ORDINANCE NO. O2020-008

AN ORDINANCE OF THE CITY OF SHAKOPEE, MINNESOTA, AMENDING CITY CODE SECTIONS 151.002, 151.007, 151.012-014, 151.049, AND 151.052, RELATING TO THE MODIFICATION OF DEFINITIONS, GENERAL REGULATIONS, THE ELIMINATION OF CONDITIONAL USE PERMIT STANDARDS FOR RESDENTIAL, BUSINESS AND INDUSTRIAL ZONES, AND THE ADDITION OF A PARKS AND OPEN SPACE CHAPTER

WHEREAS, the City of Shakopee has proposed amendments to the City Code Sections 151.002, 151.007, 151.012-014, 151.049 and 151.052 to add new or modify definitions, modify the table of listed uses, modify specific conditions related to the table of uses, eliminate sections of code pertaining to Conditional Use Permit Standards, modify the Mining Overlay District, and add Parks an Open Space as a new zoning district; and

WHEREAS, notices were duly sent and posted, and a public hearing was held before the Planning Commission on September 21st and October 8th, 2020, 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 October 20th, 2020; and

WHEREAS, the following list of definitions will be added and/or modified; and

WHEREAS, the following tables below are proposed to be modified within the zoning ordinance and specific condition language relating to the specific uses has been moved to directly follow these tables; and

WHEREAS, the following chapters, Conditional Use Permit Standards for Business Zones, Residential Zones, and Industrial Zones will be eliminated; and

WHEREAS, the Mining Overlay District chapter will be modified to include specific conditions related to the approval of mining conditional use permits; and

WHEREAS, the following chapter, Parks and Open Space will be added into the Zones and Districts section; and

As a reference A= Accessory Use, C=Conditional Use, P = Permitted Use, PUD = Planned Unit Development. An asterisk (*) denotes specific conditions must be met that are in the City Code. ~~Stricken through~~ text notates text being removed from the City Code. <u>Underlined text</u> notates text being added to the City Code.

The tables will be re-formatted to fit pages within the City Code page format.

§151.007

SECTION 151.002 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY USE. See **USE, ACCESSORY.**

ADMINSTRATIVE, EXECUTIVE AND PROFESSIONAL OFFICES. A facility or establishment providing executive, management, administrative or professional services. This term does not include medical or dental services or the sale of merchandise, except as incidental to the principal use

ADULT. A person 18 years of age or older.

ADULT DAY CARE. A program of services provided to functionally impaired adults for a period of less than 24 hours during the day. **ADULT DAY CARE** is intended to maintain functionally impaired adults in the community and to prevent or delay institutionalization.

ADULT DAY CARE CENTER. A facility that provides adult day care to functionally impaired adults on a regular basis for periods of less than 24 hours a day in a setting other than a participant's home or the residence of the facility operator.

ADULT (ENTERTAINMENT) ESTABLISHMENTS. An establishment where sexually-oriented materials provided for use, consumption, enjoyment or entertainment, or which is distinguished or characterized by an emphasis on the description or display of specified sexual activities, or which is distinguished or characterized by an emphasis on the description or display of specified anatomical areas. For full definition and restrictions for Adult Establishments see City Code Chapter 130.67.

AGRICULTURAL USE.

A. The use of land for the growing or production of field crops, livestock, or livestock products, including, but not limited to, the following:

    1. Field crops such as barley, soybeans, corn, hay, oats, potatoes, rye, sorghum, and sunflowers;

    2. Livestock such as dairy and beef cattle, goats, horses, ponies, sheep, hogs, poultry, game birds, dogs, deer, rabbits, mink, and bees; or

    3. Livestock products such as milk, butter, cheese, eggs, meat, fur, and honey.

B. This term does not include the use of land as a commercial feed lot or for processing any agricultural product.

AGRICULTURE RESEARCH FACILITY. Facilities specifically operated for the purpose of conducting research in the production of agricultural crops, including research developing plant varieties. This term specifically excludes research regarding the development or research of soil conditioners, fertilizers, or other chemical additives placed in or on the soil or for the experimental raising of animals.

AIRPORT or **HELIPORT**. Any land or structure which is principally used or intended for use for the landing and takeoffs of aircraft, and any land or structure accessory thereto.

ALLEY. A public right-of-way which affords a secondary means of access to abutting property.

ANIMAL HOSPITAL/VETERINARIAN CLINIC. An establishment providing medical and surgical treatment of domestic animals, including grooming and boarding for not more than 30 days if incidental to the medical care. This term shall include an animal crematorium as an accessory use.

AREA IDENTIFICATION SIGN. See **SIGN, AREA IDENTIFICATION.**

ASSISTED LIVING HOUSING FACILITY. A housing facility for persons who need assistance with their daily living needs, including special support services such as meal preparation, housekeeping, medical care, transportation, or cognitive needs assistance, including memory care assistance.

ATTACHED DWELLING. A building composed of more than 1 dwelling unit which share common wall(s). The individual dwelling units are designed for and occupied exclusively by 1 family.

BANKS OR FINANCIAL INSTITUTIONS. An establishment with the primary purpose of deposit banking, including, but not limited to, commercial banks, bank and trust companies, savings institutions and credit unions.

BASEMENT. A portion of a building located wholly or partially below grade. For purposes of §§ 151.085 through 151.094 (Floodplain Overlay Zone), **BASEMENT** includes any area of a structure, including crawl spaces, having its floor or base below ground level on all 4 sides, regardless of the depth of excavation below ground level.

BED AND BREAKFAST INN. A building in which lodging, and meals are provided for compensation and which is open to the traveling public for a stay not to exceed 30 days.

BILLBOARD. See **SIGN, ADVERTISING**.

BLUFF. A topographic feature wholly or partially within the Shoreland Overlay Zone rising at least 25 feet above the ordinary high water level of the waterbody and having an average grade from the toe of the bluff to a point at least 25 feet above the ordinary high water level of at least 30% and which slope drains toward the waterbody. The term does not include any area which has an average slope of less than 18% over a distance of 50 feet or more.

BREWERY (SMALL). A facility that produces for sale beer, ale, or other beverages made from malt by fermentation and containing not less than 1/2 of 1% alcohol by volume. A Small Brewery is one which produces 20,000 barrels or less annually.

BREWPUB. A small brewery that operates a restaurant on the same premises as the brewery, whose malt liquor production per calendar year may be limited by Minnesota state statute.

BUILDING. Any structure having a roof which may provide shelter or enclosure for persons, animals, or things.

BUSINESS COMPLEX. A building or group of connected buildings containing 2 or more businesses.

CAR WASH. An establishment providing washing, waxing or cleaning of motor vehicles including access and queuing lanes. This term includes both a Car Wash as a primary use and as an accessory use.

~~**CHURCH**. Any establishment, together with its accessory structures and uses, in which persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.~~

CLASS I RESTAURANT. See **RESTAURANT, CLASS I**.

CLASS II RESTAURANT. See **RESTAURANT, CLASS II**.

CLINIC. Any establishment where human patients are examined or treated by licensed practitioners not involving overnight stays, For this purpose, **LICENSED PRACTITIONERS** includes physicians, dentists, osteopaths, chiropractors, optometrists, psychologists, therapists, and physical therapists.

CLUB. Any establishment operated for social, recreational, or educational purposes open only to members and not to the general public.

COLLEGES AND UNIVERSITIES. A private or public college, community college, technical school or other post-secondary educational facility primarily engaged in the education of students. This term may include, but is not limited to, teaching and educational facilities, classrooms, laboratories, offices or other associated uses. This term does not include dormitory facilities or other living arrangements.

COLUMBARIA. A place such as a vault for the usually public storage of cremated human remains within cinerary urns. Columbaria are accessory to places of worship, cemeteries or mausoleums.

COMMERCIAL FEEDLOTS. A facility which is used for the confined feeding of livestock or other animals for food, fur, pleasure or resale purposes. This includes yards, lots, pens, buildings or other areas or structures.

COMMERCIAL RECREATION.

1. **MAJOR**. A structure or open space designed, constructed, and operated by private enterprise for recreational purposes and open to the general public. The minimum area shall be 150 acres on either 1 lot or contiguous parcels under 1 ownership, in which 50% of the lot or parcels are permanently developed. The facility shall abut a street designated in the comprehensive plan as a principal arterial, minor arterial, or collector street. Such facilities may include amusement parks, Class A licensed horse racetracks, and similar enterprises.

2. **MINOR**. A structure or open space designed, constructed, and operated by private enterprise for recreational purposes and open to the general public. The facility must meet the minimum lot size of the zone. **MINOR COMMERCIAL RECREATION FACILITIES** shall be all commercial recreation facilities which do not meet the standards of a major commercial recreation facility. Such facilities may include bowling alleys, tennis courts, campgrounds, and similar uses.

COMMERCIAL VEHICLE. See **VEHICLE, COMMERCIAL**.

COMMUNICATION SERVICE DEVICE(S)/APPARATUS. Any structure or device used for the purpose of collecting or radiating electromagnetic waves, including, but not limited to, directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whips.

COMMUNICATION SERVICES. Licensed commercial wireless communication services including cellular, personal communication services (PCS), enhanced specialized mobilized radio (ESMR), paging, and similar services.

COMMUNITY GARDEN. A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

COMPREHENSIVE PLAN. The compilation of the goals, policy statements, standards, programs, and maps for guiding the physical, social, and economic development, both public and private, of the city and its environs, as most recently adopted by the City Council and approved by the Metropolitan Council. The term includes any unit or part of such plan and any amendment thereto.

CONDITIONAL USE. See **USE, CONDITIONAL**.

CORNER LOT. See **LOT, CORNER.**

CO-WORKING SPACE. A facilitated environment which may contain desks or other workspaces and facilities which are used by a recognized membership who share the site in order to work remotely and/or collaborate with each other as part of a community. Rules for membership and participation in the co-working space are explicit, transparent and are available to by the public. Fabrication tools are limited to those which do not generate noise or pollutants in excess of what is customary within a typical office environment.

CREMATORIUM: A facility in which human remains are destroyed through incineration, alkaline hydrolysis or another similar method.

DAY CARE FACILITY. A facility licensed by the state to provide care for a child outside of the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day. For this purpose, a **CHILD** is a person who is under 18 years of age.

DETACHED DWELLING. A dwelling unit having open space on all sides.

DIRECTIONAL SIGN. See **SIGN, DIRECTIONAL**.

DISTILLERY. A facility that produces ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, or other distilled spirits, including all dilutions and mixtures thereof, for non- industrial use.

DISTILLERY (MICRO). A facility that produces ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, or other distilled spirits, including all dilutions and mixtures thereof, for non-industrial use. A Micro Distillery produces 40,000 proof gallons or less annually.

DRIVE THROUGH FACILITY. A facility that accommodates vehicles from which the occupant(s) of the vehicle may make purchases or other business transactions, including the stacking space in which vehicles wait. Examples may include, but are not limited to, restaurant drive throughs, bank drive throughs and pharmacy drive throughs. A Drive Through Facility may be an accessory or primary use.

DWELLING. A building or portion thereof designed for residential purposes and providing complete living facilities for 1 family.

DWELLING, DETACHED. A dwelling unit having open space on all sides.

DWELLING, MULTIPLE-FAMILY. A dwelling unit which shares 1 or more common walls, as well, as common ceiling and/or floor with adjoining dwelling unit(s), which is designed for and occupied exclusively by 1 family, and which does not have separate access to the outdoors.

DWELLING, SINGLE-FAMILY. A dwelling unit which has open space on all sides and is designed for and occupied exclusively by 1 family.

DWELLING, SINGLE-FAMILY ATTACHED. A dwelling unit sharing 1 or more common walls with an adjoining dwelling unit, which is designed for and occupied exclusively by 1 family, and which has separate access to the outdoors.

EASEMENT. A grant by a property owner of the use of land by the public or appurtenant to another property for a specific purpose or purposes.

EXHIBIT SPACE OR INTERPRETIVE CENTER. A facility which formally displays educational, cultural, or historical artifacts or materials for viewing by and open to the general public. This may include, but not limited to, museums, art galleries, aquariums and planetariums.

EXISTING. Any structure or use which was in place or for which a building permit had been issued, and any lot which had been preliminarily platted, as of the effective date of this chapter. In order to have an existing lot for a two-family dwelling, the lot must have 2 sanitary sewer stubs.

EXTERIOR STORAGE or **OPEN STORAGE**. The storage of goods, materials, equipment, manufactured products, or similar items not fully enclosed by a building, on a 24-hour-a-day basis for at least 7 days per year.

FAMILY. Any number of individuals related by blood, marriage, or adoption, or up to 4 individuals not so related living together as a single housekeeping unit.

FARM WINERY. A winery operated by the owner of a state farm and producing table, sparkling, or fortified wines from grapes, grape juice, other fruit bases, or honey with a majority of the ingredients grown or produced in Minnesota. A FARM WINERY may include a tasting room.

FENCE. Any partition, structure, wall, or gate erected as a dividing marker, barrier, or enclosure and located along a property boundary, or within a lot.

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

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

FLOOD FRINGE. That portion of the floodplain outside of the floodway. **FLOOD FRINGE** is synonymous with the term FLOODWAY FRINGE used in the flood insurance study for the city.

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

FLOOD-PROOFING. 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 the watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

FLOOR AREA. The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls. The term shall include basements, but not porches, balconies, breezeways, or attic areas having a head room of less than 7 feet 6 inches.

FLOOR AREA RATIO. The numerical value obtained through dividing the floor area of a building by the area of the lot or parcel of land on which such building is located.

FREE STANDING SIGN. See **SIGN, FREE STANDING**.

FRONTAGE. That boundary of a lot which abuts an existing or dedicated street.

FRONT LOT LINE. See **LOT LINE, FRONT**.

FRONT YARD. See **YARD, FRONT**.

FUEL STATION. A facility that sells fuel and engine lubricants for motor vehicles. Fuels sold may include but are not limited to gasoline, diesel, ethanol, biodiesel, compressed natural gas (CNG), electric energy which can charge vehicles, and hydrogen.

FUNCTIONALLY IMPAIRED ADULT. An adult having a condition that includes:

1. Having substantial difficulty in carrying out 1 or more of the essential major activities of daily living, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working;
2. Having a disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life; and
3. Requiring support to maintain independence in the community.

FUNERAL HOME. An establishment providing services involving the care, preparation and disposition of human remains. This includes the assembly for ceremonial purposes. This term may include mortuaries, columbaria and crematoriums as accessory uses.

GARAGE. An accessory building or portion of a principal building, which is used primarily for storing personal vehicles.

GOVERNMENT SIGN. See **SIGN, GOVERNMENT**.

GRAIN ELEVATOR. A facility utilized for the purposes of the bulk storage of grains and containing equipment for the intake, movement and distribution of grains.

GROUP FAMILY DAY CARE FACILITY. Any facility licensed by the state to provide day care for no more than 14 children at any 1 time, including all children of the care giver when the children are present at the facility. For this purpose, **CHILDREN** are persons who are under 18 years of age.

HEALTH AND ATHLETIC FACILITY. An establishment for the conduct of indoor and outdoor sports and exercise activities, including related locker and shower facilities, offices and classrooms.

HEIGHT. For a building, **HEIGHT** is the vertical distance between the ground and the top of the cornice of a flat roof, a point on the roof directly above the highest wall of a shed roof, or one-half the distance between the lowest eave in the highest roof section and the top of the highest gable on a pitched or hip roof. For any other structure, HEIGHT shall be the vertical distance between the ground and the highest point of the structure. For new construction, the ground level shall be the original or pre-construction average ground elevation adjoining the structure's footprint; for existing construction, the ground level shall be the average ground elevation of the structure.

HOME OCCUPATION. Any gainful occupation or profession engaged in by the occupant of a dwelling at or from the dwelling when carried on within a dwelling unit or an accessory building.

HORSE CARE USE. A facility or establishment which regularly provides services or facilities for the boarding, training, showing, grooming, veterinary care or use of horses.

HOSPITAL. A state-licensed institution or facility providing primary health care services and medical, psychiatric or surgical care for use beyond 24 hours to persons suffering from illness, disease, injury, deformity and other physical or mental conditions. This term includes offices for medical and dental personnel, pharmacies, medical laboratories and other related uses.

HOTEL. A building, other than a bed and breakfast inn, used as a temporary residence by the traveling public, in which ingress and egress to and from all rooms is made through an inside lobby.

HOUSING FOR PERSONS WITH DISABILITIES. Residential facilities in which on-site services, such as case management and peer support, are available to tenants who are disabled. This term does not include transitional housing, senior housing, or other state-licensed housing.

ILLUMINATED SIGN. See **SIGN, ILLUMINATED**.

IMPERVIOUS SURFACE PERCENTAGE. The area of any lot covered by material which is impervious to penetration by water, divided by the total lot area.

INSTITUTIONAL SIGN. See **SIGN, INSTITUTIONAL**.

INTERIOR LOT. See **LOT, INTERIOR.**

JUNKYARD. Any area where used, waste, discarded, or salvage materials are bought, sold, exchanged, stored, baled, cleaned, patched, disassembled, or handled; including scrap iron and other metals, paper, rags, rubber products, bottles, and used construction materials, but excluding refuse or the storage of material in conjunction with construction or a manufacturing process.

KENNEL. An establishment where dogs, cats or other domesticated animals, as permitted, are boarded for compensation or where dogs, cats or other domesticated animals, as permitted, are bred or raised for sale purposes.

LANDSCAPING. Plantings such as trees, grass, or shrubs.

LANDSCAPING AND SERVICE CONTRACTOR SHOPS. An establishment used for the repair, maintenance or storage of the contractor's vehicles, equipment, or materials which operate from said establishment and may include offices for the purposes of the contracting or landscaping business.

LOADING SPACE. A space accessible from a street, alley, or driveway for the use of vehicles while loading or unloading merchandise or materials.

LOT. An area, parcel, or tract of land which was created or is recognized as a lot under Ch. 150.

LOT AREA. The area of a lot on a horizontal plane bounded by the lot lines, excluding dedicated rights-of-way.

LOT, CORNER. A lot situated at the junction of, and abutting on 2 or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

LOT DEPTH. The mean horizontal distance between the front lot line and the rear lot line.

LOT, INTERIOR. A lot other than a corner lot.

LOT LINE. A line bounding a lot, except that where any portion of a lot extends into a street, the line of such street shall be the **LOT LINE**.

LOT LINE, FRONT. The boundary of a lot which abuts a street. In the case of a corner lot, the term shall mean the shortest dimension abutting a street. For any lot other than a corner lot which abuts more than 1 street, all boundaries abutting and parallel to the streets shall be **FRONT LOT LINES**.

LOT LINE, REAR. The boundary of a lot which is opposite or most distant from the front lot line.

LOT LINE, SIDE. Any boundary of a lot which is not a front lot line or a rear lot line.

LOT WIDTH. The horizontal distance between the side lot lines of a lot measured parallel to the front lot line and at the building setback line.

MAKERS SPACE. A co-working space which allows members access to a variety of technology tools such as computers, arts and crafts supplies and tools for fabrication.

MALT LIQUOR. Any beer, ale, or other beverage made from malt by fermentation and containing not less than one-half of 1% alcohol by volume.

MANUFACTURED HOME. Any structure, transportable in 1 or more sections, which in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

MANUFACTURING (WITH STORAGE). A facility or establishment where manufacturing, fabrication, processing, assembly, and storage operations, except those involving a project that fits within one of the mandatory EIS categories under MN Rules 4410.4400.

MANUFACTURING (WITHOUT STORAGE). A facility or establishment where manufacturing, fabrication, processing, and assembly operations conducted are entirely within an enclosed building, except those involving a project that fits within one of the mandatory EIS categories under MN Rules 4410.4400.

MASSAGE ESTABLISHMENT.

1. An establishment where the principal use and service is providing therapeutic massage as defined in Chapter 116 of this code, including any enterprise, establishment, or operation, whether under control of an individual or legal entity, providing or offering to provide massage therapy services within the city for a fee or other consideration paid either directly or indirectly, that:

    1. Has one or more massage therapists employed or contacted to provide massage therapy services for the massage establishment; or

    2. Is in a fixed location within the city wherein massage therapy services are provided.

2. Any health or medical facility, office, or clinic operated by state licensed medical professional(s) or any health or medical-related business operated by state licensed medical professional(s) duly licensed under the provisions of

M.S. §§ 144.50 through 144.60, as they may be amended from time to time, which provides therapeutic massage to its patients, shall not be deemed to be a massage establishment.

MEDICAL OFFICE AND DENTAL CLINICS. An establishment which provides diagnostic and outpatient medical and dental treatment by a group of licensed health care practitioners or dentists. This includes all appurtenant administrative or other functions of such establishment.

MICRO-DISTILLERY. A facility that produces ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, or other distilled spirits, including all dilutions and mixtures thereof, for non-industrial use not to exceed 40,000 proof-gallons per calendar year.

MINING. The extraction of sand, gravel, rock, soil, or other material from a parcel of land in an amount exceeding 1,000 cubic yards, and the removal of said material from the site with or without processing. The term MINING shall not include removal of materials in accordance with a building permit, grading permit, public improvement project, or other project receiving prior review and approval by the city.

MOTEL. A building or group of buildings other than a hotel or bed and breakfast inn used as a temporary residence by the traveling public with rooms having a separate entrance providing direct access to the outside and providing motor vehicle parking located adjacent to or near to the sleeping rooms.

MOTOR FREIGHT TERMINAL. A facility for freight operations, including, but not limited to, pickup, sorting and terminal operations, loading and unloading, and local delivery.

MULTIPLE-FAMILY DWELLING. A residential structure composed of 3 or more dwelling units which may share common walls, ceilings, floors, or any combination thereof. Each dwelling unit shall be designed for and occupied exclusively by individual families living independently of each other.

MURAL SIGN. See **SIGN, MURAL**.

NAMEPLATE SIGN. See **SIGN, NAMEPLATE**.

NONCONFORMITY. Any land, use, or structure lawfully existing on the effective date of this chapter which does not comply with all the requirements of this chapter or any amendments hereto governing the zone in which such land, use, or structure is located.

NON-RIPARIAN. Not located on the bank of a natural watercourse.

NOXIOUS MATTER. Matter capable of causing injury to living organisms by chemical reaction, or capable of causing detrimental effects on the physical or economic well-being of individuals.

NURSING HOME. Any institution or facility required to be licensed as such by the State Commissioner of Health under M. S. Ch. 144A, as it may be amended from time to time.

OBSTRUCTION. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or other 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.

OFFICE SHOWROOM. A facility in which the handling of information or the performing of administrative services is conducted as a principal use; including services provided to persons both on-site and off-site on a walk-in or appointment basis. Up to 25% of the gross floor area of the structure may be used for the display of merchandise and equipment, and its sale to a customer where delivery of purchased merchandise is made directly to the ultimate consumer from a warehouse.

OPAQUE. At least 80% of the view from the opposite side is blocked, when observed from a point perpendicular to the opaque material, fence, or wall.

OPEN SALES LOT. Land devoted to the display of goods for sale, rent, trade, or advertising purposes, where such goods are not enclosed within a building, on a 24-hour-a-day basis for at least 7 days per year.

OPEN SPACE (CONSERVATION). Any land or area, the preservation of which in its present use would: (1) conserve and enhance natural or scenic resources; or (2) protect streams or water supply; or (3) promote conservation of soils, wetlands, beaches, or tidal marshes; or (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries; or (5) enhance recreation opportunities.

OPEN SPACE, (PASSIVE). A landscaped area or areas available for the common use of and is accessible by all residents or occupants of a development. Open space shall be calculated on a net basis which excludes private yards, private streets from back of curb to back of curb, public rights-of-way, any areas within an easement: or any other non-recreational impervious surface area. Dedicated parkland shall not be used in calculating open space for a development.

OPEN STORAGE. See **EXTERIOR STORAGE.**

ORDINARY HIGH WATER LEVEL. The boundary of public waters or wetlands at an elevation delineated by the State Department of Natural Resources as 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. For reservoirs and flowages, the **ORDINARY HIGH WATER LEVEL** is the operating elevation of the normal summer pool.

OUTDOOR CAFÉ. ~~A seating area on a public sidewalk or plaza adjacent to a permitted use in the Central Business Zone B-3 where food and beverages are sold from the business operating such permitted use are consumed by its customers~~ A seating area on a public sidewalk or plaza adjacent to a permitted use in the Central Business Zone B-3 where food and beverages are sold from the business operating such permitted use are consumed by its customers.

OVERLAY ZONE. See **ZONE, OVERLAY**.

PARK. A natural or landscaped area, which may include both active and passive indoor and outdoor recreation and leisure activities, as well as grassland, forested land and wetlands. These areas may be public or private.

PARKING SPACE. A suitably surfaced and permanently maintained area on privately owned property, either within a building or outside.

PAWNSHOP. A facility operated by a pawnbroker which engages, in whole or in part, in the business of lending money on the security of tangible personal property actually delivered into the person's possession, or in the business of purchasing tangible personal property to be left with the person on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time. No bank or other financial institutions shall be deemed a pawnshop for the purposes of this Code.

PERFORMANCE STANDARDS. Criteria established to control noise, odor, dust, fumes, toxic or noxious matter, vibration, fire or explosive hazards, glare, heat, or other characteristics generated by or inherent in uses of land or structures.

PERMITTED USE. See **USE, PERMITTED**.

PERSONAL VEHICLE. See **VEHICLE, PERSONAL**.

PET DAYCARE/PET BOARDING. An establishment in which animals, as permitted, are kept or maintained for the care, training, exercise, or socializing, by a person other than the owner of the animals for a fee. This term may include grooming and pet walking services but does not include the breeding or selling of animals or facilities whose primary source of revenue is veterinarian services.

PLACE OF WORSHIP / RELIGIOUS ASSEMBLY HALL. A church, synagogue, temple, mosque or other facility which is used for prayer or assembly by persons of similar beliefs, or a special purpose building that is architecturally designed or adapted for the primary use of conducting, on a regular basis, religious services and associated accessory uses.

PLANNED UNIT DEVELOPMENT. A process used to acquire approvals for a project or development which requires the preparation of plans as specified herein and, upon approval of said plans by the city, establishes the land use pattern; the density or intensity of use; yard, lot coverage, landscaping, building height, and spacing requirements; the architectural character of the project; pedestrian and vehicular system locations; outdoor storage; loading, signage, parking, and open space requirements and locations; and such other requirements as are deemed necessary and appropriate for the area encompassed by the planned unit development.

PLANT NURSERY. A facility where plants are propagated and grown to useable size. This term includes; retail nurseries that sell to the general public, wholesale nurseries that sell only to business such as other nurseries and to commercial gardeners, private nurseries that supply the needs of institutions or private estates where they are located, and tree farms or other forestry uses. This term does not include landscape contractors or other similar uses.

PORTABLE SIGN. See **SIGN, PORTABLE**.

POWER GENERATION FACILITY. A power station, powerhouse, power generation plant or similar facility, other than a wind energy or solar energy conversion system or facility, that produces or generates electric power.

PRINCIPAL USE. See **USE, PRINCIPAL**.

PRIVATE LODGE/CLUB. An establishment owned or operated by a corporation, association, or person(s) for the purposes of carrying out a social, educational or recreational purpose, but not primarily for profit or to render a service that is customarily carried out as a business and is usually characterized by certain membership restrictions, regular meetings and a constitution or bylaws.

PUBLIC BUILDING. ~~Any structure sheltering or enclosing a governmental use or activity.~~ Any building held, used, or controlled exclusively for public purposes by any department or branch of government, state, county, or municipal, without reference to the ownership of the building or of the realty upon which it is situated. A building belonging to or used by the public for the transaction of public or quasi-public business. **PUBLIC INFORMATION SIGN**. See **SIGN, PUBLIC INFORMATION**.

PUBLIC OR PRIVATE SCHOOLS FOR GRADES PRE-K – 12. A facility which provides educational services for elementary and/or secondary students with a curriculum that complies with the State Department of Education.

PUBLIC RECREATION. Any use commonly provided for and open to the public at parks, playgrounds, community centers, or other similar sites owned or operated by a unit of government for the purpose of providing recreation.

REACH. A longitudinal segment of a stream or river influenced by a natural or human-made obstruction.

REAR LOT LINE. See **LOT LINE, REAR.**

REAR YARD. See **YARD, REAR**.

RECREATIONAL EQUIPMENT. Any structure, device, or furnishing used for recreational purposes which is not larger than 600 square feet or 4,000 cubic feet including, but not limited to, swing sets and slides, sandboxes, picnic tables, jungle gyms, and similar items.

RECREATIONAL VEHICLE. See **VEHICLE, RECREATIONAL**.

RECYCLING/COMPOSTING FACILITY. An enclosed facility in which scrapped or salvaged materials are shredded, milled, crushed, ground, bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited

to, construction debris, scrap iron and other metals, paper, rags, rubber tires, bottles, plastics, aluminum cans or organics. A Recycling Facility shall not include automobile wrecking or dismantling.

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

REGULARLY or **ON A REGULAR BASIS**. The provision of day care services to 1 or more persons for a cumulative total of more than 30 days within a 12-month period. Provision of services for any part of a calendar day shall constitute provision of service for the entire calendar day.

REGULATORY FLOOD PROTECTION ELEVATION. The elevation no lower than 1 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.

RESIDENTIAL FACILITY. A facility licensed by the state to provide 24-hour-a-day care, supervision, food, lodging, rehabilitation, training, education, habitation, or treatment outside a person's own home. For this purpose, a person is any individual under 18 years of age or an individual who is 18 years of age or older and who has mental illness, mental retardation or a related condition, a physical handicap or a functional impairment, or who is chemically dependent or abuses chemicals.

RESTAURANT, CLASS I. An establishment serving food to customers while seated at a counter or table and which does not serve alcoholic beverages or provide live entertainment.

RESTAURANT, CLASS II. An establishment serving food to customers which is not a Class I restaurant.

RETAIL. The sale of goods or services directly to the ultimate consumer.

RETAIL CENTER. A commercial area containing 1 or more retail establishment(s) with a total building area in excess of 50,000 square feet.

RIPARIAN. Located on the bank of a natural watercourse. **SALES TRAILERS**. A recreational vehicle, modular structure, or other similar structure used for the purpose of marketing homes, commercial, or industrial space.

SANDWICH BOARD SIGN. See S**IGN, FREE STANDING**.

SEASONAL SALES STANDS. An open-air facility which sells seasonal products directly to customers on site. These products include, but are not limited to, produce, fireworks, trees or other seasonal goods.

SELF-STORAGE ESTABLISHMENT. An enclosed building with controlled access having compartments, rooms, spaces, lockers or other types of units that are individually leased, rented, sold or otherwise contracted for the storage of a customer's goods or possessions. This use may be located within a single building or multiple buildings on a single lot.

SENIOR HOUSING. A residential complex containing multifamily dwellings which are age-restricted to those 55 years and older. Such facilities may include a congregate meals program in a common dining area but exclude institutional care such as medical or nursing care facilities.

SETBACK. The minimum horizontal distance between a structure and a lot line, ordinary high water level, or other specified item.

SHORELAND. Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; or 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on such a river or stream, whichever is greater. The limits of the **SHORELAND** may be reduced whenever the

waters involved are bounded by natural topographic divides which extend landward from the water for lesser distances and when approved by the Commissioner of the State Department of Natural Resources.

SHORT TERM LODGING RENTAL. An owner-occupied rental dwelling, whether rented partially or entirely for a term less than 30 days at a time and is rented for no more than a total of 60 days in a calendar year.

SIDE LOT LINE. See **LOT LINE, SIDE**.

SIDE YARD. See **YARD, SIDE.**

SIGN. Any letter, work, symbol, device, poster, picture, statuary, reading matter, or representation in the nature of an advertisement, announcement, message, or visual communication whether painted, pasted, printed, affixed, or constructed which is displayed in view of the general public for informational or communicative purpose.

SIGN, ADVERTISING. Any non-governmental sign located outdoors which advertises or directs attention to a business, profession, product, service, commodity, entertainment, event, or other activities not necessarily offered, sold, or rented upon the premises where the sign is located or to which it is attached.

SIGN, ALPHA/NUMERIC MONOCHROME. A sign or portion of a sign that can display electronic non-pictorial text. In the case of gas stations, pricing boards for gasoline/diesel shall not be counted toward allowable signage area.

SIGN AREA. The entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface This excludes any supports, uprights, or structures on which any sign is supported unless such supports, uprights, or structures are an integral part of the display or sign. Where the sign is double-faced, the SIGN AREA shall be calculated by measuring only 1 of the faces, meaning that the maximum sign area allowed shall be permitted on each face of the sign. Where the sign has more than 2 sides, all faces shall be limited to the total area permitted on double-faced signs, meaning that the total sign area allowed will decrease with additional faces.

SIGN, AREA IDENTIFICATION. A free standing sign, located at the entrance to or within the identified premises, which identifies the name of a neighborhood, residential subdivision, multiple-family residential complex, shopping center or area, industrial area, office complex, planned unit development, or any combination of the above, but which does not advertise any business within the area.

SIGN, DIRECTIONAL. A sign erected on private property for the purpose of directing vehicular and pedestrian traffic to facilities or functions open to the general public.

SIGN, ELECTRONIC MESSAGE CENTERS. A sign or portion of a sign that can electronically display any combination of words, graphics, pictorial text, and multiple colors. In the case of gas stations, pricing boards for gasoline/diesel shall not be counted toward allowable signage area.

SIGN, FLASHING. A directly or indirectly illuminated sign or portion thereof that exhibits changing light or color effect by any means, so as to provide intermittent illumination that changes light intensity in sudden transitory bursts, and creates the illusion of intermittent flashing light by streaming, graphic bursts, showing movement, or any mode of lighting which resembles zooming, twinkling, or sparkling.

SIGN, FREE STANDING. A sign which is placed in the ground and not affixed to any part of any structure. **A FREE STANDING SIGN** may be of any of the following types:

1. **FREE STANDING GROUND SIGN**. A sign which is mounted on free standing shafts, posts, or walls which are 7 feet or less in height and are attached to the ground;

2. **FREE STANDING PYLON SIGN**. A sign which is mounted on free standing shafts, posts, or walls which extend more than 7 feet in height and are attached to the ground; and

3. **SANDWICH BOARD SIGN.** A sign which has 2 single face areas that are attached on only 1 end so as to create a triangular stance, but which is not permanently affixed to the ground.

SIGN, GOVERNMENT. A sign which is erected by or with the approval of a governmental unit.

SIGN, ILLUMINATED. A sign which has an artificial light source directed upon it or 1 which has an interior light source.

SIGN, INSTITUTIONAL. A sign or bulletin board which identifies the name and other characteristics of a public or private institution on the site where the sign is located.

SIGN, MURAL. Any mural or pictorial scene painted or attached on the wall of a structure or painted on a sign board affixed to a wall, and which has as its primary purpose artistic effect and an ideological or non-commercial message.

SIGN, NAMEPLATE. A sign indicating the name of a building, building occupant, development, project, or any sign which serves as a directory of building occupants.

SIGN, PORTABLE. A sign so designed as to be movable from 1 location to another and which is not permanently attached to the ground or any structure.

SIGN, PUBLIC INFORMATION. A sign conveying information of general interest to the public, such as time, temperature, date, atmospheric conditions, or upcoming civic, community, cultural, social, or athletic events.

SIGN, TEMPORARY. Any sign intended to be displayed for a limited period of time only.

SIGN, WALL. Any sign which is attached or affixed to the exterior wall of any building, and projects from the wall 18 inches or less.

SIGN, WINDOW. A sign attached to, placed upon, or painted on the interior or exterior of a window or door of a building and which is intended for viewing from the exterior of such building.

SILO. A vertical, cylindrical structure, made of reinforced concrete, steel, timber, or materials which comply with building codes, used for storing grain, cement, or other materials necessary to the conduct of operations with a permitted or conditional permitted use in a specified zoning district.

SINGLE-FAMILY DWELLING. A residential structure designed for and occupied exclusively by 1 family.

~~**SMALL BREWERY.** A brewery that produces no more than 20,000 barrels of malt liquor in a calendar year.~~

SOLAR ENERGY SYSTEM. A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components to the distribution of transformed energy (to the extent they cannot be used jointly with a conventional energy system). To qualify as a solar energy system, the system must be permanently located for not less than 90 days in any calendar year beginning with the first calendar year after completion of construction.

STREET. A public right-of-way affording primary access by pedestrians and vehicles to abutting properties.

STRUCTURE. Anything constructed or erected, the use of which requires a location on, below, or above, the ground, or attached to something having a location on the ground, including signs and fences.

SUBDIVISION. The creation of 1 or more lots under the provisions of Ch. 150.

TAPROOM. An area for the on-sale consumption of malt liquor produced by the brewer for consumption on the premises of or adjacent to 1 brewery location owned by the brewer. A TAPROOM may also include sales for off-premises consumption of malt liquor produced at the brewery location or adjacent to the TAPROOM and owned by the brewer for off-premises consumption, packaged subject to M.S. § 340A.301, subd. 7(b), as it may be amended from time to time, or its successor.

TASTING ROOM, WINERY/DISTILLERY. An area for the on-sale consumption of distilled spirits or wine produced on the premises of, or adjacent to 1 winery or 1 distillery and in common ownership to the producer of the wine or distilled spirits. The tasting room area may include sales for off-premises consumption of products produced by the owner of the winery or distillery location if permissible by state law.

TAVERN. An establishment where the primary business is the on-premises sale and consumption of alcoholic beverages and where the incidental sale of food for consumption on the premises may also occur.

TEMPORARY SIGN. See **SIGN, TEMPORARY**.

THEATER. An enclosed establishment or facility which presents motion pictures or live performances for observation by patrons. This term does not include outdoor theaters or amphitheaters.

TOE OF THE BLUFF. The lower point of a 50 feet segment with an average slope exceeding 18%.

TOP OF THE BLUFF. The higher point of a 50 feet segment with an average slope exceeding 18%.

TOWER. Any pole, spire, structure, or combination thereof including supporting lines, cables, wires, braces, and masks; intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

TOWNHOUSE. A residential structure consisting of 2 or more contiguous dwelling units, sharing only common walls, each having access through separate individual entrance/exits adjacent to a lot line, and each having separate garage/storage areas.

TWO-FAMILY DWELLING. A residential structure composed of no more than 2 dwelling units which may share common walls, ceilings, floors, or any combination thereof. Each dwelling unit shall be designed for and occupied exclusively by individual families living independently of each other.

USE. The purpose or activity for which the land or structure thereon is designated, arranged, or intended, or for which it is occupied or maintained.

USE, ACCESSORY. A use or structure subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.

USE, CONDITIONAL. A use which is generally permitted within the zone, but which requires special review and limitations because if not carefully located or designed may have a detrimental impact on neighboring properties or the city.

USE, INTERIM. A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit the use.

USE, PERMITTED. A use which may be lawfully established in a zone provided it conforms with all requirements, regulations, and performance standards of such zone.

USE, PRINCIPAL. The main use of land or a structure, as distinguished from a subordinate or accessory use.

UTILITY SERVICES. Services supplying gas, electric, transportation, water, sewer, cable, or land line telephone service to the general public.

UTILITY SERVICE STRUCTURES. Any building or structure necessary for the operation of public or private utility services. This does not include water towers or electrical substations, or any buildings constructed to house sanitary lift station controls

VARIANCE. A modification or relaxation of the provisions of this chapter where it is determined that by reason of special and unusual circumstances relating to a specific lot, that strict application of this chapter would cause an undue hardship, or that strict conformity with the provisions of this chapter would be unreasonable, impractical, or unfeasible under the circumstances.

VEHICLE. Any device in, upon, or by which any person or property is or may be transported or drawn upon a street, except devices used exclusively upon stationary rails or tracks.

VEHICLE, COMMERCIAL. Any vehicle other than a personal vehicle or recreational vehicle.

VEHICLE, PERSONAL. Any self-propelled vehicle designed and used for the carrying of not more than 15 persons, including the driver, truck with a rated carrying capacity of 1 ton or less, motorcycle, or motorbike.

VEHICLE, RECREATIONAL. Any self-propelled vehicle or vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes, including, but not limited to, RVs, campers, snowmobiles, trail bikes, or other all-terrain vehicles, boats, hovercrafts, or motor vehicles licensed for highway operation which may be used for off-road recreational purposes.

VEHICLE RENTAL FACILITY. An establishment which engages in the rental of personal motor vehicles which may also contain incidental storage or light servicing of rental vehicles.

VEHICLE RENTAL FACILITY (COMMERCIAL). An establishment which engages in the rental of commercial motor vehicles which may also contain incidental storage or light servicing of commercial rental motor vehicles.

VEHICLE REPAIR. A facility which engages in the service, or industry involving the maintenance, repair, servicing, or painting of automobiles, trucks, vans and motorcycles is conducted or rendered. This excludes commercial wrecking or dismantling, scrap or salvage yards, tire recapping and truck-tractor repair.

VEHICLE SALES, AUCTION. A facility that sells operable new and/ or used vehicles at wholesale by means of an auction. Parts of vehicles, or salvage titled vehicles are not included in this definition.

VEHICLE SALES (NEW). An establishment providing the retail sale of new motor vehicles including the buying, selling, leasing or displaying of any new motor vehicle. This term includes incidental storage and maintenance of new vehicles. New Vehicle Sales establishments may sell used vehicles as accessory to the primary new vehicle sales use.

WALL SIGN. See **SIGN, WALL**.

WAREHOUSING. A facility which provides indoor storage of materials, equipment or products as a primary use.

WATER TOWER. a tower supporting an elevated water tank, whose height creates the pressure required to distribute the water through a piped system.

WETLAND. Land transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water, as defined in M.S. § 103G.005, subd. 19, as it may be amended from time to time.

WHOLESALE. An establishment which is engaged in the sale of goods to retailers or other business or industrial users, or to other wholesalers and not direct retail sales to the general public. ~~The sale of goods to an intermediary for resale to another intermediary or to the ultimate consumer.~~

WINDOW SIGN. See **SIGN, WINDOW**.

WINERY. An establishment where wine is made, processed and warehoused for wholesale distribution. This term does not include the growing of grapes or direct retail sales to customers on site.

WIND ENERGY CONVERSION SYSTEM (WECS). A machine that converts the kinetic energy in the wind into a usable form (commonly known as a wind turbine or windmill). The WECS includes all parts of the system except the tower and the transmission equipment.

YARD. An open space on a lot surrounding a principal structure, which is unoccupied and unobstructed from the ground to the sky, except by landscaping or an eave not exceeding 24 inches in width.

YARD, FRONT. The yard extending the width of the lot from the front lot line to the building setback line.

YARD, REAR. The yard extending the width of the lot extending from the rear lot line to the rear yard setback line.

YARD, SIDE. The yard extending along the side lot line between the front and rear yards, extending perpendicularly from the side lot line to the side yard setback line.

ZONE. An area or areas within the city for which the regulations and requirements of this chapter governing uses, lot, and bulk of structures and premises are uniform.

ZONE, OVERLAY. A zone whose regulations and requirements are added to the regulations and requirements of another zone, in order to address particular topographic or development concerns.

§151.007

SECTION 151.007 GENERAL REGULATIONS

RESIDENTIAL ~~ZONES~~ DISTRICTS											
A = Accessory Use C = Conditional Use P = Permitted Use PUD = Planned Urban Development ~~*Denotes specific conditions must be met that are in the City Code.~~ **Numbers in superscript indicate additional conditions for approval of use. These conditions are found City Code § 151.07.K**											
USE CLASSIFICATION (proposed)	**AG**	**RR**	**SRR**	**R1A**	**R1B**	**R1C**	**R2**	**PRD**	**R3**	**R4**	**PO**
Accessory Structures	A	A	A	A	A	A	A	A	A	A	A
Accessory Structures, Oversized[1]						C					
Adult daycare center serving 12 of fewer persons[2] ~~less than 13 persons~~	P	P	P	P	P	P	P	P	P	P	
Adult daycare center serving 13 or more persons[3]	C	C	C	C	C	C	C	C	C	C	
Agricultural research facilities[5] ~~as defined in Code~~	C										
Agricultural uses	P	~~P~~									
~~Animal hospitals and veterinary clinics~~	~~C~~										
Apartment leasing offices and community rooms								A	A	A	
~~Assisted living housing facilities, subject to the following requirements: Up to 20% of units may be independent living units, only the independent living units shall be considered for purposes of calculating maximum density~~					~~C~~				~~P~~	~~P~~	

Assisted Living Housing Facility					C		C		P	P	
Bed and breakfast inns[7]	C	C	C	C	C	C	C	C	C		
Boathouses[8]	C	C	C								
Cemeteries[11]	C										
~~Churches and other places of worship~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	
Columbaria, when associated with a place of worship or mortuary	C	C	C	C	C	C	C	C	C	C	
Commercial feedlots[12]~~, which include yards, lots, pens, buildings or other areas or structures used for the confined feeding or livestock or other animals for food, fur, pleasure or resale purposes~~	C										
Commercial recreation, minor[14]	C	C									P
Communication service apparatus/devices ~~as permitted uses~~ when co-located	A	A	A	A	A	A	A	A	A	A	A
Community commercial development as allowed under § 151.039 and according to the design standards contained therein								C			
Daycare facilities serving 12 or fewer persons	P	P	P	P	P	P	P	P	P	P	
Daycare facilities serving 13 or more persons[17]								C	C	C	
Daycare facilities serving 13 - 16 persons[17]	C	C	C	C	C	C	C	C	C	C	
Decorative landscape features	A	A	A	A	A	A	A	A	A	A	A
Fences	A	A	A	A	A	A	A	A	A	A	A
~~Forestry and nursery uses~~	~~P~~	~~C~~									
Gardening and other horticultural uses not involving retail sales	A	A	A	A	A	A	A	A	A	A	P
Group family daycare facilities serving 14 or fewer children	P	P	P	P	P	P	P	P	P	P	

Home occupations contingent upon approval of a home occupation permit	A	A	A	A	A	A	A	A	A	A	
Kennels[27]	C										
Machinery, structures and silos necessary to the conduct of agricultural operations	A	A									
Multiple-family dwellings							C	C	P	P	
Other accessory uses as determined by the Zoning Administrator	A	A	A	A	A	A	A	A	A	A	A
Place of worship / Religious Assembly Hall[35]	C	C	C	C	C	C	C	C	C	C	
Plant Nurseries[36]	P										
Private garages or off-street parking	A	A	A	A	A	A	A	A	A	A	A
Public or private schools ~~having a course of instruction approved by the State Department of Education~~ for grades K - 12[37]~~, or any portion thereof~~	C	C	C	C	C	C	C	C	C		
Public recreation	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~A	~~P~~A	~~P~~A	P
Receive only satellite dish antennas and other antenna devices less than the maximum height of the zone	A	A	A	A	A	A	A	A	A	A	
Recreational equipment, swimming pools, tennis courts and other recreational sport courts	A	A	A	A	A	A	A	A	A	A	P
Relocated Structures[39]	P	P	P	P	P	P	P	P	P	P	P
Residential facilities serving 6 or fewer persons	P	P	P	P	P	P	P	P	P	P	
Residential facilities serving 7 - 16 persons[41]	C	C	C	C	C	C	C	C	C	C	
Retail sales of nursery and garden supplies	C										
Seasonal ~~produce~~ sales stands[45]	P										
Seasonal ~~produce~~ sales stands when the principal use of the property is agricultural[46]		C									

~~Senior housing facilities~~						~~C~~			~~C~~	~~P~~	
Short term lodging rentals, a short term lodging rental is defined as an owner occupied rental dwelling, whether rented partially or entirely for a term less than 30 days at a time and is rented for no more than a total of 60 days in a calendar year	A	A	A	A	A	A	A	A	A	A	
Single-family attached dwellings (townhouses)							P	P	P		
Single-family attached dwellings up to a maximum of 2 dwellings (duplexes/twinhomes)						P					
Single-family detached dwellings	P	P	P	P	P	P	P	P	P		
Solar equipment	A	A	A	A	A	A	A	A	A	A	A
Stables	A										
Stables with not more than 2 horses per 2.5 acres		A									
Structures greater than 35 feet in height[48]	C	C	C	C	C	C	C	C	C		C
Structures greater than 45 feet in height[48]										C	C
Temporary construction buildings	A	A	A	A	A	A	A	A	A	A	A
Towers for commercial wireless telecommunications services[49]	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	C
Utility service structures[50]	P	P	P	P	P	P	P	P	P	P	P
Utility service structures, electrical substations[51] ~~which do not meet the standard conditions under the permitted uses~~	C	C	C	C	C	C	C	C	C	C	C
Utility service structures, lift stations[51]	P	P	P	P	P	P	P	P	P	P	P
Utility service structures, water towers[52]	C	C	C	C	C	C	C	C	C	C	C
Wind energy conversion systems (WECS) or windmills[57]	C	C	C	C	C	C	C	C	C	C	C

COMMERCIAL AND INDUSTRIAL ~~REGULATIONS~~ DISTRICTS

A = Accessory Use C = Conditional Use P = Permitted Use PUD = Planned Urban Development
~~*Denotes specific conditions must be met that are in the City Code.~~
Numbers in superscript indicate additional conditions for approval of use. These conditions are found City Code § 151.07.K

USE CLASSIFICATION (proposed)	**B-1**	**B-2**	**B-3**	**NC**	**MR**	**CC**	**I-1**	**I-2**	**BP**
Administrative, executive and professional offices~~, including medical and dental clinics~~	P	P	P	P	P	P	P	P	P
Adult daycare centers serving 12 or fewer persons[2]	P	P	P	P	P	P			
Adult daycare centers serving 13 or greater persons[3]	C	C	C	C	C	C			
Adult Establishments[4]								P	
Animal hospitals and veterinary clinics[6]	C	C	C	C	C	C	C	C	~~C~~
Apartment leasing offices and community rooms	A		A		A				
Banks and financial institutions	P	P	P	P	P	P			
Bed and breakfast inns[7]	C		C	C					
Brewery[9]							P	P	P
Brewery, small[9]	~~C~~ P					~~C~~ P	P	P	P
Brewery, small with taproom[9]	~~C~~ P	P	~~C~~ P	~~C~~ P	~~C~~ P	~~C~~ P	~~C~~ P	~~C~~ P	~~C~~ P
Brewery, with taproom[9]					P		~~C~~ P	~~C~~ P	~~C~~ P
Brewpub[9]	P		P	P	P	P			
Car washes[10]	C			C		C			
Colleges and Universities	C	C	C	C	C	C	C	C	C
~~Churches and other places of worship~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~			
Columbaria, when associated with place of worship/funeral home	C	C	C	C	C	C			
Commercial recreation, major[13]					P				
Commercial recreation, minor[14]	C		C	C	~~C~~ P	C			

Communication service apparatus/devices when co-located[15] ~~as permitted uses~~	A	A	A	A	A	A	A	A	A
~~Communication service towers~~							~~C~~	~~C~~	
Concrete or asphalt plants[16]								C	
Contractor's supply yards								P	
Crematorium								C	
Daycare facilities[17]	~~C~~ P	~~C~~ P	~~C~~ P	~~C~~ P	~~C~~ P	C	C	C	A
Distribution Facilities							P	P	
Distilleries[18]							P	P	P
Distillery, micro[18]	~~C~~ P				~~C~~ P	~~C~~ P	P	P	P
Distillery, micro with tasting room[18]	C		C				C	C	
Drive up or drive through windows	P		P	P	P	P			
Drive Through as Principal Use[19]	C			C	C	C			
Existing Dwellings[20]	P		P						
~~Dwellings when combined with another permitted use~~ Mixed Use Developments	P		P	P	P	P			
~~Establishments supplying goods or services primarily to industrial uses~~							~~P~~	~~P~~	
Exhibit spaces and interpretive centers	P	P	P	P	P	P			P
Exterior storage[21]							~~C~~ A	~~C~~ A	
Farm winery[22]	C				C	C	P	P	
Farm winery, with tasting room[22]			C				C	C	
Fences	A	A	A	A	A	A	A	A	A
Funeral homes	C			C		C			
Gardening and other horticultural uses not involving retail sales	A	A	A	A	A	A	A	A	A
~~Gas~~ Fuel stations[23]	C	A	A	C	A	C	A	A	A
Grain elevators[24]								C	
Health and athletic facilities	P	P	P	P	P	P		A	A
Heliports[25]		C					C	C	C

Horse care uses[26] ~~including boarding, training, showing, grooming and veterinary clinic facilities~~					P				
Hospitals[27]		C							
Hotels and motels	P	~~C~~	P	C	P	C			~~C~~
Housing designed to serve persons with disabilities	C		C						
~~Industrial/technical training schools~~	~~C~~	~~C~~	~~C~~				~~C~~	~~C~~	~~C~~
Landscaping services and other contractors[29]	~~C~~						C	P	
Manufacturing, fabrication, processing, research laboratories, assembly, warehousing, wholesaling, storage operations and research laboratories that fit within one of the mandatory EIS categories under MN Rules 4410.4400								C	
Manufacturing, fabrication, processing, research laboratories, assembly, warehousing, wholesaling, storage operations and research laboratories except those that fit within one of the mandatory EIS categories under MN Rules 4410.4400							P	P	P
Massage Establishments[32]	C								
Medical Office and Dental Clinics	P	P	P	P	P	P	A	A	P
Motor freight terminals								P	
Multiple-family dwellings	P		P	P	P	P	C	C	C
Other accessory uses as determined by the Zoning Administrator	A	A	A	A	A	A	A	A	A
Outdoor Cafes[33]			A						
Pet Daycare and Boarding Facilities[34]	C						C	C	

Place of Worship / Religious Assembly Hall[35]	C	C	C	C	C				
Private garages or off-street parking	A	A	A	A	A	A	A	A	A
Private lodges or clubs	~~C~~ P		~~C~~ P	~~C~~ P	~~C~~ P	~~C~~ P			
~~Public and private colleges and universities licensed by the State of Minnesota~~	~~C~~	~~C~~	~~C~~		~~C~~		~~C~~	~~C~~	~~C~~
Public buildings and facilities	P	P	P	P	P	P	P	P	P
Public or Private schools[37] ~~having a course of instruction approved by the State Department of Education~~ for grades K - 12, ~~or any portion thereof~~	P	P							C
~~Public recreation~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~A
Receive only satellite dish antennas and other antenna devices	A	A	A	A	A	A	A	A	A
Recreational equipment, swimming pools, tennis courts and other recreational sport courts	A	A	A	A	A	A	A	A	A
Recycling or composting facilities[38]								C	
Residences for security personnel[40]							A	A	A
Restaurants (Class I and II) and taverns that have an outdoor patio or congregation area that customers are allowed to use after 10:00 p.m. and where the nearest point of the property on which the restaurant is located is within less than 100 feet from the nearest point where a residential use is located[42]	C		C	C	C	C			

Restaurants (Class I and II) and taverns, except those having an outdoor patio or congregation area that customers are allowed to use after 10:00 p.m. and where the nearest point of the property on which the restaurant is located is within less than 100 feet from the nearest point where a residential use is located[42]	P		P	P	P	P			
Retail centers[43]	PUD								
Retail and services serving the general public	P	A	P	P	P	P			
Relocated Structures	P	P	P	P	P	P	P	P	P
Retail sales of heavy industrial, manufacturing or construction machinery or equipment								P	
Retail sales of products, manufactured, fabricated or assembled[44] ~~or stored on site~~							~~C~~ A	~~C~~ A	~~C~~ A
~~Schools, public or private, that are licensed by MN Department of Education for grades K - 12~~	~~C~~	~~C~~							
~~Temporary,~~ Seasonal sale of farm produced items such as fruits, vegetables and Christmas trees with prior review and written approval from the Zoning Administrator or his or her designee[45]	A	A	A	A	A	A			
Seasonal Sales Stands [46]	A	A	A	A	A				
Self-storage facilities[47]							C		

Short-term lodging rentals, a short-term lodging rental is defined as an owner occupied rental dwelling, whether rented partially or entirely for a term less than 30 days at a time and is rented for no more than a total of 60 days in a calendar year	A		A		A	A			
Silos and fuel/gas storage tanks that do not exceed the height requirements of the specific zoning district							A	A	A
Solar equipment	A	A	A	A	A	A	A	A	A
Structures over 45 feet in height[48]	C			C		C			
Structures over 55 feet in height[48]		C	C				C	C	C
Structures over the height allowed based on their setback[48]					C				
Taverns	P		P		P				
Temporary construction buildings	A	A	A	A	A	A	A	A	A
Theaters	P		P		P				
Towers for commercial wireless telecommunication services when co-located[49]	A	A	A	A	A	A	A	A	A
Towers for commercial wireless telecommunication services							A	A	
Utility service structures[50]	P	P	P	P	P	P	P	P	P
Utility Service Structures, Substations[51]							C	C	
Utility Service Structures; Lift Stations[51]	P	P	P	P	P	P	P	P	P
Utility Service Structures; Water towers[52]	C	C	C	C	C	C	C	C	C
Vehicle rental[53]	C								
Vehicle rental, commercial[53]	C						P	P	

Vehicle sales, auction[54]								C	
Vehicle sales, new[55]	C					C			
Vehicle sales, used[55]							C		
Vehicle sales, used, but only if the business is on the same site as a new vehicle sales business authorized by the manufacturer[55]	C								
Vehicle service or repair[56]	C						C	C	
Warehousing and wholesaling							P	P	
Wind energy conversion systems (WECS) or windmills[57]	C	C	C	C	C	C	C	C	C
Wineries							P	P	P

K. Specific Conditions. Specific Conditions are established to address the unique characteristics of certain land uses. The standards and conditions listed for land uses in this chapter are applicable to permitted, conditional, and interim use permits, as specified for each zoning district, unless otherwise noted.

1. Accessory structures over the specified size in the Old Shakopee Residential (R-1C) Zone.
    a. Shall meet all setback requirements for accessory structures;

    b. Shall not exceed the total square footage of the principal structure;

    c. Shall not be used for any commercial or leased storage use;

    d. Shall not impede or alter the natural drainage flow;

    e. Shall not increase runoff to neighboring properties;

    f. Shall provide a survey showing spot elevations and location of all structures both existing and proposed;

    g. Shall provide a scaled elevation of the proposed structure; and

    h. Architecture and exterior materials must be compatible with the principal structure and neighboring properties.

2. Adult Daycare Centers Serving 12 or Fewer Persons.
    a. Serve 12 or fewer persons;

b. Provide proof of an adequate water and sewer system if not served by municipal utilities;

c. Have outdoor leisure/recreation areas located and designated to minimize visual and noise impacts on adjacent areas;

d. The total indoor space available for use by participants must equal at least 40 square feet for each day care participant and each day care staff member present at the center. When a center is located in a multi-functional organization if the required space available for use by participants is maintained while the center is operating.
    i. In determining the square footage of usable indoor space available, a center must not count:
        1. Hallways, stairways, closets, offices, restrooms, and utility and storage areas;
        2. More than 25% of the space occupied by the furniture or equipment used by participants or staff; or
        3. In a multi-functional organization, any space occupied by persons associated with the multi-functional organization while participants are using common space.

e. Comply with all other state licensing requirements.

3. Adult Daycare Centers Serving 13 or More Persons.
    a. Serve 13 or more persons;

    b. Provide proof of an adequate water and sewer system if not served by municipal utilities;

    c. Have outdoor leisure/recreation areas located and designed to minimize visual and noise impacts on adjacent areas;

    d. The total indoor space available for use by participants must equal at least 40 square feet for each day care participant and each day care staff member present at the center. When a center is located in a multi-functional organization, the center may share a common space with the multi- functional organization if the required space available for use by participants is maintained while the center is operating.

    e. In determining the square footage of usable indoor space available, a center must not count:
        1. Hallways, stairways, closets, offices, restrooms, and utility and storage areas;
        2. More than 25% of the space occupied by the furniture or equipment used by participants or staff; or
        3. In a multi-functional organization, any space occupied by persons associated with the multi-functional organization while participants are using common space;

    f. Provide proof of state, federal, and other governmental licensing agency approval; and

g. Comply with all other state licensing requirements.

4. Adult Establishments.
    a. Must follow the guidelines and regulations as established by City Code Section 130.67.

5. Agricultural Research Facilities.
    a. Shall provide evidence that the research facility's work will not present a hazard to plants or animals on adjacent properties; and

    b. Shall screen all exterior storage from any adjacent residential uses;

6. Animal hospitals and veterinary clinics, in residential zones.
    a. Shall not be located closer than 400 feet to any residential zone;

    b. Shall submit a plan for the disposal of all wastes; and

    c. Shall have all animals attended and leashed during exercise runs;

7. Bed and Breakfast Inns.
    a. Shall meet all requirements of the State Department of Health;

    b. If providing meals, shall serve them only to guests renting a room;

    c. Shall provide off-street parking which is screened in accordance with 151.105 through 151.125; and

    d. Shall be the residence of the owner or operator;

8. Boathouses.
    a. Shall not be designed or used for human habitation;

    b. Shall not contain sanitary facilities;

    c. Shall be setback a minimum of 10 feet from the ordinary high water level;

    d. Shall not occupy an area greater than 250 square feet;

    e. Shall be constructed or screened to reduce visibility from public waters and adjacent shorelands through the use of vegetation, topography, color, or increased setback, assuming summer leaf-on conditions; and

    f. If located on shorelands adjacent to recreational development waterbodies, shall not occupy an area greater than 400 square feet. The width of the structure shall not exceed 20 feet as measured parallel to the shoreline.

9. Breweries.

a. Waste products must be disposed of in a timely manner and in such a way to reduce odors; and

b. The operator must supply the Planning Department with annual production reports.

10. Car Washes.
    a. Shall be located adjacent to an arterial street as identified in the Comprehensive Plan;

    b. Shall be screened from view from residential zones;

    c. Shall utilize a water conservation or recovery system; and

    d. Shall provide stacking for at least 3 vehicles per aisle. The required stacking shall not interfere with internal circulation patters or with designated parking facilities, and shall not be located in any public right-of-way, private access easement or within the required parking setback.

11. Cemeteries.
    a. Shall have a minimum lot size of 5 acres;

    b. Shall be located adjacent to an arterial or collector street as identified in the Comprehensive Plan; and

    c. Shall be screened to a height of 3 feet.

12. Commercial Feedlots.
    a. Shall be a minimum of 1,320 feet from any residential zone other than Agricultural preservation (AG); and

    b. Shall comply with all requirements of the State Pollution Control Agency with regard to the disposal of waste.

13. Commercial Recreation, Major
    a. Shall be located adjacent to an arterial or collector street as identified in the comprehensive plan; and

    b. Shall have all parking screened from adjacent residential zones

14. Commercial Recreation, Minor
    a. Shall limit hours of operation between 6:00 a.m. and 11:00 p.m.;

    b. Shall have no facilities outside a building;

    c. Shall be located adjacent to an arterial or collector street as identified in the Comprehensive Plan; and

    d. Shall have all buildings setback 50 feet from all property lines;

15. Communication service apparatus/devices when co-located.
    a. Shall be co-located on an existing tower or an existing structure;

    b. Must not exceed 175 feet in total height (including the extension of any communication service device(s) apparatus);

    c. Lights and/or flashing equipment shall not be permitted unless required by state or federal agencies;

    d. Signage shall not be allowed on the communication service device(s)/apparatus other than danger or warning type signs;

    e. Must provide proof from a professional engineer that the equipment will not interfere with existing communications for public safety purposes;

    f. Shall be located and have an exterior finish that minimizes visibility off-site to the maximum extent possible;

    g. Applicable provisions of this code of ordinances, including the provisions of the State Building Code therein adopted, shall be complied with;

    h. All obsolete or unused towers and accompanying accessory facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the city. After the facilities are removed, the site shall be restored to its original or an approved state. The user of the tower and/or accompanying accessory facilities shall be responsible for the removal of facilities and restoration of the site;

    i. The applicant shall submit a plan illustrating all anticipated future location-sites for communication towers and/or communication devices(s)/apparatus;

    j. Wireless telecommunication towers and antennas will only be considered for city parks when the following conditions exist and if those areas are recommended by the Parks and Recreation Advisory Board and approved by the City Council:
        1. City parks of sufficient size and character that are adjacent to an existing commercial or industrial use; or
        2. Commercial recreation areas and major play fields used primarily by adults.

    k. All revenue generated through the lease of a city park for wireless telecommunication towers and antennas should be transferred to the Park Reserve Fund.

16. Concrete or asphalt plants. Concrete or asphalt plants shall not be located closer than 500 feet to any residential zone.

17. Day care facilities serving 13 or more persons.
    a. Shall have drop-off and pick-up areas located outside of the public right-of-way, and designed to enhance vehicular and pedestrian safely;

b. Shall have outdoor play areas located and designed to minimize visual and noise impacts on adjacent residential uses; and

c. Shall be on a site served by public water and sanitary sewer.

18. Distilleries.
    a. Waste products must be disposed of in a timely manner and in such a way to reduce odors;

    b. Outdoor seating areas are to operate no later than 10:00 p.m.; and

    c. The operator must supply the Planning Department with annual production reports.

19. Drive up or Drive Through Window.
    a. Shall be screened to a height of 6 feet from any adjacent residential zone;

    b. Shall not have a public address system which is audible from any residential property;

    c. Shall provide stacking for at least 6 vehicles per aisle. The required stacking shall not interfere with internal circulation patterns or with designated parking facilities, and shall not be located in any public right-of-way, private access easement, or within the required parking setback; and

    d. Trash receptacles, including, but not limited to, dumpsters, shall be stored in fully enclosed areas, including the top. The enclosed areas shall be constructed of similar and/or complementary materials to the principal structure and meet the standards of this code of ordinances.

20. Existing Dwellings.
    a. Dwellings when combined in the same structure with another permitted use within the Highway Business Zone (B-1) along the County Road 69/State Highway 101/First Avenue corridor west of County Road 17/Marschall Road and east of Webster Street or a line running northwesterly along the eastern boundary of the Webster Street right-of-way.

21. Exterior Storage.
    a. Shall be screened from all public right-of-way and residentially zoned land, with an opaque fence, wall, or berm not to exceed 8 feet in height, constructed of new materials, and maintained in good condition;

    b. Shall not be more than 50% of the lot area;

    c. Shall not be located closer than 300 feet to any residential zone; and

    d. Shall be surfaced entirely with asphalt, concrete or Class 5 aggregate.

22. Farm wineries.

a. Waste products must be disposed of in a timely manner and in such a way to reduce odors;

b. Outdoor seating areas are to operate no later than 10:00 p.m.; and

c. The operator must supply the Planning Department with annual production reports.

23. Fuel stations.
    a. Shall be screened from any adjacent residential zone;

    b. Shall not store any vehicles which are unlicensed and inoperable on the premises, except in appropriately designed and screened storage areas;

    c. Shall conduct all repair, assembly, disassembly, and maintenance of vehicles within a building, except minor maintenance such as tire inflation, adding oil, and wiper replacement;

    d. Shall not have a public address system which is audible from any residential property;

    e. Shall provide stacking for gas pumps for at least one car beyond the pump island in each direction in which access can be gained to the pump. The required stacking shall not interfere with internal circulation patterns or with designated parking facilities, and shall not be located in any public right-of-way, private access easement, or within the required parking setback;

    f. Shall not sell, store, or display any used vehicles; and

    g. May have a canopy which projects up to 10 feet into the required front or rear yard setback. The setback shall be maintained clear of all obstructions up to a height of 13 feet. The canopy shall have a maximum vertical thickness of 3 feet. The canopy shall have a maximum height of 18 feet.

24. Grain Elevators
    a. Shall have all loading spaces located at least 300 feet from any residential zone; and

    b. Shall provide a safety plan satisfactory to the Fire Chief to be followed in the event of fire or explosion.

25. Heliports
    a. Shall establish and utilize departure routes over nonresidential areas to the maximum extent possible;

    b. Shall not be located on a lot or parcel of land within 500 feet of any residential zone; and

    c. Shall have a dust free landing strip or pad.

26. Horse care uses

a. Shall not be located closer than 400 feet to any residential zone; and

b. Shall submit a plan for the disposal of all wastes.

27. Hospitals.
    a. Shall not be located closer than 400 feet to any residential zone;

    b. Shall have direct access to a collector or arterial street as identified in the comprehensive plan;

    c. Shall have parking facilities setback 15 feet from streets and nonresidential property, and 25 feet from residential property;

    d. Shall have an impervious surface percent of no more than 70%, and the remainder of the site shall be suitably landscaped; and

    e. Shall not have any emergency vehicle access adjacent to or located across a street from any residential use.

28. Kennels.
    a. Shall submit a plan for the disposal of all waste; and

    b. Shall have all animals attended and leashed during exercise runs;

29. Landscaping services and contractors.
    a. Shall promptly remove any diseased or dead plant materials, and dispose of them in a sanitary manner;

    b. Shall store all equipment at least 100 feet from any residential zone; and

    c. Shall screen all equipment from any adjacent residential zone.
30. Manufacturing, fabrication, and the like within an enclosed building. Manufacturing, fabrication, processing, and assembly conducted entirely with an enclosed building, except those involving a project that fits within one of the Mandatory EIS Categories under Minn. Rules 4410.4400:
    a. Shall meet all federal, state, and city health code requirements;

    b. Shall meet all federal, state, and city environmental code requirements;

    c. Shall not begin operation until any applicable environmental review, including an environmental assessment worksheet or an environmental impact statement is completed, and all mitigation measures incorporated into the use. Any construction prior to the completion of the environmental review and incorporation of all mitigation measures is at the applicant's risk;

    d. Shall provide the city with information regarding the nature and location of all explosive materials, and keep such information current;

e. Shall not require isolation from residential or business uses;

f. Shall be buffered, if necessary, to protect adjacent uses; and

g. Shall not cause a public nuisance such as noise, odor, smoke, dust, dirt, vibration, or heat, or attract insects.

31. Manufacturing, fabrication, and the like generally. Manufacturing, fabrication, processing, assembly, and storage operations, and research laboratories, that fit within one of the Mandatory EIS Categories under Minn. Rules 4410.4400:
    a. Shall meet all federal, state, and city health code requirements;

    b. Shall meet all federal, state, and city environmental code requirements;

    c. Shall not begin operation until the environmental impact statement is completed and all mitigation measures incorporated into the use. Any construction prior to the completion of the environmental impact statement and incorporation of all mitigation measures is at the applicant's risk; and

    d. Shall provide the city with information regarding the nature and location of all explosive materials and keep such information current.

32. Massage establishments.
    a. Operation and operators must meet all requirements in City Code Chapter 116 prior to application;

    b. Shall have windows and doors facing the primary street address which are transparent and allow visibility into the establishment, except for signage as permitted by the city sign code; and

    c. Shall be evoked for any violation of City Code Chapter 116.

33. Outdoor Cafes.
    a. Permit and Licensure.
        1. A special annual license for an outdoor cafe shall be issued/renewed. The fee for such license shall be established in the city fee schedule and shall be issued by the City Administrator or their appointee only after inspection by the Planning and Development Department.

        2. The annual license application for the license must define the physical perimeters for the outdoor cafe area and provide a diagram of the layout, pictures of the proposed furnishings, and the perimeter boundary.

        3. If alcoholic beverages, beer and/or wine are proposed to be served in the outdoor cafe area, it is the responsibility of the applicant to amend its liquor license, so the licensed premises include the outdoor cafe area.

4. The license application must include the evidence of liability insurance and the hold harmless agreement required by this section.

5. An outdoor cafe is not a permitted accessory use to a residence or a business selling beer, wine, or alcoholic beverages which does not have and on-sale license.

6. Permits are good for the year that they are applied in and must be resubmitted on an annual basis.

b. Functional Requirements

1. Existing and/or proposed principal use shall conform to existing city zoning regulations.

2. The outdoor cafe area shall be limited to the public right-of-way or plaza abutting the front and/or one side of the permitted use when on a corner.

3. Minimum clear sidewalk passage zone for pedestrians at the perimeter of the outdoor cafe area shall be at least five feet without interference from parked motor vehicles, bollards, trees, tree grates, curbs, stairways, trash receptacles, streetlights, street signs, bike racks, etc.

4. Overstory canopy of tree and umbrellas extending into the pedestrian clear passage zone or pedestrian aisle shall have a minimum clearance of seven feet above the sidewalk.

5. A minimum of 36 inches shall be provided within aisles of the outdoor cafe area for service if there are multiple rows.

6. Furniture shall be movable to allow for seasonal changes.

7. If alcoholic beverages, beer, and/or wine are to be served, patrons must be seated and be served by a server from the establishment to ensure that beverages may not leave the licensed area and that patrons are of legal drinking age. It is the sole responsibility of the permittee to ensure these rules are met to preserve its liquor license and outdoor cafe permit.

8. No storage of furniture on sidewalks or rights-of-way shall be allowed between November 1 and the following March 31.

9. No outside bar, cooking facility, food preparation or holding area, or wait station shall be established on the outdoor cafe area.

10. Lighting is not permitted.

11. Any electronically amplified outdoor music, intercom, audio speakers, or other such noise generating devices must meet applicable city and state noise regulations.

12. The outdoor cafe must be closed and vacated on Sunday through Thursday between the hours of 10 PM and 7 AM on the following day but may remain open until 11 PM (opening at 7 AM on the following day) on Friday and Saturday.

13. An exception to (12) may be granted for holidays by the Administrator.

14. Smoking is not permitted in any portion of the outdoor cafe area.

15. Furniture shall be washable; constructed of commercial grade materials such as metal or other weather resistant materials; and maintained in a safe and sanitary condition.

16. Design of furnishings, outdoor cafe area layout shall be reviewed and approved by the city prior to installation.

c. Liability Requirements.

1. The property owner, outdoor cafe operator and the city shall enter into a hold harmless agreement, as provided by the city, exempting the city from all liability claims associated with outdoor cafe area.

2. Maintenance of public right-of-way, including landscaping, for which the outdoor cafe area is located upon shall be the property owner and outdoor cafe operator's responsibility.

3. Security of the outdoor cafe area shall be the responsibility of the property owner and outdoor cafe operator.

4. The city must be provided with evidence of general liability insurance in the amount of at least $1,000,000.00 naming the city as an additional insured.

d. Prohibited Acts.

1. Placing any items or other equipment, tables or chairs on any portion of the public property other than the permitted area.

2. Block or restrict the pedestrian passageway to less than five feet in width or block ingress or egress to or from any building. No items shall be placed as to block a driveway or parking space or visibility from an intersection.

3. Sublicense the encroachment area.

4. Place objects or barricade around the serving area.

5. Use tables, chairs or umbrellas or any other objects of such quality, design, materials or workmanship that are not authorized per the Administrator. Objects must meet design criteria for durability and safety and not feature any advertising.

6. Failure to secure permission of the landlord where a building has multiple occupants.

7. Failure to pick up, remove and dispose of trash or refuse left by the business or its patrons on the public right-of-way.

8. Failure to keep sidewalk or public right-of-way surface free of dirt, spills, grease or other materials generated by the use of the space.

9. Store, park, or leave any stand or merchandise or materials overnight on any street or sidewalk except for tables and chairs which may be kept in permitted area at permittee's risk.

10. The encroachment permit is a temporary license which may be denied, suspended or revoked for any conduct which is contrary to the provisions of this article or for conduct of the business in such a manner as to create a public nuisance or constitute a danger to the operators or the public's health, safety or welfare. No property right is created by this article and decision of the city administrator is final.

e. Enforcement and Termination. In the event that any of the conditions of the special annual license issued pursuant to Section 50-65(2)(E) are violated, the city has authority to revoke the special annual license.

1. A violation of any condition set forth in the special annual license for an outdoor cafe shall be a violation of this code. If within thirty days of written notice from the zoning administrator the violation has not been corrected, the city may pursue the following procedure to terminate the permit:

2. Written notice of revocation shall be served upon the property owner and any permittee at least ten city working days prior to the special annual license being revoked.

3. Notice to the property owner of record and any permittee shall be served personally or by first class mail. Such written notice of revocation shall contain the effective date of the revocation, the nature of the violation constituting the basis of the revocation, the facts which support the conclusions that a violation has occurred, and a statement that if the property owner and/or the permittee desire to appeal they must, within ten city working days, exclusive of the day of service, file a request the city clerk for a hearing.

4. The hearing request shall be in writing, stating the grounds for appeal, and served personally or received by first class mail by the city clerk at the city hall not later than 4:30 p.m. of the tenth city working day following notice of revocation.
5. Following the receipt of a request for hearing, the city council shall set a time and place for the hearing within thirty days of receipt of the hearing request.

6. Following the hearing, the city council may revoke the special annual license or impose such other remedies as it deems appropriate.

34. Pet Daycare and Boarding Facilities
    a. Shall not be located closer than 400 feet to any residential zone;

    b. All animals shall be housed or boarded indoors, and the facility shall not have outdoor boarding or confinement areas;

    c. All wastes shall be property stored in either the principal building or in an attached enclosure that is constructed of materials consistent with those of the principal structure including a top; and

    d. If outdoor exercise facilities are provided, they shall not be on public property (whether easement, par, right-of-way, or otherwise).

35. Places of Worship / Religious Assembly Halls
    a. Shall be located adjacent to an arterial or collector street as identified in the Comprehensive Plan;

    b. Shall have parking facilities setback 15 feet from residential property;

    c. Shall screen parking facilities adjacent to residential property with a berm and/or landscaping to a minimum height of 3 feet; and

    d. Shall have an impervious surface of no more than 70%

36. Plant Nurseries.
    a. Shall have adequate off-street parking based on the usual number of employees and customers per day;

    b. Shall have immediate removal and sanitary disposal of dead or diseased plant materials; and

    c. Shall have no overnight storage of equipment used for planting or transplanting landscaping materials.

37. Public or private schools.
    a. Shall be located adjacent to an arterial or collector street as identified in the comprehensive plan, or otherwise located so that access can be provided without conducting significant traffic on local residential streets;

    b. Shall have all buildings setback 25 feet from all property lines;

    c. Shall have parking facilities setback 15 feet from streets, nonresidential property, residential property;

d. Shall have recreational areas designed for group sports activities setback 25 feet from residential property, with adequate screening to protect neighboring properties from noise and adverse visual impacts;

e. Shall not have any lighted playing fields unless the visual impact on residential areas can be substantially mitigated; and

f. Shall have an impervious surface percent of no more than 60%, and the remainder of the site shall be suitably landscaped.

38. Recycling or composting facilities.
    a. Shall conduct all operations either within a building or at least 500 feet from any residential or business zone;

    b. Shall not collect more material on-site than can be processed within a 60-day period; and

    c. Shall promptly remove from the site all material which has been processed.

39. Relocated Structures.
    a. Shall have a moving permit from the city under City Code Chapter 111.07;

    b. Prior to moving, shall have given cash, a cashier's check or letter of credit as a financial guarantee to the city to ensure completion of all work. The financial guarantee shall be in an amount equal to the Building Official's estimate of the cost to bring the structure into compliance with the Building Code;

    c. Shall meet all requirements of the Building Code within 6 months after moving; and

    d. If the structure is not in full compliance with the Building Code after 6 months after moving, the city, in its sole discretion, may draw on the financial guarantee and take whatever steps it deems necessary to bring the relocated structure into compliance with the Building Code. In the event the city draws on the financial guarantee, 10% of the total guarantee shall be paid to the city as its administrative fee.

40. Residences for security personnel.
    a. Shall not exceed one dwelling per principal use;

    b. Shall be used only by a resident security guard and the guard's family, and shall not be available for rent to the public; and

    c. May not exceed 1,000 square feet of living space.

41. Residential facilities. Residential facilities serving 7 through 16 persons:
    a. External building changes or improvements shall maintain the original character of the house; any new structure shall be of an architectural style which is compatible with adjacent residential uses;

b. Shall have adequate off-street parking based on the number of employees, visitors, and residents who will be driving, which parking shall be screened from view from residential uses; and

c. Shall be served by public water and sanitary sewer.

42. Restaurants, Class I and II Class I and II that have an outdoor patio or congregation area that customers are allowed to use after 10:00 p.m. and where the nearest point of the property on which the restaurant is located is less than 100 feet from the nearest point of the property where a residential use is located.

    a. All patios and congregation areas are subject to the city's noise regulations;

    b. Any lights on the patios and congregation areas are subject to the city's regulations pertaining to illumination standards at the property line;

    c. Exterior congregation areas which serve alcohol shall physically delineate the exterior area which alcohol is to be served. This delineation shall clearly define the space, with a clear access and exit. Delineation examples shall include, but not be limited to grade changes, material changes, decking, or planters;

    d. The entry to the outdoor patio or congregation areas is to be compact and contiguous with the structure; and

    e. Exterior congregation areas that utilize pedestrian areas, such as a public or private sidewalk or walkway, shall maintain a clear 4 foot path for pedestrian walkway. Alleys shall not be considered pedestrian thoroughfares.

43. Retail Centers.
    a. Requires a Planned Unit Development review and approval prior to commencing operations.

44. Retail sales of products manufactured, fabricated or assembled.
    a. Shall sell products only within the principal structure;

    b. Shall limit the area devoted to display and sale of the products to no more than 15% of the principal structure or 2,000 square feet within the principal structure, whichever is less;

    c. Shall not require or result in exterior building modifications;

    d. Shall have no outside storage or display or accessory structures; and

    e. Shall submit a sign plan.

45. Seasonal sales of farm produced items such as fruits, vegetables, and Christmas trees.

a. Only 2 permits shall be allowed per year, per site. These permits shall not be issued within 3 months of each other if issued to the same organization/user;

b. Property owner's signature is required;

c. Operation of the seasonal sale shall not exceed 90 calendar days in length;

d. The seasonal sales use must meet parking setbacks established by this code of ordinances;

e. Seasonal sales use cannot inhabit any parking spaces required to meet the needs of the primary use on-site;

f. Shall provide one off-street customer parking space for each 250 square feet of seasonal sales display area;

g. Shall submit a scalable drawing of the proposed site showing the dimensions of the area to be used for seasonal sales, the proximity to buildings, parking lots, right-of-way, or other such area, a description of any structure, implement, stand, display, prop, or other such items intended to be used for the sale of the seasonal items;

h. Signage is not approved as part of the seasonal sales permit. All signage must comply with the sign regulations of this chapter (see §§ 151.185 through 151.197);

i. Application for seasonal sales permits shall be made not less than 10 business days prior to the date(s) for which the activity is scheduled and no more than 90 days prior to the proposed commencement of activity;

j. If the applicant is aggrieved by the decision made by city staff, they may file an appeal to the BOAA of the staff's determination within 10 days of staff's decision. Furthermore, if the applicant is aggrieved by the decision of the BOAA, within 10 days of the BOAA decision, an appeal may be filed with the City Council. The City Council's determination shall be final. The appeal shall be in accordance with the approved procedures and fees adopted by the City Council;

k. Staff may waive the fee for a seasonal sales permit application where the entire proceeds from the operation are given to charity or used for charitable purposes or are a fundraising effort for nonprofit groups. Documentation of nonprofit status shall be provided to the city prior to the approval of a fee waiver;

l. Seasonal sales permits shall require annual review. Approvals are not carried from year to year;

m. Shall not impair traffic visibility and should not be located in the r-o-w or the sight triangle, as calculated by this code of ordinances;

n. The seasonal sales use shall not impair the normal, safe, and effective operation of the permanent use on the same site; and

o. The city reserves the right under this chapter to shut down a temporary/seasonal sales operation even after the granting of an approval if the operation is posing safety concerns, has become a nuisance, or has violated any requirement of this section or other provision of this code of ordinances.

46. Seasonal Sales Stands. Seasonal sales stands when the principal use of the property is agricultural:
    a. Any goods sold shall be the product of the specific farm or garden;

    b. The stand shall be setback 15 feet from any street right-of-way; and

    c. Adequate parking facilities shall be provided in order to prevent a traffic hazard.

47. Self-Storage facilities.
    a. Shall limit its hours of operation between 7:00 a.m. and 10:00 p.m.;

    b. Shall submit a lighting plan; and

    c. Shall have all storage buildings separated by sufficient space for 2 lanes of traffic.

48. Structures over the specified height.
    a. Shall submit a map showing shading patterns created by the over height structure; and

    b. Shall be setback from each property line a distance equal to half the structure height.

49. Towers for commercial wireless telecommunications services.
    a. Shall also operate as a public utility structure;

    b. Shall be located within the public rights-of-way;

    c. Shall be limited to 75 feet in height;

    d. Shall limit the height of antennas and communication service devices to 10 feet beyond the height of the structure;

    e. No setback shall be required when located in the public rights-of-way;

    f. Turf or other materials shall be established in the right-of-way consistent with the materials in the right-of-way at the time of installation;

    g. Lights and/or flashing equipment shall not be permitted unless required by state or federal agencies;

    h. Shall be protected with corrosive resistant material;

    i. Signage shall not be allowed on the tower other than danger or warning type signs;

j. Must provide proof from a professional engineer that the equipment is not able to be collocated on any existing or approved towers and prove that the planned tower will not interfere with existing communications for public safety purposes;

k. Must be built to accommodate antennas being placed at varying heights on the tower;

l. Existing vegetation on the site shall be preserved to the maximum extent possible;

m. Shall be surrounded by a security fence 6 feet in height with a lockable gate;

n. Shall have an exterior finish that minimizes visibility off-site to the greatest extent possible;

o. Applicable provisions of this code of ordinances, including the provisions of the State Building Code therein adopted, shall be complied with;

p. No tower shall be permitted unless the equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within the one-half mile search radius of the proposed tower for any of the following reasons:

    1. The necessary equipment would exceed the structural capacity of the existing or approved tower or building and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost, as certified by a qualified, licensed professional engineer;

    2. The necessary equipment would cause interference as to significantly impact the usability of other existing or planned equipment at the tower, structure, or building and the interference, cannot be prevented at a reasonable cost, as certified by a qualified, licensed structural engineer;

    3. Existing or approved towers and buildings within the one-half mile search radius cannot or will not accommodate the planned equipment at a height necessary to function reasonably, as certified by a qualified, licensed professional engineer; or

    4. The applicant, after a good faith effort, is unable to lease space on an existing or approved tower or building.

q. All obsolete or unused towers and accompanying accessory facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the city.

    1. After the facilities are removed, the site shall be restored to its original or an improved state. The user of the tower and/or accompanying accessory facilities shall be responsible for the removal of facilities and restoration of the site.

r. The applicant shall submit a plan illustrating anticipated sites for future location for communication towers and/or communication device(s)/apparatus; and

s. Other accessory uses, as determined by the Zoning Administrator.

50. Utility Service Structures.

a. Shall not be a water tower or electrical substation or a building constructed to house sanitary lift station controls;

b. Shall be 20 feet or less in height;

c. May be used only to provide weather protection for utility equipment;

d. Shall be designed, placed, and landscaped as necessary to assure that it blends with the neighboring uses, and is unobtrusive;

e. Shall comply with all applicable design standards;

f. Shall provide necessary sound proofing and vibration attenuation in conformance with all applicable sound and noise regulations.

51. Utility Service Structures, Electrical Substations and Sanitary Lift Stations.

a. Shall be designed, placed, and landscaped as necessary to assure that it blends with the neighboring uses, and is unobtrusive;

b. Lift Stations with buildings shall comply with all applicable design standards;

c. Shall provide necessary sound proofing and vibration attenuation in conformance with all applicable sound and noise regulations.

52. Utility Service Structures, Water Towers.

a. Water tower structures shall be exempt from all construction materials and height standards;

b. Extensive landscaping shall be installed around the perimeter of the area to be developed at time of building construction to ensure adequate screening from future adjacent development. Proposed plantings shall be a mix of deciduous and coniferous trees planted consistent with the design criteria identified in the landscaping and screening regulations.

c. Additional visual and/or noise attenuation measures (fencing, landscaping, etc.) may be required to ensure compliance with code regulations.

53. Vehicle Rental facilities.

a. Shall conduct all maintenance, repair, and washing of vehicles within a building;

b. Shall screen all rental car parking areas from adjacent residential properties;

c. Shall apply the parking setback to all areas where vehicles are located; and

d. Rental vehicles must not take up required customer and employee parking spaces.

54. Vehicle Sales, Auction.

a. Storage areas shall be screened from public rights-of-way and adjacent properties in accordance with the screening standards of Chapter 151.111.

b. Public address speaker systems must not be audible from any residential property.

c. All outside storage areas must be paved with asphalt or concrete.

d. Outdoor storage areas of vehicles must meet at least 50% of the landscaping requirements of City Code Section 151.112.

e. Adequate circulation for vehicle transports entering or exiting the site must be provided.

55. Vehicle Sales

a. Limit the percentage of retail sales to no more than 20% of the business;

b. Must serve as an accessory use of the principle use;

c. Vehicle retail sales limited to used automobiles only;

d. No person shall operate a retail auto sales business on property, any part of which is within 200 feet from any property developed or zoned for residential uses;

e. Shall not store any vehicles which are unlicensed and inoperative for more than 7 days, except in appropriately designed and screened storage areas;

f. Shall conduct all repair, assembly, disassembly, or maintenance of vehicles within a building, except for minor maintenance such as tire inflation, adding oil and wiper replacement;

g. Shall not have any outside storage or display except of vehicles for sale;

h. Shall not be located closer than 400 feet to any residential zone;

i. Shall screen all storage areas;

j. Shall screen all display areas adjacent to a residential zone;

k. Shall apply the parking setback to all areas where vehicles are located;

l. Shall maintain a landscaped buffer 100 feet wide from any residential zone;

m. All motor vehicle dealers shall be licensed by the state; and

n. Vehicle sales area is to be paved.

56. Vehicle Service or Repair.

a. Shall not store any vehicles which are unlicensed and inoperative for more than 7 days, except in appropriately designed and screened storage areas;

b. Shall conduct all repair, assembly, disassembly, or maintenance of vehicles within a building, except for minor maintenance such as tire inflation, adding oil, and wiper replacement;

c. Shall not have any outside storage or display except of vehicles for sale or rent;

d. Shall not have a public address system which is audible from any residential property;

e. Shall screen all storage areas;

f. Shall screen all display areas adjacent to a residential zone;

g. Shall apply the parking setback to all areas where vehicles are located;

h. All motor vehicle dealers shall be licensed by the state.

57. Wind Energy Conversion Systems (WECS) or Windmills.

a. Shall be setback from the nearest property line a distance equal to the height of the tower, plus on-half the diameter of the rotor;

b. Shall be certified by a professional engineer as being of a design adequate for the atmospheric conditions of the Twin Cities;

c. Shall be equipped with overspeed or similar controls designed to prevent disintegration of the rotor in high winds; and

d. Shall comply with all building and electrical code requirements of the city, the noise regulations of the State Pollution Control Agency, and the rules and regulations of the Federal Communications Commission and Federal Aviation Administration.

~~151.012 Conditional Use Permit Standards for Residential Zones~~

~~1. *Purpose*. It is the intent of the city in establishing general and specific criteria for conditional uses that such uses be subject to careful evaluation to ensure that their location and design are consistent with the standards, purposes, and procedures of this chapter and the comprehensive plan, and do not have a detrimental impact on neighboring properties. The Board of Adjustment and Appeals may impose conditions on such uses in order to ensure compliance or to effect the purpose of this chapter.~~

~~2. *Specific standards for Residential/Business/Industrial Zones*. In addition to the standards specified in § 151.011, the Board of Adjustment and Appeals will consider the specific standards contained in this division (B) when deciding whether a conditional use permit should be granted.~~

~~1. *Accessory structures over the specified size in the Old Shakopee Residential (R-1C) Zone.*~~

~~a. Shall meet all setback requirements for accessory structures;~~

~~b. Shall not exceed the total square footage of the principal structure;~~

~~c. Shall not be used for any commercial or leased storage use;~~

~~d. Shall not impede or alter the natural drainage flow;~~

~~e. Shall not increase runoff to neighboring properties;~~

~~f. Shall provide a survey showing spot elevations and location of all structures both existing and proposed;~~

~~g. Shall provide a scaled elevation of the proposed structure; and~~

~~h. Architecture and exterior materials must be compatible with the principal structure and neighboring properties.~~

~~2. *Agricultural research facilities.*~~

~~a. Shall provide evidence that the research facility's work will not present a hazard to plants or animals on adjacent properties;~~

~~b. Shall screen all exterior storage from any adjacent residential uses; and~~

~~c. Shall landscape all structures and parking facilities.~~

~~3. *Animal hospitals and veterinary clinics.*~~

~~a. Shall not be located on a lot or parcel of land adjacent to any Low-Density Residential (R-1A), Urban Residential (R-1B), or Old Shakopee Residential (R-1C) Zone;~~

~~b. Shall submit a plan for the disposal of all wastes;~~

~~c. Shall have all animals attended and leashed during exercise runs; and~~

~~d. Shall landscape all structures and parking facilities.~~

~~4. *Bed and breakfast inns.*~~

~~a. Shall meet all requirements of the State Department of Health;~~

~~b. If providing meals, shall serve them only to guests renting a room;~~

~~c. Shall provide off-street parking which is screened in accordance with §§ 151.105 through 151.125;~~

~~d. Shall be the residence of the owner or operator; and~~

~~e. Shall landscape all structures and parking facilities.~~

~~5. *Boathouses.*~~

~~a. Shall not be designed or used for human habitation;~~

~~b. Shall not contain sanitary facilities;~~

~~c. Shall be setback a minimum of 10 feet from the ordinary high water level;~~

~~d. Shall not occupy an area greater than 250 square feet;~~

~~e. Shall be constructed or screened to reduce visibility from public waters and adjacent shorelands through the use of vegetation, topography, color, or increased setback, assuming summer leaf-on conditions; and~~

~~f. If located on shorelands adjacent to recreational development waterbodies, shall not occupy an area greater than 400 square feet. The width of the structure shall not exceed 20 feet as measured parallel to the shoreline.~~

~~6. *Cemeteries*~~

~~a. Shall have a minimum lot size of 5 acres;~~

~~b. Shall be located adjacent to an arterial or collector street as identified in the comprehensive plan; and~~

~~c. Shall be screened to a height of 3 feet.~~

~~7. *Churches and other places of worship*.~~

~~a. Shall be located adjacent to an arterial or collector street as identified in the comprehensive plan;~~

~~b. Shall have parking facilities setback 15 feet from residential property;~~

~~c. Shall screen parking facilities adjacent to residential property with a berm and/or landscaping to a minimum height of 3 feet; and~~

~~d. Shall have an impervious surface percent of no more than 70%, and the remainder of the site shall be landscaped.~~

~~8. *Commercial feed lots*.~~

~~a. Shall be a minimum of 1,320 feet from any residential zone other than Agricultural Preservation (AG); and~~

~~b. Shall comply with all requirements of the State Pollution Control Agency with regard to the disposal of waste.~~

~~9. *Commercial recreation, minor*.~~

~~a. Shall be located adjacent to an arterial or collector street as identified in the comprehensive plan;~~

~~b. Shall have all buildings setback 50 feet from all property lines; and~~

~~c. Shall landscape all structures and parking facilities.~~

~~10. *Day care facilities serving 13 through 16 persons*.~~

~~a. Shall not have any external building changes or improvements which alter the original character of the house;~~

~~b. Shall have drop-off and pick-up areas located outside of the public right-of-way, and designed to enhance vehicular and pedestrian safely;~~

~~c. Shall have outdoor play areas located and designed to minimize visual and noise impacts on adjacent residential uses; and~~

~~d. Shall be on a site served by public water and sanitary sewer.~~

~~11. *Developments containing more than one principal structure per lot*.~~

~~a. Shall be on a lot that meets all design standards and public improvement requirements prescribed by Ch. 150;~~

~~b. Shall be designed and placed to facilitate ingress, egress, and overall circulation, both for the development as a whole and for the individual buildings and structures within the development; and~~

~~c. Shall consist of structures that are owned, maintained, and operated under unified control in accordance with a plan which contain provisions providing for the enforcement thereof.~~

~~12. *Flood fringe storage of materials or equipment*. Flood fringe storage of materials or equipment below the regulatory flood protection elevation, if, in time of flooding, the materials or equipment are buoyant, shall submit a plan for removal of the materials and equipment from the area within the time available after a flood warning.~~

~~13. *Floodway area structures accessory to a permitted or conditional use*.~~

~~a. Shall not cause any increase in the stage of a 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected;~~

~~b. Shall not be designed for human habitation;~~

~~c. Shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures; and~~

~~d.~~

~~(1) Shall be elevated on fill or structurally dry-flood-proofed in accordance with the FP-1 or FP-2 flood-proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood-proofed to the FP-3 or FP-4 flood-proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage.~~

~~(2) All flood-proofed accessory structures must meet the following additional standards, as appropriate:~~

~~(A) The structure must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls; and~~

~~(B) Any mechanical and utility equipment in the structure must be elevated to or above the regulatory flood protection elevation or properly flood-proofed.~~

~~14. *Floodway area placement of fill.*~~

~~a. Shall not cause any increase in the stage of a 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected;~~

~~b. Shall not include spoil from dredging, or sand and gravel mining operations, unless a long-term site development plan is submitted which includes an erosion and sedimentation prevention element; and~~

~~c. Shall be protected from erosion by vegetative cover, mulching, riprap, or other acceptable method.~~

~~15. *Floodway area storage yards for equipment, machinery, or materials.*~~

~~a. Shall not cause any increase in the stage of a 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected;~~

~~b. Shall not include any material that, in time of flooding, is flammable, explosive, or potentially injurious to human, animal, or plant life; and~~

~~c. Shall be limited to materials or equipment which is readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Board of Adjustment and Appeals.~~

~~16. *Floodway area uses.* Floodway area uses include the following:~~

~~a. Mining and storage of sand, gravel, and other mined materials;~~

~~b. Marinas, boat rentals, docks, piers, wharves, and water control structures;~~

~~c. Railroads, streets, bridges, utility transmission lines, and pipelines; and~~

~~d. Campgrounds with facilities for recreational vehicles; and other uses similar to those permitted, shall not cause any increase in the stage of a 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.~~

~~17. *Floodway area structural works.* Floodway area structural works for flood control such as levees, dikes, and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the ten-year frequency flood event:~~

~~a. Shall be subject to the provisions of M.S. Ch. 103G, as it may be amended from time to time, if they will change the course, current, or cross-section of protected wetlands or public waters;~~

~~b. Shall be prohibited if they are community-wide structural works for flood control intended to remove areas from the regulatory floodplain; and~~

~~c. Shall not cause an increase to the 100-year or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.~~

~~18. *Funeral homes.*~~

~~a. The structure shall be of an architectural style which is compatible with any adjacent residential use; and~~

~~b. Shall landscape all structures and parking facilities.~~

~~19. *Hospitals or clinics.*~~

~~a. Shall not be located on a lot or parcel of land adjacent to any Low-Density Residential (R-1A) or Urban Residential (R-1B) Zone;~~

~~b. Shall be located adjacent to an arterial or collector street as identified in the comprehensive plan;~~

~~c. Shall have parking facilities setback 15 feet from streets and nonresidential property, and 25 feet from residential property;~~

~~d. Shall have an impervious surface percent of no more than 70%, and the remainder of the site shall be suitably landscaped; and~~

~~e. Shall not have any emergency vehicle access adjacent to or located across a street from any residential use.~~

~~20. *Kennels.*~~

~~a. Shall submit a plan for the disposal of all waste;~~

~~b. Shall have all animals attended and leashed during exercise runs; and~~

~~c. Shall landscape all structures and parking facilities.~~

~~21. *Mining.*~~

~~a. Shall provide the city with the exact legal description and acreage of area to be mined;~~

~~b. Shall provide the city with an aerial photograph of the site prior to any mining;~~

~~c. Shall provide the city with the following maps of the entire site and all areas within 500 feet of the site, drawn at a scale of one inch to 100 feet:~~

~~(1) Map A - existing conditions to include:~~

~~(A) Contour lines at two-foot intervals;~~

~~(B) Existing vegetation;~~

~~(C) Existing drainage and permanent water areas;~~

~~(D) Existing structures;~~

~~(E) Existing wells; and~~

~~(F) Cross-sectional views from each direction.~~

~~(2) Map B - proposed operations to include:~~

~~(A) Structures to be erected;~~

~~(B) Location of sites to be mined showing the maximum depth of proposed excavation;~~

~~(C) Location of tailings deposits showing maximum height of deposits;~~

~~(D) Location of machinery to be used in the mining operation;~~

~~(E) Location of storage of mined materials, showing height of storage deposits;~~

~~(F) Location of parking facilities;~~

~~(G) Location of storage of explosives;~~

~~(H) Erosion and sediment control structures;~~

~~(I) Location of proposed wells, and the depth to the water table;~~

~~(J) Location of proposed washing operations;~~

~~(K) A mining quantities table showing the quantity and type of materials expected to be mined in each phase and each year; and~~

~~(L) Cross-sectional views of the site during each phase from each direction;~~

~~(3) Map C - end use plan to include:~~

~~(A) Final grade of proposed site showing elevations and contour lines at two-foot intervals;~~

~~(B) Location and species of vegetation to be replanted;~~

~~(C) Location and nature of any structures to be erected in relation to the end use plan; and~~

~~(D) Cross-sectional views of the site after final grading.~~

~~d. Shall provide the city with a full and adequate description of all phases of the proposed operation to include an estimate of duration of the mining operation;~~

~~e. Shall provide a dust control plan detailing the methods proposed for controlling dust, application rates, and time frames, and volumes of water to be used;~~

~~f. Shall pave or gravel all roads which are within 450 feet of any other zone to minimize dust conditions;~~

~~g. Shall provide a noise control plan showing all occupied structures within 1,000 feet of the mining site, existing noise contours in 5 Db intervals, and noise contours anticipated during operations for each phase;~~

~~h. Shall provide a vibration control plan;~~

~~i. Shall provide a landscape plan prepared by or under the supervision of a landscape architect showing material types, common and botanical names, sizes, number, and location of proposed plantings;~~

~~j. Shall provide lighting and signage plans showing the type, height, and location of all exterior lighting and signs;~~

~~k. Shall provide a stormwater management plan showing the stormwater contour lines and drainage patterns prior to, during, and after mining, stormwater runoff~~

~~calculations, and indicating that the State Pollution Control Agency's Best Management Practices shall be followed;~~

~~l. Shall provide a traffic analysis prepared by a professional engineer showing the following:~~

~~(1) Existing traffic volumes on affected streets;~~

~~(2) Anticipated traffic volumes on affected streets;~~

~~(3) Anticipated trip generation for each phase or operations change;~~

~~(4) Morning and afternoon peak hour traffic volumes at all driveways into the site;~~

~~(5) Recommended traffic improvements both on and off the site; and~~

~~(6) Recommended traffic management actions, including truck routing.~~

~~m. Shall complete an environmental assessment worksheet;~~

~~n. If adjacent to a residential zone or within 300 feet of 2 or more residential structures, shall be bound by the following standards:~~

~~(1) Where water collects to a depth of one and one-half feet or more, for at least one month, and occupies an area of 700 square feet or more, all access to such water shall be barred by a fence or other barrier at least 4 feet in height; and~~

~~(2) Where slopes occur that are steeper than one foot vertical to 3 feet horizontal, for a period of one month or more, all access to such slopes shall be barred by a fence or other barrier at least 4 feet in height.~~

~~o. Shall screen the mining site from adjacent residential or business uses. The mining site also shall be screened from any street within 500 feet. The screening shall be a minimum of 8 feet in height and planted with a fast growing species. Existing trees and ground cover along street frontage shall be preserved, maintained, and supplemented for the depth of the street yard setback, except where traffic safety requires cutting and trimming;~~

~~p. Shall cut or trim weeds and any other unsightly or noxious vegetation as may be necessary to preserve a reasonably neat appearance and to prevent seeding on adjoining property;~~

~~q. Shall not interfere with surface water drainage beyond the boundaries of the mining operation. The mining operation shall not adversely affect the quality of surface or sub-surface water resources. Surface water originating outside and passing through the mining site shall, at its point of departure from the mining site, be of equal quality to or better quality than the water at the point where it enters the mining site. The mining operator shall perform any water treatment necessary to comply with this provision;~~

~~r. Shall conduct all operations between the hours of 7:00 a.m. and 7:00 p.m. Shorter hours may be established in the conditional use permit;~~

~~s. For a gravel mine, shall have a maximum area without ground cover or being mined at one time not to exceed 20 acres; and~~

~~t. Immediately after operations have ceased, shall be restored in compliance with the following:~~

~~(1) Within a period of 3 months after the termination of a mining operation, or within 3 months after abandonment of such operation for a period of 6 months, all mining structures shall be dismantled and removed by, and at the expense of, the mining operator last operating such structures;~~

~~(2) The peaks and depressions of the area shall be graded and backfilled to a surface which will result in gently rolling topography in substantial conformity to the land area immediately surrounding the mining site, and which will minimize erosion due to rainfall. No finished slope shall exceed 18% in grade; and~~

~~(3)~~

~~(A) Restored areas shall be sodded or surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding the mining site, and to a depth of at least 6 inches, or a greater depth if recommended by the County Soil and Water Conservation District. Such required topsoil shall be planted with legumes and grasses. Trees and shrubs also may be planted, but not as a substitute for legumes and grasses. Such planting shall be done in conformity with State Pollution Control Agency's Best Management Practices to adequately retard soil erosion.~~

~~(B) Excavations completed to a water producing depth need not be backfilled if the water depth is at least 10 feet, and if banks shall be sloped to a water line at a slope no greater than 3 feet horizontal to one foot vertical. The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site upon which mining operations have been conducted. The finished plan shall restore the mining site to a condition whereby it can be utilized for the type of land use proposed to occupy the site after mining operations cease.~~

~~22. *Multiple family dwellings containing up to 6 units*.~~

~~a. Shall have a minimum lot size of 24,000 square feet;~~

~~b. Shall screen parking facilities to a minimum height of 3 feet;~~

~~c. The structure shall be of an architectural style which is compatible with any adjacent residential use; and~~

~~d. Shall landscape all structures and parking facilities.~~

~~23. *Nursing homes*.~~

~~a. Shall be located adjacent to an arterial or collector street as identified in the comprehensive plan, or otherwise located so that access can be provided without conducting significant traffic on local residential streets;~~

~~b. Shall have parking facilities setback 15 feet from streets and nonresidential property, and 25 feet from residential property; and~~

~~c. Shall have an impervious surface percent of no more than 60%, and the remainder of the site shall be suitably landscaped.~~

~~*24. Public or private schools*. Public or private schools having a course of instruction approved by the State Department of Education for students enrolled in K through grade 12, or any portion thereof:~~

~~a. Shall be located adjacent to an arterial or collector street as identified in the comprehensive plan, or otherwise located so that access can be provided without conducting significant traffic on local residential streets;~~

~~b. Shall have all buildings setback 50 feet from all property lines;~~

~~c. Shall have parking facilities setback 15 feet from streets and nonresidential property, and 25 feet from residential property;~~

~~d. Shall have bus drop-off and pick-up areas located outside of the public right-of-way, and designed to enhance vehicular and pedestrian safely;~~

~~e. Shall have recreational areas designed for group sports activities setback 25 feet from residential property, with adequate screening to protect neighboring properties from noise and adverse visual impacts;~~

~~f. Shall not have any lighted playing fields unless the visual impact on residential areas can be substantially mitigated; and~~

~~g. Shall have an impervious surface percent of no more than 60%, and the remainder of the site shall be suitably landscaped.~~

~~25. *Relocated structures*.~~

~~a. Shall have a moving permit from the city under § 111.07.~~

~~b. Prior to moving, shall have given cash, a cashier's check, or letter of credit as a financial guarantee to the city to ensure completion of all work. The financial guarantee shall be in an amount equal to the Building Official's estimate of the cost to bring the structure into compliance with the Building Code;~~

~~c. Shall meet all requirements of the Building Code within 6 months after moving; and~~

~~d. If the structure is not in full compliance with the Building Code after 6 months after moving, the city, in its sole discretion, may draw on the financial guarantee and take whatever steps it deems necessary to bring the relocated structure into compliance with the Building Code. In the event the city draws on the financial guarantee, 10% of the total guarantee shall be paid to the city as its administrative fee.~~

~~*26. Residential facilities*. Residential facilities serving 7 through 16 persons:~~

a. ~~Shall not have any external building changes or improvements which alter the original character of the house; any new structure shall be of an architectural style which is compatible with adjacent residential uses;~~

b. ~~Shall have adequate off-street parking based on the number of employees, visitors, and residents who will be driving, which parking shall be screened from view from residential uses; and~~

c. ~~Shall be served by public water and sanitary sewer.~~

~~27. *Retail sales of nursery and garden supplies*.~~

a. ~~Shall have adequate off-street parking based on the usual number of employees and customers per day;~~

b. ~~Shall have immediate removal and sanitary disposal of dead or diseased plant materials; and~~

c. ~~Shall have no overnight storage of equipment used for planting or transplanting landscaping materials.~~

~~28. *Riding academies*.~~

a. ~~Shall submit a plan for the disposal of all waste;~~

b. ~~Shall have a maximum of one horse per acre; and~~

c. ~~Shall landscape all structures and parking facilities.~~

~~29. *Seasonal produce stands*. Seasonal produce stands when the principal use of the property is agricultural:~~

a. ~~Any goods sold shall be the product of the specific farm or garden;~~

b. ~~The stand shall be setback 15 feet from any street right-of-way; and~~

c. ~~Adequate parking facilities shall be provided in order to prevent a traffic hazard.~~

~~30. *Structures over the specified height*.~~

a. ~~Shall submit a map showing shading patterns created by the over height structure; and~~

b. ~~Shall be setback from each property line a distance equal to half the structure height.~~

~~31. *Utility service structures*. All utility service structures except water towers and electrical substations shall be subject to the following:~~

a. ~~Shall be less than 400 square feet in area;~~

b. ~~Shall be less than 15 feet in height;~~

c. ~~May only be used to provide weather protection for utility equipment; and~~

d. ~~Shall be designed, placed, and landscaped as necessary to assure that it blends in with the neighboring uses, and is unobtrusive.~~

~~32. *Wind energy conversation system or windmills*.~~

~~a. Shall be setback from the nearest property line a distance equal to the height of the tower, plus one-half the diameter of the rotor;~~

~~b. Shall be certified by a professional engineer as being of a design adequate for the atmospheric conditions of the Twin Cities;~~

~~c. Shall be equipped with overspeed or similar controls designed to prevent disintegration of the rotor in high winds; and~~

~~d. Shall comply with all building and electrical code requirements of the city, the noise regulations of the State Pollution Control Agency, and the rules and regulations of the Federal Communications Commission and Federal Aviation Administration.~~

~~33. *Assisted living housing facility*.~~

~~a. Up to 20%of the facility's units may be independent living units;~~

~~b. Only the independent living units shall be considered for purposes of calculating the maximum density;~~

~~c. The facility shall take access from an arterial or collector street as identified in the city's transportation plan;~~

~~d. The facility must have a minimum 50 feet structure setback from all property lines;~~

~~e. Parking facilities shall be setback 25 feet from property lines;~~

~~f. The site shall be limited to a maximum impervious surface percentage of 60%;~~

~~g. Parking facilities shall be screened with a berm and/or landscaping to a minimum height of 3 feet;~~

~~h. The facility must comply with all applicable federal, state, and local regulations pertaining to facilities that provide assisted living services, including, but not limited to, the regulations contained in M.S. Ch. 144G, as it may be amended from time to time; and~~

~~i. The building design and materials must meet the minimum requirements as specified in § 151.108(B).~~

~~151.013 Conditional Use Permit Standards for Business Zones~~

~~1. *Purpose*. It is the intent of the city in establishing general and specific criteria for conditional uses that such uses be subject to careful evaluation to ensure that their location and design are consistent with the standards, purposes, and procedures of this chapter and the comprehensive plan, and do not have a detrimental impact on neighboring properties. The Board of Adjustment and Appeals may impose conditions on such uses in order to ensure compliance or to effect the purpose of this chapter.~~

~~2. *Specific standards for Residential/Business/Industrial Zones*. In addition to the standards specified in § 151.011, the Board of Adjustment and Appeals will consider the specific standards contained in this division (B) when deciding whether a conditional use permit should be granted.~~

~~1. *Administrative, executive, and professional offices.*~~

~~a. Shall be an integral part of a permitted principal use; and~~

~~b. Shall display no signage visible from off-site.~~

~~2. *Animal hospitals and veterinary clinics*. Animal hospitals and veterinary clinics shall not be located on a lot or parcel of land adjacent to any Low-Density Residential (R-1A), Urban Residential (R-1B), or Old Shakopee Residential (R-1C) Zone;~~

~~3. *Bed and breakfast inns.*~~

~~a. Shall meet all requirements of the State Department of Health;~~

~~b. If providing meals, shall serve them only to guests renting a room;~~

~~c. Shall provide off-street parking which is screened in accordance with §§ 151.105 through 151.125 ; and~~

~~d. Shall be the residence of the owner or operator.~~

~~4. *Boathouses.*~~

~~a. Shall not be designed or used for human habitation;~~

~~b. Shall not contain sanitary facilities;~~

~~c. Shall be setback a minimum of 10 feet from the ordinary high water level;~~

~~d. Shall not occupy an area greater than 250 square feet;~~

~~e. Shall be constructed or screened to reduce visibility from public waters and adjacent shorelands through the use of vegetation, topography, color, or increased setback, assuming summer leaf-on conditions; and~~

~~f. If located on shorelands adjacent to recreational development waterbodies, shall not occupy an area greater than 400 square feet. The width of the structure shall not exceed 20 feet as measured parallel to the shoreline.~~

~~5. *Bus terminals and taxi stands.*~~

~~a. Shall be located adjacent to an arterial street as identified in the comprehensive plan; and~~

~~b. May not be located on a lot or parcel of land adjacent to any Rural Residential (RR), Low-Density Residential (R-1 A), Urban Residential (R-1B), or Old Shakopee residential (R-1 C) Zone.~~

~~6. *Car washes.*~~

~~a. Shall be located adjacent to an arterial street as identified in the comprehensive plan;~~

~~b. Shall be screened from view from residential zones;~~

~~c. Shall utilize a water conservation or recovery system; and~~

~~d. Shall provide stacking for at least 3 vehicles per aisle. The required stacking shall not interfere with internal circulation patterns or with designated parking~~

~~facilities, and shall not be located in any public right-of-way, private access easement, or within the required parking setback.~~

~~7. *Churches and other places of worship*.~~

~~a. Shall be located adjacent to an arterial or collector street as identified in the comprehensive plan;~~

~~b. Shall have parking facilities setback 15 feet from residential property;~~

~~c. Shall screen parking facilities adjacent to residential property with a berm and/or lands- caping to a minimum height of 3 feet; and~~

~~d. Shall have an impervious surface percent of no more than 70%, and the remainder of the site shall be landscaped.~~

~~8. *Commercial recreation, major or minor.*~~

~~a. Shall be located adjacent to an arterial or collector street as identified in the comprehensive plan; and~~

~~b. Shall have all parking screened from adjacent residential zones.~~

~~9. *Commercial recreation, minor, but limited to health and athletic facilities*.~~

~~a. Shall limit hours of operation between 6:00 a.m. and 11:00 p.m.;~~

~~b. The structure shall be of an architectural style which is compatible with neighboring structures; and~~

~~c. Shall have no facilities outside a building.~~

~~10. *Day care facilities*.~~

~~a. Shall have drop-off and pick-up areas located outside of the public right-of-way, and designed to enhance vehicular and pedestrian safely; and~~

~~b. Shall have outdoor play areas located and designed to mitigate visual and noise impacts on adjoining residential uses.~~

~~11. *Developments containing more than one principal structure per lot.*~~

~~a. Shall be on a lot that meets all design standards and public improvement requirements prescribed by Ch. 150;~~

~~b. Shall be designed and placed to facilitate ingress, egress, and overall circulation, both for the development as a whole and for the individual buildings and structures within the development; and~~

~~c. Shall consist of structures that are owned, maintained, and operated under unified control in accordance with a plan which contain provisions providing for the enforcement thereof.~~

~~12. *Flood fringe storage of materials or equipment*. Flood fringe storage of materials or equipment below the regulatory flood protection elevation, if, in time of flooding, the materials or equipment are buoyant, shall submit a plan for removal of the materials and equipment from the area within the time available after a flood warning;~~

~~13. *Floodway area structures accessory to a permitted or conditional use*.~~

~~a. Shall not cause any increase in the stage of a 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected;~~

~~b. Shall not be designed for human habitation;~~

~~c. Shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures; and~~

~~d. Shall be elevated on fill or structurally dry flood-proofed in accordance with the FP-1 or FP-2 flood-proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood-proofed to the FP-3 or FP-4 flood-proofing classification in the State Building Code, provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood-proofed accessory structures must meet the following additional standards, as appropriate:~~

~~(1) The structure must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls; and~~

~~(2) Any mechanical and utility equipment in the structure must be elevated to or above the regulatory flood protection elevation or properly flood-proofed.~~

~~14. *Floodway area placement of fill*.~~

~~a. Shall not cause any increase in the stage of a 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected;~~

~~b. Shall not include spoil from dredging, or sand and gravel mining operations, unless a long-term site development plan is submitted which includes an erosion and sedimentation prevention element; and~~

~~c. Shall be protected from erosion by vegetative cover, mulching, riprap, or other acceptable method.~~

~~15. *Floodway area storage yards for equipment, machinery, or materials.*~~

~~a. Shall not cause any increase in the stage of a 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected;~~

~~b. Shall not include any material that, in time of flooding, is flammable, explosive, or potentially injurious to human, animal, or plant life; and~~

~~c. Shall be limited to materials or equipment which is readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Board of Adjustment and Appeals.~~

~~16. *Floodway area uses.* Floodway area uses include the following:~~

~~a. Mining and storage of sand, gravel, and other mined materials;~~

~~b. Marinas, boat rentals, docks, piers, wharves, and water control structures;~~

~~c. Railroads, streets, bridges, utility transmission lines, and pipelines;~~

~~d. Campgrounds with facilities for recreational vehicles; and~~

~~e. Other uses similar to those permitted, shall not cause any increase in the stage of a 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.~~

~~17. *Floodway area structural works.* Floodway area structural works for flood control such as levees, dikes, and floodwalls constructed to any height where the intent is to protect individual structures, and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the ten-year frequency flood event:~~

~~a. Shall be subject to the provisions of M.S. Ch. 103G, as it may be amended from time to time, if they will change the course, current, or cross-section of protected wetlands or public waters;~~

~~b. Shall be prohibited if they are community-wide structural works for flood control intended to remove areas from the regulatory floodplain; and~~

~~c. Shall not cause an increase to the 100-year or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.~~

~~18. *Funeral homes.*~~

~~a. The structure shall be of an architectural style which is compatible with any adjacent residential use; and~~

~~b. Shall landscape all structures and parking facilities~~

~~19. *Gas stations.*~~

~~a. Shall be screened from any adjacent residential zone;~~

~~b. Shall not store any vehicles which are unlicensed and inoperable on the premises, except in appropriately designed and screened storage areas;~~

~~c. Shall conduct all repair, assembly, disassembly, and maintenance of vehicles within a building, except minor maintenance such as tire inflation, adding oil, and wiper replacement;~~

~~d. Shall not have a public address system which is audible from any residential property;~~

~~e. Shall provide stacking for gas pumps for at least one car beyond the pump island in each direction in which access can be gained to the pump. The required stacking shall not interfere with internal circulation patterns or with designated parking facilities, and shall not be located in any public right-of-way, private access easement, or within the required parking setback;~~

~~f. Shall not sell, store, or display any used vehicles; and~~

~~g. May have a canopy which projects up to 10 feet into the required front or rear yard setback. The setback shall be maintained clear of all obstructions up to a height of 13 feet. The canopy shall have a maximum vertical thickness of 3 feet. The canopy shall have a maximum height of 18 feet.~~

~~20. *Health and athletic facilities*.~~

~~a. Shall limit hours of operation between 6:00 a.m. and 11:00 p.m.;~~

~~b. The structure shall be of an architectural style which is compatible with neighboring structures; and~~

~~c. Shall have no facilities outside a building.~~

~~21. *Horse care uses including boarding, training, showing, grooming, and veterinary clinic facilities*.~~

~~a. Shall not be located on a lot or parcel of land adjacent to any Low-Density Residential (R-1A), Urban Residential (R-1B), or Old Shakopee Residential (R-1C) Zone; and~~

~~b. Shall submit a plan for the disposal of all wastes.~~

~~22. *Hospitals*.~~

~~a. Shall not be located on a lot or parcel of land adjacent to any Low-Density Residential (R-1A) or Urban Residential (R-1B) Zone;~~

~~b. Shall have direct access to a collector or arterial street as identified in the comprehensive plan;~~

~~c. Shall have parking facilities setback 15 feet from streets and nonresidential property, and 25 feet from residential property;~~

~~d. Shall have an impervious surface percent of no more than 70%, and the remainder of the site shall be suitably landscaped; and~~

~~e. Shall not have any emergency vehicle access adjacent to or located across a street from any residential use.~~

~~23. *Hotels and motels*. Hotels and motels shall not be located on a lot or parcel of land adjacent to any Low-Density Residential (R-1A), Urban Residential (R-1B), or Old Shakopee residential (R-1C) Zone.~~

~~24. *Hotels, motels, and conference centers*.~~

~~a. Shall be screened from any adjacent residential zone;~~

~~b. The structure shall be of an architectural style which is compatible with neighboring structures;~~

~~c. Shall not increase traffic congestion on streets; and~~

~~d. Shall have direct access to a collector or arterial street as identified in the comprehensive plan.~~

~~25. *Housing serving handicapped persons*. Housing serving handicapped persons shall have a floor area ratio (FAR) not exceeding 60.~~

~~26. *Multiple-family housing*:~~

~~a. Shall screen all parking to a height of 3 feet;~~

~~b. The structure shall be of an architectural style which is compatible with neighboring structures; and~~

~~c. Shall have a minimum lot size of 24,000 square feet.~~

~~27. *Open sales lots or any use having exterior storage of goods for sale*.~~

~~a. Shall be screened from any adjacent residential zone;~~

~~b. Shall not have a public address system which is audible from any residential property;~~

~~c. Shall be kept neat and orderly;~~

~~d. Shall not have any uses in any required front, side, or rear yard setback, or in any required parking area; and~~

~~e. Shall not block any sidewalk.~~

~~28. *Parking facilities open to the public*. Parking facilities open to the public shall not be located adjacent to any Low-Density Residential (R-1A), Urban Residential (R-1B), or Old Shakopee Residential (R-1C) Zone.~~

~~29. *Pet day care and boarding facilities*.~~

~~a. Shall not be located on property adjacent to properties that are either existing residential uses or which are zoned for residential use, and shall be at least 300 feet from residentially used or zoned properties;~~

~~b. All animals shall be housed or boarded indoors, and the facility shall not have outdoor boarding or confinement areas;~~

~~c. All wastes shall be properly stored in either the principal building or in an attached enclosure that is constructed of materials consistent with those of the principal structure, including a top; and~~

~~d. If outdoor exercise facilities are provided, they shall not be on public property (whether easement, park, right-of-way, or otherwise).~~

~~30. *Printing or publishing facilities*. Printing or publishing facilities shall not have any loading spaces located adjacent to any residential zone. All loading spaces shall be screened from any adjacent residential use, business use, and street.~~

~~31. *Private lodges and clubs*.~~

~~a. Shall be located on an arterial or collector street as identified in the comprehensive plan;~~

~~b. If serving liquor, shall not be located on a lot or parcel of land adjacent to any Low-Density Residential (R-1A), Urban Residential (R-1B), or Old Shakopee Residential (R-1C) Zone; and~~

~~c. Shall have all parking screened from any adjacent residential zone.~~

~~32. *Relocated structures*.~~

~~a. Shall have a moving permit from the city under § 111.07;~~

~~b. Prior to moving, shall have given cash, a cashier's check, or letter of credit as a financial guarantee to the city to ensure completion of all work. The financial guarantee shall be in an amount equal to the Building Official's estimate of the cost to bring the structure into compliance with the Building Code;~~

~~c. Shall meet all requirements of the Building Code within 6 months after moving; and~~

~~d. If the structure is not in full compliance with the Building Code after 6 months after moving, the city, in its sole discretion, may draw on the financial guarantee and take whatever steps it deems necessary to bring the relocated structure into compliance with the Building Code. In the event the city draws on the financial guarantee, 10% of the total guarantee shall be paid to the city as its administrative fee.~~

~~33. *Restaurants*. Restaurants, Class I or Class II, contained within a principal structure, and oriented toward serving employees or those working in the immediate area:~~

~~a. Shall not exceed 15% of the gross floor area or 3,000 square feet, whichever is less; and~~

~~b. Shall not increase traffic congestion on streets.~~

~~34. *Restaurants*, Class I and II that have an outdoor patio or congregation area that customers are allowed to use after 10:00 p.m. and where the nearest point of the property on which the restaurant is located is less than 100 feet from the nearest point of the property where a residential use is located.~~

~~a. All patios and congregation areas are subject to the city's noise regulations;~~

~~b. Any lights on the patios and congregation areas are subject to the city's regulations pertaining to illumination standards at the property line;~~

~~c. Exterior congregation areas which serve alcohol shall physically delineate the exterior area which alcohol is to be served. This delineation shall clearly define the space, with a clear access and exit. Delineation examples shall include, but not be limited to: grade changes, material changes, decking, or planters;~~

~~d. The entry to the outdoor patio or congregation areas is to be compact and contiguous with the structure; and~~

~~e. Exterior congregation areas that utilize pedestrian areas, such as a public or private sidewalk or walkway, shall maintain a clear 4 foot path for pedestrian walkway. Alleys shall not be considered pedestrian thoroughfares.~~

~~35. *Retail uses generally associated with a permitted use*.~~

~~a. Shall not require or result in any exterior building modifications, such as loading spaces, separate entrances, freestanding signs, or overnight parking of commercial vehicles;~~

~~b. Shall be contained within a principal structure and oriented toward serving employees or customers of the permitted use or uses in the immediate area;~~

~~c. Shall not exceed 25% of the gross floor area of the principal structure;~~

~~d. Shall have no outside storage or display or accessory structures; and~~

~~e. Shall submit a sign plan.~~

~~36. *Retail uses and entertainment facilities*.~~

~~a. Shall be an integral part of a permitted principal use;~~

~~b. Shall have no entrance, except from within the principal building;~~

~~c. Shall display no external signage except on the first floor of the building; and~~

~~d. Shall occupy no more than 25% of the ground floor area.~~

~~37. *Self storage facilities*.~~

~~a. Shall limit its hours of operation between 7:00 a.m. and 10.00 p.m.;~~

~~b. Shall submit a lighting plan; and~~

~~c. Shall have all storage buildings separated by sufficient space for 2 lanes of traffic.~~

~~38. *Storage, assembly, or servicing incidental to a permitted use*.~~

~~a. Shall have no exterior storage;~~

~~b. Shall screen any loading spaces;~~

~~c. Shall not have any driveways or parking of trucks located within any front, side, or rear yard setback adjacent to any residential zone; and~~

~~d. Shall not exceed 25% of the gross floor area of the principal structure.~~

~~39. *Structures over the specified height*.~~

~~a. Shall submit a map showing shading patterns created by the over height structure; and~~

~~b. Shall be setback from each property line a distance equal to half the structure height.~~

~~40. *Taverns*. All taverns having an outdoor patio or congregation area that customers are allowed to use after 10:00 p.m. and where the nearest point of the property on which the tavern is located is less than 100 feet from the nearest point of the property where a residential use is located.~~

~~a. All patios and congregation areas are subject to the city's noise regulations;~~

b. ~~Any lights on the patios and congregation areas are subject to the city's regulations pertaining to illumination standards at the property line;~~

c. ~~Exterior congregation areas which serve alcohol shall physically delineate the exterior area which alcohol is to be served. This delineation shall clearly define the space, with a clear access and exit. Delineation examples shall include, but not be limited to: grade changes, material changes, decking, or planters;~~

d. ~~The entry to the outdoor patio or congregation areas is to be compact and contiguous with the structure; and~~

e. ~~Exterior congregation areas that utilize pedestrian areas, such as a public or private sidewalk or walkway, shall maintain a clear 4-foot path for pedestrian walkway. Alleys shall not be considered pedestrian thoroughfares.~~

41. ~~*Theaters*. Theaters shall be permitted only when it can be demonstrated through a traffic plan that vehicular ingress and egress may be accomplished without inducing undue traffic problems on areas streets.~~

42. ~~*Drive-through windows*. Uses having a drive-up or drive-through window:~~

a. ~~Shall be screened to a height of 6 feet from any adjacent residential zone;~~

b. ~~Shall not have a public address system which is audible from any residential property; and~~

c. ~~Shall provide stacking for at least 6 vehicles per aisle. The required stacking shall not interfere with internal circulation patterns or with designated parking facilities, and shall not be located in any public right-of-way, private access easement, or within the required parking setback.~~

43. ~~*Utility service structures*. All utility service structures except water towers and electrical substations shall be subject to the following:~~

a. ~~Shall be less than 400 square feet in area;~~

b. ~~Shall be less than 15 feet in height;~~

c. ~~May be used only to provide weather protection for utility equipment; and~~

d. ~~Shall be designed, placed, and landscaped as necessary to assure that it blends in with the neighboring uses, and is unobtrusive.~~

44. ~~*Vehicle sales, service, or repair*.~~

a. ~~Shall not store any vehicles which are unlicensed and inoperative for more than 7 days, except in appropriately designed and screened storage areas;~~

b. ~~Shall conduct all repair, assembly, disassembly, or maintenance of vehicles within a building, except for minor maintenance such as tire inflation, adding oil, and wiper replacement;~~

c. ~~Shall not have any outside storage or display except of vehicles for sale or rent;~~

d. ~~Shall not have a public address system which is audible from any residential property;~~

~~e. Shall screen all storage areas;~~

~~f. Shall screen all display areas adjacent to a residential zone;~~

~~g. Shall apply the parking setback to all areas where vehicles are located;~~

~~h. Shall maintain a landscaped buffer 100 feet wide from any residential zone; and~~

~~i. All motor vehicle dealers shall be licensed by the state.~~

~~45. *Vehicle rental facilities.*~~

~~a. Shall conduct all maintenance, repair, and washing of vehicles within a building;~~

~~b. Shall screen all rental car parking areas from adjacent residential properties;~~

~~c. Shall apply the parking setback to all areas where vehicles are located; and~~

~~d. Rental vehicles must not take up required customer and employee parking spaces.~~

~~46. *Wholesale and assembly operations.*~~

~~a. Shall not have any loading spaces located adjacent to any residential zone; and~~

~~b. Shall screen all loading spaces from any residential zone.~~

~~47. *Farm wineries.*~~

~~a. Waste products must be disposed of in a timely manner and in such a way to reduce odors;~~

~~b. Outdoor seating areas are to operate no later than 10:00 p.m.; and~~

~~c. The operator must supply the Planning Department with annual production reports.~~

~~48. *Micro-distilleries.*~~

~~a. Waste products must be disposed of in a timely manner and in such a way to reduce odors;~~

~~b. Outdoor seating areas are to operate no later than 10:00 p.m.; and~~

~~c. The operator must supply the Planning Department with annual production reports.~~

~~49. *Small breweries.*~~

~~a. Waste products must be disposed of in a timely manner and in such a way to reduce odors; and~~

~~b. The operator must supply the Planning Department with annual production reports.~~

~~50. *Taprooms.*~~

~~a. On- or off-premises sales require a liquor license; and~~

~~b. Outdoor seating areas are to operate no later than 10:00 p.m.~~

~~51. *Tasting rooms, winery, distillery*.~~

~~a. On- or off-premises sales require a liquor license; and~~

~~b. Outdoor seating areas are to operate no later than 10:00 p.m.~~

~~52. *Massage establishment*.~~

~~a. Are allowed only in the B-1 and B-3 zone;~~

~~b. Operation and operators must meet all the requirements in city code Ch. 116 prior to application;~~

~~c. Windows and doors facing the primary street address must be transparent and allow visibility into the establishment, except for signage as permitted by the city sign code; and~~

~~d. Can be evoked for any violation of city code Ch. 116.~~

~~151.014 Conditional Use Permit Standards for Industry Zones~~

~~1. *Purpose*. It is the intent of the city in establishing general and specific criteria for conditional uses that such uses be subject to careful evaluation to ensure that their location and design are consistent with the standards, purposes, and procedures of this chapter and the comprehensive plan, and do not have a detrimental impact on neighboring properties. The Board of Adjustment and Appeals may impose conditions on such uses in order to ensure compliance or to effect the purpose of this chapter.~~

~~2. *Specific standards for Residential/Business/Industrial Zones*. In addition to the standards specified in § 151.011, the Board of Adjustment and Appeals will consider the specific standards contained in this division (B) when deciding whether a conditional use permit should be granted.~~

~~1. *Airports and heliports*.~~

~~a. Shall establish and utilize approach and departure routes over nonresidential areas to the maximum extent possible;~~

~~b. Shall not be located on a lot or parcel of land within 500 feet of any residential zone; and~~

~~c. Shall have a dust free landing strip or pad.~~

~~2. *Boathouses*.~~

~~a. Shall not be designed or used for human habitation;~~

~~b. Shall not contain sanitary facilities;~~

~~c. Shall be setback a minimum of 10 feet from the ordinary high water level;~~

~~d. Shall not occupy an area greater than 250 square feet;~~

~~e. Shall be constructed or screened to reduce visibility from public waters and adjacent shorelands through the use of vegetation, topography, color, or increased setback, assuming summer leaf-on conditions; and~~

~~f. If located on shorelands adjacent to recreational development waterbodies, shall not occupy an area greater than 400 square feet. The width of the structure shall not exceed 20 feet as measured parallel to the shoreline.~~

~~3. Commercial vehicle rental facilities.~~

~~a. Shall not wash any vehicle except within a building;~~

~~b. Shall not repair or maintain any vehicle on-site, except in an enclosed structure;~~

~~c. Shall have all outside parking facilities at least 100 feet from any residential zone; and~~

~~d. Shall screen all outside parking facilities from any adjacent residential zone.~~

~~4. *Concrete or asphalt plants. Concrete or asphalt plants shall not be located closer than 500 feet to any residential zone.*~~

~~5. *Day care facilities.*~~

~~a. Shall have drop-off and pick-up areas located outside of the public right-of-way, and designed to enhance vehicular and pedestrian safely;~~

~~b. Shall have outdoor play areas located and designed to mitigate visual and noise impacts on adjoining residential uses; and~~

~~c. Shall submit a traffic plan which addresses industrial traffic flow with respect to the day care operation.~~

~~6. *Developments*. Developments containing more than one principal structure per lot:~~

~~a. Shall be designed and placed to facilitate ingress, egress, and overall circulation, both for the development as a whole and for the individual buildings and structures within the development; and~~

~~b. Shall consist of structures that are owned, maintained, and operated under unified control in accordance with a plan which contain provisions providing for the enforcement thereof.~~

~~7. *Exterior storage*.~~

~~a. Shall be screened from all public right-of-way and residentially-zoned land, with an opaque fence, wall, or berm not to exceed 8 feet in height, constructed of new materials, and maintained in good condition;~~

~~b. Shall have a maximum area equal to the combined footprint of the principal and accessory buildings;~~

~~c. Shall not be located closer than 300 feet to any residential zone; and~~

~~d. Shall be surfaced entirely with asphalt, concrete, or Class 5 aggregate.~~

~~8. *Flood fringe storage of materials*. Flood fringe storage of materials or equipment below the regulatory flood protection elevation, if, in time of flooding, the materials or equipment are buoyant, shall submit a plan for removal of the materials and equipment from the area within the time available after a flood warning.~~

~~9. *Floodway area structures*. Floodway area structures accessory to a permitted or conditional use:~~

~~a. Shall not cause any increase in the stage of a 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected;~~

~~b. Shall not be designed for human habitation;~~

~~c. Shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures; and~~

~~d.~~

~~(1) Shall be elevated on fill or structurally dry flood-proofed in accordance with the FP-1 or FP-2 flood-proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood-proofed to the FP-3 or FP-4 flood-proofing classification in the State Building Code; provided the accessory structure constitutes a minimal investment does not exceed 500 square feet in size, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage.~~

~~(2) All flood-proofed accessory structures must meet the following additional standards, as appropriate:~~

~~(A) The structure must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls; and~~

~~(B) Any mechanical and utility equipment in the structure must be elevated to or above the regulatory flood protection elevation or properly flood-proofed.~~

~~10. *Floodway area placement of fill*.~~

~~a. Shall not cause any increase in the stage of a 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected;~~

~~b. Shall not include spoil from dredging, or sand and gravel mining operations, unless a long-term site development plan is submitted which includes an erosion and sedimentation prevention element; and~~

~~c. Shall be protected from erosion by vegetative cover, mulching, riprap, or other acceptable method.~~

~~11. *Floodway area storage yards for equipment, machinery, or materials*.~~

~~a. Shall not cause any increase in the stage of a 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected;~~

~~b. Shall not include any material that, in time of flooding, is flammable, explosive, or potentially injurious to human, animal, or plant life; and~~

~~c. Shall be limited to materials or equipment which is readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Board of Adjustment and Appeals.~~

~~12. *Floodway area uses*. Floodway area uses include the following:~~

~~a. Mining and storage of sand, gravel, and other mined materials;~~

~~b. Marinas, boat rentals, docks, piers, wharves, and water-control structures;~~

~~c. Railroads, streets, bridges, utility transmission lines, and pipelines;~~

~~d. Campgrounds with facilities for recreational vehicles; and~~

~~e. Other uses similar to those permitted, shall not cause any increase in the stage of a 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.~~

~~13. *Floodway area structural works*. Floodway area structural works for flood control such as levees, dikes, and floodwalls constructed to any height where the intent is to protect individual structures, and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the ten-year frequency flood event:~~

~~a. Shall be subject to the provisions of M.S. Ch. 103G, as it may be amended from time to time, if they will change the course, current, or cross-section of protected wetlands or public waters;~~

~~b. Shall be prohibited if they are community-wide structural works for flood control intended to remove areas from the regulatory floodplain; and~~

~~c. Shall not cause an increase to the 100-year or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.~~

~~14. *Grain elevators*.~~

~~a. Shall have all loading spaces located at least 300 feet from any residential zone; and~~

~~b. Shall provide a safety plan satisfactory to the Fire Chief to be followed in the event of fire or explosion.~~

~~15. *Industrial or technical training schools*.~~

~~a. Shall not have any overnight outside storage of vehicles undergoing maintenance; and~~

~~b. Shall have any structures constructed on-site for training purposes dismantled or removed within a reasonable period of time following completion of the training.~~

~~16. *Junkyards*.~~

~~a. Shall be completely screened on all sides, with an opaque fence or wall 8 feet or more in height, constructed of new materials, maintained in good condition, and screened additionally with suitable planting;~~

~~b. Shall not be located closer than 1,000 feet to existing state and federal roads, nor closer than 100 feet to any street; and~~

~~c. Shall not be located on a lot or parcel of land closer than 300 feet to any residential zone.~~

~~17. *Landscaping services and contractors*.~~

~~a. Shall promptly remove any diseased or dead plant materials, and dispose of them in a sanitary manner;~~

~~b. Shall store all equipment at least 100 feet from any residential zone; and~~

~~c. Shall screen all equipment from any adjacent residential zone.~~

~~18. *Manufacturing, fabrication, and the like within an enclosed building*. Manufacturing, fabrication, processing, and assembly conducted entirely with an enclosed building, except those involving a project that fits within one of the Mandatory EIS Categories under Minn. Rules 4410.4400:~~

~~a. Shall meet all federal, state, and city health code requirements;~~

~~b. Shall meet all federal, state, and city environmental code requirements;~~

~~c. Shall not begin operation until any applicable environmental review, including an environmental assessment worksheet or an environmental impact statement is completed and all mitigation measures incorporated into the use. Any construction prior to the completion of the environmental review and incorporation of all mitigation measures is at the applicant's risk;~~

~~d. Shall provide the city with information regarding the nature and location of all explosive materials, and keep such information current;~~

~~e. Shall not require isolation from residential or business uses;~~

~~f. Shall be buffered, if necessary, to protect adjacent uses; and~~

~~g. Shall not cause a public nuisance such as noise, odor, smoke, dust, dirt, vibration, or heat, or attract insects.~~

~~19. *Manufacturing, fabrication, and the like generally*. Manufacturing, fabrication, processing, assembly, and storage operations, and research laboratories, that fit within one of the Mandatory EIS Categories under Minn. Rules 4410.4400:~~

~~a. Shall meet all federal, state, and city health code requirements;~~

~~b. Shall meet all federal, state, and city environmental code requirements;~~

~~c. Shall not begin operation until the environmental impact statement is completed and all mitigation measures incorporated into the use. Any construction prior to the completion of the environmental impact statement and incorporation of all mitigation measures is at the applicant's risk; and~~

~~d. Shall provide the city with information regarding the nature and location of all explosive materials and keep such information current.~~

~~20. *Mining*.~~

~~a. Shall provide the city with the exact legal description and acreage of area to be mined;~~

~~b. Shall provide the city with an aerial photograph of the site prior to any mining;~~

~~c. Shall provide the city with the following maps of the entire site and all areas within 500 feet of the site, drawn at a scale of one inch to 100 feet:~~

~~(1) Map A - existing conditions to include:~~

~~(A) Contour lines at two-foot intervals;~~

~~(B) Existing vegetation;~~

~~(C) Existing drainage and permanent water areas;~~

~~(D) Existing structures;~~

~~(E) Existing wells; and~~

~~(F) Cross-sectional views from each direction;~~

~~(2) Map B - proposed operations to include:~~

~~(A) Structures to be erected;~~

~~(B) Location of sites to be mined showing the maximum depth of proposed excavation;~~

~~(C) Location of tailings deposits showing maximum height of deposits;~~

~~(D) Location of machinery to be used in the mining operation;~~

~~(E) Location of storage of mined materials, showing height of storage deposits;~~

~~(F) Location of parking facilities;~~

~~(G) Location of storage of explosives;~~

~~(H) Erosion and sediment control structures;~~

~~(I) Location of proposed wells and the depth to the water table;~~

~~(J) Location of proposed washing operations;~~

~~(K) A mining quantities table showing the quantity and type of materials expected to be mined in each phase and each year; and~~

~~(L) Cross-sectional views of the site during each phase from each direction;~~

~~(3) Map C - end use plan to include:~~

~~(A) Final grade of proposed site showing elevations and contour lines at two-foot intervals;~~

~~(B) Location and species of vegetation to be replanted;~~

~~(C) Location and nature of any structures to be erected in relation to the end use plan; and~~

~~(D) Cross-sectional views of the site after final grading.~~

~~d. Shall provide the city with a full and adequate description of all phases of the proposed operation to include an estimate of duration of the mining operation;~~

~~e. Shall provide a dust control plan detailing the methods proposed for controlling dust, application rates and time frames, and volumes of water to be used;~~

~~f. Shall pave or gravel all roads which are within 450 feet of any other zone to minimize dust conditions;~~

~~g. Shall provide a noise control plan showing all occupied structures within 1,000 feet of the mining site, existing noise contours in 5 Db intervals, and noise contours anticipated during operations for each phase;~~

~~h. Shall provide a vibration control plan;~~

~~i. Shall provide a landscape plan prepared by or under the supervision of a landscape architect showing material types; common and botanical names; sizes, number, and location of proposed plantings;~~

~~j. Shall provide lighting and signage plans showing the type, height, and location of all exterior lighting and signs;~~

~~k. Shall provide a stormwater management plan showing the stormwater contour lines and drainage patterns prior to, during, and after mining, stormwater runoff calculations, and indicating that the State Pollution Control Agency's Best Management Practices shall be followed;~~

~~l. Shall provide a traffic analysis prepared by a professional engineer showing the following:~~

~~(1) Existing traffic volumes on affected streets;~~

~~(2) Anticipated traffic volumes on affected streets;~~

~~(3) Anticipated trip generation for each phase or operations change;~~

~~(4) Morning and afternoon peak hour traffic volumes at all driveways into the site;~~

~~(5) Recommended traffic improvements both on and off the site; and~~

~~(6) Recommended traffic management actions, including truck routing.~~

~~m. Shall complete an environmental assessment worksheet;~~

~~n. If adjacent to a residential zone or within 300 feet of 2 or more residential structures, shall be bound by the following standards:~~

(1) Where water collects to a depth of one and one-half feet or more, for at least one month, and occupies an area of 700 square feet or more, all access to such water shall be barred by a fence or other barrier at least 4 feet in height; and

(2) Where slopes occur that are steeper than one-foot vertical to 3 feet horizontal, for a period of one month or more, all access to such slopes shall be barred by a fence or other barrier at least 4 feet in height.

o. Shall screen the mining site from adjacent residential or business uses. The mining site also shall be screened from any street within 500 feet. The screening shall be a minimum of 8 feet in height and planted with a fast growing species. Existing trees and ground cover along street frontage shall be preserved, maintained, and supplemented for the depth of the street yard setback, except where traffic safety requires cutting and trimming;

p. Shall cut or trim weeds and any other unsightly or noxious vegetation as may be necessary to preserve a reasonably neat appearance and to prevent seeding on adjoining property;

q. Shall not interfere with surface water drainage beyond the boundaries of the mining operation. The mining operation shall not adversely affect the quality of surface or sub-surface water resources. Surface water originating outside and passing through the mining site shall, at its point of departure from the mining site, be of equal quality to or better quality than the water at the point where it enters the mining site. The mining operator shall perform any water treatment necessary to comply with this provision;

r. Shall conduct all operations between the hours of 7:00 a.m. and 7:00 p.m. Shorter hours may be established in the conditional use permit;

s. For a gravel mine, shall have a maximum area without ground cover or being mined at one time not to exceed 20 acres; and

t. Immediately after operations have ceased, shall be restored in compliance with the following:

(1) Within a period of 3 months after the termination of a mining operation, or within 3 months after abandonment of such operation for a period of 6 months, all mining structures shall be dismantled and removed by, and at the expense of, the mining operator last operating such structures;

(2) The peaks and depressions of the area shall be graded and backfilled to a surface which will result in gently roiling topography in substantial conformity to the land area immediately surrounding the mining site, and which will minimize erosion due to rainfall. No finished slope shall exceed 18% in grade; and

(3) Restored areas shall be sodded or surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding the mining site, and to a depth of at least 6 inches, or a greater depth if recommended by the County Soil and Water Conservation District. Such required topsoil shall be planted with legumes and grasses. Trees and shrubs also may be

~~planted, but not as a substitute for legumes and grasses. Such planting shall be done in conformity with State Pollution Control Agency's Best Management Practices to adequately retard soil erosion. Excavations completed to a water producing depth need not be backfilled if the water depth is at least 10 feet, and if banks shall be sloped to a water line at a slope no greater than a 3 feet horizontal to one-foot vertical. The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site upon which mining operations have been conducted. The finished plan shall restore the mining site to a condition whereby it can be utilized for the type of land use proposed to occupy the site after mining operations cease.~~

~~21. *Recycling or composting facilities*.~~

~~a. Shall conduct all operations either within a building or at least 500 feet from any residential or business zone;~~

~~b. Shall not collect more material on site than can be processed within a 60-day period; and~~

~~c. Shall promptly remove from the site all material which has been processed.~~

~~22. *Relocated structures.*~~

~~a. Shall have a moving permit from the city under § 111.07;~~

~~b. Prior to moving, shall have given cash, a cashier's check, or letter of credit as a financial guarantee to the city to ensure completion of all work. The financial guarantee shall be in an amount equal to the Building Official's estimate of the cost to bring the structure into compliance with the Building Code;~~

~~c. Shall meet all requirements of the Building Code within 6 months after moving; and~~

~~d. If the structure is not in full compliance with the Building Code after 6 months after moving, the city, in its sole discretion, may draw on the financial guarantee and take whatever steps it deems necessary to bring the relocated structure into compliance with the Building Code. In the event the city draws on the financial guarantee, 10% of the total guarantee shall be paid to the city as its administrative fee.~~

~~23. *Residences for security personnel*.~~

~~a. Shall not exceed one dwelling per principal use;~~

~~b. Shall be used only by a resident security guard and the guard's family, and shall not be available for rent to the public; and~~

~~c. May not exceed 1,000 square feet of living space.~~

~~24. *Restaurants*. Restaurants, Class I or Class II, contained within a principal structure and oriented toward serving employees or those working in the immediate area:~~

~~a. Shall not exceed 15% of the gross floor area or 3,000 square feet, whichever is less; and~~

~~b. Shall not increase traffic congestion on streets.~~

~~25. *Retails sales*. Retail sales of products manufactured, fabricated, assembled, or stored on-site:~~

~~a. Shall sell products only within the principal structure;~~

~~b. Shall limit the area devoted to display and sale of the products to no more than 15% of the principal structure or 2,000 square feet within the principal structure, whichever is less;~~

~~c. Shall not require or result in exterior building modifications;~~

~~d. Shall have no outside storage or display or accessory structures; and~~

~~e. Shall submit a sign plan.~~

~~26. *Self storage facilities*.~~

~~a. Shall not allow maintenance of any vehicles on-site, except within a building;~~

~~b. Shall have a security system adequate to limit access to persons renting a storage site; and~~

~~c. Shall screen all storage.~~

~~27. *Structures over the specified height*.~~

~~a. Shall submit a map showing shading patterns created by the over height and structure; and~~

~~b. Shall be setback from each property line a distance equal to half the structure height.~~

~~28. *Vehicle repair*.~~

~~a. Shall not store any vehicles which are unlicensed or inoperative for more than 7 days;~~

~~b. Shall screen all storage areas; and~~

~~c. Shall not be located on a lot or parcel of land within 200 feet of any residential zone.~~

~~29. *Taprooms*.~~

~~a. Taproom and retail areas must not exceed 25% of the floor area of the brewery operation;~~

~~b. On- or off-premises sales require a liquor license; and~~

~~c. Outdoor seating areas are to operate no later than 10:00 p.m.~~

~~30. *Tasting rooms, winery, and distillery*.~~

~~a. Tasting rooms and retail areas must not exceed 25% of the floor area of the operation;~~

~~b. On- or off-premises sales require a liquor license; and~~

~~c. Outdoor seating areas are to operate no later than 10:00 p.m.~~

§151.049

SEC. 151.049. MINING OVERLAY ~~ZONE~~ DISTRICT (MN).

A. *Purpose*. The purpose of the Mining Overlay ~~Zone~~ District is to provide an area for mining the city's sand and gravel deposits while recognizing and providing for the long-term use of the land. The Mining Overlay ~~Zone~~ District allows for the use of naturally occurring resources but requires that care be taken to leave the land ready for immediate or eventual reuse consistent with the city's comprehensive plan.

B. *Areas covered*. This section applies only within the Heavy Industry (I-2) ~~Zone~~ District, and to land in other ~~zones~~ districts which is within an existing mine or adjacent to and surrounded on at least 3 sides by an existing mine.

C. *Permitted uses*. Within the Mining Overlay ~~Zone~~ District, no structure or land shall be used except for one or more of the uses permitted in the underlying district ~~zone.~~

D. *Conditional uses.* Within the Mining Overlay ~~Zone~~ District, no structure or land shall be used for the following uses, except by conditional use permit:

1. Any use allowed by conditional use permit in the underlying ~~zone~~ district; or

2. Mining, with the following conditions;

a. Shall provide the city with the legal description of record and acreage of area to be mined;

b. Shall provide the city with an aerial photograph of the site prior to any mining;

c. Shall prepare a brief public outreach pamphlet/flier if mining site is adjacent to public land/right-of-way;

d. Shall provide the city with the following maps of the entire site and all areas within 500 feet of the site, drawn at a scale of one inch to 100 feet:

(1) Map A - existing conditions to include:

(A) Contour lines at two-foot intervals;

(B) Existing vegetation;

(C) Existing drainage and permanent water areas;

(D) Existing structures;

(E) Existing wells; and

(F) Cross-sectional views from each direction;

(G) Drainage and utility easement adjacent to the mining area

(H) Building Setbacks adjacent to the mining area

(I) Identify protected species/vegetation/habitat and other environmental sensitive features of the site

(J) Identify historical site significance / historical markers in place

(2) Map B - proposed operations to include:

(A) Mining Site Access Roads / Public Routes with appropriate turning movements

(B) Proposed and/or Existing Entrance / Exit Location(s)

(C) Structures to be erected;

(D) Location of sites to be mined showing the maximum depth of proposed excavation;

(E) Location of tailings deposits showing maximum height of deposits;

(F) Location of machinery to be used in the mining operation;

(G) Location of storage of mined materials, showing height of storage deposits;

(H) Location of available and/or proposed parking facilities;

(I) Location of storage of explosives and identify protective measures;

(J) Erosion and sediment control structures;

(K) Location of proposed wells and the depth to the water table;

(L) Location of proposed washing operations and measures to contain the resulting flow and clean-out practices;

(M) A mining quantities table showing the quantity and type of materials expected to be mined in each phase and each year; and

(N) Cross-sectional views of the site during each phase from each direction;

(3) Map C - end use plan to include:

(A) Final grade of proposed site showing elevations and contour lines at two-foot intervals;

(B) Location and species of vegetation to be replanted;

(C) Location and nature of any structures to be erected in relation to the end use plan; and

(D) Cross-sectional views of the site after final grading.

e. Shall provide the city with a complete description of all phases of the proposed operation to include an estimate of duration of the mining operation;

f. Shall provide a dust control plan detailing the methods proposed for controlling dust, application rates and time frames, and volumes of water to be used;

g. Shall pave or gravel all roads which are within 450 feet of any other zone to minimize dust conditions;

h. Shall provide a noise control plan showing all occupied structures within 1,000 feet of the mining site, existing noise contours in 5 Db intervals, and noise contours anticipated during operations for each phase;

i. Shall provide a vibration control plan;

j. Shall provide a landscape plan prepared by or under the supervision of a landscape architect showing material types; common and botanical names; sizes, number, and location of proposed plantings;

k. Shall provide lighting and signage plans showing the type, height, and location of all exterior lighting and signs;

l. Shall provide a stormwater management plan showing the stormwater contour lines and drainage patterns prior to, during, and after mining, stormwater runoff calculations, and indicating that the State Pollution Control Agency's Best Management Practices shall be followed;

m. Shall provide a traffic analysis prepared by a professional engineer showing the following:

(1) Existing traffic volumes on affected streets;

(2) Anticipated traffic volumes on affected streets;

(3) Anticipated trip generation for each phase or operations change;

(4) Morning and afternoon peak hour traffic volumes at all driveways into the site;

(5) Recommended traffic improvements both on and off the site; and

(6) Recommended traffic management actions, including truck routing.

n. Shall complete an environmental assessment worksheet;

o. If adjacent to a residential zone or within 300 feet of 2 or more residential structures, shall be bound by the following standards:

(1) Where water collects to a depth of one and one-half feet or more, for at least one month, and occupies an area of 700 square feet or more, all access to such water shall be barred by a fence or other barrier at least 4 feet in height; and

(2) Where slopes occur that are steeper than one-foot vertical to 3 feet horizontal, for a period of one month or more, all access to such slopes shall be barred by a fence or other barrier at least 4 feet in height.

p. Shall screen the mining site from adjacent residential or business uses. The mining site also shall be screened from any street within 500 feet. The screening shall be a minimum of 8 feet in height and planted with a fast growing species. Existing trees and ground cover along street frontage shall be preserved, maintained, and supplemented for the depth of the street yard setback, except where traffic safety requires cutting and trimming;

q. Shall cut or trim weeds and any other unsightly or noxious vegetation as may be necessary to preserve a reasonably neat appearance and to prevent seeding on adjoining property consistent with City ordinance;

r. Shall not interfere with surface water drainage beyond the boundaries of the mining operation. The mining operation shall not adversely affect the quality of surface or sub-surface water resources. Surface water originating outside and passing through the mining site shall, at its point of departure from the mining site, be of equal quality to or better quality than the water at the point where it enters the mining site. The mining operator shall perform any water treatment necessary to comply with this provision;

s. Shall conduct all operations between the hours of 7:00 a.m. and 7:00 p.m. in conjunction with City code or as set for the by the Planning Commission with an approval.

t. Shorter hours may be established in the conditional use permit;

u. For a gravel mine, shall have a maximum area without ground cover or being mined at one time not to exceed 20 acres; and

v. Immediately after operations have ceased, the mining site shall be restored in compliance with the following:

(1) Within a period of 3 months after the termination of a mining operation, or within 3 months after abandonment of such operation for a period of 6 months, all mining structures shall be dismantled and removed by, and at the expense of, the mining operator last operating such structures;

(2) The peaks and depressions of the impacted area shall be graded and backfilled to a surface which will result in gently roiling topography in substantial conformity to the land area immediately surrounding the mining site, and which will minimize erosion due to rainfall. No finished slope shall exceed 18% in grade; and

(3) Restored areas shall be sodded or surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding the mining site, and to a depth of at least 6 inches, or a greater depth if recommended by the County Soil and Water Conservation District. Such required topsoil shall be planted with legumes and grasses. Trees and shrubs also may be planted, but not as a substitute for legumes and grasses. Such planting shall be done in conformity with State Pollution Control Agency's Best Management Practices to adequately retard soil erosion. Excavations completed to a water producing depth need not be backfilled if the water depth is at least 10 feet, and if banks shall be sloped to a water line then slope shall be no greater than a ratio of 3 feet horizontal to one-foot vertical. The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site upon which mining operations have been conducted. The finished plan shall restore the mining site to a condition whereby it can be utilized for the type of land use proposed to occupy the site after mining operations cease.

(4) Post-Mining Land Use shall be consistent with applicable City ordinance unless a change to the land use plan or zoning is proposed.

E. *Permitted accessory uses*. Within the Mining Overlay ~~Zone~~ District, the following uses shall be permitted accessory uses:

1. Any accessory use allowed in the underlying ~~zone~~ district; or

2. Any use accessory to mining, as determined by the Zoning Administrator.

F. *Design standards.*

1. *Density as specified in the underlying zone, minimum lot area:* 20 acres; and

2. *Site specifications*.

a. *Minimum setback from any residential zone:* 100 feet;

b. *Minimum setbacks in existence prior to commencement of mining:* Minimum setback from any residential or business structure which was in existence prior to commencement of mining, unless the written consent of all owners and residents or occupants of said structures is obtained: 500 feet;

c. *Minimum setback from any business or industry ~~zone~~ district:* 30 feet to the boundary of any business or industry ~~zone~~ district; and

d. *Minimum setback from the right-of-way of any existing or platted street*: 30 feet, except that excavation may be conducted within the 30 feet in order to reduce the elevation to conform to the street.

§151.052

SEC. 151.052. PARKS AND OPEN SPACE DISTRICT (PO).

A. *Purpose*. The Parks and Open Space District is established; to promote, preserve and protect publicly owned parks and open space through the conservation of natural spaces; provide opportunities for both active and passive indoor and outdoor recreation and leisure activities integral to the overall quality of life for Shakopee residents; protect the natural resources of Shakopee including grassland, forested land, wetlands, biodiversity and other natural features; and furthers the purposes of the City's Parks, Trails and Recreation Master Plan.

B. Permitted and Conditional Uses

1. See Section 151.007 for a complete list of allowed permitted and conditional uses and structures within the Parks and Open Space District.

C. *Permitted Accessory Uses*

1. See Section 151.007 for a complete list of allowed accessory uses and structures within the Parks and Open Space District.

D. *Design Standards.* Within the Parks and Open Space District, Park property may consist of one or more lots or parcels that for the purposes of this Subchapter function as a single site. Therefore, setbacks for parking lots, buildings and accessory structures and uses shall be measured from the perimeter lot line that encompasses the park property.

1. Structures, Parking lots or drive aisle setbacks.

a. *Minimum side setback*: 5 feet;

b. *Minimum rear setback:* 10 feet;

c. *Minimum front setback*: 15 feet.

2. *Maximum height*. 35 feet.

3. *Construction Materials.* See City Code Section 151.108 for the complete requirements related to construction materials and any applicable design standards within the Parks and Open Space District.

NOW, THEREFORE BE IT ORDAINED, that the City Council of the City of Shakopee hereby adopts the following findings of facts relative to the above-named request:

Criteria #1 ***The original zoning ordinance is in error.***

Finding #1 *The original zoning ordinance is in error or is unclear in several areas. Zoning ordinance amendments throughout the years have added inconsistent language, applied regulations for specific land users that no longer exist, and also permit land uses that are not appropriate for a growing suburban community. The lack of a table causes confusion for staff, residents, and developers.*

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

Finding #2 *Significant changes in community goals and policies have taken place. The proposed ordinance amendment clarifies confusing sections of the zoning code, removes redundancies, and streamlines review for land uses that should not require review by the Board of Adjustment.*

Criteria #3 **Significant changes in development patterns have occurred.**

Finding #3 *Significant changes in development patterns have occurred. The proposed ordinance amendments fall in line with current development trends in a suburban area.*

Criteria #4 **The Comprehensive Plan requires a different provision**.

Finding #4 *The comprehensive plan recommends the addition of a Parks and Open Space Chapter*.

BE IT FURTHER ORDAINED, that proposed zoning ordinance amendment creating a zoning use table is hereby approved.

Passed in regular session of the City Council of the City of Shakopee, Minnesota held on the _____day of _____, 2020.

_____

Mayor of the City of Shakopee

Attest:

_____

Lori Hensen, City Clerk

Published in the Shakopee Valley News on the _____ day of _____, 2020.

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