

CITY OF APPLE VALLEY
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF APPLE VALLEY, AMENDING CHAPTER 155-APPENDIX F, ARTICLE A28, OF THE CITY CODE REGULATING PLANNED DEVELOPMENT DESIGNATION NO. 703

The City Council of Apple Valley ordains:

Section 1. Chapter 155-Appendix F, Article A28 of the Apple Valley City Code is amended by revising Section A28-1 to read as follows:

§ A28-1 PURPOSE.

The purpose of this article is to establish specific performance standards in compliance with Sections 155.260 - 155.271 for property designated by Ordinance No. 703 on the official zoning map. The purpose of this planned development is to provide for an integrated mix of low, medium and high-density residential uses, shopping center, retail business, limited business and institutional uses.

Section 2. Chapter 155-Appendix F, Article A28 of the Apple Valley City Code is hereby amended by revising Section A28-2(C)(4) to read as follows:

§ A28-2 PERMITTED USES.

* * * *

(C) *Zone 2A.* 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:

* * * *

(4) Home occupation as defined in § 155.003.

* * * *

Section 3. Chapter 155-Appendix F, Article A28 of the Apple Valley City Code is hereby amended by revising Section A28-2(D)(4) to read as follows:

§ A28-2 PERMITTED USES.

* * * *

(D) *Zone 3*. Within this zone, no structure or land shall be used except for the one or more of the following uses or uses deemed similar by the City Council:

* * * *

(4) Home occupation as defined in § 155.003.

* * * *

Section 4. Chapter 155-Appendix F, Article A28 of the Apple Valley City Code is hereby amended by revising Section A28-2(F) to read as follows:

§ A28-2 PERMITTED USES.

* * * *

(F) *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) Multiple-residential dwellings, provided they are served by public sanitary sewer and water systems and provided no single structure contains in excess of 20 dwelling units.

(2) Community based family care home, day care home, or such home for the care of the mentally or physically handicapped licensed by the state.

(3) Public utility buildings and structures.

(4) Home occupation as defined in §155.003.

(5) Parks and playgrounds.

Section 5. Chapter 155-Appendix F, Article A28 of the Apple Valley City Code is hereby amended by revising *the title provision of* Section A28-2(G) to read as follows:

§ A28-2 PERMITTED USES.

* * * *

(G) *Zone 6*. 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:

* * * *

Section 6. Chapter 155-Appendix F, Article A28 of the Apple Valley City Code is hereby amended by revising Section A28-2(G) (12) (i) to read as follows:

§ A28-2 PERMITTED USES.

* * * *

(G) *Zone 6*. 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:

* * * *

(12) Class III restaurant with drive-through window service, subject to the following conditions:

* * * *

(i) The restaurant shall not serve foods that require the installation of a Type I ventilation hood, grease and smoke removing, as defined in the Uniform Mechanical Code.

* * * *

Section 7. Chapter 155-Appendix F, Article A28 of the Apple Valley City Code is hereby amended by revising the *endnotes to the Table* in Section 28-5(B)(1) to read as follows:

§ A28-5 MINIMUM AREA STANDARDS AND REQUIREMENTS.

* * * *

(B) The following minimum area 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.

(1) Table of Minimum Area Standards and Requirements.

* * * *

Notes to Table of Minimum Area Standards and Requirements above:

* Building height shall be measured from elevation of the first floor to highest point of the roof. The exposed foundation of any structure shall not exceed four feet.

** The width of a lot that abuts a street round-about shall be calculated as follows: (1) the lineal length of the lot that abuts the curve of the round-about, added to (2) the shorter of the two lineal

lengths of the lot that abut the street right-of-way on each side of the lot line abutting the round-about curve.

1. Zone 2:
 - a. The minimum lot area, side yard setback and front (street) setback requirements set forth above for Zone 2 shall not apply in the Cobblestone Lake 5th and 6th Additions and shall be as set forth in Section A28-5(G)(9) herein.
 - b. The minimum lot width set forth in Zone 2 shall not apply for Blocks 12 and 13, Cobblestone Lake 3rd Addition, and Cobblestone Lake 6th and 9th Additions and shall be as set forth in A28-5(G)(10) herein.

* * *

Section 8. Chapter 155-Appendix F, Article A28 of the Apple Valley City Code is hereby amended by revising Section A28-5(F)(1) to read as follows:

§ A28-5 MINIMUM AREA STANDARDS AND REQUIREMENTS.

* * * *

(F) *Signage.* The following design elements shall be incorporated into all site plans. The goal of these regulations is to ensure an overall harmonious theme will be created for all areas within this planned development.

(1) Signage shall be in accordance with Chapter 154 of the City Code of Ordinances.

* * * *

Section 9. Chapter 155-Appendix F, Article A28 of the Apple Valley City Code is hereby amended by revising Sections A28-2(I) and A28-3(H) to read as follows:

§ A28-2 PERMITTED USES.

(I) *Zone 8.* Reserved.

§ A28-3 CONDITIONAL USES.

(H) *Zone 8. Reserved.* Section 10. 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 summary will clearly inform the public of the intent and effect of the ordinance.

Section 11. 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 12. 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 13. 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 _____, 2023.

Clint Hooppaw, 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 _____, 2023:

Chapter 155 of the City Code is amended by revising select sections of Appendix F, Article A28, governing Planned Development No. 703, to correct typographical errors, incorrect or outdated references to other Code sections, clarifying and updating the endnotes for the Table of Minimum Area Standards and Requirements, and to delete all provisions permitting and regulating sand and gravel mining operations within the PD 703 designated area.

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 West 147th Street, Apple Valley, Minnesota 55124.