

ORDINANCE NO. 02019-010

**AN ORDINANCE OF THE CITY OF SHAKOPEE, MINNESOTA,
AMENDING CITY CODE SECTIONS 151.007 (GENERAL REGULATIONS), 151.034 (URBAN
RESIDENTIAL, R1B), AND 151.108 (CONSTRUCTION MATERIALS)**

WHEREAS, the City of Shakopee has proposed an amendment to the Off-Street Parking Requirements of City Code Sections 151.007 (General Regulations), 151.034 (Urban Residential Zone, R1B), 151.108 (Construction Material); and

WHEREAS, notices were sent and duly posted, and a public hearing was held before the Planning Commission on July 11, 2019, at which time all persons present were given an opportunity to be heard; and

WHEREAS, the Planning Commission has recommended to the City Council that the proposed zoning text amendment be adopted; and

WHEREAS, the City Council heard the matter at its meeting on August 7, 2019; and

WHEREAS, the following proposed language is proposed to be amended. Language removed is ~~Struckthrough~~ and language to be added is underlined.

151.007 (General Regulations)

(A) Development standards.

(1) *Frontage required.* A platted lot or parcel of land shall not be developed unless it has frontage on a street or has access approved through a planned unit development.

(2) *Sewage.* A platted lot or parcel of land shall not be developed unless a safe and adequate sewage treatment system can be installed to serve any building.

(3) *Setbacks from streets.* On corner lots or other lots abutting 2 or more streets, the required front yard setback shall be provided for each side abutting a street. The front yard shall be the side with the shortest street frontage. In the Rural Residential (RR), Low-Density Residential (R-1A), Urban Residential (R-1B), and Medium-Density Residential (R-2) Zones, the required setback shall be reduced by 10 feet in any yard abutting a street other than the front.

(4) In residential zones, except in the Rural Residential and Agricultural Preservation zones, the front setback for a principal building must be within 80-120% of the average setback of the nearest three existing structures on the same block face and meet the minimum required front yard setback of the zoning district. If there are less than three existing principal structures on the block, a new structure must meet the minimum required setback.

(B) Accessory structures.

(1) *Constructed after principal building.* No accessory structure shall be constructed on any residential lot prior to the construction of the principal building to which it is accessory,

(2) *Size.*

(a) Except in the Agricultural Preservation (AG) Zone, no accessory structure shall exceed the height of the principal building or 15 feet in a residential zone, whichever is less. In the Low-Density Residential (R-1A), Urban Residential (R-1B), Old Shakopee Residential (R-1C), Medium-Density Residential (R-2), and Multiple-family Residential (R-3) Zones, no accessory building shall exceed 10% of the lot area or exceed 75% of the square footage of the footprint of the principal dwelling, whichever is less. The maximum total footprint of accessory structures for lots less than 20 acres in area in the Rural Residential Zone and Agricultural Preservation Zone is 2,400 square-feet.

(b) A conditional use permit is required to exceed the above size requirements in the Old Shakopee Residential (R-1C) Zone. A variance procedure is applicable in all other districts.

(c) A carport, lean-to, or garage constructed of metal tubing, fabric, cloth, plastic, exposed plywood, particle board, or corrugated metal is not permitted in any zoning district. Any existing car-ports, carports, lean-tos, or garages constructed of the above listed materials must be removed from sites by May 1, 2020, as they do not meet Building Codes for permanent structures.

(3) *Front yard setback.* Each accessory structure shall be setback at least as far as the principal building on the lot. In the Agricultural Preservation (AG) and Rural Residential (RR) Zones, no accessory structure may be located closer to the front lot line than the principal buildings or 200 feet, whichever is less.

(4) *Side and rear yard setbacks.*

(a) An accessory structure shall be setback a minimum of 5 feet from the side or rear lot line, except in the Old Shakopee Residential (R1-C) Zoning District, where an accessory structure can be setback 3 feet on one side and 7 feet on the other side.

(b) A garage shall be setback a minimum of 20 feet from the lot line abutting the street or alley where the driveway takes access.

(C) *Required yards and open space.*

(1) No required yard or other open space allocated to one building shall be used to satisfy yard or open space requirements for any other building.

(2) The following shall not be considered to be encroachments on yard requirements:

(a) Structural or decorative building elements, provided they do not extend more than 2 feet into a yard;

(b) Yard lights and name plate signs;

(c) Terraces, steps, and similar structures, which are setback a minimum of 5 feet from any side lot line and/or 10 feet from the rear property line; and

(d) Decks which do not exceed 5 feet in height from the ground to the bottom of the floor joists measured at the building wall, which are setback a minimum of 5 feet from any side lot line and/or 10 feet from the rear property line, except in the Old Shakopee Residential (R1-C) Zoning District when the setback from the side lot line is 3 feet on one side and 7 feet on the other side. Decks located in the Low-Density Residential (R-1A), Urban Residential (R-1B), Old Shakopee Residential (R-1C), Medium-Density Residential (R-2) Zoning Districts, and townhouse structures located in any zoning district, which exceed 5 feet in height, shall be allowed to be located 10 feet closer to the rear property line than is required by the design standards of the zoning district in which the deck is located. Double frontage lots (lots with frontage on 2 parallel streets), shall be excluded from this provision due to the additional depth required of these lots.

(3) Buildings may be excluded from side yard requirements if party walls are utilized, and the adjacent buildings are planned to be constructed as an integral structure.

(D) *Utility services.* Utility services and utility service structures are exempt from the application of this chapter when located within public easements.

(E) *Number of buildings per lot.* Only one principal building shall be located on a lot, unless the lot is subject to a planned unit development or has a conditional use permit for a development containing more than one principal structure per lot.

(F) *Project review.* Land use applications (including, but not limited to, conditional use permits, variances, re-zonings, and planned unit developments) shall be accepted by the city for property that is the subject of an environmental assessment worksheet (EAW) or environmental impact statement (EIS), but said land use application shall be incomplete due to the environmental review and shall not be processed or reviewed by the City Council, or the city's boards or commissions, until such time as the EAW or EIS review process has been completed.

(G) *Criteria for granting a home occupation.*

(1) Application for a home occupation shall be made to the Zoning Administrator.

(2) An application, meeting all of the following criteria, shall be granted approval upon administrative review by the Zoning Administrator:

(a) The activity does not involve warehousing, except incidental storage of merchandise offered for sale in connection with the home occupation;

(b) The home occupation may be carried on by persons residing in the dwelling unit and not more than one employee who does not reside in the dwelling unit;

(c) Shall provide off-street parking for the employee;

(d) All material or equipment shall be stored within an enclosed structure;

(e) Objectionable noise, vibration, smoke, dust, electrical disturbances, odors, heat, glare, or other nuisance factors shall not be discernible at the property line;

(f) The home occupation shall not create excessive automobile traffic within the neighborhood;

(g) Shall not have any receipt or delivery of merchandise, goods, or supplies except through the U.S. mail, similar parcel delivery service, or personal vehicles not exceeding one ton; and

(h) May have outside off-street parking of no more than one commercial vehicle or vehicle identified for business purposes, not to exceed one ton capacity which is used for both personal and business transportation. The vehicle shall be owned by and registered to an occupant of the property and parked in a screened location; and

(i) Shall meet the zone's off-street parking requirements for all vehicles.

(H) *Temporary family health care dwellings.* Temporary family health care dwellings as defined by Minnesota State Statutes shall be prohibited in all zoning districts.

(I) Sidewalks:

A concrete sidewalk complying with City Engineering Department Design Detail and at least five (5) feet in width shall be provided on at least one side of all newly constructed residential streets.

All multi-family, institutional, commercial, and industrial buildings must have a sidewalk or trail connection to their main entrance from existing or planned sidewalks or trails adjacent to their site.

(2013 Code, § 11.81) (Ord. 31, passed 10-25-1979; Ord. 106, passed 9-30-1982; Ord. 116, passed 4-14-1983; Ord. 246, passed 6-17-1988; Ord. 253, passed 10-14-1988; Ord. 275, passed 9-22-1989; Ord. 282, passed 1-5-1990; Ord. 377, passed 7-7-1994; Ord. 470, passed 1-1-1997; Ord. 494, passed 8-14-1997; Ord. 495, passed 8-14-1997; Ord. 501, passed 9-18-1997; Ord. 518, passed 7-2-1998; Ord. 643, passed 11-14-2002; Ord. 815, passed 2-26-2009; Ord. 901, passed 2-17-2015; Ord. 940, passed 8-16-2016; Ord. 950, passed 11-15-2016)

§ 151.034 URBAN RESIDENTIAL ZONE (R-1B), SUBDIVISION E

(E) *Design standards.* Within the Urban Residential Zone, no land shall be used, and no structure shall be constructed or used, except in conformance with the following requirements:

- (1) *Maximum density:* 5 dwellings per acre. Streets shall be excluded in calculating acreage;
- (2) *Maximum impervious surface percentage:* 50%;
- (3) *Lot specifications.*
 - (a) *Minimum lot width (single-family detached):* 60 feet;
 - (b) *Minimum lot width for single family detached corner lots:* 60 feet;
 - (c) *Existing two-family dwelling:* 70 feet;
 - (d) *Minimum lot depth:* 100 feet;
 - (e) *Minimum front yard setback:* ~~30~~ 25 feet;
 - (f) *Minimum side yard setback:* ~~40~~ 7.50 feet; and
 - (g) *Minimum rear yard setback:* 30 feet.
- (4) *Maximum height.* No structure shall exceed 35 feet in height without a conditional use permit.

(F) *Additional requirements.*

- (1) All dwellings shall have a depth of at least 20 feet for at least 50% of their width. All dwellings shall have a width of at least 20 feet for at least 50% of their depth.
 - (2) All dwellings shall have a permanent foundation in conformance with the State Building Code.
- (2013 Code, § 11.28) (Ord. 31, passed 10-25-1979; Ord. 60, passed 5-14-1981; Ord. 159, passed 2-28-1985; Ord. 264, passed 5-26-1989; Ord. 377, passed 7-7-1994; Ord. 435, passed 11-30-1995; Ord. 479, passed 3-13-1997; Ord. 482, passed 5-15-1997; Ord. 496, passed 8-21-1997; Ord. 501, passed 9-18-1997; Ord. 528, passed 10-29-1998; Ord. 563, passed 11-25-1999; Ord. 741, passed 12-1-2005; Ord. 793, passed 3-27-2008; Ord. 813, passed 2-26-2009; Ord. 815, passed 3-26-2009; Ord. 865, passed 3-5-2013; Ord. 903, passed 3-17-2015; Ord. 950, passed 11-15-2016)

§ 151.108 CONSTRUCTION MATERIAL, SUBDIVISION B

(B) *Special minimum requirements for all residential uses.*

- (1) *Building design and materials.* Building materials shall be attractive in appearance, durable, and of an architectural quality which is compatible with adjacent structures. All buildings shall be of good aesthetic and architectural quality, as demonstrated by the inclusion of at least 3 of the following elements:
 - (a) Accent materials;
 - (b) A front entry that, in addition to doors, shall have an area of accent materials a minimum of 150 square feet around the door entrance for single occupancy buildings and a

minimum of 300 square feet total for the front of multi-tenant buildings (this area shall be counted as one element);

- (c) Contrasting, yet complementary material colors;
- (d) A combination of horizontal and vertical design features;
- (e) Varying wall depths and shapes;
- (f) Varying roof line, design, or materials;
- (g) Decorative lighting design;
- (h) Art or sculptural elements; or
- (i) Other unique architectural features in the overall architectural concept.

(2) *Major exterior materials.* Major exterior surfaces on all walls shall be facing brick (glazed or unglazed), clay facing tile, stone masonry (granite, limestone, marble, slate, sandstone, or quartzite), finished texture stucco (cement or synthetic), exterior finished wood siding (painted, stained, or weather-sealed), exterior finished metal siding (not including sheet metal of any kind), or exterior finished vinyl siding.

(3) *Plans and materials samples.* For all new development projects, buildings, and building exterior renovations, the applicant or architect shall submit to the city product samples, color building elevations, and associated drawings that illustrate the construction techniques to be used in the installation of such materials. If complementary building styles, materials, and color schemes are proposed for a development, the developer shall submit to the city a plan showing the distribution of the styles, materials, and colors throughout the development.

(4) *Materials and design standards:* All building and roofing materials shall meet current accepted industry standards, and tolerances, and shall be subject to review and approval by the city for quality, durability, and aesthetic appeal.

1. For single family dwellings and townhomes, an attached front-loading garage must not protrude from the front façade greater than 50% of the width of the living space of the front façade of each unit, up to a maximum protrusion of 14'.
2. Covered front porches with a depth of at least 5' with a width of at least 50% of the width of the façade of the living space portion of the facade with a width of at least 8 feet may count as living space for purposes of this section. Finished habitable living space, such as a bonus room located directly above a garage and within 4' of the front building line of a garage is considered living space for purposes of this section.
3. Side-loading garages that meet the following design criteria are permitted to protrude beyond the front building line of a house if both of the following conditions are met:
 - a. At least 15% of garage façade facing a street or private drive is windows
 - b. At least 25% of garage façade facing a street or private drive is brick, stone, or manufactured stone
4. Windows

Windows are required on all sides of new single-family and attached residential dwellings in subdivisions receiving preliminary plat approval after July 1, 2019. Windows must be installed in accordance with the following requirements:

- Facades, whether the front or rear of the building that face a street or private drive: At least 10% of the building façade
- For corner lots, a façade other than the front façade must have at least 5% of the façade as windows

- All other sides of the building: At least 5% of the façade as windows.
- Additions greater than 200 square-feet of floor area to existing structures must meet the window coverage requirements.
- Windows that are part of overhead garage doors and other exterior doors are included in the calculations for buildings up to 6 units.

(5) *Trash handling and recycling.* Except in R-1A Low-Density Residential, R-1B Urban Residential, and R-1C Old Shakopee Residential, all trash, recyclable materials, and trash and recyclable materials handling equipment shall be stored within the principal structure, totally screened from public view by the principal building, or stored within an accessory structure constructed of building materials compatible with the principal structure, enclosed by a roof, and readily served through swinging doors. Compactors that are attached to the principal structure shall be totally screened from eye level view from public streets and adjacent properties to a screening wall constructed of the same building material as the principal structure. Existing uses shall comply with the enclosure requirements listed in this subchapter within 5 years of receiving notice from the city.

(6) *On-site screening.* Except in R-1A Low-Density Residential, R-1B Urban Residential, and R-1C - Old Shakopee Residential, all mechanical equipment, utility meters, storage, and service areas and similar features shall be completely screened from the eye-level view from adjacent properties and public streets, or designed to be compatible with the architectural treatment of the principal structure.

(C) *Agricultural uses.* Agriculture uses in the Rural Residential Zone are exempt from the materials standards listed above.

(Ord. 896, passed 11-18-2014) (Ord. 1, passed 4-1-1978; Ord. 31, passed 10-25-1979; Ord. 96, passed 11-11-1982; Ord. 132, passed 9-22-1983; Ord. 158, passed 1-31-1985; Ord. 246, passed 6-17-1988; Ord. 253, passed 10-14-1988; Ord. 259, passed 11-11-1988; Ord. 272, passed 8-25-1989; Ord. 338, passed 8-6-1992; Ord. 377, passed 7-7-1994; Ord. 434, passed 11-30-1995; Ord. 430, passed 2-1-1996; Ord. 677, passed 8-28-2003; Ord. 815, passed 3-26-2009)

WHEREAS, City Council voted to adopt the proposed zoning text amendment based on the following findings;

Criteria 1: The original zoning ordinance is in error.

Finding 1: The zoning ordinance is not in error. The proposed text changes modernize the zoning ordinance to current development patterns and improved aesthetics and design in new developments.

Criteria 2: Significant changes in community goals and policies have taken place.

Finding 2: Based on the community survey results there is a desire to have improved aesthetics in new developments within the community and recent residential developments have had reduced side yard and front yard setbacks approved.

Criteria 3: Significant changes in city-wide or neighborhood development patterns have occurred.

Finding 3: Changes in development patterns have occurred. There is less of a desire in the marketplace for large side yards and front yards. There is also a desire for developments with improved aesthetics and design.

Criteria 4: The comprehensive plan requires a different provision.

Finding 4: The comprehensive plan does not require a different provision.

WHEREAS, it is ordained that the proposed rezoning is hereby approved.
Passed in regular session of the City Council of the City of Shakopee, Minnesota held on the _____ day of _____, 2019.

Mayor of the City of Shakopee

Attest:

Lori Hensen, City Clerk

Published in the Shakopee Valley News on the _____ day of _____, 2019.

PREPARED BY:
City of Shakopee
485 Gorman Street
Shakopee, MN 55379