

REQUEST FOR COUNCIL ACTION

AGENDA SECTION: Ordinances		ORIGINATING DEPT. Community Services	MEETING DATE: 03/06/06
ITEM NO. 33	ITEM DESCRIPTION: Ordinance No. 2006-4 – 2 nd Consideration Ordinance amending Title 10, Section 10-2-3-C, Regional Commercial, and Section 10-2-3-B, Community Commercial		PREPARED BY: Martzahn

ORDINANCE NO. 2006-4

AN ORDINANCE TO AMEND SECTION 10-2-3-C, REGIONAL COMMERCIAL DISTRICT AND SECTION 10-2-3-B-6-E, COMMUNITY COMMERCIAL DISTRICT IMPERVIOUS SURFACE COVERAGE OF THE MOORHEAD CITY CODE

WHEREAS, a new zoning ordinance was enacted in January 2005; and

WHEREAS, the City desires to make adjustments, corrections and clarifications to certain sections of the new zoning ordinance; and

WHEREAS, the Planning Commission held a public hearing and an additional meeting for the development community regarding proposed changes; and

WHEREAS, the Planning Commission at its meeting on February 3, 2006 voted to recommend to the City Council the revisions, as follows:

SECTION 1. The Official Zoning Ordinance hereby amends the following sections of Title 10:

1. Section 10-2-3-C, Regional Commercial District
2. Section 10-2-3-B-6-E, Community Commercial District, Impervious Surface Coverage

10-2-3-C: RC REGIONAL COMMERCIAL

1: PURPOSE:

It is the purpose of the RC Regional Commercial district to provide areas for commercial establishments that offer a wide variety of goods and services to consumers from a large trade area that extends beyond the City of Moorhead. ~~whose uses are less dependent on adjacent commercial uses for spinoff business and require close access to arterial streets.~~ The RC District is intended for establishments that have a large customer draw, ~~and thus generate significant traffic and parking needs,~~ and require close access to arterial streets. Uses in this district generally are less dependent on adjacent commercial uses for spin-off business. It is the intent of the RC District to provide for the integration of an attractive ~~pedestrian~~ environment for motorists and pedestrians with regional shopping services.

OTTO
BOHMER
WRAY WILLIAMS
ROWELL
HUNT
WINTERFELDT- SHANKS
HINTERMEYER
LEMKE
MAYOR

2: PERMITTED USES:

See commercial/industrial district use table in Chapter 10-4-1 for permitted uses.

3: ACCESSORY USES:

The following are permitted accessory uses in a RC district:
All permitted accessory uses as allowed in a CC district.

4: PROVISIONAL USES:

See commercial/industrial district use table in Chapter 10-4-1 for provisional uses. Provisional uses are permitted as long as they meet the provisions outlined in Chapter 10-1-3-D and Chapter 10-4-2.

5: CONDITIONAL USES:

See commercial/industrial district use table in Chapter 10-4-1 for conditional uses. Conditional uses are permitted as long as they meet the criteria outlined in Chapter 10-1-3-B and 10-4-2, and any additional conditions required by the City Council.

6: LOT REQUIREMENTS AND SETBACKS:

The following minimum requirements shall be observed in a RC district subject to additional requirements, exceptions and modifications set forth in this title:

A. Lot Area: 20,000 square feet

B. Lot Width: None.

C. Building Setbacks:

1. Front Yard: ~~Twenty~~ Thirty feet (30').

2. Interior Side Yard: ~~Five~~ Fifteen feet (15'), or zero (0) feet where common walls on attached buildings are located.

3. Street Side Yard: ~~Twenty~~ Thirty feet (30').

4. Rear Yard: ~~Ten~~ Fifteen feet (15').

5. Rear or Side Yard when adjacent to a residential use: Fifty feet (50')

D. Impervious Surface Setbacks: Hard surfaces used for parking, loading, or storage shall be set back ten (10) feet from any property line or private drive, with exception provided for ~~sidewalks, walkways and separate tax parcels having a shared parking agreement.~~ neighboring properties having a shared parking agreement. Impervious surface setbacks may be reduced by up to half the required width where a wall (brick, stone or concrete) or a decorative railing of at least two and a half (2 ½) feet in height and approved by the zoning administrator is provided.

E. Impervious Surface Coverage: The total lot coverage of hard surfacing and buildings shall not exceed ~~eighty (80)~~ eighty five (85) percent. ~~If authorized by a developer's agreement, the actual percent of coverage of the total area included in the developer's agreement by storm water retention facilities may be added to the eighty (80) percent of impervious surface limitation on any lot included within the developer's agreement, up to six (6) percent. For example, if five percent of the area included within a developer's agreement is covered by storm water retention facilities, each lot within that developer's agreement impervious surface limit would be increased to 85 percent.~~ Required storm water retention ponds shall count as impervious surface coverage. The City Planner has the authority to authorize an additional one (1) percent of impervious surface in each of the following circumstances:

a. Use of on-site storm water retention pond by location or other manner will reduce significantly the visual impact of the impervious surface coverage of the lot.

b. Other methods employed by the developer will reduce significantly the impact of the impervious surface coverage of the lot.

F. Landscaping and Bufferyards: Consistent with section ~~10-5-5~~ and ~~10-5-6~~.

7: SITE REQUIREMENTS:

A. Landscaping and Buffer yards: Plantings used to fulfill the requirements of Section 10-5-5 shall be grouped to maximize visual impact from adjoining arterial streets, and located so as to maximize environmental benefits and accentuate the principle buildings.

B. Lighting: Lighting shall be directed downward, inward and away from public rights-of-way and adjoining uses, consistent with section 10-5-7.

- C. Pedestrian access: Identifiable and safe pedestrian walkways within the site shall be provided that interconnect front doors of establishments and connect to transit stops and to public sidewalk on the perimeter. Pedestrian walkways shall be a minimum of four and a half (4 ½) feet in width and of contrasting materials or color for easy identification. Pedestrian walkways shall be maintained and kept clean.
- D. Storage and Display:
- i. No required setback shall be used for outdoor storage or display of product.
 - ii. Storage of refuse and recycling shall be in conformance with 10-5-1-G.
- E. Signs. Signs shall be consistent with section 10-5-3, with these additional standards:
- i. Free-standing signs in the yard adjoining the highway shall be clustered in an area landscaped with ornamental trees, shrubs, and/or flowers.
 - ii. High impact signs are prohibited in the yard adjoining highways.

8: BUILDING DESIGN AND CONSTRUCTION: Buildings in the RC district shall meet the following standards, unless specifically exempted:

- A. Buildings shall be attractive and constructed of materials that will maintain their appearance over the long-term.
- B. All exterior walls shall be of consistent quality and characteristics.
- C. Main entrances shall be emphasized by distance recessed or projected, by accent materials, change of grade or by pedestrian-scale lighting and other pedestrian amenities.
- D. Exterior building walls greater than sixty (60) feet in length shall be divided visually into sections or bays to break up the mass.
- E. Architectural elements, approved by the zoning administrator, shall be combined with landscaping to add interest to buildings, and especially to break up long expanses. Standards for architectural elements include:
- i. The exterior of buildings shall be comprised of at least thirty (30) percent quality materials other than steel and fiberglass; and
 - ii. Exterior building walls shall incorporate no fewer than three (3) architectural elements comparable to those listed below. Architectural elements contributing to this requirement shall have sufficient visual impact to be noticeable from the street, and may include, but are not limited to:
 - accent materials
 - public art
 - architectural details, such as tile work and moldings integrated into the building façade
 - windows
 - recesses/projections.
 - roof overhang, which should vary according to building width, as follows: one (1) foot overhang for buildings less than fifty (50) feet in width, two (2) foot overhang for buildings fifty (50) to one hundred (100) feet in width, and three (3) foot overhang for buildings greater than one hundred (100) feet in width.
 - varied roof lines
 - articulated cornice line
 - canopies/awnings/porticos.
- F. Rooftop mechanical equipment shall be screened in a manner that is incorporated in the architectural form of the building.
- G. Overhead doors and loading docks:
- i. shall not face gateways, other arterial or collector streets, unless completely screened from view;
 - ii. shall not be located in required front yards; and
 - iii. shall meet the requirements of 10-5-2-B.

7. 9: MAXIMUM BUILDING HEIGHT:

- A. Principal Building: Sixty (60) feet
- B. Accessory Buildings: As governed by Chapter 10-4-3 of this title.

10-2-3-B-6-E, COMMUNITY COMMERCIAL DISTRICT, IMPERVIOUS SURFACE COVERAGE

E. Impervious Surface Coverage: The total lot coverage of hard surfacing and buildings shall not exceed ~~eighty (80)~~ eighty five (85) percent. ~~If authorized by a developer's agreement, the actual percent of coverage of the total area included in the developer's agreement by storm water retention facilities may be added to the eighty (80) percent of impervious surface limitation on any lot included within the developer's agreement, up to six (6) percent. For example, if five percent of the area included within a developer's agreement is covered by storm water retention facilities, each lot within that developer's agreement impervious surface limit would be increased to 85 percent.~~ Required storm water retention ponds shall count as impervious surface coverage. The City Planner has the authority to authorize an additional one (1) percent of impervious surface in each of the following circumstances:

- a. Use of on-site storm water retention pond by location or other manner will reduce significantly the visual impact of the impervious surface coverage of the lot.
- b. Other methods employed by the developer will reduce significantly the impact of the impervious surface coverage of the lot.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Moorhead as follows:

SECTION 2. This Ordinance shall take effect upon publication in accordance with the Moorhead City Charter.

PASSED by the City Council of the City of Moorhead this 6th day of March, 2006.

APPROVED:

MARK VOXLAND, Mayor

ATTEST:

KAYE BUCHHOLZ, City Clerk

First Consideration: February 21, 2006
Second Consideration:
Date of Publication:

TITLE AND SUMMARY OF ORDINANCE NO. 2006-4

The following Ordinance is hereby published by title and summary:

1. Title of Ordinance:

An Ordinance to Amend Section 10-2-3-C: Regional Commercial District, and Section 10-2-3-B-6-E: Community Commercial District Impervious Surface Coverage of the Moorhead City Code.

2. Summary of Ordinance:

The Ordinance amends the Regional Commercial District and amends the Community Commercial Impervious Surface Coverage section of the 2005 Zoning Ordinance to make adjustments, corrections and clarifications.

This Ordinance shall take effect upon publication in accordance with the Moorhead City Charter.

3. Availability of Ordinance:

A complete, printed copy of this Ordinance is available for inspection by any person during regular business hours in the office of the City Clerk, Third Floor, City Hall, 500 Center Avenue, Moorhead, Minnesota.

This Ordinance was passed by the City Council of the City of Moorhead on the 6th day of March, 2006.

APPROVED:

MARK VOXLAND, Mayor

ATTEST:

KAYE BUCHHOLZ, City Clerk