

CITY OF APPLE VALLEY
ORDINANCE NO. ____

AN ORDINANCE AMENDING CHAPTER 155, APPENDIX F OF THE CITY
CODE BY ADDING ARTICLE ____, ESTABLISHING PLANNED
DEVELOPMENT DESIGNATION NO. ____, IN THE CITY OF APPLE
VALLEY, DAKOTA COUNTY, MINNESOTA

The City Council of Apple Valley Ordains:

Section 1. The City of Apple Valley official zoning map is amended to add Planned Development Designation No. ____ and the following property to be included therein:

Zone 1: Lot 1, Block 1, Orchard Place 5th Addition

Zone 2: Lot 2, Block 1, and Outlot B, Orchard Place 5th Addition

Section 2. Apple Valley City Code, Chapter 155, Appendix F, is amended by adding Article ____ to read as follows:

ARTICLE ____. **DESIGNATION NO. ____.**

§ A____-1 PURPOSE.

The purpose of this designation is to amend the zoning chapter by establishing specific performance standards in compliance with §§155.260 through 155.271 for property so designated on the official zoning map. The purpose of this zone is to provide for an integrated mix of retail business and high-density residential uses.

§ A____-2 PERMITTED USES.

(A) *Zone 1:* Within this zone, no structure or land shall be used, except for one or more of the following uses or uses deemed similar by the City Council:

(1) Freestanding retail building;

(2) Multi-tenant retail shopping center;

(3) Permitted uses within the shopping center or freestanding retail building shall be limited to general retail sales and services;

Banks, savings and loan, credit unions and other financial institutions;

(4) Health clubs or athletic clubs and facilities when contained within a building;

(5) Animal hospital or clinic when contained within a building;

(6) Commercial recreation facilities when contained within a building;

(7) Outdoor commercial recreation facility when in conjunction with a Class I restaurant or indoor commercial recreation facility, subject to the following performance standards:

- (a) The outdoor recreation facility and all structures or amenities in connection therewith shall be compact and contiguous to the the primary use;
- (b) The outdoor recreation facility shall be delineated with a physical barrier subject to minimum area requirements pursuant to the Fire and Building Codes;
- (c) No alcoholic beverages shall be possessed or consumed outside of the delineated area of the outdoor recreational facility;
- (d) All lighting used in conjunction with the outdoor recreational facility shall be designed to limit light casted outside of the delineated area and be shut off by 11 p.m.;
- (e) Noise as regulated in §130.55 through §130.59; and
- (f) Any other performance standards that the City determines to be necessary for the protection of public health, safety and general welfare.

(8) Class I, and Class III restaurants without a drive-through window, only.

(B) *Zone 2:* Within this zone, no structure or land shall be used, except for one or more of the following uses or uses deemed similar by the City Council:

Multi-family residential apartment at a maximum density of 25 units per acre;

- (1) Home occupation, as defined in §155.003;
- (2) Public utility buildings and structures; and
- (3) Family-care home or day-care home licensed by the State of Minnesota or such home for the care of the mentally or physically handicapped licensed by the State.

§ A___-3 **CONDITIONAL USES.**

(A) *Zone 1.* No structure or land shall be used for the following uses or uses deemed similar by the City Council, except by conditional use permit:

- (1) Outdoor display or sales conducted by an occupant of a retail operation;
- (2) Private clubs and lodges not operated for profit;

(3) Drive-through window in conjunction with a Class III Neighborhood Restaurant, when the following requirements are met:

- (a) The City Council shall find that any noise, headlights, traffic volume and emissions from idling vehicles resulting from the operation of the window does not negatively impact surrounding residential and institutional uses;
- (b) The drive-through lane shall not impede or conflict with vehicular, bicycle or pedestrian traffic circulation on the site, as determined by the City Traffic Engineer; and
- (c) When a neighborhood restaurant is located less than 1,000 feet from residential or institutional use, the City Council may restrict the hours of operation of a drive-through window to mitigate any adverse impacts caused by noise, headlights, traffic volume and emissions from idling vehicles.

(4) Tower as regulated in §155.385.

(B) *Zone 2:* Within this zone, no structure or land shall be used, except for one or more of the following uses or uses deemed similar by the City Council:

- (1) Community-based family care home, day-care home not licensed by the State of Minnesota or a community-based care facility or day-care facility in a multiple dwelling unit when:
 - (a) Facility meets all existing health, fire building and housing codes;
 - (b) Separation of one-quarter mile exists between such facilities. The City Council may grant exception to the one-quarter mile rule when strong community support exists, program effectiveness is closely tied to particular cultural resources in the community, or an effective natural or manmade barrier exists between facilities; and
 - (c) Such conditional use permit shall be reviewed at one-year intervals.

§ A__-4 PERMITTED ACCESSORY USES.

(A) *Zone 1.* Within this zone, the following uses or uses deemed similar by the City Council shall be permitted accessory uses:

- (1) Off-street parking, refuse storage and loading spaces, as regulated by this chapter;

(2) Buildings, trailers, unscreened trash dumpsters, or portable storage units temporarily located on the subject lot only for the purposes of construction on the premises for a period of time not to exceed time necessary for such construction. Trash dumpsters shall be removed from the subject lot when full;

(3) Essential public service facilities provided all yard requirements are met;

(4) Delivery bays provided the bays are screened and oriented as required by the City Council;

(5) Outdoor dining area in conjunction with a Class I, and Class III restaurant, as regulated in §155.383; and

(6) Interior trails and open space, subject to the conditions established in Section X Special Performance standards.

(B) *Zone 2.* Within this zone, the following uses or uses deemed similar by the City Council shall be permitted accessory uses:

(1) Recreational or service areas for use by the residents of the premises;

(2) Off-street parking, refuse storage and loading spaces, as regulated by this chapter;

(3) Buildings, trailers, unscreened trash dumpsters, or portable storage units temporarily located on the subject lot only for the purposes of construction on the premises for a period of time not to exceed time necessary for such construction. Trash dumpsters shall be removed from the subject lot when full;

(4) Temporary sales office;

(5) Essential public service facilities provided all yard requirements are met; and

(6) Interior walkways and open space, subject to the following:

(a) A connection to a public railway shall be provided.

§ A__-5. MINIMUM AREA STANDARDS AND REQUIREMENTS.

(A) The following standards and requirements shall be met. No improvements shall be placed on such lands unless the lands to be so used or improved shall meet the following minimum area and dimensional requirements:

(1) TABLE OF MINIMUM AREA REQUIREMENTS AND STANDARDS.

Requirements	Zone 1	Zone 2
Lot Dimensions		
Lot area (square feet)	40,000	245,000
Minimum Building Setbacks (measured in feet)		
Along community or neighborhood collectors	40	40
Along any private street or drive ¹	30	30
Side lot line	15	20
Rear lot line	30	50
Minimum Parking Setbacks (measured in feet)		
Along community or neighborhood collectors	20	20
Along any private street or drive ¹	10	10
Side lot line	5	5
Rear lot line	5	5
Maximum Impervious Surface	See § 155.350	See § 155.350
Maximum Building Height (measured in feet)	45	60
Maximum Number of Stories		5
¹ Setbacks shall be measured from the back of the curb along a private street.		

- (2) Lighting; see §155.353
- (3) Off-street loading; see §155.354
- (4) Building Design and Screening; see §155.346 and 155.348
- (5) Signs; see Chapter 154.
- (6) Landscaping; see §155.349, except that;
 - (a) Landscape upgrades or outdoor amenities may include increased tree diameter plantings, underground irrigation systems, public art, fountains, decorative paving, public benches, bike racks, fire pits, upgraded retaining wall material, electrical vehicle charges, recreation and services areas in conjunction with multi-family uses, and similar outdoor elements that enhance sense of place as approved by City Council.

- (b) Required Landscaping costs may be reduced by 1% of the Means Construction Cost of the building if landscape upgrades or outdoor amenities are incorporated into the landscaping plan of a development.
- (7) Parking; see § 155.370 through 155.379, except that
 - (a) On-site parking for an apartment in which exclusively persons 55 years of age or older use permitted herein shall be provided at a rate of 1.1 spaces per unit, of which a minimum of one space per independent living unit shall be enclosed.
 - (b) Street parking along private roads shall be prohibited.
 - (c) Bicycle parking, in the form of bicycle racks that complement the building facade, shall be provided near commercial building entries, but shall not be located in a manner that could have an adverse impact on the ability to use pedestrian walkways in a safe and efficient manner.

§ A___-6. SPECIAL PERFORMANCE STANDARDS

(A) In order to ensure a properly integrated design within the planned development, all uses shall comply with the following special performance standards:

- (1) Trails and Sidewalks
 - (a) Trails shall be installed for public use in order that public trails abutting or located surrounding the property are connected through the property. All public trails shall be placed within a dedicated easement or Outlot granted to the city.
 - (b) All stormwater easements may be developed to include stormwater features, e public trails or other open space elements.
 - (c) The City Engineer shall review and approve all improvements within the stormwater and trailway easements.
 - (d) All internal sidewalks shall connect to a public trail.

Section 3. Summary approved. The City Council hereby determines that the text of the summary marked "Official Summary of Ordinance No. ____, a copy of which is attached hereto, clearly informs the public of the intent and effect of the ordinance. The City Council further determines that publication of the title and such summary will clearly inform the public of the intent and effect of the ordinance.

Section 4. Filing. The City Clerk shall file a copy of this ordinance in her office, which copy shall be available for inspection by any person during regular office hours.

Section 5. Publication. The City Clerk shall publish the title of this ordinance and the official summary in the official newspaper of the City with notice that a printed copy of the ordinance is available for inspection by any person during regular office hours at the office of the City Clerk.

Section 6. Effective date. This ordinance shall take effect upon its passage and publication of its title and official summary.

PASSED by the City Council this ____th day of ____, 2025.

Clint Hooppaw, Mayor

ATTEST:

Christina M. Scipioni, City Clerk

CITY OF APPLE VALLEY
ORDINANCE NO. ____

AN ORDINANCE REZONING CERTAIN LAND AND AMENDING CHAPTER
155 APPENDIX F OF THE CITY CODE BY ADDING ARTICLE ____,
ESTABLISHING PLANNED DEVELOPMENT DESIGNATION NO. ____, IN
THE CITY OF APPLE VALLEY, DAKOTA COUNTY, MINNESOTA

The following is the official summary of Ordinance No. ____ approved by the City
Council of Apple Valley on _____, 2025

Chapter 155 of the City Code is amended by adding Article ____ to Appendix F establishing
Planned Development Designation No. ____ which provides for certain retail business
and high-density, multi-family housing uses, and regulation thereof.

A printed copy of the ordinance is available for inspection by any person during regular
office hours at the office of the City Clerk at the Apple Valley Municipal Center, 7100 - 147th
Street West, Apple Valley, Minnesota 55124.