CITY OF APPLE VALLEY
ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF APPLE VALLEY, AMENDING CHAPTER 155 APPENDIX F BY AMENDING ARTICLE 2, PLANNED DEVELOPMENT NO. 290

The City Council of Apple Valley Ordains:

Section 1. The City of Apple Valley official zoning map is amended to re-designate the zoning for the following property from Planned Development Designation No. 290, Zone 1 to Planned Development Designation No. 290, Zone 5:

Lot 1 Block 2, APPLE VALLEY COMMERCIAL ADDITION

Section 2. Apple Valley City Code, Chapter 155, Appendix F, Article 2, is amended by adding Section A2-2 (E) to read as follows:

§ **A2-2 PERMITTED USES**.

* * * *

(E) Zone 5: 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) Any permitted use specified for Zone 1.

Section 3. Apple Valley City Code, Chapter 155, Appendix F, Article 2, is amended by adding Section A2-3 (D) to read as follows:

§ A2-3 CONDITIONAL USES.

* * * *

(D) Zone 5: Within this zone, no structure or land shall be used for the following use or uses deemed similar by the city Council except through the granting of a conditional use permit:

(1) Any conditional use specified for Zone 1.

(2) Drive-thru service in conjunction with Class I Restaurant facility, subject to the following conditions:

(a) The restaurant facility shall have a minimum floor area of 7,500 sq. ft.

(b) The drive-thru service lane(s) shall not impede or conflict with vehicular, bicycle or pedestrian traffic circulation on the site as determined by the City Traffic Engineer.

(c) When the drive-thru service facility, including the drive-up window and associated drive lane or queuing lane is located less than 1, 000 feet from a residential or institutional use, the City Council may restrict the hours of operation of a drive-

thru service to mitigate any adverse impacts caused by noise, headlights, traffic volume and emissions from idling vehicles.

(d) The resulting parking spaces available for the entire site upon the installation of the proposed drive-thru service facilities shall meet the parking requirements set forth in this Chapter unless the petitioner can demonstrate that the resulting parking on the entire site can satisfactorily serve the current and any future uses in accordance with the zoning code provisions.

(3) Temporary outdoor storage of one refrigerated storage container in connection with a Class I restaurant, subject to the following conditions:

(a) The container shall be placed in a location on the site approved by the City Council.

(b) The container area shall be maintained in a neat and sanitary condition, free from trash and other debris. No other outdoor storage permitted.

(c) Use of the storage container shall not exceed 60 days per calendar year, unless an extension is approved by the City Council.

(d) The storage container shall not exceed 8' x 20' and the color of the container must be painted similar in color (hue, intensity and value) as the primary building exterior.

(e) The container shall be located on a paved surface constructed to specifications as approved by the City Engineer.

(f) The container shall be screened by a minimum 8' tall wall constructed of the same exterior building materials as the primary building.

(g) The container and screening wall shall not interfere with vehicular or pedestrian traffic on the site or be located within parking stalls as to result in the site not meeting the required parking stalls in accordance with the regulations elsewhere in this Code.

Section 4. Apple Valley City Code, Chapter 155, Appendix F, Article 2, is amended by adding Section A2-4 (C) to read as follows:

§ A2-4 PERMITTED ACCESSORY USES.

* * *

(C) Within this zone, the following uses or uses deemed similar by the City Council shall be permitted accessory uses:

(1) Any accessory use specified for Zone 1.

Section 5. Apple Valley City Code, Chapter 155, Appendix F, Article 2, is amended by revising Section A2-5 (C)(1) to read as follows:

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§ A2-5. MINIMUM BUSINESS AREA STANDARDS AND REQUIREMENTS.

(C) 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.

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MINIMUM BUSINESS AREA STANDARDS AND REQUIREMENTS FOR DESIGNATION NO. 290

		Zone 2				
	Zone 1	***"1" Uses***	***All Other Uses***	***Zone 3***	***Zone 4***	***Zone 5***
Minimum Lot Dimensions						
Lot area (square feet)	10,000	10,000	130,000	10,000	10,000	10,000
Lot width (feet)	100	100	150	100	100	100
Minimum Building Setbacks						
Along principal or minor arterial streets (feet)	40	40	60	40	40	20
Along all other streets (feet)	30	30	60	30	30	30
Side lot line (feet)	10	10	10	10	10	10
Rear lot line (feet)	20	20	20	10	20	20
Abutting R district (feet)	20	--	--	--	20	--
Minimum Parking Setbacks						
Along principal or minor arterial streets (feet)	20 [1]	20	15	20	5	0
Along community collector streets (feet)	20	20	15	20	5	4
Along all other streets (feet)	20	20	15	20	10	6
Side or rear lot line (feet)	5	5	5	5	5	5
Abutting R district (feet)	10	--	--	--	10	--
Maximum Building Coverage						
Coverage of lot (percentage)	20	20	30	20	20	20
Maximum Building Height						
Maximum height (feet)	30	30	45	30	30	35
If all minimum setbacks are increased by ten feet (feet)	45	45	--	--	--	45
If minimum setbacks are increased 1½ feet for every one foot over 30 feet and a minimum building separation of one-half times the combined height of adjacent building faces is maintained (feet)	--	--	--	100	--	--
Minimum Retail Floor Area						
Initial building (square feet)	--	--	20,000	--	--	--
Dwelling Unit Density/						
One or two story	--	--	3,960* (11)**	--	--	--
Three or four story	--	--	2,720*	--	--	--

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			(16)**			
Sign Setbacks						
Along principal or minor arterial streets (feet)	***	***	***	***	5	***

NOTES TO TABLE

* Square feet on land per unit.
** Units per acre.
*** As required in Chapter 154 of the City Code, Sign Regulations
[1] The parking lot setback may be reduced to ten feet when the one-half right-of-way dedication of the principal or minor arterial street is a minimum of 90 feet.

Section 6. Apple Valley City Code, Chapter 155, Appendix F, Article 2, is amended by adding Section A2-6 to read as follows:

§ A2-6 Special Performance Standards

(A) In order to ensure quality building and site design within this planned development, special standards are necessary. These include regulations governing building design and materials, landscaping, and signs.

(1) Building design and materials.

(a) In Zone 5, the City Council may allow exterior building treatments, such as murals, branding artwork or signage painted or applied directly on the building exterior surface or signage above the roofline to achieve a signature architectural treatment and theme. Such exterior architectural treatments shall be identified and approved by City Council and shall not be revised without City Council approval.

Section 7. 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 8. 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 9. 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 10. 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 _____, 2017.

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Mary Hamann-Roland, Mayor

ATTEST:

Pamela J. Gackstetter, City Clerk

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The following is the official summary of Ordinance No. ____ approved by the City Council of Apple Valley on _____ ___, 20____.

Apple Valley City Code, Chapter 155 Appendix F, Article 2 governing Planned Development Designation No. 290 is amended to add Zone 5. The permitted uses in Zone 5 are the same permitted uses specified for Zone 1. The conditional uses in Zone 5 are the same conditional uses specified for Zone 1; a drive-thru in conjunction with a Class I Restaurant is added as a conditional use to Zone 5. The permitted accessory uses in Zone 5 are the same permitted accessory uses specified for Zone 1. The amendment further sets forth setbacks, area standards and requirements and special performance standards are established for Zone 5 related to exterior building treatments. Lot 1 Block 2, APPLE VALLEY COMMERCIAL ADDITION, addressed as 14750 Cedar Avenue, is re-designated from Zone 1 to Zone 5 of Planned Development Designation No. 290.

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.