



Strikethroughs to be removed
Underlines to be added

Ordinance 22-10

An Ordinance Amending the Zoning Map of the City of Elk River , Minnesota, to Rezone Certain Property from Single Family Residential R1-b to Two Family Residential R2-b

The City Council of the City of Elk River does hereby ordain as follows:

SECTION 1. That the duly adopted Zoning Map of the City of Elk River is hereby amended to rezone the property described on attached Exhibit A to Two Family Residential (R2-b):

SECTION 2. That the rezoning approved by this Ordinance is based on the following findings:

1. **The rezoning is consistent with the City of Elk River Land Use Plan adopted as part of the City of Elk River Comprehensive Plan .**

SECTION 3. That this ordinance shall take effect upon adoption and be published as provided by law.

SECTION 4. That building permits will not be issued until conditions 3, 4, 5, and 7 outlined in Exhibit B are completed; and that a certificate of occupancy will not be issued, and this rezoning shall be subject to revocation, if all conditions outlined in Exhibit B are not completed.

Passed and adopted by the City Council of the City of Elk River this 2nd day of May, 2022.

John J. Dietz, Mayor

ATTEST:

Tina Allard, City Clerk

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Exhibit A

Lot 1, Block 1, DICKINSONS ADDITION, Sherburne County, MN

Exhibit B

1. The Land Use Amendment to Mixed Residential (LU 22-01) shall be approved by the City Council.
2. The existing driveway along the east property line must be improved to city standards consistent with private streets
3. Staff approval of an easement providing perpetual, non-exclusive, cross access movement for vehicular and pedestrian traffic over the improved driveway along the east property line. The easement provides access to the four properties north of the subject property.
4. The easement will need to provide that the grantor of the easement will be responsible for the construction, maintenance, and upkeep of the paved access drive across the subject property.
5. This approval shall not become final, and building permits will not be released, until the easement has been recorded.
6. A six foot tall, 100% opaque, fence be installed along the entire northern property line prior to the certificate of occupancy being issued.
7. The building shall be moved as far south as possible, while still meeting dimensional requirements such as driveway setbacks.