

FRIDLEY CITY CODE
CHAPTER 205. ZONING

(Ref. 24, 28, 37, 53, 58, 70, 97, 99, 107, 127, 151, 162, 164, 165, 174, 181, 202, 225, 233, 236, 238, 246, 260, 263, 265, 266, 267, 268, 272, 282, 283, 284, 300, 307, 309, 310, 332, 336, 339, 349, 358, 373, 380, 381, 406, 416, 419, 441, 459, 480, 483, 484, 517, 555, 564, 584, 620, 678, 728, 736, 750, 775, 777, 804, 842, 845, 864, 888, 900, 951, 952, 960, 966, 971, 972, 979, 995, 1010, 1017, 1026, 1028, 1032, 1056, 1080, 1082, 1085, 1086, 1097, 1104, 1112, 1114, 1117, 1118. 1121, 1126, 1149 1155, 1157, 1159, 1194, 1220, 1225, 1251, 1264, 1265, 1272, 1295, 1300, 1301, 1330, 1373, 1374)

and City Code Appendix D—Zoning Map Changes)

205.01. PURPOSE

The following zoning provisions and the zoning map established hereby have been enacted for the purpose of protecting and promoting the public health, safety, comfort, convenience, prosperity and general welfare of the City of Fridley.

205.02. GOALS

These zoning regulations are intended to achieve the following goals:

1. To develop and promote the economic well being of the community.
2. To promote sound land management and orderly development of the community.
3. To improve and promote safety in all transportation movements in the community.
4. To promote safety from disasters including fires, floods, etc.
5. To regulate the density of development in the city and to ensure adequate service by governmental facilities including streets, schools, recreation, fire protection, police, utility systems, drainage, etc.
6. To promote the conservation and improvement of the environment through a desirable and workable arrangement between natural features, land uses, transportation and energy systems.
7. To conserve and improve the economic value of land and buildings in the community.
8. To promote an economic base capable of supporting a desirable standard of living for all residents.
9. To maintain the City's image.
10. To provide for and maintain a diversity of suitable housing and living environment for all persons.
11. To achieve the goals and objectives and to guide and direct the community's development based on the "Comprehensive Plan" as adopted by the City Council.

205.03. DEFINITIONS

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

1. Accessory Building or Use.

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

2. Alley.

A public right of way less than thirty (30) feet in width which affords secondary access to an abutting property.

3. Alternate Energy Devices.

Non-fossil fuel energy devices.

4. Apartment.

A room or suite of rooms in a multiple dwelling which is arranged, designed, used or intended to be used as a dwelling unit for one (1) family.

5. Assembly Facility.

A building or portion of a building used for events such as weddings, conferences, worship, or meetings.

6. Automobile Service Station.

A place where fuel and other essential services related to the operation of motor vehicles are retailed directly to the public. This does not include motor vehicle repair.

7. Bicycle Lanes And Ways.

A bicycle lane is any portion of a roadway set aside for the exclusive use of bicycles or other vehicles propelled by human power and so designated by appropriate signs and markings. A bicycle way is a path, sidewalk or portion thereof designated for use by bicycles or other vehicles propelled by human power.

8. Block.

That property abutting on one side of a street and lying between the two (2) nearest intersecting or intercepting streets or nearest intersecting or intercepting street and railroad right of way, waterway, or other barrier to or gap in the continuity of development along such street.

9. Boarding, Rooming or Lodging House.

Any dwelling where meals and lodging for compensation are provided for five (5) or more people who are not members of the principal family.

10. Boulevard.

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

11. Building.

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

12. Building Height.

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

13. Business.

Any operation or enterprise wherein merchandise is sold, purchased, or exchanged or where services are offered for compensation.

14. Church.

A building where persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.

15. Commercial Recreation.

A place where leisure time activities are offered to the general public for a fee including, but not limited to, health clubs, racquet clubs, billiard halls and bowling alleys.

16. Common Open Space.

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

17. Condominium.

A multiple dwelling in which portions are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of these portions. A multiple dwelling is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

18. Crematory.

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

19. Curb Grade.

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

20. Day Care, Centers.

Any non-home based program, that for compensation or otherwise, provides for the care of children outside their home for part of a 24 hour day. Includes, but is not limited to, programs for children known as nursery schools, day nurseries, child care centers, and day care facilities. (Ref. 864)

21. Day Care, Useable Floor Area.

Primary space exclusive of hallways, bathrooms, lockers, kitchens, and floor space occupied by sanitary equipment, but not including equipment and furnishings regularly used by the children. (Ref. 864)

22. District.

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

23. Driveway.

A private hardsurfaced road giving access from a public way to a building or abutting grounds

24. Dwelling.

A building that contains one or more dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

25. Dwelling, Multiple.

A building or portion thereof designed for occupancy by two (2) or more families living independently of each other.

26. Dwelling, One-Family.

A detached building designed exclusively for occupancy by one (1) family.

27. Dwelling, Two-Family.

A building designed exclusively for occupancy by two (2) families living independently of each other.

28. Dwelling Unit.

A single unit providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

29. Expansion.

Any structural modification which increases an existing structure's square footage, volume or footprint.

30. Family.

An individual or two (2) or more persons related by blood, marriage or adoption, including foster children and bona fide domestic servants, subject to the following conditions:

- A. More than five (5) unrelated persons living in a dwelling unit shall not constitute a family.
- B. A group home which is a federal tax exempt nonprofit organization shall not constitute a family if the total persons other than the live-in staff or principal occupant exceeds five (5).

31. Farmers Market

A temporary, seasonal event that provides an opportunity for the public to buy Minnesota grown fresh fruits, vegetables, flowers and food products directly from farmers, growers or producers. These locally grown products are picked fresh and brought straight to the market and sold by the growers themselves. Alternatively, they are locally grown products that are prepared or processed according to guidelines set forth by Minnesota Department of Agriculture's Food & Dairy Inspection Division in accordance with the Minnesota Department of Health. Locally crafted specialty items are allowable provided they are not mass produced.

32. Fence.

A structure, partition or wall erected for the purpose of enclosing a piece of land or to divide a piece of land into distinct portions. The term “fence” includes an enclosure made of a permanent material, such as wood or iron.

33. Fleet Vehicle

Any motor vehicle a company owns or leases that is in the normal operation of the accepted principal use. Vehicles not considered fleet vehicles include off-road, construction, farm implement, and personal vehicles. (Ref 1272))

34. Fraternal Organization.

A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings and formal written memberships.

35. Garage, Heavy Duty Repair.

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

36. Garage, Private.

An accessory building or accessory portion of the principal building which is used to store motor vehicles or other personal property of the resident.

37. Garage, Public.

A building used for the sale of new or used motor vehicles or where motor vehicles are parked or stored for a remuneration or where motor vehicles are repaired within the structure as a service accessory to the main use.

38. Garage, Repair.

A place where major repair of motor vehicles is conducted, including engine rebuilding, repair or reconditioning, but not including collision services.

39. Garage Sale.

The sale of tangible, personal property that was obtained by the person making the sale, through purchase or otherwise, for his or her own use that is conducted on premises within a residential district upon which is located in a dwelling, including but not limited to all sales entitled “garage,” “lawn,” “yard,” “flea market,” or “rummage” sale.

40. Grade, Finished Ground.

The average finished ground elevation along the front wall of the main building .

41. Guest Room.

A room or group of rooms intended for living or sleeping for compensation, occupied by one (1) or more people, in which no provision is made for cooking.

42. Home Occupation.

Any gainful occupation or profession engaged in by the owner or occupant of a dwelling unit and occurring within the dwelling unit that meets all the requirements set forth in the applicable provisions of the Zoning Code. Any home occupation must meet all requirements as specified in the corresponding Zoning Code. Any home occupation shall be clearly incidental and secondary to the principal use of the premises and shall have no adverse impact to building aesthetics, traffic volume, hours of operation, noise, odor, dust, smoke, heat, vibration, or any other activity that adversely affects the health, safety, and general welfare or is detrimental to the residential nature of the surrounding neighborhood. (Ref Ord 1301)

43. Hospital.

An institution open to the public, in which sick or injured persons receive medical, surgical or psychiatric treatment.

44. Hotel.

A building consisting of six (6) or more guest rooms and designed for occupancy as a temporary lodging place of individuals.

45. Institution

A public or private institution including but not limited to: places of worship, schools, hospitals and medical clinics.

46. Integral Part Of A Principal Structure.

Constructed in general conformity to the principal structure in terms of framing, finishing and overall use.

47. Junk Yard.

An open area where waste and used materials are bought, sold, exchanged, stored, packed, disassembled or handled as a principal use, including scrap metals, rubber, wire and plastic. A junk yard includes an automobile wrecking, salvage, or recycling yard, but does not include uses that are entirely within enclosed buildings or City Council approved recycling centers.

48. Kennel.

Any lot or premises on which four (4) or more dogs or cats, or any combination of four (4) or more dogs or cats, at least six (6) months of age, are kept. (Ref. 979.)

49. Laboratory.

A place devoted to experimental study such as testing and analyzing. The term laboratory does not include product manufacturing.

50. Landscaping.

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

51. Living Area.

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

52. Loading Dock.

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

53. Lot.

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

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

54. Lot, Corner.

A lot situated at the intersection of two (2) or more streets.

55. Lot Depth.

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

56. Lot, Double Frontage.

A lot with opposite lot lines on two (2) nonintersecting streets. Both street frontages shall be considered as front yard areas.

57. Lot, Frontage.

The front of a lot shall be that boundary of a lot along a street right of way. If a lot is a corner lot, the front shall be the shorter lot line that abuts the street right of way, but if the dimensions of a corner lot are within ten percent (10%) of being equal, the owner may select either street lot line as the front.

58. Lot Width.

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

59. Manufactured Home.

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

60. Manufactured Home Park.

An approved area for the parking of occupied manufactured homes.

61. Massage Therapy Business.

As defined in City Code Chapter 125.

62. Massage Therapist.

As defined in City Code Chapter 125.

63. Mortuary.

A place in which dead bodies are kept until burial.

64. Motel.

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

65. Motor Vehicle.

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

66. Multi-story Parking Structure.

A public or private structure of two or more stories, used to park more than four motor vehicles.

67. Nonconforming Use.

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

68. Nursing Home.

A State licensed facility used to provide care for the aged and infirm persons who require nursing care and related services.

69. Parking Stall.

An area for the purpose of parking one automobile, surfaced with concrete or asphalt, with access to a public street or alley.

70. Parking Stall, Accessible.

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

71. Parking Stall, Angled.

Any parking space that is not parallel to the curb or driving aisle.

72. Public Facility.

Any facility which is owned, operated or maintained by the City of Fridley or any other governmental agency.

73. Public Property.

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

74. Public Right-of-Way.

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

75. Restaurant.

An establishment where meals can be purchased by the public for a fee, including the following types:

- A. A Class I restaurant is any restaurant or cafeteria, where food is served to, or selected by, a customer for consumption primarily on the premises, and which do not sell or serve liquor.
- B. A Class II restaurant is any restaurant which has 25% or more of their sales taken away from the premises for consumption and which may serve beer and/or wine for consumption on the premises. Class II restaurants include, but are not limited to, take-out pizza parlors and fast food establishments.
- C. A Class III restaurant is any sit down restaurant which serves food and intoxicating liquor for consumption on the premises.
- D. A Drive-in restaurant is any restaurant which sells, serves or offers goods or services directly to customers who are either waiting in parked vehicles or who return to their vehicles to consume or use the goods or services while on the premises. (Ref. 900)

76. Retort.

A vessel or chamber in which substances are distilled or decomposed by heat.

77. Seasonal Outdoor Food Sales (Ref. 1032)

A food establishment wherein food is stored, prepared, manufactured, processed, wrapped, canned, packed, bottled, transported, distributed, or served from a trailer, vehicle, stand, enclosure, space, or area which is located outdoors and not within the principal or accessory structure and/or use on the property. Further, the food items are served and for sale on a temporary or seasonal basis as defined below:

- A. Special event sales are sales which occur for a minimum of one (1) and a maximum of ten (10) consecutive days, no more than two times per year.
- B. Weekly sales are sales which occur for a minimum of one (1) and a maximum of three (3) consecutive days in one week.
- C. Daily sales are sales which occur for ten (10) or more consecutive days.

Outdoor eating areas accessory to restaurants, as defined herein, are not considered seasonal outdoor food sales.

78. Service Use.

The cleaning, washing, adjusting, repairing, rebuilding, overhauling or finishing of manufactured products.

79. Setback, Front Yard.

The minimum distance between the front line of a lot and a structure located on that lot.

80. Setback, Rear Yard.

The minimum distance between the rear line of a lot and a structure located on that lot.

81. Setback, Side Yard.

The minimum distance between the side line of a lot and a structure located on that lot.

82. Single Family Attached Development.

Individually owned dwelling units which share a common wall and/or land including townhouses, townhomes and condominiums.

83. Solar Collector.

A device or structure used to gather solar energy.

84. Solar Energy.

Radiant energy received from the sun, either direct, diffused or reflected.

85. Solar Energy Devices.

A set of devices whose primary purpose is to collect, convert and store solar energy, including heating and cooling of buildings and other energy processes, or to produce generated power by means of any combination of collecting, transferring or converting solar energy.

86. Speculative Building.

A building or group of buildings, which consists of area whose use has not been determined at the time of construction.

87. Story.

That part of a building included between the surface of any floor and the surface of the next floor above it; if there is no floor above it, the space between the floor and the ceiling above it. A basement is a story for the purposes of height regulations if one-half (1/2) or more of the basement height is above the level of the adjoining ground.

88. Street.

A public or private thoroughfare which, provides the principal means of access to the abutting property.

89. Streets, Arterial.

A street designed primarily to carry traffic between large land use units, as defined in the Transportation section of the current Fridley Comprehensive Plan. (Ref. 864)

90. Streets, Collector.

A street designed primarily to carry traffic from local streets to arterial streets and highways, as defined in the Transportation section of the current Fridley Comprehensive Plan. (Ref. 864)

91. Streets, Local.

A street of limited continuity designed primarily to carry traffic to the abutting properties and higher order streets, as defined in the Transportation section of the current Fridley Comprehensive Plan. (Ref. 864)

92. Structural Alteration.

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

93. Structure.

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

94. Townhouse.

A unit where the owner has title to the unit and the underlying land with common ownership of the real estate which is not covered by the structure.

95. Trucking Terminal.

Any Premises used by a motor freight company that is a carrier of goods, which is the origin or destination point of goods being transported, for the purpose of storing, transferring, loading, and unloading goods.

96. Use.

The purpose for which land, a building or structure is or is to be used or occupied.

97. Used Car Lot.

A lot containing more than two (2) motor vehicles on display for the purpose of resale.

98. Utility Company.

Any person, firm, corporation, municipal department or board duly authorized to furnish to the public, under public regulation, electricity, gas, heat, power, steam, telephone, telegraph, transportation, sewer, water or cable television.

99. Utility Use.

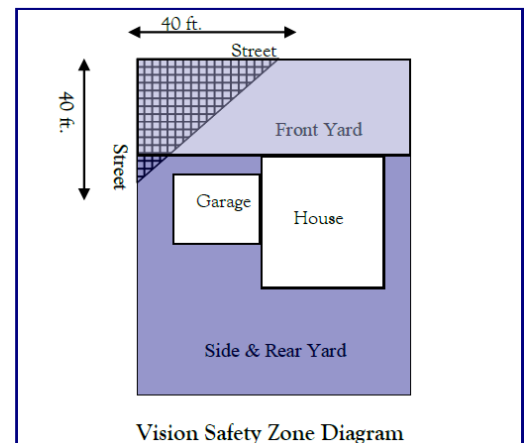
Transmission facilities and structures for electric power, gas, water, sewer, telephone, and cable television.

100. Vehicle.

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

101. Vision Safety Zone.

The triangular area of a corner lot beginning at the intersection of the street surface edge or curb lines, measuring forty (40) feet along each curb line and a straight line between the two (2) points.



102. Walkway or Sidewalk.

A surface designated for pedestrian use.

103. Waterway.

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

104. Wind Power Generator.

A windmill that converts wind energy by means of mechanical rotation directly in to mechanical or electrical energy.

105. Yard.

An open space on the same lot with a main building, except as otherwise provided in this Chapter.

106. Yard, Front.

A yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the principal building.

107. Yard, Rear.

A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

108. Yard, Side.

A yard extending across the full length of a lot and the main building extending from the front yard to the rear yard and having a width equal to the shortest distance between the side line and the principal building.

109. Zero Lot Line.

The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line and complies with all fire code requirements for construction on a lot line.

205.04. GENERAL PROVISIONS**1. DECLARATION OF POLICY**

- A. In the interpretation and application of this Chapter, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, convenience and general welfare of the residents of the City.
- B. Where the conditions imposed by any provision of this Chapter are either more restrictive or less restrictive than comparable conditions imposed by any law, ordinance, statute, resolution or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.
- C. No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose or in any manner which is not in conformity with the provisions of this Code.

2. SEVERABILITY

It is hereby declared to be the intention of the City that the provisions of this Chapter are severable in accordance with the following:

- A. If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said judgment.

- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Chapter to a particular property, building or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

3. NONCONFORMING USES AND STRUCTURES

Any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:

- A. The nonconformity or occupancy is discontinued for a period of more than one year.
- B. Any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its market value, and no building permit has been applied for within 180 days of when the property is damaged. In this case, the City may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property. (Ref 1220)
- C. The provisions herein for the continuance of nonconforming uses shall not prevent or interfere with action that may be taken to abate any nuisance in any manner provided by law.
- D. Any structure or any portion of a structure which is situated unlawfully within a public street or alley or other public way or thoroughfare, is hereby declared to be a nonconforming use, whether or not its use is otherwise in conformity with the regulations of the district in which said structure is located. Any such structure shall be subject to any and all applicable regulations herein for nonconforming uses except in the event the City Council shall require removal of the structure or portion thereof for a public purpose in which case such requirement shall prevail.
- E. The provisions of this Chapter shall pertain to all lawful nonconforming uses or structures as applicable and specifically to the performance standards outlined in the established districts.
- F. Administrative Non-Conforming Expansion Permit.
 - (1) The City, through its Community Development Director or Planning Manager, may permit an expansion of a non-conforming structure imposing reasonable regulations to prevent a public nuisance or protect the public health, welfare and safety pursuant to Minnesota State Statute Section 462.357, Subd. 1(e)(b). It may be possible for a non-conforming structure to be expanded only if the expansion does not increase the non-conformity present and meets the relevant land use regulations, including but not limited to lot coverage, setbacks, and height.

(2) Application.

In order to be able to legally expand a structure that is non-conforming, an application for a non-conforming expansion permit must be made to the City. The application must be on forms provided by the City and must be accompanied by the following:

- (a) Completed application form with property owner's signature;
- (b) Scalable Certificate of Survey of the property which shows, at a minimum, all lot lines existing and proposed structures, driveways and parking areas, setbacks, easements, significant topographical features, and mature trees;
- (c) Fee required by Chapter 11 of City Code; and
- (d) Such other documentation as may be required by the City.

(3) Decisions.

The City shall make its decision subject to condition within sixty (60) days of receipt of completed application. An expansion permit for a non-conforming structure may be granted by the Community Development Director or Planning Manager if the applicant meets the burden of proving:

- (a) The expansion does not increase or intensify the existing non-conformity;
 - (b) The expansion would be architecturally compatible with the existing principal structure;
 - (c) Adequacy of off-street parking for the expansion;
 - (d) Absence of adverse off-site impacts from such things as traffic, vision safety, noise, dust, odors, and parking;
 - (e) The expansion is an improvement to the appearance and stability of the property and neighborhood by ensuring the proposed expansion would meet all currently existing zoning and building code requirements; and
 - (f) The expansion would be compatible with the character of the neighborhood as to provide appropriate visual relief to the surrounding area.
- (4) The Community Development Director or Planning Manager may impose reasonable conditions related to health and safety. All other applicable permits will need to be obtained by the applicant in addition to the expansion permit.

(5) Terms of Expansion Permit.

An expansion permit granted by the City will run with the land and will be perpetual unless no building permit has been issued or substantial work performed within one year of the approval, in which case the permit will be null or void. The planning staff may extend the period for construction upon finding that the interest of the owners of neighboring properties will not be adversely affected by such extension. If the expansion permit is part of an approved site and building plan, extension of the time period of construction will be contingent upon a similar extension of the time period for the site and building plan by City staff. Once the project is completed as approved, the expansion permit becomes perpetual.

(6) Recording.

A certified copy of the expansion permit must be filed by the City staff with the Anoka County Property Records Department. The expansion permit must contain a legal description of the property affected.

(7) Violation of Non-Conforming Expansion Permit.

A person who violates, fails to comply with, or assists, directs, or permits the violation of the terms or conditions of an expansion permit is guilty of a misdemeanor. A violation of the expansion permit shall result in revocation of the expansion permit. Revocation shall occur after a public hearing by the City Council and in compliance with Minnesota Statutes Chapter 462. A violation also constitutes a public nuisance that may be abated in accordance with the provisions of Chapter 128.

4. BUILDING SITE (Ref. 1010)

- A. No lot shall be so reduced or diminished, nor shall any structure be so enlarged or moved, as to reduce or diminish the yards, lot area or open space required in the district in which it is located. No yard or other open space required for any building shall be considered as providing a yard or open space for any other building, and no yard or open space on an adjoining lot or parcel of property shall be considered as providing a yard or open space on a lot where a building is to be erected.
- B. Only one (1) principal building shall be located on a buildable R-1 lot.
- C. Every lot, in order to be built on, shall have at least one (1) lot line which abuts for not less than twenty-five (25) feet along a street or along a permanent, unobstructed easement of access to the lot from a public street as approved by the City.

- D. Where no curb elevation has been established, the City shall furnish such elevations. If curb elevations are not available, the City shall approve the elevation of the building and the drainage plan before a building permit is issued.
- E. Easements for pedestrian and bicycle paths shall be provided on those parcels abutting streets designated for trail and/or sidewalks in the currently approved version of the City's Active Transportation Plan. The City will designate the required width of easements and elevations for grades at the time a building is constructed on the property. Any landscaping or irrigation systems installed in an easement must be removed and replaced at the property owner's expense when the trail or sidewalk is installed in the future.
- F. Where the front yard setback of existing buildings is greater than the minimum front yard setback required and said existing buildings are within one hundred (100) feet on either side of a structure to be erected, then the setback for the new structure can be six (6) feet more or less of this mean depth of the adjacent structures but in no case shall it be less than the required front yard setback. In the case where one of the adjacent properties is vacant, the assumed setback will be the minimum front yard setback requirement of the zoning district that applies to the property.
- G. In computing the depth of a rear yard setback for any building where the rear line of the lot adjoins an alley, one half (1/2) of the width of the alley may be included as rear yard depth, provided that the actual rear yard depth on the lot shall not be less than twenty (20) feet in any residential district and not less than twenty-five (25) feet in any other district.
- H. Land Alteration. No land shall be altered and no use shall be permitted that results in water run-off causing flooding, erosion or deposits of minerals on adjacent properties. The following standards shall be implemented in any land alteration within the City:
- (1) The City hereby adopts and incorporates by reference the best management practices of the the Minnesota Stormwater Manual.
 - (2) A grading and drainage plan shall be submitted in conjunction with a building or land alteration permit and shall be drawn at a scale no smaller than one (1) inch equals two hundred feet, and shall contain, but is not limited to, the following information:
 - (a) existing and proposed grades with a minimum of two foot contour intervals to a known sea level datum;
 - (b) sufficient spot elevations on all proposed hard surface areas;
 - (c) estimated run-off of the area based upon five (5) and one hundred (100) year 24 hour storm events with a minimum time of intensity of twenty (20) minutes;
 - (d) provisions to carry run-off to the nearest adequate outlet, such as a storm drain, natural drainage way or street;

- (e) location of any proposed ponding areas, indicating the size and depth of the pond and amount of acre feet of water to be stored;
 - (f) finished floor elevations of all buildings;
 - (g) identification of soil conditions by type and location, including identification of the water table, and suitability of the soil for the proposed development, and
 - (h) identification of any areas located within a flood hazard and hazard zone as identified in the flood insurance rate maps prepared by the Federal Emergency Management Agency and adopted by the City.
- (3) Exceptions. A grading and drainage plan is not required for the following development activities:
- (a) minor land disturbance activities moving less than 50 cubic yards or 5 truckloads of soil such as home gardens and individual residential landscaping, repairs, and maintenance work;
 - (b) construction, installation, maintenance of above ground electric and telephone utility lines or individual service connection to the utility lines;
 - (c) installation of a driveway under five thousand (5,000) square feet, fence, sign, telephone and electric poles and other kinds of posts or poles;
 - (d) emergency work and repairs to protect life, limb or property; and
 - (e) federal, state, county, and municipal road construction designed and installed according to standard specifications.
- (4) A stormwater pollution control plan and time schedule shall be submitted in accordance with Chapter 208, Stormwater Management and Erosion Control.
- (5) Stormwater run-off from a developed site will leave at no greater rate or lesser quality than the stormwater run-off from the site in an undeveloped condition. Stormwater run-off shall not exceed the rate of run-off of the undeveloped land for a 24 hour storm with a 1 year return frequency. Detention facilities shall be designed for a 24 hour storm with a 100 year return frequency. All run-off shall be properly channeled into a storm drain water course, ponding area or other public facility designed for that purpose. Any change in grade affecting water run-off onto an adjacent property must be approved by the City.
- (6) In order to ensure the construction was completed in accordance with the approved design and plans, an “as-built” survey of detention facilities on the property shall be prepared and submitted to the City. The plan shall indicate the size, location, elevation, and depth of the pond as well as the location of all structures and any ground opening elevations on them.

(7) For those detention facilities which are to be maintained by the property owner, a maintenance agreement shall be executed by the property owner and recorded against the property title to ensure proper ongoing maintenance.

- I. The standards established herein serve, among the other purposes of this Chapter, to provide each structure located on any land, a building site suitable to its particular needs as well as adequate areas of open space between that structure and any adjacent building, and as deemed suitable or appropriate to each building or structure and their respective uses. It is also deemed a purpose herein to provide standards which encourage uses of land and the erection of buildings and structures in areas which are open, unplatted or without any substantial number of buildings located therein, as are of a type, size, style and design as are deemed by the City and its inhabitants to meet the needs and the purposes of residential, commercial or industrial uses; and, to enable an owner to make a reasonable use of a parcel of land recorded or approved prior to the enactment of this Chapter and is therefore, smaller or different in type, size, style or design from that otherwise required herein.
- J. No changes in exterior building dimensions, exterior parking areas or drainage as established in approved City plans will be made unless reapproved by the City.

5. ACCESSORY BUILDINGS AND STRUCTURES

- A. No accessory building or structure shall be permitted on any lot prior to the time of the issuance of the building permit for the construction of the principal building.
- B. Accessory buildings and structures are permitted in the rear yard and side yard only, subject to the following restrictions:
 - (1) Accessory buildings and structures in the rear yard shall not be any closer than three (3) feet to any lot line.
 - (2) Accessory buildings and structures in the side yards shall not be any closer than five (5) feet to any lot line except in the case of additions to existing, attached single-car garages, where the side yard may be reduced to less than five (5) feet from the property line, provided the expanded garage will be no wider than twenty-two (22) feet.
 - (a) The setback for an addition to an attached single-car garage may be reduced to three (3) feet from the side lot line if the nearest structure on the adjacent lot is:
 - ((1)) a living area located at least ten (10) feet from the lot line; or
 - ((2)) a double-car garage which is located at least five (5) feet from the lot line.

- (3) All exterior walls of attached garages less than five (5) feet from the property line, must be constructed of materials approved for one-hour fire resistance on the inside with no unprotected openings allowed. The maximum roof projection is limited to two (2) feet. (Ref. 888)
 - (4) Any accessory building or structure within three (3) feet of the principal building shall be considered attached and a part of the principal building for applying setback regulations.
 - (5) Unless otherwise herein specified, no accessory building or structure shall exceed the height or the size of the principal building.
 - (6) Accessory buildings or structures shall not occupy more than thirty-five percent (35%) of the area of a required rear yard.
- C. The building height limits for principal buildings established herein for districts shall not apply to belfries, cupolas, domes, spires, monuments, airway beacons, radio towers, windmills, flagpoles, chimneys, flues, bulkheads, elevators, water tanks, poles, towers and other structures for essential services, nor to similar structures or necessary mechanical appurtenances extending above the roof of any building and not occupying more than twenty-five percent (25%) of the area of such roof.
- D. In the event there is a request to place a structure that *is* over 200 feet in height, the Commissioner of Transportation shall be notified of the proposed structure.

6. REQUIRED YARD AND OPEN SPACE

- A. The following shall not be considered an encroachment on yard and setback requirements:
- (1) Yard lights and name plate signs in the residential districts provided such lights and signs are three (3) feet or more from all lot lines and meet size requirements under the Chapter of the City Code entitled "Signs". Lights for illuminating parking and loading areas or yards for safety and security purposes may be provided where necessary, provided that not more than three (3) foot candles of light intensity is present at the property line.
 - (2) On the primary structure, chimneys, flues, belt courses, sills, pilasters, lintels, ornamental features, cornices, eaves, bays, gutters and other similar projections are permitted, provided that they do not extend more than two (2) feet into the required yard and in no instance in the residential districts, any nearer than three (3) feet from the lot line.
 - (3) Canopies and steps to building entrances may extend not more than ten (10) feet into any required front yard. Decks, unenclosed porches, canopies, and steps to building entrances may not extend more than ten (10) feet into the required rear yard setback and not more than three (3) feet into any required side yard, provided they do not extend nearer than five (5) feet to any lot line.

- (4) On existing structures, vestibules may extend not more than five (5) feet into the required yards provided they are only one (1) story and do not exceed fifty (50) square feet.
- (5) Open work fire balconies and fire escapes may extend not more than one and one-half (1-1/2) feet into the required yard.
- (6) Landscaping or any other visual barrier in residential districts shall not exceed a height of thirty (30) inches if within ten (10) feet of a driveway access for a distance of ten (10) feet in each direction from the intersection of the property line and street right-of-way line.
- (7) On corner lots, no planting or structures shall impede vision between a height of thirty (30) inches and seven (7) feet above the curb line in the Vision Safety Zone.
- (8) In no case shall a fence or similar barrier impede vehicular vision or cause a hazardous condition to exist.

B. Access across the boulevard is restricted to driveways and sidewalks. The public right-of-way portion of a driveway cannot be used to meet the minimum parking requirements of a property.

7. ENVIRONMENTAL QUALITY

In order to assure compliance with these environmental quality standards, the City may require the owner or operator of any use to conduct such investigations and tests as may be required to show adherence to the environmental quality standards. Any investigations and tests shall be carried out by an independent testing organization agreed upon by all parties concerned or, if after thirty (30) days notice, there is failure to agree, an independent testing organization selected by the City. The costs incurred in having such investigations or tests conducted shall be shared equally by the owner or operator and the City. If the investigation and testing disclose noncompliance with the environmental quality standards, the entire cost shall be paid by the owner or operator. This procedure shall not preclude the City from making any tests and investigations it finds appropriate to determine compliance with these standards.

A. Explosives.

No activities involving the storage, utilization or manufacture of materials or products such as TNT, dynamite or other explosives which could detonate shall be permitted except such as are specifically licensed by the City Council.

B. Radiation And Electrical Emissions.

No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas. There shall be no electrical disturbance (except those from domestic household appliances) adversely affecting the operation of any equipment other than that of the creator of such disturbance beyond the property line.

C. Other Nuisance Characteristics.

No noise, odors, vibration, smoke, air pollution, liquid or solid wastes, heat, glare, dust or other such adverse influences shall be permitted in any district that will in any way have an objectionable effect upon adjacent or nearby property. All wastes in all districts shall be disposed of in a manner that is not dangerous to public health and safety, nor will damage public waste transmission or disposal facilities. Minimum standards shall be as follows:

- (1) Noise: The noise standards shall comply with the Chapter entitled “Noise” of the Fridley City Code.
- (2) Odors: The odor standards shall comply with the Chapter entitled “Air Quality” of the Fridley City Code.
- (3) Vibration: Any vibration discernible (beyond property line) to the human sense or feeling for three minutes or more of duration in any one hour or any vibration producing an acceleration of more than 0.1 G’s or resulting in any combination of amplitudes and frequencies beyond the “safe” range of Table 7, United States Bureau of Mines Bulletin No. 442, “Seismic Effects of Quarry Blasting”, on any structure shall be prohibited.
- (4) Smoke: The smoke standards shall comply with the Chapter entitled “Air Quality” of the Fridley City Code, except for woodburning devices used for supplemental heat.
- (5) Air Pollution and Dust: The air pollution and dust standards shall comply with the Chapter entitled “Air Quality” of the Fridley City Code.
- (6) Toxic or Noxious Matter: No use shall, for any period of time, deposit or discharge across the boundaries of the lot wherein it is located, toxic or noxious matter of such concentration as to be detrimental to or endanger the public health, safety, comfort or welfare or cause injury or damage to property or businesses.

D. Erosion.

- (1) No erosion shall be permitted onto neighboring properties or into natural waterways. A property owner shall not permit the property to be used or built on without applying all such reasonable measures as may be required to prevent wind or water erosion. The City may require reasonable measures of a property owner or developer to prevent wind or water erosion.
- (2) The City may review any development plan to ensure that erosion and sedimentation shall be effectively controlled in accordance with Chapter 208, Stormwater Management and Erosion Control.

E. Water Pollution.

The discharge of raw sewage, industrial wastes or other pollutants into the waterways or lakes of the City shall be subject to the regulations of the Minnesota Pollution Control Agency.

F. Solid Waste.

Sanitary landfills shall be prohibited.

8. PARKING STANDARDS

A. Unless specified elsewhere in corresponding zoning district code, parking stalls shall be ten (10) feet wide by twenty (20) feet long. Where a parking stall abuts a curb or sidewalk, the stall length may be reduced to eighteen (18) feet. Parking stalls shall be striped in parking lots with more than four (4) parking stalls. Accessible parking spaces shall be provided in accordance with Minnesota Rules, Chapter 1341.

B. Angled Parking.

(1) Besides 90 degree parking, 45 or 60 degree angled parking is allowed, with the minimum parking stall width nine (9) feet and twenty (20) feet long.

C. Multi-Story Parking Structures.

(1) Parking stall size for multi-story parking structures may be a minimum of eight and a half (8.5) feet in width and eighteen (18) feet long provided that parking stalls are for long-term employee parking.

(2) Drive aisles shall be a minimum of twenty-four (24) feet for two-way traffic and eighteen (18) feet for one-way traffic if structure is properly signed.

205.05. ADMINISTRATION AND ENFORCEMENT

1. ZONING ADMINISTRATOR

The Zoning Administrator as designated by the City Manager shall provide for:

- A. The maintaining of permanent and current records of this Chapter including all map amendments, conditional uses, variances, appeals and applications hereto.
- B. The receiving, filing and forwarding of all applications for amendments, variances, special uses or other matters to the appropriate Commissions and City Council.
- C. The issuance of all permits and certificates required by this Chapter.

- D. The inspection and examination of all buildings and land, and the issuance of written orders required in remedying any conditions which are found to be in violation of this Chapter.
- E. A liaison to the Planning Commission and its member Commissions.
- F. The enforcement of the decisions of the City Council pertaining to this Chapter.

2. APPLICATION PROCESS

Any applications submitted for land use-related matters, including, but not limited to, variances, special use permits, requests for rezoning, plan and subdivision approval, shall only be submitted in the manner provided in this Code. Any written request or submission for application not submitted in the manner prescribed under this Code shall not be deemed “complete.”

At the first meeting of each year, or as soon after as practicable, the City Council shall establish dates for the following year on which completed application will be accepted. No application is complete or may be accepted on any date other than those established by the Council for submission.

When a written request or initial application is received by the City, the City shall, within fifteen (15) business days of its receipt, notify the person making the written request or submission if it is not complete. If such notification is sent, it shall contain a list of those items necessary to complete the request or submission. No period for agency action specified in Minnesota Statutes Section 15.99 shall commence until a complete application is submitted to the City, including any items specified in the notice from the City as the basis for a determination of incompleteness.

The City expressly reserves the right to extend, with written notice, the period for action under Minnesota Statutes Section 15.99 for a period of up to 60 days beyond the deadline specified therein, if the City or its staff find that additional time is reasonably necessary to process and review the submission. An extension beyond 60 days may be provided with the consent of the person or persons submitting the application or request.

3. ANNEXATION

Areas hereinafter annexed to the City of Fridley shall be considered to be in R-1 Districts, and may be changed wholly or partly to any other District or Districts only by an amendment or amendments as provided for herein except where a different zoning classification is established by and under any ordinance for the annexation of the affected lands. Within ninety (90) days after the effective date of any annexation, the City Council shall cause necessary-studies to be made for the determination of the need if any, for any change in the zoning classification.

4. AMENDMENT TO THE ZONING ORDINANCE

The Council, by a four-fifths (4/5ths) vote, may adopt amendments to this Chapter as required. The procedure shall be as follows:

A. Initiation For Amendment.

- (1) Any person owning real estate may petition the City Council to Amend the district boundaries so as to affect the real estate.
- (2) The City Council or the Planning Commission may, upon their own motion, initiate a request to amend the text or the districting map of this Chapter.

B. Application For Amendment.

All petitions for amendments shall be filed with the City on forms provided by the City together with such filing fee as may be established by the City Council.

C. Referral To The Planning Commission.

All petitions for amendments shall be referred to the Planning Commission which shall hold an official public hearing within forty (40) days of the date of filing such petition.

D. Hearing.

A notice of hearing shall be published in the official newspaper at least ten (10) days, but not more than thirty (30) days, prior to the date of the hearing. The notice shall contain the dates of the public hearing before the Planning Commission and the City Council.

E. Action By The Planning Commission.

- (1) If the request is for district change, notices shall be mailed not less than ten (10) days nor more than thirty (30) days prior to the hearing to all owners of property within 350 feet of the parcel of land included in the request. The notice shall contain the dates of the public hearing before both the Planning Commission and the City Council. Failure of a property owner to receive notice shall not invalidate any such proceedings as set forth within this Chapter.
- (2) The Planning Commission shall make its recommendation to the City Council on the night of the public hearing. In the event that no action can be taken by the Planning commission because of the absence of available information or, in its judgment, an inadequate period of time has elapsed to fully examine or study the application or other submission, the period of time for the action by the City shall be, for purposes of Minnesota Statutes Section 15.99, be immediately extended for an additional sixty (60) days, or such lesser time as the City may, in its discretion, deem reasonable under the circumstances, and the person or persons making the application or other submission shall be immediately notified of the extension in writing.

F. Action By The City Council.

- (1) All petitions for amendments shall be forwarded to the City Council from the Planning Commission. The City Council shall hold an official public hearing at the next available meeting following the Planning commission public hearing, with adequate time given to prepare the minutes of the hearing, and follow the process for approval of an ordinance as required under the Fridley City Charter. In no case shall this exceed sixty (60) days either from the date of the receipt of the completed application or submission, unless extended by the City Council to a date agreeable to the petitioner.
- (2) If the request is for a district change, notices shall be mailed not less than ten (10) days nor more than thirty (30) days prior to the hearing to all owners of property within 350 feet of the parcel of land included in the request. The notice shall contain the dates of the public hearings before both the Planning Commission and the City Council. Failure of a property owner to receive notice shall not invalidate any such proceedings as set forth within this Chapter. (Ref. 1082)

5. SPECIAL USE PERMIT

A. Purpose.

The purpose of this Section is to provide the City of Fridley with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare, public health and safety. In making this determination the City may consider the nature of the land upon which the use is to be located, the nature of the adjoining land or buildings, the effect upon traffic into and from the premises or on any adjoining roads, and all such other factors as the City shall reasonably deem a requisite of consideration in determining the effect of such use. For the purpose of recording, the terms Special Use Permit and Conditional Use Permit shall be said to mean one and the same pursuant to M.S.A. Section 462.3595, Subdivision 4.

B. Application.

Whenever this Chapter requires a Special Use Permit, an application in writing must be filed with the City together with such filing fee as may be established by the City Council and shall be accompanied by a site plan or other documentation as required by the City.

C. Referral To The Planning Commission.

The application and related file shall be referred to the Planning Commission for study concerning the effect of the proposed use on the Comprehensive Plan and on the character and development of the neighborhood. The Planning Commission shall hold an official public hearing within forty (40) days of the date of filing such petition. (Ord. 1082)

D. Hearing.

A notice of public hearing shall be published in the official newspaper at least ten (10) days but not more than thirty (30) days prior to the date of the hearing.

E. Action By The Planning Commission.

- (1) Notices shall be mailed to all owners of property within 350 feet of the parcel included in the request not less than ten (10) days nor more than thirty (30) days prior to the hearing. Failure of a property owner to receive notice shall not invalidate any such proceedings as set forth within this Chapter. (Ref. 1026)
- (2) The Commission shall make its recommendation to the City Council on the night of the public hearing, except as otherwise provided herein.

F. Council Action.

- (1) The City Council shall consider applications for Special Use Permits at the next available meeting following the Planning Commission public hearing, with adequate time given to prepare the minutes of the hearing. In no case shall this exceed sixty (60) days from the receipt of the completed application unless otherwise extended, with written notice to the applicant for up to sixty (60) additional days, or as otherwise consented to in writing by the Petitioner.
- (2) Approval: In considering applications for Special Use Permits under this Code, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety and general welfare of occupants of surrounding lands, existing and anticipated traffic conditions and the effect on values of property in the surrounding area. If it is determined that the proposed use will not be detrimental to the health, safety or general welfare of the community, nor will cause serious traffic congestion nor hazard, nor will seriously depreciate surrounding property values, and that the same is in harmony with the general purpose and intent of the Zoning Code, the City Council may grant such permit and may impose conditions and safeguards therein by a favorable vote of a majority of all members of the Council.
- (3) Agreement: The City Council may require a written agreement, deposit of certified check or funds, a bond or other assurance of faithful observance of conditions, the violation of which shall invalidate the permit and shall be considered a violation of this Chapter.
- (4) Denial: Special Use Permits may be denied by motion of the Council and such motion shall constitute that conditions required for approval do not exist.

No application for a Special Use Permit which has been denied wholly or in part, shall be resubmitted for a period of six (6) months from the date of said order of denial, except on new ground or new evidence or proof of changes of conditions found to be valid by the Planning Commission.

G. Lapse Of A-Special Use Permit By Non-Use.

Whenever within one (1) year after granting a Special Use Permit, the recipient of the Special Use Permit shall not have commenced the work as required by the permit, then such permit shall become null and void unless a petition for an extension of time in which to complete the work is granted. Such extension shall be requested in writing and filed with the City at least twenty (20) days before the expiration of the original Special Use Permit. The request for extension shall state facts showing a good faith attempt to complete the work. Such petition shall be presented to the City Council for final action.

H. Revocation of Special Use Permit.

Failure to comply with any and all conditions and stipulations issued with a Special Use Permit shall result in revocation of the Special Use Permit. Revocation shall occur after a public hearing by the City Council and in compliance with Minnesota Statutes Chapter 462. All costs incurred by the City during the revocation process may be assessed to the property.

6. VARIANCES

A. Planning Commission.

The City Council has established the Planning Commission to serve as the Board of Appeals and Adjustment, and to exercise all the authority and perform all functions of said Board pursuant to Minnesota Statute Sections 462.351 to 462.36 4 and operate according to the Fridley City Code.

B. Petition By Owner.

A variance may be granted when it is in harmony with the general purposes and intent of this Chapter and when the variance is consistent with the Comprehensive Plan. A property owner may request a variance when the owner establishes that there are practical difficulties in complying with this Chapter. An application must be filed with the City and must state the exceptional conditions and the peculiar and practical difficulties claimed as a basis for a variance. A practical difficulty means:

- (1) The property owner proposes performance standards for the property in a reasonable manner, but not permitted by the Zoning Code.
- (2) The plight of the landowner is due to circumstances unique to the property not created by the landowner.
- (3) The variance, if granted, will not alter the essential character of the locality.

C. Hearing.

Within thirty (30) days after filing a completed application, the Planning Commission shall hold a hearing thereon and shall hear such persons that want to be heard. Notice of such hearing shall be mailed out at least ten (10) days before the date of the hearing to each owner of affected property situated wholly or partially within 350 feet of the requested variance location.

D. Recommendations By Planning Commission.

The Planning Commission must act and report its recommendations within a reasonable time so that the City Council can act on the application within sixty (60) days of receipt of completed application. The Planning Commission may impose conditions in the granting of a variance that the Commission considers necessary to protect adjacent properties.

E. Variances In R-1 Zoning.

(1) In areas zoned R-1 (One Family Dwelling District) and S-1 (Hyde Park Neighborhood District), the Planning Commission has the authority to grant final approval of variances when all of the following conditions are met:

- (a) There is unanimous agreement of the Planning Commission.
- (b) The staff concurs with the recommendations of the Planning Commission.
- (c) The general public attending the meeting or responding to the notice of public hearing have no objection.
- (d) The petitioner is in agreement with the recommendation.

(2) When the above conditions are not met, the variance request must be reviewed by the City Council.

F. Record Of Action Taken.

The Planning Commission shall provide for a written record or video recording of its proceedings which shall include the minutes of its meeting, its findings and the recommendation, approval, or denial of each matter heard by it. The finding of fact shall contain the following:

- (1) The public policy which is served by requirement; and
- (2) The unique circumstance of the property that cause practical difficulties in the strict application of the requirement; and
- (3) Any stipulations of the variance approval.

G. Action By The City Council.

The City Council must act on the recommendation of the Planning Commission and decide on the action to be taken within sixty (60) days of the notice of variance.

H. Lapse Of Variance By Non-use.

If work as permitted by a variance is not commenced within one year and completed within two years after granting-of a variance, then the variance shall become null and void unless a petition for extension of time in which to complete the work has been granted by the City Council. Such extension shall be requested in writing and filed with the City at least twenty (20) days before the expiration of the original variance. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the variance. Such petition shall be presented to the City Council for review and/or decision.

7. APPEALS

A. Planning Commission.

The City Council established the Planning Commission to serve as the Board of Appeals and Adjustment and to exercise all the authority and perform all functions of said Board pursuant to Minnesota Statute Sections 462.351 to 462.364 and operate according to the Fridley City Code.

B. Petition by Owner.

Any person aggrieved by an alleged error in any order, requirement, decision, or determination made by a code enforcement officer or any other duly authorized agent in the enforcement of this Chapter, may request a hearing before the Planning Commission. The appeal must be made in writing to the Community Development Director according to the terms and procedures established in Chapter 128 of City Code, and must clearly describe the code section under appeal, the facts of the matter, and the mailing address of the owner.

C. Hearing.

The Community Development Director shall notify the Planning Commission and the property owner of the hearing's date, time, and place. Within sixty (60) days after filing an appeal from the administrative order, the Planning Commission shall hold a public hearing thereon, unless a date is agreed upon by the property owner and the City. Both the property owner and representatives of the City may appear at the hearing with Council and may call witnesses and present relevant and competent evidence.

D. Recommendations by Planning Commission.

Within ten (10) days after such hearing, the Planning Commission shall reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination of the code enforcement officer or other duly authorized agent.

E. Record of Action Taken.

The Planning Commission shall provide for a written record or video recording of its proceedings which shall include the minutes of its meeting, its findings and the recommendation, approval, or denial of each matter heard by it.

F. Appeal to Council.

Any person aggrieved by the decision of the Planning Commission may appeal that decision to the City Council by filing notice of such appeal with the Community Development Director within twenty (20) days of receiving notice of the Planning Commission's decision. The appeal must be in writing and must include a statement of the alleged errors or omissions of the Planning Commission. The City Council shall review the record and recommendation created by the Planning Commission within twenty (20) days following an appeal request and shall reverse or affirm wholly or partly, or modify the order, requirement, decision, or determination of the Planning Commission. If the Council fails to make a timely decision, the appeal shall be deemed to have been approved.

8. VACATIONS

A. Process.

A party desiring to vacate any public right-of-way or easement, may file a written vacation request with the City together with the fee established in Chapter 11 of the City Code and the documentation required by the City on the application.

B. Public Water.

If a public right-of-way included in a vacation application adjoins a body of public water, a written notice must be sent to the Commissioner of the Minnesota Department of Natural Resources at least sixty (60) days before the hearing on the matter. In such cases, the City may provide for an extension of no more than sixty (60) days of the period for consideration of the application by notifying the applicant in writing. Failure of a property owner to receive notice shall not invalidate any such proceedings as set forth within this Chapter.

C. Council Hearing and Action.

- (1) Hearing. The City Council shall conduct a public hearing following notice described in this Section on the vacation request. The City Council shall follow such procedures as established by the City Charter for approval of vacation requests.
- (2) Notice. The public hearing shall follow a minimum two (2) week's published and posted notice and a minimum ten (10) day written notice to any adjoining property owner and on public right of way vacations.
- (3) Reservation of Interest. The City Council may specify the extent to which such vacation affects existing easements therein and the extent to which the vacation affects the authority of any person, corporation or city owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains and hydrants, thereon or thereunder, to continue to maintain the same or to enter upon such public right of way or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto.

9. BUILDING PERMITS

- A. No construction shall commence until a building permit has been issued indicating that the existing or proposed structure and the use of the land, comply with this Chapter and all building codes.
 - (1) All applications for building permits which will affect the outside dimensions of a structure, shall be accompanied by three (3) copies of a site plan.
 - (2) If the site consists of land not a part of a subdivision or land composed of partial lots, the site plan shall be attached to a survey or a registered land survey showing the actual dimensions of the lot, lots or parcel to be built upon. The site plan shall also show dimensions of existing and or proposed structures to be erected or structurally altered, their location on the site in relation to the outside boundary, the required off-street parking plan, proposed and existing grades, which indicate drainage considerations, and such other information as may be necessary to provide for the enforcement of these regulations.
 - (3) Site plans submitted for all uses except one and two family dwellings shall contain lighting and landscape plans, and all site improvements are to be bonded at the rate of 3% of the total project cost up to a maximum amount of \$60,000, guaranteed by letter of credit or bond to the City.
 - (4) The Council may waive the bond requirement, but a performance agreement would then be required from the land owner, requiring the work to be done within a reasonable time, to be fixed in the agreement, and if such improvements are not completed within the time specified, the City may construct or complete such improvements and assess the cost against the owner.

- B. No building permit will be issued unless sufficient construction plans or written description of construction, grading, excavating and filling as required by the City to assure reasonable structural safety and adequacy of building and finished grades for the proposed use have been submitted and approved.
- C. Once construction of the foundation has been completed, an as-built certificate of survey showing the location of the foundation shall be required, before the framing of the structure is begun.
- D. All institutional, multiple dwelling, commercial and industrial developments must obtain a parking lot (land alteration) permit before paving may begin on any parking lot built or added onto, that is not a part of a building permit. A plan for the parking lot shall be submitted to the City for approval. This plan shall show the proposed site, structures, access drives, off-street loading spaces, screening, lighting, stacking spaces, curbing, drainage, striping, landscaping, parking spaces, existing structures within 100 feet of the site and paving specifications. If the proposed plan meets all City and State requirements, a land alteration permit shall be issued.
- E. Every permit issued by the City under the provisions of this Code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained, and the fee therefor shall be one-half (1/2) the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such; work; and provided further that such suspension or abandonment has not exceeded one (1) year.
- F. Any permittee holding an unexpired permit may apply for an extension of the time within which he or she may commence work under that permit when he or she is unable to commence work within the time required by this Section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

10. CERTIFICATE OF OCCUPANCY

- A. A certificate of occupancy shall be obtained for all new construction stating that all provisions of this Chapter and the Chapter of the Fridley City Code entitled "Building and Related Permit Fees" are in compliance.
- B. A certificate of compliance shall be issued to all existing legal nonconforming and conforming uses which do not have a certificate of occupancy after all public health, safety, convenience and general welfare conditions of the City Code are in compliance.

- C. No permit or license required by the City of Fridley or other governmental agency shall be issued by any department official or employee of the City of such governmental agency, unless the application for such permit or license is accompanied by proof of the issuance of a certificate of occupancy or certificate of compliance.

11. ENFORCEMENT

Violation A Misdemeanor; Penalty.

The owner of a building or premises in or upon which a violation of any provisions of this Chapter has been committed, or shall exist; or the lessee of the entire building or entire premises in or upon which a violation has been committed or shall exist; or the owner or lessee of any part of the building, or premises in or upon which such violation has been committed or shall exist, shall be guilty of a misdemeanor, and subject to all penalties provided for such violations under the provision of Chapter 901 of this Code each and every day that such violation continues. Any such person who, having been served with an order to remove any such violation, shall fail to comply with said order to remove any such violation, within ten (10) days after such service, or shall continue to violate any provisions of the regulations made under authority of this Chapter in the respect named in such order shall be guilty of a misdemeanor and subject to all penalties provided for such violations under the provisions of Chapter 901 of this Code. Each day that such violation continues shall be a separate violation.

205.06. ESTABLISHMENT OF DISTRICTS

For the purpose of this Chapter the following districts are hereby established within the City of Fridley:

Title	Section
R-1 Districts; or One-Family Dwelling Districts.....	205.07
R-2 Districts; or Two-Family Dwelling Districts	205.08
R-3 Districts; or General Multiple Dwelling Districts.....	205.09
R-4 Districts; or Mobile Home Park Districts	205.10
SFA Development; or Single Family Attached Development.....	205.11
P Districts; or Public Facilities Districts	205.12
C-1 Districts; or Local Business Districts.....	205.13
C-2 Districts; or General Business Districts	205.14
C-3 Districts; or General Shopping Center Districts	205.15
CR-1 Districts; or General office Districts	205.16
M-1 Districts; or Light Industrial Districts	205.17
M-2 Districts; or Heavy Industrial Districts	205.18
M-3 Districts; or Heavy Industrial, Outdoor Intensive Districts	205.19
M-4 Districts; or Manufacturing Only Districts	205.20
PUD Districts; or Planned Unit Development Districts	205.21
S Districts; or Special Districts	205.22
S-1 - Hyde Park Neighborhood District.....	205.23
S-2 - Redevelopment District.....	205.24
S-3 – Heavy Industrial, Onaway Addition District.....	205.25
O Overlay District.....	205.26
O-1 – Floodplain Management Overlay District.....	205.27
O-2 - Critical Areas District.....	205.28
O-4 - Wetland District	205.29
O-5 - Telecommunications Towers and Facilities District.....	205.30
O-6 - Pre-1955 Residential Lots`	205.31
O-7 – Shoreland Overlay District	205.32
O-8 – Transit Oriented Development	205.33

Said districts are shown upon the zoning map, as adopted December 29, 1955, and amended up to the date of adoption of this Chapter. Said map and all notations, references and other information shown thereon, shall be as much a part of this Chapter as if the matters and information set forth by said map were all fully described herein.