

ORDINANCE NO. 959

AN ORDINANCE OF THE CITY OF SHAKOPEE APPROVING AN AMENDMENT TO CITY CODE SECTION 151.040 (HIGHWAY BUSINESS ZONE, B-1), SUBDIVISION C (CONDITIONAL USES)

WHEREAS, The City of Shakopee has proposed amendment to the Zoning Ordinance regarding the addition of schools licensed by the Minnesota Department of Education serving students in grades kindergarten through 12th grade as a listed conditional use in the B-1, Highway Business Zone; and

WHEREAS, notices were duly sent and posted, and a public hearing was held before the Planning Commission on March 9, 2017 at which time all persons present were given an opportunity to be heard; and

WHEREAS, the Planning Commission recommended that zoning ordinance be amended to add schools licensed by the Minnesota Department of Education serving students in grades kindergarten through 12th grade as a listed conditional use in the B-1, Highway Business Zone; and

WHEREAS, the City Council heard the matter at its meeting on March 21, 2017; and

THE CITY COUNCIL OF THE CITY OF SHAKOPEE, MINNESOTA, ORDAINS:

Section 1 – That City Code Chapter 151 (Zoning) is amended to add the language as follows: Language which is underlined shall be added. Language which is ~~struckthrough~~ shall be deleted.

Section 151.040 Highway Business Zone (B-1)

Subdv. (C) Conditional Uses.

33. Schools licensed by the Minnesota Department of Education serving students in grades Kindergarten through 12th grade.

Section 2. The City Council adopts the following findings of fact relating to the request to add the language in the City's zoning ordinance that adds schools licensed by the Minnesota Department of Education serving students in grades kindergarten through 12th grade as a listed conditional use in the B-1, Highway Business Zone.

Criteria #1 That the original zoning ordinance is in error;

Finding #1 The original zoning ordinance is not in error. Other institutional and educational uses are allowed by conditional use permit in the B-1 Zone, such as daycare centers and colleges and universities.

Criteria #2 That significant changes in community goals and policies have taken place;

Finding #2 Significant changes in community goals and policies have taken place. There is a need for additional sites to be available for the development of educational uses in the community. Highway Business zoned properties are appropriate because of their proximity to collector and arterial roadways and public transit.

Criteria #3 That significant changes in City-wide or neighborhood development patterns have occurred;

Finding #3 Significant changes in development patterns have not occurred. The proposed text amendment allows for a similar use to other uses that are already allowed in this zoning district.

Criteria #4 That the Comprehensive Plan requires a different provision;

Finding #4 The Comprehensive Plan does not require a different provision.

Section 3. Effective Date. This ordinance shall be in effect from and after the date of its passage and publication.

Adopted in _____ session of the City Council of the City of Shakopee, Minnesota held this _____ day of _____, 2017.

William Mars, Mayor

ATTEST:

City Clerk

Published in the Shakopee Valley News on the _____ day of _____, 2017.