

ORDINANCE NO. 2020-008

**AN ORDINANCE OF THE CITY OF SHAKOPEE, MINNESOTA,
AMENDING CITY CODE SECTIONS 151.002, 151.004, 151.007 AND 151.049; REPEALING CITY CODE
SECTIONS 151.012, 151.013 AND 151.014; AND ADDING SECTION 151.052, RELATING TO DEFINITIONS,
GENERAL REGULATIONS, AND THE ADDITION OF A PARKS AND OPEN SPACE ZONING DISTRICT**

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 meetings on October 20, 2020 and November 4, 2020; 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. Underlined text notates text being added to the City Code.

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

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

Section 1. Section 151.002 of the City Code is amended by adding definitions to read as follows:

ADMINISTRATIVE, 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 (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.

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.

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.

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.

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.

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.

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

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.

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.

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.

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.

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.

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.

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.

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.

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.

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 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.

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.

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.

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

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.

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.

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.

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.

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.

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 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.

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.

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.

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.

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.

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.

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.

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.

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.

Section 2. Section 151.002 of the City Code is amended by deleting the following definitions:

~~**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.~~

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

Section 3. Section 151.002 of the City Code is amended by amending the following definitions:

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.

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.

~~**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~~ **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.

~~**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.**

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.

Section 4. Section 151.004, Paragraph A of the City Code is amended by adding a subparagraph to read as follows:

19. Parks and Open Space (PO)

Section 5. Section 151.007, Paragraph J of the City Code is amended to read as follows:

J. Table of Uses

RESIDENTIAL ZONES <u>DISTRICTS</u>											
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 in City Code § 151.07.K											
USE <u>CLASSIFICATION</u> (proposed)	AG	RR	SRR	R1A	R1B	R1C	R2	PRD	R3	R4	<u>PO</u>
<u>Accessory Structures</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Accessory Structures, Oversized¹</u>						<u>C</u>					
Adult daycare center serving <u>12 of fewer persons²</u> ~~less than 13 persons~~	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	
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	<u>P</u>									
~~Animal hospitals and veterinary clinics~~	<u>C</u>										
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~~					<u>C</u>				<u>P</u>	<u>P</u>	
Assisted Living Housing Facility					C		C		P	P	

Bed and breakfast inns ⁷	C	C	C	C	C	C	C	C	C		
<u>Boathouses</u> ⁸	<u>C</u>	<u>C</u>	<u>C</u>								
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 feedlots¹², 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									<u>P</u>
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	<u>A</u>
Fences	A	A	A	A	A	A	A	A	A	A	<u>A</u>
~~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	<u>P</u>
Group family daycare facilities serving 14 or fewer children	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	
Home occupations contingent upon approval of a home occupation permit	A	A	A	A	A	A	A	A	A	A	
<u>Kennels</u> ²⁷	<u>C</u>										

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	<u>A</u>
<u>Place of worship / Religious Assembly Hall</u> ³⁵	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Plant Nurseries</u> ³⁶	<u>P</u>										
Private garages or off-street parking	A	A	A	A	A	A	A	A	A	A	<u>A</u>
Public or private schools ~~having a course of instruction approved by the State Department of Education for grades K - 12³⁷, or any portion thereof~~	C	C	C	C	C	C	C	C	C		
Public recreation	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~PA~~	~~PA~~	~~PA~~	~~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	<u>P</u>
<u>Relocated Structures</u> ³⁹	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
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~~						€			€	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	A	A	A	A	A	A	A	A	A	<u>A</u>	

days at a time and is rented for no more than a total of 60 days in a calendar year											
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	<u>A</u>
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		<u>C</u>
Structures greater than 45 feet in height ⁴⁸										C	<u>C</u>
Temporary construction buildings	A	A	A	A	A	A	A	A	A	A	<u>A</u>
Towers for commercial wireless telecommunications services ⁴⁹	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	<u>C</u>
Utility service structures ⁵⁰	P	P	P	P	P	P	P	P	P	P	<u>P</u>
Utility <u>service</u> structures, <u>electrical substations</u> ⁵¹ ~~which do not meet the standard conditions under the permitted uses~~	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Utility service structures, lift stations</u> ⁵¹	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Utility service structures, water towers</u> ⁵²	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Wind energy conversion systems (<u>WECS</u>) or windmills ⁵⁷	C	C	C	C	C	C	C	C	C	C	<u>C</u>

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 (proposed)	CLASSIFICATION	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	€
Apartment leasing offices and community rooms		A		A		A				
Banks and financial institutions		P	P	P	P	P	<u>P</u>			
Bed and breakfast inns ⁷		C		C	C					
Brewery ⁹								P	P	P
Brewery, small ⁹		€ <u>P</u>					€ <u>P</u>	P	P	P
Brewery, small with taproom ⁹		€ <u>P</u>	<u>P</u>	€ <u>P</u>	€ <u>P</u>	€ <u>P</u>	€ <u>P</u>	€ <u>P</u>	€ <u>P</u>	€ <u>P</u>
Brewery, with taproom ⁹						<u>P</u>		€ <u>P</u>	€ <u>P</u>	€ <u>P</u>
Brewpub ⁹		P		P	P	P	P			
Car washes ¹⁰		C			C		C			
<u>Colleges and Universities</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
~~Churches and other places of worship~~		€	€	€	€	€	€			
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	€ <u>P</u>	C			
Communication service apparatus/devices <u>when co-located</u> ¹⁵ ~~as permitted uses~~		A	A	A	A	A	A	A	A	A
~~Communication service towers~~								€	€	
Concrete or asphalt plants ¹⁶									C	
Contractor's supply yards									P	
Crematorium									C	

Daycare facilities ¹⁷	<u>€</u> <u>P</u>	<u>€</u> <u>P</u>	<u>€</u> <u>P</u>	<u>€</u> <u>P</u>	<u>€</u> <u>P</u>	C	C	C	A
<u>Distribution Facilities</u>							<u>P</u>	<u>P</u>	
Distilleries ¹⁸							P	P	P
Distillery, micro ¹⁸	<u>€</u> <u>P</u>				<u>€</u> <u>P</u>	<u>€</u> <u>P</u>	P	P	<u>P</u>
Distillery, micro with tasting room ¹⁸	C		C				C	C	
Drive up or drive through windows	P		P	P	P	P			
<u>Drive Through as Principal Use</u> ¹⁹	<u>C</u>			<u>C</u>	<u>C</u>	<u>C</u>			
<u>Existing Dwellings</u> ²⁰	P		P						
~~Dwellings when combined with another permitted use~~ <u>Mixed Use Developments</u>	P		P	P	P	P			
~~Establishments supplying goods or services primarily to industrial uses~~							<u>P</u>	<u>P</u>	
Exhibit spaces and interpretive centers	P	P	P	P	P	P			P
Exterior storage ²¹							<u>€</u> <u>A</u>	<u>€</u> <u>A</u>	
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~~ <u>Fuel stations</u> ²³	C	<u>A</u>	<u>A</u>	C	<u>A</u>	C	<u>A</u>	<u>A</u>	<u>A</u>
Grain elevators ²⁴								C	
Health and athletic facilities	P	P	P	P	P	P		<u>A</u>	<u>A</u>
Heliports ²⁵		C					C	C	C
~~Horse care uses²⁶ including boarding, training, showing, grooming and veterinary clinic facilities~~					P				
Hospitals ²⁷		C							
Hotels and motels	P	<u>€</u>	P	C	P	C			<u>€</u>
Housing designed to serve persons with disabilities	C		C						

~~Industrial/technical training schools~~	€	€	€				€	€	€
Landscaping services and other contractors ²⁹	€						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
<u>Massage Establishments</u> ³²	<u>C</u>								
<u>Medical Office and Dental Clinics</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>A</u>	<u>A</u>	<u>P</u>
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
<u>Outdoor Cafes</u> ³³			<u>A</u>						
Pet Daycare and Boarding Facilities ³⁴	C						C	C	
<u>Place of Worship / Religious Assembly Hall</u> ³⁵	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>				
Private garages or off-street parking	A	A	A	A	A	A	A	A	A
Private lodges or clubs	€ <u>P</u>		€ <u>P</u>	€ <u>P</u>	€ <u>P</u>	€ <u>P</u>			
~~Public and private colleges and universities licensed by the State of Minnesota~~	€	€	€		€		€	€	€

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~~	<u>P</u>	<u>P</u>							<u>C</u>
~~Public recreation~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~PA~~
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	<u>A</u>	P	P	P	P			
<u>Relocated Structures</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

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							<u>€</u> <u>A</u>	<u>€</u> <u>A</u>	<u>€</u> <u>A</u>
~~Schools, public or private, that are licensed by MN Department of Education for grades K-12~~	<u>€</u>	<u>€</u>							
~~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			
<u>Seasonal Sales Stands</u> ⁴⁶	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>				
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	<u>A</u>
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				
<u>Taverns</u>	<u>P</u>		<u>P</u>		<u>P</u>				
Temporary construction buildings	A	A	A	A	A	A	A	A	A
Theaters	P		P		P				

Towers for commercial wireless telecommunication services <u>when co-located</u> ⁴⁹	A	A	A	A	A	A	A	A	A
Towers for commercial wireless telecommunication services							<u>A</u>	<u>A</u>	
Utility service structures ⁵⁰	P	P	P	P	P	P	P	P	P
Utility Service Structures, Substations ⁵¹							<u>C</u>	<u>C</u>	
Utility Service Structures; Lift Stations ⁵¹	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Utility Service Structures; Water towers ⁵²	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
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 <u>service or repair</u> 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

Section 6. Section 151.007 is amended by adding a Paragraph to read as follows:

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 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.
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 safety;
 - 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 within 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 an 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 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, 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.

Section 7. Section 151.012 of the City Code is repealed.

Section 8. Section 151.013 of the City Code is repealed.

Section 9. Section 151.014 of the City Code is repealed.

Section 10. Section 151.049 of the City Code is amended to read as follows:

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~~;
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.

Section 11. Chapter 152 of the City Code is amended by adding a section to read as follows:

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 FURTHER ORDAINED, that the City Council of the City of Shakopee 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.

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