.4 Amendment Criteria.

The Planning Commission and City Council shall review the necessary submittal requirements, facts, and circumstances of the proposed amendment and make a recommendation and decision on the amendment based on, but not limited to, consideration of the following criteria and policies:

(a) Whether there is a clear and public need or benefit;

(b) Whether the proposed amendment is consistent with and compatible with surrounding land use classifications;

(c) Whether all permitted uses in the proposed zoning district can be contemplated for development of the subject property;

(d) Whether there have been substantial physical or zoning classification changes in the area since the subject property was zoned;

(e) Whether there is an evident, broad public purpose in the case of City-initiated rezoning proposals;

(f) Whether the subject property will bear fully the UDO development restrictions for the proposed zoning districts;

(g) Whether the subject property is generally unsuited for uses permitted in the present zoning district, with respect to size, configuration, topography or location;

(h) Whether the rezoning will result in the expansion of a zoning district, warranted by:

(1) Comprehensive Planning;

(2) The lack of developable land in the proposed zoning district; or

(3) The best interests of the community;

(i) Whether the proposal demonstrates merit beyond the interests of an owner or owners of an individual parcel.

(j) The specific policies and recommendations of the Comprehensive Plan and other City plans;

(k) The purpose and intent of this UDO, or in the case of a map amendment, whether it meets the purpose and intent of the individual district; and

(l) If applicable, the adequacy of a buffer or transition provided between potentially incompatible districts.

7.13.5 Adoption by the City Council.

(a) A majority vote of all members of the Council shall be required to adopt any amendments to this Unified Development Ordinance.

(b) The adoption or amendment of any part of the Unified Development Ordinance that changes all or part of the existing classification of a Zoning District from residential to either commercial or industrial requires a two-thirds majority vote of all of the members of the City Council.

(c) The City Council may alter the amendment proposed, but if the alteration results in a modification of the official Zoning Map filed at the time of the first publication of notice of the hearing, it shall not be made until ten (10) days after notice has been given by mail to the owner of the property to be zoned that an amendment is being considered and may be adopted which is different from that shown on the original Zoning Map filed in support of the requested zoning change.

7.13.6 Limit on Similar Applications.

No application of an owner for an amendment to the text of this UDO or the Zoning Map shall be considered by the City within a one-year period following a denial of such request, except that a new application may be allowed if, in the opinion of the Zoning Administrator, there is new evidence or a sufficient change of circumstances to warrant additional consideration of the proposal by the City.

7.13.7 Regular Review by Zoning Administrator.

The Zoning Administrator shall review the UDO no more than every three years, beginning with the date of adoption noted in Section 1 of this UDO. The Zoning Administrator should make any recommendations for updates to the Planning Commission, which shall review the recommendations and propose amendments at its discretion.

7.13.8 Review of Rezoning.

Where property within the City has been rezoned for a less restrictive land use upon application of the owner or their agent pursuant to the provisions of this Unified Development Ordinance, and where no structural work thereon has commenced within two (2) years of the date of the rezoning action by the City Council, the Planning Commission may review the zoning classification of the property in the light of the Comprehensive Plan and make appropriate recommendations to the City Council which may include the recommendation

that the subject property be rezoned to permit a more restrictive use in conformance with the provisions of the Comprehensive Plan.

Section 8: Subdivisions and Planned Unit Developments

8.1 Subdivision of Land Procedure

8.1.1 Purpose.

This subsection is established to provide for administrative approval of subdivisions or consolidations that meet specified criteria and for the waiver of standard platting requirements specified elsewhere in this Section. The minor subdivision process is intended largely to facilitate the further division of previously platted lots, the combination of previously platted lots into fewer lots, or for the adjustment of a lot line by relocation of a common boundary.

(a) **Criteria for approval.**

A minor subdivision or consolidation must comply with the following:

(1) A property line adjustment that does not increase or decrease the number of parcels.

(2) Lot splits resulting in no more than three (3) parcels.

(3) The land involved has been previously platted or subdivided by Registered Land Survey and is on file and of record in the Hennepin County Recorder or Registrar of Titles.

(4) The lot or lots have frontage on an existing improved street, if required, and access to City services.

(5) The application will not cause the parcel or any structure on the parcel to be in violation of this Section, the Unified Development Ordinance, or the building code, unless prior or concurrent approval of a variance is granted.

(6) The property has not been subject to a minor subdivision in the last five (5) years.

(7) Subdivisions not meeting the criteria for a minor subdivision, or where the proposed minor subdivision involves unusual elements or policy decisions that the Zoning Administrator determines require detailed review, shall be subject to the platting requirements and procedures in this Section.

8.1.2 Application

(a) **Applications for a minor subdivision or consolidation shall be made to the Community Development Department on forms provided by the City and shall include evidence of ownership interest. The application must be accompanied by the fee specified in the adopted fee schedule.**

(b) **Applications must include one (1) electronic copy of a certified survey drawn to an engineer's scale with the new lots and new legal descriptions including:**

(1) Existing and proposed property lines.

(2) Dimensions of the existing and proposed parcels.

(3) The area of the existing and proposed parcels.

(4) All existing structures, including dimensions to existing and proposed property lines.

(5) All visible encroachments.

(6) All easements of record.

(7) Distance between any existing driveways and existing and proposed property lines.

(8) Trees that will be lost due to any proposed construction.

8.1.3 Review

The Zoning Administrator will review the application to determine compliance with this Section. The Zoning Administrator will approve or deny the application and will notify the subdivider of the decision in writing. If the application is denied, the Zoning Administrator will state the reasons for the denial. Any person aggrieved by the decision of the Zoning Administrator may appeal to the Board of Adjustments and Appeals in the manner described in Section 7.11.

8.1.4 Filing

The subdivider must file a final minor subdivision or consolidation with the Office of the Hennepin County Recorder or Registrar of Titles. Evidence of proper filing must be submitted to the Zoning Administrator prior to issuance of any building permits. If a minor subdivision or consolidation is not recorded within one (1) year after the date of written approval, the Zoning Administrator may, upon ten (10) days' written notice to the subdivider, revoke the approval in writing.

8.1.5 Combination of Land Parcels

(a) **Multiple parcels of land which are contiguous and adjacent, and which are proposed to serve a single development use and which are under common ownership shall be combined into a single parcel through platting or registered land survey.**

(b) **Every parcel proposed for some use permitted by the terms of this Unified Development Ordinance shall abut a public right-of-way, provided that where unusual circumstances prevail, the City Council may waive this requirement in favor of a reasonable alternative.**

8.1.6 Preliminary Plat

(a) **Procedure**

(1) Before dividing any tract of land into two or more lots or parcels, an owner or subdivider shall file the following with the City Clerk:

(A) **Four copies of the preliminary plat.**

(B) **A cash fee in an amount set forth by City Council resolution. This fee will be used for the expenses of the City in connection with approval or disapproval of said preliminary plat.**

(2) The City Clerk shall then:

(A) **Set a public hearing on the preliminary plat, such hearing to be held by the Planning Commission within 30 days. Notice of said hearing shall be published in the official City newspaper at least ten (10) days prior to the hearing.**

(B) **Refer two copies of the preliminary plat to the Planning Commission for its examination and report and one copy to the City Engineer for their examination and report. Copies of the report of the City Engineer shall be given to the Planning Commission within 15 days.**

(3) The Planning Commission shall have the preliminary plat on its agenda at its next regular meeting following referral from the City Clerk. This meeting is required and may also serve as the public hearing.

(4) The Planning Commission shall make its report to the City Council on or before the second regular meeting of the Planning Commission following referral by the City Clerk. If the report of the Planning Commission has not been received in time to meet this requirement, the City Council may act on the preliminary plat without such a report.

(5) The City Council shall approve or deny the preliminary plat in whole or in part, within one hundred twenty (120) days of receipt of the preliminary plat, unless an extension of the review period has been agreed to in writing by the applicant or required by Minnesota Statutes or other administrative procedures. If the governing body fails to act within the review period, the application shall be deemed to be preliminarily approved. Such approval shall not constitute final acceptance of the subdivision.

(6) If the preliminary plat is not approved by the City Council, the reasons for such action shall be recorded in the proceedings of the City Council and transmitted to the applicant. If the preliminary plat is approved, such approval shall not constitute final acceptance of the subdivision.

(b) **Necessary Data for Preliminary Plat**

(1) The preliminary plat shall be clearly and legibly drawn. The size of the map shall not be less than 12 inches by 18 inches. All subdivision maps should, if possible, be drawn at a scale of one inch equals 100 feet.

(2) The preliminary plat shall contain the following information:

(A) **Identification And Description**

i. **Proposed name of subdivision, which name shall not duplicate or be alike in pronunciation of the name of any plat theretofore recorded in theCounty.**

ii. **Location by section, township, range or by other legal description.**

iii. **Names and addresses of the owner, subdivider, surveyor and designer of the plan.**

iv. **Graphic scale.**

v. **North-Point.**

vi. **Date of preparation.**

(B) **Existing Conditions**

i. **Boundary line of proposed subdivision, clearly indicated.**

ii. **Existing zoning classification.**

iii. **Total approximate acreage.**

iv. **Location, widths and names of all existing or previously platted streets or other public ways, showing type, width and condition of improvements, if any railroad and utility right of way, parks and other public open spaces, permanent buildings and structures, easements, and section and corporate lines within the tract and to a distance of 150 feet beyond the tract.**

v. **Location and size of existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of 100 feet beyond the tract. Such data as grades, invert elevations, and locations of catch basins, manholes, and hydrants shall also be shown.**

a. The City Engineer may waive the need to provide grades and invert elevations of existing underground facilities.

vi. **Boundary lines of adjoining unsubdivided or subdivided land, within 100 feet, identifying by name and ownership.**

vii. **Topographic data, including contours at vertical intervals of not more than two feet, except that contour lines shall be no more than 100 feet apart. Water courses, marches, wooded areas, rock outcrops, power transmission poles and lines, and other significant features shall also be shown. Elevation datum shall be given in reference to U.S. Geodetic Survey, 5th General Adjustment. Topographic data shall be shown for tract and adjacent areas within 300 feet of the tract.**

(C) **Subdivision Design Features**

i. **Layout of proposed streets, showing right of way widths and names of streets. The name of any street heretofore used in the City or its environs shall not be used, unless the proposed street is an extension of an already named street, in which event the name shall be used.**

ii. **Location and widths of proposed alleys, pedestrian ways and utility easements.**

iii. **Typical cross-sections of proposed improvements upon streets and alleys, together with an indication of the proposed storm water runoff.**

a. The City Engineer may waive the need to provide typical cross sections of proposed improvements.

iv. **Approximate center line gradients of proposed streets and alleys, if any.**

v. **Location, size and approximate gradient of proposed sewer lines and water mains.**

a. It is not essential this information be submitted until requested by the City Engineer.

vi. **Layout, number and typical dimensions of lots.**

vii. **Minimum front and side-street building setback lines, indicating dimensions.**

a. It is not essential that building setback lines be shown except on curved streets or where obviously extraordinary conditions prevail.

viii. **Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.**

(D) **Other Information**

i. Statement of the proposed use of lots (type of residence, business or industry) so as to reveal the effect of the development on traffic, fire hazards or congestion of population.

ii. Proposed protective covenants.

iii. Source of water supply.

iv. Provisions for sewage disposal, drainage and flood control.

v. If any zoning changes are contemplated, the proposed zoning plan for the areas including dimensions.

vi. It is not essential that source of water supply, provisions for sewage disposal, nor contemplated zoning changes be indicated unless so requested by the city engineer.

vii. If, in the opinion of the City Engineer, further information is required, such information shall be furnished before the date of the public hearing.

(E) Qualifications Governing Approval of Preliminary Plat

i. The City Council may require such changes or revisions as it deems necessary for the health, safety, general welfare and convenience of the City.

ii. The approval of a preliminary plat by the City Council is tentative, only involving merely the general acceptability of the layout as submitted.

iii. Subsequent approval will be required of the engineering proposals pertaining to water supply, storm drainage, sewerage and sewage disposal, gas and electric service, grading, gradients and roadway widths and the surfacing of streets by the City Engineer and other public officials having jurisdiction, prior to the approval of the final plat by the City.

iv. No plat will be approved for a subdivision which covers an area subject to periodic flooding or which contains extremely poor drainage facilities and which would make adequate drainage of the streets and lots impossible, unless the subdivider agrees to make improvements which will, in the opinion of the City Engineer, make the area completely safe for occupancy, and provide adequate street and lot drainage.

8.1.7 Final Plat

(a) **Procedure**

(1) The owner or subdivider shall file with the City Clerk six copies of the final plat and a permit fee in an amount set forth by City Council resolution not later than six months after the date of approval of the preliminary plat; otherwise, the preliminary plat and final plat will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the City Council. The owner or subdivider shall also submit at this time an up-to-date certified abstract of title or registered property report and such other evidence as the City Attorney may require showing title or control in the applicant. Prior to release by the City

of a final, approved plat, the owner shall reimburse the City the full amount of legal fees incurred by the City in obtaining a review or opinion of title.

(2) The final plat will have incorporated all changes or modifications required by the City Council; otherwise it shall conform to the preliminary plat. It may constitute only that portion of the approval preliminary plat which the subdivider proposes to record and develop at the time, provided that such portion conforms with all the requirements of this Unified Development Ordinance.

(3) The City Clerk shall refer one copy of the final plat to the Planning Commission, one copy to the City Engineer, and a copy each to the telephone, power and gas companies. The abstract of title or registered property report shall be referred to the City Attorney for their examination and report. The City Attorney's report and City Engineer's report shall be given to the City Council within 15 days. The Planning Commission may at its discretion submit a report to the City Council.

(4) The City Council shall take action on the final plat within sixty (60) days after receipt of the complete application. If the plat is not approved, the reasons for such action shall be recorded in the official proceedings and transmitted to the subdivider. If the City Council fails to act within sixty (60) days, and if the subdivider has complied with all conditions and requirements of applicable regulations and all conditions and requirements upon which preliminary plat approval was expressly conditioned, the application shall be deemed finally approved.

(5) If the final plat is approved by the City Council, the subdivider shall record it with the Hennepin County Recorder or Registrar of Titles within 1 year after the date of approval; otherwise, the approval of the final plat shall be considered void.

(6) The subdivider shall, immediately upon recording, furnish the City Clerk with a print of the final plat showing evidence of the recording.

(b) **Necessary Data for Final Plat**

(1) **General.**

The final plat shall be prepared by a registered surveyor. All information except topographic data and zoning classification required on the preliminary plat, shall be accurately shown. The size of the map shall be 20 inches by 30 inches. Subdivisions should, if possible, be drawn at a scale of one inch equals 100 feet.

(2) **Additional Delineation.**

(A) **Data required under regulations of county surveyor**

Accurate angular and lineal dimensions for all lines, angles, and curvatures used to describe boundaries, streets, alleys, easements, areas to be reserved for public use, and other important features. Dimensions of lot lines shall be shown in feet and hundredths, and the exact area in square feet of each lot shall be shown within each lot on the plat on at least one copy of the final plat.

(B) When lots are located on a curve or when side lot lines are at angles other than 90 degrees, the width of the building setback line shall be shown. This information is not required if the information is available on the preliminary plat.

(C) An identification system for all lots and blocks.

(D) True angles and distances to the nearest established street lines or official monuments (not less than three) which shall be accurately described in the plat.

(E) Municipal, township, county or section lines accurately tied to the lines of the subdivision by distances and angles.

(F) Complete curve data, including radii, internal angles, points and curvatures, tangent bearings, and lengths of all arcs.

(G) Accurate location of all monuments.

(H) Accurate outlines and legal description of any areas to be dedicated or reserved for public use, or for the exclusive use of property owners within the subdivision with the purpose indicated therein.

(I) Certification by a registered land surveyor to the effect that the plat represents a survey made by him and that monuments and markers shown thereon exist as located and that all dimensional and geodetic details are correct.

(J) Notarized certification by owner, and by any mortgage holder of record, of the adoption of the plat and the dedication of streets and other public areas.

(K) Certification showing that all taxes currently due on the property to be subdivided have been paid in full.

Approved by the City Council of the City of Brooklyn Center, Minnesota, this_____day of_____, 20____

Signed_____
Mayor

Attest:_____
City Clerk

(L) Form for approval of the council as follows:

(M) Form for approval by County authorities as required.

8.1.8 Combined Preliminary and Final Plat Approval

(a) **In some instances, due to the simplicity of the proposed subdivision, the City may agree to combine the preliminary and final plat process. The process may be combined only when a proposed subdivision meets all of the following requirements:**

(1) The resulting subdivision contains no more than 5 lots.

(2) The proposed subdivision is located in an area where streets and utilities are in place and capable of serving the subdivision.

(3) The proposed subdivision does not require the dedication or construction of future streets and will not interfere with the development of adjacent properties.

(4) The resulting lots shall conform with all provisions of this Unified Development Ordinance unless a variance has been granted.

(b) **Procedure**

(1) An application for a combined preliminary and final plat, signed by the subdivider and the property owner, shall be submitted to the City Clerk. This application shall be accompanied by the following:

(A) **Three (3) full-scale copies, and one (1) digital copy of the preliminary plat.**

(B) **All of the information required in Section 5.5 (b) and 5.6.1.**

(C) **The required filing fee(s) as established by resolution of the City Council.**

(2) The City Clerk shall then:

(A) **Set a public hearing for the combined preliminary and final plat, such hearing to be held by the Planning Commission within 30 days. Notice of said hearing shall be published in the official City newspaper at least ten (10) days prior to the hearing.**

(B) **Refer two copies of the combined preliminary and final plat to the Planning Commission for its examination and report and one copy to the City Engineer for their examination and report. Copies of the report of the City Engineer shall be given to the Planning Commission within 15 days.**

(3) The Planning Commission shall have the combined preliminary and final plat on its agenda at its next regular meeting following referral from the City Clerk. This meeting may also serve as the public hearing.

(4) The Planning Commission shall make its report to the City Council on or before the second regular meeting of the Planning Commission following referral by the City Clerk.

(5) The City Council shall act on the combined preliminary and final plat within 60 days of the date on which it was filed with the City Clerk. If the report of the

Planning Commission has not been received in time to meet this requirement, the City Council may act on the combined preliminary and final plat without such a report.

(6) If the combined preliminary and final plat is not approved by the City Council, the reasons for such action shall be recorded in the proceedings of the City Council and transmitted to the applicant.

(7) If the final plat is approved by the City Council, the subdivider shall record it with the Hennepin County Recorder or Registrar of Titles within 1 year after the date of approval; otherwise, the approval of the combined preliminary and final plat shall be considered void.

(8) The subdivider shall, immediately upon recording, furnish the City Clerk with a print of the final plat showing evidence of the recording.

8.1.9 Exceptions

(a) **The provisions of Section 5.4 do not apply if the land described is:**

(1) A single parcel of commercial or industrial land of not less than five acres and having a width of not less than 300 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five acres in area or 300 feet in width, or

(2) A single parcel of residential or agricultural land of not less than 20 acres and having a width of not less than 500 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than 20 acres in area or 500 feet in width.

(3) Other exceptions as outlined in Minnesota State Statute 462.358, Subsection 4b.

8.2 Subdivision Design Standards

8.2.1 Purpose And Interpretation.

Each new subdivision becomes a permanent unit in the basic physical structure of the future community, a unit to which the future community will of necessity be forced to adhere. Piecemeal planning of such subdivisions, without correlation to the City's plan, will bring a disastrous disconnected patchwork of plats and poor circulation of traffic. In order that new subdivisions will contribute toward an attractive, orderly, stable and wholesome community environment, adequate municipal services, and safe streets, all subdivisions hereafter platted within the incorporated limits of the City of Brooklyn Center shall in all respects fully comply with the regulations hereinafter set forth in this Unified Development Ordinance. In their interpretation and application the provisions of this Unified Development Ordinance shall be the minimum requirements adopted for the protection of the public health, safety and general welfare.

8.2.2 Scope

Except in the case of a resubdivision, this Unified Development Ordinance shall not apply to any lot or lots forming a part of subdivision plats recorded in the Office of the Hennepin County Recorder or Registrar of Titles prior to the effective date of this Unified Development Ordinance, nor is it intended by this Unified Development Ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or Unified Development Ordinances except those specifically repealed by, or in conflict with, this Unified Development Ordinance, or with private restrictions placed upon property by deed, covenant or other private agreement, or with restrictive covenants running with the land to which the City is a party.

8.2.3 Minimum Subdivision Design Standards

(a) **Conformance with Comprehensive Plan**

The proposed subdivision shall conform to the Comprehensive Plan.

(b) **Public Street Plan.**

(1) The arrangements, character, extent, width, grade and location of all streets shall conform to the Comprehensive Plan and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to runoff of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

(2) The arrangement of streets in new subdivisions shall make provisions for the appropriate continuation of the existing streets in adjoining areas.

(3) Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets.

(4) When a new subdivision adjoins unsubdivided land susceptible of being subdivided, then the new streets shall be carried to the boundaries of the tract proposed to be subdivided.

(c) **Public Streets**

(1) **Right-Of-Way Widths**

All right of way widths shall conform to the following minimum dimensions:

Classification	Minimum Width
Minor Arterial	100 feet or as shown on the Comprehensive Plan
Major Collector	80 feet
Minor Collector	60 feet
Local Street	60 feet

(2) **Street Deflections.**

When connecting street lines of the same street deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than 200 feet for local

streets, and of such greater distance as necessary to meet the Minnesota Department of Transportation Road Design Manual, latest revision, for minor arterial and collector streets. The City Council may require greater or lesser sight distances at the recommendation of the City Engineer.

(3) **Reverse Curves.**

A tangent of at least 50 feet shall be provided between reverse curves on local streets, and of at least 100 feet on minor arterial and collector streets.

(4) **Street Grades.**

The minimum grade for all streets shall be 0.4 percent. Grades within 30 feet of intersections with arterial and collector streets and grades for the turnaround portion of a cul-de-sac street shall not exceed three percent. Otherwise, the maximum grades shall be as follows

Classification	Percentage
Minor Arterial	5%
Collector	5%
Local Street	6%

(5) **Vertical Curves.**

Differing connecting street gradients for minor arterial and collector streets shall be connected with vertical parabolic curves. The minimum length of such curves shall be in accordance with the Minnesota Department of Transportation Road Design Manual, latest revision.

(6) **Local Streets.**

Local streets shall be so aligned that their use by through traffic will be discouraged.

(7) **Street Jogs.**

Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs shall have a centerline offset of at least 125 feet for local streets and 150 feet for minor arterial and major and minor collector streets.

(8) **Safe Intersections.**

Streets shall be laid out to intersect at right (90 degree) angles with a 50 foot minimum tangent from the radius return. The angle of an intersection may be varied in cases where topography or other factors justify a variation, but in no case shall a street intersect with another street at angle of less than 75 degrees. Intersections having more than four corners shall be prohibited.

Minimum curb radius at the intersection of two local streets shall be at least 15 feet; and minimum curb radius at an intersection involving a collector street shall be at least 20 feet.

(9) **Alleys.**

Alleys are not permitted in residential areas.

(10) **Cul-de-sac**

Maximum length cul-de-sac streets shall be 500 feet measured along the center line from the intersection of origin to end of right of way, unless there are 18 or less lots abutting the cul-de-sac. Each cul-de-sac shall be provided at the closed end with a turnaround having an outside roadway diameter of at least 100 feet, and a street property line diameter at least 120 feet.

(11) **Marginal Access Streets.**

Where a subdivision abuts or contains an existing or planned Minor Arterial, the council may require marginal access streets or other such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(12) **Half Streets.**

Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; and where the council finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided.

(13) **Reserve Strips**

Reserve strips controlling access to streets shall be prohibited except under conditions approved by the council.

(14) **Railroad or Limited Access Highways Abutting Subdivision.**

Where a subdivision borders on or contains a railroad right of way or limited access highway right of way, the council may require a street approximately parallel to and on each side of such right of way at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

(15) **Private Streets.**

With the exception of condominium single family attached dwelling unit subdivisions, private streets shall not be approved nor shall public improvements be approved for any private street.

(16) **Hardship to Owners of Adjoining Property Avoided.**

The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

(17) **Street Interval.**

In general, provisions shall be made at intervals not exceeding one- half mile for through streets (streets running through the subdivision in a fairly direct manner.)

(d) **Public Alleys and Pedestrian Ways.**

Alleys shall be at least 24 feet wide in commercial and industrial areas. The council may require alleys in nonresidential areas where adequate off-street loading space is not available. Pedestrian ways shall be at least 10 feet wide.

(e) **Easements.**

(1) **Provided for Utilities.**

With the exception of condominium single family attached dwelling unit subdivisions, easements at least 10 feet wide, centered on rear and other lot lines shall be provided for utilities, where necessary. They shall have continuity of alignment from block to block and at defection points. Easements for pole-line anchors shall be provided where necessary.

(2) **Provided for Drainage.**

Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines of such water course, together with such further width or construction or both, as will be adequate for storm water runoff.

(f) **Blocks.**

(1) **Factors Governing Dimensions.**

Block length and width or acreage within bounding roads shall be such as to accommodate the size of residential lots required in the area by the zoning Unified Development Ordinance and to provide for convenient access, circulation control and safety of street traffic.

(2) **Nonresidential Blocks.**

Blocks intended for commercial, institutional and industrial use must be designated as such.

(3) **Lengths.**

Block lengths shall not exceed 1,800 feet

(4) **Arrangements.**

With the exception of condominium single family attached dwelling unit subdivisions, a block shall be so designed as to provide two tiers of lots, unless it adjoins a railroad or limited access highway where it may have but a single tier of lots.

(5) **Pedestrian Ways.**

In blocks over 900 feet long, pedestrian crosswalks may be required by the council in locations deemed necessary to public health, convenience and necessity.

(g) **Lots.**

(1) **Location.**

With the exception of lots in a condominium single-family attached dwelling unit subdivision, all lots shall abut by their full frontage on a publicly dedicated street or a street that has received the legal status as such.

(2) **Size.**

(A) **The interior lot dimensions in subdivisions designed for single family detached dwelling developments in the R1 and R2 Districts shall be consistent with dimensions as established by the UDO in Section 5.1.**

(B) **The minimum corner lot dimensions for single family detached dwelling developments in the R1 and R2 Districts shall be consistent with dimensions as established by the UDO in Section 5.1**

(C) **Where sanitary sewer facilities are not provided, the minimum size of lots shall be 13,500 square feet.**

(3) **Butt Lots.**

Butt lots shall be platted at least five feet wider than the average width of interior lots in the block.

(4) **Side Lot Lines.**

Side lines of lots shall be substantially at right angles or radial to the street line.

(5) **Water Courses.**

Lots abutting upon a water course, drainage way, channel or stream shall have an additional depth or width as required, to assure house sites that are not subject to flooding.

(6) **Features.**

In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions, which if preserved will add attractiveness and stability to the proposed development.

(7) **Lot Remnants.**

All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.

(8) **Political Boundaries**

No lot shall extend over a political boundary or school district line.

8.2.4 Required Improvements.

No final plat shall be approved by the City Council without first receiving a report signed by the City Engineer and the City Attorney certifying that the improvements described therein together with the agreements and documents required under Section 8 of this Unified Development Ordinance meet the minimum requirements of the City Code. The following improvements shall be required of all new subdivisions unless a variance is granted in accordance to Section 7.10:

(a) **Monuments**

Monuments shall be placed at all block corners, angle points, points of curves in streets and at intermediate points as shown on the final plat, location and size as determined by the city engineer. There shall be at least three concrete monuments installed per block. If the block is longer than 800 feet, there shall be four monuments. They shall be installed on the west and south sides of the street at the exterior corners and the remaining monuments equally dividing the distance between. Other monuments shall be steel or cast iron, as approved by the Hennepin County Surveyor and shall be set at each corner or angle on the outside boundary of all lots. Pipes or steel rods shall be placed at the corners of each lot and at each intersection of street centerlines. All U.S., state, county, or other official benchmarks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position.

(b) **Water and Sewer Facilities.**

Sanitary sewers, storm sewers, and water distribution facilities shall be installed if connection to the City's sewer or water system is available. The City Council may elect to install these facilities, assessing their cost against the subdivision. If provided by the subdivider, the improvements shall conform to specifications of the City Engineer.

(c) **Public Street Grading.**

The full width of the right of way shall be graded, including the subgrade of the areas to be paved, in accordance with the standard plans prepared by the City Engineer.

(d) **Public Street Improvements.**

(1) **Pavement Widths**

(A) **Minimum pavement width for minor arterial and collector streets, as measured from face of curb to face of curb, shall be in accordance with the Comprehensive Plan. When not shown in the Comprehensive Plan, the minimum pavement width for minor arterial and collector streets shall be determined by the City Engineer based on anticipated traffic volume.**

(B) **Minimum pavement width for local streets, as measured from face of curb to face of curb, shall be as follows:**

Classification	Minimum Width
Local Streets, Non-Residential	36 feet
Local Streets, Residential	30 feet
Marginal Access	26 feet

(2) **Cul-de-sacs**

All cul-de-sacs shall have turn-arounds, the pavement of which shall have a minimum diameter of 100 feet.

(3) **Curbs and gutters.**

(A) **All street improvements shall be constructed in accordance with applicable standards specifications established by the City Engineer.**

(B) **Storm water inlets and necessary culverts and dry wells shall be provided within the roadway improvements at points specified by the City Engineer.**

(C) **All curb corners shall have a radii of not less than 15 feet except at collector and marginal access streets where they shall be not less than 25 feet.**

(4) **Street Trees**

(A) **Street trees having a trunk diameter (measure 12 inches above the ground) of not less than one and three-fourths inches shall be planted along all streets where trees do not exist, and not more than 75 feet and not less than 40 feet apart. This requirement will be satisfied, and it is preferable if an equivalent number of trees of the same size exist or are planted in a naturalistic way in the front yards of the adjoining lots.**

(B) **Only ash, American elm and long-lived hardwood shade trees shall be planted. These shall be planted in at least one cubic yard of growing soil.**

(5) **Name Signs.**

Street name signs shall be placed at all street intersections within or abutting the subdivision. Such signs shall be of a type approved by the City and shall be in accordance with standards of the City.

(6) **Boulevard Sod.**

Boulevard sod shall be installed from the street gutter line to the property line adjacent to all streets. This shall include any side yard boulevards.

(e) **Pedestrian Ways.**

Where pedestrian ways are installed, Portland cement concrete walks shall be constructed to a minimum width of five feet.

(f) **Public Utilities.**

(1) All the utility lines for telephone and electric service shall be placed in rear line easements when carried on overhead poles.

(2) Where telephone, electric and gas service lines are placed underground entirely throughout subdivided area, conduits or cables shall be placed within easement or dedicated public ways, in a manner which will not conflict with other underground service. Further transformer boxes shall be located so as not to be

hazardous to the public. All drainage and underground utility installations which traverse privately owned property shall be protected by easements.

(3) When a drainage easement is provided and where proper drainage requires that such easement be brought to grade, such easement shall be graded in accordance with plans approved by the City Engineer.

(4) **Election by City to Install Improvements.**

The City may, in its discretion, elect to install all or any part of the improvements required under the provisions of this Unified Development Ordinance in lieu of requiring the subdivider to install such improvements.

8.2.5 Required Agreements And Bonds.

8.2.6 Before a final plat is approved by the City Council, the owner and subdivider of the land covered by said plat shall execute and submit to the council an agreement to make and install within two years all improvements required to be installed under the provisions of this Unified Development Ordinance, in accordance with the plans and specifications therefor to be prepared by the City Engineer. **Inspection At Subdivider's Expense.**

All required land improvements to be installed under the provisions of this Unified Development Ordinance shall be inspected at the subdivider's expense during the course of construction. Such inspection shall be by the City Engineer or an inspector appointed by the City Council.

8.2.7 Building Permit.

With the exception of condominium single family attached dwelling unit subdivisions, no building permits shall be issued by any governing official for the construction of any building, structure or improvement on any land required to be subdivided by this Unified Development Ordinance until all requirements of this Unified Development Ordinance have been fully complied with.

8.3 Planned Unit Developments

8.3.1 Purpose.

The purpose of a Planned Unit Development (PUD) is to provide comprehensive procedures and standards intended to allow more creativity and flexibility in site plan design than would be possible under conventional zoning standards. Although planned unit developments may appear to deviate in certain aspects from a literal interpretation of the zoning and subdivision ordinance, the PUD is intended to allow flexibility in design in order to promote developments which will be an asset to the City by equaling or surpassing the quality of developments resulting from the application of more conventional zoning regulations. It is intended that PUDs address several of the following:

(a) **Provide for the establishment of a PUD in appropriate settings and situations to create or maintain a development pattern that is consistent with the City's Comprehensive Plan;**

(b) **Promote a more creative and efficient approach to land use within the City, while at the same time protecting and promoting the health, safety, comfort, aesthetics, economic viability and general welfare of the City;**

(c) **Provide for variations to the strict application of the land use regulations in order to improve site design and operation, while at the same time incorporate design elements that exceed the City's standards to offset the effect of any variations. Desired design elements may include: pedestrian-oriented design, landscaping, sustainable design, greater utilization of new technologies in building design, special construction materials, stormwater management, or open space preservation;**

(d) **Ensure high quality of design and design compatible with surrounding land uses, including both existing and planned;**

(e) **Maintain or improve the efficiency of public streets and utilities;**

(f) **Preserve and enhance site characteristics, including natural features, wetland protection, trees, open space, scenic views and screening;**

(g) **Allow for mixing of land uses within a development;**

(h) **Encourage a variety of housing types, including affordable housing; and**

(i) **Ensure the establishment of appropriate transitions between differing land uses.**

8.3.2 Relationship to Major Subdivision Platting.

The City considers PUD's through the conditional use permit process; however, the special characteristics of a PUD often result in the subdivision of land, requiring a concurrent Major Subdivision process. If a property is to be subdivided, the conditional use permit for a PUD shall be considered concurrently with the preliminary plat application, and both resolutions for approval shall require the approval of the other. As with any other subdivision, the applicant is encouraged to submit a sketch plan prior to applying for a simultaneous PUD and Major Subdivision-preliminary plat.

8.3.3 Procedure.

(a) **Preapplication Conference**

Prior to filing an application for a PUD, the applicant must arrange for and attend a conference with City staff. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the proposal for the area for which it is proposed and its conformity to the provisions of this UDO before incurring substantial expense in the preparation of plans, surveys and other data. the applicant will work with City staff to determine a package of amenities commensurate with the scope of the proposed project. The approach should address one or more of the following topics:

(1) Innovative environmental design.

(2) Affordable housing.

(3) Providing affordable commercial space.

(4) Local business use.

(b) **Preapplication sketch plan review.**

(1) Prior to filing a PUD application, the applicant may submit a sketch plan of the project to the City. The submittal should include a statement providing justification for the PUD, including, but not limited to, the intended utilization of the items listed in the purpose, intent and criteria in this Section.

(c) **Planning commission and City Council review of sketch plan.**

(1) The Planning and Zoning Division shall refer the sketch plan to the Planning Commission and City Council for discussion, review and informal comment. Any opinions or comments provided to the applicant by the City Planner, Planning Commission and City Council shall be considered advisory only and shall not constitute a binding decision on the request. There shall be no official application made for a sketch plan. It is an informal review and comment by Planning Commission and City Council.

(d) **Application. In addition to the requirements of Section 7.4 of this UDO, a complete application shall include the following:**

(1) A PUD Development Plan including the following:

(A) **Depiction and outline the proposed implementation of the sketch plan for the PUD;**

(B) **Street and utility locations and sizes;**

(C) **A drainage plan, including location and size of pipes and water storage areas;**

(D) **A grading plan, including temporary and permanent erosion control provisions;**

(E) **A landscape plan;**

(F) **A lighting plan;**

(G) **A plan for timing and phasing of the development;**

(H) **Covenants or other restrictions proposed for the regulation of the development;**

(I) **A site plan showing the location of all structures and parking areas;**

(J) **Building renderings or elevation drawings of all sides of all buildings to be constructed in at least the first phase of development; and**

(K) **Any additional information and documentation the City may deem necessary and relevant.**

(2) Written description of requested flexibility from zoning standards within the PUD.

(e) **Application distributed. When the Zoning Administrator determines the application to be complete, the Zoning Administrator shall distribute the application and exhibits to any applicable City Staff, officials, and other government agencies for review and comment.**

(f) **Hearing on application, review and decision. The review of the application shall follow the procedures for conditional use permits, as set forth in Section 7.7 of this UDO.**

8.3.4 PUD Criteria.

In addition to the criteria set forth in Section 7.7.3 of this UDO for conditional use permits, the City Council shall base its decision upon the following additional criteria:

(a) **Compatibility of the development plan with the standards, purposes and intent of this Section;**

(b) **Consistency of the development plan with the goals and policies of the Comprehensive Plan;**

(c) **The impact of the development plan on the neighborhood in which it is to be located; and**

(d) **The adequacy of internal site organization, uses, densities, circulation, parking facilities, public facilities, recreational areas, open spaces, and buffering and landscaping.**

8.3.5 PUD approval.

(a) **All conditional use permits for PUD's shall be issued pursuant to Minnesota Statutes, section 462.3595 as may be amended from time to time and a certified copy of any conditional use permit for a PUD shall be recorded with the Hennepin County Recorder or Registrar of Titles along with a legal description of the property subject to the conditional use permit.**

(b) **No conveyance of property within the PUD shall take place until the property is platted in conformance with the City subdivision regulations and Minnesota Statutes, section 462.358. All bylaws, homeowners' association articles of incorporation, and protective covenants must be approved by the City Attorney and filed with the record plat.**

(c) **Prior to construction on any PUD site, the developer shall execute a development agreement in a form satisfactory to the City.**

(d) **After approval, nothing shall be constructed on the site and no building permits shall be issued except in conformity with the approved plans.**

(e) **If no building permits have been obtained within 12 months following approval by the City Council, or if no construction has commenced on the area approved for the PUD within 12 months after the issuance of building permits, the City Council may initiate revocation of the conditional use permit.**

8.3.6 PUD amendments.

Amendments to an approved PUD shall be administered as follows:

(a) **Minor amendment. An application to amend a conditional use permit for the following shall be considered a minor amendment:**

(1) Landscape changes;

(2) Parking lot configuration changes (not change in number of spaces);

(3) Less than a ten (10) percent change in floor area in any one (1) structure;

(4) Less than a ten (10) percent change in the approved separation of buildings;

(5) Less than five (5) percent change in the ground area covered by the project;

(6) Less than a five (5) percent change in the number of residential units; or

(7) Less than a five (5) percent change in the number of parking spaces.

(b) Major amendment. An application to amend a conditional use permit for the following shall be considered a major amendment:

(1) Any decrease in the amount of approved open space;

(2) Ten (10) percent or greater change in floor area in any one (1) structure;

(3) Ten (10) percent or greater change in the approved separation of buildings;

(4) Any change in the original approved setbacks from property lines;

(5) Five (5) percent or greater change in the ground area covered by the project;

(6) Five (5) percent or greater change in the number of parking spaces; or

(7) The introduction of new uses not included in the PUD approval.

(c) **Review of minor amendments. Minor amendments to a PUD shall be reviewed for compliance and approval by the Zoning Administrator. Decisions of the Zoning Administrator may be appealed to the City Council. The Zoning Administrator may determine that a proposed "minor amendment" is in fact a "major amendment" and may refer such proposed amendments to the Planning Commission and City Council according to the procedure established in subsection (d) below.**

(d) **Review of major amendments. Any major amendment to a PUD requires the applicant to go through the same process established in Section 8.3.3. above for a new PUD, including consideration by the Planning Commission and City Council.**

Section 9: Definitions and Rules of Construction

9.1 Rules of Construction

Construction generally. All words and phrases used in this UDO are used in their plain and ordinary sense unless otherwise clearly indicated, and it is the intent of the City Council that in interpreting and construing the various provisions of this UDO, an attempt be made to fairly construe those provisions so as to achieve the beneficial ends for which the provisions and the UDO itself were adopted. In so doing, the following rules of construction are established.

General rule. Words and phrases shall be construed so far as possible in their plain, ordinary and usual sense except that technical words and phrases having a peculiar and recognized meaning in law shall be understood according to their technical import.

Masculine, feminine or neutral. Unless clearly against the sense of the context, the use of masculine, feminine or neutral gender shall include all the other genders.

Singular or plural. Unless clearly against the sense of the context, the use of either singular or plural number shall include the other number.

Past, present or future. Unless clearly against the sense of the context, the use of either past, present or future tense shall include the other tenses.

Joint authority. Words or phrases importing joint authority or joint action to three (3) or more persons shall be construed as authority or action to or by a majority of such persons.

Computation of time. The time within which an act shall be done shall be computed by excluding the first and including the last day; provided only, that if the last day is a Sunday or legal holiday, the following day not a Sunday or legal holiday shall be taken as the last day.

Conjunctions. The words "or" and "and" may be read interchangeably in such places as demanded by the context.

Other definitions. Certain sections of this UDO contain definitions of words used in said chapters having particular applicability to such chapters. In case of any conflict between the definitions contained in this Section and such other definitions as may be found from time to time in this UDO, the other definitions shall prevail in the sections where such definitions are made applicable.

9.2 Definitions and Terms of Measurement

Abutting lots or parcels
Any lots or parcels which have a common boundary line.

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

Accessory Building
A building which is used in relation to an accessory use.

Accessory Dwelling Unit (ADU)
A smaller, independent residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home. ADUs can be converted portions of existing homes (i.e., internal ADUs), additions to new or existing homes (i.e., attached ADUs), or new stand-along accessory structures or converted portions of existing stand-alone accessory structures (i.e., detached ADUs).

Accessory Eating Establishment
An establishment within a multistory office building or apartment building where food is prepared, sold, and consumed by clients who work or live within the same building or within a complex of which the building is a part. Such establishments do not appeal through signage or other advertising to the general public.

Accessory Use or Structure
A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Accessory Use or Structure (Floodplain Overlay District)
A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure, but cannot be used for human habitation.

Adjacent
Having a boundary that physically touches or adjoins.

Adult establishment
Any business that devotes 25 percent or more of its inventory, stock in trade, or publicly displayed merchandise, or devotes 25 percent or more of its floor area (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) to, or derives 25 percent or more of its gross revenues from, items, merchandise, devices or other materials distinguished or characterized by an emphasis on material depicting, exposing, simulating, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas; or Any business that engages in any adult use as defined in this Section.

Adult use
Any of the following activities and businesses:

A. Adult body painting studio means an establishment or business that provides the service of applying paint, ink, or other substance, whether transparent or nontransparent, to the body of a patron when the person is Nude.

A. Adult bookstore means an establishment or business used for the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audio tapes, videotapes, movies, DVDs or motion picture films if 25 percent or more of its inventory, stock in trade, or publicly displayed merchandise consists of, or if 25 percent or more of its floor area (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) is devoted to, or 25 percent or more of its gross revenues is derived from items, merchandise, devices or materials that are distinguished or characterized by an emphasis on material depicting, exposing, simulating, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.

B. Adult cabaret means a business or establishment that provides dancing or other live entertainment distinguished or characterized by an emphasis on:

(1) The depiction of nudity, Specified Sexual Activities or Specified Anatomical Areas; or

(1) The presentation, display, or depiction of matter that seeks to evoke, arouse, or excite sexual or erotic feelings or desire.

C. Adult companionship establishment means a business or establishment that provides the service of engaging in or listening to conversation, talk, or discussion distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

D. Adult conversation/rap parlor means a business or establishment that provides the services of engaging in or listening to conversation, talk, or discussion distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

E. Adult health/sport club means a health/sport club that is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

F. Adult hotel or motel means a hotel or motel that presents material distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.

G. Adult massage parlor/health club means a massage parlor or health club that provides massage services distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

H. Adult minimotion picture theater means a business or establishment with a capacity of less than 50 persons that as a prevailing practice presents on-premises viewing of movies, motion pictures, or other material distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

I. Adult modeling studio means a business or establishment that provides live models who, with the intent of providing sexual stimulation or sexual gratification, engage in Specified Sexual Activities or display Specified Anatomical Areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted.

J. Adult motion picture arcade means any place to which the public is permitted or invited where coin- or slug-operated or electronically, electrically, or mechanically controlled or operated still or motion picture machines, projectors, or other image-producing devices are used to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing Specified Sexual Activities or Specified Anatomical Areas.

K. Adult motion picture theater means a motion picture theater with a capacity of 50 or more persons that as a prevailing practice presents material distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas for observation by patrons.

L. Adult novelty business means an establishment or business that devotes 25 percent or more of its inventory, stock in trade, or publicly displayed merchandise or devotes 25 percent or more of its floor area (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) to, or derives 25 percent or more portion of its gross revenues from items, merchandise, or devices that are distinguished or characterized by an emphasis on material depicting or describing Specified

Sexual Activities or Specified Anatomical Areas, or items, merchandise or devices that simulate Specified Sexual Activities or Specified Anatomical Areas, or are designed for sexual stimulation.

M. Adult sauna means a sauna that excludes minors by reason of age, and that provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, if the service provided by the sauna is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

N. Adult steam room/bathhouse facility means a building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, if the building or portion of a building restricts minors by reason of age and if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

Agricultural Use

A use having the meaning given under Minnesota Statutes, section 40A.02.

"[The use of land for] the production of livestock, dairy animals, dairy products, poultry or poultry products, fur-bearing animals, horticultural or nursery stock, fruit, vegetables, forage, grains, timber, trees, or bees and apiary products. "Agricultural use" also includes wetlands, pasture, forest land, wildlife land, and other uses that depend on the inherent productivity of the land."

Alley

A minor way which is used primarily for vehicular service access to the back or the side of properties abutting on a street.

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.

Amusement Center (indoor)

The provision of indoor entertainment or games to the general public, for a fee, including but not limited to movie theaters, bowling alleys, skating rinks, pool halls, arcades, and related uses.

Amusement Center (outdoor)

The provision of entertainment or games to the general public, for a fee, that is at least partially outdoors. Such uses include but are not limited to miniature golf courses, merry-go-rounds, care race tracks, carnival games, and related uses.

Animal Feedlot

A facility as defined by Minnesota Rules, part 7020.0300.

"A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts."

Antenna Support Structure

Any building or other structure 75 ft. in height or taller other than a telecommunications tower which can be used for location of telecommunications facilities.

Apartment Building
A building with three or more dwelling units attached both horizontally and/or vertically.

Apartment Building, High Rise
A multiple family dwelling six or more stories in height, whose upper floors are accessible by elevators.

Apartment, Walk-up
A multiple family dwelling whose upper floors are accessible only stairs.

Area Learning Center (ALC)
Anon-traditional State approved alternative learning facility for students between the ages of 15 and 21 years that meet the criteria established in Minnesota Statutes, section 124D.68.

Artisan Production and Sales
Application, teaching, making, or fabrication of crafts or products by an artist, artisan, or craftsperson either by hand or with minimal automation and may include direct sales to consumers. This definition includes uses such as small-scale fabrication, manufacturing, and other industrial uses and processes typically not permitted in non-industrial zoning districts such as welding and sculpting.

Assisted Living Facility
A combination of housing and supportive services including personalized assistance and health care, operated by a legal licensed entity, and designed to respond to the individual needs of those living within the facility, including special support services such as meal preparation, housekeeping, limited medical care, and transportation. The emphasis of an assisted living home remains residential even with these support services.

Automobile & truck repair and service station
A facility for the general repair, rebuilding, or reconditioning of automobiles, noncommercial trucks, and motorcycles, including the sale, installation, and servicing of related equipment and parts. Such facilities my also include as an accessory use the sale of gasoline.

Barge Fleeting
Temporarily parking and securing barges on the river, on or off channel, while tows are assembled or broken up.

Base Flood Elevation
The elevation of the "regional flood." The term "base flood elevation" is used in the flood insurance survey.

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

Bicycle Sharing
Service in which bicycles are made available for shared use to individuals on a very short term basis.

Biological and Ecological Functions
The functions of native flora and fauna in stabilizing soils and slopes, retaining and filtering runoff, ensuring pollination, providing species-diverse habitat, and recharging groundwater.

Block Face

That portion of a block adjacent and parallel to the abutting public street and normally extending from one intersecting street to another. A corner lot shall be part of the blockface parallel to the lot's front lot line.

Bluff (MRCCA)

Bluff. A natural topographic feature having:

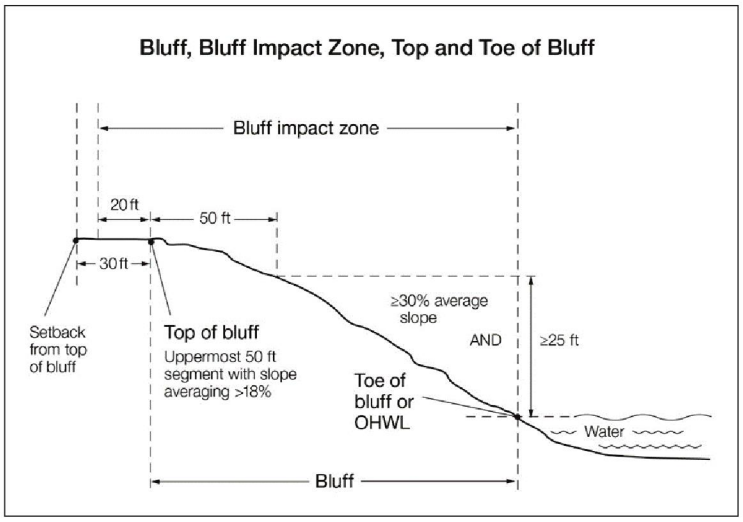
A. A slope that rises at least 25 feet and the grade of the slope averages 18 percent or greater, measured over a horizontal distance of 25 feet, as follows:

(2) Where the slope begins above the ordinary high water level, from the toe of the slope to the top of the slope; or

(3) Where the slope begins below the ordinary high water level, from the ordinary high water level to the top of the slope. or

B. 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.

Illustration of Bluff (Shoreland), Bluff Impact Zone, Top and Toe of Bluff



Bluff (Shoreland)

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

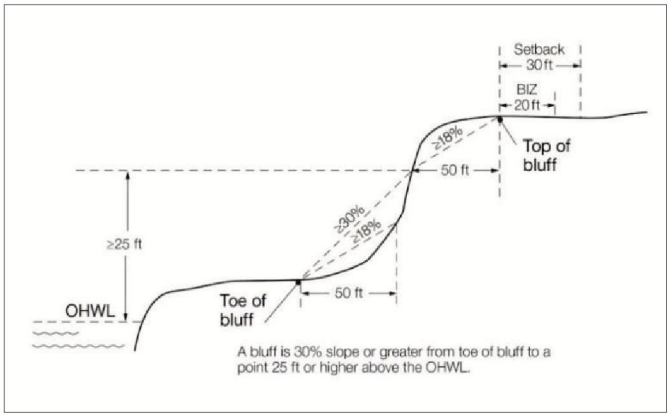
A. Part or all of the feature is located in a shoreland area;

B. The slope must drain toward the waterbody.

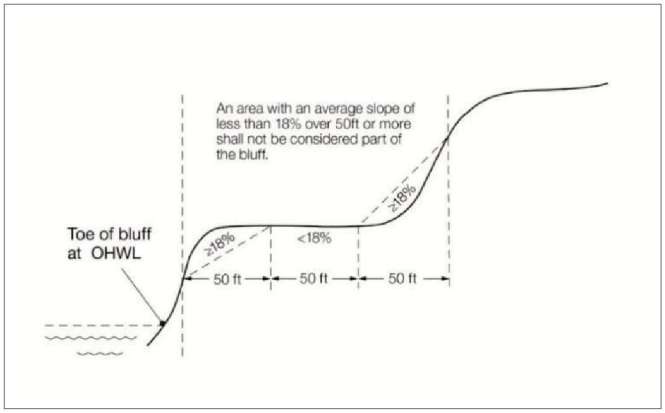
C. The slope rises at least 25 feet above the ordinary high water level;

D. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater (see Figure 1), except that an area with an average slope of less than 18 percent over a distance of at least 50 feet shall not be considered part of the bluff (see Figure 2).

Illustration of Bluff (Shoreland)



Exception to Bluff (Shoreland)



Bluff Impact Zone
A bluff and land located within 20 feet of the top of a bluff.

Bluff, Toe of.
The lower point of a 50-foot segment with an average slope exceeding 18 percent or the ordinary high water level, whichever is higher, and which is measured over a horizontal distance of 25 feet.

Bluff, Top of.
For the purposes of measuring setbacks, the higher point of a 50-foot segment with an average slope exceeding 18 percent measured over a horizontal distance of 25 feet.

Bluffline
A line delineating the top of a bluff. More than one bluffline may be encountered proceeding landwards from the river.

Boarding House
A building within which rooms are rented and meals are provided to two or more persons not members of the owner's or lessee's family.

Boulevard
The portion of the street right of way between the curb line and the property line.

Brewpub, Micro-winery, and Micro-distillery
A brewpub that manufactures less than 3,500 barrels of malt liquor each calendar year; or a micro-winery that is operated by the owner of a Minnesota farm and produces table, sparkling, or fortified wines from grapes, grape juice, other fruit bases, or honey with a majority of the ingredients grown or produced in Minnesota; or a micro-distillery that manufactures less than 40,000 proof gallons in a calendar year. Off-site sales are allowed as an accessory use.

Buffer
A vegetative feature as defined by Minnesota Statutes, section 103F.48.

"An area consisting of perennial vegetation, excluding invasive plants and noxious weeds, adjacent to all bodies of water within the state and that protects the water resources of the state from runoff pollution; stabilizes soils, shores, and banks; and protects or provides riparian corridors."

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
Any structure with two or more rigid walls and a fully secured roof and affixed to a permanent site erected for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

Building Height
The vertical distance measured from the highest adjoining ground level or 10 feet above the lowest adjoining ground level, whichever is lower, to the highest point of the roof surface of flat roofs, the deck line of mansard roofs, the uppermost point on a round or arched roof; or the average height between the eaves and the highest ridge of gable, hip, or gambrel roofs. The height of a stepped or terraced building shall be the height of the tallest segment of the building.

Building Line
A line parallel to a lot line or ordinary high water level at the required setback, beyond which a structure may not extent

Business:
Any establishment, occupation, employment, or enterprise where merchandise is manufactured, exhibited or sold, or where services are offered for compensation.

Business Service
Retail or service establishments whose customers are primarily other businesses, including but not limited to duplicating services, electronic data processing, and employment service; mailing, addressing, stenographic services; and specialty business service such as travel bureau, news service, exporter, importer, interpreter, appraiser, film library.

Butt Lot
A lot at the end of a block and located between two corner lots.

Canopy
An accessory roof-like structure, either attached to or detached from a permitted building, open on all sides, other than where attached; which is located over and designed to provide temporary cover for entrances, exits, walkways, and approved off-street vehicle service areas (such as gasoline stations, drive-in establishments, and loading berths).

Car Wash
A facility for the washing and cleaning of automobiles and noncommercial trucks through the use of primarily mechanical, automated equipment.

Care Center and Convalescent Home
Housing for dependent persons including personal nursing care, meal preparation in a common dining hall, hygiene services, laundry, etc.

Carport
An accessory roof-like structure, either attached to or detached from a permitted building, enclosed on not more than two sides, which is designed to provide cover for approved off-street vehicle parking or vehicle storage space.

Certificate of Compliance
A document written after a compliance inspection, certifying that the development is in compliance with applicable requirements at the time of the inspection.

City
The City of Brooklyn Center, Minnesota.

Clear View Triangle:
On any property which is located at a street intersection, the Clear View Triangle is defined as that triangular area formed by connecting the following three points: the point of intersection of the adjacent curb lines extended, and a point on each adjacent curb line 55 feet from such point of intersection. If there are no curbs, the edge of the traveled portion of the street or road shall be used instead of the curb line. On any property which is located at an intersection of an alley with a street, the triangular area is formed by connecting points 20 feet from Nothing may be allowed within the Clear View Triangle to materially impede vision between a height of two and one-half feet and 10 feet above the centerline grades of the intersecting streets. However, certain objects may remain in the Clear View Triangle if, based on engineering judgment and discretion, there are other circumstances that limit or minimize risk at the intersection.

Cold Frames
A device constructed partly or entirely of glass, or other transparent or translucent material, which is used to shield plants from cold weather, including ice, snow, and/or cold winds.

Co-Location
The location of wireless telecommunications equipment from more than one provider on one common tower, building or structure.

Comprehensive Plan
The comprehensive plan adopted by the city council indicating the general locations recommended for the various functional classes of public works, places and structures, and for the general physical development of the City of Brooklyn Center, and includes any unit or part of such plan separately adopted and any amendments to such plan or parts thereof.

Clubrooms and Lodges
A nonprofit membership organization that holds regular meetings, whose members pay annual dues, that is organized for a common interest, usually cultural, civic, religious, or social, and that has formal written membership requirements. A "club or lodge" may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage in professional entertainment for the enjoyment of members and their guests. There are no sleeping facilities.

Co-Location
The location of wireless telecommunications equipment from more than one provider on one common tower, building or structure.

Commercial Use (Shoreland)
The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

Commercial Animal Establishment (formerly kennels)
Any business that raises, breeds, sells, boards, distributes, or exhibits animals for either entertainment or education purposes, including but not limited to: kennels, aquariums, pet shops, petting zoos, riding schools or stables, zoological parks, or performing animal exhibition.

Commercial Planned Unit Development (Shoreland)
Developments that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.

Commissioner (Floodplain, MRCCA, and Shoreland)
The commissioner of the Department of Natural Resources.

Community Center
A facility used for recreational, social, educational, and cultural activities including private nonprofit recreational and social facilities, recreational buildings and facilities

Conditional Use
A use having meaning under Minnesota Statutes, section 394.22 and section 463.3595.

"A specific type of structure or land use listed in the official control that may be allowed, subject to the procedures and standards contained in Section 7.7 of this Unified Development Ordinance, but only after an in depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that: (a) Certain conditions as detailed in the Unified Development Ordinance exist; and (b) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood."

Condominium Single Family Attached Dwelling Units
Two or more dwelling units horizontally attached in a linear or cluster arrangement, with the individual dwelling units separated from each other by a wall or walls extending from foundation to roof, and with each dwelling unit located upon a separate platted lot. Characteristic features of such a development include individual ownership of dwelling units, and common (nonpublic) ownership of open areas, site amenities, and recreation facilities. A condominium single family attached dwelling unit development includes at least one large common area of open space for aesthetic or recreational purposes.

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.

Controlled Access Lot
A lot used to access public waters or as a recreation area for owners of nonriparian lots within the same subdivision containing the controlled access lot.

Convenience Food Restaurant
An establishment with over 40 dining seats or in a separate building, whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-eat state for consumption either within the premises or for carry-out with consumption either on or off the premises, and whose design or principal method of operation includes both of the following characteristics:

1) Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.
2) The customer is not served food at his/her table by an employee but receives it at a counter, window, or similar facility for carrying to another location on or off the premises for consumption.
3) Corner Lot
4) A lot situated at the intersection of two or more streets, which has a boundary line bordering on two of the streets and having an interior angle of less than 135 degrees.

Critical Facilities
Facilities necessary to a community' s public health and safety, those that store or produce highly volatile, toxic or water- reactive materials, and those that house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include hospitals, correctional facilities, schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.

Cul-de-sac
A minor street with only one outlet.

Deck
A horizontal, unenclosed, above-ground, level platform without a roof, which may be attached or unattached to a principal dwelling, including any attached railings, seats, trellises, or other features not more than 36 inches above the platform, and which platform is functionally related to a principal use. An unattached deck is considered an accessory structure in any yard, wetland, floodplain, or river corridor critical area.

Development
Any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Development Complex
A multiple building development, such as a shopping center, a planned industrial park or office development that is controlled by a single owner or landlord.

Dock
Having the meaning given under Minnesota Rules, part 6115.0170

"A narrow platform or structure extending waterward from the shoreline intended for ingress and egress for moored watercraft or seaplanes or to provide access to deeper water for swimming, fishing, or other water-oriented recreational activities."

Drive-in Establishment
A commercial enterprise that customarily offers goods, services or entertainment to clientele within automobiles (example: automobile service stations, drive-in restaurants, outdoor theaters, and car washes, but not "drive-in" cleaners where the customer must leave his automobile to pick up or deliver goods).

Dumpster, hard-sided
A container that has a hooking mechanism that permits it to be raised and dumped into a sanitation truck, or otherwise hauled away from a site. Hard-sided dumpsters are those constructed of some rigid, unyielding material, such as steel or aluminum.

Dumpster, soft-sided
A container that has a hooking mechanism that permits it to be raised and dumped into a sanitation truck, or otherwise hauled away from a site. Also known as a dumpster bag, soft-sided dumpsters are those constructed of some flexible, tarp-like material which may be preferable for use in instances where hard-sided dumpsters may not be readily dispatched due to elevation, soil instability, or another site condition.

Dwelling
A building, or portion thereof, designed or used predominantly for residential occupancy of a continued nature, including one-family dwellings, two-family dwellings, and multiple family dwellings, including earth-sheltered homes and manufactured homes; but not including hotels, motels, commercial boarding or rooming houses, tourist homes, and recreational vehicles, such as travel trailers, camping trailers, pick-up campers, motor coaches, motor homes, and buses.

Dwelling, Attached (apartment, condominium, cooperative, townhouse, or duplex)
A dwelling joined to one or more other dwellings by party wall or walls.

Dwelling, Detached
A dwelling entirely surrounded by open space.

Dwelling, Live/Work
An integrated housing unit and working space, occupied and used by a single household in either a single-family attached dwelling or multiple family dwelling, that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and includes:

1) Complete kitchen space and sanitary facilities; and
2) Working space reserved for and regularly used by one or more occupant of the unit.

Dwelling, Multiple Family (Apartment or Flat)
A residential building or portion thereof containing three or more dwelling units.

Dwelling, One-Family
A residential building containing one dwelling unit.

Dwelling, Townhouse or Garden Apartment
Three or more dwelling units horizontally attached in a linear or cluster arrangements, with the separate dwelling units within the building separated from each other by a wall or walls extending from foundation to roof. Characteristic features of townhouses or garden apartments are their private entrances and small private yards for outdoor living. A townhouse or garden apartment development includes at least one large common area of open space for aesthetic or recreational purposes.

Dwelling, Two-Family (duplex)
A residential building containing two dwelling units.

Dwelling Unit
A single residential accommodation which is arranged, designed, used, or intended for use exclusively as living quarters for a family; must include complete permanently installed kitchen facilities. Where a private garage is structurally attached, it shall be considered as part of the building in which the dwelling unit is located.

Dwelling Unit (Shoreland)
Any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.

Easement
A grant by an owner of land for the specific use of said land by the public generally, or to a person or persons.

Efficiency Units
A dwelling unit with one primary room which doubles as a living room (in its ordinary sense) and a bedroom and may, in addition, serve for other residential uses.

Electric Power Facilities
Equipment and associated facilities for generating electric power or devices for converting wind energy to electrical energy as identified and defined under Minnesota Statutes, Chapter 216E.

Enforcement
The (*insert name of local government or designated official*) is responsible for the administration and enforcement of this *(section, chapter or article)*. Any violation of its provisions or failure to comply with any of its requirements including violations of conditions and safeguards established in connection with grants of variances or conditional uses constitutes a misdemeanor and is punishable as defined by law. Violations of this *(section, chapter or article)* can occur regardless of whether or not a permit is required for a regulated activity listed in Section 4.2.

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

Essential Services
Underground or overhead gas, electrical, communications, steam, or water distribution, collection, supply, or disposal systems, including storm water. Essential services include poles, wires, mains, drains, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, navigational structures, aviation safety facilities or other similar equipment and accessories in conjunction with the systems. Essential services does not include buildings, treatment works as defined in Minnesota Statutes, Section 115.01, electric power facilities or transmission services.

Establishment
Any of the following definitions shall apply:

1) A distinct business entity situated in a single building.
2) A distinct business entity located in a structure attached to other similar structures by common walls and ceilings or floors, or attached by means of an enclosed arcade.
3) A distinct business entity contained within a single structure and not separated by walls or other physical barriers, but made distinct due to its existence as a single lease space and operation by separate entrepreneurs, or by its singularity of purpose (such as clothing sales, furniture sales, and so on) carried on by a single or separate proprietors.

Family
Any of the following definitions shall apply:

1) A person or persons related by blood, marriage or adoption, together with his or their domestic servants or gratuitous guests, maintaining a common household in a dwelling unit.
2) Group or foster care of not more than six wards or clients by an authorized person or persons, related by blood, marriage, or adoption, together with his or their domestic servants or gratuitous guests, all maintaining a common household in a dwelling unit approved and certified by the appropriate public agency.
3) A group of persons not related by blood, marriage, or adoption maintaining a common household in a dwelling unit.

Farm Fence
Any of the legal and sufficient fences defined by Minnesota Statutes, section 344.02, Subd. 1 (a)–(d) with all requisite measures and components prescribed, therein.

An open type fence of posts and wire is not considered to be a structure under this Unified Development Ordinance. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under this Unified Development Ordinance.

Final Plat
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 Register of Deeds or Registrar of Titles.

Fitness Centers (Large & small)
A building, or portion of a building, designed and equipped for the purpose of exercise, physical fitness, or related activities, and open to either members, or the public for a fee. May also include a place that offers licensed massage, facial, or body treatments provided as an accessory use that directly relates to an on-site primary use. Fitness Centers are not permissive of uses such as gun ranges or the firing of projectiles.

Flood
A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

Flood Frequency
The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Flood Fringe
The portion of the Special Flood Hazard Area (one percent annual chance flood) located outside of the floodway. This district also includes any additional area encompassed by the horizontal extension of the RFPE. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Hennepin County, Minnesota.

Flood Insurance Rate Map
An official map on which the Federal Insurance Administrator has delineated both the special 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 Prone Area
Any land susceptible to being inundated by water from any source (see "Flood").

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

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

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

Floor Area, Gross
The sum of the horizontal areas of the several floors of a building or buildings, measured from the exterior faces of the exterior walls or from the center line of party walls separating two buildings. In particular, "gross floor areas" shall include:

1) Basement space, if at least fifty percent of its story height is above the average level of the finished grade.
2) Elevator shafts and stairwells at each floor.

3) Floor space used for mechanical equipment where the structural headroom exceeds 7-1/2 feet, except equipment, open or enclosed, located on the roof, i.e., bulk needs, water tanks, and cooling towers
4) Attic floor space where the structural headroom exceeds 7-1/2 feet.
5) Interior balconies and mezzanines, where the structural headroom exceeds 7-1/2 feet.
6) Enclosed porches, but not terraces and breezeways.
7) Accessory uses other than floor space devoted exclusively to accessory off-street parking or loading, but shall not include garages, open porches, and open patios.

Floor/Area Ratio
The numerical value obtained through dividing the gross floor area of a building or buildings by the total area of the lot or parcel of land on which such building is located.

Forest Land Conversion
The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

Fully Reconstructs (MRCCA)
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.

Garage, Private
An accessory building or an accessory portion of the dwelling building intended for or used to store private passenger vehicles of the families resident upon the premises and in which no business, service or industry connected directly or indirectly with automotive vehicles may be carried on.

Garage – School Bus
A building, or portion of a building, used for the storage of school buses (defined in M.S.A. section 169.01, Subd. 6), or where any such vehicles are kept for remuneration or hire, excluding major repair of such vehicles. All buses located on the site of an approved bus garage must be stored within an enclosed structure.

Gas Station
The portion of a property used for the retail sale of automobile fuels, oils, and accessories. Such an establishment may offer the retail sale of other convenience items, automobile car wash, or auto repair and services as a secondary use.

General Indoor Retail Sales, Large
An establishment selling general retail goods that has a gross floor area greater than 10,000 sq. ft. for all uses. This use does not include the sales of light or heavy motor vehicles or any other goods listed as a separate use in the Allowed Use Table.

General Indoor Retail Sales, Small
An establishment selling general retail goods that has a gross floor area of 10,000 sq. ft. or less for all uses. This use does not include the sales of light or heavy motor vehicles or any other goods listed as a separate use in the Allowed Use Table.

Green Strip
An area containing only vegetation such as grass, trees, flowers, hedges, and other related landscaping materials, and maintained expressly for such purpose.

Guest cottage (Shoreland)
An accessory structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

Hard Surface
Ground covered with brick, concrete, asphalt, iron ore, cobble-stones, blacktop, or other asphaltic or rubber mixture which creates a firm, smooth, and level surface.

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

Height of Structure
The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest adjoining ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

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

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

Home Occupation, Allowable
Subject to the further limitations of Section 4.4.2 (d) of the UDO, a home occupation is any gainful occupation or profession, carried on within a dwelling unit, by a family member residing within a dwelling unit, which is clearly incidental and secondary to the residential use of the dwelling unit and the lot upon which it is constructed, including, dressmaking, secretarial services, professional services, answering services, individual music or art instruction, individual hobby crafts, and day care and similar activities.

Home Occupation, Conditional
Subject to the further limitations of Section 4.4.2 (d) hereof, and subject to approval by the City Council, a special home occupation is any gainful occupation or profession carried on within a dwelling unit or any permitted accessory buildings or installations on a lot, by a family member residing within the dwelling unit, which is clearly incidental and secondary to the residential use of the dwelling unit, the accessory structures, and the lot upon which it is constructed, including, without limitation, barber and beauty services, shoe repair, photography studios, group lessons, saw sharpening, motor driven appliances and small engine repair, and similar activities.

Hospital
An institution licensed by the state Department of Health primarily engaged in providing, by or under the supervision of physicians, to inpatients (A) diagnostic services and therapeutic services for medical diagnosis, treatment, and care of injured, disabled or sick persons, or B) rehabilitation services for the rehabilitation of injured, disabled, or sick persons.

Hotel
A building which provides a common entrance, lobby, and stairways, and in which lodging is commonly offered with or without meals for periods of less than a month.

Hotel, Extended Stay
A building which provides a common entrance, lobby, and stairways, and in which lodging is commonly offered with or without meals. Guests stay at an extended stay hotel for periods of more than a month. The hotel rooms offer amenities such as self-serve laundry and in-suite kitchens consistent with long term accommodations.

Hot tub
A hydromassage pool, or tub for recreational or therapeutic use, not located in health care facilities, designed for immersion of users, and usually having a filter, heater, and motor-driven blower.

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.

Indoor Recreation
A facility for indoor participation or observation of sports, games, fitness, arts, or culture activities that do not meet the definition for another use in this Unified Development Ordinance. This use includes but is not limited to health clubs, bowling, skating, swimming, tennis, teen clubs, health and fitness centers, gyms, escape rooms, haunted houses, stadiums, and similar indoor activities. Accessory uses include the sales of food, beverages, and items related to or required for participation in the recreational activity.

Individual Establishment
A distinct business entity situated in a single building.

Industry
An enterprise that involves the production, assembly, processing, warehousing, or transfer of materials, goods or products.

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 temporary use of property until a specified date, until the occurrence of a specified event, or until zoning regulations no longer permit it.

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.

Landscape Planting Area
Any lot area not devoted to the buildings, driveways, sidewalks, off-street loading or parking facilities, or similar elements, and whose cumulative square footage is used to determine required landscaping plan requirements as outlined in Section 5.6.1.

Laundry and Dry Cleaning Drop-Off and Pick-Up
An establishment where laundry or dry cleaning is dropped off by customers or picked up by customers but not including any on-site cleaning or dry-cleaning activities.

Licensed Day Care Facility
A facility required to be licensed by the state, county or City that provides one or more persons with care, training, supervision, habilitation, rehabilitation, or developmental guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the person's own dwelling unit. Licensed day care facilities include but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, developmental achievement centers, day treatment programs, adult day care centers, and day services as defined by Minnesota State statutes. Residential day care facilities whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes related to sex offenses may not be considered a licensed residential day care facility.

Licensed Residential Facility (Group Home).
A facility required to be licensed by the state or county that provides one or more persons with 24 hour per day substitute care, food, lodging, training, education, supervision, habilitation, rehabilitation or treatment that cannot be furnished in the person's own home. Licensed residential facilities (group homes) are limited to those facilities licensed or regulated by the Department of Human Services or the Department of Health. This does not include licensed facilities whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or facilities licensed by the Department of Corrections.

Loading Space
A space accessible from a street, alley, or way in a building or a lot for the use of motor vehicles while loading or unloading merchandise or materials.

Local Government
Counties, cities, and townships.

Local Park Agencies
The Minneapolis Park and Recreation Board and the Three Rivers Park District.

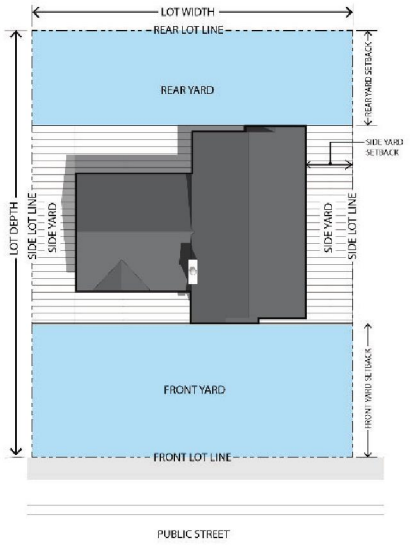
Lot
A lot is a parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description, as on a subdivision or record of survey map, or by metes and bounds, for the purpose of sale or lease or separate use thereof.

Lot Area
The area of a horizontal plane bounded by the front, side and rear lot lines.

Lot, Corner
A lot at the junction of and abutting on two or more intersecting streets.

Lot, Depth
The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

Lot, Interior
A lot other than a corner lot.



Lot Line
A property boundary line of any lot held in a single or separate ownership.

Lot Line, Front
That boundary of a lot which is along an existing or dedicated street. In the case of corner lots, the zoning administrator shall determine, but only for the purpose of this Unified Development Ordinance, which lot line or lines shall be considered front lot lines; such determination shall not be construed as stating in which direction buildings shall face. In general, the narrower of the lines abutting streets shall be the front line for the above stated purpose.

Lot Line, Rear
The boundary of a lot line which is most distant from and is approximately parallel to the front lot line.

Lot Line, Side
Any boundary of a lot which is not a front or rear lot line.

Lot Width
The horizontal distance between the side lot lines of a lot measured at the front yard setback line. Within the MRCCA overlay, lot width is considered to be 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.

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 Code of Federal Regulations, Part 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."

Manufacturing assembly and processing of products
Any manufacturing or industrial production that forms, shapes, combines, or alters materials. This process of this production cannot produce objectionable noise, fumes, vibration, waste, or radiation.

Marina
Having the meaning given under Minnesota Rules, part 6115.0170.

Either an inland or offshore commercial mooring facility for the concentrated mooring of seven or more watercraft or seaplanes wherein commercial ancillary services common to marinas are provided.

Massage
Rubbing, stroking, kneading, tapping or rolling of the body of another with the hands for the exclusive purpose of physical fitness, relaxation, beautification and for no other purpose.

Marginal Access Street
A minor street which is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.

Medical and health uses
Uses concerned with the diagnosis, treatment, and care of humans. Such uses include hospitals, dental services, medical clinics, aesthetician services, nursing, medical tattooing, laser treatments, and similarly oriented uses.

Meeting, Banquet, Event, or Conference Facility
A facility available on a rental basis to the general public, with or without food preparation equipment, used for meetings, conferences, receptions, fellowship, catered meals, and other social functions.

Minimum Subdivision Design Standards
The guides, principles and specifications for the preparation of subdivision plans indicating among other things the minimum and maximum dimensions of the various elements set forth in the preliminary plan.

Mississippi River Corridor Critical Area (MRCCA)
The area within the River Corridor Boundary (See Section 3.2.3).

Mississippi River Corridor Critical Area (MRCCA) Plan
A chapter or other element in the Brooklyn Center Comprehensive Plan.

Mobile Food Unit
A temporary food service establishment that is a vehicle-mounted food service establishment designed to be readily movable.

Modular Housing Structure
A structure not built on-site, but which is manufactured or constructed to be used as a place for human habitation and is placed on a permanent foundation and meets the state building code standards.

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

"A concentrated area intended solely for the mooring or containment of seven or more watercraft or seaplanes by docks, mooring buoys, or other means."

Motel
A hotel in which rooms are directly accessible to an outdoor automobile parking area.

Multi-Establishment
A distinct business entity located in a structure attached to other similar structures by common walls and ceilings or floors, or attached by means of an enclosed arcade; or a distinct business entity contained within a single structure and not separated by walls or other physical barriers, but made distinct due to its existence as a single lease space and operation by separate entrepreneurs or by its singularity of purpose (such as clothing sales, furniture sales and so on) carried on by a single or separate proprietors.

Native Plant Community
A plant community that has been identified as part of 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.

New Construction
Structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this Unified Development Ordinance.

Nonconformity
Having the meaning given under Minnesota Statutes, Section 394.22.

"Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized."

Nursing Home
A state licensed facility used to provide care for aged or infirm persons who require nursing and personal care and related services in accordance with state regulations. A nursing home may be a residential healthcare facility, an intermediate care facility, or a long-term care facility.

Nude or Specified Anatomical Areas
Less than completely and opaquely covered human genitals, pubic regions, buttocks, anuses, or female breasts below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

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

Office
An enclosed building in which executive, management, administrative, government, or professional services are provided. This use includes but is not limited to corporate offices, government offices, law offices, banks, architectural firms, medical offices, insurance companies, other executive, management or administrative offices for businesses and corporations, and the administration of local, state, or federal government services or functions.

One Hundred Year Floodplain
Lands inundated by the "Regional Flood" see definition below.

Ordinary High Water Level (OHWL)
The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

Outlot
A parcel of land included in a plat which is smaller than the minimum size permitted and which is thereby declared unbuildable until combined with additional land; or a parcel of land which is included in a plat and which is more than double the minimum size and which is thereby subject to future subdivision; or a parcel of land designated as a private roadway in a townhouse development plat.

Overlay District
A zoning district that is applied over one or more previously established zoning districts, establishing additional or stricter standards and criteria for covered properties in addition to those of the underlying zoning district. Overlay districts are often used to protect historic features and natural resources such as shoreland or floodplain.

Owner
Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Unified Development Ordinance.

Parcel
Having the meaning given under Minnesota Statutes, Section 116G.03.

"Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit."

Parking, Accessory Off-Site
A legal arrangement in which parking spaces, located on property other than that of the principal use, are encumbered solely for use by the off-site principal use. Such spaces may be credited to the Unified Development Ordinance parking requirements of the principal use by a conditional use permit if the requirements of Section 5.5.6 are met.

Parking, Joint
An easement agreement over certain property which gives a use located on a nearby or adjacent property the right to make use of parking stalls within the easement area. Such agreements are for the convenience of the respective uses which share the same parking stalls at different times and cannot be used to meet the Unified Development Ordinance parking requirements for the off-site use.

Patio
A constructed hard surface located at ground level not having any roof, railings, or walls.

Pedestrian Way
The right of way across or within a block, for use by pedestrian traffic whether designated as a pedestrian way, crosswalk or however otherwise designated.

Person
An individual, firm partnership, association, corporation or joint venture or organization of any kind.

Personal Service
Establishments providing individual-oriented, nonmedical related services, such as dry cleaning, laundering and dyeing, beauty and barber shops, shoe repair, and related uses. These uses may also include accessory retail sales of products related to the services provided.

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. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, dwelling grounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

Plat
Having the meaning given under Minnesota Statutes, Chapter 505.

A delineation of one or more existing parcels of land drawn to scale showing all data as required by this chapter, depicting the location and boundaries of lots, blocks, outlots, parks, and public ways."

Plat, Common Interest Community (CIC)
Having the meaning given under Minnesota Statues, section 515B.2.

A plat required for condominiums and planned communities, and cooperatives in which the unit owner's interests are characterized as real estate.

Porch, Enclosed
A horizontal roofed platform attached to an entrance of a dwelling, with an integrated wall system consisting of roof support members such as pillars, posts or columns, and which is fully enclosed by walls, screens, windows, or removable storm-windows that cannot be accessed from the outside except through a door that is capable of being locked.

Porch, Unenclosed
A horizontal roofed platform attached to an entrance of a dwelling, with a roof support system consisting of pillars, posts or columns, which may or may not have railings or knee-wall railings no higher than 36-inches from the platform level, and which does not include walls, screens, windows, or doors.

Port
A water transportation complex established and operated under the jurisdiction of a port authority according to Minnesota Statutes, section 458.

Preliminary Plan
The preliminary map, drawing, or chart indicating the proposed layout of the subdivision to be submitted to the planning commission and city council for their consideration.

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

Principal Use or Structure
All uses or structures that are not accessory uses or structures.

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

Professional Engineer
An engineer licensed to practice in Minnesota.

Program, Nonresidential
Having the meaning given it in Minnesota Statues 245A.02, Subd. 10.

Program, Residential
Having the meaning given it in Minnesota Statutes 245A.02, Subd. 14.

Proof Gallon
One liquid gallon of distilled spirits that is 50 percent alcohol at 60 degrees Fahrenheit.

Protective Covenants
Contracts entered into between private parties and constitute a restriction on the use of all private property within a subdivision for the benefit of the property owners and for providing mutual protection against undesirable aspects of development which would tend to impair stability of values.

Public Building
Any building held, used, or controlled exclusively for public purposes by any department or branch of government, state, county, or municipal, without reference to the ownership of the building or of the realty upon which it is situated.

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

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

Public River Corridor Views
Views toward the river from public parkland, historic properties, and public overlooks, as well as views toward bluffs from the ordinary high water level of the opposite shore, as seen during the summer months and documented in the MRCCA plan/chapter of the comprehensive plan.

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

Public Transportation Terminal
A point of assembly or disassembly of people arriving or departing by means of public transportation.

Public Uses
Uses, facilities and properties owned or operated by a school district, a municipality, county, state, or other governmental units, and any religious institutions such as churches, chapels, temples, synagogues and mosques.

Public Utilities
Electric power facilities, essential services, and transmission services.

Public Waters
Having the meaning given under Minnesota Statutes, section 103G.005.

1) water basins assigned a shoreland management classification by the commissioner under sections 103F.201 to 103F.221;
2) waters of the state that have been finally determined to be public waters or navigable waters by a court of competent jurisdiction;
3) meandered lakes, excluding lakes that have been legally drained;
4) water basins previously designated by the commissioner for management for a specific purpose such as trout lakes and game lakes pursuant to applicable laws;
5) water basins designated as scientific and natural areas under section 84.033;
6) water basins located within and totally surrounded by publicly owned lands;
7) water basins where the state of Minnesota or the federal government holds title to any of the beds or shores, unless the owner declares that the water is not necessary for the purposes of the public ownership;

8) water basins where there is a publicly owned and controlled access that is intended to provide for public access to the water basin;
9) natural and altered watercourses with a total drainage area greater than two square miles;
10) natural and altered watercourses designated by the commissioner as trout streams; and
11) public waters wetlands, unless the statute expressly states otherwise.

Public waters are not determined exclusively by the proprietorship of the underlying, overlying, or surrounding land or by whether it is a body or stream of water that was navigable in fact or susceptible of being used as a highway for commerce at the time this state was admitted to the union.

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.

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

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. For the purposes of this Unified Development Ordinance, the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle.”

Regional Flood
A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the1% chance or 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.

Regulatory Flood Protection Elevation (RFPE)
An elevation not less than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

Repetitive Loss
Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

Residential Planned Unit Development (Shoreland)
A use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.

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.

Retail Sale
A transfer of title or possession of personal property to a purchaser for a price.

Retaining Wall
A vertical or nearly vertical structures constructed of mortar and rubble masonry, rock, or stone regardless of size, vertical timber pilings, horizontal timber planks with piling supports, sheet pilings, poured concrete, concrete blocks, or other durable materials.

Right-of-way
That property within the boundary of a street or highway easement, or that property owned by a governmental body for roadway purposes; generally the right-of-way extends beyond the actual surfaced portion of the roadway. The street right-of-way line is coincident with the property line of the abutting property, and is the line generally used in calculating setbacks.

River Corridor Boundary
The boundary approved and adopted by the Metropolitan Council under Minnesota Statutes, section 116G.06, as approved and adopted by the legislature in Minnesota Statutes, section 116G.15, and as legally described in the State Register, volume 43, pages 508 to 518.

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

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

Roof Line
That line at which an exterior wall surface of a building structure departs from a vertical plane.

Rummage Sale
The infrequent temporary display and sale, by an occupant on his or her premises, of personal property, including general household rummage, used clothing and appliances, provided: the exchange or sale of merchandise is conducted within the residence or accessory structure; the number of sales does not exceed four per year; the duration of the sale does not exceed three consecutive days; any related signage shall conform with the sign Unified Development Ordinance provisions; and the conduct of the sale does not encroach upon the peace, health, safety, or welfare of the citizens of Brooklyn Center.

Satellite Receive-Only Antenna (SROA)
A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to receive radio or electromagnetic waves. This definition is meant to include but not be limited to what are commonly

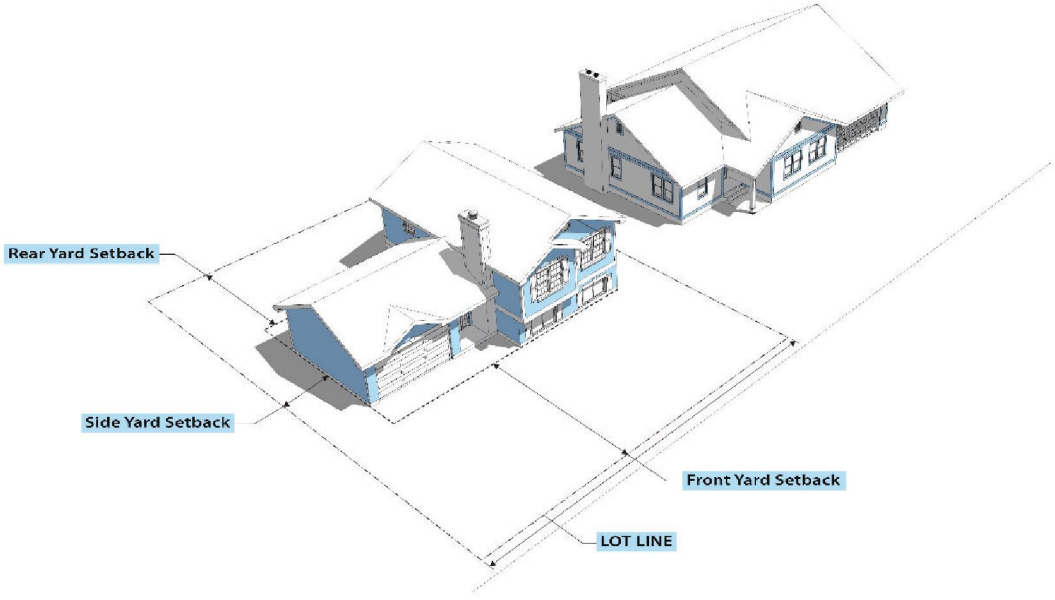
referred to as satellite earth-based or terrestrial stations, television reception only (TVRO) satellite dish antennas, and satellite microwave antennas.

Sauna
Steam bath, hot water bath, or heat bathing by use of heat lamps, and any such room or facility specially constructed therefor, used for the purposes of bathing, relaxing or reducing utilizing steam, hot air, hot water, or heat lamps as a cleaning, relaxing, or reducing agent.

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.

Service Station (Gas of Filling Station)
Any building or premises used for dispensing, sale or offering for sale at retail any automotive fuels or oils, and where battery, tire, and other similar services may be rendered. When such dispensing, sale or offering for sale of any fuels or oils is incidental to the conduct of a public repair garage, the premises shall be classified as a public repair garage.

Setback
The minimum horizontal distance from a building, hedge, fence, wall or structure to the street or lot line. The setback distance shall be measured from the exterior wall of the building, and no part of any roof cornice or any appendage to the structure shall project to a point more than one-third the distance of the minimum side yard setback.

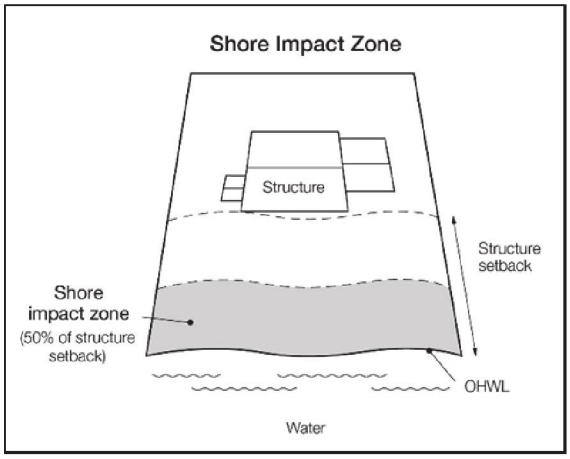


Semipublic Use (Shoreland)
The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization

Sewer System (Shoreland)
Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

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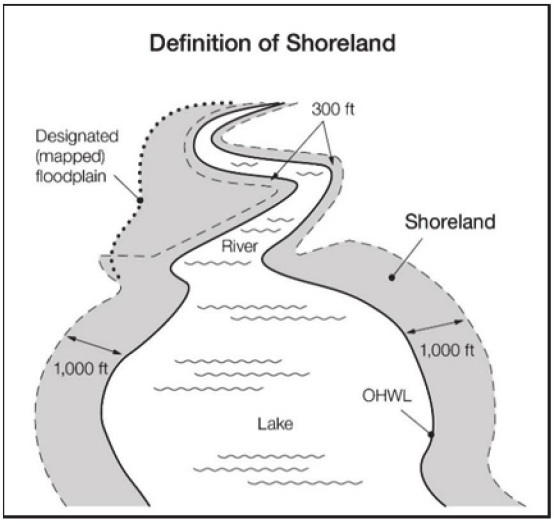
Shore Impact Zone
Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the required structure setback or, for agricultural use, 50 feet landward of the ordinary high water level.



Shoreland
Land located within the following distances from public waters:

1) 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and

2) 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater.



Shore Recreation Facilities
Swimming areas, docks, watercraft mooring areas and launching ramps and other water recreation facilities.

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

Sign
Any publicly displayed message-bearing device for visual communication or any attention attracting device, including any illumination device, that is used for the purpose of bringing the subject thereof to the attention of the public including, but not limited to, any mural, writing, pictorial presentation, number, illustration, illumination, placard, logo, trademark, emblem, decoration, flag, banner, pennant, symbol, valance or similar display.

Sign, Campaign
A temporary sign promoting the candidacy of a person running for a governmental office or promoting a position on an issue to be voted on at a governmental election.

Sign, Canopy
A roof-like cover that either projects from a building over a door, entrance or window, or a freestanding or projecting roof-like cover above an outdoor service area, such as at a gasoline service station.

Sign, Dynamic Message (DMS)
A dynamic messages sign also known as a changeable messages sign, variable messages sign or other similar name, is an electrical or electromechanical sign on which a message may be placed that can be changed remotely or on site through hard wire or wireless communications.

Sign, Flashing
Any illuminated sign on which the artificial light or color is not maintained at a constant intensity or color when such sign is in use including signs incorporating zooming, twinkling, sparkling, fading or chasing actions. A Dynamic Message Sign or that portion of a sign providing public service information such as time, weather, date, temperature or similar information shall not be considered to be a flashing sign.

Sign, Freestanding
A sign that is not affixed to any part of any building and instead is supported by upright braces or posts placed in the ground.

Sign, Illuminated
Any sign upon which artificial light is directed or which has an interior light source.

Sign, Mural
A design or representation painted on the exterior surface of a structure that does not advertise a business, product, service or activity and may exceed the size or coverage limits applicable to that site.

Sign, Off-Premise Advertising
A sign that directs attention to a business, commodity, service or entertainment not exclusively related to the premises on which the sign is located or to which it is affixed

Sign, Portable
A sign so designed as to be movable from one location to another and not permanently attached to the ground or to any immobile structure. A portable sign may consist of a mobile structure such as a semi-truck trailer or other device whose primary function during a specific time period is to serve as a sign.

Sign, Projecting
A sign that is affixed to the wall of a building and extends outward from the building wall.

Sign, Roof
A sign erected or attached in whole or in part upon the roof of a building or a non-freestanding sign that projects above the roof line of a respective building.

Sign, Rotating
A sign or portion of a sign that turns on an axis.

Sign, Structure
The supports, uprights, bracing and framework for a sign including the sign surface itself. In the case of a wall sign, the sign surface constitutes the sign structure. In the case of a sign structure consisting of two or more sides, where the interior angle formed between any of the sides exceeds 15 degrees each side shall be considered a separate sign structure.

Sign, Temporary
Any sign or other advertising device or display constructed of fabric, canvas, cardboard, wall board, plywood, or other light temporary material, with or without structural frame, intended for a temporary display for a limited period of time. Examples of temporary signs include real estate "for sale," "for rent", and "open house" signs, garage sale signs, signs identifying the architect, engineer or contractor for work currently under construction, signs advertising a temporary event or commercial opportunity and signs that express noncommercial messages.

Sign, Wall
A sign that is affixed upon and parallel to the wall of a building.

Significant Historic Site
Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Solar Collector, Building-Mounted
A system of panels, wiring, and related equipment used to transform direct solar energy into thermal, chemical, or electrical energy that is mounted to a building.

Solar Collector, Ground-Mounted
A system of panels, wiring, and related equipment used to transform direct solar energy into thermal, chemical, or electrical energy that is mounted to the ground.

Special Flood Hazard Area
A term used for flood insurance purposes synonymous with "One Hundred Year Floodplain."

Special Purpose Units of Government
The University of Minnesota, the St. Paul Port Authority, watershed management organizations established under Minnesota Statutes, chapter 103B, watershed districts established under Minnesota Statutes, chapter 103D, and any other unit of government other than local government or a state or regional agency.

Specified Sexual Activities
The following whether actual or simulated:

E. Sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, the use of excretory functions in the context of a sexual relationship, anilingus, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pedophilia, piquerism, or zooerastia;

F. Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence;

G. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation;

H. Fondling or touching of Nude human genitals, pubic regions, buttocks, or female breasts;

I. Situations involving persons, any of whom are Nude, who are clad in undergarments or in sexually revealing costumes and engaged in the flagellation, torture, fettering, binding, or other physical restraint of any person;

J. Erotic or lewd touching, fondling, or other sexually oriented contact with an animal by a human being; or

K. Human excretion, urination, menstruation, or vaginal or anal irrigation.

Start of Construction
Includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit's expiration date. The actual start is 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.

State or Regional Agency
The Metropolitan Airports Commission, Minnesota Historical Society, University of Minnesota, Department of Natural Resources, Department of Transportation, Metropolitan Council and other state agencies.

Stealth
Any telecommunications tower or telecommunications facility which is designed to blend into the surrounding environment.

Steep Slope
A natural topographic feature with an average slope of 12 to 18 percent, measured over a horizontal distance equal to or greater than 50 feet, and any slopes greater than 18 percent that are not bluffs.

Storm Water Management Facilities
Facilities for the collection, conveyance, treatment, or disposal of storm water.

Story
Each of the stages, separated by floors, one above another, of which a building consists

Street
A public right-of-way for roadway purposes. Streets may be classified as one of the following:

1) Collector Street - A street which carries traffic from minor streets to thoroughfares. It includes the principal entrance streets of a residential development and streets for circulation within such development.
2) Local Street - A street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.

3) Marginal Access Street - A local street which is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.
4) Minor Arterial - a fast or heavy traffic street of considerable continuity and used primarily as a traffic artery for intercommunication among large areas.

Street Line
The common boundary of the street right-of-way and abutting property.

Street Width
The shortest distance between the lines delineating the right of way of a street.

String Lighting
Strings of lights suspended between poles by cables or similar devices generally consisting of a number of bare, incandescent bulbs, but also including those with separate shields suspended from the individual light fixtures.

Structure
Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, signs, or appurtenance thereto, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Section 5.2.4 of this Unified Development Ordinance and other similar items.

Structural Alterations
Any change, other than incidental repairs, in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders or any substantial change in the roof or exterior walls.

Subdivider
Any person commencing proceedings under this Unified Development Ordinance to effect a subdivision of land hereunder for himself or for another.

Subdivision
Having the meaning given under Minnesota Statutes, Section 462.352.

"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, roads, or alleys, for residential, commercial, industrial, or other use or any combination thereof, except those separations:

1) 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;
2) creating cemetery lots;
3) resulting from court orders, or the adjustment of a lot line by the relocation of a common boundary."

Substantial Damage
Means damage of any origin sustained by a structure where the cost of restoring the structure to it's before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

Substantial Improvement

Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (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:

1) 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.
2) 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 Unified Development Ordinance, "historic structure" is as defined in 44 Code of Federal Regulations, Part 59.1.

Subsurface Sewage Treatment System

Having the meaning given under Minnesota Rules, part 7080.1100.

Either an individual sewage treatment system that employs sewage tanks or other treatment devices with final discharge into the soil below the natural soil elevation or elevated final grade that are designed to receive a sewage design flow of 5,000 gallons per day; or a midsized subsurface sewage treatment system of a similar configuration but is designed to receive sewage design flow of greater than 5,000 gallons per day to 10,000 gallons per day.

Suitability Analysis

An evaluation of land to determine if it is appropriate for the proposed use. The analysis considers factors relevant to the proposed use and may include the following features: susceptibility to flooding; existence of wetlands; soils, erosion potential; slope steepness; water supply, sewage treatment capabilities; water depth, depth to groundwater and bedrock, vegetation, near-shore aquatic conditions unsuitable for water-based recreation; fish and wildlife habitat; presence of significant historic sites; or any other relevant feature of the natural land.

Swimming Pool, In-ground

A swimming pool constructed or installed primarily below the grade of the surrounding yard, no part of which (except diving boards, slides, and ladder rails) is more than twelve (12) inches above grade.

Swimming Pool, Aboveground

A swimming pool constructed or installed primarily above the grade of the surrounding yard, any part of which (except diving boards, slides, and ladder rails) is more than twelve (12) inches above grade.

Temporary Seasonal Swimming Pool

A swimming pool that is removed and not in use before May 1 and after September 30.

Telecommunications Facilities

Cables, wires, lines, wave guides, antennae and other equipment or facility associated with the transmission or reception of communications which a person seeks to locate or install upon or near a tower or antenna support structure. The term Telecommunications Facilities shall not include:

1) Any Satellite receive-only antenna (SROA) two meters in diameter or less which is located in an area zoned industrial or commercial;

2) Any Satellite receive-only antenna (SROA) one meter or less in diameter, regardless of zoning category;
3) Amateur radio operators equipment as licensed by the Federal Communications Commission (FCC)

Telecommunications Tower
A self-supporting guyed or monopole structure constructed from grade which supports telecommunications facilities. This term shall not include amateur radio operator equipment, as licensed by the FCC or lattice designed towers.

Temporary Use
Temporary uses are uses of a temporary or seasonal nature that are accessory or related to the primary use.

Thoroughfare, Major
For the purpose of this Unified Development Ordinance, major thoroughfares include all state, county, and federal highways (including interstate freeways), and the following municipal streets:

1) Xerxes Avenue North from T.H. 100 to 59th Avenue North and from F.A.I. 94 to Shingle Creek Parkway.
2) Shingle Creek Parkway from C.T.H. 10 to 69th Avenue North.
3) France Avenue North from T.H. 100 to 50th Avenue North.
4) Humboldt Avenue North from F.A.I. 94 to 70th Avenue North.
5) Freeway Boulevard from Xerxes Avenue North to Humboldt Avenue North.
6) 69th Avenue North from Shingle Creek Parkway to Brooklyn Boulevard.

Transient Lodging
A multiple living accommodation such as a hotel or motel in which lodging is commonly offered for periods of less than a week but which may include one dwelling unit for a live-in resident manager.

Transmission Services
Electric power lines, cables, pipelines, or conduits that are:

1) used to transport power between two points, as identified and defined under Minnesota Statutes, Section 216E.01, Subd. 4; or

For mains or pipelines for gas, liquids, or solids in suspension, used to transport gas, liquids, or solids in suspension between two points; and

Telecommunication lines, cables, pipelines, or conduits.

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

Twin Cities Metropolitan Area
The area over which the Metropolitan Council has jurisdiction according to Minnesota Statutes, Section 473.121 Subd. 2.

Underlying Zoning
Uses and standards of underlying zoning districts apply except where standards of this overlay district are more restrictive.

Unlisted Temporary Use
A temporary use not listed as a temporary use in Section 4.2 Allowed Uses Table.

Urban Agriculture
The use of a parcel of land not exceeding five acres in size for the cultivation of food and/or horticultural crops, composting, aquaponics, aquaculture, and/or hydroponics. This use may include the production or sale of food products from food grown on the premises and accessory keeping of bees subject to City regulations but does not include cultivation of marijuana.

Use
The purpose or activity for which the land or building is designated, arranged or intended, or for which it is occupied or maintained.

Use, Individual
A singular use within a structure which as been designed and approved for multiple users or tenants.

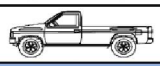
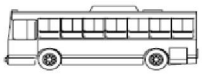
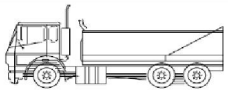
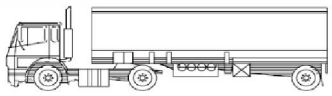
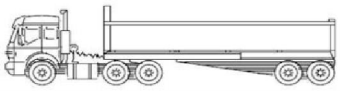
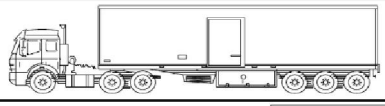
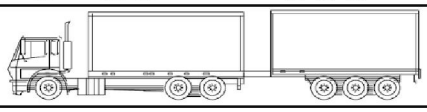
Used Car Lot
Any land used or occupied for the purpose of buying and selling secondhand passenger cars and/or trucks.

Variance
Means a modification of a specific permitted development standard required in an official control, including this Unified Development Ordinance, to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a practical difficulty as defined in Section 7.10 of this UDO..

Vehicle Class

Means the vehicle class as defined by the Minnesota Department of Transportation's vehicle classification scheme.

MnDOT VEHICLE CLASSIFICATION SCHEME

TYPE	PASSENGER VEHICLES	
1	Motorcycle	
2	Car	
3	Truck Van	
	SINGLE UNITS	
4	Bus Truck with trailer	
5	2 Axle Single Unit	
6	3 Axle Single Unit	
7	4+ Axle Single Unit	
	COMBO UNITS	
8	3 & 4 Axle Semi	
9	5 Axle Semi	
10	6+ Axle Semi	
11, 12, 13	Twin Trailer Semi	

Vending Machine

Any self-service device which, upon insertion of a coin, coins or tokens, or by other similar means, dispenses unit servings of food or other goods, either in bulk or in packages without the necessity of replenishing the device between each vending operation.

Wall Supporting the Sign

The aggregate surface area of the wall where the sign is mounted, measured from the ground floor grade to the top floor grade, but not including wall area occupied by windows or doors

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-Dependent Use
The use of land for commercial, industrial, public or semi-public purposes, where access to and use of a public water is an integral part of the normal conduct of operation. Marinas, resorts, and restaurants with transient docking facilities are examples of commercial uses typically found in shoreland areas.

Water-Oriented Accessory Structure or Facility
A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to surface water, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include, watercraft and watercraft equipment storage structures, gazebos, screen houses, fish houses, pump houses, saunas, patios, and detached decks. Boathouses and boat storage structures given the meaning under Minnesota Statutes, section 103G.245 are not a water-oriented accessory structures.

Water Quality Impact Zone
Land within the shore impact zone or within 50 feet of the OHWL of the Mississippi River, whichever is greater, AND land within 50 feet of a public water, wetland, or natural drainage way, whichever is greater.

Wetlands
Having the meaning given under Minnesota Statutes, section 103G.005.

"Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water."

Wharf
Having the meaning given under Minnesota Rules, part 6115.0170.

"A permanent structure constructed into navigable waters as a part of a port facility for berthing or mooring commercial watercraft, or for transferring cargo to and from watercraft in an industrial or commercial enterprise, or for loading or unloading passengers from commercial watercraft, or for the operation or a port facility."

Wind Energy System, Small Building-Mounted
A small wind energy conversion system mounted to a building that has a rated capacity of 100 KW or less. The small wind system shall be used to support the energy needs of the principal use on the site.

Wind Energy System, Small Ground-Mounted
A small wind energy conversion system mounted to the ground that has a rated capacity of 100 KW or less. The small wind system shall be used to support the energy needs of the principal use on the site.

Yard
An open space which is unoccupied and unobstructed, except as otherwise permitted by this Unified Development Ordinance. A yard extends along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

Yard, Front
A yard extending along the full width of the front lot line between the side lot lines. Notwithstanding provisions to the contrary, on corner lots, the front yard shall generally be the full width of the yard which the front of the house faces, lying between the side lot line and the opposite lot line abutting a public street.

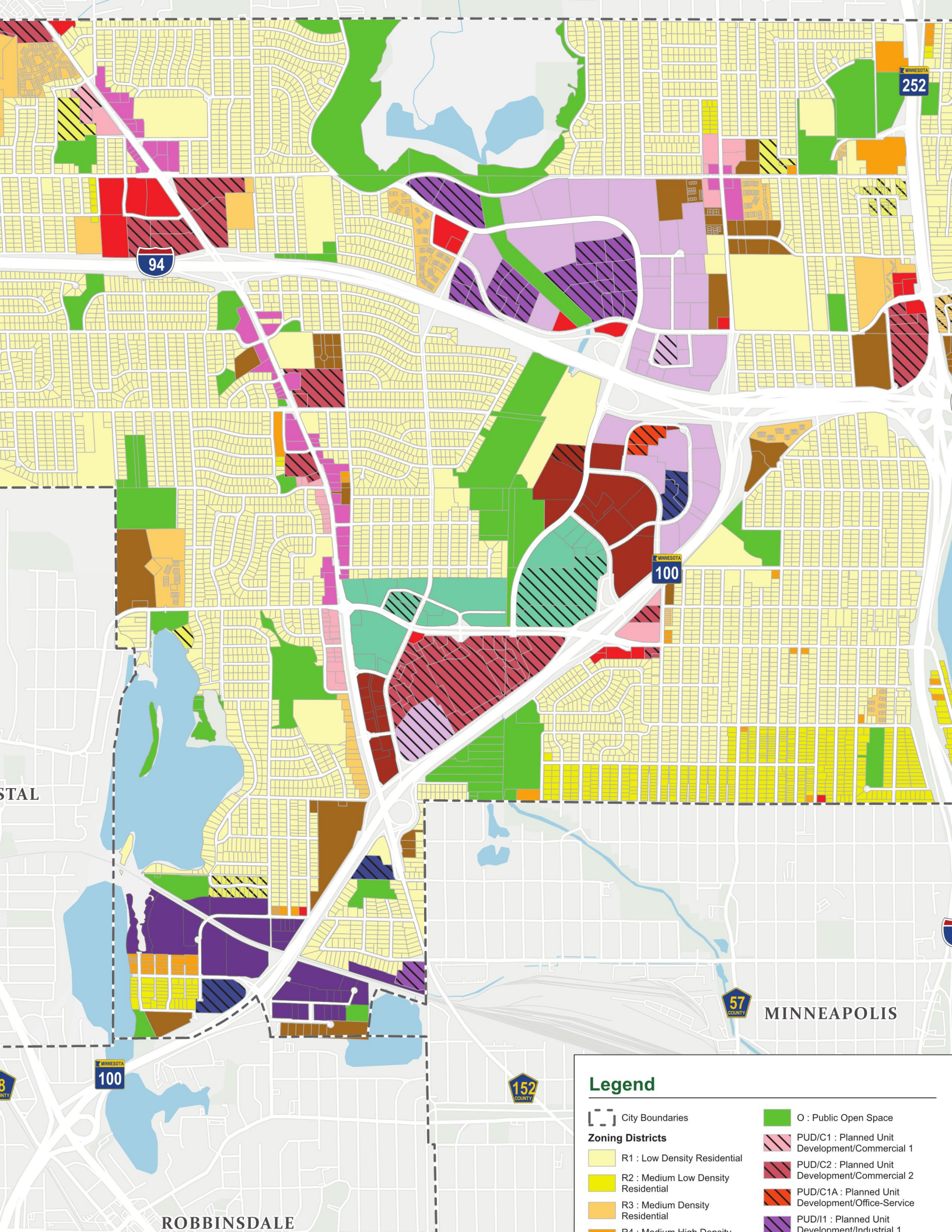
Yard, Rear
A yard extending along the full width of the rear lot line between the two side lot lines.

Yard, Side
A yard extending along the side lot line between the front and rear lot lines.

Zoning Administrator
The employee or agent appointed by the city manager charged with administering and enforcing this UDO, so authorized to perform the duties described in Section 7.1.

Brooklyn Center UDO Final Draft
Revision Tracking
December 5, 2022

- *2.4.1 C – Commerce – Service/Office District, paragraph (a):*
  - Removed photo example of a structure which is located in a different zoning district.
- *4.3.3 Non-Residential Uses, paragraph (b) Telecommunications Towers and Telecommunications Facilities, subparagraph (17):*
  - Added clarifying standards for towers and facilities fixed to the roof or façade of a structure.
- *5.1 Dimensional Standards Summary*
  - Amended sizing maximums for individual, non-residential uses in the MX-N2 zoning district.
- *9.2 Definitions and Terms of Measurement, "Garage – School Bus":*
  - Added language to clarify bus storage standards
- *9.2 Definitions and Terms of Measurement, "Use, Individual":*
  - Added language to clarify the definition of an individual use within a multi-use property.
- *Zoning Map*
  - 5801 and 5803 Xerxes Avenue North – Revised from Transit Oriented Development (TOD) to Planned Unit Development/Transit Oriented Development (PUD/TOD)
  - 3515 69th Avenue North – Revised from Open Space (O) to R1 (Low Density Residential)


MINNESOTA
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STAL
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COUNTY
MINNEAPOLIS
MINNESOTA
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152
COUNTY
ROBBINSDALE
Legend
City Boundaries
Zoning Districts
R1 : Low Density Residential
R2 : Medium Low Density Residential
R3 : Medium Density Residential
O : Public Open Space
PUD/C1 : Planned Unit Development/Commercial 1
PUD/C2 : Planned Unit Development/Commercial 2
PUD/C1A : Planned Unit Development/Office-Service
PUD/I1 : Planned Unit

Member introduced the following resolution and moved its adoption:

CITY OF BROOKLYN CENTER
HENNEPIN COUNTY

RESOLUTION NO. 2022-___

RESOLUTION APPROVING SUMMARY PUBLICATION OF AN ORDINANCE ADOPTING THE CITY'S UNIFIED DEVELOPMENT CODE AND AMENDING THE CITY CODE OF ORDINANCES BY REPEALING CHAPTERS 15 AND 34 AND REPEALING AND REPLACING CHAPTER 35

WHEREAS, the City Council of the City of Brooklyn Center acted at its December 12, 2022 meeting to adopt Ordinance No. 2022-___, "An Ordinance Adopting the City's Unified Development Code and Amending the City Code of Ordinances by Repealing Chapters 15 and 34 and Repealing and Replacing Chapter 35" ("Ordinance"); and

WHEREAS, Minnesota Statutes, section 412.191, subdivision 4 allows publication of adopted ordinances by title and summary in the case of lengthy ordinances or those containing maps or charts; and

WHEREAS, the City Council determines publishing the entire text of the Ordinance is not in the best interests of the City as the Ordinance is readily available to the public on the City's website and by contacting City Hall; and

WHEREAS, the City Council determines the following summary clearly informs the public of the intent of Ordinance and where to obtain a copy of the full text.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Brooklyn Center hereby approves publication of the following summary language as publication of the Ordinance:

CITY OF BROOKLYN CENTER
SUMMARY PUBLICATION
Ordinance No. 2022-___

AN ORDINANCE ADOPTING THE CITY'S UNIFIED DEVELOPMENT CODE AND AMENDING THE CITY CODE OF ORDINANCES BY REPEALING CHAPTERS 15 AND 34 AND REPEALING AND REPLACING CHAPTER 35

The Brooklyn Center City Council adopted the above-referenced ordinance adopting the Unified Development Code and amending the City Code of Ordinances by repealing Chapters 15 and 34 and repealing and replacing Chapter 35. The ordinance is a comprehensive land use ordinance that establishes zoning districts, adopts a zoning map, identifies uses allowed in each district, establishes dimensional standards for each district, requires permits for those uses identified as conditional and interim uses, establishes performance standards and provides for the enforcement

of the regulations. The ordinance incorporates sign, subdivision and planned unit development regulations into the Unified Development Code and includes shoreland, floodplain and Mississippi River Corridor Critical Area regulations. The ordinance is in effect 30 days from this publication. The full text of the ordinance is available on the City's website and can be obtained by contacting City Hall.

_____ _____

Date Mayor

ATTEST: _____

City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member

and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Council Regular Meeting

DATE: 12/12/2022

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Jesse Anderson, Interim Community Development Director
BY: Jason Aarsvold, EDA Project Management - Ehlers

SUBJECT: Rescinding Notice of Withdrawal Membership in the Minneapolis Northwest Tourism Bureau

Requested Council Action:

Consider Approval of a Resolution Rescinding Notice of Withdrawal Membership in the Minneapolis Northwest Tourism Bureau

Background:

Brooklyn Center has been a part of the Minneapolis Northwest Tourism Board (MNTB) for several decades. The primary purpose of the organization is to promote travel and tourism to the northwest metro area. It is funded through a state-authorized lodging tax on hotel room rentals that must be used for the purposes of funding such an organization. Over the years, the organization's membership has morphed and changed. The cities of Brooklyn Park and Brooklyn Center are the only remaining cities in the consortium.

In January 2020, the City of Maple Grove put the MNTB on notice that the city was going to spend one year evaluating its future participation in the organization (they were required per their participation agreement to provide a one year notice before pulling out of the organization). In December 2021, the City of Maple Grove exited the organization and opted to create their own tourism bureau.

Maple Grove had over half the hotel rooms between the three participating cities, and therefore contributed over half the budget to the organization. Removal of Maple Grove's lodging tax revenue significantly altered the MNTB budget in 2022. It should be noted, however, that the MNTB budget had already been significantly altered by COVID for 2020 and 2021 and staffing changes and service delivery had been altered accordingly.

In June 2021, both Brooklyn Center and Brooklyn Park passed resolutions to withdraw MNTB. This was done in reaction to Maple Grove's decision to leave the organization and allowed the Cities time understand their options before making a final decision to ultimately stay in the organization or create a new organization.

The City Council directed staff to study the options available and come back for further discussion. Since that time, the MNTB in partnership with the two cities contracted with Clarity of Place, a consulting firm specializing in convention and visitor's bureaus.

In June 2022, Clarity of Place provided an update to the City Council and asked for direction on how to proceed. The recommendation at the June meeting from the consultant was to continue in partnership with

Brooklyn Park, utilizing the existing framework of the existing MNTB organization to create a new tourism bureau that would better serve the two cities. The Council at that meeting directed staff and the consultant to move forward with that path.

On August 22, 2022, the City Council passed a resolution that outlined the conditions under which the City of Brooklyn Center would remain with MNTB. The resolution laid out the following conditions:

(1) The MNTB Bylaws must be updated to include a new board structure with additional board seats for city officials.

(2) Article VII of the MNTB Bylaws must be updated to refer to the full-time executive employee as the CEO.

(3) Establish a new job description for the CEO position and begin the search for the CEO position.

(4) . Approve a 2023 Work Plan with agreed upon metrics and action steps, including re-branding of MNTB to better reflect its current membership and calling for an election in January 2023 to elect board of directors in accordance with the newly approved bylaws.

City staff and the hired consultant, Clarity of Place, have been involved in the review and verification of completion of the required steps outlined in the resolution passed by the City Councils in August. The following outlines how recent actions and the revised documents reflect this compliance:

1) New Board structure to include additional seats for representatives of the cities

   The Minneapolis Northwest Tourism Board has reviewed the new bylaws drafted by the consultant and is expected to vote affirmatively on bylaws that add appointed seats for representatives approved by each city council.

2) Updated bylaws to include CEO, as well as any other bylaws changes desired by the two cities

   The Minneapolis Northwest Tourism Board has reviewed the new bylaws drafted by the consultant and is expected to vote affirmatively on bylaws that references the CEO, their relationship with the organization and incorporates several other recommendations of city staff from Brooklyn Center and Brooklyn Park.

3) Write a job description for a full time, permanent CEO and begin the search

   The job description is finalized and recruitment has begun.

4) Approve a 2023 work plan with agreed upon metrics and actions for 2023, including re-branding to better reflect its current membership

   The consultant has crafted a 2023 work plan, and it is anticipated that this will be approved at the December 7 Board meeting.

5) Calling for an election in 2023 to elect board members in accordance with new bylaws

   The 2023 work plan allows for one year of transition (2023) to adapt and plan for a full election/appointment process in accordance with the updated bylaws. Therefore, staff considers this requirement to be satisfied.

6) Revise agreement for interim period until a full new agreement can be put in place

The Cities and the MNTB will amend the existing agreement to eliminate the termination notice requirements and instead indicate the current agreement will expire on March 1, 2023, at which time a new agreement will be put in place.

Next Steps

The proposed action includes a resolution rescinding withdrawal from the MNTB and approval of the amendment to the agreement. Passage of the resolution is contingent on Brooklyn Park passing the same resolution and on MNTB approving the revised agreement by the end of the year. If approved by all parties, City staff and consultants will work with MNTB to implement the approved items and changes to the organization.

Budget Issues:

This action will have no immediate effect on the budget

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Resident Economic Stability, Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Agreement	12/8/2022	Exhibit
Resolution	12/8/2022	Resolution Letter
1986 Agreement	12/6/2022	Exhibit
August 22, 2022 Resolution	12/5/2022	Exhibit
Workplan	12/5/2022	Exhibit
Bylaws	12/5/2022	Exhibit
Bylaws Redline	12/5/2022	Exhibit
CEO Position Description	12/5/2022	Exhibit

AMENDMENT TO CONVENTION AND VISITORS BUREAU AGREEMENT

THIS AMENDMENT TO THE CONVENTION AND VISITORS BUREAU AGREEMENT (this "Amendment") is entered into as of December __, 2022, by and between the city of Brooklyn Center, a public body corporate and politic under the laws of the State of Minnesota ("City"), and the North Metro Convention and Tourism Board d/b/a Northwest Minneapolis Tourism Bureau., a Minnesota nonprofit corporation ("Bureau").

RECITALS

WHEREAS, the City and Bureau entered into a Convention and Visitors Bureau Agreement ("Agreement"), which is included as Exhibit A, under which the City provided lodging tax revenue to the Bureau for the Bureau to provide services promoting the City as a tourist and convention center;

WHEREAS, in accordance with the Agreement, the City provided notice of withdrawal in June 2021, which will be effective on December 31,2022, unless the City rescinds the notice of withdrawal;

WHEREAS, the City passed a resolution on December 12, 2022 indicating it will rescind its notice to withdraw if a number of conditions are met, including that this Amendment is executed;

WHEREAS, the City and Bureau desire to enter into this Amendment so that the City and Bureau have an additional two months to make mutually beneficial amendments to the Agreement or draft a full replacement of the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Bureau hereby agree as follows:

1. Section 1 is deleted in its entirety and replaced with the following:

    1. TERM. The term of this agreement shall begin on August 1, 1986, and continue until April 1, 2023 unless terminated sooner by mutual agreement of the parties.

2. Except as specifically noted in this Amendment, the terms and conditions of the Agreement, shall remain in full force and effect. In the case of any inconsistency between the terms of the Agreement and this Amendment, the terms of this Amendment shall control.

3. This Amendment may be executed in any number of counterparts, each of which shall constitute one and the same instrument.

IN WITNESS WHEREOF, each of the parties has executed this Amendment by its duly authorized officer as of the day and year first written above.

CITY OF BROOKLYN PARK

(CITY)

By: _____
Name: Mike Elliott
Title: Mayor

By: _____
Name: Dr. Reggie Edwards
Title: City Manager

NORTH METRO CONVENTION AND VISITORS BUREAU D/B/A NORTHWEST MINNEAPOLIS TOURISM BUREAU
(BUREAU)

By: _____
Name:
Title: Executive Director

Exhibit A

CONVENTION AND VISITORS BUREAU AGREEMENT

THIS AGREEMENT made between the City OF Brooklyn Center, MINNESOTA, a municipal corporation, (hereinafter referred to as the "City") and the NORTH METRO CONVENTION AND TOURISM BUREAU, a nonprofit corporation (hereinafter referred to as the "Bureau")

WHEREAS, the City has imposed a tax on lodging to fund a convention and visitors bureau.

WHEREAS, the Bureau has the staff, facility, and experience to carry out the objectives of promoting the City as a tourist and convention center.

NOW, THEREFORE, the parties agree as follows:

1. TERM. The term of this Agreement shall begin on August 1, 1986 and shall terminate on December 31, 1987, unless both parties have agreed to its renewal in writing on or before December 1, 1987.

2. SERVICES RENDERED BY BUREAU. The Bureau shall furnish the following services:

(a) Informational services in answering inquiries about the City via mail, telephone, and personal contacts.

(b) Provide planning, coordinating and registration assistance to organizations and businesses.

(c) Supply support material, including but not limited to name badges, city maps, typewriters, accommodations list, and information in general.

(d) Prepare and present audio visual presentations

to groups to attract visitors to the City.

(e) Distribute brochures, maps and guides of the City to potential visitors and meeting planners.

(f) Provide representation at trade shows, conventions, and exhibits to attract new visitors to the City.

(g) Promote the City as a convention center for Minnesota by regional and state-wide advertising of the City's hospitality industry and attractions.

3. CHARGES. All services provided pursuant to paragraph 2 of this Agreement shall be without charge to the person or organization utilizing such services.

4. BUDGET. The Bureau shall submit its annual budget for review by the City Council on or before the 1st day of October of the year preceding the effective date of the budget. Such budget shall detail with specificity the uses to which monies received shall be spent to provide the services described in paragraph 2 of this Agreement. In any year in which this Agreement is being renewed, such renewal shall not occur until this budget review process has been completed. For the initial term of this Agreement, the Agreement shall not take effect until the budget review process has been completed for the time period of August 1, 1986 through December 31, 1987.

It is understood between the parties that the actual revenues being generated under paragraph 5 may vary from the amounts anticipated in the budget. For this reason it is

agreed that the budget may be modified without prior consent of the City Council, providing that any adjustments shall not be greater than ten percent of the amount indicated for that item as its appears in the budget.

Notwithstanding any other language to the contrary the Bureau shall not expend any sums beyond its revenues.

5. FUNDING. On the 15th day of each month, the City shall remit to the Chamber, for funding of the Bureau, 95% of the lodging tax payments received by the City, less refunds, in the preceeding calendar month during the term of this Agreement.

6. VERIFICATION OF EXPENDITURES. The Bureau will provide the City a copy of the Bureau's monthly financial statements, showing monthly, year-to-date, and budget figures, properly itemized and verified by the director of the Bureau. The Finance Officer of the City shall have the right of access to the books and records of the Bureau at any time during normal business hours to audit any item of revenue or expenditure.

7. HOLD HARMLESS. Any and all employees of the Bureau or any other persons, while engaged in the performance of any service required by the Bureau under this Agreement, shall not be considered employees of the City, and any and all claims that may or might arise under the Workers Compensation Act of the State of Minnesota on behalf of said employees or other persons while so engaged, and any and all claims made by the third party as a consequence of any act

or omission on the part of the Bureau, or its agents or employees or other persons while so engaged in any of the services provided to be rendered herein, shall in no way be the obligation or the responsibility of the City. In connection therewith, the Bureau hereby agrees to indemnify, save and hold harmless, and defend the City and all of their officers, agents and employees from any and all claims, demands, actions or causes of actions of whatever nature or character arising out of or by reason of the execution or the performance of the services provided for in this Agreement.

8. MULTIPLE CITY PARTICIPATION. It is contemplated that the Bureau in addition to providing services to the City of Brooklyn Center will also provide the services described in paragraph 2 of this Agreement to the Cities of Brooklyn Park and Fridley and that all Cities may be jointly promoted as a unitary convention and visitors bureau. Therefore, it is specifically authorized that funding for such joint promotion will be financed pursuant to this Agreement.

9. DISCRIMINATION. The Bureau, in providing services hereunder shall comply with the provisions of Minnesota Statutes Section 181.59 as the same may be amended from time to time. Minnesota Statutes Section 181.59 is incorporated in this Agreement as though set forth in its entirety and the Bureau shall not discriminate against any person or firm in any of its activities hereunder on the basis of race,

creed or color.

10. INSURANCE. The Bureau shall carry insurance to cover its employees and agents while performing services pursuant to this Agreement. Such insurance shall provide comprehensive general liability and property damage coverage to the Bureau and its employees and agents in such amounts as will equal the applicable limits of liability to which the City may be held pursuant to State Statute as the same may be amended from time to time. The Bureau shall also carry worker's compensation as required by Minnesota Statutes Section 176.182 and provide the City with proof of compliance with Section 176.182 before commencing to provide services hereunder.

11. LAWS. The Bureau will comply with all applicable federal, state and local laws in the performance of its obligations hereunder.

12. ADVERTISEMENT. All brochures, listings or advertisements of specific lodging facilities shall include mention of all facilities paying the lodging tax imposed by the City.

13. INTEGRATION. This document is fully integrated, embodying the entire Agreement between the parties.

IN WITNESS WHEREOF the parties have executed this Agreement on the dates below given.

CITY OF Brooklyn Center

BY: Dean G. Lagerquist
Its Mayor

DATED: 9/8/86

BY: [signature]
Its City Manager

NORTH METRO CONVENTION AND TOURISM BUREAU

DATED: _____

BY: _____
Its _____

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. 2022-___

RESOLUTION RESCINDING NOTICE OF WITHDRAWAL MEMBERSHIP IN THE MINNEAPOLIS NORTHWEST TOURISM BUREAU

WHEREAS, the city of Brooklyn Center ("City") has been a member of the North Metro Convention and Tourism Bureau d/b/a Minneapolis Northwest Tourism Board ("MNTB") since 1986; and

WHEREAS, in May 2021, the city of Maple Grove declared its intent to withdraw from the MNTB leaving the City and the city of Brooklyn Park as the only two remaining members of MNTB; and

WHEREAS, in June 2021, the City and Brooklyn Park each provided notice to MNTB of the City's intent to withdraw its membership from MNTB effective December 31, 2022; and

WHEREAS, in July 2022, the City and Brooklyn Park passed resolutions signifying their willingness to consider remaining members of MNTB if certain conditions were met by December 1, 2022, as described in Exhibit A; and

WHEREAS, the City and Brooklyn Park worked with MNTB to make substantial progress on the listed items, and the City has determined that given the progress made to this point, it would like to continue making improvements to the relationship between the City, Brooklyn Park, and MNTB; and

WHEREAS, the City desires to rescind the notice of withdrawal send to MNTB in June of 2021, contingent upon the City of Brooklyn Park sending the same rescission and that the recission be accompionied by an amnedment to the Convention and Visitors Bureau Agreement that is contained in Exhibit B.

1. Term. This Agreement will terminate on April 1, 2022.

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

1. The City desires to remain a member of MNTB, contingent on the city of Brooklyn Park also remaining a member of MNTB and issuing a recission of its notice of withdrawal sent in June 2021.

2. The City remaining a member of MNTB is contingent on the execution of the amendmnet to the Convention and Visitors Bureau Agreement contained in Exhibit B.

3. The City hereby directs staff to issue a recission of the notice of withdrawal issued in June 2021 which provides that the recission is effective once MNTB has received a recission from both the City and the city of Brooklyn Park and the amendment in the attached Exhibit B has been executed by MNTB, Brooklyn Park, and the City.

4. The appropriate City officials are authorized to execute all appropriate documents on behalf of the City to facilitate withdrawal from MNTB and to take all steps and actions necessary or convenient to accomplish the intent of this Resolution.

_____ _____

Date Mayor

ATTEST: _____

City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member

and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Exhibit A

Member Graves introduced the following resolution and moved its adoption:

RESOLUTION NO. 2022-89

RESOLUTION AUTHORIZING STAFF TO COORDINATE WITH THE CITY OF BROOKLYN PARK AND THE MINNEAPOLIS TOURISM BUREAU TO CONSIDER MAINTAINING MEMBERSHIP IN THE MINNEAPOLIS NORTHWEST TOURISM BUREAU

WHEREAS, the city of Brooklyn Center ("City") has been a member of the North Metro Convention and Tourism Bureau d/b/a Minneapolis Northwest Tourism Board ("MNTB") since 1986; and

WHEREAS, in May 2021, the city of Maple Grove declared its intent to withdraw from the MNTB, leaving the City and the city of Brooklyn Park ("Brooklyn Park") as the only two remaining members of MNTB; and

WHEREAS, in June 2021, the City provided notice to MNTB of the City's intent to withdraw its membership from MNTB effective December 31, 2022; and

WHEREAS, in June 2021, Brooklyn Park also provided notice of its intent to withdraw its membership in MNTB effective December 31, 2022; and

WHEREAS, the City has been in communication with Brooklyn Park about continuing its partnership through the MNTB and has determined that it is in the best interests of the City to remain a member of MNTB with Brooklyn Park so long as certain changes are made to the structure and organization of MNTB.

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

1. The City hereby agrees to consider rescinding its notice of withdrawal dated June 30, 2021, in conjunction with Brooklyn Park which is considering a similar resolution, if the following actions are taken by the MNTB Board of Directors by December 1, 2022:

    a. The MNTB Bylaws must be updated to include a new board structure with additional board seats for city officials.

    b. Article VII of the MNTB Bylaws must be updated to refer to the full-time executive employee as the CEO.

    c. Establish a new job description for the CEO position and begin the search for the CEO position.

    d. Approve a 2023 Work Plan with agreed upon metrics and action steps, including re-branding of MNTB to better reflect its current membership and calling for an election in January 2023 to elect board of directors in accordance with the newly approved bylaws.

RESOLUTION NO. 2022-89

2. The City shall make a determination at its first December meeting whether to rescind the notice of withdrawal based on MNTB's progress in addressing the steps in Section 1.

3. Nothing in this Resolution shall be construed to be a commitment by the City to rescind its notice of withdrawal nor a commitment to otherwise maintain its membership in MNTB.

August 22, 2022
Date

Mayor

ATTEST: _____
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member
Ryan
and upon vote being taken thereon, the following voted in favor thereof:
Butler, Graves, Lawrence-Anderson, Ryan
and the following voted against the same:
None
whereupon said resolution was declared duly passed and adopted.

Exhibit B

AMENDMENT TO CONVENTION AND VISITORS BUREAU AGREEMENT

THIS AMENDMENT TO THE CONVENTION AND VISITORS BUREAU AGREEMENT (this "Amendment") is entered into as of December __, 2022, by and between the city of Brooklyn Center, a public body corporate and politic under the laws of the State of Minnesota ("City"), and the North Metro Convention and Tourism Board d/b/a Northwest Minneapolis Tourism Bureau., a Minnesota nonprofit corporation ("Bureau").

RECITALS

WHEREAS, the City and Bureau entered into a Convention and Visitors Bureau Agreement ("Agreement"), which is included as Exhibit A, under which the City provided lodging tax revenue to the Bureau for the Bureau to provide services promoting the City as a tourist and convention center;

WHEREAS, in accordance with the Agreement, the City provided notice of withdrawal in June 2021, which will be effective on December 31,2022, unless the City rescinds the notice of withdrawal;

WHEREAS, the City passed a resolution on December 12, 2022 indicating it will rescind its notice to withdraw if a number of conditions are met, including that this Amendment is executed;

WHEREAS, the City and Bureau desire to enter into this Amendment so that the City and Bureau have an additional two months to make mutually beneficial amendments to the Agreement or draft a full replacement of the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Bureau hereby agree as follows:

1. Section 1 is deleted in its entirety and replaced with the following:

    1. TERM. The term of this agreement shall begin on August 1, 1986, and continue until April 1, 2023 unless terminated sooner by mutual agreement of the parties.

2. Except as specifically noted in this Amendment, the terms and conditions of the Agreement, shall remain in full force and effect. In the case of any inconsistency between the terms of the Agreement and this Amendment, the terms of this Amendment shall control.

3. This Amendment may be executed in any number of counterparts, each of which shall constitute one and the same instrument.

IN WITNESS WHEREOF, each of the parties has executed this Amendment by its duly authorized officer as of the day and year first written above.

CITY OF BROOKLYN PARK

(CITY)

By: _____
Name: Mike Elliott
Title: Mayor

By: _____
Name: Dr. Reggie Edwards
Title: City Manager

NORTH METRO CONVENTION AND VISITORS BUREAU D/B/A NORTHWEST MINNEAPOLIS TOURISM BUREAU
(BUREAU)

By: _____
Name:
Title: Executive Director

Exhibit A

CONVENTION AND VISITORS BUREAU AGREEMENT

THIS AGREEMENT made between the City OF Brooklyn Center, MINNESOTA, a municipal corporation, (hereinafter referred to as the "City") and the NORTH METRO CONVENTION AND TOURISM BUREAU, a nonprofit corporation (hereinafter referred to as the "Bureau")

WHEREAS, the City has imposed a tax on lodging to fund a convention and visitors bureau.

WHEREAS, the Bureau has the staff, facility, and experience to carry out the objectives of promoting the City as a tourist and convention center.

NOW, THEREFORE, the parties agree as follows:

1. TERM. The term of this Agreement shall begin on August 1, 1986 and shall terminate on December 31, 1987, unless both parties have agreed to its renewal in writing on or before December 1, 1987.

2. SERVICES RENDERED BY BUREAU. The Bureau shall furnish the following services:

(a) Informational services in answering inquiries about the City via mail, telephone, and personal contacts.

(b) Provide planning, coordinating and registration assistance to organizations and businesses.

(c) Supply support material, including but not limited to name badges, city maps, typewriters, accommodations list, and information in general.

(d) Prepare and present audio visual presentations

to groups to attract visitors to the City.

(e) Distribute brochures, maps and guides of the City to potential visitors and meeting planners.

(f) Provide representation at trade shows, conventions, and exhibits to attract new visitors to the City.

(g) Promote the City as a convention center for Minnesota by regional and state-wide advertising of the City's hospitality industry and attractions.

3. CHARGES. All services provided pursuant to paragraph 2 of this Agreement shall be without charge to the person or organization utilizing such services.

4. BUDGET. The Bureau shall submit its annual budget for review by the City Council on or before the 1st day of October of the year preceding the effective date of the budget. Such budget shall detail with specificity the uses to which monies received shall be spent to provide the services described in paragraph 2 of this Agreement. In any year in which this Agreement is being renewed, such renewal shall not occur until this budget review process has been completed. For the initial term of this Agreement, the Agreement shall not take effect until the budget review process has been completed for the time period of August 1, 1986 through December 31, 1987.

It is understood between the parties that the actual revenues being generated under paragraph 5 may vary from the amounts anticipated in the budget. For this reason it is

agreed that the budget may be modified without prior consent of the City Council, providing that any adjustments shall not be greater than ten percent of the amount indicated for that item as its appears in the budget.

Notwithstanding any other language to the contrary the Bureau shall not expend any sums beyond its revenues.

5. FUNDING. On the 15th day of each month, the City shall remit to the Chamber, for funding of the Bureau, 95% of the lodging tax payments received by the City, less refunds, in the preceeding calendar month during the term of this Agreement.

6. VERIFICATION OF EXPENDITURES. The Bureau will provide the City a copy of the Bureau's monthly financial statements, showing monthly, year-to-date, and budget figures, properly itemized and verified by the director of the Bureau. The Finance Officer of the City shall have the right of access to the books and records of the Bureau at any time during normal business hours to audit any item of revenue or expenditure.

7. HOLD HARMLESS. Any and all employees of the Bureau or any other persons, while engaged in the performance of any service required by the Bureau under this Agreement, shall not be considered employees of the City, and any and all claims that may or might arise under the Workers Compensation Act of the State of Minnesota on behalf of said employees or other persons while so engaged, and any and all claims made by the third party as a consequence of any act

or omission on the part of the Bureau, or its agents or employees or other persons while so engaged in any of the services provided to be rendered herein, shall in no way be the obligation or the responsibility of the City. In connection therewith, the Bureau hereby agrees to indemnify, save and hold harmless, and defend the City and all of their officers, agents and employees from any and all claims, demands, actions or causes of actions of whatever nature or character arising out of or by reason of the execution or the performance of the services provided for in this Agreement.

8. MULTIPLE CITY PARTICIPATION. It is contemplated that the Bureau in addition to providing services to the City of Brooklyn Center will also provide the services described in paragraph 2 of this Agreement to the Cities of Brooklyn Park and Fridley and that all Cities may be jointly promoted as a unitary convention and visitors bureau. Therefore, it is specifically authorized that funding for such joint promotion will be financed pursuant to this Agreement.

9. DISCRIMINATION. The Bureau, in providing services hereunder shall comply with the provisions of Minnesota Statutes Section 181.59 as the same may be amended from time to time. Minnesota Statutes Section 181.59 is incorporated in this Agreement as though set forth in its entirety and the Bureau shall not discriminate against any person or firm in any of its activities hereunder on the basis of race,

creed or color.

10. INSURANCE. The Bureau shall carry insurance to cover its employees and agents while performing services pursuant to this Agreement. Such insurance shall provide comprehensive general liability and property damage coverage to the Bureau and its employees and agents in such amounts as will equal the applicable limits of liability to which the City may be held pursuant to State Statute as the same may be amended from time to time. The Bureau shall also carry worker's compensation as required by Minnesota Statutes Section 176.182 and provide the City with proof of compliance with Section 176.182 before commencing to provide services hereunder.

11. LAWS. The Bureau will comply with all applicable federal, state and local laws in the performance of its obligations hereunder.

12. ADVERTISEMENT. All brochures, listings or advertisements of specific lodging facilities shall include mention of all facilities paying the lodging tax imposed by the City.

13. INTEGRATION. This document is fully integrated, embodying the entire Agreement between the parties.

IN WITNESS WHEREOF the parties have executed this Agreement on the dates below given.

CITY OF Brooklyn Center

BY: Dean G. Lagerquist
Its Mayor

DATED: 9/8/86

BY: [signature]
Its City Manager

NORTH METRO CONVENTION AND TOURISM BUREAU

DATED: _____

BY: _____
Its _____

CONVENTION AND VISITORS BUREAU AGREEMENT

THIS AGREEMENT made between the City OF Brooklyn Center, MINNESOTA, a municipal corporation, (hereinafter referred to as the "City") and the NORTH METRO CONVENTION AND TOURISM BUREAU, a nonprofit corporation (hereinafter referred to as the "Bureau")

WHEREAS, the City has imposed a tax on lodging to fund a convention and visitors bureau.

WHEREAS, the Bureau has the staff, facility, and experience to carry out the objectives of promoting the City as a tourist and convention center.

NOW, THEREFORE, the parties agree as follows:

1. TERM. The term of this Agreement shall begin on August 1, 1986 and shall terminate on December 31, 1987, unless both parties have agreed to its renewal in writing on or before December 1, 1987.

2. SERVICES RENDERED BY BUREAU. The Bureau shall furnish the following services:

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(d) Prepare and present audio visual presentations

to groups to attract visitors to the City.

(e) Distribute brochures, maps and guides of the City to potential visitors and meeting planners.

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5. FUNDING. On the 15th day of each month, the City shall remit to the Chamber, for funding of the Bureau, 95% of the lodging tax payments received by the City, less refunds, in the preceeding calendar month during the term of this Agreement.

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7. HOLD HARMLESS. Any and all employees of the Bureau or any other persons, while engaged in the performance of any service required by the Bureau under this Agreement, shall not be considered employees of the City, and any and all claims that may or might arise under the Workers Compensation Act of the State of Minnesota on behalf of said employees or other persons while so engaged, and any and all claims made by the third party as a consequence of any act

or omission on the part of the Bureau, or its agents or employees or other persons while so engaged in any of the services provided to be rendered herein, shall in no way be the obligation or the responsibility of the City. In connection therewith, the Bureau hereby agrees to indemnify, save and hold harmless, and defend the City and all of their officers, agents and employees from any and all claims, demands, actions or causes of actions of whatever nature or character arising out of or by reason of the execution or the performance of the services provided for in this Agreement.

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creed or color.

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11. LAWS. The Bureau will comply with all applicable federal, state and local laws in the performance of its obligations hereunder.

12. ADVERTISEMENT. All brochures, listings or advertisements of specific lodging facilities shall include mention of all facilities paying the lodging tax imposed by the City.

13. INTEGRATION. This document is fully integrated, embodying the entire Agreement between the parties.

IN WITNESS WHEREOF the parties have executed this Agreement on the dates below given.

CITY OF Brooklyn Center

BY: Dean G. Lagguist
Its Mayor

DATED: 9/8/86

BY: [signature]
Its City Manager

NORTH METRO CONVENTION AND TOURISM BUREAU

DATED: _____

BY: _____
Its _____

1, the City provided notice t
MNTB effective December 31,

, Brooklyn Park also provided
December 31, 2022; and

been in communication with B
and has determined that it is i
ith Brooklyn Park so long as
NTB.

IT RESOLVED by the City

e foregoing resolution was dul

n, the following voted in favor
-Anderson, Ryan
ne same:

eclared duly passed and adopte

MNWT 2023 Workplan Summary

The unified destination of Brooklyn Center and Brooklyn Park ("the Brooklyns") has the opportunity to better leverage the visitor economy by building on the cities' diversity and positioning the destination as an ideal location for visitors wanting to access the attractions/amenities to the north/northwest of Minneapolis.

The Brooklyns should also continue to promote the easy of access to Minneapolis and the value of the lodging options in both cities.

As the DMO transitions to representing Brooklyn Center and Brooklyn Park exclusively, MNWT will need to focus its efforts on:

1. Building relationships within the destination, including:
    - A stronger working relationship with the two cities
    - Connections with cultural communities (through support for events)
    - Updating/refining how the organization supports hoteliers and venues in the cities
2. Continuing to re-position the two cities as a unified destination (on the website and external and internal messaging)
3. Understanding the current visitor profile and building strategies to reach desired visitor targets

To this end, the President and CEO should:

Create an engagement plan to reengage with destinations partners in the cities

1. Individual and group meetings with hoteliers and venue operators to understand these stakeholders' expectations of MNWT in supporting group sales efforts and/or providing market intelligence to support, especially in consideration of the updated positioning of the destination.
2. Build an inventory of the hospitality infrastructure in the two cities and support efforts to create a unified digital "persona" for the destination (Consider using Miles Partnership's Destination Optimization program to standardize how attractions/amenities in the cities "show" on Google searches)

Build a "Connectors" program for the destination

1. Identifying individuals/organizations in the city that are holding events or have visitor facing attractions which reflect the diversity and character of the cities.
2. Encourage these "connectors" to use their relationships with external audiences and work to bring visitors to the Brooklyns.
3. Provide the connectors collateral/messaging to pique/secure interest in the Brooklyns
4. Work on behalf of connectors with venues and hotels to enhance the visitor/guest experience

Manage and adjust marketing/sales efforts

1. Adjust marketing plans to reflect opportunity to position the destination as an ideal location for visitors wanting to access diverse attractions/amenities in close proximity to Minneapolis
2. Adjust sales approach to support identified needs of the hoteliers
3. Share business intelligence/data with hoteliers/venues on a regular basis

Build reporting mechanism to show progress

1. In collaboration with the Board, develop a set of annual goals for the year
2. Develop and seek approval for a set of metrics by which the MNWT program will be evaluated
3. Set regularly scheduled updates for the City Councils of Brooklyn Center and Brooklyn Park on progress in the above efforts outside the Board meetings.
4. Report on progress on attaining goals at each Board meeting

Job Description: MNTB President/CEO

Draft for review

Summary: Directs all strategic initiatives and leads/manages the working team towards accomplishing the mission of the destination organization. Build and maintain strong relationships within both cities and their respective businesses. Acts as primary spokesperson for the organization. Reports directly to the Board of Directors

Job Description: The President of the destination organization is responsible for crafting and managing the strategies of the destination management and marketing organization. This position works closely with the Board of Directors and staffing of each city to illustrate the destination experiences that can be enjoyed in the two cities and overall value of tourism development to Brooklyn Center and Brooklyn Park. The President leads the staff to determine and advance the organization's strategies, the destination's brand, and the relationships with the community. Concentrated reporting of direction, efforts, and results is vital to the success of this position and the organization. As primary spokesperson, the President takes an active role in communicating the positive direction of the destination and managing the crisis communication messages.

Illustrative Tasks

- Prepares and administers the annual budget for the destination organization serving the Brooklyns to effectively implement all the related aspects of the organization's strategic plan.
- Oversees all facets of the organization's work plan through managing and support the team members and cooperative marketing partners. This includes being an active leader within content development storylines, social media marketing, sales positioning, contact connections, relationship development, and converting bookings.
- Hires, trains, and supervises all team members.
- Develops reporting materials for presentations and updates to industry members, City officials, media and Board of Directors.
- Evaluates effectiveness and efficiency of all programming.
- Reports directly to the Board of Directors.

BYLAWS
of
Minneapolis Northwest Tourism

This instrument constitutes the Bylaws of the North Metro Minneapolis Convention and Visitors Bureau, also doing business as "XXXXX," a Minnesota nonprofit corporation (the "Corporation"). The Corporation is incorporated under and pursuant to the Minnesota Nonprofit Corporation Act, Minnesota Statues Chapter 317A, as amended (the "Act"). The Bylaws help to regulate and manage the internal affairs of the Corporation.

ARTICLE I
General Purpose and OFFICE

The specific purposes of the Corporation shall include, but not be limited to:

- Promote it's member cities as a combined destination for visitors by amplifying the brand, attracting meetings/conferences/sports, and supporting signature events that allow guests to experience the unique character of the cities.
- Provide leadership and engagement with each community and the various hospitality and tourism businesses and organizations that help provide the area's visitor experience.
- Support the economic well-being, cultural diversity, and overall identity of member cities by encouraging overnight stays in the cities.

The principal and registered office of the Corporation shall be located within one of the cities whose lodging tax funds are administered by this Corporation.

ARTICLE II
NAME

The Corporation, North Metro Minneapolis Convention & Visitors Bureau shall do business under its dba name, XXXXX.

ARTICLE III
MEMBERS

Section 1. Members of the Corporation
The Members of the Corporation shall be the following:

(A) Member cities which have passed a Lodging Tax Resolution for collection of Lodging Tax under Chapter 469.190 of Minnesota Statutes and whose funds from such taxes are administered by this Corporation.
(B) Hotels and motels in such cities as set forth above.
(C) Area attractions, venues, and tourism-affected businesses as deemed appropriate by the Board of Directors
(D) Any other person or entity named to the Board of Directors who is not listed above.

Section 2. Appointed Members
Members **of the corporation can be appointed to the Board of Directors.** The Board of Directors vote on all matters for the Corporation.

ARTICLE IV-BOARD OF DIRECTORS

Section 1. Size of Board
The number of Directors shall not be less than nine (9), nor more than thirteen13).

Section la. Board Responsibilities
The government and policy-making responsibilities of Minneapolis Northwest Tourism shall be vested in the Board of Directors, which shall control its property, be responsible for its finances, direct its affairs and establish policy. It shall be the obligation of the Board of Directors working collaboratively with the municipalities of member cities to insure representation on the Board and its committees from all appropriate Members of the Corporation.

Powers and Duties of the Board of Directors shall include, but not be limited to

1. Election of Officers
2. Employ President & CEO
3. Keep the member cities and Director's constituent base informed of the Corporation's activities
4. Serve as an advocate and ambassador for tourism and hospitality in both cities

Section 2. Appointed Representation
Each member City must appoint:

-
- One (1) representative from the cities respective City Council
- One (1) professional staff appointee from the respective city

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Section 2a. Appointed City Representation, Alternates
Each Member City may designate one (1) named individual representative to participate as an Alternate in board meetings with actions in the event that the city appointed (City Council or professional staff) is unable to attend. In the absence of the City's Appointed Representative, the Alternate will be allowed to vote in place of the Appointed City Representative.

Section 3. Board Appointed Directors

A slate of candidates of no less than five (5) and up to nine (9) representatives from ~~area~~ lodging properties, attractions, venues, appropriate tourism affected businesses, or other persons or entities from member cities or the surrounding area and deemed appropriate by the Board of Directors shall be identified and recruited by the Board of Directors.

The Secretary shall present the slate of candidates identified and agreed upon by the Board of Directors for consideration at the December Board Meeting. The Elected Board Members will be confirmed by a two-thirds (2/3) vote of the current Board Members.

Section 3a. Non-Voting Directors
Ex-Officio Board Members may be appointed by a majority vote of the Board of Directors of the Minneapolis Northwest Tourism during a regular board meeting. All Ex-Officio Board Members will receive notices of meetings and minutes. Any Ex-Officio Board Member may participate in discussions, and serve on committees. Ex-Officio Board Members may not vote as a Board Member..

Section 4. Nomination of Candidates
Candidates for election to the Board of Directors may be nominated by any corporate Member. Names of candidates for election shall be submitted to the Secretary of the Corporation by the 15th day of November each year.

Section 4. Terms

Term of office for all Directors shall be up to three (3) years. Elected Directors may be re-elected to serve a maximum of two consecutive three (3) year terms.

For the initial Board of the Corporation governed by the amended by-laws:

- The two City Council members and professional staff appointed by their respective city will serve an initial term of three (3) years.
- The remaining directors (appointed and elected) will randomly draw to be assigned to a staggered set of terms each of which is eligible for two re-elected terms of three years:
    - 50% of remaining directors – initial term of one (1) year
    - 50% of remaining directors – initial term of two (2) years

After the appointment and election of the initial Board governed by the amended by-laws, all terms begin the year in which a director is seated on the board, regardless of whether it is a new position or a vacancy.

Section 5. Absences

Any Director who misses three (3) consecutive meetings or accrues four (4) absences within a twelve-month period, without a valid reason given to a Board Officer, may result in his/her membership on the board to be terminated. Upon motion of a sitting board member, termination shall be determined by simple majority of attending board members by ballot vote at a regularly scheduled meeting of the board.

Section 6. Policies and Code of Conduct

All board members elected or appointed must agree and sign the Corporations Board Policies/Procedures and Code of Conduct.

ARTICLE V
OFFICERS

Section 1. Composition

The officers of this Corporation shall be the Chair of the Board, one Vice Chair, Secretary, Treasurer, and the Immediate Past Chair of the Board.

Section 2. Election of Officers

Officers shall be elected annually for terms of one (1) year by the Board of Directors.

Section 3. Inclusion

The officers should include at least one **(1)** City Representative from each city.

ARTICLE VI
DUTIES OF OFFICERS

Section 1. Chair of the Board

The Chair of the Board shall have overall supervision of the business of the Corporation and shall

direct the affairs and policies of the Corporation, subject to such policies and directions as may be provided by the Board of Directors. The Chair of the Board shall preside at all meetings of the Board of Directors, as well as at Executive Committee meetings.

Section 2. Vice Chair
The Vice Chair shall exercise and perform the duties of the Chair of the Board, in the Chair of the Board's absence and/or inability to serve. The Vice Chair shall also have such powers and shall perform such duties as may be assigned to them by the Chair of the Board or the Board of Directors.

Section 3. Secretary
The Secretary shall attend all meetings of the Members, Board of Directors and Executive Committee. The secretary shall keep proper minutes of such meetings, and work with staff to give all required notices, keep membership records, and shall perform such other duties as may be assigned by the Chair of the Board or the Board of Directors.

The Secretary will take the lead on working with the remainder of the Board to identify and recruit a slate of identified, potential board members. The Secretary will be responsible for bringing the slate to the full Board for its consideration.

Section 4. Treasurer
The Treasurer shall oversee all funds of the Corporation. Working with the staff, the Treasurer shall keep an accurate account of all receipts and disbursements, deposit all monies in the name of the Corporation in such banks or depositories as the Board of Directors shall designate, disburse funds of the Corporation as directed by the Chair of the Board or the Board of Directors and perform such other duties as may be assigned by them.

Section 5. Immediate Past Chair of the Board
The Immediate Past Chair of the Board shall serve on the Executive Committee as an Ex-officio member of the Board, assist the Chair of the Board, preside at the next annual meeting of the Corporation, and perform such duties and functions as may be assigned by the Chair of the Board or suggested by the Board of Directors.

ARTICLE VII
COMMITTEES

Section 1. Executive Committee
The Executive Committee, consisting of the Officers set forth above and one or more additional members as the Board of Directors may determine, will function and carry out Board duties and responsibilities between Board of Directors meetings, subject to the direction and control of the Board of Directors.

Section 2. Others

Other Committees may be appointed by the Chair of the Board, and/or the Board of Directors as needed.

ARTICLE VIII
PRESIDENT/CEO

Section 1.
The Board of Directors shall hire a full-time president/chief operating officer to be named President /CEO. Such person shall be responsible for the day-to-day functioning of the Corporation.. The President/CEO shall be a non-voting, Ex-officio Member to the Corporation(s) Board of Directors.

ARTICLE IX
MEETINGS

Section 1. Annual Meeting
A meeting of Members shall be held during January of each year at a time and place set by the Board of Directors.

Section 2. Regular Meetings
The Board of Directors shall meet at least 4(6) times per year at a time and place selected by the Chair of the Board of the Corporation.

Section 3. Executive Committee Meetings
The Executive Committee shall meet at least four (4) times per year at the call of the Chair of the Board, and at such other times that the business of the Corporation requires.

Section 4. Notice of Meetings
Notice of Board of Directors Annual Meeting shall be distributed to each member at least two (2) weeks before the meeting date. Notice of Board of Director meetings shall be distributed to Directors at least ten (10) days before the meeting date. Notice of Executive committee meetings shall be distributed to committee members at least five (5) days prior to the meeting.

ARTICLE X
NOTICE OF MEETINGS

Section 1.
Whenever, under the provisions of Minnesota Statutes, the Articles of Incorporation or these By-Laws, notice is required to be given to a Member, a Director or a member of a committee, such notice may be given in writing by depositing it in the United States mail (first class postage prepaid) or by electronic mail (Email), or facsimile (fax), addressed to such person as his or her address appears on the books of the Corporation or at his or her business address. Notice shall be deemed at the time it is deposited in the United States mail or sent by Email, or fax. Such requirement for notice shall be deemed satisfied, except where written notice is required by law, if actual notice is received orally or in written form by the person entitled thereto as far in advance of the event with respect to which notice is given as the minimum notice period required by law or these By-Laws.

Section 2.
Waiver of Notice. Whenever any notice is required to be given by Minnesota Statutes, the Articles of Incorporation, or these By-Laws, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before, or after the time stated therein, shall be deemed equivalent thereto. Attendance by such a person at a meeting shall constitute a waiver of notice of such meeting, except when the person attends a meeting for the express purpose of objecting, at the beginning of the meeting, to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting or the Members, Directors or committee members need be specified in any written waiver of notice unless so required by statute. Any meeting of Members of the Board of Directors or of a committee of the Board shall be a legal meeting without any notice thereof having been given if all Members, all Directors or all committee members, as the case may be, are present.

ARTICLE XI
SPECIAL MEETINGS

Section 1.
Special meetings of the Board of Directors may be called by the Chair of the Board and shall be called upon written demand of any three (3) Directors addressed to the Chair of the Board, to the Secretary or to the President/CEO, stating the object or purpose thereof. Notice of such meeting shall be delivered to each Director at least five (5) days before the date on which the meeting is to be held. The notice shall state the time, place and purpose of the meeting. The same provisions shall apply to Special Meetings for Members of the Corporation.

ARTICLE XII
QUORUMS

Section 1.
A majority of all Board of Directors, as the case may be, shall constitute a quorum for the purpose of transacting business at any annual, regular or special meeting. In the absence of a quorum, a majority of the Directors present may adjourn the meeting, without notice other than announcement at the meeting, until a quorum is present. The Directors present at the meeting at which a quorum is present may continue to transact business until adjournment, notwithstanding the withdrawal of enough Directors to leave less than a quorum.

ARTICLE XIII
ACTION WITHOUT MEETING

Section 1.

Unless otherwise restricted by Minnesota Statutes or the Articles of Incorporation, any action of Directors, or of any committee thereof, may be taken without a meeting if a written consent thereto is signed by all members, all Directors or committee members and such written consent is filed with the minutes of the meeting of Directors or committee, as the case may be.

ARTICLE XIV
OFFICER REMOVAL- RESIGNATION

Section 1.
Any officer may be removed either with or without cause by a two-thirds (2/3) vote of the whole Board of Directors.

Section 2.
Any officer may resign at any time by giving written notice to the Chair of the Board, Secretary, or President/CEO of the Corporation. Such resignation shall take effect on the date of the receipt of such notice or any later time specified therein.

ARTICLE XV
DIRECTOR RESIGNATION - REMOVAL

Section 1.
Any Director may resign at any time by giving written notice to the Chair of the Board, Secretary, or President/CEO of the Corporation. Such resignations shall take effect on the date of the receipt of such notice or at any time specified in the resignation. The acceptance of such resignation shall not be necessary to make it effective.

Section 2.
The Board of Directors at any regular meeting or at a special meeting called for that purpose, may remove a member of the Board of Directors with or without cause, provided that requisite notice is given of the pending removal and that an affirmative vote of at least six directors is cast to remove the Director.

Section 3.
All vacancies of the Board caused by death, resignation, or removal must be filled by action of the Board of Directors.

ARTICLE XVI
BY-LAWS AMENDMENTS

Section 1.
Amendments to these By-Laws may be adopted by Board of Directors at any meeting of the Board called for that purpose, and upon a two-thirds (2/3) affirmative vote. At least ten (10) days' notice shall be given to Board members together with a

copy of the proposed amendments.

ARTICLE XII
FISCAL YEAR

Section 1.

The fiscal year of the Corporation shall begin on January 1 of each year and end on December 31 of each year. It shall be the responsibility of the Board of Directors to adopt a budget for the forthcoming fiscal year. It shall be the responsibility of the President/CEO and Treasurer to refrain from engaging in or completing, any action of any kind whatsoever which may result in the Corporation exceeding total budgeted expenditures for that fiscal year without first advising the Chair of the Board regarding the nature of the probable excess and having secured from the Board of Directors authorization to proceed.

ARTICLE XII-INSURANCE

Section 1.
Each Director and Officer, whether or not then in office, shall be indemnified by the Corporation against costs and expenses reasonably incurred by him/her in connection with any action, suit or proceeding **in** which he/she may be involved by reason of his/her being or having been a Director or Officer of the Corporation, except in relation to matters as to which he/she be finally adjudged **in** any such action, suit or proceeding in which he/she may be involved by reason of his/her being or having been a Director of Officer of the Corporation, except **in** relation to matters as to which he/she shall be finally adjudged in any such action, suit or proceeding to be or to have been derelict in the performance of his/her duty as such Director or Officer. The foregoing right of indemnification shall not be exclusive of the rights to which a Director or Officer may be entitled as a matter of law.

ARTICLEXIV
FINANCIAL ACCOUNTING AND REPORTING

Section 1.
The Officers of the Corporation and particularly the President/CEO shall adhere to all requirements set forth in Minnesota Statutes 469.190 relating to funds received from city lodging taxes, as well as the respective cities' accounting and reporting requirements.

ADOPTION

The foregoing Bylaws of Minneapolis Northwest Tourism were duly amended, approved, and adopted by a majority of those voting members present at the _____ board meeting of the Corporation.

BYLAWS
of
Minneapolis Northwest Tourism

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This instrument constitutes the Bylaws of the North Metro Minneapolis Convention and Visitors Bureau, also doing business as "XXXXX," a Minnesota nonprofit corporation (the "Corporation"). The Corporation is incorporated under and pursuant to the Minnesota Nonprofit Corporation Act, Minnesota Statues Chapter 317A, as amended (the "Act"). The Bylaws help to regulate and manage the internal affairs of the Corporation.

ARTICLE I
General Purpose and OFFICE

The specific purposes of the Corporation shall include, but not be limited to:

- Promote ~~the~~it's member cities ~~of Brooklyn Center and Brooklyn Park, Minnesota~~ as a combined destination for visitors by amplifying the brand ~~of the two cities~~, attracting meetings/conferences/sports, and supporting signature events that allow guests to experience the unique character of the cities.
- Provide leadership and engagement with each community and the various hospitality and tourism businesses and organizations that help provide the area's visitor experience.

- Support the economic well-being, cultural diversity, and overall identity of ~~both Brooklyn Center and Brooklyn Park~~member cities by encouraging overnight stays in the cities.

The principal and registered office of the Corporation shall be located within one of the cities whose lodging tax funds are administered by this Corporation.

ARTICLE II
NAME

The Corporation, North Metro Minneapolis Convention & Visitors Bureau shall do business under its dba name, ~~Minneapolis Northwest Tourism~~ XXXXX.

ARTICLE III
MEMBERS

Section 1. Members of the Corporation

The Members of the Corporation shall be the following:

(A) ~~The Cities The City of Brooklyn Center and the City of Brooklyn Park, both of~~Member cities which have passed a Lodging Tax Resolution for collection of Lodging Tax under Chapter 469.190 of Minnesota Statutes and whose funds from such taxes are administered by this Corporation.

(B) Hotels and motels in such cities as set forth above.

(C) Area attractions, venues, and tourism-affected businesses as deemed appropriate by the Board of Directors

(D) Any other person or entity named to the Board of Directors who is not listed above.

Section 2. ~~Voting Members~~Appointed Members

Members **of the corporation can be appointed to the Board of Directors.** The Board of Directors vote on all matters for the Corporation. ~~Each Member of the Corporation (City, Hotel or Motel, and appropriate attraction or venue, or other individual or entity) shall be entitled to be represented by one voting member at the Annual Meeting of the Members of the Corporation.~~

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ARTICLE IV-BOARD OF DIRECTORS

Section 1. Size of Board

The number of Directors shall not be less than nine~~seven~~ (9~~7~~), nor more than ~~fifteen fifteen~~thirteen~~nine~~ (15~~15~~13).

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Section 1a. Board Responsibilities

The government and policy-making responsibilities of Minneapolis Northwest Tourism shall be vested in the Board of Directors, which shall control its property, be responsible for its finances, direct its affairs and establish policy. It shall be the obligation of the Board of Directors working collaboratively with the municipalities of ~~Brooklyn Center and Brooklyn Park~~member cities to insure representation on the Board and its committees from all appropriate ~~stakeholders within its service area~~Members of the Corporation.

Powers and Duties of the Board of Directors shall include, but not be limited to

1. Election of Officers
2. Employ President & CEO
3. Keep the ~~two~~member cities and Director's constituent base informed of the Corporation's activities

4. Serve as an advocate and ambassador for tourism and hospitality in both cities

Section 2. Appointed Representation
Each member City mustay appoint:

- ~~One (1) representative from a hotel or lodging property in the member City~~
- One (1) representative from the cities respective City Council
- One (1) professional staff appointee from the respective city

~~Attendance, engagement and participation one (1) Director to the Board of Directors. The term of any Director appointed by a member City shall immediately cease upon the tennination of membership of that member city in the Corporation~~.

Section 2a. Appointed City Representation, Alternates
Each Member City may designate one (1) named individual representative to participate as an Alternate in ~~all~~ board meetings ~~and~~ with actions in the event that the city appointed (City Council or professional staff) is unable to attend. ~~If both the Appointed Representative and the designated Alternate are present at the same meeting, both may sit at the table and be included in any and all discussion. However, only i~~In the absence of the City's Appointed Representative, ~~may~~ the Alternate will be allowed to vote in place of the Appointed City Representative.

Section 3. ~~Elected Representation~~ Board Appointed Directors
A slate of candidates of no less than five~~three~~ (~~1~~53) and up to nine (~~35~~79) representatives from ~~area~~ lodging properties, attractions, venues, appropriate tourism affected businesses, or other persons or entities from ~~either~~member cit~~ies~~y or the surrounding area and deemed appropriate by the Board of Directors shall be identified and recruited by the Board of Directors.~~The other Directors shall be elected at the Annual Meeting of the Corporation to be held by the end of January each year. Elected members should include one hotelier from each member city. The balance of the elected representatives shall be from area attractions, venues, appropriate tourism affected businesses, or other persons or entities deemed appropriate by the Board of Directors.~~

The Secretary shall present the slate of candidates identified and agreed upon by the Board of Directors for consideration at the December Board Meeting. The Elected Board Members will be confirmed by a two-thirds (2/3) vote of the current Board Members.

Section 3a. ~~Ex-Officio Representation~~Non-Voting Directors
Ex-Officio Board Members may be appointed by a majority vote of the Board of Directors of the Minneapolis Northwest Tourism during a regular board meeting. All Ex-Officio Board Members will receive notices of meetings and minutes. Any Ex-Officio Board Member may participate in discussions, ~~make motions,~~ and serve on committees. Ex-Officio Board Members may not vote as a Board Member. ~~The term of any Ex-Officio Board Member shall immediately cease upon the termination of membership of that member city in the Corporation, or on December 31st of the year in which they were voted onto the Board~~.

Section 4. Nomination of Candidates
Candidates for election to the Board of Directors may be nominated by any corporate Member. Names of candidates for election shall be submitted to the Secretary of the Corporation by the 15th day of

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November each year.

Section ~~5~~4. Terms
Term of office for all Directors shall be up to three (3) years. Elected Directors may be re-elected to serve a maximum of two consecutive three (3) year terms.

For the initial Board of the Corporation governed by the amended by-laws:

- The two City Council members and professional staff appointed by their respective city will serve an initial term of three (3) years.
- The remaining directors (appointed and elected) will randomly draw to be assigned to a staggered set of terms each of which is eligible for two re-elected terms of three years:
  - 50% of remaining directors – initial term of one (1) year
  - 50% of remaining directors – initial term of two (2) years

After the appointment and election of the initial Board governed by the amended by-laws, ~~A~~all terms begin the year in which a director is seated on the board, regardless of whether it is a new position or a vacancy. ~~All terms, elected or appointed, end on December 31st. The term of any elected or appointed Director shall immediately cease upon the termination of membership of that member-city in the Corporation.~~

Section ~~6~~5. Absences ~~Extended Terms~~
~~**The Directors, by a two-thirds (2/3) vote at a regular meeting may elect a Director for a longer term of the office. That election must be confirmed by the Members of the Corporation at their next annual meeting.**~~

Any Director who misses three (3) consecutive meetings or accrues four (4) absences within a twelve-month period, without a valid reason given to a Board Officer, may result in his/her membership on the board to be terminated. Upon - motion of a sitting board member, termination shall be determined -by simple majority of attending board members by ballot vote at a regularly scheduled meeting of the board.

~~**Section 6a. Officers in Succession**~~
~~Any Officer elected into succession shall be extended their regular term or consecutive terms as a Director until the obligations of such positions are fulfilled. Typical succession is as follows: Vice Chair to Chair of the Board, to Immediate Past Chair.~~

Section 6. Policies and Code of Conduct
All board members elected or appointed must agree and sign the Corporations Board Policies/Procedures and Code of Conduct.

ARTICLE V
OFFICERS

Section 1. Composition
The officers of this Corporation shall be the Chair of the Board, one ~~or more~~ Vice Chair~~s~~, Secretary, Treasurer, and the Immediate Past Chair of the Board.

Section 2. Election of Officers
Officers shall be elected annually for terms of one (1) year by the Board of Directors ~~immediately following the Annual Meeting of the Members~~.

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Section 3. Inclusion
The officers should include at least one **(1)** City Representative from each city ~~and at least one (1) Hotelier~~.

~~**Section 4. Nomination of Candidates**~~
~~Candidates for election to the Board of Directors may be nominated by any Member of the Corporation. Names of candidates for election shall be submitted to the Secretary of the Corporation by the 15th day of November each year.~~

ARTICLE VI
DUTIES OF OFFICERS

Section 1. Chair of the Board
The Chair of the Board shall have overall supervision of the business of the Corporation and shall direct the affairs and policies of the Corporation, subject to such policies and directions as may be provided by the Board of Directors. The Chair of the Board shall preside at all meetings of the Board of Directors, as well as at Executive Committee meetings.

Section 2. Vice Chair
The Vice Chair~~(s)~~ shall exercise and perform the duties of the Chair of the Board, in the Chair of the Board's absence and/or inability to serve. The Vice Chair~~(s)~~ shall also have such powers and shall perform such duties as may be assigned to them by the Chair of the Board or the Board of Directors.

Section 3. Secretary
The Secretary shall attend all meetings of the Members, Board of Directors and Executive Committee. The secretary shall keep proper minutes of such meetings, and work with staff to give all required notices, keep membership records, and shall perform such other duties as may be assigned by the Chair of the Board or the Board of Directors.

The Secretary will take the lead on working with the remainder of the Board to identify and ~~for identifying for~~ recruit a slate of ~~elected~~identified, potential board members. The Secretary will be responsible for bringing the slate to the full Board for its consideration.

Section 4. Treasurer
The Treasurer shall oversee all funds of the Corporation. Working with the staff, the Treasurer shall keep an accurate account of all receipts and disbursements, deposit all monies in the name of the Corporation in such banks or depositories as the Board of Directors shall designate, disburse funds of the Corporation as directed by the Chair of the Board or the Board of Directors and perform such other duties as may be assigned by them.

Section 5. Immediate Past Chair of the Board
The Immediate Past Chair of the Board shall serve on the Executive Committee as an Ex-officio member of the Board, assist the Chair of the Board, preside at the next annual meeting of the Corporation, and perform such duties and functions as may be assigned by the Chair of the Board or suggested by the Board of Directors.

ARTICLE VII
COMMITTEES

Section 1. Executive Committee
The Executive Committee, consisting of the Officers set forth above and one or more additional members as the Board of Directors may determine, will function and carry out Board duties and responsibilities between Board of Directors meetings, subject to the direction and control of the Board

of Directors.

Section 2. Others

Other Committees may be appointed by the Chair of the Board, and/or the Board of Directors as needed.

ARTICLE VIII
~~EXECUTIVE DIRECTOR~~PRESIDENT/CEO

Section 1.
The Board of Directors shall hire a full-time president/chief operating officer to be named President /CEO. Such person shall be responsible for the day-to-day functioning of the Corporation. ~~Corporation and may be entrusted with the duties and responsibilities of any of the officers, as determined by the Board of Directors~~. The President/CEO shall be a non-voting, Ex-officio Member to the Corporation(s) Board of Directors.

ARTICLE IX
MEETINGS

Section 1. Annual Meeting
A meeting of Members shall be held during January of each year at a time and place set by the Board of Directors.

Section 2. Regular Meetings
The Board of Directors shall meet at least ~~four~~ 4~~six~~ (4~~6~~) times per year at a time and place selected by the Chair of the Board of the Corporation.

Section 3. Executive Committee Meetings
The Executive Committee shall meet at least four~~six~~ (4~~6~~) times per year at the call of the Chair of the Board, and at such other times that the business of the Corporation requires.

Section 4. Notice of Meetings
Notice of Board of Directors Annual Meeting shall be distributed to each member at least two (2) weeks before the meeting date. Notice of Board of Director meetings shall be distributed to Directors at least ten (10) days before the meeting date. Notice of Executive committee meetings shall be distributed to committee members at least five (5) days prior to the meeting.

ARTICLE X
NOTICE OF MEETINGS

Section 1.
Whenever, under the provisions of Minnesota Statutes, the Articles of Incorporation or these By-Laws, notice is required to be given to a Member, a Director or a member of a committee, such notice may be given in writing by depositing it in the United States mail (first class postage prepaid) or by electronic mail (Email), or facsimile (fax), addressed to such person as his or her address appears on the books of the Corporation or at his or her business address. Notice shall be deemed at the time it is deposited in the United States mail or sent by Email, or fax. Such requirement for notice shall be deemed satisfied, except where written notice is required by law, if actual notice is received orally or in written form by the person entitled thereto as far in advance of the event with respect to which notice is given as the minimum notice period required by law or these By-Laws.

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Section 2.
Waiver of Notice. Whenever any notice is required to be given by Minnesota Statutes, the Articles of Incorporation, or these By-Laws, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before, or after the time stated therein, shall be deemed equivalent thereto. Attendance by such a person at a meeting shall constitute a waiver of notice of such meeting, except when the person attends a meeting for the express purpose of objecting, at the beginning of the meeting, to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting or the Members, Directors or committee members need be specified in any written waiver of notice unless so required by statute. Any meeting of Members of the Board of Directors or of a committee of the Board shall be a legal meeting without any notice thereof having been given if all Members, all Directors or all committee members, as the case may be, are present.

ARTICLE XI
SPECIAL MEETINGS

Section 1.
Special meetings of the Board of Directors may be called by the Chair of the Board and shall be called upon written demand of any three (3) Directors addressed to the Chair of the Board, to the Secretary or to the President/CEO, stating the object or purpose thereof. Notice of such meeting shall be delivered to each Director at least five (5) days before the date on which the meeting is to be held. The notice shall state the time, place and purpose of the meeting. The same provisions shall apply to Special Meetings for Members of the Corporation.

ARTICLE XII
QUORUMS

Section 1.
A majority of all ~~Members or of all~~ Board of Directors, as the case may be, shall constitute a quorum for the purpose of transacting business at any annual, regular or special meeting. In the absence of a quorum, a majority of the ~~Members or~~ Directors present may adjourn the meeting, without notice other than announcement at the meeting, until a quorum is present. The ~~Members or~~ Directors present at the meeting at which a quorum is present may continue to transact business until adjournment, notwithstanding the withdrawal of enough Directors to leave less than a quorum.

~~ARTICLE XIII~~
~~VOTING BY PROXY~~

~~**Section 1.**~~
~~In no instance may a member, director, officer or committee member vote by proxy. If a quorum is not present, the meeting must be adjourned without action and a new meeting must be scheduled, allowing for proper and timely notification.~~

ARTICLE XI~~V~~II
ACTION WITHOUT MEETING

Section 1.
Unless otherwise restricted by Minnesota Statutes or the Articles of Incorporation, any action of ~~Members,~~ Directors, or of any committee thereof, may be taken without a meeting if a written consent thereto is signed by all members, all Directors or committee members and such written consent is filed with the minutes of the meeting of ~~Members,~~ Directors or committee, as the case may be.

~~ARTICLE XV~~
~~CONTRACTS, CHECKS, DRAFTS, BANK ACCOUNTS, ETC.~~

~~**Section 1.**~~
~~Contracts, etc. - How Executed. Except as otherwise provided in these By-Laws, the Board of Directors may authorize any two (2) officers of the Corporation to enter into any contract or execute and deliver any instrument in the name of or on behalf of the Corporation. Such authority may be general or confined to specific instances. Unless so authorized by the Board of Directors, no officer shall have any power or authority to bind the Corporation by any contract or engagement or to pledge its credit or to render it liable for any purpose or for any amount.~~

~~**Section 1a.**~~
~~The Corporation may exercise a bid or request for proposal process on projects which exceed dollar amounts determined by the Executive Committee.~~

~~**Section 2.**~~
~~Loans. No loan shall be contracted on behalf of the Corporation and no negotiable paper shall be issued in its name unless authorized by the Board of Directors. When so authorized, any two (2) officers of the Corporation may execute and deliver promissory notes or other evidence of indebtedness of the Corporation, and as security for the payment of loans, advances, and liabilities of the corporation, any mortgage, pledge, or transfer real or personal property held by the corporation.~~

~~**Section 3.**~~
~~Checks, Drafts, Etc. All checks, drafts, or orders for the payment of money issued in the name of the Corporation shall be signed by the President/CEO and/or one (1) or more officers of the corporation in such manner as authorized by the Board of Directors.~~

~~**Section 4.**~~
~~Deposits. All funds of the Corporation shall be deposited to the credit of the Corporation under such conditions and in such banks, trust companies, or other depositories as the Board of Directors may designate.~~

~~**Section 5.**~~
~~Conflicts oflnterest. No Officer or Director of this Corporation shall serve in a capacity and/or vote on matters of the Corporation which may directly involve or benefit said Officer or Director.~~

ARTICLE XIV~~I~~
OFFICER REMOVAL- RESIGNATION

Section 1.
Any officer may be removed either with or without cause by a two-thirds (2/3) vote of the whole Board of Directors.

Section 2.
Any officer may resign at any time by giving written notice to the Chair of the Board, Secretary, or President/CEO of the Corporation. Such resignation shall take effect on the date of the receipt of such notice or any later time specified therein.

ARTICLE XV~~II~~
DIRECTOR RESIGNATION - REMOVAL

Section 1.
Any Director may resign at any time by giving written notice to the Chair of the Board, Secretary, or President/CEO of the Corporation. Such resignations shall take effect on the date of the receipt of such notice or at any time specified in the resignation. The acceptance of such resignation shall not be necessary to make it effective.

Section 2.
The Board of Directors~~, by two-thirds (2/3) vote of the entire Board,~~ at any regular meeting or at a special meeting called for that purpose, may remove a member of the Board of Directors with or without cause, provided that requisite notice is given of the pending removal and that an affirmative vote of at least six directors is cast to remove the Director.

Section 3.
All vacancies of the Board caused by death, resignation, or removal ~~may~~ must be filled by action of the Board of Directors.

~~**Section 4.**~~
~~Absenteeism. The Board of Directors, by two-thirds (2/3) vote of the entire Board, at any regular meeting or at a special meeting called for that purpose may remove a member of the Board of Directors with or without cause, due to that member having two (2) or more unexcused absences from meetings annually.~~

ARTICLE XVI~~II~~
BY-LAWS AMENDMENTS

Section 1.
Amendments to these By-Laws may be adopted by Board of Directors at any meeting of the Board called for that purpose, and upon a two-thirds (2/3) affirmative vote.

At least ten (10) days' notice shall be given to Board members together with a

copy of the proposed amendments.

ARTICLE XI~~X~~I FISCAL YEAR

Section 1.

The fiscal year of the Corporation shall begin on January 1 of each year and end on December 31 of each year. It shall be the responsibility of the Board of Directors to adopt a budget for the forthcoming fiscal year. It shall be the responsibility of the President/CEO and Treasurer to refrain from engaging in or completing, any action of any kind whatsoever which may result in the Corporation exceeding total budgeted expenditures for that fiscal year without first advising the Chair of the Board regarding the nature of the probable excess and having secured from the Board of Directors authorization to proceed.

ARTICLE XII~~X~~-INSURANCE

Section 1.

Each Director and Officer, whether or not then in office, shall be indemnified by the Corporation against costs and expenses reasonably incurred by him/her in connection with any action, suit or proceeding **in** which he/she may be involved by reason of his/her being or having been a Director or Officer of the Corporation, except in relation to matters as to which he/she be finally adjudged **in** any such action, suit or proceeding in which he/she may be involved by reason of his/her being or having been a Director of Officer of the Corporation, except **in** relation to matters as to which he/she shall be finally adjudged in any such action, suit or proceeding to be or to have been derelict in the performance of his/her duty as such Director or Officer. The foregoing right of indemnification shall not be exclusive of the rights to which a Director or Officer may be entitled as a matter of law.

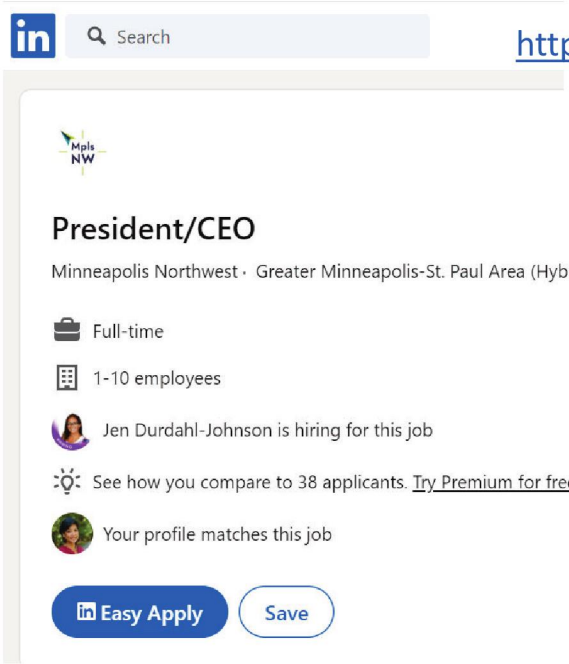
ARTICLEXIV~~XI~~
FINANCIAL ACCOUNTING AND REPORTING

Section 1.

The Officers of the Corporation and particularly the President/CEO shall adhere to all requirements set forth in Minnesota Statutes 469.190 relating to funds received from city lodging taxes, as well as the respective cities' accounting and reporting requirements.

ADOPTION

The foregoing Bylaws of Minneapolis Northwest Tourism were duly amended, approved, and adopted by a majority of those voting members present at the _____board meeting ~~immediately following the Annual Meeting~~ of the Corporation ~~on January 25, 2019~~.



https://www.linkedin.com/jobs/view/3380569310/

President/CEO

Minneapolis Northwest · Greater Minneapolis-St. Paul Area (Hybrid) 6 days ago · 38 applicants

Full-time

1-10 employees

Jen Durdahl-Johnson is hiring for this job

See how you compare to 38 applicants. Try Premium for free

Your profile matches this job

Easy Apply Save

About the job

Summary: Directs all strategic initiatives and leads/manages the working team towards accomplishing the mission of the destination organization. Build and maintain strong relationships within both cities and their respective businesses. Acts as primary spokesperson for the organization. Reports directly to the Board of Directors

Job Description: The President of the destination organization is responsible for crafting and managing the strategies of the destination management and marketing organization. This position works closely with the Board of Directors and staffing of each city to illustrate the destination experiences that can be enjoyed in the two cities and overall value of tourism development to Brooklyn Center and Brooklyn Park, Minnesota. The President leads the staff to determine and advance the organization's strategies, the destination's brand, and the relationships with the community. Concentrated reporting of direction, efforts, and results is vital to the success of this position and the organization. As primary spokesperson, the President takes an active role in communicating the positive direction of the destination and managing the crisis communication messages.

Illustrative Tasks

• Prepares and administers the annual budget for the destination organization serving the cities of Brooklyn Park and Brooklyn Center to effectively implement all the related aspects of the organization's strategic plan.
• Oversees all facets of the organization's marketing and sales plan through managing and support the team members and cooperative marketing partners. This includes being an active leader within content development storylines, social media marketing, sales positioning, contact connections, relationship development, and converting bookings.
• Hires, trains, and supervises all team members.
• Develops reporting materials for presentations and updates to industry members, city officials, media and Board of Directors.
• Evaluates effectiveness and efficiency of all programming.
• Reports directly to the Board of Directors.

Compensation contingent upon experience.
Rolling deadline with a first look by February 1, 2023.
Send cover letter and resume to info@mplsnw.com

Council Regular Meeting

DATE: 12/12/2022

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Elizabeth Heyman, Director of Public Works
BY: Cynthia Majors, Public Works Admin Assistant

SUBJECT: Resolution Declaring a Public Nuisance and Ordering the Removal of Diseased Trees at Certain Properties in Brooklyn Center, Minnesota

Requested Council Action:

- Motion to approve a resolution declaring a public nuisance and ordering the removal of diseased trees at certain properties as listed in the resolution.

Background:

The attached resolution represents the official City Council action required to expedite removal of diseased trees that were recently marked by the City Tree Inspector. The City has maintained a policy of removing and properly disposing of diseased trees in order to prevent tree diseases from spreading throughout the community. The removal of diseased trees is defined in City Ordinance Chapter 20-301 to 20-306. Although the City has historically focused on Dutch Elm disease, other transmissible diseases and infestations are addressed as well.

Property owners are given the opportunity to remove the diseased tree on their own or enter into an agreement to allow the City to remove the diseased tree. Where an agreement with the property owner is executed, a minimal administrative charge of $50 is applied to the costs associated with the tree removal.

After a diseased tree is declared a public nuisance by the City Council, another Compliance Notice will be provided to the property owner allowing additional time, at least five (5) days, for voluntary correction, again providing an option for an agreement with the City. If the property owner does not correct the violation or enter into an agreement, the City will remove the diseased tree. An administrative abatement service charge will be imposed based on the cost of the abatement, with a minimum charge of $150.

Budget Issues:

Inclusive Community Engagement:

The City's share of the cost of removal for diseased trees within the public right-of-way and on City property is included in the 2022 budget under the Public Works Forestry operating budget. The cost of removal for diseased trees located on private property is the responsibility of the respective property owner, and if unpaid, is specially assessed to the property.

Antiracist/Equity Policy Effect:

NA

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
Diseased Tree Resolution 12.12.22	12/5/2022	Resolution Letter

Member introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION DECLARING A PUBLIC NUISANCE AND ORDERING THE REMOVAL OF DISEASED TREES AT CERTAIN PROPERTIES IN BROOKLYN CENTER, MINNESOTA

WHEREAS, Brooklyn Center City Code Section 20-301 declares any diseased tree a public nuisance and provides for abatement by the City if not corrected by the property owner; and;

WHEREAS, removal of diseased trees and abatement of the public nuisances is necessary to prevent the spread of tree diseases and to protect the environmental quality and desirability of neighborhoods; and

WHEREAS, a Notice to Abate Nuisance and a Diseased Tree Removal Agreement has been issued to the owners of certain properties in the City allowing the owners twenty (20) days to remove diseased trees on the owners' property; and

WHEREAS, the City can expedite the removal of these diseased trees by declaring them a public nuisance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that:

1. The diseased tree at the following address is hereby declared to be a public nuisance.

Property Address	Tree Type	Tree Number
5344 Girard Ave N	Ash	60
5835 Camden Ave N	Ash	61
5733 Knox Ave N	Ash	63
4001 Joyce Ln	Ash	72
4007 Joyce Ln	Ash	73
3900 62nd Ave N	Ash	76
5814 Ewing Ave N	Ash	77
6100 Lee Ave N	Ash	78 & 79

2. After twenty (20) days from the date of the initial notice, the property owner(s) will receive a second written notice providing five (5) business days in which to contest the determination of the City Council by requesting, in writing, a hearing. Said request shall be filed with the City Clerk.

3. After five (5) days, if the property owner fails to request a hearing, the tree(s) shall be removed by the City. The cost of abatement shall be recorded and become the personal

RESOLUTION NO._____

responsibility of the owner of record. If unpaid, the costs shall be specially assessed to the property in accordance with City codes and Minnesota Statutes Chapter 429.

_____ _____

Date Mayor

ATTEST: _____
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member

and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:
whereupon said resolution was declared duly passed and adopted.

Council Regular Meeting

DATE: 12/12/2022

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Dr. Reggie Edwards, City Manager

SUBJECT: Engagement of Legal Services

Requested Council Action:

Authorizing The Execution Of A Letter of Engagement With A Law Firm For Legal Services.

Background:

the City Council Code of Policies Section 2.81 requires that the City solicit proposals for legal services every four (4) years.

Proposals were solicited in November 2022 through a Request for Proposals for Legal Services.

On December 5, 2022, the Mayor, two (2) Council members, City Manager, Communications and Community Engagement Manager and Interim Assistant City Manager, and Manager of the Office of Community Prevention, Health and Safety appointed by the City Council following the Code of Policies Section 2.81 has reviewed the proposals and recommended awarding of the engagement for auditing services to Kennedy Graven.

Budget Issues:

TBD/Negotiated

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

ATTACHMENTS:

Description	Upload Date	Type
Resolution	12/9/2022	Cover Memo

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE EXECUTION OF A LETTER OF ENGAGEMENT WITH A LAW FIRM FOR LEGAL SERVICES

WHEREAS, the City Council Code of Policies Section 2.81 requires that the City solicit proposals for legal services every four (4) years and;

WHEREAS, proposals were solicited in November 2022 through a Request for Proposals for Legal Services; and

WHEREAS, the Mayor, two (2) Council members, City Manager, Communications and Community Engagement Manager and Interim Assistant City Manager, and Manager of the Office of Community Prevention, Health and Safety appointed by the City Council following the Code of Policies Section 2.81 has reviewed the proposals and recommended awarding of the engagement for legal services to Kennedy Graven.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that the firm of Kennedy Graven is awarded an engagement letter for performing the legal services and that the City Manager is hereby authorized and requested to negotiate a Letter of Engagement for those legal services to be reviewed and considered for approval by the City Council.

December 15, 2022
Date

_____
Mayor

ATTEST: _____
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member

and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:
whereupon said resolution was declared duly passed and adopted.

Council Regular Meeting

DATE: 12/12/2022

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Dr. Reginald Edwards, City Manager

SUBJECT: Resolution Recognizing Mike Elliott for Serving as Mayor for the City of Brooklyn Center 2019 through 2022

Requested Council Action:

RESOLUTION EXPRESSING RECOGNITION AND APPRECIATION OF MIKE ELLIOTT FOR FOUR YEARS OF DEDICATED PUBLIC SERVICE AS MAYOR

Background:

Mike Elliott has served as Mayor for four years from January 1, 2019, through December 31, 2022.

Mayor Elliott contributed substantially to the progress and development of the city. His public service and civic effort for the betterment of the community merit the gratitude of the citizens of Brooklyn Center.

It is appropriate that his service and achievements for the city be permanently recognized and expressed.

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

ATTACHMENTS:

Description	Upload Date	Type
Resolution	11/30/2022	Resolution Letter

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION EXPRESSING RECOGNITION AND APPRECIATION OF MIKE ELLIOTT FOR FOUR YEARS OF DEDICATED PUBLIC SERVICE AS MAYOR

WHEREAS, Mike Elliott has served as Mayor for four years from January 1, 2019, through December 31, 2022; and

WHEREAS, his service to the City and his leadership has contributed substantially to the progress of the city; and

WHEREAS, his public service and civic effort for the betterment of the community merit the gratitude of the citizens of Brooklyn Center; and

WHEREAS, it is appropriate that his service and achievements for the city be permanently recognized and expressed.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Brooklyn Center, Minnesota, that Mike Elliott is hereby recognized by the City of Brooklyn Center, and this resolution serves as an expression of gratitude for the leadership, service, and civic effort he has secured to the citizens of the City of Brooklyn Center.

December 12, 2022
Date

_____
Mayor

ATTEST: _____
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member

and upon vote being taken thereon, the following voted in favor thereof:
and the following voted against the same:
whereupon said resolution was declared duly passed and adopted.

Council Regular Meeting

DATE: 12/12/2022

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Dr. Reggie Edwards, City Manager

SUBJECT: Resolution Recognizing Dan Ryan for Serving as Council Member for the City of Brooklyn Center 2007 through 2022

Requested Council Action:

RESOLUTION EXPRESSING RECOGNITION AND APPRECIATION OF DAN RYAN FOR HIS DEDICATED PUBLIC SERVICE AS COUNCIL MEMBER

Background:

Dan Ryan has served as a member of the Brooklyn Center Council from January 1, 2007, through December 31, 2022.

Council Member Ryan contributed substantially to the progress and development of the city. His public service and civic effort for the betterment of the community merit the gratitude of the citizens of Brooklyn Center.

It is appropriate that his service and achievements for the city be permanently recognized and expressed.

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

ATTACHMENTS:

Description	Upload Date	Type
Resolution	12/9/2022	Resolution Letter

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION EXPRESSING RECOGNITION AND APPRECIATION OF DAN RYAN FOR HIS DEDICATED PUBLIC SERVICE AS COUNCIL MEMBER

WHEREAS, Dan Ryan has served as a member of the Brooklyn Center Council from January 1, 2007, through December 31, 2022; and

WHEREAS, his service to the City and his leadership have contributed substantially to the progress and development of the city; and

WHEREAS, his public service and civic effort for the betterment of the community merit the gratitude of the citizens of Brooklyn Center; and

WHEREAS, it is appropriate that his service and achievements for the city be permanently recognized and expressed.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Brooklyn Center, Minnesota, that Dan Ryan is hereby recognized and appreciated by the City of Brooklyn Center, and this resolution serves as an expression of gratitude for the leadership and service he has rendered and the civic effort he has secured to the citizens of the City of Brooklyn Center.

December 12, 2022
Date

_____
Mayor

ATTEST: _____
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member

and upon vote being taken thereon, the following voted in favor thereof:
and the following voted against the same:
whereupon said resolution was declared duly passed and adopted.

Council Regular Meeting

DATE: 12/12/2022

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Jesse Anderson, Interim Community Development Director
BY: Olivia Boerschinger, Associate Planner

SUBJECT: A Request to Consider Planning Commission Application No. 2022-006 Requesting Issuance of a Special Use Permit to Operate an Adult Day Care Facility at 6070 Shingle Creek Parkway

Requested Council Action:

(1) Motion to:
- Open the public hearing;
- Take public input; and
- Close the public hearing.

(2) Motion to adopt a resolution approving Planning Commission Application No. 2022-006 for issuance of a Special Use Permit to operate an adult day care facility at 6070 Shingle Creek Parkway, based upon the findings of fact and submitted application, and as amended by the conditions of approval in the resolution.

Background:

Golden Age Adult Day Care LLC ("the Applicant"), is requesting review and consideration of an application to allow for the issuance of a Special Use Permit for the property located at 6070 Shingle Creek Parkway ("Subject Property").

Application materials were originally received on September 12, 2022; however, upon city staff review, the application was deemed incomplete. A Letter of Incomplete was provided to the Applicant on September 21, 2022. Additional materials were re-submitted on October 11, 2022 and the application was deemed complete. As part of the application process, a public hearing notice for Planning Commission review was submitted to the Brooklyn Center *Sun Post* for publication on October 27, 2022.

The Subject Property and proposed space is located within a multi-tenant strip mall located on the east side of Shingle Creek Parkway, south of Summit Drive, and north of John Martin Drive. The approximately 1,600-square foot tenant space under consideration within this application was most recently the home of USA Karate.

The C2 (Commerce) District does not acknowledge "adult daycare" uses as a permitted or Special Use, nor is the use mentioned anywhere in the City's existing Zoning Code. Minnesota State Statute defines "adult daycare center, adult day services center, or center" as, "a facility that provides adult day care or adult day services to functionally impaired adults on a regular basis for periods of less than 24 hours a day in a setting other than a participant's home or the residence of the facility operator."

Additionally, adult day centers are center-based facilities directly licensed by the Minnesota Department of Human Services (DHS) that provide adult day services to functionally impaired adults on a regular basis and

are regulated by Minnesota Rules, parts 9555.9600 to 9555.9730.

These rules set forth requirements governing:

- The development of programming to respond to identified needs of the individual;
- Rights of people receiving services;
- Staff qualifications, orientation and training requirements;
- Service expectations to ensure health and safety of people receiving services; and
- Policy and procedure requirements of the program

City staff also reviewed the request against the standards outlined for Special Use Permits under City Code Section 35-220, Subdivision 2, which address potential impacts on neighboring uses.

As "group day care facilities" have been identified as the most closely related use, Section 35-322 (*C2 Commerce District)*, Subsection 3 (*Special Uses)*, notes that:

q. Group day care facilities provided that such developments, in each specific case, are demonstrated to be:

1) Compatible with existing adjacent land uses as well as with those uses permitted in the C2 district generally.

2) Complementary to existing adjacent land uses as well as those uses permitted in the C2 district generally.

3) Of comparable intensity to permitted C2 district land uses with respect to activity levels.

4) Planned and designed to assure that generated traffic will be within the capacity of available public facilities and will not have an adverse impact upon those facilities, the immediate neighborhood, or the community.

5) Traffic generated by other uses on the site will not pose a danger to children served by the daycare use.

As indicated in the language above, the "group daycare facilities" use is typically geared toward the more traditionally seen child daycare model. As was the case in the approval of the other adult day care facilities in Brooklyn Center, Kashia Adult Day Services (C1 District, approved in 2003), and 5615 Brooklyn Boulevard (C1 District, approved in 2018), the Applicant's submittal is similar in that their clients would not be suffering from severe medical problems and would utilize the adult day care for socialization opportunities, peer support, nutritional health, and other social services.

The Special Use Permit request was noticed for public hearing at the November 10, 2022 Planning Commission meeting. This meeting failed to meet quorum, therefore the public hearing was not held and no recommendation was provided by the Planning Commission. The public hearing notice was republished on December 8th, 2022 for consideration by City Council.

Attached for your review are copies of the November 10, 2022 staff report and a draft copy of the Council resolution.

Budget Issues:

There are no budget issues to consider

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

ATTACHMENTS:

Description	Upload Date	Type
Planning Commission Staff Report	12/2/2022	Cover Memo
Resolution Golden Age SUP	12/5/2022	Resolution Letter
presentation	1/2/2023	Presentation

Planning Commission Report
Meeting Date: November 10, 2022

- Application Filed: 10/11/2022
- Review Period (60-day) Deadline: 12/10/2022
- Extension Declared: N/A
- Extended Review Period Deadline: N/A

Application No.	2022-006
Applicant:	Golden Age Adult Day Care LLC (Oliver Walker)
Property Owner:	Bpc Shingle Creek Hldgs LLC
Location:	6070 Shingle Creek Parkway (PID 02-118-21-12-0015)
Request:	Special Use Permit to allow for Adult Day Care facility

REQUESTED ACTION:
Golden Age Adult Day Care LLC ("the Applicant"), is requesting review and consideration of an application to allow for the issuance of a Special Use Permit for the property located at 6070 Shingle Creek Parkway, and referred to as the, "Subject Property."

Application materials were originally received on September 12, 2022; however, upon City Staff review, the application was deemed incomplete. A Letter of Incomplete was provided to the Applicant on September 21, 2022. Additional materials were re-submitted on October 11, 2022 and the application was deemed complete. As part of the application process, a public hearing notice was submitted to the Brooklyn Center *Sun Post* for publication on October 27, 2022 (Exhibit B).

COMPREHENSIVE PLAN AND ZONING STANDARDS



Map 1. Subject Property Location (6070 Shingle Creek Parkway)

Site Data:

2040 Land Use Plan:	MX-C Commercial Mixed Use (10.01-60 DU/acre)
Neighborhood:	Centennial
Current Zoning:	C2 – Commerce, Central Commerce Overlay District
Site Area:	Approximately 2.6 Acres, Individual Suite approximately 1,600 SF

Surrounding Area:

Direction	2040 Land Use Plan	Existing Zoning	Existing Land Use
North	MX-C	C2	Commercial
South	MX-C	C2	Commercial
East	MX-C	C2	Commercial
West	PSP/Institutional	C1A (Service/Office)	Government Office

EXISTING CONDITIONS

The Subject Property and proposed space is located within a multi-tenant strip mall located on the east side of Shingle Creek Parkway, south of Summit Drive, and north of John Martin Drive. Said development was constructed in 1986 following City approval under Planning Commission Application No. 85024, which approved not only two strip mall buildings of approximately 32,400-square feet and 8,400-square feet, known as Shingle Creek Center and owned by Property Owner Bpc Shingle Creek Hldgs LLC, but the approximately 105,000-square foot Target building, which is now owned by the Economic Development Authority of the City of Brooklyn Center. The approximately 1,600-square foot tenant space under consideration within this application was most recently the home of USA Karate.

SPECIAL USE PERMIT REVIEW

Background on Adult Day Care Facility Use

The C2 (Commerce) District does not acknowledge "adult daycare" uses as a permitted or Special Use, nor is the use mentioned anywhere in the City's Zoning Code. Minnesota State Statute section 245A.02 defines "adult daycare center, adult day services center, or center" as, "a facility that provides adult day care or adult day services to functionally impaired adults on a regular basis for periods of less than 24 hours a day in a setting other than a participant's home or the residence of the facility operator."

Further, Minnesota Statutes section 245A.02 (*Definitions*), subdivision 2a notes that "adult day care," "adult day services," and "family adult day services" mean a program," that provides functionally impaired adults with an individualized and coordinated set of services including health services, social services, and nutritional services that are directed at maintaining and improving the participants' capabilities for self-care. Adult day care, adult day services, and family adult day services do not include programs where adults gather or congregate primarily for purposes of socialization, education, supervision, caregiver respite, religious expression, exercise, or nutritious meals."

Minnesota Statutes, section 245A.02, subdivision 7, defines "functional impairment" as follows:

Subd. 7. *Functional impairment*. For the purposes of adult day care, adult day services, family adult day services, or adult foster care, "functional impairment" means:

(1) a condition that is characterized by substantial difficulty in carrying out one or more of the essential major activities of daily living, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working; or

(2) a disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life and that requires support to maintain independence in the community.

Again, adult day centers are center-based facilities directly licensed by the Minnesota Department of Human Services (DHS) that provide adult day services to functionally impaired adults on a regular basis for periods of fewer than 24 hours during the day in a setting that is not a residence, and are regulated by Minnesota Rules, parts 9555.9600 to 9555.9730.

These rule sets forth requirements governing:

- The development of programming to respond to identified needs of the individual;
- Rights of people receiving services;
- Staff qualifications, orientation and training requirements;
- Service expectations to ensure health and safety of people receiving services; and
- Policy and procedure requirements of the program

Special Use Permit Request

The Applicant is requesting approval of a Special Use Permit to allow for an adult day care facility to locate into an existing multi-tenant strip mall building located at 6070 Shingle Creek Parkway, and within an approximately 1,600-square feet. According to Section 35-220 (*Special Use Permits)* of the City's Zoning Ordinance,

> *"Special uses are those which may be required for the public welfare in a given district but which are, in some respects, incompatible with the permitted uses in the district. Before a building or premises is devoted to any use classified as a special use by this ordinance, a special use permit must be granted by the City Council."*

As "group day care facilities" have been identified as the most closely related use, Section 35-322 (*C2 Commerce District)*, Subsection 3 (*Special Uses)*, notes that:

q. Group day care facilities provided that such developments, in each specific case, are demonstrated to be:

1) Compatible with existing adjacent land uses as well as with those uses permitted in the C2 district generally.
2) Complementary to existing adjacent land uses as well as those uses permitted in the C2 district generally.
3) Of comparable intensity to permitted C2 district land uses with respect to activity levels.
4) Planned and designed to assure that generated traffic will be within the capacity of available public facilities and will not have an adverse impact upon those facilities, the immediate neighborhood, or the community.
5) Traffic generated by other uses on the site will not pose a danger to children served by the daycare use.

Furthermore, group day care facilities shall be subject to the special requirements set forth in Section 35-412.

As indicated in the language above, the "group daycare facilities" use is typically geared toward the more

traditionally seen child daycare model. As was the case in the approval of the other adult day care facilities in Brooklyn Center, Kashia Adult Day Services (C1 District, approved in 2003), and 5615 Brooklyn Boulevard (C1 District, approved in 2018), the Applicant's submittal is similar in that their clients would not be suffering from severe medical problems and would utilize the adult day care for socialization opportunities, peer support, nutritional health, and other social services.

The Applicant notes in the application materials (Exhibit A), that the adult daycare facility would be open from 8 a.m. until 5 p.m., Monday through Friday. Clients would be picked up from their homes and brought to the Subject Property. Per conversations with the Applicant, clients would be picked up and dropped off by company transport vans, which would be parked on-site. The pick-up and drop-off times would vary; however, it is anticipated that the majority of pickups would occur between 8 a.m. and 9 a.m. and drop offs would occur between 3 p.m. and 5 p.m. Clients would have access to activities, such as exercising, tabletop games, conversations, reading, movies, etc., and would be provided with meals and snacks throughout the day.

During pre-application discussions with City staff, the Applicant anticipates the potential to service 40-50 clients at this location. The Applicant indicated in application materials the intent to have three (3) staff on site and one on-call staff. The official maximum occupancy is to be determined by the City Building Official and authorized occupancy through licensing by the Minnesota Department of Human Services (DHS). As the Subject Property consists of an approximately 1,600 square foot suite located within a multi-tenant commercial building, the Applicant will have to comply with staffing ratios and occupancy limits guided by state regulations, and as noted above.

The Applicant notes that, as clients would be brought by transport van to the Subject Property, the parking requirements would be less than that needed in a typical retail or office setting. Assuming a total of four (4) staff, a total of two parking spaces would be required for staff, as well as additional parking spaces for the transport vans. Per the site and building plans approved under Planning Commission Application No. 85001, the parking requirements are sufficient to accommodate retail uses for the approximately 35,000 square foot multi-tenant building on the parcel.

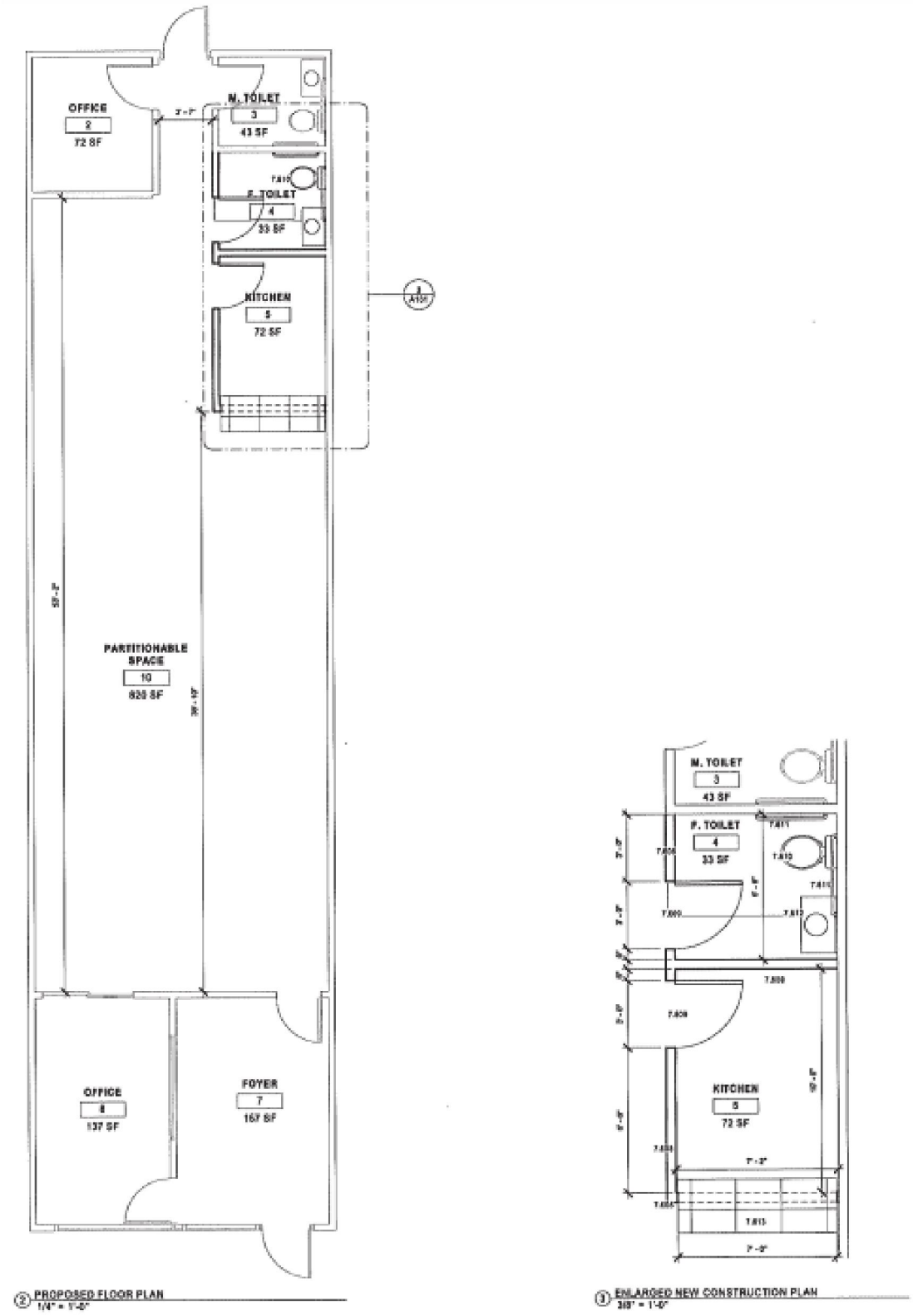


Image 2. Proposed Interior Layout of Subject Property (6070 Shingle Creek Parkway).

COMPLIANCE FOR STANDARDS FOR SPECIAL USE PERMITS

Special Use Permit Criteria

Per the *Standards of Special Use Permits*, a Special Use Permit may be granted by the City Council after demonstration by evidence that all of the following are met:

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

   The Applicant has noted that it is not his intent to endanger the public health, safety, morals, or comfort of his intended clients or the general public. As adult daycare uses are licensed through the Minnesota Department of Human Services (DHS), the use is conditional upon receiving approval from the State to operate at the Subject Property and ensuring all outstanding comments identified by City staff, including the City Building Official, Fire Inspector, and City Planner, are addressed. Prior to applying for the Special Use Permit, the Applicant contacted the City Building Official to discuss the potential use and provided preliminary plans to remodel the suite to accommodate the needs of the adult day care. Additional ADA compliant bathrooms will need to be constructed, as well as installation of a prep kitchen for client food needs (to be further addressed by the Hennepin County Health Department).

   As clients would not be driving to and from the Subject Property, safety is considered by having the clients picked up at their respective residences and dropped off at the front entry by a transport vehicle. Clients would be supervised throughout the day by staff and the facility would typically be open Monday through Friday during the daytime hours of 8a.m. to 5 p.m.

   The use is intended to provide functionally impaired adults with an individualized and coordinated set of services including health services, social services, and nutritional services that are directed at maintaining and improving the participants' capabilities for self-care. The centralized location also allows clients a place to socialize on a regular basis rather than in a potentially more isolated setting at home.

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

   The special use is not intended to be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair the property values within the neighborhood. The multi-tenant building is currently occupied by a variety of businesses including restaurant uses, hair salons, a laundromat, and other retail uses. The Subject Property is directly adjacent to Cricket Wireless and Hero's Barbershop LLC. The Subject Property is an individual suite within a greater multi-tenant strip mall building, allowing for some separation in uses.

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

The establishment of the special use should not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the district. The Subject Property is currently surrounded by like-zoned C2 (Commerce) District properties, with C1 and C1A (Service/Office) District office and hotel properties located across Summit Drive on the north, and the Hennepin County Government Service Center and Brookdale Library located across Shingle Creek Parkway to the west. The proposed location of the adult daycare facility is within an existing building and the surrounding area is currently developed with other retail and office buildings. The Subject Property, and all properties directly adjacent to the Subject Property, are within the City's Central Commerce Overlay District.

4. ***Adequate measurements have been or will be taken to provide ingress, egress, and parking so designed as to minimize traffic congestion in the public streets.***

   As previously mentioned, the Applicant contacted the City Building Official to discuss preliminary plans regarding the potential use of the suite. Formal architectural plans have not yet been submitted or reviewed. Building Official discussions provided information to the Applicant regarding potential modifications to provide sufficient ingress/egress through the addressing of door swings, door hardware, and exit signage. Additional approval from the Hennepin County Health Department is required for the proposed prep kitchen area. City Building permits may be required for any anticipated remodeling, including electrical, mechanical, and framing work.

   Parking for the Subject Property is part of a shared off-street parking lot for the entirety of the parcel consisting of the multi-tenant building it is located within. The parcel meets the parking requirements set forth for an approximately 32,400-square foot multi-tenant retail building. ADA compliant parking stalls are included in the shared parking lot. The Applicant anticipates three staff on site during operational hours, and one on-call staff, although these staffing ratios will need to be confirmed as part of their licensing. Clients of the adult day care facility will be picked up from their residences and dropped off at the front entrance, minimizing the need for parking during operational hours.

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

   Per the submitted preliminary plans, the Applicant has no intention to alter the exterior of the building in such a way to render the building or site non-conforming. With regard to the minimum parking requirements, and based on the intended operation of the adult daycare facility, staff is not concerned that sufficient parking will not be provided. However, the shared parking lot will need to be reviewed to ensure sufficient ADA parking required for this as a general City requirement, and City staff may request modified parking stalls to accommodate ADA needs if necessary.

Based on staff findings, staff recommends the Planning Commission recommend City Council approval of the requested Special Use Permit for an adult daycare facility for the property located at 6070 Shingle Creek Parkway (Subject Property); subject to the Applicant complying with the comments outlined in the Approval Conditions noted below.

APPROVAL CONDITIONS

Staff recommends the following conditions be attached to any positive recommendation on the approval

of Application No. 2022-006 for the Subject Property:

a. Any major changes or modifications made to the Subject Property can only be made either through the City's Building Permit process or through formal Building and Site Plan review by the City.
b. The Applicant shall provide final plans and submit permit applications for any work to be conducted in the leased space.
c. The Applicant shall adhere to the maximum occupancies outlined by City Staff and in accordance with any State licensing requirements for the adult daycare use.
d. Issuance of a Special Use Permit for the adult daycare use is conditioned upon the Applicant obtaining any necessary licensure from the Minnesota Department of Human Services (DHS) or other licensing authorities for the use or services provided. This information shall be provided to the City Planner for confirmation, and prior to the issuance of any building permits.
e. The Applicant shall obtain approval from the Hennepin County Health Department for the proposed prep kitchen area. Approval paperwork shall be submitted to the City of Brooklyn Center.
f. The Applicant/Property Owner shall ensure the fire sprinkler system is maintained and monitored.

RECOMMENDATION

Based on the above-noted findings and conditions, City staff recommends:

The Planning Commission recommend City Council approval Planning Commission Application No. 2022-006, for issuance of a Special Use Permit for an adult day care facility at the Subject Property located at 6070 Shingle Creek Parkway, subject to compliance with the Approval Conditions.

ATTACHMENTS

Exhibit A – Planning Commission Application No. 2022-006 Plans and Documents, originally submitted September 12, 2022, and re-submitted October 11, 2022.
Exhibit B – Public Hearing Notice Ad Proof, submitted for publication in the Brooklyn Center Sun Post, and dated October 27, 2022**.**

Member introduced the following resolution and moved its adoption:

RESOLUTION NO.

RESOLUTION REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2022-006 SUBMITTED BY OLIVER WALKER (GOLDEN AGE ADULT DAY CARE LLC) FOR ISSUANCE OF A SPECIAL USE PERMIT FOR AN ADULT DAY CARE FACILITY AT THE PROPERTY LOCATED AT 6070 SHINGLE CREEK PARKWAY

WHEREAS, Applicant Oliver Walker of Golden Age Adult Day Care LLC ("the Applicant") contacted the City of Brooklyn Center in September 2022 and indicated an interest in opening a new adult day care facility in Brooklyn Center within 6070 Shingle Creek Parkway ("the Subject Property"); and

WHEREAS, following a review of the business operation for Golden Age Adult Day Care LLC, it was determined that the Applicant would need to obtain a special use permit for the operation of an adult day care facility, as outlined under Sections 35-220 (*Special Use Permits*) and Section 35-322.3 (*C2 Commerce District*) of the City Code of Ordinances for the "adult day care facility and services;" and

WHEREAS, all proposed improvements are limited to the interior of the existing, approximately 1,600-square foot suite located within the existing multi-tenant commercial retail building; and

WHEREAS, a public hearing notice was initially submitted to the Brooklyn Center Sun Post for publication on October 27, 2022 and notifications mailed to property owners and residents within vicinity to the Subject Property, per state statute and City Code requirements; however, the Planning Commission failed to meet quorum at their meeting and scheduled public hearing on November 10, 2022 and therefore a recommendation could not be provided; and

WHEREAS, a new public hearing notice was submitted for publication on December 1, 2022, and for the City Council meeting scheduled for December 12, 2022, and updated notifications mailed to property owners and residents within vicinity of the Subject Property; and

WHEREAS, the City Council of the City of Brooklyn Center, Minnesota held a duly noticed and called public hearing on December 12, 2022, whereby a planning staff report was presented and public testimony regarding the Special Use Permit request were received; and

WHEREAS, the City Council of the City of Brooklyn Center, Minnesota considered the Special Use Permit and use determination requests in light of all testimony received, the guidelines and standards for evaluating this Special Use Permit contained in Section 35-220 (*Special Use Permit*) and Section 35-330.3.c of the City's Zoning Code, and the request complies with the

general goals and objectives of the City's 2040 Comprehensive Plan, which identifies the Subject Property with a future land use designation of "Mixed Use - Commercial" and allows for a mix of retail, commercial, and office uses, and

WHEREAS, in light of all testimony received, the City of Brooklyn Center City Council did determine that Planning Commission Application No. 2022-006, submitted by Oliver Walker (Golden Age Adult Day Care LLC), may be granted after demonstration by evidence that all of the following standards are met as outlined under 35-220.2 (*Special Use Permits*):

a. The establishment, maintenance, or operation of the special use will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals, or comfort;
b. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
c. The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
d. Adequate measures have been or will be taken to provide ingress, egress, and parking so designed as to minimize traffic congestion in the public streets; and
e. The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located; and

NOW, THEREFORE BE IN RESOLVED, By the City Council of the City of Brooklyn Center, Minnesota, that Planning Commission Application No. 2022-006 submitted by Oliver Walker of Golden Age Adult Day Care LLC for the issuance of a Special Use Permit for operation of an adult day care facility within the approximately 1,600-square foot suite located within 6070 Shingle Creek Parkway, may be approved subject to the following conditions:

Any major changes or modifications made to the Subject Property can only be made either through the City's Building Permit process or through formal Building and Site Plan review by the City.

a. The Applicant shall provide final plans and submit permit applications for any work to be conducted in the leased space.
b. The Applicant shall adhere to the maximum occupancies outlined by City Staff and in accordance with any State licensing requirements for the adult daycare use.
c. Issuance of a Special Use Permit for the adult daycare use is conditioned upon the Applicant obtaining any necessary licensure from the Minnesota Department of Human Services (DHS) or other licensing authorities for the use or services provided. This information shall be provided to the City Planner for confirmation, and prior to the issuance of any building permits.
d. The Applicant shall obtain approval from the Hennepin County Health Department

for the proposed prep kitchen area. Approval paperwork shall be submitted to the City of Brooklyn Center.

e. The Applicant/Property Owner shall ensure the fire sprinkler system is maintained and monitored.

December 12, 2022 _____
Date

_____
Mayor

ATTEST: _____
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member

and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Golden Age Adult Day Care LLC



REQUEST (Public Hearing):

Special Use Permit

City Council Meeting| December 12, 2022
Olivia Boerschinger, Associate Planner

Background

The Applicant is requesting approval of:

- Special Use Permit for an Adult Day Care Facility at 6070 Shingle Creek Parkway (Subject Property)

Golden Age Adult Day Care intends to operate adult day care services out of an approximately 1,600SF suite within the existing multi-tenant strip mall building (directly adjacent to former Target).

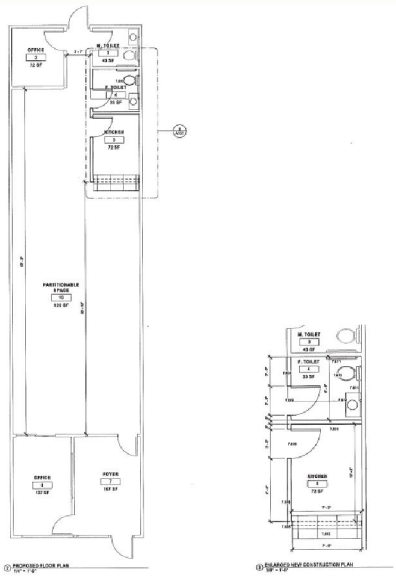
- Plans to remodel the space to include ADA restrooms, a prep kitchen, offices, and group space
- Business would provide transportation for clients and anticipates hiring 3-4 employees
- Applicant does not require outdoor storage, and there is no additional parking required

Background

- The C2 (Commerce) District does not mention “adult daycare” as a permitted or Special Use, nor is it mentioned anywhere in the existing Zoning Code.
- “Group day care facilities” is the most closely related use in Section 35-322
- Adult day care facilities are center-based facilities licensed by Minnesota DHS, and have set rules governing:
  - The development of programming to respond to identified needs of the individual;
  - Rights of people receiving services;
  - Staff qualifications, orientation and training requirements;
  - Service expectations to ensure health and safety of people receiving services; and
  - Policy and procedure requirements of the program

3

Proposed Interior Layout



4

Special Use Permit Standards

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

Staff Response: The use is intended to provide functionally impaired adults with services within a centralized location. Transportation to and from the site will be provided for clients. Applicant will have to receive required state license approvals prior to operation.

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

Staff Response: Proposed use does not intend to cause impact detrimental to properties immediately adjacent, due to similarity to current use. 2040 Comprehensive Plan identifies the property and those to the west as Commercial for future land designation, in which the proposed use aligns with.

5

Special Use Permit Standards

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

Staff Response: The requested use does not require exterior changes to the existing building or property. The surrounding land is fully developed, with other retail or office buildings.

d. Adequate measures have been or will be taken to provide ingress, egress, and parking so designed as to minimize traffic congestion in public streets; and

Staff Response: Parking for the property is part of a shared off-street parking lot for the entirety of the multi-tenant building on the parcel and includes ADA compliant stalls. Due to limited staff at the proposed use, and that clients will be transported to and from the facility, parking needs are minimal.

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Special Use Permit Standards

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

Staff Response: Applicant has no plans to alter the exterior of the building in such a way that would make the building or site non-conforming, and has no plans for outdoor storage. The Applicant will need to address any missing or damaged site improvements as identified on the approved site plans.

Based on intended operation – staff is not concerned regarding sufficient parking at the site.

Notifications/Timeline

- Public hearing noticed was submitted to the Brooklyn Center *Sun Post* for publication in the October 27th Edition.
- Notifications were mailed to those properties within the notification area of the Subject Property.
- The public hearing was **not** held at the November Planning Commission meeting, and notice was resubmitted for publication in the Brooklyn Center *Sun Post* on December 1, 2022

PUBLIC COMMENT:

To date—none.

Approval Conditions

Staff recommends the following conditions be attached to any positive recommendation on the approval of Application No. 2022-006 for the Subject Property:

a. Any major changes or modifications made to the Subject Property can only be made either through the City's Building Permit process or through formal Building and Site Plan review by the City.
b. The Applicant shall provide final plans and submit permit applications for any work to be conducted in the leased space.
c. The Applicant shall adhere to the maximum occupancies outlined by City Staff and in accordance with any State licensing requirements for the adult daycare use.
d. Issuance of a Special Use Permit for the adult daycare use is conditioned upon the Applicant obtaining any necessary licensure from the Minnesota Department of Human Services (DHS) or other licensing authorities for the use or services provided. This information shall be provided to the City Planner for confirmation, and prior to the issuance of any building permits.
e. The Applicant shall obtain approval from the Hennepin County Health Department for the proposed prep kitchen area. Approval paperwork shall be submitted to the City of Brooklyn Center.
f. The Applicant/Property Owner shall ensure the fire sprinkler system is maintained and monitored.

9

Recommendation

- Based on the noted findings and conditions, City staff recommends the following motion:

Motion to adopt a resolution approving Planning Commission Application No. 2022-006 for issuance of a Special Use Permit to operate an adult day care facility at 6070 Shingle Creek Parkway, based upon the finding of fact and submitted application, as amended by the conditions of approval in the resolution.

10

Council Regular Meeting

DATE: 12/12/2022

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Elizabeth Heyman, Director of Public Works
BY: James Soltis, P.E., Assistant City Engineer, Cynthia Majors, Public Works Admin Assistant

SUBJECT: Resolution Ordering Improvements and Authorizing Preparation of Plans and Specifications for Improvement Project No. 2023-01, Knox, James, and 54th Area Improvements

Requested Council Action:

- Motion to approve a resolution ordering the Knox, James, and 54th Area Improvements, Improvement Project No. 2023-01 and authorizing preparation of project plans and specifications.

Background:

A public hearing was held on October 24, 2022 to consider ordering improvements and authorize preparation of plans and specifications for Improvement Project No. 2023-01, however not enough Council members were present at the meeting to meet the state statutory requirement to vote on the staff recommended resolution. Therefore, the Council held the public hearing for the item, but continued the resolution to a future date. Staff are now bringing the recommended resolution back to the City Council for consideration.

All potentially affected property owners were notified by mail of the date of the October 24, 2022 improvement public hearing and the amount of proposed special assessments. There were no comments on the Knox, James, and 54th Area Improvements at the public hearing and staff have received no comments from residents or property owners via other means of communication (i.e. emails, phone calls, etc.).

It should be noted that an assessment public hearing to consider certification of proposed special assessments for street improvements for Improvement Project No. 2023-01 will be held in early 2023. Per City policy, a separate Notice of Public Hearing on proposed special assessments will be sent to properties that are proposed to be assessed in prior to the public hearing.

I. Explanation of Improvements

The proposed project includes roadway and utility improvements extend from Logan Avenue to James Avenue, and from 53rd Avenue to 55th Avenue. The project was previously established by the City Council on July 25, 2022, by Resolution 2022-69. On September 26, 2022, the City Council received the project feasibility report and called for a public hearing to be held on October 24, 2022, to consider these improvements.

The project feasibility report provides a description of recommended improvements for the neighborhood and an estimated project budget. The proposed improvements are as follows:

1. **Street Improvements** – Partial street reconstruction which includes full depth pavement replacement, miscellaneous repairs of concrete curb and gutter and driveway aprons, and boulevard restoration.

2. **Storm Drainage Improvements -** The recommended storm sewer improvements include replacing catch basin castings as necessary within the project areas, and replacing or repairing catch basins and laterals where necessary or impacted by other utility work.

3. **Water Main Improvements** - The recommended water main improvements include replacement the valve and hydrant (the moving parts) of the water main system as these parts tend to wear and fail prior to the remainder of the water main system.

II. Summary of Assessments

Special assessments are proposed as one of several funding sources for the improvements located on Knox, James, and 54th. The 2023 special assessment rates for street improvements were established, in accordance with the City's Special Assessment Policy, at the November 14, 2022 City Council meeting.

The feasibility report includes a preliminary assessment roll identifying approximately sixty-eight residential properties that are zoned "R1" and "R2". See attached Appendix B–Pending Assessment Roll and Figure 5–Assessment Map from the project feasibility report. The special assessments will not exceed the amounts on the attached special assessment roll.

Assessments for Partial Street Reconstruction (Full Depth Pavement Replacement)

The standard 2023 residential street assessment rate is estimated to be $3,914 per R1 zoned residential property. The properties that are zoned R2 would be assessed based on a frontage basis with a $3914 per lot minimum in accordance with the 2023 assessment rates. Staff recommends that the assessment rate for all R2 properties within the project should be capped at $3,914 because the benefits from the street improvement for R2 properties are similar to the single family R1 residential properties within the project area.

III. Recommended Council Procedure

Public Hearing to Order Improvements:

A public hearing was held on October 24, 2022 to consider ordering improvements and authorize preparation of plans and specifications. The public hearing was held and closed, however not enough Council members were present at the meeting to meet the state statutory requirement to vote on the staff recommended resolution. Therefore, staff are now bringing the resolution ordering the improvements and authorizing preparation of plans and specifications back to the City Council for consideration. A four-fifths majority vote of the City Council present for the hearing is required for the improvements to proceed.

Budget Issues:

The proposed street and utility improvements are included in the 2023 Capital Improvement Program for the City of Brooklyn Center. The total project cost is estimated to be $1,170,000. Funding sources for the project are budgeted from sources as described in the project feasibility report previously accepted by the City Council on September 26, 2022. The funding source amounts that were included in the September 19, 2022 Feasibility Report are listed below, however the amended column shows the updated amounts that reflect the finalized assessment rates set by Council on November 14, 2022.

	Feasibility Report (9/19/22)
Special Assessments	$ 266,152.00
Sanitary Sewer Utility Fund	$ 30,000.00

Water Utility Fund	$ 100,000.00
Storm Drainage Utility Fund	$ 250,000.00
Street Reconstruction Fund	$ 523,848.00
Total	$ 1,170,000.00

Amended (12/12/22)

Special Assessments	$ 258,808.00
Sanitary Sewer Utility Fund	$ 30,000.00
Water Utility Fund	$ 100,000.00
Storm Drainage Utility Fund	$ 250,000.00
Street Reconstruction Fund	$ 531,192.00
Total	$ 1,170,000.00

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
Knox James 54th Improvement PH Res	10/18/2022	Cover Memo
Knox James 54th Assessment Map DRAFT 220727	10/18/2022	Cover Memo
BC202301 Knox James 54th Improvements - Feasibility	10/18/2022	Cover Memo
BC202301 50th, 51st, Knox Areas - Council Presentation	10/18/2022	Cover Memo
BC202201 50th, 51st, Knox Areas - Info Meeting - Presentation	10/18/2022	Cover Memo
BC202201 Woodbine - Improvement Public Hearing - Presentation	10/18/2022	Cover Memo

Member introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION ORDERING IMPROVEMENTS AND AUTHORIZING PREPARATION OF PLANS AND SPECIFICATIONS FOR IMPROVEMENT PROJECT NO. 2023-01; KNOX, JAMES, AND 54TH AREA IMPROVEMENTS

WHEREAS, the Brooklyn Center City Council on July 25, 2022, authorized consideration of street, storm drainage and utility improvements in the area generally described as "Knox, James, and 54th Area Improvements", more specifically described as follows: Logan Avenue to James Avenue, and from 53rd Avenue to 55th Avenue; and

WHEREAS, the City Council has received and accepted a feasibility report for said proposed improvements, as prepared under the City Engineer's supervision; and

WHEREAS, said improvements are necessary, cost effective and feasible as detailed in the feasibility report; and

WHEREAS, the City Council on September 26, 2022, adopted a resolution setting a date for a public hearing regarding the proposed improvements for the Knox, James, and 54th Area Improvements; and

WHEREAS, ten days published notice of hearing was given and the hearing was held on October 24, 2022, at which time all persons desiring to be heard were given the opportunity to be heard thereon; and

WHEREAS, the City Council has considered all comments, testimony, evidence and reports offered at or prior to the October 24, 2022, hearing; and

WHEREAS, the City reasonably expects to spend monies from the Infrastructure Construction Fund on a temporary basis to pay the expenditures described in this resolution; and

WHEREAS, the City reasonably expects to reimburse itself for such expenditures from the proceeds of taxable or tax-exempt bonds, the debt service of which is expected to be paid from property taxes, special assessments or utility fees. The maximum amount of special assessment obligations expected to be issued for such project is $266,152.00; and

WHEREAS, the Engineering Division is prepared to develop plans and specifications for said public improvement project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that:

1. Improvement Project No. 2023-01, Knox, James, and 54th Area Improvements, are hereby ordered and the Engineering Division is authorized to prepare plans and specifications for said improvements.

2. This resolution is intended to constitute official intent to issue taxable or tax exempt reimbursement bonds for purposes of Treasury Regulations and any successor law, regulation, or ruling. This resolution will be modified to the extent required or permitted by Treasury Regulations or any successor law, regulation, or ruling.

October 24, 2022
Date

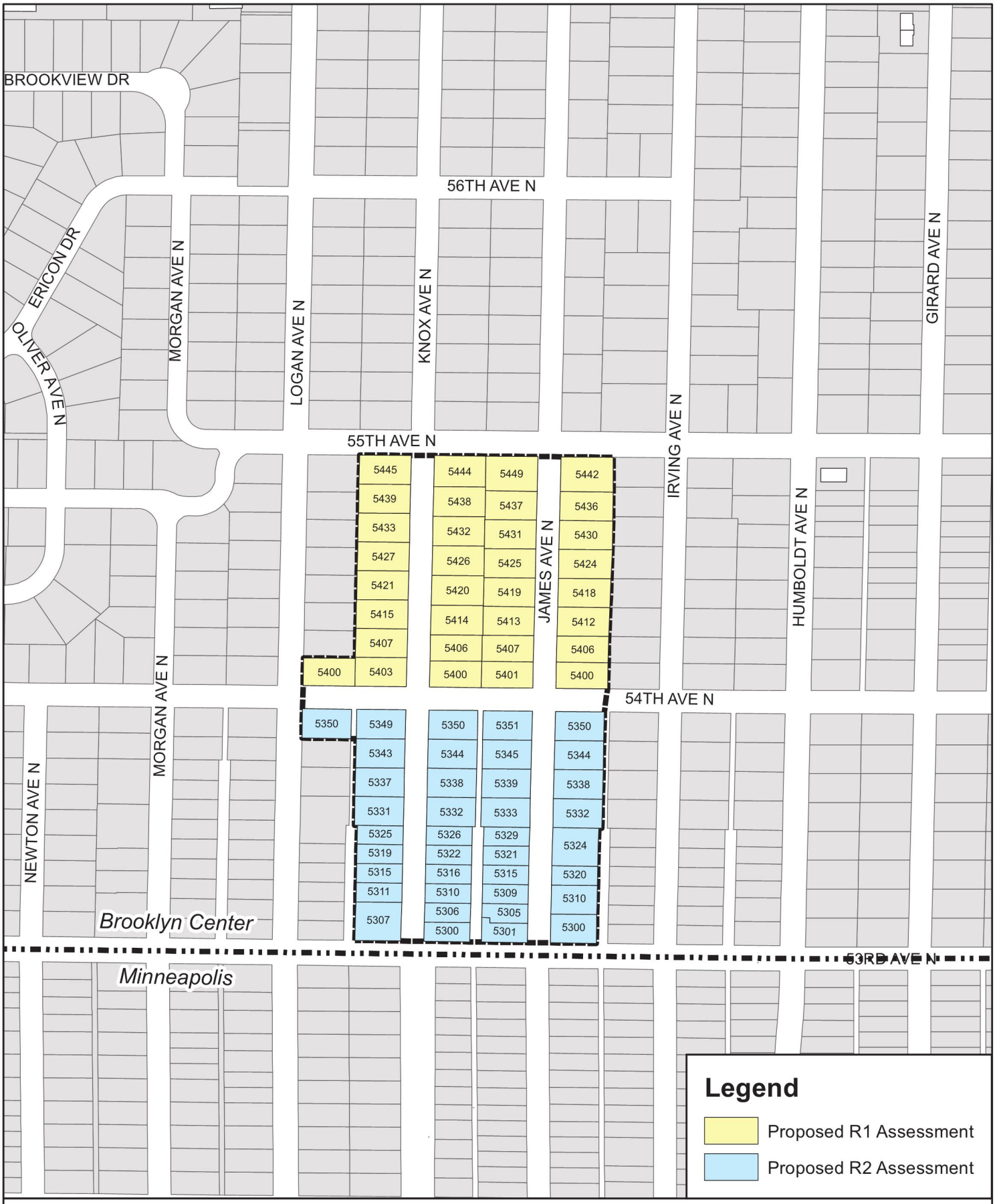
_____
Mayor

ATTEST: _____
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member

and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:
whereupon said resolution was declared duly passed and adopted.



Assessment Map
Knox, James & 54th Street and Utility Improvements

N

July 2022

CITY OF BROOKLYN CENTER PROPOSED PENDING ASSESSMENT ROLL
September 19, 2022
2023 KNOX, JAMES & 54TH AREA IMPROVEMENTS
IMPROVEMENT PROJECT NO. 2023-01

DRAFT

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	NOTES
0211821440050	5300	James Ave N		$ 3,914.00	R2 - Corner
0211821440054	5301	James Ave N		$ 3,914.00	R2 - Corner
0211821440055	5305	James Ave N		$ 3,914.00	R2
0211821440056	5309	James Ave N		$ 3,914.00	R2
0211821440051	5310	James Ave N		$ 3,914.00	R2
0211821440057	5315	James Ave N		$ 3,914.00	R2
0211821440052	5320	James Ave N		$ 3,914.00	R2
0211821440058	5321	James Ave N		$ 3,914.00	R2
0211821440053	5324	James Ave N		$ 3,914.00	R2
0211821440059	5329	James Ave N		$ 3,914.00	R2
0211821440108	5332	James Ave N		$ 3,914.00	R2
0211821440099	5333	James Ave N		$ 3,914.00	R2
0211821440109	5338	James Ave N		$ 3,914.00	R2
0211821440098	5339	James Ave N		$ 3,914.00	R2
0211821440110	5344	James Ave N		$ 3,914.00	R2
0211821440097	5345	James Ave N		$ 3,914.00	R2
0211821440111	5350	James Ave N		$ 3,914.00	R2
0211821440096	5351	James Ave N		$ 3,914.00	R2
0211821440090	5400	James Ave N		$ 3,914.00	R1
0211821440093	5401	James Ave N		$ 3,914.00	R1
0211821440091	5406	James Ave N		$ 3,914.00	R1
0211821440092	5407	James Ave N		$ 3,914.00	R1
0211821440125	5412	James Ave N		$ 3,914.00	R1
0211821440131	5413	James Ave N		$ 3,914.00	R1
0211821440124	5418	James Ave N		$ 3,914.00	R1
0211821440130	5419	James Ave N		$ 3,914.00	R1
0211821440123	5424	James Ave N		$ 3,914.00	R1
0211821440129	5425	James Ave N		$ 3,914.00	R1
0211821440122	5430	James Ave N		$ 3,914.00	R1
0211821440128	5431	James Ave N		$ 3,914.00	R1
0211821440121	5436	James Ave N		$ 3,914.00	R1
0211821440127	5437	James Ave N		$ 3,914.00	R1
0211821440120	5442	James Ave N		$ 3,914.00	R1 - Corner
0211821440060	5300	Knox Ave N		$ 3,914.00	R2 - Corner
0211821440061	5306	Knox Ave N		$ 3,914.00	R2
0211821440066	5307	Knox Ave N		$ 3,914.00	R2 - Corner
0211821440062	5310	Knox Ave N		$ 3,914.00	R2
0211821440067	5311	Knox Ave N		$ 3,914.00	R2
0211821440068	5315	Knox Ave N		$ 3,914.00	R2
0211821440063	5316	Knox Ave N		$ 3,914.00	R2
0211821440069	5319	Knox Ave N		$ 3,914.00	R2
0211821440064	5322	Knox Ave N		$ 3,914.00	R2
0211821440070	5325	Knox Ave N		$ 3,914.00	R2
0211821440065	5326	Knox Ave N		$ 3,914.00	R2
0211821440006	5331	Knox Ave N		$ 3,914.00	R2
0211821440100	5332	Knox Ave N		$ 3,914.00	R2
0211821440005	5337	Knox Ave N		$ 3,914.00	R2
0211821440101	5338	Knox Ave N		$ 3,914.00	R2

CITY OF BROOKLYN CENTER PROPOSED PENDING ASSESSMENT ROLL
September 19, 2022
2023 KNOX, JAMES & 54TH AREA IMPROVEMENTS
IMPROVEMENT PROJECT NO. 2023-01

DRAFT

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	NOTES
0211821440004	5343	Knox Ave N		$ 3,914.00	R2
0211821440102	5344	Knox Ave N		$ 3,914.00	R2
0211821440003	5349	Knox Ave N		$ 3,914.00	R2
0211821440103	5350	Knox Ave N		$ 3,914.00	R2
0211821440094	5400	Knox Ave N		$ 3,914.00	R1
0211821440022	5403	Knox Ave N		$ 3,914.00	R1
0211821440095	5406	Knox Ave N		$ 3,914.00	R1
0211821440023	5407	Knox Ave N		$ 3,914.00	R1
0211821440015	5414	Knox Ave N		$ 3,914.00	R1
0211821440021	5415	Knox Ave N		$ 3,914.00	R1
0211821440014	5420	Knox Ave N		$ 3,914.00	R1
0211821440020	5421	Knox Ave N		$ 3,914.00	R1
0211821440013	5426	Knox Ave N		$ 3,914.00	R1
0211821440019	5427	Knox Ave N		$ 3,914.00	R1
0211821440012	5432	Knox Ave N		$ 3,914.00	R1
0211821440018	5433	Knox Ave N		$ 3,914.00	R1
0211821440011	5438	Knox Ave N		$ 3,914.00	R1
0211821440017	5439	Knox Ave N		$ 3,914.00	R1
0211821440010	5444	Knox Ave N		$ 3,914.00	R1 - Corner
0211821440016	5445	Knox Ave N		$ 3,914.00	R1 - Corner
	Total Assessments			$ 266,152.00	

Preliminary Project Schedule

• **Neighborhood Informational Meeting**	**September 15, 2022**
• City Council Receives Feasibility Report	September 26, 2022
• **Improvement Public Hearing/Order Plans**	**October 24, 2022**
• Establish 2023 Assessment Rates	November 14, 2022
• **Assessment Public Hearing/Certify Assessment Roll**	**December 12, 2022**
• Approve Plans/Advertise for Bids	January 2023
• Accept Bids/Award Project	February/March 2023
• Begin Construction	Spring/Summer 2023
• Substantial Completion	October 2023

Knox, James and 54th Avenues Area Improvements (2023-01)

50th Avenue Improvements (2023-02)

51st Avenue Improvements (2023-03)

City Council Meeting, October 24th 2022

Erik Knutson, Elizabeth Heyman, Public Works

FRAMING

- In early design
- Scope may change slightly as we move into detailed design

Meeting Agenda

- Introductions
- History of Project
- Project Planning
  - Plans
  - Costs
- Funding/Special Assessments
- Project Schedule
- Where do we go from here?

Brooklyn Center Development Era



Fremont Avenue and 65th Avenue – Brooklyn Center
Minnesota Historical Society
Photograph 1956

Aerial 1945

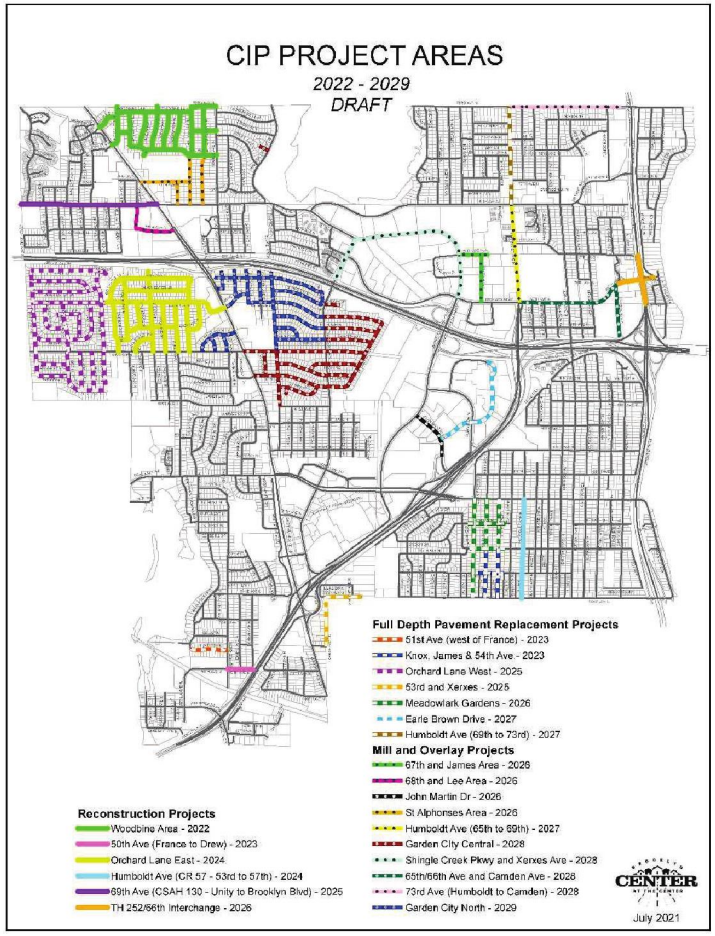


Aerial 1960



Capital Improvement Program

- City Initiated Program in 1993
- Reconstruct Aging Public Streets and Utilities
- Est. Cost 2023-2037 CIP: $201.7 million

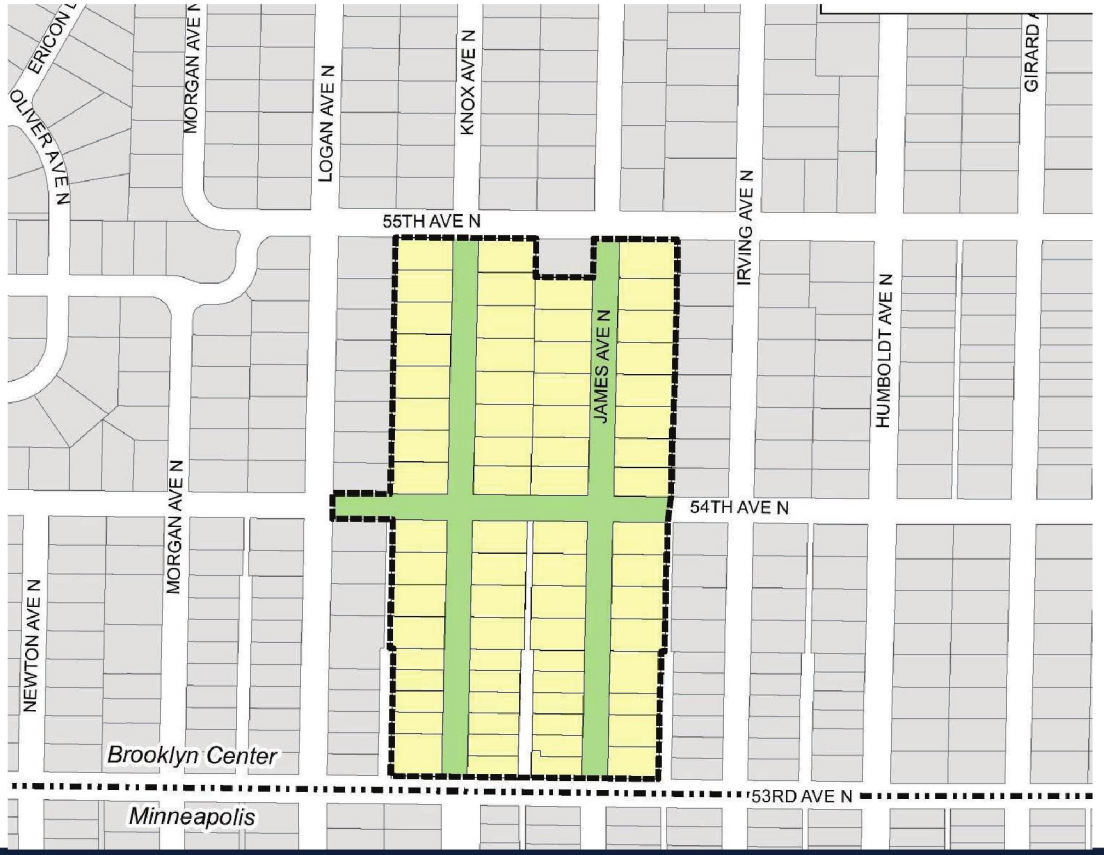


Project Planning

Project Evaluation

- Sanitary Sewer
  - Root intrusion, inflow and infiltration, sags, broken pipe
- Water Main
  - Corrosion, leaks, frozen water services, water quality, pipe material
- Storm Drainage
  - Local flooding, pavement preservation
- Streets, Sidewalks and Trails
  - Pavement deterioration, curb and gutter condition, sidewalk and trail system gaps
- Street Lights
  - Evaluate condition of lighting system

Knox, James and 54th Avenues Area Improvements



Street Improvements – Knox, James and 54th Avenues Area

Proposed Improvements

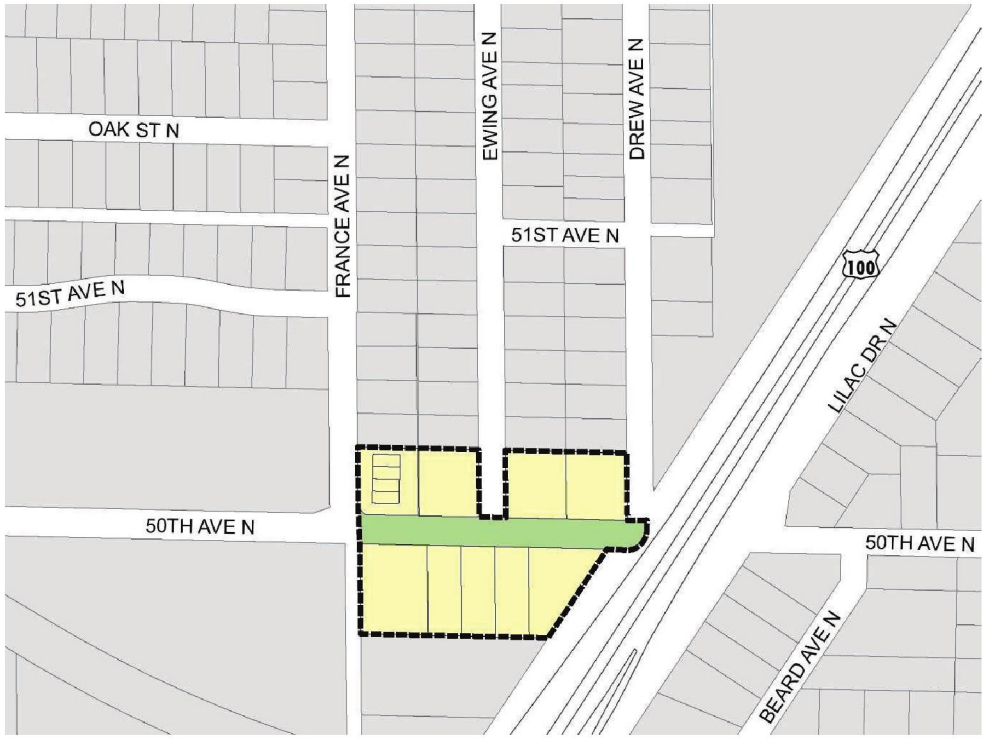
- Full Depth Pavement Replacement
- Spot Repair Curb and Gutter and Driveway Aprons
- Turf Restoration: Sod Where Impacted Due to Work
- Replacement of Gatevalves and Hydrants (moving parts)
- Replacement of Storm and Sanitary castings







50th Avenue Improvements (France Ave to Drew Ave)



Street and trail Improvements – 50th Avenue Area

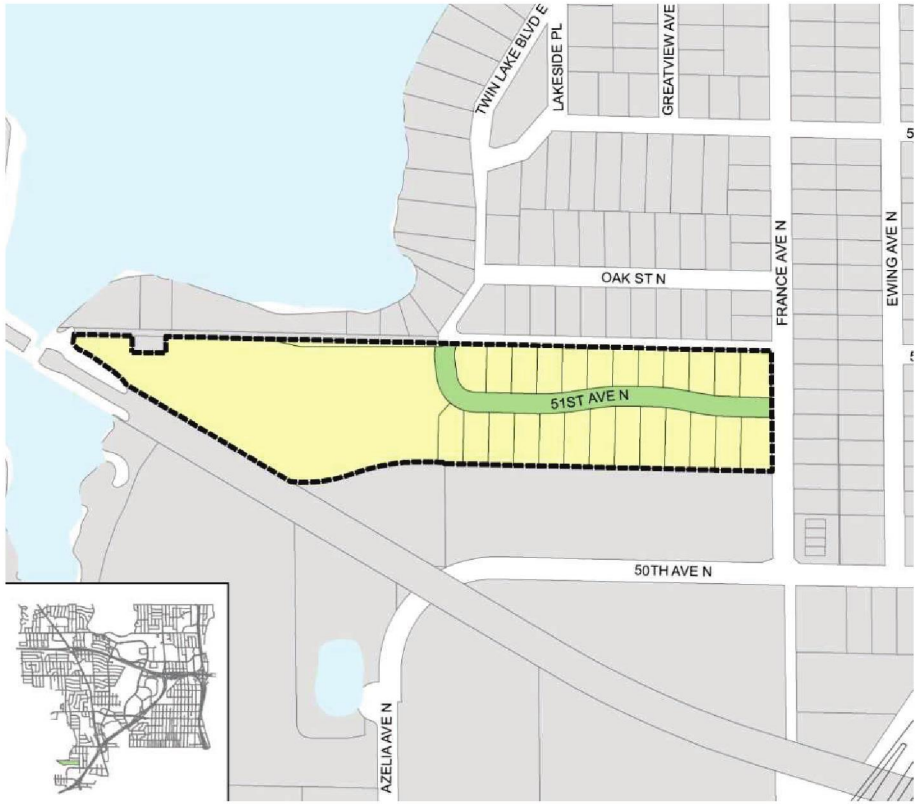
Proposed Improvements

- Full Depth Pavement Replacement
- Spot Repair Curb and Gutter and Driveway Aprons and where impacted by utility work
- Pedestrian Curb Ramps will be reconstructed at all cross streets with the Project
- Replace bituminous trail and the bottom portion of driveways to reduce the cross slope where feasible.
- Turf Restoration: Sod Where Impacted Due to Work
- Replacement of Watermain and components (moving parts)





51st Avenue Improvements (Twin Lake Blvd to France Ave)



Street and trail Improvements – 51st Avenue Area

Proposed Improvements

- Full Depth Pavement Replacement
- Spot Repair Curb and Gutter and Driveway Aprons
- Pedestrian Curb Ramps will be reconstructed at all cross streets with the Project
- Replace bituminous trail and the bottom portion of driveways to reduce the cross slope where feasible.
- Turf Restoration: Sod Where Impacted Due to Work
- Replacement of Gatevalves and Hydrants (moving parts)



Project Summary

Location	PROJECT TYPE	SANITARY	STORM	WATER	LIGHTING	PAVEMENT
KNOX, JAMES, 54TH AVE N	REHABILITATION	CASTINGS	SPOT REPAIRS	HYDRANTS, GATEVALVES	N/A	FULL DEPTH
50TH AVE N	PARTIAL RECONSTRUCTION	SERVICES, CASTINGS	SPOT REPAIRS	FULL REPLACEMENT	N/A	FULL DEPTH
51ST AVE N	REHABILITATION	CASTINGS	SPOT REPAIRS	HYDRANTS, GATEVALVES	2 LIGHT POLES	FULL DEPTH

Preliminary Project Budget

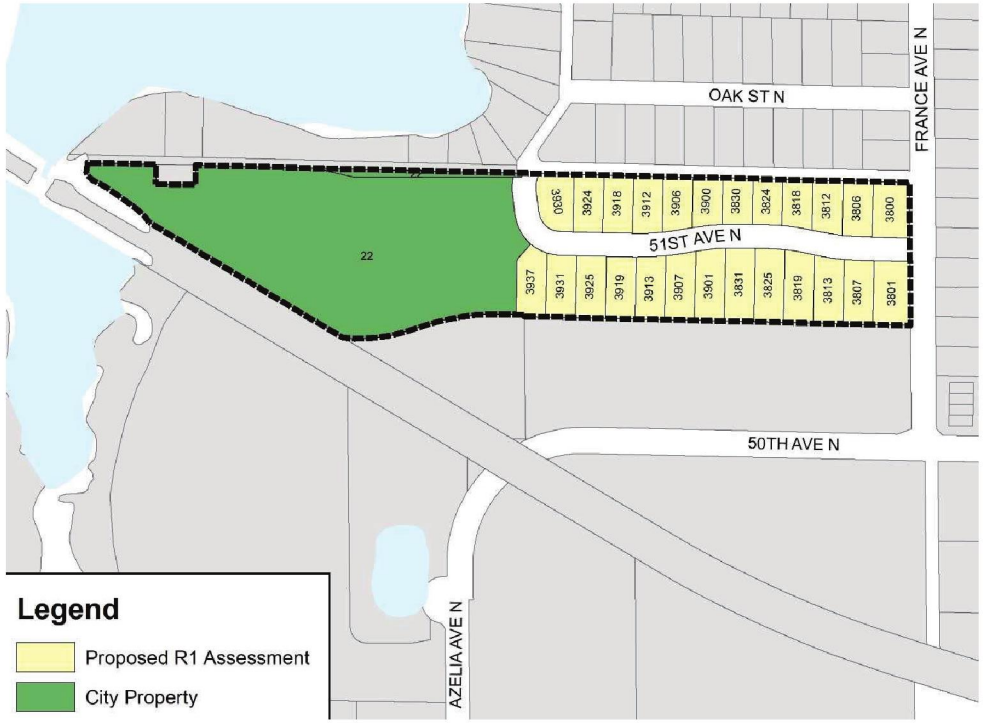
	Knox, James, 54th		51st Ave N		50th Ave N	
	Project Amount	Total	Project Amount	Total	Project Amount	Total
Special Assessment	$ 266,152.00	22.7%	$ 97,850.00	25.8%	$ 52,265.67	12.8%
Sanitary Sewer Utility	$ 30,000.00	2.6%	$ 10,000.00	2.6%	$ 20,000.00	4.9%
Water Utility	$ 100,000.00	8.5%	$ 10,000.00	2.6%	$ 160,000.00	39.0%
Storm Drainage Utility	$ 250,000.00	21.4%	$ 70,000.00	18.4%	$ 40,000.00	9.7%
Street Light Utility Fund	$ 0.00	0.0%	$ 20,000.00	5.3%	$ 0.00	0.00%
Street Reconstruction Fund	$ 523,848.00	44.8%	$ 172,150.00	45.3%	$ 137,734.33	33.6%
Total	$ 1,170,000.00	100%	$ 380,000.00	100%	$ 410,000.00	100%

Note: These are only preliminary estimated amounts – these amounts will change. Costs and funding will be further updated and revised in the final design stage and bidding of the project.

Preliminary Assessment Area - Knox, James and 54th Avenues Area Improvements



Preliminary Assessment Area- 51st Avenue Improvements (Twin Lake Blvd to France Ave)



Preliminary Assessment Area - 50th Avenue Improvements (France Ave to Drew Ave)



Special Assessments - Estimated Amounts & Payment Options

The City has an Assessment Policy that outlines how street improvement projects are funded. Each year the City Council establishes assessment rates for residential and commercial zoned properties based on the City's Special Assessment Policy. It is anticipated that the assessment and interest rates will be adopted by the City Council at the November 14, 2022 Council Meeting. The following are estimated 2023 assessment amounts for properties zoned R1.

Assessment Rate for Full Depth Pavement Replacement Improvement Projects:

- Tentative 2023 Assessment Rates for R1 and R2 properties: Street assessment =**$3,914 Per Property***
  - Estimated 6% increase from 2022 assessment rates
- 2023 Assessment Rates for C/I/R4 properties: based on acreage with a "A" zone rate and a "B" zone rate
- Tentative 2023 Interest Rate: 3.5% (same as 2022)

*For properties which may be legally subdivable into two or more lots, the assessment to be applied shall equal the maximum number of lots allowable times the unit R1 assessment

Payment Options:

1. Pay in full - No interest between April 15 & Sept. 30, 2023
2. Pay in full from Oct. 1 to Nov. 17, 2023 with interest from Oct. 1
3. Pay in installments with property taxes over a 10-year period starting in 2024

- Partial prepayments cannot be accepted
- If the project is approved an Assessment Reminder Letter will be sent
- Deferment Questions: Contact Engineering at 763-569-3340

Estimated Payment Amount

Assessment Amount:	$3,914.00	Partial Street Reconstruction, R1
Assessment Interest Rate:	3.50%	(Full Depth Pavement Replacement)
Assessment Term:	10 Years	

Year	Annual Payment	Principle	Interest	Balance
1	$562.64	$391.40	$171.24	$3,522.60
2	$514.69	$391.40	$123.29	$3,131.20
3	$500.99	$391.40	$109.59	$2,739.80
4	$487.29	$391.40	$95.89	$2,348.40
5	$473.59	$391.40	$82.19	$1,957.00
6	$459.90	$391.40	$68.50	$1,565.60
7	$446.20	$391.40	$54.80	$1,174.20
8	$432.50	$391.40	$41.10	$782.80
9	$418.80	$391.40	$27.40	$391.40
10	$405.10	$391.40	$13.70	$0.00
Totals:	**$4,701.70**	**$3,914.00**	**$787.70**	

Note: These are only preliminary estimated amounts – these amounts will change dependent on when interest starts accruing. Approximate monthly payment ranges from $34 - $47.

Project Information

- Improvement Public Hearing (October 24, 2022)
- Newsletters (monthly during construction)
- Attention Flyers/Door Hangers (as needed)
- City Construction Coordinator
- Engineering Division:
  - Phone: 763-569-3340
  - publicworks@ci.brooklyn-center.mn.us

Recommended Action

1. *Motion to Open the public hearings concurrently*
2. *Motion to Close the public hearings.*

3. *Motion to Adopt Resolution Certifying Special Assessments for Diseased Tree Removal Costs to the Hennepin County Property Tax Rolls*
4. *Motion to Adopt Resolution Certifying Special Assessments for Weed Removal Costs to the Hennepin County Property Tax Rolls*
5. *Motion to adopt Resolution Certifying Special Assessments for Administrative Citations to the Hennepin County Property Tax Rolls*
6. *Motion to Adopt Resolution Certifying Special Assessments for Nuisance Abatement Costs to the Hennepin County Property Tax Rolls*

Conclusion

- Resident Survey Forms
- Questions



Knox, James and 54th Avenues Area Improvements (2023-01)

50th Avenue Improvements (2023-02)

51st Avenue Improvements (2023-03)

Neighborhood Informational Meeting / Open House
September 15, 2022

Meeting Agenda

- Introductions
- Issues/Concerns
- History of Project
- Project
  - Plans
  - Costs
- Funding/Special Assessments
- Project Schedule
- Where do we go from here?

Input Opportunities

Purpose of this meeting is to inform and gather public input from <u>YOU</u>.

- Tell us/Phone us
- Write/Email us
- 1 on 1 or small group meetings
- Participate at the Public Hearing

Engineering Division: 763-569-3340 or publicworks@ci.brooklyn-center.mn.us

Issues/Concerns We Know About:

- Roadway Issues:
  - The bituminous surface is showing signs of deterioration such as lateral cracking throughout area and some potholes and some surface failure in locations
  - Some heaving/settling issues in the curb and gutter, driveway aprons and sidewalk panels.
  - Some utility castings in need of adjustment in the pavement
- Pedestrian Ramps need upgrading
- Irrigation systems adjacent to the curb
- Inconvenience (e.g. access, noise, etc.)

Issues/Concerns we do NOT know about:

- Please forward comments to us
  - Engineering Division: 763-569-3340
  - publicworks@ci.brooklyn-center.mn.us

Brooklyn Center Development Era



Fremont Avenue and 65th Avenue – Brooklyn Center
Minnesota Historical Society
Photograph 1956

Aerial 1945

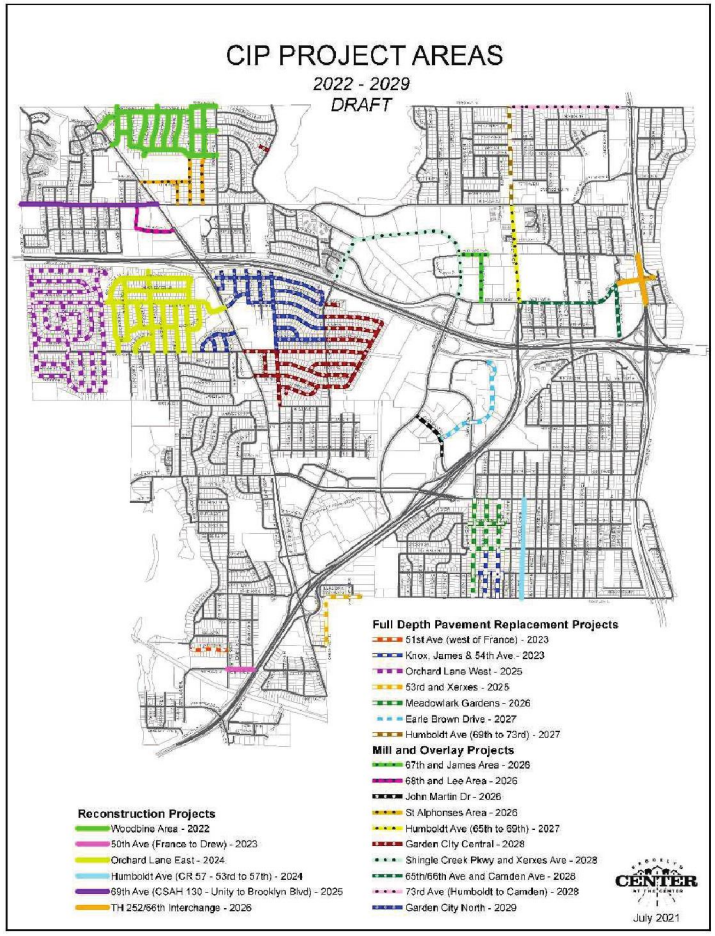


Aerial 1960



Capital Improvement Program

- City Initiated Program in 1993
- Reconstruct Aging Public Streets and Utilities
- Est. Cost 2023-2037 CIP: $201.7 million

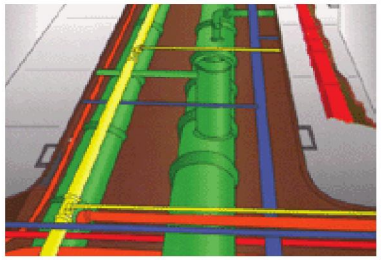


Municipal Infrastructure

City Infrastructure

- Street – 105 miles
- Water Main – 117 miles
- Sanitary Sewer – 106 miles
- Storm Sewer – 90 miles
- Sidewalks/Trails – 66 miles





Other Private Infrastructure

- Natural Gas
- Electric
- Telephone
- Cable TV
- Fiber Optic
- Transmission Lines

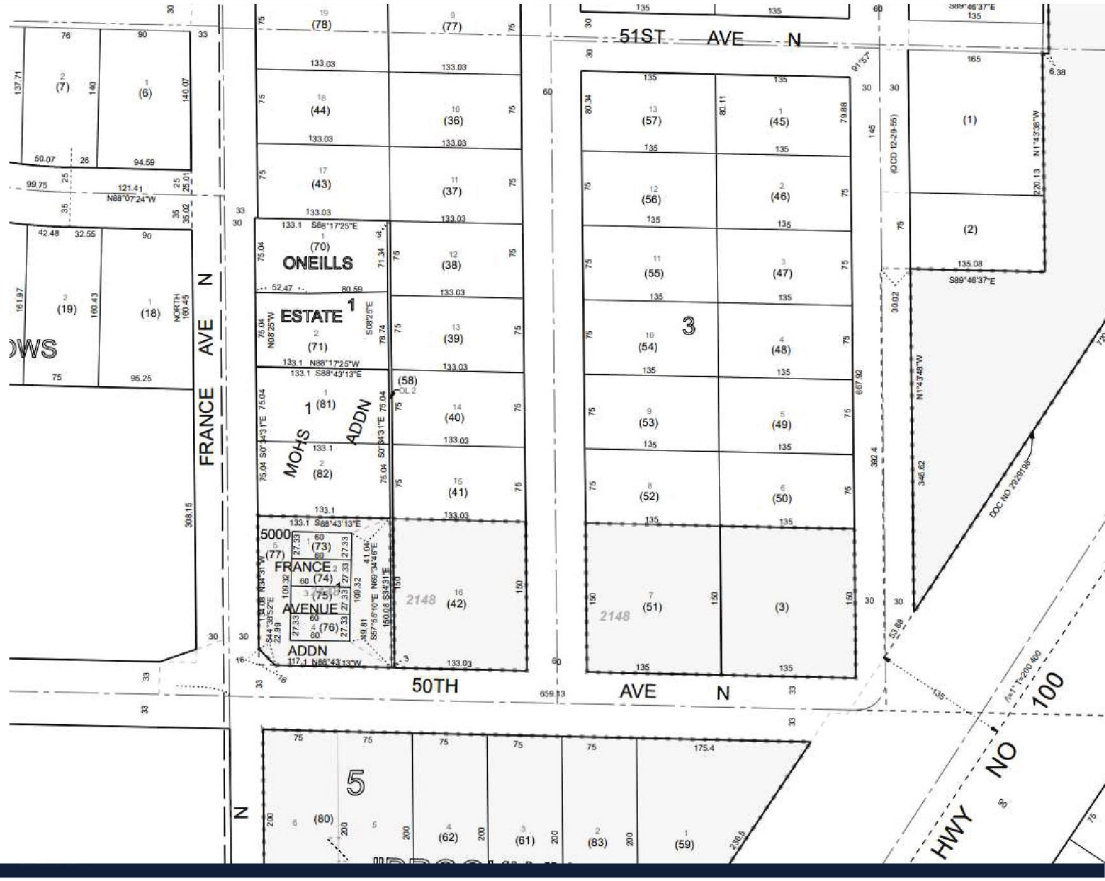
Project Planning

Project Evaluation

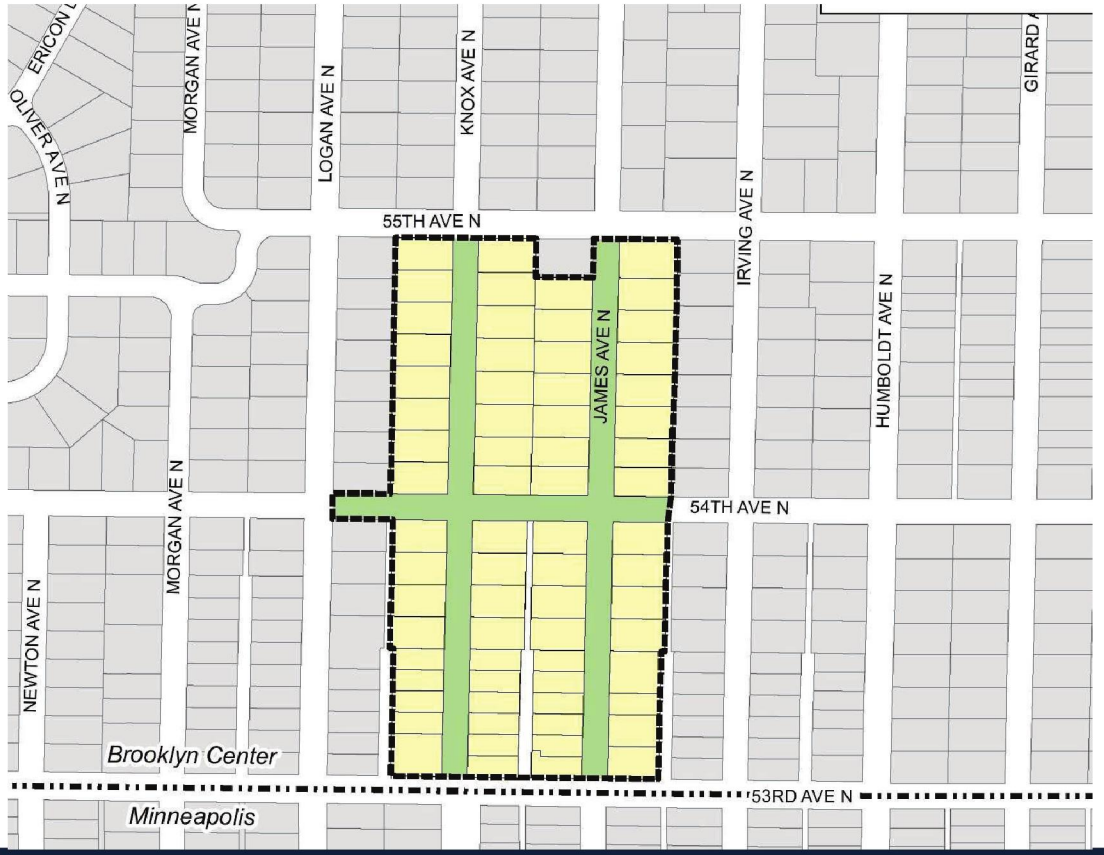
- Sanitary Sewer
  - Root intrusion, inflow and infiltration, sags, broken pipe
- Water Main
  - Corrosion, leaks, frozen water services, water quality, pipe material
- Storm Drainage
  - Local flooding, pavement preservation
- Streets, Sidewalks and Trails
  - Pavement deterioration, curb and gutter condition, sidewalk and trail system gaps
- Street Lights
  - Evaluate condition of lighting system

Public Right-of-Way

- Right-of-way and easements are dedicated to the public for construction and maintenance of streets and utilities
- Delineated on subdivision plats.
- Typical right-of-way width
  - 66’ for 50th Avenue Area
  - 60’ for 51st Avenue Area
  - 60’ for Knox, James and 54th Area
  - Right-of-way edge is approx. 10’-20’ beyond the edge of street pavement/ back of curb.



Knox, James and 54th Avenues Area Improvements



Utility Improvements – Knox, James and 54th Avenues Area

- Sanitary Sewer
  - Installed in 1994
  - 10” Polyvinyl Chloride (PVC)
  - Televised and in Good Condition
  - Replace castings with external seal

- Storm Drainage
  - Installed in 1994
  - 12” – 18” Reinforced Concrete Pipe (RCP)
  - Televised and in Good Condition
  - Replace castings as needed

- Water Main
  - Installed in 1994
  - 6” Ductile Iron Pipe (DIP)
  - Hydrants and hydrant valves from 1965
  - 0 watermain breaks and 0 frozen water services
  - Replace valves and hydrants

- Street Lighting
  - No Improvements are proposed
    - Existing street lights within the project area are either on multiuse poles that have overhead power service with cobra-head type LED light fixtures or Free-Standing Street Lights with Fiberglass Poles and LED light fixtures

Street Improvements – Knox, James and 54th Avenues Area

- Existing Conditions
  - Roadway reconstructed in 1994 with curb and gutter
  - Pavement Material Deterioration and lateral cracking throughout the project area
- Proposed Improvements
  - Full Depth Pavement Replacement
  - Spot Repair Curb and Gutter and Driveway Aprons
  - Turf Restoration: Sod Where Impacted Due to Work





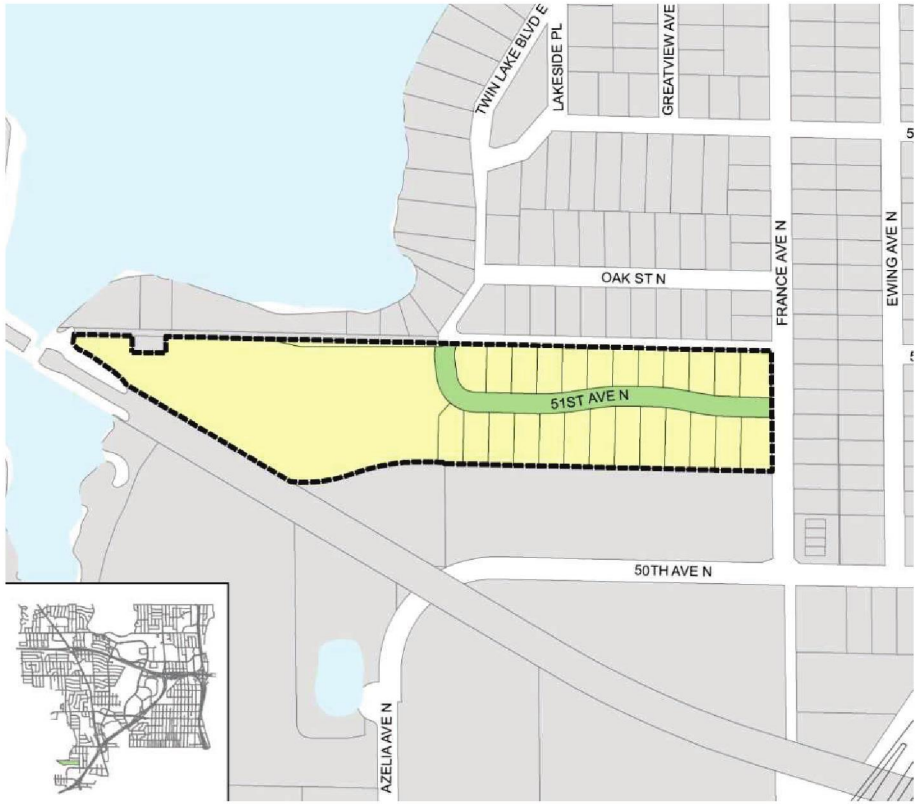


Preliminary Project Budget – Knox, James and 54th Avenues Area Improvements

	CIP – Est. Project Amount	Percent Total
Special Assessments	$ 266,152.00	22.7%
Sanitary Sewer Utility	$ 30,000.00	2.6%
Water Utility	$ 100,000.00	8.5%
Storm Drainage Utility	$ 250,000.00	21.4%
Street Reconstruction Fund	$ 523,848.00	44.8%
Total	$ 1,170,000.00	100%

Note: These are only preliminary estimated amounts – these amounts will change. Costs and funding will be further updated and revised in the final design stage and bidding of the project.

51st Avenue Improvements (Twin Lake Blvd to France Ave)

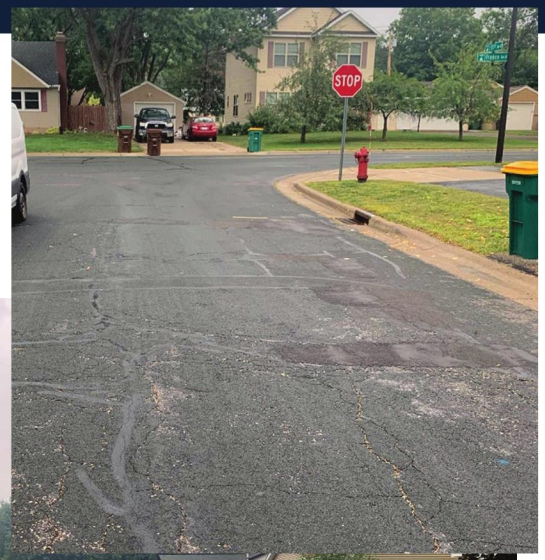


Utility Improvements – 51st Avenue Area

- Sanitary Sewer
  - Installed in 1990
  - 8” Polyvinyl Chloride (PVC)
  - Televised and in Good Condition
  - Replace castings with external seal
- Storm Drainage
  - Installed in 1990
  - 15” – 21” Reinforced Concrete Pipe (RCP)
  - Televised and in Good Condition
  - Replace castings as needed
- Water Main
  - Installed in 1990
  - 8” Ductile Iron Pipe (DIP)
  - 0 watermain breaks and 0 frozen water services
  - Replace valves and hydrants
- Street Lighting
  - 2 street lights on free standing wood poles
  - Replace 2 Free-Standing Street Lights with Fiberglass Poles and LED light fixtures

Street and trail Improvements – 51st Avenue Area

- Existing Conditions
  - Roadway constructed in 1990 with curb and gutter
  - Pavement Material Deterioration and lateral cracking throughout the project area
  - Trail exists along the south side of 51st Ave is deteriorating and slopes exceed 5% in many area
- Proposed Improvements
  - Full Depth Pavement Replacement
  - Spot Repair Curb and Gutter and Driveway Aprons
  - Pedestrian Curb Ramps will be reconstructed at all cross streets with the Project
  - Replace bituminous trail and the bottom portion of driveways to reduce the cross slope where feasible.
  - Turf Restoration: Sod Where Impacted Due to Work



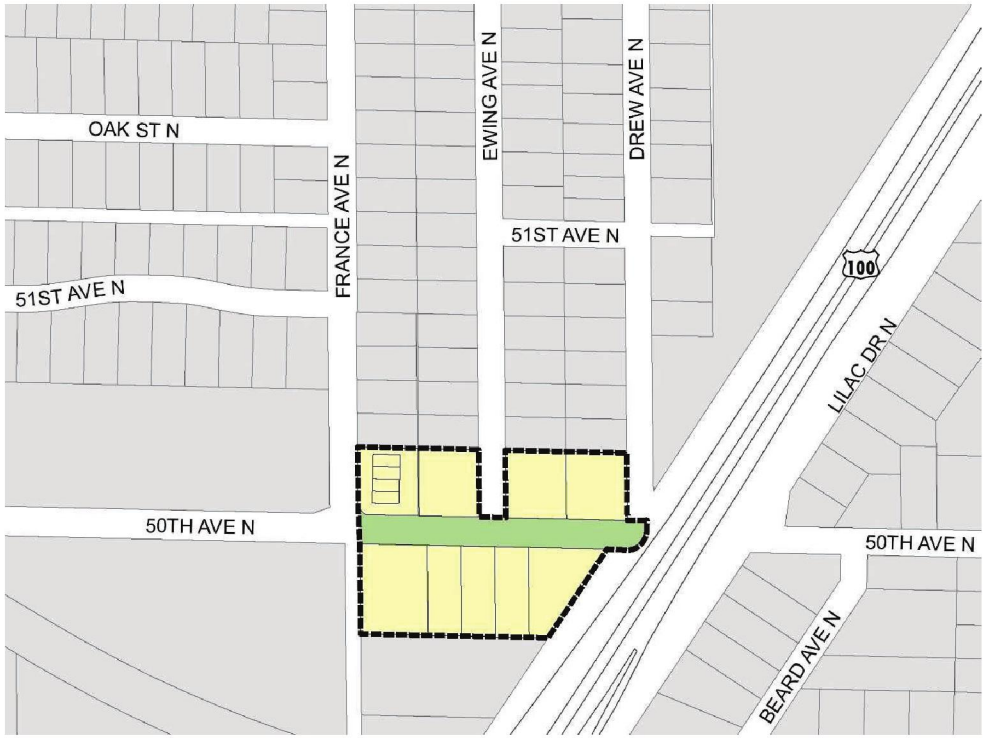


Preliminary Project Budget – 51st Avenue Improvements

	CIP – Est. Project Amount	Percent Total
Special Assessments	$ 97,850.00	25.8%
Sanitary Sewer Utility	$ 10,000.00	2.6%
Water Utility	$ 10,000.00	2.6%
Storm Drainage Utility	$ 70,000.00	18.4%
Street Light Utility Fund	$ 20,000.00	5.3%
Street Reconstruction Fund	$ 172,150.00	45.3%
Total	$ 380,000.00	100%

Note: These are only preliminary estimated amounts – these amounts will change. Costs and funding will be further updated and revised in the final design stage and bidding of the project.

50th Avenue Improvements (France Ave to Drew Ave)



Utility Improvements – 50th Avenue Area

- Sanitary Sewer
  - Installed in 1955
  - 24” Reinforced Concrete Pipe (RCP)
  - Owned and maintained by the Metropolitan Council Environmental Services (MCES)
  - Adjust castings as needed
  - Replace service lines up to property line within streets
- Storm Drainage
  - Installed in 1988
  - 15” – 24” Reinforced Concrete Pipe (RCP)
  - Televised and in Good Condition
  - Replace castings as needed
  - Replace lateral storm sewer if impacted by utility work as needed
- Water Main
  - Installed in 1958 and 1966.
  - 8” and 10” Cast Iron Pipe (CIP)
  - 1 watermain breaks and 1 frozen water services
  - Complete Replacement of Water Main
  - Replace valves and hydrants throughout project area
  - Replace service lines up to property line, and new Curb Stops
  - Insulate services with previous freezing history
- Street Lighting
  - No Improvements are proposed
    - Existing street lights within the project area are on multiuse poles the have overhead power service with cobra-head type LED light fixtures

Street and trail Improvements – 50th Avenue Area

- Existing Conditions
  - Roadway reconstructed in 1988 with curb and gutter
  - Pavement Material Deterioration and lateral cracking throughout the project area
  - Trail exists along the north side of 50th Ave is deteriorating and slopes exceed 5% in many area
- Proposed Improvements
  - Full Depth Pavement Replacement
  - Spot Repair Curb and Gutter and Driveway Aprons and where impacted by utility work
  - Pedestrian Curb Ramps will be reconstructed at all cross streets with the Project
  - Replace bituminous trail and the bottom portion of driveways to reduce the cross slope where feasible.
  - Turf Restoration: Sod Where Impacted Due to Work





Preliminary Project Budget – 51st Avenue Improvements

	CIP – Est. Project Amount	Percent Total
Special Assessments	$ 52,265.67	12.8%
Sanitary Sewer Utility	$ 20,000.00	4.9%
Water Utility	$ 160,000.00	39.0%
Storm Drainage Utility	$ 40,000.00	9.7%
Street Reconstruction Fund	$ 137,734.33	33.6%
Total	$ 410,000.00	100%

Note: These are only preliminary estimated amounts – these amounts will change. Costs and funding will be further updated and revised in the final design stage and bidding of the project.

During Construction











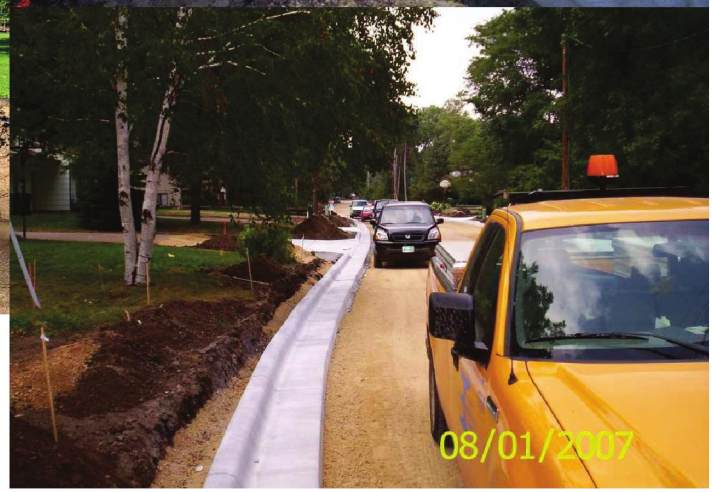
During Construction











During Construction - 51st Avenue Improvements and Knox, James and 54th Avenues Area Improvements

How long will the project last?

- The Full Depth Pavement Replacement projects can take up to a few months to complete.
- General Activities
  - Utility replacement
  - Curb and gutter replacements
  - Milling the roadway
  - Paving the roadway
  - There may be delay between activities

Will I lose water or sewer service during construction?

- Sanitary sewer service will not be interrupted during construction.
- Water service may have temporary water shutoffs and road closures while the hydrants and gate valves are being replaced. Notices will be provided in advance.

During Construction - 50th Avenue Improvements

How long will the project last?

- The project can take 2-3 months to complete.
- General Activities
  - Removals (existing pavement and misc. items)
  - Utility replacements
  - Curb and gutter replacements
  - Paving the roadway
  - Boulevard restoration

Will I lose water or sewer service during construction?

- Sanitary sewer service will not be interrupted during construction.
- A Temporary water system will be provided but some short term water disruptions may occur.
  - You will receive advance notices of these occurrences so that you can plan accordingly.

During Construction

Will I have access to my driveway?

- For the majority of the construction project you will have access to your driveway.
- However, the main interruption to access of your driveway will be if the concrete curb and gutter is replaced in front of your driveway. For this work, access to your driveway will not be available for approximately 7-10 days while the concrete cures.
- There may be other times when you will not have access to your driveway for limited periods during reconstruction of the existing roadway or trail section but generally driveways will be accessible by the end of the day

How will the Boulevard be repaired?

- Boulevards are disturbed due to street and utility repairs. Boulevards will be restored with new topsoil and sod.
- The contractor is responsible for watering of the new sod for 30 calendar days following installation, after which it is the property owner's responsibility.
- All residents will receive mailings notifying them of the end dates of the contractor's sod maintenance period, as well as tips on how best to care for new sod.

During Construction

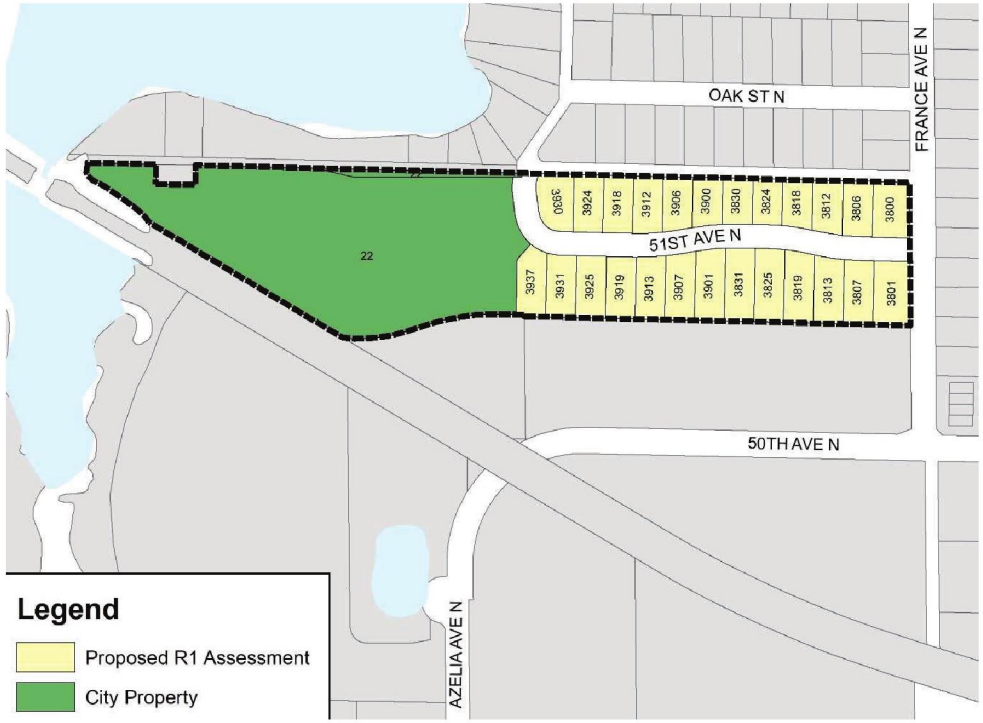
What should I do if I have an issue or something seems odd?

- Please contact the City engineering staff for assistance or to get your questions answered during construction.

Preliminary Assessment Area - Knox, James and 54th Avenues Area Improvements



Preliminary Assessment Area- 51st Avenue Improvements (Twin Lake Blvd to France Ave)



Preliminary Assessment Area - 50th Avenue Improvements (France Ave to Drew Ave)



Special Assessments - Estimated Amounts & Payment Options

The City has an Assessment Policy that outlines how street improvement projects are funded. Each year the City Council establishes assessment rates for residential and commercial zoned properties based on the City's Special Assessment Policy. It is anticipated that the assessment and interest rates will be adopted by the City Council at the November 14, 2022 Council Meeting. The following are estimated 2023 assessment amounts for properties zoned R1.

Assessment Rate for Full Depth Pavement Replacement Improvement Projects:

- Tentative 2023 Assessment Rates for R1 and R2 properties: Street assessment =**$3,914 Per Property***
  - Estimated 6% increase from 2022 assessment rates
- 2023 Assessment Rates for C/I/R4 properties: based on acreage with a "A" zone rate and a "B" zone rate
- Tentative 2023 Interest Rate: 3.5% (same as 2022)

*For properties which may be legally subdivable into two or more lots, the assessment to be applied shall equal the maximum number of lots allowable times the unit R1 assessment

Payment Options:

1. Pay in full - No interest between April 15 & Sept. 30, 2023
2. Pay in full from Oct. 1 to Nov. 17, 2023 with interest from Oct. 1
3. Pay in installments with property taxes over a 10-year period starting in 2024

- Partial prepayments cannot be accepted
- If the project is approved an Assessment Reminder Letter will be sent
- Deferment Questions: Contact Engineering at 763-569-3340

Estimated Payment Amount

Assessment Amount:	$3,914.00	Partial Street Reconstruction, R1
Assessment Interest Rate:	3.50%	(Full Depth Pavement Replacement)
Assessment Term:	10 Years	

Year	Annual Payment	Principle	Interest	Balance
1	$562.64	$391.40	$171.24	$3,522.60
2	$514.69	$391.40	$123.29	$3,131.20
3	$500.99	$391.40	$109.59	$2,739.80
4	$487.29	$391.40	$95.89	$2,348.40
5	$473.59	$391.40	$82.19	$1,957.00
6	$459.90	$391.40	$68.50	$1,565.60
7	$446.20	$391.40	$54.80	$1,174.20
8	$432.50	$391.40	$41.10	$782.80
9	$418.80	$391.40	$27.40	$391.40
10	$405.10	$391.40	$13.70	$0.00
Totals:	**$4,701.70**	**$3,914.00**	**$787.70**	

Note: These are only preliminary estimated amounts – these amounts will change dependent on when interest starts accruing. Approximate monthly payment ranges from $34 - $47.

Preliminary Project Schedule

• **Neighborhood Informational Meeting**	**September 15, 2022**
• City Council Receives Feasibility Report	September 26, 2022
• **Improvement Public Hearing/Order Plans**	**October 24, 2022**
• Establish 2023 Assessment Rates	November 14, 2022
• **Assessment Public Hearing/Certify Assessment Roll**	**December 12, 2022**
• Approve Plans/Advertise for Bids	January 2023
• Accept Bids/Award Project	February/March 2023
• Begin Construction	Spring/Summer 2023
• Substantial Completion	October 2023

Project Information

- Improvement Public Hearing (October 24, 2022)
- Newsletters (monthly during construction)
- Attention Flyers/Door Hangers (as needed)
- City Construction Coordinator
- Engineering Division:
  - Phone: 763-569-3340
  - publicworks@ci.brooklyn-center.mn.us

Conclusion

- Resident Survey Forms
- Questions



Public Hearing on Proposed Improvements

Woodbine Area
Street and Utility Improvements (2022)

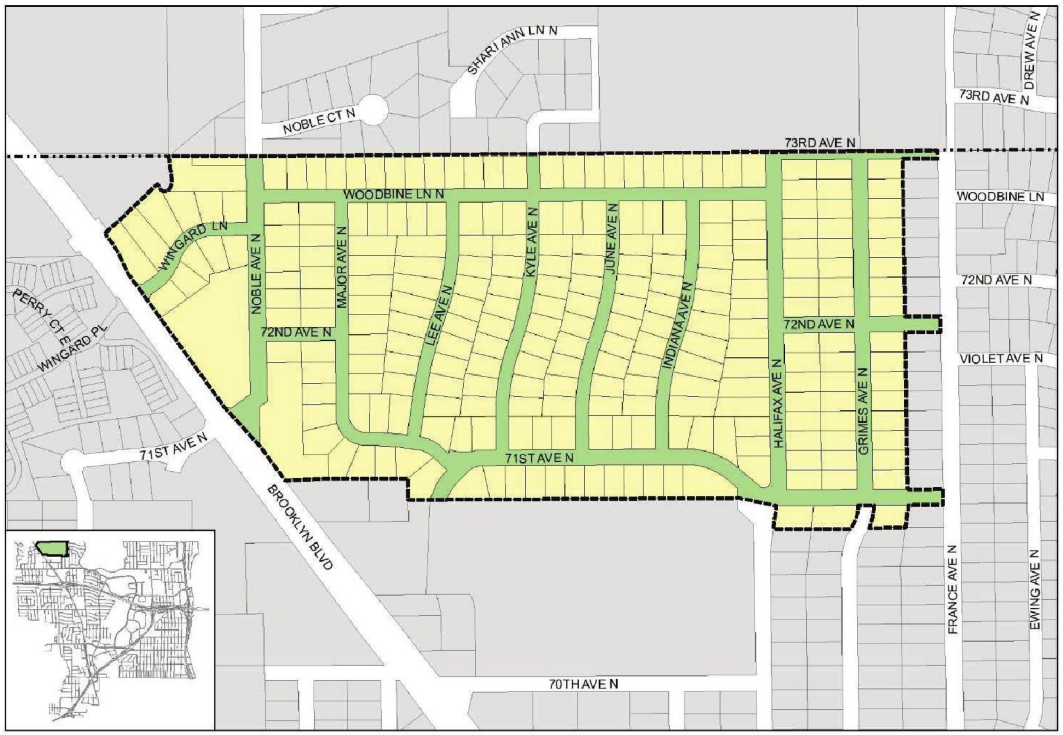
City Council Meeting, October 25, 2021
Mike Albers, City Engineer

Public Hearing to Order Improvements

- Woodbine Area Street and Utility Improvements, Improvement Project Nos. 2022-01, 02, 03 and 04

- Local public improvements to the City's infrastructure based on State of Minnesota Statute Chapter 429

Woodbine Area Street and Utilities Improvements

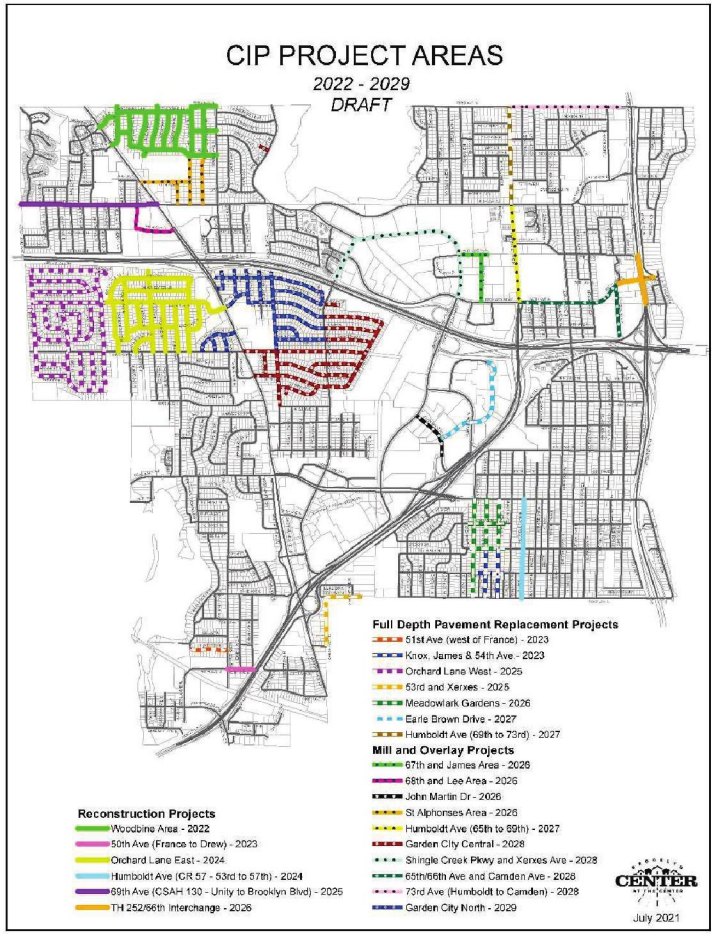


Project Area
Woodbine Area Street and Utility Improvements

Figure 1

Capital Improvement Program

- City Initiated Program in 1993
- Reconstruct Aging Public Streets and Utilities
- Est. Cost 2022-2036 CIP: $187.5 million



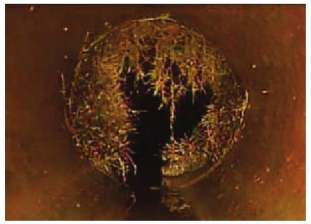
Project Planning

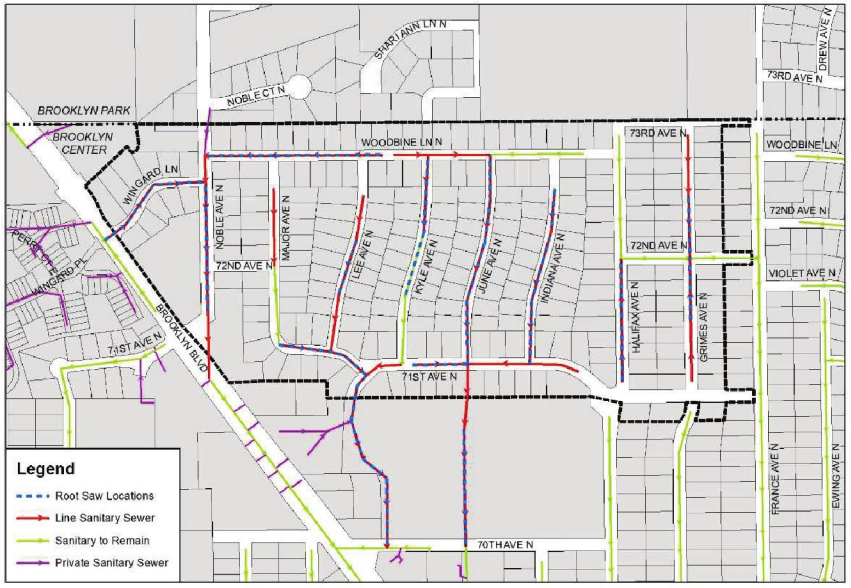
Project Evaluation

- Sanitary Sewer
  - Root intrusion, inflow and infiltration, sags, broken pipe
- Water Main
  - Corrosion, leaks, frozen water services, water quality, pipe material
- Storm Drainage
  - Local flooding, pavement preservation
- Streets, Sidewalks and Trails
  - Pavement deterioration, curb and gutter condition, sidewalk and trail system gaps
- Street Lights
  - Evaluate condition of lighting system

Utility Improvements: Sanitary Sewer System

- Original Collection System Installed between 1956 and 1959, Mainly 8" Vitrified Clay Pipe (VCP)
- Approximately 25% replaced with 8" PVC in 1995
- **Root Intrusion-** root sawing required to maintain conveyance capacity (50%)
- Condition Survey / Televising Inspections (**some minor cracked pipe, sags**)
- Proposed Improvements
  - Spot repairs on trunk sanitary sewer mains
  - Line VCP trunk sanitary sewer mains
  - Replace sanitary sewer castings
  - Sanitary sewer services are privately owned by the homeowner and will not be replaced/repaired as part of the project



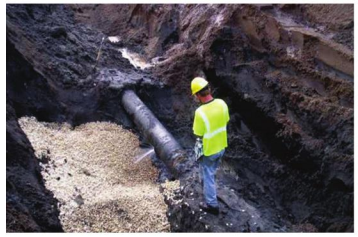


Sanitary Sewer Root Saw Locations
Woodbine Area Street and Utility Improvements

Figure 6

Utility Improvements: Water Distribution System





- Distribution System Installed in 1956-1959
  - 6” and 8” Cast Iron Pipe (CIP)
- Cast Iron Pipe in relatively good condition (couple issue areas)
- <u>Proposed Improvements</u>
  - Replace valves and hydrants throughout project area
  - Replace curb stops throughout the project area
  - Insulate services with previous freezing history

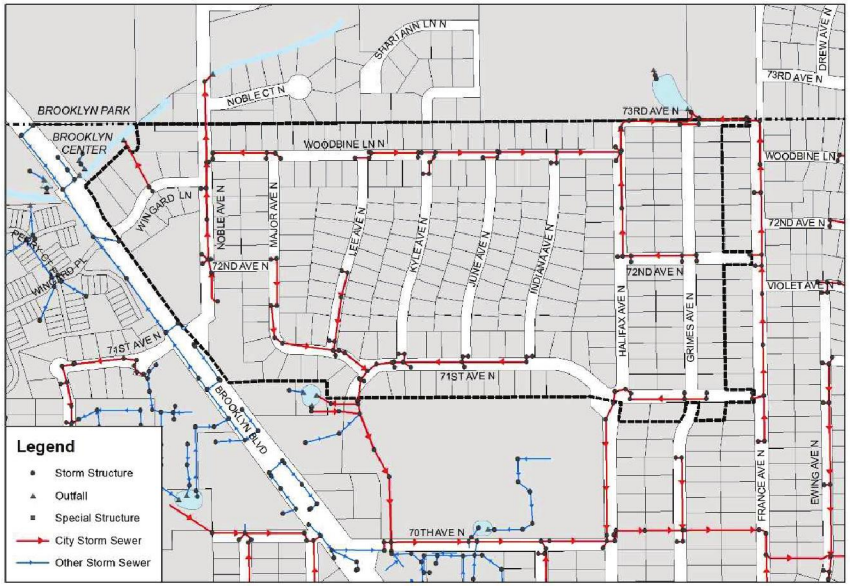


Water Main Break Locations
Woodbine Area Street and Utility Improvements

Figure 7

Utility Improvements: Storm Sewer System

- Existing storm sewer system is developed throughout neighborhood - Installed between 1958-1995
  - 12” - 36” Reinforced Concrete Pipe (RCP)
  - Pipe in relatively good condition
- Some standing water in gutters and at intersections
- <u>Proposed Improvements</u>
  - Replace storm castings as needed



Existing Storm Sewer
Woodbine Area Street and Utility Improvements

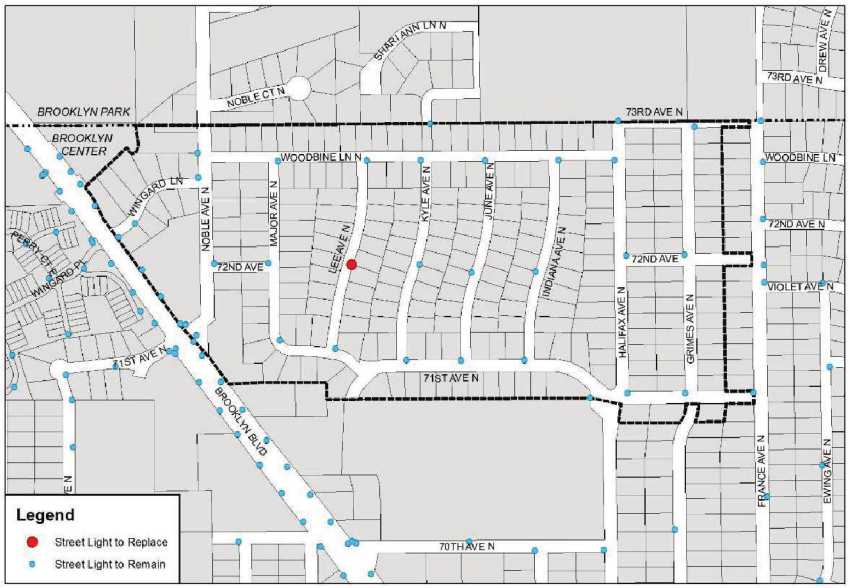
Figure 4

Utility Improvements: Street Lighting

- 29 street lights within project area (combination of multi-use poles and free standing fiberglass poles)
  - Street lights have been converted to LED light fixtures where feasible
- 1 street light on free standing wood pole
- <u>Proposed Improvements</u>
  - Existing Lights on Multi-Use Poles or Free Standing Fiberglass Poles to Remain
  - Replace 1 Free-Standing Street Lights with Fiberglass Poles and LED light fixtures







Street Lights
Woodbine Area Street and Utility Improvements

Figure 3

Street Improvements

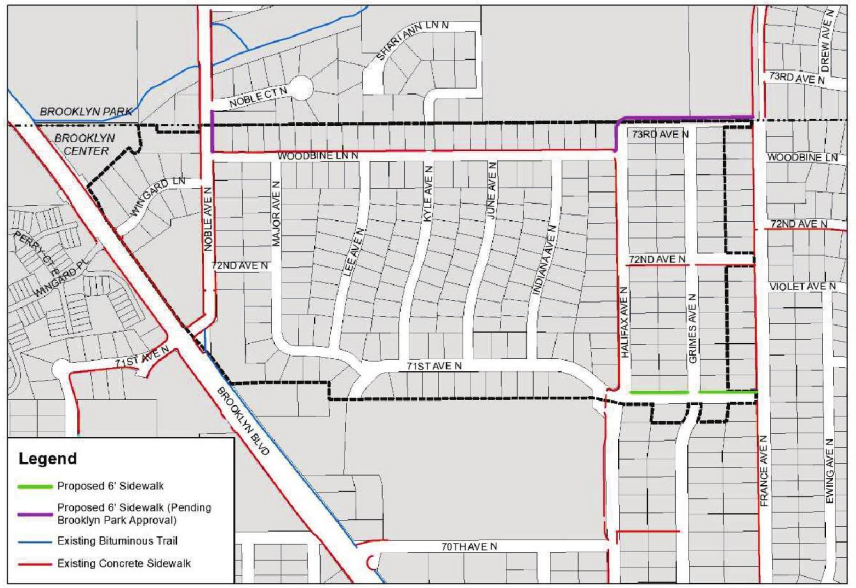
- Roadway reconstructed in 1995. Most streets have concrete curb and gutter
- Subgrade (Foundation) Condition – good condition
- Some minor drainage issues
- Pavement Material Deterioration
- <u>Proposed Improvements</u>
  - Full depth pavement replacement
  - Spot repairs for curb & gutters and sidewalks



Sidewalk Improvements



- Proposed Improvements
  - Spot repairs on existing sidewalks
    - 72nd Ave, Halifax Ave, Noble Ave and Woodbine Ln
  - Pedestrian Curb Ramps will be reconstructed at all cross streets with the Project
  - New 6’ concrete sidewalk on north side of 71st Ave from Halifax Ave to France Ave (Identified gap per Safe Routes to School plan)
  - Sidewalks which may be considered and coordinated with Brooklyn Park
    - Evaluate New 6’ concrete sidewalk along the north side of 73rd Ave from Halifax Ave/Woodbine Ln to France Ave.
    - Evaluate New 6’ concrete sidewalk along the east side of Noble Ave from Woodbine Ln to Noble Ct



Restoration

- Driveways that are disturbed due to the street and utility repairs will be replaced.
- Disturbed boulevard areas will be restored with topsoil and sod.





During Construction

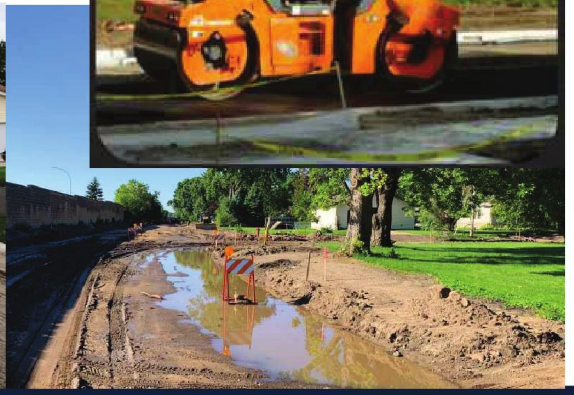










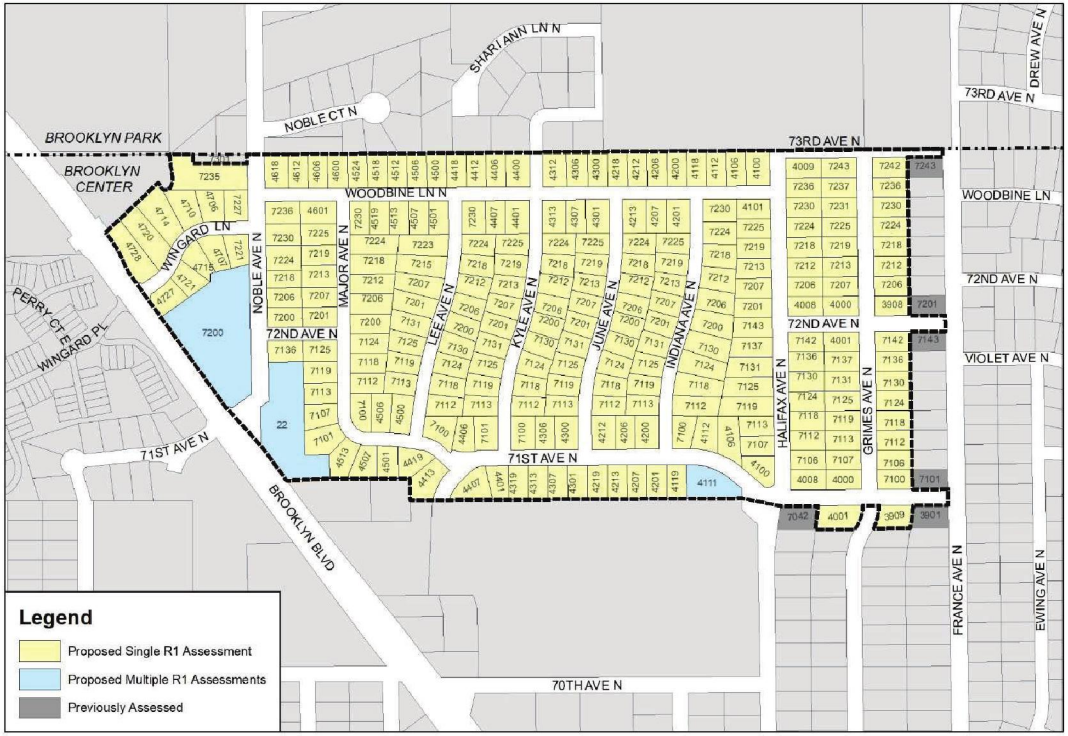


Preliminary Project Budget

	CIP – Est. Project Amount	Percent Total
Special Assessments	$ 959,358,00	13.7%
Sanitary Sewer Utility	$ 990,000,00	14.1%
Water Utility	$ 1,700,000.00	24.3%
Storm Drainage Utility	$ 850,000.00	12.1%
Street Reconstruction Fund	$ 2,280,642.00	32.6%
MSA Fund	$ 200,000.00	2.9%
Street Light Utility	$ 20,000.00	0.3%
Total	$ 7,000,000.00	100%

Note: These are only preliminary estimated amounts – these amounts will change. Costs and funding will be further updated and revised in the final design stage and bidding of the project.

Preliminary Assessment Area



Assessment Map
Woodbine Area Street and Utility Improvements

Figure 8

Special Assessments - Estimated Amounts & Payment Options

The City has an Assessment Policy that outlines how street improvement projects are funded. Each year the City Council establishes assessment rates for residential and commercial zoned properties based on the City's Special Assessment Policy. It is anticipated that the assessment and interest rates will be adopted by the City Council at the November 8, 2021 Council Meeting. The following are estimated 2022 assessment amounts for properties zoned R1.

Assessment Rate for Full Depth Pavement Replacement Improvement Projects:

- Tentative 2022 Assessment Rates for R1 properties: Street assessment =**$3,777 Per Property***
  - Estimated 7% increase from 2021 assessment rates
- Tentative 2022 Interest Rate: 3.5% (Up 0.5% from 2021)

*For properties which may be legally subdivable into two or more lots, the assessment to be applied shall equal the maximum number of lots allowable times the unit R1 assessment

Payment Options:

1. Pay in full - No interest between April 15 & Sept. 30, 2022
2. Pay in full from Oct. 1 to Nov. 18, 2022 with interest from Oct. 1
3. Pay in installments with property taxes over a 10-year period starting in 2023

- Partial prepayments **can** be accepted.
- If the project is approved an Assessment Reminder Letter will be sent
- Deferment Questions: Contact Engineering at 763-569-3340

Estimated Payment Amount

Assessment Amount:	$3,777.00	Partial Street Reconstruction, R1		
Assessment Interest Rate:	3.50%	(Full Depth Pavement Replacement)		
Assessment Term:	10 Years			
Year	**Annual Payment**	**Principle**	**Interest**	**Balance**
1	$542.94	$377.70	$165.24	$3,399.30
2	$496.68	$377.70	$118.98	$3,021.60
3	$483.46	$377.70	$105.76	$2,643.90
4	$470.24	$377.70	$92.54	$2,266.20
5	$457.02	$377.70	$79.32	$1,888.50
6	$443.80	$377.70	$66.10	$1,510.80
7	$430.58	$377.70	$52.88	$1,133.10
8	$417.36	$377.70	$39.66	$755.40
9	$404.14	$377.70	$26.44	$377.70
10	$390.92	$377.70	$13.22	$0.00
Totals:	**$4,537.14**	**$3,777.00**	**$760.14**	

Note: These are only preliminary estimated amounts – these amounts will change dependent on when interest starts accruing. Approximate monthly payment ranges from $33 - $45.

Preliminary Project Schedule

• Neighborhood Informational Meeting	September 16, 2021
• City Council Receives Feasibility Report	September 27, 2021
• **Improvement Public Hearing/Order Plans**	**October 25, 2021**
• Establish 2021 Assessment Rates	November 8, 2021
• **Assessment Public Hearing/Certify Assessment Roll**	**December 13, 2021**
• Approve Plans/Advertise for Bids	January 2022
• Accept Bids/Award Project	February/March 2022
• Begin Construction	Spring/Summer 2022
• Tree Replacements	Fall 2022
• Substantial Completion	October 2022

Recommended Action

Public Hearing to Order Improvements – 4/5 Vote to Pass

- Motion to open Public Hearing to Order Improvements
- Take public input on the improvements
- Motion to close the Public Hearing
- Consideration of comments and motion to adopt resolution Ordering Improvements and Authorizing Preparation of Plans and Specifications

Council Regular Meeting

DATE: 12/12/2022

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Elizabeth Heyman, Director of Public Works
BY: James Soltis, P.E., Assistant City Engineer

SUBJECT: Resolution Ordering Improvements and Authorizing Preparation of Plans and Specifications for Improvement Project No. 2023-02, 50th Avenue Improvements

Requested Council Action:

- Motion to approve a resolution ordering the 50th Avenue Improvements, Improvement Project No. 2023-02 and authorizing preparation of project plans and specifications.

Background:

A public hearing was held on October 24, 2022 to consider ordering improvements and authorize preparation of plans and specifications for Improvement Project No. 2023-02, however not enough Council members were present at the meeting to meet the state statutory requirement to vote on the staff recommended resolution. Therefore, the Council held the public hearing for the item, but continued the resolution to a future date. Staff are now bringing the recommended resolution back to the City Council for consideration.

All potentially affected property owners were notified by mail of the date of the October 24, 2022 improvement public hearing and the amount of proposed special assessments. There were no comments on the 50th Avenue Improvements at the public hearing and staff have received no comments from residents or property owners via other means of communication (i.e. emails, phone calls, etc.).

It should be noted that an assessment public hearing to consider certification of proposed special assessments for street improvements for Improvement Project No. 2023-02 will be held in early 2023. Per City policy, a separate Notice of Public Hearing on proposed special assessments will be sent to properties that are proposed to be assessed in prior to the public hearing.

I. Explanation of Improvements

The proposed project includes roadway and utility improvements for 50th Avenue North between France Avenue North and Drew Avenue North. The project was previously established by the City Council on July 25, 2022, by Resolution 2022-70. On September 26, 2022, the City Council received the project feasibility report and called for a public hearing to be held on October 24, 2022, to consider these improvements.

The project feasibility report provides a description of recommended improvements for the neighborhood and an estimated project budget. The proposed improvements are as follows:

1. **Street Improvements** – Partial street reconstruction which includes full depth pavement replacement,

miscellaneous repairs of concrete curb and gutter and driveway aprons, bituminous trail replacement, and boulevard restoration.

2. **Storm Drainage Improvements -** The recommended storm sewer improvements include replacing catch basin castings as necessary within the project areas, and replacing or repairing catch basins and laterals where necessary or impacted by other utility work.

3. **Sanitary Sewer Improvements** - The recommended sanitary sewer improvements include replacing individual sanitary service lines and coordinating with the Metropolitan Council Environmental Services to replace or adjust sanitary manhole castings and lids within the project area.

4. **Water Main Improvements** - The recommended water main improvements include complete replacement of the existing cast iron water main with new ductile iron water main, replacement of all existing valves and hydrants, replacement of water services extending from the water main in the street to the water curb stop or service valve located at the property line, and insulating one water service that has a history of freezing in the past.

II. Summary of Assessments

Special assessments are proposed as one of several funding sources for the improvements located on 50th Avenue. The 2023 special assessment rates for street improvements were established, in accordance with the City's Special Assessment Policy, at the November 14, 2022 City Council meeting.

The feasibility report includes a preliminary assessment roll identifying approximately six residential properties that are zoned "R4", five industrial properties, and one commercial property. See attached Appendix B–Pending Assessment Roll and Figure 6–Assessment Map from the project feasibility report. The special assessments will not exceed the amounts on the attached special assessment roll.

Assessments for Partial Street Reconstruction (Full Depth Pavement Replacement)

The commercial properties, industrial properties and multi-family properties that are zoned R4 within the project area would be assessed based on an area basis. An "A" zone benefit includes the area abutting the street to be improved, extended to the depth of 200-feet and a "B" zone of lesser benefit for the remainder of the property area. The "A" zone rate is based on assessing 70 percent of the total street project cost deemed to benefit the property and the "B" zone rate is based on 30 percent. Based on cost estimates for full street reconstruction, the full unit rate has been determined to be "A" zone rate of $0.4292 per square foot and a "B" zone rate of $0.1839 per square foot. It should be noted that historically the assessments have been levied based on estimated costs rather than actual costs, understanding that the project costs are levied at a reduced percentage (70 and 30 percent as indicated above).

III. Recommended Council Procedure

Public Hearing to Order Improvements:

A public hearing was held on October 24, 2022 to consider ordering improvements and authorize preparation of plans and specifications. , however not enough Council members were present at the meeting to meet the state statutory requirement to vote on the staff recommended resolution. Therefore, staff are now bringing the resolution ordering the improvements and authorizing preparation of plans and specifications back to the City Council for consideration. A four-fifths majority vote of the City Council present for the hearing is required for the improvements to proceed.

Budget Issues:

The proposed street and utility improvements are included in the 2023 Capital Improvement Program for

the City of Brooklyn Center. The total project cost is estimated to be $410,000. Funding sources for the project are budgeted from sources as described in the project feasibility report previously accepted by the City Council on September 26, 2022. The finalized funding source amounts for the project are the same as those that were included in the September 19, 2022 Feasibility Report. These amounts are listed below:

Special Assessments	$ 52,265.67
Sanitary Sewer Utility Fund	$ 20,000.00
Water Utility Fund	$ 160,000.00
Storm Drainage Utility Fund	$ 40,000.00
Street Reconstruction Fund	$ 137,734.33
Total	$ 410,000.00

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
1_50th Ave Improvement PH Res	10/18/2022	Cover Memo
50th Ave Improvement - Figure	10/18/2022	Cover Memo
50th Ave Improvements - Feasibility Report	10/18/2022	Cover Memo

Member introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION ORDERING IMPROVEMENTS AND AUTHORIZING PREPARATION OF PLANS AND SPECIFICATIONS FOR IMPROVEMENT PROJECT NOS. 2023-02, 50th AVENUE IMPROVEMENTS

WHEREAS, the Brooklyn Center City Council on July 25, 2022, authorized consideration of street, storm drainage and utility improvements in the area generally described as "50th Avenue Improvements", more specifically described as follows: 50th Avenue N from France Avenue N to Drew Avenue N; and

WHEREAS, the City Council has received and accepted a feasibility report for said proposed improvements, as prepared under the City Engineer's supervision; and

WHEREAS, said improvements are necessary, cost effective and feasible as detailed in the feasibility report; and

WHEREAS, the City Council on September 26, 2022, adopted a resolution setting a date for a public hearing regarding the proposed improvements for the 50th Avenue Improvements; and

WHEREAS, ten days published notice of hearing was given and the hearing was held on October 24, 2022, at which time all persons desiring to be heard were given the opportunity to be heard thereon; and

WHEREAS, the City Council has considered all comments, testimony, evidence and reports offered at or prior to the October 24, 2022, hearing; and

WHEREAS, the City reasonably expects to spend monies from the Infrastructure Construction Fund on a temporary basis to pay the expenditures described in this resolution; and

WHEREAS, the City reasonably expects to reimburse itself for such expenditures from the proceeds of taxable or tax-exempt bonds, the debt service of which is expected to be paid from property taxes, special assessments or utility fees. The maximum amount of special assessment obligations expected to be issued for such project is $52,265.67; and

WHEREAS, the Engineering Division is prepared to develop plans and specifications for said public improvement project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that:

1. Improvement Project No. 2023-02, 50th Avenue Improvements, are hereby ordered and the Engineering Division is authorized to prepare plans and specifications for said improvements.

2. This resolution is intended to constitute official intent to issue taxable or tax exempt reimbursement bonds for purposes of Treasury Regulations and any successor law, regulation, or ruling. This resolution will be modified to the extent required or permitted by Treasury Regulations or any successor law, regulation, or ruling.

October 24, 2022
Date

Mayor

ATTEST: _____
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member

and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:
whereupon said resolution was declared duly passed and adopted.



Assessment Map
50th Avenue Street and Utility Improvements

August 2022

CITY OF BROOKLYN CENTER PROPOSED PENDING ASSESSMENT ROLL
September 19, 2022
2023 50TH AVENUE IMPROVEMENTS
IMPROVEMENT PROJECT NO. 2023-02

DRAFT

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	NOTES
1011821130059	3607	50th Ave N		$ 9,308.25	Industrial I2 (A) 21,687.45 sf (B) 0 sf
1011821130051	3614	50th Ave N		$ 4,340.24	Multi Family R4 (A) 10,112.40 sf (B) 0 sf
1011821130083	3615	50th Ave N		$ 6,440.16	Industrial I2 (A) 15,005.04 sf (B) 0 sf
1011821130061	3701	50th Ave N		$ 6,440.25	Industrial I2 (A) 15,005.04 sf (B) 0 sf
1011821130062	3707	50th Ave N		$ 6,440.16	Industrial I2 (A) 15,005.03 sf (B) 0 sf
1011821130080	3715	50th Ave N		$ 6,445.30	Industrial I2 (A) 15,017.01 sf (B) 0 sf
1011821130073	5000	France Ave N; Unit D		$ 1,056.47	Multi Family R4 - Split between 4 units (A) 2,461.49 sf (B) 0 sf
1011821130074	5000	France Ave N; Unit C		$ 1,056.47	Multi Family R4 - Split between 4 units (A) 2,461.49 sf (B) 0 sf
1011821130075	5000	France Ave N; Unit B		$ 1,056.47	Multi Family R4 - Split between 4 units (A) 2,461.49 sf (B) 0 sf
1011821130076	5000	France Ave N; Unit A		$ 1,056.47	Multi Family R4 - Split between 4 units (A) 2,461.49 sf (B) 0 sf
1011821130003	5001	Drew Ave N		$ 4,343.16	Commercial C1 (A) 10,119.21 sf (B) 0 sf
1011821130042	5001	Ewing Ave N		$ 4,282.27	Multi Family R4 (A) 9,977.32 sf (B) 0 sf
	Total Assessments			$ 52,265.67	

Council Regular Meeting

DATE: 12/12/2022

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Elizabeth Heyman, Director of Public Works
BY: James Soltis, P.E., Assistant City Engineer, Cynthia Majors, Public Works Admin Assistant

SUBJECT: Resolution Ordering Improvements and Authorizing Preparation of Plans and Specifications for Improvement Project No. 2023-03, 51st Avenue Improvements

Requested Council Action:

- Motion to approve a resolution ordering the 51st Avenue Improvements, Improvement Project No. 2023-03 and authorizing preparation of project plans and specifications.

Background:

A public hearing was held on October 24, 2022 to consider ordering improvements and authorize preparation of plans and specifications for Improvement Project No. 2023-03, however not enough Council members were present at the meeting to meet the state statutory requirement to vote on the staff recommended resolution. Therefore, the Council held the public hearing for the item, but continued the resolution to a future date. Staff are now bringing the recommended resolution back to the City Council for consideration.

All potentially affected property owners were notified by mail of the date of the October 24th, 2022 improvement public hearing and the amount of proposed special assessments. At that meeting a group of residents brought forward a petition opposing the project. In response to this feedback from residents, Public Works staff held a public meeting on-site at 51st Ave N on November 3rd, 2022. Public Works staff shared why the City is recommending a partial reconstruction project and how the project fits into the City's overall Capital Improvement Program (CIP). Seven residents attended the meeting. Based on the information contained in the project feasibility report and on pavement data collected in the fall that showed high-severity stripping (e.g. separation of oil and aggregates) in the bottom of the pavement base, staff are continuing to recommend moving forward with the project.

It should be noted that an assessment public hearing to consider certification of proposed special assessments for street improvements for Improvement Project No. 2023-03 will be held in early 2023. Per City policy, a separate Notice of Public Hearing on proposed special assessments will be sent to properties that are proposed to be assessed prior to the public hearing.

I. Explanation of Improvements

The proposed project includes roadway and utility improvements for 51st Avenue North from 185 feet south of Oak Street on Twin Lake Boulevard to France Avenue. The project was previously established by the City Council on July 25, 2022, by Resolution 2022-71. On September 26, 2022, the City Council received the project feasibility report and called for a public hearing to be held on October 24, 2022, to consider these improvements.

The project feasibility report provides a description of recommended improvements for the neighborhood and an estimated project budget. The proposed improvements are as follows:

1. **Street Improvements** – Partial street reconstruction which includes full depth pavement replacement, miscellaneous repairs of concrete curb and gutter and driveway aprons, bituminous trail replacement, and boulevard restoration.

2. **Storm Drainage Improvements -** The recommended storm sewer improvements include replacing catch basin castings as necessary within the project areas, and replacing or repairing catch basins and laterals where necessary or impacted by other utility work.

3. **Water Main Improvements** - The recommended water main improvements include replacement the valve and hydrant (the moving parts) of the water main system as these parts tend to wear and fail prior to the remainder of the water main system.

II. Summary of Assessments

Special assessments are proposed as one of several funding sources for the improvements located on 51st Avenue. The 2023 special assessment rates for street improvements were established in accordance with the City's Special Assessment Policy at the November 14, 2022 City Council meeting.

The feasibility report includes a preliminary assessment roll identifying approximately twenty-five residential properties that are zoned "R1". See attached Appendix B–Pending Assessment Roll and Figure 7–Assessment Map from the project feasibility report. The special assessments will not exceed the amounts on the attached special assessment roll.

Assessments for Partial Street Reconstruction (Full Depth Pavement Replacement)

The standard 2023 residential street assessment rate is estimated to be $3,914 per R1 zoned residential property.

III. Recommended Council Procedure

Public Hearing to Order Improvements:

A public hearing was held on October 24, 2022 to consider ordering improvements and authorize preparation of plans and specifications. The public hearing was held and closed however not enough Council members were present at the meeting to meet the state statutory requirement to vote on the staff recommended resolution. Therefore, staff are now bringing the resolution ordering the improvements and authorizing preparation of plans and specifications back to the City Council for consideration. A four-fifths majority vote of the City Council present for the hearing is required for the improvements to proceed.

Budget Issues:

The proposed street and utility improvements are included in the 2023 Capital Improvement Program for the City of Brooklyn Center. The total project cost is estimated to be $380,000. Funding sources for the project are budgeted from sources as described in the project feasibility report previously accepted by the City Council on September 26, 2022. The funding source amounts that were included in the September 19, 2022 Feasibility Report are listed below however the amended column shows the updated amounts that reflect the finalized assessment rates set by Council on November 14, 2022:

	Feasibility Report (9/19/2022)
Special Assessments	$ 97,850.00

Sanitary Sewer Utility Fund	$ 10,000.00
Water Utility Fund	$ 10,000.00
Storm Drainage Utility Fund	$ 70,000.00
Street Light Utility Fund	$ 20,000.00
Street Reconstruction Fund	$ 172,150.00
Total	$ 380,000.00

Amended (12/12/2022)

Special Assessments	$ 95,150.00
Sanitary Sewer Utility Fund	$ 10,000.00
Water Utility Fund	$ 10,000.00
Storm Drainage Utility Fund	$ 70,000.00
Street Light Utility Fund	$ 20,000.00
Street Reconstruction Fund	$ 174,850.00
Total	$ 380,000.00

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
51st Ave Improvement PH Res	10/18/2022	Cover Memo
51st Ave Assessment Map DRAFT 220727	10/18/2022	Cover Memo
51st Ave BC202303 1st Improvements - Feasibility	10/18/2022	Cover Memo

Member introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION ORDERING IMPROVEMENTS AND AUTHORIZING PREPARATION OF PLANS AND SPECIFICATIONS FOR IMPROVEMENT PROJECT NO. 2023-03, 51ST AVENUE IMPROVEMENTS

WHEREAS, the Brooklyn Center City Council on July 25, 2022, authorized consideration of street, storm drainage and utility improvements in the area generally described as "51st Avenue Improvements", more specifically described as follows: 51st Avenue N from 185 feet south of Oak Street N on Twin Lake Blvd E to France Avenue N; and

WHEREAS, the City Council has received and accepted a feasibility report for said proposed improvements, as prepared under the City Engineer's supervision; and

WHEREAS, said improvements are necessary, cost effective and feasible as detailed in the feasibility report; and

WHEREAS, the City Council on September 26, 2022, adopted a resolution setting a date for a public hearing regarding the proposed improvements for the 51st Avenue Improvements; and

WHEREAS, ten days published notice of hearing was given and the hearing was held on October 24, 2022, at which time all persons desiring to be heard were given the opportunity to be heard thereon; and

WHEREAS, the City Council has considered all comments, testimony, evidence and reports offered at or prior to the October 24, 2022, hearing; and

WHEREAS, the City reasonably expects to spend monies from the Infrastructure Construction Fund on a temporary basis to pay the expenditures described in this resolution; and

WHEREAS, the City reasonably expects to reimburse itself for such expenditures from the proceeds of taxable or tax-exempt bonds, the debt service of which is expected to be paid from property taxes, special assessments or utility fees. The maximum amount of special assessment obligations expected to be issued for such project is $97,850.00; and

WHEREAS, the Engineering Division is prepared to develop plans and specifications for said public improvement project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that:

1. Improvement Project No. 2023-03, 51st Avenue Improvements, are hereby ordered and the Engineering Division is authorized to prepare plans and specifications for said improvements.

2. This resolution is intended to constitute official intent to issue taxable or tax exempt reimbursement bonds for purposes of Treasury Regulations and any successor law, regulation, or ruling. This resolution will be modified to the extent required or permitted by Treasury Regulations or any successor law, regulation, or ruling.

October 24, 2022
Date

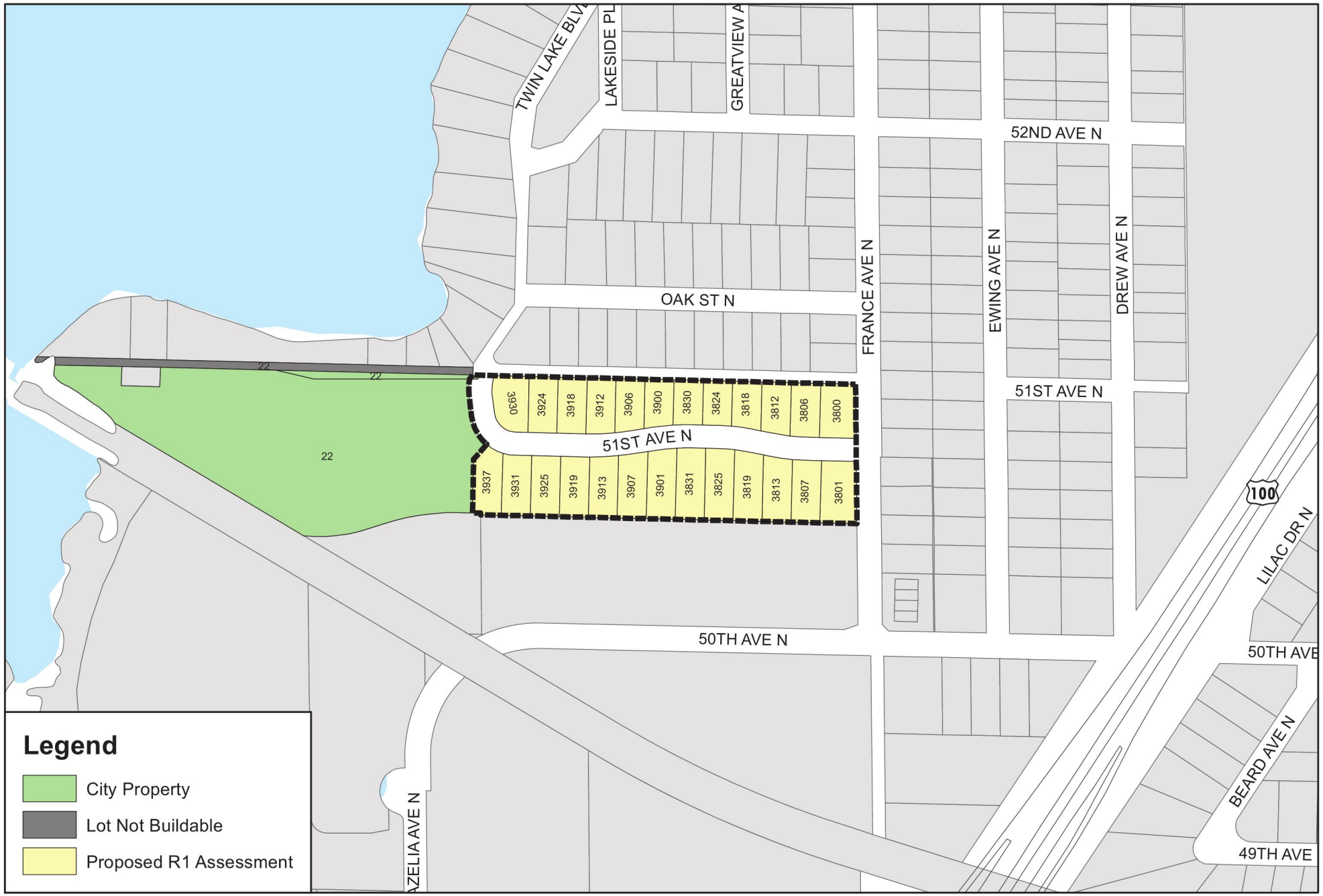
_____
Mayor

ATTEST: _____
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member

and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:
whereupon said resolution was declared duly passed and adopted.



Assessment Map
51st Avenue Street and Utility Improvements

N

July 2022

CITY OF BROOKLYN CENTER PROPOSED PENDING ASSESSMENT ROLL
September 19, 2022
2023 51ST AVENUE IMPROVEMENTS
IMPROVEMENT PROJECT NO. 2023-03

DRAFT

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	NOTES
1011821240006	3800	51st Ave N		$ 3,914.00	R1 - Corner
1011821240018	3801	51st Ave N		$ 3,914.00	R1 - Corner
1011821240007	3806	51st Ave N		$ 3,914.00	R1
1011821240019	3807	51st Ave N		$ 3,914.00	R1
1011821240008	3812	51st Ave N		$ 3,914.00	R1
1011821240020	3813	51st Ave N		$ 3,914.00	R1
1011821240009	3818	51st Ave N		$ 3,914.00	R1
1011821240021	3819	51st Ave N		$ 3,914.00	R1
1011821240010	3824	51st Ave N		$ 3,914.00	R1
1011821240022	3825	51st Ave N		$ 3,914.00	R1
1011821240011	3830	51st Ave N		$ 3,914.00	R1
1011821240023	3831	51st Ave N		$ 3,914.00	R1
1011821240012	3900	51st Ave N		$ 3,914.00	R1
1011821240024	3901	51st Ave N		$ 3,914.00	R1
1011821240013	3906	51st Ave N		$ 3,914.00	R1
1011821240025	3907	51st Ave N		$ 3,914.00	R1
1011821240014	3912	51st Ave N		$ 3,914.00	R1
1011821240026	3913	51st Ave N		$ 3,914.00	R1
1011821240015	3918	51st Ave N		$ 3,914.00	R1
1011821240027	3919	51st Ave N		$ 3,914.00	R1
1011821240016	3924	51st Ave N		$ 3,914.00	R1
1011821240028	3925	51st Ave N		$ 3,914.00	R1
1011821240017	3930	51st Ave N		$ 3,914.00	R1
1011821240029	3931	51st Ave N		$ 3,914.00	R1
1011821240030	3937	51st Ave N		$ 3,914.00	R1
	Total Assessments			$ 97,850.00	

Council/EDA Work Session
City Hall Council Chambers
December 12, 2022

AGENDA

ACTIVE DISCUSSION ITEMS

PENDING LIST FOR FUTURE WORK SESSIONS