CITY OF APPLE VALLEY
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF APPLE VALLEY, AMENDING CHAPTER 155-APPENDIX F OF THE CITY CODE ENTITLED " APPENDIX F: PLANNED DEVELOPMENT DESIGNATIONS" BY AMENDING ARTICLE A31 REGULATING PLANNED DEVELOPMENT DESIGNATION NO. 739

The City Council of Apple Valley ordains:

Section 1. Appendix F-Article A31 of the Apple Valley City Code is hereby amended by revising Section A31-4 (B) to read as follows:

§ A31-4 PERMITTED USES.

(B) *Zone 2*. Within this zone, no structure shall be used, except as a mixed use that ~~include multiple family residential and office and any~~ consists of any two or more of the following uses or uses deemed similar by the City Council:

(1) The following retail uses: Antique or gift shops; appliance store (sales and/or repair); art and school supply store; bakery; bank; savings and loan (drive-up teller service and outdoor ATM service are subject to conditional use permit), barbershop; beauty salon; bicycle sales; books; stationary and office supplies; candy; camera and photographic supplies; carpet and rug sales; catering services; china and glassware sales; clothing and costume sales and rental; coin operated amusement devices and similar facilities; department store; drugstore; dry cleaning; dry goods; electronic sales and/or service; florist; furniture store; garden supplies; grocery; hardware store;; hobby store; interior decorating; jewelry and watch repair; laundromat; leather goods and luggage; locksmith; musical instruments; nail salon, off-sale liquor store; on-sale liquor, wine or 3.2 beer in conjunction with a Class I restaurant facility; paint and wallpaper sales; photography studio; pipe and tobacco shop; recorded music sales; Class I, II, or III restaurant (no drive-through facilities allowed), subject to the installation of state of the art ventilation equipment in restaurants where applicable; shoe sales or repair; sporting goods; tailoring; theater (except open air drive-in); toy store; video rental and sales.

(2) Professional offices for doctors, dentists, lawyers, realtors, insurance agents, and similar uses. Individual tenant office spaces shall not exceed 25% of the first floor gross area within any one building.

(3) Offices of a general nature where the operations do not include over-the-counter retail sales or warehousing from the site. Individual offices shall not exceed 25% of the first floor gross area within any one building.

(4) Multi-family residential ~~dwellings as part of a building containing commercial uses.~~

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(5) Live/work units when part of a mixed use building.

(6) Community-based family care home, day care home licensed under M.S. § 245.812 or such home for the care of the mentally or physically handicapped licensed by the state.

(7) Public utility buildings and structures.

(8) Home occupation as defined in § 155.003.

(9) Parks and playgrounds.

(10) Public libraries.

(11) Public recreation buildings, community centers, and swimming pools.

(12) Municipal government administrative buildings.

(13) Parking ramps and structures in conjunction with a commercial retail building, residential structure, or residential/commercial mixed use structure.

(14) Hotels.

Section 2. Appendix F-Article A31 of the Apple Valley City Code is hereby amended by revising the minimum building setbacks along Foliage Avenue and Along All Other Streets, in part, as set forth in Section A31-8(C) to read as follows:

§ A31-8 AREA STANDARDS AND REQUIREMENTS.

* * * *

(C) The following standards and requirements shall be met and no improvements shall be placed on such lands unless the lands to be used or improved shall meet the following area and dimensional requirements:

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Table of Minimum Area Standards and Requirements

	Zone 1	*Zone 2*	*Zone 3*	*Zone 4*
Building setbacks (feet)				
* * * *				
Foliage Avenue				
Minimum	15	~~15~~10	~~15~~10	–
Maximum	25	25	25	–
* * * *				
Along all other streets:				
Minimum	15	~~15~~10	~~15~~10	15
Maximum	25	25	25	25

Section 3. Appendix F-Article A31 of the Apple Valley City Code, is hereby amended by revising Section A31-8(E)(6) to read as follows:

§ A31-8 AREA STANDARDS AND REQUIREMENTS.

* * * *

(E) *Building and site design*. The following design elements shall be incorporated into the site design and design for all buildings to assure an overall sense of harmony:

* * * *

(6) Multiple residential buildings, comprehensive care residential housing facilities and assisted care facilities~~,~~ shall have a vertical exposed finish consisting of at least 50% non-combustible, non-degradable and maintenance-free construction materials (such as face brick or natural stone, but excluding such construction materials as sheet or corrugated aluminum, iron, or plain concrete block), with the balance being a non-manufactured construction material such as cedar or redwood, or manufactured, non-combustible material such as high quality ~~cementitious fiberboard with corner boards, sometimes referred to as "Hardi-Plank"~~ fiber cement panels and siding, architectural concrete masonry units and composite metal panels.

Section 4. Appendix F-Article A31 of the Apple Valley City Code, is hereby amended by revising Section A31-8 (G)(7)(b) to read as follows:

§ A31-8 AREA STANDARDS AND REQUIREMENTS.

* * * *

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(G) *Parking design and maintenance*. The following parking requirements shall be incorporated into all site plans:

* * * *

(7) The following minimum off-street parking spaces shall be provided and maintained by ownership, easement, or lease, for and during the life of the respective uses hereinafter set forth. Where not specifically stated, the City Council shall determine the adequacy of parking when approving a site plan. These requirements are subject to upward or downward revisions based on the experiences of the city:

* * * *

(b) Apartment dwellings shall provide one garage space for the first bedroom, plus one ~~open~~ space by either garage or outdoor surface space for ~~per~~ each additional bedroom.

* * * *

Section 5. Appendix F-Article A31 of the Apple Valley City Code, is hereby amended by adding Section A31-8 (G)(11) and Section A31-8(G)(12) to read as follows:

§ A31-8 AREA STANDARDS AND REQUIREMENTS.

* * * *

(G) *Parking design and maintenance*. The following parking requirements shall be incorporated into all site plans:

* * * *

(11) Underground parking facilities on parcels in Zone 3 abutting Foliage Avenue may provide "compact" parking stalls with a dimension of 8.5' x 18'not to exceed 15% of all parking stalls provided therein.

(12) Parking stalls in an underground garage or structured parking facilities may be 9' x 18', provided a minimum of 25% of all parking stalls therein shall be a minimum of 9' x 20'.

Section 6. 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.

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Section 7. 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 8. 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 9. Effective date. This ordinance shall take effect upon its passage and publication of its title and official summary.

PASSED by the City Council this ____ day of _____, 20__.

_____
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__:

Chapter 155 Appendix F-Article A31 of the Apple Valley City Code is amended by revising Zone 2 permitted uses to clarify the "mixed-use" requirement, by reducing the minimum building setbacks along Foliage Avenue and other streets, by revising exterior building material requirements to allow composite metal panels, by revising Zone 2 apartment parking space requirements for off-street parking facilities, and to allow restricted number of "compact vehicle" parking stalls in underground parking garages or outdoor parking structures.

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

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