

CITY OF COON RAPIDS, MINNESOTA

CHAPTER 11-2700

RIVER RAPIDS OVERLAY DISTRICT

11-2701 Intent.

(1) This Chapter intends to protect the health, safety, and public welfare through the adoption of official overlay controls that encourage compact, vigorous, mixed use development, tied to a common theme that encompasses the heritage and qualities of the Mississippi River, along the Coon Rapids Boulevard corridor.

(2) A linear system of Ports, as regulated by Chapter 11-2800, will promote clustering of commercial uses. Varied density residential development throughout the district, and especially between the Ports, will establish the level of vitality and intensity needed to support compatible retail and service uses. Especially between the Ports, uses should serve the needs of nearby neighborhoods. Development throughout the District should foster a sense of community, that is, the opportunity for people to travel comfortably throughout the District, conduct business, and meet neighbors.

(3) Only mutually compatible uses shall be allowed through a combination of careful planning, innovative urban design, and coordinated public and private investment. Uses, building designs, placement of building edges, and landscaping, parking, and walkway treatments must create a neighborhood-oriented, pedestrian-friendly environment.

(4) Ports shall be connected by a series of pedestrian sidewalks and bicycle trails, with linkages to the Mississippi River and access to public parks, exhibits, and other amenities. Each Port's theme shall be compatible with the overall district theme, as exemplified by its landscape, architecture, lighting and color schemes, infrastructure, and allowed uses.

11-2702 Establishment of River Rapids Overlay District.

(1) There is hereby established the River Rapids Overlay District, with its attendant regulations, as a part of the zoning ordinance of the City. This District shall overlay the zoning districts presently in existence, or as amended, so that any parcel of land lying in the District shall also lie in one or more of the established underlying zoning districts.

(2) Territory within the District shall be subject to the requirements established in this Ordinance as well as the restrictions and requirements established by other applicable ordinances.

(3) Unless otherwise specified in this Chapter or Chapter 11-2800, all uses within the District shall be governed in accordance with the regulations for the underlying zoning district or districts. No use shall be entitled to or be issued the appropriate development permit unless that use has satisfied the additional requirements of this Chapter.

11-2703 Land to Which Regulations Apply; Scope of Regulations; Severability.

(1) This Chapter applies to public and private lands within the City of Coon Rapids as delineated by metes and bounds and set forth in a separate ordinance.

(2) Wherever there is a conflict between these regulations and Title 11 Chapters other than 11-1900 (Floodplain Management Regulations), 11-2400 (Mississippi River Corridor Area Overlay District) and 11-2800 (Port Districts), these regulations control.

(3) Severability. If any section or portion of any section of this Chapter is deemed invalid or unconstitutional by a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other sections or portions of sections of this Chapter.

## GENERAL DISTRICT STANDARDS.

11-2704 Framework Plan Adopted. The April 2000 Coon Rapids Boulevard Framework Plan is hereby adopted as general guidance for development within the District.

11-2705 Applicability. The regulations of this Chapter apply to new development, and to alterations to existing development that change its use or percentage of uses, or require a building permit, except that the regulations of this Chapter shall not apply to single-family dwellings zoned LDR-1 or LDR-2.

11-2706 Compatibility with Public Improvements Required. Site plans must demonstrate compatibility with applicable improvement, amenity, or design elements as adopted by resolution of the City Council. Such elements include, but are not limited to, sculpture, fountains, benches, lighting, signage, fencing, pavement, and landscape materials.

### 11-2707 Sign Regulations.

#### (1) General Requirements.

(a) Unless otherwise specified in this Chapter, the requirements of Section 11-2100 (Sign Regulations) apply.

(b) All signage that includes the River Rapids Logo must be in the same font, relative typeface size, orientation, and weight as the River Rapids Logo as approved by resolution of the City Council.

(c) Off-premises signs are prohibited.

(d) Ground signs shall be designed as monument signs, as specified under Section 11-2707(2).

(e) Signs must demonstrate compatibility with associated structures and be standardized in terms of style with other approved signs on the site. Wall signs must be standardized in terms of location on building.

(f) Temporary signs, except those permitted under Section 11-2106, Subsections (1) through (3), are prohibited.

#### (2) Monument Signs.

(a) One (1) monument sign, limited to two (2) faces, is allowed per property or residential development. The areas of sign base, the supporting background structure, and the sign copy shall be combined for determining the total square footage and height of the monument sign. The total allowable square footage shall not exceed 100 square feet. The base and supporting material shall constitute at least 25 percent of the total square footage. A changeable copy message board may be part of the monument sign but shall not exceed 50 percent of the area containing sign copy. The sign copy area or message board shall have a minimum clearance of 20 inches above ground level. No portion of the sign or sign structure shall exceed 10 feet above ground level. Signs shall be located a minimum of 10 feet from a public street right-of-way, except that along Coon Rapids Boulevard the minimum setback shall be 20 feet from the curb of the roadway, two (2) feet behind a public sidewalk, or two (2) feet from the right-of-way of Coon Rapids Boulevard, whichever places the sign farthest from the roadway.

(b) The monument sign base shall be constructed of materials similar in appearance to those of the principal structure and shall consist of brick, natural stone, stucco, textured cast stone, or integrally colored concrete masonry units. The structure surrounding the face of the sign from the base to the top of the sign must be solid, continuous, and consist of the base

materials or complementary materials that match the appearance and color of the principal building.

(c) The 200 square feet of ground area around the base of a monument sign shall be landscaped with shrubs or perennials. Landscape material shall be selected to withstand the environmental conditions of the site and provide seasonal interest.[Revised 12/3/02, Ordinance 1790]

#### 11-2708 Uses.

(1) Permitted and conditional uses are as allowed by the underlying zoning district, except as expressly regulated by this Chapter.

(2) Varied density residential development, as regulated by this Chapter, is allowed throughout the District.

(3) Flexible developments under Chapter 11-2900 are not permitted.[Revised 6/1/04, Ordinance 1841]

(4) Parcels zoned other than LDR-1, LDR-2, MDR, or HDR may be developed in any mix using varied density residential uses with the following permitted, conditional, and accessory uses:

(a) Permitted Uses: Office Uses; public parks and their incidental structures; public uses except Public Utility Uses; Medical and Dental Clinics; State Licensed Day Care Facilities; barber and beauty shops; photocopying or desktop publishing; carry-in small item repair and servicing shops, excluding repair of internal combustion engines.

(b) Conditional Uses: retail stores except marine sales and those licensed under Title 5, provided, incidental tobacco sales subject to Title 5 are allowed; Secondhand Dealers or Antique Dealers defined in and regulated by Title 5; Financial Institutions; hotels or motels; mortuaries; pet grooming shops or animal hospitals where animals remain inside at all times; Churches; nonprofit Clubs or Lodges; nonprofit cultural-educational uses; private schools, hospitals, sanitariums, rest, boarding, and group homes and similar institutions; motor vehicle fuel sales and Service Stations provided no more than eight (8) dispensing hoses may be operable simultaneously; and restaurants without drive-through facilities, except that no restaurant located within 100 feet, as measured from the structure or the boundary of the parking area, whichever is closer, of property zoned or used for residential purposes, including property with a mix of uses that includes residential, may provide alcoholic beverages.

(c) Accessory Uses:

(i) Motor vehicle washes attached to motor vehicle fuel sales, Service Stations, or convenience stores;

(ii) Low-intensity food, coffee shops, juice bars, accessible only from within the building. Uses providing alcoholic beverages are prohibited.

(5) Conditional Uses.

(a) To the extent not otherwise required by Sections of 11-309 through 11-319 (Conditional Use Permit Procedures and Requirements), no conditional use permit may be granted unless the applicant demonstrates the proposed use:

(i) advances the intent of this Chapter;

(ii) will not interfere with Port Development;

(iii) allows for development of the property in an efficient, well-organized way; and

(iv) is incorporated into a plan that provides substantial site amenities, buffers, and other elements.

(b) Commercial and self-service storage facilities, adjacent to Coon Rapids Boulevard and in the General Commercial or Industrial zoning districts may be granted a conditional use permit based on the following findings:

- (i) It is not feasible to install public sidewalk to serve the facility; and
  - (ii) The facility is screened from view from Coon Rapids Boulevard.
- (6) The following uses are prohibited:
- (a) Quad homes.
  - (b) Townhouse units that share walls other than side walls.
  - (c) Adult-oriented businesses as regulated by Chapter 11-2200.
  - (d) Automobile sales lots.
  - (e) Motor vehicle body work or spray painting.
  - (f) Motor vehicle fuel sales and Service Stations with more than eight (8) dispensing hoses simultaneously operable.[Revised 12/3/02, Ordinance 1790]

11-2709 Residential Gross Densities.

- (1) Parcels up to three (3) acres: No more than seven (7) units per acre.
- (2) Parcels three (3) acres or larger: At least four (4) units per acre, no more than seven (7) units per acre.[Revised 12/3/02, Ordinance 1790]

11-2710 Overlay Standards.

(1) Underlying Zoning Application. Allowed uses shall be as governed by the standards of the underlying zoning district, except as modified by this Chapter.

(2) Computation of Percentages. Percentages, when used, are calculated as a fraction of total Floor Area per parcel or contiguous parcels in single ownership developed in an integrated way.

(3) New Access to Coon Rapids Boulevard Prohibited. New access onto Coon Rapids Boulevard is prohibited unless no practical alternative exists. The City may require access points to be removed as future development allows.

(4) Maximum Building Height. 45 feet. Buildings with two or more floors above grade are encouraged.

(5) Nonresidential Building Floor Area. Minimum, 2,000 square feet; maximum, 20,000 square feet with no single use in a building exceeding 15,000 square feet.

(6) Drive-through and Related Facilities.

(a) Drive-through windows, drop boxes, menu boards, and associated or similar structures are not permitted outside Port Districts boundaries within the Overlay District.

(b) Drive-through windows, drop boxes, menu boards, and associated or similar structures, where allowed, shall be located to the rear of the principal building, or to the side of the principal building if a rear location is not feasible, and must incorporate landscape screening, decorative fences, walls, or a combination of these elements to minimize their view from the street.

(c) These structures, including associated canopies, arcades, and roofs, shall be constructed of the same materials as and shall be integrated into the design of the principal building. Queuing spaces or areas shall not interfere with parking spaces, aisles, loading areas, internal circulation, or driveway access. Menu boards shall not be parallel to a public street or sidewalk unless screened from direct view.

(d) Systems for placing of orders shall be located and designed so that noise is not perceptible on adjacent residential properties.

(7) Building Setbacks along Roadways. Buildings shall be set back a minimum of 40 feet as measured from the curb on arterial streets without service drives and 30 feet as measured from the curb on other roadways except that in no event shall the setback be less than 22 feet from the property line abutting any roadway.

(8) Outdoor Merchandise Display. Temporary display of merchandise is permitted on a hard surface within four (4) feet of the principal building if at least three (3) feet of open walkway and unrestricted principal building access is maintained. “Temporary” means that merchandise is brought inside at the close of business hours, or at a minimum from 12:01 a.m. to 5:00 a. m.

(9) Mixed Uses. When mixed uses are allowed, they are allowed within development and within individual buildings. In mixed use buildings, residential units, if any, shall be located above the first floor or behind nonresidential uses.[Revised 12/3/02, Ordinance 1790]

11-2711 Development Guidelines. Developments shall meet the following guidelines:

(1) Two Story Expression. Incorporate building treatments such as:

(a) Pitched roofs with roof dormers and gables to create a two story expression. Gables shall contain a window, trimmed vent, or similar accent element; or

(b) An intermediate cornice line, a change in building materials, an awning or arcade, or a change in window shape or treatment to distinguish ground and upper levels.

(2) Building Massing. Articulate building massing, using methods including, but not limited to, staggering building components, adding columns, or recessing entry areas, to create interesting shapes. Avoid long, even facades. Buildings that face each other across other than an arterial street shall be similar in scale, massing, and articulation.

(3) Facades.

(a) All structures: Articulate building facades, in intervals that approximate the width of a residential unit or storefront, generally 20 to 30 feet, using arcades, awnings, special window reveals and frames, and unique details and ornaments. No garage doors shall face Coon Rapids Boulevard.

(b) Residential Structures: Provide more formal treatment to sides of buildings directly visible to the public; locate trash/recycling storage, play equipment, and outdoor storage adjacent to nonpublic sides; face all primary entries to the street, except that the side walls of units may face an arterial street when the size, depth, or shape of the site preclude a well designed development; face garages away from streets.

(4) Varied Roof Shapes. Provide a variety of roof shapes, including, but not limited to, pitched roofs, dormers, chimneys, gable or hip roof accents, detailed parapets, and cornices, to create interesting building profiles.

(a) Sloped roofs shall have an average roof pitch of at least one (1) foot of rise to three (3) feet of run, and a variety of roof slopes and overhanging eaves shall be incorporated to increase visual interest.

(b) Rooftop mechanical equipment, and headhouses for elevators and stairs, shall be concealed from public view.

(5) Focal Features. Every development or major building shall include a focal element or feature that adds interest or distinction, using techniques such as elevating parts of buildings, adding a tower, or emphasizing a prominent part of the building such as a corner or the main entry, using features including, but not limited to, canopies, porticoes, overhangs, arcades, arches, recesses and projections in the building facades, and peaked roofs or raised parapets over doors.

(6) Canopies and Awnings; Entry Treatments. Entries to principal buildings shall face the primary street; provided, where such access is unworkable, buildings may substitute for the primary street entry a focal feature facing the primary street. Corner entries may be used on corner lots. Nonresidential entries shall incorporate, and building street facades shall, where practical, incorporate, canopies and awnings to enliven the building appearance and provide a sense of shelter for pedestrians.

(7) Building Materials. Building exteriors shall use high quality materials, including, but not limited to: brick, natural stone, stucco, textured cast stone, fiber-cement siding and shingles, and integrally colored concrete masonry units. Accent materials may include metal, glass block, copper flashing, or similar materials. Exteriors may not include smooth-faced concrete block, pre-fabricated steel panels, reflective glass, or aluminum, vinyl, or fiberglass siding. At least 30 percent of facades that face a street shall be brick or natural stone.

(8) Windows and Doors. The primary street level facade of retail or office uses shall be transparent between the height of three (3) and eight (8) feet above grade for at least 60 percent of the horizontal length of the building facade; provided, blinds or draperies may be approved where necessary. "Transparent" means the interior of the building can, from the vantage of a pedestrian, be seen into a distance of at least four (4) feet.

(9) Outdoor Spaces. Include outdoor plazas, seating, dining, or similar areas that incorporate umbrellas and other outdoor furniture.

(10) Parking. Locate surface parking to the rear or sides of buildings unless no other arrangement is practical. Parking to the front of a building if approved shall be limited to one 60 foot wide parking bay, consisting of one drive aisle with a parking row on each side. Developments may propose shared parking arrangements in conformity with standards on file with the Community Development Director. Site plan approval may be conditioned on the provision of shared parking agreements in a recordable form approved by the City Attorney.

(11) Pedestrian Access and Circulation. Include a complete and convenient pedestrian and bicycle circulation system for access to buildings from the public right-of-way, and for on-site circulation. Nonresidential sidewalks shall be at least five (5) feet in width.

(12) Urban Design Furniture and Amenities. Include compatible street furniture and amenities, such as benches, litter receptacles, pedestrian-scale lighting, and bicycle racks, to enhance the pedestrian environment.

(13) Screening and Landscaping. Include extensive site landscaping and foundation plantings.

(a) Landscaping shall not be used to create barriers or visual screens between uses; provided, where developments adjoin residential neighborhoods, negative impacts on those neighborhoods shall be mitigated by appropriate buffering screening or landscaping.

(b) All parking, loading, and service areas, including drive-through facilities and pump island service areas, shall include:

(i) Along Coon Rapids Boulevard, a landscaped yard located behind the sidewalk or, in the absence of a sidewalk, at least 18 feet from the curb. The landscaped yard shall be at least 22 feet wide, contain screening meeting the requirements of Section 11-2711(13)(b)(ii), and incorporate decorative elements according to standards on file with the Community Development Director. In other areas, a landscaped yard consistent with Section 11-2711(13)(b)(ii) along any adjacent public or private street, sidewalk, or property boundary.

(ii) Screening consisting of a masonry wall, fence, berm, hedge, or combination of these elements that forms a screen a minimum of three (3) feet high, a maximum of five (5) feet high, not less than 50 percent opaque.

(iii) One tree for each 50 linear feet of street frontage. Trees must be spaced throughout the screening area.

(iv) In parking lots containing more than 200 spaces, an additional landscaped area of at least 150 square feet for each 25 spaces or fraction thereof, containing one canopy tree per 150 square feet spaced throughout the landscaped area. The remainder shall be covered with turf grass, native grasses, or other perennial flowering plants, vines, or shrubs.

(v) Openings in screening for sidewalks or trails to provide access between adjacent uses.

(vi) Interior landscaping. The corners of parking lots and all other areas not used for parking or vehicular circulation shall be landscaped with turf grass, native grasses, or other perennial flowering plants, vines, shrubs, or trees, and may include architectural features such as benches, kiosks, or bicycle racks.

(vii) Irrigation. All landscaped areas shall be irrigated with an underground sprinkler system.[Revised 12/16/03, Ordinance 1828]

(14) Lighting. Incorporate accent lighting for building facades, focal points, and landscape treatments, compatible with applicable lighting district standards approved by ordinance or resolution.[Revised 12/3/02, Ordinance 1790]

(15) Fuel Pump Canopies. Where approved, the fascia of motor vehicle fuel pump canopies shall be of a neutral color that harmonizes with the color of the principal building. The roof of the canopy shall have the same shape, materials and color as the roof of the principal building. Canopy supports shall be enclosed in decorative masonry or metal columns. [Revised 7/6/04, Ordinance 1822]

(16) Balconies, Decks and Porches. The floors and railings of balconies, decks, and porches shall have a durable finish complementing the colors of the building or attached housing group. [Revised 7/6/04, Ordinance 1822]

(17) Entry Steps. The risers and areas under non-masonry entry steps and landings shall be enclosed with materials consistent with the exterior materials of the building or attached housing group. All surfaces of non-masonry steps and landings, including railings, shall have a durable finish complementing the colors of the building or attached housing group.[Revised 7/6/04, Ordinance 1822]

11-2712 Private and Common Open Space. Residential developments shall:

(1) Clearly define all outdoor open spaces, distinguishing between those reserved for residents and those open to the public.

(2) Clearly define, using fencing, landscaping, or a combination of both, Private Open Space such as a yard, deck, or porch whose direct access is from inside the unit.

(3) Clearly define the boundaries of Private Open Spaces with elements such as fencing, sidewalks, and vegetation.

(4) Clearly define the boundaries and transitions between Private and Common Open Spaces.

(5) Enclose Common Open Spaces with buildings, low fences or hedges, and paths.

(6) Provide convenient access to Common Open Spaces and other amenities such as play equipment, seating, and tables to encourage their use.

(7) Landscape Common Open Spaces and other amenities to provide shade, privacy, and wind protection.

(8) Inhibit access by nonresidents to Private and Common Open Spaces using gateways, fences, plantings, or enclosed locations.

(9) Provide opportunities for surveillance from adjacent buildings of Common Open Spaces and other shared outdoor areas such as streets, sidewalks, and parking areas.

## VARIED DENSITY RESIDENTIAL DEVELOPMENT

11-2713 Varied Density Residential Uses.

(1) All housing types allowed within the LDR-1, LDR-2, MDR, and HDR Districts, except quad homes.

(2) Developments in residential districts may contain up to 40 percent Floor Area, or 4,000 square feet, whichever is less, in any combination of the following uses:

- (a) Office Uses, attached to dwelling units.
- (b) Businesses, without drive-throughs and attached to dwelling units, that provide services on the premises, such as photocopying, small item repair, tailoring, dry cleaning drop off and pickup, beauty shop, and barbershops.
- (c) Day care centers.
- (d) Restaurants or coffee shops without drive-throughs, attached to dwelling units.

11-2714 Varied Residential Standards. In addition to the standards found in this Chapter, the following standards apply to varied density residential developments; provided, the Planning Commission may reduce setbacks to achieve greater density and a more urban development plan where appropriate:

(1) Single-family and two-family dwellings not part of a common interest community shall comply with Chapter 11-700 except as follows:

(a) Building Height. The maximum building height shall be 45 feet for principal structures and 20 feet for accessory structures. An accessory structure shall not exceed the height of the principal building.

(b) Garage/Storage Structures and Accessory Structures. Garage/Storage Structures and accessory structures shall be as allowed by Section 11-705(5) except that each single-family dwelling or two-family dwelling is permitted only one Garage/Storage Structure of not more than 900 square feet in area.

(c) Lot Area.

(i) The minimum lot area for a single-family dwelling shall be 6,000 square feet, except that a corner lot shall maintain a minimum of 7,200 square feet.

(ii) The minimum lot area for a two-family dwelling shall be 12,000 square feet, except that a corner lot shall contain 13,200 square feet.

(iii) For zero lot line two-family dwellings, the minimum lot area for each unit shall be 6,000 square feet.

(d) Lot Coverage. No more than 75 percent of the lot area shall be covered by buildings, drives, and parking areas.

(e) Lot Dimensions.

(i) The minimum lot dimensions, measured in feet, shall be as follows:

<u>Use</u>	<u>Width</u>	Corner Lot <u>Width</u>	<u>Depth</u>
Single-family	50	60	100
Two-family	100	110	100

(ii) A lot abutting a cul-de sac shall have a minimum depth of 100 feet and such lot shall have a minimum 20 feet of street frontage, except that this shall be increased to a minimum 40 feet of street frontage for a two-family dwelling. Lot area requirements shall be maintained.

(f) Parking and Drives. Parking and Drives shall be as permitted by 11-705(10) except that no more than 25 percent of the lot area located between the structure and the front property line may be improved as driveway, and no parking areas shall be located between the structure and the front property line.

(g) Setbacks. Setbacks shall be as required by Section 11-705(11) except:

(i) The front and rear yard setbacks for the principal structure may be reduced by ten feet.

(ii) A garage/storage structure shall not be located nearer to the front lot line than the rear of the principal structure.

(2) Townhouses, and single-family and two-family dwellings that are part of a common interest community, shall comply with the standards for townhouses found in Chapter 11-900 except as follows:

(a) Building Height. The maximum building height shall be 45 feet for principal structures and 20 feet for detached accessory use structures.

(b) Lot Coverage. No more than 75 percent of the development area shall be covered by buildings, drives, and paved areas.

(c) Bulk of Townhouse Group. There shall be no more than eight(8) townhouse units in any townhouse group, and in no event shall any townhouse group be more than 240 feet in length. Townhouse units shall share only side walls.

(d) Common Open Space. Common Open Space shall be as required by Section 11-905(5) except that the amount of common open space may be reduced to 500 square feet per unit.

(e) Setbacks. The minimum setbacks shall be as follows:

Townhouse group, single-family dwelling or two-family dwelling from:

Another principal use structure or an accessory use building	20 feet
Non-arterial street	30 feet from the curb but not less than 22 feet from the right-of-way
Arterial street	40 feet from the curb but not less than 22 feet from the right-of-way
Interior access drive	10 feet
Exterior development property line	25 feet from property not within the Overlay District, 15 feet from property within the Overlay District

Accessory Use Building from:

Non-arterial street	30 feet from the curb but not less than 22 feet from the right-of-way
Arterial street	40 feet from the curb but not less than 22 feet from the right-of-way
Interior access drive	10 feet
Exterior development property line	five (5) feet for storage building of less than 900 square feet; 25 feet for other accessory structures; 15 feet if abutting nonresidential development

(3) Multiple dwellings shall comply with the standards for multiple dwellings as found in Chapter 11-1000 and Section 11-908 except as follows:

(a) Maximum Building Height. 45 feet.

(b) Maximum Lot Coverage. No more than 75 percent of the development area shall be covered by buildings, drive, and paved areas.

(c) Minimum Setbacks. Minimum setbacks shall be as follows:

Principal Use Building From:

Another principal use building	25 feet, plus one (1) foot for each one (1) foot of height over 25 feet
Non-arterial street	30 feet from the curb but not less than 22 feet from the right-of-way
Arterial street	40 feet from the curb but not less than 22 feet from the right-of-way
CD, LDR-1, LDR-2 and MH not in Overlay District	35 feet, plus one (1) foot for each one (1) foot of height of the principal use building over 25 feet. If the area of the side of the principal use building facing the LDR-1 or LDR-2 District exceeds 2,000 square feet in size, the setback shall be increased by five (5) feet of additional setback for each 500 square feet or part thereof of wall area in excess of 2,000 square feet unless screening approved by the Planning Commission is provided.
MDR and HDR not in Overlay District	25 feet, plus one (1) foot for each one (1) foot of height of the principal use building over 25 feet
NC not in Overlay District	25 feet
Other zoning districts not in Overlay District	35 feet
Other property in Overlay District	25 feet

Accessory Building From:

Adjacent property	five (5) feet
Principal use building	20 feet; six (6) feet if no overlap of adjacent faces

Parking and Drives from:

Principal use building	10 feet
Street right-of-way	20 feet
Adjacent lot	five (5) feet; 10 feet if residential property not in Overlay District

(4) For purposes of this Chapter, a multiple dwelling is a residential structure that contains more than two dwelling units which are located such that at least one dwelling unit intrudes on the vertical airspace of another dwelling unit.

## DISTRICT ADMINISTRATION

11-2715 Site Plan Procedure and Requirements. Site plan procedure and requirements outside Port Districts shall be regulated by Section 11-2811, with the following exceptions:

- (1) No Port Master Plan is required.
- (2) The decision of the Planning Commission shall be final subject to appeal to the City Council meeting the requirements of Section 11-324, except as provided in Section 11-2715(3).
- (3) Where the final plan, or the combined preliminary and final plan, contains a Use Flexibility under Section 11-2716(3), the Planning Commission shall make a recommendation to the City Council, which shall approve or deny the plan.[Revised 12/3/02, Ordinance 1790]

### 11-2716 Use and Standards Flexibility Rules.

(1) **Dimensional Flexibility.** The Planning Commission may approve modification of one or more area or dimensional standards of an underlying district if an applicant demonstrates such modification will result in better integration of uses or additional public amenities that will further the intent of this Chapter.

(2) **Design Standard Flexibility.** The Planning Commission may approve an alternative approach to meeting any of the design standards in this Chapter if an applicant demonstrates such modification is necessary to respond to site conditions, will result in better integration of uses, or provide significant site amenities, buffers, and other elements to offset any potential harmful effect that could be caused by the use and will further the intent of this Chapter.

(3) **Use Flexibility.** The Planning Commission may recommend a use, a density of use, or a mix of uses different from what is allowed upon findings that:

- (a) The modification significantly advances the intent of this Chapter;
- (b) The modification is necessary to develop the property in an efficient, well-organized way;
- (c) The plan provides significant site amenities, buffers, and other elements to offset any potential harmful effects that could be caused by the use; and
- (d) The use does not detract from uses in Port Districts.[Adopted 5/7/02, Ordinance 1759][Revised 12/3/02, Ordinance 1790]