ORDINANCE NO. 1675

BEING AN ORDINANCE AMENDING CHAPTER 9, ARTICLE 1 OF THE COLUMBIA HEIGHTS CITY CODE RELATING TO ZONING AND LAND DEVELOPMENT

The City of Columbia Heights does ordain:

Section 1:
Sections § 9.106 and § 9.116 of the Columbia Heights City Code as they currently read are amended as follows:

CHAPTER 9: LAND USE

Article

1. ZONING AND LAND DEVELOPMENT

ARTICLE 1: ZONING AND LAND DEVELOPMENT

Section

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§ 9.106 GENERAL DEVELOPMENT STANDARDS.

(1) Storm water management.

(1) Purpose. The purpose of this division is to promote, preserve and enhance the natural resources within the city and protect them from adverse effects occasioned by poorly sited development or incompatible activities by regulating land alterations or development activities that would have an adverse and potentially irreversible impact on water quality and unique and fragile environmentally sensitive land; by minimizing conflicts and encouraging compatibility between land alterations and development
activities and water quality and environmentally sensitive lands; and by requiring detailed review standards and procedures for land alterations or development activities proposed for such areas, thereby achieving a balance between urban growth and development and protection of water quality and natural areas.

(2) Definitions. For the purposes of this section, the following terms, phrases, words, and their derivatives shall have the meaning stated below. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directive.

APPLICANT. Any person who wishes to obtain a building permit, preliminary plat approval or an excavation permit.

CONTROL MEASURE. A practice or combination of practices to control erosion and attendant pollution.

DETENTION FACILITY. A permanent natural or man-made structure, including wetlands, for the temporary storage of runoff which contains a permanent pool of water.

EXCAVATION ACTIVITIES. Any excavation or filling activity as regulated by § 9.106(j).

FLOOD FRINGE. The portion of the floodplain outside of the floodway.

FLOODPLAIN. The areas adjoining a watercourse or water basin that have been or may be covered by a regional flood.

FLOODWAY. The channel of the watercourse, the bed of water basins, and those portions of the adjoining floodplain that are reasonably required to carry and discharge floodwater and provide water storage during a regional flood.

HYDRIC SOILS. Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

HYDROPHYTIC VEGETATION. Macrophytic plantlife growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

LAND ALTERATION. Any change of the land surface including, but not limited to, removing vegetative cover, excavating, filling, grading, and, the construction of utilities, roadways, parking areas and structures.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES). The program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the Clean Water Act (Sections 301, 318, 402, and 405) and United States Code of Federal Regulations Title 33, Sections 1317, 1328, 1342, and 1345.

PERSON. Any individual, firm, corporation, partnership, franchisee, association or governmental entity.

PUBLIC WATERS. Waters of the state as defined in M.S. § 1036.005, subd. 15, as it may be amended from time to time.

REGIONAL FLOOD. A flood that is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of a 100-year recurrence interval.

RETENTION FACILITY. A permanent natural or man-made structure that provides for the storage of storm water runoff by means of a permanent pool of water.
SEDIMENT. Solid matter carried by water, sewage, or other liquids.

STRUCTURE. Any manufactured, constructed or erected building including portable structures and earthen structures.

SURFACE WATER MANAGEMENT DESIGN STANDARDS (SWMDS). Document stating the design criteria and specifications for the city's storm water management program.

WETLANDS. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following attributes:
1. Have a predominance of hydric soils;
2. Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
3. Under normal circumstances support a prevalence of such vegetation.

(3) Scope and effect.
(a) Applicability. This section shall apply to any land alteration requiring any of the following permits or approvals:
1. A building permit for new multiple-family residential (three or more attached dwelling units), commercial, industrial, or institutional development;
2. A preliminary plat;
3. Land alteration permit as regulated by § 9.106 (j);
4. A building permit for a single-family or two-family residential dwelling except that only subdivisions (3) through (7) of this division shall apply; or
5. Public improvement projects.
6. No building permit, preliminary plat, excavation permit or public improvement project shall be approved until approval of a storm water management plan has been obtained in strict conformance with the provisions of this section.
7. All projects either creating or disturbing one acre or greater of new impervious land will require the submittal of a storm water management plan.

(b) Exemptions. The provisions of this section do not apply to:
1. Construction of a single-family or two-family dwelling or any structure or land alteration accessory thereto except that the provisions of subdivisions (3) through (7) of this division shall apply;
2. Any currently valid building permit, preliminary plat, excavation permit, or public improvement project approved prior to the effective date of this article;
3. Construction of agricultural structures or land alterations associated with agricultural uses unless an excavation permit is required by § 9.106(j);
4. Installation of a fence, sign, telephone, and electric poles and other kinds of posts or poles; or
5. Emergency work to protect life, limb, or property.

(4) Submission requirements–storm water management plan. A storm water management plan shall be submitted with all permit applications identified in § 9.106(j)(3). Storm water management plan submittal requirements are outlined in the city's SWMDS. No building or land disturbing activity will be approved unless it includes a
storm water management plan, detailing how runoff and associated water quality impacts resulting from development will be controlled or managed.

(5) Plan review procedure.

(a) Process. Storm water management plans meeting the requirements of § 9.106(1) and the city’s SWMDS shall be reviewed by the Engineering Division in accordance with the standards of § 9.106(1)(6) and the city’s SWMDS. The Director of Public Works, or designee, shall approve, approve with conditions, or deny the storm water management plan.

(b) Duration. A storm water plan approved in accordance with this section shall become void if the corresponding building permit, excavation permit, preliminary plat, or public improvement project expires or becomes invalid.

(c) Conditions. A storm water management plan may be approved, subject to compliance with conditions reasonable and necessary to insure that the requirements contained in this article are met. Such conditions may, among other matters, limit the size, kind or character of the proposed development, require the construction of structures, drainage facilities, storage basins and other facilities, require replacement of vegetation, establish required monitoring procedures, stage the work over time, require alteration of the site design to insure buffering, and require the conveyance, for storm water management purposes, to the city or other public entity of certain lands or interests therein.

(d) Letter of credit. Prior to approval of any storm water management plan, the applicant shall submit a letter of credit or cash escrow to cover the estimated cost of site restoration. The letter of credit or cash escrow amount shall be in the amount specified by the current city SWMDS.

(e) Amendment. A storm water management plan may be revised in the same manner as originally approved.

(6) Approval standards. No storm water management plan which fails to meet the standards contained in this section shall be approved by the city.

(a) General criteria for storm water management plans.
1. An applicant shall install or construct all storm water management facilities according the criteria outlined in the city’s SWMDS.
2. The applicant shall give consideration to reducing the need for storm water management facilities by incorporating the use of natural topography and land cover, such as wetlands, ponds, natural swales and depressions, as they exist before development, to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the wetland or pond.
3. The following storm water management practices shall be investigated in developing a storm water management plan in the following descending order of preference:
   a. Infiltration of runoff on-site, if suitable soil conditions are available for use;
   b. Flow attenuation by use of open vegetated swales and natural depressions;
   c. Storm water retention facilities; and
   d. Storm water detention facilities.
4. A combination of successive practices may be used to achieve the applicable minimum control requirements specified in subdivision 3. above. Justification shall be provided by the applicant for the method selected.

(b) Specifications. At a minimum, applicants shall comply with all of the NPDES general construction storm water permit requirements.

(c) Wetlands. Existing wetlands may be used for storm water management purposes, provided the following criteria are met:
1. The wetland shall not be classified as a Group I or II water within the City Water Resource Management Plan.
2. A protective buffer strip of natural vegetation, at least ten feet in width, shall surround all wetlands.
3. A sediment trapping device or area that is designed to trap sediments 0.5 millimeters in size or greater, with a trap volume size based upon a prescribed maintenance schedule, shall be installed prior to discharge of storm water into the wetlands.
4. The natural outlet control elevation of the wetlands, if it is not a DNR public water, shall not be changed, except when either i) the outlet is intended to restore the wetland to its original elevation, ii) the wetland basin is landlocked and the artificial outlet control is placed no lower than 1.5 feet below the ordinary high water mark, iii) the proposed level control is identified in the City Water Resource Management Plan, or iv) the level change is approved by a technical evaluation panel convened pursuant to the state Wetland Conservation Act of 1991 (WCA).
5. The water fluctuation from storm water shall not be increased over what occurs naturally, except as provided in subdivision 4.c. above.
6. The wetland shall not be a protected fen.
7. Wetlands shall not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas in accordance with the WCA. When wetland replacement is required, it shall be guided by the following principles in descending order of priority:
   a. Avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland;
   b. Minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation;
   c. Rectifying the impact by repairing, rehabilitating, or restoring the affected wetland environment;
   d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the activity; and
   e. Compensating for the impact by replacing or providing substitute wetland resources or environments.
8. If the wetland is a DNR public water, all necessary permits from the DNR shall be obtained.

(d) Models/methodologies/computations. Hydrologic models and design methodologies used for the determination of runoff and analysis of storm water management structures shall be approved by the Director of Public Works. Plans,
specifications and computations for storm water management facilities submitted for review shall be sealed and signed by a registered professional engineer. All computations shall appear on the plans submitted for review, unless otherwise approved by the Director of Public Works.

(c) Watershed management plans/groundwater management plans. Storm water management plans shall be consistent with adopted watershed management plans and groundwater management plans prepared in accordance with M.S. §§ 103B.231 and 103B.255, respectively, as they may be amended from time to time, and as approved by the Minnesota Board of Water and Soil Resources in accordance with the state law.

(7) Storm water management fee.

(a) When required. In lieu of the storm water management facilities required in § 9.106(1), the city may allow an applicant to make a monetary contribution to the development and maintenance of community storm water management facilities, designed to serve multiple land disturbing and development activities, when consistent with the City’s Water Resource Management Plan.

(b) Calculation of fee. The amount of monetary contribution shall be found in the SWMDS. For preliminary plats, an estimated impervious coverage per lot, subject to the approval of the Director of Public Works, shall be included in the total impervious surface area calculation.

(c) Payment of fee. Payment of a monetary contribution shall occur as follows:
1. Building permit—upon issuance of building permit.
2. Excavation permit—upon issuance of excavation permit.
3. Preliminary plat—upon approval of final plat or commencement of land alteration, whichever occurs first.

(8) Inspection and maintenance. All storm water management facilities shall be designed to minimize the need for maintenance, to provide access for maintenance purposes, and to be structurally sound. In addition, the following maintenance standards shall apply:

(a) All storm water detention periods shall be maintained to ensure continued effective removal of pollutants from storm water runoff. In addition, upon 50% of the pond’s original design volume being filled with sediment, the sediment shall be removed and the pond restored to its original design.

(b) The Director of Public Works, or designated representative, shall inspect all storm water management facilities during construction, during the first year of operation, and at least once every five years thereafter.

(c) All permanent storm water management facilities must provide a maintenance agreement with the city that documents all responsibilities for operation and maintenance of long-term storm water management facilities. Such responsibilities shall be documented in a maintenance plan and executed through a maintenance agreement. All maintenance agreements must be approved by the city and recorded at the County Recorder’s office prior to final plan approval. At a minimum, the maintenance agreement shall describe the inspection and maintenance obligations:
1. The responsible party who is permanently responsible for inspection and maintenance of the structural and nonstructural measures.
2. Pass responsibilities for such maintenance to successors in title.
3. Allow the city and its representatives the right of entry for the purposes of inspecting all permanent storm water management systems.
4. Allow the city the right to repair and maintain the facility, if necessary maintenance is not performed after proper and reasonable notice to the responsible party of the permanent storm water management system.
5. Include a maintenance plan that contains, but is not limited to, the following:
   a. Identification of all structural permanent storm water management systems.
   b. A schedule for regular inspections, monitoring, and maintenance for each practice. Monitoring shall verify whether the practice is functioning as designed and may include, but is not limited to, quality, temperature, and quantity of runoff.
   c. Identification of the responsible party for conducting the inspection, monitoring and maintenance for each practice.
   d. Include a schedule and format for reporting compliance with the maintenance agreement to the city.
   e. Right of entry. The issuance of a permit constitutes a right of entry for the city or its contractor to enter upon the construction site. The applicant shall allow the city and its authorized representatives, upon presentation of credentials, to:
      i. Enter upon the permitted site for the purpose of obtaining information, examining records, conducting investigations or surveys.
      ii. Bring such equipment upon the permitted development as is necessary to conduct such surveys and investigations.
      iii. Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of the permit.
      iv. Inspect the storm water pollution control measures.
   v. Sample and monitor any items or activities pertaining to storm water pollution control measures.
   vi. Correct deficiencies in storm water, erosion and sediment control measures.
   (d) Storm water management facilities serving a single-family residential area or subdivision, but more than one single-family lot, shall be maintained by the city. The cost incurred by the city for maintenance of said facilities shall be assessed, levied through a special storm water taxing district against the properties contributing storm water runoff to or through the facility, or by the city's storm water utility.
   (c) Storm water management facilities serving a multiple-family residential building or development; a commercial, industrial or institutional building or development; or an individual parcel shall be maintained by the property owner on which the facility is located, unless it is determined by the Director of Public Works that it is in the best interests of the city for the city to maintain such facilities. If the city is to maintain the storm water management facilities, the cost incurred by the city for the maintenance may be assessed or levied as described in subsection (d) above.

(9) Penalty. Any person, firm or corporation violating any provision of this section shall be fined not less than deemed committed on each day during or on which a violation occurs or continues.
(10) Other controls. In the event of any conflict between the provisions of this section and the provisions of the city code, the more restrictive standard prevails.

(j) Land alterations.

(1) Purpose. The purpose of this section is to manage land alterations within the city and provide for the review and approval of proposed grades prior to land alteration activities.

(2) In general. No person, firm or corporation may engage in any excavation, grading or filling of any land in the city without first having secured a permit from the Public Works Director in accordance with this section.

(3) Exemption. The removal of material for the purpose of constructing a basement or placement of footings is exempt from the provisions of this section, provided a grading plan was submitted and approved as part of the review and approval process. Grading of new subdivisions or developments is also exempt from the provisions of this section, provided a grading plan was submitted and approved as part of the review and approval process.

(4) Land alteration permit required. A land alteration permit from the Public Works Director is required for any of the following activities:

(a) Placement, removal or grading of more than ten cubic yards of earthen material on steep slopes adjacent to a lake or wetland, or within the shore or bluff impact zone of a lake or wetland.

(b) Placement, removal or grading of more than 50 cubic yards of earthen material anywhere in the city.

(c) Placement, removal or grading of earthen material within ten feet of any property line, or when such activity alters the drainage patterns of adjacent property.

(5) Conditional use permit required. A conditional use permit is required for any of the following activities:

(a) Placement, removal or grading of more than 500 cubic yards of earthen material on developed property zoned R-1 or R-2.

(b) Placement, removal or grading of more than 1,000 cubic yards of earthen material on undeveloped property zoned R-1 or R-2.

(c) Placement, removal or grading of more than 1,500 cubic yards of earthen material on property zoned R-3, R-4 or LB.

(d) Placement, removal or grading of more than 2,000 cubic yards of earthen material on property zoned GB, CBD, I-1, I-2, or MXD.

(6) Submittal requirements. An application for a land alteration permit shall include the following:

(a) A legal description of the land to be altered.

(b) The nature of the proposed alteration and future use of the property.

(c) The starting date and completion date of the land alteration.

(d) The names and addresses of all the owners of all the land to be altered.

(e) Scaled plans, showing the existing and proposed topography with two-foot contour intervals, and signed by a registered surveyor or engineer in the State of Minnesota.

(f) A scaled plan, showing existing and proposed vegetation and ground cover.
An erosion and sedimentation control plan.

Erosion and sediment control.

1. Purpose.

   a. During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches and the dredging of lakes.

   b. As a result, the purpose of this local regulation is to safeguard persons, protect property, and prevent damage to the environment in the city. This division will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in the city. This division is to be used in supplement to the City Zoning Code, § 9.106 and to any other regulations as required by state agencies.

2. Definitions. For the purpose of this division, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

   AS-BUILT PLANS. Record drawings of approved and as-constructed improvements.

   BEST MANAGEMENT PRACTICES (BMPs). Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of surface water, including avoidance of impacts, construction phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies.

   CLEARING. Any activity that removes the vegetative surface cover.

   CONSERVATION EASEMENT. Legal land preservation agreement between a landowner and a municipality or a qualified land protection organization. The easement confers the transfer of usage rights from one party to another.

   CONSTRUCTION ACTIVITY. A disturbance to the land that results in a change in the topography, or the existing soil cover (both vegetative and non-vegetative). Examples of construction activity may include clearing, grading, filling and excavating.

   CONTRACTOR. The party who signs the construction contract. Where the construction project involves more than one contractor, the general contractor shall be the contractor that is responsible pursuant to the obligations set forth in this division.

   DEVELOPER. The party who signs the development agreement with the city to construct a project.

   DEWATERING. The removal of water for construction activity. It can be a discharge of appropriated surface or groundwater to dry and/or solidify a construction site. Minnesota Department of Natural Resources permits are required to be appropriated, and if contaminated, may require other MPCA permits to be discharged.

   EROSION. The wearing away of the ground surface as a result of movement of wind, water, ice and/or land disturbance activities.
EROSION CONTROL. A measure that prevents erosion, including, but not limited to: soil stabilization practices, limited grading, mulch, temporary or permanent cover, and construction phasing.

EROSION CONTROL INSPECTOR. A designated agent given authority by the city to inspect and maintain erosion and sediment control practices.

FINAL GRADE. Excavation or fill of material to final plan elevation. Final grade completed as part of individual site development.

FINAL STABILIZATION. All soil disturbing activities at the site have been completed and a uniform (evenly distributed, without large bare areas) perennial vegetative cover, with a density of 70% of approved vegetative cover, for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures have been employed.

GRADING. Excavation or fill of material, including the resulting conditions thereof.

GRADING, DRAINAGE AND EROSION CONTROL PERMIT. A permit issued by the municipality for the construction or alteration of the ground and for the improvements and structures for the control of erosion, runoff, and grading. Hereinafter referred to as GRADING PERMIT.

GRADING, DRAINAGE AND EROSION CONTROL PLANS. A set of plans prepared by or under the direction of a licensed professional engineer. Plans are required to indicate the specific measures and sequencing to be used to control grading, sediment and erosion on a development site during and after construction as detailed in the "Zoning Ordinance" and City SWPPP.

IMPERVIOUS SURFACE. A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

LAND DISTURBING ACTIVITY. Any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within the city's jurisdiction, including, but not limited to, clearing, grubbing, grading, excavating, transporting and filling.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES). The program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the Clean Water Act (Sections 301, 318, 402, and 405) and United States Code of Federal Regulations Title 33, Sections 1317, 1328, 1342, and 1345.

PERIMETER SEDIMENT CONTROL. A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

PERMANENT COVER. Final site stabilization. Examples include turf, gravel, asphalt, and concrete.

PHASING. Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

PUBLIC WATERWAY. Any body of water, including, but not limited to, lakes, ponds, rivers, streams, and bodies of water delineated by the city or other state or federal agency.
PUBLIC WORKS DIRECTOR. A registered professional engineer with the State of Minnesota who has received training and is given authority by the city to review, authorize, approve, inspect, and maintain erosion and sediment control plans and practices.

ROUGH GRADE. Excavation or fill of material to a condition suitable for general maintenance.

SEDIMENT. The product of an erosion process; solid material, both mineral and organic, that is in suspension, is being transported, or has been moved by water, air, or ice, and has come to rest on the earth’s surface, either above or below water level.

SEDIMENT CONTROL. Measures and methods employed to prevent sediment from leaving the site. Sediment control practices may include, but are not limited to, silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.

SITE. A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

STABILIZED. The exposed ground surface has been covered by appropriate materials such as mulch, staked sod, riprap, wood fiber blanket, or other material that prevents erosion from occurring. Grass seeding is not stabilization.

STANDARD PLATES. General drawings having or showing similar characteristics or qualities that are representative of a construction practice or activity.

START OF CONSTRUCTION. The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, excavation and filling.

STORM WATER. Defined under Minn. Rules, part 7077.0105, subp. 41(b), and includes precipitation runoff, storm water runoff, snow melt runoff, and any other surface runoff and drainage.

STORM WATER POLLUTION PREVENTION PROGRAM (SWPPP). A program for managing and reducing storm water discharge that includes erosion prevention measures and sediment controls that, when implemented, will decrease soil erosion on a parcel of land and decrease off-site nonpoint pollution.

SURFACE WATER or WATERS. All streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, and irrigation systems, whether natural or artificial, public or private.

TEMPORARY EROSION CONTROL. Methods employed to prevent erosion. Examples of temporary cover include: straw, wood fiber blanket, wood chips, and erosion netting.

WATERWAY. A channel that directs surface runoff to a watercourse or to the public storm drain.

WATER CONVEYANCE SYSTEM. Any channel that conveys surface runoff throughout the site.

WETLAND or WETLANDS. Defined in Minn. Rules, part 7050.0130, subp. F, and includes those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed wetlands designed for wastewater treatment are not waters of the state.

ZONING ORDINANCE. City code detailing city specifications for all plan requirements.
(3) Permits.

(a) Approval. No person shall be granted a grading permit for land-disturbing activity that would require the uncovering or distributing of material in excess of any of the following measurements without the approval of a Grading, Erosion and Sediment Control, and Storm Water Management Plan by the city.
   1. Ten thousand square feet.
   2. Five hundred cubic yards undeveloped land, or 50 cubic yards developed land.
   3. Within 1,000 feet of a waterway.

(b) Exception. No grading permit is required for land disturbances under the amounts specified above, or for the following activities:
   1. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
   2. General establishment of new construction lawns, or the addition of four or fewer inches of topsoil.
   3. Existing nursery and agricultural operations conducted as a permitted main or accessory use.

(c) Application requirements.
   1. Each application shall bear the name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant’s principal contact at such firm.
   2. A filing fee and security as outlined by the city's Zoning Ordinance and subdivision (d) below.
   3. A Grading, Erosion and Sediment Control, and Storm Water Management Plan meeting the requirements of this division. Each application shall include the required number of plans and other required materials as specified on the application form.
   4. The application form shall include a statement by the applicant that any land clearing, construction, or development involving the movement of earth shall be in accordance with the approved Grading, Erosion and Sediment Control, and Storm Water Management Plan.

(d) Security.
   1. The permittee will be required to file with the city an irrevocable, automatically renewing letter of credit, or other improvement security in the amount specified by the current city SWMDS fee schedule.
      a. The security shall cover all costs of engineering and inspection, site improvements, street sweeping, repairs to erosion control measures, and maintenance of improvements for such period as specified by the city. Such deposit shall be provided prior to the release of the grading permit.
      b. Deposit shall be released after final stabilization is complete, erosion control measures have been removed, and their removal area inspected.
   2. Individual lot developers shall be required to provide a bond with a building permit application.
a. The security shall cover city costs for street sweeping, installation, maintenance and repairs to erosion control measures. The bond will be in an amount as specified by the current city SWMDS for fee schedule.

b. The security shall be released after turf is established as specified in the City Zoning Ordinance.

c. Procedure. The city will review each application for grading permit to determine its conformance with the provisions of this regulation and other applicable requirements. The city requires complete application no less than 15 working days in advance of the desired grading permit date. Upon complete application, the city shall, in writing:
   1. Approve the permit application;
   2. Approve the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
   3. Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission;
   4. Appeals of denial of permit shall be processed in accordance with appeal to the City Zoning Ordinance.

(4) Grading, Erosion and Sediment Control, and Storm Water Management Plan requirements.

   a. Plan requirements. Grading, erosion control practices, sediment control practices, storm water management practices, and waterway crossings shall meet the design criteria set forth in the Grading, Erosion and Sediment Control, and Storm Water Management Plan, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the city. No land shall be disturbed until the plan is approved by the Public Works Director, and conforms to the standards set forth herein.

   b. The Grading, Erosion and Sediment Control, and Storm Water Management Plan shall comply with all of the NPDES general construction storm water permit requirements and the city’s SWMDS for temporary erosion and sediment control, waste control, final stabilization and permanent water quality.

(5) Construction requirements. Construction specifications, waterway and watercourse protections requirements, and pollution prevention management measures shall comply, at a minimum, with all of the NPDES general construction storm water permit requirements, in addition to the city’s SWMDS.

(6) Inspection. Notification, procedures, material requirements, permittee inspection, authorization, and record keeping shall comply, at a minimum, with all of the NPDES general construction storm water permit requirements, in addition to the city’s SWMDS.

(7) Site maintenance. Responsibilities, maintenance requirements, and lapses regarding site maintenance shall comply, at a minimum, with all of the NPDES general construction storm water permit requirements, in addition to the city’s SWMDS.

(8) Final stabilization requirements. Final stabilization is not complete until the criteria laid out in the NPDES general construction storm water permit and the city’s SWMDS are met.

(9) Post-construction storm water management. All post-construction storm water management plans must be submitted to the Public Works Director prior to the start of
construction activity. Standards for post-construction storm water management shall be as follows:

(a) Specifications. At a minimum, applicants shall comply with all of the NPDES general storm water permit requirements.

(b) Design criteria. Permanent storm water management systems shall meet the design criteria as provided in the city’s SWMDS.

(c) Maintenance agreement. The applicant shall enter into a maintenance agreement with the city that documents all responsibilities for operation and maintenance of long-term storm water treatment BMPs. Such responsibilities shall be documented in a maintenance plan and executed through a maintenance agreement. All maintenance agreements must be approved by the city and recorded at the County Recorder’s office prior to final plan approval. At a minimum, the maintenance agreement shall describe the following inspection and maintenance obligations:

1. The responsible party who is permanently responsible for inspection and maintenance of the structural and nonstructural measures.

2. Pass responsibilities for such maintenance to successors in title.

3. Allow the city and its representatives the right of entry for the purposes of inspecting all permanent storm water management systems.

4. Allow the city the right to repair and maintain the facility, if necessary, and perform proper and reasonable notice to the responsible party of the permanent storm water management system.

5. Include a maintenance plan that contains, but is not limited to, the following:
   a. Identification of all structural permanent storm water management systems.
   b. A schedule for regular inspections, monitoring, and maintenance for each practice. Monitoring shall verify whether the practice is functioning as designed and may include, but is not limited to, quality, temperature, and quantity of runoff.
   c. Identification of the responsible party for conducting the inspection, monitoring, and maintenance for each practice.
   d. Include a schedule and format for reporting to the city compliance with the maintenance agreement.

6. The issuance of a permit constitutes a right of entry for the city or its contractor to enter upon the construction site. The applicant shall allow the city and its authorized representatives, upon presentation of credentials, to:
   a. Enter upon the permitted site for the purpose of obtaining information, examining records, conducting investigations or surveys.
   b. Bring such equipment upon the permitted development as is necessary to conduct such surveys and investigations.
   c. Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of the permit.
   d. Inspect the storm water pollution control measures.
   e. Sample and monitor any items or activities pertaining to storm water pollution control measures.
   f. Correct deficiencies in storm water and erosion and sediment control measures.
(10) Certification.

(a) Approved Grading, Erosion and Sediment Control, and Storm Water Management Plan. Plans for grading, stripping, excavating, and filling work, bearing the approval of the Public Works Director, shall be maintained at the site during the progress of the work.

(b) Procedure. The city will withhold issuance of building permits until the approved certified Grading Plan and Site Development Plan are on file with the city, all securities as required by this division are received, conservation posts are installed, and all erosion control measures are in place as determined by the Public Works Director.

(c) As-built Grading Plan and Development Plan. Within 60 days after completion of site development, as per the approved Grading, Erosion and Sediment, and Storm Water Management Plan, the developer shall provide the city with an As-built Grading Plan and Development Plan as defined in the City Zoning Ordinance.

(d) Removal of erosion control measures. The above-specified requirements will be authorized for removal upon the sodding of the rear yards, completion of punch list items involving ponds and slopes, final stabilization, completion of proper turf establishment, and placement of the proper conservation easement posts and signs as specified. Inspection is required after the removal of erosion control measures to verify proper restoration. Please refer to City Zoning Ordinance for specifications.

(11) Enforcement.

(a) Notice of violation.

1. In the event that any work on the site does not conform to the approved erosion and sediment control plan, or any of the requirements listed in the provisions of this article, the Public Works Director, or his or her designee, shall issue a written notice of violation to the applicant, detailing the corrective actions necessary for compliance.

2. The applicant shall conduct the corrective actions within the time period determined by the city and stated in the notice.

3. If an imminent hazard exists, the city may require that the corrective work begin immediately.

(b) Stop work order/revocation of site development permit.

1. In the event that any person holding a site development permit pursuant to this article violates the terms of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, environment, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the city may suspend or revoke the site development permit through the issuance of a stop work order, or the revocation of the site development or building permit.

2. The city may draw down on the grading permit security, with 30 days written notice to developer, for any violation of the terms of this contract related to landscaping, if the violation is not cured within such 30-day period, or if the security is allowed to lapse prior to the end of the required term. If the security is drawn down, the proceeds shall be used to cure the default.

3. No development, utility or street construction will be allowed and no building permits will be issued unless the development is in full compliance with the requirements of this subdivision.
(c) Violation and penalties.

1. No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this division. Any person violating any of the provisions of this division shall be deemed guilty of a misdemeanor and each day during which any violation of any of the provisions of this division is committed, continued, or permitted, shall constitute a separate offense.

2. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine as specified by the city ordinance for fee schedule for each offense. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this division shall be required to bear the expense of such restoration.

§ 9.116 SUBDIVISION REGULATIONS.

(A) Purpose. The purpose of this section is to provide for the orderly and economic development of land and urban facilities, and to promote the public health, safety and general welfare of the community by establishing physical standards and procedures for the subdivision of land.

(B) Authority. The Council hereby established the following rules and regulations pursuant to the authority provided in Minnesota Statutes, to regulate, control and maintain streets and provide for platting of property.

(C) Plats and data.

(1) Sketch plans. Sketch plans shall contain as a minimum, the following information:

   (a) Tract boundaries.
   (b) North point.
   (c) Streets on and adjacent to the tract.
   (d) Significant topographical and physical features.
   (e) Proposed general street layout.
   (f) Proposed general land use.
   (g) Name of owner and/or developer.
   (h) Zoning on and adjacent to tract.

(2) Preliminary plat. A preliminary plat shall contain the following information:

   (a) Identification and description.
   1. Proposed name of subdivision, which name shall not duplicate or be similar to the name of any other plant.
   2. Location by section, town, range or by other legal description.
   3. Names and addresses of the owner, subdivider, surveyor and designer of the plan.
   4. Graphic scale.
   5. North point.
   6. Date of preparation.
   7. Certification by surveyor certifying to accuracy of survey.

   (b) Existing conditions.
1. Boundary line of proposed subdivision clearly indicated.
2. Existing zoning classification, if any.
3. Total acreage, including greenspace percentage.
4. Location, widths and names of all existing or previously platted streets or other public way, showing type, width and also condition of improvements, if any, railroad and utility rights-of-way, parks and other public spaces, permanent buildings and structures, easements and section and corporate line within the tract, and to a distance of 100 feet beyond the tract. Such data as grades, invert elevations and locations of catch basins, manholes and hydrants, if any, shall also be known.
5. Boundary lines of adjoining unsubdivided or subdivided land within 100 feet, identifying by name and ownership.
6. Topographical data, including contours at vertical intervals of not more than 2 feet, except that contour lines shall be no more than 100 feet apart. Watercourses, marshes, wooded areas, rock outcrops, power transmission poles and lines, buildings and other significant features shall also be shown.
7. All elevations, topography and vertical control data shall be tied to sea level datum, 1929 General Adjustments. Temporary benchmarks shall be established within the boundaries of the subdivision. Descriptions, reference ties and elevations of the benchmarks shall be furnished to the City Engineer.
8. Reference to recorded subdivision plat or adjoining platted land by record, name, date and number.
9. The location and size of all existing sanitary sewer, water or storm sewer, trunks, laterals or services on or adjacent to the property.
   (c) Design features.
   1. Primary control points, with descriptions and "ties" to such control points to which all dimensions, angles, bearings and similar data on the plan shall be referred.
   2. Tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles and radii, arcs and central angles of all curves.
   3. Name and right-of-way width of each street or other right-of-way.
   4. Location, dimensions and purpose of any easements.
   5. An identification system for all lots and blocks.
   6. Site data including number of residential lots, typical lot size, and acres in park, and the like.
   7. Sites, if any, to be reserved for parks or other public uses.
   8. Sites, if any, for multi-family dwellings, shopping centers, churches, industry or other non-public uses exclusive of single-family dwellings.
   9. Minimum building setback line on all lots and other sites with the width of lot shown at setback line.
   10. Location and description of monuments.
   (d) Preliminary grading and drainage plan. Including earthwork quantities, final grades (4:1 maximum slopes), building pad elevations, existing and proposed topography at two-foot intervals, drainage calculations, 10-year storm pipe design, 100-year storm
level of protection, direction of drainage around each building pad location, appropriate
 easements as required.

(e) Preliminary erosion control plan. Including method, location and detail of erosion
 control measures, consistent with § 9.106(l)(6)(g), where applicable.

(f) Preliminary utility and/or on-site sewage treatment plan.

1. Plan and profile showing existing utilities, proposed utilities, connection with
 existing utilities (watermain, sanitary sewer, storm sewer) appropriate easements as
 required.

2. Note whether utilities will be publicly or privately constructed, owned and
 maintained.

(g) Preliminary street plan. Plan and profile showing internal roads, grades, lengths
 of cul-de-sacs, curb data (horizontal and vertical), connection to existing streets or platted
 right-of-way, provisions for future extensions or connections to adjacent land, appropriate
 easements of right-of-way.

(h) Preliminary wetland plan. Plan showing fill or draining of any wetland including
 sequencing justification and proposed mitigation. All wetlands must be delineated in
 accordance with 1989 Federal Manual for Identifying and Delineating Wetlands.

(i) Preliminary landscape plan. Landscaping required by city landscape policy. Plan
 must identify location, size species and quantity of plant materials.

(j) Right-of-way requirements. Letter from Anoka County and/or MN/DOT
 containing recommendations and/or regulations on access or right-of-way requirements, if
 the property abuts county or state roads or right-of-way, or proposes access to a state of
 county road.

(k) Supplementary data to be supplied with preliminary plat

1. Names or record owners of adjoining unplatted land.

2. Protective covenants in form of recording, if any.

3. Other information such as certificates, affidavits, endorsements, photographs,
 traffic studies or other information as may be required by the City Council and/or the
 Planning Commission and/or the city staff in the enforcement of these regulations.

4. Soil borings and analysis, if required by the City Engineer or Chief Building
 Official.

5. Evidence that ground water control is at least ten feet below the level of finished
 grades or plan for solving ground water problems, if required by the City Engineer.

6. The size and dimension of all lots.

7. Notarized certification by owner and by any mortgage holder of record, of the
 adoption of the plat and the dedication of streets and other public area.

(3) Final plat. The final plat shall be on sheets 20 inches wide by 30 inches long and
 shall be at a scale of 100 feet equals 1 inch or such other standard scale as approved by the
 City Engineer and in all other respects shall comply with Minnesota Statutes. Where
 necessary, plat or final plat may be on several sheets accompanied by a key map showing
 the entire subdivision. For large subdivisions, the final plat may be submitted for approval
 progressively in contiguous sections satisfactory to the City Council.

(a) The final plat shall contain the following information:
1. Certifications showing that all taxes due on the property to be subdivided have been paid in full.

2. An attorney’s opinion of title showing title or control of the property to be subdivided in the application.

3. Name of the subdivision, which shall not duplicate or too closely approximate the name of any existing subdivision.

4. Location of section, township, range, county and state, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions, which must mathematically close. The allowable error closure of any portion of a final plat shall be 1 in 7,500.

5. The location of monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments on the nearest established street lines, including true angles and distances to such reference points or monuments.

6. Location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curbs, and with all other information necessary to reproduce the plat on the ground shall be shown. Dimensions shall be shown from all angle points of curb to lot lines.

7. Lots shall be numbered clearly. Blocks are to be numbered with numbers shown clearly in the center of the block.

8. The exact locations, widths and names of all streets.

9. Location and width of all easements.

10. Name and address of surveyor making the plat.

11. Scale of plat (the scale to be shown graphically on the bar scale), date and north arrow.

12. Statement dedicating all easements as follows and drainage facilities are reserved over, under, and along the strips marked "utility easements."

13. Statement dedicating all streets, alleys and other public areas not previously dedicated as follows: Streets, alleys and other public areas shown on this plat and not heretofore dedicated to public use are hereby so dedicated.

14. Certification by registered surveyor in the form required by M.S. § 505.03, as amended.

15. Execution of all owners of any interest in the land and any holders of an mortgage thereon of the certificates required by M.S. § 505.03, as amended, and which certificate shall include a dedication of the utility easements and other public areas in such form as approved by the City Council.

16. Space for certificates of approval and review to be filled in by the signatures of the City Engineer, City Clerk and Anoka County Surveyor.

(b) Additional plans to be submitted with the final plat include the following:

1. Final utility plan. Plan and profile showing existing utilities, proposed utilities, connection with existing utilities (watermain, sanitary sewer, storm sewer) appropriate easements as required. Note whether utilities will be publicly or privately constructed, owned and maintained.
2. Final wetland plan. Plan showing fill or draining of any wetland including sequencing justification and proposed mitigation. All wetlands must be delineated in accordance with 1989 Federal Manual for Identifying and Delineating Wetlands.

3. Landscape plan. Plan showing reforestation required by this article and landscaping required by city landscape policy. Plan must identify location, size, species and quantity of plant materials.

4. Final street plans for requirements established in § 9.116(2).

5. Park dedication. It is deemed necessary and consistent with sound city planning to provide in each new proposed plat or subdivision, areas for future development of park and recreational purposes. Each plat shall hereafter provide for a dedication to the municipality, an area not less than 10% of the total proposed area to be subdivided.

   a. Such area shall consist of developable and usable land and shall be located so as to serve the present and future needs of the community for recreational or park purposes.

   b. The Planning Commission and the Council shall consider the proposed location in relation to existing or contemplated recreational and park sites in other parts of the community and as to the suitability in meeting the requirements of the city’s comprehensive plan.

   c. The following properties shall not be accepted for purposes of the owner’s compliance with divisions (C)(3)(b)5.a. or b. above: Land dedicated or obtained as easements for storm water retention, drainage, roadway and other utility purposes.

   d. This requirement may be waived and/or modified by the Council after recommendation by the Planning Commission for one of the following reasons:

      i. The enforcement of this provision would act as an extreme hardship to the property owner, because of the size of the tract involved, the topography of the land (zoning areas involved) or the owner has already dedicated comparable areas in other subdivisions in the city.

      ii. The owner contributes the cash equivalent to the city for the Parks Capital Improvement Fund of the city. A cash equivalent shall be a sum mutually agreed upon representing 10% of the market value of the tract in an underdeveloped state on the date the preliminary plat is presented to the city.

   e. The city, at its sole discretion, may consider a combination of an area dedication and cash contribution to total the 10% park dedication contribution.

(D) Design standards.

(1) The following design standards are to be followed unless the City Council shall permit a variance because of unusual circumstances due to the topography, placement of buildings or other factors making it reasonable to vary the standards set forth without nullifying the intent and purpose of the comprehensive plan or this section.

(2) Streets.

   a. The arrangement, character, extent, width, grade and location of all streets shall conform to the comprehensive plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

   b. Where such is not shown in the comprehensive plan, the arrangement of streets in the subdivision shall either:
1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
2. Conform to a plan for the neighborhood approved or adopted by the City Council to meet a particular situation where topography or other conditions make continuance or conformance to existing streets impractical.

(Ord. 1428, passed 5-29-01; Am. Ord. 1470, passed 6-28-04; Am. Ord. 1537, passed 3-10-08)

First Reading: April 11, 2022
Offered by: Murzyn, Jr.
Seconded by: Novitsky
Roll Call: All Ayes

Second Reading: April 25, 2022
Offered by: Buesgens
Seconded by: Novitsky
Roll Call: All Ayes

Date of Passage: April 25, 2022

Mayor Amádia Márquez Simula

Attest:

Sara Jon, City Clerk
SUMMARY OF ORDINANCE NO. 1675

AN ORDINANCE AMENDING CHAPTER 9, ARTICLE I OF THE COLUMBIA HEIGHTS CITY CODE RELATING TO ZONING AND LAND DEVELOPMENT

The City Council for the City of Columbia Heights, Minnesota adopted Ordinance No. 1675 on April 25, 2022.

The purpose of this ordinance is to define which type of storm water permit is referred to in the code language. The definition of the threshold for a storm water management plan was also updated and the section on erosion control was changed to add ‘waste control’ within the storm water management plan. These amendments are a requirement of our MS4 permit.

This is a summary of Ordinance No. 1675. A copy of the entire text of the Ordinance is available for public inspection during regular office hours at City Hall, by standard electronic mail, or at www.columbiaheightsmn.gov.

Attest:

Sara Ton, City Clerk/Council Secretary

Mayor Amáda Márquez Simula
AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA  
COUNTY OF ANOKA

Karen Nelson being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

BSLP Col Hght Frid Life

with the known office of issue being located in the county of:

ANOKA

with additional circulation in the counties of:

RAMSEY

and has full knowledge of the facts stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.

(B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 05/06/2022 and the last insertion being on 05/06/2022.

MORTGAGE FORECLOSURE NOTICES
Pursuant to Minnesota Stat. §580.033 relating to the publication of mortgage foreclosure notices: The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

By: Karen Nelson
Designated Agent

Subscribed and sworn to or affirmed before me on 05/06/2022 by Karen Nelson.

By: Marlene M. Mitchell
Notary Public

Rate Information:
(1) Lowest classified rate paid by commercial users for comparable space: $22.00 per column inch

Ad ID 1226847