

TITLE 10

CHAPTER 7

COMMERCIAL PARKING ZONE

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10-7-1: INTENT

It is the intent of the city to establish a Commercial Parking Zone (CP), which minimizes disruptions to, and doesn't conflict with the atmosphere of, surrounding residential neighborhoods.

10-7-2: PURPOSE

It is the purpose of this chapter to establish regulations for the design and construction of additional, one-level parking area for use by any existing commercial property; said properties to be contiguous.

10-7-3: PERMITTED USES

Permitted uses in the CP zone are parking and accessory building.

10-7-4: CONDITIONAL USES

No conditional uses are allowed in the CP zone.

10-7-5: PROJECT REVIEW AND APPROVAL PROCESS

Prior to any formal request to rezone property to the CP zone, a preliminary project plan shall be submitted to the city for review and approval.

- A. Preapplication Meeting: Six (6) copies of the preliminary project plan shall be submitted to the city for the planning commission's consideration at least five (5) working days prior to its next regularly scheduled meeting. The planning commission may, if said copies of the sketch plan are not so submitted beforehand, postpone its consideration thereof until its next regularly scheduled meeting.
- B. If the planning commission finds the preliminary project plan to be complete and acceptable as is, or with minor modifications can be complete and acceptable for review, a project application can be submitted and a public hearing scheduled. For the city to effectively administer a public hearing, the hearing will likely be scheduled no sooner than two (2) weeks later.
- C. (Once the public hearing is scheduled, a rezone application may be submitted, and the project approval and rezone processes may occur simultaneously.)
- D. A public hearing is held to obtain community input, in accordance with section 10-3-9 of this title. (3-2020, 5-19-20)
- E. With the community input considered, the preliminary project plan is presented to the city council for its approval, conditional approval or rejection. After this review, the city will communicate to the owner or its agent appropriate comments, requirements and recommendations.
- F. If approved, final drawings are prepared and submitted to the city for review and approval by the city engineer and city public works director.
- G. The city engineer will seek input from the mayor, city attorney and other city personnel, as needed.
- H. Once final drawings are approved, a zoning clearance permit application may be considered for approval.
- I. After the zoning clearance permit is granted and property is properly rezoned, construction can begin.

10-7-6: PRELIMINARY PROJECT PLAN

- A. The preliminary project plan shall be professionally prepared and shall include the following:
 - 1. The property boundaries of the proposed parking area. Include approximate total acreage of the property and the parking area to be developed, if different;
 - 2. The names of the owner, developer, if other than the owner, and the engineer or designer of the parking area improvements;

3. Boundaries of adjacent properties and names of adjacent property owners;
 4. Location, width and names of existing streets within three hundred feet (300') of the parking area and of all previously platted streets or other public ways, railroad and utilities rights of way, parks and other public open space;
 5. Location of all existing buildings and structures on the site, including an indication of the proposed uses;
 6. The location of all parking spaces, driveways, and points of vehicular ingress and egress;
 7. A contour map showing existing topography and natural drainage channels and the proposed conceptual storm and surface water drainage system;
 8. A conceptual landscaping plan complying with the landscaping chapter of the zoning ordinance (10-15) and the landscaping requirements below. Show planting materials to be used together with the location of fences, walls, trees, hedges, and decorative materials, etc.;
 9. A map showing flood hazard areas, if any, including the 100-year recurrence interval flood; or where such data is not available, the maximum flood of record;
 10. A map showing potential geographical hazards, e.g., earthquake fault lines;
 11. Location and description of existing and proposed underground and above-grade utilities;
 12. Present zoning; and
 13. Date of preparation, scale of drawing and north arrow.
- B. If development of the parking area is planned to occur in phases, the preliminary project plan shall show the entire area for which all final drawings approvals will be requested. The preliminary project plan will be a guide but will have no official standing or approval. It may be amended or modified from time to time by the owner or its agent. Only approved final drawings shall have official standing which shall permit the owner to proceed with construction.

10-7-7: FINAL DRAWINGS

Three (3), full-size drawing sets and specifications that include the following information shall be distributed to the city engineer and public works director for review and approval.

- A. Site layout plan and details
- B. Grading and drainage plan, including stormwater management, and details
- C. Stormwater Pollution Prevention Plan (SWPPP), if required

- D. Site utility plan, if changes to existing utilities, or new utilities, are proposed or required
- E. Site electrical plan and details
- F. Construction details
- G. Landscape and irrigation plans and details
- H. Specifications

10-7-8: DESIGN STANDARDS

- A. Site: The CP zone site shall be designed in accordance with the River Heights Parking Ordinance: Street and Roadway Parking Standards (10-14-3) and Parking Lot Requirements (10-14-4), and the Public Works – Construction Specifications.
- B. Parking Lot Surface: Parking lots shall be paved with a surface material of asphalt or concrete composition, shall be graded to ensure proper drainage of stormwater and shall have paved access from a public street.
- C. Curb and Gutter: All parking lots shall be finished with curb and gutter around the perimeter with adequately placed stormwater inlet boxes to collect stormwater. Curb, gutter and sidewalk in the public right of way may be required as additional site improvements.
- D. Adjacent Streets: It is the responsibility of the applicant to pay for all of the necessary public improvements on streets adjacent to the property within the CP zone.
- E. Snow Storage: A snow storage plan is required and shall be noted on the final plat. (2-2019, 5-28-19)

10-7-9: LANDSCAPING REQUIREMENTS

- A. Surrounding Area: The areas adjacent to a public street shall be maintained with suitable landscaping of plants, shrubs, trees, grass, and similar landscaping materials. The landscaping plan shall be approved by the city as to type, size and amount of landscaping.
- B. Plantings: Plantings in front setbacks shall not impede the vision of traffic.
- C. Parking Areas: Parking areas shall be landscaped around the periphery and at the end of parking rows in accordance with the approved landscaping plan, which shall adhere to Parking Lot Landscaping (10-15-8).
- D. Buffer: A minimum fifteen (15) foot landscaped perimeter buffer is required where the commercial parking lot is adjacent to any non-commercial zone.

10-7-10: FENCES AND SCREENING

- A. Fencing: The CP zone area shall be fenced around the periphery of the area adjacent to a residential and/or agricultural zone with a six (6) foot non-transparent architectural style fence. Style must be approved by the city.
- B. Recommended Fence Materials: Finished block, precast stamped concrete, decorative vinyl and stone.
- C. Fence Materials Not Allowed: Base vinyl, chain link with or without slats, concrete freestanding barriers, razor wire, barbed wire, highly reflective or metallic fencing or wall material.

10-7-11: LIGHTING

- A. Parking lot lighting shall be provided to meet industry standards for outdoor lighting of the intended use, per the River Heights Outdoor Lighting Ordinance (9-3).
- B. Solar panels are permitted, according to the River Heights Solar Energy Ordinance (9-4).
- C. Parking lot lighting shall be compliant with the Lighting Zone 2 of the International Dark-Sky Association Joint IDA-IES Model Lighting Ordinance (MLO).
- D. Adequate lighting which improves safety while mitigating unnecessary glare, sky glow and light trespass is required. The pole and base height is limited to twenty (20) feet and luminaire fixtures are to be concealed source, down-cast and shielded from neighboring properties. Light measurements are required to range between 0.5 – 4.0 foot candles, to keep areas sufficiently safe, but not excessively bright.
- E. Up-lighting is not permitted, except as approved through design review for highlighting signature landscape features or building elements.

10-7-12: DEVELOPMENT AGREEMENT

Subject to the sole discretion of the city council, the applicant shall enter into a development agreement with the city that includes, but is not limited to, the security of performance.

10-7-13: SECURITY OF PERFORMANCE

The security of performance required by this subsection is to assure the city that all improvements are constructed in conformance with all relevant city ordinances, regulations and standards, and to assure the city that all expenses incurred for labor and materials used in the construction of the same are paid for by the applicant.

- A. Amount: The amount of the security of performance shall be equal to at least one and one-half (1½) times the reasonable value of the improvements required herein, as determined by the applicant's engineer and approved by the city engineer.

- B. **Methods:** The security of performance required by this subsection may, at the city's sole discretion, be furnished by any of the following methods:
1. By providing a performance, surety or cash bond in the amount specified and conditioned upon payment by the applicant of all expenses incurred for labor and materials used in the construction of the required improvements. This method of security is preferred by the city.
 2. By depositing the specified amount of cash in a bank account to which the city alone has access, but only under the following conditions: to repair, replace or complete the improvements as set forth below.
 3. By providing the city with an irrevocable letter of credit issued by an acceptable financial institution naming the city as the sole beneficiary with a maturity date of at least two (2) years and three (3) months from the date of recording the final plat.
- C. **Guarantee of Work:** The city may hold five percent (5%) of the security of performance provided by the applicant until one year following the final inspection by the city engineer, or for such other period of time less than one year as the city deems necessary to ensure compliance as set forth herein. (See River Heights City Construction Specifications/Standards.) (1-2015, 6-23-15)
- D. **Foreclosure on Security:** In the event construction of the public improvements is not completed, or is not completed in a satisfactory manner, within the negotiated time period, but not to exceed one (1) year from the date the final drawings were approved, the city may proceed to install the improvements at the applicant's expense by foreclosing on the applicant's security of performance. If said security is insufficient to pay for said improvements which the city shall cause to be installed, then the applicant shall be liable for any deficiency and reasonable attorney fees realized by the city.
- E. **Failure to Meet Standards:** In the event the public improvements fail to meet the standards as set forth in the applicant's written guarantee, the city shall so notify the applicant, who shall be given a reasonable time to repair or otherwise correct as requested or the city may proceed to repair or replace the unsatisfactory improvements at the applicant's expense by foreclosing on any security of performance still held by the city; and, in addition, the city may avail itself of any other remedy provided to it under the laws of the state and of the city.

10-7-14: SENSITIVE AREA OVERLAY ZONES

The CP zone shall adhere to the Sensitive Area Overlay Zone Ordinance, Title 10, Chapter 11.

10-7-15: EQUIPMENT STORAGE

All grounds maintenance equipment (mowers, snow removal equipment, etc.) shall be stored in an enclosed building, located within the required setbacks.

10-7-16: TIME FRAME

- A. Failure to submit a final project plan within one (1) year from date of submission of the preliminary project plan shall terminate all proceedings and render the preliminary plan null and void.
- B. The parking lot must be completed within one (1) year from the date the final drawings are approved by the city.

10-7-17: RESTRICTIONS

- A. Only street level parking is allowed.
- B. No building (except grounds maintenance storage), structure or parking garage shall be constructed in the CP zone.
- C. No RV's, heavy equipment, or other large modes of transportation are allowed.
- D. Parking spaces may not be used for storage of buses, vehicles, boats, motor homes, campers, mobile homes, or building materials.
- E. Parking areas shall be used solely for the parking of licensed, motor vehicles, in operating condition.
- F. It shall be unlawful to move snow from the CP Zone into the city right of way.

(4-2018, 10-9-18), (8-2022, 7-19-22)