ORDINANCE NO. 2021-006

**AN ORDINANCE OF THE CITY OF SHAKOPEE, MINNESOTA,
AMENDING CITY CODE SECTIONS 151.002, 151.007 AND 151.108; RELATING TO DEFINITIONS, GENERAL REGULATIONS AND CONSTRUCTION MATERIALS**

WHEREAS, the City of Shakopee has proposed amendments to the City Code Sections 151.002, 151.007, 151.108 to add a new definition relating to bluffs, create specific regulations relating to bluffs and modify the allowed construction materials; and

WHEREAS, notices were duly sent and posted, and a public hearing was held before the Planning Commission on March 4, 2021, 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 March 16, 2021; and

As a reference, ~~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:

BLUFF. A topographic feature such as a hill, cliff, or embankment with an average slope of more than 18% over a distance for 50 feet.

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

STEEP SLOPE. Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, **STEEP SLOPES** are lands with average slopes over 12%, as measured over horizontal distances of 50 feet or more, that are not bluffs.

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%.

Section 2. Section 151.007 of the City Code is amended by adding a Paragraph to read as follows:

J. *Standards Relating to Bluffs*.

1. *Placement of structures on lots.*
    a. Structures must be setback 30 feet from the top of bluff.
    b. Structures and accessory structures, except stairways and landings, must not be placed within bluff impact zones.
    c. Fences are not considered accessory facilities.

2. *Stairways, lifts, and landings.* Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes. Stairways and lifts must meet the following design requirements:
    a. Stairways and lifts must not exceed 4 feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments;
    b. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open-space recreational properties, and planned unit developments;
    c. Canopies or roofs are not allowed on stairways, lifts, or landings;
    d. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground; provided, they are designed and built in a manner that ensures control of soil erosion;
    e. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, during leaf-on conditions, whenever practical.

3. *Vegetation alterations.*
    a. Intensive vegetation clearing within the bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.
    b. In bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a viewshed from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas; provided, that:
        (1) The screening of structures, vehicles, or other facilities, assuming summer, leaf-on conditions, is not substantially reduced; and
        (2) The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

4. *Topographic alterations/grading and filling.*
    a. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit; however, the grading and filling standards in this subchapter must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.
    b. Public roads and parking areas are regulated by division (5) below.
    c. A grading and filling permit will be required for:

(1) The movement of more than 10 cubic yards of material on steep slopes or within shore or bluff impact zones; and

(2) The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.

d. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;

e. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;

f. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;

g. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the U.S. Soil Conservation Service;

h. Fill or excavated material must not be placed in a manner that creates an unstable slope;

i. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30% or greater;

j. Fill or excavated material must not be placed in bluff impact zones;

k. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and

l. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed 3:1 feet horizontal to vertical, the landward extent of the riprap is within 10 feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed 3 feet.

5. *Placement and Design of Roadways and Driveways.*

a. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff impact zones, when other reasonably and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.

Section 3. Section 151.007 City Code is amended by renumerating to read as follows:

J. Standards Relating to Bluffs.

K. Table of Uses.

L. Specific Conditions.

Section 4. Section 151.108.A.1, Paragraph a of the City Code is amended to read as follows:

A. Special minimum requirements and performance standards for all commercial and industrial uses.

1. *Building design and materials.*

a. Building materials shall be attractive in appearance, have a durable finish, and be of an architectural character and quality that is compatible and harmonious with adjacent structures. All buildings shall be of high architectural quality so as to maintain and enhance the property values of neighboring properties, and not adversely impact the community's public health, safety, and general welfare

	B-3	B-1, B-2, MR, NC, Commercial uses in PRD & CC, and Institutional Uses in residential zones. Mixed Use Buildings follow R-3 / R-4 standards.	I-1, I-2	BP
Permitted Major Exterior Building Materials	Face brick, glass, brick veneer, pre-cast concrete panels with integrated thin / cast-in brick, natural stone, simulated natural stone. Buildings greater than two levels above grade are permitted to have accent materials as major exterior materials for the façade areas above the second level.	Brick, manufactured and natural stone, integral color precast concrete panels (painted and raked finishes are not permitted), glass, color impregnated decorative block, fiber cement siding or wall panels, spandrel glass, engineered wood siding.	Brick, manufactured and natural stone, integral color precast concrete panels (painted and raked finishes are not permitted), color impregnated decorative concrete block, ~~engineered wood siding*, fiber cement siding*, non-corrugated insulated metal panel systems~~, glass, reflective glass, fiber cement wall panels.	Brick, manufactured and natural stone, precast concrete panels (painted and raked finishes are not permitted), glass, reflective glass, color impregnated decorative concrete block, fiber cement wall panels.
Permitted Accent Materials (all accents materials combined must total less than 30% of façade)	Exterior finished wood, polished concrete block, decorative architectural metal (copper, cast iron, bronze, brass, or similar materials), stucco > 12' above grade, glazed brick, fiber cement wall panels, glass block, lap siding, non-corrugated insulated metal panel systems.	Natural or synthetic stucco > 12' above grade, exterior finished wood, decorative architectural metal (copper, cast iron, bronze, brass, or similar materials), spandrel glass, glass block, non-corrugated insulated metal panel systems.	Decorative architectural metal (copper, cast iron, bronze, brass, or similar materials), spandrel glass, glass block, exterior finished wood, glass block, <u>non-corrugated insulated metal panel systems, engineered wood fiber siding*, fiber cement siding*</u>	Decorative architectural metal (copper, cast iron, bronze, brass, or similar materials), non-corrugated insulated metal panel systems, spandrel glass, glass block, exterior finished wood for up to 10% of a façade.
Prohibited Materials in Specific Zone	Reflective glass, manufactured stone, wood / simulated wood shakes, stucco, spandrel glass, painted brick, or stucco over brick. Smooth, unfinished, or painted concrete block, painted pre-cast concrete panels, synthetic stucco	Smooth, unfinished, or painted concrete block, painted pre-cast concrete panels, natural or synthetic stucco (Dryvit / EIFS) < 12' above grade, corrugated metal, vinyl siding.	Smooth, unfinished, or painted concrete block, painted pre-cast concrete panels, natural synthetic stucco (Dryvit / EIFS) < 12' above grade, corrugated metal, vinyl siding.	Smooth, unfinished, or painted concrete block, painted pre-cast concrete panels, natural or synthetic stucco (Dryvit / EIFS) < 12' above grade, corrugated metal, vinyl siding.

	(Dryvit / EIFS) < 12' above grade, corrugated metal, vinyl siding.			
Specific Minimum Requirements	The dominant material of a first level facade must be brick, with at least 40% of a façade facing a right of way as windows. Existing single or two family dwellings may follow single-family residential design standards.	At least 25% of the façade with a main entrance as windows. Buildings greater than 10,000 square-feet in floor area must have 5% of facades facing right-of-ways as windows or glass block. Existing single or two family dwellings may follow single-family residential design standards. Multi-family buildings may follow R-3 / R-4 standards.	At least 4% of façade facing right-of-ways as windows. Coolers, mechanical rooms, or portions of a building façade for bulk storage of raw materials; such as grain, asphalt, liquids, or gases. etc. may be excluded from the window area requirement.	At least 10 % of façade facing right-of-ways as windows, 15 % windows for facades facing US Hwy 169, main entrance features with at least 300 square-feet of windows.
Required Design Features	In-fill buildings (new buildings located on a half-block with at least 2 other existing structures, or at least 4 other buildings on an entire block) must match front setback of directly adjacent structures and not exceed height of directly adjacent structures by greater than two levels. <u>Louvers and vents must be color integral to match surrounding materials</u>	Color integral horizontal and vertical design features or banding and contrasting and complementary colors. Franchise or prototypical architecture shall be adapted to reflect the design standards of this subsection. <u>Louvers and vents must be color integral to match surrounding materials</u>	Color integral horizontal and vertical design features or banding and contrasting and complementary colors. For facades facing a right of way: Wall height variations of at least 7.5% of height every 100' horizontally. <u>Louvers and vents must be color integral to match surrounding materials</u>	Color integral horizontal and vertical design features, contrasting and complementary trim colors. For facades facing a right of way: Wall depth and height variations. Wall depth variation at least 2% of the depth of building, with variations at least 10' in width at least every 100’ horizontally. Wall height variations of at least 7.5% of building height at least every 100' horizontally of building façade. <u>Louvers and vents must be color integral to match surrounding materials</u>
Prohibited Design Features / Techniques by Zone	Bricked up / covered (wholly or partially) window openings,	Bricked up / covered (wholly or partially) window openings,	Truck loading docks shall not face right-of-ways unless	Truck loading docks shall not face rights-of-way unless

	shutters, mansard roofs, bowed awnings, sandblasting brick, Fencing (except for duration of construction projects), pitched roofs, painting or covering up existing brick, cornices, or other historic design features. Major materials, accent materials, or trim of buildings must not be bright or non-earth tone colors; such as fluorescent or reflective colors. Windows must not be covered with signage, wraps, graphics or images, unless permitted by the sign ordinance.	windows must not be covered with signage, wraps, graphics or images, unless permitted by the sign ordinance.	screened by landscaping or berms, or a combination there of to a height of 8' at time of planting or construction. A screening wall must be at least as tall as the items it is intended to screen and be constructed of the same materials as the principal building.	screened by landscaping or berms, or a combination there of to a height of 8' at time of planting or construction. A screening wall must be at least as tall as the items it is intended to screen and be constructed of the same materials as the principal building.
Special Requirements	For buildings greater than 15,000 square-feet of floor area: The front façade must have covered entryways or arcades. Recesses, projections, cornices, pilasters, or a combination of these features must be used at least every 30' on facades with a main entrance or facing a street	For buildings greater than 30,000 square-feet in floor area: The front façade must have covered entryways or arcades at least 6' in depth. Recesses, projections, cornices, pilasters, or a combination of these features must be used at least every 50' on facades facing a street or having a main entrance.	*: Engineered wood siding and fiber cement siding is not permitted as ~~a major exterior~~ accent material for buildings greater than 10,000 square-feet of floor area	

Zone	R-3 & R-4
Permitted Major Exterior Building Materials	Brick, natural and synthetic stucco > 12' above grade, natural and manufactured stone, integral color precast concrete panels with integrated thin / cast-in brick (smooth, raked, or painted finishes are not permitted), fiber cement siding or wall panels, engineered wood siding.
Permitted Accent Materials (all accent materials combined	Exterior finished wood, decorative architectural metal, non-corrugated insulated metal panel systems, glass block

must total less than 30% of façade	
Prohibited Materials In Specific Zone	Smooth, unfinished, or painted concrete block, painted pre-cast concrete panels, synthetic stucco (Dryvit / EIFS) < 12' above grade, corrugated metal, vinyl siding
Specific Minimum Requirements	At least 30% of all façades as windows
Required Design Features	Pitched and flat roofs require variation in roofline at least every 30 feet measured horizontally. Minimum roof pitch for pitched roofs is 6:12 (rise : run), wall depths must vary at least every 30' by at least 5% of building depth. Decks and balconies on 75% of total units at least 6' in depth and 7' in width may qualify as varying wall depth. Louvers and vents must be color integral to match surrounding materials
Prohibited Design Features / Techniques By Zone	Mansard roofs

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 in several areas. Zoning ordinance amendments throughout the years have added inconsistent language, and permit construction materials that are not appropriate for a growing suburban community. The lack of a definition for bluffs 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 and streamlines review for land uses that should not require review by the Board of Adjustment and Planning Commission.*

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 preservation of bluff land, and construction materials that align with a growing suburban community.*

Passed in regular session of the City Council of the City of Shakopee, Minnesota held on the _____day of _____, 2021.

_____
Mayor of the City of Shakopee

Attest:

_____
Lori Hensen, City Clerk

Published in the Shakopee Valley News on the _____ day of _____, 2021.

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