



AGENDA

CALL TO ORDER

ROLL CALL

COMMISSIONER HUSKINS

COMMISSIONER HOLKER

COMMISSIONER LONGO

COMMISSIONER MAGISTAD

COMMISSIONER BRAITHWAITE

1. **APPROVAL OF AGENDA**

2. **APPROVAL OF MINUTES**

3. **MATTERS FROM THE FLOOR**

This is an opportunity for members of the public to bring a matter related to the governance of the City of Shorewood to the attention of the Planning Commission. If the matter relates to a topic that is identified on tonight's agenda as a public hearing, please hold your comments until the public hearing is opened. The full rules for this forum can be found on the agenda table in back and on the City's webpage. Anyone wishing to address the Commission should raise their hand. Please make your comments from the podium and identify yourself by your first and last name and your address for the record. Please limit your comments to five minutes.

4. **PUBLIC HEARINGS**

5. **OTHER BUSINESS**

A) Discuss Zoning Code Update

6. **REPORTS**

A) City Council

B) Staff

C) Commission

7. **ADJOURN**



Planning Commission Item 5.A.

Title/Subject: Discuss Zoning Code Update
Meeting Date: September 1, 2026
Prepared By: Jake Griffiths, Planning Director

Attachments

1. Summary of Changes
2. Map of Properties with Proposed Zoning Changes
3. Draft Zoning Code Update
4. Draft Park Dedication Code Update
5. Draft Park Dedication Fee Study
6. List of Community Feedback Comments

Background

The Zoning Code is the part of the City Code that controls how individual properties can be used and how buildings can be constructed. The Zoning Code divides the City into districts which have different allowable uses and standards for each district. The Zoning Code also includes standards which apply to all types of development, such as landscaping, screening, parking, lighting, fencing, architectural design, and signage. In December 2025, the City began a process to update its Zoning Code following the completion of the Zoning Code Audit last fall. This update will be completed in two phases.

The first phase includes technical updates to improve the usability of the Code, and bring it into compliance with state statutes and case law. The Planning Commission is tentatively scheduled to hold a public hearing on this phase at its next meeting on October 6th, followed by City Council review on October 26th. The second phase of the zoning code update will take place following the development of the City's 2050 Comprehensive Plan. The primary purpose of the second phase will be to incorporate the direction established in the 2050 Comprehensive Plan into the Zoning Code and also address other more policy-substantive updates.

Changes to the Zoning Code that are a part of the Phase 1 update include:

- Reorganization of the code to make it easier to navigate.
- Creation of tables for allowable uses, dimensional standards, and parking requirements to improve usability.
- Elimination of zoning districts that are no longer in use and consolidation of similar zoning districts to avoid repetition.
- Technical updates to ensure compliance with state statutes and case law.

Prior to tonight's meeting, the Zoning Code update was discussed at the May 5, 2026, Planning Commission meeting and May 11, 2026, City Council Work Session. Direction from the Commission and City Council received as part of those meetings has been incorporated into the draft. Draft language was also available from May 18, 2026, through June 12, 2026, for

community review and feedback. During this process the City received 318 comments from 8 reviewers. Many of these comments have been incorporated into the draft. Some of the comments which were received fell outside the scope of the Phase 1 updates, and those comments have been retained as part of the 2050 Comprehensive Plan update and for potential updates to the City Code in Phase 2. A listing of all comments received is attached for reference.

Some of the topics which the City received feedback on which will be addressed by future updates to the City Code included updating the City's Tree Preservation Policy, shoreland regulations, floodplain regulations and cell tower and antenna regulations. These items were not a part of the scope of the Phase 1 updates to the City Code. However, all of these items were identified within the Zoning Code Audit as updates that will need to be completed as part of future phases. The draft language was also reviewed by the Minnesota Department of Natural Resources (DNR) for compliance with state shoreland and floodplain regulations, and they have provided conditional approval to the proposed minor grammatical and formatting updates to those sections.

Discussion

A final draft of the Zoning Code update is attached for review which encompasses the feedback received as part of the Zoning Code Audit, Planning Commission and City Council discussions, and comments from the community. The purpose of tonight's discussion is to walk through each of the sections of the code update and make any adjustments prior to the formal adoption process. A summary of proposed changes is attached for reference.

In addition to the proposed text updates to the City Code, the Zoning Code update will also include the rezoning of multiple properties as their current zoning district will no longer exist, their district will be substantially modified or that are currently split between multiple zoning districts. There are 221 such properties across the community which will receive public hearing notices regarding the proposed changes prior to the public hearing. A map showing the location of these properties is attached for reference.

Finally, the last component of this project is new language within Chapter 1202 Subdivision Regulations expanding on the City's rationale and calculation for park dedication fees. These updates were identified as part of the completion of the Subdivision Code Update project in mid 2025, and are being incorporated into this project now that the Parks Master Plan has been adopted. The improvements identified in the Parks Master Plan is the basis for how park dedication fees are calculated. In addition to the proposed City Code updates, a separate Park Dedication Fee Study will be adopted as a standalone policy document. A copy of which is attached for reference.

Action Requested

The Planning Commission is requested to discuss the final drafts associated with the Zoning Code update project and provide any feedback to City staff.

Zoning Code Changes Summary

The main focus of the Phase 1 Update is to complete technical updates which improve the usability and readability of the code. These updates include adjusting the numbering and formatting of the code, reorganizing code sections to group similar topics together, creating tables and graphics to clarify standards and reduce unnecessary text, and addressing inconsistencies in language, grammar, and references. The table below compares the existing code organization with the proposed organization and numbering scheme.

Existing Code Organization		Updated Code Organization	
1201.01	Title and Application	1201.10	Introductory Provisions
1201.02	Definitions	1201.20	Definitions
1201.03	General Provisions	1201.30	General Zoning Provisions
1201.04-1201.08	Administration, procedures, and enforcement	1201.40	Base Zoning Districts
1201.09	Establishment of zoning classifications	1201.50	Overlay & Special Zoning Districts
1201.10-1201.24	Individual base zoning districts	1201.60	Use-Specific Standards
1201.25	Planned Unit Development District	1201.70	Development Standards
1201.26	Shoreland District	1201.80	Signage
Ch 1101	Floodplain management regulations	1201.90	Procedures and Enforcement
Ch 1102	Wetland developments		
Ch 1103	Tree preservation		

Existing section 1201.03 General Provisions serves as a catch-all chapter for the code today. It contains 23 subdivisions covering a range of topics, including yard requirements, parking, signage, and use-specific standards for uses like home occupations, accessory apartments, and telecommunications towers. This section has been split out to reorganize the provisions into groups by similar topics.

Chapters 1101, 1102, and 1103 have been moved into Chapter 1201 Zoning. Chapter 1101 Floodplain Management Regulations was moved into Division 1201.50 Overlay & Special Zoning Districts. Chapters 1102 Wetland Developments and Tree Preservation can now be found in Division 1201.70 Development Standards.

1201.10 Introductory Provisions

- Language was added to establish the effective date of the zoning chapter.
- Language was added to establish the authority of the City to enact zoning regulations under the Municipal Planning Act.

- Clarifying language was added to the interpretations section to eliminate confusion about conflicting code provisions, state statutes, relation to the Comprehensive Plan, rules of word construction, administrative responsibilities, etc.

1201.20 Definitions

- Definitions were updated, removed or added where appropriate based on the changes to zoning districts and feedback received as part of the update process.
- Definitions contained in other sections of the existing zoning code were consolidated into this one section for ease of use and better organization within the zoning code.

1201.30 General Zoning Provisions

- Language was updated to reflect Planning Commission and City Council feedback as part of Zoning Code Audit and work session discussions. However, the majority of this language is within the existing City Code. Language was also updated for clarity and better organization.

1201.40 Base Zoning Districts

- Zoning districts were reorganized into a more logical format, this involved reducing the number of zoning districts in the City from 13 to 8 by consolidating similar districts and removing those that are not applied today. The table below shows the proposed changes to the zoning districts.

Existing Zoning Districts		Updated Zoning Districts	
R-1A	Single Family Residential	R-EL	Estate Lot Residential
R-1B	Single Family Residential	<i>Combined into R-LL</i>	
R-1C	Single Family Residential	R-LL	Large Lot Detached Residential
R-1D	Single Family Residential	R-SL	Small Lot Detached Residential
R-2A	Single/Two-Family Residential	<i>Combined into R-LD</i>	
R-2B	Single/Two-Family Residential	R-LD	Low Density Residential
R-2C	Single/Two-Family Residential	<i>Eliminated</i>	
R-3A	Multiple Family Residential	R-MD	Medium Density Residential
R-3B	Multiple Family Residential	R-HD	High Density Residential
R-C	Residential Commercial	<i>Eliminated</i>	
C-1	General Commercial	G-CM	General Commercial
C-2	Commercial Service	<i>Eliminated</i>	
L-R	Lakeshore Recreational	LS-R	Lakeshore Recreational

1201.50 Overlay & Special Zoning Districts

- Overlay and special zoning district language was updated and moved into its own section to reflect how these districts functionally operate within the City and their uniqueness compared to the base zoning districts.

- Shoreland regulations and floodplain regulations are the two overlay districts and Planned Unit Development is the special district.

1201.60 Use-Specific Standards

- Use tables were created to improve readability of the code and help users differentiate between zoning districts.
- How uses were allowed in each zoning district were updated to comply with state requirements for protected uses like manufactured home parks and daycare facilities.

1201.70 Development Standards

- Dimensional standard tables were created to improve readability of the code and help users differentiate between zoning districts.
- Tables for lot dimensions (lot area, lot width) and site dimensions (setbacks, height) were also created.
- The dimensional standards were adjusted to conform with the density requirements in the City's 2040 Comprehensive Plan and are now listed by type in each district.
- Graphics were added for topics like parking and fencing for clarity.
- Wetland requirements were strengthened to no longer differentiate between wetlands existing before 1971, and all other wetlands. Under the updated language, all delineated wetlands will be subject to wetland protection requirements.

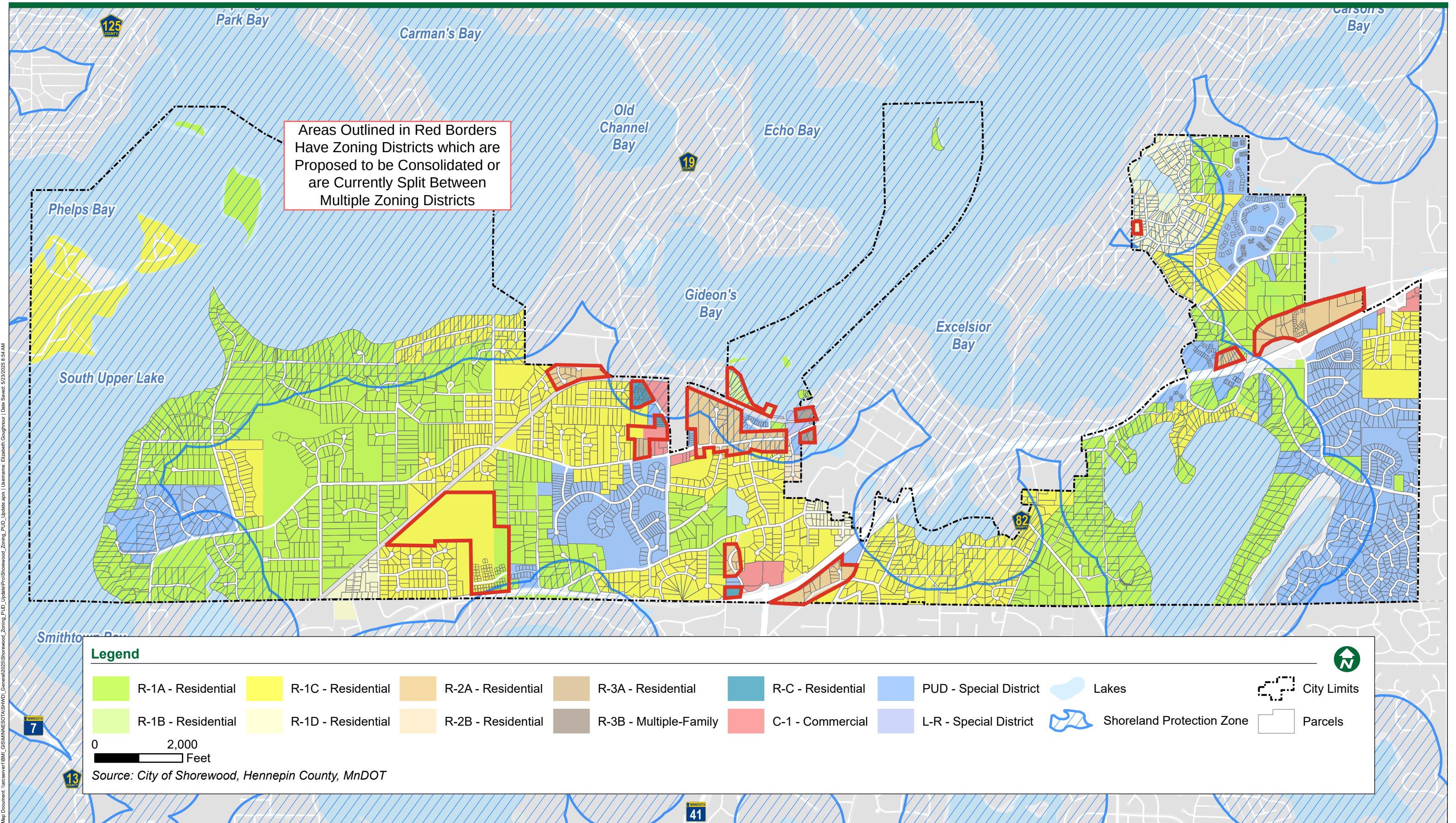
1201.80 Signage

- No policy substantive changes, this section was recently updated in 2024.
- Added clarity around procedures for removal of illegal signage.
- Reformatted section for consistency with the rest of the code.

1201.90 Procedures and Enforcement

- Grouped all procedures (Conditional Use Permits, Variances, Amendments, etc.) together into one section.
- Added procedures for site plan review.
 - Required for construction or alteration of non-residential buildings and dwellings with 5+ units.
 - Added criteria for when site plan reviews would be administrative or require Planning Commission and City Council review.
 - May be a part of the building permit approval process or part of the review process for other requests.
- Adjustments to the Planned Unit Development (PUD) process
 - Establish PUDs by zoning amendment instead of a Conditional Use Permit.
 - Add procedures for processing minor and major PUD amendments.
 - Maintains public hearing requirement for general concept plans.

- Added procedures for vacation of right-of-way and easement requests consistent with State Statute requirements.



City of Shorewood Zoning Code

Chapter 1201 Zoning Regulations.

1201.10 Introductory Provisions.

1201.11 Purpose.

Subd. 1 Title. This Chapter shall be known as the “Shorewood Zoning Ordinance” except as referred to herein, where it shall be known as “this Chapter.”

Subd. 2 Intent and Purpose. The intent of this Chapter is to protect the public health, safety and general welfare of the community and its people through the establishment of minimum regulations governing development and use of land. This Chapter shall divide the City into use districts and establish regulations in regard to location, erection, construction, reconstruction, alteration, and use of structures and land. The regulations are established to protect the use areas; to promote orderly development and redevelopment; to provide adequate light, air and convenience of access to property; to prevent congestion in the public right-of-way; to prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards and density of population; to provide for compatibility of different land uses; to provide for administration of this Chapter to provide for amendments; to prescribe penalties for violation of the regulations; and to define powers and duties of the City staff, the Board of Adjustment and Appeals, the Planning Commission, and the City Council in relation to the zoning ordinance.

1201.12 Applicability.

Subd. 1 Hereafter all development applications and permits as defined herein, made within the City of Shorewood, shall be subject to and shall conform to the regulations in this Chapter and other applicable laws unless otherwise stated. All developments shall conform to the official Zoning Map and other City plans, ordinances, Chapters and regulations.

Subd. 2 No permit to erect, alter, or repair any building shall be issued until any required approvals are granted.

1201.13 Authority.

Subd. 1 Effective Date and Authority to Adopt.

a. The effective date of this Chapter is October 26, 2026. This Chapter hereby supersedes and replaces City Code Chapter 1201 Zoning Regulations in its entirety.

(1) The provisions of this Chapter shall apply to all development plans (general, revised, or final) and permits filed on or after October 26, 2026. Plans and permit applications on file before October 26, 2026 shall be reviewed for compliance with the zoning Chapter effective at the time of filing.

- b. This Chapter is enacted pursuant to the authority granted by the Municipal Planning Act, M.S. §§ 462.351 through 462.363. Whenever other applicable City, state, or federal laws or rules referenced in this Chapter have been amended or superseded, this Chapter shall also be considered amended accordingly.

Subd. 2 This Chapter shall be administered and enforced by the Zoning Administrator, who is the Planning Director.

- a. The Zoning Administrator shall administer, interpret, and enforce the provisions of this Chapter.
- b. The Zoning Administrator's duties include, but are not limited to, the following:
 - (1) Periodically inspect buildings, structures, and uses of land to determine compliance with the terms of this title.
 - (2) Notify, in writing, any person responsible for violating a provision of this title, indicating the nature of the violation and ordering the action necessary to correct it.
 - (3) Order discontinuance of illegal use of land, buildings, or structures; order removal of illegal buildings, structures, additions or alterations; order discontinuance of illegal work being done; or take any other action authorized by this title to ensure compliance with or to prevent violation of its provisions, including cooperation with the City attorney in the prosecution or litigation of complaints.
- c. The Zoning Administrator may delegate specific responsibility to any individual City employee or designated contractor, but shall remain responsible for all decisions made by those employees.

1201.14 Interpretation

Subd. 1 Relation to Comprehensive Plan. It is the policy of the City of Shorewood that the enforcement, amendment and administration of this Chapter be accomplished with due consideration of the guidance contained in the Comprehensive Plan as developed and amended from time to time by the City Council of Shorewood. The Council recognizes the Comprehensive Plan as the policy guide responsible for regulation of land use and development in accordance with the policies and purpose herein set forth.

Subd. 2 Use of Graphics, Illustrations, Figures, Photos, and Cross-References.

- a. Graphics, illustrations, figures, and photos are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, figure, or photo, the text shall control.
- b. In some instances, cross-references between Chapters, sections, subsections, and subdivisions are provided that include the Chapter, section, subsection, or subdivision number along with the name of the reference. Where a conflict may occur between the given cross-reference number and name, the name shall control.

Subd. 3 Application of requirements.

- a. Relationship to other laws. Where the conditions imposed by any provision of this Chapter are either more or less restrictive than comparable conditions imposed by any other ordinance, rule, or regulation of the City the ordinance,

rule, or regulation which imposes the more restrictive condition, standard, or requirement shall prevail. The Zoning Administrator shall determine which is more restrictive and appeals from the determination may be made in the manner provided herein.

- b. Minimum requirement. In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, and welfare.

Subd. 4 Conformance. Except as provided herein, no structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Chapter. Except as herein provided, no building, structure, or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this Chapter.

Subd. 5 Rules. The language set forth in the text of this Chapter shall be interpreted in accordance with the following rules of construction:

- a. Grammatical use or references made in the singular shall include the plural and the plural shall include the singular, unless such use or reference is otherwise specifically stated.
- b. Sentence construction or phraseology in the present tense, and similarly, references in the future tense may include the present.
- c. The word SHALL is mandatory while the word MAY is permissive;
- d. The masculine gender includes the feminine and neuter;
- e. Whenever a word or term defined hereinafter appears in the text of this Chapter, its meaning shall be construed as set forth in the definition thereof; and
- f. All measured distances expressed in feet shall be the nearest tenth of a foot.

Subd. 6 Separability. It is declared to be the intention of the City that the several provisions of this Chapter are separable in accordance with the following:

- a. Other parts of this Chapter. If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, the judgment shall not affect any other provisions of this Chapter not specifically included in the judgment.
- b. Application to other party. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Chapter to a particular property, building or other structure, the judgment shall not affect the application of the provision to any other property, building or structure not specifically included in the judgment.

Subd. 7 Comprehensive revision. The Council intends this Chapter to be a comprehensive revision to the Shorewood Zoning Ordinance, as amended. Except as otherwise provided herein, the provisions of this Chapter are not intended to alter, diminish, increase, or otherwise modify any rights or liabilities existing on its effective date. Any act done, offense committed, rights accruing or accrued, or liability or penalty incurred or imposed prior to the effective date of this Chapter is not affected by its enactment.

1201.20 Definitions.

Subd. 1 For the purpose of this Chapter, the following definitions shall apply unless the Zoning Administrator determines that the context clearly indicates or requires a different meaning.

1201.21 General Definitions.

AGRICULTURAL LAND. Continuous acreage of 10 acres or more, primarily used for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture or animal or poultry husbandry.

ARTIFICIAL OBSTRUCTION - WETLANDS. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, bridge, conduit, pole, culvert, building, wire fences, fill, other structure or matter in, along, across or projecting into the protected wetland conservation area.

AWNING. A temporary hood or cover which projects from the wall of a building and of a type which can be retracted, folded or collapsed against the face of a supporting building.

BUILDING OFFICIAL. The individual designated by the City to administer and enforce the provisions of this Code and other applicable laws and regulations relating to building, construction, and development.

BASEMENT. A portion of a building located partially underground, but having less than the one-half its floor to ceiling height below the lowest land grade. The lowest land grade shall mean the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the structure and the property line or when the property line is more than five feet from the building, between the building and a line five feet from the building.

BLOCK. That property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets or railroad rights-of-way or unsubdivided acreage.

BLUFF. A topographic feature such as a hill, cliff or embankment having the following characteristics (however, an area with an average slope of less than 18% over a distance for 50 feet or more shall not be considered part of the bluff):

- a. Part or all of the feature is located in a shoreland area;
- b. The slope rises at least 25 feet above the ordinary high water level of the waterbody;
- c. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30% or greater; and
- d. The slope must drain toward the waterbody.

BLUFF IMPACT ZONE. A bluff and land located within 20 feet from the top of a bluff.

BLUFF, TOE OF. The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lower end of a 50-foot segment, measured on the ground, with an average slope exceeding 18%.

BLUFF, TOP OF. The point where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the

slope is apparent, the top of the bluff shall be determined to be the upper end of a 50-foot segment, measured on the ground, with an average slope exceeding 18%.

BUILDABLE AREA. The portion of a lot, excluding wetlands, remaining after required yards have been provided.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING HEIGHT. A distance to be measured from the lowest land grade to the top of a flat roof, to the mean distance (between eaves and peak) of the highest gable on a pitched or hip roof, to the roof deck line of a mansard roof, to the uppermost point on all other roof types. The lowest land grade shall mean the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the structure and the property line or when the property line is more than five feet from the building, between the building and a line five feet from the building.

BUILDING LINE. A line measured across the width of the lot at the point where the principal structure is placed in accordance with setback provisions.

BUSINESS. Any establishment, occupation, employment or enterprise where merchandise is manufactured, exhibited or sold or where services are offered for compensation.

CELLAR. A portion of a building having more than one-half of the floor to ceiling height below the lowest land grade. The lowest land grade shall mean the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the structure and the property line or when the property line is more than five feet from the building, between the building and a line five feet from the building.

CHANNEL. A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct water either continuously or periodically.

COMMERCIAL TRAILER. A trailer that transports property, materials and/or machinery used for an occupation or enterprise by the owner, lessee, or licensee. Personal or recreational use of a commercial trailer does not negate its designation as commercial.

COMMERCIAL VEHICLE. A self-propelled vehicle that travels along the ground on wheels and transports persons, and/or transports or pulls property, materials and/or machinery used for an occupation or enterprise by the owner, lessee, or licensee. Personal or recreational use of a commercial vehicle does not negate its designation as commercial.

CONDITIONAL USE PERMIT. A permit issued by the City Council in accordance with procedures specified in this Chapter, as a flexibility device to enable the City Council to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents.

DECK. A flat-floored roofless platform adjoining a dwelling, used primarily for recreation.

DISTRICT. A section or sections of the City for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted therein.

DIVISION. A channel that intercepts surface water runoff and that changes the accustomed course of all or part of a stream.

DRAINING. The removal of surface water or ground water from land.

DREDGING. To enlarge or clean out a water body, watercourse or wetland.

EFFICIENCY APARTMENT. A dwelling unit consisting of one principal room exclusive of bathroom, hallway, closets or dining alcove.

ENGINEER. A registered professional engineer licensed by the State of Minnesota.

FAMILY. One or two persons or parents, with their direct lineal descendants and adopted or legally cared for children, together with not more than one person not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of three or fewer persons living in the housekeeping unit shall be considered a separate family for the purpose of this code.

FENCE. A partition, structure, wall or gate erected as a dividing marker, barrier or enclosure.

FENCE - BOUNDARY LINE. All fences located within eight feet of a property line.

FILLING. The act of artificially depositing any rock, soil, gravel, sand or other material.

FIRE LANE. A portion of a platted or dedicated public right-of-way extending to Lake Minnetonka or Lake William and as is designated and numbered on the Official Zoning Map.

FLAG. Any fabric or similar lightweight material attached at one end of the material to a staff, pole, or similar permanently installed device so as to allow movement of the material by atmospheric changes and that contains distinctive colors, patterns, symbols, emblems, insignia or other symbolic devices.

FLOOD. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland waters; or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOR AREA. The sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to a particular use as measured from the inside of the building. For non-residential buildings, floor area shall include accessory storage areas located within selling or working space such as counters, racks or closets and any basement floor area devoted to retailing activities, to the production or processing of goods or to business or professional offices. However, the floor area for non-residential buildings shall not include: basement floor area other than area devoted to retailing activities, the production or processing of goods or to business or professional offices.

GARAGE - PRIVATE. An accessory building or accessory portion of the principal building which is intended primarily for and used to store the private passenger vehicles of the family or families resident upon the premises and in which no business service or industry is carried on.

GARAGE - PUBLIC. Any garage other than a private garage.

GRADING. Changing the natural or existing topography of land.

ILLEGAL NONCONFORMITY OR ILLEGAL NONCONFORMING USE. A land use, lot of record, structure, building, or sign that was unlawful when it was initiated, created or constructed and which did not conform to the applicable conditions or provisions of the official controls for the district in which the use, lot, structure, building or sign is located.

IMPERVIOUS SURFACE. A constructed hard surface that prevents or hinders 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, including rooftops, decks, sidewalks, patios, swimming pools, parking lots, concrete, asphalt, gravel driveways, permeable pavers, artificial turf, and other similar surfaces. The following shall not be considered impervious surfaces:

- a. Cantilevers no greater than two feet from the side of the structure and at least four feet above the adjacent grade.
- b. Overhangs no greater than two feet from the side of the structure.

INTERIM USE PERMIT. A permit issued by the City Council in accordance with procedures specified in § 1201.95 Interim Use Permit (IUP).

INTERMITTENT. A stream or portion of a stream that flows only in direct response to precipitation.

LAND RECLAMATION. The process of the reestablishment of acceptable topography (i.e. slopes), vegetative cover, soil stability and the establishment of safe conditions appropriate to the subsequent use of the land.

LIGHTING RELATED.

- a. **BACKLIGHT.** Light trespassing behind the fixture from the light source toward the ground.
- b. **FULL CUT-OFF LUMINAIRE.** A luminaire with no direct up-light either directly from the light source or any diffusing element or by any indirect reflection or refraction.
- c. **GLARE.** Light entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.
- d. **IDEALLY ORIENTED.** A luminaire mounted with the backlight portion of the light output oriented perpendicular and toward the property line.
- e. **NOT IDEALLY ORIENTED.** A luminaire mounted in any way other than with the backlight portion of the light output oriented perpendicular and towards the property line.
- f. **UPLIGHT.** A light placed or designed to throw light upward.

LOADING SPACE or BERTH. A space accessible from a street, in a building or on a lot, for the use of vehicles while loading and unloading merchandise, materials or passengers.

LOT. Land occupied or to be occupied by a building and its accessory buildings, together with the open spaces as are required under the provisions of this zoning regulation having not less than the minimum area required by this zoning ordinance for a building site in the district in which the lot is situated and having its principal frontage on a street or a proposed street approved by the City Council.

LOT, BASE. A lot meeting all the lot specifications in the zoning district in which it is located prior to being subdivided into a two-family or townhouse subdivision.

LOT - CORNER. A lot situated at the junction of and abutting on two or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is 135 degrees or less.

LOT - DOUBLE FRONTAGE. An interior lot having frontage on two streets.

LOT - INTERIOR. A lot other than a corner lot, including through lots.

LOT - THROUGH. A lot fronting on two parallel streets.

LOT, UNIT. A lot created from the subdivision of a two-family or townhouse dwelling, having different minimum lot size requirements than the conventional base lots within the zoning district in which it is located.

LOT OF RECORD. Any lot which is one unit of a plat heretofore duly approved and filed, or one unit of an Auditor's Subdivision or a Registered Land Survey, or a parcel of land not so platted, subdivided or registered but for which a deed, Auditor's Subdivision or Registered Land Survey has been recorded in the office of the Hennepin County Recorder prior to the effective date of this Chapter, and which has its principal frontage on a public street or a private street approved by the City Council.

LOT AREA. The area of a horizontal plane within the lot lines.

LOT AREA PER DWELLING UNIT. The lot area required by this Chapter to be provided for each family in a dwelling. This calculation shall not include area below the ordinary high water level of a lake subject to the regulations in § 1201.51 Shoreland S or within a delineated wetland.

LOT DEPTH. The shortest horizontal distance between the front lot line and the rear lot line measured from a 90-degree angle from the street right-of-way (or tangentially on a curved street or cul-de-sac) within the lot boundaries.

LOT LINE. A property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or water body the lot line shall be deemed to be the street right-of-way or the ordinary high water mark.

LOT LINE - FRONT. The front of a lot shall be, for purposes of complying with this Chapter, that boundary having the least width abutting a public right-of-way or private street.

LOT LINE - REAR. The rear of a lot shall be, for purposes of complying with this Chapter, that boundary opposite the front lot line.

LOT LINE - SIDE. A lot line which is not a rear lot line or a front lot line.

LOT WIDTH. The shortest horizontal distance between the side lot lines measured at right angles to the lot depth measured at the required minimum building setback line.

MASSAGE THERAPIST. A person, other than a person licensed as a medical doctor, chiropractor, osteopath, podiatrist, licensed nurse, physical therapist, athletic director or trainer, or beautician or barber; who for compensation practices and provides massage therapy; who has a certificate of completion with a minimum of 500 hours of class credits from a recognized massage therapy school.

MASSAGE THERAPY. A scientific health care or health maintenance technique or procedure carried out by a massage therapist involving the massaging, kneading, rubbing, pressing, stroking, tapping, pounding, vibrating or stimulating the human skin, muscles and tissues for no other purpose than physical fitness, health care referral, healing relaxation and beautification.

NATURAL DRAINAGE SYSTEM. All land surface areas which, by nature of their contour configuration, collect, store and channel surface water runoff.

NATURAL OBSTRUCTION. Any rock, tree, gravel or analogous natural matter that is an obstruction and has been located within the wetland conservation area by a nonhuman cause.

NET RESIDENTIAL DENSITY. As defined by the Metropolitan Council, net residential density is the number of units per acre for a specific project or property, exclusive of wetlands and water bodies, public parks and open spaces, and arterial road rights-of-way.

NONCONFORMITY. Any legal use, structure, or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

NONCONFORMING BUILDING, STRUCTURE, OR USE. A building, structure, or use lawfully in existence on the effective date of this Chapter or any amendment thereto and not conforming to the regulations for the district in which it is situated.

NORMAL HIGH WATER MARK. A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The normal high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

ORDINARY HIGH WATER LEVEL (O.H.W.L.). The boundary of public waters and wetlands which is described as an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ORDINARY HIGH WATER LEVEL is the elevation of the top of the bank of the channel.

PARKING SPACE. An area enclosed in a building, in an accessory building or unenclosed sufficient in size to store one automobile, which has adequate access to a public street and permitting satisfactory ingress and egress of an automobile.

PARKING STALL. (See PARKING SPACE)

PERSON. An individual, firm, partnership, association, corporation or organization of any kind.

PORTICO. A covered walkway in the form of a roof supported by columns or pillars, usually attached to a building, and leading to an entrance of the building.

PRACTICAL DIFFICULTIES. In connection with the request for a variance from compliance with the requirements of this code, where a property owner proposes to use the subject property in a reasonable manner not permitted by the code in which the plight of the property owner giving rise to the variance request is due to circumstances unique to the property not created by the property owner or a previous property owner and the variance, if granted, is in harmony with the general purposes and intent of the Zoning Code, is consistent with the Comprehensive Plan and will not alter the essential character of the locality. PRACTICAL DIFFICULTIES include but are not limited to inadequate access to direct sunlight for solar energy systems. Economic considerations alone do not constitute PRACTICAL DIFFICULTIES.

PUBLIC WATER. Any waters as defined in M.S. § 103G.005, subd. 15 and 18.

RECREATIONAL VEHICLE. A self-propelled vehicle or camping or travel trailer which is used primarily for recreational purposes.

RIGHT-OF-WAY - PUBLIC. Any property established for the use of the public for street or highway purposes by any federal, state, county or local government, by dedication, gift or statutory user, whether developed or undeveloped, paved or unpaved.

SCREENING. The presence of an artificial barrier, vegetation or topography which makes any structure on any property visually inconspicuous.

SETBACK. The minimum horizontal distance between a building and street, lot line, buffer or normal high water mark. Distances are to be measured from the most outwardly extended portion of the structure at ground level. In the case of a private street or street acquired by statutory user as defined by Minnesota Statutes, the setback shall be measured from a line 15 feet from the edge of the traveled surface.

SEWER SYSTEM. Pipelines or conduits, pumping stations and force main and all other construction, devices, appliances or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

SHORE IMPACT ZONE. Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50% of the structure setback.

SHORELAND. Land located within the following distances from public waters: 1,000 feet from the normal high water mark of a lake, pond or flowage; and 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which extend landward from the waters for lesser distances and when approved by the Minnesota Commissioner of Natural Resources.

SIGN. Any letter, word, symbol, poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message, or visual communication that is displayed for informational or communicative purposes, whether painted, posted, printed, affixed or constructed, including any associated brackets, braces, supports, wires and structures.

SIGN – ABANDONED. A sign which:

- a. No longer conveys the intended message;
- b. Is not properly installed as originally proposed;
- c. Is installed in the public right-of-way in violation of this Chapter;
- d. Remains on the property after the principal use has been removed; or
- e. Has been poorly maintained as evidenced by deteriorated condition, including illegible or faded text, broken panels, or bent or broken supports.

SIGN – BENCH. A sign that is affixed to a bench such as, but not limited to, at a bus stop.

SIGN – COMMERCIAL SPEECH. A sign advertising a business, profession, commodity, service, or entertainment.

SIGN – DYNAMIC DISPLAY. A sign or characteristics of a sign that appear to have movement or that appear to change, caused by any method other than

physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components.

SIGN – FREESTANDING. Any stationary or portable, self-supported sign not affixed to any other structure.

SIGN – ILLUMINATED. Any sign that is lighted by an artificial light source either directed upon it or illuminated from an interior source.

SIGN – MONUMENT. A sign whose base and structure are positioned primarily on the ground and is typically solid from grade to the top of the structure.

SIGN – NONCONFORMING.

- a. **LEGAL.** A sign that lawfully existed at the time of the passage of this Chapter or amendments thereto, but does not conform with the regulations of this Chapter.
- b. **ILLEGAL.** A sign that was constructed after the passage of this Chapter or amendments thereto and does not conform with the regulations of this Chapter.

SIGN – NONCOMMERCIAL SPEECH. A sign that includes message that does not promote commercial products or services.

SIGN – PERMANENT. Any sign that is not temporary.

SIGN – PORTABLE. A sign designed to be movable from one location to another and is not permanently attached to the ground or structure.

SIGN – PROJECTING. A sign, other than a wall sign, that is affixed to a building and extends perpendicular from the building wall over 12 inches from the surface to which it is attached.

SIGN – PUBLIC. Any sign erected by municipal, county, state or other governmental agencies, including, but not limited to, street signs, traffic-control signs, and parking-control signs.

SIGN – ROOF. Any sign that is erected, constructed or attached wholly or in part upon or over the roof of a building.

SIGN – ROTATING. A sign that revolves or rotates on its axis.

SIGN – STRUCTURE. The supports, uprights, bracing and framework for a sign, including the sign area.

SIGN – TEMPORARY. Any sign that is:

- a. Erected or displayed for a specific period of time (as specified elsewhere in this Chapter);
- b. Constructed with impermanent construction techniques or materials including, but not limited to, vinyl or plastic sheeting or plywood; or
- c. Is portable or otherwise installed to be readily moveable.

SIGN – WALL. A sign that is affixed to the exterior wall of a building and is parallel to the building wall. A wall sign does not project more than 12 inches from the surface to which it is attached, nor extend beyond the top of the parapet wall.

SIGN – WALL GRAPHIC. A sign that is painted directly on an exterior wall surface.

SIGN – WINDOW. A sign affixed to or inside a window in view of the general public. This does not include merchandise on display.

SIGN AREA. The total area of a sign measured at the perimeter of the surface on which the sign is inscribed. For signs consisting of letters, figures, or symbols applied directly onto a building or structure, the sign area shall be that area enclosed within the smallest rectangle that can be made to circumscribe the sign. For two-faced, freestanding signs where the two faces are parallel and face in opposite directions, only one face shall be used in computing the sign area.

SIGN FACE. The surface of the sign upon, against, or through which the message of the sign is exhibited.

SIGN, GROSS SILHOUETTE. The area within an outline drawing of the principal building as viewed from the front lot line or the related public street.

SIGN HEIGHT. The height of a freestanding sign shall be computed as the vertical distance measured from the base of the sign at the lowest point of grade to the top of the highest attached component of the sign.

SIGNIFICANT HISTORIC SITE. Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of M.S. § 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

SLIP. A water dockage area accommodating one boat.

SLOPE. The degree of deviation of a surface from the horizontal usually expressed in percent, degree or ratio.

STEEP SLOPE. Lands having average slopes over 12%, as measured over horizontal distances of 50 feet or more, that are not bluffs.

STREET. A public right-of-way or private way serving three or more properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, lane, place or however otherwise designated, which is used or can be used for travel.

STREET FRONTAGE. A lot line abutting a street.

STRUCTURAL ALTERATIONS. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

STRUCTURE. Anything which is built, constructed or erected; an edifice or building of any kind or any piece of work artificially built up or composed of parts jointed together in some definite manner whether temporary or permanent in character.

SUBDIVISION. Land that is divided for the purpose of sale, rent or lease, including planned unit developments.

SURFACE WATERS - GENERAL DEVELOPMENT (GD). (See PUBLIC WATERS - GENERAL DEVELOPMENT)

SURFACE WATERS - NATURAL ENVIRONMENT (NE). (See PUBLIC WATERS - NATURAL ENVIRONMENT)

SURFACE WATERS - RECREATIONAL DEVELOPMENT (RD). (See PUBLIC WATERS - RECREATIONAL DEVELOPMENT)

VARIANCE. A relaxation of the requirements of this code where a property owner proposes to use the subject property in a reasonable manner not permitted by the code, such deviation will be in harmony with the general purposes and intent of the code, consistent with the Comprehensive Plan, and will not alter the essential character of the locality and where, owing to physical conditions unique to the individual property under consideration and not the result of the actions of the property owner or previous property owner, compliance with the code would result in practical difficulties as defined herein.

VEGETATION. The sum total of plant life in some area; or a plant community with distinguishable characteristics.

VISUALLY INCONSPICUOUS. Difficult to see or not readily noticeable.

WATER BODY. A body of water (lake, pond) in a depression of land or expanded part of a river or an enclosed basin that holds water and is surrounded by land.

WATERCOURSE. A channel or depression through which water flows, such as rivers, streams or creeks, and may flow year-round or intermittently.

WATERSHED. The area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.

WETLAND. A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 Edition) or as identified on the Shorewood Wetlands Map (see Chapter 1102 of this code).

WETLAND BUFFER. An area of vegetated ground cover with a 35 foot setback, abutting a delineated wetland.

YARD. An open space on the lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a lot line at right angles to the lot line to a depth or width specified in the yard regulations for the zoning district in which the lot is located.

YARD - FRONT. A yard extending across the front of the lot between the side lot lines and lying between the front line of the lot and the nearest line of the building. (See LOT LINE - FRONT)

YARD - REAR. A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building. (See LOT LINE - REAR)

YARD - SIDE. A yard between the side line of the lot and the nearest line of the building and extending from the required front yard to the required rear yard.

YARD DEPTH - REAR. The mean horizontal distance between the rear line of the building and the rear lot line.

1201.22 Use Definitions.

ACCESSORY BUILDING. A detached, subordinate building located on the same lot as a principal building, the use of which is incidental and customarily associated with the principal use.

ACCESSORY DWELLING UNIT. A self-contained dwelling unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is located within, or attached to an existing residential dwelling.

ACCESSORY OFFICE. A subordinate office use that is incidental and secondary to a permitted principal use on the same lot, conducted within the principal building or an accessory building, and not intended as a stand-alone business open to the general public.

ADULT ESTABLISHMENT. Any business that is conducted exclusively for the patronage of adults and that excludes minors from patronage, either by operation of law or by the owners of the business, except any business licensed under Title 400 of this code; Any business that devotes 25% or more of its floor area (not including storerooms, stock areas, bathrooms, basements or any portion of the business not open to the public) to or derives 25% or more of its revenues from, items, merchandise, devices or other materials distinguished or characterized by an emphasis on material depicting, exposing, simulating, describing, discussing or relating to specified sexual activities or specified anatomical areas; or any business that engages in any adult use, as defined in this Chapter.

ANIMAL KEEPING. The keeping, raising, feeding, or harboring of animals, whether for personal, commercial, agricultural, or recreational purposes.

ART GALLERY AND SALES. An establishment in which collections of artistic objects are bought, sold, loaned, appraised, or exhibited to the general public.

ASSISTED LIVING FACILITY. A residential facility licensed by the state which provides services on a regular basis, such as personal services, 24-hour supervision, social activities, and health-related care and services, to individuals who require the assistance, but who do not require the degree of care and treatment that a hospital or skilled nursing facility provides.

AUTOMOTIVE FUEL STATION. Any building, land area, or other premises, or portion thereof, used or intended to be used for the retail dispensing or sale of vehicular fuels. Convenience store items such as groceries and household goods may also be sold on the premises.

AUTOMOTIVE SALES OR RENTAL. Any land or buildings, other than a street, used for the display, sale, rental, or leasing of new or used motor vehicles or trailers in operable condition and where no repair work is done.

AUTOMOTIVE SERVICE AND REPAIR. A facility engaged in the maintenance, diagnosis, or repair of motor vehicles, including mechanical, electrical, body, or tire services, but excluding vehicle dismantling or salvage operations.

BOARDING OR RENTING OF ROOMS. A dwelling, or portion thereof, that is used for accommodations or lodging of guests paying a fee or other compensation.

BOAT DOCK AND BEACH ACCESSORIES. Structures and items located at or extending from the shoreline for water access and recreational use, including docks, swim rafts, benches, canopies, ladders, and similar items. Such structures and items shall be non-permanent, not enclosed or habitable, and used only for customary access to and enjoyment of the water.

BOAT RENTAL. The limited rental of watercraft to occupants, members, or guests of a principal use, conducted on-site and not as a stand-alone commercial operation open to the general public.

CANNABIS BUSINESS. An establishment engaged in the cultivation, manufacture, distribution, wholesale sales or purchasing, processing, packaging, testing, and/or sale of cannabis that is further defined and validly licensed and registered consistent with M.S. Chapter 342. The size and type of business is determined by the state license type, as defined in M.S. Chapter 342, and may be listed as an allowed use in a particular district based on the business's function.

CAR WASH. An area of land or building designed, intended, and used for the washing of automobiles by the public.

CATERING ESTABLISHMENT. A commercial use engaged in the preparation of food and beverages for off-site consumption, including delivery and service at remote locations, and which may include on-site food preparation, storage, and administrative functions.

CEMETERY. Land used or intended to be used for the burial of the dead, including mausoleum, columbarium and crematorium when operated in conjunction with and within the boundary of such cemetery.

CLUB or LODGE. A nonprofit association of persons who are bona fide members paying regular dues which owns, hires, or leases a building, or portion thereof; the use of such premises being restricted to members and their guests.

CLUBHOUSE - BOATING. A building used for the sale of limited items in conjunction with boating, including fishing bait and tackle, light accessory marine-line equipment, food and drink, meeting rooms, and showers.

COMMERCIAL CENTER. A group of unified commercial establishments located on a single land parcel and consisting of not less than two distinct business entities which share or jointly use parking facilities.

COMMERCIAL RECREATION FACILITY, INDOOR. Indoor facilities operated as a business and which are open to the public for a fee that shall include, but are not limited to, bowling alleys, skating rinks, indoor swimming pools, game rooms, movie theaters, arcades, and other similar businesses. Such businesses may also provide a snack bar, restaurant, retail sales of related items, and other support facilities.

COMMERCIAL RECREATION FACILITY, OUTDOOR. Outdoor facilities operated as a business and which are open to the public for a fee that shall include, but are not limited to, golf courses, outdoor swimming pools, amusement parks, and other similar businesses. Such facility may also provide a snack bar, restaurant, retail sales of related items, and other support facilities.

COMMUNITY CENTER. A building or group of buildings used for recreational, social, educational, or cultural activities open to the public or a defined community group, and not operated primarily for profit.

CONSERVATORY, ART OR MUSIC STUDIO. A facility for the instruction, practice, or creation of visual or performing arts, including music, dance, painting, or similar disciplines, which may include limited retail or performance space accessory to the primary use.

CONTRACTOR'S SHOP (PLUMBING, PAINT, ELECTRICAL, ETC.). A facility used to maintain and store equipment and materials customarily required in the building trades by a construction contractor, such as materials for plumbing, painting, and electrical trades.

DAYCARE, GROUP FAMILY. A dwelling unit where a resident of the dwelling is licensed by the state to provide care under Minn. Rules Chapter 9502 for less than

24 hours at a time for up to 14 children, of which no more than 10 may be school age.

DAY CARE FACILITY. A state-licensed facility other than a private residence that provides for the care of children or adults during only part of a 24 hour day. This term includes but is not limited to day care centers, day nurseries, nursery schools, daytime activity centers, day treatment programs, and day services. Public and private schools or any facility offering care of individuals for a full 24 hour period are not included in this use.

DRIVE-THROUGH. An accessory use, structure, or portion of a principal structure where patrons may purchase products or receive service without having to leave their motor vehicle and enter a building. Pick-up windows are included in this use.

DRY CLEANING. A business engaged in the cleaning of garments, textiles, or similar items using chemical solvents rather than water, and may include pressing, repairing, and related services.

DWELLING, SINGLE UNIT DETACHED. An independent residential structure designed for one dwelling unit only. This definition includes individual manufactured homes outside of a manufactured home park.

DWELLING, TOWNHOUSE DETACHED. An independent residential structure designed for one dwelling unit which is part of an HOA, CIC, or similar entity. This definition includes individual villa-style residential structures.

DWELLING, 2-UNIT. A single residential structure which contains two separate dwelling units. This definition includes duplexes and twinhomes.

DWELLING, 3-4 UNIT. A single residential structure which contains three to four separate dwelling units.

DWELLING, TOWNHOUSE. A single residential structure which contains three to eight dwelling units, each having separate and individual front and rear entrances.

DWELLING, MULTIPLE UNIT. A single residential structure containing five or more dwelling units designed exclusively for independent living, but sharing hallways and main entrances and exits.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

ENCLOSED RETAIL, RENTAL, OR SERVICE ACTIVITY OTHER THAN PERMITTED. A retail, rental, or personal service activity conducted wholly within a building, which is incidental to a principal use and not otherwise listed as a permitted use, and which does not operate as a primary commercial enterprise open to the general public.

ENCLOSED BOAT AND MARINE SALES. A retail establishment conducted wholly within a building for the display and sale of boats, marine equipment, and related accessories, with all major inventory stored indoors.

ESSENTIAL SERVICES. The erection, construction, alteration, or maintenance of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems by public utilities, municipal or other governmental agencies, but not including buildings.

FOOD AND/OR BEVERAGE SERVICE. The preparation and service of food or beverages for consumption by occupants, members, or guests of a principal use,

and not operated as a stand-alone restaurant, bar, or similar establishment open to the general public.

GOVERNMENT OR PUBLIC UTILITY BUILDING. A building, structure, or facility owned, leased, or operated by a governmental entity or public utility provider and used for administrative, service, or operational functions, including but not limited to offices, maintenance yards, substations, and service centers.

GREENHOUSE OR CONSERVATORY, NONCOMMERCIAL. A structure used for the cultivation, display, or protection of plants, flowers, or vegetation for personal use and not for commercial sale or distribution.

HEALTH OR ATHLETIC CLUB FACILITY. An establishment which provides physical fitness facilities and services to the public for a fee, including but not limited to; game courts, exercise equipment, exercise areas, running tracks, swimming pools, physical fitness maintenance and weight control services and instructors, locker rooms, saunas and associated retail shop intended for members of the club only.

HOME OCCUPATION. Any occupation, profession, or activity engaged in by the occupants of the residential dwelling, or accessory building, which is clearly incidental and secondary to the residential use of the premises and does not change the character of the premises.

HOTEL. A building designed for occupancy as a temporary lodging place of individuals. This definition includes resorts, boarding houses, lodging houses, bed and breakfast establishments, furnished apartment houses, short-term rental units not in residential districts, and any other building which meets the definition.

LABORATORY, RESEARCH, AND/OR DEVELOPMENT FACILITY. A facility involved in scientific research, investigation, testing, experimentation, or product development, but not including the sale of products except as incidental to the main purpose of the laboratory.

LAUNDROMAT, SELF-SERVICE WASHING AND DRYING. A business providing coin-operated or electronically operated washing and drying machines for use by the general public for personal laundry.

LIQUOR, ON AND OFF SALE. A business licensed to sell alcoholic beverages for consumption, either on or off the premises.

LIVING QUARTERS OF PERSONS EMPLOYED ON THE PREMISES. Residential space provided for occupancy by individuals employed on the premises, limited to quarters located within and forming part of the principal dwelling.

LONG-TERM OR TRANSITIONAL CARE FACILITY. A facility that provides meals, lodging, and nursing care to two or more individuals due to illness, age, or infirmity. Long-term care facilities include skilled nursing facilities such as nursing homes, rest homes, boarding care homes, convalescent care, and other transitional care facilities.

MANUFACTURED HOME PARK. A parcel of land under single control or ownership which has been developed for the placement of two or more manufactured homes for residential use.

MEDICAL OR DENTAL CLINIC. A facility used primarily for the provision of outpatient medical, dental, chiropractic, therapeutic, optometric, or mental health care and treatment.

MICRO UNIT DWELLINGS IN SACRED COMMUNITIES. Small, individual dwelling units located within a religious or spiritual community, intended for occupancy by members, participants, or affiliates, and used in connection with the practices or mission of the community.

MOTEL. A building designed for occupancy as a temporary lodging place of individuals, containing guest rooms with direct access to garage or parking spaces.

NURSERY/GARDEN CENTER. A commercial establishment engaged in the growing, display, and sale of plants, trees, shrubs, and gardening supplies, which may include outdoor storage and sales areas.

OFFICE. An establishment used primarily for conducting the predominantly administrative or clerical service affairs of a business, profession, service, or industry, or like activity and where goods are not produced, sold, or repaired.

OFF-SITE SERVICE BUSINESS. Any establishment where services are rendered off of the premises of the primary business location including but not limited to plumbing, installation, electrical, or IT services.

OPEN OR OUTDOOR SERVICE, SALE, AND RENTAL. A facility which handles service, sale, and/or rental of items which are displayed outdoors, including but not limited to recreational vehicles, manufactured homes, food, and/or equipment.

OPEN AND OUTDOOR STORAGE. The placement or keeping of materials, equipment, vehicles, or goods outside of an enclosed building for any period of time, excluding items customarily incidental to permitted residential use.

PLACE OF WORSHIP. A building that is principally used as a place where people of faith or religion regularly assemble for worship. The definition includes churches, mosques, temples, synagogues, and the like, but does not include seminaries, camps with live-in quarters, or similar uses.

PUBLIC UTILITY COLLECTION OFFICE. A customer service facility operated by a public utility for the purpose of billing, payment collection, account management, and related administrative services, excluding major operational or maintenance activities.

PUBLIC RECREATIONAL FACILITY, INDOOR. Indoor facilities which are open to the public and designed and equipped for the conduct of sports and leisure-time activities. This facility may include swimming pools, tennis courts, skating rinks, arcades, or other similar uses. This use includes related accessory buildings and structures and support facilities such as a snack bar or restaurant.

PUBLIC PARK, PLAYGROUND, RECREATIONAL AREA, OR WILDLIFE AREA. Land owned or managed by a public or nonprofit entity and used for outdoor recreation, conservation, or open space purposes, including parks, playgrounds, athletic fields, trails, nature preserves, and wildlife habitats.

RESIDENTIAL CARE FACILITY. An in-home residential facility licensed by the state which provides primarily nonmedical care to individuals who are in need of personal assistance to manage the activities of daily life or for the protection of the individual. Residential care facilities include, but are not limited to: state institutions under the control of the Commissioner of Public Welfare, foster homes, residential treatment centers, maternity shelters, group homes, residential programs or schools for handicapped children.

RESTAURANT OR CAFÉ. An establishment where food and drink are prepared and served for human consumption, principally within the establishment or for take-out purposes to be consumed off-premises.

SACRED COMMUNITY. A residential settlement established on or contiguous to the grounds of a place of worship's primary worship location primarily for the purpose of providing permanent housing for chronically homeless persons, extremely low-income persons, and designated volunteers that meet the requirements of M.S. § 327.30.

a. **CHRONICALLY HOMELESS.** An individual who:

- (1) Is homeless and lives or resides in a place not meant for human habitation, a safe haven, or in an agency shelter;
- (2) Has been homeless and living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter continuously for at least one year or on at least four separate occasions in the last three years; and
- (3) Has an adult head of household, or a minor head-of-household if no adult is present in the household, with a diagnosable substance use disorder, serious mental illness, developmental disability, post-traumatic stress disorder, cognitive impairments resulting from a brain injury, or chronic physical illness or disability, including the co-occurrence of two or more of those conditions.

b. **DESIGNATED VOLUNTEERS.** Persons who have not experienced homelessness and have been approved by the religious institution to live in a sacred community as their sole form of housing.

c. **EXTREMELY LOW INCOME.** An income that is equal to or less than 30% of the area median income, adjusted for family size, as estimated by the Department of Housing and Urban Development.

d. **MICRO UNIT.** A mobile residential dwelling providing permanent housing within a sacred community that meets the requirements established by M.S. § 327.30, Subd. 4, as amended.

SCHOOL, ELEMENTARY OR SECONDARY. A building or land used for the purpose of public or private elementary, middle, or secondary education, which meets all the requirements of compulsory education laws of the State of Minnesota.

SELF STORAGE FACILITY. Any facility that is designed and used for the purpose of renting or leasing an individual storage space within the facility for the purpose of storage only. The facilities are different from public warehouses in that the public has access to their storage space owned for the purpose of storing and removing personal property and the owner does not issue a warehouse receipt, bill of lading or other document of title for the personal property stored in the storage space.

SOLAR ENERGY SYSTEM. A solar collector or other device mounted on the ground or on a building, pole, or rack whose primary purpose is to harvest energy by transferring solar energy into another form of energy.

a. **BUILDING-INTEGRATED SOLAR ENERGY SYSTEM.** A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building including, but not limited to, photovoltaic

or hot water solar systems contained within roofing materials, windows, skylights and awnings.

- b. **PHOTOVOLTAIC SOLAR ENERGY SYSTEM.** A solar energy system that converts solar energy directly into electricity.

SPECIALTY FOOD OR BEVERAGE SHOP. An establishment whose primary business is the sale of a single specialty type of food or beverage that is not considered a complete meal (e.g. candy, coffee, ice cream) for consumption on or off premises. The sale of other food, beverages, or merchandise is incidental to the sale of the specialty food or beverage.

STANDALONE RETAIL OR SERVICE BUSINESS. A detached structure where goods or services are sold. This use includes but is not limited to automotive accessory stores, electrical home appliance stores, massage therapy, travel bureaus, and transportation ticket offices.

SWIMMING POOLS, TENNIS COURTS, OTHER REC FACILITIES. Outdoor or indoor facilities designed and used for leisure, sport, or recreation by occupants, members, or guests, including swimming pools, courts, play areas, and similar amenities, and not operated as public or commercial recreation facilities.

TAPROOM. An area accessory to a brewery, winery, or distillery for the consumption of alcoholic beverages produced on the premises.

TELECOMMUNICATION TOWER OR FACILITY. Any tower or wireless facility designed and constructed primarily for the purpose of wireless communication, transmission, and distribution.

- a. **TELECOMMUNICATIONS FACILITIES.** Cables, wires, lines, wave guides, antennas and any other facilities or equipment associated with the transmission or reception of communications located or installed on or near a tower or antenna support structure. This term does not include:
 - (1) A satellite earth station antenna two meters in diameter or less, located in a C-1 or C-2 zoning district;
 - (2) A satellite earth station antenna one meter in diameter or less, wherever located.
- b. **TELECOMMUNICATIONS TOWER (or TOWER).** A self-supporting lattice, guyed or monopole structure constructed from grade and built for the purpose of supporting telecommunications facilities. The term does not include amateur radio operations equipment licensed by the Federal Communications Commission.
- c. **TOWER HEIGHT.** The vertical distance from the grade adjacent to the base pad of the tower to the highest point of the tower or any component of the telecommunication facilities.

THEATER. A building or portion thereof designed and used primarily for the presentation of live performances, films, or other entertainment events before an audience.

TOBACCO SHOP. Any place of business where tobacco, tobacco-based products, or tobacco-related devices are available for sale to the general public.

USE. The purpose or activity for which the land or building thereon is designated, arranged or intended, or for which it is occupied, utilized or maintained, and shall

include the performance of the activity as defined by the performance standards of this Chapter.

- a. **COMMERCIAL USE.** The principal use of land or buildings for the sale, lease, rental or trade of products, goods and services.
- b. **CONDITIONAL USE.** A use that, because of special control problems the use presents, requires effectuation of reasonable, but special, unusual and extraordinary limitations peculiar to the use for the protection of the public welfare and the integrity of the City Land Use Plan.
- c. **INTERIM USE.** A temporary use of property until a particular date, until the occurrence of a particular event or until the use is no longer allowed by zoning regulations.
- d. **PERMITTED USE.** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards (if any) of the districts.
- e. **PRINCIPAL USE.** The main use of land or buildings as distinguished from subordinate or accessory uses. A PRINCIPAL USE may be either permitted or conditional.
- f. **PUBLIC USES.** Uses owned or operated by municipal, school districts, county, state or other governmental units.

UTILITY BUILDING OR STRUCTURE. Transmission facilities and structures for electric power, gas, water, sewer, telephone, and cable television.

VETERINARY CLINIC. A place for the treatment, hospitalization, surgery, care, and boarding of animals and birds, under the direction of one or more licensed veterinarians. This use includes indoor overnight care and kennels for animals being treated at the facility.

1201.23 Floodplain Definitions

Subd. 1 Unless specifically defined below, words or phrases used in this Chapter must be interpreted according to common usage and so as to give this Chapter its most reasonable application.

ACCESSORY USE OR STRUCTURE. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

BASE FLOOD ELEVATION. The elevation of the REGIONAL FLOOD. The term BASE FLOOD ELEVATION is used in the flood insurance survey.

BASEMENT. Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

CONDITIONAL USE. A specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:

- (1) Certain conditions as detailed in the zoning code exist.
- (2) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.

CRITICAL FACILITIES. Facilities necessary to a community's public health and safety, those that store or produce highly volatile, toxic or water-reactive materials, and those that house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include hospitals, correctional facilities, schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.

DEVELOPMENT. Any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

EQUAL DEGREE OF ENCROACHMENT. A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

FLOOD. A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

FLOOD FREQUENCY. The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

FLOOD FRINGE. The portion of the Special Flood Hazard Area (1% annual chance flood) located outside of the floodway. FLOOD FRINGE is synonymous with the term FLOODWAY FRINGE used in the flood insurance study for Hennepin County, Minnesota.

FLOOD PRONE AREA. Any land susceptible to being inundated by water from any source (see FLOOD).

FLOODPLAIN. The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

FLOODPROOFING. A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

FLOODWAY. The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Title 44 Code of Federal Regulations, Part 60.3.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term MANUFACTURED HOME does not include the term RECREATIONAL VEHICLE.

NEW CONSTRUCTION. Structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this Chapter.

OBSTRUCTION. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

ONE HUNDRED YEAR FLOODPLAIN. Lands inundated by the REGIONAL FLOOD (see definition).

PRINCIPAL USE OR STRUCTURE. All uses or structures that are not accessory uses or accessory structures.

REACH. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

RECREATIONAL VEHICLE. A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this Chapter, the term RECREATIONAL VEHICLE is synonymous with the term TRAVEL TRAILER/TRAVEL VEHICLE.

REGIONAL FLOOD. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 1% chance or 100-year recurrence interval. REGIONAL FLOOD is synonymous with the term BASE FLOOD used in a flood insurance study.

REGULATORY FLOOD PROTECTION ELEVATION (RFPE). An elevation not less than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

REPETITIVE LOSS. Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

SPECIAL FLOOD HAZARD AREA. A term used for flood insurance purposes synonymous with ONE HUNDRED YEAR FLOODPLAIN.

START OF CONSTRUCTION. Includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit's expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or

walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE. Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in § 1201.52 F Floodplain and other similar items.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the START OF CONSTRUCTION of the improvement. This term includes structures that have incurred SUBSTANTIAL DAMAGE, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a HISTORIC STRUCTURE, provided that the alteration will not preclude the structure's continued designation as a HISTORIC STRUCTURE. For the purpose of this Chapter, HISTORIC STRUCTURE is as defined in Title 44 Code of Federal Regulations, Part 59.1.

1201.30 General Zoning.

1201.31 Establishment of Map and Districts.

Subd. 1 Establishment of districts. The following districts are established within the City:

- a. Residential districts
 - (1) R-EL Estate Lot Residential.
 - (2) R-LL Large Lot Detached Residential.
 - (3) R-SL Small Lot Detached Residential.
 - (4) R-LD Low Density Residential.
 - (5) R-MD Medium Density Residential.
 - (6) R-HD High Density Residential.
- b. Commercial districts.

- (1) G-CM General Commercial.
- c. Special districts.
 - (1) LS-R, Lakeshore Recreational.
 - (2) PUD, Planned Unit Development.
 - (3) S, Shoreland.

Subd. 2 The following statements specify the purpose of each zoning district that is established to regulate areas of the City:

- a. **R-EL Estate Lot Residential District:** The R-EL District is intended to provide a district which will allow suitable areas of the City to be retained and utilized primarily for low density residential, open space, and/or agricultural uses.
- b. **R-LL Large Lot Detached Residential District:** The R-LL District is intended to provide a district consisting of single-unit dwellings in areas served by municipal utilities with flexibility in design and reservations for open space.
- c. **R-SL Small Lot Detached Residential District:** The R-SL District is intended to allow a greater concentration of single-unit dwellings in areas served by municipal utilities and where appropriate reservations for open space have been established by means other than individual lot areas. The R-SL District also recognizes the existence of older areas of the community in which smaller lots exist.
- d. **R-LD Low Density Residential District:** The R-LD District is intended to provide suitable areas of the community which will allow construction of single-unit and two-unit dwellings while maintaining the character and amenities of low density single-unit residential areas.
- e. **R-MD Medium Density Residential District:** The R-MD District is intended to provide a greater variety in the type of housing units available within the community, including detached and attached townhouses and 2-4 unit dwellings while retaining the environment and character of less intensive residential areas through carefully established bulk and lot area requirements.
- f. **R-HD High Density Residential District:** The R-HD District is intended to provide a greater variety in the type of housing units available within the community by allowing construction of two-unit, townhouse, and apartment dwellings.
- g. **G-CM General Commercial District:** The purpose of the G-CM District is to provide for low to moderately intense retail or service outlets that deal directly with the customer to whom the goods or services are furnished. The uses allowed in this district are to provide goods and services on a limited community market scale and located in areas that are well served by collector or arterial street facilities.
- h. **LS-R Lakeshore Recreational District:** The LS-R District is intended to recognize the desirability for areas to serve the lakeshore recreational needs of the City which of their very nature are by geographic necessity located in proximity and adjacent to residential areas of this community. Lake Minnetonka is the largest single park and recreational facility available for use by the citizens of this City and the providing of an opportunity for access to

that facility is, in the opinion of the City, an adjunct of zoning by the City. Recognizing the primary residential nature of Shorewood, it behooves the City to subject the possible areas available for access to the lake to close scrutiny and limitation so as to ensure that use of the land does not unduly infringe upon property rights and public health, safety and welfare of others residing on nearby residential sites.

Subd. 3 Map. The location and boundaries of the districts established by this Chapter are set forth on the Zoning Map entitled "Zoning Map of Shorewood." The map shall remain on file with the Zoning Administrator and shall be hereinafter referred to as the "Zoning Map," which map and all of the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and thereby made a part of this Chapter by reference.

Subd. 4 Zoning district boundaries. Zoning district boundary lines of this Chapter follow lot lines, railroad right-of-way lines, the center of water courses or the corporate limit lines, all as they exist upon the effective date of this Chapter.

- a. If district boundary lines do not follow any of the above-described lines, the district boundary lines are established as drawn on the Zoning Map. Where a district boundary line divides a lot of record which was in single ownership at the time of enactment of this Chapter and places portions of the lot in two or more use districts, any portion of the lot within 50 feet on either side of a dividing district boundary line may be used for any use of either use district; provided, however, if any portion of the lot shall extend beyond the 50 feet limitation, the district line as shown shall prevail.
- b. Appeals concerning the exact location of a zoning district boundary line shall be heard by the City Council serving as the Board of Adjustments and Appeals.
- c. When any street, alley, or other public right-of-way is vacated by official action of the City, the zoning district abutting the center line of the alley or other public right-of-way shall not be affected by the proceedings.

1201.32 General Provisions for All Zoning Districts.

Subd. 1 Dwelling unit restriction.

- a. No cellar, basement, garage, tent or accessory building shall at any time be used as an independent residence or dwelling unit, temporarily or permanently. In residential districts recreational vehicles or equipment may be used as temporary living quarters, on property where an occupied residence exists, for no more than 14 days in any 12 month period. There shall be no open discharge of sanitary waste from the vehicle or equipment.
- b. Basements may be used as living quarters or rooms as a portion of residential dwellings.
- c. Earth-sheltered housing shall not be considered as a basement or cellar.
- d. Tents, playhouses or similar structures may be used for play or recreational purposes.
- e. All dwelling units shall be serviced with sanitary sewer, water supply and energy supply systems.

- f. Pursuant to authority granted by M.S. § 462.3593, Subd. 9, the City opts-out of the requirements of M.S. § 462.3593, which defines and regulates temporary family health care dwellings.

Subd. 2 Property development.

- a. Any person desiring to improve property for which a building permit is required shall submit to the Building Official a survey prepared by a registered surveyor of the property showing the location and dimensions of existing and proposed structures, location of easements crossing the property, encroachments and any other information which may be necessary to ensure conformance to City ordinances. The Building Official may waive the requirement of a survey in cases where it is deemed unnecessary or where the location of property boundaries can be verified.
- b. All structures shall be so placed so that they will not obstruct future streets which may be constructed by the City in conformity with existing streets and according to the system and standards employed by the City.
- c. Except in the case of planned unit development as provided for in § 1201.97 Planned Unit Development (PUD), not more than one principal building shall be located on a lot. The City may, by interim use permit, allow a single-family residential dwelling to remain on a lot while a new dwelling is being constructed on the same lot, provided that:
 - (1) The new dwelling shall conform to the setback requirements of the zoning district in which it is located;
 - (2) Construction of the new dwelling shall not result in substantially greater site alteration (for example, tree removal or grading) than if the original house is first removed;
 - (3) The property owner must provide an estimate from a licensed contractor for the cost of removing the original dwelling and restoring the site. From this estimate the City shall require a cash escrow or letter of credit in the amount of 150% of the estimate to ensure that the original dwelling will be removed within two weeks of the date that a certificate of occupancy is issued for the new dwelling. In no instance shall the original home remain on the property longer than two years;
 - (4) The property owner shall provide the cash escrow or letter of credit required at the time a building permit is issued for the new dwelling. The new dwelling shall not be occupied until a certificate of occupancy has been issued; and
 - (5) The request shall be subject to the requirements of § 1201.95 Interim Use Permit (IUP).
- d. On a through lot both street lines shall be front lot lines for the application of the yard and parking regulations of this Chapter.
- e. The improvements shall be in compliance with the standards established by the Minnesota Pollution Control Agency's NPDES/SDS Construction Stormwater General Permit MNR100001 (CSW Permit), the MPCA's Small Municipal Separate Storm Sewer Systems General permit MNR040000 (MS4 Permit), either Minnehaha Creek Watershed District rules or Riley Purgatory Bluff Creek Watershed District rules as may apply, and the City of

Shorewood's Surface Water Management Plan as now constituted and from time to time amended.

Subd. 3 Drainage plans

- a. In the case of all multiple-family and nonresidential developments, detailed grading and drainage plans shall be submitted to the City Engineer for their review and the final drainage plan shall be subject to their written approval.
- b. In the case of single-family lots where no drainage plan has been approved by the City, the Building Official shall determine the need for a drainage plan. In any case where the first floor of the structure is lower than the elevation of the street or where the lowest level of the structure is below the elevation of the sanitary sewer, detailed grading and drainage plans shall be submitted to the City Engineer for their review and approval.
- c. In the case of any project on any lot in the City increasing impervious surface coverage by 1,000 square feet or more, a stormwater management plan including detailed drainage calculations and a drainage map shall be submitted to the City Engineer for their review and approval.

Subd. 4 Exterior storage. All materials and equipment except as provided for in § 1201.42 Use Tables shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following:

- a. Clothes line poles and wires;
- b. Recreational equipment and vehicles;
- c. Construction and landscaping materials currently being used on the premises;
- d. Off-street parking of passenger vehicles and trucks not exceeding a gross capacity of 12,000 pounds in residential areas.

Subd. 5 Waste material. Waste material resulting from or used in commercial servicing, processing, or trimming shall not be washed into the public storm sewer system nor the sanitary sewer system, but shall be disposed of in a manner approved by the Minnesota State Fire Marshall and the Pollution Control Agency.

Subd. 6 Business hours. Any commercial use that is regularly open for business or involves other significant outdoor activity during any hour between 10:00 p.m. and 7:00 a.m. must obtain a conditional use permit, as regulated by § 1201.94 Conditional Use Permit (CUP), subject to the following conditions:

- a. No off-street loading shall occur within 200 feet of a residential district boundary during the hours between 10:00 p.m. and 7:00 a.m. Trucks parked, with motors shut off, before 10:00 p.m. may be offloaded between the hours of 10:00 p.m. and 7:00 a.m., provided that any noise associated with the offloading does not create a nuisance for adjacent residential uses;
- b. Movement of sweeping vehicles, garbage trucks, maintenance trucks, shopping carts and other service vehicles and equipment is prohibited within 200 feet of a residential district boundary between the hours of 10:00 p.m. and 7:00 a.m.;
- c. Outdoor speaker systems or other public address systems which can be heard outside are not allowed to be used between the hours of 10:00 p.m. and 7:00 a.m.;

- d. All lighting not reasonably required for security or for business operations (within 100 feet of the main entrance to the building) must be turned off between the hours of 10:00 p.m. and sunrise.

1201.33 General Area and Building Size Regulations.

Subd. 1 Yard requirements

- a. This section identifies general yard requirements to be provided for in all zoning districts and exceptions thereto.
- b. No lot, yard or other open space shall be reduced in area or dimension so as to make the lot, yard or open space less than the minimum required by this Chapter, and if the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced. No required open space provided about any building or structure shall be included as part of any open space required for another structure.
- c. The following shall not be considered as encroachments on required yard setbacks for all lots:
 - (1) Chimneys, flues, belt courses, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters and the like, provided they do not project more than two feet into a required yard.
 - (2) For a detached, single-unit, two-unit or townhouse dwelling in any residential zoning district, ramps and other devices for access to buildings and sites by disabled persons, in compliance with the Americans with Disabilities Act, may encroach into any required front, side or rear setback, provided that a front setback of not less than 20 feet, a rear setback of 20 feet, and side setbacks of not less than five feet shall be maintained.
 - (3) For a detached, single-unit, two-unit or townhouse dwelling constructed prior to May 19, 1986, a one-story, enclosed entrance may extend into the front yard setback not more than four feet. The entrance shall not exceed six feet in width.
 - (4) For a detached, single-unit or two-unit dwelling in any residential zoning district, a one-story, open deck or portico may extend into the front yard setback not more than five feet, provided:
 - (a) The length of the portico shall not exceed 50% of the width of the silhouette of the building, excluding eaves, as viewed from the street; and
 - (b) This area shall not be enclosed nor screened with mesh, glass or other similar material, except for guardrails no higher than 42 inches and at least 60% open.
 - (5) Uncovered terraces, patios steps, stoops, walkways or similar features, but not including porches or balconies in front or rear yards, provided they are not covered by a roof, don't extend above the entrance floor level of the building, or are more than four and one-half feet into the required side or rear yard. This allowance shall not apply to decks or other above grade improvements.
 - (6) Sidewalks and walkways in a front yard provided they are no wider than four feet in width.

- (7) Laundry drying and recreational equipment, arbors, and trellises in rear yards to a point no closer than five feet from any lot line.
- (8) One detached accessory building not exceeding eight feet in height, nor 100 square feet in area in the rear yard to a point no closer than five feet from any lot line.
- (9) The minimum rear yard setback for swimming pools and a three-foot wide pool apron shall be 60% of that which is required for the zoning district in which the pool is located. No part of any pool, including guardrails, shall exceed six feet above grade in height. Decking and patios shall not encroach into the required rear yard setback area. Rear yard setbacks for lakeshore lots shall be as provided in § 1201.51 Shoreland S.
- (10) For residential districts, one recreational vehicle or piece of equipment may be stored in required front yards; provided it is located on an approved driveway, it does not take up required parking space as provided in § 1201.73 Off-Street Parking and Loading, it is currently licensed and operable and it is located no closer than 15 feet from the paved surface of the street. This provision shall only apply when there is no practical way to store the vehicle or equipment within the buildable area of the lot.
- (11) Storage of trash receptacles for single-unit and two-unit dwellings may extend into a required front yard setback or required side yard setback abutting a street no more than five feet. Trash receptacles may be placed adjacent to the street, 12 hours prior to the designated refuse collection day, and must be removed no later than 12 hours after the designated refuse collection day.
- (12) Accessory uses or equipment, such as air conditioning and heating equipment shall not be located within drainage and utility easements.
 - (a) Air conditioning and heating equipment on residential shoreline lots may encroach into required side yards, but no closer than ten feet from the side lot line.
 - (b) Uses or equipment which generate noise may only be located in a required side yard setback abutting a public street if the equipment is fully screened from view.
- (13) Egress pits or wells shall not be located within drainage and utility easements. Egress pits or wells extending no wider than four feet may be located within the required front, rear or side-yard abutting a public street setback, provided they project no more than four feet into the required yard setback and the egress pit is no greater than 16 square feet.
- d. Where adjacent residential structures within the same block have front yard or side yard abutting a street setbacks different from those required, the minimum setback shall be the average of the adjacent structures. If there is only one adjacent structure, the minimum setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the required setback exceed that required minimum established within the districts of this Chapter.

Subd. 2 General area and building size regulations

- a. Purpose. This section identifies general area and building size requirements and exceptions to general height requirements in each zoning district.
- b. Useable open space. Each multiple-family dwelling site shall contain at least 500 square feet of useable open space as defined in § 1201.22 Use Definitions for each dwelling unit contained thereon.
- c. Height
 - (1) The building height limits established herein for districts shall not apply to the following:
 - (a) Belfries;
 - (b) Chimneys or flues;
 - (c) Spires on religious institutions;
 - (d) Cooling towers, mechanical and air conditioning equipment when screened from view;
 - (e) Cupolas and domes that do not contain useable space;
 - (f) Elevator penthouses;
 - (g) Monuments;
 - (h) Parapet walls extending not more than three feet above the limiting height of the building;
 - (i) Water towers;
 - (j) Poles, towers and other structures for essential services subject to Subd. 10 of this section;
 - (k) Television and radio antennas not exceeding 20 feet above the roof. Exception: ham radio antennas over 20 feet may be allowed by conditional use permit as provided for in § 1201.94 Conditional Use Permit (CUP), provided that:
 - (i) The ham radio must be licensed by the Federal Communications Commission (FCC);
 - (ii) Construction of the antenna requires a building permit;
 - (iii) The antenna must be located within the buildable area of the lot; and
 - (iv) The antenna must be fenced or so designed as to be difficult to climb.
 - (2) The requirements of Minn. Rules 8800.1200 (Criteria for Determining Air Navigation Obstructions), as may be amended, are hereby adopted by reference.
- d. Roof equipment. No excluded roof equipment or structural element extending beyond the limited height of a building may occupy more than 25% of the area of the roof nor shall the equipment exceed ten feet in height unless otherwise noted.
- e. Minimum floor area - commercial structures. Commercial buildings (principal structure) having less than 1,000 square feet of floor area may only be allowed upon approval of a conditional use permit as provided for in § 1201.94 Conditional Use Permit (CUP), provided that:

- (1) The structure is built on a lot with a minimum lot area of no less than 10,000 square feet;
- (2) Adequate on-site parking is provided.

Subd. 3 Fire lanes

- a. Purpose. Recognizing that all fire lanes are to provide lake access to the public, this subdivision is established to identify, classify and regulate the use thereof based upon their historic use within the City.
- b. Use classifications. The use of fire lanes in Shorewood shall be restricted to one of the following classifications:
 - (1) Class I may be used for pedestrian access to the lake, fishing from shore, launching canoes and other small boats not requiring a trailer and cross-country skiing;
 - (2) Class II may be used for all of the activities as designated in Class I except fishing, as well as snowmobile access during the winter, parking and swimming;
 - (3) Class III may be used only for pedestrian access to the lake, fishing, launching canoes and other small boats not requiring a trailer. In addition, a single dock may be installed subject to the following:
 - (a) The person or group of persons installing the dock shall be Shorewood residents and apply for an annual building permit prior to installation of the dock;
 - (b) The total length of the dock shall not exceed 25 feet;
 - (c) The dock shall be installed by a professional installer and maintained in a safe and workmanlike manner;
 - (d) The use of the dock shall be for the general public and shall not be limited to use by those who install it;
 - (e) Docking of boats shall be limited to daytime hours only between sunrise and sunset;
 - (f) The dock shall comply with all requirements of the Lake Minnetonka Conservation District.
- c. Designation of fire lanes. The following fire lanes shall be identified on the Official Zoning Map and shall be classified as follows:
 - (1) Class I: 1-Enchanted Island, 2-Shady Island, 3-Grant Lorenze, 4-Third Street, 7-Ferncroft, 8-Ivy Lane, 9-Rustic Way South, 10-Rustic Way North;
 - (2) Class II: 6-Crescent Beach;
 - (3) Class III: 5-Eureka.
- d. General regulations
 - (1) Fire lanes shall be used only for the activities provided for in Subd. b above. No sporting activities shall be allowed which involve thrown objects such as catch, softball, baseball, frisbee, volleyball, or football.
 - (2) Fire lanes shall be subject to the rules and regulations contained in Chapter 902, as may be amended, pertaining to the use of City parks, including, but not limited to, use of intoxicating beverages.

- (3) Maintenance and improvements of fire lanes shall be the sole responsibility of the City. No one shall maintain or make improvements, except as modified herein, without the approval of the City Administrator/Clerk or agent thereof.
- (4) Except in Class II fire lanes, there shall be no parking of automobiles, boat trailers or snowmobiles on or adjacent to any of the fire lanes identified herein.
- (5) Except for snowmobiles in Class II fire lanes, motorized vehicles shall be prohibited on fire lanes.
- (6) Lots with side yards abutting fire lanes shall provide a total of 30 feet of side yard setback with no one side being less than 10 feet.

1201.34 Nonconforming Buildings, Structures, and Uses.

Subd. 1 Purpose and intent. It is the purpose of this section to provide for the regulation of nonconformities and nonconforming buildings, structures, and uses and to specify those requirements, circumstances and conditions under which nonconforming buildings, structures and uses may be operated and maintained. The zoning ordinance establishes separate districts, each of which is an appropriate area for the location of uses, which are allowed in that district. It is necessary and consistent with the establishment of these districts and the Comprehensive Plan that nonconforming buildings, structures and uses not be allowed to continue without restriction. Furthermore, it is the intent of this subsection that all non-conforming buildings, structures, or uses shall eventually be brought into conformity with the requirements of the Shorewood City Code. For the purposes of this subdivision, enlargement or alteration means:

- a. Any increase in a dimension, size, area, volume, or height.
- b. Any increase in the area of use.
- c. Any placement of a structure or building or part thereof where none existed before.
- d. Any improvement that would allow the land to be more intensely developed.
- e. Any move of operations to a new location on the property.
- f. Any increase in intensity of use based on a review of the original nature, function or the purpose of the nonconforming use, the hours of operation, traffic, parking, noise, exterior storage, signs, exterior lighting, types of operations, types of goods or services offered, odor, area of operation, number of employees, and other factors deemed relevant to the City.

Subd. 2 Continued nonconforming use. A nonconforming use may be used and continued, including through repair, replacement, restoration, maintenance or improvement, but not, including expansion, enlargement or intensification.

Subd. 3 Continued nonconforming building or structure.

- a. A nonconforming structure or building damaged by fire or other peril to an extent of 50% or less of its estimated market value, as indicated in the records of the county assessor at the time of damage, may be restored, reconstructed, or repaired, and can be used as before, provided the work is completed within one year after the damage occurred.

- b. Any nonconforming structure or building damaged by fire or other peril to an extent greater than 50% of its estimated market value, as indicated in the records of the county assessor at the time of damage, shall not be restored or reconstructed and used as before such destruction unless a building permit to restore, reconstruct or repair the structure or building has been applied for within 180 days after the damage occurred. In this case, the City may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent properties. A subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.
- c. The City may permit an expansion, as authorized in this subdivision, and impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health and safety.

Subd. 4 Appeal of estimated value of damage.

- a. If the City determines that more than 50% of the building or structure has been destroyed, the property owner may, at their sole expense, hire an independent certified appraiser with no interest in the property to determine the market value and present the appraisal to the Zoning Administrator to be considered by the City Council.
- b. If the City Council maintains, after receiving the appraisal, that more than 50% of the building or structure has been destroyed, the property owner shall have the right to appeal the City's market value determination to district court. Such appeal must be brought within 30 days of the City Council's determination.

Subd. 5 Change of use. When any legal nonconforming use of land or structure has been changed to a conforming use, it shall not thereafter be changed to any nonconforming use or structure.

Subd. 6 Reduction of nonconformity. A legal nonconforming structure or use may be changed to lessen the nonconformity. Once a legally nonconforming structure or use has been reduced, it shall not be altered thereafter to increase the nonconformity.

Subd. 7 Discontinuance of nonconformity. If a nonconformity is discontinued or ceases for a period of more than one year, any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

Subd. 8 Maintenance of nonconforming structures. Maintenance of a nonconforming structure, building or sign will be permitted when it includes necessary nonstructural repairs and incidental alternations which do not extend or intensify the nonconforming use of a structure, building or sign.

Subd. 9 Alterations and expansions.

- a. Alterations may be made to a continued nonconforming structure when such alterations improve the livability and safety of such structure or building; provided, however, that they do not increase the number of dwelling units in the structure and meet the minimum height and setback requirements of the zoning district in which they are located.
- b. Where a single-family dwelling is a continued nonconforming structure, the addition of a bedroom that otherwise meets the zoning ordinance regulations shall not be considered an expansion of the use and is permitted. Such addition shall be limited to an increase in the living area of no more than 20%

of the existing main floor square footage. The addition of a deck, garage, patio, fence, driveway, swimming pool or other development that improves the liability or safety of the dwelling and otherwise meets the zoning ordinance regulations standards for height and setbacks shall be permitted.

- c. A parallel extension/expansion of a pre-existing continued nonconforming structure, or construction of an accessory structure, is permitted without a variance if all the following criteria are met.
 - (1) The nonconforming structure is a conforming use in the zoning district in which it is located.
 - (2) The extension/expansion does not encroach further into the already established nonconforming setback.
 - (3) The extension/expansion meets all other applicable standards of the Shorewood City Code.
- d. Any modification to an existing nonconforming residential building or structure to provide an accessibility improvement shall be permitted upon the approval of the Zoning Administrator.
- e. Expansion of a continued nonconforming nonresidential use, structure, or building may be permitted if it can be demonstrated that the proposed expansion prevents or abates a public nuisance or protects the public health, safety, and welfare.
- f. In cases where a structure is too close to a lot line, the City may require that the discrepancy be made up by enlarging the opposite required yard space. (Example: where a building is eight feet from a side lot line in a district in which a ten-foot setback is required, the City may require a 12-foot setback on the other side.)

Subd. 10 Change in tenancy. A change in tenancy, ownership, or management will not affect the status of the nonconformity if the nonconformity continues in the same manner and of no greater intensity as that occurring prior to the change.

Subd. 11 Buildings under construction and building permits granted prior to adoption or subsequent amendment of zoning regulations. Any proposed structure or building which will, under the zoning regulations, become nonconforming, but which for a building permit has been lawfully granted prior to the effective date of the ordinance, may be completed in accordance with the approved plans provided:

- a. Construction must commence within 180 days of issuance of the building permit.
- b. Construction continues to completion within one year of the issuance of the building permit.
- c. Such structure or building and use shall thereafter be a legal nonconforming structure, building or use.

Subd. 12 Nonconforming lots of record. Except for land in a floodplain management district, or shoreland management district, the following shall apply to nonconforming lots of record:

- a. Any existing lot of record that is nonconforming and that is not improved with a principal use is entitled to be developed with a principal use provided all requirements of the Shorewood City Code can be met. This provision shall

apply even though the lot of record does not meet the current applicable zoning requirements for lot area, lot depth, or lot width.

- b. A nonconforming lot of record is not entitled to be developed with a principal use if the nonconforming lot of record has been in common ownership with an abutting parcel of land or if it has been part of a larger parcel that became nonconforming after adoption of the ordinance from which this Chapter is derived.
 - c. If two or more contiguous lots in any district are under the same ownership and any individual lot does not meet the lot area and lot width requirements of this Chapter, the lot is not considered a separate parcel or lot for the purpose of sale or development and the lot must be combined with one or more contiguous lots so they equal one or more lots, each meeting the lot area and lot width requirements of this Chapter to the extent possible. This requirement shall not apply to the construction of a single-family dwelling on a nonconforming single lot of record.
 - d. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Chapter, a single-family dwelling and customary accessory buildings or structures, may be erected on any single lot of record. This provision shall apply even though the lot fails to meet the lot area, lot width, or lot depth that are generally applicable in the zoning district, provided that other requirements not involving lot dimensions or lot area (such as setbacks) conform to the regulations for the zoning district in which the lot is located.
- Subd. 13 Burden of proof. A person who wishes to take advantage of the rights granted to a continued nonconformity has the burden of proving the status as a legal nonconformity by clear and convincing evidence.
- Subd. 14 Nonconformities in shoreland areas. Nonconformities in shoreland areas shall be regulated by M.S. § 462.357, Subd. 1e(d) to (j), as amended.
- Subd. 15 Creation of nonconformities by public action. When lot area, width or setbacks are reduced as a result of conveyance to a federal, state, or local government for a public purpose and the remaining area is at least 50% of the otherwise applicable standards, then that lot and any structures existing at the time of public action shall be deemed to be in compliance with the minimum lot area, lot width, and setbacks of this Chapter.

1201.40 Base Zoning Districts.

1201.41 Use Tables.

- Subd. 1 Tables 1201.1 and 1201.2 list land uses and indicate whether they are permitted, permitted with standards, conditional, interim, or prohibited. The tables also include references to whether additional use-specific standards are applicable to each use.
- a. The following definitions shall be referenced when using Tables 1201.1 and 1201.2:
 - (1) Permitted Use: A “P” indicates that a use is allowed by right, subject to compliance with all other applicable provisions of this code.

- (2) Permitted with Standards Use: A “PS” indicates that a use is allowed when standards identified in division 1201.60 Use-Specific Standards are met. Uses permitted with standards are also subject to all other applicable requirements of this Chapter. Any request to vary from the standards set forth for a permitted with standards use shall be processed as a variance.
 - (3) Conditional Use: A “C” indicates that a use is allowed only if a Conditional Use Permit is issued by the City after compliance with the procedure and requirements set forth in § 1201.94 Conditional Use Permit (CUP). Conditional uses are also subject to all other applicable requirements of this Chapter.
 - (4) Interim Use: An “I” indicates that a use may be allowed for a limited period of time if an interim use permit is issued by the City after compliance with the procedure and requirements set forth in § 1201.95 Interim Use Permit (IUP). Interim uses are also subject to all other applicable requirements of this Chapter.
 - (5) Prohibited Use: A blank cell in the use table indicates that the land use is prohibited in that zoning district.
- b. In the event a proposed use is not listed in the use table, the Zoning Administrator is authorized to classify the proposed use into an existing use type as set forth in Table 1201.1 or in Table 1201.2 in § 1201.42 Use Tables that the Zoning Administrator determines most closely fits the proposed use.
- (1) If found to be consistent with a listed use, the proposed use shall be treated the same as the listed use.
 - (2) If no similar use determination is made by the Zoning Administrator, the proposed use is prohibited. In such case, the City Council on its own initiative may amend this Chapter to allow the proposed use or an interested party may request an amendment to this Chapter in accordance with the procedure and requirement set forth in § 1201.99 Zoning Amendment (Text or Map).

Table 1201.1. Principal Uses Table

Principal Use	Zoning District								
	Key: P = permitted use; C = conditional use; PS = permitted with standards; I = interim use; blank = prohibited								
	Residential						Commercial	Other	Use Specific Standards Reference
R-EL	R-LL	R-SL	R-LD	R-MD	R-HD	G-CM	LS-R		
Residential Uses									
Household Living									
Dwelling, single unit detached	P	P	P	P				C	
Dwelling, detached townhouse		P	P	P	P				
Dwelling, 2-unit				P	P	P			
Dwelling, 3-4 unit					P	P			

Principal Use	Zoning District								
	Key: P = permitted use; C = conditional use; PS = permitted with standards; I = interim use; blank = prohibited								
	Residential						Commercial	Other	Use Specific Standards Reference
	R-EL	R-LL	R-SL	R-LD	R-MD	R-HD	G-CM	LS-R	
Dwelling, townhouse					P			PS	See 1201.61 Principal Use Standards
Dwelling, multiple-unit						PS			See 1201.61 Principal Use Standards
Manufactured home park	C	C	C	C	C	C		C	
Group Living									
Assisted living facility					PS	PS			See 1201.61 Principal Use Standards
Long-term or transitional care facility					PS	PS			See 1201.61 Principal Use Standards
Residential care facility, 6 or fewer persons	P	P	P	P	P			P	
Residential care facility, 7 to 16 persons	P	P	P	P	P	P		P	
Sacred community	P	P	P	P	P	P	P	P	
Lodging									
Hotel							P		
Motel							P		
Public, Social & Institutional									
Cemetery	C	C							See 1201.61 Principal Use Standards
Club or lodge							P		
Community center	C	C	C	C	C	C			See § 1201.61 Principal Use Standards
Day care facility, 12 or fewer persons	PS	PS	PS	PS				PS	See § 1201.61 Principal Use Standards
Day care facility, 13-16 persons				PS	PS	PS		PS	See § 1201.61 Principal Use Standards

Principal Use	Zoning District								Use Specific Standards Reference
	Key: P = permitted use; C = conditional use; PS = permitted with standards; I = interim use; blank = prohibited								
	Residential						Commercial	Other	
	R-EL	R-LL	R-SL	R-LD	R-MD	R-HD	G-CM	LS-R	
Day care facility, 17+ persons							PS		See § 1201.61 Principal Use Standards
Government or public utility building	C	C	C	C	C	C	P		See § 1201.61 Principal Use Standards
Medical or dental office							P		
Place of worship	C	C	C	C	C	C	P	C	See § 1201.61 Principal Use Standards
Public recreational facility, indoor	P	P	P	P	P	P			
Public park, playground, recreational area, wildlife area	P	P	P	P	P	P	P		
School, elementary or secondary	C	C	C	C	C	C	C	C	See § 1201.61 Principal Use Standards
Theater							P		
Commercial									
Food & Beverage									
Catering establishment							P		
Liquor, on and off sale							P		
Restaurant or café							P		
Specialty food or beverage shop							P		
Retail Sales or Service									
Adult establishment							PS		See Chapter 309
Art gallery and sales							P		
Automotive fuel station							C		See § 1201.61 Principal Use Standards
Automotive sales or rental							P		

Principal Use	Zoning District								Use Specific Standards Reference
	Key: P = permitted use; C = conditional use; PS = permitted with standards; I = interim use; blank = prohibited								
	Residential						Commercial	Other	
	R-EL	R-LL	R-SL	R-LD	R-MD	R-HD	G-CM	LS-R	
Automotive service and repair							C		See § 1201.61 Principal Use Standards
Cannabis business							I		See § 1201.61 Principal Use Standards
Car wash							C		See § 1201.61 Principal Use Standards
Commercial center							P		
Commercial recreation facility, indoor							C		
Commercial recreation facility, outdoor	C								See § 1201.61 Principal Use Standards
Conservatory, art or music studio							P		
Dry cleaning							P		
Enclosed boat and marine sales							P		
Health or athletic club facility							P		
Laundromat, self-service washing and drying							P		
Nursery/garden center	C						P		See § 1201.61 Principal Use Standards
Off-site service business							P		
Self storage facility							C		See § 1201.61 Principal Use Standards
Standalone retail or service business							P		
Tobacco shop							P		
Veterinary clinic							P		

Principal Use	Zoning District								
	Key: P = permitted use; C = conditional use; PS = permitted with standards; I = interim use; blank = prohibited								
	Residential						Commercial	Other	Use Specific Standards Reference
	R-EL	R-LL	R-SL	R-LD	R-MD	R-HD	G-CM	LS-R	
Business & Technical Services									
Contractor's shop (plumbing, paint, electrical, etc.)							P		See § 1201.61 Principal Use Standards
Office							P		
Laboratory, research, and/or development facility							P		
Utilities & Transportation									
Essential services	P	P	P	P	P	P	P		
Public utility collection office							P		
Telecommunication tower or facility							C		See § 1201.61 Principal Use Standards
Utility building or structure	C	C	C	C	C	C			See § 1201.61 Principal Use Standards

Table 1201.2. Accessory Uses Table

Accessory Use	Zoning Districts								Use Specific Standards Reference
	Key: P = permitted use; C = conditional use; PS = permitted with standards								
	Residential						Commercial	Other	
	R-EL	R-LL	R-SL	R-LD	R-MD	R-HD	G-CM	LS-R	
Accessory dwelling unit	C	C	C						See § 1201.62 Accessory Use Standards
Accessory office							PS		See § 1201.62 Accessory Use Standards
Accessory building	PS	PS	PS	PS	PS	PS	PS	PS	See § 1201.62 Accessory Use Standards

Accessory Use	Zoning Districts							Use Specific Standards Reference	
	Key: P = permitted use; C = conditional use; PS = permitted with standards								
	Residential						Commercial		Other
	R-EL	R-LL	R-SL	R-LD	R-MD	R-HD	G-CM	LS-R	
Animal keeping	PS	PS	PS	PS					See Chapter 705 Farm and Other Animals
Boarding or renting of rooms	PS	PS	PS	PS	PS	PS			See § 1201.62 Accessory Use Standards
Boat dock + beach accessories	P	P	P	P	P	P			
Boat fueling and rental								PS	See § 1201.62 Accessory Use Standards
Clubhouse								PS	See § 1201.62 Accessory Use Standards
Daycare, group family	PS	PS	PS	PS	PS				See § 1201.62 Accessory Use Standards
Drive-through							C		See § 1201.62 Accessory Use Standards
Enclosed retail, rental or service activity other than permitted							C		See § 1201.62 Accessory Use Standards
Food and/or beverage service							P		
Greenhouse or conservatory, noncommercial	P	P	P	P	P	P			
Home occupation	PS	PS	PS	PS	PS	PS			See § 1201.62 Accessory Use Standards

Accessory Use	Zoning Districts Key: P = permitted use; C = conditional use; PS = permitted with standards								Use Specific Standards Reference
	Residential						Commercial	Other	
	R-EL	R-LL	R-SL	R-LD	R-MD	R-HD	G-CM	LS-R	
Living quarters of persons employed on the premises	PS							C	See § 1201.62 Accessory Use Standards
Micro unit dwellings in sacred communities	P	P	P	P	P	P	P	P	
Open or outdoor service, sale, or rental							C		See § 1201.62 Accessory Use Standards
Open and outdoor storage							C		See § 1201.62 Accessory Use Standards
Solar energy system	PS	PS	PS	PS	PS	PS	PS	PS	See § 1201.62 Accessory Use Standards
Swimming pools, tennis courts, other rec facilities	PS	PS	PS	PS	PS	PS			See § 1201.62 Accessory Use Standards
Taproom							P		
Telecommunications facility	PS	PS	PS	PS	PS	PS	PS	PS	See § 1201.61 Principal Use Standards

1201.42 Dimensional Requirements.

Subd. 1 Lot and Site Dimensions

- a. All uses in Tables 1201.3 and 1201.4 shall comply with the lot, site, and building requirements set forth in the following tables and all other applicable regulations set forth in this Chapter.
- b. All lot, site, and building dimension standards listed in this section are subject to the exemptions and requirements listed in division 1201.60 Use-Specific Standards.

Table 1201.3. Lot Dimensional Table

District	Use Type	Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft.)
R-EL	All uses	40,000	120
R-LL	Dwelling, single-unit detached	20,000	100
	Dwelling, detached townhouse	15,000	100
	All other uses	20,000	100
R-SL	Dwelling, single-unit detached	10,000	75
	Dwelling, detached townhouse	7,200	55
	All other uses	10,000	75
R-LD	Dwelling, single-unit detached	15,000	90
	Dwelling, detached townhouse	7,200	55
	Dwelling, 2-unit	10,000 per unit	45 per unit
	All other uses	15,000	90
R-MD	Dwelling, detached townhouse	7,000	55
	Dwelling, 2-unit	10,000 per unit	45 per unit
	Dwelling, 3-4 unit	6,000 per unit	45 per unit
	Dwelling, townhouse	5,500 per unit	45 per unit
	All other uses	30,000	100
R-HD	Dwelling, 2-unit	5,000	40
	Dwelling, 3-4 unit	5,000 per unit	25 per unit
	Dwelling, multiple-unit	15,000 per development; 1,500 per unit	120
	All other uses	25,000	40
G-CM	All uses	N/A	N/A
LS-R	Dwelling, townhouse	6,000 per unit	50 per unit
	All other uses	40,000	200

Table 1201.4. Site Dimensional Table

District	Use Type	Minimum Setbacks (ft.)					Maximum Height
		Front	Side Yard Corner	Side Yard Interior	Rear Yard	Other Setbacks	
R-EL	All uses	50	50	10	50		35 ft.
R-LL	Dwelling, single-unit detached	35	35	10	40		35 ft.

District	Use Type	Minimum Setbacks (ft.)					Maximum Height
		Front	Side Yard Corner	Side Yard Interior	Rear Yard	Other Setbacks	
	Dwelling, detached townhouse	35	35	10	40		
	All other uses	35	35	10	40		
R-SL	Dwelling, single-unit detached	30	30	10	35		35 ft.
	Dwelling, detached townhouse	30	30	7.5	35		
	All other uses	30	30	10	35		
R-LD	Dwelling, single-unit detached	30	30	10	30		35 ft.
	Dwelling, detached townhouse	30	30	7.5	30		
	Dwelling, two-unit	30	30	10	30		
	All other uses	30	30	10	30		
R-MD	Dwelling, detached townhouse	30	30	7.5	30		35 ft.
	Dwelling, two-unit	30	30	10	30		
	Dwelling, 3-4 unit	30	30	10	30		
	Dwelling, townhouse	30	30	10 ft. separation between buildings		30' setback around the perimeter of the development	
	Dwelling, multiple-unit	30	30	15	30		
	All other uses	30	30	15	30		
R-HD	Dwelling, two-unit	30	30	7.5	30		40 ft.
	Dwelling, 3-4 unit	30	30	10	30		
	Dwelling, multiple-unit	30	30	15' for buildings up to 35' in height 30' for buildings over 35' in height	30		
	All other uses	30	30		30		
G-CM	All uses	30	30	15	30	50' setback from R	40 ft.

District	Use Type	Minimum Setbacks (ft.)					Maximum Height
		Front	Side Yard Corner	Side Yard Interior	Rear Yard	Other Setbacks	
						district boundary	
LS-R	Dwelling, townhouse	30	30	10' separation between buildings		30' setback around the perimeter of the development	35 ft.
	Nonresidential uses	35		50' from residential 15' from non-residential use		50' from OHW	

Subd. 2 Impervious surface coverage. All lots in the City shall be subject to maximum ratios of impervious surface to lot area as indicated below:

- a. For all lots that are not within the Shoreland "S" District and not subject to the regulations in § 1201.51 Shoreland S.
 - (1) Residential and agricultural properties in the R-EL, R-LL, R-SL, R-LD, and R-MD zoning districts: 33%.
 - (2) Properties with residential uses in the R-HD zoning district; properties in commercial districts (G-CM and LS-R); and nonresidential properties in the residential zoning districts: 66%, provided that:
 - (a) All applicable permits from other regulating jurisdictions are acquired.
 - (b) Improvements that will result in an increased rate of runoff directly entering a public water shall have all structures and practices in place for the collection and treatment of stormwater runoff in compliance with the Shorewood Comprehensive Water Resources Management Plan, the most current version of the Minnesota Stormwater Manual guidelines, and applicable watershed rules, as may be amended.
 - (c) Measures for the treatment of stormwater runoff and/or prevention of stormwater from directly entering a public water include such appurtenances as sediment basins (debris basins, desilting basins, or silt traps), installation of debris guards and sump structures on stormwater inlets, oil skimming devices, and the like.
 - (3) Properties in commercial districts (G-CM, LS-R) may exceed 66% with the approval of a conditional use permit subject to the requirements of § 1201.94, provided that all applicable permits from other regulating jurisdictions are acquired and as follows:
 - (a) Impervious surface coverage shall not exceed 75%.

- (b) The standards in provisions a.(2)(b) and (c) of this subdivision are met.
- b. Subject to the regulations in § 1201.51 Shoreland S, all lots in the Shoreland Overlay District shall be limited to 25% impervious surface coverage, except that the following shall be allowed by conditional use permit subject to the requirements of § 1201.94 Conditional Use Permit (CUP) and the following:
 - (1) Multiple-family residential uses in the R-HD zoning district and properties in the G-CM and LS-R districts may be allowed to exceed 25% but not greater than 66%, subject to the following conditions:
 - (a) The treatment measures in provisions a.(2)(b) and (c) of this subdivision shall be applicable.
 - (b) All applicable permits shall be acquired from other regulating jurisdictions.
- c. Properties in Planned Unit Developments (PUD) shall be regulated consistent with similar uses in the underlying districts identified in provisions a. and b. of this subdivision, unless otherwise specified by the PUD.

1201.50 Overlay & Special Zoning Districts.

1201.51 Shoreland S

- Subd. 1 Shoreland districts. The shorelands within the City are designated as shoreland districts and the requirements set forth in this section shall govern development and other activities within these districts. The classification of the shoreland areas shall govern the use, alteration and development of these areas according to the classification as per M.S. Chapter 103F and Minn. Rules parts 6120.2500 to 6120.3900.
- Subd. 2 District application. The S District shall be applied to and superimposed upon all zoning districts as contained herein as existing or amended by the text and map of this Chapter. The regulations and requirements imposed by the S District shall be in addition to those established for districts which jointly apply. Under the joint application of districts, the more restrictive requirements shall apply.
- Subd. 3 Boundaries. The boundaries of the Shoreland District are established within the following distances from the ordinary high water level of the surface water depending on the size of the surface water as indicated on the Shorewood Zoning Districts Map.

Table 1201.5. Shoreland District Boundaries

Surface Water	Distance (Feet)*
Greater than 10 acres (Table 1)	1,000
Rivers and streams (draining an area greater than 2 square miles)	300**
*The practical distance may be less whenever the waters involved are bounded by topographical divides which extend landward from the waters for lessor distances and prevent flowage toward the surface water.	

Surface Water	Distance (Feet)*
**The distance requirement shall be increased to the limit of the flood plain when the flood plain is greater than 300 feet.	

Subd. 4 Shoreland classification

- a. The surface waters affected by this section and which require controlled development of their shoreland (shoreland district) are shown on the map designated as the official "Zoning Districts Map of the City of Shorewood" which is properly approved and made a part of the ordinance and filed with the Zoning Administrator.
- b. Surface waters generally greater than 10 acres and given an identification number by the State of Minnesota are defined in § 1201.22 Use Definitions and listed in Table 1201.6. Other surface waters affected by this Chapter, generally having less than 10 acres, are classified as wetlands and thus regulated under the provisions of § 1201.79 Wetland Developments.

Table 1201.6. Surface Water Distribution

DNR Identification Number	Name	Classification
27-133	Lake Minnetonka	GD
27-142	Lake William	GD
27-137	Christmas Lake	RD
27-144	Galpin Lake	GD
10-15	Virginia Lake	RD
27-145	Como Lake	RD
27-136	Silver Lake	NE
-	Purgatory Creek	GD

Subd. 5 Minimum lot and setback requirements

- a. The following chart sets forth the minimum area setbacks and other requirements of each respective classification:

Table 1201.7. Minimum Lot and Setback Requirements

	NE Natural Environment	RD Recreational Development	GD General Development
Min. lot size above normal high water mark			
Abutting water	40,000 sq. ft.	20,000 sq. ft.	15,000 sq. ft.
Nonabutting	20,000 sq. ft.	15,000 sq. ft.	15,000 sq. ft.
Lot width at lakeshore setback*	125 ft.	125 ft.	125 ft.

	NE Natural Environment	RD Recreational Development	GD General Development
Setback from ordinary high water level*	150 ft.	75 ft.	50 ft.
Setback from public street*			
Abutting federal, state or county road	50 ft.	50 ft.	50 ft.
Abutting town or public road	30 ft.	30 ft.	30 ft.
Max. impervious surface to area ratio	25%	25%	25%
Max. building height (feet)	35 ft.**	35 ft.**	35 ft.**
Side yard setback (lots abutting water)	30 ft. total/10 ft. min.***	30 ft. total/10 ft. min.***	30 ft. total/10 ft. min.***
Setback of roads, parking or impervious surface areas from ordinary high water level****	50 ft.	50 ft.	50 ft.
Setback from top of bluff	30 ft.	30 ft.	30 ft.
Structure height (lowest floor) above high water elevation*****	3 ft.	3 ft.	3 ft.
* Setback requirements from the ordinary high water level shall not apply to stairs, lifts, piers and docks. Where development exists on both sides of a proposed building site, building setbacks may be altered to more closely conform to adjacent building setbacks provided the proposed building site is not located in a shore impact zone or bluff impact zone.			
**Building heights may be increased as provided in § 1201.33 General Area and Building Size Regulations.			
***Subject to regulations and exceptions as provided in § 1201.43 Dimensional Requirements.			
****Where feasible and practical, all roads and parking areas shall meet the setback requirements established for structures from the ordinary high water level. Natural vegetation or other natural materials shall be required in order to screen parking areas when viewed from the water. Parking areas of more than four spaces shall be screened in accordance with a landscaping plan submitted and approved by the City Council.			
*****Does not include piers and docks.			

- b. Substandard lot. Any lot of record filed in the office of the Hennepin County Registrar of Deeds on or before the effective date of this Chapter, which does not meet the area requirements of this Chapter may be allowed as a building site subject to approval of a shoreland impact plan and provided:
 - (1) The lot meets all standards of the applicable zoning use district;
 - (2) The lot is in separate ownership from abutting lands;
 - (3) Except for lot area, all other sanitary and dimensional requirements of the Shoreland District are complied with insofar as practical (at least 70% width and area requirements).
- c. Placement of structures. Placement of structures shall comply with the provisions of § 1201.52 F Floodplain.

- d. Bluff impact zones. Structures and accessory facilities, except stairways, lifts and landings, must not be placed within bluff impact zones.
- e. Proximity to unplatted cemeteries and significant historic sites.
 - (1) No structure may be placed nearer than 50 feet from the boundary of an unplatted cemetery protected under M.S. § 307.08, unless necessary approval is obtained from the Minnesota State Archaeologist's Office.
 - (2) No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

Subd. 6 Development regulations

- a. Landowners or developers desiring to develop land or construct any dwelling or any other artificial obstruction on land located within any Shoreland District within the City shall first submit a Conditional Use Permit application as regulated by § 1201.94 Conditional Use Permit (CUP) and a plan of development hereinafter referred to as "Shoreland Impact Plan," which shall set forth proposed provisions for sediment control, water management, maintenance of landscaped features and any additional matters intended to improve or maintain the quality of the environment. Such a plan shall set forth proposed changes requested by the applicant and affirmatively disclose what, if any, change will be made in the natural condition of the earth, including loss or change of earth ground cover, destruction of trees, grade courses and marshes. The plan shall minimize tree removal, ground cover change, loss of natural vegetation and grade changes as much as possible and shall affirmatively provide for the relocation or replanting of as many trees as possible which are proposed to be removed. The purpose of the shoreland impact plan shall be to eliminate as much as possible potential pollution, erosion and siltation.
 - (1) Exceptions
 - (a) No conditional use permit or shoreland impact plan shall be required for the development of permitted accessory uses contained within the R-EL, R-LL, R-SL, or R-LD districts.
 - (b) No conditional use permit or shoreland impact plan shall be required for the development of permitted uses contained within the R-EL, R-LL, R-SL, or R-LD districts, provided that the uses are constructed on standard lots when abutting a shoreline and that all the uses are serviced with public sanitary sewer.
 - (c) The provisions otherwise set forth in this Chapter and in other applicable local ordinances shall apply to all plats except Planned Unit Development.
 - (2) Subdivision. No land shall be subdivided which is determined by the City or the Commissioner of Natural Resources to be unsuitable by reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage treatment capabilities or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or the community.

- b. Sewage and waste disposal. Any premises used for human occupancy shall be provided with public sanitary sewer disposal.
- c. Water supply. Any private supply of water for domestic purposes shall conform to Minnesota Department of Health Standards for water quality. Private wells shall be placed in areas not subject to flooding and up slope from any source of contamination. Wells already existing in areas subject to flooding shall be floodproofed in accordance with City standards.
- d. Stairways, lifts and landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
 - (1) Stairways and lifts must not exceed four feet in width;
 - (2) Landings for stairways and lifts must not exceed 32 square feet in area;
 - (3) Canopies or roofs are not allowed on stairways, lifts or landings;
 - (4) Stairways, lifts and landings may be either constructed above the ground on posts or pilings or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
 - (5) Stairways, lifts and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical;
 - (6) Facilities such as ramps, lifts or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of items d.(1) to d.(5) of this subdivision are complied with in addition to the requirements of Minn. Rules Chapter 1341.

Subd. 7 Shoreland alteration

- a. The removal of natural vegetation shall be restricted to prevent erosion into public waters, to consume nutrients in the soil and to preserve shoreland aesthetics.
 - (1) Clearcutting is prohibited within required setback areas and except as necessary for placing public roads, utilities, structures and parking areas.
 - (2) Natural vegetation shall be restored insofar as feasible after any construction project.
 - (3) Selective cutting of trees and underbrush is allowed as long as sufficient cover is left to make cars and structures visually inconspicuous when viewed from the water.
- b. Grading and filling:
 - (1) Grading and filling within Shoreland districts, or any alteration of the natural topography where the slope of land is toward a public water or watercourse leading to a public water must be approved by the Building Official and a permit obtained prior to the commencement of any work thereon. The permit may be granted subject to the conditions that:
 - (a) No more than one-third of the surface area of a lot shall be devoid of vegetative ground cover at any time;

- (b) Temporary ground cover such as mulch shall be used and permanent cover such as sod shall be planted as soon as possible;
 - (c) Methods to prevent erosion and trap sediment shall be employed in accordance with the Shorewood Subdivision Ordinance (Chapter 1202 of this code);
 - (d) Fill shall not be placed in areas lower in elevation than the normal high water mark;
 - (e) Fill shall be stabilized according to accepted engineering standards;
 - (f) Fill shall not restrict a floodway or destroy the storage capacity of a flood plain;
 - (g) The maximum slope of the finished surface which slopes toward a water body or a watercourse leading to the water body shall be three units horizontal to one vertical;
 - (h) No grading or filling shall be permitted within shore and bluff impact zones;
 - (i) Plans to place fill or excavated material on steep slopes must be reviewed and approved by the City Engineer for continued slope stability and must not create finished slopes greater than three units horizontal to one vertical;
 - (j) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within 10 feet of the ordinary high water level and the height of the riprap above the ordinary high water level does not exceed three feet;
- (2) Any work which will change or diminish the course, current or cross section of a public water must be approved by the Department of Natural Resources as per M.S. § 103G.245 before the work is begun. This includes construction of channels and ditches, lagooning, dredging of lake bottom for the removal of muck, silt or weeds and filling the lake bed, including low lying marsh areas. Approval shall be construed to mean the issuance by the Commissioner of the Department of Natural Resources of a permit under the procedures of M.S. § 103G.245 and other related statutes;
- (3) Excavation on shorelands where the intended purpose is connection to a public water, such as boat slips, canals, lagoons and harbors, shall require a permit from the Building Official prior to commencement of construction. The permit shall be obtained only after the Commissioner of the Department of Natural Resources has approved the proposed connection to public waters. Approval will be given only if the proposed work is consistent with applicable state regulations for work in beds of public waters.
- c. Steep slopes. The Zoning Administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of roads, driveways, structures or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation

screening of structures, vehicles and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

Subd. 8 Stormwater management. The following general and specific standards shall apply.

a. General standards

- (1) When possible, existing natural drainageways, wetlands and vegetated soil surfaces must be used to convey, store, filter and retain stormwater runoff before discharge to public waters.
- (2) Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
- (3) When development density, topographic features and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways and ponds may be used. Preference must be given to designs using surface drainage, vegetation and infiltration rather than buried pipes and man-made materials and facilities.

b. Specific standards

- (1) Impervious surface coverage of lots must not exceed 25% of the lot area, except as provided in § 1201.43 Dimensional Requirements.
- (2) When constructed facilities are used for stormwater management, documentation must be provided by a registered engineer licensed in the State of Minnesota that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
- (3) New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

Subd. 9 Planned Unit Development. The Planned Unit Development provisions contained in § 1201.97 Planned Unit Development (PUD) may be utilized within a Shoreland district, when consistent with the provisions of this section and provided that the following requirements are satisfactorily met:

- a. Preliminary plans shall be approved by the Department of Natural Resources prior to City approval;
- b. Sufficient open space is preserved through the use of restrictive deed covenants, public dedications and the like;
- c. The following factors are carefully evaluated to ensure that any increased density of development is consistent with the resource limitations of the public water:
 - (1) Suitability of the site for the proposed use;
 - (2) Physical and aesthetic impact of any increased density;
 - (3) Level of current development;

- (4) Amount and ownership of undeveloped shoreland;
- (5) Levels and types of water surface use and public access; and
- (6) Possible effects on overall public use;
- d. Any commercial, recreational, community or religious facility allowed as part of the planned unit development conforms to all applicable federal and state regulations, including, but not limited to the following:
 - (1) Licensing provisions or procedures;
 - (2) Waste disposal regulations;
 - (3) Water supply regulations;
 - (4) Building codes;
 - (5) Safety regulations;
 - (6) Regulations concerning the appropriate use of public waters as defined in M.S., Chapter 103G, as may be amended;
 - (7) Applicable regulations of the Minnesota Environmental Quality Board; and
 - (8) Storm sewer;
- e. The final PUD plan shall not be modified or altered in any way without written approval from the Department of Natural Resources;
- f. PUDs incorporating shoreline recreational facilities such as beaches, docks or boat launching facilities and the like shall be designed that the facilities are centralized for common utilization.

Subd. 10 Variance

- a. Variances may be granted by the City Council upon application as required in § 1201.96 Variance in extraordinary cases, but only when the proposed use is determined to be in the public interest and no variance shall be granted which the City Council determines will or has a tendency to:
 - (1) Result in the placement of an artificial obstruction which will restrict the passage of storm and flood water in a manner as to increase the height of flooding, except obstructions approved by the U.S. Army Corps of Engineers in conjunction with sound flood plain management;
 - (2) Result in compatible land uses or which would be detrimental to the protection of surface and ground water supplies;
 - (3) Be not in keeping with land use plans and planning objectives for the City or which will increase or cause danger to life or property;
 - (4) Be inconsistent with the objectives of encouraging land use compatible with the preservation of the natural land forms, vegetation and the marshes and wetlands within the City. No permit or variance shall be issued unless the applicant has submitted a Shoreland Impact Plan as required and set forth in this Chapter. In granting any variance, the City Council may attach the conditions as they deem necessary to ensure compliance with the purpose and intent of this section.

Subd. 11 DNR notification procedure

- a. Copies of all notices of any public hearings to consider variances, amendments or conditional uses under this section shall be received by the

Commissioner of the Department of Natural Resources at least 10 days prior to the hearings.

- b. A copy of amendments and final decisions granting variances or conditional uses under this section shall be received by the Commissioner of the Department of Natural Resources within 10 days of final action or amendment.

Subd. 12 Effect of permit. The granting of any permit, variance or subdivision approval under provisions of this section shall in no way affect the owner's capability to obtain the approval required by any other statute, ordinance or legislation of any state agency or subdivision thereof. Approval may be expressly given in conjunction with other permits applied for, but no approval shall be implied from the grant of the permits nor from the necessity to apply for a permit as described herein.

Subd. 13 Regulations applicable to shoreline property

- a. No structure of any kind except docks, stairways and lifts shall be built within the required setback from the ordinary high water level of a meandered lake, as provided in § 1201.51 Shoreland S.
- b. Docks shall not be built, used or occupied on land located within the R Districts without a principal dwelling on the lot or parcel to which it is accessory.
- c. The number of docks per lot or parcel of land in the R Districts shall be limited to one, and the same shall be operated, used and maintained solely for the use of the members of the family or families residing at the property upon which the dock is located. The dock shall connect to the shoreline at only one location, no wider than four feet, and shall extend into the lake at least eight feet beyond the ordinary high water mark before branching out to form slips. The width of the dock shall not exceed four feet at any point, except that at one location the dock may be no wider than eight feet for a length of eight feet.
- d. The number of restricted watercraft, as defined by the Lake Minnetonka Conservation District (LMCD) that may be docked or moored on a single property is limited to four. The dock owner may exceed four restricted watercraft only by obtaining an annual multiple dock/mooring license from the LMCD and a conditional use permit from the City, which permit shall be subject to the following conditions:
 - (1) As part of the annual LMCD license review, the owner of the dock must demonstrate to the City that all boats stored at the dock are owned, registered and operated by the residents of the property on which the dock is located.
 - (2) As part of the annual LMCD license review, the owner of the dock must demonstrate to the City that the dock is the minimum size necessary to store the boats owned, registered and operated by the residents of the subject property.
 - (3) Boat canopies shall be limited to the size and number that is required to cover no more than four of the restricted watercraft.
 - (4) The provisions of § 1201.99Zoning Amendment (Text or Map) are considered and satisfactorily met.

- e. No boat, barge, boathouse or other floating vessel or structure tied or connected to a dock or wharf located within the City limits shall be used as a permanent, temporary or seasonal residence.
- f. No dock shall be located or constructed within 10 feet of the side lot line of any lot or parcel projected into the lake.
- g. No dock located within the R Districts shall extend further into the water than reasonably necessary to provide docking space for boats and crafts used by the owner of the dock, and under no circumstance shall a dock create a safety or navigational hazard or block any channel or access to the lake from adjoining lots or parcels.
- h. Unless specified otherwise in the City zoning code, all docks on all lakes shall comply with the Lake Minnetonka Conservation District Code of Ordinances.
- i. Seaplane operations shall be subject to Minn. Rules 8800.2800 (Seven-County Metropolitan Region Seaplane Operations), as may be amended, which are adopted herein by reference.

1201.52 F Floodplain.

Subd. 1 Statutory authorization, findings of fact, and purpose

- a. Statutory authorization. The legislature of the State of Minnesota has, in M.S. Chapters 103F and 462, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council does ordain as follows.

Subd. 2 Purpose

- a. This section regulates development in the flood hazard areas of the City. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this Chapter to promote the public health, safety, and general welfare by minimizing these losses and disruptions.
- b. National Flood Insurance Program compliance. This section is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as Code of Federal Regulations Title 44 Parts 59 -77, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.
- c. This section is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

Subd. 3 General provisions

- a. How to use this section. This section adopts the floodplain maps applicable to the City and includes three floodplain districts: Floodway, Flood Fringe, and General Floodplain.
 - (1) Where Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards in § 1201.51 F Floodplain Subd. 5 or 6 will apply, depending on the location of a property.

- (2) Locations where Floodway and Flood Fringe districts are not delineated on the floodplain maps are considered to fall within the General Floodplain district. Within the General Floodplain district, the Floodway District standards in Subd. 5 apply unless the floodway boundary is determined, according to the process outlined in Subd. 7. Once the floodway boundary is determined, the Flood Fringe District standards in Subd. 6 may apply outside the floodway.
- b. Lands to which section applies
 - (1) This section applies to all lands within the jurisdiction of the City shown on the floodplain maps and/or the attachments to the maps as being located within the boundaries of the Floodway, Flood Fringe, or General Floodplain districts.
 - (2) The Floodway, Flood Fringe and General Floodplain districts are overlay districts that are superimposed on all existing zoning districts on the Zoning Districts map referenced in this Chapter. The standards imposed in the overlay districts are in addition to any other requirements in this Chapter. In case of a conflict, the more restrictive standards will apply.
 - c. Incorporation of maps by reference. The following maps together with all attached material are hereby adopted by reference and declared to be a part of this Chapter. The attached material includes the Flood Insurance Study for Hennepin County, Minnesota, and Incorporated Areas, dated November 4, 2016 and the Flood Insurance Rate Map panels enumerated below, dated November 4, 2016, all prepared by the Federal Emergency Management Agency. These materials are on file in the City Offices.

Effective Flood Insurance Rate Map panels: 27053C0292 F, 27053C0295 F, 27053C0308 F, 27053C0309 F, 27053C0311 F, 27053C0312 F, 27053C0313 F, 27053C0314 F, 27053C0316 F, 27053C0317 F, 27053C0318 F, 27053C0319 F.
 - d. Regulatory flood protection elevation. The regulatory flood protection elevation (RFPE) is an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.
 - e. Interpretation. The boundaries of the floodplain districts are determined by scaling distances on the Flood Insurance Rate Map.
 - (1) Where a conflict exists between the floodplain limits illustrated on the flood plain map and floodplain elevations discovered in actual field conditions, the flood elevations shall be the governing factor. The Zoning Administrator must interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.
 - (2) Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the City Council, serving as the Board of Adjustments and Appeals and to submit technical evidence.
 - f. Abrogation and greater restrictions. It is not intended by this section to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this Chapter imposes greater restrictions, the

provisions of this Chapter prevail. All other ordinances inconsistent with this Chapter are hereby repealed to the extent of the inconsistency only.

- g. Warning and disclaimer of liability. This section does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This section does not create liability on the part of the City or its officers or employees for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder.
- h. Severability. If any subdivision, clause, provision, or portion of this section is adjudged unconstitutional or invalid by a court of law, the remainder of this section shall not be affected and shall remain in full force.
- i. Annexations
 - (1) The Flood Insurance Rate Map panels adopted by reference into Subd. 3.c. of this section may include floodplain areas that lie outside of the corporate boundaries of the City at the time of adoption of this section. If any of these floodplain land areas are annexed into the City after the date of adoption of this section, the newly annexed floodplain lands will be subject to the provisions of this section immediately upon the date of annexation.
- j. Detachments
 - (1) The Flood Insurance Rate Map panels adopted by reference into Subd. 3.c. of this section will include floodplain areas that lie inside the corporate boundaries of municipalities at the time of adoption of this Chapter. If any of these floodplain land areas are detached from a municipality and come under the jurisdiction of the City after the date of adoption of this section, the newly detached floodplain lands will be subject to the provisions of this section immediately upon the date of detachment.

Subd. 4 Establishment of zoning districts

- a. Districts
 - (1) Floodway District. The Floodway District includes those areas within Zones AE that have a floodway delineated as shown on the Flood Insurance Rate Map adopted in Subd. 3.c. of this section, as well as portions of other lakes, wetlands, and basins within Zones AE (that do not have a floodway delineated) that are located at or below the ordinary high water level as defined in M.S. § 103G.005, Subd. 14.
 - (2) Flood Fringe District. The Flood Fringe District includes areas within Zones AE that have a floodway delineated on the Flood Insurance Rate Map adopted in subd. 3.c. of this section, but are located outside of the floodway. For other lakes, wetlands and other basins within Zones AE that do not have a floodway delineated, the Flood Fringe District also includes those areas below the 1% annual chance (100-year) flood elevation but above the ordinary high water level as defined in M.S. § 103G.005, Subd. 14.
 - (3) General Floodplain District. The General Floodplain District includes those areas within Zone A as shown on the Flood Insurance Rate Map adopted in subd. 3.c. of this section.

- b. Applicability. Within the floodplain districts established in this section, the use, size, type and location of development must comply with the terms of this Chapter and other applicable regulations. In no cases shall floodplain development adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributaries to the main stream, drainage ditches, or any other drainage facilities or systems. All uses not listed as permitted uses or conditional uses in subd. 5, subd. 6, and subd. 7 of this section, are prohibited. In addition, critical facilities, as defined in § 1201.23 Floodplain Definitions, are prohibited in all floodplain districts.

Subd. 5 Floodway District (FW)

- a. Permitted uses. The following uses, subject to the standards set forth in provision b. of this subdivision, are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:
 - (1) Open space uses, including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, fishing areas, and single or multiple purpose recreational trails.
 - (2) Residential lawns, gardens, parking areas, and play areas.
 - (3) Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources' Area Hydrologist is notified at least 10 days prior to issuance of any permit.
- b. Standards for floodway permitted uses
 - (1) The use must have a low flood damage potential.
 - (2) The use must not obstruct flood flows or cause any increase in flood elevations and must not involve structures, obstructions, or storage of materials or equipment.
 - (3) Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.
- c. Conditional uses. The following uses may be allowed as conditional uses following the standards and procedures set forth in provision d. of this subdivision, and further subject to the standards set forth in provision d. of this subdivision, if otherwise allowed in the underlying zoning district or any applicable overlay district.
 - (1) Structures accessory to the uses listed in provision a. of this subdivision and the uses listed in provisions c.(2) and c.(3) of this subdivision.
 - (2) Extraction and storage of sand, gravel, and other materials.
 - (3) Marinas, boat rentals, docks, piers, wharves, and water control structures.
 - (4) Storage yards for equipment, machinery, or materials.
 - (5) Placement of fill or construction of fences that obstruct flood flows.
 - (6) General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
- d. Standards for floodway conditional uses

- (1) All uses. A conditional use must not cause any increase in the stage of the 1% chance or regional flood or cause an increase in flood damages in the reach or reaches affected.
- (2) Fill; storage of materials and equipment
 - (a) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
 - (b) Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.
 - (c) Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the 1% chance or regional flood may only be allowed if the City Council has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.
- (3) Accessory structures. Accessory structures, as identified in provision c.(1) of this subdivision, may be permitted, provided that:
 - (a) Structures are not intended for human habitation;
 - (b) Structures will have a low flood damage potential;
 - (c) Structures will be constructed and placed so as to offer a minimal obstruction to the flow of flood waters;
 - (d) Service utilities, such as electrical and heating equipment, within these structures must be elevated to or above the regulatory flood protection elevation or properly floodproofed; and
 - (e) Structures must be elevated on fill or structurally dry floodproofed in accordance with the FP1 or FP2 floodproofing classifications in the State Building Code. All floodproofed structures must be adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls.
 - (f) As an alternative, an accessory structure may be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided the accessory structure constitutes a minimal investment and does not exceed 576 square feet in size. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:
 - (i) To allow for the equalization of hydrostatic pressure, there must be a minimum of two automatic openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - (ii) There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

- (4) Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of M.S. § 103G.245.
- (5) A levee, dike or floodwall constructed in the floodway must not cause an increase to the 1% chance or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.
- (6) Floodway developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

Subd. 6 Flood Fringe District (FF)

- a. Permitted uses. Permitted uses are those uses of land or structures allowed in the underlying zoning district(s) that comply with the standards in provision b. of this subdivision. If no pre-existing, underlying zoning districts exist, then any residential or nonresidential structure or use of a structure or land is a permitted use provided it does not constitute a public nuisance.
- b. Standards for flood fringe permitted uses
 - (1) All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure.
 - (2) Accessory structures. As an alternative to the fill requirements of a. above, structures accessory to the uses identified in provision a. of this subdivision may be permitted to be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided that:
 - (a) The accessory structure constitutes a minimal investment, does not exceed 576 square feet in size, and is only used for parking and storage.
 - (3) All portions of floodproofed accessory structures below the regulatory flood protection elevation must be:
 - (a) Adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls;
 - (b) Be constructed with materials resistant to flood damage; and
 - (c) Must have all service utilities be water-tight or elevated to above the regulatory flood protection elevation.
 - (a) Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:
 - (i) To allow for the equalization of hydrostatic pressure, there must be a minimum of two automatic openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

- (ii) There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.
- (4) The cumulative placement of fill or similar material on a parcel must not exceed 1,000 cubic yards, unless the fill is specifically intended to elevate a structure in accordance with provision b. of this subdivision, or if allowed as a conditional use under provision c.(3) of this subdivision.
- (5) The storage of any materials or equipment must be elevated on fill to the regulatory flood protection elevation.
- (6) All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.
- (7) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
- (8) All fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.
- (9) All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning/emergency evacuation plan acceptable to the City Council.
- (10) Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.
- (11) Manufactured homes and recreational vehicles must meet the standards subd. 10 of this section.
- c. Conditional uses. The following uses and activities may be allowed as conditional uses, if allowed in the underlying zoning district(s) or any applicable overlay district, following the procedures in Subd. 11.d. of this section.
 - (1) Any structure that is not elevated on fill or floodproofed in accordance with provisions b.(1) and b.(2) of this subdivision.
 - (2) Storage of any material or equipment below the regulatory flood protection elevation.
 - (3) The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in accordance with provision b.(1) of this subdivision.
 - (4) The use of methods to elevate structures above the regulatory flood protection elevation, including stilts, pilings, parallel walls, or above-

grade, enclosed areas such as crawl spaces or tuck under garages, shall meet the standards in provision d.(6) of this subdivision.

d. Standards for Flood Fringe conditional uses

- (1) The standards listed in provisions b.(6) through b.(12) of this subdivision apply to all conditional uses.
- (2) Basements, as defined by § 1201.23 Floodplain Definitions of this Chapter, are subject to the following:
 - (a) Residential basement construction is not allowed below the regulatory flood protection elevation.
 - (b) Nonresidential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry floodproofed in accordance with provision d.(3) of this subdivision.
- (3) All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be floodproofed in accordance with the structurally dry floodproofing classifications in the State Building Code. Structurally dry floodproofing must meet the FP1 or FP2 floodproofing classification in the State Building Code, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (4) The placement of more than 1,000 cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.
 - (a) The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional (1% chance) flood event.
 - (b) The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City Council.
 - (c) The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.
- (5) Storage of materials and equipment below the regulatory flood protection elevation must comply with an approved emergency plan providing for removal of such materials within the time available after a flood warning.
- (6) Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:
 - (a) Design and certification. The structure's design and as-built condition must be certified by a registered professional engineer as being in compliance with the general design standards of the State Building

Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

- (b) Specific standards for above-grade, enclosed areas. Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:
 - (i) The minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and
 - (ii) That the enclosed area will be designed of flood resistant materials in accordance with the FP3 or FP4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

Subd. 7 General Floodplain District (GF)

a. Permitted uses

- (1) The uses listed in Subd. 5 a., Floodway District permitted uses, are permitted uses.
- (2) All other uses are subject to the floodway/flood fringe evaluation criteria specified in provision b. of this subdivision. Subd. 5 applies if the proposed use is determined to be in the Floodway District. Subd. 6 applies if the proposed use is determined to be in the Flood Fringe District.

b. Procedures for floodway and flood fringe determinations

- (1) Upon receipt of an application for a permit or other approval within the General Floodplain District, the Zoning Administrator must obtain, review and reasonably utilize any regional flood elevation and floodway data available from a federal, state, or other source.
- (2) If regional flood elevation and floodway data are not readily available, the applicant must furnish additional information, as needed, to determine the regulatory flood protection elevation and whether the proposed use would fall within the Floodway or Flood Fringe District. Information must be consistent with accepted hydrological and hydraulic engineering standards and the standards in provision b.(3) of this subdivision.
- (3) The determination of floodway and flood fringe must include the following components, as applicable:
 - (a) Estimate the peak discharge of the regional (1% chance) flood.

- (b) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
- (c) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 foot. A lesser stage increase than 0.5 foot is required if, as a result of the stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries.
- (4) The Zoning Administrator will review the submitted information and assess the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary. The assessment must include the cumulative effects of previous floodway encroachments. The Zoning Administrator may seek technical assistance from a designated engineer or other expert person or agency, including the Department of Natural Resources. Based on this assessment, the Zoning Administrator may approve or deny the application.
- (5) Once the Floodway and Flood Fringe District boundaries have been determined, the Zoning Administrator must process the permit application consistent with the applicable provisions of Subd. 5 and Subd. 6 of this section.

Subd. 8 Land development standards

- a. In general. Recognizing that flood prone areas may exist outside of the designated floodplain districts, the requirements of this section apply to all land within the City.
- b. Subdivisions. No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this Chapter.
 - (1) All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.
 - (2) All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been approved by the City Council. The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.
 - (3) For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.
 - (4) In the General Floodplain District, applicants must provide the information required in Subd. 7 b. of this section to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.

- (5) If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal must be reviewed to assure that:
 - (a) All such proposals are consistent with the need to minimize flood damage within the flood prone area;
 - (b) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
 - (c) Adequate drainage is provided to reduce exposure of flood hazard.
 - c. Building sites. If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) must be:
 - (1) Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - (2) Constructed with materials and utility equipment resistant to flood damage;
 - (3) Constructed by methods and practices that minimize flood damage; and
 - (4) Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- Subd. 9 Public utilities, railroads, roads, and bridges
- a. Public utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be floodproofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.
 - b. Public transportation facilities. Railroad tracks, roads, and bridges to be located within the floodplain must comply with Subd. 5 and Subd. 6 of this section. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.
 - c. On-site water supply and sewage treatment systems. Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and are subject to the provisions in Minnesota Rules Part 4725.4350, as amended; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, they must not be subject to impairment or contamination during times of flooding, and are subject to the provisions in Minnesota Rules Part 7080.2270, as amended.
- Subd. 10 Manufactured homes and placement of recreational vehicles
- a. Manufactured homes. New manufactured home parks and expansions to existing manufactured home parks are prohibited in any floodplain district.

For existing manufactured home parks or lots of record, the following requirements apply:

- (1) Placement or replacement of manufactured home units is prohibited in the Floodway District.
 - (2) If allowed in the Flood Fringe District, placement or replacement of manufactured home units is subject to the requirements of Subd. 6 of this section. New and replacement manufactured homes must be elevated in compliance with Subd. 6 of this section and must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
- b. Recreational vehicles. New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Placement of recreational vehicles in existing recreational vehicle parks or campgrounds in the floodplain must meet the exemption criteria below or be treated as new structures meeting the requirements of this Chapter.
- (1) Recreational vehicles are exempt from the provisions of this Chapter if they are placed in any of the following areas and meet the criteria listed in Provision .b.(2) of this subdivision:
 - (a) Individual lots or parcels of record;
 - (b) Existing commercial recreational vehicle parks or campgrounds; or
 - (c) Existing condominium-type associations;
 - (2) Criteria for exempt recreational vehicles:
 - (a) The vehicle must have a current license required for highway use;
 - (b) The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks;
 - (c) No permanent structural type additions may be attached to the vehicle; and
 - (d) The vehicle and associated use must be permissible in any pre-existing, underlying zoning district.
 - (e) Accessory structures are not permitted within the Floodway District. Any accessory structure in the Flood Fringe District must be constructed of flood-resistant materials and be securely anchored, meeting the requirements applicable to manufactured homes in § 1201.52 F Floodplain Subd. 10.a..
 - (f) An accessory structure must constitute a minimal investment.
 - (3) Recreational vehicles that are exempt in this subdivision lose this exemption when development occurs on the site that exceeds a minimal investment for an accessory structure such as a garage or storage building. The recreational vehicle and all accessory structures will then be treated as new structures subject to the elevation and floodproofing

requirements of Subd. 6 of this section. No development or improvement on the parcel or attachment to the recreational vehicle is allowed that would hinder the removal of the vehicle should flooding occur.

Subd. 11 Administration

- a. Zoning administrator. A Zoning Administrator or other official designated by the City Council must administer and enforce this section.
- b. Permit requirements
 - (1) Permit required. A permit must be obtained from the Zoning Administrator prior to conducting the following activities:
 - (a) The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this Chapter;
 - (b) The use or change of use of a building, structure, or land;
 - (c) The change or extension of a nonconforming use;
 - (d) The repair of a structure that has been damaged by flood, fire, tornado, or any other source;
 - (e) The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain;
 - (f) Relocation or alteration of a watercourse (including new or replacement culverts and bridges), unless a public waters work permit has been applied for; or
 - (g) Any other type of DEVELOPMENT as defined in § 1201.23 Floodplain Definitions.
 - (2) Application for permit. Permit applications must be submitted to the Zoning Administrator on forms provided by the Zoning Administrator. The permit application must include the following as applicable:
 - (a) A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.
 - (b) Location of fill or storage of materials in relation to the stream channel.
 - (c) Copies of any required municipal, county, state or federal permits or approvals.
 - (d) Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.
 - (3) Certificate of zoning compliance for a new, altered, or nonconforming use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this Chapter.
 - (4) Certification. The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished

in compliance with the provisions of this Chapter. Floodproofing measures must be certified by a registered professional engineer or registered architect.

- (5) Record of first floor elevation. The Zoning Administrator must maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The Zoning Administrator must also maintain a record of the elevation to which structures and alterations or additions to structures are floodproofed.
- (6) Notifications for watercourse alterations. Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to M.S. § 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).
- (7) Notification to FEMA when physical changes increase or decrease base flood elevations. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Zoning Administrator must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

c. Variances

- (1) Variance applications. An application for a variance to the provisions of this Chapter will be processed and reviewed in accordance with applicable state statutes and § 1201.96 Variance.
- (2) Adherence to state floodplain management standards. A variance must not allow a use that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.
- (3) Additional variance criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
 - (a) Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result;
 - (b) Variances may only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; and
 - (c) Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (4) Flood insurance notice. The Zoning Administrator must notify the applicant for a variance that: 1) The issuance of a variance to construct a

structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and 2) Such construction below the base or regional flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.

- (5) General considerations. The community may consider the following factors in granting variances and imposing conditions on variances and conditional uses in floodplains:
 - (a) The potential danger to life and property due to increased flood heights or velocities caused by encroachments;
 - (b) The danger that materials may be swept onto other lands or downstream to the injury of others;
 - (c) The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;
 - (d) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;
 - (e) The importance of the services to be provided by the proposed use to the community;
 - (f) The requirements of the facility for a waterfront location;
 - (g) The availability of viable alternative locations for the proposed use that are not subject to flooding;
 - (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
 - (i) The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area;
 - (j) The safety of access to the property in times of flood for ordinary and emergency vehicles; and
 - (k) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
- (6) Submittal of hearing notices to the Department of Natural Resources (DNR). The Zoning Administrator must submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least 10 days' notice of the hearing. The notice may be sent by electronic mail or U.S. mail to the respective DNR area hydrologist.
- (7) Submittal of final decisions to the DNR. A copy of all decisions granting variances must be forwarded to the DNR within 10 days of such action. The notice may be sent by electronic mail or U.S. mail to the respective DNR area hydrologist.
- (8) Record-keeping. The Zoning Administrator must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

d. Conditional uses

- (1) Administrative review. An application for a conditional use permit under the provisions of this section will be processed and reviewed in accordance with this zoning code.
- (2) Factors used in decision-making. In passing upon conditional use applications, the City Council must consider all relevant factors specified in other sections of this section, and those factors identified in provision c.(5) of this subdivision.
- (3) Conditions attached to conditional use permits. The City Council may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this section. Such conditions may include, but are not limited to, the following:
 - (a) Modification of waste treatment and water supply facilities;
 - (b) Limitations on period of use, occupancy, and operation;
 - (c) Imposition of operational controls, sureties, and deed restrictions;
 - (d) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures; and
 - (e) Floodproofing measures, in accordance with the State Building Code and this Chapter. The applicant must submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.
- (4) Submittal of hearing notices to the Department of Natural Resources (DNR). The Zoning Administrator must submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least 10 days' notice of the hearing. The notice may be sent by electronic mail or U.S. mail to the respective DNR area hydrologist.
- (5) Submittal of final decisions to the DNR. A copy of all decisions granting conditional uses must be forwarded to the DNR within 10 days of such action. The notice may be sent by electronic mail or U.S. mail to the respective DNR area hydrologist.

Subd. 12 Nonconformities

- a. Continuance of nonconformities. A use, structure, or occupancy of land which was lawful before the passage or amendment of this Chapter but which is not in conformity with the provisions of this Chapter may be continued subject to the following conditions. HISTORIC STRUCTURES, as defined in § 1201.23 Floodplain Definitions, are subject to the provisions of this subdivision.
 - (1) A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided in (2) below. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.
 - (2) Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques

(i.e., FP1 thru FP4 floodproofing classifications) allowable in the State Building Code, except as further restricted in provisions a.(3) through a.(7) of this subdivision.

- (3) If the cost of all previous and proposed alterations and additions exceeds 50% of the market value of any nonconforming structure, that shall be considered substantial improvement, and the entire structure must meet the standards of Subd. 5 or Subd. 6 of this section for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor.
- (4) If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this Chapter. The Assessor must notify the Zoning Administrator in writing of instances of nonconformities that have been discontinued for a period of more than one year.
- (5) If any nonconformity is substantially damaged, as defined in § 1201.23 Floodplain Definitions, it may not be reconstructed except in conformity with the provisions of this Chapter. The applicable provisions for establishing new uses or new structures in Subd. 5 or Subd. 6 of this section will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.
- (6) If any nonconforming use or structure experiences a repetitive loss, as defined in § 1201.23 Floodplain Definitions, it must not be reconstructed except in conformity with the provisions of this section.
- (7) Any substantial improvement, as defined in § 1201.23 Floodplain Definitions, to a nonconforming structure requires that the existing structure and any additions must meet the requirements of Subd. 5 or Subd. 6 of this section for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District.

Subd. 13 Penalties and enforcement

- a. Violation constitutes a misdemeanor. Violation of the provisions of this Chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) constitute a misdemeanor and will be punishable as defined by law.
- b. Other lawful action. Nothing in this Chapter restricts the City from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this Chapter and will be prosecuted accordingly.
- c. Enforcement. Violations of the provisions of this section will be investigated and resolved in accordance with the provisions of this zoning code. In responding to a suspected ordinance violation, the Zoning Administrator and City Council may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood

Insurance Program for denial of flood insurance availability to the guilty party. The City must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

Subd. 14 Amendments

- a. Floodplain designation - restrictions on removal. The floodplain designation on the floodplain maps must not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of the Department of Natural Resources (DNR) if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.
- b. Amendments require DNR approval. All amendments to this section must be submitted to and approved by the Commissioner of the Department of Natural Resources (DNR) prior to adoption. The Commissioner must approve the amendment prior to community approval.
- c. Map revisions require ordinance amendments. The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Subd. 3.c. of this section.

Subd. 15 Violations

- a. Violation of the provisions of this section or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law.
- b. Nothing herein contained shall prevent the City of Shorewood from taking other lawful action as is necessary to prevent or remedy any violation. The actions may include but are not limited to:
 - (1) In responding to a suspected ordinance violation, the Zoning Administrator and Shorewood may utilize the full array of enforcement actions available to it, including, but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. Shorewood must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.
 - (2) When an ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources and Federal Emergency Management Agency Regional Office along with Shorewood's plan of action to correct the violation to the degree possible.
 - (3) The Zoning Administrator shall notify the suspected party of the requirements of this Chapter and all other official controls and the nature

and extent of the suspected violation of these controls. If the structure or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the City. If the construction or development is already completed, then the Zoning Administrator may either:

- (a) Issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or
 - (b) Notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30 days.
- (4) If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this Chapter and shall be prosecuted accordingly. The Zoning Administrator shall also, upon the lapse of the specified response period, notify the landowner to restore the land to the condition which existed prior to the violation of this Chapter.

Subd. 16 Floodplain Development

- a. Any development of land located within the flood plain, as defined in § 1201.23 Floodplain Definitions, shall comply with the provisions of the Shorewood Flood Plain Ordinance No. 109, § 1201.52.

1201.53 PUD, Planned Unit Development.

Subd. 10 Purpose. This District is established to provide comprehensive procedures and standards designed for district planned unit development to allow the development of neighborhoods or portions thereof incorporating a variety of residential types and nonresidential uses. Recognizing that traditional density, bulk, setbacks, use and subdivision regulations which may be useful in protecting the character of substantially developed areas may not be appropriate to control development in less developed areas. Specifically, PUD is intended to encourage:

- a. Innovations in residential development to the end that the growing demands for housing at all economic levels may be met by greater variety in tenure, type, design, and siting of dwellings and by the conservation and more efficient use of land in the developments;
- b. Higher standards of site and building design through the use of trained and experienced land planners, architects, and landscape architects;
- c. More convenience in location of commercial and service areas within a given project or area, allowing more efficient and desirable transitions between residential and nonresidential land uses;
- d. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion;
- e. A creative use of land and related physical development which allows a phased and orderly transition of land from rural to urban uses;
- f. An efficient use of land resulting in smaller networks of utilities and streets thereby lowering housing costs and public investments;

- g. A development pattern in harmony with the objectives of the City Comprehensive Plan;
- h. A more desirable environment than would be possible through the strict application of zoning and subdivision regulations of the City; and
- i. To give the landowner and developer reasonable assurance of ultimate approval before expending complete design monies while providing City officials with assurances that the project will retain the character envisioned at the time of concurrence.

Subd. 11 Permitted Uses.

- a. Land uses allowed in a planned unit development are limited to those land uses listed as permitted uses, permitted accessory uses or conditional uses in this section;
- b. The development agreement for any proposed PUD shall set forth the uses permitted within the proposed PUD.
- c. Any PUD that includes a mixture of residential and nonresidential uses shall be limited to property containing no less than four acres of gross land area.

Subd. 12 General requirements and standards

- a. A PUD may allow variation from the provisions of this Chapter and the subdivision Chapter, including setbacks, height, lot area, width and depth, yards, and the like internally within the project. Provisions of this Chapter shall generally be maintained at the periphery of the project area.
- b. Comprehensive Plan consistency. The proposed PUD shall be consistent with the City Comprehensive Plan.
- c. Sanitary sewer plan consistency. The proposed PUD shall be consistent with the City Comprehensive Sewer Plan.
- d. Common and public open space. Common and public open space at least sufficient to meet the minimum requirements established in the Comprehensive Plan and Zoning and Subdivision Ordinances and the complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents of the PUD shall be provided within the area of the PUD.
- e. Operating and maintenance requirements for PUD common open space service facilities. Whenever common open space or service facilities are provided within the PUD, the PUD plan shall contain provisions to assure the continued operation and maintenance of the open space and service facilities to a predetermined reasonable standard. Common open space service facilities within a PUD may be placed under the ownership of one or more of the following, as approved by the City Council:
 - (1) Dedicated to public, where a community-wide use is anticipated and the City Council agrees to accept the dedication;
 - (2) Landlord control, where only use by tenants is anticipated;
 - (3) Property Owners Association, provided all of the following conditions are met:
 - (a) Prior to the use or occupancy or sale or the execution of contracts for sale of an individual dwelling unit, parcel, tract, or common area, a declaration of covenants, conditions and restrictions or an equivalent

document or a document such as specified by M.S. Chapter 515, as it may be amended from time to time, and a set of floor plans such as specified by Chapter 515, as it may be amended from time to time, shall be filed with the City, and filing with the City to be made prior to the filings of the declaration or document or floor plans with the recording officers of Hennepin County, Minnesota; as may be amended from time to time, and a set of floor plans such as specified by Chapter 515, as it may be amended from time to time, shall be filed with the City, and filing with the City to be made prior to the filings of the declaration or document or floor plans with the recording officers of Hennepin County, Minnesota;

- (b) The declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases or documents of conveyance affecting buildings, dwelling units, parcels, or tracts shall subject the properties to the terms of the declaration;
- (c) The declaration of covenants, conditions and restrictions shall provide that an owner's association or corporation shall be formed and that all owners shall be members of the association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners proportionate shares of joint or common costs. This declaration shall be subject to the review and approval of the City Attorney. The intent of this requirement is to protect the property values of the individual owner through establishing private control;
- (d) The declaration shall additionally provide that in the event the association or corporation fails to maintain properties in accordance with the applicable rules and regulations of the City or fails to pay taxes or assessments on properties as they become due and in the event the City incurs any expenses in enforcing its rules and regulations, which the expenses are not immediately reimbursed by the association or corporation, then the City shall have the right to assess each property its pro rata share of the expenses. The assessments, together with interest thereon and costs of collection, shall be a lien on each property against which each assessment is made;
- (e) Membership must be mandatory for each owner and any successive buyer;
- (f) The open space restrictions must be in perpetuity;
- (g) The Association must be responsible for liability insurance, local taxes and the maintenance of the open space facilities to be deeded to it;
- (h) Property owners must pay their pro rata share of the cost of the Association by means of an assessment to be levied by the Association which meets the requirements for becoming a lien on the property in accordance with Minnesota Statutes;
- (i) The Association must be able to adjust the assessment to meet changed needs;

- (j) The bylaws and rules of the Association and all covenants and restrictions to be recorded must be approved by the City Council prior to the approval of the final PUD plan.
- f. Staging of public (park dedication) and common open space. When a PUD provides for common or public open space, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.
- g. Residential density. The maximum allowable density in a PUD shall be determined by reference to the Comprehensive Plan. Whenever any PUD is to be developed in stages, no stage shall, when averaged with all previously completed stages, have a net residential density that exceeds 125% of the proposed net residential density of the entire PUD.
- h. Utilities. In any PUD, all utilities, including telephone, electricity, gas and telecable shall be installed underground.
- i. Utility connections. Utility connections shall conform to the requirements of the design standards contained in the Shorewood Subdivision Ordinance, as may be amended.
- j. Roadways. All public streets shall conform to the design standards contained in the Shorewood Subdivision Ordinance, as may be amended. Private streets, where allowed, shall conform to specifications provided by the City Engineer.
- k. Landscaping. In any PUD, landscaping shall be provided according to a plan approved by the City Council, which shall include a detailed planting list with sizes and species indicated as part of the final plan. In assessing the landscaping plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structure(s) and the overall scheme of the PUD plan.

1201.60 Use-Specific Standards.

1201.61 Principal Use Standards.

- Subd. 1 Assisted living facility or long-term or transitional care facility
 - a. Side yards are double the minimum requirements established for this District and are screened in compliance with § 1201.76 Landscaping and Screening;
 - b. The side shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated;
 - c. One off-street loading space in compliance with § 1201.73 Off-Street Parking and Loading is provided.
- Subd. 2 Automotive fuel station, automobile service and repair, or car wash
 - a. The architectural appearance and functional plan of the building and site shall complement the character of the existing buildings or area so as not to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot;

- b. The entire site other than that taken up by a building, structure or plantings shall be surfaced with a material to control dust and drainage which is subject to the approval of the City Engineer;
- c. A drainage system shall be installed, subject to the approval of the City Engineer;
- d. Parking areas and driveways shall be curbed with continuous curbs not less than six inches high above the parking lot or driveway grade;
- e. Wherever fuel pumps are to be installed, pump islands shall be installed;
- f. At the boundaries of a residential district, a strip of not less than 10 feet in depth shall be landscaped and screened in compliance with § 1201.76 Landscaping and Screening;
- g. Any outside storage shall be in compliance with § 1201.62 Accessory Use Standards.

Subd. 3 Cannabis business

- a. Cannabis businesses shall be prohibited within 700 feet of a school or 500 feet of a daycare, residential treatment center, attraction within a public park that is regularly used by minors, including, but not limited to, playgrounds or athletic fields. The distance shall be measured from the property line of the property where the cannabis business is located to the property line of a property with a daycare, residential treatment center or public park.
- b. Pursuant to M.S. § 342.13, nothing in Subd. 3 shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school/daycare/residential treatment facility/attraction within a public park that is regularly used by minors, moves into the minimum buffer zone.
- c. The following shall apply to any cannabis business with retail sales:
 - (1) No retail cannabis business shall be located within 500 feet of another retail cannabis business within the City boundaries. The distance shall be measured from the property lines of the properties where the cannabis businesses are located.
 - (2) Retail sales are permitted only between the hours of 10:00 a.m. to 9:00 p.m.
 - (3) Retail cannabis businesses (including the retail portions of microbusinesses or mezzobusinesses as defined by M.S. Chapter 342) are limited to one business for each 12,500 residents in the City.

Subd. 4 Cemetery

- a. The site accesses on at least a minor arterial;
- b. The site is totally screened from view in accordance with § 1201.76 Landscaping and Screening;
- c. Grave sites may be located within front yards and side yards abutting streets, no closer than 15 feet from the public right-of-way. Monuments for grave sites within front yards or side yards abutting streets shall be limited to headstones flush with the ground.

Subd. 5 Commercial recreation facility, outdoor

- a. The principal use, function or activity is open, outdoor in character;

- b. Not more than 5% of the land area of the site shall be covered by buildings or structures.

Subd. 6 Community center, place of worship, or school

- a. Side yards shall be double that required for the district, but no greater than 30 feet.

Subd. 7 Contractor's shop

- a. Activities of the business would typically be performed at a construction site but some incidental work may be performed in the shop;
- b. Any outside storage shall be in compliance with § 1201.62 Accessory Use Standards.

Subd. 8 Daycare facility

- a. The facility shall be licensed by the State of Minnesota. No certificate of occupancy shall be issued for a daycare facility until proof of approved applicable state licenses has been provided to the Zoning Administrator.
- b. All child daycare facilities shall have an outdoor activity area complying with the following:
 - (1) The activity area shall be at least 1,500 square feet in area, and at least 75 square feet of area per child within the area at any given time during use.
 - (2) The activity area shall be located within the buildable area of the lot.
 - (3) The activity area shall be screened and landscaped to buffer neighboring residential uses.
 - (4) The activity area shall be enclosed to prevent children from leaving the premises unattended and to prevent non-authorized adults from entering the area.
- c. Adequate short-term parking or drop-off area shall be provided within close proximity to the main entrance of the building. The short-term parking or drop-off area shall accommodate no less than three car spaces and shall be designated as temporary in nature. The short-term parking or drop-off area shall not conflict with off-street parking access or pedestrian movement.
- d. When a daycare facility is an accessory use within a structure containing another principal use, each use shall be calculated separately for determining the total off-street parking spaces required.
- e. Daycare structures are limited to 4,500 square feet in gross floor area.

Subd. 9 Dwelling, multiple-unit

- a. Except for housing provided specifically for residents age 62 and up, the number of efficiency apartments in a multiple-unit dwelling shall not exceed 5% of the total number of apartments.

Subd. 10 Dwelling, townhouse

- a. No single townhouse structure shall contain more than six dwelling units.

Subd. 11 Government or public utility building

- a. Compatibility with the surrounding neighborhood shall be maintained by matching the surrounding architectural materials, roof pitch, or setback profile of adjacent properties.

- b. Equipment is completely enclosed in a permanent structure with no outside storage.

Subd. 12 Nursery/garden center

- a. The use shall not have a predominant retail character;
- b. The site and related parking and service entrances shall be served by an arterial or collector street of sufficient capacity to accommodate the traffic which will be generated;
- c. When abutting an R-EL, R-LL, R-SL, or R-LD district, a buffer area with screening and landscaping is required as provided in § 1201.76 Landscaping and Screening.
- d. Farming and agricultural related buildings are structures subject to Minnesota Pollution Control Standards, but not including commercial feed lots or other commercial operations.

Subd. 13 Self-storage facility

- a. The entire facility is located within a complete enclosure. The enclosure shall conform to applicable City codes and ordinances;
- b. The access to the facility shall be by a security gate;
- c. The hours of operation shall be limited to 7:00 a.m. to 10:00 p.m., Sunday through Thursday, and 7:00 a.m. to 12:00 midnight, Friday and Saturday;
- d. The structures shall conform to height restrictions of the underlying zoning district or 15 feet when within 50 feet of a property line, whichever is more restrictive;
- e. The storage is confined to enclosed permanent structures;
- f. The use of all structures shall be limited to storage only. No retail service businesses or workshops shall be allowed. Each facility shall have one residential dwelling unit to be used only by a resident caretaker or manager. The requirement of a caretaker residence may be waived by the City Council, provided that:
 - (1) A caretaker residence for an approved self-storage facility under the same ownership is located within 600 feet of the subject property;
 - (2) The applicant shall submit a plan showing where a caretaker residence can be located on the property in the future;
 - (3) The applicant shall submit restrictive covenants, to be recorded against the property, restricting its sale unless a caretaker residence is constructed on the property, or a caretaker residence for an approved self-storage facility under the same ownership, located within 600 feet of the subject property is provided;
- g. The entire area, other than occupied by the buildings or plantings, shall be surfaced with material which will control dust and drainage and is subject to the approval of the City Engineer;
- h. Loading areas shall be located entirely within the site which will be designed so as not to require backing in from a public street;

Subd. 14 Telecommunications tower or facility

- a. Purpose. The general purpose of this subdivision is to regulate the placement, construction and modification of telecommunications towers and

facilities in order to protect the health, safety and welfare of the public, while complying with the provisions of the Federal Telecommunications Act of 1934, as amended by the Telecommunications Act of 1996. The specific purposes of this subdivision are:

- (1) To regulate the location of telecommunications towers and facilities;
- (2) To protect residential areas and land uses from potential adverse impacts of telecommunications towers and facilities;
- (3) To minimize any adverse impacts of telecommunications towers and facilities through design, siting, landscaping and innovative camouflaging techniques;
- (4) To promote and encourage shared use and co-location of telecommunications towers and antenna support structures;
- (5) To avoid damage to adjacent properties caused by telecommunications towers and facilities by ensuring that those structures are soundly and carefully designed, constructed, modified, maintained and promptly removed when no longer used or when determined to be structurally unsound;
- (6) To ensure that telecommunications towers and facilities are compatible with surrounding land uses.

b. Development of towers

- (1) The City may authorize the use of City property for towers in accordance with the procedures of this code. The City has no obligation to allow the use of City property for this purpose.
- (2) No telecommunications facilities may be located within a distance equal to twice the height of the proposed tower of any use that involves the storage, distribution or sale of volatile, flammable, explosive or hazardous materials such as LP gas, propane, gasoline, natural gas and corrosive or dangerous chemicals, unless the applicant can demonstrate with credible engineering data, to the satisfaction of the City, that no danger exists in locating the telecommunications facilities in the proposed proximity to the uses.
- (3) The development of a tower is subject to the following additional restrictions:
 - (a) Unless the applicant presents clear and convincing evidence to the City, that co-location is not feasible, a new tower may not be built, constructed or erected in the City, unless the tower is capable of accommodating additional telecommunications facilities owned by other persons, and the tower owner agrees to comply with the provisions of the subsection relating to existing towers. A new tower shall be designed and built to accommodate three times the tower's initial loading capacity. If the tower is less than 100 feet in height it shall be built to accommodate two times the tower's initial loading capacity.
 - (b) A development approval to develop, build, construct or erect a tower will not be granted to a person on the basis that it is economically unfeasible for that person to co-locate or install telecommunications

facilities on a tower or antenna support structure owned by another person.

(4) An application to develop a tower must include:

- (a) The names, addresses and telephone numbers of all owners of other towers or antenna support structures and the locations of the structures, within a one mile radius of the proposed new tower site;
- (b) Written documentation that the applicant has made diligent but unsuccessful efforts for permission to install or co-locate the applicant's telecommunications facilities on towers or antenna support structures located within a one-half mile radius of the proposed tower site;
- (c) Written, technical evidence from an engineer that the proposed tower or telecommunications facilities cannot be installed or co-located on another person's tower or antenna support structure located within a one half mile radius of the proposed tower site and must be located at the proposed site in order to meet the coverage requirements of the applicant's wireless communications system;
- (d) A written statement from an engineer that the construction and placement of the tower will not interfere with public safety communications and the usual and customary transmission or reception of radio, television or other communications service enjoyed by adjacent residential and nonresidential properties;
- (e) Written evidence from an engineer that the proposed structure meets the structural requirements of this code.

(5) Setbacks

- (a) A tower must be located on a single parcel such that the base of the tower is no closer to the property line than the height of the tower, unless a qualified engineer specifies in writing that the failure of the tower will occur within a lesser distance under reasonably foreseeable circumstances. In no case will the tower be located outside the buildable area of the lot.
 - (b) Setback requirements for towers are measured from the base of the tower to the property line of the parcel on which it is located.
- (6) Structural requirements. Towers must be designed and certified by an engineer to be structurally sound and, at minimum, in conformance with the Uniform Building Code and any other standards set forth in this subdivision.
- (7) Height. A tower may not exceed 125 feet in height.
- (8) Separation or buffer requirements. Towers must be separated from land used or planned for residential use by a minimum of 90 feet or 100% of the height of the proposed tower, whichever is greater. Setbacks may be reduced where abutting nonresidential uses, but in no case shall the setback be less than that which is required for the zoning district in which the property is located. The minimum tower separation distance is calculated and applied irrespective of City jurisdictional boundaries. Measurement of tower separation distances for the purpose of

compliance with this subdivision is measured from the base of a tower to the closest point of the proposed site.

- (9) Method of determining tower height. Measurement of tower height must include the tower structure itself, the base pad and any other telecommunications facilities attached thereto. Tower height is measured from grade.
- (10) Illumination. Towers may not be artificially lighted except as required by the Federal Aviation Administration (FAA). At time of construction of a tower, in cases where there are residential uses located within a distance which is three times the height of the tower from the tower, dual mode lighting must be requested from the FAA. Notwithstanding this provision, the City Council may approve the placement of an antennae on an existing or proposed lighting standard, provided that the antennae is integrated with the lighting standard.
- (11) Exterior finish. Towers not requiring FAA painting or marking must have an exterior finish as approved in the site plan.
- (12) Fencing. Fences constructed around or upon parcels containing towers, antenna support structures or telecommunications facilities must be constructed in accordance with the applicable fencing requirements in the zoning district where the tower or antenna support structure is located, unless more stringent fencing requirements are required by FCC regulations.
- (13) Landscaping. Landscaping on parcels containing towers, antenna support structures or telecommunications facilities must be in accordance with landscaping requirements in the site plan. Utility buildings and structures accessory to a tower must be architecturally designed to blend in with the surrounding environment and to meet the setback requirements as are compatible with the actual placement of the tower. Ground mounted equipment must be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the character of the surrounding neighborhood. Accessory buildings may not be more than 2,000 square feet in size.
- (14) Security. Towers must be reasonably posted and secured to protect against trespass.
- (15) Access. Parcels upon which towers are located must provide access during normal business hours to at least one paved vehicular parking space on site.
- (16) Stealth. All towers shall be, to greatest extent reasonably possible, in the discretion of the City, of stealth design. Stealth shall not require towers or telecommunications facilities to be totally hidden and does not necessarily exclude the use of uncamouflaged lattice, guyed or monopole tower designs.
- (17) Existing towers
 - (a) Any owner upon whose land a tower is located, which contains additional capacity for installation or co-location of telecommunications facilities, may allow other persons to install or co-locate telecommunications facilities on a tower. Any co-location shall

require amendment of the original conditional use permit granted for the tower.

- (b) An existing tower may be modified to accommodate co-location of additional telecommunications facilities as follows:
 - (i) Application for a building permit shall be made to the City Building Official;
 - (ii) The total height of the modified tower and telecommunications facilities attached thereto shall be established by the new conditional use permit, if granted;
 - (iii) Permission to exceed the existing height shall not require an additional distance separation from designated areas as set forth in this subdivision. The tower's premodification height shall be used to calculate the distance separations;
 - (iv) A tower which is being rebuilt to accommodate the co-location of additional telecommunications facilities may be moved on site subject to the setback requirements of this subdivision.
- (18) Abandoned or unused towers or portions of towers. Abandoned or unused towers and associated above-ground facilities must be removed within six months of the cessation of operations of an antenna facility at the site unless an extension is approved by the City Council. A copy of the relevant portions of a signed lease that requires the applicant to remove the tower and associated facilities upon cessation of operations at the site must be submitted at the time of application. If a tower is not removed within six months of the cessation of operations at a site, the tower and associated facilities may be removed by the City and the costs of removal assessed against the property.
- (19) Evaluation and monitoring. As a condition of approval for telecommunication facilities, the applicant shall reimburse the City for its costs to retain outside expert technical assistance to evaluate any aspect of the proposed siting of telecommunications facilities. The owner of a telecommunications facility shall provide the City with current, technical evidence of compliance with FCC radiation emission requirements, annually or more frequently at the City's reasonable request. If the owner does not promptly provide the City with satisfactory technical evidence of FCC compliance, the City may carry out tests to ensure FCC radiation compliance using a qualified expert. The owner shall reimburse the City for its reasonable costs in carrying out the compliance testing.
- (20) Variances.
 - (a) The City Council may grant a variance to the setback, separation or buffer requirements and maximum height provision of this subdivision based only on the criteria set forth in § 1201.96 Variance.
 - (b) Additional criteria for variance. The City Council may grant a variance pursuant to § 1201.96 Variance if the applicant also demonstrates with written or other satisfactory evidence that:
 - (i) The location, shape, appearance or nature of use of the proposed tower will not substantially detract from the aesthetics of the area

and not change the character of the neighborhood in which the tower is proposed to be located;

- (ii) The variance will not create a threat to the public health, safety or welfare;
- (iii) In the case of a requested modification to the setback requirement, that the size of plat upon which the tower is proposed to be located makes compliance impossible, and the only alternative for the applicant is to locate the tower at another site but poses a greater threat to the public health, safety or welfare or is closer in proximity to a residentially zoned land;
- (iv) In the case of a request for modification of separation requirements, if the person provides written technical evidence from an engineer that the proposed tower and telecommunications facilities must be located at the proposed site in order to meet the coverage needs of the applicant's wireless communications system and if the person agrees to create approved landscaping and other buffers to screen the tower from being visible to the residential area;
- (v) In the case of a request for modification of the maximum height limit, that the modification is necessary to:
 - A. Facilities co-location of telecommunications facilities in order to avoid construction of a new tower; or
 - B. To meet the coverage requirements of the applicant's wireless communications system, which requirements must be documented with written, technical evidence from an engineer.

(21) Failure to comply

- (a) If the permittee fails to comply with any of the terms imposed by the conditional use permit, the City may impose penalties or discipline for noncompliance, which may include revocation of the permit, in accordance with the following provisions.
- (b) Except as provided in subsection b.(21)(c) of this subdivision, the imposition of any penalty shall be preceded by:
 - (i) Written notice to the permittee of the alleged violation;
 - (ii) The opportunity to cure the violation during a period not to exceed 30 days following receipt of the written notice; and
 - (iii) A hearing before the City Council at least 15 days after sending written notice of the hearing. The notices contained in b.(21)(b)(i) and (iii) of this subdivision may be contained in the same notification. The hearing shall provide the permittee with an opportunity to show cause why the permit should not be subject to discipline.
- (c) If the City finds that exigent circumstances exist requiring immediate permit revocation, the City may revoke the permit and shall provide a post-revocation hearing before the City Council not more than 15 days after permittee's receipt of written notice of the hearing. Following the hearing, the City Council may sustain or rescind the revocation or may impose the other and further discipline as it deems appropriate.

- (d) Any decision to impose a penalty or other discipline shall be in writing and supported by substantial evidence contained in a written record.

Subd. 15 Utility building or structure

- a. All transmission pipelines (i.e. pipelines not required for local distributing network) and overhead transmission and substation lines in excess of 33 KV shall be subject to the following procedural requirements:
 - (1) Prior to the installation of any of the previous essential services, the owner of the services shall file with the Zoning Administrator, all maps and other pertinent information as deemed necessary for the City Council to review the proposed project;
 - (2) The Zoning Administrator shall transmit the map and accompanying information to the City Council for its review regarding the project's relationship to the Comprehensive Plan and parts thereof. A part of this review shall be a written report from the City Engineer;
 - (3) The City Council shall hold the necessary public hearings as prescribed by this Chapter for conditional uses;
 - (4) In considering the applications for the placement of essential services, as regulated by this subdivision, the City Council shall consider the advice and recommendations of the City staff and the effect of the proposed project upon the health, safety and general welfare of the City, existing and anticipated and the effect of the proposed project upon the Comprehensive Plan.

1201.62 Accessory Use Standards.

Subd. 1 Accessory dwelling unit

- a. Purpose. The purpose of allowing and regulating accessory dwelling units is to:
 - (1) Increase the diversity of housing options for residents;
 - (2) Encourage better utilization of existing housing stock;
 - (3) Protect the safety of residents and the stability, property value and character of residential neighborhoods.
- b. Standards. Accessory dwelling units are subject to the provisions of § 1201.94 Conditional Use Permit. In addition, the following standards shall apply:
 - (1) The accessory dwelling unit shall be clearly a subordinate part of the single-unit dwelling. In no case shall the accessory dwelling unit be more than 40% of the building's total floor area, nor have more than two bedrooms.
 - (2) The principal unit shall have at least 700 square feet of living space remaining after creation of the accessory dwelling unit, exclusive of garage area. Accessory dwelling units shall have at least 475 square feet of living space. Living space square footage for the accessory dwelling unit shall be exclusive of utility rooms, common hallways, entryways or garages. At minimum, living space for the accessory dwelling unit shall include a kitchen or cooking facilities, a bathroom, and a living room.

- (3) No front entrances shall be added to the house as a result of the accessory dwelling unit permit.
- (4) An addition to the original building is permitted, provided that the addition does not increase the floor area or volume of the original building by more than 20%, and the addition will not alter the character of the building.
- (5) The owner of the residence in which the accessory dwelling unit is located shall occupy the dwelling unit itself or the accessory dwelling unit.
- (6) The owner of the single-unit residence shall enter into a residential use agreement with the City, stipulating that the home will not be used except for single-unit residential purposes. Prior to occupancy of the accessory dwelling unit, the owner shall provide evidence to the City that the residential use agreement has been recorded with the county.
- (7) Any property for which an accessory dwelling unit is proposed shall have, at minimum, three off-street parking spaces, two of which must be enclosed. Any parking provided pursuant to this section shall be located in a garage or an approved driveway.
- (8) The accessory dwelling unit and principal unit must meet the applicable standards and requirements of the Building Code, Fire Code and the Rental Housing Code.
- (9) The building and property shall remain in single ownership and title, and shall only have one mailing address.
- (10) Only one accessory dwelling unit permit may be issued per detached single-unit dwelling.

Subd. 2 Accessory buildings

- a. All detached accessory buildings in excess of 200 square feet in floor area that are accessory to residential dwelling units shall be constructed with materials and a design compatible with the general character of the principal structure on the lot.
 - (1) No accessory buildings shall be covered in canvas or vinyl fabric. No accessory building in excess of 200 square feet in floor area shall be constructed of sheet or corrugated steel, aluminum, asbestos or fiberglass.
 - (2) Except for approved wood foundations, no accessory building shall be constructed where wood poles are the primary support for the roof system and form the foundation structure.
- b. No detached accessory building or structure shall be allowed on any lot without a principal building to which it is accessory.
- c. No detached accessory building shall exceed 15 feet in height.
- d. Accessory building placement.
 - (1) Attached accessory buildings shall meet principal structure setbacks and dimensional requirements.
 - (2) Detached accessory buildings shall be located no closer to the front property line than the front building line of the principal structure. In the case of a corner lot, the requirement shall apply to both lot lines abutting a public street.

- (3) Detached accessory buildings shall meet the minimum setbacks listed in Table 1201.8:

Table 1201.8. Detached Accessory Building Setbacks

Detached Accessory Building Size	Minimum interior side setback	Minimum rear setback
< 200 sq. ft.	5 ft.	5 ft.
201 – 1,000 sq. ft.	10 ft.	10 ft.
>1,000 sq. ft.	Meet principal structure setbacks	

- e. For single-unit and two-unit homes, no accessory building, including attached garages, or combination of accessory buildings but excluding docks shall exceed three in number, nor 1,200 square feet in area in the R-EL, R-LL, R-LD, and R-MD districts, nor 1,000 square feet in area in the R-SL and R-HD districts, unless the following requirements are met:
- (1) The total area of accessory buildings shall not exceed the floor area of all stories above grade of the principal structure. The City Council may grant an exception for greenhouses, as defined herein, under the following conditions:
 - (a) The lot on which the greenhouse is to be located shall contain a minimum of 80,000 square feet of area. In no case shall the lot area be reduced to less than 80,000 square feet in area;
 - (b) Side yard setbacks for the greenhouse shall be double that required for the district in which the property is located;
 - (c) The property owner shall landscape around accessory buildings according to a landscape plan approved by the City Council;
 - (d) In no case shall the total area of accessory buildings exceed 7% of the minimum lot area for the district in which the property is located.
 - (2) In no case shall the total area of accessory buildings exceed 10% of the minimum lot area for the district in which the property is located.
 - (3) In evaluating the conditional use permit, the City shall take into consideration the location of existing and proposed structures, site drainage and landscaping.
 - (4) The architectural character of proposed accessory buildings shall be similar and consistent with other buildings on the site and in the area.
 - (5) Properties occupied by nonconforming accessory structures are not allowed to exceed three accessory structures, or to exceed 1,000 square feet or 1,200 square feet of accessory floor area, based upon the district in which they are located.
 - (6) Exception: An existing nonconforming accessory structure may be allowed to remain nonconforming, and the total number of accessory structures or the total area of accessory space may be expanded, provided that the following can be demonstrated with respect to the nonconforming accessory structure:

- (a) The applicant can demonstrate that the structure was constructed prior to August 2, 1956. Evidence of date of construction may include, but is not limited to, property surveys, assessor's information, aerial photographs or affidavits from persons who lived on or near the property on or before August 2, 1956.
 - (b) The structure must be in sound structural condition with respect to roof, walls, and foundation. If the structure requires 50% or more replacement, the building must be removed or brought into conformity with this code. The extent of replacement required shall be determined by the Building Official.
 - (c) The applicant can demonstrate that the structure has historic, architectural or cultural value. Specifically, the structure shall meet one or more criteria established by the City and patterned after the National Park Service standards for historic designation. The historic, architectural or cultural value of the structure shall be subject to review and comment by a special ad hoc committee, consisting of one member of the Planning Commission, City Council and Park Commission.
 - (d) The owner of the property shall enter into a development agreement with the City, the purpose of which is to set forth what, if any, repairs may be necessary to place the structure in good condition. The agreement shall be recorded against the property to ensure that the structure is kept in good condition. Repairs to the structure shall be consistent with the original architectural style and materials of the structure. Nothing in this section shall prevent the owner from bringing the structure into conformance with this code or removing it from the property.
 - f. Subject to the provisions of Subd. 2.e. of this section, no permit shall be issued for the construction of more than one private detached garage structure for each detached single-unit dwelling, except on the approval of a conditional use permit according to the provisions of § 1201.94 Conditional Use Permit (CUP).
- Subd. 3 Accessory office
- a. Accessory office space shall not exceed 35% of the gross floor area of the principal use.
- Subd. 4 Boarding or renting of rooms
- a. Boarding or renting of rooms shall be to no more than two persons at a time.
- Subd. 5 Boat fueling and rental
- a. Gasoline dispensing equipment shall be subject to design standards of the Minnesota Uniform Fire Code, approval of the State Fire Marshall, the local Fire Marshal, the Pollution Control Agency, Department of Natural Resources and other applicable agencies and if authorized by the City Council.
 - b. Sale of gasoline is limited to those individuals renting or leasing dock slips, or launching boats from the subject site, or, in the case of a yacht club, to members of the yacht club.
 - c. Boat rental shall be in compliance with LCMD regulations and as authorized by the City Council.

Subd. 6 Clubhouse

- a. The clubhouse building shall not exceed 2,000 square feet of floor area on the first floor level.

Subd. 7 Drive-through facility

- a. The architectural appearance and functional plan of the building and site shall not be out of character with the existing buildings or area so as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot;
- b. Screening of automobile headlights shall be provided. Screening must be at least three feet in height consisting of a wall, fence, dense vegetation, berm or grade change or similar screening as determined by the City Council.
- c. Audio equipment associated with drive-through must be designed and oriented in a manner not to be audible from adjacent properties.
- d. At the boundaries of a residential district, a strip of not less than 10 feet shall be landscaped and screened in compliance with § 1201.76 Landscaping and Screening;
- e. Parking areas and driveways shall be curbed with continuous curbs not less than six inches high above the parking lot or driveway grade;
- f. The entire area other than occupied by buildings or structures or planting shall be surfaced with a material which will control dust and drainage and which is subject to the approval of the City Engineer.

Subd. 8 Enclosed retail, rental, or service activity

- a. The use does not constitute more than 30% of the lot area and no more than 50% of the gross floor area of the principal use.

Subd. 9 Home occupations

- a. Purpose. The primary purpose of this subdivision is to provide a means through establishment of specific standards and procedures by which home occupations can be conducted in residential neighborhoods without jeopardizing the health, safety and general welfare of the surrounding neighborhood. In addition, this subdivision is intended to provide a mechanism enabling the distinction between limited home occupations and special home occupations, so that limited home occupations may be allowed as accessory uses within residential zoning.
- b. Application. Subject to the nonconforming use provision of this section, all occupations conducted in the home shall comply with the provisions of this subdivision.
- c. The following uses are not considered home occupations and therefore are not required to meet the standards of this subdivision:
 - (1) Remote work
 - (2) Daycare facilities
- d. Procedures and permits
 - (1) Limited home occupation. Any home occupation, as defined in this code and which qualifies as a limited home occupation under provision 9.e.(2) of this section shall be allowed as accessory uses in all residential zoning

districts. Limited home occupations are allowed without a permit, but shall comply with all other applicable provisions of this code.

- (2) Special home occupation. Any home occupation which does not meet the specific requirements for a limited home occupation as set forth in provision 9.e.(2) of this section shall require a special home occupation permit which shall be applied for, reviewed and disposed of in accordance with the conditional use provisions of § 1201.94 Conditional Use Permit (CUP).
- (3) Declaration of conditions. The Planning Commission may recommend and the City Council may impose the conditions on the granting of a special home occupation permit as may be necessary to carry out the purpose and provisions of this subdivision.
- (4) Effect of permit. A special home occupation permit may be issued for a period of one year after which the permit may be reissued for periods of up to three years each. Each application for permit renewal shall however, be processed in accordance with the procedural requirements of the initial special home occupation permit, except that notice of a public hearing need not be published in the official City newspaper.
- (5) Transferability. Permits shall not run with the land and shall not be transferable.
- (6) Lapse of special home occupation permit by non-use. The holder of a special home occupation permit shall notify the City of the beginning and end dates of their special home occupation. Whenever, within one year after granting a permit, the use as approved by the permit shall not have been initiated, then the permit shall become null and void unless a petition for extension of time in which to complete the work has been granted by the City Council. The extension shall be requested in writing and filed with the Zoning Administrator at least 30 days before the expiration of the original permit. There shall be no charge for the filing of the petition. The request for extension shall state facts showing a good faith attempt to initiate the use. The petition shall be presented to the Planning Commission for a recommendation and to the City Council for a decision.
- (7) Reconsideration. Whenever an application for a permit has been considered and denied by the City Council, a similar application for a permit affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least six months from the date of its denial unless a decision to reconsider the matter is made by not less than four-fifths vote of the full City Council.
- (8) Renewal of permits. An applicant shall not have a vested right to a permit renewal by reason of having obtained a previous permit. In applying for and accepting a permit, the permit holder agrees that their monetary investment in the home occupation will be fully amortized over the life of the permit and that a permit renewal will not be needed to amortize the investment. Each application for the renewal of a permit will be considered as a new permit without taking into consideration that a previous permit has been granted. The previous granting or renewal of a permit shall not constitute a precedent or basis for the renewal of a permit.

- e. Requirements. General provisions. All home occupations shall comply with the following general provisions and according to classification, the applicable requirement provisions.

(1) General provisions

- (a) No home occupation shall produce light glare, noise, odor or vibration that will in any way have an objectionable effect upon adjacent or nearby property.
- (b) No equipment shall be used in the home occupation which will create electrical interference to surrounding properties.
- (c) Any home occupation shall be clearly incidental and secondary to the residential use of the premises, shall not change the residential character thereof and shall result in no incompatibility or disturbance to the surrounding residential uses.
- (d) No home occupation shall require internal or external alterations or involve construction features not customarily found in dwellings except where required to comply with local and state fire and police recommendations.
- (e) There shall be no exterior storage of equipment or materials used in the home occupation.
- (f) Accessory buildings may only be used for storage of commercial trailers, equipment, stock, or materials related to the home occupation if the property has an alternative, conforming location for the off-street parking required by §1201.73 Off-Street Parking and Loading.
- (g) The home occupation shall meet all applicable fire and building codes.
- (h) There shall be no exterior display or exterior signs or interior display or interior signs which are visible from outside the dwelling.
- (i) All home occupations shall comply with the provisions of the City nuisance ordinance (Chapter 501).
- (j) No home occupation shall be conducted between the hours of 9:00 p.m. and 7:00 a.m. unless the occupation is contained entirely within the principal building.

(k) Parking

- (i) Parking for home occupations shall comply with the requirements of subdivision 5 of this section.
- (ii) All parking for home occupations shall occur on the existing driveway. On-street parking of any vehicles related to a home occupation is prohibited, including, but not limited to, customer or employee vehicles, commercial trailers, and commercial vehicles.
- (iii) No commercial vehicle or trailer used in conjunction with the home occupation, shall be parked closer than 25 feet from the curb line or edge of the paved street surface.

(2) Requirements - limited home occupations.

- (a) No person other than those who reside on the premises shall be employed in the home occupation.

- (b) All limited home occupations shall be conducted entirely within the principal dwelling and may not be conducted in accessory buildings.
 - (c) Examples of limited home occupations include, but are not limited to, art studio, dressmaking, secretarial services, professional offices and teaching with musical, dancing and other instructions which consist of no more than one pupil/client at a time and no more than five per day. None of the above shall service more than one person in the home at a given time.
 - (d) The home occupation shall not include any of the following:
 - (i) Repair service or manufacturing which requires equipment other than found in a dwelling.
 - (ii) Teaching, counseling, or sales meetings which consists of more than one pupil/client at a time.
 - (iii) Over-the-counter sale of merchandise produced or sold off the premises.
 - (iv) Parking or storage of more than one commercial vehicle or commercial trailer used for the home occupation outside an accessory building.
- (3) Requirements - special home occupation.
- (a) Not more than one person other than those who reside on the premises shall be employed.
 - (b) Special home occupations may be conducted within an accessory building.
 - (c) Examples of special home occupations include: massage therapists, barber and beauty services, pet grooming, photography studio, group lessons, saw sharpening, small appliance and small engine repair and the like.
 - (d) The special home occupation may include any of the following:
 - (i) Stock-in-trade incidental to the performance of a service;
 - (ii) Up to five clients/pupils/animals at any one time and no more than 10 clients/pupils/animals per day except as further limited by the City Council. Any group events (except pet grooming) may occur on no more than one day per week, unless otherwise approved by the City Council.
- (4) Prohibited home occupations. Repair of vehicles which are not registered to a resident of the dwelling, except as allowed by § 502.04.
- f. Nonconforming use. Existing home occupations lawfully existing on the date of this Chapter may continue as nonconforming uses. They shall, however, be required to obtain permits for their continued operation within one year subsequent to the adoption of this Chapter. Any existing home occupation that is discontinued for a period of more than 30 days, or is in violation of the ordinance provisions under which it was initially established, shall be brought into conformity with the provisions of this subdivision.
 - g. Inspection. The City of Shorewood reserves the right, upon issuing any special home occupation permit, to inspect the premises in which the

occupation is being conducted to ensure compliance with the provisions of this subdivision or any conditions additionally imposed.

Subd. 10 Living quarters of persons employed on the premises

- a. The dwelling shall comply with the requirements of Chapter 1004 (Rental Housing) of this code.

Subd. 11 Open or outdoor service, sale, or rental

- a. Outside services, sales and equipment rental connected with the principal use is limited to an area no larger than the gross floor area of the principal use;
- b. Outside sales areas are fenced or screened from view of neighboring residential uses or abutting R District in compliance with § 1201.76 Landscaping and Screening;
- c. Sales area is grassed or surfaced to control dust;
- d. The use does not take up parking spaces as required for conformity to this Chapter.

Subd. 12 Open and outdoor storage

- a. The use does not constitute more than 30% of the lot area and no more than the floor area of the first story of the principal structure;
- b. The area is fenced and screened from view of neighboring residential uses or if abutting an R District;
- c. Storage is screened from view from the public right-of-way;
- d. Storage area is grassed or surfaced to control dust;
- e. Storage area does not take up parking space as required for conformity to this Chapter.

Subd. 13 Sacred communities and micro unit dwellings

- a. Any sacred community use shall meet all requirements listed in Minnesota Statutes 327.30.
- b. Micro unit dwellings in sacred communities located within a Shoreland District shall comply with the requirements of §1201.51 Shoreland S.

Subd. 14 Solar energy system

- a. Standards
 - (1) Height. Roof-mounted solar energy systems shall comply with the maximum height requirements in the applicable zoning district. Ground-mounted solar energy systems shall not exceed 20 feet in height.
 - (2) Location. In residential zoning districts, ground-mounted solar energy systems are limited to the rear yard. In non-residential zoning districts, ground-mounted solar energy systems may be permitted in the front yard of any lot or the side yards on corner lots, subject to applicable building setback requirements.
 - (3) Setbacks. Ground-mounted solar energy systems including any appurtenant equipment shall be set back a minimum of 20 feet from all property lines. Roof-mounted systems shall comply with all building setbacks in the applicable zoning district and shall not extend beyond the exterior perimeter of the building on which the system is mounted.

- (4) Roof mounting. Roof-mounted solar collectors shall be flush mounted on pitched roofs. Solar collectors may be bracket mounted on flat roofs.
- (5) Easements. Solar energy systems shall not encroach on public drainage, utility, roadway or trail easements.
- (6) Screening. Ground-mounted solar energy systems shall be screened from view to the extent possible without reducing their efficiency. Screening may include walls, fences or landscaping.
- (7) Maximum area. In residential zoning districts and residential PUDs, ground-mounted solar energy systems shall be limited to a single array with a maximum area of 120 square feet. In other zoning districts, ground-mounted solar energy systems shall be limited to a maximum area consistent with the accessory structure limitations or no more than 25% of the rear yard, whichever is less.
- (8) Aesthetics. Reflection angles from ground-mounted collector surfaces shall be oriented away from the neighboring windows. Where necessary, screening may be required to address glare.
- (9) Feeder lines. The electrical collection system shall be placed underground within the interior of each parcel.

b. Safety

(1) Standards - electrical

- (a) All utilities shall be installed underground.
- (b) An exterior utility disconnect switch shall be installed at the electric meter serving the property.
- (c) Solar energy systems shall be grounded to protect against natural lightning strikes in conformance with the national electrical code as adopted by the City.
- (d) No solar energy system shall be interconnected with a local electrical utility company until the utility company has reviewed and commented upon it. The interconnection of the solar energy system with the utility company shall adhere to the national electrical code as adopted by the City.

(2) Certification. The solar energy system shall be certified by Underwriters Laboratories, Inc. and comply to the requirements of the international building code.

(3) Abandonment. Any solar energy system which is inoperable for 12 successive months shall be deemed to be abandoned and shall be deemed a public nuisance. The owner shall remove the abandoned system at their expense after obtaining a demolition permit.

c. Permits. Building-integrated solar energy systems shall require a building permit prior to installation. Ground-mounted solar energy systems shall require a zoning permit, pursuant to § 1201.92 Land Use Permits prior to installation.

Subd. 13 Swimming pool

- a. Outdoor swimming pools with a capacity of 1,500 gallons or with a depth of three feet or more of water shall be adequately fenced to prevent

uncontrolled access from the street or adjoining property. The pool shall be completely enclosed by a nonclimbable fence at least four feet in height.

1201.70 Development Standards.

1201.71 Performance Standards.

- Subd. 1 Smoke. The emission of smoke by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minn. Rules Chapters 7009, 7011, 7017 and 7019, as amended.
- Subd. 2 Dust and other particulate matter. The emission of dust, fly ash or other particulate matter by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minn. Rules Chapters 7009, 7011, 7017 and 7019, as amended.
- Subd. 3 Odors. The emission of odor by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minn. Rules Chapters 7009, 7011, 7017 and 7019, as amended.
- Subd. 4 Noise. The emission of noise by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minn. Rules Chapter 7030, as amended.
- Subd. 5 Refuse
- a. Except for single-unit and two-unit dwellings, all buildings having exterior trash receptacles shall provide an enclosed area in conformance with the following:
 - (1) The enclosed trash receptacle shall be located in the rear or side yard, but not in a side yard abutting a street, no closer to the public right-of-way than the principal structure. If the enclosure is higher than six feet, it shall comply with the setback requirements of the zoning district in which it is located;
 - (2) The trash enclosure shall be in an accessible location for servicing vehicles, and shall not interfere with site circulation;
 - (3) The trash receptacles must be fully screened from view of adjacent properties and the public right-of-way;
 - (4) The design and construction of the trash enclosure shall be subject to the approval of the Zoning Administrator. The enclosure may consist of construction of a man-made barrier, or landscaping, or both. Where the enclosure consists of landscaping, vegetation shall be of sufficient size, density and type so as to provide a year-round visual barrier. Man-made enclosures shall be of solid, durable construction, using materials that complement the materials of the principal structure. Required screening shall be consistent with § 1201.76 Landscaping and Screening;
 - (5) Recycling space must be provided as required by the State Building Code; and
 - (6) The owner of any property subject to the requirements of this section shall construct or install a trash enclosure on or before July 1, 2011;
- Subd. 6 Bulk storage (liquid). All uses associated with the bulk storage of all gasoline, liquid fertilizer, chemical, flammable and similar liquids shall comply

with the requirements of the Minnesota State Fire Marshal's and Minnesota Department of Agriculture Offices and have documents from those offices stating the use is in compliance.

Subd. 7 Radiation emission. All activities that emit radioactivity shall comply with the minimum requirements of the Minnesota Pollution Control Agency.

Subd. 8 Electrical emission. All activities which create electrical emissions shall comply with the minimum requirements of the Federal Communications Commission.

1201.72 Building Materials.

Subd. 1 Purpose.

- a. The purpose of this section is to ensure that buildings in all zoning districts maintain a high standard of architectural and aesthetic compatibility with surrounding properties. To ensure that all new construction will not adversely impact the property values of the abutting properties or adversely impact the community's public health, safety and general welfare, all buildings must be in compliance with this Chapter and the State Building Code.

Subd. 2 Residential districts

- a. The following shall not be used on exterior walls in residential districts:
 - (1) Smooth face concrete block (except as foundation material); and
 - (2) Canvas or plastic sheeting (except for emergency repairs not to exceed 30 days).

Subd. 3 Commercial districts (G-CM and LS-R)

- a. All buildings shall be finished on all exterior walls with one or more of the following permanent finish materials:
 - (1) Brick;
 - (2) Natural stone;
 - (3) Decorative concrete block (e.g. split face, ribbed, textured);
 - (4) Cast in place concrete or precast concrete panels;
 - (5) Wood, provided surfaces are finished for exterior use and only woods of proven exterior durability are used, such as cedar, redwood and cypress;
 - (6) Curtain wall panels of steel, fiberglass and aluminum (nonstructural nonload-bearing), provided the panels are factory fabricated and finished with a permanent durable nonfade surface and their fasteners are of a corrosion resistant design and provided further that no more than one-third of the wall surface abutting a public street or adjacent to a residential or public area consists of the panels;
 - (7) Glass curtain wall panels;
 - (8) Stucco and similar products;
 - (9) Fiber cement siding;
 - (10) Other materials as determined by the City Council.
- b. No building within a commercial zoning district shall be:
 - (1) Constructed of sheet or corrugated steel, aluminum, asbestos, or fiberglass.

- (2) Except for legally nonconforming wood foundations, no building shall be constructed where wood poles are the primary support for the roof system and form the foundation structure.

1201.73 Off-Street Parking and Loading.

Subd. 1 Off-street parking requirements

- a. Purpose. The purpose of the off-street parking regulations is to alleviate or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public by establishing minimum requirements for off-street parking of motor vehicles in accordance with the utilization of various parcels of land or structures.
- a. Application of off-street parking regulations. The regulations and requirements set forth herein shall apply to all off-street parking facilities in all of the zoning districts of the City.
- b. Site plan drawing necessary. All applications for a building or an occupancy permit in all zoning districts shall be accompanied by a site plan drawn to scale and dimensioned indicating the location of off-street parking and loading spaces in compliance with the requirements set forth in this section and § 1201.62 Accessory Use Standards. No permit shall be issued for the construction of more than one private detached garage structure for each detached single-family dwelling, except on the approval of a conditional use permit according to the provisions of § 1201.94 Conditional Use Permit (CUP). Every detached single-family dwelling unit erected after the effective date of this Chapter shall be so located on the lot so that at least a two car garage, either attached or detached in conformance with this Chapter, can be located on the lot.
- c. General provisions
 - (1) Floor area. Except as hereinafter may be provided, the term FLOOR AREA, for the purpose of calculating the number of off-street parking spaces required, shall be determined on the basis of the exterior floor area dimensions of the building, structure or use times the number of floors, minus 10%.
 - (2) Reduction of existing off-street parking space or lot area. Off- street parking spaces or area upon the effective date of this Chapter shall not be reduced in number or size unless the number or size exceeds the requirements set forth herein for a similar new use.
 - (3) Nonconforming structures. Should a nonconforming structure or use be damaged or destroyed by fire, it may be reestablished if elsewhere permitted in these zoning regulations, except that in doing so, any off-street parking or loading space which existed before shall be retained. Where possible, parking and loading shall be brought into conformance with this Chapter.
 - (4) Change of use or occupancy of land. No change of use or occupancy of land already dedicated to a parking area, or parking spaces, shall be made, nor shall any sale of land, division or subdivision of land be made which reduces area necessary for parking, parking stalls or parking requirements below the minimum prescribed by this Chapter.

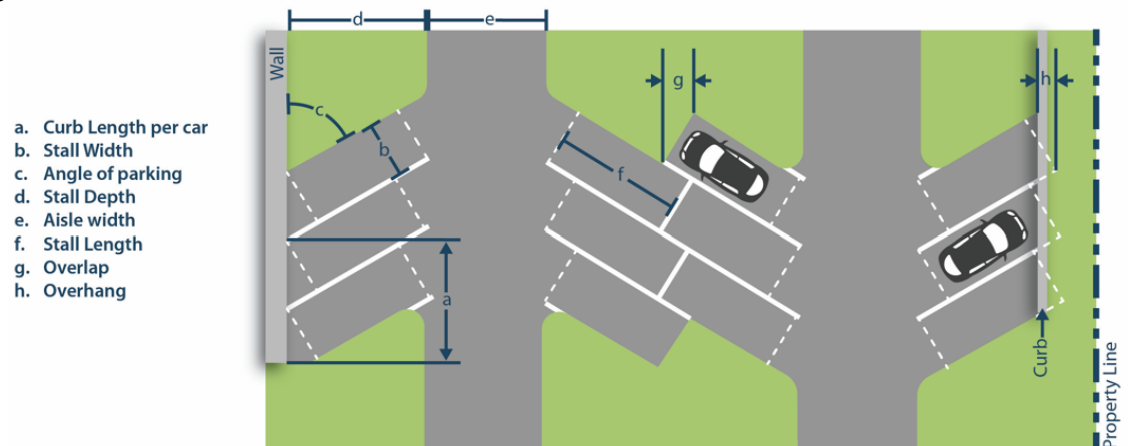
- (5) Change of use or occupancy of buildings. Any change of use or occupancy of any building or buildings, including additions thereto requiring more parking area, shall not be permitted until there is furnished the additional parking spaces as required by this Chapter.
- (6) Off-street parking facilities incidental to residential use. Off-street parking facilities incidental to residential use shall be utilized solely for the parking of currently licensed and operable passenger automobiles, no more than one truck not to exceed gross capacity of 12,000 pounds and recreational vehicles and equipment. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles or equipment or for the parking of automobiles belonging to the employees, owners, tenants or customers of business or manufacturing establishments.
- (7) Proof of parking. The Zoning Administrator may allow a reduction in the minimum parking spaces required if the following conditions are met:
 - (a) A scaled parking plan is submitted which demonstrates that the site can comply with the total parking requirements of this Chapter. The parking plan shall clearly delineate where the proof of parking area is located and how the area will be curbed and landscaped while not in use for parking.
 - (b) The proof of parking area shall not be used to satisfy any other requirements of zoning, including landscaping or screening, and shall not be located in an area occupied by a building.
 - (c) The City may, at any time in its sole discretion, require that the proof of parking area be paved and striped to provide required parking spaces on the site.
- (8) Calculating space
 - (a) When determining the number of off-street parking spaces results in a fraction, each fraction of one-half or more shall constitute another space.
 - (b) Except as hereinafter may be provided, should a structure contain two or more types of use, each use shall be calculated separately for determining the total off-street parking spaces required.
- (9) Stall, aisle and driveway design
 - (a) Parking space size. Each parking space shall not be less than nine feet wide and 20 feet in length, exclusive of access aisles. Each space shall be adequately served by access aisles.
 - (b) Except in the case of single-unit dwellings, two- to four-unit dwellings, and townhouses, parking areas and their aisles shall be developed in compliance with the standards in Table 1201.9 and Figure 1201.1.

Table 1201.9. Parking Lot Dimensions.

Angle of Parking	Stall Width	Curb Length Per Car	Stall Depth	Aisle Width
0°	9'0"	23'0"	9'0"	12'0"

Angle of Parking	Stall Width	Curb Length Per Car	Stall Depth	Aisle Width
	9'6" 10'0"	23'0" 23'0"	9'6" 10'0"	12'0" 12'0"
20°	9'0" 9'6" 10'0"	26'4" 27'10" 29'3"	15'0" 15'6" 15'11"	11'0" 11'0" 11'0"
30°	9'0" 9'6" 10'0"	18'0" 19'0" 20'0"	17'4" 17'10" 18'3"	11'0" 11'0" 11'0"
40°	9'0" 9'6" 10'0"	14'0" 14'10" 15'8"	19'2" 19'6" 19'11"	12'0" 12'0" 12'0"
45°	9'0" 9'6" 10'0"	14'0" 14'10" 15'8"	19'2" 19'6" 19'11"	12'0" 12'0" 12'0"
50°	9'0" 9'6" 10'0"	11'9" 12'5" 13'2"	20'5" 20'9" 21'0"	12'0" 12'0" 12'0"
60°	9'0" 9'6" 10'0"	10'5" 11'0" 11'6"	21'0" 21'3" 21'6"	18'0" 18'0" 18'0"
70°	9'0" 9'6" 10'0"	9'8" 10'2" 10'8"	21'0" 21'3" 21'3"	19'0" 18'6" 18'0"
80°	9'0" 9'6" 10'0"	9'2" 9'8" 10'3"	20'4" 20'5" 20'6"	24'0" 24'0" 24'0"
90°	9'0" 9'6" 10'0"	9'0" 9'6" 10'0"	20'0" 20'0" 20'0"	22'0" 22'0" 22'0"
* This table pertains to a wall to wall situation. In calculating dimensions, two feet may be subtracted from each stall depth for each overhand and overlap. No subtraction for overlap is allowed for angles greater than 60 degrees.				

Figure 1201.1. Parking Measurements



- (c) Within structures, the off-street parking requirements may be furnished by providing space so designed within the principal building or one accessory structure; however, unless provisions are made, no building permit shall be issued to convert the parking structure into a dwelling unit or living area or other activity until other adequate provisions are made to comply with the required off-street parking provisions of this Chapter.
- (d) Except in the case of single-unit, two- to four-unit, and townhouse dwellings, parking areas shall be designed so that circulation between parking bays or aisles occurs within the designated parking lot and does not depend upon a public street or alley. Except in the case of spaces directly in front of a garage for a single, two-family, or townhouse dwelling, parking area design which requires backing into the public street is prohibited.
- (e) No curb cut or driveway access shall be located less than 40 feet from the intersection of two or more street rights-of-way. Minimum distance for commercial uses shall be 60 feet. This distance shall be measured from the intersection of lot lines.
- (f) No curb cut or driveway access shall exceed 25 feet in width, except on the approval of the City Engineer.
- (g) Curb cut or driveway openings shall be at minimum five feet, not including curb radius, from side or rear property lines. Any driveway proposed within a drainage and utility easement shall require approval by the City Engineer and shall be a minimum of 10 feet from any public utility main.
- (h) Driveway access or curb openings on a public street except single-unit, two- to four-unit, and townhouse dwellings shall not be located less than 40 feet from one another.
- (i) The grade elevation of any parking area shall not exceed 5%.
- (j) Each property shall be allowed one curb cut or driveway access for each 120 feet of street frontage. All property shall be entitled to at

least one curb cut or driveway. Exception: two-unit dwellings may have two driveways.

- (k) All areas intended to be utilized for parking space and driveways shall be paved. Plans for surfacing and drainage of driveways and stalls for five or more vehicles shall be submitted to the City Engineer for their review and the final drainage plan shall be subject to their written approval.

- (l) Curbing and landscaping:

- (i) Except for parking in front of a garage for single-unit, two- to four-unit, or townhouse dwellings, all open off-street parking shall have a perimeter curb barrier of continuous poured concrete around the entire parking lot. The barrier shall not be closer than five feet to any lot line. Grass, plantings or surfacing material shall be provided in all areas bordering the parking area.

- (m) Where metal buildings exist on commercial property, a perimeter curb barrier shall be provided around the building no closer than five feet to the building wall.

- (n) Except for single-unit, two- to four-unit, and townhouse dwellings, all parking stalls shall be marked with white or yellow paint lines not less than four inches wide.

- (o) Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining property, abutting residential uses and public rights-of-way and be in compliance with § 1201.7 Lighting.

- (p) Surfacing, curbing and striping required by provisions d.9.(l), d.9.(m), and d.9.(o) of this subdivision may be waived or delayed for parking lots in City parks, provided that drainage, traffic, dust control, parking demand, vehicular control and proximity to residential development are taken into consideration and provided that the improvements are incorporated into the City's Capital Improvements Program and reviewed by the City Council annually.

- d. Maintenance. It shall be the joint and several responsibility of the lessee and owner of the principal use, uses or building to maintain in a neat and adequate manner, the parking space and any required curbing, accessways, striping, landscaping and required screening.

- e. Setback area. Off-street parking areas shall conform with the following setback provisions:

- (1) In residential districts, required off-street parking shall not be provided in required front yards (or in required side yards abutting a street in the case of a corner lot) nor within five feet of any side or rear lot line;
 - (2) In the case of single-unit, two-unit, townhouse and 3-4 unit dwellings, parking shall be prohibited in any portion of the required front yard, except designated driveways leading directly into a garage or one open, surfaced space located on the side of a driveway, away from the principal use. The extra space shall be surfaced with concrete, bituminous or crushed rock material;
 - (3) There shall be no off-street parking within 15 feet of any street surface;

- (4) In any of the commercial districts, no parking space shall be located within 15 feet of any front property line or in any required side or rear yard that abuts any of the classes of residential districts. In no instance shall parking space be located within five feet of a side or rear property line except in the case of joint use parking areas.
- f. Use of required area. Required off-street parking spaces in any district shall not be utilized for open storage, sale or rental of goods, storage of inoperable vehicles as regulated by this section and/or storage of snow.
- g. Number of spaces required. The following minimum number of off-street parking spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses hereinafter set forth:

Table 1201.10. Parking Spaces Required.

Use	Minimum Off-Street Parking Spaces Required
Residential Uses	
Household Living	
Dwellings, single unit detached	2 spaces per unit, enclosed
Dwelling, detached townhouse	
Dwelling, two unit	2 spaces per unit
Dwelling, 3-4 unit	
Dwelling, townhouse	2 spaces per unit plus 0.5 space per unit for visitor parking
Dwelling, multiple-unit	1.25 space per studio or 1 bedroom unit; 1.75 spaces per 2 bedroom unit; 2 spaces per 3+ bedroom unit. In addition, 1 guest space for every 5 units. For senior developments, 1.5 spaces per unit shall be provided.
Manufactured home park	2 spaces per unit
Group Living	
Assisted living facility	1 space per 2 client rooms
Long-term or transitional care facility	1 space per 3 client rooms
Residential care facility	
Sacred community	1 space per unit
Lodging	
Hotel or motel	1.25 spaces per guest room. Additional facilities (restaurant, assembly hall, etc) calculated according to the table and added to total.
Institutional Uses	
Cemetery	N/A
Day care facility, all	1 space per classroom

Use	Minimum Off-Street Parking Spaces Required
Government or public utility building	1 space per 400 sq ft
Medical or dental office	3 spaces per treatment room
Place of assembly use, such as club or lodge, community center, place of worship, indoor recreational facility, or theater	1 space per 4 persons of the maximum occupancy per fire code
School, elementary or secondary	1 space per classroom; plus 1 space for each 8-student capacity and any additional spaces necessary to accommodate the parking of vans and buses used for client transport
Commercial Uses	
Food & Beverage	
Catering establishment	1 space per 500 sq ft; plus 1 space per company-owned vehicle stored on-site
Liquor, on and off sale	1 space per 300 sq ft
Restaurant or café	1 space per 4 persons of the maximum occupancy per fire code
Specialty food or beverage shop	
Taproom	
Retail Sales or Service	
Adult establishment	1 space per 300 sq ft
Art gallery and sales	1 space per 4 persons of the maximum occupancy per fire code
Automotive fuel station	1 space for each 300 sq ft of gross floor area. Space adjacent to fuel pumps do not count as parking spaces towards this requirement.
Automotive sales or rental	1 space for each 500 sq ft of gross indoor display area. The off-street parking shall be in addition to automobile display areas.
Automotive service and repair	1 space for each 300 sq ft of gross floor area. The off-street parking shall be in addition to repair bays.
Cannabis business	1 space per 300 sq ft
Car wash	6 stacking spaces per wash stall
Commercial center	1 space per 300 sq ft. If more than 50% of the building is a food or beverage use, the square footage must be calculated as individual uses.
Commercial recreation facility, outdoor	50 spaces per field or sports court plus 1 space per 3 fixed seats for spectator area
Conservatory, art or music studio	1 space per 4 persons of the maximum occupancy per fire code
Dry cleaning, including plant accessory thereto, pressing and repairing	1 space per 300 sq ft
Enclosed boat and marine sales	1 per 1,000 sq ft of showroom space
Health or athletic club facility	1 space per 300 sq ft

Use	Minimum Off-Street Parking Spaces Required
Laundromat, self-service washing and drying	1 space per 300 sq ft
Nursery/garden center	1 space per 300 sq ft
Open or outdoor service, sale, and rental	1 space per 300 sq ft of office space; plus 1 space per 3,000 sq ft of outdoor storage area
Off-site service business	1 space per 300 sq ft of office space; plus 1 space per company-owned vehicle stored on-site
Self storage facility	1 space per 8,000 sq ft of indoor storage plus 2 visitor spaces
Standalone retail or service business	1 space per 300 sq ft
Tobacco shop	1 space per 300 sq ft
Veterinary clinic	1 space per 300 sq ft
Business & Technical Services	
Contractor's shop (plumbing, paint, electrical, etc)	1 space per 300 sq ft
Office	1 space per 300 sq ft
Laboratory, research, and/or development facility	1 space per 300 sq ft

- h. Joint facilities. The City Council may approve a conditional use permit for one or more structures or uses to collectively provide and share off-street parking facilities if the following conditions are met:
- (1) Up to 50% of the parking facilities required for a primarily daytime use as determined by the City Council may be supplied by the off-street parking facilities provided by types of uses specified as primarily nighttime uses, and vice versa.
 - (a) For the purpose of this section, the following uses are considered as primarily daytime uses: standalone retail or service business, office, and similar uses.
 - (b) For the purposes of this section, the following uses are considered as primarily nighttime uses: restaurant, taproom, adult establishment, and similar uses.
 - (2) Up to 80% of the parking facilities required by this Chapter for a place of worship may be supplied by the off-street parking facilities provided by uses specified by i.(1)(a) of this subdivision as primarily daytime uses;
 - (3) Conditions required for joint use:
 - (a) The building or use for which the application is filed shall be located within 300 feet of the parking facilities;
 - (b) The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is provided;
 - (c) A properly drawn legal instrument, executed by the parties concerned for joint use of off-street parking facilities, duly approved as to form and manner of execution by the City Attorney, shall be filed with the

City Administrator/Clerk and recorded with the Hennepin County Recorder's Office.

i. Off-site parking

- (1) Any off-site parking which is used to meet the requirements of this Chapter shall be a conditional use as regulated by § 1201.94 Conditional Use Permit (CUP) and shall be subject to the conditions listed below.
- (2) Off-site parking shall be developed and maintained in compliance with all requirements and standards of this Chapter.
- (3) Reasonable public access from off-site parking facilities to the use being served shall be provided.
- (4) The site used for meeting the off-site parking requirements of this Chapter shall be under the same ownership as the principal use being served or under public ownership.
- (5) Off-site parking for multiple-unit dwellings shall not be located more than 100 feet from any normally used entrance of the principal use served.
- (6) Off-site parking for nonresidential uses shall not be located more than 300 feet from the main entrance of the principal use being served. No more than one main entrance shall be recognized for each principal building.
- (7) Any use which depends upon off-site parking to meet the requirements of this Chapter shall maintain ownership and parking utilization of the off-site location until the time as on-site parking is provided or a site in closer proximity to the principal use is acquired and developed for parking.
- (8) Off-site parking shall not be located where pedestrians would have to cross a street classified higher than local street unless an official crosswalk is in place or signage is installed directing pedestrians to the nearest intersection for crossing.

Subd. 2 Off-street loading requirements

- a. Purpose. The regulation of loading spaces in these zoning regulations is to alleviate or prevent congestion of the public right-of-way and so to promote the safety and general welfare of the public by establishing minimum requirements for off-street loading and unloading from motor vehicles in accordance with the utilization of various parcels of land or structures.
- b. Location
 - (1) All required loading berths shall be off-street and located on the same lot as the building or use to be served.
 - (2) All loading berth curb cuts shall be located a minimum of 50 feet from the intersection of two or more street rights-of-way. This distance shall be measured from the property line.
 - (3) Except for loading berths required for multiple-family buildings and structures, no loading berth shall be located closer than 50 feet from a residential district unless within a structure.
 - (4) Loading berths located at the front, or at the side of buildings on a corner lot, shall require a conditional use permit.
 - (a) Loading berths shall not conflict with pedestrian movement.

- (b) Loading berths shall not obstruct the view of the public right-of-way from off-street parking access.
 - (c) Loading berths shall comply with all other requirements of this section.
- (5) Each loading berth shall be located with appropriate means of vehicular access to a street or public alley in a manner which will cause the least interference with traffic.
- c. Surfacing. All loading berths and accessways shall be improved to control the dust and drainage according to a plan submitted to and subject to the approval of the City Engineer.
- d. Accessory use, parking and storage. Any space allocated as a required loading berth or access drive so as to comply with the terms of these zoning regulations shall not be used for the storage of goods, inoperable vehicles or snow and shall not be included as part of the space requirements to meet the off-street parking area.
- e. Screening. Except in the case of multiple dwellings, all loading areas shall be screened and landscaped from abutting and surrounding residential uses in compliance with § 1201.76 Landscaping and Screening.
- f. Size. Unless otherwise specified in this Chapter, off-street loading spaces shall be equal to at least 10 feet by 40 feet, excluding maneuvering area.
- g. Number of loading berths required. The number of required off-street loading berths shall be as follows:
 - (1) Nonresidential buildings and uses.
 - (a) At least one off-street loading space shall be provided on the same lot as any non-residential building or alteration exceeding 10,000 square feet which requires the receipt or distribution of material or merchandise by vehicle.
 - (b) For multiple tenant commercial centers, one additional loading space shall be provided for each 20,000 square feet or major fraction thereof of gross floor area in excess of 10,000 square feet, provided the total number of loading spaces is not required to be more than the total number of occupying tenants.
 - (2) Multiple-family dwellings. Where the building has ten or more dwelling units, space shall be provided for unloading so as not to take up required off-street parking.
 - (3) Fractions. When determining the number of off-street loading spaces results in a fraction, each fraction of one-half or more shall constitute another space.
- h. Off-street loading required. Any structure erected or substantially altered for a use which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles shall provide off-street loading space as required for a new structure.

1201.74 Lighting.

Subd. 1 Lighting

- a. The purpose of this section is to establish lighting requirements that will:

- (1) Permit reasonable use of lighting for night-time safety, utility, security, productivity, enjoyment and commerce;
 - (2) Minimize glare, obtrusive light and artificial sky glow by limiting outdoor lighting that is misdirected, excessive or unnecessary;
 - (3) Conserve energy and resources to the greatest extent possible; and
 - (4) Help protect the natural environment from the damaging effects of night lighting from man-made sources.
- b. Applicability. All new outdoor lighting fixtures (luminaires) shall be installed in conformance with this section and the provisions of division 1201.80 Signage, as well as the latest rules, codes and regulations, including but not limited to OSHA, National Fire Codes of the Fire Protection Association, Minnesota State Building Code and National Electrical Code. The following is exempted from the regulations of this section:
- (1) Lighting in the public right-of-way installed by a government agency or utility company.
- c. Submittal requirements. Any proposal for new lighting or a modification of lighting shall be reviewed as a modification of a site plan. The applicant shall submit a lighting plan and fixture specification sheets showing compliance with all regulations in this section. Lighting plans shall be signed by a registered electrical engineer or lighting certified professional by the National Council on Qualifications for the Lighting Professions. At a minimum, the plans shall include the following:
- (1) Name and location of the project;
 - (2) Name, mailing address, electronic address and phone number of the professional preparing the plan and the developer or property owner;
 - (3) Scale of the plan (engineer scale only, no greater than one inch equals 60 feet);
 - (4) An accurate site plan based on a survey, which includes all existing and proposed land improvements, including but not limited to buildings, parking lots, drive aisles and driveways, streets, proposed and existing landscaping, walkways and accessory buildings and structures, and identifies the area of all existing and proposed impervious surfaces on the property;
 - (5) A photometric plan superimposed on the site plan with photometric points no farther than ten feet apart across the entire site and a minimum of ten feet or more (as may be appropriate) beyond the property lines. Each point must be to the nearest one-tenth (0.1) foot-candle; and
 - (6) A luminaire schedule table indicating each fixture with the initial light output lumens, color rendering index, color temperature, backlight, uplight, glare and mounting height (including base).
- d. General performance standards. The following standards shall apply:
- (1) The level of lighting shall not exceed a meter reading of:
 - (a) 1.0 footcandle at the curb line or edge of any paved, public street.
 - (b) 0.4 footcandle at any residential property line.

- (2) Façade or landscape uplighting shall not exceed a total of 2,000 initial light output lumens per façade. Flag floodlighting shall not exceed a total of 2,000 initial light output lumens per flag. Lighting in excess of this amount is regulated in § 1201.74 Lighting Subd. 1.e.
- (3) Luminaires within 300 feet of a residential property line of a public right-of-way shall be full cut-off and shielded.
- (4) Height limits
 - (a) Pole-mounted lighting. Lighting mounted on poles or other non-building structures shall not exceed a height of 25 feet for parcels under two acres and 35 feet for parcels over two acres. The height includes the base and the pole height.
 - (b) Building-mounted lighting. Lighting mounted on buildings may not exceed the tallest part of the building where the lighting is installed. The top exterior deck of parking garages shall be treated as pole-mounted lighting rather than as lights mounted to buildings.
- (5) Lighting quality. All permanently installed lighting shall have a maximum correlated color temperature of 4,100K.
- (6) Lighting quantity and luminaire distribution. The base allowance for lighting is three lumens per square foot of impervious surface coverage. The base allowance may be increased for the following uses:
 - (a) Motor fuel sales: 4,000 lumens per pump island, as long as the additional lumens are provided by luminaires that are fully recessed into a canopy.
 - (b) Drive-up service windows: 2,000 lumens per service window.
- (7) Limits to off-site impacts
 - (a) Pole-mounted luminaires. All luminaires shall be rated and installed according to the following table. A luminaire may be used if it is rated equal or lower in number than the ratings provided below.

Table 1201.11. Luminaire ratings

Mounting Condition	Backlight rating	Glare rating
Greater than two mounting heights from property line*	B4	G2
Less than two mounting heights to one mounting height from the property and ideally oriented	B3	G1
Less than one mounting height from the property line and ideally oriented	B1	G0
*Lighting that is not ideally oriented must be located a minimum of two mounting heights from the property line.		

- (b) Ornamental building-mounted lighting. Ornamental lighting is regulated in this section.
- (6) Prohibited lighting. Prohibited lighting includes mercury vapor lamps, aerial lasers, luminaires mounted to aim light only toward a property line or public right-of-way or other lighting in violation of this section. Also

prohibited are skytrackers or searchlights unless approved by the City Council.

- (7) Exempt lighting. The following luminaires and lighting systems are exempt from the provisions of this section: lighting required and regulated by the Federal Aviation Administration or other federal or state agency; temporary emergencies or road repair work for projects by fire, police, rescue or repair personnel; pool and water feature lighting; code required exit signs; code required lighting for stairs and ramps; and interior lighting, unless the interior lights spill out onto the property.
 - e. Special purpose lighting
 - (1) Lighting systems not complying with the technical requirements of this section but consistent with its intent may be installed for the following applications upon issuance of a conditional use permit. Each request for a conditional use permit shall be evaluated based upon the standards and criteria of § 1201.94 Conditional Use Permit (CUP).
 - (a) Outdoor athletic fields and recreation areas.
 - (b) Construction lighting.
 - (c) National and state flag lighting with spotlights greater than 2,000 lumens.
 - (d) Uplights for buildings beyond that allowed by this section.
 - (e) Public monuments and buildings.
 - (2) General performance standards for special purpose lighting.
 - (a) The applicant shall demonstrate that every reasonable effort to mitigate light trespass and light pollution, supported by a signed statement from a registered engineer or by a certified lighting professional describing the mitigation measures.
 - (b) Complies with all the technical requirements of this section after 10:30 p.m.
 - f. Following installation of any lighting on a site, the engineer or lighting professional who prepared the lighting plan shall certify in writing that the location, type, mounting height, initial luminaire lumens, luminaire ratings and photometric data all comply with the approved lighting plan.
- Subd. 2 Any new lighting installed after the effective date of this section shall be in compliance with the requirements of this section. Any lighting in existence before the effective date of this section that does not comply with requirements shall be considered legally nonconforming. However, if a property owner proposes to replace 50% or more of the existing exterior luminaires or standards in any two-year period, the luminaires or standards must be replaced in conformance with this Chapter.

1201.75 Fencing.

- Subd. 1 Fences – general requirements
- a. Permit required. No person, firm or corporation shall construct or erect any fence without first securing a zoning permit.
 - b. Locations. All fences shall be located entirely upon the property of the fence owner unless the owner of the adjoining property agrees, in writing, that the

fence may be erected on the property line of the respective properties. No boundary line fence shall be erected closer than three feet to an existing parallel boundary line fence.

- c. Surveys. The Zoning Administrator may require an applicant for a zoning permit to establish their true boundary line by a survey thereof to be made by a registered land surveyor.
- d. Construction and maintenance. Every fence shall be constructed in a substantial, workmanlike manner and of material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be maintained in the condition as to not become a hazard, eyesore or public or private nuisance. All fences shall be so constructed that the finished side faces away from the fence owner's lot. Any fence which endangers the public safety, health or welfare shall be considered a public nuisance. Link fences, where permitted, shall be constructed in a manner that no barbed ends shall be at the top.

Subd. 2 Nonconforming fences.

- a. All fences existing on the date of the adoption of this Chapter, but not conforming herewith, except as to height restrictions, shall conform and be subject to the terms of this Chapter. If at any time a nonconforming fence shall be damaged to the extent of more than 25% in any plane, then without further action by the City Council, the fence shall, from and after the date of the damage, be subject to all the regulations specified by these zoning regulations. Any fence which is damaged to an extent of less than 25% may be restored to its former extent. It is the intent of this section that all nonconforming fences shall be eventually brought into conformity.

Subd. 3 Prohibited fences.

- a. Electric fences shall not be permitted except in conjunction with the issuance of a horse permit pursuant to Chapter 702 Horses and Ponies and shall be removed upon expiration or revocation of a horse permit.
- b. Barbed wire fences shall not be permitted except as hereinafter provided.
- c. Fences of the picket, rail or slat types shall be so constructed that the spaces between the pickets, rails or slats shall be greater than 12 inches or less than six inches.
- d. Wire fences which are not readily visible shall be prohibited except where attached to a wooden or other fence of opaque material which is itself plainly visible.

Subd. 4 Shoreline fences.

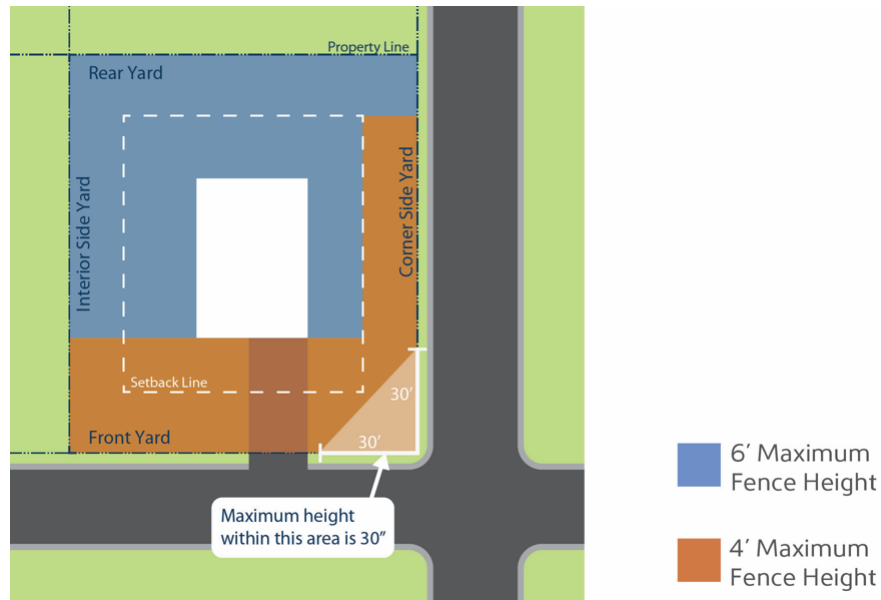
- a. No fence shall be allowed within the shoreline setback area as specified in § 1201.51 Shoreland S.
- b. Fences on or adjacent to the shoreline setback of any navigable lake, channel, or stream or on or along that portion of a lot line extending from a navigable lake, channel, or stream to the near side of the average building construction line, shall not exceed four feet in height.

Subd. 5 Residential district fences

- a. For all residential properties, fences are limited to six feet in height.

- (1) Fences on all corner lots erected within 30 feet of the intersecting property line shall be no more than 30 inches in height.
- (2) Any fence erected between the front lot line and the front plane of the dwelling or within the required side yard abutting a public street shall not exceed four feet in height and shall be at least 25% open.
- (3) Chain link or woven wire fences (without slat screens, canvas or other screening material opaque in nature) used for the enclosure of tennis courts or other recreational purposes shall not exceed 10 feet in height.

Figure 1201.2. Fencing



- b. All boundary line fences in residential districts shall be constructed in a manner that at least 25% of the plane between the ground and the top of the fence constructed is open.
 - c. In those instances where a fence exists as an enclosure which restricts access from the front to the rear yard, a gate, identifiable collapsible section, or other means of recognizable ingress shall be provided for emergency vehicles. The ingress shall be unobstructed and a minimum of three feet in width. The location of the ingress points shall be positioned at any point paralleling the front lot line, between the side lot property line and the principal structure.
- Subd. 6 Commercial District fences. Fences in all Commercial Districts shall not exceed eight feet in height, except that:
- a. Boundary line fences abutting R Districts shall conform to those regulations applicable to the R District;
 - b. Security fences:
 - (1) Fences which are erected primarily to secure a particular area may have "arms" not to exceed 36 inches in length, located a minimum of six feet and a maximum of eight feet above ground level, on which arms barbed wire may be strung;

- (2) A survey establishing the true boundary line must be made by a registered land surveyor and submitted to the City;
 - (3) Fence arm extensions may not extend across an abutting property line or over any public right-of-way;
 - c. Fences erected within the required front yard area shall not exceed six feet in height and shall be of a chain link or woven wire construction which affords maximum visibility.
- Subd. 7 Fence height.
- a. The height of fences prescribed herein shall be considered to be the maximum height allowed. Fence posts may extend above the specified height by no more than eight inches.

1201.76 Landscaping and Screening.

- Subd. 1 Required landscaping.
- a. General residential. Any portion of a lot that is disturbed by grading or construction activities must be restored by seeding, sodding or landscaping to prevent erosion. If restoration cannot be completed within the growing season for which a certificate of occupancy is requested, the property owner shall enter into an escrow agreement with the City and submit a cash escrow or letter of credit for one and one-half times the estimated amount of the restoration to guarantee completion of the restoration early in the following growing season.
 - b. Townhouses, multiple-unit dwellings, non-residential uses, and PUD developments shall be subject to a mandatory Landscape Plan requirement. The Landscape Plan must be developed with emphasis on the following areas:
 - (1) The boundary or perimeter of the subject site at points adjoining a public right-of-way, other property, and the immediate perimeter of the structure;
 - (2) Areas where any non-residential use (for example, structure, loading area, parking or storage) abuts property zoned for residential use.
 - (3) Planting islands and medians shall be required where necessary to visually break up expanses of hard surface parking areas, for safe and efficient traffic movement and to define rows of parking.
 - (a) Planting islands shall occupy at least 5% of the total parking area, including aisles and access drives;
 - (b) Any planting island or median shall be a minimum of eight feet in width and provide a minimum of 400 square feet in area.
 - (c) Islands or medians with a tree shall include a minimum soil volume of 600 cubic feet per tree. Soil volume may be reduced to 400 cubic feet per tree if trees share a connected planting area.
 - (4) Where feasible, landscape plans shall take advantage of existing vegetation on the site. Landscape plans must include a tree preservation and reforestation component consistent with Shorewood's Tree Preservation and Reforestation Policy, as may be amended.
 - c. Financial guarantee

- (1) The City shall be provided with a financial security such as a certificate of deposit, letter of credit or cash deposit prior to approval of the Landscaping Plan or initiation of work on the proposed improvement or development. The financial security shall guarantee conformance and compliance with the provisions of this section and, where applicable, the conditions of any conditional use permit or variance.
 - (2) The financial security shall be in an amount to be determined by the Zoning Administrator, but no less than one and one-half times the amount determined by the Zoning Administrator for completion of the required screening and/or landscaping.
 - (3) The financial security shall be in force at least two growing seasons after the completion of the required landscaping to insure proper planting and growth.
- d. Standards and criteria. All landscape plans shall conform to the following standards and criteria.
- (1) Minimum size. All plants must at least equal the following minimum sizes at time of planting:

Table 1201.12. Minimum Size of Plants

Tree Type	Potted/Bare Root*	Balled and Burlapped
Shade trees	1 ½ in. caliper	1 ½ in. caliper
Ornamental trees (Flowering Crab, Russian Olive, Hawthorn and the like)	6 – 7 ft.	1 in. caliper
Evergreen trees		1 ft.
Tall shrubs and hedge material (evergreen or deciduous)	3 – 4 ft.	
Low shrubs	18 – 24 in.	
* Mode is dependent upon time of planting season, availability and site conditions (includes both natural (soils, climate, ground water and the like) and manmade (irrigation, grading and the like) influences).		

(2) Spacing

- (a) Plant material centers shall not be located closer than three feet from the property line and shall not be planted in the right-of-way or within 15 feet of the edge of a public street, or in a manner that conflicts with public plantings, sidewalks, trails, fences, utility mains, parking areas and driveways as determined by the Zoning Administrator.
- (b) Where plant materials are planted in two or more rows, plantings shall be staggered in rows unless otherwise approved by the Zoning Administrator.

- (c) Deciduous trees intended for screening shall be planted not more than 40 feet apart. Evergreen trees intended for screening shall be planted not more than 15 feet apart.
 - (d) Where massing of plants or screening is intended, large deciduous shrubs shall be planted four feet on center or closer and/or evergreen shrubs shall be planted three feet on center or closer.
 - (e) Trees suitable for complying with this section shall be consistent with those specified in the Shorewood Tree Preservation and Reforestation Policy, as may be amended, or as approved by the Zoning Administrator. Plant materials shall be varied so as to provide year-round interest and effective screening where required. All plant materials must comply with the standards of the American Nurseryman's Association.
- (3) Design (except for pond slopes which shall be subject to the review and approval of the City Engineer):
- (a) The landscape plan must show some form of designed site amenities (including, composition of plant materials and/or creative grading, decorative lighting, exterior sculpture and the like) which are largely intended for aesthetic purposes;
 - (b) All areas within the property lines (or beyond, if site grading extends beyond) shall be treated. All exterior areas not paved or designated as roads, parking or storage must be planted into ornamental vegetation (lawns, ground covers or shrubs) unless otherwise approved by the Zoning Administrator;
 - (c) Turf slopes in excess of three to one are prohibited;
 - (d) All ground areas under the building roof overhang must be treated with a decorative mulch and/or foundation planting;
 - (e) All buildings must have an exterior water spigot or irrigation system to ensure that landscape maintenance can be accomplished;
 - (f) Trees and shrubs shall not be planted in the right of way except for designated parkways and streets as determined by the City Council;
 - (g) All plants required as part of an approved landscaping plan shall be maintained and kept alive. Dead plants shall be replaced in accordance with the approved landscape plan;
 - (h) Earth mounds, compact evergreen or dense deciduous hedge five feet to six feet in height, together with over-story and understory trees or other plantings may be required in addition to or in lieu of screening.
- e. Landscape Plan, submission requirements. The landscape plan required by this section shall be to scale and include the following information:
- (1) General:
- (a) Name and address of developer/owner;
 - (b) Name and address of landscape architect/designer;
 - (c) Date of plan preparation;
 - (d) Date and description of all revisions; and

- (e) Name of project or development;
- (2) Site information:
 - (a) North arrow and graphic scale;
 - (b) Property boundaries;
 - (c) Name and alignments of proposed and existing adjacent streets;
 - (d) Existing and proposed easements and rights-of-way;
 - (e) Existing and proposed structures;
 - (f) Topographic contours at two-foot intervals;
 - (g) Existing and proposed parking areas;
 - (h) Existing wetlands and water bodies;
 - (i) Proposed sidewalks; and
 - (j) Percent of site not covered by impervious surface;
- (3) Tree inventory consistent with the Shorewood Tree Preservation and Reforestation Policy, as may be amended;
- (4) Landscape proposal:
 - (a) Proposed site grading;
 - (b) Details of proposed planting beds and foundation plantings;
 - (c) Delineation of both sodded and seeded areas;
 - (d) Location and identification of proposed landscape or man-made materials used to provide screening from adjacent properties;
 - (e) Where screening is required, a cross-section drawing illustrating the effectiveness of proposed screening;
 - (f) Location, size, spacing and species of all trees and plant materials;
 - (g) Details of fences, retaining walls, planting boxes, berms and other landscape improvements, including cross-section drawings; and
 - (h) Location and details of landscape islands;
- (5) The planting schedule in a table containing:
 - (a) Common and botanical names of all plant materials;
 - (b) Quantities;
 - (c) Root specifications;
 - (d) Special planting instructions; and
 - (e) Proposed planting dates;
- (6) A plan identifying aggressive or invasive exotic plants as described in Minnesota Non-Native Terrestrial Plants: An Identification Guide for Resource Managers and a program for eradicating or managing the exotic plants.

Subd. 2 Screening

- a. Where any non-residential use (for example, structure, loading area, parking or storage) abuts property zoned for residential use, the nonresidential use shall provide screening along the boundary of the residential property.

- (1) The screening shall consist of landscaping at least as deep as the required setback for the subject site and of sufficient density to provide a visual screen and reasonable buffer.
 - (a) Screening using plant materials shall not extend within 15 feet of any street nor into the public right-of-way except as allowed by Chapter 901;
- (2) Fencing may also be installed, in conjunction with, but not in lieu of landscaping.
 - (a) The design and materials used in constructing a required screening fence shall be subject to the approval of the City Council in conjunction with site plan review as provided for in § 1201.93 Site Plan Review.
 - (b) The screening required herein may consist of a solid fence or wall constructed from masonry, brick, wood and/or steel in compliance with § 1201.75 Fencing. The fence or wall shall be of a height and material determined necessary by the City Council.
- b. Screening of mechanical equipment. All rooftop and ground mounted mechanical equipment of residential buildings having five units or more and of nonresidential buildings shall comply with the following standards:
 - (1) All rooftop and ground mounted mechanical equipment shall be screened so as to mitigate noise in compliance with this section;
 - (2) All rooftop and ground mounted mechanical equipment shall be designed (including exterior color) and located so as to be aesthetically harmonious and compatible with the building. Screening of and landscaping around the equipment may be required where the design, color and location of the equipment are found to not effectively buffer noise or provide aesthetic harmony and compatibility. Screening shall be constructed of durable materials which are aesthetically compatible with the structure and which may be an integral part of the structure. Applicable requirements for access to the equipment shall be observed in the design and construction of the screening; and
 - (3) Rooftop mechanical equipment less than three feet in height may be exempt from screening requirements as determined by the Zoning Administrator.

1201.77 Tree Preservation.

Subd. 1 Purpose and intent

- a. It is the policy of the City to recognize and preserve existing natural resources of the community. In its effort to maintain the wooded character of the area, the City finds that trees provide numerous benefits, including: stabilization of the soil by the prevention of erosion and sedimentation, reduction of stormwater runoff, improvement of air quality, reduction of noise pollution, control of urban heat island effect, protection and increase of property values, protection of privacy, energy conservation through natural insulation providing habitat for birds and other wildlife and conservation and enhancement of the City's physical and aesthetic environment. The purpose of these regulations is to preserve and protect significant trees or stands of trees whose loss due to land disturbances associated with the process of development or

construction would adversely affect the City's existing natural resources. The regulations also recognize that despite the best efforts of the City and developers and property owners, trees will occasionally be lost in the development and construction process. In such instances, these regulations will require replacement of trees.

Subd. 2 Regulations

- a. In furtherance of the purpose of this section, the City Council shall, by resolution adopt and may, from time-to-time, amend resolutions providing for tree preservation and replacement in situations involving development or construction.

Subd. 3 Penalty and Enforcement

- a. Failure to comply with the provisions of the regulations shall constitute a violation of this code; the City shall proceed to enforcement either in accordance with § 104.02 Enforcement.

1201.78 Land Reclamation and Mining.

Subd. 1 Land reclamation

- a. Land reclamation shall be permitted by interim use permit in all districts as regulated by § 1201.95 Interim Use Permit (IUP). Depositing of 400 cubic yards or more of fill on any lot or parcel shall be considered land reclamation. Land reclamation shall not be interpreted as the depositing of fill from a building excavation on the same property. Land reclamation associated with a subdivision or building permit application having a grading plan and haul route approved by the City shall not be required to obtain an Interim Use Permit.
- b. The permit shall include, as a condition thereof, a finished grade plan which has determined that the reclamation will not adversely affect the adjacent land and as conditions thereof shall regulate the type of fill permitted, program for rodent control, plan for fire control and general maintenance of the site, controls of vehicular ingress and egress and for control of material disbursed from wind or hauling of material to or from the site.

Subd. 2 Mining.

- a. The extraction of sand, gravel, or other material from the land in the amount of 400 cubic yards or more and removal thereof from the site shall be defined as mining.
- b. In all districts the conduct of mining shall be permitted only upon issuance of an interim use permit.
 - (1) The permit shall include, as a condition thereof, a plan for a finished grade and land reclamation which will not adversely affect the surrounding land or the development of the site on which the mining is being conducted and the route of trucks moving to and from the site.
 - (2) Mining associated with a subdivision or building permit application having a grading plan and haul route approved by the City shall not be required to obtain an Interim Use Permit.

1201.79 Wetland Developments.

Subd. 1 Purpose and intent

- a. The City of Shorewood is a residential community located on the south shore of Lake Minnetonka and it includes within its boundaries the largest portion of Christmas Lake, Silver Lake, Mary Lake, a portion of Lake Virginia and Galpin Lake, together with numerous inlets, harbors, bays, wetlands, woods and valleys. The name of this City denotes its character--a City of shoreland, water and woods--natural assets its citizens hold in trust for future generations. It is in the public interest to protect these assets against haphazard, uncoordinated and unplanned development which may affect in some way lowlands, marshes, wetlands, swamps, lakes and watercourses within the City.
- b. Recognizing the obligation to protect these assets and natural resource gifts from destruction and pollution of all kinds, and in order to carry out a program of coordinated land and water management, the following standards, prohibitions, regulations and requirements are hereinafter set forth. In addition to the general purposes, the specific intent of this Chapter is to:
- c. Reduce danger to health by protecting surface and ground water supplies from the impairment which results from incompatible land uses by providing safe and sanitary drainage;
- d. Permit and encourage planned development land uses which will not impede the flow of flood water or cause danger to life or property;
- e. Permit and encourage land uses compatible with the preservation of the natural vegetation and marshes which are a principal factor in the maintenance of constant rates of water flow through the year and which sustain many species of wildlife and plant growth;
- f. Avoid fast runoff of surface waters from developed areas to prevent pollution materials such as animal feces, motor oils, paper, sand, salt and other debris, garbage and foreign materials from being carried directly into the nearest natural stream, lake or other public waters;
- g. Prevent the development of structures in areas which will adversely affect the public passage and use of creeks, marshes, lowlands and watercourses within the City.

Subd. 2 Wetland development.

- a. Any development of land located within wetland areas, as designated on the Shorewood Wetlands Map or by a wetland delineation, shall comply with the provisions of the Shorewood Wetlands Ordinance (No. 70, § 1201.79 of this Chapter).

Subd. 3 Wetland conservation area and map

- a. The wetland conservation area within the City, hereafter referred to as the protected area, is defined and established to be the shoreline of Lake Minnetonka, Galpin Lake, Christmas Lake, Mary Lake, Silver Lake, Lake Virginia and the low areas adjoining any watercourse and drainageway or body of water subject to meandering, flowing or overflow, including areas of marsh, wooded marsh, submerged marsh and inundation area as shown upon the wetlands map, and any other delineated wetland. The Map is made a part of this section and a copy thereof shall remain on file in the office of the Zoning Administrator for public inspection.

Subd. 4 Conditions of development, restrictions

- a. No filling, grading, dredging, excavation or construction shall be allowed within the wetland conservation area if the activity is incompatible with the policies expressed in this Chapter and the preservation of those wetlands in their natural state, nor shall the shoreline of Lake Minnetonka, Galpin Lake, Christmas Lake, Mary Lake, Silver Lake and Lake Virginia be changed in any way by fill or excavation without an earth change plan being filed by the applicant to so do and a permit issued hereunder by the City Council for the change.

Subd. 5 Earth change plan

- a. Landowners or developers desiring to develop land or construct any dwelling or any other artificial obstruction or direct the flow of water from any underground water source, on land located within the wetland conservation area or change the shoreline of Lake Minnetonka, Galpin Lake, Christmas Lake, Mary Lake, Silver Lake and Lake Virginia within the City, shall first submit a plan of development, hereinafter referred to as “an earth change plan,” to the City Council which shall set forth proposed provisions for sediment control, water management, maintenance of landscaped features and any additional matters intended to improve or maintain the quality of the environment. The plan shall set forth proposed changes requested by the applicant and affirmatively disclose what, if any, change will be made in the natural condition of the earth, including loss or change of earth ground cover, destruction of trees, grade changes and its effect, if any, upon lakes, streams, watercourses and marshes, lowlands and wetlands in the area. The plan shall minimize tree removal, ground cover change, loss of natural vegetation and grade changes as much as possible and shall affirmatively provide for the relocation or replanting of as many trees as possible which are proposed to be removed. The purpose of the earth change plan shall be to eliminate as much as possible potential pollution, erosion and siltation.

Subd. 6 Subdivision standards

- a. Whenever a portion of the conservation area is located within the area to be subdivided, an adequate easement in favor of the City over the lowlands shall be required for the purpose of improving and protecting the area from drainage and other purposes expressed in this Chapter. Streets, driveways and culverts shall not be constructed or designed so as to restrict the flow of water and the same shall be approved by the City Council.
- b. A buffer strip shall be maintained abutting all delineated wetlands.
 - (1) It is the responsibility of the subdivider to delineate the exact boundaries of wetland conservation areas as provided in this section and the boundaries of WCA wetlands. Wetland delineations supplied by subdividers shall be certified by a qualified wetland delineator approved by the U.S. Army Corps of Engineers or the Minnesota Board of Water and Soil Resources.
 - (2) Wetland buffer strips and structure setbacks shall apply to all parcels of land whether or not the wetland is on the same parcel as the development.
 - (3) Buffer strip vegetation shall be preserved and maintained in its natural state.

- (4) For roadways that must be aligned either adjacent to or across wetlands and are subject to WCA replacement requirements, additional wetland filling to create a buffer strip shall not be required.
- (5) A survey monument is required at each lot line where it crosses a wetland buffer strip and as necessary to adequately determine the location of the wetland buffer strip. These monuments shall remain in place after site grading of the lot has been completed.
- (6) Wetland buffer strips and structure setbacks shall be as follows:
 - (a) Wetland buffer strip: minimum 35 feet from delineated wetland;
 - (b) Structure setback: minimum 15 feet from wetland buffer strip (fences and play equipment may encroach into the structure setback area, but not into the wetland buffer strip).

Subd. 7 Land area within easements

- a. Land area, if within the wetland conservation area designated as an easement, shall not be credited as part of the area complying with the land use density or building unit to land area ratio, calculating net residential density for the purposes of the Comprehensive Plan, or other similar requirements of the zoning ordinance. The exempt land area which is not to be developed and which is designated as an easement shall not be subject to special assessment to defray cost of municipal improvement projects, including and not limited to water, sanitary and storm sewer improvements.

Subd. 8 Artificial obstructions

- a. If an artificial obstruction is found within the wetland conservation area, an order shall be issued to the owner of the parcel, following ten days written notice and hearing thereon, for removal within a reasonable time as may be prescribed by the condition and type of artificial obstruction. If the owner shall fail to remove the artificial obstruction, or if the owner cannot be found or determined, the City shall have the power to make or cause the removal to be made, the cost of which shall be borne by the owner or specially assessed against the lands in the same manner as prescribed by law for the levy of special assessments for municipal improvements, notwithstanding Subd. 7 of this section. The special assessment shall be certified to the County Auditor for collection in the same manner as the ad valorem real property taxes of the City.

Subd. 9 Variances

- a. Variances may be granted by the City Council upon application therefor in extraordinary cases, but only when the proposed use is determined to be in the public interest and no variance shall be granted which the City Council determines will or has a tendency to:
 - (1) Result in the placement of an artificial obstruction which will restrict the passage of storm and flood water in a manner as to increase the height of flooding, except obstructions approved by the Minnehaha Creek Watershed District in conjunction with sound flood plain management;
 - (2) Result in incompatible land uses or which would be detrimental to the protection of surface and ground water supplies;
 - (3) Be not in keeping with land use plans and planning objectives for the City or which will increase or cause danger to life or property;

- (4) Be inconsistent with the objectives of encouraging land uses compatible with the preservation of the natural land forms, vegetation and the marshes and wetlands within the City.
 - b. No permit or variance shall be issued unless the applicant has submitted an earth change plan as required and set forth in Subd. 5 of this section.
 - c. In granting any variance, the City Council may attach the conditions as it deems necessary to ensure compliance with the policy or intent of this Chapter.
- Subd. 10 Vehicle restrictions
- a. No person within a wetland conservation area shall:
 - (1) Drive or park a vehicle, except an authorized or emergency vehicle, on any turf or other area not designated for parking or travel;
 - (2) Wash, grease, dismantle, repair, change or deposit the oil of a vehicle anywhere within a wetland conservation area;
 - (3) Operate a motorized vehicle;
 - (4) Operate any watercraft within a wetland conservation area.
- Subd. 11 Violation
- a. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

1201.80 Signage.

1201.81 General Regulations.

- Subd. 1 Purpose.
- a. The City Council intends by this section to establish a legal framework for sign regulation in the City. The regulations promulgated in this section are intended to facilitate an easy and agreeable communication between people while protecting and promoting the public health, safety, welfare, and aesthetics of the community.
 - (1) It is not the purpose or intent of these sign regulations to prefer or favor commercial messages or speech over noncommercial messages or speech, nor is it the purpose or intent of these sign regulations to discriminate between types of noncommercial speech or the viewpoints represented therein. It is not the purpose or intent of these sign regulations to regulate the message displayed on any sign; nor is it the purpose or intent of this subdivision to regulate any building design or any display not defined as a sign, or any sign that cannot be viewed from outside of a building.
 - (2) The purpose and intent of these sign regulations is to:
 - (a) Regulate the number, location, size, type, illumination and other physical characteristics of signs within the City in order to promote the public health, safety and welfare.
 - (b) Maintain, enhance, and improve the aesthetic environment of the City by preventing visual clutter when harmful to the appearance of the community.

- (c) Improve the visual appearance of the City while providing for effective means of communication, consistent with constitutional guarantees and the City's goals of public safety and aesthetics.
- (d) Provide for fair and consistent enforcement of the sign regulations set forth in this section under the zoning authority of the City.

Subd. 2 Applicability.

- a. All signs installed within the City are subject to the sign regulations of this subdivision and all other applicable provisions of this section.

Subd. 3 Findings.

- a. The City Council hereby finds it necessary for the promotion and preservation of the public health, safety, welfare, and aesthetics of the community that the construction, location, size, conspicuity, brightness, legibility, operational characteristics and maintenance of signs be controlled. Signs have a direct and substantial impact on traffic safety, pedestrian safety, community aesthetics and property values. The City Council recognizes that a great percentage of signs that are blighted, unattractive, or provide an unsafe distraction to motorists can be corrected by sensible quality control through adequate maintenance, inspection, and operational guidelines. The City Council also recognizes that signs provide a guide to the physical environment and, as such, serve an important function to the community and economy. The City Council further finds as follows:
 - (1) Exterior signs can have a substantial impact on the character of the community and the quality of the environment.
 - (2) Uncontrolled and unlimited signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.
 - (3) Signs provide an important medium through which individuals may convey a variety of messages.
 - (4) The City's zoning regulations have, since as early as 1956, included the regulations of signs in an effort to provide adequate means of expression and to provide the economic viability of the business community, while protecting the City and its citizens from a proliferation of signs of a type, size, location and character that could adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community.
 - (5) The regulation of the physical characteristics of signs has had a positive impact on traffic safety and the appearance of the community.

Subd. 4 Effect.

- a. A sign may be erected, mounted, displayed or maintained in the City if it is in conformance with the provisions of this subdivision. The effect of these regulations is to:
 - (1) Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones;
 - (2) Allow signs that are designed, constructed, installed and maintained in a manner that does not adversely impact public safety or unduly distract motorists;

- (3) Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this subdivision;
- (4) Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the natural or built environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare; and
- (5) Provide for the enforcement of the provisions of these regulations.

Subd. 5 Substitution.

- a. The owner of any sign that is otherwise allowed by this subdivision may substitute noncommercial speech in lieu of any other commercial speech or noncommercial speech. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech or favoring of any particular noncommercial speech over any other noncommercial speech. This provision prevails over any more specific provision to the contrary.

Subd. 6 Permit review.

- a. No permit shall be issued until the application, plans, and materials have been found to be in conformance with the zoning and building regulations, as determined by the Zoning Administrator and Building Official or their designee(s) and the required fee has been paid. Signs installed prior to issuance of a permit shall be either required to be removed or the property owner shall be required to pay a double permit fee. Fees shall be as specified in Chapter 1301.
- b. Application for a sign permit shall be made on forms provided by the City and include:
 - (1) The name and contact information of the property owner, tenant (if applicable) and the person, firm, corporation, or other organization erecting the sign.
 - (2) A certified survey and site plan showing the proposed location of the sign on the site including its position relative to easements, buildings, structures, driveways, streets, property lines, etc.
 - (3) A complete set of plans showing the necessary elevations, distances, sign dimensions, and details to fully and clearly represent the construction and placement of the sign, including, but not limited to, the following information:
 - (a) Number of sign faces and type of sign (building, freestanding, banner, feather, etc.);
 - (b) Construction materials;
 - (c) Sign dimensions;
 - (d) Type, direction, location and intensity of illumination and name of electrical contractor;
 - (e) Method of attachment to the building or ground.

- (f) Stress sheets and calculations showing that the structure is designed to meet the dead load and wind pressure requirements of the Minnesota State Building Code (permanent signs only).
 - (g) The estimated value of the sign (permanent signs only) including labor to install the signs, the sign and any other necessary materials.
- c. Action. The City shall inform the applicant of approval or denial within the time period required by M.S. § 15.99. Appeal of a permit denial may be submitted consistent with § 1201.91 Common Procedures. The permit shall not be issued until the fee for the sign is submitted.
- d. Inspections. The Building Official, Zoning Administrator or their designee may require inspections to determine that the sign has been installed in compliance with the minimum standards set forth in this Chapter, the Minnesota State Building Code, any other applicable Chapter of this code, with the approved permit, or to confirm removal of temporary signs in the timeframe specified by the permit or this subdivision.
- e. Expiration. Permits for permanent signs shall expire if the sign was not installed as approved within 180 days after the permit was issued. Permits for temporary signs shall expire as indicated on the permit or in this subdivision.
- f. Additional permits required
 - (1) Electrical permits. Signs that are illuminated or in any way connected to electricity must be installed in accordance with the current electrical code and a separate permit from the State of Minnesota must be obtained prior to placement.
 - (2) Other jurisdictions. Prior to installing any sign, the applicant shall be responsible for acquiring permits from all other jurisdictions, including but not limited to, the State of Minnesota, Hennepin County, etc.

1201.82 Exempt Signs.

Subd. 1 The following signs do not require a permit but shall comply with all other applicable provisions of this code. These exemptions, however, do not relieve the owner of the sign from the responsibility of compliance with the provisions of the zoning regulations or any other law or ordinance regulating signs in the City.

- a. Public signs placed in the right-of-way.
- b. The changing of copy on a manual message board or dynamic display unless a structural or electrical change is involved.
- c. The changing of copy on any sign that does not affect the structure or electrical components.
- d. Window signs.
- e. Signs as allowed by § 1201.88 Design Standards Subd. 1.d.
- f. Temporary signs as allowed by § 1201.84 Temporary Signs.
- g. Installing or exchanging flags on an existing flagpole.
- h. Temporary signs three square feet in area or less and under 36 inches in height.

- i. Flags. A maximum of four flags may be displayed on any one property on freestanding poles and the height of the flagpole shall not exceed the height allowed for a principal building in the applicable zoning district.
- j. Interior signage. This subdivision shall not apply to any signs installed within buildings provided they are a minimum of three feet within the building and not visible from outside the building.
- k. Traffic signs (public). No regulations in this subdivision shall apply to public signs used for traffic or traffic control installed by or directed to be installed by a federal, state, county or local government.

1201.83 Prohibited Signs.

Subd. 1 The following signs are specifically prohibited:

- a. Any sign that obstructs the vision of drivers or pedestrians or detracts from the visibility of any public or official traffic-control device.
- b. Any sign that resembles or imitates an official traffic sign or signal, unless directed to be installed by a federal, state or local government.
- c. Any sign in violation of § 1201.75 Subd.5.a.(1) of this code.
- d. Any sign that moves, rotates, has any moving parts or gives the illusion of motion.
- e. Any sign that contains or consists of banners, pennants, ribbons, streamers, strings of light bulbs, spinners or similar devices, except as allowed by § 1201.84 Temporary Signs.
- f. Portable or inflatable signs (except as provided in § 1201.84 Temporary Signs (f)(4)(b)).
- g. Signs that are attached in any manner to trees, shrubs, fences, utility poles, bridges, towers, transit shelters, or other similar structures, except that public signs may be installed to utility poles, bridges, towers transit shelters, or other similar structures.
- h. No sign shall be illuminated with any flashing or intermittent lights (unless installed on a public sign), nor shall any sign shimmer or be animated.
- i. Any sign that allows light to be directed at on-coming traffic, interfere with or obscure an official traffic sign or signal.
- j. Any illuminated sign that directs light onto a lake so as to interfere with navigation.
- k. Roof signs.
- l. Window signs in excess of 10% of the total area of the window space as viewed from the street, up to but not exceeding a maximum of 20 square feet.
- m. Any sign that projects into the required setback as outlined in this subdivision or over the public right-of-way or public easements, except for those authorized by § 1201.84 Temporary Signs.
- n. Wall graphics.
- o. Abandoned signs.
- p. Any sign greater than 200 square feet, except as permitted in § 1201.84 Temporary Signs.

1201.84 Temporary Signs.

Subd. 1 Temporary signs.

- a. Except as expressly provided in § 1201.82 Exempt Signs, no temporary sign may be erected, altered, reconstructed, maintained or moved without first securing a permit from the City consistent with the regulations of this subdivision and § 1201.92 Land Use Permits. The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a permit.
- b. Temporary noncommercial speech signs posted as permitted by M.S. § 211B.045.
 - (1) Signs may be posted in any number or size during the following times:
 - (a) State general election years: 46 days before a state primary until ten days following the state general election pursuant to M.S. § 211B.045.
 - (b) For elections without primaries: 100 days before the election to ten days following the election.
 - (2) During the time identified in this section, the noncommercial speech signs shall not be located in violation of § 1201.76 Landscaping or Screening or closer than five feet from the street, as measured from:
 - (a) The curb of a paved roadway.
 - (b) The paved street surface for those streets without curb and gutter.
 - (c) The edge of the aggregate surface for gravel street or those paved streets with improved gravel shoulders.
- c. Temporary signs for properties available for sale, lease or rent. Such properties may have the following additional signs:
 - (1) The maximum size of signs shall not exceed six square feet for single-family, two-family, or townhouse homes nor more than 20 square feet for multiple-family or nonresidential uses.
 - (2) The maximum height of the signs is eight feet.
 - (3) One sign is permitted per street frontage. Lakeshore lots may have an additional sign oriented to the lake.
 - (4) Signs must be removed from the property within 14 days after the sale or the building is leased/rented.
 - (5) The signs may not be illuminated.
- d. Temporary signs for new nonresidential uses. Any new nonresidential use that has applied for its permanent business sign may, at the same time, apply for a permit for a temporary sign to be displayed for no longer than 30 days, or until the permanent sign has been erected, whichever comes first. The temporary sign shall be no larger than the approved permanent sign.
- e. Temporary signs for properties with construction not related to subdivision. One additional temporary sign may be installed on any property where construction is occurring, but shall not exceed six square feet for one- to four-unit dwellings, or townhouses nor more than 20 square feet for multiple-family or nonresidential uses. The sign shall be removed from the site when the construction project is finished or two years from the initial installation, whichever comes first. The maximum height of such signage is eight feet.

- f. Temporary signs in residential districts
 - (1) Temporary signs in excess of eight square feet, but not greater than 32 square feet:
 - (a) Each residential property shall be allowed two such signs per year and each sign may be placed on the property for no more than 15 days.
 - (b) Each nonresidential property shall be allowed four such signs per year and each sign may be placed on the property for no more than 15 days.
 - (c) Not more than one sign may be placed on the property at a time.
 - (2) Temporary signs for new developments. Each new subdivision with three or more lots or a multiple family or nonresidential project shall be allowed two temporary signs that may be installed at the entrance to the project.
 - (a) The maximum size of the signs shall be 32 square feet each.
 - (b) The signs shall not be illuminated.
 - (c) The signs shall be removed when the construction of subdivision improvements has ended, the principal building is occupied, or when 80% of the residential lots are developed and sold, whichever occurs first.
 - (3) Temporary signs in the LS-R district
 - (a) Two temporary signs in excess of eight square feet, but not greater than 32 square feet shall be allowed per year. Each sign may be placed on the property for no more than 15 days. Not more than one sign may be placed on the property at a time.
 - (4) Temporary signs in the G-CM district
 - (a) Temporary signs for new development. Each property shall be allowed two temporary signs that shall be installed at the entrance to the project.
 - (i) The maximum size of the signs shall be 32 square feet each.
 - (ii) The signs shall not be illuminated.
 - (iii) The signs shall be removed when the principal building is occupied.
 - (b) Additional temporary event signs. Subject to approval of a permit, each property is allowed two temporary signs, banners, pennants, or similar devices, for up to 15 consecutive days. No more than one such sign, banner, pennant or similar device shall be used on the site at a time. A searchlight may be substituted for one such sign, banner, pennant or similar device, but may be used on the property for no more than 24 consecutive hours. Searchlights may not be used between the hours of 11:00 p.m. and 6:00 a.m.

1201.85 Permitted Signs.

- Subd. 1 Permanent signs. Except as expressly provided in § 1201.82 Exempt Signs, no permanent sign may be erected, altered, reconstructed, maintained or moved without first securing a permit from the City. The content of the message

or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a permit.

Subd. 2 Subject to other conditions of this subdivision, the following signs are authorized as specified below for each zoning district.

a. Residential districts (R-EL, R-LL, R-SL, R-LD, R-MD, and R-HD and residential uses in the PUD district).

(1) Commercial speech signs are not allowed for single-unit, two-unit, townhouse, and 3-4 unit dwellings, except for those authorized in §1201.84 Temporary Signs.

(2) Allowed area of all signage on each property in residential zoning districts:

Table 1201.13. Allowed Area of All Signage in Residential Zoning Districts

Use	Total area of all signs unless specified elsewhere in this subdivision
Single-unit dwellings, 2-4 unit dwellings, and townhouses	8 feet
Multiple-unit dwelling	50 square feet
Nonresidential uses (not including PUD district)	50 square feet per each 10 acres

(3) Allowed freestanding signage on each property in residential zoning districts:

Table 1201.14. Allowed Freestanding Signage in Residential Zoning Districts

Use	Maximum sign area of a single freestanding sign*	Maximum height of freestanding signs	Maximum number of signs over 8 square feet
Single-unit dwellings, 2-4 unit dwellings, and townhouses	8	6	0
Multiple-unit dwelling	20	9	1
Nonresidential uses (not including PUD district)	20	9	1 per street frontage
*Sign area is subject to limitation indicated in § 1201.88 Design Standards.			

(4) Allowed wall signage on each property in residential zoning districts:

Table 1201.15. Allowed Wall Signage in Residential Zoning Districts

Use	Maximum area of wall signs*	Maximum number of wall signs
Single-unit dwellings, 2-4 unit dwellings, and townhouses	Not permitted, except as allowed by § 1201.84 Temporary Signs.	
Multiple-family	10% of gross silhouette	1 per property
Nonresidential uses	10% of gross silhouette	1 per frontage
*Sign area is subject to limitation indicated in § 1201.88 Design Standards.		

- (5) Signs for multiple-unit dwellings and nonresidential uses placed along arterial or major collector roadways may be indirectly illuminated subject to the standards in § 1201.88 Design Standards.
- (6) Signs for cemetery uses may be affixed to an entry arch but may not exceed 18 feet in height.
- (7) Additional signage permitted.
 - (a) Permanent signage for subdivisions with 20 lots or more.
 - (i) One monument sign per dedicated street entrance.
 - (ii) The maximum size sign is 32 square feet in area and the structure size is limited to one-half of the allowed sign area.
 - (iii) The maximum height is eight feet above grade.
 - (iv) The sign may not be illuminated.
 - (b) Nonresidential and multiple-unit dwellings. One permanent sign, not to exceed three square feet in area and eight feet in height, may be installed per street access.
 - (c) Nonprofit athletic associations under contract pursuant to § 902.06 Use of Recreational Facilities by Athletic Associations for exclusive field use may display temporary sponsorship signs to be placed on certain ball field fences on public property, provided that:
 - (i) The nonprofit athletic association must execute an annual license agreement with the City setting forth the conditions of approval and the duration of the approval. The association shall pay the annual license fee as established by the City Council from time to time. The association shall have no vested right in obtaining licenses from season to season.
 - (ii) Signs may be displayed only in a community park, as defined in the Shorewood Comprehensive Plan.
 - (iii) Signs may be displayed only on outfield fences, facing into the ball field, and situated so as to minimize view of the signs from adjacent residential properties.
 - (iv) All signs must be professionally made, using durable weather resistant material, and painted or factory coated dark green on the back side of the sign.
 - (v) Signs are limited in size to no larger than 42 inches in height and seven feet in length.
 - (vi) There shall be a minimum spacing between signs of seven feet.
 - (vii) The maximum number of signs per ballfield is 15.
 - (viii) The nonprofit athletic association is responsible for maintaining the signs consistent with these requirements and in good repair. If a sign becomes detached, torn, or vandalized or was installed in violation of the above, the sign will be removed by the City.

- (ix) The nonprofit athletic association is responsible for any damage to the fence on which it is displayed that is caused by installation or display of the sign.
- b. LS-R lakeshore recreational district
 - (1) Not more than two signs, one facing the lake and one facing the street, may be displayed per property.
 - (2) Signs shall not be illuminated.
 - (3) Signs shall not exceed 20 square feet in area each nor more than eight feet above grade.
 - (4) One permanent sign, not to exceed three square feet in area and eight feet in height, may be installed on the same property per public street access. Each sign must be located a minimum of five feet from front and side property lines.
- c. G-CM general commercial district and commercial uses in PUDs.
 - (1) The maximum area of all signs shall be no greater than 10% of the gross silhouette of the front of the principal building. Where the principal building is on a corner lot and thus faces two public streets, both sides may be counted.
 - (2) The maximum number of signs is three per property, of which one may be a freestanding sign over eight square feet in area.
 - (3) Freestanding signs shall not exceed 20 feet in height or 80 square feet in area. The total area of the sign structure shall not exceed one-half of the allowable copy area.
 - (4) Additional signage permitted
 - (a) Window signs. The total areas of window signs shall not exceed 10% of the total area of windows as viewed from the street. The area of any window sign with lettering over three and one-half inches in height shall be subtracted from the total number and area of signs allowed for the property.
 - (b) Signs oriented to drive-through service lanes. Each drive-through service lane shall be allowed a maximum of two additional freestanding signs not exceeding eight feet in height. The total area of the two signs shall not exceed 39 square feet, with no one sign allowed greater than 32 square feet. One of the two signs may include a digital sign. Placards placed on the top or sides of the sign count towards the total area of the sign.
 - (c) Multi-tenant buildings or shopping centers. A multi-tenant building or shopping center is permitted additional signage to the approval of a conditional use permit with an overall site and signage plan indicating the size, location and height of all signs. A maximum of 10% of the gross silhouette of each multi-tenant building with two or more business uses shall apply to the principal building where aggregate allowable sign area is distributed among the several businesses. A shopping center may also be allowed to have two additional freestanding signs.

- (d) One permanent sign, not to exceed three square feet in area and eight feet in height, may be installed per street access. Each sign must be located a minimum of five feet from property lines.
- (e) Permanent signs not to exceed 12 square inches may be installed at or near parking spaces, not to exceed 10 per property.

1201.86 Dynamic Display.

Subd. 1 Purpose. The purpose of this section is to allow new technologies in commercial signage that allow messages to be easily updated, while at the same time preventing distraction to motorists and minimizing visual impacts of electronic signage on residential properties. The City finds that dynamic displays should be allowed on signs but with significant controls to minimize their proliferation and their potential threat to public safety.

Subd. 2 Authorization. Signs with dynamic display are only permitted in the zoning districts listed in § 1201.85 Permitted Signs that specifically authorize them.

Subd. 3 Design Standards

- a. Freestanding signs only. Signs with dynamic displays shall only be allowed as part of freestanding signs.
- b. Setbacks/hours. Signs with dynamic displays must be a minimum of 20 feet from side lot lines and 100 feet from adjacent residential districts. Dynamic display signs within 500 feet of residential properties shall be programmed to freeze the image between the hours of 10:00 p.m. and 6:00 a.m.
- c. Area limitation. Dynamic displays may occupy no greater than 25% of the actual copy and graphic area. The remainder of the signs shall not have the capability to have dynamic displays even if they are not used. Only one dynamic display area is allowed on a sign face. The dynamic display sign shall be located at the bottom of the sign face.
- d. Duration of image for time/temperature. A display of time, date, or temperature must remain static for 90 minutes at a time before changing to a different display, but the time, date, or temperature information itself may change no more often than once every 60 seconds.
- e. Transition. If a dynamic display sign's image or any portion thereof changes, the change sequence must be instantaneous without any special effects.
- f. Video display. No portion of a dynamic display sign may change any part of its sign face by a method of display characterized by motion or pictorial imagery, or depict action or a special effect to imitate movement, or display pictorials or graphics in a progression of frames that gives the illusion of motion of any kind.
- g. Fluctuating or flashing illumination. No portion of a dynamic display sign image may fluctuate in light intensity or use intermittent, strobe or moving light, or light that changes in intensity in sudden transitory bursts, streams, zooms, twinkles, sparkles or in any other manner that creates the illusion of movement.
- h. Audio. Dynamic display signs shall not be equipped with audio speakers.
- i. Malfunctions. Dynamic display signs must be designed and equipped to freeze the sign face in one position if a malfunction occurs. Dynamic display signs must also be equipped with a means to immediately discontinue the

display if it malfunctions, and the sign owner or operator must immediately turn off the display when notified by the City that it is not complying with the standards of this subdivision.

- j. Brightness. All dynamic display signs shall meet the following brightness standards:
- (1) No dynamic display sign may exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between sunset to sunrise as measured from the sign's face at maximum brightness.
 - (2) All dynamic display signs having illumination by means other than natural light must be equipped with an ambient light sensor and a dimmer control or other mechanism to continuously adjust the sign's brightness to ensure at any time the sign's intensity does not exceed 0.3 foot candles above ambient light levels as measured from 100 feet from the sign's face and automatically controls the sign'
 - (3) No dynamic display sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.
 - (4) The owner or controller of the dynamic display sign must adjust the sign to meet these brightness standards in accordance with the City's instructions. The adjustment must be made immediately upon notice of non-compliance from the City.
 - (5) A written certification from the sign manufacturer that light intensity has been preset to conform to the brightness levels established by code and that the preset level is protected from end user manipulation by password protected software or other method. This would offer the advantage of ensuring that electronic signs at a minimum cannot exceed the standards.

1201.87 Nonconforming Signs.

- Subd. 1 Any illegal non-conforming sign shall be removed from any property.
- Subd. 2 Any legal non-conforming sign shall not be expanded but may be continued at the size and manner of operation existing on the date it became nonconforming. The property owner may maintain, repair or replace the sign (not including expansion or changes to the manner of operation) unless the sign is removed for a period of more than one year. Once the sign has been removed from the property for one year, any subsequent request for replacement shall be subject to the regulations in this subdivision.
- Subd. 3 Any legal non-conforming sign may be returned to a safe condition when the sign is declared unsafe by the Building Official, unless the sign is destroyed by fire or other peril to the extent of 50% of its market value (as determined by the City Assessor) and no permit has been applied for within 180 days of when the sign is damaged.
- Subd. 4 A legal nonconforming sign may not be changed to another nonconforming sign.
- Subd. 5 Any nonconforming sign used as a principal use on a property must be removed prior to development of the site for any other use.

1201.88 Design Standards.

Subd. 1 These regulations shall apply to all signs unless otherwise specified.

- a. Building code. All permanent signs shall comply with Chapter 1001 Building Code.
- b. Placement. No signs shall be located closer than five feet to any property line unless a greater setback is directed elsewhere in this subdivision.
- c. Public rights-of-way, public lands or public easements.
 - (1) No signs other than public signs shall be erected or temporarily placed within or upon public lands or within public rights-of-way abutting public lands.
 - (2) No signs other than public signs and those authorized by § 1201.84 Temporary Signs may be erected or temporarily placed within or upon rights-of-way or public easements.
 - (a) The City Administrator or their designee shall order the removal of any illegal non-conforming sign erected or maintained in violation of the City Code. Notice in writing shall be given by the City to the owner of such sign, or of the building, structure, or property on which such sign is located, to remove the sign or bring it into compliance with the provisions of this section within 15 days from the date of said notice.
 - (b) Upon failure to remove the sign or to comply with this notice, the City may remove the sign. Any costs of removal incurred by the City shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinary debt or in the manner of taxes, and all costs shall be assessed against the property.
 - (c) The City Administrator or their designee may order the immediate removal of any sign without notice which is in violation of any of the following:
 - (i) Signs located within the public right-of-way.
 - (ii) Temporary signs that have exceeded the time limits allowed in this section.
 - (iii) The condition of the sign is such as to present an immediate threat to the safety of the public.
- d. Required signage. Any sign required by Chapters 1001 Building Code or 607 Uniform Fire Code shall not reduce the allowed sign area nor the number of signs allowed on any property, but must adhere to the other regulations of this subdivision.
- e. Illumination. Illumination for signs must be constructed and maintained so that the source of light is not visible from the public right-of-way or a property used or zoned for residential purposes and consistent with the regulations in §1201.74 Lighting. Illumination must be authorized in the specific district in which the sign is located.

1201.90 Procedures & Enforcement.

1201.91 Common Procedures.

Subd. 1 Authority to file applications.

- a. Development review applications for an individual property may be initiated by:
 - (1) The owner of the property that is the subject of the application; or
 - (2) An agent authorized by the owner of the property that is the subject of the application, which may include a lessee of the property. Evidence of such authorization shall be the signature of the property owner.
- b. If the property subject to an application is under more than one ownership, all owners or their authorized agents shall join in filing the application.
- c. The City may initiate text and map amendments to this Chapter. If the subject of the amendment is a specific site or project, the City may initiate amendments with or without application from the owner.

Subd. 2 Application submittal.

- a. Notwithstanding anything to the contrary in this Chapter, all applications for any site plan, conditional use permit, interim use permit, variance, or for any other City approval required by this Chapter, or to amend this Chapter, shall be made in writing to the Zoning Administrator. The Zoning Administrator is authorized to reject in writing any incomplete application within 15 business days of receipt if the application is incomplete, stating the reasons or its rejection, including what information is missing. Every application shall contain the legal description of the property and a statement of the specific permit or action being sought. Nothing in this section shall be deemed to prevent the City from requesting additional information from the applicant upon which to base a decision.
- b. When all informational requirements have been complied with, the request shall be considered officially submitted.
- c. The Zoning Administrator and City staff shall have the authority to request any additional information from the applicant deemed necessary, or to retain expert testimony with the consent, and at the expense, of the applicant concerning operational factors. Said information may include operational factors necessary to establish performance conditions in relation to all pertinent sections of this Chapter.

Subd. 3 Application review.

- a. Upon receipt of a complete application, the Zoning Administrator shall, when deemed necessary, refer the request to appropriate staff to ensure that informational requirements are complied with. When all informational requirements have been complied with, the request shall be considered officially submitted. Also, when deemed necessary, the Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports and/or provide general assistance in preparing a recommendation on the request to the Planning Commission and City Council.
- b. Timelines for Review

- (1) The City Council must approve or deny a land use request within the time allotted under M.S. § 15.99.
- (2) The City expressly reserves the right to extend, with written notice, the period for action under M.S. § 15.99 for a land use application for a period of up to 60 days beyond the deadline specified therein if the Zoning Administrator finds that additional time is reasonably necessary to process and review the submission. The applicant may provide a written extension beyond 60 days.

Subd. 4 Public hearings.

- a. Public hearings required by this Chapter shall be conducted pursuant to the rules established for each of the bodies, the City Code, and in compliance with state law.
- b. Upon official submission of a completed application requiring a public hearing, the Zoning Administrator shall set a public hearing on the request for a regularly scheduled Planning Commission meeting.
- c. Notification
 - (1) The Zoning Administrator shall publish a notice in the official newspaper no less than 10 days prior to the hearing. The notice shall contain a description of the request and the time and place of the public hearing.
 - (2) Written notification of the hearing shall also be mailed at least 10 working days prior to the date of the hearing to all owners of land within 500 feet of the boundary of the property related to a conditional/interim use permit and 750 feet of the boundary of the property related to an amendment. Failure of a property owner to receive the notice shall not invalidate any proceedings as set forth within this Chapter.
 - (3) Written notification of the application and hearing shall be filed with the Commissioner of the Minnesota Department of Natural Resources if the proposed application relates to land located in part or in total within the Shoreland Overlay District.
 - (4) Written notification of the application and hearing shall be filed with the Commissioner of the State Department of Transportation or the County Engineer if an application for a proposed application abuts or includes a state trunk highway or a county state aid road, respectively.
 - (5) Failure of the City to send mailed notice to property owners as required above, or defects in the notice, shall not invalidate any such proceedings as set forth within this Ordinance, provided a bona fide attempt has been made to comply with the notice requirements of this Article.

Subd. 5 Planning Commission action.

- a. The Planning Commission shall conduct the public hearing, at which time the applicant or a representative thereof may appear to answer questions concerning the application. The Planning Commission shall also take public testimony.
- b. The Planning Commission and City Staff shall have the authority to request any additional information from the applicant deemed necessary, or to retain expert testimony with the consent, and at the expense, of the applicant concerning operational factors. Said information may include operational

factors necessary to establish performance conditions in relation to all pertinent sections of this Chapter.

- c. The Planning Commission shall make a finding of fact and recommend the actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this Chapter. The recommendation shall be in writing and accompanied by any report and recommendation of the City Staff. The written recommendation of the Planning Commission shall be forwarded to the City Council.

Subd. 6 City Council action.

- a. Referral to City Council. Upon receipt of the Planning Commission report and recommendation, the Zoning Administrator shall place the application and any report or recommendation on the agenda of a regularly scheduled meeting of the City Council.
- b. Upon receiving the request and any report or recommendation of the Planning Commission and the City Staff, the City Council shall make a decision on the request and as deemed necessary adopt findings of fact.
 - (1) Approval of an application shall require passage by a simple majority vote of a quorum of the City Council.
 - (2) The written decision and findings shall be presented to the applicant.

Subd. 7 Lapse of Approval

- a. Whenever, within one year after granting a land use permit or approval, work as permitted under the permit or approval has not commenced, then the permit or approval shall become null and void unless a petition for an extension shall have been granted.
- b. Extension
 - (1) The extension shall be requested in writing and filed with the Zoning Administrator at least 30 days before the expiration of the original permit or approval.
 - (2) The petition shall be accompanied by a fee as established by the City of Shorewood Fee Schedule.
 - (3) The request for extension shall state facts showing all efforts to complete the work or permitted in the permit or approval.
 - (4) The first petition for an extension of up to one year shall be approved or denied by City Staff. Any subsequent petitions shall be presented to the City Council for a decision.

Subd. 8 Withdrawal of applications.

- a. Any request for withdrawal of an application shall be submitted in writing to the Zoning Administrator.
- b. In all cases where the applicant has requested withdrawal of an application, the associated fee paid and any costs incurred by the City in the processing of an application shall not be refunded.

Subd. 9 Successive applications.

- a. Whenever an application has been considered and denied by the City Council, a similar application affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at

least six months from the date of its denial; a subsequent application affecting substantially the same property shall likewise not be considered again by the Planning Commission or City Council for an additional six months from the date of the second denial, unless a decision to reconsider the matter is made a simple majority of the full City Council.

Subd. 10 Fee disputes.

- a. If a dispute arises over a specific fee imposed by the City, the amount of the fee must be deposited and held in escrow, and the person aggrieved by the fee may appeal to district court, as provided by M.S. § 462.361, as it may be amended from time to time. The application shall proceed as if the fee had been paid, pending a decision of the court.

Subd. 11 Appeal of decision.

- a. Purpose. The purpose of this section is to provide for an appeal process when it is alleged that there is an error in any order, requirement, decision, or determination by the City or in the enforcement of this Chapter.

- b. Administrative appeal.

- (1) An administrative appeal is an appeal process where it is alleged that there is an error in any order, requirement, decision or determination by an administrative officer in the enforcement of this Chapter.

- (2) Appeal process.

- (a) An appeal shall only be applicable to an interpretation of legislative intent of provisions of this Chapter and shall be submitted to the Zoning Administrator as indicated below.

- (b) Filing. The request for an appeal shall be submitted in writing and:

- (i) Be submitted by the property owner or their agent and include contact information for both parties.
- (ii) State the specific grounds upon which the appeal is made.
- (iii) Be filed within 14 days of the date the administrative decision was mailed or sent by electronic mail.
- (iv) Include the fee as required by Chapter 1301 License, Permit, Service Charges and Miscellaneous Fees.

- (c) Notice to appellant. The Zoning Administrator shall notify the appellant of the date and time of the Planning Commission and City Council meetings where the request will be heard.

- (d) Stay of proceedings. An appeal stays all proceedings and the furtherance of the action being appealed, unless a stay would cause imminent peril to life and property.

- (e) Planning Commission action. The Planning Commission shall review the appeal at a public meeting, at which time the appellant or a representative thereof may appear to answer questions concerning the request.

- (i) The Planning Commission shall consider possible adverse effects of the appeal.
- (ii) The Planning Commission shall make a finding of fact and may recommend any actions or conditions relating to the request as

they deem necessary to carry out the intent and purpose of this Chapter. The recommendation of the Planning Commission shall be forwarded to the City Council at a regularly scheduled meeting.

- (f) City Council action. Upon receiving the request and any report or recommendation of the Planning Commission and the City Staff, the City Council shall make a recorded finding of fact within the time allowed by Minnesota Statutes. Action on the request shall require passage by a simple majority vote of a quorum of the City Council.
- (g) Decision. The Zoning Administrator shall send the appellant a copy of the final order of the City Council by mail.

c. Appeals of City Council Decisions.

- (1) Any person aggrieved by any decision of the City Council shall have the right to appeal within 30 days after delivery of the decision to the appellant, to the district court of the county. Any person seeking judicial review under this Chapter must serve the City and all necessary parties, including any landowners, within the 30-day period.

Subd. 12 Violations

- a. Any violation of the provisions of this Chapter or failure to comply with any of its requirements including violations of conditions and safeguards established in connection with grants of variances or conditional uses constitutes a misdemeanor and is punishable as defined by law.

Subd. 13 Enforcement and Penalties.

- a. Enforcement. The Zoning Administrator may institute in the name of the City any appropriate actions or proceedings against a violator as provided by statute, charter or ordinance.
- b. Penalty. Any person who violates any of the provisions of this Chapter shall, upon conviction thereof, be fined not more than the maximum penalty for a misdemeanor prescribed under state law. Each day that a violation is permitted to exist shall constitute a separate offense.

1201.92 Land Use Permits.

Subd. 1 Permits required.

- a. No construction shall commence until the property owner(s) or their agent(s) obtain and are issued all required permits indicating that the existing or proposed structure and the use of the land comply with this Chapter and all building codes.

Subd. 2 Certificate of Occupancy.

- a. No building or structure hereafter erected or moved, or that portion of an existing structure or building erected or moved, shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the Building Official stating that the building or structure complies with all of the applicable provisions within this Chapter.
- b. The certificate shall be applied for coincidentally with the application for a building permit, conditional use permit and/or variance and shall be issued within ten days after the Building Official shall have found the building or

structure satisfactory and given final inspection. The application shall be accompanied by a fee as established by City Council ordinance.

Subd. 3 Zoning Permits.

- a. A zoning permit shall be required for activities that do not require building permits but for which it is necessary to determine compliance with zoning requirements such as setbacks, impervious surface coverage, structure height, and the like.
- b. The permit shall expire within six months if the applicant has not completed the project.
- c. Items requiring a zoning permit include:
 - (1) Accessory buildings that do not require building permits.
 - (2) Driveways.
 - (3) Sport and tennis courts.
 - (4) Retaining walls higher than three feet (no separate permit required when a building permit is required for grading).
 - (5) Above-ground fireplaces and cooking facilities, but not including portable appliances.
 - (6) Residential decks that do not require building permits, as well as patios, terraces, sidewalks, steps, stoops, and other similar at-grade improvements.
 - (7) Playground equipment or systems occupying more than 64 square feet of ground area or exceeding six feet in height.
 - (8) Fences as regulated by § 1201.75 Fencing.
 - (9) Temporary signs.
 - (10) Portable storage facilities not associated with a valid building permit and located on property for more than 30 days in a 12-month period.
 - (11) Ground-mounted solar energy systems not requiring a building permit, consistent with § 1201.42 Use Tables and 1201.62 Accessory Use Standards.
 - (12) Grading activities located within a bluff or shore impact zone, or on steep slopes, involving the movement of 10 or more cubic yards of material. Grading activities shall meet the requirements of § 1201.51 Shoreland S. A separate zoning permit shall not be required for grading activities associated with a subdivision, mining or land reclamation interim use permit, or building permit application.

1201.93 Site Plan Review.

Subd. 1 Purpose. The purpose of this section is to establish a formal plan review procedure and provide regulations pertaining to the enforcement of site design and construction standards as agreed to by the contractor through their officially submitted plan documents.

Subd. 2 Applicability.

- a. Site plan review is required for the construction or alteration of townhouses, multi-unit dwellings, and non-residential buildings.

- b. Exemptions. Unless otherwise specifically required in this Chapter, the following shall be exempt from the site plan review requirement. All exemptions remain subject to the requirements of this Chapter.
 - (1) Construction of single-unit and two- to four-unit dwellings.
 - (2) Interior alterations of all structures that do not affect the existing uses or intensity of use.
 - (3) Minor revisions or additions to existing principal structures, provided the proposed modifications do not exceed 30% of the floor area of said structure or 10,000 square feet, whichever is less.

Subd. 3 Plans required.

- a. In addition to other plan requirements outlined in this Chapter, site and construction plans will be required and shall be submitted to and approved by the Zoning Administrator prior to the issuance of any building permit.

Subd. 4 Review procedure.

- a. If no additional land use approvals are necessary, site plan review will be conducted by the Zoning Administrator during the building permit approval process.
- b. If additional land use approvals, such as CUPs or variances, are requested as well as site plan review, the site plan will be reviewed by the Planning Commission and City Council during the review process for those additional land use approvals. In this case, a separate site plan review application is not necessary.

Subd. 5 Plan agreements.

- a. All site and construction plans officially submitted to the City shall be treated as a formal agreement between the applicant and the City. Once approved, no changes, modifications or alterations shall be made to any plan detail, standard or specification without prior submission of a plan modification request to the Zoning Administrator for their review and approval.

Subd. 2 Performance agreement and guarantee.

- a. A performance agreement and guarantee may be required to be executed for plan reviews in accordance with § 1201.91 Common Procedures when recommended by the Zoning Administrator and approved by the City Council.

Subd. 3 Enforcement.

- a. The Building Official or Zoning Administrator shall have the authority to order the stopping of any and all site improvement activities, when and where a violation of the provisions of this section has been officially documented by the Building Official or Zoning Administrator.

1201.94 Conditional Use Permit (CUP).

Subd. 1 Purpose. The purpose of a conditional use permit is to provide the City of Shorewood with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare, public health and safety.

Subd. 2 Applicability. A conditional use is a use that is allowed only when it is shown that the use meets certain standards related to the proposed conditional use.

Subd. 3 Application review.

- a. An application shall be made and reviewed following the procedures in § 1201.91 Common Procedures.
- b. Requests for conditional use permits shall require a simple majority vote of the full City Council.
- c. In making a determination whether or not the conditional use is to be allowed, the City shall consider:
 - (1) The proposed use, and its related construction, would be consistent with the policies and provisions of the Comprehensive Plan.
 - (2) The proposed use would be compatible with present and future land uses in the area and would not tend to or depreciate the area in which it is proposed.
 - (3) Adequate public facilities and services, including existing and anticipated traffic concerns, are available or can be reasonably provided to accommodate the proposed use.
 - (4) The proposed use conforms to the applicable regulations of the zoning district in which it is located and otherwise conforms to all applicable regulations of the City Code.
 - (5) The proposed use will not be detrimental to the health, safety and general welfare of the occupants of surrounding lands.
 - (6) All other or future factors as the City shall deem a prerequisite of consideration in determining the effect of the use on the general welfare, public health and safety.
- d. The City Council may impose any condition it considers necessary to protect the public health, safety and welfare.

Subd. 4 Conditions of approval.

- a. In permitting a new conditional use permit or amending an existing conditional use permit, the Planning Commission may recommend and the City Council may impose, in addition to the standards and requirements expressly specified by this code, additional conditions that the Planning Commission or City Council consider necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include but are not limited to the following:
 - (1) Increasing the required lot size or yard dimension;
 - (2) Limiting the height, size or location of buildings;
 - (3) Controlling the location and number of vehicular access points;
 - (4) Increasing the street width;
 - (5) Increasing the number of required off-street parking spaces;
 - (6) Limiting the number, size, location and lighting of signs;
 - (7) Requiring fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- b. The property on which the conditional use is located shall not become in violation of any requirements of the Shorewood City Code or any conditions imposed by City Council.

Subd. 5 Performance agreement and guarantee.

- a. Except in the case of single-family and two-family properties, upon approval of a conditional use permit, the developer shall execute a performance agreement in the form drafted by the Zoning Administrator and approved by the City Council and provide a letter of credit, or cash deposit prior to the issuance of building permits or beginning the proposed improvements or development and shall remain in place until the project is completed. The letter of credit shall automatically renew until all approved improvements have been completed as determined by the Zoning Administrator/City Engineer and shall guarantee conformance and compliance with the conditions of the conditional use permit and the ordinances of the City. The Zoning Administrator may periodically reduce the financial guarantee based on the completion of improvements, as outlined in the agreement.
- b. The security shall be in the amount of one and one-half times the City Engineer's or City Building Official's estimated costs of labor and materials for the proposed improvements or development. The project can be handled in stages upon the discretion of the City Engineer and Zoning Administrator.
- c. The City shall hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the conditional use permit and ordinances of the City has been issued by the City Building Official.
- d. Failure to comply with the conditions of the conditional use permit or the ordinances of the City shall result in forfeiture of the security.

Subd. 6 Revocation.

- a. Failure to comply with any and all conditions and stipulations issued with a Conditional Use Permit shall result in revocation of the Conditional Use Permit.
- b. Revocation shall occur after a public hearing by the City Council and in compliance with Minnesota Statutes Chapter 462.
- c. All costs incurred by the City during the revocation process may be assessed to the property.

1201.95 Interim Use Permit (IUP).

Subd. 1 Purpose. The purpose of an IUP is to permit a use which would not be appropriate generally, but which may be allowed within a certain zoning district with appropriate restrictions. An IUP is not intended to last indefinitely, but is meant to have a specific end date for when the use will no longer be allowed on the property.

a. Applicability.

(1) An IUP may be used to:

- (a) Allow a use for a brief period of time while permanent location is obtained or constructed; or
- (b) Allow a use that is presently judged acceptable by the City Council, but that with anticipated development or redevelopment, will not be acceptable in the future; or
- (c) Allow a use that is reflective of anticipated long-range change to an area and that is in compliance with the Comprehensive Plan, provided

- that the use maintains harmony and compatibility with surrounding uses and is in keeping with the performance standards of this code; or
- (d) Provide a mechanism for allowing changes to a nonconforming use of property contingent upon a plan for cessation of the nonconforming use within a specified period of time.

Subd. 2 Application review.

- a. An application shall be made and reviewed following the procedures in § 1201.91.

Subd. 3 Termination.

- a. An IUP shall terminate on the happening of any of the following events, whichever occurs first:
- (1) The date stated in the permit;
 - (2) Upon violation of conditions under which the permit was issued;
 - (3) Upon change in the City's zoning regulations that renders the use nonconforming;
 - (4) The redevelopment of the use and property upon which it is located to a permitted or conditional use as allowed within the respective zoning district.

Subd. 4 General standards. An IUP shall comply with the following:

- a. Conform to the applicable general building requirements of § 1201.33 General Area and Building Size Regulations;
- b. The date or event that will terminate the use can be identified with certainty;
- c. The use will not impose additional unreasonable costs on the public;
- d. The user agrees to any conditions that the City Council deems appropriate for permission of the use. The conditions shall be set forth in a development agreement between the property owner and the City, which agreement shall be recorded with the Hennepin County Recorder or Registrar of Deeds.

Subd. 5 Conditions of approval.

- a. In permitting a new IUP or amending an existing IUP, the Planning Commission may recommend and the City Council may impose, in addition to the standards and requirements expressly specified by this code, additional conditions that the Planning Commission or City Council consider necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include but are not limited to the following:
- (1) Increasing the required lot size or yard dimension;
 - (2) Limiting the height, size or location of buildings;
 - (3) Controlling the location and number of vehicular access points;
 - (4) Increasing the street width;
 - (5) Increasing the number of required off-street parking spaces;
 - (6) Limiting the number, size, location and lighting of signs;
 - (7) Requiring fencing, screening, landscaping or other facilities to protect adjacent or nearby property.

- b. The property on which the interim use is located shall not become in violation of any requirements of the Shorewood City Code or any conditions imposed by City Council.

Subd. 6 Revocation.

- a. The same process established for granting the IUP shall be followed when considering revocation of the IUP.
- b. An IUP may be revoked if:
 - (1) The property is found to be in violation of the conditions listed in the IUP; or
 - (2) If access to the property for purpose of making an inspection is refused to the Zoning Administrator or their designee.

1201.96 Variance.

Subd. 1 Purpose. The purpose of this section is to provide a process for allowing deviations from the literal provisions of this Chapter, including those placed on nonconformities, in instances where it is established by the applicant that a practical difficulty in the reasonable use of a specific parcel of property.

Subd. 2 Applicability.

- a. The variance process is neither appropriate nor applicable to allow a use on a property that is not permitted in the zoning district, or to deviate from non-dimensional requirements of this Chapter.

Subd. 3 Application review.

- a. An application shall be made and reviewed following the procedures in § 1201.91 Common Procedures. Within the application, the applicant shall state the exceptional conditions and practical difficulties claimed as a basis for a variance.
- b. The Planning Commission and City Council shall consider possible effects of the proposed variance request. A variance shall only be granted when it is demonstrated by the applicant that:
 - (1) The variance, and its resulting construction and use, is consistent with the intent of the comprehensive plan and in harmony with the general purposes and intent of this Chapter.
 - (2) The applicant has established that there are practical difficulties in complying with this Chapter. Practical difficulties mean:
 - (a) The property owner proposes to use the property in a reasonable manner not permitted by this Chapter;
 - (b) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
 - (c) The variance, if approved, would not alter the essential character of the locality.
 - (3) The variance would not be based exclusively on economic considerations.
 - (4) The variance shall not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion in the public street, or increase the danger of fire or endanger the public safety.

- (5) The variance, and its resulting construction or project, would not be detrimental to the public welfare, nor would it be injurious to other land or improvements in the neighborhood.
 - (6) The variance is the minimum variance necessary to address or alleviate the practical difficulties.
 - c. The City Council may impose any condition it considers necessary to protect the public health, safety and welfare, provided such conditions are directly related to and bear a rough proportionality to the impact of the variance.
- Subd. 4 Performance agreement.
- a. In the case a variance is approved contingent upon certain conditions imposed by the City Council, the City Council may require a performance agreement to be executed.
 - (1) If required, the agreement shall be drafted by staff and executed by the applicant and the City Council. The agreement shall include:
 - (a) The terms of work and penalties for non-compliance in a form agreeable to the City Attorney; and
 - (b) Authorize acceptance of a financial guarantee to ensure the applicant completes the project per plan.
 - (2) The applicant shall provide the City with a letter of credit or cash deposit prior to the issuing of building permits or initiation of work on the proposed improvements or development. The security shall automatically renew with a minimum of two months' notice prior to cancellation and shall be used to guarantee conformance and compliance with the conditions of the variance and the ordinances of the City.
 - (3) The financial guarantee shall be in the amount of one and one-half times the City Engineer's or Building Official's estimated costs of labor and materials for the proposed improvements or development.
 - (4) The City shall hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the variance and ordinances of the City has been issued by the City Building Official.
 - (5) Failure to comply with the conditions of the variance and the ordinances of the City shall result in forfeiture of the security for action necessary on the part of the City to correct problems or deficiencies.

1201.97 Planned Unit Development (PUD)

Subd. 1 Purpose. The purpose of this section is to provide for the creation of PUDs in accordance with § 1201.53 PUD, Planned Unit Development.

Subd. 2 Application review.

- a. The establishment of a PUD by zoning amendment shall be subject to the procedures and requirements for zoning amendments as set forth in § 1201.99 Zoning Amendment (Text or Map) of this Chapter.
- b. Each of the three stages of the review process shall require a separate application.
- c. An application for PUD approval must be filed by the landowner or jointly by all landowners of the property included in a project. The application and all

submissions must be directed to the development of the property as a unified whole. In the case of multiple ownership, the approved final plan shall be binding on all owners.

d. Application conference.

- (1) Prior to the submittal of an application for PUD, the applicant of the proposed PUD is encouraged to arrange for and attend a conference with the Zoning Administrator.
- (2) The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the proposal for the area for which it is proposed and its conformity to the provisions of this Chapter before incurring substantial expense in the preparation of plans, surveys and other data.

Subd. 3 General concept plan

- a. Purpose. The general concept plan provides an opportunity for the applicant to submit a plan to the City showing their basic intent and the general nature of the entire development without incurring substantial cost.

b. Review Process

- (1) Subsequent to an optional conference with the Zoning Administrator, the applicant shall file the concept stage application, together with all supporting data and filing fee as established by City Council resolution;
- (2) The application shall be reviewed following the procedures in § 1201.91 Common Procedures.
- (3) Comments or discussions on the concept plan shall not be considered binding on the City in regard to subsequent development or plat review and do not constitute official assurances or representations of the City.
- (4) A development stage plan covering at least 10 dwelling units or the area designated in the general concept plan as the first stage of the PUD, whichever is greater, shall be filed within six months from the date the City Council reviews the concept plan. This deadline may be extended in accordance with the procedures in § 1201.91 Common Procedures.
 - (a) Optional submission of development stage plan. In cases of single stage PUDs or where the applicant wishes to begin the first stage of a multiple stage PUD immediately, they at their option may initially submit development stage plans for the proposed PUD. In this case, the Planning Commission and City Council shall consider the plans, grant or deny development stage plan approval in accordance with the provisions of this section.

Subd. 4 Development stage

- a. Purpose. The purpose of the development stage plan is to provide a specific and particular plan upon which the Planning Commission will base its recommendation to the City Council and with which substantial compliance is necessary for the preparation of the final plan.
- b. Submission of development stage. Upon review of the general concept plan and within the time established in § 1201.91 Common Procedures, the applicant shall file with the Zoning Administrator a development stage plan consisting of the information and submissions required by this section for the

entire PUD or for one or more stages thereof in accordance with the staging plan reviewed as part of the general concept plan. The Development Stage Plan shall refine and detail implementation of the General Concept Plan.

- c. An application shall be made and reviewed following the procedures in § 1201.91 Common Procedures.
- d. Limitation on development stage plan approval.
 - (1) Unless a Final Plan covering the area designated in the Development Stage Plan as the first stage of the PUD has been filed within six months from the date City Council grants Development Stage Plan approval, or in any case where the applicant fails to file Final Plans and to proceed with development in accordance with the provisions of this Chapter and/or approved Development Stage Plan, the approval shall expire.
 - (a) This deadline may be extended following the procedures in § 1201.91 Common Procedures.
 - (2) In any case where Development Plan approval expires, the City Council shall forthwith adopt a resolution repealing the Development Stage Plan approval for that portion of the PUD that has not received Final Plan approval and reestablishing the zoning and other ordinance provisions that would otherwise be applicable.
- e. Site improvements. At any time following the approval of a Development Stage Plan by the City Council, the applicant may, pursuant to the applicable ordinances of the City, apply for, and the City Engineer may issue, grading permits for the area within the PUD for which Development Stage Plan approval has been given.

Subd. 5 Final Plan.

- a. Purpose. The Final Plan is to serve as a complete, thorough, and permanent public record of the PUD and the manner in which it is to be developed. It shall incorporate all prior approved plans and all approved modifications thereof resulting from the PUD process. It shall serve in conjunction with other City ordinances as the land use regulation applicable to the PUD. The Final Plan is intended only to add detail to, and to put in final form, the information contained in the Development Stage Plan and shall conform to the Development Stage Plan in all respects.
- b. Schedule. Upon approval of the development stage plan, and within the time established by § 1201.97 Planned Unit Development (PUD) Subd. 4d, the applicant shall file with the Zoning Administrator a Final Plan consisting of the information and submissions required for the entire PUD or for one or more stages. This plan will be reviewed and approved/denied by City staff, unless otherwise specified by the City Council.
- c. Building and other permits. Except as otherwise expressly provided herein, upon receiving notice from the Zoning Administrator that the approved Final Plan has been approved and is consistent with the applicable ordinances of the City, all appropriate officials of the City may issue building and other permits to the applicant for development, construction and other work in the area encompassed by the approved Final Plan; provided, however, that no permit shall be issued unless the appropriate City official is first satisfied that the requirements of all codes and ordinances which are applicable to the permit sought have been satisfied.

- d. Inspection during development
 - (1) Compliance with overall plan. Following Final Plan approval of a PUD, or a stage thereof, the Zoning Administrator shall, at least annually until the completion of development, review all permits issued and construction undertaken and compare actual development with the approval development schedule.
 - (2) Development not proceeding according to schedule. If the Zoning Administrator finds that development is not proceeding in accordance with the approved schedule, or that it fails in any other respect to comply with the PUD plans as finally approved, the Zoning Administrator shall immediately notify the City Council. Within 30 days of the notice, the City Council shall either by ordinance revoke the PUD permit and the land shall thereafter be governed by the regulations applicable in the district in which it is located or shall take the steps as it shall deem necessary to compel compliance with the Final Plans as approved or shall require the landowner or applicant to seek an amendment of the Final Plan.
- e. Limitation on Final Plan Approval. Within one year after the approval of a Final Plan for PUD, or such other time as may be established by the approved development agreement, construction shall commence in accordance with such approved plan. Failure to commence construction within such period shall automatically render void the PUD and all approvals of the PUD plan and the area encompassed within the PUD shall thereafter be subject to those provisions of the zoning ordinance and other ordinances applicable in the district in which it is located. In this case, the City Council shall adopt an ordinance repealing all PUD approvals and re-establishing the zoning and other ordinance provisions that would otherwise be applicable.

Subd. 6 PUD Amendment

- a. Minor Amendment
 - (1) Any amendment that is not considered to be a major amendment.
- b. Major Amendment
 - (1) Major amendments include changes in structural types, the shape and arrangement of lots and blocks, the allocation of open space, and all other changes which affect the overall design of the project.
 - (2) When determining if an amendment is major, the Zoning Administrator shall consider whether the amendment:
 - (3) Increases the building footprint by more than 10%.
 - (4) Decreases the number of residential dwelling units by more than 5%.
 - (5) Increases or decreases the number of stories of any building.
 - (6) Decreases the amount of open space by more than 5% or alters it in such a way as to change its original design or intended use.
 - (7) Creates noncompliance with any special condition attached to the approval of the Development Stage Plan.
- c. Process
 - (1) Minor amendments shall be reviewed and approved or denied by the Zoning Administrator.

- (2) Major amendments, and an appeal of denial of a minor amendment, shall be processed in the same manner as the PUD application specified in § 1201.91 Common Procedures.
- (3) If such changes are authorized, the applicant shall submit a revised plan showing the authorized changes.

1201.98 Vacation of Right-of-Way or Easement

Subd. 1 Application Review.

- a. A party desiring to vacate any public right-of-way or easement may file a written vacation request with the City. The request shall be on a City application form, include any additional documentation required by the City, and include the fee established in Chapter 1301 License, Permit, Service Charges and Miscellaneous Fees of the City Code.
- b. The City Council shall conduct a public hearing as specified in this Chapter, except that the public hearing shall be preceded by two weeks' published and posted notice in accordance with M.S. § 412.851. Failure of a property owner to receive notice shall not invalidate any such proceedings as set forth within this Chapter.
 - (1) If a public right-of-way or easement included in a vacation application adjoins a body of public water, a written notice must be sent to the Commissioner of the Minnesota Department of Natural Resources at least 60 days before the hearing on the matter. In such cases, the City may provide for an extension of no more than 60 days of the period for consideration of the application by notifying the applicant in writing.
- c. The City Council shall have the exclusive power to vacate or discontinue highways, streets, easements, alleys, and all other interests held in trust for the public, in accordance with the procedures outlined in State law.
 - (1) All vacations thereunder shall require an affirmative vote of four-fifths of all members of the City Council, unless the petition for vacation has been made by a majority of the owners abutting the street, alley, public rounds, public way, easement, or part thereof to be vacated. If a petition has been received, a simple majority vote is required.

Subd. 2 Reservation of Interest. The City Council may specify the extent to which such vacation affects existing easements therein and the extent to which the vacation affects the authority of any person, corporation or City owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains and hydrants, thereon or thereunder, to continue to maintain the same or to enter upon such public right of way or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto.

1201.99 Zoning Amendment (Text or Map).

Subd. 1 Purpose. The purpose of this section is to allow for additions or revisions to the provisions of this Chapter and changes in zoning district boundaries.

Subd. 2 Applicability. Whenever the public necessity, convenience, general welfare or good zoning practice requires, the City Council may by ordinance:

- a. Amend, change or supplement the text of the regulations established by this section, including but not limited to uses, setbacks, heights, lot areas, definitions, development standards, or procedures; or
- b. Change the district boundaries established by this section and the Zoning Map incorporated herein.

Subd. 3 Amendments – initiation.

- a. The City Council, Planning Commission, or Zoning Administrator may, upon their own motion, initiate a request to amend the text or the district boundaries of this Chapter.
- b. Any person owning real estate, or anyone who has received a property owner's written authorization, within the City may initiate a request to amend the district boundaries or text of this Chapter so as to affect their own real estate.

Subd. 4 Application review.

- a. An application shall be made and reviewed following the procedures in § 1201.91 Common Procedures.
- b. Approval of a request for a zoning map amendment, where the classification of a property will change from residential to commercial, shall require passage by a four-fifths vote of the full City Council. Requests for all other zoning district amendments and text amendments shall require a simple majority vote of the full City Council.
- c. In the case of an amendment, the amendment shall not become effective until the time as the City Council approves an ordinance reflecting the amendment and after the ordinance is published in the official newspaper.

1202.00 Park Dedication

1202.01 Dedication Required

Subd. 1 Because a new subdivision creates a need for parks, playgrounds and open space, it is hereby found and declared, that pursuant to M.S. § 462.358, a reasonable portion of such land shall be dedicated to the public or preserved for conservation purposes or for public use as parks, playgrounds, trails, wetlands, or open space.

Subd. 2 Dedication formula

a. Residential developments: The amount of land to be dedicated shall satisfy the city's parkland standard of 0.014 acres per person as established in the city's Parks System Master Plan and Park Dedication Fee Study. The total amount of land to be dedicated shall be determined by multiplying the proposed number of dwelling units in each land use designation by the required number of acres of land to be dedicated per dwelling unit as shown in the formula below. The formula uses the number of persons per dwelling unit, as determined by the estimate provided in the most recent American Community Survey for the City of Shorewood. The dedication rate shall be determined at the time of preliminary plat approval.

At the time of subdivision, the applicant shall dedicate 8 percent of the total area of each new subdivision for public use as parks, playgrounds, recreation facilities, trails, or public open space.

<u>Land use designation</u>	<u>Acres of land dedicated per person</u>		<u>Persons per household</u>		<u>Acres of land dedicated per dwelling unit</u>
<u>Low Density Residential</u>	<u>0.014</u>	<u>X</u>	<u>2.67</u>	<u>=</u>	<u>0.037</u>
<u>Medium Density Residential</u>	<u>0.014</u>	<u>X</u>	<u>1.50</u>	<u>=</u>	<u>0.021</u>
<u>High Density Residential</u>	<u>0.014</u>	<u>X</u>	<u>1.19</u>	<u>=</u>	<u>0.017</u>

Subd. 2

Subd. 3b. If the City Council determines that land is not needed in the area of the proposed subdivision, the city may alternatively require payment of a sum of money as established in the city's Fee Schedule. Alternatively, the city may require a fee equivalent to the fair market value of the land that would otherwise be dedicated 8 percent of the value of the raw land required under Subd. 2.a above if this amount is less than the fee established in the city's Fee Schedule.

Subd. 4c. If the City Council determines that land is needed in the development, but in a lesser amount than the required amount, the City Council may require payment of cash in lieu of land dedication based on a pro-rata share of the land dedication that otherwise would be required.

Subd. 5Subd. 3 This dedication shall be in addition to the land dedicated for streets, alleys, trails or sidewalks along streets, storm water ponds or other public purposes.

Subd. 6Subd. 4 Credit for previous park dedication.

- a. Previously subdivided property from which a park dedication has been received, being re-subdivided with the same number of lots, is exempt from park dedication requirements.
- b. If, as a result of re-subdividing the Subject Property, the number of lots is increased, then the park dedication or per-lot cash fee must apply only to the net increase of lots.
- c. If a property being subdivided has existing homes and there is no documentation of previous dedication or payment of park dedication, then no credit for park dedication shall be given.

1202.02 Land Suitability

Subd. 1 The area intended to be dedicated must be suitable for parks and playgrounds and shall conform to city plans for parks, trails or open space within the city.

Subd. 2 The city shall not be required to accept land which will not be usable for parks, trails or open space or which would require extensive expenditures on the part of the city to make them usable.

Subd. 3 The city will not give park dedication credit for floodplains, wetlands, stormwater ponding areas, land encumbered by gas pipeline or other utility easements, slopes of more than 20% grade or for required sidewalks or trails within road rights of way.

Subd. 4 All land dedicated for parks, trails, and/or open space shall be designed to incorporate natural features as much as possible, such as rivers, streams, wildlife habitats, woodlands, and ponding areas.

Subd. 5 Improvements to Dedicated Land.

- a. As part of the subdivision approval, the applicant shall be responsible for making certain improvements to dedicated park land, including, but not limited to, finish grading, ground cover, construction of trails and clearly identifying park and trail boundaries with city-approved markers.
- b. The applicant shall preserve all existing trees to the greatest extent possible during the grading process on the land that is to be dedicated for a park, trail or open space.
- c. When the city's Comprehensive Plan identifies a trail or trails to be constructed in the land to be subdivided, the applicant shall be required to pay for the construction of the trail improvements. The construction specifications of trails shall be determined by City Staff. Whenever possible, trails shall connect with existing trails and/or sidewalks.

1202.03 Modification of Requirements

Subd. 1 No credit to the requirements of City Code § 1202.61 will be given for private open space, park, recreational facilities, or trails.

Subd. 2 The dedication requirements are presumptively appropriate. An applicant for affordable housing or senior housing may request a deviation from the presumptive requirements based upon: the anticipated impact of that particular subdivision; or proposed parks, open space, recreational or common areas and facilities open to the public as designated on development plans. The request must be made to the City Council as part of an application for final plat approval. The City Council, after consideration of the request, may modify or reduce the requirements of this section.

Subd. 3 If the applicant disputes the amount of the proposed cash contribution in lieu of the land dedication, the applicant, at their own expense, may obtain an appraisal of the Subject

Property. The appraisal shall be made by an approved Member of the Appraisal Institute (MAI), or equivalent real estate appraisal societies. If the city disputes such appraisal, the city may, at the applicant's expense, obtain an appraisal of the Subject Property by a qualified real estate appraisal.

1202.04 Required Actions

Subd. 1 Prior to the dedication of the required Subject Property, the developer shall:

- a. Indicate separate lots or outlots on the plat drawings for the area(s) to be dedicated. Such lots or outlots shall be deeded to the City prior to the issuance of any building permits within the plat.
- b. Provide a survey with topographic data, including contours at vertical intervals of at least two feet, watercourses, wetlands, marshes, rock outcrops, easements, utilities and vegetative data. Portions of any Subject Property dedicated to the public for park, trail and open space purposes to be used for borrow and fill activities elsewhere in the development shall be clearly identified.
- c. Provide the city with evidence of title in a form acceptable to the city attorney or a title insurance policy insuring the city's interest in the Subject Property. In any dedication of required land, the developer must have good and marketable title to the land, free and clear of any mortgages, liens, encumbrances or assessments, except easements or minor imperfections of title acceptable to the city.

Subd. 2 Prior to the paying of a cash fee in lieu of land dedication, the payment of such fee shall be required as follows:

- a. For residential developments, the fee shall be paid prior to the city's release of the signed final plat Mylars for recording with Hennepin County. The exception is that in the case of multiple-family residential developments where the site plan review occurs after the time of final plat approval, the fee shall be paid prior to the issuance of any building permits.
- ~~b. For non-residential developments, the fee shall be paid prior to issuance of any building permits within the subdivision. A pro-rated portion of the fee may be deferred if the applicant proposes to construct significantly less square footage than the site supports, provided that any remaining fees shall be paid if and when additional square footage is constructed on the site in the future.~~
- ~~c.~~ b. In plats that include outlots for future development, the applicant may pay to the city:
 - (1) the required dedication for the entire subdivision including the outlots
 - (2) the required dedication excluding such outlots, provided that the park dedication requirement shall be satisfied when such outlots are replatted.

1202.05 Timing

Subd. 1 The requirements of this section for dedication of land or for contribution of cash in lieu of land shall apply at the time of final subdivision approval. If the plat is not recorded within one year of approval and the City Council approves an extension, then the applicant is responsible for paying any increases to the fee.

Fee Schedule Changes

Park dedication <u>Fee Per Unit</u> (cash in lieu of land)	1202. <u>0700</u>	\$7,500 dwelling unit/Residential 8% of raw land value/Commercial \$1,263 <u>25</u> Low Density Residential \$710 Medium Density Residential \$563 High Density Residential
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Park Dedication Fee Study

Updated October 2026

1. Park Dedication Overview

Whenever a new subdivision occurs, cities are empowered by Minnesota Statutes (M.S.) 462.358 to require a reasonable portion of buildable land to be dedicated to the public or preserved for public uses. “Public uses” in this context includes park improvements such as parks, recreational facilities, playgrounds, trails, and open spaces. The intent is to capture land or funds from new subdivision growth so new development pays its fair share of the needed expansion of the park and recreation system. This park dedication requirement may include land, a cash fee in lieu of land, or a combination of both.

The requirement for park dedication is meant to relate directly to new growth within a city, and therefore any lands or funds captured as part of the park dedication requirement may only be used for the acquisition or new development of parks and park amenities. Park dedication may not be used for ongoing maintenance or replacement of existing features. It is not expected that park dedication fees will fully fund all City park improvements. Other funding sources, including but not limited to grant funding, donations, and City general funds, are anticipated to be needed.

To exercise the park dedication authority given by M.S. 462.358, a City must have a parks and open space plan, or a chapter in its Comprehensive Plan, as well as an adopted capital improvements plan. Using these plans, the City must establish an essential nexus between the fee or dedication required and the municipality’s purposes for it. In this case, an essential nexus means that the fee or dedication required is directly related to the City’s park development needs. In addition, the City is also obligated to ensure that the cash fee accepted is based on the fair market value as determined by the municipality annually based on tax valuation or other relevant data.

2. Guiding Documents

The City of Shorewood completed its 2040 Comprehensive Plan in 2023, which included a Parks and Recreation element. In furtherance of the recommendations of the Comprehensive Plan, a Parks System Master Plan was completed in 2026. The Parks System Master Plan included a community background and demographic analysis, an existing condition and needs analysis, and an action plan which included a 10-year Capital Improvement Plan (CIP). These plans are incorporated into the Park Dedication Study by reference. Key findings from the City’s guiding documents include:

- The City is not expected to see significant additional residential growth as there are very few vacant land parcels remaining in the community.
- The City’s commercial and industrial land is nearly entirely developed, with virtually no new development being anticipated.
- Residents are generally well served by the existing parks system.
- Focus on future parks planning will be on developing existing parks, as opposed to acquiring more land.
- The City remains open to considering organization-supported expansion of Freeman Park (as well as other existing sites).

3. Commercial/Industrial Park Dedication Methodology

The City of Shorewood Comprehensive Plan indicates that the existing commercial and industrial acreage within the City of Shorewood is relatively limited and is not expected to expand in the future. Since no new commercial or industrial growth is anticipated, it is assumed that the City's park system needs are solely based on residential growth. Therefore, the City of Shorewood will not impose a park dedication fee on new commercial or industrial development.

4. Residential Park Dedication Methodology

Park dedication is collected as a condition of subdivision approval. In this respect, the park dedication fee is estimated on the basis of new housing units. To determine the appropriate park dedication fee, the following methodology was utilized:

A. Existing Level of Service

The City first calculated the total amount of City parks, recreation, trails, and open space as shown in the table below.

Table 1. Existing Trails	
Type of Trail	Miles
City Trails	11.78
Regional Trails	2.60
Total	14.38 Miles

Table 2. Existing Parks, Recreation, and Open Space	
Type of Park	Acreage
Neighborhood Parks	
Cathcart Park	4.5
Manor Park	6.4
Silverwood Park	7.5
South Shore Park	5.8
Community Parks	
Badger Park	9.8
Freeman Park	61.4
Special Use Parks	
Gideon Glen Park	5.8
Total Park Acres	101.2
Total Trail Acres (assumes 8' wide trail)	11.42
Total Park System Acres	112.6

B. Residential Versus Commercial/Industrial Development

The City evaluated usage of City parks, recreation, trails and open space with a goal of estimating the percentage of facilities that exist to serve residential landowners and percentage that exists to serve the needs of commercial/industrial development. As indicated by the City of Shorewood's guiding documents, no new commercial or industrial development is expected to occur in the future. Based on this, it is assumed that 100% of the City's parks, recreation, trails and open space facilities exist to serve residential landowners.

C. Parkland Acreage Per Resident

The City calculated parkland acreage per resident as follows:

- Total Parks System Acres = 112.6 acres
- Residential Share = 112.6 acres x 1.00 = 112.6 acres
- Per Capita Residential Share = 112.6 acres / 8,600 residents* = **0.014 acres per resident**

*Source: Metropolitan Council 2025 System Statement's projected 2040 population for the City of Shorewood.

D. Per Capita Share of Public Improvements

The City evaluated the per capita share of public improvements to the parks system as follows:

- Projected Population Growth to 2040 = 348 new residents (4% growth)
- Assumed Per Capita Residential Share = 1.00
- Assumed Percentage of New Improvements Attributed to New Growth = 25%
- Capital Improvements Attributed to New Growth = \$164,625.00*

- Per Capita Share of Projected Public Improvements = $164,625 / (348 \times 1.00) = \473.06

*Source: Park Facilities Added by Parks System Plan and Capital Improvements Plan (CIP).

E. New Population Added per Housing Unit

The City evaluated the new population added per housing unit according to the 2024 American Community Survey (ACS) and determined an assumed 2.67 persons per household for low density residential, 1.50 persons per household for medium density residential and 1.19 persons per household for high density residential.

F. Residential Park Dedication Fee Rates

The City finally combined all of the above information in order to calculate residential park dedication fees for low density residential, medium density residential and high-density residential development based on the City's guiding documents.

Table 3. Residential Park Dedication Fee Rates			
	Low Density	Medium Density	High Density
New Population Added Per Unit	2.67	1.50	1.19
Per Capita Share of Projected Public Improvements	473.06	473.06	473.06
Park Dedication Fee Per Unit	\$1,263	\$710	\$563

It is important to note that these fees are the maximum amounts the City can charge for residential development. The City's Subdivision Regulations provide the City Council with discretion to vary from these requirements as a result of unique attributes of a given development proposal or to account for parks or open space that may already be included in the development. The City shall adjust the park dedication fee for inflation as part of the annual update of the City's Fee Schedule.

5. Conclusion

As required by law, the dedication formulas established in this study are intended to reflect an essential nexus between the fees imposed and the City purpose sought to be achieved by the fees, and to bear a rough proportionality to the need created by the proposed subdivision or development. Appeals regarding the proposed fee or dedication will be subject to the provisions established in state law.

Number	User name	Type	Comment	Comment Type	Incorporated into Language?	Rationale
1	Ken Huskins	Suggestion	(1) and (2) can be combined. Just need to add working for both 'plans' and 'permits.	Organization	Yes	Grammer/spelling/formatting fix
2	Ken Huskins	Suggestion	Intent and Purpose (not Intent and purpose)	Formatting	Yes	Grammer/spelling/formatting fix
3	Ken Huskins	Suggestion	'minimal', not minimum (should be the adjective, not noun)	Formatting	No	Language reviewed and wording is correct.
4	Barry Brown	Suggestion	Do we also use contractors for inspection services? If so item c. needs to include city employee and designated contractor.	Terminology/wording	Yes	Staff does use contractors for various services.
5	Ken Huskins	Question	The word 'recommendations' seems a bit weak; should it be a stronger word? Maybe 'guidance' or 'tenants'? I just worry that the foundational weight of the Comp Plan gets diluted if folks see it as recommendations that don't necessarily carry weight.	Terminology/wording	Yes	Grammer/spelling/formatting fix
6	Ken Huskins	Suggestion	Again, consider changing 'minimum' to 'minimal' given it is being used as an adjective.	Terminology/wording	No	Language reviewed and wording is correct.
7	Ken Huskins	Suggestion	Seems oddly worded. I'd put no permit issued before not occupied or used.	Terminology/wording	No	Language reviewed and wording is correct.
8	Ken Huskins	Question	I go back and forth on whether the definitions should be just alphabetically listed OR alphabetically listed WITHIN categories. If within categories, it might speed up someones search for the definition. But, how to form categories might be difficult. Worth a conversation at the Planning Commission.	Organization	No	The format in the draft language is the industry standard and is utilized broadly by other communities and also in other sections of the Shorewood City Code. Formatting kept the same for consistency and as a best practice
9	Ken Huskins	Suggestion	Given this only applies to wetlands, I suggest it be 'ARTIFICIAL OBSTRUCTION - WETLANDS'	Terminology/wording	Yes	Grammer/spelling/formatting fix
10	Ken Huskins	Question	Why only 'temporary'? Can't there be permanent, fixed awnings?	Question	No	A fixed awning would be considered part of the structure and regulated by a building permit. Language reviewed and wording is correct.
11	Ken Huskins	Suggestion	Who decides 'clearly indicates' or 'requires'? I think this needs to be clarified.	Terminology/wording	Yes	Additional language added to Zoning Administrator roles and responsibilities on interpretation responsibilities.
12	Ken Huskins	Suggestion	To make this clear for the reader, I'd insert 'however' or some such modifier inside the parenthesis before 'an'.	Terminology/wording	Yes	Grammer/spelling/formatting fix
13	Barry Brown	Question	who is "their"? Is it the Zoning Administrator or Director or Council?	Question	No	Language reviewed and wording is correct.
14	Barry Brown	Question	Agricultural Land is considered 5.01 acres and above in all other portions of the state. Why is this 10 acres?	Question	No	This is a long standing definition in Shorewood, and staff is hesitant to change it without knowing why it was originally adopted. There are also very few agricultural properties remaining in the City.
15	Ken Huskins	Question	So Basements and Cellars are defined to be the same thing, correct? Can there be just one definition using BASEMENT/CELLAR?	Organization	No	Language reviewed and wording is correct.
16	Ken Huskins	Suggestion	City Council	Formatting	Yes	Grammer/spelling/formatting fix
17	Ken Huskins	Suggestion	City Council	Formatting	Yes	Grammer/spelling/formatting fix
18	Ken Huskins	Question	Is this correct? I'm thinking of fire lanes such as sections of public or private roads that don't allow parking so there is room for emergency vehicles to drive through.	Question	No	Fire Lanes are outside of the scope of Phase 1. Comment retained for future phases.
19	Ken Huskins	Suggestion	and storage of private personal belongings	Terminology/wording	No	Fire Lanes are outside of the scope of Phase 1. Comment retained for future phases.
20	Ken Huskins	Question	Only permanently? Or should it be 'permanent or temporary'?	Terminology/wording	No	Fire Lanes are outside of the scope of Phase 1. Comment retained for future phases.
21	Eric Magistad	Suggestion	Issue: The definition of IMPERVIOUS SURFACE lists “permeable pavers” among impervious surfaces (page 6). By common engineering practice permeable pavers are pervious (designed to infiltrate). This creates confusion for stormwater calculations and permit thresholds. (page 6). Recommendation: Clarify whether “permeable pavers” are treated as impervious for local policy reasons or correct the list to exclude true permeable surfaces; add a performance -based test (e.g., percent infiltration) to classify surfaces.	Standards	No	This policy was recently adopted into the City Code through an ordinance amendment in 2025 and is consistent with the rules and regulations from the Minnehaha Creek Watershed District and Minnesota Department of Natural Resources regarding permeable pavers.
22	Cindy Holker		1202.13, SBd 2b(1) - I think we discussed this briefly last night. It talks about your role in inspection of compliance with the code. Because of staffing limitations, I know we don’t actively enforce compliance but do so when exceptions are brought to our attention. Were we going to include this or just leave the “threat of inspection” out there?	Standards	No	Code enforcement is outside of the scope of Phase 1. Comment retained for future phases.
23	Cindy Holker		1201.14 SBd 5, an and b - I have no idea what this means! Singular includes the plural.....Present includes the past and future....	Terminology/wording	Yes	Grammer/spelling/formatting fix
24	Jared Shepherd (attorney)		Include 30-day appeal deadline in zoning code pursuant to recent case law.	Standards	Yes	Case law.
25	Cindy Holker		General comments on definitions of zoning districts. We get the names of the districts in 1201.3, the purposes of zones in 1201.41 and a table in 1201.3. Seems like these three things should be bought together somehow.	Organization	Yes	Grammer/spelling/formatting fix

26	Cindy Holker		1201.77 - Tree Preservation Doesn't really cover what the policy is or refer to where is can be found?	Standards	No	Tree Preservation is outside the scope of Phase 1. The City is currently in the initial steps of updating the tree preservation policy and will make future updates to the City Code as may be needed as part of that process.
27	Ken Huskins	Question	I believe that the Planning Commission discussed reducing this distance down to 3 feet. I may be remembering wrong.	Terminology/wording	No	City Council direction was not to change this requirement as part of Phase 1.
28	Ken Huskins	Suggestion	The 'However' part of this definition seems redundant. It calls out basement as different from all other floors, adding no additional substance.	Terminology/wording	No	Language reviewed and wording is correct.
29	Ken Huskins	Suggestion	INTERMITTENT - STREAM	Terminology/wording	No	Language reviewed and wording is correct.
30	Ken Huskins	Question	Should it be only 'toward the ground'? What about 'upwards' were there a impact such as shining into a higher floor residence window?	Question	No	Language reviewed and wording is correct.
31	Ken Huskins	Suggestion	City Council. It would be good to make a global change throughout the entire document to maintain consistency.	Formatting	Yes	Grammer/spelling/formatting fix
32	Ken Huskins	Suggestion	NATURAL OBSTRUCTION - WETLAND	Terminology/wording	No	Language reviewed and wording is correct.
33	Ken Huskins	Suggestion	NONCONFORMITY - LEGAL	Terminology/wording	No	Language reviewed and wording is correct.
34	Barry Brown		Under Subd. 4 (Cannabis business) item b, the text states: "Pursuant to M.S. § 34213, nothing in Subd. 4.l.(1) shall prohibit..." There is a missing decimal in the state statute citation (it should likely read M.S. § 342.13). It references Subd. 4.l.(1), but the numbering hierarchy used in this section uses letters like a, b, and c, and sub-items like (1). There is no subdivision "4.l.(1)" (letter L). It should properly reference Subd. 4.a. or Subd. 4.c.(1) depending on which specific buffer restriction it implies.	Formatting	Yes	Grammer/spelling/formatting fix
35	Barry Brown		Under Subd. 15 (Self-storage facility) item d, it states: "The structures shall conform to height restrictions of the G-CM District. In addition, all structures within 50 feet of any property line shall be limited to one story or 15 feet..." If a self-storage facility is permitted in districts other than just the G-CM district (such as an industrial or mixed-use zone), forcing it to strictly match the G-CM district's specific height profile can cause a structural contradiction. It is safer to state: "The structures shall conform to the height restrictions of the underlying zoning district or 15 feet when within 50 feet of a property line, whichever is more restrictive."	Terminology/wording	Yes	Grammer/spelling/formatting fix
36	Barry Brown		Subd. 15 item f states: "Each facility shall have one residential dwelling unit to be used only by a resident caretaker or manager." If this zone strictly prohibits residential uses elsewhere in its base text, adding a mandatory residential dwelling unit creates an isolated exception. Ensure that the "Definitions" section (1201.20) explicitly excludes "Caretaker quarters" from standard multi-unit or single-family residential restrictions so it isn't flagged as a prohibited non-conforming use.	Standards	No	Language reviewed and wording is correct.
37	Barry Brown		Subd. 5 (Car wash) item c: Ends abruptly without a period: "...subject to the approval of the City Engineer"	Formatting	Yes	Grammer/spelling/formatting fix
38	Barry Brown		Subd. 1 & 2: Reference § 1201.76 Landscaping and Screening; Subd. 6 (Cemetery): Says in accordance with § 1201.76 Subd. 14 (Nursery): Says is required as provided in § 1201.76 : Standardize the verbiage across all principal uses to a uniform delivery, such as: "...shall be landscaped and screened in compliance with § 1201.76 (Landscaping and Screening)."	Formatting	No	Language reviewed and wording is correct.
39	Barry Brown		Subd. 13 (Government/Public Utility): Item "a" reads: "Compatibility with the surrounding neighborhood is maintained." "Compatibility" is highly subjective and difficult for a Zoning Administrator to legally enforce without concrete metrics. Consider tying this down to specific design guidelines, such as: "Compatibility with the surrounding neighborhood shall be maintained by matching the architectural materials, roof pitch, or setback profile of adjacent properties."	Terminology/wording	Yes	Grammer/spelling/formatting fix
40	Barry Brown	Suggestion	"Therapist" confines scalp, face and neck. A therapist works an all parts of the body including back, legs, arms and feet and should be included in this section or combined with "Therapy". I don't understand why the two are separated.	Terminology/wording	Yes	Grammer/spelling/formatting fix
41	Ken Huskins	Suggestion	Need to do a global search and replacement in this document to 'Chapter' instead of 'chapter'	Formatting	Yes	Grammer/spelling/formatting fix
42	Ken Huskins	Question	What is the rationale for 25 acres? Why not a lesser number or greater number? And, what about access criteria? I would like to have this be a discussion at the Planning Commission.	Standards	No	25 acres has been the standard in the City Code going back to the original City Code. Staff is hesitant to make any change without knowing the rationale behind why this was originally adopted.
43	Ken Huskins	Suggestion	Rather than PERSON, I prefer ENTITY	Terminology/wording	No	Language reviewed and wording is correct. This would have ripple effects through the entire City Code which would cause significant issues in other sections.
44	Barry Brown	Suggestion	"sufficient period of time" is open to interpretation. For example is it hours, days, weeks, years, decades. This should be specific. It should also include the who or what agency is taking the measurement. Is it a government agency, a resident or other?	Terminology/wording	No	This definition is required by State Statute, which the City does not have any control over.
45	Ken Huskins	Question	Is it assumed that 'automobile' includes trucks, etc.? Should the definition of 'automobile' be made more clear?	Question	No	Language reviewed and wording is correct.

46	Barry Brown	Suggestion	Screening - is this from the front roadside view or from all angles? If all angles that would mean a hedge or arborvitae trees separating properties would need to be removed. It's important to be specific.	Terminology/wording	No	This is the general definition of screening. Additional standards for screening requirements is included elsewhere in the City Code.
47	Barry Brown	Suggestion	When was the passage of this chapter. Be specific so there is no ambiguity.	Terminology/wording	No	Keeping language as "this Chapter" allows for easy revisions and updates. Reducing the number of cross-references was a goal of this update.
48	Ken Huskins	Question	So, I'm clear, does this mean that the sign height is inclusive of any support for the sign? Examples: political signs stuck in the ground would have height from the ground to the top of the sign. Or, a sign suspended on a string from an eave.	Question	Yes	Sign height is inclusive of any support for the sign. The comment is correct.
49	Ken Huskins	Question	Curious, what is it called if only 2 homes are served, yet can be used by the public for travel? And, I assume that 'travel' also applies to 'dead ends and cul de sacs.	Question	No	Language reviewed and wording is correct.
50	Eric Magistad	Suggestion	Issue: BUILDING HEIGHT is measured from the lowest land grade (page 4), while STORY and STORY -HALF definitions reference finished floor levels and “average of the highest and lowest point” of the lot (page 12). These different grade references can produce different height results for the same building.	Terminology/wording	Yes	Building height definition was clarified.
51	Eric Magistad	Suggestion	Fix: Standardize the grade reference (e.g., define a single “grade datum” such as lowest adjacent grade or average finished grade and require its use for all height and story calculations).	Terminology/wording	Yes	Building height definition was clarified.
52	Ken Huskins	Question	What is the rationale for the 25% thresholds? I'd like to lower the revenue threshold to 10%. Either way, it will be challenging to accurately ascertaining what the actual revenue is without a court subpoena, I suppose.	Standards	No	Staff is hesitant to change the language without knowing the rationale. Comment kept for future phases.
53	Ken Huskins	Suggestion	To make more clear, I suggest using 'with 35 foot setback' instead of 'measuring 35 feet in depth'. In depth, to some, may be confusing as to mean a vertical measurement.	Terminology/wording	Yes	Grammar/spelling/formatting fix
54	Ken Huskins	Suggestion	CLUBHOUSE - BOATING	Terminology/wording	Yes	Grammar/spelling/formatting fix
55	Ken Huskins	Question	Given that the VFW is open for public dining, does it not qualify as a CLUB or LODGE? Unless you want to interpret 'guests' as 'the public', it may be necessary to re-write this definition.	Terminology/wording	No	Guests are considered to be the public.
56	Barry Brown	Suggestion	This is too narrow of a definition. A "Clubhouse" has many different identities: golf, office space, social gathering space, rehabilitation center, etc.	Terminology/wording	No	This definitiion was recently updated through an ordinance amendment in 2024.
57	Ken Huskins	Suggestion	'By' instead of 'of'.	Terminology/wording	Yes	Grammar/spelling/formatting fix
58	Ken Huskins	Question	By excluding 'street' it means that displaying a car for sale on the street in front of one's residence is permitted, correct? If so, is any 'for sale' signage regulated as 'commercial'? Temporary? Subject to complaints from neighbors? I worry that someone could continuously sell vehicles by parking them one at a time on the street.	Terminology/wording	No	Language reviewed and wording is correct. Separate ordinances restrict parking on the street, vehicles could be towed and or ticketed by the police department.
59	Ken Huskins	Suggestion	Correct spelling to 'thereof'	Formatting	Yes	Grammar/spelling/formatting fix
60	Ken Huskins	Question	Can less than 24 hours include overnight? It would be helpful to make this clear.	Terminology/wording	No	Language reviewed and wording is correct.
61	Ken Huskins	Question	Most dry cleaning businesses include laundry (water-based cleaning) services. Is there need for a separate definition (different from coin-operated laundry facilities)? Can it be combined with dry cleaning?	Standards	No	Language reviewed and wording is correct.
62	Ken Huskins	Question	Can less than 24 hours include overnight? It would be helpful to make this clear.	Terminology/wording	No	Duplicate comment.
63	Ken Huskins	Question	Is this a public or private facility use? Who determines what is 'limited retail'? Is the primary use anticipated to be 'profitable'?	Terminology/wording	No	Language reviewed and wording is correct.
64	Ken Huskins	Question	Not sure I understand why it is necessary to say 'and not operated primarily for profit'. How does this clause help the definition? Is a Community Center expected to pay for itself (budget neutral)? Needs discussion.	Terminology/wording	No	Language reviewed and wording is correct.
65	Barry Brown	Suggestion	This should be updated with the SCEC task force definition led by ISG consulting and Mitchell Czech.	Terminology/wording	No	This definition applies to a number of uses, not just the City-owned SCEC. Government uses are permitted in all districts, so how the City defines community center in the zoning code has no impact on the SCEC.
66	Ken Huskins	Suggestion	It would be helpful to give an example as part of the definition.	Terminology/wording	No	Language reviewed and wording is correct.
67	Ken Huskins	Question	Is there a need for a definition where the dwelling unit is a pastor's home (eg. manse) that is not situated on the spiritual community grounds? Typically, such homes are owned by the church. Or, are they just considered as typical homes in whatever zoning district they reside?	Standards	No	Language reviewed and wording is correct.
68	Ken Huskins	Question	Perhaps this definition serves the purpose of preventing placing cars for sale on the street (per my prior comment above)	Standards	No	Language reviewed and wording is correct.
69	Ken Huskins	Question	This definition confuses me because not all of the examples given do I consider 'in-home residential'.	Terminology/wording	No	Language reviewed and wording is correct.
70	Ken Huskins	Question	If not on the grounds or contiguous, what does it fall under. Some churches have bought homes for this purpose that are remote to their grounds.	Terminology/wording	No	Language reviewed and wording is correct.
71	Ken Huskins	Suggestion	I think it best to start again with a., b., etc. given that this definition is not related to a definition previous to it.	Formatting	Yes	Grammar/spelling/formatting fix
72	Ken Huskins	Question	This is a general definition. Are there any types of animals not permitted in Shorewood and, assuming so, is this spelled out anywhere else in the code?	Terminology/wording	No	Language reviewed and wording is correct.
73	Ken Huskins	Question	Should it be 'if' instead of 'of'?	Terminology/wording	Yes	Grammar/spelling/formatting fix

74	Ken Huskins	Suggestion	'tobacco-based products' to make clear that it does not mean simply loose tobacco.	Terminology/wording	Yes	Grammer/spelling/formatting fix
75	Ken Huskins	Question	Having multiple definitions for the same thing (BASEMENT was defined above) is problematic. Can this be avoided or is it because there is a need to do it given the definition category has changed?	Terminology/wording	No	Language reviewed and wording is correct.
76	Ken Huskins	Question	An almost identical definition is listed previously in Use Definitions. Why repeated here?	Terminology/wording	No	Language reviewed and wording is correct.
77	Ken Huskins	Question	Same comment as I made for BASEMENT.	Terminology/wording	No	Language reviewed and wording is correct.
78	Ken Huskins	Suggestion	OBSTRUCTION - WATER FLOW	Terminology/wording	No	Language reviewed and wording is correct.
79	Ken Huskins	Suggestion	Insert 'accessory' before structures to make clearer	Terminology/wording	Yes	Grammer/spelling/formatting fix
80	Ken Huskins	Question	There is a previous definition of STRUCTURE in this document.The wording differs. are 2 definitions needed?	Terminology/wording	No	Language reviewed and wording is correct.
81	Ken Huskins	Suggestion	REPETITIVE LOSS - FLOOD	Terminology/wording	No	Language reviewed and wording is correct.
82	Barry Brown	Suggestion	This footings comments contradicts the above "start of construction" sentence above. Is "start of construction footings" not permanent? Are "permanent footings" not the start? Which is it?	Terminology/wording	No	Language reviewed and wording is correct.
83	Ken Huskins	Suggestion	I would rather see the 'Purpose' statements for the districts be moved up from below to be right after the naming shown here. Perhaps as Subd. 2 and make 'Map' Subd. 3.	Organization	Yes	Grammer/spelling/formatting fix
84	Ken Huskins	Question	If I am understanding this correctly, it means that there can not be a basement 2nd dwelling unity within a primary dwelling unit. Does this mean that a homeowner cannot rent out a finished basement?	Standards	Yes	Comment is correct.
85	Barry Brown	Suggestion	Need to define "Dwelling Unit" or just define "Dwelling".	Terminology/wording	Yes	A defintiion of dwelling unit was added.
86	Ken Huskins	Suggestion	I don't think Building Official has been defined. Perhaps it would be helpful to state how this role relates to the Planning Director, Zoning Administrator, designate, other?	Standards	Yes	A definition of Building Official was added.
87	Barry Brown	Suggestion	So what this is saying I could park a RV on December 17th and stay until January 14th - 28 consecutive days. I don't believe that was your intent. Recommend substitute "calendar year" for "within a 12 month period".	Terminology/wording	Yes	Grammer/spelling/formatting fix
88	PATRICIA	Question	Not clear whether the temporary family health care dwellings are allowed or not, and if so, how are they defined?	Terminology/wording	No	The City opted out of requirements in State Statute which defines and regulates temporary family health care dwellings, meaning the City doesn't need to provide its own definition in the Zoning Code.
89	Ken Huskins	Suggestion	'Materials' is an all inclusive generic term. If there is any possibility of them being 'hazardous' they should not be outside of a building and simply screened as this currently states. Suggest editing this.	Terminology/wording	No	Language reviewed and wording is correct.
90	PATRICIA	Suggestion	Unclear what "Use Tables" are unless some punctuation is missing.	Terminology/wording	No	Comment is a reference to the use tables section which is clearly labled. Wording kept as is.
91	Ken Huskins	Suggestion	Again, remove 'his or her'	Terminology/wording	Yes	Grammer/spelling/formatting fix
92	Ken Huskins	Suggestion	Decide if going to use City or city and make consistent throughout entire document.	Formatting	Yes	Grammer/spelling/formatting fix
93	Ken Huskins	Suggestion	Remove his or her. Does not add value to the statement.	Terminology/wording	Yes	Grammer/spelling/formatting fix
94	Ken Huskins	Question	I know this Subd. refers to 'businesses' but seeing 'sweeping vehicles' prompts me to think about snow plows, which may need to operate overnight. Curious to know the applicability of City services actions and if they are cited anywhere in this document or are completely outside the Code.	Terminology/wording	No	Language reviewed and wording is correct. Generally City services such as street sweeping are not part of a zoning code.
95	Ken Huskins	Question	If a structure developed prior to May 19, 1986 does not currently have these exceptions and the owner wants to have them added, can they now? Assuming not, perhaps a statement to that effect is needed here.	Standards	No	Language reviewed and wording is correct. Comment is correct on interpretation.
96	Ken Huskins	Question	5 feet seems pretty close. Also, should there be reference to any easements ROW's and not just lot line lot line?	Standards	No	Comment held for Phase 2.
97	Ken Huskins	Question	What about solar panels?	Standards	No	Comment held for Phase 2.
98	Ken Huskins	Question	Any noise or is there a decibel max not to exceed?	Standards	No	Noise requirements are outlined elsewhere in the City Code and State Statute.
99	Ken Huskins	Question	Showing my lack of understanding....must all fire lanes, regardless of where they are in the City provide lake access??? And, what is the reason for this???	Standards	No	Fire Lanes are outside of the scope of Phase 1. Comment retained for future phases.
100	Ken Huskins	Suggestion	Not clear whether 'as well as' means allowed or not allowed. Re-write to make clear.	Terminology/wording	No	Language reviewed and wording is correct.
101	Ken Huskins	Question	How is 'adequate' determined?	Terminology/wording	No	Language reviewed and wording is correct. Interpretation of the Zoning Code is the responsibility of the Zoning Administrator.
102	PATRICIA	Suggestion	This ordinance shows a commitment by the city to retain these properties for public use. With that in mind, it would be appropriate to "sign" each lane with the showing the allowed uses and ordinance number. Otherwise, at least 3 of them are "hidden" from public view, and the two on Birch Bluff appear to be private property.	Implementation	No	Fire Lanes are outside of the scope of Phase 1. Comment retained for future phases.
103	Ken Huskins	Suggestion	k and l are duplicates and one should be removed and the lettering adjusted.	Formatting	Yes	Grammer/spelling/formatting fix

104	Barry Brown	Suggestion	Why would we FORCE outdated architecture on any builder/owner? We don't want to live in the 60's. (well maybe some people do).	Standards	Yes	Language added to create some flexibility. However, the bulk of the existing regulations were retained as staff has heard that this is a priority for some neighborhoods. Comment kept for Phase 2 and could be part of Comprehensive Plan update discussions.
105	Barry Brown	Suggestion	k & l are the exact same language. suggest you get rid of one.	Formatting	Yes	Grammer/spelling/formatting fix
106	Eric Magistad	Suggestion	Issue: The section on height exceptions repeats the same antenna/ham radio exception text twice (duplicated paragraphs), creating ambiguity about whether additional conditions apply. Location: §1201.33 Subd.3.c.(1)(j) (page 30). Fix: Remove the duplicate paragraph and consolidate the ham radio/antenna exception into a single, numbered clause.	Formatting	Yes	Grammer/spelling/formatting fix
107	Ken Huskins	Question	Might it be possible for a backyard, or even a front yard, to abut the fire lane? Not understanding why only side yard mentioned?	Terminology/wording	No	Language reviewed and wording is correct.
108	Barry Brown	Question	How do we enforce the city to MAINTAIN these properties? 7, 8, 9 & 10 are severely overgrown with trees and weeds.	Implementation	No	Fire Lanes are outside of the scope of Phase 1. Comment retained for future phases.
109	Ken Huskins	Suggestion	Just not a fan of 'his or her' language. I think 'Administrative/Clerk or agent thereof' is better.	Terminology/wording	Yes	Grammer/spelling/formatting fix
110	PATRICIA	Suggestion	Include LMCD rules by reference to include Subdivision, etc.	Standards	No	Leaving LMCD rules out of the City Code allows for easy updates and prevents conflicting requirements Since LMCD has jurisdiction of only the areas within the high water level of Lake Minnetonka, the City does not have any authority to enforce their requirements or vise versa.
111	Ken Huskins	Suggestion	Does this pertain to both situations a and b? If so, best to make it clear.	Nonconformity	No	Language reviewed and wording is correct.
112	Barry Brown	Suggestion	This doesn't make any sense whatsoever. If there is a reduction is non-conformity it doesn't make it conform. Re-write in easy to understand plain english please.	Nonconformity	No	Language was reworded to make it clearer, however, the language allowing someone to lessen the nonconformity was kept as it is the industry standard. Most of the language surrounding nonconformities comes directly from state statute.
113	Ken Huskins	Question	If I understand this correctly, the greater than 50% case means that replacement of the structure must now conform to the districts requirements. So, bringing it back to the original non-conforming state is not allowed. Do I have this correct?	Nonconformity	No	Comment is correct. Requirements are established by state statute.
114	PATRICIA	Suggestion	f. The intensities should be reviewed and reordered, for example put all of the operational descriptions into one, rather than scattered in 3 different spots. In its current state it is difficult to track.	Nonconformity	No	Language reviewed and wording is correct.
115	Ken Huskins	Question	I think Subd. 7 is in conflict with Subd. 3 a. Why does a less than 50% destruction allow something that maintenance does not????	Nonconformity	No	Language comes directly from State Statute, the City is unable to modify this language.
116	Ken Huskins	Question	See my comment on Subd. 6 .Does Subd. 9 conflict?	Nonconformity	No	Language comes directly from State Statute, the City is unable to modify this language.
117	Ken Huskins	Suggestion	Perhaps giving an example would make this clause more clear. As I read it, if the owner of a legally non-conforming structure/use vacates the property and tries to sell it and it takes more than a year to sell it, then the new owner would need to correct the non-conformity to make it conform to the district. Is this correct?	Nonconformity	No	Language comes directly from State Statute, the City is unable to modify this language.
118	Ken Huskins	Question	This does not make sense to me and I don't see how it would ever be practical. It reads that an approved expansion that creates a non-conformity (variance) on one side may require removing part of the structure on the other side.	Nonconformity	No	Language is intentional to allow the City and property owners flexibility in reviewing and approving expansions of nonconformities.
119	Ken Huskins	Question	What does this add to 'provided'? Why would the structure, building, use NOT be legally conforming given a and b. I think it can be omitted.	Nonconformity	No	Language comes directly from State Statute, the City is unable to modify this language.
120	Ken Huskins	Suggestion	'shoreland', not 'shore/and'	Formatting	Yes	Grammer/spelling/formatting fix
121	PATRICIA	Suggestion	should be "shoreland"	Formatting	Yes	Grammer/spelling/formatting fix
122	PATRICIA	Question	If this does not apply to single family dwelling construction, what is an example of development that is NOT allowable	Question	No	Standard is saying that someone can't sell a very small lot and build multi-family housing or commercial development on it if they own multiple lots next to one another.
123	Ken Huskins	Question	What does 'to extent possible' mean? Too vague.	Terminology/wording	No	Language reviewed and wording is correct.
124	Ken Huskins	Question	See my earlier comment. Can these purpose statements be moved to 1201.31 Subd. 2?	Organization	Yes	Grammer/spelling/formatting fix
125	Ken Huskins	Suggestion	This seems better positioned as Subd. 4 (with subsequent re-numbering) because it relates immediately to Subd. 3	Organization	Yes	Grammer/spelling/formatting fix
126	PATRICIA	Suggestion	A city that has a difficult time meeting Met Council expectations for density, may want to re-evaluate why it has any R-EL designations for low density residential.	Standards	No	Comment saved for Phase 2 updates. The City Council provided direction to staff as part of the Zoning Code Audit that it did not want to reduce minimum lot sizes and keep existing low-density residential requirements in place.
127	Ken Huskins	Question	Does 'prohibited' mean shall never be allowed? Does it mean that the City will not accept/review any application for such use? If so, I would state this here.	Standards	No	Comment is correct. However, prohibited is the industry standard terminology.

128	Ken Huskins	Question	To be consistent with other 'C' entries, should there be a citation to standard(s) here?	Terminology/wording	Yes	Grammer/spelling/formatting fix
129	Ken Huskins	Question	To be consistent with other 'PS' entries, should there be a standards citation here?	Terminology/wording	Yes	Grammer/spelling/formatting fix
130	Ken Huskins	Question	Standards citation missing?	Terminology/wording	Yes	Grammer/spelling/formatting fix
131	Ken Huskins	Question	Standards citation missing?	Terminology/wording	Yes	Grammer/spelling/formatting fix
132	Ken Huskins	Question	Standard(s) citation missing?	Terminology/wording	Yes	Grammer/spelling/formatting fix
133	Ken Huskins	Suggestion	Reformat Tables so everything about a district is on one page. As it appears now, the reader has to scroll up and down.	Organization	No	Formatting issue only occurs because we are looking at the draft language in a word document. Once codified and uploaded to the City's website, the formatting will be correct.
134	Ken Huskins	Suggestion	Throughout all of the tables, there is mention to 'All other uses'. I think there should be general text (and/or definition) for what 'All other uses' means. Permitted uses? Variances? etc. It's Okay for 'all other uses to be in the tables, but there needs to be some general and/or specific guidance as to what can be 'all other uses'.	Terminology/wording	No	Keeping "all other uses" ensures that nonconforming uses also comply with the requirements.
135	Ken Huskins	Suggestion	Consider decreasing this to 90	Standards	No	City Council direction was to not change this requirement as part of Phase 1.
136	Ken Huskins	Suggestion	Again, tables (all of them) need to be edited so a district is contained to one page without need to scroll back and forth.	Organization	No	Formatting issue only occurs because we are looking at the draft language in a word document. Once codified and uploaded to the City's website, the formatting will be correct.
137	Ken Huskins	Suggestion	Again, table reformatting required to keep all information about a district on one page.	Organization	No	Formatting issue only occurs because we are looking at the draft language in a word document. Once codified and uploaded to the City's website, the formatting will be correct.
138	Ken Huskins	Suggestion	Sometimes 'any' is used and sometimes 'all' is used. I'd prefer to standardize on 'all' when referring to 'applicable' permits'.	Terminology/wording	Yes	Grammer/spelling/formatting fix
139	Ken Huskins	Suggestion	Sorry to be a stickler...Grammatically, I think it is more clear to use 'Shoreland (S)' district. By using "S" Shoreland district, a casual reader might wonder what other Shoreland letters there are.	Terminology/wording	Yes	Grammer/spelling/formatting fix
140	Ken Huskins	Suggestion	'feet', not 'fee'	Terminology/wording	Yes	Grammer/spelling/formatting fix
141	Ken Huskins	Suggestion	I believe there should be definitions for NE, RD, and GD. Either here or in the Definitions at the beginning of this document	Question	No	Definitions for these abbreviations are included in the definitions chapter.
142	Greg Larson	Suggestion	GD Min. lot size above normal high water mark for both abutting and nonabutting should be decreased from 25% to 20%	Shoreland	No	Updating the City's shoreland regulations is outside of the scope of Phase 1, but will be a part of future phases. Comment kept for future phases.
143	Greg Larson	Suggestion	max. impervious surface to area ration should be reduced from 25% to 20%	Shoreland	No	Updating the City's shoreland regulations is outside of the scope of Phase 1, but will be a part of future phases. Comment kept for future phases.
144	Ken Huskins	Suggestion	***** does not show up in the list below. Either there is something missing or it should be removed.	Formatting	Yes	Grammer/spelling/formatting fix
145	Ken Huskins	Suggestion	Should use capital first letters for 'conditional use permit'	Formatting	Yes	Grammer/spelling/formatting fix
146	Ken Huskins	Suggestion	'At least 70%' or 'No less than 70%' wording would be better.	Terminology/wording	Yes	Grammer/spelling/formatting fix
147	Ken Huskins	Question	Does this pertain only to when new development is taking place or must ALL existing such situations be addressed regardless of whether or not new development is taking place? As is, it could be read either way.	Terminology/wording	No	Updating the City's shoreland regulations is outside of the scope of Phase 1, but will be a part of future phases. Comment kept for future phases.
148	Ken Huskins	Question	Is a definition of what is acceptable 'fill' (quality, contaminants limits, etc.) needed?	Standards	No	Updating the City's shoreland regulations is outside of the scope of Phase 1, but will be a part of future phases. Comment kept for future phases.
149	Greg Larson	Suggestion	No more than one fifth of the surface area of a lot should be devoid of vegetation at any time	Shoreland	No	Updating the City's shoreland regulations is outside of the scope of Phase 1, but will be a part of future phases. Comment kept for future phases.
150	Greg Larson	Suggestion	Eliminate Subd. 7 (2) and (3) No vegetation removal allowed in setback areas	Shoreland	No	Updating the City's shoreland regulations is outside of the scope of Phase 1, but will be a part of future phases. Comment kept for future phases.
151	Greg Larson	Suggestion	no clearcutting or any vegetation removal within required setback areas.	Shoreland	No	Updating the City's shoreland regulations is outside of the scope of Phase 1, but will be a part of future phases. Comment kept for future phases.
152	Ken Huskins	Question	Does this mean the City pays for the impact study? Why would the applicant not be responsible to provide the study report at their cost?	Terminology/wording	No	Updating the City's shoreland regulations is outside of the scope of Phase 1, but will be a part of future phases. Comment kept for future phases. Language does not state impact study would occur, says zoning administrator has to evaluate soil erosion impacts.
153	Greg Larson	Suggestion	impervious surface coverage of a lot must not exceed 20% of the lot area	Shoreland	No	Updating the City's shoreland regulations is outside of the scope of Phase 1, but will be a part of future phases. Comment kept for future phases.

154	Greg Larson	Suggestion	at all times existing natural drainage ways, wetlands and vegetated waterways must be used to convey runoff before discharge to public waters..	Shoreland	No	Updating the City's shoreland regulations is outside of the scope of Phase 1, but will be a part of future phases. Comment kept for future phases.
155	Ken Huskins	Question	What is the jurisdiction of the City final PUD is modified? Is the City bound to accept the modification if DNR says they are OK?	Question	No	PUD amendment procedures are included in the procedures section of the zoning code.
156	Ken Huskins	Question	What does 'sufficient' mean? Are there any guidelines that can be added to make this more clear?	Terminology/wording	No	Language reviewed and wording is correct.
157	Ken Huskins	Suggestion	I think b, c, d, and e, need to be indented and perhaps have numbers instead of letters. They all pertain to a.	Formatting	Yes	Grammar/spelling/formatting fix
158	Ken Huskins	Question	Just curious...how is the date of 'receipt' documented?	Question	No	Date of receipt is documented by City staff as the date a complete application is received. Application forms are physically stamped with the received on date, and that date is tracked electronically as well. DNR will also notify the City once it receives communications.
159	Ken Huskins	Question	Again, how is the receipt date documented? AND, what if the DNR does not agree with the final decisions re: approved variances, CUPs, etc.? Can the DNR overrule the action of the City Council?	Question	No	The DNR can file legal action against the City to overturn the City Council's decision. As part of the application review process, the City allows the DNR the opportunity to comment and any feedback they provide is incorporated into City staff's recommendation.
160	Ken Huskins	Question	Strictly speaking this means that at no time may a guest of the family be able to dock their boat (say if boating over for a party or dinner). Seems very restrictive and could allow a vindictive neighbor to submit a complaint. Common sense says that guests will use such docks for short periods of time. Should the code contemplate such an allowance?	Question	No	Updating the City's shoreland regulations is outside of the scope of Phase 1, but will be a part of future phases. Comment kept for future phases.
161	Ken Huskins	Suggestion	Can there be a general / blanket statement of 'Severability' at the beginning of this document that covers EVERYTHING in the document? Seems like that would suffice rather than pointing it out here or repeating in other specific sections.	Terminology/wording	No	Severability statement is included in introductory provisions section.
162	Ken Huskins	Question	Does this mean that any caused conflicting provisions that were legal/acceptable prior to annexation are not grandfathered? Property owners are required to make changes automatically? I'd like to see more clarity as to what 'subject to these provisions' means.	Nonconformity	No	Updating the City's floodplain regulations is outside of the scope of Phase 1, but will be a part of future phases. Comment kept for future phases.
163	Ken Huskins	Suggestion	Reminder to use 'city' or 'City' for consistency throughout the document.	Formatting	Yes	Grammar/spelling/formatting fix
164	Ken Huskins	Suggestion	discovered, not discover	Terminology/wording	Yes	Grammar/spelling/formatting fix
165	Ken Huskins	Question	First mention of 'Zones AE'. What is the definition of 'Zones AE'? Confusing.	Terminology/wording	No	Updating the City's floodplain regulations is outside of the scope of Phase 1, but will be a part of future phases. Comment kept for future phases.
166	Ken Huskins	Question	By declaring 'prohibited' is the intent to say unless something is a permitted use, don't bother to submit an application? No exceptions? No variances? Don't think it, say it, apply for it because it will be rejected without review?	Terminology/wording	No	Updating the City's floodplain regulations is outside of the scope of Phase 1, but will be a part of future phases. Comment kept for future phases.
167	Ken Huskins	Suggestion	Does Shorewood have, or is ever expected to have, any locations NOT in a zoning district? If not, then this sentence can be removed. It contemplates something that will never occur.	Terminology/wording	No	Updating the City's floodplain regulations is outside of the scope of Phase 1, but will be a part of future phases. Comment kept for future phases.
168	Ken Huskins	Question	Just curious. Can the structure be on stilts? Must it always be on fill?	Question	No	Updating the City's floodplain regulations is outside of the scope of Phase 1, but will be a part of future phases. Comment kept for future phases.
169	Ken Huskins	Suggestion	Formatting is off.	Formatting	Yes	Grammar/spelling/formatting fix
170	Ken Huskins	Suggestion	English in this sentence is tortured. Material does not suddenly become flammable etc. when a flood occurs. Need to rewrite this sentence.	Terminology/wording	No	Updating the City's floodplain regulations is outside of the scope of Phase 1, but will be a part of future phases. Comment kept for future phases.
171	Ken Huskins	Suggestion	Seems that (3) should be indented because it is directly tied to (2). The following numbers may also need to be indented.	Formatting	Yes	Grammar/spelling/formatting fix
172	Ken Huskins	Suggestion	Seems strange that there are specific requirements OR engineer certification (which may or may not meet the specific requirements). I suggest that the wording and context be reviewed.	Terminology/wording	No	Updating the City's floodplain regulations is outside of the scope of Phase 1, but will be a part of future phases. Comment kept for future phases.
173	Ken Huskins	Question	Is a conditional use approval needed if elevation of the structure requires more than 1000 cubic yards of fill? Or, will the applicant's design state more is required they can use as much fill as is needed without conditional use approval? As I read this, the applicant can decide on their own without a conditional use permit if more than a 1000 cubic yards is needed.	Standards	No	Updating the City's floodplain regulations is outside of the scope of Phase 1, but will be a part of future phases. Comment kept for future phases.
174	Greg Larson	Suggestion	1000 cubic yards is excessive should be limited to 500 cubic yards	Standards	No	Updating the City's floodplain regulations is outside of the scope of Phase 1, but will be a part of future phases. Comment kept for future phases.
175	Ken Huskins	Suggestion	Need to state who will decide what is an acceptable method.	Terminology/wording	No	Updating the City's floodplain regulations is outside of the scope of Phase 1, but will be a part of future phases. Comment kept for future phases.
176	Ken Huskins	Suggestion	Formatting is off	Formatting	Yes	Grammar/spelling/formatting fix

177	Ken Huskins	Suggestion	Formatting is off	Formatting	Yes	Grammer/spelling/formatting fix
178	Ken Huskins	Suggestion	If watertight is required, that remove the word 'substantially'. Watertight means water impermeable, not 'substantially' impermeable.	Terminology/wording	No	Updating the City's floodplain regulations is outside of the scope of Phase 1, but will be a part of future phases. Comment kept for future phases.
179	Ken Huskins	Question	What does 'minimal' mean? Who decides what is minimal?	Terminology/wording	No	Updating the City's floodplain regulations is outside of the scope of Phase 1, but will be a part of future phases. Comment kept for future phases.
180	Ken Huskins	Suggestion	Where is this defined in the chapter? Perhaps cite the location here.	Formatting	No	Updating the City's floodplain regulations is outside of the scope of Phase 1, but will be a part of future phases. Comment kept for future phases.
181	Ken Huskins	Question	I commented on a similar clause earlier in the document. Again, are there no situations for which a reasonable exception to the one-year rule exist?	Standards	No	Updating the City's floodplain regulations is outside of the scope of Phase 1, but will be a part of future phases. Comment kept for future phases.
182	Eric Magistad	Suggestion	Conflict: §1201.34 Subd.3.b allows restoration of nonconforming structures damaged ≤50% of market value if completed within one year (page 33). §1201.52 F Subd.12.a.(3) defines substantial damage as damage ≥50% and requires full compliance with floodplain standards (page 72). The two 50% thresholds are the same number but applied differently (one allows repair, the other triggers stricter flood rules). This can be read as contradictory for structures in both nonconforming and floodplain categories. Fix: Clarify that floodplain substantial damage rules supersede general nonconforming repair allowances; add cross -reference language in §1201.34 stating that where a structure is in a floodplain the floodplain substantial damage standard controls.	Terminology/wording	No	Updating the City's floodplain regulations is outside of the scope of Phase 1, but will be a part of future phases. Comment kept for future phases. Introductory provisions state stronger standards apply.
183	Ken Huskins	Question	I don't see a 'b. below'. Is this a mistake?	Formatting	Yes	Grammer/spelling/formatting fix
184	Ken Huskins	Suggestion	Incorrect spelling	Formatting	Yes	Grammer/spelling/formatting fix
185	Ken Huskins	Question	So, this means that a single violation, if ignored, becomes multiple violations, and multiple misdemeanors? Is this legal?	Standards	No	Updating the City's floodplain regulations is outside of the scope of Phase 1, but will be a part of future phases. Comment kept for future phases.
186	Ken Huskins	Suggestion	I suggest adding, 'an all applicable laws'.	Terminology/wording	No	Updating the City's floodplain regulations is outside of the scope of Phase 1, but will be a part of future phases. Comment kept for future phases.
187	Ken Huskins	Question	Much of this is a repeat of what is already in Subd. 13. Can it be deleted?	Terminology/wording	No	Updating the City's floodplain regulations is outside of the scope of Phase 1, but will be a part of future phases. Comment kept for future phases.
188	Ken Huskins	Question	Seems odd that this general Subd. comes at the end instead of the beginning of this chapter. Can it be moved up?	Organization	No	Updating the City's floodplain regulations is outside of the scope of Phase 1, but will be a part of future phases. Comment kept for future phases.
189	Ken Huskins	Suggestion	Recommend that b. be edited to remove 'higher standards' and substitute 'Ensure standards of site and building design are met....'. Don't think that we can require/expect higher standards than are what are in the code.	Terminology/wording	No	Standards are not the same across all PUDs.
190	Ken Huskins	Question	What is 4 acres based on and is it enough? Would 5 acres be better as a minimum?	Standards	No	Staff is hesitant to make this change without knowing the rationale behind why this language was originally adopted. There is also limited land available in the community where this requirement would potentially apply.
191	Ken Huskins	Question	Don't understand '; to time' in this sentence. Does the wording need editing?	Terminology/wording	Yes	Grammer/spelling/formatting fix
192	Ken Huskins	Suggestion	Simplify the sentence to say 'The open space restrictions must be in perpetuity.'	Terminology/wording	Yes	Grammer/spelling/formatting fix
193	Ken Huskins	Suggestion	In some sections 'Comprehensive Plan' is used. In other sections 'City Comprehensive Plan' is used. Recommend standardizing on one or the other through this document.	Formatting	No	Language reviewed and wording is correct.
194	Ken Huskins	Question	owner or owners (plural)?	Terminology/wording	No	Language reviewed and wording is correct.
195	Ken Huskins	Question	Why is there no mention of boundaries of a residential district as in Automotive Fuel Station just above it? Why not collapse Subd. 2 and 3 into one Subd. because they say the same thing?	Standards	Yes	Grammer/spelling/formatting fix
196	Ken Huskins	Suggestion	Does 5 feet mean 'depth'? Can't tell because not stated. I think the screening depth should be greater, say 10 feet.	Standards	Yes	Section reworded to make it clear and increased the screening distance to 10 feet.
197	Ken Huskins	Suggestion	See my comment above about collapsing some of these Subd. into one Subd. to simplify the section.	Standards	Yes	Grammer/spelling/formatting fix
198	Ken Huskins	Question	Is Subd.4I.(1) a proper designation or is it a typo?	Formatting	Yes	Grammer/spelling/formatting fix
199	Ken Huskins	Suggestion	In addition to preventing children from leaving it should be stated that the enclosure is adequate to prevent non-authorized adults from entering the activity area.	Standards	Yes	Language added for clarity.
200	Ken Huskins	Question	Is it 'facilities' or 'structures'? I'd consider the activities area as part of 'facilities'.	Terminology/wording	Yes	Grammer/spelling/formatting fix

201	Ken Huskins	Question	Why precisely 'three'? Is it 'at least 3, 'no less than 3' or 'no more than 3'?	Standards	Yes	Language updated for clarity to "no less than 3".
202	Ken Huskins	Question	Why 62 and not 55?	Standards	No	This number is established by state and federal regulations to qualify for certain elderly housing programs.
203	Ken Huskins	Question	Why not increase the multiplier of loading capacity? Say to 4 or 5 for towers greater than 100' and to 3 for towers less than 100'?	Standards	No	Updating the City's antenna and tower regulations is outside of the scope of Phase 1, but will be a part of future phases.
204	Ken Huskins	Suggestion	Substitute 'shall' for 'may' to strengthen this requirement	Terminology/wording	No	Updating the City's antenna and tower regulations is outside of the scope of Phase 1, but will be a part of future phases.
205	Ken Huskins	Question	Why within 1 mile when all of the rest of this section cites 1/2 mile?	Standards	No	Updating the City's antenna and tower regulations is outside of the scope of Phase 1, but will be a part of future phases.
206	Ken Huskins	Suggestion	Can there be more guidance as to what acceptable finishes are? As currently stated, there is none given so criteria for approval are vague at best and non-existent at worst.	Standards	No	Updating the City's antenna and tower regulations is outside of the scope of Phase 1, but will be a part of future phases.
207	Ken Huskins	Suggestion	'non-vegetative' instead of 'non -vegetative' (correct hyphen spacing)	Formatting	Yes	Grammer/spelling/formatting fix
208	Ken Huskins	Suggestion	Should include in this requirement that the owner is required to notify the City of the intent to abandon the tower. Otherwise, how would we know that it has been abandoned?	Standards	No	Updating the City's antenna and tower regulations is outside of the scope of Phase 1, but will be a part of future phases.
209	Ken Huskins	Suggestion	'tower's' not 'towers'	Formatting	Yes	Grammer/spelling/formatting fix
210	Ken Huskins	Suggestion	Spacing of hyphen needs correctiing	Formatting	Yes	Grammer/spelling/formatting fix
211	Ken Huskins	Suggestion	Hyphen spacing needs correcting	Formatting	Yes	Grammer/spelling/formatting fix
212	Ken Huskins	Suggestion	Change to 'For facilities...'	Terminology/wording	No	Updating the City's antenna and tower regulations is outside of the scope of Phase 1, but will be a part of future phases.
213	Ken Huskins	Suggestion	remove 'to'	Formatting	No	Updating the City's antenna and tower regulations is outside of the scope of Phase 1, but will be a part of future phases.
214	Ken Huskins	Question	What role, if any, does the Planning Commission serve re: public hearing?	Question	No	This language is already included in the common procedures section.
215	Ken Huskins	Suggestion	Clarify that 'living space' does or does not include bedrooms. I assume it did but is is not explicitly mentioned below in the sentence that starts 'At minimum...'	Terminology/wording	No	Living space is generally understood to include bedrooms.
216	Ken Huskins	Suggestion	Remove (2) and make (a) below (2).	Formatting	Yes	Grammer/spelling/formatting fix
217	Ken Huskins	Suggestion	Formatting needs correcting	Formatting	Yes	Grammer/spelling/formatting fix
218	Ken Huskins	Question	No citations given for the various codes mentioned in (8). Are they MN state codes? Shorewood codes? Some other entity codes?	Formatting	No	These codes are widely understdood as state codes.
219	Ken Huskins	Suggestion	Change (b) to (3)	Formatting	Yes	Grammer/spelling/formatting fix
220	Ken Huskins	Suggestion	This is confusing. What follows 'unless the following conditions are met' are not all related to 'exceptions'. I believe all of e. needs to be reviewed and corrected.	Standards	Yes	Language updated for clarity.
221	Ken Huskins	Question	Don't understand reason for these %s, especially the 50% gross floor area limitation.	Standards	Yes	Language removed.
222	Ken Huskins	Question	Any restrictions on the number of floors?	Standards	No	Number of floors and building height is limited by the district standards.
223	Ken Huskins	Suggestion	I would further specify this as 'Remote office work'	Terminology/wording	No	Language reviewed and wording is correct.
224	Ken Huskins	Suggestion	I think it should be more, say 10'	Standards	Yes	Language modified for consistency with other automobile related uses.
225	Ken Huskins	Question	How would the city know if the use was initiated or not? Can the burden be placed on the permit requester to notify the City when the use starts and stops?	Standards	Yes	Language added.
226	Ken Huskins	Question	My reading of (j) conflicts with (k) (ii) as it pertains to on street parking. (j) implies on-street parking during daylight hours is permitted, whereas (k) (ii) says it is prohibited at all times.	Terminology/wording	Yes	Grammer/spelling/formatting fix
227	Ken Huskins	Question	Is no exterior signage included in the intent of (d)? Perhaps some explicit statement of signage is needed as a general provision.	Standards	No	Language reviewed and wording is correct.
228	Ken Huskins	Question	See my comment for (j)	Terminology/wording	No	Language reviewed and wording is correct.
229	Ken Huskins	Question	Can there be some statement that all unlawful activities are prohibited? We don't want 'therapists' dispensing illegal drugs or 'massage therapists' offering illegal services, 'bookkeepers' offering gambling services, etc.	Terminology/wording	No	The actigities are alrady unlawful, there is no need to duplicate state or federal law.
230	Ken Huskins	Question	Wow, 20 feet sounds really high! Can this have a lower height limit?	Standards	No	Language was recently adopted through a City Code update in 2024.
231	Ken Huskins	Question	Again, if the permitted height is up to 20 feet, the screening would be enormous! It would far exceed existing fence height code. I think this requires some discussion.	Standards	No	Language was recently adopted through a City Code update in 2024.
232	Ken Huskins	Suggestion	Will Shorewood staff or contracted representatives be allowed to do inspections? If so, it should be explicitly stated as part of the permitting process.	Standards	Yes	Language added.

233	Ken Huskins	Question	What about bulk storage (solid) such as fertilizer, etc.?	Standards	No	Doesn't usually require same permissions from MDA or Fire Marshall. This provision is addressing flamability.
234	Ken Huskins	Suggestion	This is dated and should be removed.	Standards	Yes	Langugae modified for clarity.
235	David	Question	1201.72 Subd 2, (2) Can an extension be granted if building materials or contractors are not available?	Terminology/wording	No	Adding language automatically stipulating an extension could open a loophole for exploitation.
236	Ken Huskins	Suggestion	To make this more clear, edit to be 'one or more of' (otherwise it reads like all must be used for a given building!)	Terminology/wording	Yes	Grammer/spelling/formatting fix
237	Ken Huskins	Suggestion	I saw no reference to handicapped parking in Subd. 1. What governs the amount of handicapped parking required under varying situations? There must be MN or US law that covers this. Perhaps citation is required.	Standards	No	Required by ADA, additional citation is not common.
238	Ken Huskins	Question	Does this include all private streets/roads? I assume that it does and just wanted to be clear.	Question	No	Addresses all off-street parking areas.
239	Ken Huskins	Suggestion	Fix spacing for period.	Formatting	Yes	Grammer/spelling/formatting fix
240	David	Question	Does this include fiber cement siding, ie Hardie Board and similar?	Question	Yes	Language added for fiber cement siding.
241	Ken Huskins	Question	What about change of use or occupancy that requires LESS parking? Can existing parking spaces be removed and the land repurposed for a permitted use with no ramifications?	Question	No	The answer is yes. Permitted uses may be developed by right.
242	David	Question	Does intend that a family cannot have 2 pick-up trucks in place of an automobile and pick-up truck? is there a limit on the amount of visible vehicles (autos, pickup trucks and RV's that can be allowed on one site?	Question	No	Language prevents more than one truck over 6 tons in weight, does not prevent 2 pick up trucks.
243	Ken Huskins	Suggestion	(d) is redundant with Subd. 1b. above. Suggest deciding where it fits best and removing the duplicate.	Formatting	Yes	Grammer/spelling/formatting fix
244	Ken Huskins	Suggestion	fix the hyphen spacing	Formatting	Yes	Grammer/spelling/formatting fix
245	Ken Huskins	Question	I think ALL parking spaces should be paved. Why is there an exception for single-unit dwellings?	Standards	Yes	Language updated so they must be surfaced.
246	Ken Huskins	Suggestion	remove his or her	Terminology/wording	Yes	Grammer/spelling/formatting fix
247	Ken Huskins	Suggestion	fix hyphen spacing	Formatting	Yes	Grammer/spelling/formatting fix
248	David	Question	Why is a veterinary clinic listed? seems odd that a specific business type is listed while all others are general descriptions.	Terminology/wording	Yes	Grammer/spelling/formatting fix
249	David	Question	Does volume of customer traffic allow for variances in off-street parking and sharing of parking space?	Question	No	Applicant would need to establish practical difficulty, that they are prevented from doing what they want by the code. Volume of customer traffic coul dbe used to back up a practical difficulty, however, exceptions can only be reviewed as part of a variance process.
250	Ken Huskins	Question	Again, unless otherwise, I'll assume that this also includes private roads.	Question	No	Language reviewied and wording is correct.
251	Ken Huskins	Suggestion	I'd like to have this expanded to contemplate either an official cross-walk is in place or that guidance be given to use the nearest intersection for crossing.	Standards	Yes	Language added.
252	Ken Huskins	Suggestion	multiple-family buildings/structures	Formatting	Yes	Grammer/spelling/formatting fix
253	Ken Huskins	Question	Curious as to the reasoning for additional loading berths allowed to be less than 1/2 the length of the first one???	Standards	Yes	Language added similar to other communities.
254	David	Question	Assuming this is a business, wouldn't business type and sales dictate how many loading berths are required vs building size?	Question	Yes	Language modified to require loating berths based on size but keeps a minimum requirement to preserve the ability for reuse.
255	Ken Huskins	Suggestion	Strangely worded. This statement does not relate to an exemption from regulations in this Subd. Clearly states what regulations pertain. I suggest re-writing it or removing it.	Terminology/wording	Yes	Grammer/spelling/formatting fix
256	Ken Huskins	Suggestion	Change from (i) to (b)	Formatting	Yes	Grammer/spelling/formatting fix
257	Ken Huskins	Suggestion	'base' not 'based'	Formatting	Yes	Grammer/spelling/formatting fix
258	Ken Huskins	Question	Should this be 'Wire (barbed or not barbed)'? If not, I did not find the 'hereinafter provided.' that appears in (b).	Question	No	Language reviewied and wording is correct.
259	Ken Huskins	Question	I may be reading this wrong but it seems to say that existing fences need to now conform with the terms of this chapter. Is there no grandfathering????	Question	No	Nonconformities section language already accounts for fences.
260	Ken Huskins	Suggestion	Again, need to standardize on 'Council' or 'City Council' and be consistent throughout the document	Formatting	Yes	Grammer/spelling/formatting fix
261	Ken Huskins	Suggestion	remove his or her	Terminology/wording	Yes	Grammer/spelling/formatting fix
262	Ken Huskins	Question	Is this suppose to be 'shoreline setback'?	Terminology/wording	Yes	Grammer/spelling/formatting fix
263	Ken Huskins	Question	Should this be '6 feet with the following exceptions'?	Terminology/wording	No	Language reviewied and wording is correct.
264	Ken Huskins	Question	'and' what???	Formatting	Yes	Grammer/spelling/formatting fix
265	Ken Huskins	Question	OK, I guess this pertains to my comment about not finding further notation of 'barbed' wire. I guess you can ignore that comment.	Question	No	Language reviewed and wording is correct.

266	David	Suggestion	The City of Shorewood needs a different standard for areas where large wooded areas are removed. Replacement of substantial trees (over 8" diameter) by shade trees of 1.5" diameter is not sufficient. Nor is the removal of hundreds of tress (both substantial and smaller) by a small number. The City of Shorewood should compare this section of tree replacement with sister cities, Orno, Long Lake, Wayzata for their practices. These cities are restricting the removal of mature trees for development.	Standards	No	Updating the City's tree preservation policy is outside of the scope of Phase 1, but will be a part of future phases. The Planning Commission had discussions about a separate update to the City Code at its August 18th meeting.
267	Ken Huskins	Suggestion	Rather than 'an exterior water spigot', I suggest the wording needs to be 'one or more exterior water spigot(s)...	Terminology/wording	No	Language reviewed and wording is correct.
268	Ken Huskins	Suggestion	I think this should be 'in', not 'as'	Formatting	Yes	Grammer/spelling/formatting fix
269	Ken Huskins	Suggestion	correction, not 'is'	Formatting	Yes	Grammer/spelling/formatting fix
270	David	Suggestion	The City should adhere to its own guidance.	Implementation	No	Updating the City's tree preservation policy is outside of the scope of Phase 1, but will be a part of future phases. The Planning Commission had discussions about a separate update to the City Code at its August 18th meeting.
271	Ken Huskins	Suggestion	Why 5? I think it is too many. Can it be a smaller number and list the types of ground mechanical equipment subject to fencing requirements? I worry that a 4 unit (or even 3 unit) residential building with ground mechanical equipment would not be subject to this regulation.	Standards	No	Changing this requirment would not have any practical impact on the community. Most multi-family buildings are either a duplex or an apartment building, and there is limited land available where this sort of building could be constructed.
272	David	Suggestion	The City should cite this section in its Comprehensive plan and vice-versa to reinforce the City's commitment to preserving the woodlands remaining.	Implementation	No	Updating the City's tree preservation policy is outside of the scope of Phase 1, but will be a part of future phases. The Planning Commission had discussions about a separate update to the City Code at its August 18th meeting.
273	David	Suggestion	The City should adhere to its own guidance.	Implementation	No	Updating the City's tree preservation policy is outside of the scope of Phase 1, but will be a part of future phases. The Planning Commission had discussions about a separate update to the City Code at its August 18th meeting.
274	Ken Huskins	Question	Curious, why not CUP? Why put time and/or other limitations on the land reclamation?	Question	No	Interim Use Permit is to ensure that reclamation actually has an end date. With the Conditional Use Permit, the reclamation could continue indefinitely.
275	Ken Huskins	Question	Or, should I understand this to mean that the permit is interim because it only covers the reclamation effort and does not cover the on going status?	Question	No	Comment is correct.
276	Ken Huskins	Suggestion	As someone that has his residence on 'Mary Lake', the naming here should change to 'Mary Lake (not 'Lake Mary').	Terminology/wording	Yes	Grammer/spelling/formatting fix
277	Ken Huskins	Suggestion	Change to 'Mary Lake'	Terminology/wording	Yes	Grammer/spelling/formatting fix
278	Ken Huskins	Suggestion	Change to Mary Lake	Terminology/wording	Yes	Grammer/spelling/formatting fix
279	Ken Huskins	Suggestion	Change to Mary Lake	Terminology/wording	Yes	Grammer/spelling/formatting fix
280	PATRICIA	Question	Does this include signs installed on utility poles 10 feet or more above ground?	Question	No	Signs put up by City/State/etc. are exempt from requirements including traffic signs. Other signs on utility poles would be illegal.
281	PATRICIA	Question	What does this mean to the average lay person? So confusing.	Question	No	Substitution of commercial/noncommerrcial speech language comes directly from federal case law. The language was reviewed and must be left essetnailly as is.
282	Ken Huskins	Question	To clarify, is it the sign owner permit applicant that gets to choose whether to remove the sign or pay the double permit cost? Will the City ever make the choice? It the applicant removes the sign, withdraws the permit application and subsequently apply for a new permit will it be the normal/usual application cost? And do any of these questions suggest a need to edit (a)?	Question	No	Applicant can decide to either remove the sign or move forward with double application cost. Permit applications are already addressed in the procedures section.
283	Ken Huskins	Question	So, as an example, a Black Lives Matter lawn sign that meets these dimensions can be placed on a residential property 24/7 with no expiration and no permit required, correct? And, does it still fall into the category of 'temporary sign'? It is not held to the elections time frame requirements, correct?	Question	No	Language reviewed and wording is correct.
284	Ken Huskins	Question	So that I understand this, does this mean a window sign can completely cover a window pane so long as it (1) is less tan 20 sq feet and (2) it is no more than 10% of the total square footage of all the window panes on the side of the house facing the street? The owner decides how many signs and the size so long as conditions 1 and 2 are met, correct?	Question	No	Language reviewed and wording is correct.
285	Ken Huskins	Question	I recall that this was added t accommodate things like birthdays and graduations. But am I correct that non-commercial speech signs can stay up for as long as the resident wants?	Question	No	Language reviewed and wording is correct.

286	PATRICIA	Question	Does this mean a city council candidate (non-primary) can put out a sign around July 26 this year?	Question	No	Comment is correct. However, it's important to keep in mind this date restriction does not limit free speech. It only limits the period of time when the City's sign regulations do not apply. Property owners can keep political signs up year round on their property so long as they meet all City Code requirements outside of this time period. This is a common misconception.
287	PATRICIA	Suggestion	Throughout this section the word "permitted" is used. Does this mean is allowed or a permit must be obtained (hence "permitted") Assuming this revision is intended to be more user friendly, the terminology may cause confusion.	Terminology/wording	No	Language reviewed and wording is correct.
288	PATRICIA	Suggestion	The tables make much more sense than any of the narratives, which, to this average person is confusing, repetitive and candidly, too much to absorb. I have heard staff and consultants say many times that they want the code to me "user friendly." This section is not, primarily because of the redundancy.	Organization	No	Language reviewed and wording is correct.
289	Ken Huskins	Suggestion	Formatting needs to be corrected	Formatting	Yes	Grammer/spelling/formatting fix
290	PATRICIA	Question	Is this enforced?	Implementation	No	Language has been enforced.
291	PATRICIA	Suggestion	typo	Formatting	Yes	Grammer/spelling/formatting fix
292	Ken Huskins	Question	with removal cost assessed to the ?	Standards	No	The City cannot sses these individuals since they do not own the property.
293	PATRICIA	Suggestion	typo	Formatting	Yes	Grammer/spelling/formatting fix
294	Ken Huskins	Suggestion	Expand this as to process steps for removal (first by sign owner) and failing that then by City with cost assessed to sign owner.	Standards	Yes	The City must often respond quickly to these types of situations to protect public safety when signs are placed in right-of-way. Language was modified for clarity in other non public safety related situations, however, language remains allowing the City to remove signs placed illegally in the right-of-way.
295	Ken Huskins	Suggestion	I recommend shortening the time period to 6 months.	Standards	No	1 year is set by state statute.
296	Ken Huskins	Suggestion	Need to be more specific about thr process of removal and who bears cost to do so.	Standards	Yes	Sign removal procedures were clarified.
297	Ken Huskins	Suggestion	I think b. needs to be re-written. Refunding costs incurred by the City as stated makes no sense. Not refunding the application fee makes sense. But if the City has incurred costs beyond the application fee, the way this is worded says the applicant need. not pay back to the City these costs. Is that the intent?	Terminology/wording	No	If someone withdraws an application, any charges they've been billed for and the application fee will not be refunded. In the case of an escrow, money not spent would be refunded. The language is correct and this is how the requirement is currently enforced.
298	Ken Huskins	Suggestion	(1) is redundant to the Purpose. I recommend removing it and start with Appeal Process	Organization	Yes	Language reworded for clarity. Language is redundant, it's meant to draw a distinction between administrative appeal and appeal of a City Council decision.
299	Ken Huskins	Question	Clarification question: Would the Planning Commission ever get re-involved for an appeal of a decision made by the City Council? Would the appeal have to be initiated before the City Council made an initial decision to have the Planning Commission follow the process laid out here? The way it currently reads is that appeals of Council decisions always come back to the Planning Commission.	Question	No	Planning Commission is not involved in appeals of City Council decisions. Appeals of City Council decisions go to court.
300	Ken Huskins	Suggestion	fix formatting	Formatting	Yes	Grammer/spelling/formatting fix
301	Ken Huskins	Suggestion	fix formatting	Formatting	Yes	Grammer/spelling/formatting fix
302	Ken Huskins	Suggestion	fix formatting	Formatting	Yes	Grammer/spelling/formatting fix
303	Ken Huskins	Suggestion	I think it should be ...all of the applicable provisions... (not all of the provisions	Terminology/wording	Yes	Grammer/spelling/formatting fix
304	Ken Huskins	Suggestion	(8) should be formatted to b.	Formatting	Yes	Grammer/spelling/formatting fix
305	Ken Huskins	Question	Is it the case that only IUP's are subject to violations? There is no mention of a violations Subdivision under CUPs. Also, what does 'reconsider the IUP' mean? And, how is it decided if a public hearing is required?	Terminology/wording	Yes	Grammer/spelling/formatting fix
306	Ken Huskins	Suggestion	(8) needs to be reformatted as b.	Formatting	Yes	Grammer/spelling/formatting fix
307	Ken Huskins	Question	The use of 'may' (as opposed to 'shall') means that even in the case of the variance application meeting all of the listed criteria the City Council can deny the variance. Does such a situation invite legal liabilities? If there are no grounds for denial when all of the criteria are met, then should 'shall' be used?	Terminology/wording	Yes	Grammer/spelling/formatting fix
308	Ken Huskins	Suggestion	(1) 'If required, the agreement....'	Terminology/wording	Yes	Grammer/spelling/formatting fix
309	Ken Huskins	Suggestion	I suggest the following change: (1) 'Subsequent to the optional conference with... '	Terminology/wording	Yes	Grammer/spelling/formatting fix
310	Ken Huskins	Suggestion	Actually, the change I am suggesting is (1) 'Subsequent to an optional conference with...' Reason for change: the conference is optional and (1) should not convey that is always will occur.	Terminology/wording	Yes	Grammer/spelling/formatting fix
311	Ken Huskins	Suggestion	Because (5) modifies (4), I think it should be indented	Formatting	Yes	Grammer/spelling/formatting fix
312	Ken Huskins	Question	Probably my ignorance but how do you assign 'whichever is greater' when you are comparing number of dwelling units with designated area units? Seems like an apples and oranges-like comparison?	Question	No	Determined by land area. 10 dwelling units or area designated by first stage, both measured in acres/ sq ft./ etc.

313	Ken Huskins	Suggestion	Suggest changing gender language to: 'they at their option may initially...'	Terminology/wording	Yes	Grammer/spelling/formatting fix
314	Ken Huskins	Suggestion	If my suggestion re: (2) is followed, then this changes from (3) to (2)	Formatting	Yes	Grammer/spelling/formatting fix
315	Ken Huskins	Suggestion	I think (2) should be indented given it directly relates to (1)	Formatting	Yes	Grammer/spelling/formatting fix
316	Ken Huskins	Suggestion	Suggest re-wording: 'shall refine and detail implementation of the ...'	Terminology/wording	Yes	Grammer/spelling/formatting fix
317	Ken Huskins	Suggestion	remove 'he or she' and insert 'the Zoning Administrator'	Terminology/wording	Yes	Grammer/spelling/formatting fix
318	Ken Huskins	Suggestion	Insert 'City official'	Terminology/wording	Yes	Grammer/spelling/formatting fix