



29.80 DEVELOPMENT FLEX (DF)

(Entire Section Amended 5-15-97. Ord. 97-1658)

CITY OF BLAINE
10801 Town Square Drive NE
BLAINE MN 55449

29.81 INTENT

The Development Flex District (formerly known as the Residential Flex District) is intended to provide for greater flexibility in land use planning and maximize the choice of housing types and styles at a more affordable price range than is possible under the strict application of other sections of this ordinance. The Development Flex District also attempts to create a reasonable balance between the interests of the property owner in freely developing his property with greater flexibility in land uses, and at the same time protect the interest of surrounding properties in the following ways:

- (a) By encouraging a more creative approach in housing developments, that will result in quality living environments through innovative design and aesthetic controls;
- (b) By permitting a combination of housing types and style, including single, two-family, and multiple family dwellings, with the exception of mobile homes;
- (c) By allowing flexibility in design by permitting cluster developments and a variety of architectural styles and treatments;
- (d) By allowing for any type of ownership, private, condominium, or rental;
- (e) By allowing flexibility in setback and height restrictions;
- (f) By allowing non-residential uses, such as commercial or light industrial uses which will serve the inhabitants of such district, provided such non-residential uses will enhance the character, amenities, and convenience of those who live in the proposed development;
- (g) By providing an efficient use of land resulting in more cost efficient installation of utilities, streets, and other facilities.
- (h) By encouraging the preservation of common open space, recreational facilities, natural features, such as woodland and wetland areas;
- (i) By contributing to the tax base of the community without making undue demands on the community services; and
- (j) By providing the means for greater creativity and flexibility in environmental design than is provided under the strict application of the Blaine Zoning Ordinance and Subdivision Ordinance, while, at the same time, preserving the health, safety, order, convenience, prosperity, and general welfare of the City of Blaine and its inhabitants.

29.82 CRITERIA

The Development Flex District is a zoning district which may be allowed in combination with any residential, commercial, or light industrial land use designation. Every proposal presented to the City Council for rezoning to the Development Flex District shall be accompanied by a preliminary site plan as provided in Section 29.89 of this ordinance. A conditional use permit is required at the time of final plan approval to insure adherence to the preliminary site plan as approved at the time of rezoning of the site to Development Flex District. The City Council shall consider the following criteria and objectives in processing the application for rezoning to Development Flex District and the application for the conditional use permit:

- (a) That the proposal shall provide for a wider range of housing types, price ranges and styles than could be accomplished under the existing zoning;
- (b) That the proposal shall provide amenities and facilities and open spaces greater than the minimum requirements under existing zoning;
- (c) That the proposed development is compatible with the purposes and intents of this ordinance and with the comprehensive plan;
- (d) That the proposal shall exercise no substantial detrimental influence upon the market value of surrounding properties;
- (e) That the proposal shall show a favorable economic impact on the community at large;
- (f) That the proposal shall in no way be detrimental to the environment. Scenic aspects and natural features, such as streams, trees, topography, and geological features, shall be protected and preserved to the greatest extent possible;
- (g) That the proposal shall not impose any undue burden upon the public services and facilities, such as fire and police protection, schools, streets, water systems, sanitary sewer systems, and storm sewer systems;
- (h) That the proposed development is designed in such a manner to form a desirable and unified environment within its own boundaries, and also which will not be detrimental to future land uses in the surrounding areas; and
- (i) That the proposal be consistent with all other applicable City and State regulations.

29.83 PROCEDURE

- (a) Prior to the preparation and filing of a preliminary site plan and formal application for the conditional use permit and the rezoning to the Development Flex District, the developers or owners shall meet with the Director of Community Development to review all applicable ordinances, regulations and plans that will affect the area to be rezoned.
- (b) The developers or owners of the property shall prepare a preliminary site plan in accordance with the regulations of Section 29.89 and shall submit the plan to the Office of Community Development forty-five (45) days prior to the public hearing.
- (c) The preliminary site plan and the applications for a Development Flex District and conditional use permit shall be submitted to the Administrative Review Committee for review and comment, and to insure compliance with other City codes and regulations.
- (d) Upon staff approval of the preliminary site plan and the application for rezoning and application for conditional use permit, a public hearing shall be scheduled before the Planning Commission.
- (e) The notice for public hearing shall be published in the official newspaper at least ten (10) days, but not more than thirty (30) days, prior to the public hearing, at which time the item will be heard. Notices will also be sent during this time period to property owners of record within three hundred fifty (350) feet of the exterior boundaries of subject property and within three hundred fifty (350) feet of all contiguous property under common ownership. (Amended 2-4-88 Ord. 88-1066)
- (f) A written evaluation from the Office of the Community Development shall be forwarded to the Planning Commission and the applicant one (1) week prior to the public hearing.

- (g) The Planning Commission shall simultaneously hold a public hearing on the preliminary site plan and proposed rezoning and conditional use permit requests. Following the public hearing, the Planning Commission shall submit in writing to the City Council its report, its findings, and its recommendation as to the appropriateness of the preliminary site plan, and shall recommend approval, modification, postponement, or disapproval, based upon the criteria set forth in Section 29.82 of this Ordinance.
- (h) The preliminary site plan and the rezoning application shall be scheduled for a City Council meeting within thirty (30) days after the submittal of the Planning Commission report.
- (i) The City Council shall consider the application for rezoning, pursuant to Section 29.82 and shall approve, postpone, or disapprove the application for the rezoning. If the application for the rezoning is approved, the City Council shall approve or modify and approve the preliminary site plan.
- (j) The developer shall file final plans in accordance with the regulations of Section 29.891 in the office of Community Development at least thirty (30) days before a City Council meeting.
- (k) The City Council, upon receipt of the final plans and the application for the conditional use permit, may approve the final plans and may grant a conditional use permit, if, in their determination, the proposed development is consistent with the preliminary site plan, as approved. A certified copy of the conditional use permit shall be recorded in the office of the Anoka County Recorder pursuant to Minnesota Statutes Section 462.3595, Subdivision 4.

29.84 MAJOR CHANGES

If the applicant proposes major changes in the final site plan that are inconsistent with the preliminary site plan, these changes can only be made by resubmission of a new preliminary site plan and rezoning application to the Office of Community Development, and rescheduling of a new public hearing before the Planning Commission and review again by the City Council.

The following constitute major changes:

- (a) Increase in density;
- (b) Change in architectural design or style
- (c) Change in type of ownership, private, condominium, or rental;
- (d) Change of more than ten percent (10%) in total floor area;
- (e) Increase in height of any building;
- (f) Major modification to the landscape plan;
- (g) Reduction in the proposed open space;
- (h) Change in the development schedule;
- (i) Change in the road location or standards; and
- (j) Any changes determined to be major by the City Council.

29.85 MINOR CHANGES

The City Council may, in its discretion, permit minor deviations from the preliminary site plan which do not change the concept or intent of the proposed development as previously approved.

29.86 DENIAL

The City Council shall deny any application for the conditional use permit if it finds the final plans do not substantially conform to the preliminary site plan as previously approved by the City Council. If the final plans are subsequently modified to conform to the approved preliminary plan, the applicant may resubmit said final plans to the City Council for approval.

29.87 REZONING

- (a) If a conditional use permit is not granted within a two (2) year period from the time the City Council approves the rezoning and preliminary site plan, the Council may initiate a rezoning to remove the Development Flex District zoning and rezone the property to the zoning that was in effect at the time of the initial rezoning.
- (b) If construction does not commence within two (2) years after issuance of the conditional use permit, the Council may initiate a rezoning to remove the Development Flex District zoning and rezone the property to the zoning that was in effect at the time of the initial rezoning.
- (c) If construction is not proceeding in accordance with the approved development schedule, the Council may initiate a rezoning of all or part of the land to remove the Development Flex District zoning and rezone all or part of the property to the zoning that was in effect at the time of the initial rezoning.

29.88 DEVELOPMENT GUARANTEE

Prior to the granting of any building permit within a Development Flex District, a deposit shall be made to the City, in cash or letter of credit, approved by the City, equal to one hundred fifteen percent (115%) of the estimated cost of all landscaping improvements as required by the final plans.

29.89 PRELIMINARY PLANS REQUIRED

- (a) **PRELIMINARY SITE PLAN:** The preliminary site plan shall be drawn at a scale of one inch equals fifty feet, one hundred feet, or two hundred feet. The submission may be composed of one or more sheets and drawings and shall include:
 - (1) Location of all proposed buildings and their proposed uses;
 - (2) Location of driveways and parking areas;
 - (3) Indicate front, rear, and side yard setbacks proposed;
 - (4) Indicate square footage and dimensions of all proposed lots; and
 - (5) Location of all easements, width and purpose.

- (b) **LANDSCAPE PLAN:** The landscape plan shall be prepared at a scale of one inch equals fifty feet and shall contain the following information:
- (1) Indicate areas for berming, and sodding;
 - (2) Indicate the location of proposed plantings, identify plant materials as shade tree, flowering tree, coniferous tree, or shrubs;
 - (3) Indicate any existing vegetation; and
 - (4) Indicate any trees to be removed.
- (c) **GRADING AND DRAINAGE PLAN:** The grading and drainage plan shall be drawn at a scale of one inch equals fifty feet, one hundred feet or two hundred feet and shall contain the following information:
- (1) Existing and proposed grades with a minimum of two (2) foot contour intervals to a known sea level datum;
 - (2) Sufficient spot elevations on all proposed hard surface areas;
 - (3) Estimated runoff of the area based upon ten and one hundred year storm events;
 - (4) Provisions to carry runoff to the nearest adequate outlet, such as a storm drain, natural drainage way, or street;
 - (5) Location of any proposed ponding areas, indicating the size and depth of the pond and amount of acre feet of water to be stored;
 - (6) Finished floor elevations of all buildings.
 - (7) Identify soils by type and location, including identification of the water table, and suitability of soil for the proposed development; and
 - (8) Identify any areas located in a flood hazard zone as identified by the Department of Natural Resources.
- (d) **TOPOGRAPHIC MAP:** The topographic map shall be drawn at a scale of one inch equals one hundred feet and shall contain the following information:
- (1) Two foot contour intervals;
 - (2) Indicate water courses, rock outcroppings, and other significant land features;
 - (3) Use USGS datum for mapping.
- (e) **FLOOR PLANS AND ELEVATIONS:** All floor plans and elevations shall be drawn to a legible scale and include the following information:
- (1) Floor plans indicating square footage and dimensions of all proposed rooms and areas within the structure, identifying bedrooms, kitchens, garage areas, utility rooms, closets, bathrooms, etc.; and

- (2) Elevations of the proposed building, identifying exterior treatment, such as materials to be used and the color of paint.
- (f) **PRELIMINARY PLAT:** If a subdivision is required, the preliminary plat shall be prepared in accordance with the Blaine Code of Ordinances, Chapter 18 - Subdivisions.

29.891 FINAL PLAN REQUIRED

- (a) **FINAL SITE PLAN:** The final site plan shall be prepared at a scale of one inch equals fifty feet, one hundred feet, or two hundred feet, and shall contain the following information:
 - (1) Location of proposed units;
 - (2) Location of proposed driveways and parking areas;
 - (3) Indicate front, rear, and side yard setbacks; and
 - (4) Indicate square footage of lots and dimensions of lots.
- (b) **FINAL LANDSCAPE PLAN:** The final landscape plan shall be drawn at a scale of one inch equals fifty (50) feet and shall contain the following information:
 - (1) Plant types (botanical and common names), number, location, size, and method of installation;
 - (2) Areas to be sodded;
 - (3) Indicate existing vegetation; and
 - (4) Indicate trees to be removed.
- (c) **FINAL GRADING AND DRAINAGE PLAN:** The grading and drainage plan shall be drawn at a scale of one inch equals fifty feet or one hundred feet or two hundred feet and shall contain the following information:
 - (1) Existing and proposed grades with a minimum of two (2) foot contour intervals to a known sea level datum;
 - (2) Sufficient spot elevations on all proposed hard surface areas;
 - (3) Estimated runoff of the area based upon ten and one hundred year storm events;
 - (4) Provisions to carry runoff to the nearest adequate outlet, such as storm drain, natural drainage way, or street;
 - (5) Location of any proposed ponding areas, indicating the size and depth of the pond and amount of acre feet of water to be stored;
 - (6) Finish floor elevations of all buildings;
 - (7) Identify soils by type and location, including identification of the water table, and suitability of soil for the proposed development; and
 - (8) Identify any areas located in a flood hazard zone as identified by the Office of Housing and Urban Development.
 - (9) The lowest floor elevation shall be no lower than two (2) feet above the Regulatory Flood Protection elevation or four (4) feet above the high water level established by a registered professional engineer, whichever is greater. (Amended 8-21-86. Ord. No. 86-972)

- (d) **FLOOR PLANS AND ELEVATIONS:** All floor plans and elevations shall be drawn to a legible scale and include the following information:
- (1) Floor plans indicating square footage and dimensions of all proposed rooms and areas within the structure, identifying bedrooms, kitchens, garage areas, utility rooms, closets, bathrooms, etc.; and
 - (2) Elevations of the proposed building, identifying exterior treatment, such as materials to be used and the color of paint.
- (e) **FINAL PLAT:** If a subdivision is required, the final plat shall be prepared in accordance with the Blaine Code of Ordinances.
- (f) With the final plans, the developer shall submit, for approval by the City, a development schedule for construction of all structures and open space and recreational facilities.

29.892 STANDARDS

In order to provide maximum flexibility, no fixed standards shall apply to the Development Flex District. However, the City Council shall consider for any proposed use the regulations prescribed in other sections of the Zoning Code for the classification most closely resembling the proposed use. It is the intent that The Planning Commission shall consider and recommend to the City Council appropriate restrictions in connection with each individual application and site development plan for rezoning.

29.893 COMPLIANCE

No development shall occur nor shall any building permits be issued for any construction that is not in accord with the approved final plans.