CITY OF SHOREVIEW
AGENDA
PLANNING COMMISSION
Tuesday October 27, 2026
7:00 PM

Under MN Statutes 13D.02 and city policy, members may participate remotely.

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **APPROVAL OF AGENDA**

4. **APPROVAL OF MINUTES**
   4.A September 22, 2026 Meeting Minutes

5. **REPORT ON CITY COUNCIL ACTIONS**

6. **OLD BUSINESS**

7. **NEW BUSINESS**
   7.A Variance Appeal, 804 County Road I W - Robert Freed
   7.B Minor Subdivision - 3654 Rustic Place, Steve Tomas
   7.C Development Code Ordinance Text Amendment- Chapters 101, 103, 105, 107, 109, 111 and 115

8. **MISCELLANEOUS**
   8.A 2026 Calendar and Meeting Assignments

9. **ADJOURNMENT**

Memorandum

TO:	Planning Commission
FROM:	Niki Hill, AICP , Assistant Community Development Director
DATE:	October 27, 2026
SUBJECT:	September 22, 2026 Meeting Minutes
ITEM NUMBER:	4.A
SECTION:	APPROVAL OF MINUTES

REQUESTED MOTION
Approve the Planning Commission meeting minutes from September 22, 2026

INTRODUCTION

DISCUSSION

RECOMMENDATION
To approve the minutes from the September 22, 2026 Planning Commission meeting.

ATTACHMENTS
September 22, 2026 Planning Commission Meeting Minutes

SHOREVIEW PLANNING COMMISSION
MEETING MINUTES
SEPTEMBER 22, 2026

CALL TO ORDER

Chair John called the September 22, 2026 Shoreview Planning Commission meeting to order at 7:00 pm.

ROLL CALL
The following Commissioners were present: Chair John; Commissioners Ahmadvand, Cordes, Solomonson and Westadt.

Commissioner Anderson was absent.

Staff Present: Asst. Community Development Director Niki Hill, AICP
Senior Planner Izaak Peterson
Associate Planner Will Harris
Community Development Intern Branch Johnson-Roets
City Attorney Chad Lemmons

APPROVAL OF AGENDA

MOTION: by Solomonson, seconded by Westadt to approve the September 22, 2026 Planning Commission meeting agenda as presented.

VOTE: AYES - 6 NAYS - 0

APPROVAL OF MINUTES - AUGUST 25, 2026

MOTION: by Westadt, seconded by Cordes to approve the meeting minutes of August 25, 2026, as presented.

VOTE: AYES - 6 NAYS - 0

REPORT ON CITY COUNCIL ACTIONS

Hill reported the following:

1. Variance appeal for 804 County Road I: the city council remanded the matter back to the planning commission for a recommendation due to revisions made by the applicants.
2. The final plat and PUD was approved for Christian Brothers.

OLD BUSINESS

There was none.

NEW BUSINESS

450 HORSESHOE DRIVE WEST - RESIDENTIAL DESIGN REVIEW - TBJ HOMES

Presentation by Senior Planner Izaak Peterson

The property is a substandard riparian lot with a front lot line of 71.2 feet, less than the required 100 feet. It is located on the north side of Lake Owasso. The lot area is over 18,000 square feet. It is zoned R1 Detached Residential. There is a steep slope from Horseshoe Drive to the OHW of Lake Owasso. The house on the lot was built in 1924, and there are two nonconforming water-oriented accessory structures (deck and shed).

The proposal is to demolish the existing house and construct a new 3,016 square foot single family home with an attached garage. A future deck is proposed with a setback of 85.5 feet. The nonconforming driveway will be removed and reoriented. The proposal meets all development code standards for lot area, lot coverage, foundation area, attached accessory building, building height, front and OHW setbacks.

Notice of the proposal was sent to property owners within 150 feet of the property. At this time, no comments have been received.

The Watershed District provided comments on permitting and grading, filling and free board restrictions. The proposed plans show no grading or filling within the floodplain, and the foundation exceeds freeboard requirements.

Staff finds that the proposal meets the requirements of new construction on a substandard riparian lot and recommends the planning commission approve the Residential Design Review subject to the conditions listed in the staff report.

Commission Questions
Ahmadvand asked for clarification on the deck setback. Peterson said the required setback is 82.65 feet plus or minus 10 feet. The proposal falls within that range at 92.4 feet.

Solomonson asked if there is any impediment to shoreland mitigation. Peterson said staff is discussing shoreland mitigation with the applicant, but the affidavit is not finalized. The future resident is interested in doing some work along the hillside which will likely include removal of the deck. They do want to retain the water oriented structures.

Tom Budzynski, TBJ Homes, 9100 Baltimore Street, Blaine, MN came forward to answer any questions.

Chair John opened the discussion to public comment. There were no comments or questions.

MOTION: by Westadt, seconded by Cordes to approve the Residential Design Review request for the new construction of a home at the property located at 450 Horseshoe Drive West subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Residential Design Review application. Any significant changes to these plans, other than the detached garage, as determined by city staff, will require review and approval by the Planning Commission.
2. A building permit must be obtained before any construction activity begins.
3. A Tree Removal and Replacement plan shall be submitted at the time of the building permit application. A tree replacement escrow shall be paid prior to issuance of a grading or building permit.
4. This approval will expire after one year if a building permit has not been issued and construction commenced.
5. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the new residence.
6. This approval is subject to a 5-day appeal period.

The approval is based on the following finding:

1. The proposal complies with the adopted standards for construction on a substandard riparian lot.

VOTE: AYES - 6 NAYS - 0

5710 DEER TRAIL EAST - SPECIAL PURPOSE FENCE - MUSTONEN

Presentation by Community Development Intern Branch Johnson-Roets

The property is located in the northeast corner of the city along Poplar Drive and Dear Trail East.

The applicants request a Special Purpose Fence Permit to provide safety for their disabled child. A special purpose fence differs from city fence requirements of construction, height or length. Section 103 establishes a permit process for a special purpose fence.

The proposal is to construct a 6-foot vinyl fence in the full area to the rear of the home. The proposed setback from Poplar Drive is 3 feet and is entirely within their property lines. Currently, there is no fence on the property.

A variance is requested to Section 107-65(d)(7)(b)(1) allows a 4-foot fence adjacent to a public road right-of-way. The proposal is for a 6-foot fence.

Staff finds the proposed fence height and material to be reasonable for the intended purpose of thence. However, staff has concerns about the proposed 3-foot setback from the property lien along Poplar Drive, which could create a tunnel-like appearance and impact the character of the neighborhood. Increasing the setback to 10 feet with vegetative screening would provide an open appearance and better fit the residential character of the neighborhood. A 10-foot setback would conform to Section 107-65(7)(b)(1)(a) which allows a 6-foot fence on an arterial road when the setback is 10 feet from he property line. A 10-foot setback would not significantly reduce the usable yard area or interfere with the intended purpose of the fence.

Property owners within 150 feet were notified of the proposed fence request. Two comments were received, one in favor and one in opposition.

It is staff's recommendation that the planning commission forward a recommendation to the city council to approve the special purpose fence permit for a 6-foot privacy fence subject to the conditions outlined in the staff report. The conditions include: 1) a 10-foot setback from the property line along Poplar Drive; 2) vegetative screening between the fence and property line; and 3) upon sale of the property, the fence will be brought into compliance with the city development code.

Commission Questions
Ahmadvand asked for further explanation of the tunnel-like appearance. Johnson-Roets said that the proximity of a 6-foot fence to the road at 3 feet from the property line would create a wall or tunnel. If it were set back, it would be open as is characteristic in a residential neighborhood.

Solomonson clarified that a 10-foot setback would put the fence 19 feet from the curb of the road.

Scott and Brooke Mustonen, Applicants, 5710 Deer Trail East, said their son is mostly kept inside except when going to contained places because he will run off. Their intent is to create a safe space for him in their own yard. Losing 19 feet is a lot considering the lot size. He has been picked up by the police and found

by neighbors when he gets out. There is a pond in a park not far from their house. An autistic child is 160 times more likely to die from drowning.

Solomonson asked how the fence would impact the neighbor to the east. Mustonen said the neighbors on both sides and the ones across the street, who would see it, have signed their approval.

Ahmadvand said he does not see how there would be tunnel vision for drivers with a 6-foot vinyl fence. The Mustonens have the right to have as much room as possible to allow their child to run outside.

Solomonson verified that the fence would be solid with no view to the outside.

Chair John opened the discussion to public comment. There was none.

Commission Discussion
Ahmadvand said 10 feet takes quite a bit of the back yard. He would support a 3-foot setback.

Chair John also agreed but would like to see landscaping between the fence and street.

Solomonson said the fence will be in the middle of the block and does not believe it will have a tunnel effect. He asked if there is a utility easement. Hill said there is an easement, but landscaping would be required between the fence and property line as with any other fence.

Helgen agreed with a 3-foot setback. He would not want to see extensive landscaping required that would drive up the cost of the project.

MOTION: by Westadt, seconded by Helgen to recommend the city council approve the request for a Special Purpose Fence submitted by Scott and Brooke Mustonen, 5710 Deer Trail East, for a 6-foot-tall privacy fence. Approval is subject to the following conditions with the elimination of condition No. 2.

1. The project must be completed in accordance with this approval. Any significant changes, as determined by the City Planner, will require review and approval by the Planning Commission.
2. The fence shall be set back 10 feet from the property line along Poplar Drive.
3. Vegetation screening shall be planted between the fence and the property line along Poplar Drive.

4. The fence serves a special purpose, which is to provide personal safety and security to the applicant's son. Upon sale of the property or vacation of the property by the applicant and/or their son, the fence shall be brought into compliance with the City's Development Code. The applicant shall notify the City a minimum of 30-days prior to said sale or vacation of the property.
5. The fence shall be maintained in accordance with the standards of the Development Code.
6. The applicant shall obtain a zoning permit for the fence.

Commission Discussion:
Helgen offered an amendment to change condition No. 2 to 3 feet and not eliminate it. Westadt accepted the amendment.

VOTE ON AMENDED MOTION:
AYES - 6 NAYS - 0

406 HORSEHOE DRIVE - RESIDENTIAL DESIGN REVIEW AND VARIANCES - ROBERT THOMAS HOMES

Presentation by Associate Planner Will Harris

The proposal is to tear down the existing home and build a new one of 2,282 square feet with attached garage. Four variances are requested:

1. A variance for the lakeside setback, which is required to be 118.05 +/- 10 feet; the request is for 83.7 feet.
2. A variance for the front yard setback, which is required at 38.9 +/- 10 feet. The existing setback is 6.2 feet; request is for 6 feet.
3. A variance for the rear yard setback, which is required at 30 feet; the request is for 29 feet.
4. A variance for the building height, which is required to be 35 feet from the lowest portion of the finished grade to the highest peak of the roof on the lakeside; the request is for 37.11 and 7/8 feet. The home would be in compliance, except that this is a substandard riparian lot.

On a standard lot, height is measured from the mean curb level along the front lot line for all that portion of structure having frontage on a public right-of-way to the top of the cornice of a flat roof, or to the top line of a mansard roof, or to a point on the roof directly above the highest wall of a shed roof, or to the uppermost point on a round or other arch-type roof, or to the mean distance of the highest gable on a pitched or hip roof.

For substandard riparian lots, building height is measured from the highest roof peak to the lowest point at finished grade—the final grade upon completion of construction. The term “grade” is defined as the lowest point within five feet of the building in accordance with the Uniform Building Code.

The proposal complies with the development standards for lot coverage, foundation area and side setbacks.

Staff finds the proposal to be reasonable as a single family residential use, which is the permitted use. Unique circumstances are due to the access point off of an unimproved city right-of-way. The setback constraints on this lot create a 1,600 square foot area of buildable space, or about 10.7% of the total lot. This restricts the ability to construct a home on the lot and necessitates the three setback variances requested.

Staff also believes there is practical difficulty for the height variance. If the home were measured for a standard lot, the building height would be 25.8 1/4 feet, well below the minimum 35 feet. The topography change from the north side of the home to the building pad is 7 feet. The design of the existing home with a walkout basement are unique to the property. Requiring the property owner to have a daylight design would require additional fill and re-grading in a shore land area, which could potentially impact the flood plain.

The proposed home is consistent with the surrounding properties and would not impact the character of the neighborhood.

Property owners within 150 feet were notified of the proposal and residential design review. One comment was received expressing concern for the tree preservation within the right-of-way easement located on the western side of the subject property.

Staff is recommending adoption of Resolution 26-82 for the requested setback variances and Resolution 26-83 for the height variance.

Commission Questions
Helgen noted the elevation change explains the reason for the additional height and explains why a walkout makes more sense.

Ahmadvand asked if complying with the height requirement would mean additional grading which would exceed the watershed district recommendation. Harris said the watershed requirement is if there is grading in the flood plain, at 889.2 feet. The proposed elevation at the rear of the property is 891, which is close.

Solomonson asked if the proposed new home will be in the same location as the existing house. Harris said it will be slightly narrower and slightly longer which better conforms to the lot shape. Also, the detached garage is eliminated. Solomonson clarified that the driveway is not an improved street but only functions as a driveway.

John asked the height of the existing house. Harris said 22 to 24 feet.

Applicant Statement
Dave Gustafson, Kaitlin Davis, Applicants and Kevin Young and John Schmidt of Robert Thomas Homes, 16972 Branch Farm Drive, Lakeville, MN.
Gustafson thanked the commission for their time and said they have worked hard to conform to the lot as much as possible. He appreciates the commission's consideration as they try to build a home to expand their family.

Chair John opened the discussion to public comment. There was none.

Commission Discussion:
Solomonson said he supports all four variances because of the unique circumstances with access, topography and shape of the lot.

MOTION: by Westadt, seconded by Cordes to adopt Resolution 26-82 granting the requested setback variances for the property located at 406 Horseshoe Dr., subject to the following conditions:

1. The project must be completed in accordance with the plans submitted with the variance and residential design review applications. Any significant change to these plans, as determined by the Community Development Department, will require review and approval by the Planning Commission.
2. The proposed house and any attached structures shall meet a maximum setback of 83.7 feet from the Ordinary High Water Line of Lake Owasso.
3. The proposed house shall meet a maximum setback of 6 feet from the front property line.
4. The proposed house shall meet a maximum setback of 29 feet from the rear property line.
5. All necessary permits from the Ramsey-Washington Metro Watershed District shall be obtained, if required, prior to commencing any construction activity on site, including grading.
6. Shoreland Mitigation is required. The Shoreland Mitigation Affidavit must be executed before the building permit is issued.
7. The variance approval is subject to a five-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed

project. A building permit must be obtained before any construction activity begins.

8. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.

These actions are based on the following findings of fact:

1. The applicant proposes to use the property in a reasonable manner that is allowed in the R1, Detached Residential District.
2. Unique circumstances are present as stated in Resolution No. 26-82
3. The character of the neighborhood will not be altered or adversely impacted by the proposed variances;

and to adopt Resolution 26-83 granting the requested height variance for the property located at 406 Horseshoe Dr., subject to the following conditions:

1. The project must be completed in accordance with the plans submitted with the variance and residential design review applications. Any significant change to these plans, as determined by the Community Development Department, will require review and approval by the Planning Commission.
2. The proposed building height shall not exceed 37 feet 11 7/8 inches as measured from the lowest finished grade, as defined, to the highest peak of the building.
3. All necessary permits from the Ramsey-Washington Metro Watershed District shall be obtained, if required, prior to commencing any construction activity on site, including grading.
4. Shoreland Mitigation is required. The Shoreland Mitigation Affidavit must be executed before the building permit is issued.
5. The variance approval is subject to a five-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.
6. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.

These actions are based on the following findings of fact:

1. The applicant proposes to use the property in a reasonable manner that is allowed in the R1, Detached Residential District.
2. Unique circumstances are present as stated in Resolution No. 26-83
3. The character of the neighborhood will not be altered or adversely impacted by the proposed variances.

VOTE: AYES - 6 NAYS - 0

3760 LEXINGTON AVENUE N - PLANNED UNIT DEVELOPMENT CONCEPT - SUITE LIVING SENIOR CARE, HAMPTON COMPANIES LLC

Presentation by Senior Planner Izaak Peterson

The proposed suite living senior care is proposed east of Lexington, north of Gray Fox Road and south of Target Road. The Island Lake Golf Course abuts the property to the east.

Earlier this year the YMCA sold 4.35 undeveloped acres of their site. The YMCA worked closely with the city before accepting a development proposal. Hampton Companies has presented a concept plan for review and feedback prior to a formal application.

Currently, the property consists of 10.74 acres with frontage along Lexington and Target Road. It is zoned Commercial Service (C1). The YMCA facility was constructed in 1974. The property contains trees and vegetation along the north and south with a sloping grade toward the southeast low point, an undelineated wetland.

Hampton Companies proposes a phased development. Phase 1 is a 32-unit Suite Living Senior Care Facility with 20 assisted living units and 12 memory care units. Phase 2 would be 3 buildings with 4 attached townhomes in the southern area. There will be a private access drive with access to Target Road.

The property is identified in the comprehensive plan for medium density land use, which is 4 to 8 dwelling units per acre. The site is located within Policy Development Area (PDA) 16. PDA 16 stipulates that if redevelopment occurs adjacent to the existing low density residential neighborhood and consists of low or medium density residential, the redevelopment shall comply with the following:

1. Medium density residential structures shall not exceed two stories in height and shall contain no more than 4 units per building.
2. A buffer shall be provided and may consist of reduced building heights, increased building and parking setbacks and an enhanced landscape buffer.

Memory care units are considered group quarters and not factored into net density, per HUD and Met Council density guidance. The proposed 12 townhomes and 20 assisted care dwelling units total 32 dwelling units on 4.35 acres equals a density of 7.36 units per acre. Staff believes the proposal is consistent with the housing goals in the comprehensive plan as outlined in Chapters 4 and 7:

1. Provides a diverse mix of housing types and occupancy to create a balanced housing community
2. Supports residential development that provides life-cycle housing opportunities to changing community needs
3. Residential development should be protected from incompatible land uses with buffers, such as landscaping, increased setbacks, and/or incorporation of land use transitions
4. Addresses accessible housing needs for residents of all abilities
5. Supports redevelopment of under-utilized property for residential and mixed use to increase housing opportunities

In order to be approved through the PUD process, proposals that do not meet minimum standards of the ordinance need to provide benefits to the city, such as life-cycle housing, sustainable high quality building design, innovative stormwater management and transportation demand management. This project may require flexibility from city development standards for the following:

1. Minimum rezoning area - the 4.35 acres is less than the required 5 acres.
2. Building setbacks - the R2 and R3 zoning districts generally require a minimum setback of 30 feet from the front property line.
3. The R2 district requires a 30-foot setback from all sides; side yards can be reduced to 10 feet except for areas abutting a street right-of-way.

The Suite Living facility meets the 30-foot setback requirement on the western side but has a setback of 25 feet on the east, a 5-foot reduction. The front setback to the north for the townhomes is 8.2 feet; the requirement is 30 feet. The rear yard setback to the south is 35 feet.

A 24-foot private road is proposed to be accessed off Target Road. Joint maintenance agreements for the private road will be required. A pedestrian sidewalk will surround the Suite Living and townhomes and access Target Road. A hammerhead turnaround is planned for fire department circulation east of the townhomes that will be reviewed by the fire department.

Two off-street parking spaces per townhome are required. One must be completely enclosed. Five guest spaces are required per unit. Suite Living requires one parking space per four beds plus one per employee. Thirty (30) spaces are proposed which exceeds requirements. Staff will work with the applicant to determine parking needs.

The senior facility and town homes are single story. It has not yet been determined whether the townhomes will be owner occupied or rental. Staff recommends single story on slab on grade townhome construction for reduced building height as specified in PDA guidance.

Stormwater management must comply with the city's Surface Water Management Plan and Rice Creek Watershed District requirements. An evaluation of wetland is needed for the lowest portion of the site. Staff recommends preservation of existing trees on the north and south, which will be possible with the reduction of setbacks within the site.

Notice was sent to property owners within 350 feet of the site. One comment was received with concerns about tree preservation and evaluation of stormwater management, and preference for single story townhomes.

Rice Creek Watershed District has provided permitting requirements, including the need for a wetland delineation. Ramsey County has no initial concerns. The City Engineer has commented on the need for stormwater evaluation, maintenance agreement requirements, and utility connection from Lexington Avenue. The fire department requires evaluation of access for fire apparatus and fire hydrant requirements.

No official action will be taken at this time. The commission is asked to focus discussion on:

1. Compatibility of proposed residential land uses, consistency with PDA 16 guidance and comprehensive plan
2. Provide feedback on building mass, parking and site orientation
3. Provide feedback on the proposed setback deviations.

Commission Questions
Solomonson asked how the subdivision of the property would impact lot coverage for the YMCA. Peterson said the property is not currently subdivided. Staff does not believe there will be any conflict. There is a separation from the Y facility. The Y portion of the site is allowed 75% impervious surface.

Helgen said he would prefer to see buildings with two townhomes, not four. More consideration is needed for how the proposed hammerhead access will function for fire trucks.

Ahmadvand asked if there would be a crosswalk to Target for the pedestrian walkway. He noted the fire department has indicated the access for trucks and equipment is tight. Peterson said the city would have to evaluate whether a crosswalk would be appropriate. The fire department has required turning radiuses for their equipment that need to be applied to this design.

John asked if there is any access to the adjacent golf course. Peterson said feedback has not yet been received from Ramsey County Parks and Recreation. It would be appropriate for screening and landscaping to mark the property line.

Jeremy Larson, 1824 Berkley Road, White Bear Lake, said he is representing Hampton Companies and will answer any questions.

John asked what flexibility there is to reduce square footage for the Suite Living. Larson said none. There are 21 locations in the Twin Cities with the same model. This proposal is based on a model that works to take care of the residents. Reducing square footage would be detrimental to the project.

Solomonson asked the level of vehicle activity there might be for memory care. Larson said Suite Living is an end of life product, even those in assisted living. It is rare a resident still drives. The parking is the same as at other locations. There are 20 to 25 part-time and full time employees with seven present during the day and four or five overnight. Unfortunately, there are not many visitors. The parking is adequate.

Solomonson asked about making the memory care unit larger and not having townhomes. Larson said providing memory care can be overwhelming. This number is a good model for staff.

Chair John opened the discussion to public comment.

Therese McKenzie, 1045 Island Lake Avenue, said her road is a dead end. She wants to make sure there is sufficient green space between her neighborhood and this development. There is a pond and she would like to know if it will remain a pond. Peterson said it is identified as a stormwater catch basin, but stormwater calculations will determine whether it is wet or dry.

Commission Discussion
Solomonson said it is important to preserve this neighborhood. He likes the access from Target Road isolating the neighborhoo and the activity level is low. His concern is the townhomes to the south. They would fit better with the neighborhood, but access is from commercial. He would like to see a connection for the townhomes to the YMCA.

Cordes said the property is zoned commercial, and a proposal could have. been submitted that the city would have no control over. It is important to think about what could go there and what is proposed when talking about the neighborhood. The transition from townhomes to the big building is good because as people age, they are looking for affordable one- and two-story townhomes. He would like to see more density based on the comprehensive

plan. It will be important to have appropriate screening between this site and the golf course.

John agreed with Cordes. His concern is the tightness of the site and the hammerhead access area for the fire department. He is concerned the townhouses will get reduced or changed.

Ahmadvand also agreed with Cordes. This is a good use of the space. He respects the intentional design which is a function of providing care for the residents. His only concern is adequate screening between the townhomes and the neighborhood. He would like to see the buffer of trees remain.

Westadt said the proposed use is good and in line They have a model they use. It is good that something else has been identified that can be put on this site. She agrees with Cordes on the. need for housing and has no problem with the setback deviations.

Helgen said he likes the proposed use. The 4-unit townhome buildings need to be revisited because it creates more mass. He would like to see more green space. Twin homes might work better. The orientation of traffic needs further review.

MISCELLANEOUS

2026 CALENDAR AND MEETING ASSIGNMENTS
Commissioners Helgen is scheduled to attend the October 5th council meeting. There are no planning commission items at the October 19th council meeting

The draft development code will be brought to the planning commission at the October meeting. The draft is online and commissioners are urged to review it before the meeting.

ADJOURNMENT

MOTION: by Cordes, seconded by Westadt to adjourn the meeting on September 22, 2026, at 9:02 pm.

VOTE: AYES - 6 NAYS - 0

ATTEST:

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Tom Simonson
Asst. City Manager/Community Development Director

Memorandum

TO: Planning Commission

FROM: Will Harris , Associate Planner

DATE: October 27, 2026

SUBJECT: Variance Appeal, 804 County Road I W - Robert Freed

ITEM NUMBER: 7.A

SECTION: NEW BUSINESS

REQUESTED MOTION

For the Planning Commission to recommend that the City Council deny the variance appeal for the following two variances submitted by Robert Freed regarding the property at 804 County Road I, each to maintain a water-oriented accessory structure.

1. Variance to Sec. 115-149 (c) (3) (g) - Lakeside accessory OHW setback less than 25'
2. Variance to Sec. 115-155 (b) (3) (a) (2) to exceed the maximum permitted impervious surface coverage of 25%

This action is based on the finding that a practical difficulty is not present. The patio was not lawfully established by the previous owner, thereby making it an illegal non-conformity, and the desire to maintain a lakeside accessory structure on a site does not justify exceeding the maximum permitted impervious surface coverage by 10.6% or encroaching in the OHW setback.

Alternate Motion - To recommend that the City Council approve the following two variances submitted by Robert Freed regarding the property at 804 County Road I, to allow for a 170 square foot water-oriented accessory structure.

1. Variance to Sec. 115-149 (c) (3) (g) - Lakeside accessory OHW setback less than 25'
2. Variance to Sec. 115-155 (b) (3) (a) (2) to exceed the maximum permitted impervious surface coverage of 25%

This action is based on the finding that practical difficulty is present. The three findings, of reasonable use, unique circumstances, and neighborhood character, are outlined as follows:

1. Reasonable Use
2. Unique Circumstances
3. Neighborhood Character

INTRODUCTION

The applicant, Robert Freed, purchased the site located at 804 County Road I W in September of 2025 and applied for a new short-term rental license for the property the following month. In accordance with City regulations, staff performed an inspection of the site and, after receiving corrections for the issues noted, issued the license on November 3rd, 2025.

Subsequently, staff began receiving complaints from neighbors regarding concerns over parking capacity, location of vehicles parked on the site and on County Road I, occupancy limits, trash, and noise. After receiving further complaints in March, staff performed a thorough evaluation of the site, the listings on Airbnb, and neighbor complaints to compile a comprehensive list of violations of the rental code and municipal code to send to the owners and to bring the property into compliance. During this evaluation, staff found that the property has an illegally installed gravel parking area, a patio located lakeside that was installed in 2022, along with a deck that encroaches further into the lakeside structure setback than was permitted as part of a residential design review on the property, and a hot tub and associated pad in the Shore Impact Zone. The patio currently violates five provisions of the City Code.

Staff has met with the owners of the site multiple times to discuss potential options for correcting the violations present on the property. Ultimately, the applicants desire to maintain some of the existing patio that was a part of the home when it was originally purchased. Therefore, they proposed altering the existing patio to bring it into compliance with two of the five violations and requested variances for the remaining three violations to maintain the existing water-oriented accessory structure. The applicants also requested a variance to the lakeside structure setback for their deck.

The Planning Commission heard the following variance requests regarding the patio during its August 26th meeting and voted to deny them via a 5-2 vote:

1. Variance to Sec. 115-149 (c) (3) (d) - Lakeside accessory side setback less than 20'
2. Variance to Sec. 115-149 (c) (3) (g) - Lakeside accessory OHW setback less than 25'
3. Variance to Sec. 115-155 (b) (3) (a) (2) to exceed the maximum permitted impervious surface coverage of 25%

In addition, the Planning Commission heard the following variance request during its August 26th meeting and voted via a 7-0 vote to approve the following variance relating to the deck:

1. Variance to Development Code Sec. 115-149 (c) (2): The attached deck does not comply with the required structure setback of 50 feet from the OHW level.

The applicants appealed the denied variances regarding the water-oriented accessory structure to the City Council, which was heard on September 21st, 2026. During that meeting, the City Council voted 4-1 to remand the matter back to the Planning Commission due to an effort by the applicant to further reduce the size of the patio and reconfigure it to eliminate one of their original variance requests, thus coming into compliance with that code provision in the updated proposal. Because the City Council's action on September 21st was to remand the appeal based on the updated plans, the Planning Commission is being asked to provide a recommendation for approval or denial based on the updated request because the City Council did not feel comfortable making a final decision without input from the Commission. Therefore, the item in question is a continuation of the original appeal, and therefore the Planning Commission does not make a final decision as is standard with variance requests.

The City Council is requesting the Planning Commission's review of the variance requests stated below:

1. Variance to Sec. 115-149 (c) (3) (g) - Lakeside accessory OHW setback less than 25'
2. Variance to Sec. 115-155 (b) (3) (a) (2) to exceed the maximum permitted impervious

surface coverage of 25%

DISCUSSION

Property Description

The subject property is a substandard riparian lot located in the R1-Detached Residential Zoning District. The lot is 9,896 square feet, with a width of 75 feet along County Road I W to the north, thus making it a substandard lot, and depths of 119 feet along the western property line and 129 feet along the eastern property line. The property has a single-family home on it that was originally constructed in 1972, then significantly remodeled in 2003 when it went through a residential design review. As part of this remodel, the homeowners added 300 sq ft of living space on the street side of the property above the garage. As part of this RDR, the planning commission approved the owners to exceed the maximum allowed impervious surface coverage to 35.6% with a mitigation affidavit and no lakeside accessory structure.

With the current conditions of the property, the patio violates five provisions of the Shoreview City Code. The five patio violations include:

1. There are currently two water-oriented accessory structures on the property: the patio and the hot tub. This violates Sec. 115-149 (c), which states that on residential property, only one water-oriented accessory structure may be located between the OHW level and the required structure setback.
2. The water-oriented accessory structure, as it currently sits, is 314 sq ft, which exceeds the maximum area of 250 square feet per Sec. 115-149 (c) (3) (a).
3. The patio is currently 10 feet from the side property line on the eastern side, which exceeds the minimum setback of 20 feet per Sec. 115-149 (c) (3) (d).
4. The patio is currently located within the shore impact zone, which is an area where only lawfully created boathouses or off-season ice fishing houses may be permitted per Sec. 115-149 (c) (3) (g). This area is anywhere within 25 feet of the ordinary high water line. The current patio is located 10 feet 9 inches from the OHW. Code does permit that this setback requirement can be waived, but not reduced to less than ten feet from the OHW, if the planning commission determines that a practical difficulty exists which renders strict compliance to be unreasonable. This portion of code defines this usage of "practical difficulty" as due to topography or other circumstance acceptable to the city.
5. The home had a variance approved at 35.6% impervious surface coverage, which exceeded the previous limit of 30%. With the installation of a water-oriented accessory structure, the permitted amount of impervious surface coverage decreases to a maximum of 25% per Sec. 115-155 (b) (3) (a) (2). With the unpermitted improvements on the property, the site is currently at 41.5% impervious.

Project Description

To remedy the violations, the applicants are proposing the following modifications:

1. The owners are proposing to remove the existing hot tub to reduce the number of water-oriented accessory structures to one; therefore, they will be coming into compliance with Sec. 115-149 (c).
2. The owners are proposing to reduce the total square footage of the patio from 314 sq ft to 170 sq ft and replace the removed materials with sod; therefore, they will be coming into compliance with Sec. 115-149 (c) (3) (a).
3. The owners are proposing to reconfigure the patio layout to meet the 20' required side yard setback; therefore, they would be coming into compliance with Sec. 115-149 (c) (3) (d).

4. The owners are requesting a variance to Sec. 115-149 (c) (3) (g) to maintain the patio in its existing location within the shore impact zone, but will be reducing the amount of impervious surface within that area that is closest to the lake. The new patio will be located 17.6 feet from the OHW.
5. The owners are requesting a variance to Sec. 115-155 (b) (3) (a) (2) to exceed the maximum permitted impervious surface coverage amount of 25% when the property contains a water-oriented accessory structure. The owners are proposing to reduce the existing impervious surface coverage of the site from its current area of 4,102 sq ft to 3,389 sq ft, and the overall percentage of impervious surface from 41.5% to 34.2% by removing the hot tub and underlying pad, removing a portion of the patio, all of which is located within the shore impact zone, and removing the turnaround on the east side of the driveway and the adjacent pea gravel area, both of which would be replaced with sod. While this meets the total percentage that was approved through the residential design review in 2003, the need for the variance stems from the addition of the lakeside accessory structure and the subsequent reduction of allowed impervious coverage to 25% instead of the previously approved 35.6%.

Development Code Requirements

Residential Design Review for Substandard Lots

Development Code Sec 115-155(b) requires that no structures be expanded, constructed, or reconstructed on a substandard lot of record unless design review approval is first obtained from the city in accordance with Sec 103-5. As the various improvements made to the site were not reviewed by the city, Planning Commission review and consideration are required.

Design Standard	Allowed	2003 Approved	Current Conditions	2026 Proposed
Lot Area	15,000 sq. ft.	9,938 sq ft	9,896 sq ft	9,896 sq ft
Lot Coverage	25% with lakeside acc. structure 30% with no lakeside acc. structure	35.6% (Approved via RDR)	41.5%	34.2% *
Accessory Structure OHW Setback	1/2 the distance of the OHW setback for the principal structure (25 feet)	None	10.9 feet	17.6 feet *
Accessory Structure Total Size	200 sq ft	None	314 sq ft	170 sq ft
Accessory Structure Side Setback	20 feet	None	10 feet	20 feet

Variance Criteria

When considering a variance request, the commission must determine whether the ordinance causes the property owner practical difficulty and find that granting the variance is in keeping with the spirit and intent of the ordinance. Practical difficulty is defined as:

1. Reasonable Manner. The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.
2. Unique Circumstance. The plight of the property owner is due to circumstances unique to the property not created by the property owner.

3. Character of the Neighborhood. The variance, if granted, will not alter the essential character of the neighborhood.

Applicant Statement
The present owners of the property at 804 W Co Rd believe the need for these variances is required in part, first, by the placement of the houses in this area are very close to one another on relatively narrow lots, by their respective builders, leaving only relatively small side setbacks between each of the respective houses, and second, by a prior owner or prior owners of the present property who, perhaps separately, built a deck and an adjacent lakeside patio, which arguably violated provisions of the code, and that were existing, and which added to the value to the property, when the property was purchased by the present owners in September of 2025.

We agree to take the actions described above if we can obtain the requested variances from the Planning Commission and the Commission believes the proposed actions will be sufficient, along with the requested variances, to bring the property into compliance with the provisions of the code. It is believed by the present owners that the requested variances, together with the actions the present owners have tentatively proposed, will bring the property into compliance with the provisions of the code.

It will be appreciated that the present owners wish to be in compliance with provisions of the code, and that the actions they have agreed to take if the requested variances are granted, would be taken at significant trouble and expense, and that the practical difficulties associated with addressing the further aspects of the code that are not addressed by the proposed actions, which the present owners tentatively agree to take, and that would prevent the present owners from complying with the provisions of the code, are believed to consistent with the property owner using the property in a reasonable manner that would not be permissible under the code if the variances are not permitted.

Furthermore, it is believed that the present property owners' circumstances are unique to the present property and were not created by the present property owners. In addition, it is believed by the present property owners that none of the variances that have been requested will do anything that will alter the essential character of the neighborhood.

The applicants have also included pictures of the property that are taken from several vantage points to show what can be seen or not seen of the current patio, and presumably, would likely be seen or not seen of the proposed patio from these respective vantage points if the proposed actions are taken. The pictures taken from the dock show the steps that lead away from the patio to the dock, but the height of the rocks of the "riprap" on the lakeside of the current patio, and the grass adjacent to the patio, would likely prevent anyone on the dock or on the water in the lake adjacent to the shoreline from seeing the patio. Similarly, there are two pictures showing the area near the property line on the east side of the property, also showing that the current patio is not visible from the neighboring lot because of the rise of the landscaping provided in the area encompassing the lot line. We are providing these pictures to supplement the information provided in the present application.

Although we appreciate that drainage of rainwater from the roof of the house is not a central matter of concern with regard to the Commission's consideration of this matter, it was mentioned in one of our discussions as a matter of some limited concern that might put us in a favorable light with the Commission. We have reviewed this matter and note that one of the

prior owners has upgraded the gutter system on the house and placed five separate downspouts connected to the respective gutter system at different corners of the house, each of which drains into a separate catch basin, each of which is believed to drain away from the house into grassy areas in the yard that is spaced well away from the lake.

The present owners of the property at 804 W Co Rd wish to express their appreciation for the consideration and communication provided by the City planning staff with respect to this matter and also the further consideration provided regarding this matter by each of the respective members of the Planning Commission. Thank you.

PLANNING COMMISSION ACTION (AUGUST 25)

At their August 25th meeting, the Planning Commission denied the submitted variance requests for the following items:

1. Variance to Sec. 115-149 (c) (3) (d) - Lakeside accessory side setback less than 20'
2. Variance to Sec. 115-149 (c) (3) (g) - Lakeside accessory OHW setback less than 25'
3. Variance to Sec. 115-155 (b) (3) (a) (2) to exceed the maximum permitted impervious surface coverage of 25%

These decisions were made via a 5-2 vote as the Planning Commission was unable to find that a practical difficulty was present, necessitating the variance request.

During the same August 25th meeting, the Planning Commission unanimously (7-0) moved to adopt Resolution 26-68 granting a variance to reduce the lakeside structure setback from 19.5' to 17.9' to accommodate a deck.

CITY COUNCIL ACTION (SEPTEMBER 21)

Prior to the City Council meeting in which the variance appeal was scheduled for, the applicants submitted an update to their application materials and request. The owners' updated proposal includes a reconfiguration of the existing patio to 170 sq ft total and a reduction of the area on the eastern side to meet the 20-foot setback. Along with the reconfiguration, they proposed to completely remove the turnaround located on the eastern side of the driveway to further reduce the amount of impervious surface coverage on the site to 34.2%.

With the alterations proposed, the applicants would need variances to the sections listed below;

1. Variance to Sec. 115-149 (c) (3) (g) - Lakeside accessory OHW setback less than 25'
2. Variance to Sec. 115-155 (b) (3) (a) (2) to exceed the maximum permitted impervious surface coverage of 25%

The City Council voted 4-1 to remand the matter back to the Planning Commission due to this effort by the applicant to further reduce the size of the patio and reconfigure it to eliminate one of their original variance requests. Because the City Council's action was to remand the appeal based on the updated plans, the Planning Commission is being asked to provide a recommendation for approval or denial based on the updated request.

STAFF REVIEW

Staff has reviewed the updated proposal in accordance with the standards specified for the R1 zoning district, substandard riparian lots, and the variance requests relating to the lakeside accessory structure in accordance with the required criteria. Upon review, staff determined

that practical difficulty is not present because a unique circumstance not created by the property owner does not exist.

1. Reasonable Manner. A lakeside accessory structure within the R1 zoning district is a reasonable request provided certain dimensional requirements are met.
2. Unique Circumstances. Staff has determined that a unique circumstance is not present. The previously approved residential design review from 2003 was conditioned on the homeowners removing 5% of their total impervious surface coverage on the site as a mitigation practice to get down to 35.6%. With the addition of a lakeside accessory structure reducing the maximum total impervious surface percentage for the site down to 25%, staff believes the preference for a lakeside accessory structure on a site does not justify a variance to exceed the maximum permitted impervious surface coverage by 10.6%. The introduction of additional impervious surface coverage within the shore impact zone increases the risk of erosion in the near shore area and nutrient loading into surface waters due to runoff created by the improved area.
3. Neighborhood Character. Staff has determined that granting the variance would not alter the essential character of the neighborhood due to other properties along County Road I on Turtle Lake having patios.

COMMENTS

Public Comments

Property owners within 150 feet were re-notified of the remanded application. At the time of this report, no additional public comments have been received.

Staff and Agency Comments

Engineering staff provided comments regarding the importance of Shoreview's impervious surface limits: These regulations provide a consistent standard for builders and homeowners to help prevent cumulative negative impacts from rain runoff to drainage systems, flooding, and water quality. Excess impervious coverage on lake lots can directly affect water quality because rain will not soak into the ground, but can flow directly into the lake. When rain runs off the impervious surfaces, it can carry sediments and other pollutants to the lake.

Rice Creek Watershed District provided comments outlining their permitting specifications, which may be required for the removal of the patio if they are stockpiling over 50 cubic yards of erodible earth material and/or disturbing 5,000 sq ft.

RECOMMENDATION

Staff recommends the Planning Commission recommend that the City Council deny the variance appeal for the following two variances submitted by Robert Freed regarding the property at 804 County Road I, each to maintain a water-oriented accessory structure.

1. Variance to Sec. 115-149 (c) (3) (g) - Lakeside accessory OHW setback less than 25'
2. Variance to Sec. 115-155 (b) (3) (a) (2) to exceed the maximum permitted impervious surface coverage of 25%

This action is based on the finding that a practical difficulty is not present. The patio was not lawfully established by the previous owner, thereby making it an illegal non-conformity, and the desire to maintain a lakeside accessory structure on a site does not justify exceeding the maximum permitted impervious surface coverage by 10.6%.

ATTACHMENTS

Location Map
804 CR I W - Variance Application
Public Comment 1
Appeal of Decision - 804 CR I
Neighbor Response to 804 County Road I Variance Request
8-25-2026 Planning Commission Meeting Minutes Excerpt
9-21-2026 City Council Meeting Minutes
804 Planning Commission Neighbor Letter after Appeal

Location Map



8/6/2026, 2:41:38 PM

Override 1

Personal Property

Tax Parcels

Cities

County Offices

1:600

0 37.5 75 150 ft

0 10 20 40 m

Shoreview Community Development
4600 Victoria Street North
Shoreview, Minnesota 55126
651-490-4600 | shoreviewmn.gov

Residential Planning Request Application

I am applying for a:

Accessory apartment		Design review		Detached accessory structure on a lake lot	
Home occupation		Minor subdivision		Variance	X

Applicant information

Name: ROBERT FREED & MIRIAM ZACHARY

Address: 49 SOUTH DEEP LAKE RD. NORTH OAKS, 55127

Phone number: 612-735-7967 Email: BFREED1217@GMAIL.COM

Property owner information (if different from applicant)

Name: FREED ZACHARY PROPERTIES LLC

Address: 49 SOUTH DEEP LAKE RD. NORTH OAKS, 55127

Site information

Existing zoning: R1 - RESIDENTIAL

Address: 804 COUNTY RD I WEST

Property identification number: 11-30-23-12-0008

Number of lots proposed (for minor subdivisions): _____

Proposed use (for home occupations): _____

Robert C. Freed 7/23/26

Applicant signature Date

Property owner signature Date

For office use

Date received: 7/23/26

By: Will Harris

SHOREVIEW

Will Harris <wharris@shoreviewmn.gov>

Fwd: PROPOSED IMPERVIOUS SURFACE EXHIBIT

3 messages

Robert Freed <bfreed1217@gmail.com> Wed, Aug 5, 2026 at 1:39 PM
To: Will Harris <wharris@shoreviewmn.gov>, NHill@shoreviewmn.gov, "david.mb.freed@gmail.com" <david.mb.freed@gmail.com>, Ally Freed <ally.m.freed@gmail.com>, Miriam Zachary <miriamzachary@gmail.com>, Richard Whitman <rwhitman@egrud.com>

Thanks again for your recent letter, Will, and thanks also for our recent meeting with you and Niki. We ask that you revise our application to include this communication and to advise us if there is any further part of our application that is missing or could be somehow more clearly presented. Thank you.

We appreciate your stated willingness to answer any further questions we may have and note that we do have some further questions regarding the practical difficulties of bringing the property into compliance with the provisions of the code and the need for several variances that we have identified below and and any further variance that may be required. As such, we are hopeful that we can schedule a further meeting with you and Niki and also reserve a privilege to appropriately modify our application to reflect any further understanding of the criteria required for a variance and the development code requirements and the comprehensive plan policies we gain from such a further meeting with you. Thank you.

Please note that I am forwarding an email below that I received from Richard Whitman of E.G. Rud and Sons, which has three attachments, namely, a copy of the recently requested survey of the property from E.G. Rud, a copy of which you already have; a copy of a worksheet relating to the proposal that follows for this matter that Richard and I have prepared for you; and an exhibit that indicates changes we tentatively propose to make to the property upon reaching an agreement with the Planning Commision on the variances we believe we will need in order to be in compliance with the provisions of the code.

As I think you and Niki appreciate, it has been difficult for us to address all of the violations of the provisions of the code violated at least in part by the lakeside patio built by one or two prior owners and also to rectify our own actions related to the introduction of a hot tub near the lakeside patio without sufficient consideration. We propose to take the following actions if we can obtain the variances that we have requested below.

As noted below, we believe we will need to request, and hopefully receive from the Planning Commision, three variances related to the patio in order to be in compliance with the provisions of the code. We would agree to take the following action if we can obtain the requested variances. The actions we propose to take would be to: 1) remove the hot tub and the underlying hot tub pad and other underlying materials, and replace them with sod to reduce the overall percentage of impervious surfaces by 62 sq ft; 2) reduce the size of the patio from 314 sq ft to 200 sq ft and replace the removed marials with sod in the general manner indicated in the exhibit, (this would address the code provisions relating to the size of a lakeside accessory (i.e. size limited to 250 sq ft)) and also reduce the overall percentage impervious surface for the property by 114 sq ft; and 3) reduce the square footage of a small portion of the cement surface of the driveway and an adjacent pea gravel area just east of the driveway and replace them with sod, so that, together, these actions would further reduce the overall percentage of impervious surface for the property by another 404 sq ft. As such, if we take these actions, it is believed that these reductions in the impervious surface areas would have the overall effect of reducing the overall percentage of impervious surface coverage for the property from 4102 sq ft to 3522 sq ft and the overall percentage of impervious surface for the property from 41.5% to 35.6%, which we understand to be the limit for the same set forth in the provisions of the code.

The variances we believe we will need to bring the present property into compliance with the provisions of the code, and that we are therefore requesting from the Planning Commision, are as follows:

- Lakeside accessory OHW setback less than 25’
- Lakeside accessory side setback less than 20’
- Lakeside maximum viewing width greater than 12’

We believe the need for these variances is required in part, first, by the placement of the houses in this area very close to one another on relatively narrow lots, by their respective builders, leaving only relatively small side setbacks between each of the respective houses, and second, by a prior owner or prior owners of the present property who, perhaps separately, built a deck and an adjacent lakeside patio, which arguably violated provisions of the code, and that were existing, and which added to the value to the property, when the property was purchased by the present owners in September of 2025.

We agree to take the actions described above if we can obtain the requested variances from the Planning Commision and the Commision believes the proposed actions will be sufficent, along with the requested variances, to bring the property into compliance with the provisions of the code. It is believed by the present owners that the requested variances, together with the actions the present owners have tentatively proposed, will bring the property into compliance with the provisions of the code. If you or Niki believe there is any further need for additional action, or any further variance, please advise us. Thank you.

It will be appreciated that the present owners wish to be in compliance with provisions of the code, and that the actions that the present owners have agreed to take if the requested variances are granted by the Commision, would be taken at significant trouble and expense to the present owners, and that the practical difficulties associated with addressing the further aspects of the code that are not addressed by the proposed actions, which the present owners tentatively agree to take, and that would prevent the present owners from being in compliance with the provisions of the code, are believed to consistent with the property owner using the property in a reasonable manner that would not be permissable under the code if the variances are not permitted. Furthermore, it is believed that the present property owners' circumstances are unique to the present property and were not created by the present property owners. In addition, it is believed by the present property owners that none of the three variances that have been requested, will do anything that will alter the the essential character of the neighborhood.

The present owners of the property at 804 W Co Rd I wish to express their appreciation for the consideration and communication provided by the City planning staff with respect to this matter and also the further consideration provided regarding this matter by each of the respective members of the Planning Commision. Thank you.

Also attached, please find four pictures of the property that are taken from several vantage points to show what can be seen or not seen of the current patio, and presumably, would likely be seen or not seen of the proposed patio from these respective vantage points if the proposed actions are taken. The pictures taken from the dock show the steps that lead away from the patio to the dock, but the height of the rocks of the "riprap" on the lakeside of the current patio, and the grass adjacent to the patio, would likely prevent anyone on the dock or on the water in the lake adjacent to the shoreline, from seeing the patio. Similarly, there are two pictures showing the area near the property line on the east side of the property, also showing that the current patio is not visable from the neighboring lot because of the rise of the landscaping provided in the area encompassing the lot line. We are providing these pictures to supplement the information provided in the present application.

Although we appreciate that drainage of rainwater from the roof of the house is not a central matter of concern with regard to the Commision's consideration of this matter, it was mentioned in one of our discussions as a matter of some limited concern that might put us in a favorable light with the Commision. We have reviewed this matter and note that one of the prior owners has upgraded the gutter system on the house and placed five seperate downspouts connected to the respective gutter system at different corners of the house, each of which drains into a seperate catch basin, each of which is believed to drain away from the house into grassy areas in the yard that is spaced well away from the lake.

Thank you for your consideration, Will. We are hopeful that you and Niki and the members of the Planning Commision will appreciate our efforts to address the code violations associated with the patio and that the members of the Commision, following their consideration of this matter, will agree to grant us the requested variances.

We look forward to further communications with you regarding this matter.

Respectfully Submitted, Bob Freed

---------- Forwarded message ---------
From: **Richard Whitman** <rwhitman@egrud.com>
Date: Mon, Aug 3, 2026 at 8:40 AM
Subject: PROPOSED IMPERVIOUS SURFACE EXHIBIT
To: Robert Freed <bfreed1217@gmail.com>

Good morning Bob-

Attached is the exhibit and updated worksheet for your review and distribution to the City of Shoreview. I also included the Certificate of Survey we did back in April for comparison.

We are proposing a reduced size of the patio to 200 sqft and reducing the overall impervious surface to 35.6%.

Keep me posted!

Thanks,

Rich

4 attachments

PROPOSED EXHIBIT 8-3-26.pdf
706K

residential-design-review-worksheet 8-3-26.pdf
356K

PROPOSED IMPERVIOUS SURFACE REDUCTION

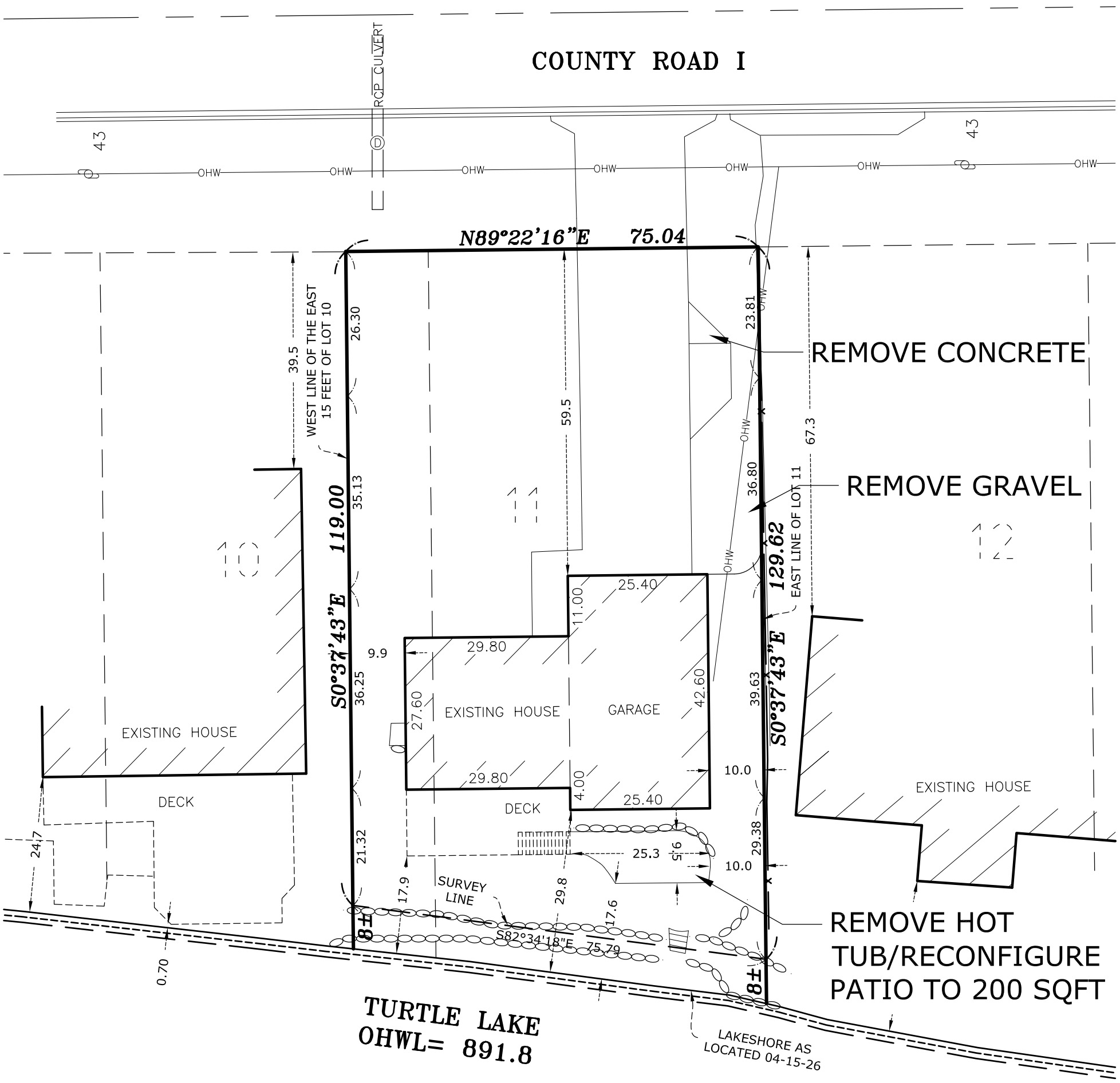
~for~ FREED ZACHARY PROPERTIES LLC
~of~ 804 COUNTY ROAD I WEST
SHOREVIEW, MN

GRAPHIC SCALE
20 0 10 20 40
1 INCH = 20 FEET

NORTH

LEGAL DESCRIPTION

The East 15.0 feet of Lot 10, and all of Lot 11, TURTLE LAKE SHORES, Ramsey County, Minnesota.



LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- DENOTES FOUND LARGE SPIKE
- CS DENOTES CURB STOP
- E DENOTES ELECTRICAL BOX
- G DENOTES GAS METER
- DENOTES POWER POLE
- DENOTES WELL
- x DENOTES FENCE
- DENOTES RETAINING WALL
- OHU DENOTES OVERHEAD UTILITY
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE
- DENOTES PAVER SURFACE

PROPOSED IMPERVIOUS SURFACE CALCULATIONS

TOTAL LOT AREA	9,896 SF (Acres)
EXISTING HOUSE AND GARAGE	1,905 SF
PROPOSED CONCRETE	1417 SF
PROPOSED PAVERS	200 SF
EXISTING GRAVEL	TO BE REMOVED
EXISTING HOT TUB	TO BE REMOVED
TOTAL IMPERVIOUS SURFACE	3522 SF
PERCENT IMPERVIOUS	35.6%

SURVEY NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 04-15-26.
- Bearings shown are on Ramsey County datum.
- Parcel ID Number: 11-30-23-12-0008.
- Curb shots are taken at the top and back of curb.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

I hereby certify that this plan, survey or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

By: PRELIMINARY
Minnesota License No. _____
Dated ____ day of _____ 2026.

DATUM: RAMSEY
JOB NO. 260262LS
SCALE: 1" = 20 '
DATE: 8/03/26
DRAWN BY: RGW
CREW: DT/CT

REVISIONS			
NO.	DATE	DESCRIPTION	BY
1			
2			
3			

E.G. RUD & SONS, INC.
EST. 1977
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701
www.egrud.com

CERTIFICATE OF SURVEY

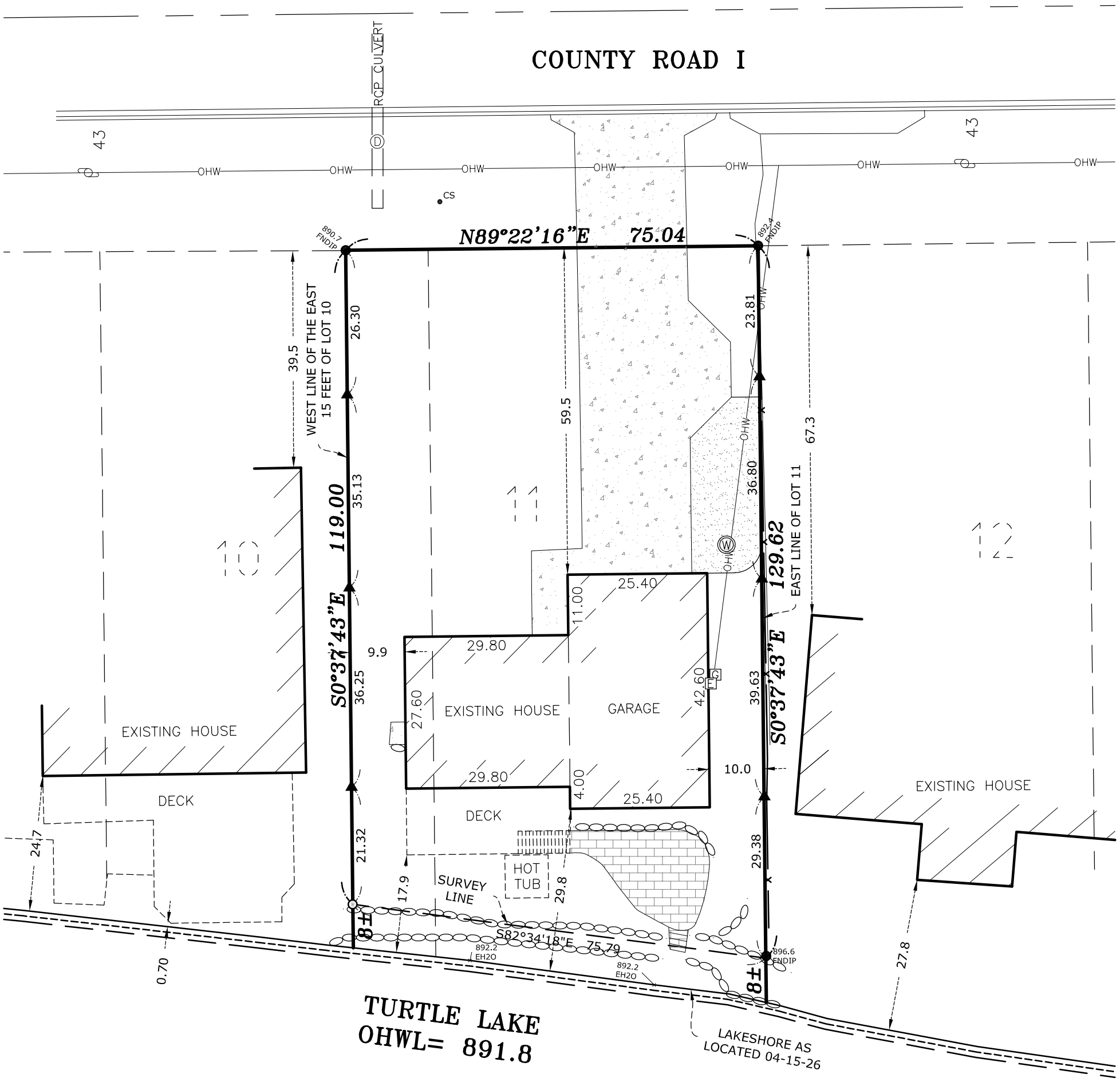
~for~ FREED ZACHARY PROPERTIES LLC
~of~ 804 COUNTY ROAD I WEST
SHOREVIEW, MN

GRAPHIC SCALE
20 0 10 20 40
1 INCH = 20 FEET

NORTH

LEGAL DESCRIPTION

The East 15.0 feet of Lot 10, and all of Lot 11, TURTLE LAKE SHORES, Ramsey County, Minnesota.



LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
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- DENOTES RETAINING WALL
- OHU DENOTES OVERHEAD UTILITY
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE
- DENOTES PAVER SURFACE

IMPERVIOUS SURFACE CALCULATIONS

TOTAL LOT AREA	9,896 SF (Acres)
EXISTING HOUSE AND GARAGE	1,905 SF
EXISTING CONCRETE	1,447 SF
EXISTING PAVERS	314 SF
EXISTING GRAVEL	374 SF
EXISTING HOT TUB	62 SF
TOTAL IMPERVIOUS SURFACE	4,102 SF
PERCENT IMPERVIOUS	41.5%

SURVEY NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 04-15-26.
- Bearings shown are on Ramsey County datum.
- Parcel ID Number: 11-30-23-12-0008.
- Curb shots are taken at the top and back of curb.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

I hereby certify that this plan, survey or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

By: _____
Minnesota License No. 41578
Dated 21st day of April 2026.

DATUM: RAMSEY
JOB NO. 260262LS
SCALE: 1" = 20 '
DATE: 04-21-26
DRAWN BY: RAF
CREW: DT/CT

REVISIONS

NO.	DATE	DESCRIPTION	BY
1			
2			
3			

E.G. RUD & SONS, INC.
EST. 1977
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701
www.egrud.com









To: Shoreview Planning Commission

From:
Brett and Jenna Marquard, 800 County Road I West, Shoreview, MN
Todd and Cheri Kennedy, 814 County Road I West, Shoreview, MN

Date: August 19, 2026

Subject: Formal Comment on Proposed Variances for 804 County Road I West

Dear Members of the Shoreview Planning Commission,

Thank you for your dedicated service and thoughtful stewardship of Shoreview, a city we have come to love. Your work is essential to preserving the integrity and natural beauty of our neighborhoods. As adjacent neighbors to 804 County Road I West, we are writing to respectfully urge you to deny their after-the-fact variance requests for the lakeside deck and patio under City Code Sections 115-147, 115-149, and 115-155. While we strongly support every homeowner's right to enjoy their property, granting variance relief in this instance would undermine critical shoreland protections, degrade water quality, validate unpermitted construction, and continue to disrupt the peaceful residential character of our neighborhood.

A variance requires practical difficulty under Minn. Stat. § 462.357, Subd. 6 and Shoreview Development Regulations, and we respectfully submit that the application at 804 County Road I West fails to meet any of the three foundational standards required for granting a variance:

1. Reasonable Manner *(The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations)*: The applicant currently uses the property in a manner that significantly exceeds a reasonable residential scope. The current hardscape patio and deck encroach into mandatory lake and side-yard setbacks (Sec. 115-149) and facilitate frequent high-capacity gatherings that are inconsistent with a single-family neighborhood. Throughout this summer, 804 County Road I West has consistently operated as a high-density event space, regularly accommodating gatherings exceeding 25 visitors, all using the large deck and lakeside patio adjacent to our property. The owner's online short-term rental listing advertises the residence as an event space, noting "A private chef is available to create custom catering experiences for special events and family gatherings, indoors or outdoors." *(see example in photo below from 8/15/2026 showing one instance of a private chef and party on the patio adjacent to our property)*. Reasonable enjoyment of this property is already fully afforded by other aspects of the property. These are luxury amenities and we request that the owners adhere to the City's mandatory lake and side-yard setbacks.
2. Unique Circumstances. *(The plight of the property owner is due to circumstances unique to the property not created by the property owner)*: The applicant's plight is not the result of unique, unavoidable physical hardships inherent to the lot, but rather by choice. The parcel is a standard residential riparian lot. The applicant states the unpermitted deck and patio were installed by a prior owner. However, a purchaser inherits the non-conforming status of

a property; purchasing unpermitted improvements or seeking to preserve non-compliant aspects of a property is a self-created hardship. Furthermore, the applicant points to shoreline erosion and the location of the Ordinary High Water line, yet the beach created by that erosion is actively marketed by the owner as an amenity (their online listing states “this spacious home offers a private sandy beach”) and the beach is often used by guests *(see example in photo below from 7/27/2026)*. Shoreline erosion should be addressed through lakeshore stabilization and native restoration, not leveraged as a hardship to justify structural non-compliance and then advertised as a property amenity. Additionally, while the applicant requested a variance under Sec. 115-147 for the deck setback from the Ordinary High Water line, the application provides no justification for this variance.

3. Character of Neighborhood. *(The variance, if granted, will not alter the essential character of the neighborhood.)*: The unpermitted additions to the house have already degraded the peaceful, residential character of our lakeshore by introducing noise, congestion, trash, and boundary encroachments *(see example in photo below from 7/19/2026)*. The applicant is asking the Planning Commission to permanently authorize an ongoing excess of hard surface directly adjacent to Turtle Lake. While we are not water quality experts, hard surfaces reduce the natural vegetative shoreline buffer required to filter runoff into public waters.

For the reasons stated above, we respectfully ask the Planning Commission to uphold Shoreview’s ordinances and deny the requested variances for 804 County Road I West. Validating unpermitted construction after the fact undermines the protections designed to safeguard Shoreview residents. We thank you again for your time and careful consideration.

Sincerely,
Brett and Jenna Marquard
800 County Road I West

Todd and Cheri Kennedy
814 County Road I West, Shoreview, MN

8/15/2026: Private chef dinner + bachelorette dance party



7/27/2026: Multi-day party using outside hardscapes and sandy beach



7/19/2026: Dog owned by guests wandering into and defecating in our yard



APPEAL OF DECISIONS

Return to:

Department of Community Development
City of Shoreview
4600 Victoria Street North
Shoreview, MN 55126
(651) 490-4680

Description of Appeal: We are appealing the Planning Commission's August 25, 2026 denial of the three requested patio variances (File No. 2968-26-16). We believe the decision did not fully account for the property's unique circumstances, and that relevant considerations including potential modifications to the proposal were not fully addressed. We intend to submit a more detailed statement in advance of the City Council's review.

Site Identification:

Address: 804 County Road I W, Shoreview, MN 55126

Property Identification: 11-30-23-12-0008

Legal Description: TURTLE LAKE SHORES E 15 FT OF LOT 10 & ALL OF LOT 11, Ramsey County, Minnesota

Applicant:

Name: Robert Freed

Address: 49 S. Deep Lake Road, North Oaks, MN, 55127
Telephone Number: 612-735-7967 (daytime) (home)

E-Mail: bfreed1217@gmail.com

Property Owner (if different from applicant):

Name: Freed Zachary Properties LLC

Address: (same as address above)

Signatures:

Applicant: Robert Freed Date: 9/1/2026

Robert C. Freed September 1, 2026

Date Received by City: Sept. 1 2026 By Whom: Will Harris

FILING REQUIREMENTS

THE FOLLOWING ITEMS MUST BE SUBMITTED:

1. Completed application form.

2. Filing fee of $100.00 (make checks payable to the City of Shoreview). ***The filing fee is non-refundable.***

3. A currently certifiedAbstract of Title or an Owner's Duplicate Certificate of Title and copies of all unrecorded documents necessary to establish a legal or equitable interest by the applicant in the property involved. (IF REQUIRED BY STAFF)

4. A statement describing the request submitted to staff, why you believe the City staff or Planning Commission erred in its decision.

5. One 8 1/2"x11" and one 11" by 17" half-scale reproducible print shall be submitted for each required sketch, drawing, or plan. ***Two*** 24"x36" copies of each plan sheet for staff review. (IF REQUIRED BY STAFF)

   Digital Copies of plans can be submitted at: http://www.shoreivewmn.gov/pc/application

REVIEW PROCEDURE

1. Upon receipt of a completed appeal application, the City Planner will circulate the proposal to all interested agencies and City staff, schedule a hearing for the next available Planning Commission (Board of Adjustments and Appeals) or City Council meeting and then prepare a written recommendation. The City Planner may also survey the adjoining property owners for their comments. The Planning Commission shall act as the Board of Appeals during the review of the appeal.

2. Decisions of the Planning Commission (Board of Appeals and Adjustments) are final unless the applicant or aggrieved party appeals to the City Council. An Appeal Application must be be submitted to the City Manager within five business days of the Board's decision and include a written statement as to why you believe the Planning Commission (Board of Appeals and Adjustments) erred in its decision. The City Council may grant the appeal upon approval by a majority vote of its membership.

NOTES

1. An application cannot be accepted until each of the filing requirements listed above has been satisfied.

2. The purpose of requiring the data referenced in the filing requirements is to permit the City to thoroughly evaluate your proposal relative to City ordinances and policies. Refusal to provide the requested information may jeopardize the scheduling of your request for Planning Commission (Board of Appeals and Adjustments) review. Information submitted with this application will be made available to anyone who may request it.

3. The City of Shoreview recommends that you discuss your proposal with the adjoining property owners before you submit an application. In so doing, you may address items that might be of later concern.

4. The applicant and property owner shall be responsible for paying any out-of-pocket administrative, engineering, or legal expense incurred by the City to process this application or to enforceany conditions(s) of any resulting approval or permit

STATEMENT IN SUPPORT OF APPEAL

File No. 2968-26-16

804 County Road I West, Shoreview, MN 55126

To: Shoreview City Council

From: Robert Freed & Miriam Zachary

Re: Appeal of the Planning Commission's August 25, 2026 denial of three patio variances at 804 County Road I West

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I. Introduction

This is an appeal of the Shoreview Planning Commission's August 25, 2026 denial of three variances associated with the lakeside patio at 804 County Road I West. We ask the City Council to remand this matter to the Planning Commission for a new review, not to approve or deny the variances directly.

We request that remand for two independent reasons. First, and most importantly, we believe the Planning Commission erred by failing to discuss and consider whether a practical difficulty is present because of the unique circumstances presented by the substandard lot size, the house footprint, and the house's proximity to the shore, none of which was created by the current owners. Second, in good faith, we have revised our proposal since the hearing to bring it into closer compliance with the city's code. Either reason independently supports a new review.

II. Statement of Facts

On August 25, 2026, the Planning Commission considered four variance requests for this property: one for the existing lakeside deck, and three for the existing lakeside patio. All four were evaluated under the same three-part standard set out in Minn. Stat. § 462.357, subd. 6, and Shoreview's own ordinance: (1) whether the requested use is reasonable; (2) whether the applicant's situation is caused by circumstances unique to the property and not created by the property owner; and (3) whether the variance would alter the essential character of the neighborhood.

Staff's own report found the first and third factors satisfied for all four variances, including all three patio variances. In every case, the dispute came down to the second factor: whether or not there exists a “unique circumstance.”

For the deck, staff and the Commission found that shoreline erosion, a physical fact about the land not caused by any owner, satisfied that factor. The Commission approved the deck variance 7-0.

For the patio, staff recommended denial of all three variances on the grounds that a “unique circumstance” was not satisfied. On the impervious surface coverage variance, staff's stated reason for denial was that the request exceeded the 25% limit by more than 10 percentage points. On the setback variance from the ordinary high water mark, staff's stated reason was that the legal test for practical difficulty was not present. The Commission's written decision adopted these recommendations, characterizing the request to maintain the patio as “a matter of preference rather than a unique circumstance,” and denied all three patio variances by a vote of 5-2, with two Commissioners dissenting.

Since the hearing, we have worked with our land surveyor to revise our proposal. The revised configuration eliminates the need for one of the three original variances, the side-yard setback, entirely, by relocating the patio to meet the required 20-foot side setback. It reduces the patio's area to approximately 170 square feet, with its lakeside edge at approximately 17.6 feet from the ordinary high water mark. A scaled site plan reflecting this configuration is provided with this appeal, though the Planning Commission has not yet had the opportunity to review it. If the Council remands this matter, the Commission would be considering two variances rather than three.

III. Argument

A. Staff Applied an Inconsistent Standard to Two Physical Facts of the Same Kind

The deck and patio variances were decided the same night, under the same legal standard, by the same body. The only factor in dispute for either was whether a circumstance unique to the property, not created by any owner, justified the request. For the deck, the Commission answered that question by pointing to a physical fact: erosion at the shoreline. For the patio, no comparable physical fact was identified in the denial. But the record already contained physical facts of the same kind and force, and they were not addressed.

Nothing in the applicable standard turns on whether a physical circumstance changed over time or has existed since the property was platted. Minn. Stat. § 462.357, subd. 6, asks only whether the circumstance is unique to the property and not created by the owner, a test the lot's substandard size and coverage limitations satisfy in exactly the same way shoreline erosion does. If anything, a fixed physical constraint that has existed since platting is a more permanent basis for relief than a condition that may continue to change.

B. The Property's Physical Limitations Independently Satisfy the Unique-Circumstance Requirement

Three independent physical facts, taken together, satisfy this requirement. Unlike a hardship that results from a landowner's own choices, none of the three depends on any decision made by any owner, current or past; each is a fixed characteristic of this parcel.

1. The Substandard Lot Classification

Shoreview's Development Code, § 115-155(b), classifies this parcel as a substandard lot of record: 9,896 square feet against the code's 15,000-square-foot standard. Staff's own presentation to the Commission established this classification as an undisputed, physical fact about the property that same night. That fact was never addressed in the analysis of the patio variances, even though it is exactly the kind of fixed, ownership-independent physical characteristic that supported the deck variance.

2. The Impervious Surface Floor

Staff recommended denial of the impervious surface variance because the request exceeded the 25% limit by more than 10 percentage points. That framing does not reflect the physical reality of this lot. Even with every lakeside feature removed entirely, along with a minimized two-lane driveway, this property cannot fall below approximately 32.5% impervious surface coverage; the house and a functional driveway alone account for that much. Our revised proposal, after minimizing every other area of impervious surface coverage and reducing the patio further, comes to approximately 34%. This is not a matter of degree or preference. It is the physical impervious surface floor this lot has always had since the house was built, regardless of who owns it or what is built on it.

The hearing record confirms this independently. At the August 25 hearing, Shoreview's Assistant Community Development Director, responding directly to a commissioner's question about how the lot could realistically reach 25%, stated on the record that even removing the patio and hot tub entirely, and reducing the driveway proportionally, the property would still sit at approximately 32% coverage, not 25%. She stated plainly that 25% “may not be a realistic goal” for this property. That statement does not appear anywhere in staff's written report. It was made only in response to direct questioning at the hearing itself.

This point should be stated plainly: because it is physically impossible for this property to reach 25% impervious surface coverage, that impossibility is itself a circumstance unique to the property, not created by any owner. A commissioner acknowledged as much on the record, stating that returning to the 35.6% coverage approved in 2003 was “reasonable” given the property's size. But the denial did not treat that impossibility as satisfying the unique-circumstance factor. It instead recharacterized the same impossibility as a dispute over where the unavoidable coverage should sit, a question the applicable standard does not ask.

3. The Ordinary High Water Setback

The same physical reality applies to the setback from the ordinary high water mark. Code requires structures like our patio to remain outside a 25-foot buffer from that line. The home itself sits only approximately 29.5 feet from the line, leaving a strip of roughly 4.5 feet between the house and the buffer, not enough room for any functional patio, of any size or configuration. This is not a design choice. It is a consequence of where this lot's buildable area sits relative to the lake, and it is exactly the kind of fixed, physical fact that supported the deck variance.

Stating it clearly again: it is impossible to build a lakeside patio on this property that is outside of the 25-foot shore impact zone setback. This creates a unique circumstance.

C. The Denial Does Not Reflect a Failure of Due Diligence by the Current Owners

One commissioner's stated basis for voting to deny our patio variances included the view that we should have done our own due diligence and discovered this was an illegal patio while purchasing the property. We ask the Council to weigh that view against the following facts. The previous owners, sellers to the Freeds, owned this home throughout 2021 and 2022, the same time staff's presentation identifies as when the patio and an adjacent gravel area were added without permits. In a disclosure statement signed in December 2024, the sellers represented that they were not aware of any work performed on the property without required permits, and that there were no shoreland restrictions or non-conforming use issues affecting the property. They disclosed a full remodel during that same period and identified their contractor, but did not disclose the patio, the gravel area, or any permitting issue. Our own home inspection before closing did not identify these issues, and neither did the City's own inspection of the property in connection with our short-term rental license application shortly after we purchased it; the issues were identified only after a later parking complaint prompted a closer review by staff.

We would also note that short-term rental use came up more than once during the August 25 discussion, in public comment and in staff's own account of how these violations were first identified. In that context, one commissioner stated directly and unprompted, on the record, that this consideration played no part in his own decision. We think that statement is itself telling, and we ask the Council to apply the same standard: the criteria at issue tonight concern impervious surface and setbacks, not how the property is used.

IV. Relevant Legal Authority

Minnesota courts have held that a city's variance decision must be reversed when its stated reasons are legally insufficient or lack a factual basis in the record (Sagstetter v. City of St. Paul, 529 N.W.2d 488, 491 (Minn. App. 1995)). The two variances at issue here are also area variances, setback and coverage, not a change in use, which Minnesota courts have confirmed are governed by the same, more flexible “practical difficulties” standard used for the deck variance approved the same night (In re Stadsvold, 754 N.W.2d 323, 331 (Minn. 2008)).

V. Conclusion and Relief Requested

For the reasons set out above, we ask the Council to remand this matter to the Planning Commission for a new review. We believe the Planning Commission erred by failing to consider whether a practical difficulty exists based on this property's substandard lot size, house footprint, and proximity to the shore, circumstances the current owners did not create. We also make this request in good faith, having revised our proposal to bring it into closer compliance with the city's code. We respectfully ask that this matter be sent back so the Planning Commission can consider it with the complete picture set out in this statement.

Respectfully submitted,

Robert Freed & Miriam Zachary

PROPOSED SITE PLAN

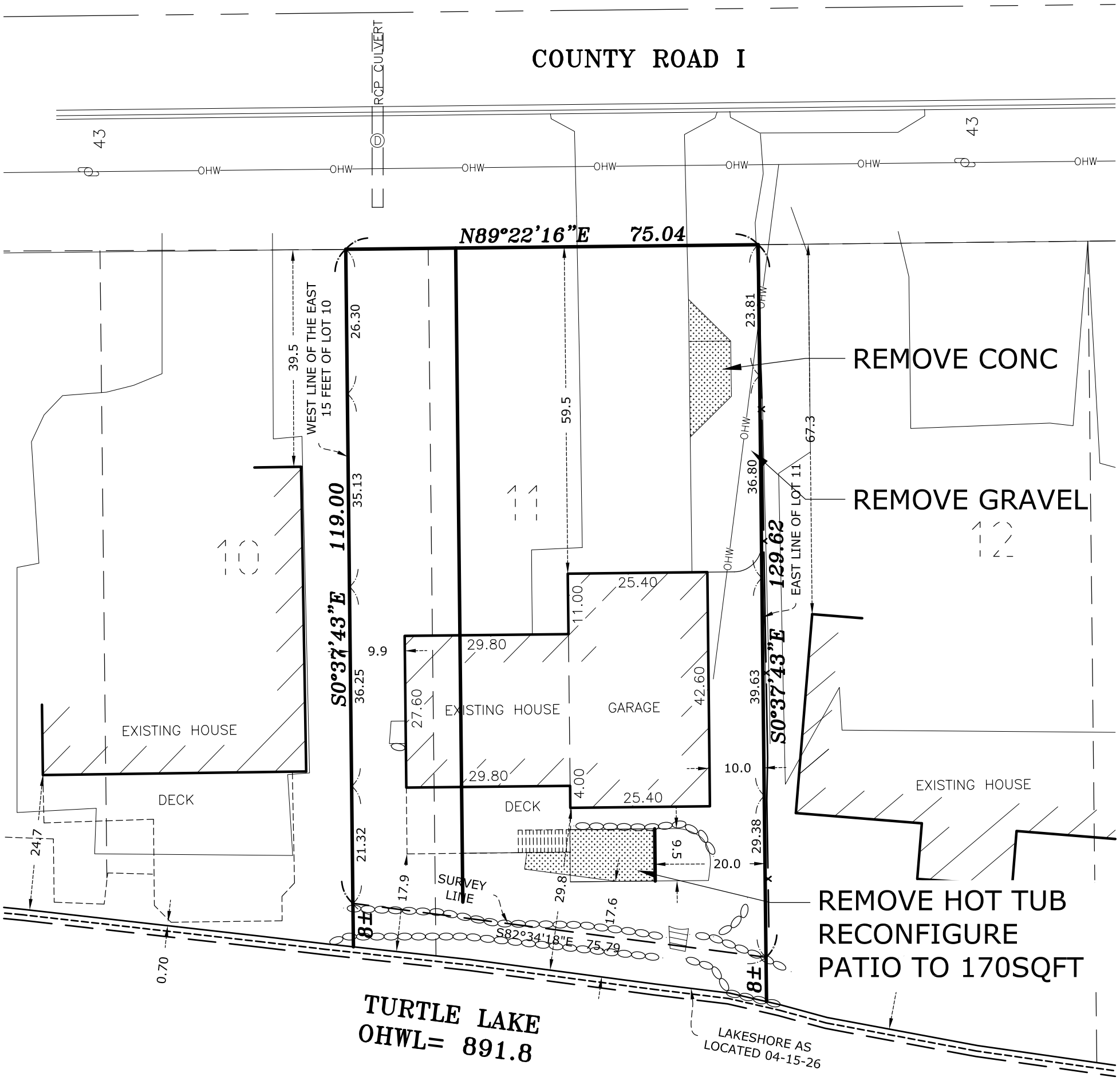
~for~ FREED ZACHARY PROPERTIES LLC
~of~ 804 COUNTY ROAD I WEST
SHOREVIEW, MN

GRAPHIC SCALE
20 0 10 20 40
1 INCH = 20 FEET

NORTH

LEGAL DESCRIPTION

The East 15.0 feet of Lot 10, and all of Lot 11, TURTLE LAKE SHORES, Ramsey County, Minnesota.



LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- DENOTES FOUND LARGE SPIKE
- CS DENOTES CURB STOP
- E DENOTES ELECTRICAL BOX
- G DENOTES GAS METER
- DENOTES POWER POLE
- DENOTES WELL
- x DENOTES FENCE
- DENOTES RETAINING WALL
- OHU DENOTES OVERHEAD UTILITY
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE
- DENOTES PAVER SURFACE

PROPOSED IMPERVIOUS SURFACE CALCULATIONS

TOTAL LOT AREA	9,896 SF (Acres)
EXISTING HOUSE AND GARAGE	1,905 SF
EXISTING CONCRETE	1314 SF
EXISTING PAVERS	170 SF
EXISTING GRAVEL	TO BE REMOVED
EXISTING HOT TUB	TO BE REMOVED
TOTAL IMPERVIOUS SURFACE	3389 SF
PERCENT IMPERVIOUS	34.2%

SURVEY NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 04-15-26.
- Bearings shown are on Ramsey County datum.
- Parcel ID Number: 11-30-23-12-0008.
- Curb shots are taken at the top and back of curb.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

I hereby certify that this plan, survey or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

By: PRELIMINARY
Minnesota License No. _____
Dated ____ day of _____ 2026.

DATUM: RAMSEY
JOB NO. 260262LS
SCALE: 1" = 20 '
DATE: 9/08/26
DRAWN BY: RGW
CREW: DT/CT

REVISIONS			
NO.	DATE	DESCRIPTION	BY
1			
2			
3			

E.G. RUD & SONS, INC.
EST. 1977
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701
www.egrud.com

Date: September 16, 2026

To: Members of the Shoreview City Council

From:
Brett and Jenna Marquard (800 County Road I West)
Todd and Cheri Kennedy (814 County Road I West)

Subject:
Formal Opposition to Appeal
& Remand Request (File No. 2968-26-16) for 804 County Road I W

Dear City Council Members,

We are writing as adjacent property owners to respectfully urge the City Council to **AFFIRM the Planning Commission's 5-2 decision** denying three patio variance requests for 804 County Road I West and **DENY the applicants' request to remand** the matter back to the Planning Commission for the reasons below.

1. Protecting Turtle Lake Environmental Buffer. Shoreview Development Code strictly establishes the 25-foot Shore Impact Zone as an essential ecological buffer designed to filter pollutants, prevent shoreline erosion, and preserve water quality.

- This property's 2003 variance granting 35.6% lot coverage was **expressly conditioned on having NO lakeside accessory structures**. Under Shoreview Development Code, adding a lakeside accessory structure triggers a strict 25% maximum coverage limit.
- City Engineering explicitly stated that the hardscape inside the 25-foot Shore Impact Zone increases polluted stormwater runoff directly into Turtle Lake.

2. Private Real Estate Disclosures Do Not Bind Municipal Enforcement. The applicants argue that their reliance on a seller's disclosure statement shields them from a self-created hardship. However, under the Minnesota Seller Disclosure Act, **private real estate disclosure omissions between buyer and seller are strictly private civil matters. They do not bind the City of Shoreview or override local zoning enforcement.** Under established Minnesota land-use law, unpermitted zoning violations run with the land. A buyer has legal recourse against a seller who does not disclose unpermitted zoning violations, which doees not obligate the City to compromise its shoreland development standards or grant after-the-fact variances.

3. Cumulative Environmental Capacity Has Already Been Exhausted. The Planning Commission's 7–0 approval of the deck variance accommodated 1.95 feet of natural erosion. Notably, the City staff report confirms that the original deck permitted in 2003 was torn down and replaced without permits with a **significantly larger deck** that spans the western portion of the home and encroaches an additional 1.6 feet closer to the water. The Commission showed **substantial flexibility by granting after-the-fact relief** for that expanded deck. That approval, combined with existing structures, pushed the parcel's impervious coverage to roughly 32.5%-far exceeding the standard 25% threshold for lots with lakeside accessory structures.

The City cannot evaluate impervious surface coverage in a vacuum. Granting the deck variance consumed all reasonable site-specific tolerance this substandard parcel could environmentally sustain. Layering an unpermitted patio directly into the Shore Impact Zone on top of that already expanded footprint crosses the line from necessary accommodation into cumulative overdevelopment.

4. No Practical Difficulty. Variances require showing that the land cannot be put to a reasonable use without relief. With a single-family home and a (currently variance-granted) large lakeside deck, the applicants enjoy full residential utility. Wanting an optional lakeside patio inside an environmentally protected zone is a personal preference, not a legal hardship. Furthermore, remanding denied variances sets a harmful precedent that undermines the finality of Planning Commission decisions.

We respectfully request that the City Council adopt staff's findings, affirm the Planning Commission's 5–2 denial, and deny the request for remand.

Sincerely,

Brett & Jenna Marquard (800 County Road I West)

Todd & Cheri Kennedy (814 County Road I West)

SHOREVIEW PLANNING COMMISSION
MEETING MINUTES
AUGUST 25, 2026

CALL TO ORDER

Chair John called the August 25, 2026 Shoreview Planning Commission meeting to order at 7:00 pm.

ROLL CALL

The following Commissioners were present: Chair John; Commissioners Ahmadvand, Anderson, Cordes, Solomonson and Westadt.

Commissioner Helgen arrived late.

Staff Present: Asst. Community Development Director Niki Hill, AICP
Senior Planner Izaak Peterson
Associate Planner Will Harris
City Attorney Rebecca Duren

804 COUNTY ROAD I W - VARIANCES - ROBERT FREED

Presentation by Associate Planner Will Harris

The property is located on the northern side of Turtle Lake. It is zoned R1 and is a substandard riparian lot. The property consists of 9,896 square feet with a width of 75 feet along County Road I W. Depth is 119 feet along the western property line and 129 feet along the eastern property line. The property is developed with a single family home originally constructed in 1972. In 2003, in a Residential Design Review application, the following were approved:

- Additional 300 square feet of living space above the garage
- Maximum allowed impervious surface of 35.6% with a mitigation affidavit and no lakeside accessory structure
- A lakeside setback of 19.5 feet for the existing deck, but the deck was built with a 17.9 foot setback from the OHW without a permit.

In 2022, a different owner built an illegal water-oriented accessory structure and a gravel parking pad on the eastern side of the driveway without a permit

The current owners purchased the property in September 2025, and put in a hot tub, an additional non-permitted water oriented accessory structure. Currently, the home is a licensed rental property.

There are six violations of city code on the property:

1. Two water oriented accessory structures with the hot tub and patio located between the OHW and the required structure setback which amounts to 250 square feet of water oriented accessory structure
2. Current patio is 314 square feet; the hot tub is 62 square feet
3. The side yard setback for the water oriented structure patio is 10 feet; the required setback is 20 feet
4. Any water oriented structure may not be located within the shore impact zone, which is a setback of 25 feet from the OHW. The patio is 10 feet from the OHW. The planning commission has authority to waive this setback requirement but cannot reduce it to less than 10 feet. This exception can be made due to topography or other circumstances acceptable to the city.
5. The total maximum impervious surface is 41.5%, although 35.6% was approved in 2022. Code requires 25%.
6. The further deck addition encroachment is a violation of the structure setback from the OHW which is 50 feet. As a nonconformity, 19.5 feet was approved as part of the residential design review in 2003.

The applicants propose the following to bring the property into compliance:

- Remove the existing hot tub
- Reduce total square footage of accessory structure to a total of 200 square feet by reducing the patio size and removing the hot tub

The following variances are requested:

- Exceeding the required impervious surface of 25%
- Allowing the water oriented accessory structure patio to encroach into the shore impact zone with a setback from the OHW of 17.9 feet.
- Allow the east side setback for the patio at 10 feet; 20 feet is required

- Allow the attached deck a setback of less than the 50 feet required from the OHW

Staff Review
Staff does not believe there is practical difficulty for the three variances related to increased impervious surface; allowing the water oriented accessory structure patio to encroach into the shore impact zone; and allowing the east side setback for the patio at 10 feet rather than the required 20 feet. The approved residential design review of 2003 conditioned removal of 5% of impervious surface to an approved 35.6%, which still exceeds the maximum allowed of 25%. The preference for a lakeside accessory structure on a site does not justify exceeding the maximum permitted by 10.6%. The site allows for further reduction of the patio for the side setback to conform to the required 20-foot setback.

Staff does believe there is a unique circumstance for the reduction of the OHW setback from 19.5 to 17.9 because of the erosion that has occurred changing the location of the OHW. This proposed setback will not alter the character of the neighborhood. The neighbor to the west has a setback of less than a foot for a deck.

Comments
Notices of the variance requests and residential design review were sent to property owners within 150 feet. One written comment from two homeowners was submitted in opposition.

Engineering staff provided comment on the importance of Shoreview's impervious surface limits to prevent cumulative negative impacts from rain runoff to drainage systems, flooding, and water quality especially in areas that can lead directly into lakes.

Rice Creek Watershed District outlined permitting specifications, which may be required for the removal of the patio if over 50 (5,000 square feet) cubic yards of erodible earth material is stockpiled and/or disturbed.

Staff Recommendation
Staff's recommendation is to deny three variances that: 1) exceed allowed impervious surface; 2) allow encroachment into the shore

impact zone for a setback of less than 25 feet for a water oriented accessory structure; and 3) reduce water oriented accessory structure side setback. Staff does recommend adoption of Resolution 26-68 approving the 17.9 foot setback for the existing deck. Approval is subject to the conditions listed in the staff report.

Commissioner Helgen had arrived at the meeting.

Commissioner Questions

Solomonson asked if the city is trying to get rid of the hot tub and have patio removed. Harris said when the city approved the rental license for the property, complaints were received about parking issues on the gravel pad of the driveway. Upon inspection, other violations were found. A letter was issued to the property owner regarding rental code violations and property violations. This application is to address the property violations. The gravel parking pad was removed to address the rental license violation.

Cordes asked the reason for the variance allowance of 35.6% impervious surface coverage at the residential design review in 2003. Hill said that in 2003, the impervious surface coverage was higher than 35.6%. As part of mitigation, the property owners proposed a reduction to 35.6%, but a water oriented accessory structure was not part of that approval. Harris showed a survey that illustrated a concrete sidewalk around the house which would account for the increased impervious surface, as well as the movement of the OHW.

Applicant Statement

Robert Freed, 49 South Deep Lake Road, North Oaks, introduced his daughter-in-law, Allie Freed from Lino Lakes.

Allie Freed said her father and mother-in-law own the home that they purchased in September 2025. They agree with staff in allowing the 17.9 foot setback for the existing deck. The setback problem goes back to something no one can control, the shoreline eroding into the lot since 2003. It is nothing that was done by her in-laws. The patio deserves the same consideration. Her in-laws did not build it or rebuild the deck. Both were in place as they are now when the house was purchased last September. The property has been recognized by the city as a substandard lot since before her in-laws owned it. That is why in 2003

the planning commission granted additional flexibility on impervious coverage. The physical constraints were not created by her in-laws but were already recognized by the city on this property.

Staff describes the patio as a matter of preference rather than a unique circumstance. The proposal is not to maintain anything as it stands but to reduce the patio nearly half from 314 square feet to nearly 200 square feet, remove the hot tub entirely and bring impervious surface coverage down from 41.5% to 35.6%, the same amount approved by the planning commission in 2003. Staff's report says this does not change the character of the neighborhood. This home is a family gathering place that operates on a limited basis as a short-term rental. The four variances are about the physical dimensions of a deck and a patio, a setback and a percentage of impervious surface coverage.

The three-part criteria test for a variance in staff's report—reasonable manner, unique circumstance and neighborhood character. Nowhere does staff ask who occupies this home and how often. The criteria are about the land, not the use. The commission is asked to apply the criteria exactly as written. Comments about short-term rental use has no bearing on these four variances and shouldn't factor into the commission's decision. The commission is asked to rule on the dimensions in the application and nothing more. A licensed surveying company was hired to assist with the application. The proposal is for less, not more. This process has meant real financial costs for her in-laws that will cost more before being resolved. All that is being asked is that the commission apply the same logic to the. patio that staff already applied to the deck and approve all 4 variances.

Chair John opened the discussion to public comment.

Brett McCardin, 800 County Road I, said this is not a unique circumstance. The patio is 10 feet from his property line. It is a luxury amenity that has fostered large gatherings in summer. The challenge for the planning commission is not looking at him or the Freed family but at the overall vision of Shoreview. What is the long-term water quality effect? It is unfortunate that the prior owners did not resolved these issues during the purchase process. As a member of the community who values the parks, the lakes, he would encourage the commission to deny the variance requests as proposed.

Commission Discussion

Solomonson said it is frustrating when issues come to the commission after the fact. If he had been on the planning commission when the patio and hot tub were requested, he would have seen the commission's goal to try and preserve the character of the lake, preserve the setback, drainages. It is a small lot with not much space between the house and the lake. There is not much opportunity for water to not go into the lake. People want to sit on the lakeside so it makes sense for a patio, but there is also a deck. He finds it hard to support the variances and agrees with staff's recommendation.

Anderson said that although the current property owner did not create these circumstances, they were created by a property owner. He recognizes that there is no way to bring this property into conformance for impervious coverage at 25%. Impervious surface coverage at 35% is reasonable. There is a preference in determining impervious surface. Impervious surface that has runoff lakeside does make a difference. He is sympathetic to the situation, but the criteria of unique circumstance is one of the three pillars for a variance, and he believes the commission has to be true to it. He would support staff's recommendation.

Cordes asked for clarification of impervious surface coverage as related by the applicant and what was reported by staff. Harris said that removal of the lakeside accessory structure is subject to the previously approved impervious surface coverage approved in 2003 because that structure is no longer present on the property. Cordes asked if the entire patio has to be removed to achieve 25%. Harris said the request for an additional 10% requires a variance that was approved in 2003. If the items are removed, they are subject to the previously approved impervious surface from 2003.

Helgen said that those buying a lake property should be able to enjoy the lake. He supports the patio and believes the applicants have made a good faith effort to comply.

Westadt concurred with Commissioners Anderson and Solomonson that It is the responsibility of the homeowner to check compliance with code. She supports staff's recommendation.

Ahmadvand agreed with staff's recommendation.

MOTION: by Westadt, seconded by Solomonson to deny the following three variances submitted by Robert Freed regarding the property at 804 County Road I, each to maintain a patio, water-oriented accessory structure.

1. Variance to Development Code Sec. 115-155 (b) (3) (a) (2): To exceed the maximum allowed impervious surface of 25%.
2. Variance to Development Code Sec. 115-149 (c): A water-oriented accessory structure may exist between the OHW and the required structure setback so long as it does not encroach into the shore impact zone; 25'from the OHW. The existing patio is within the Shore Impact Zone.
3. Variance to Development Code Sec. 115-149 (c) (3) (d): The patio has a side setback that is 10' rather than the 20' required for water oriented accessory structures.

This action is based on the finding that a practical difficulty is not present. The patio was not lawfully established by the previous owner, thereby making it an illegal non-conformity, and the desire to maintain the patio at its current size and location a matter of preference rather than a unique circumstance.

Discussion:
Cordes said he agrees with everything except the impervious surface and having to narrow the patio. What was approved previously includes a portion of concrete that is in the back and around the house. The only difference between the 35% and what is presented is some of the concrete of the house being shifted proportionally to a bigger driveway and to the patio and deck. It is disingenuous of the commission to say that the portion of concrete in the back does not count anymore and the entire patio has to be removed when a prior commission approved it with impervious surface up to 35.6%. That is why he will vote against this motion and in favor of the second one.

Harris showed a survey of the existing conditions prior to the mitigation affidavit. The impervious surface coverage that existed at the time of the survey along with the southern portion of the existing home was removed as part of the mitigation affidavit.

Cordes said he does not understand how 25% is achieved. Hill said the regulation is to help protect the lakeside property and adjust the scale of development on a property. The 25% impervious surface coverage is meant to be scaled to the size of a property. This property is smaller. The 25% may not be a realistic goal based on what is on the property and the size of the property, but that doesn't change the regulations. That is why they are going through the variance process so you can see if that meets the unique circumstances definition. Are they doing enough and are there reasons unique enough? That is for the commission to determine.

Cordes said he does not understand the math. Westadt said if the hot tub and patio are removed, they will be at 35.6% which is what was approved in 2003.

Ahmadvand called for the question.

Westadt requested a roll call vote.

ROLL CALL VOTE:
AYES: Ahmadvand, Anderson, Solomonson, Westadt, John
NAYS: Cordes, Helgen

MOTION: by Westadt, seconded by Anderson to adopt Resolution 26-68 approving the 17.9 foot structure setback submitted by Robert Freed at 804 County Road I W for the existing deck setback on the property. Said approval is subject to the following conditions:

1. The project must be maintained in accordance with the plans submitted with the variance applications. Any significant change to these plans, as determined by the community development department, will require review and approval by the planning commission. Any subsequent expansion of the existing house shall necessitate a new residential design review and variance consideration.
2. A building permit must be applied for the existing deck to ensure the work meets relevant Minnesota State Building Codes.
3. These approvals will expire after one year if a building permit has not been issued for the project.

4. This variance and residential design review approval is subject to a five-day appeal period.

ROLL CALL VOTE:
AYES: Ahmadvand, Anderson, Cordes, Helgen, Solomonson, Westadt, John
NAYS: None

CITY OF SHOREVIEW
MINUTES
REGULAR CITY COUNCIL MEETING
SEPTEMBER 21, 2026

CALL TO ORDER

Mayor Denkinger called the regular meeting of the Shoreview City Council to order at 7 pm on September 21, 2026.

PLEDGE OF ALLEGIANCE

The meeting opened with the Pledge of Allegiance.

ROLL CALL

The following members were present: Mayor Denkinger; Councilmembers Doan, Gardner, Myrland, and Springhorn.

Staff: Assistant City Manager Renee Eisenbeisz
Assistant City Manager/Community Development Director Tom Simonson
Finance Director Kevin Knopik
Public Works Director Tom Wesolowski
Assistant Community Development Director Niki Hill, AICP
Natural Resources Manager Krista Billerbeck
Associate Planner Will Harris
City Attorney Martin Norder

APPROVAL OF AGENDA

MOTION: by Councilmember Myrland, seconded by Councilmember Doan to approve the September 21, 2026 agenda as presented.

VOTE: AYES - 5 NAYS - 0

PROCLAMATIONS AND RECOGNITIONS

Recognizing Representative Kelly Moller

Mayor Denkinger recognized Representative Moller, who is serving her last term. The League of MN Cities selected her as a 2026 Legislator of Distinction. Representative Moller was instrumental in getting $6.5 million from the state for the new fire station, which eased the burden of taxpayers. The following proclamation was read and presented to Representative Moller.

WHEREAS, Representative Kelly Moller has served district 40A since 2018 which includes portions of the City of Shoreview; and

WHEREAS, the League of Minnesota Cities recognized a total of 23 legislators this year including 14 House members and nine Senate members for their actions and leadership on a

variety of legislative issues important to cities; and

WHEREAS, the League of Minnesota Cities has selected Representative Moller as a 2026 Legislator of Distinction for her efforts related to public safety legislation, her accessibility and willingness to consult with League staff on legislation impacting cities, and for demonstrating a commitment to supporting workable solutions to complex issues; and

WHEREAS, the City of Shoreview would like to publicly acknowledge this honor.

NOW, THEREFORE, BE IT RESOLVED that the Shoreview City Council hereby acknowledges Representative Kelly Moller as a League of Minnesota Cities 2026 Legislator of Distinction and thanks her for her work on behalf of the city and State of Minnesota.

Representative Moller thanked Mayor Denkinger and the council for the proclamation. Working on the new fire station was a wonderful project. She is proud to be a resident of Shoreview and is thankful for the honor of being elected for four terms.

Recognizing Green Community Awards

Jennifer Olson, co-chair of the environmental quality committee (EQC), presented the 2026 annual green community recognition awards to three individuals whose homes demonstrate the benefits of native plants and have a positive impact.

Andrea Green, 5510 Albin Street: Andrea installed solar panels for her home electricity, and she also uses a clothesline to reduce dryer use. She planted a pollinator garden to help insects and uses a compost tumbler to cut down on food waste. Rain barrels are used to cut down on the use of city water for plants. She teaches people to take small steps that can make an impact. Andrea provides community education classes on low-waste living, Winter sowing of seeds, and frugality 101.

Carol Nytroe: Grows her own native perennials, has transformed her front yard into a full-sun garden, and has helped neighbors put in native perennial gardens. She also collects monarch eggs and raises them outdoors.

Tim Pratt: Planted an overgrown swale next to his house with native plants. This resulted in conversations with neighbors about the importance of the swale, which infiltrates rainwater rather than having it run off into the stormwater system. He has a system that diverts water from the roof to the garden. He drives an EV-powered vehicle in the Summers that is powered by solar panels on his garage roof. Tim encourages all to take small steps to learn what works, what doesn't, and keep going.

PUBLIC COMMENTS
There were none.

COUNCIL COMMENTS
Councilmember Myrland:
The farmers' market will be open through October 13. It takes place on Tuesdays from 3 to 6 pm in the lower-level parking lot.

The Barnyard Boogie event will be at Bobby Theisen Park, September 27, from 2:30 to 4:30 pm. Registration is required and can be done online. The cost is $16.

Councilmember Springhorn:
Thank you to the EQC for all their hard work with the green community awards. This is one of his favorite council meetings of the year, in addition to the fourth-grade poster contest.

The water parks have reopened after the annual pool maintenance shutdown. The destination playground is also fully open after refurbishment. Last week, the Shoreview Northern Lights Variety Band had the opportunity to use the playground equipment as part of its monthly social event.

Councilmember Doan:
Early voting started September 18. Voting by mail is available, or voting at the Ramsey County Elections Office at 90 Plato Boulevard from 8 am to 4:30 pm. Monday through Friday. Early voting starts at the Shoreview Ramsey County Library on October 16, from 10 am to 4 pm. Monday through Friday. The general election is November 3, 2026. All are urged to vote. Thank you to all election judges who make it happen.

The touch-a-truck event will be Saturday, October 3, from 9 am to noon in the lower-level parking lot. The annual kids' garage sale will also be on October 3. Vendors must register to participate.

Councilmember Gardner:
Stated he was pleased that no police presence was necessary when the pickleball event was cancelled last Saturday.

Thank you to Representative Moller, who has done an excellent job as a legislator, which takes a lot of time. Her work has a lasting impact on the community. The city's levy is probably 1% lower than it could have been because of the public safety aid she brought to the city. Representative Moller has chaired the public safety committee and has worked to rewrite code to provide justice for victims of crime and crime in general. She has worked well across the aisle, which is the kind of leadership needed.

Mayor Denkinger:
The old fire station property has been sold to Mi-Sant, a restaurant. The city received the full purchase price of $1.3 million. Mi-Sant is also making a significant investment in the building to make this location a test kitchen. There will be indoor and outdoor seating, and it will open mid-year next year.

There are a number of positions open in parks and recreation that are listed on the website.

The new fire station is coming in under budget. There will be an open house for tours on October 10, 2026. She thanked firefighters who spent a lot of their time at the fire station during construction to make sure it was done right.

Staff is working on the installation of security cameras for city hall, the lower parking lot, and the community center.

CONSENT AGENDA

MOTION: by Councilmember Springhorn, seconded by Councilmember Doan, to approve items 8.a through 8.j listed below on the Consent Agenda for September 21, 2026:

8.a September 8, 2026 city council meeting minutes
8.b Monthly reports:
- Administration
- Community development
- Finance
- Human resources
- Parks and recreation
- Public safety
- Public works

8.c Claims and purchases
8.d Acceptance of recreation department sponsorships
8.e Acceptance of sponsorship and in-kind donations for 2026 *Slice of Shoreview Days*
8.f Planning Assistance Grant - Shoreview Comprehensive Plan
8.g Resolution 260 authorizing the issuance and sale of general obligation utility revenue bonds, series 2026A
8.h Establish parking restrictions on Lepak Court
8.i Municipal consent to the Rice Creek Watershed District to conduct drainage proceedings
8.j Approve 2026 Street Rehabilitation, city project 26-04 change order 1 for paving the gravel Hodgson Road

VOTE: AYES - 5 NAYS - 0

PUBLIC HEARING
SHOREVIEW'S MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT (MS4 PERMIT)
Presentation by Natural Resources Manager Krista Billerbeck.

The MS4 Permit is for an infrastructure system that collects and transports water flowing off hard surfaces, such as streets, parking lots, and buildings, to ponds, lakes, and wetlands. The goal is to improve water quality by reducing the amount of sediment and pollution carried to surface and groundwater.

The MS4 Permit is issued by the Minnesota Pollution Control Agency (MPCA) under the Clean Water Act and is owned by the city to operate the system. The infrastructure in the system includes: catch basins, mains, lift stations, pipes and structures, culverts, ponds, filters, permeable pavement, and rain gardens.
The MPCA requires annual reports. A new permit is reissued every five to eight years. Currently, the city has submitted the first step of a new permit application, but the city is still authorized under the old permit.

The MS4 Permit requires a stormwater pollution prevention program that includes the following minimum control measures:

- Public education and outreach
- Public participation and involvement
- Illicit discharge detection and elimination
- Construction site stormwater runoff control
- Post-construction stormwater management
- Pollution prevention in municipal operations.

2025 activities
In 2025, a number of city departments were involved in maintaining and operating the system: public works maintenance, engineering, natural resources, code enforcement, building, and communications.
Activities include:

- Erosion control inspections on construction sites
- Permanent stormwater management on large projects
- City maintenance and operation, such as street sweeping, is one of the most effective ways of preventing pollution, with an annual collection of 257 tons of material, not including leaves.

Staff is recommending the city council hold the public hearing and record any comments.

City Attorney Martin Norder said proper notice was given for the public hearing.

Public hearing
Mayor Denkinger opened the public hearing at 7:41 pm.

There were no comments or questions.

MOTION: by Councilmember Springhorn, seconded by Councilmember Doan to close the public hearing at 7:41 pm.

VOTE: AYES - 5 NAYS - 0

Councilmember Gardner said the state has a generic permit for cities and yet requires a public hearing. The Clean Water Council used to recommend funding for the University of Minnesota Research Center. Shoreview was often a grantee to try new measures, such as enhanced street sweeping. It is one of the cheapest ways to remove phosphorus, which causes algae blooms in lakes. Shoreview was among the pilot cities to try this out. Data collected is being used statewide. He recognized staff's efforts to support cheap, innovative ways to solve water problems, such as permeable pavement on long, narrow lake lots with no room for a stormwater pond. Shoreview was one of the first to use salt lime to reduce the freezing temperature on streets and reduce chloride. Countless rain gardens have been encouraged and supported in the city, which is a way for anyone to participate. Shoreview is a place of innovation and is recognized across the metro. It is good to recognize things people do not see.

Councilmember Myrland said education is key. The city is better off with more people knowing what is done to keep water clean. She urged residents to make sure leaves and debris are cleaned away from gutters so the water can drain.

Councilmember Doan expressed his appreciation of how seriously staff takes this work behind the scenes. He recognized Councilmember Gardner as a leader in this area and as the chair of the Climate Action work group, which is part of the Ramsey County League of Local Governments.

GENERAL BUSINESS
VARIANCE APPEAL, 804 COUNTY ROAD I W. - ROBERT FREED
Presentation by Associate Planner Will Harris.

The property is on the north side of Turtle Lake, which is a substandard riparian lot zoned R1. It consists of 9,896 square feet with a width of 75 feet along County Road I W. and a depth of 119 feet along the western property line and 129 feet along the eastern property line. The property is developed with a single-family home built in 1972.

- In 2003, the property owners submitted a residential design review, and the following was approved:

    - Additional 300 square feet of living space built above the garage
    - Maximum allowed impervious surface coverage of 35.6% with a mitigation affidavit and no lakeside accessory structure
- In 2022, the second previous owners installed an illegal water-oriented accessory structure—a patio—and a gravel parking pad on the eastern side of the driveway, all without any permits.
- In 2025-2026, the current owners installed an additional water-oriented accessory structure (hot tub) just south of the deck with no permit. Current conditions include six violations of city code:
    - Allowed number of water-oriented accessory structures - one is permitted (section 115-149(c)(3)(d)
    - Total square footage of water-oriented structure, which is 250 square feet - patio is 314 square feet (section 115-149(c)(3)(g)
    - Side yard setback for a water-oriented structure is 20 feet - the patio sits at 10 feet from the eastern property line (section 115-155 (b)(3)(a)(2))
    - Water-oriented accessory structures are not permitted in the shore impact zone, which is 25 feet from the OHW (section 115-149(c)(2)
    - Maximum impervious surface coverage allowed for a riparian lot with a water oriented accessory structure is 25%; the current amount is 41.5%
    - The attached structure setback is 50 feet from the OHW; in 2023, an attached deck was permitted as a continuation of an OHW setback of 19.5 feet; the current setback is 17.5 feet. This item was addressed.

The applicants propose to reduce the patio square footage to 200 square feet, which complies with code. They are appealing the three variances denied by the planning commission that are related to the patio: lakeside accessory side setback less than 20'; lakeside accessory OHW setback less than 25'; and to exceed the maximum permitted impervious surface coverage of 25%.

Staff review
Staff does not believe there are unique circumstances to justify the variances. The approved residential design review in 2003 was conditioned on reducing impervious surface coverage to 35.6%, but staff believes the preference for a lakeside accessory structure does not justify exceeding the maximum permitted impervious surface coverage by 10.6%.

The planning commission reviewed this application at its August 25 meeting and denied the variances on a 5-to-2 vote. The planning commission did grant one variance to reduce the lakeside structure setback from 19.5 feet to 17.9 feet to accommodate the deck.

Before this meeting, the applicants submitted updated plans which include a reconfiguration of the patio to comply with the side yard setback. The application now is for two variances, not three.

Three options are presented to the council:
1. Deny the appeal and uphold the planning commission's action based on the application as originally presented;
2. Consider and act on the proposed modifications to the application; or
3. Remand the matter to the planning commission for review and action on the proposed modifications before the council takes final action.

Comments
Property owners within 150 feet were notified of the variance requests. One written public comment from two homeowners was received in opposition.

Engineering staff has commented on the importance of Shoreview's impervious surface limits to prevent cumulative negative impacts from runoff to drainage systems, flooding, and water quality, especially in areas that lead directly to lakes.

The Rice Creek Watershed District outlined its permitting specifications, which may be required for removal of the patio if there is stockpiling of over 50 cubic yards of erodible earth material and/or disturbance of 5,000 square feet.

Staff recommendation
Staff maintains the recommendation to uphold denial of the three variances as decided by the planning commission. There is no recommendation on the updated plan, which has not been reviewed by the planning commission.

Council discussion
Councilmember Springhorn asked the reason staff's recommendation is to deny the appeal rather than remanding the updated plan back to the planning commission. Harris said that staff's review was for the initial application of three variances. Remanding the updated application would be a council decision.

Councilmember Doan asked how this issue came to the attention of the city. Harris said the property is a short-term rental. Complaints were received, and upon inspection of the site, areas of noncompliance were determined.

Applicant statement
Robert Freed, applicant, asked his daughter-in-law Allie Freed, to speak. Freed made the request to send the plan back to the planning commission for two reasons. The home is on a lot of 9,896 square feet, which the city classifies as substandard. Before the Freeds purchased the property in 2025, a patio was built without a permit, and a deck larger than what was approved was built in 2022. At the August 25 planning commission meeting, three variances were requested and denied on a vote of 5 to 2 based on the fact that there are no unique circumstances

not created by the owner to justify the variances. However, it was agreed that the shoreline has eroded, which is a circumstance not created by the property owner. She identified three unique circumstances for this property:

1. The lot is small and the city's own memo labels it as substandard.
2. The impervious surface math does not work—with the patio and driveway pad gone, there would still be 32% impervious surface. When one planning commissioner asked how the allowed 25% coverage could be reached, the assistant community development director stated that may not be a realistic goal.
3. The code requires 25 feet from the patio to the shoreline, but the house is set 29.5 feet back, leaving 4.5 feet for a patio, which is insufficient.

One planning commissioner said these issues should have been sorted out in the buying process, on which she based her vote to support the staff recommendation. The vote was entirely based on inaccuracy. In the disclosure statement by the seller of the property, it was stated that there was no awareness that any work had been done without proper permits. The property passed a city inspection in November 2025 that found nothing.

The issues were raised in March 2026, when staff took a closer look. The second reason for the planning commission to re-review the proposal is that changes have been made and not seen by the commission. Staff indicated that modifications could be made as part of this appeal, which is the reason for the changes. The hot tub will be removed as agreed. The patio is further reduced from 314 square feet to 170 square feet and moved from the center of the lot to eliminate the need for a side setback variance. That leaves two variance requests: 1) impervious surface, which drops to 34%, which is below the 35.6% approved in 2023; and 2) shoreline distance.

The proposal is a significant and costly change to comply with code as closely as possible. The preference would be to leave everything as is. The request is to remand this proposal back to the planning commission to weigh the whole picture.

Craig John, planning commission chair said the decision on impervious surface was based on the lack of a unique circumstance. When asked, he said he had no knowledge of the modifications made to the plan.

Public testimony

Mayor Denkinger opened the discussion to public comment.

Don and Sherry Kennedy, 814 County Road I, said their property was purchased by their family in 1973. They have watched add-ons to the neighboring property over the years. The property is a VRBO with parties from 3 to 5 am. They want the council to know how long they have been there and that they are involved. Mr. Kennedy asked who granted the VRBO permit and the reason they were not notified. He said the Freeds are lovely people, but the house has constantly changing faces and

unpredictable noises and parking disruptions. Their concern is what will happen when they try to sell with a motel 12 feet away. As a substandard lot, of course, there is encroachment on the lake. There is an accident waiting to happen with flying jet skis. They feel bad because the Freeds are nice, and this has turned into an adversarial situation.

Mayor Denkinger said the item before the council is the variances, not the short-term rental license. Community development will follow up with the Kennedys on the licensing process. Property owners have the right to call the Sheriff's Office about complaints.

Council discussion
Mayor Denkinger asked about the impervious surface impact to the lake. Harris said that shoreland regulations are based on protecting the quality of water. The reduction of allowed impervious surface from 30% to 25% on riparian lots is because of the proximity of runoff water to the lake. The DNR takes these regulations seriously, and the shoreland regulations are based on the DNR statewide regulations.

Councilmember Myrland said she has ruled out considering the new modifications at this meeting, which need to be further vetted. The Freeds want to make the situation right, and since this is a different plan that is closer to compliance, she would remand the matter back to the planning commission for further review.

Councilmember Springhorn said he is hesitant to remand this back to the planning commission because they are being asked to answer the same questions. Although closer to compliance, the plan still exceeds the impervious surface limit. He asked how common it is that the city approves riparian properties with impervious surface that exceeds the limit by 9.2%. Hill said every variance stands on its own. There is no precedent. It is unknown if there would be mitigating measures to improve water quality. Councilmember Springhorn said he is leaning toward denial of the variances unless other councilmembers have strong reasons to remand it back to the planning commission.

Councilmember Doan said the status of the property as a short-term rental is not before the city council and therefore should not be factored into their final decision. He appreciates the effort the Freeds have made to bring the property closer to compliance, but it does not meet code. The two variances are the impervious surface that was approved at 35.6% in 2003, and the shoreline distance of the patio. Harris said that as part of the residential design review, a mitigation affidavit was submitted to reduce the impervious surface from 41% to 35.6%.

Eisenbeisz said the 25% impervious surface lot coverage restriction is because of the water accessory structures on a riparian lot.

Councilmember Doan said he would be open to sending this back to the planning commission because of the issues identified in this updated plan.

Councilmember Gardner said he would support the recommendation to deny the variance appeal.

Mayor Denkinger said she is open to sending the application back to the planning commission. To do otherwise is like unfinished business because the planning commission is the advisory commission to make recommendations.

Hill said that if the application is sent back to the planning commission, the review period needs to be changed from 60 to 120 days.

MOTION: by Councilmember Doan, seconded by Councilmember Myrland to remand the appeal of the variance application back to the planning commission for further discussion of the updated site plan and new proposal submitted by the applicants on September 8, 2026, and extend the review period from 60 to 120 days.

VOTE: AYES - 4 NAYS - 1 (Gardner)

Mayor Denkinger called a 5-minute break and reconvened the meeting at 8:47 pm.

ESTABLISHING PRELIMINARY CITY TAX LEVY OF $20,393,531, AND A PRELIMINARY HRA TAX LEVY OF $325,000; AND SET A BUDGET HEARING FOR MONDAY, DECEMBER 7, 2026 AT 7 PM.

Presentation by Finance Director Kevin Knopik.

The preliminary tax levy is required to be submitted to the county by September 30, 2026. It sets the maximum 2027 tax levy, but reductions can still be made. The budget hearing date is proposed for December 7, 2026.

Tax levy objectives:

- Maintain existing services, programs, and infrastructure
- Meet existing debt obligations
- Support capital replacement and repairs
- Effective use of tax dollars

The recommendation for the preliminary tax levy is $20.7 million, or a 9.68% increase from 2026. The city approves a biennial budget. This one was approved in 2025. At the August council workshop, staff recommended a 10.6% levy increase. The council directed staff to see if the levy could be kept under 10%.

The tax increase for a median home value home in Shoreview would be $124.56 in 2027. The median home value decreased from 2026 to 2027 by approximately

$5,000. The average monthly tax of $132.71 would increase by $10.38 per month. Staff believes residents receive an exceptional value for services provided:

- Public safety
- Street maintenance
- Park maintenance
- Community center and recreation programs
- Asset replacement
- Administration and support services

Staff recommends adoption of resolution 26-70 setting the preliminary tax levy in the amount of $20,393,531 and $325,000 for the HRA, respectively, and setting the budget hearing date for December 7, 2026, at 7 pm.

Council discussion:
Mayor Denkinger asked about the amount of the levy that is for police and fire. Knopik said police is 24% of the budget; fire is 43%. That means approximately 67% of the total general fund increase is for public safety. Mayor Denkinger reminded residents that with the new fire station, a SAFER grant was received to pay for three full-time captains for three years. The grant has now expired, and that cost has to be absorbed. Those positions and the cost of the new fire station made the amount for the fire department a big increase in 2026 and 2027. That amount is expected to go down in 2028.

Councilmember Gardner thanked staff for keeping the levy increase under 10%. He noted that in the past, Shoreview has not received a high amount of fiscal disparities from the state but then received $1 million. He asked the reason the amount has dropped again. Knopik said fiscal disparities are a complex formula. Over the past two years, the city has received a net gain of $1.3 million to $1.4 million. The city contributes an amount but also receives funds back. The amount received is not less than what is contributed. In 2027, the city will receive over $800,000, which is more in line with where it has been prior to the past two years. The amount is based on the amount of development in the seven-county metro area and what gets spread across the metro cities.

Gardner asked if the public safety portion of the budget were taken out, would the city's budget go up by approximately the rate of inflation? Knopik said there are still capital levies and debt levies. Taking those into consideration could mean the levy is a little higher than inflation.

Denkinger said a market rate adjustment was done on staff salaries in 2024 with a review of all job classifications. Adjustments were made based on job descriptions. She asked if that process is caught up after this levy. Knopik said those adjustments are still taking place as many employees were put back into the step system. This means a cost-of-living increase and a possible step increase every year. Even though

there might be a 3% cost-of-living increase, the actual increase might be closer to 6% for some staff if they receive a step increase based on job performance.

Councilmember Springhorn asked if staff costs are the next largest part of the tax levy increase. Knopik said staff costs are approximately 19% of the budget. Public safety and staff make up approximately 90% of the budget, and 10% is everything else. Councilmember Springhorn said he would not want a water main break without staff to take care of it because they went to another city that paid more. He noted the many compliments on Knopik and thanked him for his work with the cities on the financing for the new fire station.

Councilmember Myrland asked how long it takes for new development, such as Seven Lakes, to help with the tax base and bring some relief for residents. Knopik said that benefit has not yet been realized. Development in TIF districts does affect the amount of total tax capacity, which affects the local tax rate and the amount charged to homeowners. Some benefits are being seen, but the full benefit has not been realized.

Councilmember Doan asked about the maximum levies of peer cities. Knopik said he is hearing 6.5% to 12%. Most are falling in the 8% range. Shoreview is looking at a 5% to 6% increase just to maintain the services currently offered without changing anything. Shoreview's increase is related to public safety operations as well as the new debt levy for the new fire station. The SAFER grant was a huge tax savings. The state gave $6.3 million for the fire station, and bids were favorable. It looks like the fire station will be under budget. Those are all good benefits for the city.

Denkinger said the new fire station sets Shoreview up for decades of better service to Arden Hills, Shoreview, and North Oaks, and it provides space for all the trucks.

Gardner verified that the revenue from the sale of the old fire station is reflected in the 2027 budget. He asked if the revenue would be reflected in the budget by December. Knopik said the CIP will be reviewed with council at the October workshop and another budget workshop in November. If that revenue is to be incorporated into the budget, it will be discussed at a workshop with the council.

Gardner asked about the Krew development, which is a tax-exempt property that is in a TIF district. That means the city does not capture any of the additional increment over what it was previously valued at. Ramsey County assessed a value for the new owner, but with nothing yet developed on the property. He asked if the city will get some revenue from that property even though it is in a TIF district. Simonson said the property was tax-exempt for decades. The county did place a value on it all along, but no taxes were generated. The new base value is approximately $4.3 million based on the city's transaction with Enclave. That is not part of the tax increment and will be a benefit to the city.

Gardner said public safety has fewer candidates applying for positions because of the shortage of workers and retirements of baby boomers. There is still not 24/7, 365-day coverage in all fire stations. There could be crummy storm sewers and no parks, but residents do expect a public safety response when calling 911. He supports wages to attract people to work here. The Ramsey County Sheriff's Office had some of the lowest salaries in the metro area and faces the same worker shortage. It is important that people of the highest character are attracted to public safety.

Gardner said he would like to see the truth and taxation hearing for the budget held before the election, but the timing does not work. By the time of the hearing, the budget is set. If the public wants to comment, there is no opportunity to incorporate input. Even with adopting the preliminary levy on September 21, there is likely not going to be changes before certification on September 30 without a special meeting. He proposed a spring strategy budget work plan to understand what choices will need to be made, even without exact numbers. He would like to see public engagement earlier with a process to understand what people are willing to fund and what they are not. He cannot tell what a backlog would look like in the parks and recreation department or how it would translate into a levy increase, or what grants are needed, or whether a local option sales tax is needed. If five things are funded, what is the budget, or what would the budget be for three of those five items? The City of St. Paul did a budget exercise asking department heads to come up with a high, medium, and low budget scenario. He would like to have that information to tell voters what would happen at certain funding levels. If funding is at a low level and the community center has to be closed on Friday, residents have the opportunity to say they will pay for keeping it open. This process would give the council information. Strategic choices need to be considered earlier, and he would prefer to think about those scenarios in May rather than September.

Gardner expressed special appreciation for the finance department's work. Amazingly, they have received the same fiscal excellence award for 40 consecutive years.

MOTION: by Councilmember Springhorn, seconded by Councilmember Myrland to adopt resolution number 26-78 establishing a preliminary city tax levy of $20,393,531, and a preliminary HRA tax levy of $325,000 for collection in 2027; and set the budget hearing for December 7, 2026 at 7 pm.

VOTE: AYES - 5 NAYS - 0

APPROVAL OF A PURCHASE AGREEMENT FOR THE SALE OF CITY-OWNED PROPERTY AT 3615 VICTORIA STREET (FORMER FIRE STATION 140) AND AUTHORIZING ITS EXECUTION WITH 44 INVESTMENT COMPANY

Presentation by Assistant City Manager/Community Development Director Tom Simonson.

A purchase agreement has been reached with the 44 Investment Company for the purchase of Fire Station 140. This company operates Mi-Sant Cafe and Bakery. This property would be used for a smaller-scale Vietnamese bakery and fast-food casual restaurant. It would include both indoor and outdoor seating and a group dining/meeting room. The remainder of the building would be used as a test kitchen. Shoreview would be the first to benefit from new products. Mi-Sant currently has locations in Brooklyn Park, Roseville, and another planned in St. Louis Park.

The property is owned by the city—both the building and land. It consists of one acre and operated as fire station 140 until July 2026, when the new Lake Johanna Fire Department headquarters opened in Arden Hills. Relocation of the fire department presented a unique opportunity to sell the property and repurpose the building. The city engaged the services of a professional real estate consulting firm, IAG Commercial, to assist with a visioning process for preferred uses and assessing how to market the property.

IAG facilitated a series of stakeholder meetings involving the council, EDA, small business owners, commercial and housing developers, and representatives from nearby corporations and multifamily properties. The process culminated with a written report summarizing observations, interpreting feedback received, and reviewing possibilities for the site. The city council and EDA were unanimous in the potential use of the property that would include:

- Repurpose for a use of greater benefit as a destination and attraction for the community
- Offer a special opportunity that takes advantage of the location adjacent to the beautiful lake and county park, nearby Seven Lakes employment, and the hundreds of apartments nearby.

The city worked with IAG to define a target buyer by setting parameters on the most desirable use and what would be acceptable. A restaurant or unique dining establishment was the top choice. The property was listed by IAG at $1,350,000. There was tremendous interest in the market, and a deadline was set for submission of formal purchase offers. Three proposals were received, but one withdrew due to the size of the site.

The remaining two parties presented their purchase offers and proposed use of the property at a special joint closed meeting of the council and EDA on August 6. The council and EDA reached consensus on the preferred purchase offer based on:

- Offer for full sale price
- Proposed use is the top desired option
- Buyer would invest and undertake significant improvements

A contract was drafted by Kelly & Lemmons in consultation with IAG and staff. Key terms of the purchase/sale agreement include:

- Buyer pays full asking price of $1,350,000 - net sale amount after commission will be $1,255,500
- Earnest money deposit of $50,000
- Price equates to $155.39 per square foot
- 90-day due diligence period and 30-day closing period
- Expected closing date of mid-January 2027
- Buyer responsible for all rezoning and comprehensive plan amendment costs, including application and permit fees
- Buyer agrees to invest $1,000,000 in improvements to the property after closing

The buyer has agreed to the terms of the real estate contract.

Upon approval and execution of the purchase/sale agreement, the buyer must submit applications for the entitlement approvals. Closing will not occur until the buyer receives necessary approvals. The property requires a land use change amendment to the comprehensive plan and a rezoning of the property. It is proposed that the property be rezoned to planned unit development (PUD), which allows the developer flexibility, and there will be conditions recorded limiting the use of the property beyond what is proposed by the buyer. Any future deviation from the allowed uses would require additional city approval.

Staff recommends approval of the real estate sale contract for the sale of city-owned property at 3615 Victoria Street (former Fire Station 140) and authorizes its execution with the buyer, 44 Investment Company, doing business as Mi-Sant restaurant, subject to minor revisions approved by the city attorney.

Mayor Denkinger acknowledged the huge amount of work on the part of staff and how excited the buyer is to locate in Shoreview. This company has strong financial backing.

Councilmember Springhorn recognized that IAG did a great job for Shoreview both as a real estate agent and as a consultant.

Councilmember Myrland said the process of involving the EDA, EDC, city council, and local businesses was well worth the effort.

Councilmember Gardner said the building was just vacated in June. The speed at which this has taken place is great. He appreciated the stakeholder meetings that provided information that can continue to be helpful to the city. This is the biggest dining win for Shoreview in 2026 and 2027.

Councilmember Doan gave huge thanks to staff for thinking creatively. He is proud of the forward-thinking work of city staff and could not be happier about the new owner and service that will be provided. The council has heard year after year about the strong desire for more restaurants in the community. As a person of Vietnamese heritage, it is personally exciting for him to see a Vietnamese establishment coming into the city. The city is receiving the full sale price of $1.35 million plus an additional $1 million investment in the property. He again thanked Simonson for his work.

MOTION: by Councilmember Doan, seconded by Councilmember Springhorn to approve the real estate sale contract (purchase agreement) for the sale of city-owned property at 3615 Victoria Street (former Fire Station 140) and authorizing its execution with the buyer (44 Investment Company - doing business as Mi-Sant restaurant), subject to minor revisions approved by the city attorney.

VOTE: AYES - 5 NAYS - 0

Simonson recognized attorney Chad Lemmons, who worked with staff and put a lot of time into this project.

ADJOURNMENT

MOTION: by Councilmember Myrland, seconded by Councilmember Doan at 9:41 pm.

VOTE: AYES - 5 NAYS – 0

Mayor Denkinger declared the meeting adjourned at 9:41 pm.

These minutes approved by council on the 5th day of October, 2026.

_____

Brad Martens
City Manager

Date: October 21, 2026

To: Members of the Shoreview Planning Commission

From:
Brett and Jenna Marquard (800 County Road I West)
Todd and Cheri Kennedy (814 County Road I West)

Subject:
Neighbor Response Re: 804 County Road I W

Dear Commissioners,

As neighbors of 804 County Road I West, we want to thank you for the time and care you have given this matter. Throughout this process you have listened closely to every party, asked thoughtful questions, and weighed the facts carefully against the City's code.

As you consider the revised request, we ask one question: if the owners came to you today asking to build a new patio inside the Shore Impact Zone, on a lot already over its coverage limit and approved on the condition that it have no lakeside accessory structure, would you grant those variances? We believe that is the right test for this decision. A patio that would not have been approved in advance should not be approved after the fact simply because it was built without permission.

We have full confidence in your judgment. Whatever you decide, we trust it will be the best possible choice for the City of Shoreview and for the long-term health of Turtle Lake.

Thank you for your service to our community.

Sincerely,

Brett & Jenna Marquard (800 County Road I West)

Todd & Cheri Kennedy (814 County Road I West)

Memorandum

TO: Planning Commission

FROM: Will Harris , Associate Planner

DATE: October 27, 2026

SUBJECT: Minor Subdivision - 3654 Rustic Place, Steve Tomas

ITEM NUMBER: 7.B

SECTION: NEW BUSINESS

REQUESTED MOTION

To approve the minor subdivision for Steve Tomas to allow him to divide the property at 3654 Rustic Place into two parcels, subject to the following conditions:

1. The minor subdivision shall be in accordance with the plans submitted.
2. For Parcel A, a Public Recreation Use Dedication fee as required by Chapter 105, Article III of the Development Regulations, before a building permit is issued for a new home on the property. The fee will be 4% of the fair market value of the property, with credit given to Parcel B for the existing home.
3. Public drainage and utility easements shall be dedicated to the City as required by the Public Works Director. The applicant shall be responsible for providing legal descriptions for all required easements. Easements shall be conveyed before the City will endorse deeds for recording.
4. The existing attached garage, detached shed, breezeway, attached deck, and attached sunroom shall be demolished before the City will endorse deeds for recording.
5. Municipal water and sanitary sewer service shall be provided to Parcel A, as well as curb and gutter with associated permit fees and escrows.
6. The applicants shall enter into a Subdivision Agreement with the City. This agreement shall be executed prior to the City's release of the deeds for recording. A Development Agreement will also be required for the construction of a new home on Parcel A and a new attached garage on Parcel B.
7. A tree survey and replacement plan shall be submitted prior to issuance of a building permit as reflected in City Natural Resources staff's comments. The approved plan shall be implemented prior to the commencement of work on the property and maintained during the period of construction. Trees that are to remain shall be protected, including wood chips and protective fencing at the drip line of the retained trees.
8. A grading, drainage, and erosion control plan shall be submitted with the building permit application and implemented during the construction activity on both parcels. This plan shall be completed by a Minnesota-licensed civil engineer.
9. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

This recommendation of approval is based on the following findings of fact:

1. The proposed land use is consistent with the policies of the Comprehensive Plan.

2. The proposed subdivision is supported in the policies of the Comprehensive Plan by providing additional housing opportunity in the city.
3. The parcels will comply with the minimum standards of the R1, Detached Residential zoning district.

INTRODUCTION

Steve Tomas, on behalf of Tomas Companies, Inc., has submitted a minor subdivision application to divide the property located at 3654 Rustic Place into two parcels. The property has an active demolition permit and the applicant has been actively working to bring the property into compliance with the code requirements on both parcels. The City will require the demolition of the existing attached garage, detached shed, breezeway, attached deck, and attached sunroom in order for the owners to construct a new single-family home on Parcel A. A new attached garage is proposed for the existing house that will remain on Parcel B.

DISCUSSION

Site Characteristics

The property is located along the eastern border of Shoreview, between Rustic Place and Rice Street, with access off Rustic Place. The existing property is a rectangular lot of 1.29 total acres, or 56,400 square feet, with a width of 200 feet and a depth of 282 feet. There is an existing single-family home with an attached garage on the property that was constructed in 1952 and has not gone through previous planning commission review to date. The property is zoned R1, Detached Residential, as are the adjoining properties to the north, west, and south.

The lot is relatively flat on the western side, with grade changes taking place along the eastern portion of the lot approximately 150 feet into the lot. Tree cover on the lot was significantly reduced along the grade in the rear yard prior to the application for a minor subdivision/demolition permit. Therefore, there is only limited tree cover along the western edge that abuts Rustic Place.

Project Description

The proposed subdivision will create two new lots, both of which will maintain the rectangular structure of the existing lot. Parcel A will be 90 feet wide and 282 feet deep with access off of Rustic Place, and Parcel B will be slightly larger, with a width of 110 feet and a depth of 282 feet, also accessing off of Rustic Place.

Development Ordinance Requirements

Under Sec 105-36, minor subdivisions require review by the Planning Commission and approval by the City Council. Minor subdivisions must be reviewed in accordance with subdivision and zoning district standards outlined within Shoreview's Development Regulations.

The City's subdivision standards (Chapter 105) require all lots to front on a publicly dedicated right-of-way. Municipal sanitary sewer must also be provided to the new lot. These standards also require 5-foot public drainage and 10-foot utility easements along property lines where necessary. Public drainage and utility easements are also required over infrastructure, watercourses, drainages, or floodways.

The property is zoned R1, Detached Residential, as are the adjacent properties. The two new lots will meet the minimum dimensional requirements for lot area, width, and depth as outlined in Sec. 107-67 (e) as shown in the table below.

	R1 Dimensional Requirements	Parcel A	Parcel B
Lot Size	10,000 sq. ft.	25,380 sq. ft.	31,020 sq. ft.
Width	75 feet	90 feet	110 feet
Depth	125 feet	282 feet	282 feet

STAFF REVIEW

The survey submitted demonstrates that both new lots have frontage and access on a public right-of-way. Parcel A will have adequate buildable area for a new detached single-family structure that will meet the minimum setback requirements, while Parcel B shows sufficient area to construct a new attached garage that will meet minimum setback requirements and bring the home into compliance with minimum off-street parking requirements.

The existing accessory buildings and portions of the existing home will need to be removed prior to the deed being recorded. According to Shoreview's Development Code Sec. 107-67, detached residential is the only principal use allowed on R-1 lots. Subdividing the property without removing the shed accessory building that is near the northern property line would create a nonconforming use on Parcel A. In addition, the proposed subdivision line bisects the current attached garage and breezeway portions of the home, along with the attached deck, which would make each of them non-compliant with their respective required setback requirements. Lastly, a portion of the principal structure, which is located between the attached deck and the walkway from the driveway to the front door, would be non-compliant with the 10' side yard setback using the proposed subdivision line. The applicant has expressed that they will be removing that portion of the home, which they refer to as a "sunroom," to both comply with the setback and create room to construct an attached garage for the existing home on Parcel B. Staff recommends, as a condition of approval, the removal of the detached accessory structure on Parcel A, the attached garage, the breezeway, the attached deck, and the "sunroom" prior to the City endorsing the deeds for recording.

The U-turn driveway that provides access to the existing home on the site, along with the two curb cuts, will need to be repaired and new access points created to meet driveway setback and access requirements per code.

Water and sanitary sewer connections will need to be installed for Parcel A. The City has water and sanitary sewer lines in the Rustic Place right-of-way. Escrows and associated permit fees will be required prior to the installation of the new driveways for both Parcels.

Tree impacts will be evaluated further during the building permit process, and replacements will be required per city code. A tree survey will be required as part of a future building permit application. A grading and drainage plan will also be required.

PUBLIC COMMENTS

Property owners within 350 feet were mailed notice of the subdivision application. At the time of this report, staff had not received any comments.

AGENCY COMMENTS

All agency comments have been incorporated into the recommended conditions

RECOMMENDATION

To approve the minor subdivision for Steve Tomas to allow him to divide the property at 3654 Rustic Place into two parcels, subject to the following conditions:

1. The minor subdivision shall be in accordance with the plans submitted.
2. For Parcel A, a Public Recreation Use Dedication fee as required by Chapter 105, Article III of the Development Regulations, before a building permit is issued for a new home on the property. The fee will be 4% of the fair market value of the property, with credit given to Parcel B for the existing home.
3. Public drainage and utility easements shall be dedicated to the City as required by the Public Works Director. The applicant shall be responsible for providing legal descriptions for all required easements. Easements shall be conveyed before the City will endorse deeds for recording.
4. The existing attached garage, detached shed, breezeway, attached deck, and attached sunroom shall be demolished before the City will endorse deeds for recording.
5. Municipal water and sanitary sewer service shall be provided to Parcel A, as well as curb and gutter with associated permit fees and escrows.
6. The applicants shall enter into a Subdivision Agreement with the City. This agreement shall be executed prior to the City's release of the deeds for recording. A Development Agreement will also be required for the construction of a new home on Parcel A and a new attached garage on Parcel B.
7. A tree survey and replacement plan shall be submitted prior to issuance of a building permit as reflected in City Natural Resources staff's comments. The approved plan shall be implemented prior to the commencement of work on the property and maintained during the period of construction. Trees that are to remain shall be protected, including wood chips and protective fencing at the drip line of the retained trees.
8. A grading, drainage, and erosion control plan shall be submitted with the building permit application and implemented during the construction activity on both parcels. This plan shall be completed by a Minnesota-licensed civil engineer.
9. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

This recommendation of approval is based on the following findings of fact:

1. The proposed land use is consistent with the policies of the Comprehensive Plan.
2. The proposed subdivision is supported in the policies of the Comprehensive Plan by providing additional housing opportunity in the city.
3. The parcels will comply with the minimum standards of the R1, Detached Residential zoning district.

ATTACHMENTS

Location Map - 3654 Rustic Pl
Statement - 3654 Rustic Pl
Survey - 3654 Rustic Pl
Natural Resources Comment- 3654 Rustic Pl - Minor Subdivision
Neighbor Comment 1 - 3654 Rustic Place

3654 Rustic Pl



10/5/2026, 2:36:05 PM

Override 1

Tax Parcels

Cities

1:3,600

0 0.04 0.08 0.16 mi

0 0.05 0.1 0.2 km

Steve Tomas has purchased the property at 3654 Rustic Place with the intent of demolishing the garage, car port and sunroom attached to the existing house. An attached garage will be built to the existing house. The vacant lot will either be sold, or we will build a house, that decision has not been made yet.

MINOR SUBDIVISION

~for~ TOMAS COMPANIES, INC.
~of~ 3654 RUSTIC PLACE
SHOREVIEW, MN 55126

PROPERTY DESCRIPTION

Lots 6 and 7, Block 1, ROWE & KNUDSON'S WOODED HOMESITES, Ramsey County, Minnesota.

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 7/20/2026.
- Bearings shown are Ramsey County datum.
- Parcel ID Number: 25-30-23-44-0006.
- Total parcel area = 56,400 sq. ft. (1.29 acres).
- Curb shots are taken at the top and back of curb.
- This survey was prepared using Title Commitment No. 312892, issued by TitleSmart, Inc., as agent for Stewart Title Guaranty Company and dated effective on May 26, 2026.

ZONING

This parcel is currently zones R-1 (Detached Residential District). The following standards apply to R-1 zoning per City of Shoreview website.

Minimum lot area = 10,000 sq. ft.
Minimum lot width = 75 feet
Minimum lot depth = 125 feet
Maximum building height = 35 feet
Maximum lot coverage = 40%

Building Setbacks:
Front = 25 feet
Side (street) = 25 feet
Side (interior) = 10 feet
Rear = 30 feet

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- DENOTES AIR CONDITIONING UNIT
- DENOTES CURB STOP
- DENOTES ELECTRICAL BOX
- DENOTES GAS METER
- DENOTES POWER POLE
- DENOTES SANITARY SEWER MANHOLE
- DENOTES MAILBOX
- DENOTES LIGHT POLE
- X 952.36 DENOTES EXISTING SPOT ELEVATION
- DENOTES FENCE
- DENOTES EXISTING CONTOURS
- DENOTES OVERHEAD UTILITY
- DENOTES UNDERGROUND GAS LINE
- DENOTES BUILDING SETBACK LINE
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE
- PIN No. 17-119-22-14-0008 Owner: City of X Address: Unassigned — DENOTES ADJACENT PARCEL OWNER INFORMATION (PER RAMSEY COUNTY TAX INFORMATION)

TREE DETAIL

- 950.26 OAK20 — DENOTES ELEVATION
- DENOTES TREE QUANTITY
- DENOTES TREE SIZE IN INCHES
- DENOTES TREE TYPE

PROPOSED LEGAL DESCRIPTIONS

PARCEL A

That part of Lot 6, Block 1, ROWE & KNUDSON'S WOODED HOMESITES, Ramsey County, Minnesota lying northerly of the south 10 feet of said Lot 6.

PARCEL B

Lot 7, Block 1, ROWE & KNUDSON'S WOODED HOMESITES, Ramsey County, Minnesota.

And

The south 10 feet of Lot 6, Block 1, ROWE & KNUDSON'S WOODED HOMESITES, Ramsey County, Minnesota.

DRAINAGE AND UTILITY EASEMENT DESCRIPTIONS

PARCEL A

A perpetual easement for drainage and utility purposes over, under and across the north and south 5 feet and the east and west 10 feet of the following described parcel:

That part of Lot 6, Block 1, ROWE & KNUDSON'S WOODED HOMESITES, Ramsey County, Minnesota lying northerly of the south 10 feet of said Lot 6.

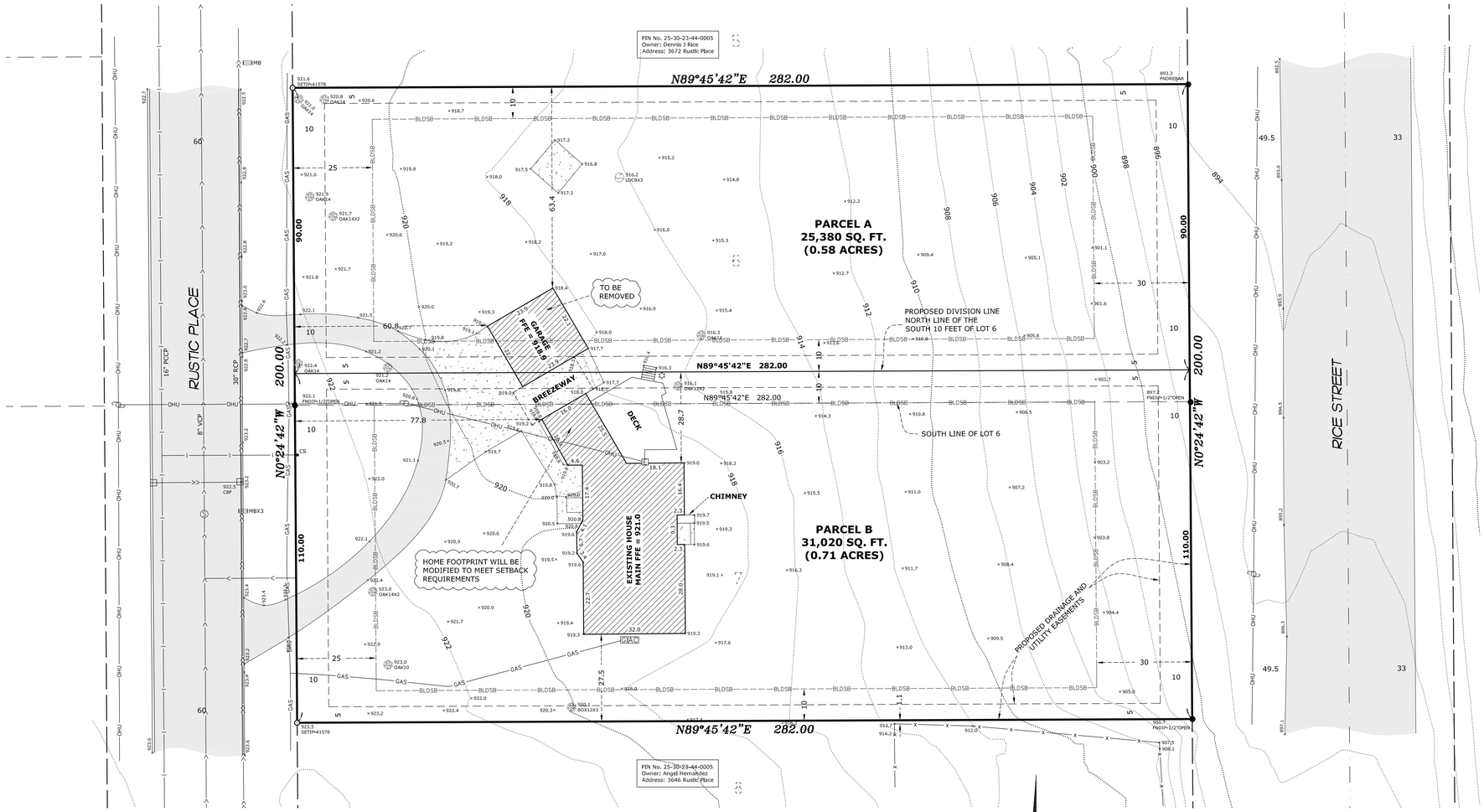
PARCEL B

A perpetual easement for drainage and utility purposes over, under and across the north and south 5 feet and the east and west 10 feet of the following described parcel:

Lot 7, Block 1, ROWE & KNUDSON'S WOODED HOMESITES, Ramsey County, Minnesota.

And

The south 10 feet of Lot 6, Block 1, ROWE & KNUDSON'S WOODED HOMESITES, Ramsey County, Minnesota.



GRAPHIC SCALE
20 0 10 20 40
1 INCH = 20 FEET

NORTH

BENCHMARK

RAMSEY COUNTY BENCHMARK NO. 9243
ELEVATION = 890.62 (NAVD 88 DATUM)

DRAWN BY: BAB	JOB NO: 260698BT	DATE: 7/27/2026	
CHECK BY: JER	FIELD CREW: BH/BJ		
1	8/12/26	ADD DIVISION LINE	BAB
2			
3			
NO.	DATE	DESCRIPTION	BY

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

JASON E. RUD

Date: 8/12/2026 License No. 41578

E. G. RUD & SONS, INC.
EST. 1977
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701
www.egrud.com

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26.0698BT

SHOREVIEW

Will Harris <wharris@shoreviewmn.gov>

Request for Comment - 3654 Rustic Pl - Minor Subdivision

Krista Billerbeck <kbillerbeck@shoreviewmn.gov> Tue, Oct 13, 2026 at 8:10 AM
To: Will Harris <wharris@shoreviewmn.gov>

The applicant will need to submit a site plan and inventory showing all trees on the property.

Thanks,
Krista

On Mon, Oct 12, 2026 at 1:21 PM Will Harris <wharris@shoreviewmn.gov> wrote:
[Quoted text hidden]

--
Krista Billerbeck | Natural Resources Manager
4600 Victoria Street North, Shoreview, MN 55126
651-490-4665 | kbillerbeck@shoreviewmn.gov

SHOREVIEW
PUBLIC WORKS

SHOREVIEW

Will Harris <wharris@shoreviewmn.gov>

3654 Rustic Place

[redacted] Wed, Oct 21, 2026 at 7:54 PM
To: wharris@shoreviewmn.gov

At this time I do not feel enough information has been provided to approve or oppose the subdivision on Rustic Place.

Why is Steve Tomas buying up houses on both ends (3500s and 3600s) of Rustic Place?

Will these homes be single family homes for purchase or will they be rental properties? If rental properties, who manages these properties? I have heard, and it may not be accurate, that Steve Tomas spends much time in Florida.

How will the new build on Parcel B fit into the neighborhood? Is parcel B large enough to build on or will it look crowded?

This is first and foremost a nice and quiet neighborhood. We would like it to stay that way. That being said, the current properties that Steve Tomas owns are kept up quite nicely. He does a good job on those.

[redacted]

Sent from my iPad

Memorandum

TO: Planning Commission

FROM: Izaak Peterson , Senior Planner

DATE: October 27, 2026

SUBJECT: Development Code Ordinance Text Amendment- Chapters 101, 103, 105, 107, 109, 111 and 115

ITEM NUMBER: 7.C

SECTION: NEW BUSINESS

REQUESTED MOTION

Motion #1

To close the public hearing.

Motion #2

Recommend that the city council approve text amendments to Development Code to Chapters 101, 103, 105, 107, 109, 111 and 115 as proposed.

Alternative Motion #2

To table consideration of the proposed text amendment to Development Code to Chapters 101, 103, 105, 107, 109, 111 and 115 until the planning commissions regularly scheduled meeting on November 24, 2026. The planning commission would like further information or review of the following areas:

INTRODUCTION

The planning commission is being asked to hold a public hearing and review the proposed update to the city's development code. The update addresses changes to zoning districts, subdivision requirements, development and design standards, use-specific standards, and shoreland management ordinance. The purpose of the hearing is to receive public comment and provide a recommendation to the city council regarding the proposed language.

The development code update began in 2019 and was paused during the COVID-19 pandemic. Work resumed in early 2025 and was guided by periodic workshop discussion with both the planning commission and city council. Following planning commission and council workshop discussion and direction, staff has worked with planning consultants HKGI to review the draft and refine the proposed text amendment changes, and facilitate public engagement.

The attached chapters reflect the draft prepared for public hearing. The below summary highlights the major changes to policy and development standards for the commission's discussion and consideration.

DISCUSSION

Project goals

The development code is the part of city code that controls how individual properties can be used and how buildings can be constructed. The zoning code divides the city into districts with different allowable uses and standards for each district. The zoning code also includes standards which apply to all types of development, such as landscaping, screening, parking, lighting, fencing, architectural design, and signage.

The project aims to update the City's development code to make it easier to understand and use, reflect current practices and state laws, and align with the Shoreview 2040 Comprehensive Plan. The update will support a variety of housing options and reinvestment, protect existing neighborhoods and natural resources, and advance the City's sustainability goals.

Residential Zoning

The city is working to increase housing options. The current zoning code is slightly outdated and creates obstacles to building various types of housing. The city is proposing to update some of the residential districts to support a wider range of housing options, also known as "missing middle housing".

Proposed residential zoning amendments intend to accommodate a greater variety of housing types while establishing standards for building size, placement, and compatibility with surrounding properties. These options include smaller lot sizes, duplexes, twinhomes, smaller detached homes, and accessory dwelling units. The applicable zoning district, dimensional standards, and use-specific requirements would continue to determine what can be built on an individual property.

RE- Residential Estate District

The draft retains RE20 and RE40 standards within the Residential Estate district, including minimum lot areas of 20,000 and 40,000 square feet, respectively. This differs from the earlier proposal to consolidate the district at a 20,000-square-foot minimum and informed by neighborhood discussion and engagement.

R1 - Detached Residential District

The R1 district continues to provide for single-family living but is proposed to include duplexes and twinhomes as permitted uses subject to standards. For detached single-family dwellings, the draft establishes a minimum lot area of 7,500 square feet and a minimum width of 65 feet. Duplexes and twinhomes require a minimum lot area of 10,000 square feet and a minimum width of 75 feet. Detached Accessory Dwelling Units are proposed permitted Accessory uses within the district.

Principal residential buildings would generally be subject to a 25-foot minimum front yard setback, a 30-foot rear yard setback, and a 10-foot side yard setback from dwelling area. A zero setback may be permitted at a shared wall. A 40-foot minimum street setback applies along minor arterial roadways. Shoreland standards would also apply where a property is within 1000' of a DNR classified water body.

R1A-Mixed Detached and Attached Residential District

The proposed R1A district would accommodate single-family and two- to three-family dwellings on lots smaller than those in the RE and R1 districts. The district is intended for

properties along arterial or collector roads, on the perimeter of a residential neighborhood, or on unique sites that provide an opportunity for infill development.

The district requires a minimum zoned area of 1.5 acres. Within that area, detached single-family lots would require at least 6,000 square feet and 50 feet of width. Duplexes, twinhomes, and triplexes would require 3,000 square feet of lot area and 25 feet of lot width per dwelling unit.

The draft establishes a 35-foot maximum building height, a 30-foot rear yard setback for principal structures, and a five-foot side yard setback, with a 10-foot side setback when adjacent to an R1 district dwelling. Shared walls may have a zero setback. Maximum lot coverage would be 55 percent, with an increase to 60 percent where qualifying best management practices are provided.

Accessory Dwelling Units (ADU)

Accessory dwelling units provide a smaller independent dwelling on the same property as a detached single-family home. The draft includes standards for units located within or attached to the principal home and units within a detached accessory building. A permit would be required, and only one accessory dwelling unit would be allowed per detached single-family dwelling.

The underlying property must remain in single ownership, and the owner must live in either the principal dwelling or the accessory dwelling unit. The accessory unit could not be sold separately or established as a separate tax parcel. A rental license would be required for the unit that is not owner-occupied.

The proposed living area is a minimum of 200 square feet and a maximum of 800 square feet. Units within or attached to the principal dwelling would also be limited to 40 percent of the building's floor area and no more than two bedrooms. At least 850 square feet of living space must remain in the principal unit, exclusive of attached accessory building area. The property must provide at least three total off-street parking spaces, including one enclosed space.

Detached ADU's would be located in a side or rear yard and be subject to additional setback, height, and design requirements. These include a minimum 10-foot side yard setback and a rear setback equal to the building height or 10 feet, whichever is more restrictive. The maximum building height is 24 feet and cannot exceed the principal dwelling's height; sidewalls are limited to 10 feet. The exterior design and materials must be compatible with the principal dwelling.

Mixed Use districts

The draft establishes two mixed-use districts: MU-C, Mixed Use Community, and MU-TC, Mixed Use Town Center. The districts provide a framework for residential and business uses with building placement, pedestrian connections, and site design standards intended to support walkable development. Permitted uses are identified in Chapter 107 and are subject to the applicable use-specific standards in Chapter 111.

The MU-C district is intended to provide a variety of housing types together with pedestrian-scale retail, office, and service uses. Buildings would be oriented toward an internal public street or an open space corridor connected by sidewalks. Sidewalks would be required along all street frontages, with connections between building entrances, parking, common areas, and

existing walkways.

MU-C dimensional standards vary by building type. The draft establishes minimum lot widths of 40 feet for duplexes and 25 feet for townhouses or rowhouses. The build-to zone is 20 to 30 feet from the back of curb for duplexes and townhouses, and 10 to 20 feet for the first and second floors of other permitted uses. Buildings fronting an arterial road may reach 75 feet. Along local or collector roads, height above 35 feet requires an additional foot of setback for each additional foot of height, up to 75 feet. Additional setbacks apply next to lower-density residential districts.

The MU-TC district is intended to accommodate a more concentrated town center with multi-story buildings, housing, businesses, civic uses, and public gathering areas. Most permitted structures would be limited to six stories or 75 feet. Townhouses and rowhouses would be limited to 2.5 stories or 35 feet. Buildings must occupy at least 60 percent of the street frontage within the applicable build-to zone.

Parking would not be permitted between the front of a building and the street in MU-TC. The district includes provisions for an interconnected street system, sidewalks or shared use trails on both sides of streets, and public gathering areas for larger residential or mixed-use developments. Development along public waters would also be required to provide a publicly accessible shoreline trail. These provisions establish the intended development pattern as properties redevelop over time.

Arterial Development Overlay District
The Arterial Development Overlay would apply to areas identified on the zoning map along arterial roadways. It would allow taller buildings where specific standards are met, while retaining the uses allowed by the underlying zoning district.

The draft permits principal structures up to six stories or 75 feet, except residential structures containing eight or fewer units. A 50-foot setback would be required along property lines adjacent to RE, R1, R1A, or R2 zoning. When a structure is within 75 feet of one of these districts, each floor above the third floor must be set back an additional 12 feet from the floor below. These standards are intended to provide a transition between taller building massing development and adjoining residential areas.

Shoreland Management Ordinance
Shoreland provisions address dimensional standards, vegetation and land alteration, public and private facilities, subdivisions, shoreland planned unit developments, and administration. The draft proposes modifying Article VI of Chapter 115, Shoreland Management. The supplied chapter does not propose changes to Articles I through V.

Proposed language incorporates Minnesota Department of Natural Resources (DNR) Shoreland Model Ordinance provisions regarding Shoreland Planned Unit Development (PUD) standards into city code. Proposed language mirrors DNR standards regarding Shoreland PUD development review and performance standards. Shoreland PUD language provides for density analysis tiers and requirements for open space and long-term protection of shoreland areas.

Additional minor amendments include provisions for permitted deck encroachments and additional lakeside patio allowances and flexibility in response to resident inquiry, and

frequent code enforcement issues. Provisions clarifying vegetation preservation and maintenance standards on steep slopes, shore impact zones, and bluffs has been incorporated into the draft for consistency with DNR model ordinance standards.

DNR approval is required for any modification of the city's Shoreland Ordinance. The code is currently under review by the DNR and has been revised in response to DNR comments and recommendations. Staff has received initial concurrence from the DNR regarding current draft language, and expects approval prior to council consideration of the code.

Parking Requirements
The proposed parking standards establish minimum requirements by district and by use. Where a use-specific requirement is provided, it would apply in place of the district requirement. The standards are intended to right size parking supply to the use of a property and provide opportunities to reduce unnecessary paved areas.

Examples of the proposed district requirements include two spaces per dwelling unit in the RE and R1 districts; two spaces per unit plus one-half guest space per unit in R1A and R2 districts; and one space per studio or one-bedroom unit, or two spaces per unit with two or more bedrooms, plus one-half guest space per unit in R3. MU-C and MU-TC would require one space per bedroom for residential uses and one space per 300 square feet of gross floor area for commercial uses. The separate accessory dwelling unit parking standard described above also applies.

The draft allows parking reductions through demonstrated parking demand, proof of parking, shared parking, access to transit, or transportation demand management. Proof of parking must be provided as specified in the draft so additional spaces can be constructed if needed. Parking above the minimum may be approved through site and building plan review based on demand, with a pervious parking surface required for those additional areas.

Electric Vehicle Charging
Electric vehicle charging stations would be allowed in all zoning districts. The draft establishes installation and EV-ready requirements for new parking lots, lots adding more than 25 percent additional parking spaces, and lots where more than 25 percent of the parking area is reconstructed.

Lots with fewer than 20 spaces would have no minimum charging or EV-ready requirement. For lots with 20 to 49 spaces, residential parking would require two Level 2 stations for residents, and nonresidential parking would require one Level 2 station. For lots with 50 or more spaces, residential parking would require two Level 1 stations for residents and four Level 2 stations for guests; nonresidential parking would require two Level 2 or higher stations. Both larger categories would require 10 percent EV-ready spaces for Level 2 or higher charging and access to an installed charger from at least one accessible parking space.

Waiver may be permitted of all or a portions of the required charging spaces where installation costs exceed five percent of the total project cost or utilities are not reasonably available to provide sufficient electrical capacity. Additional standards address location, setbacks, pedestrian access, maintenance, and compatibility with the site.

Bicycle parking
Bicycle parking would be required for dwellings with three or more units and nonresidential

uses when there is new development, a building addition exceeding 25 percent of existing square footage, or a parking improvement adding more than 25 percent additional spaces.

The amendment requires one bicycle parking space per 10 automobile parking spaces, with a minimum of four bicycle spaces. Schools would provide one bicycle space per 10 students. Racks would generally be located within 50 feet of building entrances, be securely anchored, and be placed to avoid pedestrian conflicts. The draft also recognizes lockers and secure enclosures for longer-term storage.

Landscaping and Screening
The landscaping and screening provisions address the appearance of development, protection of adjoining properties, and the establishment of planted areas. Single-unit and two-unit dwellings would be required to provide at least two trees per lot, including one in the front yard, with each tree from a different genus.

Nonresidential and multi-unit residential development would provide landscaped yards along streets and meet the applicable tree planting requirements. The draft includes buffer widths and planting requirements based on the relationship between adjoining uses. Buffer widths range from 30 feet for specified residential transitions to 50 feet for mixed-use, commercial, or office districts adjoining residential uses, and 60 feet for business park or industrial districts adjoining residential uses. Other district-specific setbacks and screening requirements would also apply.

The standards address screening of parking, loading, outdoor storage, and mechanical equipment. Buffer landscaping is intended to provide a visual screen within three years of installation. These requirements should be reviewed with the district standards to ensure that development provides an appropriate transition to surrounding properties.

Administration and Subdivision Standards
In addition to the topics above, the draft includes changes to the administration of development applications. Chapter 103 provides an administrative review process for qualifying minor site plan amendments, including structural additions involving 10 percent or less of total floor area, site modifications involving 10 percent or less of existing site area, parking lot or driveway modifications, and fences. These applications must comply with ordinance requirements.

Similarly, administrative approval provisions are proposed for minor Subdivision applications proposing boundary adjustments, or the creation of three (3) or fewer residential properties. These applications must comply with ordinance requirements.

Zoning Map
No property rezonings or zoning map amendments are proposed or requested through the text amendments.

Community Engagement
The public review process has included opportunities to learn about the proposed changes and provide feedback. The project's online materials include a StoryMap and the Konveio draft code review and comment platform communicated through social media, open house meetings, qr code distribution and email. These tools are intended to help residents and property owners understand the update and review specific code provisions. The Konveio

website was available for code public comment from July-September to receive feedback from the public on the draft text. Common areas of public comment received are highlighted below:

- Residential Estate: Staff held an open house inviting property owners within the RE40 district, and received feedback of concern regarding the change to reduce the RE40 minimum lot size to 20,000 square feet and consolidating the districts into one RE district. Incorporating that feedback, the current draft retains the respective RE20 and RE40 minimum lot areas.
- Tree Preservation and Replacement: Tree preservation requirement amendments are not proposed through this amendment. Public comments noting desire for both increased and decreased tree preservation requirements were received. Upon council direction at their August 17, 2026 meeting, consensus that amendments to the tree preservation and replacement code warranted separate discussion and consideration.
- Accessory Dwelling Units: Requests for detached accessory dwelling units continue and draft provisions have been favorably received.
- Data Centers: Comments noting concern regarding data center development were communicated, citing national development trends. Upon council direction at their August 17, 2026 meeting, consensus was reached to address separately through a specific development code amendment or other policy process.

RECOMMENDATION

Staff recommends that the planning commission hold the required Public Hearing, review the draft and forward the amendment to the city council with a recommendation for adoption.

The planning commissions recommendation should identify any revisions the commission wishes to include before council consideration.

If the commission believes the text amendments requires further discussion, modification or consideration, staff recommends the commission table consideration of the proposed text amendments for discussion at the regularly scheduled planning commission meeting on November 24, 2026 with direction on the additional information needed.

ATTACHMENTS

Shoreview Ch 101- Introduction
Shoreview Ch 103- Administration
Shoreview Ch 105- Subdivision Standards
Shoreview Ch 107- Base Development Districts
Shoreview Ch 109- Development And Design Standards
Shoreview Ch 111- Use Specific Standards
Shoreview Ch 115 Article VI - Shoreland Management

Part II – Land Use and Development

CHAPTER 101. INTRODUCTION

ARTICLE I. AUTHORITY

Sec. 101-1. Purpose and intent.

(a) The city's Development Regulations are adopted to protect and promote the public health, safety and welfare of its residents and are intended to implement the policies of the city's Comprehensive Plan and are intended to help achieve the following objectives:

(1) To maintain the high quality of life within the community by promoting investment and re-investment in the community.

(2) To provide opportunities for reuse, reinvestment and redevelopment that increases the city's housing choice, employment and service base.

(3) To preserve and protect the city's natural resources through standards which promote sustainable land use and development.

(4) To stabilize and improve existing land uses, commercial and business centers, neighborhoods, and property values by minimizing conflicts, harmonious influences and harmful intrusion.

(5) To ensure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial for the city as a whole.

(6) To balance the demand for support services with the ability of the city to efficiently utilize and/or expand the existing utilities, streets, etc.

(7) To establish development patterns which encourage suitable density transitions from the less intense areas to those of higher intensity.

(8) To protect all districts from excessive noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influences.

(9) To provide for adequate light, pure air, safety from fire and other danger.

(10) To provide for administration and official recording of this ordinance, and for amendments hereto.

(b) The provisions of this chapter are intended to apply to all chapters of this part (chapters 101 through 115), unless otherwise specifically provided.

Sec. 101-2. Title.

This title shall be known as, referred to and cited as the "Development Ordinance of the City of Shoreview, Minnesota" and is hereinafter referred to as the "Development Ordinance."

Sec. 101-3. Effective date and authority to adopt.

(a) The effective date of this part is _____, 2026. This part hereby supersedes and replaces in its entirety, Part II Land Use and Development of the Shoreview, Minnesota Code on the effective date hereof.

(b) The provisions of this part shall apply to all land use and subdivision applications and permits filed on or after _____. Plans on file before _____ shall be reviewed in compliance with the regulations in effect at the time of filing.

(c) This part is enacted pursuant to the authority granted by the Municipal Planning Act, Minnesota Statutes, Sections 462.351 through 462.363. Whenever other applicable city, state or federal laws or rules referenced in this part have been amended or superseded, this part shall also be considered amended accordingly.

Sec. 101-4. Enforcement and penalty.

(a) This ordinance shall be administered and enforced by the city manager and/or his/her designee.

(b) The city manager may institute, in the name of the City of Shoreview, all appropriate actions or proceedings against violators as provided by law.

(c) Any person, firm or corporation, who violates or refuses to comply with any of the provisions of this ordinance shall be guilty of a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense.

ARTICLE II. INTERPRETATION

Sec. 101-5. Generally.

(a) In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare.

Sec. 101-6. Relationship to comprehensive plan.

(a) It is the policy of the city that the enforcement, amendment, and administration of this chapter be accomplished with due consideration of the recommendations contained in the comprehensive plan as developed and amended from time-to-time by the city council of the city. The council recognizes the comprehensive plan as the policy guide responsible for regulation of land use and development in accordance with the policies and purpose herein set forth.

Sec. 101-7. Conflicting regulations or provisions.

(a) Where the provisions of this part are inconsistent with state or federal law or any other city ordinance, code provision, or regulation, the more restrictive provision governs unless otherwise expressly stated.

Sec. 101-8. Use of graphics, illustrations, figures, photos, and cross-references.

(a) Graphics, illustrations, figures and photos are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, figure or photo the text shall control.

(b) In some instances, cross-references between parts, sections, and subsections are provided that include the part, section or subsection number along with the name of the reference. Where a conflict may occur between the given cross-reference number and name, the name shall control.

Sec. 101-9. Abrogation and greater restrictions.

It is not intended by this code to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only. In the event, inconsistencies are found within this ordinance, the more restrictive shall apply.

Sec. 101-10. Separability.

If any part of this ordinance is held to be unconstitutional or otherwise illegal, the remainder of this ordinance shall be deemed and held to be valid and remain in force and effect as if such portion had not been included herein. If this ordinance or any provision herein is held to be inapplicable to any person, property or work, such holding shall not affect the applicability hereof to any other person's property or work.

ARTICLE III. DEFINITIONS

Sec. 101-11. General provisions.

(a) Unless specifically defined below, or as in section 107-29 pertaining to flood plain management or in chapter 113 pertaining to signs, words or phrases used in the City of Shoreview Code of Ordinances shall be interpreted so as to give them the same meaning as they have in common usage and so as to give subject code its most reasonable application.

(b) Unless otherwise specifically indicated, list of items or examples that use terms such as including, such as, or similar language are intended to provide examples and not to be exhaustive lists of all possibilities.

(c) Whenever a reference is made to an ordinance, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such unless otherwise expressly stated.

(d) Words and phrases not otherwise defined shall be construed according to the common and approved usage of American English.

Sec. 101-12. General definitions.

Accessory building means an attached or detached subordinate building, or a portion of the main building, the use of which is incidental to that of the main building or to the use of the premises, with the exception of enclosed porches. Examples include, but are not limited to, garages, storage sheds and gazebos.

Accessory building, attached means an accessory structure that has a contiguous foundation, roof, floor or wall system connected to the main building.

Accessory building, detached means an accessory structure that is separated from the principal structure by at least 6 feet with no connecting structures except for at-grade sidewalks or pathways.

Accessory building, water-oriented means a small, above-ground building or structure which because of its relationship to the use and enjoyment of a public water, is permitted to be located closer to the water than the required structure setback. Examples of such structures include boathouses, storage sheds, patios, screen porches/gazebos, and detached decks. Stairways, fences, retaining walls, docks and dock sections, and boatlifts are not included in this definition.

Accessory structure means a subordinate structure, or a portion of the main structure, the use of which is incidental to that of the main structure or to the use of the premises. Examples include, but are not limited to – deck, fencing, and landscape features such as a pergola.

All-terrain vehicle means a motorized floatation-tired vehicle of not less than three low-pressure tires, but no more than six tires, that is limited in engine displacement of not less than 800 cubic centimeters and a total dry weight less than 600 pounds.

Alley means a minor way providing secondary vehicular access to the side or rear of two or more properties abutting on a street.

Animal, domestic means animals kept within the home as pets, such as fish, dogs, cats, household birds, and similar animals.

Animal, non-domestic means animals which are kept outside the home for purposes of food or pleasure such as cattle, hogs, horses, bees, sheep, goats, llamas, chickens (Gallus gallus domesticus), birds, such as emus and pigeons, and similar animals.

Animal, wild means any animal, reptile or amphibian which is of a species not usually domesticated; or of a species which, due to size, wild nature or other characteristics, may be dangerous to humans; or would ordinarily be confined in a zoo or found in the wild. The term includes but is not limited to:

(a) Animals and birds, the keeping of which is licensed by the state or federal government, such as wolves, pheasants, and raptors such as eagles, falcons, hawks, and owls.

(b) Weasels, wild ferrets, badgers, deer and bison.

(c) Crossbreeds of wild animals and domesticated animals such as the cross between dogs and coyotes and dogs and wolves.

(d) All members of the Felidae family including, but not limited to, lions, tigers, cougars, leopards, ocelots, cheetahs, and servals, but not including domestic cats or cats recognized as a domestic breed, registered as a domestic breed, and shown as a domestic breed by a national or international multibreed cat registry association.

(e) Any member of the Canidae family, such as wolves, foxes, coyotes, dingoes, and jackals, except domesticated dogs.

(f) Any poisonous animal such as a rattlesnake, coral snake, water moccasin, puff adder, cobra, Gila monster or golden frog.

(g) Any snake or reptile which by its size, vicious nature or other characteristic may be dangerous to human beings.

(h) Any skunk, or raccoon whether captured in the wild, domestically raised, descented or not descented, vaccinated against rabies or not vaccinated against rabies.

(i) Bears.

(j) All nonhuman primates, including, but not limited to, lemurs, monkeys, chimpanzees, gorillas, orangutans, marmosets, lorises, and tamarins.

(k) Any other animal, bird, or reptile which is commonly considered wild.

Approved means as applied to material, device or method of construction, shall mean approved by the city manager under the provisions of this ordinance, or approved by other authority designated by law to give approval in the matter in question.

Arterial, minor means streets as designated in the comprehensive plan that are intended to connect cities with adjacent communities and the regional highway system.

Arterial, principal means streets as designated in the comprehensive plan that have regional or nationwide significance because they connect metropolitan centers with one another and connect major business concentrations to another.

Authorizing body means the city council, planning commission, board of adjustments and appeals, or city manager or authorized to grant a permit based on the provisions of this ordinance.

Awning means a temporary hood or cover which projects from the wall of a building, and which can be retracted, folded or collapsed against the face of the supporting building.

Basement means that portion of a building below the first story which is wholly or partly below grade and having more than one-half of its height below grade.

Bed, of lake or stream means the land at or below the Ordinary High Water Level on water bodies defined as "protected" by the Minnesota Department of Natural Resources.

Best management practices (BMPs) mean methods for stormwater management that minimize the amount of runoff that occurs from a site and prevents pollution from running off. These represent a combination of land use, conservation practices and management techniques that result in an acceptable level of water quality and pollution prevention consistent with the city's NPDES and Stormwater Pollution Prevention Plan (SWPPP) permits.

Bicycle means every device propelled solely by human power upon which any person may ride, having two tandem wheels except scooters and similar devices and including any device generally recognized as a bicycle though equipped with two front or rear wheels.

Bicycle, electric-assisted means a two- or three-wheeled vehicle with a saddle and fully operable pedals for human propulsion, equipped with an electric motor of 750 watts or less that fits a three-class system.

Block means an area of land within a development that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river, lake or rail line.

Bluff means a topographic feature such as a hill, cliff, or embankment having all of the following characteristics:

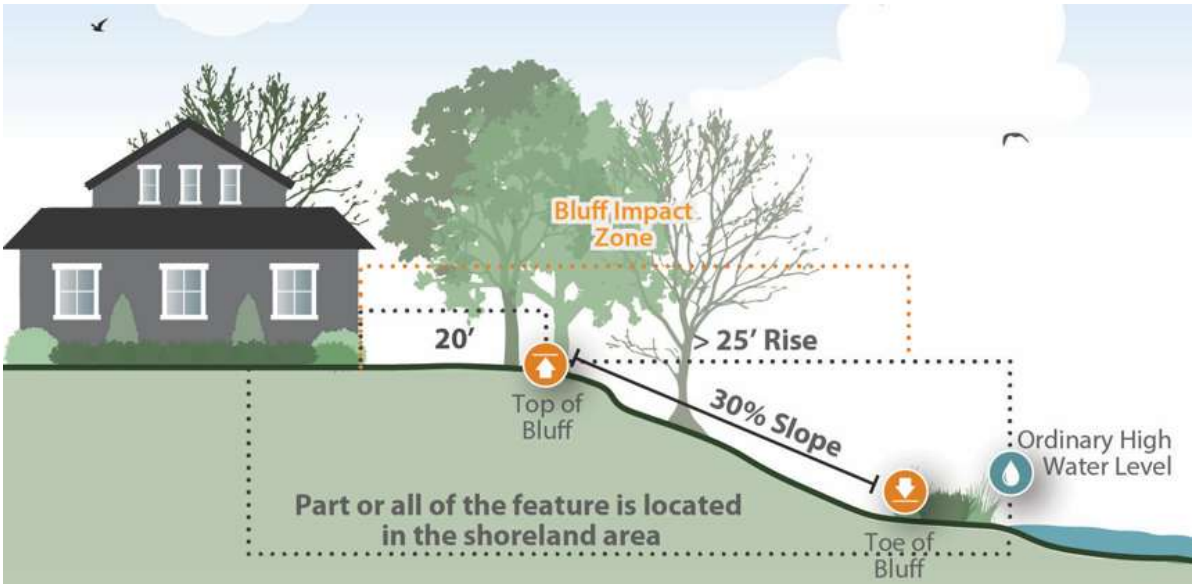
(a) Part or all of the feature is located in the shoreland area;

(b) The slope must drain toward the waterbody;

(c) The slope rises at least 25 feet above the ordinary high water level; and

(d) The grade of the slope from the toe of the bluff to a point 25 feet above the ordinary high water level averages 30% or greater (see Figure 101.1), except that an area with an average slope of less than 18% over a distance of at least 50 feet shall not be considered part of the bluff.

Figure 101.1. Bluff



Bluff impact zone means a bluff and the adjoining land located within 20 feet of the top of the bluff.

Bluff, toe of means the lowest elevation of the lowest 50-foot long segment of a bluff with an average slope exceeding 18%.

Bluff, top of means the highest elevation of the highest 50-foot long segment of a bluff with an average slope exceeding 18%.

Boat means any contrivance used or designed for navigation on water.

Boathouse means a facility as defined by Minnesota Statutes, section 103G.245.

Boat lift means a structure used to lift a boat out of the water and which may have a canopy.

Board of adjustments and appeals means the planning commission.

Buffer means a vegetative feature as defined by Minnesota Statutes, section 103F.48.

Buildable area means the area of a lot contained within the front, side and rear setbacks.

Building means any structure for the shelter, support or enclosure of persons, animals, chattels or property of any kind, and when separated by party walls without openings, each portion of such building so separated shall be deemed a separate building.

Building code means the building code of the city, including the fire code.

Building cornice means a projecting horizontal decorative molding along the top of the principal front wall of a building.

Building façade means that portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.

Building façade articulation means a recess or projection in the building façade that gives texture to the building surface, creates the impression that one building is two or more buildings, incorporates a unique building element, and improves the building's overall composition and aesthetic. Minimum requirements for a building break are a depth of two feet and a width of four feet.

Building parapet means a low wall or protective barrier that extends vertically above the roof line of a building.

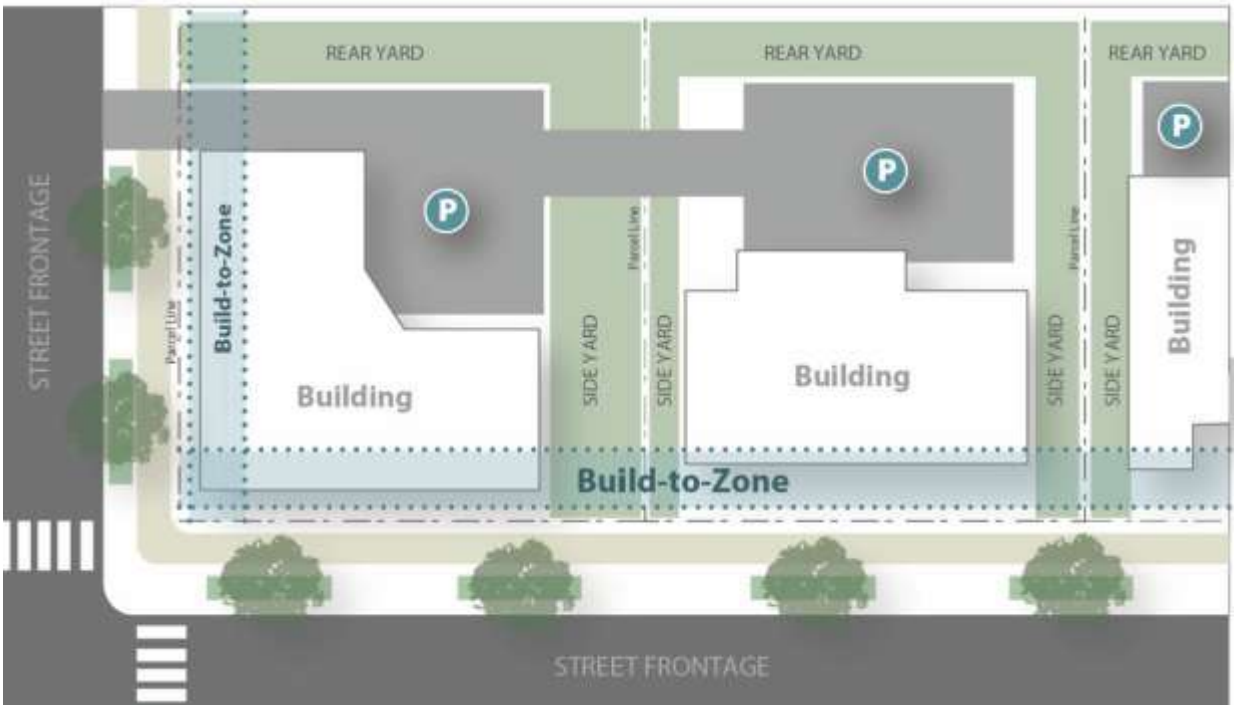
Building setback line means a line located parallel to and a specified distance from a lot line, top of bluff, or OHW level which represents the closest distance that a building/structure is permitted to be located from the lot line, top of bluff or OHW level.

Building stepback means a setback of a building's upper floor(s) in order to reduce the building's bulk, articulate the base of the building, ensure a more comfortable street environment, and provide light and air at street level.

Building transparency means openings in the street-facing façade of a building that are transparent, including windows and doors, which enable increased physical and/or visual interaction between street/sidewalk/plaza activities and a building's interior uses and activities.

Build-to zone means the area running the width of a lot which sets the minimum and maximum distance a structure may be placed from a lot line.

Figure 101.2. Build-to zone



Camouflaged means using shape, color, and texture to cause an object to appear to become part of something else. Camouflage does not mean invisible but rather appearing as part of another structure, such as a building, wall, or roof. Includes wireless telecommunication facilities disguised to appear as another structure such as a building, clock tower, chimney, church steeple, flagpole, light pole, sign, tree, or utility pole.

Canopy means a roof-like structure projecting over any entrance of a store, building or place of entry.

Cellar means that portion of a building having more than half of the clear floor-to-ceiling height below the average grade of the adjacent ground.

City manager means the manager of the city as appointed by the city council or his/her designee.

Clear cutting means the removal of an entire stand of trees.

Combustible material means materials made of or surfaced with wood, compressed paper, plant fibers, or other materials that are capable of being ignited and burned placed in dangerous proximity to or in contact with heat-producing appliances, vent connectors, gas vents, chimneys, steam and hot water pipes, and warm air ducts.

Commercial usage vehicle means vehicles and equipment designed or modified for use in any construction, demolition, or maintenance activity.

(a) Tractors.

(b) All trailers or towed equipment exceeding a gross vehicle weight of 1,500 pounds but not including recreational vehicles or trailers used to transport boats, snowmobiles or ATV's.

(c) Snow removal vehicles and equipment and tree trimming vehicles and equipment.

(d) Earth moving vehicles and equipment.

(e) Trucks, vans and pickups with a manufacturer's nominal rated carrying capacity of more than three-fourths of a ton and gross vehicle weight exceeding 9000 pounds.

Comprehensive plan means the Shoreview Comprehensive Plan adopted by the city council and subsequent amendments thereto.

Concealed, fully hidden from view means a wireless telecommunication facility that is not evident and is hidden or integrated into a structure such as a building, wall, or roof.

Construction dumpster means a mobile receptacle for temporarily storing refuse debris resulting from the construction, demolition, repair or alteration of structures or buildings. Construction dumpsters are transported to the site by truck and range in size from 10 to 45 cubic yards. Bagsters, large bags that hold less than 10 cubic yards, are considered a construction dumpster.

Controlled access/beach lot means a separate riparian property owned and maintained jointly by non-riparian property owners in the vicinity and used by said non-riparian owners for lake-related recreation activities.

Correlated color temperature (CCT) means a measure of the color of the light given off by a lamp. A lower color temperature means a warmer color. A higher color temperature means a cooler color. The CCT is often mentioned on the packaging of a lamp. It is measured in degrees Kelvin (K). The CCT is NOT a measure of how bright a lamp is.

Court means an open unoccupied space bounded on two or more sides by the exterior walls of a building or buildings on the same lot.

Cul-de-sac means a local street with only one outlet which is permanently terminated by a vehicular turn around.

Curb level means the level of the established curb in front of the building measured at the center of such front. Where no curb level has been established, the city engineer shall establish such curb level or its equivalent for the purpose of this ordinance.

Deck means a horizontal, unenclosed platform, without a roof which may be attached or unattached to a structure, including any attached railings, seats, trellises, or other features not more than 36 inches above the platform, and whose platform, if attached to a dwelling, is larger than permitted for a landing, not including steps and ramps.

Density per gross acre means the quotient of the total number of dwelling units divided by the total area of the site.

Density, residential means a density established within individual residential land use categories in the official Land Use Plan element of the Shoreview Comprehensive Plan.

Developer means any person, firm, association, partnership or corporation who owns or controls land which is to be developed.

Development means the construction, installation or alteration of any structure; the extraction, clearing or other alteration of terrestrial or aquatic vegetation, land or the course current or cross section of any water body or water course; or the division of land into two or more parcels.

District refers to a zoning district, which is a section of the city for which the regulations governing the height, area, use of buildings and premises are the same.

Department of Natural Resources (DNR) means the state agency which guides and controls the natural resources for Minnesota.

Double frontage lot means a lot which front and rear lot lines abut substantially parallel rights-of-way.

Dwelling structure means a building with one or more dwelling units thereof occupied or intended to be occupied for residential purposes, but not including rooms in motels, hotels, nursing homes, boarding houses, trailers, tents, cabins, or trailer coaches.

Earth sheltered structure means a building with 50% or more of the wall area covered with a minimum depth of 12 inches of earth.

Easement means a grant by an owner of land for the specific use of said land for a public or quasi-public purpose.

Electric vehicle-related definitions

(a) *Accessible electric vehicle charging station* means an electric vehicle charging station where the battery charging station is located within accessible reach of a barrier-free access aisle and the electric vehicle.

(b) *Battery charging station* means an electrical component, assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.

(c) *Battery electric vehicle* means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries and produces zero tailpipe emissions or pollution when stationary or operating.

(d) *Charging levels* means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and DC are the most common charging levels, and include the following specifications:

(1) Level 1 is considered slow charging with 120v outlets.

(2) Level 2 is considered medium charging with 240v outlets, charging head and cord hard-wired to the circuit.

(3) DC is considered fast or rapid charging. Voltage is greater than 240.

(e) *Electric vehicle* means a vehicle that operates, either partially or exclusively, on electrical energy from the electrical grid, or an off-grid source, that is stored on board for motive purposes. "Electric vehicle" includes:

(1) Battery electric vehicle.

(2) Plug-in hybrid electric vehicle.

(f) *Electric vehicle charging stations (EVCS)* means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

(g) Electric vehicle charging station – private restricted use means an electric vehicle charging station that is:

(1) Privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking, assigned parking at multi-family residential buildings); or

(2) Publicly owned and restricted (e.g., fleet parking with no access to the general public).

(h) *Electric vehicle charging station – public use* means an electric vehicle charging station that is:

(1) Publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking); or

(2) Privately owned and available to visitors of the use (e.g., shopping center parking).

(i) *Electric vehicle supply equipment (EVSE)* means any equipment or electrical component used in charging electric vehicles at a specific location. EVSE does not include equipment located on the electric vehicles themselves.

(j) *Electric vehicle infrastructure* means conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations and rapid charging stations.

(k) *Electric vehicle parking space* means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

(l) Electrical capacity means at minimum:

(1) Panel capacity to accommodate a dedicated branch circuit and service capacity to install a 208/240V outlet per charger;

(2) Conduit from an electric panel to future EVCS location(s).

(m) Plug-in hybrid electric vehicle means an electric vehicle that:

(1) Contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor;

(2) Charges its battery primarily by connecting to the grid or other off-board electrical source;

(3) May additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and

(4) Has the ability to travel powered by electricity.

Energy system, conventional means an energy system, including supply elements, furnaces, burners, tanks, boilers, related controls, and energy distribution components that uses nonrenewable energy sources (such as coal, oil, natural gas and nuclear materials).

Enforcement officer means as designated by the city manager, shall be responsible for enforcing the provisions of this part.

Equipment enclosure means a structure, shelter, cabinet, box, or vault designed for and used to house and protect the electronic equipment necessary and/or desirable for processing wireless telecommunication signals and data, including any provisions for mechanical cooling equipment, air conditions, ventilation, and/or auxiliary electric generators.

Erosion control means methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.

Exterior property areas means open space on the premises under the control of owners or operators of such premises.

Extermination means the control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their feed, by poison spraying, fumigating, trapping or by another recognized and legal pest elimination method.

Family means one or more persons related by blood, marriage or adoption, including foster children, and up to two boarders, or a group of not more than five persons (excluding servants) some or all of whom are not related by blood, marriage or adoption, living together and maintaining a common household.

Final plat mans a final map, drawing, or chart on which the developer's plan of a development is presented to the city council for approval and which, if approved, will be submitted to the County Register of Deeds.

Final stabilization means all soil disturbing activities on the site or common plan of development have been completed, and that a uniform (evenly distributed, e.g., without large bare areas) perennial vegetative cover with a density of at least 70% of the cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures have been employed, and that all temporary erosion control devices are removed, including silt fence, temporary sedimentation basins, and temporary standpipes. Simply sowing grass seed and/or mulch is not considered final stabilization. Final stabilization of a “common plan of development” includes completion of building or home construction along with final restoration of all yards and adjacent drainage ways.

Finished grade means the final grade of the site that conforms to the approved plan within 0.2 feet of the approved elevations.

Fire chief means the chief of the Fire Department serving the City of Shoreview.

Fire department means the Fire Department serving the City of Shoreview.

Flood protection elevation, regulatory means an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain or floodway.

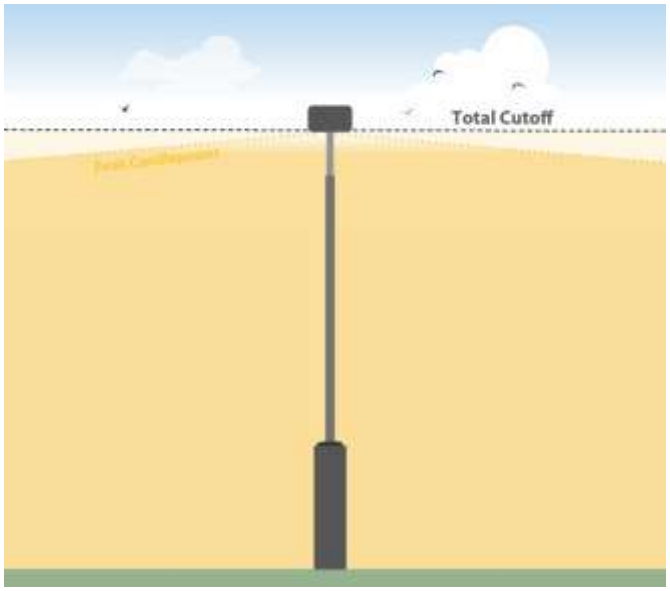
Floor area, gross (GFA) means the sum of the gross horizontal areas of the several floors of a building (including cellars and basements) measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

Floor area, net (NFA) means the total of all floor areas of a building, excluding stairwells, elevator shafts, equipment rooms, interior vehicular parking or loading, restrooms and utility rooms.

Foundation area means that portion of the lot covered with roofed structures generally measured to the foundation or footings.

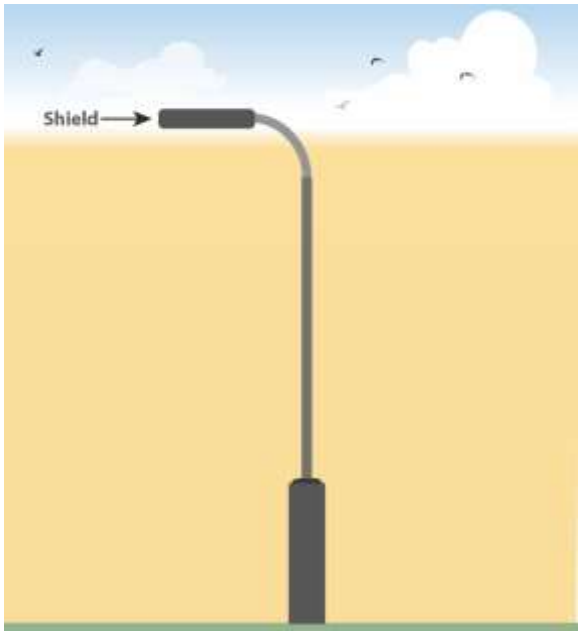
Full cutoff luminaire means a light fixture that projects no light upward and controls glare by limiting light output between the horizontal plane and 10 degrees below the horizontal plane to less than 10% of the total light output in lumens. All full cutoff fixtures are fully shielded.

Figure 101.3. Full cutoff luminaire



Fully shielded luminaire means a light fixture that projects no light upward, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture. Fully shielded does NOT always mean full cutoff. Refer to full cutoff luminaire definition.

Figure 101.4. Fully shielded luminaire



Grade means the degree of rise or descent of a sloping surface, or, regarding signs, the elevation or level of the ground at the place the sign is to be erected.

Grade, adjacent ground elevation means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.

Grading means any land disturbance activity and includes construction, landscaping, clearing and grubbing, excavating, transporting soil and earth material, and filling of land.

Habitable space means space in a structure for living, sleeping, eating or cooking. Bathroom, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

Hazardous materials means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Categories of hazardous waste include, but are not limited to, explosives, flammables, oxiders, poisons, irritants, and corrosives.

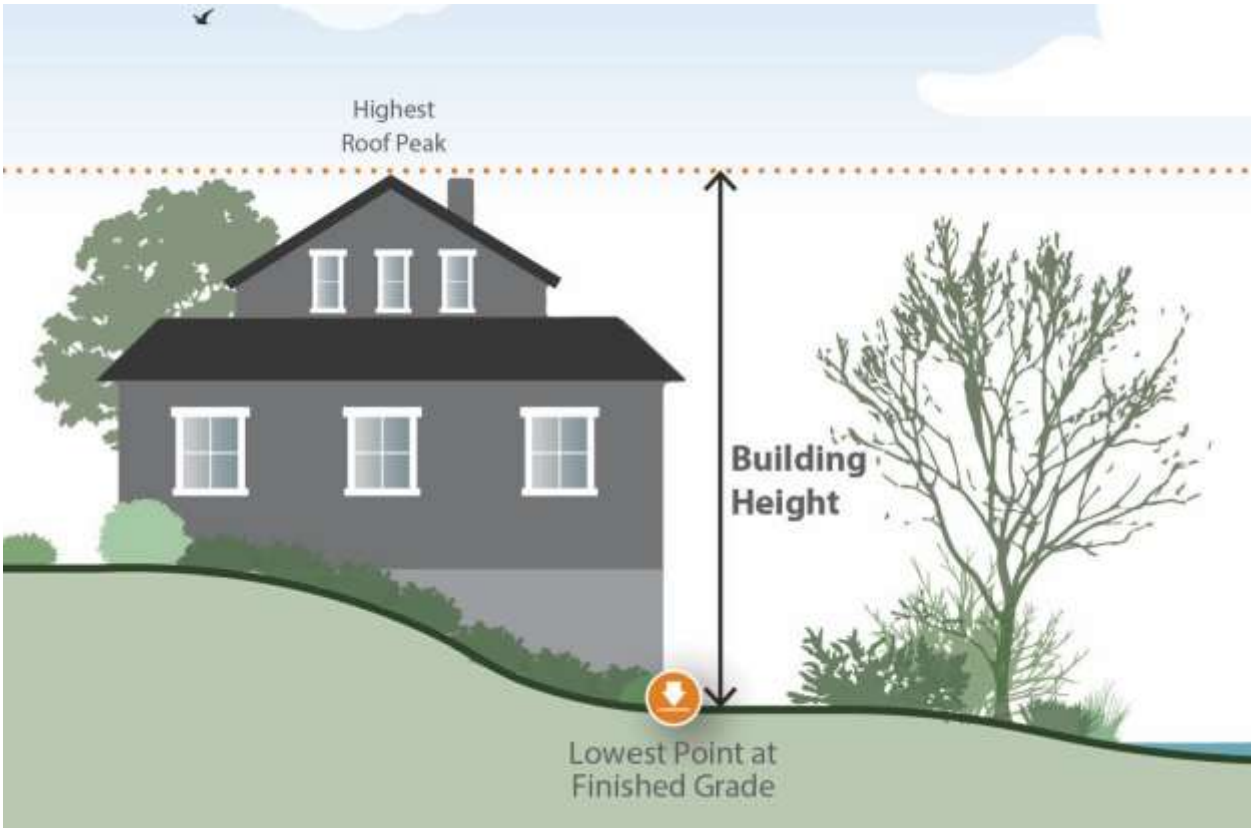
Height, antenna or tower means the distance measured to the highest point of the antenna or tower from the mean ground level measured at the base of a free-standing facility or the projected base as determined by extending the antenna or tower base down vertically to the ground. For building mounted antennas, height is measured to the highest point of the equipment enclosure from the top of the cornice of a flat roof, from the top line of a mansard roof, from a point on the roof directly above the highest wall of a shed roof, from the uppermost point on a round or other arch-type roof, or from the highest gable on a pitched or hip roof.

Height, building means a distance to be measured from the mean curb level along the front lot line or from the mean ground level for all that portion of the structure having frontage on a public right-of-way, whichever is higher, to the top of the cornice of a flat roof, to the top line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch-type roof, or to the mean distance of the highest gable on a pitched or hip roof. For substandard riparian lots, building height is measured from the highest roof peak to the lowest point at finished grade. Finished grade is the final grade upon completion of construction. Grade is defined as the lowest point within five feet of the building.

Figure 101.5. Building height, standard lot



Figure 101.6. Building height, substandard riparian lot



Housekeeping amendment means a proposed amendment to the comprehensive plan that consists of editorial changes to correct typographical errors or changes to clarify the meaning of and relationship between plan components or proposed amendments to elements of the comprehensive plan not required by the Minnesota Land Planning Act.

Illegal discharge means any non-stormwater discharge to the storm drain system or the MS4.

Illicit connections means either of the following:

(a) Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system or the MS4 including but not limited to sewage, process wastewater, wash water and any connections to the storm drain system or the MS4 from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

(b) Any drain or conveyance connected from any land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Impervious surface coverage means any surface that prevents substantial infiltration of precipitation and prohibits the growth of vegetation. Such surfaces include, but are not limited to, driveways, parking lots, patios, roofs, sidewalks, streets, swimming pools and tennis courts. Impervious materials include asphalt; brick; concrete; crushed rock or stone; gravel; plastic; and stone. The city manager shall determine whether any proposed surface or material is pervious or impervious. The use of the material shall be considered when making a determination of the pervious or impervious nature of any material, i.e., areas subject to repeated pedestrian and vehicular traffic become compacted and are considered impervious.

Individual sewage treatment system means a septic tank and soil absorption system or other individual or cluster type sewage treatment system as defined in chapter 7080 of the Minnesota Pollution Control Agency's rules.

Infestation means the presence, within or contiguous to a dwelling or premises, of noxious insects, rodents, vermin or other pests.

Infrastructure means the various utilities necessary for a contemporary development project, including water, sewer, streets, etc.

Inoperable vehicle means a vehicle including, but not limited to, any automobile, truck, trailer, marine craft, snowmobile, motorcycle, all terrain vehicle, mobile home, pickup camper, camping trailer, and other equipment for motorized transportation, that:

(a) has a missing or defective part that is necessary for the normal operation of the vehicle,

(b) is stored on blocks, jacks, or other supports, or

(c) does not display a license or displays a license that is expired. Unmounted pickup campers or vehicles which are towed shall not be deemed inoperable vehicles if they otherwise possess all parts and are capable of normal operation and display a license that is not expired.

Intensive vegetation clearing means the complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

Kennel means any place where four or more dogs over six months of age are kept for private or commercial purposes.

Land disturbance activity means any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within the city, including construction, clearing and grubbing, grading, excavating, transporting and filling of land.

Landing means a horizontal, unenclosed platform that is attached to the principal structure adjacent to an entry; that not including steps, does not exceed five feet in depth perpendicular to the structure or seven feet wide; and which leads to a walkway. It may have a roof (covered landing). (Also commonly referred to as steps or a stoop.)

Landmark tree means a well-shaped, healthy tree of significant age for its species with a trunk diameter as measured four and one-half feet above the ground that meets or exceeds the following: 15 inches - ash, birch, black cherry, cedar, maple, pine, spruce, elm, oak, and other species; and 30 inches - box elder, cottonwood, and willow.

Loading space means a space accessible from a street, alley or way, in a building or on a lot, for the use of trucks while loading or unloading merchandise or materials.

Local street means those streets identified in the comprehensive plan which are of limited continuity used primarily for access to abutting properties and the local needs of the neighborhood.

Lot means a parcel of land designated by metes and bounds, registered land survey, or other accepted means.

Lot, butt means any lot, the side of which coincides with the back lot of two or more corner lots.

Lot, corner means a lot situated at the junction of and fronting on two or more streets. Corner lots should be considered to have two front yards,

Lot coverage means that portion of a lot which has been covered with an impervious surface or structure.

Lot depth means the mean horizontal distance between the front property line and the rear lot line. The greater frontage of a corner lot is its depth and its lesser frontage is its width.

Lot, flag means a lot without the required full lot width on a public roadway and with access to the public roadway provided to the bulk of the lot by means of a narrow strip or private easement.

Lot, interior means a lot other than a corner lot.

Lot, key means any lot, the rear lot line of which abuts the side lot line of one or more adjoining lots or parcels, or any lot, the side lot line of which abuts the rear lot line of one or more adjoining lots or parcels.

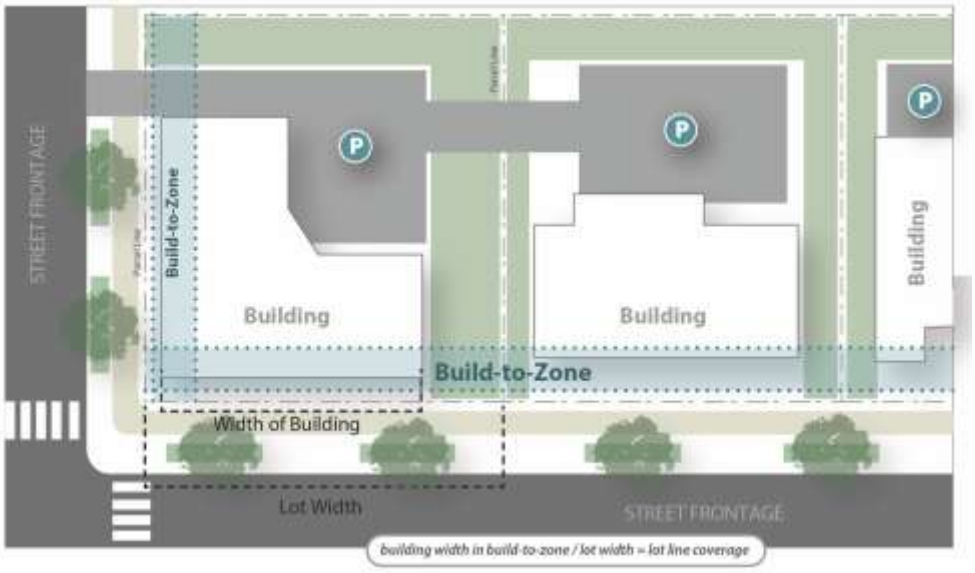
Figure 101.7. Lot types



Lot area means the land area within the lot lines, excluding any street rights-of-way and easements for street rights-of-way.

Lot line coverage means the minimum percentage of the lot line that must have a building façade located within the build-to zone.

Figure 101.8. Build-to zone and lot width



Lot line, front means the boundary of a lot which abuts an existing or dedicated public or private street. In the case of a corner lot, it shall be the shortest dimension on a public street, but both are considered front yards for structure and building setbacks.

Lot line, rear means that boundary of a lot line which is most distant from and is or is approximately parallel to the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot line, side means any boundary of a lot which is not a front or rear lot line.

Lot of record means any validly recorded lot which at the time of its recording complied with all applicable laws, ordinances, or regulations.

Lot width means the mean width of a lot measured at right angles to the mean depth.

Marquee see "Canopy".

Municipal separate storm sewer system (MS4) means the system of conveyances owned and operated by the City of Shoreview and designed or used for collecting or conveying stormwater, and that is not used for collecting or conveying sewage. The MS4 includes sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, stormponds, infiltration chambers and basins, rain gardens, storm drains, and all other stormsewer system infrastructure.

National pollutant discharge elimination system (NPDES) stormwater discharge permit means a permit issued by Minnesota Pollution Control Agency that

authorizes the discharge of pollutants to public waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-conforming means initially in compliance with applicable city or predecessor governmental unit regulations but no longer in compliance due to a change in such regulations.

Non-stormwater discharge means any discharge to the storm drain system or MS4 that is not composed entirely of stormwater.

Nuisance as defined in section 22-1.

Occupant means any person living and sleeping in a dwelling unit or having actual possession of said dwelling or rooming unit.

Official Flood Plain Map means the Flood Insurance Rate Map (FIRM) panels numbered 27123C0005G, 27123C0010G, 27123C0020G, 27123C0030G and 27123C0036G, along with the attached Flood Insurance Study (FIS) for Ramsey County (All Jurisdictions) all dated June 4, 2010 and prepared by the Federal Emergency Management Agency (FEMA).

Open space, common means a parcel or parcels of land or areas of water, or a combination of land and water within a development which is designed and intended for the use and enjoyment of residents of the development. Common open space includes all land in excess of the individual building lots and land accepted for public dedication.

Open space, usable means an outdoor or unenclosed area on the ground, or on a roof, balcony, deck, porch, or terrace designed and accessible for residents of the development or members of the public for outdoor living, recreation, pedestrian access, or landscaping. This shall not include areas for parking, driveways, utilities, or services; or any required front or street side yard. The minimum dimension for usable open space shall be 10 feet and the minimum area shall be 100 square feet or unless otherwise specified by this development code.

Open space, usable private means a usable open space that is available and accessible to and useable by all persons occupying a dwelling unit on the lot and their guests.

Openable area means that part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Operator means any person who has charge, care or control of a multiple residence or rooming house, in which dwelling units or rooming unit are let for occupancy.

Ordinary high water (OHW) level means the boundary of public waters and wetlands and an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the

elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

Owner means the owner or owners of the freeholder of the premises or lesser estate therein, a mortgagor or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a building, including their manager and agents.

Parapet means a low wall which is an architectural component of a flat roofed building and which extends above the roof line of the building to which attached.

Parking space means an area to be used exclusively as a temporary storage space for one motor vehicle.

Party wall means a common wall which divided two independent structures.

Pedestrian way means a public right-of-way across or within a block or development reserved for people traveling on foot.

Permanent controls means long-term methods employed to prevent erosion and sedimentation. Examples of such protection are swales, ponds, sediment basins, turf reinforcement mats, storm sewer systems, and riprap.

Planned unit development (PUD) means a type of development which may incorporate a variety of land uses planned and developed as a unit. The planned unit development is distinguished from the traditional subdivision and site plan approval processes of development in that development standards such as setbacks, height limits, and minimum lot sizes may be altered by negotiation and agreement between the developer and the municipality, except that land uses and densities shall be consistent with that permitted by the land use plan.

Person means an individual, firm, corporation, association or partnership.

Plumbing or plumbing fixtures means water heating facilities, water pipes, gas pipes, garbage disposal units, water closets, waste pipes, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines or other similar equipment, catch basins, drains, vents, or other similarly supplied fixtures, together with all connections to water, gas, sewer or vent lines.

Pollutant means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ammunition and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage; dissolved and particulate metals; feces and animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Porch, enclosed means a horizontal roofed platform, attached or unattached to a dwelling, heated or unheated, with a wall system that consists substantially of screens, windows, and/or doors. If attached to a dwelling, the platform is larger than permitted for a landing, not including steps and ramps.

Porch, unenclosed means a horizontal roofed platform, attached or unattached to a dwelling, with a wall system that consists of roof support members, with or without railings, and no doors, screens or windows. If attached to a dwelling, the platform is larger than permitted for a landing, not including steps and ramps.

Preliminary plat means a tentative map, drawing or chart of a proposed subdivision meeting requirements herein enumerated.

Premises means a lot, plot or parcel of land, including the building or structures thereon.

Principal means something of primary importance.

Property line means a line of record separating a parcel (or lot) which divides a parcel from another parcel or from a public or private street or any other public space.

Public waters means as defined in Minnesota Statutes section 103G, subd. 15 and any amendments thereto.

Recreation vehicle means a vehicle used or designed for use for temporary residential occupancy including but not limited to campers, motorhomes, mobile homes, pickup campers, camping trailers, tent trailers and travel trailers.

Recreational equipment means play apparatus, such as swing sets, slides, sandboxes, poles for nets, canoes and kayaks less than 18 feet in length, paddle boats, picnic tables, lawn chairs, barbeque pits and similar equipment or structures but not including tree houses, swimming pools, playhouses or sheds utilized for storage or equipment.

Recreational facilities means recreational amenities including, but not limited to, tree houses, swimming pools, playhouses, or sheds utilized for storage or equipment.

Refuse means all solid waste products which are composed wholly or partly of the following materials: garbage, sweepings, cleanings, trash, rubbish, litter, industrial solid wastes, domestic solid wastes, organic wastes, residues of animals, meat, fruit, vegetables, grains or fish; animal excreta or carcasses of animals; rubbish including wood, leaves, vegetation, tree trimmings, dead trees and shrubs, branches, sawdust, shavings, grass trimmings, paper products, straw, rags, clothing, and all other combustibles; waste matter composed of soil, clay, sand, earth, gravel, fill, stones, bricks, plaster, glass, glassware, crockery, ashes, cinders, shells, metal and other non-combustibles; waste debris resulting from the construction, demolition, repair or alteration of structures or buildings; and accumulated waste materials composed of cans, containers, tires, junk, vehicle parts, appliances, electronic devices or other substances which may become a nuisance.

Refuse container means a receptacle designed for the temporary storage of refuse usually made out of metal or plastic and enclosed with a lid. Yard waste may, however, be temporarily stored in paper or plastic bags.

Residential planned unit development means a use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.

Right of way means the land covered by a public road or other land dedicated for public use or for certain private use; such as land through which a power line passes, above or underground.

Riparian lot means a lot of record that abuts a public water that is subject to the City of Shoreview's shoreland management regulations.

Roof line means the uppermost line of the roof of a building, or in the case of an extended facade, the uppermost height of said facade.

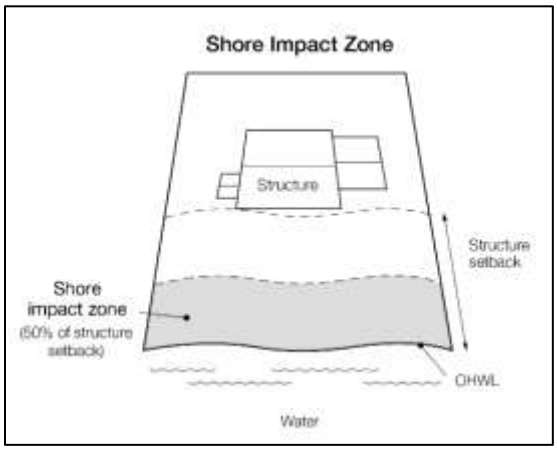
Rough grade means the stage at which the grade and elevation approximately conforms to the approved plan.

Sanitary sewer system means pipelines or conduits, pumping stations, force mains, and all other appurtenances used for conducting domestic and non-domestic sewage to a treatment facility.

Setback means the minimum horizontal distance, measured in feet between a structure and a property line, top of bluff, OHW level or between two structures such as in the case of freestanding signs or on-site sewage treatment systems.

Shore impact zone means land located between the OHW level of a public water and a line parallel to the OHW at a distance equal to 50% of the minimum required building setback from the OHW level.

Figure 101.9. Shore impact zone



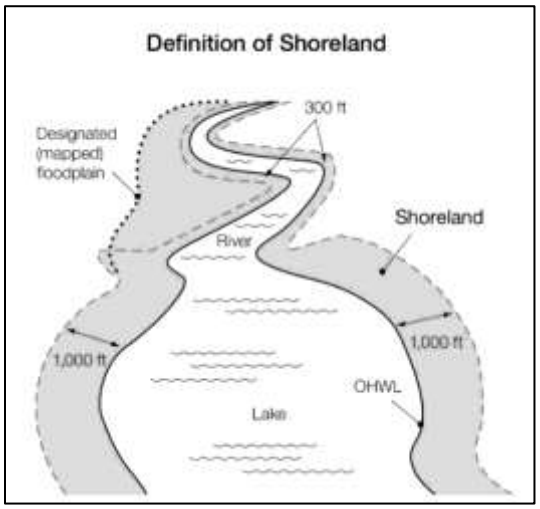
Shore recreation facilities means swimming areas, docks, watercraft mooring areas and launching ramps and other water recreation facilities.

Shoreland means land located within the following distances from public water:

(a) 1,000 feet from the ordinary high water mark of a lake, pond, or flowage; and

(b) 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Department of Natural Resources.

Figure 101.10. Definition of shoreland



Sidewalk means an improved pedestrian surface that is typically located adjacent to a roadway.

Sign see section 113-2.

Slopes, steep means slopes between 12% and 18% for horizontal distances of 50 feet or more, including all soils grouped in County Soil Survey Slope Class C.

Slopes, very steep means slopes between 19% and 30% for horizontal distances of 50 feet or more, including all soils grouped in County Soil Survey Slope Classes D, E, F.

Snowmobile means a self-propelled vehicle designed for travel on snow or ice steered by skis or runners.

Special purpose trailer means a trailer having a gross vehicle weight of less than 1,500 pounds. Special purpose trailers include utility trailers and trailers used to transport boats, snowmobiles or ATV's.

Storm drainage system means facilities owned by public agencies/entities other than the City of Shoreview, by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater means any surface flow, runoff, or drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater management plan means the best management practices and activities to be implemented by a property owner to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, the stormwater drainage system, the MS4, and/or receiving waters.

Story means that portion of a building included between the surface of any floor and the surface of the floor next above; or if there is no floor above, the space between the floor and the ceiling next above. If the finished floor level directly above a useable or unused under-floor space is more than six feet above grade as defined herein for more than 50% of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused underfloor space shall be considered as a story.

Story, first means the lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level below grade, as defined herein, for more than 50% of the total perimeter, or more than eight feet below grade, as defined herein, at any point.

Street means a public way for vehicular traffic designated as a street, highway, thoroughfare, parkway, throughway, road arterial, lane, place or however otherwise designated. The width of a street is measured between right-of-way lines.

Street, collector means a street so designated on the comprehensive plan and designed to collect traffic from individual properties and minor arterials.

Street frontage the proximity of a parcel of land to one or more streets. An interior lot has one street frontage and a corner lot has two frontages.

Street, internal means a street located within a development which connects to the city's street network.

Street line means the line coinciding with the lot and the street right-of-way line.

Street, private means a street serving as vehicular access to two or more parcels of land, which is not a through street, and which is not dedicated to the public but is owned by one or more private parties.

Structure means a combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

Structure, alterations means any change in the supporting members of a building such as bearing walls, columns, beams or girders, or any change in the dimension or configuration of the roof or exterior walls.

Subdivider means any person commencing proceedings under this ordinance to effect a subdivision of land for himself or others.

Subdivision means the separation of an area, parcel or tract of land under single ownership into two or more parcels, tracts, lots or long term leasehold interests, except those separations specified in chapter 462.358, subd. 4b of Minnesota Statutes and any amendments thereto.

Substandard lot means a lot of record that does not meet the minimum standards of the zoning district in which it is located.

Supplied means installed, furnished or provided by the owner or operator.

Temporary controls means short-term methods employed to prevent erosion and sedimentation. Examples of such protection are silt fence, temporary sediment basins, check dams, straw, mulch, erosion control blankets, wood chips and erosion netting.

Toe of bluff means the lowest elevation of the lowest 50-foot long segment of a bluff.

Top of bluff means the highest elevation of the highest 50-foot long segment of a bluff.

Topsoil means soil with a clay content of 5 to 35%, silt content of 10 to 60%, sand content of 10 to 70%, organic matter of 3 to 15%, and pH of 6.1 to 7.8. Topsoil shall be free of sticks and roots exceeding one inch in diameter, rocks exceeding three inches in diameter, and foreign materials.

Transit bench means a bench rest maintained on a publicly dedicated street or right-of-way for the convenience and comfort of persons waiting for buses or other vehicles.

Transit service means a system of buses, trains, etc., running on fixed routes, on which the public may travel.

Undeveloped land means land which is not developed with structures of the maximum number, type, bulk and height allowed by the integrated development ordinance of Shoreview.

Utilities means underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication (excluding wireless telecommunication facilities), supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including buildings.

Variance means a departure from the standards of this ordinance, but not including land use or building use.

Ventilation means the process of supplying and removing air by natural or mechanical means to or from any space.

Waste container means a disposable or non-disposable receptacle that is waterproof and fly tight, used primarily for storage of refuse and other waste materials between collections by households accumulating small quantities of refuse or other waste materials.

Waste materials means all other discarded, combustible or noncombustible, organic or inorganic materials infrequently accumulated in the operation of a house, including but not limited to, vehicles, vehicle parts, major appliances, furniture, building materials, animal manure, trees, limbs and trunks, metal scrap, and other material that cannot be temporarily stored in a waste container or bundle because of its size or shape.

Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Water-dependent use means the use of land for commercial, industrial, public or semi-public purposes, where access to and use of a public water is an integral part of the normal conduct of operation. Marinas, resorts, and restaurants with transient docking facilities are examples of uses typically found in shoreland areas.

Water-oriented accessory structure or facility means a small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to surface water, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include, watercraft and watercraft equipment storage structures, gazebos, screen houses, fish houses, pump houses, patios, and detached decks. Boathouses and boat storage structures given the meaning under Minnesota Statutes, section 103G.245 are not a water-oriented accessory structures.

Watercourse means a ditch, stream, creek, swale, or other defined channel intended for the conveyance of water, runoff, groundwater discharge or similar hydraulic or hydrologic purpose.

Wetland means the meaning given under Minnesota Rule, part 8420.0111.

Workmanlike. Whenever the words "workmanlike state of maintenance and repair" are used in this ordinance they shall mean the standards of the trade or industry involved.

Yard means the space between a lot line and building line that is unoccupied and unobstructed from the ground upward except as may be permitted by the development ordinance. All ground, lawn, court, walk, driveway or other open space constituting part of the same premises as a resident building.

Yard, front means a space extending the full width of the lot between any building and the front lot line, and measured at the closest point to the front lot line. The front yard includes any area between any building and the front lot line that is not a side yard, as defined. Such front yard is unoccupied and unobstructed from the ground upward except as may be permitted in the development ordinance. A corner lot has two front yards.

Yard, rear means a space extending the full width of the lot between the principal building and the rear lot line, and measured at the closest point of the rear lot line. The rear yard includes any area between any building and the front lot line that is not a side yard, as defined. Such rear yard is unoccupied and unobstructed from the ground upward except as may be permitted in the development ordinance. On corner lots that portion of the rear yard, located closer to the street than the principal structure shall be considered a front yard.

Yard, required means the open space between the lot line and the buildable area having the width or depth required in the district in which it is located.

Yard, side means a space extending from the front yard to the rear yard between the principal building and side lot line measured from the side lot line to the closest point of the principal building. Such side yard is unoccupied and unobstructed from the ground upward except as may be permitted in the development ordinance. On corner lots that portion of the side yard, located closer to the street than the principal structure shall be considered a front yard.

Zero lot line means the location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

Zoning district means an area within the limits of the zoning jurisdiction for which the regulations and requirements governing use, lot and bulk of structures and premises are uniform.

Zoning district map means a map showing the boundaries of the zoning districts as established by the development ordinance and designated as the "zoning district map."

Sec. 101-13. Use definitions.

Accessory dwelling unit (ADU) means a smaller, independent residential dwelling unit located within the same lot or building as a single-family detached dwelling.

Accessory structure means a subordinate structure detached from, but located on, the same lot as the principal structure.

Adult establishment means any business that is characterized by, or places a significant emphasis on, providing its patrons with merchandise, services or entertainment that is characterized by an emphasis on the depiction, exposing, describing, discussing of "specified sexual activities" or "specified anatomical areas". For purposes of this definition, adult establishment includes, without limitation, adult bookstores, adult motion picture theaters, adult massage parlors, adult saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, and adult body painting studios.

Ambulance or medical carrier service means a facility for the dispatch, storage, and maintenance of emergency medical care vehicles.

Animal boarding, shelter, or daycare center means any structure or premises on which three or more dogs or cats over six months of age are temporarily or permanently boarded, including animal day care/spa/grooming facilities.

Animal/veterinary clinic or hospital means a facility for the diagnosis, treatment, or hospitalization of small animals, including dogs, cats, rabbits, hamsters, and other animals of similar nature. Boarding of animals shall be allowed as an accessory use.

Antenna means any device or equipment designed for transmitting or receiving light, sound or electronic signals, which is located on the exterior of, or outside of, a building or structure and which is or could be attached to a tower.

Assisted living facility means a residential facility licensed by the state which provides services on a regular basis, such as personal services, 24-hour supervision, social activities, and health-related care and services, to individuals who require the assistance, but who do not require the degree of care and treatment that a hospital or skilled nursing facility provides.

Automobile body shop means general repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision services including body, frame, or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.

Automobile fueling station means any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of

vehicular fuels, including the sale of automobile accessories and groceries, but not including any vehicle repair or maintenance.

Automobile repair means incidental body or fender work, or other minor repairs, painting and upholstering, replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half tons' capacity, but not including any operation named under "automobile body shop," or any other similar thereto.

Automobile sales, leasing, rental, and service means any land or buildings, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

Automobile service station means a place where gasoline, kerosene or any other motor fuel, lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles. Services may include greasing and oiling, the sale of automobile accessories on the premises, and replacement of parts and motor services, including general repair, and the rebuilding or reconditioning of engines.

Brewery means a licensed facility used for the manufacture of fermented malt beverages or a fermented malt beverage manufacturer with a mechanized bottling capability.

Brewpub means a bar, restaurant, or similar retail establishment, in which no more than 3,500 barrels of malt liquor are brewed annually for retail on and off sale purposes.

Broadcast accessory equipment and structures means antennas, wave guides, microwave transmission and reception equipment, up-link and down-link satellite antennas and other similar equipment, as well as any tower 1200 feet or less in height AMSL described in the original conditional use permit issued hereunder to the property owner, which are used or useful for, or in connection with, continuous or stand-by transmission, relay or reception of radio frequency signals to or from other terrestrial locations or satellites orbiting the earth and the use and operation of such broadcast accessory equipment and structures.

Broadcast buildings means buildings containing audio, video, and satellite transmitting and receiving equipment and other related equipment and parts, including standby power generators and vehicles, used or useful for or in connection with continuous or stand-by use of broadcast tower or accessory equipment and structures, and the use and operation of equipment contained in such broadcast buildings.

Broadcast related uses means all anchors and guy wires necessary to stabilize a broadcast tower or broadcast accessory equipment and structures, as well as access roads and vehicular parking areas serving the use of a broadcast tower, broadcast accessory equipment and structures, broadcast buildings, and outside storage of materials and refuse.

Broadcast tower means any tower, or towers, described in the original CUP issued hereunder to the property owner, greater than 1,200 feet in height above mean sea level (AMSL) used for continuous or standby broadcasting, transmitting, receiving, or relaying of radio frequency signals and information for private, commercial, public, or institutional uses.

Cannabis cultivation means the growing of cannabis plants within the approved amount of space from seed or immature plant to mature plant, harvesting cannabis flower from mature plant, packaging and labeling immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transporting cannabis flower to a cannabis manufacturer located on the same premises, and performing other actions approved by the office of cannabis management.

Cannabis manufacturer means a cannabis business licensed to purchase cannabis flower, cannabis products hemp plant parts, hemp concentrate, and artificially derived cannabinoids from a cannabis business, purchase hemp plants and hemp concentrates, make cannabis hemp concentrate, manufacture artificially derived cannabinoids, manufacture adult-use cannabis products, lower-potency hemp edibles, and hemp derived consumer products, and sell cannabis concentrate, hemp concentrate, artificially derived cannabinoids, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products to other cannabis businesses.

Cannabis retailer means a cannabis business licensed to purchase immature cannabis plants and seedlings, cannabis flower, cannabis products, and lower-potency hemp products, from cannabis businesses, and sell immature cannabis plants and seedlings, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and other products authorized by law to customers.

Cannabis testing facility means a cannabis business licensed to obtain and test immature cannabis plants and seedlings, cannabis flower, cannabis products, hemp plant parts, hemp concentrate, artificially derived cannabinoids, lower-potency hemp edibles, and hemp-derived consumer products from cannabis microbusinesses, cannabis mezzo businesses, cannabis cultivators, cannabis manufacturers, cannabis wholesalers, lower-potency hemp edible manufacturers, medical cannabis cultivators, medical cannabis processors, medical cannabis combination businesses, and industrial hemp growers.

Cannabis wholesaler means a cannabis business licensed to purchase immature cannabis plants and seedlings, cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products from cannabis businesses, and purchase hemp plant parts and hemp concentrates. Cannabis wholesalers may sell immature cannabis plants and seedlings, cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products to cannabis microbusinesses, cannabis mezzo businesses, cannabis manufacturers, and cannabis retailers, sell lower-potency hemp edibles to lower-potency-hemp edible

retailers, and import hemp-derived consumer products and lower potency hemp edibles that contain hemp concentrate or artificially derived cannabinoids.

Cemetery means land used or dedicated for the burial of the dead, including columbariums and mausoleums, but excluding crematories.

Club or lodge means a non-profit association of persons who are bona fide members paying annual dues, with a use of premises being restricted to members and their guests.

Commercial antenna or tower means an antenna or other device and/or an associated tower designed for use for commercial purposes or to provide a telecommunications service with the intent to make a profit.

Commercial recreation, indoor means non-public and quasi-public establishments engaged in providing indoor amusement, entertainment, or recreation for a fee or admission charge, including but not limited to membership sports and recreation clubs, commercial sports facilities, gymnastics training/exhibition centers, and bowling alleys.

Commercial recreation, outdoor means non-public and quasi-public establishments with indoor and outdoor components engaged in providing amusement, entertainment, or recreation for a fee or admission charge, including but not limited to membership sports and recreation clubs and commercial sports facilities.

Commercial use means the use of land or buildings for the sale, lease, rental or trade of products, goods and/or services.

Community commercial center means a small commercial area no larger than 20,000 sq. ft. providing limited retail goods and services, such as groceries and restaurants, for nearby residential customers. Individual commercial structures may be grouped together or attached.

Conditional use means a specific type of structure or land use listed in the development code that because of special requirements or characteristics may be allowed but only after an in-depth review procedure and with appropriate conditions and restrictions so as to be compatible with other land uses in the area and uphold the integrity of the comprehensive plan.

Construction contractor yard means a lot or portion of a lot or parcel used to store and maintain construction equipment and other materials customarily required in the building trades by a construction contractor. This definition includes architects, engineers, surveyors, real estate sign placement services, showrooms and shops for the display and sale of electrical, plumbing, heating, air conditioning, sheet metal and other materials in connection with contracting services.

Continuing care facility means a residential facility or complex which provides a variety of senior living choices, from independent living to long-term care, which a goal of helping residents to age in place.

Daycare center means a facility licensed under Minnesota Rules 9503, where the operator is providing care for less than twenty-four hours at a time. This term includes a day program, drop-in child care program, a night care program, and a school age program. This term also includes a child care center that is accessory to another use and that is intended for use by the employees of the principal uses and their immediate family for more than three hours of care and supervision a day. This term does not include programs operated by a public school for children 33 months or older.

Daycare, family means a dwelling unit where a resident of the dwelling is providing care under Minnesota Rules 9502 for less than 24 hours at a time for no more than 10 children, of which no more than six children are under school age.

Daycare, group family means a dwelling unit where a resident of the dwelling is providing care under Minnesota Rules 9502 for less than 24 hours at a time for up to 14 children, of which no more than 10 may be school age.

Drive-through facility means a facility designed or operated to serve a patron who is seated in an automobile.

Dwelling, apartment means a residential building designed for or occupied by five or more families, with the number of families in residence not to exceed the number of dwelling units provided, and sharing a joint entrance from the outside.

Dwelling, apartment mixed use means a building designed for or occupied by one or more families or dwelling units as well as non-residential uses that are permitted in the zoning district to be located on the ground story, with all dwelling units sharing a joint entrance from the outside.

Dwelling, attached townhouses or rowhouses means a building designed for or occupied exclusively by eight or fewer families or dwelling units, which are attached horizontally by at least one common wall extending from the foundation to the roof, and providing separate entrances from the outside for each unit.

Dwelling, duplex means a building containing two dwelling units where both units share the same base lot.

Dwelling, manufactured home means a structure as defined in Code of Federal Regulations, title 24, section 3280.2.

Manufactured home park means a parcel of land under single control or ownership which has been developed for the placement of manufactured homes for residential use.

Dwelling, mobile home means any vehicle used or constructed to permit its use as a conveyance upon public streets or highways, and including self-propelled or non-self-propelled vehicles designed in a manner to permit long term occupancy as a dwelling place for one or more persons, having no foundation other than wheels, jacks or skirtings.

Dwelling, single-family detached means a detached building designed for or occupied by one family.

Dwelling, senior independent living means any facility which provides independent living opportunities for senior citizens, typically age 55 and up, such as garden apartments, group housing, and apartments.

Dwelling, twinhome means the concept whereby two respective dwelling units within a building shall be on separate and abutting lots and shall meet on the common property line between them, thereby having zero space between said units.

Dwelling, two- to four-family means a single residential structure on a single lot which is designed for or occupied by two to four families living independently of one another.

Dwelling unit means residential accommodation located within a dwelling structure which includes permanently installed cooking, eating, living, and sanitation facilities arranged, designed, used or intended for use exclusively as living quarters for one family.

Essential services means underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication (excluding wireless telecommunication facilities), supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including buildings.

Financial institution means an establishment where the principal business is the receipt, disbursement, investment, or exchange of funds and currencies, such as banks, savings and loans, credit unions, and investment companies.

Funeral home means a facility in which the deceased are prepared for burial or cremation and where funeral services may be conducted.

Health services means uses primarily engaged in furnishing medical, surgical or other similar services to individuals, including the offices of physicians, dentists, and other health practitioners, medical and dental laboratories, clinics, outpatient care facilities, pharmacies, blood banks and oxygen and miscellaneous types of medical supplies and services.

Home occupation means any occupation carried out for gain by a resident and conducted as an accessory use within the resident's dwelling unit.

Hotel means a building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five sleeping rooms.

Industrial use means the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale materials.

Laboratory, research/development/testing means a facility for scientific laboratory research, development, and testing in technology-intensive fields.

Large standalone store, retail or service means a detached structure where goods or services are sold over 50,000 square feet in gross floor area.

Long-term or transitional care facility means a facility that provides meals, lodging, and nursing care to two or more individuals due to illness, age, or infirmity. Long-term care facilities include skilled nursing facilities such as nursing homes, rest homes, boarding care homes, convalescent care, and other transitional care facilities.

Makerspace means an establishment where hand-tools, mechanical tools and electronic tools are shared or individually used for the manufacture of artisan finished products or parts including design, processing, fabrication, assembly, treatment, and packaging of products; as well as the incidental storage, sales and distribution of such products. Typical artisan manufacturing uses include, but are not limited to: electronic goods; food and bakery products; non-alcoholic beverages; printmaking; household appliances; leather products; jewelry and clothing/apparel; metal work; furniture; glass or ceramic production; paper manufacturing.

Manufacturing, light means an establishment or use of land for the fabrication, compounding, processing, packaging, treatment, and assembly of previously processed components or manufactured parts using processes that do not create significant amounts of noise, vibration, illumination, or particulates that may impact surrounding properties. Examples include, but are not limited to the following: food; pharmaceuticals; clothes; furniture (where wood is milled off-site); hardware; toys; light sheet metal products; mechanical components; printing; small vehicle assembly; and computer software.

Office uses means those commercial activities, including data processing activities, which take place in office buildings where goods are not produced, sold or repaired.

Open space means any parcel or area of land or water essentially unimproved and set aside, dedicated, designed or reserved by a developer or governmental unit for public or private use.

Outdoor storage area means an area, subject to certain conditions, set aside for storage of equipment and materials.

Outside display area means an area set aside for the display of materials and/or products for sale or lease.

Parking structure means a structure designed and used for the storage of motor vehicles at, below, or above grade or a combination thereof.

Permitted use means a land use which is specifically allowed in a zoning district.

Permitted with standards use means a land use which is permitted by-right if certain standards are met.

Place of worship means a building whose principal use, together with its accessory buildings and uses, is for persons to regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Portable storage unit means a portable or moveable, weather-resistant receptacle designed and used for the outdoor storage of personal property, and which is leased on a short-term basis for temporary storage purposes.

Private antenna or tower means an antenna or other device and/or associated tower designed for the private use and enjoyment of the property owner that will not be used to provide a telecommunications service with the intent to make a profit. These devices include, but are not limited to, devices designed for reception of television broadcast signals, multi-channel multipoint distribution service, direct broadcast satellite services, AM/FM radio, telephone, internet, or any facility designed to transmit or receive amateur radio or citizen band radio.

Public assembly use means land uses which provide opportunities for the public to gather. Public assembly uses include, but are not limited to, clubs and lodges, places of worship, schools, municipal or government buildings and facilities, public recreational areas, and theater, dance, and musical performance uses.

Regional commercial center means a commercial area larger than 20,000 sq. ft. providing a larger mix of retail goods and services for residents of and travelers through a larger region. Individual commercial structures may be grouped together or attached.

Residential care facility means a building that houses persons, on a 24-hour basis, who because of age, mental disability, or other reasons live in a supervised residential environment who provide personal care services. This classification shall include, but not be limited to residential board and care facilities, halfway houses, group homes, congregate facilities, social rehabilitation facilities, and alcohol and drug abuse centers.

Residential use means the use of land or buildings for residential purposes.

Restaurant means an establishment, where food and drink are prepared and served for human consumption, principally within the establishment or for take-out to be consumed off-premises.

Satellite earth station means the antenna and all other equipment necessary for processing electronic signals traffic (including, but not limited to voice, data, and video) received from terrestrial distributions prior to transmission via satellite and of traffic received from the satellite prior to transfer of channels of communication to terrestrial distribution systems.

Seasonal residential sales event means an advertised event hosted by one or more households at a residence of one of the participants which involves the sale of merchandise, generally on a non-appointment basis. The merchandise may include but is not limited to handcrafted items, used household or personal items, new merchandise, and agricultural produce. These events are more commonly referred to as garage or estate sales.

Self-service storage facility means a building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

Small standalone store, retail or service means a detached structure where goods or services are sold under 50,000 square feet in gross floor area.

Solar energy-related definitions

(a) *Solar collector* means a device, or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy and that contributes significantly to a structure's energy supply. No window or skylight smaller than 30 square feet in area shall be construed as a solar collector within the meaning of this definition.

(b) *Solar energy* means radiant energy (direct, diffuse and reflected) received from the sun.

(c) *Solar energy system* means a set of devices whose primary purpose is to collect solar energy and convert and store it for useful purposes including heating and cooling of buildings and other energy-using processes, or to produce generated power by means of any combination of collecting, transferring or converting solar-generated energy.

(d) *Solar panel array* means multiple solar panels connected to form a cohesive system.

(e) *Ground-mounted solar energy system* means a solar energy system mounted on a rack or pole that rests or is attached to the ground.

(f) *Roof-mounted solar energy system* means a solar energy system mounted on a rack that is fastened to or ballasted on a structure roof.

(g) *Building-integrated photovoltaic system* means a solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include, but are not limited to, photovoltaic solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

(h) *Grid-intertie solar energy system* means a photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

(i) *Photovoltaic system* means a solar energy system that converts solar energy directly into electricity.

Studio or gallery means an establishment engaged in the sale, loan, or display of visual works of art.

Swimming pool means any enclosure, above or below grade, having a water surface area exceeding one hundred square feet and a water depth greater than 18 inches at any point.

Temporary sales or events means any non-residential sale or event secondary to the principal permitted use which is temporary in nature and which is held outside the principal structure.

Theater, dance, or music performance facility means a facility used for the production, preparation, and performance of dramatic, dance, musical, or other live performances.

Tower means any self-supporting pole, spire, or structure, or any combination, that is constructed primarily for the purpose of supporting one or more antennas and all supporting lines, cables, wires, bracing and linkage systems designed. This definition includes, but is not limited to, lattice towers, guy towers and monopole towers. A tower does not include building mounted wireless telecommunications facilities (WTF).

Urban container farm means an establishment where food or flowers are grown or processed to be sold or donated that includes, but is not limited to, outdoor growing operations, indoor growing operations, container farm, vertical farms, aquaponics, aquaculture, and hydroponics.

Use means the method or manner of employing a lot or structure.

Use, accessory means a use, on the same lot with, and of a nature customarily incidental and subordinate to, the principal use.

Use, principal means the specific primary purpose for which land is used.

Warehousing means the storage of materials or equipment within an enclosed building as a principal use including packing and crating.

Wind energy conversion system means any device or assemblage which directly converts wind energy into usable electrical power, including such devices as windmills and wind turbines and their supporting structures.

Wholesaling means the selling of goods, equipment and materials by bulk to another business that in turn sells to the final customer.

Wireless telecommunication facility means equipment, including commercial antennas, commercial telecommunication towers, and equipment enclosures, designed for the transmission and reception of all types of data, including, but not limited to, writing, signs, signals, pictures, and sounds of all kinds without the aid of wire, cable, or other like connections between the points of origin and reception of such transmission, including all instrumentalities and apparatus incidental to such transmission. As used in the Shoreview municipal code, the term "wireless telecommunication facility" shall not include amateur radio antenna or towers; mobile transmitting devices, such as vehicle or handheld radios/telephones and their associated transmitting antennas; satellite earth stations; or broadcast towers.

Part II – Land Use and Development

CHAPTER 103. ADMINISTRATION

ARTICLE I. GENERAL PROVISIONS

Sec. 103-1. Applications and fees.

(a) Application

(1) An application may only be submitted by the property owner, individual or other entity that has legal interest in the property.

(b) Forms

(1) Application shall be made on forms provided by the city and shall include all information and data requested as stated on the application form(s).

(2) Documents

a. The applicant must provide complete documentation as prescribed by this ordinance or requested by the city manager. The city manager shall require a survey of the property, prepared by a registered and licensed surveyor, if necessary to review the application. The city manager shall determine if the application is complete and then schedule the complete application for the next available planning commission meeting.

(c) Other agencies

(1) Upon receipt of the completed application, the city manager shall refer copies to pertinent city staff and other public agencies for review and comment.

(d) Time

(1) In compliance with Minnesota Statute 15.99, the city shall take action to approve or deny zoning applications within 60 days of receiving a completed application.

(2) If the city cannot take action to approve or deny the application within 60 days of receiving the completed application, the city may extend the timeline for taking action before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notification shall state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant in writing.

(3) The city may request additional extensions from the applicant. If the applicant is agreeable to the extension, the applicant shall approve the extension request in writing.

Sec. 103-2. Lapse and reapplication.

(a) Lapse

(1) A permit or approval which has been granted but not used shall become void one year after its effective date. A permit which has become void may be renewed in accordance with the procedures herein established for an original application.

(b) Timeline extension

(1) At least 45 days prior to the expiration of the initial 12-month period, the applicant may request an extension of the permit or approval from the approving body. The approving body may approve extensions in 12-month increments. The extensions shall be approved in the same manner as the original approval, either by motion or by amending the original resolution with findings of fact.

(c) Reapplication

(1) No application for the same or substantially the same request shall be made within six months of the date of denial.

(d) Fees

(1) Fees for the various applications shall be as determined by city council resolution. A copy of the current fee schedule shall be kept on file by the city manager.

Sec. 103-3. Warning and disability disclaimer.

(a) This ordinance does not imply that areas outside the Flood Plain Districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Shoreview, or any officer or employee thereof, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

ARTICLE II. REVIEW PROCESS

Sec. 103-4. Introductory provisions.

(a) The city has the following four types of application review processes:

(1) Planning commission public hearing with city council decision

(2) Planning commission review with city council decision

(3) Planning commission review and decision

(4) Administrative review and decision

(b) The city has also identified procedures to allow for the following types of appeals:

(1) Appeal of planning commission decision

(2) Appeal of administrative decision

Sec. 103-5. Planning commission public hearing with city council decision.

(a) Applications that require review via a public hearing shall be processed after receipt of a complete application that contains all the required submittal information. The city manager shall refer the application to the planning commission and establish a date for hearing of the application. The application shall be heard and acted on by the planning commission and city council in accordance with Minnesota Statute 15.99.

(b) Planning commission

(1) The planning commission shall hold a public hearing, preceded by published and/or mailed notice as required by the terms of section 103-5. Upon review of the application in accordance with the requirements of the development ordinance, the planning commission will forward the application to the city council with a recommendation of approval or denial and the reasons thereof, or shall table the application for further consideration.

(c) City council

(1) The city council may hold a public hearing in lieu of a public hearing by the planning commission. Upon receipt of the planning commission report, the city council shall consider the application. The city council shall, taking into consideration the advice and recommendations of the planning commission, table, grant or deny the application in accordance with the requirements of the development ordinance.

(d) Notice procedure

(1) Public hearings shall be preceded by either published notice and/or mailed notice as required by the terms of section 103-5.

(2) Publication

a. Notice of the purpose, time and place of a public hearing shall be published at least 10 days before the date of the hearing in the official newspaper of the City of Shoreview as designated by the city council. Affidavits of publication shall be made a part of the record of the proceedings.

(3) Mailed notice

a. Notice of the purpose, time and place of a public hearing shall be mailed at least 10 days before the date of the hearing to each recorded owner of property within 350 feet of the perimeter of the property, which will be the subject matter of the public hearing. An affidavit containing the names of the property owners and the addresses to which the notices were mailed shall be made a part of the record of the proceedings.

(4) Failure to give notice

a. Failure to give mailed notice, or defects in the notice shall not invalidate the proceedings provided a bona fide attempt has been made to comply with the mailed notice requirement.

(e) Issuance and conditions

(1) If approved, the city council may impose conditions and safeguards therein to insure that the proposed use will not be detrimental to the health, safety or general welfare of the community and that the use is in harmony with the general purpose and intent of the development ordinance and the Comprehensive Plan. If denied, the city council shall provide the reasons thereof.

(f) Decision

(1) The city council has the authority to grant or deny the request in accordance with the requirements of the development ordinance upon majority vote of its membership, unless otherwise stated in this ordinance. Requests for text amendments, zoning district map amendments, comprehensive plan amendments and planned unit development – development stage require a four-fifths majority vote of the city council's entire membership for approval.

Sec. 103-6. Planning commission review with city council decision.

(a) Applications that require review by the planning commission and action by the city council shall be processed after receipt of a complete application that contains all the required submittal information. The city manager shall refer the application to the planning commission and establish a date for consideration of the application. The application shall be heard and acted on by the planning commission and city council in accordance with Minnesota Statute 15.99.

(b) Planning commission

(1) The Planning commission shall hold an application review, preceded by mailed notice as required by section 103-6, in consideration of granting the request. The planning commission shall review the

application in accordance with the requirements of the development ordinance. Upon review of the application, the planning commission will recommend to the city council approval and conditions thereof or denial and the reasons thereof, or shall table the application for further consideration.

(c) City council

(1) Upon receipt of the report from the planning commission, the city council shall consider the application. The city council shall, taking into consideration the advice and recommendations of the planning commission, table, grant or deny the application in accordance with the requirements of the development ordinance.

(d) Notice procedure

(1) Mailed notice

a. Notice of the purpose, time and place shall be mailed at least 10 days before the date of the meeting to each recorded owner of property within 350 feet of the perimeter of the property which will be the subject matter of the application review. An affidavit containing the names of the property owners and the addresses to which the notices were mailed shall be made a part of the record of the proceedings.

(2) Failure to give notice

a. Failure to give mailed notice or defects in the notice shall not invalidate the proceedings provided a bona fide attempt has been made to comply with the mailed notice requirement.

(e) Issuance and conditions

(1) If approved, the council may impose conditions and safeguards therein to insure that the proposed use will not be detrimental to the health, safety or general welfare of the community and that the use is in harmony with the general purpose and intent of the development ordinance and the Comprehensive Plan. If denied, the city council shall provide the reasons thereof.

(f) Decision

(1) The city council has the authority to table, grant or deny the request in accordance with the requirements of the development ordinance upon majority vote of its membership, unless otherwise stated in this ordinance.

Sec. 103-7. Planning commission review and decision.

(a) Applications that require review and action by the planning commission shall be processed after receipt of a complete application that contains all the required submittal information. The city manager shall refer the application to the planning commission and establish a date for hearing of the application. The application shall be heard and acted on by the planning commission in accordance with Minnesota Statute 15.99.

(b) Hearing

(1) The planning commission shall hold an application review, preceded by mailed notice as required by section 103-7, in consideration of granting the request. The planning commission shall review the application in accordance with the requirements of the development ordinance. Upon review of the application, the planning commission shall table the application for further consideration, approve the application with conditions thereof or deny the application and provide reasons thereof.

(c) Notice procedure

(1) Mailed notice

a. Notice of the purpose, time and place shall be mailed at least 10 days before the date of the meeting to each recorded owner of property within 150 feet of the perimeter of the property which will be the subject of the application review. An affidavit containing the names of the property owners and the addresses to which the notices were mailed shall be made a part of the record of the proceedings.

(2) Failure to give notice

a. Failure to give mailed notice or defects in the notice shall not invalidate the proceedings provided a bona fide attempt has been made to comply with the mailed notice requirement.

(d) Issuance and conditions

(1) If approved, the planning commission may impose conditions and safeguards therein to insure that the proposed use will not be detrimental to the health, safety or general welfare of the community and that the use is in harmony with the general purpose and intent of the development ordinance and the comprehensive plan. If denied, the planning commission shall provide the reasons thereof.

(e) Decision and appeal

(1) The planning commission has the authority to table, grant or deny the request in accordance with the requirements of the

development ordinance upon majority vote of its membership. Decisions of the planning commission shall be final unless the applicant or other aggrieved party submits an appeal in accordance with section 103-9.

Sec. 103-8. Administrative review and decision.

(a) The city manager shall review the application for compliance with the regulations of the development ordinance after receipt of a complete application that contains all required submittal information.

(b) Notice procedure

(1) The city manager shall provide written notification to property owners in accordance with the requirements of this chapter. Failure to give a mailed notice or defects in the notice shall not invalidate the review process provided that a bona fide attempt has been made to contact the property owners.

(c) Issuance and conditions

(1) If the city manager determines that the use is in compliance with the conditions contained in this chapter, then the city manager shall approve or deny the application. Conditions required by the development ordinance shall be applied to the approval. The application may be denied if the city manager finds that the request proposed does not conform to the development ordinance.

(d) Decision and appeal

(1) Decisions of the city manager shall be final unless the applicant or other aggrieved party submits an appeal in accordance with section 103-10.

Sec. 103-9. Appeal of planning commission decision.

(a) Application

(1) Applications to appeal a planning commission decision shall be made on forms provided by the city manager, who shall forward completed applications to the city council for review.

(b) Deadline for application

(1) Appeals must be made in writing and be submitted to the city manager within five business days of the planning commission's decision.

(c) Review process

(1) The city manager shall refer the application to the city council and establish a date for hearing of the application. The application shall be processed in accordance with Minnesota Statute 15.99.

(d) Notice and procedure

(1) Mailed notice

a. Notice of the purpose, time and place of the appeal shall be mailed at least 10 days before the date of the appeals hearing to the appellant and those property owners notified during the review process. An affidavit containing the names of the property owners and the addresses to which the notices were mailed shall be made a part of the record of the proceedings.

(2) Failure to give notice

a. Failure to give mailed notice, or defects in the notice shall not invalidate the proceedings provided a bona fide attempt has been made to comply with the mailed notice requirement.

(e) Criteria for review

(1) Any appeal must be based on the application's compliance or noncompliance with the requirements of the development ordinance.

(f) Decision

(1) The decision of the city council to table, grant or deny the appeal requires a majority vote of members present.

Sec. 103-10. Appeal of administrative decision.

(a) Application

(1) Applications to appeal an administrative decision shall be made on forms provided by the city manager, who shall forward completed applications that include the required information to the planning commission, which shall act as the board of appeals and adjustments for review.

(b) Deadline for application

(1) Appeals must be made in writing and be submitted to the city manager within five business days of the administrative decision.

(c) Review process

(1) The city manager shall refer the application to the planning commission and establish a date for the appeals hearing. The application shall be processed in accordance with Minnesota Statute 15.99.

(d) Notice procedure

(1) Mailed notice

a. Notice of the purpose, time and place of an appeals hearing shall be mailed at least 10 days before the date of the hearing to the appellant and those property owners notified during the permit review process. An affidavit containing the names of the property owners and the addresses to which the notices were mailed shall be made a part of the record of the proceedings.

(2) Failure to give mailed notice, or defects in the notice shall not invalidate the proceedings provided a bona fide attempt has been made to comply with the mailed notice requirement.

(e) Criteria for review

(1) Any appeal must be based on the application's compliance or noncompliance with the requirements of the development ordinance.

(f) Decision and appeal

(1) The decision of the board of adjustment and appeals to grant or deny the appeal requires a majority vote of members present. Decisions of the board of appeals and adjustments on appeals shall be final unless an appeal is filed in accordance with section 103-10.

ARTICLE III. PERMITS

Sec. 103-11. General.

(a) Unless otherwise stated in this chapter, the following regulations shall apply to all permits:

(1) Expiration of permit

a. Unless otherwise stated in this chapter, an approved permit shall expire and be considered null and void one year after it has been issued if the use has not been established or no construction has taken place, except that, upon written application of the owner of the affected land prior to the end of such year, the authorizing body may extend the expiration date of such permit for an additional period not to exceed one year.

(2) Revocation

a. If the permittee is not in compliance with the terms of the permit, a hearing shall be scheduled before the city council for the purpose of determining whether to revoke the permit. The

hearing shall be preceded by 10 days mailed notice to permittee and those occupants of property within applicable notification radius of the process under which the permit was issued.

(3) Renewal

a. In general, renewal requirements shall be as provided for in each permit process. The authorizing body may require periodic renewal as a condition of approval.

(4) Reapplication

a. No application for a permit with a same or similar request shall be submitted for a period of 12 months from the date of denial of the previous application.

(5) Amended permits

a. Amended permits shall be requested for changes in the use or conditions of the existing permit. A request to amend the permit shall be administered in a manner similar to that required for a new permit.

(6) Other permits and approvals

a. The applicant shall obtain other permits and approvals from other governmental agencies as required.

Sec. 103-12. Administrative permits.

(a) Accessory apartment/accessory dwelling unit permit

(1) Application

a. Applications for an accessory apartment or accessory dwelling unit within RE or R1 zoning districts shall be allowed subject to review by the city manager. Applications shall be made on forms provided by the city and shall include the submittal information indicated on the form.

(2) Review process

a. Applications for accessory apartments or accessory dwelling units shall be reviewed administratively by the city manager in accordance with section 103-8.

(3) Criteria for review

a. The city manager shall review the completed application in consultation with the building inspector and fire chief, and shall determine whether the application complies with the regulations of the development ordinance and meets the standards in section 111-36.

(4) Length of permit

a. Upon the sale of a home having an accessory apartment/accessory dwelling unit permit, the buyer must renew the permit.

(b) Land disturbance permit

(1) Permit required

a. A land disturbance permit or a building permit must be obtained from the city before commencing any of the following activities:

1. Any grading in a wetland area.

2. Grading of more than five cubic yards of material, or disturbing an area of more than 500 square feet, when the property includes or is adjacent to any of the following: a water resource, specialized stormwater feature, bluff or shore impact zone, or steep slope.

3. Grading elsewhere in the city which will involve the movement of more than 20 cubic yards of soil material or disturb an area of more than 2,000 square feet.

4. Grading in association with detached single family residential construction does not require a separate permit; however, all of the requirements of this section are to be requirements of the building permit.

5. In shore impact zones, bluff impact zones and on steep slopes, a land disturbance permit is required to construct, maintain, repair or reconstruct a retaining wall, as specified in section 107-30 (c)(1)b.

6. Any grading that modifies the historic or approved drainage pattern in a significant manner, as determined by the public works director.

(2) Timing

a. A land disturbance permit may not be issued until after the city council has granted the applicant a preliminary plat, site and building plan or equivalent approval if required by section 107-30.

(3) Applications

a. Applications for a land disturbance permit shall be made on forms provided by the city manager and include the required information.

(4) Review process

a. Administrative review

1. Applications for land disturbance permits may be reviewed administratively by the city manager in accordance with section 103-8 if the proposed grading activities will involve no more than 2,000 cubic yards of soil or disturb an area no larger than 30,000 square feet.

b. Planning commission/city council review

1. All other land disturbance permit applications shall require planning commission review and city council action in accordance with section 103-6 unless a grading plan has otherwise been reviewed in accordance with section 103-6 as part of a land use application.

(5) Criteria for review

a. The city shall review the application in accordance with the standards in article VII and evaluate possible soil erosion, water quality and view degradation impacts. When deemed by the city to be necessary, conditions may be attached to the permit issuance to minimize the stated impacts.

(6) Erosion control agreement.

a. The city shall require an applicant for a land disturbance permit to enter into an erosion and sediment control agreement per section 109-26 (erosion and sediment control standards).

(7) Grading certification

a. An as-built survey, prepared by a surveyor licensed and registered by the state, shall be submitted upon completion of the permitted work for the following:

1. All new principal structures.

2. Any development requiring construction, enlargement and/or alteration of stormwater management infrastructure, including, but not limited to, ponds, pipes or infiltration basins.

3. Substantial addition or alteration of an existing principal building. A substantial addition is defined as an improvement valued in excess of 50% of the market value of the building, as determined by the real estate tax statement for the parcel exclusive of the value of the land,

or an expansion of the foundation area of the existing principal building by more than 50%.

4. Any addition or land alteration that modifies the site drainage pattern in a manner that significantly alters the historic or approved site drainage, as determined by the public works director.

b. The grading certification shall include such detail as required by the city manager and shall be submitted prior to issuance of a certificate of occupancy for the structure.

(8) Erosion and sediment control and grading certification escrows

a. An erosion and sediment control escrow shall be submitted that is sufficient to ensure the installation, completion and maintenance of the erosion and sediment control plan and practices and to ensure the site is revegetated and landscaped in compliance with the approved grading plan. A grading certification escrow shall be submitted that is sufficient to ensure that the required location and elevation information for the site is collected and submitted to the city for review. The method for determining the amount of the erosion and sediment control and grading certification escrows shall be ordained from time to time by the city council.

(9) Administration of escrow

a. The escrow may be administratively reduced upon written request by the poster of the escrow as phases of the project are completed. Upon project completion, the escrow may be administratively returned.

b. The city may, at its discretion, use the erosion and sediment control and grading certification escrow monies to bring the grading into conformance with the permit, erosion control plan or any standards set forth in article VII (pertaining to soils, slopes, grading and erosion and sediment control), including, but not limited to, surveying, street sweeping, silt fence repair, turf establishment and silt fence removal, in the event that the applicant does not correct deficiencies after 24-hour notice by the city.

c. If it becomes necessary for the city to utilize all or a portion of the surety, developer shall immediately deposit cash in an amount sufficient to re-establish the original surety amount and, until developer makes such a deposit, no further development may occur on the property.

(10) Expiration

a. Land disturbance permits issued by the city shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 90 days from the date of issuance or if the authorization is suspended or abandoned at any time after the work has commenced for a period of 180 days.

1. Projects 500—2,000 square feet of disturbance and five to 20 cubic yards, and projects greater than 2,000 square feet of disturbance and more than 20 cubic yards, and where a development agreement of grading certificate are not required shall expire after six months unless otherwise extended by staff.

2. All other land disturbance permits expire within one year of issuance unless otherwise extended by staff.

(11) Other permits and approvals

a. The applicant shall obtain all required permits from agencies having jurisdictional authority, including, but not limited to, the Minnesota Department of Natural Resources, the Army Corps of Engineers, Ramsey-Washington Metro Watershed District, Rice Creek Watershed District, and/or Ramsey County.

(c) Home occupation permit

(1) Permit required

a. Except as provided herein, no person shall conduct a home occupation without obtaining a permit.

(2) Waiver

a. The city manager is authorized to waive the permit requirement if the home occupation can be conducted subject to the following restrictions:

1. No services shall be provided to customers on the premises.

2. Only vehicles routinely associated with single-family dwelling uses (including conventional automobiles, vans, minivans, sport utility vehicles and pickup trucks but excluding step vans or similar sized delivery vehicles) may pick up or deliver home occupation materials to the premises.

3. Compliance with the standards contained in section 111-44 (home occupations).

(3) Application

a. An application for a home occupation permit shall be made on forms provided by the city manager and include the required information.

(4) Review process and criteria

a. The city manager shall review the application in accordance with section 103-8 and the standards stated in section 111-44 (home occupations).

(d) Riparian lot detached accessory structure permit.

(1) Permit required.

a. A permit is required to place any detached accessory structure in the front yard of a riparian lot within the RE or R-1 zoning districts.

(2) Application.

a. An application for a riparian lot detached accessory structure permit shall be made on forms provided by the city manager and submitted with the required information.

(3) Criteria for review.

a. The city manager shall review the completed application in consultation with city department heads to make the following determinations:

1. That the request is in general character with surrounding properties.

2. The request will not cause a traffic sight problem or endanger public health or safety.

3. The request will not encroach upon a public right-of-way, easement or utilities.

4. A minimum front setback of 30 feet is maintained, unless the characteristics of the subject property (topography, drainage, utility locations, lot coverage limitations) require this setback to be reduced and the proposed setback is generally consistent with neighboring properties. In no case shall the front setback be less than 20 feet unless the planning commission approves a variance in accordance with section 103-23.

b. Review process.

1. The city manager shall review the application administratively in accordance with section 103-8.

(e) Special purpose fences

(1) Fences for special purposes and fences differing in construction, height, or length, may be permitted in any district in the city by the issuance of a special fence permit approved by the city manager.

(f) Temporary sale/event permit

(1) Permit required

a. Except as provided here, no person shall conduct a temporary sale or event without first obtaining a permit to do so. Temporary sales and events include, but are not limited to, sale of merchandise by temporary vendors, temporary promotional sales by merchants, seasonal sales of seasonal merchandise, sale of flowers or produces, fairs, carnivals and arts and craft sales.

(2) Exceptions

a. The following temporary sales and events which do not require a permit

1. Temporary promotional sales within fully enclosed buildings.

2. Up to two seasonal residential sales per residential address per calendar year provided each sale does not exceed four consecutive days.

3. Art and craft sales conducted by non-profit organizations within a fully enclosed public or quasi-public building such as a school, church, or community center.

4. Produce of farms or gardens provided the produce is grown by the person conducting the sale.

(3) Application

a. An application for a temporary sales/event permit shall be made on forms provided by the city manager and shall be submitted with the required information.

(4) Criteria for review

a. All temporary sales and events must comply with the standards in section 111-53 (temporary sales or events).

(5) Review process

a. The city manager shall review the application administratively in accordance with section 103-8.

(6) Exceptions to standards

a. Any proposed temporary sale or event that does not comply with the standards in section 111-53 (temporary sales or events) may be approved upon review and recommendation by the planning commission and approval by the city council in accordance with section 103-6. The city council may attach reasonable conditions to ensure that the proposed temporary sale or event is compatible with surrounding land uses and to protect the public health, safety, or welfare.

Sec. 103-13. Relocated structures.

(a) The relocation of a structure, excluding accessory buildings of less than 200 square feet or other temporary structures, from one location to another location in the city or from a location outside the city to a location in the city shall require a building permit in accordance with section 103-18.

Sec. 103-14. Sign permit.

(a) Permit required

(1) A permit shall be obtained prior to the installation, alteration or display of any sign for which a permit is required, including the installation or alteration of illumination of a sign whether direct or indirect, internal or external. No sign permits shall be approved unless the city manager finds that the proposed sign meets the standards of chapter 113, signs, or is consistent with a comprehensive sign plan approved for the property.

a. Application

1. Application for a sign permit shall be made on a form provided by the city manager and shall be submitted with the required information.

b. Review process

1. The city manager shall administratively review the application in accordance with section 103-8 (administrative review and decision) and for compliance with the development ordinance and the standards in chapter 113 (signs).

c. Expiration

1. Sign permits shall become null and void if the sign is not installed within 180 days after the issuance of a permit.

d. Permit exemptions

1. No permit will be required under this article for the following types of signs, subject to the limitations specified in chapter 113:

i. Window.

ii. Address.

iii. Temporary real estate, except off-site direction sites for residential developments.

iv. Political opinion.

v. Civic event.

vi. Public traffic control.

vii. Construction.

viii. Garage sale.

ix. Traffic directional signs.

x. Public notices or any sign relating to an emergency.

Sec. 103-15. Tower/antenna permit.

(a) Private antenna/tower permit

(1) Purpose

a. The city's private antenna/tower permit regulations are adopted to:

1. Provide the minimum practical regulation to address the aesthetic, health, safety, and welfare concerns associated with private antennas and towers.

2. Reasonably accommodate private antennas and towers.

(2) Permit required

a. Private antenna/tower permits shall be required in accordance with section 111-49.

(3) Application

a. An application for a private antenna/tower permit shall be made on forms provided by the city manager and shall be submitted with the required information.

b. A site plan drawn to scale showing the proposed location of the antenna/tower and the dimensions relative to property lines, structures on the site, and structures on adjacent properties. The city planner may require that this site plan be prepared by a licensed and registered surveyor to ensure its accuracy.

(4) Review process

a. Applications for private antenna/tower permits shall be reviewed in accordance with section 103-5.

(5) Review criteria

a. The planning commission and city council shall review the application for conformance to the standards in section 111-49 as well as the following:

1. The reasonable necessity for the private antenna/tower.
2. The appropriateness of the facility design.
3. If the request is for an amateur radio facility greater than 55 feet in height, the recommended hours of operation for those times when the facility will be extended to more than 55 feet above grade.
4. The appropriateness of construction materials and assembly.
5. Maintenance requirements.
6. The distance of the private antenna/tower from adjoining property lines.
7. Other conditions as necessary to prevent the private antenna/tower or its use from becoming a nuisance to surrounding property owners.

(6) Agreement

a. The permittee shall be required to enter into a private antenna/tower agreement in accordance with section 103-29.

(7) Review and revocation

a. The city manager shall periodically inspect the property for compliance with the provisions of the private antenna/tower agreement. If the permittee is not in compliance with the terms of the agreement, a hearing shall be scheduled before the city council for the purpose of determining whether to terminate the agreement. The hearing shall be preceded by 10 days

mailed notice to property owners of record within 350 feet of the property on which the private antenna/tower is located.

(8) Removal

a. Use of the private antenna/tower shall be discontinued upon termination of the private antenna/tower agreement and prior to the transfer of title for the property on which the facility is located. The property owner shall, at his or her cost, disassemble and remove the private antenna/tower within 30 days of termination of the private antenna/tower agreement, or the purchaser of the property shall apply for a new permit within 30 days of transfer of title.

(b) Broadcast tower permit

(1) Broadcast towers are allowed in the (T) Tower District only and must obtain a conditional use permit pursuant to section 103-18.

(2) Required documentation

a. The following shall be submitted at the time of application for a conditional use permit pursuant hereto:

1. Site plan

i. A plan or plans drawn to scale and acceptable to the city manager including the following information and detail:

a. A boundary survey of the property.

b. A two-foot contour map of the property.

c. Locations of existing and proposed public utilities and easements, each broadcast tower, accessory equipment and structures, broadcast buildings, related broadcast uses and other uses.

d. Ground elevations for broadcast towers and/or accessory equipment and structures.

2. Tower diagram

i. A detailed drawing of the broadcast tower structure clearly describing the height of the structure and all equipment located on the structure drawn to a scale acceptable to the city manager.

3. Structural integrity report

i. A report prepared by a registered engineer stating that the configuration of the tower structure complies with applicable Federal or State of Minnesota safety regulations, or, in the case of the addition or replacement of a broadcast tower and a tower 1200 feet or less in height AMSL as such towers are described in the original conditional use permit issued hereunder to the property owner, a report prepared by a registered engineer stating that the design and proposed method of constructing such added or replaced tower complies with applicable Federal and State of Minnesota safety regulations.

4. Health study

i. A report of an independent consultant acceptable to the city and the property owner indicating that broadcast tower operations of the applicant together with operations or reasonably foreseeable operations of all other broadcast towers shall not violate any Federal or State of Minnesota health standards established for radio frequency transmission and shall not result in any known risk to public health.

5. Operating agreement

i. An agreement with the city and each property owner which shall describe the property owners' obligation with respect to:

a. Control of ice build-up on a broadcast tower and accessory equipment and structures;

b. Responding to complaints by individuals residing within the city regarding interference to consumer electronic equipment;

c. Designation of an operator representative to deal with complaints associated with operation of a broadcast tower;

d. Lighting of a broadcast tower;

e. Financial consideration; and

f. Cooperation with a citizens committee regarding matters relating to the conditional uses.

(c) Wireless telecommunication facility (WTF) permit

(1) Purpose

a. The city's WTF permit regulations are adopted to:

1. Minimize negative impacts of WTFs through careful siting and design standards.

2. Protect the public health and welfare through appropriate safety standards.

3. Ensure development of these facilities at a scale compatible with and proportionate to existing development.

4. Facilitate the provision of wireless telecommunication services to residents and businesses of the city.

(2) Permit required

a. No person shall install a new WTF without first obtaining a WTF permit.

(3) Preapplication conference

a. The applicant shall present a sketch and basic supporting data of the proposed WTF to the city manager who shall review the sketch and the city's WTF standards with the applicant at a preapplication conference. The city manager may, at his or her discretion, forward the sketch to the planning commission, the city council, another appropriate citizen committee or commission, or to neighboring property owners for review and comment.

(4) Application

a. Applications for a WTF permit shall be made on forms provided by the city manager and shall be submitted with all of the required information. A completed application shall include an application fee and escrow deposit in an amount prescribed by city council, and a signed WTF escrow deposit agreement as specified in section 103-21.

(5) Complete application

a. The city manager shall review the submitted application form and other materials specified in section 103-30 to determine whether the application is complete. The city manager may waive, in writing, certain application requirements when determined unnecessary for review of the application. All items deemed necessary by the city manager must be submitted for the WTF application to be complete and for review of the

application to proceed. Applications found to contain material errors shall not be deemed complete until such errors are corrected.

(6) Review process

a. In accordance with section 103-6, applications for a WTF permit shall be reviewed by the planning commission and city council.

(7) Planning commission review

a. Upon receipt of a completed application, the city manager shall schedule a hearing before the planning commission which shall be preceded by 10 days mailed notice to the property owners of record located within 350 feet of the parcel on which the WTF will be located. The planning commission shall make findings based upon the standards in section 111-35 and shall submit its recommendations to the city council.

(8) City council review

a. Upon receipt of the planning commission recommendation, the city council shall review the application. The city council may approve the application subject to conditions, table its review until a date certain, or deny the application for a WTF permit. The decision of the city council shall be based the WTF standards specified in section 111-35 and on the information provided in the written record. Notice of the council's decision shall be provided to the applicant in writing. If the application is approved by the city council, a WTF permit shall be issued upon the execution of a WTF agreement in accordance with section 103-30, compliance with the conditions of approval, and demonstration that the WTF complies with all applicable building, fire, and safety codes.

(9) Recovery of city costs

a. At the time of application for a WTF permit, an escrow deposit shall be posted in an amount determined by the city council. The city may charge against this deposit to recover its costs for reviewing the WTF application. These costs may include, but are not limited to, city staff time over and above that covered by the application fee, consultant fees, and fees for third-party review. If a WTF permit is approved, as a condition of approval, deposit of additional escrow funds may be required. The city will charge against this deposit to offset the city's costs to monitor construction and ensure compliance with the conditions of approval and standards in this ordinance. These charges may

include, but are not limited to, city staff time, consultant fees, and fees for third-party review, monitoring, and inspection. Once construction has been completed and the permittee has complied with all conditions of approval, any remaining deposit funds shall be refunded to the party or entity that posted the escrow deposit. Refund of the deposit shall not be construed to limit the city's ability to recover future costs associated with review or monitoring on-going operation of the WTF or future modifications, amendments, or transfer of the facility.

(10) Review and revocation

a. The city manager shall periodically inspect the WTF and the property where it is located for compliance with the provisions of the WTF agreement. If the permittee is not in compliance with the terms of the agreement, a hearing shall be scheduled before the city council for the purpose of determining whether to terminate the agreement.

(11) Criteria for review

a. The WTF permit may be granted provided the proposed use is listed as a permitted use for the district in which it is located and upon showing that the standards and criteria of the development ordinance will be satisfied and that the use is in harmony with the general purposes and intent of the development ordinance and the comprehensive plan.

(12) Length of approval

a. Any use permitted under the terms of the WTF permit approval shall be established and conducted in conformity to the terms of such permit and any conditions designated in connection therewith. The approval shall remain in effect for so long as the conditions agreed upon are observed, provided that nothing in this section shall prevent the city council from acting or amending the development ordinance that changes the status of an approved WTP to a legal non-confirming use.

(13) Agreement

a. If the city council approves the application, a WTF permit may be issued upon the execution of a wireless telecommunication tower/antenna agreement. The agreement or a summary of the agreement approved by the city manager in recordable form shall be signed by the applicant and property owner, and the terms of the agreement shall include those identified in section 103-30.

ARTICLE IV. ZONING PROCEDURES

Sec. 103-16. Comprehensive sign plan.

(a) Administrative review

(1) Eligible projects

a. Comprehensive sign plan review for multiple signs for a building or property may be reviewed administratively by the city manager, in accordance with section 103-8, provided the proposed signage complies with the city requirements; and any deviations proposed are minor, not to exceed the following:

1. Free-standing signs

i. The area of the free-standing sign exceeds the maximum area permitted by no more than 10%.

ii. The height of the free-standing sign exceeds the maximum height permitted by no more than 3 feet.

2. Wall signs

i. The number of wall signs exceeds the maximum number permitted by two.

ii. The length of the wall sign exceeds the maximum length permitted by no more than 10%.

iii. The allowable area of the wall sign exceeds the maximum area permitted by no more than 10%.

3. Multitenant buildings with multiple signs per building:

i. No more than one wall sign for each building, which may include a logo.

ii. All signs are similar in size and are located within a defined sign band.

iii. All signs in use on the property shall be cohesive and compatible in style and construction.

iv. If signs are not compatible or are questionable, the city manager shall require review of the comprehensive sign plan by the planning commission and city council, as described in provision (b) of this section.

(2) Application

a. Applications for comprehensive sign plan review shall be made on forms provided by the city manager and be accompanied by

detailed drawings to show the dimensions, design, structure and location for the sign. The applicant must provide any and all information requested by the city manager for the purpose of determining compliance with the standards of chapter 113.

(3) Criteria for review

a. The city manager may grant approval of the comprehensive sign plan only when the proposed signs comply with the other provisions of chapter 113.

(b) Comprehensive sign plan review by the planning commission/city council

(1) Review

a. Comprehensive sign plan applications not eligible for administrative review shall be processed in accordance with section 103-6.

(2) Application

a. Applications for comprehensive sign plan shall be made on forms provided by the city manager and be accompanied by detailed drawings to show the dimensions, design, structure and location for each sign. The city manager shall forward completed applications to the planning commission.

(3) Criteria for review

a. Approval of the comprehensive sign plan may be granted only when the proposed signs comply with the standards of chapter 113. When a deviation is proposed, approval shall be based on findings that:

1. The plan proposes signs consistent in style, such as through color, size and materials, throughout the site.

2. The proposed deviations from the standards of chapter 113 result in a more unified sign package and greater aesthetic appeal between signs on the site.

3. The resulting sign plan is effective, functional, attractive and compatible with community standards.

(4) Length of comprehensive sign plan approval

a. Any signs permitted under the terms of comprehensive sign plan approval shall be installed and maintained in conformity to the terms of such plan and any conditions designated in connection therewith. The approval shall remain in effect for so long as the conditions agreed upon are observed, provided that

nothing in this section shall prevent the city council from action or amending the development ordinance.

(c) Following approval of the comprehensive sign plan, the applicant shall apply for and obtain a sign permit as described in section 203.034.

Sec. 103-17. Conditional use permits (floodplain).

(a) Application

(1) Certain uses may be permitted in the Floodplain District with a conditional use permit provided the standards of section 107-29 are met so as to promote the public, health, safety and general welfare.

(2) Applications for a conditional use permit in a floodplain shall be made on forms provided by the city manager and include the required information.

(b) Review process

(1) Conditional use permit applications in floodplains shall require a public hearing and shall be processed in accordance with section 103-5.

(c) Notice and hearing procedure

(1) In addition to the notice and hearing requirements in section 103-5, the city manager shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed Conditional Use sufficiently in advance so that the Commissioner will receive at least ten days' notice of the hearing.

(d) Issuance and conditions

(1) The city council may prescribe such conditions and safeguards, in addition to those specified below, when granting a conditional use permit as it deems necessary to satisfy the intent and requirements of section 107-29, the floodplain management ordinance. Such conditions may include, but are not limited to, the following:

a. Modification of waste treatment and water supply facilities.

b. Limitations on period of use, occupancy, and operation.

c. Imposition of operational controls, sureties, and deed restrictions.

d. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.

e. Flood-proofing measures, in accordance with the State Building Code and this ordinance. The applicant shall submit a

plan or document certified by a registered professional engineer or architect that the flood-proofing measures are consistent with the Regulatory Flood Protection Elevation and associated flood factors for the particular area.

(e) Criteria for review

(1) The city council shall consider all relevant factors specified in the development ordinance, and:

a. The danger to life and property due to increased flood heights or velocities caused by encroachments.

b. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.

c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the owner.

e. The importance of the services provided by the proposed facility to the community.

f. The requirements of the facility for a water front location.

g. The availability of alternative locations not subject to flooding for the proposed use.

h. The compatibility of the proposed use with existing development and the planned use of the property.

i. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.

j. The safety of access to the property in times of flood for ordinary and emergency vehicles.

k. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

l. Such other factors which are relevant to the purposes of this ordinance.

(f) Notification of decision

(1) In addition to section 103-5, the city manager shall forward a copy of all decisions granting conditional use permits to the Commissioner of Natural Resources within 10 days of the council's action.

Sec. 103-18. Conditional use permit (non-floodplain).

(a) General

(1) Certain uses, while generally not suitable in a particular zoning district, may under some circumstances be suitable if conditions are attached. In those circumstances, conditions may be imposed to protect the health, safety and welfare of the community and to insure harmony with the comprehensive plan. the permit shall be granted for a particular use and not a particular person or firm.

(b) Applications

(1) The property owner, individual or other entity that has legal interest in the property may submit applications for a conditional use permit. This application shall be filed with the city manager on the application form provided by the city and include the required information.

(c) Review process

(1) Conditional use permit applications shall require a public hearing and shall be processed in accordance with section 103-5.

(d) Criteria for review

(1) The conditional use permit may be granted provided the proposed use is listed as a conditional use for the district in which it is located and upon showing that the standards and criteria of the development ordinance will be satisfied in addition to the following:

a. The use is in harmony with the general purposes and intent of the development ordinance.

b. The use is in harmony with the policies of the comprehensive plan.

c. Certain conditions as detailed in the development ordinance exist.

d. The structure and/or land use conform to the land use chapter of the comprehensive plan and are compatible with the existing neighborhood.

(e) Length of conditional use permit

(1) Any use permitted under the terms of a conditional use permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith. The Conditional Use Permits shall remain in effect for as long as the conditions agreed upon are observed, provided that nothing in this

section shall prevent the city council from action or amending the development ordinance to change the status of conditional uses.

(f) Record of permit

(1) A certified copy of any conditional use permit shall be filed with the Ramsey County Recorder or Registrar of Titles.

Sec. 103-19. Design review for substandard lots.

(a) Administrative review

(1) Eligible projects

a. Design review for the following projects shall be reviewed administratively by the city manager in accordance with section 103-8 when any of the following apply:

1. Projects on lots that exceed 80% of the minimum required lot width, depth, and area.
2. Driveways, sidewalks, patios, and other at-grade structures.
3. All detached accessory structures including sheds, garages, and water-oriented structures.
4. Attached decks and unenclosed porches.
5. Enclosed porches, dwelling additions, and additions to an attached garage, provided said porch or addition is 250 square feet or less.
6. A roof modification that increases the useable area within the same footprint without adding a full story to the structure.
7. A basement excavation within the existing structure footprint.
8. Any project that meets all zoning requirements except for lot size.

(2) Application

a. Administrative design review will be performed as part of the building permit process. In addition to information required for building permit review, the applicant must provide any and all information requested by the city manager for the purpose of determining compliance with the applicable design standards of the development ordinance.

(3) Criteria for review

a. The city manager may grant approval of the design review only when the proposed improvements comply with the applicable design standards of the development ordinance. Any variances to the design standards require review and approval by the planning commission.

(4) Expiration

a. Design review approval shall become void within one year from the date of approval unless a building permit has been obtained and construction began or unless the city manager grants a written extension.

(b) Design review by the planning commission

(1) Review

a. The planning commission must approve any construction, reconstruction or expansion of a structure on a substandard lot except for those projects eligible for administrative review as described in section 103-19(a). The planning commission review shall be in accordance with section 103-6.

(2) Application

a. Applications for residential design review shall be made on forms provided by the city manager and include the required information. The city manager shall forward completed applications to the planning commission.

(3) Criteria for review

a. Unless a variance is approved, the planning commission may grant approval of the design review only when the proposed improvements comply with the applicable design standards of the development ordinance.

(4) Expiration

a. Design review approval shall become void within one year from the date of approval unless a building permit has been obtained and construction began or unless the planning commission grants an extension.

Sec. 103-20. Planned unit development (PUD) procedures.

(a) Preapplication conference

(1) The developer is encouraged to establish a preapplication conference with the city manager to review the developer's plans and inform the developer with the city's procedures, standards and concerns.

(b) Concept stage PUD (optional)

(1) Purpose

a. Concept stage PUD review is optional and designed to address the appropriateness of a proposal from the perspective of general land use compatibility. Concept stage PUD review provides an opportunity for the applicant to submit a plan to the city showing the basic intent and the general nature of the entire development without incurring substantial cost. The Concept stage PUD is a public review process that allows the applicant to receive comments from the city and nearby property owners regarding the proposed development. The process is also intended to allow the city and general public a forum to identify more specific development issues and potential concerns that may require the applicant to provide further information and additional analysis at the development stage.

(2) Application

a. A concept stage PUD application shall be made on a form provided by the city manager and shall be submitted with the required information.

(3) Review process

a. The city manager shall forward the concept stage application to the planning commission and city council for review. The planning commission will offer comments and suggestions regarding the Concept Plan to the applicant. These comments and suggestions will be forwarded to the city council, who shall also review the proposal and provide feedback to the applicant. The council will not take any formal action to approve or deny the application. No comments, remarks or observations made by the city council, planning commission or city staff on the concept plan are binding on the city for subsequent stages.

(4) Notice and hearing procedure

a. Mailed notice

1. Notice of the proposal, time and place of the hearing shall be mailed at least 10 days before the date of the hearing to each recorded owner of property within 350 feet of the perimeter of the property which is the subject of the review.

b. Failure to give notice

1. Failure to give mailed notice or defects in the notice shall not invalidate the proceedings provided a bonafide attempt has been made to comply with the mailed notice requirement.

(c) Development Stage PUD

(1) Purpose

a. The Development Stage PUD application is intended to provide the city with detailed site and subdivision plans. Development stage PUD approval, in particular for multiple-phase developments, must establish a scheme or guidelines for the building design, lighting, landscaping, surface water, parking, access and signage aspects of the development. For multi-phase developments, development stage plans consist of a general plan for the entire development and separate detailed plans for each of the phases. For PUDs requiring subdivision approval, the preliminary plat shall be reviewed simultaneously with the development stage PUD.

(2) Application requirements

a. An application for a development stage PUD shall be made on a form provided by the city manager and shall be submitted with the required information.

(3) Review process

a. After receipt of a complete application that contains all the required information, the city manager shall process the application with planning commission/city council review in accordance with section 103-5. A four-fifths majority vote by the city council is required for approval.

(4) Site and building elevation plans

a. In cases where the applicant chooses to submit detailed site, landscaping, signage, lighting, surface water management, and building elevation plans as part of the development stage PUD approval, a separate site and building elevation plan application may be waived by the city council for all or part of a PUD.

(5) Criteria for review

a. Development stage PUD Plan approval shall not be granted unless the city council makes the following findings:

1. That the proposal complies with the Shoreview Comprehensive Plan.

2. That in those cases where the plan does not comply with the minimum standards of this ordinance, the deviation is to permit a development that provides a benefit to the city as a whole which include but are not limited to one or more of the following:

   i. Use of architectural enhancements and sustainable building practices that exceed building and site design standards found in a typical development.

   ii. Enhancement of public infrastructure including but not limited to streetscaping, street design, sidewalks, open space and trails.

   iii. Use of innovative materials and techniques to minimize stormwater run-off from the site and enhance water quality.

   iv. Provides unique or a variety of housing options to meet resident preferences and circumstances at all life stages and at varying affordability levels that supports the city's life-cycle housing and housing affordability goals as identified in the comprehensive plan.

   v. Incorporates the historic preservation of private or public structures, places or parks.

   vi. Eliminates blighted structures or incompatible uses through redevelopment or rehabilitation. In those instances where a site is to be redeveloped or where the site is adjoined by developed property, that development via a PUD is desirable to insure compatibility with the adjoining land use(s).

   vii. Incorporates transportation demand management or public transit.

   viii. Preserves and concentrates open space by providing common open areas or reserving specific amounts of open space on each parcel.

   ix. The preservation and enhancement of desirable site characteristics such as existing or native vegetation, natural topography and geologic features, and the prevention of soil erosion.

(6) Expiration

a. Approval of a development stage PUD shall become void two months after the council approval date if the applicant has not submitted the final stage PUD request, unless a phasing plan or other timeframe has been approved by the council or a written request for a time extension has been approved by the council.

(d) Final stage PUD

(1) Application

a. A Final stage PUD application shall be made on a form provided by the city manager and shall be submitted with the required information.

(2) Review process

a. The city council shall determine whether the final stage PUD is in compliance with the approved development stage PUD. If the city council determines that a substantial change to the plans or conditions of approval is necessary due to unforeseen circumstances or is otherwise required by the developer, the city council shall refer the final stage PUD to the planning commission for review in accordance with the development stage PUD procedures. Otherwise, if the final stage PUD is in compliance with the development stage PUD and with all conditions of approval, the city council shall approve the final stage PUD. An affirmative vote of at least three council members is required for approval of the final stage PUD. Upon approval, the city council shall also act on the documents as required including the final plat, development contract, erosion control, and public recreational use dedication fees.

(e) The development stage and final stage applications may be heard by the city council simultaneously when:

(1) The proposed project does not require significant changes to existing public rights-of-way, municipal utilities and stormwater infrastructure.

(2) The proposed use is consistent with the uses permitted in the underlying zoning district.

(f) Amendments to approved PUDs

(1) Revisions to approved planned unit developments shall be processed as follows:

a. Minor changes in location, siting, height of buildings and structures and minor changes to street and easement locations may be administratively authorized by the city manager

without additional public hearings, if required by engineering or other circumstances not foreseen at the time the development stage PUD was approved.

b. The following substantial changes to a PUD shall require review and approval through the site and building plan review process, as described in section 103-21:

1. A change in use that does not increase the intensity of the development.
2. An increase of 10% to 25% in the overall lot coverage of structures and other improvements that has a considerable effect on the development plan.
3. A change of 5% to 15% open space or green areas that has a considerable effect on the development plan.
4. A change of 5% to 15% of off-street parking or loading areas.

c. The following substantial changes, and other, similar changes, to a PUD shall require amendments of the development stage PUD. All such amendments shall be processed according to the development stage PUD review rules.

1. An increase in the intensity of the use or a change in the character of the development.
2. A change of more than 25% in the overall lot coverage of structures and other improvements that has a considerable effect on the development plan.
3. A major change in traffic circulation.
4. A change of more than 15% of open space or green areas.
5. A change of more than 15% of off-street parking or loading areas.
6. A reduction in the effectiveness or extent of surface water management plan as determined by the city engineer.

Sec. 103-21. Site and building plan review.

(a) Concept plan review (optional)

(1) Purpose

a. Concept plan review is optional and designed to address the appropriateness of a proposal from the perspective of general land use compatibility. Concept plan reviews provides an opportunity for the applicant to submit a plan to the city

showing the basic intent and the general nature of the entire development without incurring substantial cost. The concept plan review is a public review process that allows the applicant to receive comments from the planning commission, the city council and nearby property owners regarding the proposed development. The process is also intended to allow the city and general public a forum to identify more specific development issues and potential concerns that may require the applicant to provide further information and additional analysis at the development stage.

b. Application

1. A concept plan review application shall be made on a form provided by the city manager and shall be submitted with the required information.

c. Review process

1. The city manager shall forward the concept plan application to the planning commission and city council for review. The planning commission will offer comments and suggestions regarding the concept plan to the applicant. These comments and suggestions will be forwarded to the city council, who shall also review the proposal and provide feedback to the applicant. The council will not take any formal action to approve or deny the application. No comments, remarks or observations made by the city council, planning commission or city staff on the concept plan are binding on the city for subsequent stages.

d. Notice and hearing procedure

1. Mailed notice

i. Notice of the proposal, time and place of the hearing shall be mailed at least 10 days before the date of the hearing to each recorded owner of property within 350 feet of the perimeter of the property which is the subject of the review.

2. Failure to give notice

i. Failure to give mailed notice or defects in the notice shall not invalidate the proceedings provided a bonafide attempt has been made to comply with the mailed notice requirement.

(b) Permit required

(1) Approval is required for all site and building plans for the improvement, development, alteration, or expanded use of any property in any district except property utilized or proposed for utilization in connection with single-family detached dwellings, single-family attached dwellings, twinhomes, and two- to four-unit dwellings.

(2) Application

a. An application for site and building plan review shall be made on forms provided by the city manager and shall be submitted with the required materials as requested by the city manager.

(3) Review process

a. Site and building plan review applications shall be processed in accordance with section 103-6.

(4) Criteria for review

a. The site and building plan review may be granted provided the proposed use is listed as a permitted use for the district in which it is located and upon showing that the standards and criteria of the development ordinance will be satisfied and that the use is in harmony with the general purposes and intent of the development ordinance and the comprehensive plan.

(5) Length of site and building plan approval

a. Any use permitted under the terms of site and building plan approval shall be established and conducted in conformity to the terms of such permit and any conditions designated in connection therewith. The approval shall remain in effect for so long as the conditions agreed upon are observed, provided that nothing in this section shall prevent the city council from action or amending the development ordinance to change the status of said approval.

(6) Agreement

a. The applicant may be required to enter into a development contract in accordance with section 103-27.

Sec. 103-22. Site plan amendment.

(a) Minor site plan amendment.

(1) Site plans that are classified under the following criteria shall be reviewed by the city manager and shall not require planning commission or city council review:

a. Proposed minor structural additions involving 10% or less of the total floor area or proposed minor site modifications involving 10% or less of the total existing site area;

b. Modifications or expansions of parking lots or driveways; and

c. Fences.

(b) Minor site plan amendments shall be subject to the following conditions

(1) Compliance with all ordinance requirements shall be construed to include all adopted policies and codes.

(2) Any variances from ordinance and policy requirements shall be subject to the established criteria outlined in section 103-23.

(3) Plans submitted for minor structural additions or minor site alterations under the terms of this section shall be the same as those outlined in section 103-21.

(4) A copy of the plans approved under this section shall be certified by the city manager and kept on file with the city council approved plans.

(5) Site plan amendments beyond the minor additions or modifications listed above shall adhere to the procedures set forth in section 103-21.

(c) Reference to the planning commission

(1) Unresolved disputes as to administrative application of ordinance requirements shall be referred to the planning commission following standard review and approval procedures.

(2) The city manager may refer an amendment application to review and approval by the planning commission.

(d) Administrative review summary

(1) The city manager shall provide the planning commission a monthly report which includes a summary of all minor site plan amendments approved in the previous month.

Sec. 103-23. Variances.

(a) Application

(1) An application for a variance or variances (herein collectively "variance") from the provisions of chapter 101, 103, 105, 107, 109, 111, 113 shall be made on forms provided by the city manager. Completed applications shall be forwarded to the planning commission.

(2) Variance requests for variances to well and water line setbacks are governed by the Minnesota Department of Health and shall

therefore include the following additional information with any application:

a. Specific information on the Minnesota Rule or Rules from which the variance is requested.

b. Reasons why the rule is difficult or inappropriate.

c. A description of the practical difficulty (see provision (c) of this section for definition of practical difficulty) that prevents compliance with the setback.

d. How the variance will ensure a comparable degree of protection to public health or the environment if the variance is granted.

e. The length of time for which the variance is requested.

f. Cost considerations.

g. Proximity of the system to other systems.

(b) Review process

(1) The planning commission shall review completed variance applications pursuant to Shoreview City Code section 103-6 and Minnesota Statute §15.99. Modifications shall not be made to the variance application during the review process.

(c) Criteria for review

(1) The following criteria shall be applied to the city's review of a variance application:

a. Purpose and intent

1. The variance request shall comply with the purpose and intent provisions of city code section 101-1 and with the policies of the city's comprehensive plan.

(2) Practical difficulties

a. The application for a variance shall establish that there are practical difficulties in complying with the provisions of the Shoreview development regulations. The term "practical difficulties" as used in the granting of a variance means:

1. Reasonable manner

i. The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview development regulations.

2. Unique circumstances

i. The plight of the property owner is due to circumstances unique to the property not created by the property owner.

3. Character of neighborhood

i. The variance, if granted, will not alter the essential character of the neighborhood.

4. Economic consideration

i. Economic consideration alone does not constitute practical difficulties.

5. Access to sunlight

i. Inadequate access to direct sunlight for solar energy systems shall be considered a practical difficulty.

6. Earth sheltered housing

i. Earth sheltered construction, as defined in Minnesota Statutes §216(C)06, Subd. 14, shall be considered a practical difficulty if the property is otherwise in compliance with the Shoreview development regulations.

7. Non-permitted use

i. A variance shall not be granted if it would allow a use which is not otherwise permitted in the zoning district where the property is located.

(d) Conditional approval

(1) The board of adjustments may impose conditions in granting a variance. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

(e) Expiration

(1) An approved variance, which is not implemented within one year from the date of approval, shall become void.

(f) Decision and appeal

(1) Decisions of the planning commission shall be final unless the applicant or other aggrieved party appeals to the city council. Appeals shall be processed in accordance with section 103-9.

ARTICLE V. AMENDMENTS

Sec. 103-24. Comprehensive plan amendment.

(a) Application

(1) Amendments to the comprehensive plan may be initiated by the city council or planning commission, a resident of the city or property owner within the city. An application for an amendment shall be made on a form provided by the city manager and shall be submitted with the required information.

(b) Metropolitan Council

(1) All proposed amendments, except housekeeping amendments and amendments to the capital improvements program, must be submitted by the city manager to the Metropolitan Council and affected governmental units for comment. No amendment may be put into effect until accepted by the Metropolitan Council.

(c) Review

(1) The planning commission shall hold at least one public hearing and a notice of the time, place and purpose of the hearing shall be published at least 10 days before the hearing. The planning commission shall make a recommendation to the city council.

(d) Criteria for review

(1) The planning commission and city council shall consider the following elements when making recommendation or decision regarding the comprehensive plan amendment:

a. The site and the characteristics of adjoining planned land uses;

b. Probable building mass differences;

c. Traffic generation;

d. Separation to dissimilar land uses;

e. Carrying capacity of the site (sewer, water, access, topography, etc.); and

f. Buffering potential of dissimilar but adjoining land uses.

(e) Decision

(1) The city council has the authority to grant or deny the amendment based on a four-fifths majority vote of its entire membership and the adoption of a resolution.

Sec. 103-25. Development ordinance text amendment.

(a) Application

(1) Requests for amendments to the text of the development ordinance may be initiated by the city council, the planning commission or an affected property owner. An application for a text amendment shall be made on a form available from the city manager and shall be submitted with the required information.

(b) Review process

(1) Applications for amendments to the development ordinance text shall be reviewed via the public hearing process in accordance with section 103-5, except that no mailed notice shall be required.

(c) Decision

(1) The city council has the authority to grant or deny the amendment based on a four-fifths majority vote of its entire membership.

Sec. 103-26. Zoning district boundary agreement.

(a) Application

(1) Requests for the rezoning of property may be initiated by the city council, the planning commission or an affected property owner. An application for a zoning district boundary map amendment shall be made on a form provided by the city manager and shall be submitted with the required information.

(b) Review process

(1) Applications for amendments to the Zoning District Map boundaries shall be reviewed via the public hearing process in accordance with section 103-5.

(c) Criteria for review

(1) The planning commission and city council shall consider the following when making recommendation or decision regarding the zoning district amendment:

a. That the proposed rezoning is consistent with the policies of the comprehensive plan and with the general purpose and intent of the development regulations.

b. That the development facilitated by the proposed rezoning will not significantly and adversely impact the planned use of the surrounding property.

1. Rezoning proposals are exempt from this finding:

i. When only one zoning district option is available for the site on the current land use plan map designation; or

ii. When the proposed zoning district option is not the most intensive option identified for the site by the land use plan map designation in the comprehensive plan.

iii. When more than one zoning district option exists, the base line from which to measure any significant adverse impact relative to the planned use of surrounding property shall be:

iv. The current zoning if such zoning is not planned unit development (PUD);

v. The underlying or assigned zoning if the current zoning is planned unit development (PUD); or

vi. When rezoning from Urban Underdeveloped (UND), the most restrictive zoning district option permitted by the current land use plan map designation for the site.

vii. That the applicant is willing to enter into a development agreement with the city as a condition of rezoning approval.

c. If the request is to rezone a parcel to the Telecommunications Overlay District, the planning commission must also make the following additional findings:

1. That the new site is necessary and that useable sites already appropriately zoned are not located within a one-half mile radius of the proposed new site; and

2. That the proposed site will further the city's objective that all antennas and towers be designed to blend into the surrounding environment; and

3. That there are site features such as trees, topography, buildings, or utility poles that reduce or eliminate the visual impact of the proposed tower;

4. That there are no public health or safety issues with the proposed site.

5. That the proposed site can comply with the standards in chapter 111.

6. That the proposed site would provide new opportunities for collocation.

7. That the proposed site is necessary to reasonably accommodate a wireless telecommunications service.

(d) Decision

(1) The city council has the authority to grant or deny the amendment based on a four-fifths majority vote of its entire membership.

ARTICLE VI. DEVELOPMENT AGREEMENTS

Sec. 103-27. Development contract.

(a) Contract required

(1) A developer contract will be required and executed prior to issuance of all building permits, installation of public or private infrastructure, recording of a subdivision, and final construction plan approval for multiple-family residential, commercial, office or industrial developments. The developer shall enter into a written contract and submit required financial securities to the city. The development contract will require the developer to furnish and construct said public and private infrastructure improvements at his/her sole cost and in accordance with city approved construction plans and specifications, city standards, city ordinances, city policies and the development contract.

(b) Inspection

(1) The development contract may include provisions for one or more full-time city personnel or its representative at the city manager's discretion. The developer shall pay all costs incurred by the city in conjunction with the development of the plat. The developer shall also provide a qualified and experienced engineer to inspect the installation of public infrastructure.

(2) The developer shall also instruct its engineer to provide adequate field inspection personnel to assure an acceptable level of quality control to the extent that the developer's engineer will be able to certify that the construction work meets the approved city standards as a condition of city acceptance. All documentation that relates to the installation and design of the public infrastructure shall be made available to the city for their records and files.

(3) The city's role as an inspector for the project is to inspect only the Public Infrastructure and not to be a manager of the project.

(c) Supervision

(1) This contract shall include provision for supervision of details of construction by city manager and grant to the city manager authority to correlate the work to be done under said contract by any subcontractor authorized to proceed there under and with any other work being done or contracted by the city in the vicinity.

(d) Reimbursable costs

(1) All costs, which accrue by the city during the inspection or review of the public infrastructure, shall be reimbursed by the developer to the city. The city will invoice the developer for the time spent on the project.

(e) Security

(1) Required public improvements

a. The developer shall provide a certified check, a cash deposit, or an irrevocable letter of credit of a sufficient amount to assure the city that such public improvement and utilities will be constructed and installed according to approved specifications. The financial guarantee shall be approved as to form by the city attorney and filed with the city. The city attorney may permit other forms of financial guarantees upon approval.

(2) Private improvements

a. The developer shall provide a certified check, a cash deposit, or an irrevocable letter of credit of a sufficient amount to assure the city that landscaping, screening or other improvements will be completed by a specific date and in accordance with approved plans. The financial guarantee shall be approved as to form by the city attorney and filed with the city. Other forms of financial guarantees may be permitted upon approval by the city attorney.

(f) Amount of financial guarantee

(1) Required public improvements

a. The amount of the financial guarantee shall be 125% of the city manager's estimate of the total cost of the construction and installation of the public improvements and utilities required above and administrative overhead fees, including costs of inspection by the city. The city shall be entitled to draw upon said financial guarantee to reimburse itself for any cost and expense incurred by the city for completion of the work in the event of default by the developer and for any damages

sustained on account of said default. Upon completion of the work and the termination of any liability, the balance of the financial guarantee that remains, if any, shall be refunded to the developer.

(2) Private improvements

a. The amount of the financial guarantee shall be 125% total cost for completion of landscaping, screening or other improvements by a specific date and in accordance with approved plans. The city shall be entitled to draw upon said financial guarantee to reimburse itself for any cost and expense incurred by the city for completion of the work in the event of default by the developer and for any damages sustained on account of said default. Upon completion of the work and the termination of any liability, the balance of the financial guarantee that remains, if any, shall be refunded to the developer.

(g) Partial completion

(1) On written request of the developer, the contract may provide for completion of part of the improvements covered thereby prior to acceptance of the improvements. In such event the amount of the financial guarantee may be reduced in a sum equal to the estimated cost of the improvements to a minimum of 10% of the total security. The city will retain the minimum 10% until the warranty period expires or other acceptable securities are provided to the city in the amount of 10% of the total project cost. The financial guarantee at any time could be used to ensure the city's development fees charged to the project. The city may also withhold additional securities to cover any outstanding or past due city development fees.

(h) Time for completion

(1) The time for completion of the work and the several parts thereof shall be determined by the city council upon recommendation of the city manager after consultation with the developer. This time for completion shall be reasonable with relation to the work to be done, the season of the year, and proper correlation with construction activities in the plat and subdivision. The developer may request the time for completion be extended provided a request is submitted to the city manager a minimum of 60 days prior to the expiration of the completion date.

(i) Warranties

(1) All public infrastructure projects will require a warranty against poor material and faulty workmanship. The warranty period for all underground public utility work is a minimum of two years. The one year warranty period for streets, grading and other public infrastructure shall commence after the final wear course has been completed and acceptance by city council resolution. The warranty period on underground utilities shall commence following their completion and acceptance in writing by the city manager.

Sec. 103-28. Erosion and sediment control agreement.

(a) Agreement required

(1) Prior to issuance of a grading or building permit, prior to the construction of the public improvements required by the city, or prior to release of the final plat by the city, whichever event occurs first, the city manager or city council requires the developer to enter into an erosion and sediment control agreement with the city.

(b) Escrow

(1) The developer agrees to deposit with the city an amount that shall be ordained from time to time by the city council. These funds may be utilized by the city to maintain all erosion and sediment control devises on the development site, including the cleaning of all road and storm sewer systems, until the city manager has determined that erosion control has been satisfied. The security may also be utilized for clean-up or restoration of areas off of the development site that are directly or indirectly impacted by conditions on the site. Interest shall not accrue on these funds. If it becomes necessary for the city to utilize all or a portion of the surety, developer shall immediately deposit cash in an amount sufficient to re-establish the original surety amount and, until developer makes such a deposit, no further development may occur on the property. Any funds not utilized by the city shall be returned to the developer after the improvements and the development of the subject property have been completed and any erosion control permits with other governing agencies that have jurisdictional authority have been closed out. This deposit shall be in addition to any other required financial guarantees.

(c) Corrective action

(1) Notice of correction

a. The city will conduct inspections of the property from time to time, and will notify the developer of any required correction by phone, fax, letter, email or posting a correction notice on-site.

(2) Corrective action required

a. The developer agrees, upon notification from the city manager that proper erosion control methods are not being taken, to remedy the problem identified within 24 hours. In the event the remedy is not satisfactorily in place within that time period, the city may utilize the surety to complete the necessary work.

Sec. 103-29. Private antenna/tower agreement.

(a) Upon approval of a private antenna/tower permit and before installation of any improvements, the permittee shall enter into a private antenna/tower agreement.

(b) Terms

(1) The agreement shall be signed by the applicant and the terms of the agreement shall include the following:

a. A list of the conditions of approval of the private antenna/tower permit.

b. A statement indicating that failure to comply with the conditions of approval shall result in the removal of the private antenna and/or tower.

c. A statement indicating that the expenses incurred by the city to enforce the provisions of the private antenna/tower agreement shall be reimbursed by the applicant.

d. A statement which requires the applicant to utilize the procedures established by the FCC to resolve any complaints received relating to interference allegedly caused by the private antenna/tower.

e. A statement indicating that the private antenna/tower shall be valid during the term of the private antenna/tower agreement and only while the applicant resides on the property. The applicant shall agree to notify the city if he/she no longer resides on the property or of a transfer of title.

Sec. 103-30. Wireless telecommunication facility (WTF) agreement.

(a) Agreement

(1) Upon approval of a WTF permit and prior to installation of any improvements, the permittee shall enter into a WTF agreement. The agreement shall be signed by the applicant and property owner and the terms of the agreement shall include the following:

(b) Terms

(1) A list of the conditions of approval to the WTF permit.

(2) A statement indicating that failure to comply with the conditions of approval shall result in the revocation of the permit and removal of the facility.

(3) A statement indicating that the expenses incurred by the city to enforce the provisions of the WTF agreement shall be reimbursed by the applicant.

(4) A statement which requires the applicant to utilize the procedures established by the FCC to resolve any complaints received relating to interference allegedly caused by the facility.

(5) A statement indicating the permittee will cooperate in good faith and fair dealing in collocating wireless telecommunication facilities.

(6) A statement indicating that the WTF shall be maintained in good and safe condition and to preserve its original appearance and concealment, disguise or camouflage elements incorporated into the design at the time of approval. Such maintenance shall include, but is not limited to, painting, repair of equipment, and maintenance of landscaping.

(7) A statement authorizing the city to enter the property for the purpose of periodic inspections to determine that the site complies with conditions of approval and all safety and building codes. This statement shall give the city the right to conduct such inspections at any time upon reasonable notice to the property owner(s), and that all expenses related to such inspection shall be borne by the permittee.

(8) A statement indicating that a WTF which has not been used for 12 successive months shall be deemed abandoned and may, at the sole discretion of the city, be required to be removed in the same manner and pursuant to the same procedures as for dangerous or unsafe structures established by Minnesota State Statutes, section 463.16.

(9) A statement indicating that the removal of any unused or abandoned tower or portions of towers shall be the responsibility of the property owner.

(10) A statement requiring the permittee to notify the city that the WTF continues to be in operation. The notice of continuing operation shall be sent to the city planner annually by certified mail during the last two weeks of the month of December.

Sec. 103-31. Wireless telecommunication facility (WTF) escrow deposit agreement.

(a) At the time of application for a WTF permit, the applicant shall enter into a WTF escrow deposit agreement with the city. The applicant shall submit a deposit in an amount determined from time to time by resolution of the city council. The agreement shall indicate that the funds deposited may be utilized by the city to offset its costs from review of the WTF permit application and, if the application is approved, to monitor construction and ensure compliance with conditions of approval. Interest shall not accrue on these funds. Any funds not so utilized by the city shall be returned to the applicant after the installation of the WTF has been completed and the city has determined compliance with the conditions of approval and the standards in the development ordinance. This escrow deposit shall be in addition to any other required financial guarantees.

Part II – Land Use and Development

CHAPTER 105. SUBDIVISION STANDARDS

ARTICLE I. GENERAL REQUIREMENTS

Sec. 105-1. Conveyance restrictions.

(a) No conveyance of land in which the land conveyed is described by metes and bounds shall be made or recorded without city approval unless such parcel is a separate parcel of record at the time of the effective date of this ordinance.

Sec. 105-2. Unsuitable land.

(a) No land shall be subdivided which is held unsuitable by the City of Shoreview for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities.

(b) All lots within the flood plain districts shall be subdivided in a manner to create a building site outside of the Floodway Districts (FW, FF, GF) at or above the regulatory flood protection elevation in accordance with section 107-29, the floodplain management ordinance. For property that is not subject to the provisions of section 107-29, all lots shall contain a building site that complies with the city's adopted surface water management plan and the requirements of section 109-31.

Sec. 105-3. Building permits.

(a) No building permit shall be issued for any lot, which has not been subdivided in accordance with this chapter, predecessors to this chapter, and other regulations applicable to the subdivision of land.

Sec. 105-4. Large lot subdivision.

(a) Where parcels of land are subdivided into residential lots greater than 24,000 square feet or 150 feet in width at the front setback line, the plat shall be designed and shall show (in dashed lines) how lots could be re-subdivided at some later date. The ghost plat shall not constitute a final subdivision approval.

ARTICLE II. PLATTING PROCEDURES

Sec. 105-5. Overview.

(a) Except as hereinafter provided, all divisions of property shall be by means of an approved plat.

Sec. 105-6. Plats not allowed.

(a) No plan will be approved for a subdivision which includes any area subject to periodic flooding or which contains extremely poor drainage capabilities which would make adequate drainage of the streets and lots impossible, unless the subdivider agrees to make improvements which will, in the opinion of the city manager, make the area completely safe for occupancy and provide adequate street and lot drainage.

Sec. 105-7. Minor subdivision.

(a) The city council may exempt the applicant from complying with all or some of the provisions of the platting regulations if the subdivision meets all of the following criteria for being a minor subdivision:

(1) The subdivision results in three or fewer parcels;

(2) The subdivision has frontage on an existing public street and does not require the construction of any new public improvements; and

(3) The subdivision involves properties zoned R1, Detached Residential, R1A, Mixed Detached and Attached Residential, and R2, Attached Residential.

(b) Application

(1) The property owner, individual or other entity that has legal interest in the property may submit an application for a minor subdivision on forms provided by the city manager and shall be submitted with the required information. The application shall include the submission of the following:

a. A certificate of survey include metes and bounds legal descriptions. If required by Ramsey County, registered properties may be required to submit a Registered Land Survey;

b. Completed application form;

c. Application fee; and

d. Any additional information as requested by the city manager to perform a complete evaluation of the application.

(c) Review process

(1) After receipt of a complete application that contains all the required information, the application shall be reviewed by the city manager to determine compliance with the standards outlined in this section and all other pertinent requirements of the city code. The city manager shall reach a decision on the complete application within 60 days of receipt unless an extension is agreed upon with the applicant.

a. If the request is approved, the city manager shall issue a written approval to the applicant. Staff shall mail a notification to all property owners within 250 feet of the property indicating that the application has been approved.

b. If the request is denied, the city manager shall provide the applicant with a written statement of denial including the reasons for the denial. Any appeal of city staff's decision shall be made to the planning and zoning commission in accordance with the procedures specified in section 103-10.

(d) Conditions

(1) The city may impose reasonable conditions on any proposed minor subdivision when deemed necessary to protect the public interest and to ensure compliance with the provisions of this chapter, including, but not limited to:

a. Provision of wetland buffers, trail, sidewalk, conservation, and drainage and utility easements and responsibility for the cost of filing and recording written easements with the county recorder's or registrar of title's office as applicable.

b. Vacation of easements no longer required as determined by the city engineer.

c. Payment of all required development and park dedication fees.

(e) Recording

(1) Upon approval and city signatures on the revised deed, the applicant shall record the deed with the County Register of Deeds, as provided for by that office within one year of approval. If the minor subdivision is not recorded within the timeline specified, the city manager may, upon 10 days' written notice to the applicant, revoke the approval in writing.

Sec. 105-8. Pre-application conference/sketch plan review.

(a) Other than for minor subdivisions, a developer is encouraged to review the sketch and the city's development regulations with the city manager at a pre-application conference.

Sec. 105-9. Preliminary plat.

(a) Application

(1) The property owner, individual or other entity that has legal interest in the property may submit an application for a preliminary plat on forms provided by the city manager and shall be submitted with the required information.

(b) Review process

(1) After receipt of a complete application that contains all the required information, the application shall be reviewed through the public hearing review process in accordance with section 103-5.

(c) Decision

(1) Within 120 days of the developer's request for preliminary plat, the city council shall either approve or disapprove the preliminary plat. The approval of a preliminary plat by the city council shall only constitute acceptance of the design as a basis for the preparation of the final plat by the owners or subdividers. Subsequent approval by appropriate officials having jurisdiction will be required of the proposals pertaining to water supplies, storm drainage, sewage disposal, sidewalks, grading, gradients and roadway widths and the surfacing of streets, prior to the approval of the final plat. The subdivider shall also present evidence that the plat has been reviewed by and meets the requirements of those responsible for the provision of gas, electric and telephone service.

Sec. 105-10. Final plat.

(a) Ramsey County Standards

(1) A final plat shall be prepared as in compliance with the Ramsey County Manual of Guidelines for Subdivision Plats dated June 2017 as adopted by the Ramsey County Board of Commissioners by Resolution 92-554 and any amendments thereto.

(b) Application

(1) An application for final plat shall be made on forms provided by the city manager and shall be submitted with the required information.

(c) Review process

(1) Within 60 days of the developer's request for final plat review, the city council shall either approve or disapprove the final plat if the applicant has complied with all conditions and requirements upon which the preliminary plat was expressly conditioned.

(d) Recording

(1) Upon city council approval and city signatures on the final plat, the applicant shall record the final plat with the County Register of Deeds, as provided for by that office.

(e) Effect of subdivision approval

(1) For one year following preliminary plat approval and for two years following final approval, unless the city and the developer agree otherwise, no amendment to the comprehensive plan or development ordinance shall apply to or affect the use, development density, lot size, lot layout, or dedication required or permitted by the

ARTICLE III. PUBLIC RECREATIONAL USE DEDICATION

Sec. 105-11. General.

(a) If the city council reasonably determines that a proposed development or subdivision will increase the demand for public recreational uses, such as parks, playgrounds, trails and open space, the city council, as part of any subdivision or development, may require the developer to dedicate, reserve, or otherwise convey to the city a reasonable portion of the total area of the proposed development or subdivision for public use as parks, playgrounds, trails or open space; or, in lieu thereof, the city council, at its option and in order to facilitate city-wide planning for public recreational uses, may require the developer to contribute to the city the cash equivalency of such public recreational use dedication based upon the fair market value of the land at the time of final plat, PUD final plan or other subdivision approval. The term "land" includes land, which has utilities or improvements available to it or located on it.

Sec. 105-12. Land dedication.

(a) Land dedication for public recreational use shall not exceed 10% of the total area proposed for development or subdivision. In determining the amount of acreage to be dedicated for public recreational use, the city council may consider the amount of open space, park, recreational, or common areas and facilities which the developer will reserve for use by occupants of the proposed development or subdivision. No area may be dedicated for public recreational use unless the city council determines that the land is suitable for such purpose.

Sec. 105-13. Cash equivalent payment.

(a) Where a cash payment is required in lieu of a land dedication, the city manager shall determine the fair market value of the land by reference to

current market data, if available, or by obtaining an appraisal of the land from a licensed real estate appraiser. The developer shall pay the cost of such appraisal before final plat, PUD final plan, or other subdivision approval. The fair market value conclusions of the appraiser shall be conclusive. Except as hereinafter provided, the cash equivalency payment shall be due and payable on or before the execution of a development agreement or release of the final plat by the city.

(b) In the case of a minor subdivision, the cash payment in lieu of the land dedication shall be pursuant to the fee schedule as set by city council resolution.

Sec. 105-14. Cash equivalency payment.

(a) The cash equivalency payment required on commercial, industrial, office, business park or a mixture of such uses shall be an amount determined by the city council and shall not exceed 10% of the fair market value of the land proposed for development or subdivision. The cash equivalency payment required on a residential use shall depend upon the density of dwelling units per acre on the proposed development or subdivision, and shall be determined by reference to Table 105.1:

Table 105.1. Cash equivalency payment percentage

Proposed Dwelling Units per Acre	Percentage of Fair Market Value
0-2	4%
2.1-3	5%
3.1-4	6%
4.1-5	7%
5.1+	10%

(b) Re-subdivision

(1) In the event of a re-subdivision of land on which a previous cash equivalency payment has been made, the developer shall receive credit for the amount of previous payment, which was applicable to the area being re-subdivided.

(c) Installment payments

(1) The city council, at its option, may permit the developer to submit the cash equivalency payment over a period of time pursuant to an installment payment agreement approved by the city's attorney. The agreement shall require the payment of interest on the unpaid

principal and shall require final payment within 18 months. The city may withhold development or building permits if the developer does not comply with the terms of the installment agreement.

(d) Public recreational use fund

(1) Cash payments received in lieu of land dedications shall be placed in a special fund and used only for the acquisition or development of land for parks, playgrounds, trails or open space, or for retirement of debt incurred for such purposes.

ARTICLE IV. SUBDIVISION STANDARDS

Sec. 105-15. Block layout.

(a) Arrangement

(1) A block shall be so designed as to provide two tiers of lots except where lots back onto a major street, natural feature, railroad or subdivision boundary, in which case, it may have a single tier of lots.

(b) Length

(1) The maximum length of blocks shall be 1,800 feet and the minimum length, 500 feet. Blocks over 900 feet long may require pedestrian ways at least ten feet wide at their approximate center.

Sec. 105-16. Easements.

(a) Drainage and utility easements shall be provided as required by the city manager. Easement locations shall be approved by the city engineer.

(1) Utility easements shall be at least 10 feet wide, adjacent to the front, rear, and side lot lines. They shall have continuity of alignment from lot to lot and block to block.

(2) Drainage easements shall be provided along each side of any watercourse to establish a storm sewer, drainage or floodway right-of-way. Its boundaries shall conform substantially with the centerline alignment of such watercourse.

(3) Drainage easements shall be provided over ponding areas and stormwater best management practices (BMPs). The easement shall also include at least a 10 foot wide strip to provide access to a public right-of-way.

Sec. 105-17. Public and private utility and improvement dedication.

(a) As part of any subdivision or development within the city, the city council may require the developer to dedicate, reserve, or otherwise convey to the

city a reasonable portion of the total area of the proposed development for use as streets, alleys, roads, sanitary sewer, water mains and appurtenances, storm sewer, storm water drainage areas or holding ponds, electric, gas, cable television and telephone transmission lines, and public improvements and utilities.

Sec. 105-18. Lot requirements.

(a) The following lot standards are intended to create development patterns that enhance adjacent existing development patterns, by insuring adequate light, air, and safety.

(1) Substandard lots of record

a. Refer to the requirements set forth in section 107-6.

(2) Frontage

a. All lots shall front on a publicly dedicated right-of-way unless a private street is permitted through a planned unit development.

(3) Butt lots

a. Butt lots shall be discouraged. Where such lots must be used to fit a particular subdivision plan, such lots shall be at least 15 feet wider than the average required minimum lot width of the district in which it is located.

(4) Side lot lines

a. Side lines of lots shall be substantially at right angles to straight street lines, or radial to curved street lines.

(5) Minimum lot lines

a. No lot shall have a front or rear lot line of less than 40 feet in length. Flag lots shall be prohibited. If the front line of any lot shall be a curve or partial curve, the frontage for purposes of minimum requirements will be measured at the building setback line.

(6) Double frontage lots

a. Double frontage lots (lots with frontage on two parallel streets) shall not be permitted except where lots back to a major thoroughfare. Such lots shall have an additional depth of at least 15 feet in order to allow for screen planting and berming along the back lot line.

(7) Corner lots

a. Corner lots shall be platted at least 15 feet wider than the minimum width requirements.

(8) Rear lot lines

a. Rear lot lines shall generally abut the rear lot lines of adjacent developed property, except for lots proposed at the end of a cul-de-sac. If this is not possible, the unique characteristics of the parcel proposed for subdivision must be evident.

(9) Key lots

a. Key lots shall be discouraged. Where such lots must be used to fit a subdivision plan, such lots shall include at least 15 feet more depth or width than the required minimum lot depth or width of the district in which it is located.

b. In the event that proposed parcel results in any adjacent development parcel meeting the definition of a key or butt lot, the city reserves the right to require greater lot width or depth for the newly created parcel, and to increase the structure setback for the proposed subdivision.

Sec. 105-19. Streets

(a) Street layout and dedication

(1) The arrangement, functional classification, character, extent, width, grade, and location of all streets shall be approved by the public works director.

(b) Half streets

(1) Half streets shall be prohibited except where it will be practical to require the dedication of the other half when the adjoining property is subdivided.

(c) Private streets

(1) Private streets may be permitted by the procedures for a Planned Unit Development.

(d) Street continuation and extension

(1) The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions.

(e) Cul-de-sacs

(1) The maximum permitted cul-de-sac length is 500 feet. Where certain topographic features or other unusual circumstances dictate, special consideration may be given to accepting longer cul-de-sacs.

(f) Future projection of streets

(1) Where adjoining lands are not subdivided, streets in the new subdivision shall be required to extend to the boundary line of the tract to make provision for future access into adjacent areas. Temporary turnarounds shall be provided on these streets as approved by the city manager.

(g) No dead ends

(1) In the development of subdivision or a plat, the street construction may be undertaken in parts or sections of the plat, providing that the petitioner includes in each separate undertaking streets which will make a complete circuit so that there will be no dead ends when construction of a particular section has been completed, except as allowed per provision (e) of this section.

(h) Design criteria

(1) See chapter 34, streets.

Sec. 105-20. Utilities.

(a) General

(1) Undergrounding required

a. Except as hereinafter provided, all public or private utility distribution lines, including cable television distribution lines, shall be buried underground.

1. Facilities appurtenant to underground utility distribution lines including lift stations, hydrants, meters, transformers, pedestals, and other appurtenances approved by the city manager are exempted from this requirement.

2. Cable television distribution lines shall be constructed in accordance with the cable franchise agreement, ordinance 690.

3. Temporary aboveground installation of utility distribution lines shall be permitted when necessitated by emergency repairs to existing underground utility distribution lines. Temporary aboveground utility distribution lines shall be permitted to serve a construction project or a customer where grade cannot be established within a reasonable time or frozen ground conditions prevent economical placement of underground utility distribution lines. Temporary aboveground utility distribution lines shall be replaced by permanent underground utility distribution

lines within one full construction season following the temporary placement or such later date as may be approved by the city manager.

4. The city council may waive the requirement that utility distribution lines be constructed underground upon a finding that placement of utility distribution lines underground would not be compatible with the proposed development plan; or upon a finding that unusual topography, soil, or other physical conditions make the installation of underground utility distribution lines unfeasible.

(2) Utility company approval

a. The developer and/or property owner shall file a written statement with the city manager from the appropriate utility company indicating that the developer and/or property owner has made the necessary arrangements with the utility company for the construction of underground utility distribution lines. The statement of utility company authorization shall be filed with the city manager prior to construction of the underground utility distribution lines at the time of filing of site plans or prior to final plat approval, whichever event occurs first.

(3) Dedication or conveyance of utility easements

a. The developer and/or property owner shall indicate the location of proposed utility easements on site plans submitted to the city manager. The necessary utility easements shall be shown as dedications on the final plat, or, where formal platting is not required, shall be conveyed to the city before issuance of building permits.

(4) Maintenance of utility easement during construction

a. The developer and/or property owner shall be responsible for establishing and maintaining a utility easement preliminary grade to within six inches of the final grade. Utility easement areas shall be kept free and clear of all structures, plantings or obstructions, except fences constructed in accordance with the Shoreview City Code, so that utility companies may install and maintain underground distribution lines.

(5) Excavation near existing underground distribution lines

a. In the interest of public safety and to avoid possible damage to underground utility distribution lines, no person shall excavate

in any easement containing underground utilities without first notifying the utility company whose lines occupy the easement; provided, however, such excavation shall not be considered in violation of this provision unless the excavator has actual notice of the existence of the underground utility or unless the easement has been recorded with the Ramsey County Recorder.

(6) Utilities located in floodplain

a. All public utilities and facilities such as gas, electrical, sewer and water supply systems to be located in the floodplain shall be flood proofed in accordance with state building codes or elevated to above the Regulatory Flood Protection Elevation.

(b) Water facilities

(1) All new plats shall be required to be served with municipal water.

(2) Water supply lines shall be extended and service connections shall be stubbed into the property line of each lot.

(3) All new structures requiring water facilities shall connect to the municipal water system if available.

(c) Sewage treatment

(1) Sanitary sewer mains and service connections shall be installed to service all lots and shall be connected to the public system.

(2) All new structures requiring sewage treatment facilities must connect to the public sanitary sewer facilities. Building permits shall not be issued for new structures requiring sewage treatment unless public sanitary sewer is available except as allowed under section 109-34.

(d) Storm sewer

(1) All development must provide storm sewer facilities to adequately manage surface waters.

(2) All systems must be approved by the city manager.

(3) All systems must be designed to insure that the storm water runoff from a developed site will leave at no greater rate or significantly lesser quality than the storm water runoff from the site in an undeveloped condition.

(4) All storm sewer systems with ponds must be designed to meet the adopted surface water management plan. All storm sewer pipes must be designed at a minimum to handle the ten-year storm event.

(5) No land shall be developed and no use shall be permitted resulting in water runoff, causing flooding, erosion or deposit of minerals on adjacent properties. Such run off shall be properly channeled into a storm drain, watercourse, ponding area or other public facilities.

Sec. 105-21. Monuments

(a) Monuments of a permanent character as required by Minnesota Statutes section 505.02 shall be placed at each corner or angle on the outside boundary of the subdivision. Pipes or steels rods shall be placed at each corner of each lot and at each intersection of street centerlines.

Sec. 105-22. Construction plans.

(a) Engineer drafting

(1) Construction plans for the required improvements conforming in all respects to the standards of the city and the applicable ordinances shall be prepared at the subdivider's expense by a registered professional engineer who is licensed in the state of Minnesota and said plans shall contain his/her seal. Such plans together with the quantity of construction items shall be submitted to the city manager for approval.

(b) As-builts

(1) Upon the city manager’s certificate of compliance, the subdivider shall furnish the city with as-built drawings prepared by a registered professional engineer showing the improvements as built or in place.

Part II – Land Use and Development

CHAPTER 107. BASE DEVELOPMENT DISTRICTS

ARTICLE I. GENERAL PROVISIONS

Sec. 107-1. Zoning districts established.

(a) Base districts. The city is hereby divided into the following base zoning districts:

(1) RE, Residential Estate District

(2) R1, Detached Residential District

(3) R1A, Mixed Detached and Attached Residential District

(4) R2, Attached Residential District

(5) R3, Multiple Dwelling Residential District

(6) R4, Mobile Home Residential District

(7) C1, Retail Service District

(8) C2, General Commercial District

(9) OFC, Office District

(10) BPK, Business Park District

(11) I, Light Industrial District

(12) MU-C Mixed Use Community District

(13) MU-TC Mixed Use Town Center District

(14) T, Tower District

(b) Overlay districts. In addition to the base zoning districts above, the following overlay districts have been established:

(1) AD, Arterial Development Overlay District

(2) FP, Floodplain Management Overlay District

(3) TM, Telecommunications Management Overlay District

(c) Special districts. The city has also established the following special zoning districts:

(1) PUD, Planned Unit Development District

(2) UND, Urban Underdeveloped District

(3) OS, Open Space District

Sec. 107-2. Zoning map established.

(a) The City of Shoreview is hereby divided into the zoning districts shown on the map entitled "Zoning Map, City of Shoreview, Minnesota" and adopted on XXXX, XX, 2026. The map shall be maintained by the city manager and shall be made available as requested for inspection and/or reproduction.

(b) The zoning maps and all the notations, references and other information shown thereon are a part of this chapter and shall have the same force and effect as if the matters and information set forth by said maps were fully described herein.

(c) The district boundaries shall be determined by measurement from and as shown on the zoning maps, and in case of any questions as to the interpretation of such boundary lines, the city council shall interpret the maps according to the reasonable intent of this chapter.

(d) Where uncertainty exists as to the boundaries of districts as shown on the zoning maps, the following rules shall apply:

(1) Boundaries indicated, as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.

(2) Boundaries indicated, as approximately following platted lot lines shall be construed to following such lot lines.

(3) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

(4) Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.

(5) Boundaries indicated as parallel to or extensions of features indicated in the preceding shall be so construed.

Sec. 107-3. Zoning map amendments.

(a) Future amendments to the zoning map may only be accomplished in accordance with section 103-26.

ARTICLE II. NONCONFORMITIES

Sec. 107-4. Purpose.

(a) The purposes for the city's nonconforming use regulations are:

(1) To recognize the existence of uses, structures and lots which were lawfully established but which do not currently comply with the city's development regulations.

(2) To prohibit the enlargement, expansion or extension of nonconforming principal uses and structures.

(3) To regulate nonconforming uses and structures that are located in flood hazard areas in a manner consistent with State and Federal regulations in order to preserve the public health, safety and welfare.

Sec. 107-5. Nonconforming use restrictions.

(a) A nonconforming use shall not be enlarged or extended to occupy a greater area of land or a larger portion of a structure, but may continue at the size, intensity and in the manner of operation existing upon the date on which the use became nonconforming.

(b) A nonconforming use may be changed to lessen the nonconformity of the use.

(c) When a nonconforming use has been changed to a conforming use, it shall thereafter comply with the city's land use and development ordinance.

(d) A nonconforming use shall not be re-established if discontinued for a continuous twelve-month period.

(e) Any nonconforming use located in a flood hazard zone is also subject to the regulations of section 107-29.

Sec. 107-6. Nonconforming lot restrictions.

(a) The following requirements shall apply to all substandard non-riparian lots that do not satisfy the minimum dimension standards set forth in development ordinance. Substandard riparian lots shall comply with the requirements set forth in section 107-30.

(1) Lot standards:

a. Residential design review approval, in accordance with section 103-8, must be obtained prior to improvement of any nonconforming lot of record for use as a separate home site if the lot was not in separate ownership on August 1, 1983, or any time thereafter.

b. No structures shall be expanded or constructed on a substandard lot of record unless residential design review approval is first obtained from the city in accordance with section 103-8, unless otherwise in conformance with section 107-8.

c. Reconstruction of a structure is defined to mean replacement of three or more of the structure's six structural components (roof, floor, and four walls). Determination as to the extent of structural component replacement shall be made by the building official.

d. No lot of record shall be used or reused as a separate home site unless it abuts an improved public right-of-way or, if the lot was legally accessed via a private way prior to December 10, 1992, said access may continue to be utilized provided:

1. There is no practical way to extend a public street to the property;

2. The private access is protected by a permanent easement recorded to run with the title of the property; and

3. The private way complies with the fire apparatus requirements set forth in the uniform fire code.

Sec. 107-7. Design standards.

(a) Any structures constructed, reconstructed or expanded on a nonconforming lot shall comply with the following site and building design requirements:

(1) Impervious surface coverage. Lot coverage shall not exceed 30 percent.

(2) Building height. The height of the proposed dwelling shall not exceed 28 feet and the dwelling shall not exceed two stories as viewed from the street.

(3) Foundation area. The foundation area of all structures, including dwelling and attached accessory structures, cantilevered areas, detached accessory structures greater than 150 square feet, and covered porches, covered decks, and covered patios shall be limited to 18 percent of the lot area or 1,600 square feet, whichever is greater. If the existing foundation area exceeds the allowed foundation area, the foundation area percentage may be maintained but not increased. Existing foundation area is the foundation area legally present on the property on or before April 17, 2006, or approved thereafter by the city.

(4) Minimum setback. Minimum setback from the property front line: 25 feet. However, in those cases where the existing setbacks for the two adjacent dwellings exceed this requirement, the setback of the new dwelling or any new addition shall be equal to the average setback of the two adjacent dwellings, plus or minus ten feet. If one of the

immediately adjacent dwellings is located on a lakeshore lot, the front yard setback of such dwelling shall not be utilized. In those cases where there is only one existing adjacent structure which has a setback greater than 25 feet, then the setback for the new dwelling or addition shall be equal to the average of 25 feet and the setback of the existing adjacent structure, plus or minus ten feet.

(5) Legally established structures. Legally established nonconforming structures may continue but shall not be expanded or moved to a different location on a parcel, except as provided for in section 111-124.

Sec. 107-8. Residential design review conditions.

(a) The city may impose any or all of the following requirements as a condition of approval in order to construct or reconstruct a single family dwelling on a nonconforming lot of record:

(1) If the nonconforming lot adjoins a lot in the same ownership that exceeds minimum dimension standards, the adjoining lot may be required to be subdivided, to the extent practical, to increase the size of the nonconforming lot in order to reduce the amount of the non-conformity.

(2) Any other conditions that the city deems necessary in order to satisfy the intent of the development ordinance.

Sec. 107-9. Nonconforming structure restrictions.

(a) A structure which is nonconforming due to dimensions or setbacks from property lines may remain at its current size and location and/or may be structurally altered, including an area expansion, provided that the alteration complies with the city's current development regulations and procedures.

(b) Legally established nonconforming structures may continue but shall not be expanded or moved to a different location on a parcel, except as provided for in this section.

(c) A structure which is nonconforming due to setbacks from property lines, where such nonconformity is the result of a government taking for the construction or improvement of streets, drainage areas, storm water ponding areas, public recreational areas, or public utilities, may be structurally altered so long as the alteration is in compliance with the setback standards.

(d) A nonconforming structure which is destroyed by fire or other peril to the extent of greater than 50% of its estimated market value as indicated in the records of the county assessor at the time of damage, may be continued through repair, replacement, restoration, maintenance or

improvement provided a building permit has been applied for within 180 days of the date of damage. In this case, the city may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body. When a non-conforming structure in the Shoreland District with less than 50% of the required setback from the ordinary high water is destroyed by fire or other peril to greater than 50% of its estimated market value as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.

(e) Normal repairs and maintenance necessary to keep a nonconforming structure in sound condition shall be permitted.

(f) If a nonconforming accessory use terminates, the nonconforming accessory structure which it utilizes shall be removed unless such structure can be adapted to conform with the use regulations of its particular zone.

(g) Any nonconforming structure located in a flood hazard district is also subject to section 107-29.

Sec. 107-10. Illegal uses.

(a) Owners of illegal uses or structures shall terminate such use and/or remove such structure or otherwise adapt such structure to a permissible use.

ARTICLE III. USES

Sec. 107-11. General provisions.

(a) Uses which, because of the nature of their operation, are accompanied by an excess of noise, vibration, dust, dirt, smoke, odors, noxious gases, glare or wastes shall not be permitted. These residual features shall be considered as "excessive" when they either exceed or deviate from the limitations set forth in these adopted regulations or those of the Minnesota Pollution Control Agency (MPCA).

(b) In no case is the maximum height of buildings to exceed the firefighting capabilities of the city.

(c) Unlisted uses. For those uses not specifically noted, the city manager shall make a determination as to whether the proposed use is permitted. Where a question arises, the planning commission shall review following the procedure in section 103-10. Compatibility with the purpose space and

permitted uses for the district and with the adjoining planned uses shall be considered when making this decision.

(d) Pursuant to authority granted by Minnesota Statutes, section 462.3593, subdivision 9, the City of Shoreview opts-out of the requirements of Minnesota Statutes §462.3593, which defines and regulates temporary family health care dwellings.

Sec. 107-12. Principal uses.

(a) Tables 107.1 and 107.2 Principal uses table lists land uses and indicates whether they are permitted, permitted with standards, conditional, or prohibited. The following definitions shall be referenced when using Table 107.1.:

(1) Permitted uses – a "P" in a cell of the use table indicates that the land use is allowed by right in that base zoning district.

(2) Permitted with standards uses – a "PS" in a cell of the use table indicates that the land use is allowed when standards identified in the use specific standards (chapter 111) are met. Uses permitted with standards are also subject to all other applicable requirements of the development regulations.

(3) Conditional uses – a "C" in a cell of the use table indicates that the land use is allowed in the base zoning district only upon approval of a conditional use permit as described in section 103-18 and in compliance with any use specific standards identified in chapter 111. Uses subject to a conditional use permit are also subject to all other applicable requirements in the development ordinance.

(4) Prohibited uses – a blank cell in the use table indicates that the land use is prohibited in that base zoning district.

Table 107.1. Residential and mixed use principal uses table

Principal Use *P = Permitted use* *PS = Permitted Use w/ Standards*	**Residential** *C= Conditional Use* *Blank= Prohibited Use*						**Mixed Use**		**Use-Specific Standards**
	RE	**R1**	**R1A**	**R2**	**R3**	**R4**	**MU-C**	**MU-TC**	
Dwelling, single-family detached	P	P	P						
Dwelling, manufactured home	P	P	P			P			

Principal Use *P = Permitted use* *PS = Permitted Use w/ Standards*	**Residential** *C= Conditional Use* *Blank= Prohibited Use*						**Mixed Use**		**Use-Specific Standards**
	RE	**R1**	**R1A**	**R2**	**R3**	**R4**	**MU-C**	**MU-TC**	
Dwelling, duplex		PS	P	P					See chapter 111, article I Principal Uses - Residential
Dwelling, twinhome		PS	P	P					See chapter 111, article I Principal Uses - Residential
Dwelling, three- to four- family			PS	P			P		See Chapter 111, Article I Principal Uses - Residential
Dwelling, attached townhouse or rowhouse				PS	P		PS	PS	See chapter 111, article I Principal Uses - Residential
Dwelling, apartment (five or more units)				C	P		P	P	See chapter 111, article I Principal Uses - Residential
Dwelling, apartment mixed use							P	P	
Dwelling, senior independent living				PS			P	P	See chapter 111, article I Principal Uses - Residential
Manufactured home park		C	C	C	P		C	C	See chapter 111, article I Principal

Principal Use *P = Permitted use* *PS = Permitted Use w/ Standards*	**Residential** *C= Conditional Use* *Blank= Prohibited Use*						**Mixed Use**		**Use-Specific Standards**
	RE	**R1**	**R1A**	**R2**	**R3**	**R4**	**MU-C**	**MU-TC**	
									Uses - Residential
Group Living									
Assisted living facility		C	C	C	C	C	C		See chapter 111, article I Principal Uses - Residential
Continuing care facility		C	C	C	C	C	C		See chapter 111, article I Principal Uses - Residential
Long-term or transitional care facility		C	C	C	C	C	C		See chapter 111, article I Principal Uses - Residential
Residential care, licensed in-home (six or fewer)	P	P	P	P		P	P	P	
Residential care, licensed in-home (7-16 persons)		P	P	P	P	P	P	P	
Lodging									
Hotel							P	P	
Public, Social, or Health Care									
Club, lodge, or meeting place of a non-commercial nature (see public assembly use standards in section 111-10)							PS	PS	

Principal Use *P = Permitted use* *PS = Permitted Use w/ Standards*	**Residential** *C= Conditional Use* *Blank= Prohibited Use*						**Mixed Use**		**Use-Specific Standards**
	RE	**R1**	**R1A**	**R2**	**R3**	**R4**	**MU-C**	**MU-TC**	
Daycare center							PS	PS	See chapter 111, article II Principal Uses – Public or Institutional
Daycare serving 12 or fewer persons	P	P	P			P			
Daycare serving 13-16 persons		P	P	P	P		P	P	
Financial institution							P	P	
Health services, including medical and dental							P	P	
Municipal, county, state, or federal facility (see public assembly use standards in section 111-10)		PS					PS	PS	See chapter 111, article II Principal Uses – Public or Institutional
Municipal, social, cultural, or recreational facility (see public assembly use standards in section 111-10)							PS	PS	See chapter 111, article II Principal Uses – Public or Institutional
Place of worship (see public assembly use standards in section 111-10)		PS	PS				PS	PS	See chapter 111, article II Principal Uses – Public or Institutional
School, public or private (see public assembly use		PS	PS				PS	PS	See chapter 111, article II Principal

Principal Use *P = Permitted use* *PS = Permitted Use w/ Standards*	Residential *C= Conditional Use* *Blank= Prohibited Use*						Mixed Use		Use-Specific Standards
	RE	R1	R1A	R2	R3	R4	MU-C	MU-TC	
standards in section 111-10)									Uses – Public or Institutional
Social assistance, welfare, or charitable services							P	P	
Commercial									
Food or Beverage Services									
Bar or drinking place							P	P	
Brewpub							PS	PS	See chapter 111, article III Principal Uses – Commercial
Brewery, winery, or distillery							P	P	
Restaurant							PS	PS	See chapter 111, article III Principal Uses – Commercial
Retail Sales or Services									
Animal/veterinary clinic or hospital							P	P	
Community commercial center							P	P	
Large standalone store, retail or service							P	P	
Regional commercial center							P	P	
Retail with office above street level							P	P	

Principal Use *P = Permitted use* *PS = Permitted Use w/ Standards*	**Residential** *C= Conditional Use* *Blank= Prohibited Use*						**Mixed Use**		**Use-Specific Standards**
	RE	**R1**	**R1A**	**R2**	**R3**	**R4**	**MU-C**	**MU-TC**	
Retail with residential above street level							P	P	
Small standalone store, retail or service							P	P	
Business or Technical Services									
Office uses							P	P	
Studio or gallery							P	P	
Arts, Entertainment, or Recreation									
Commercial recreation, indoor							P	P	
Public park or recreation facility (see public assembly use standards in section 111-10)							PS	PS	See chapter 111, article II Principal Uses – Public or Institutional
Natural Resources or Agriculture									
Controlled access/beach lot	C	C	C	C	C	C	C	C	See chapter 111, article V Principal Uses – Other
Transportation									
Parking Structure							P	P	
Utilities									
Broadcast commercial antenna	PS	PS	PS	PS	PS	PS	PS	PS	See chapter 111, article V Principal Uses – Other
Broadcast commercial telecommunications facilities and towers up to 60 ft. in height							PS	PS	See chapter 111, article V Principal Uses – Other

Principal Use *P = Permitted use* *PS = Permitted Use w/ Standards*	Residential *C= Conditional Use* *Blank= Prohibited Use*						Mixed Use		Use-Specific Standards
	RE	R1	R1A	R2	R3	R4	MU-C	MU-TC	
Essential services	P	P	P	P	P	P	P	P	
Broadcast mobile wireless telecommunications facilities for temporary use or testing	P	P	P	P	P	P	P	P	

Table 107.2. Commercial, industrial, and tower principal uses table

Principal Use *P = Permitted Use; PS = Permitted Use w/Standards; C = Conditional Use; Blank = Prohibited Use*	C-1	C-2	OFC	BPK	I	T	Use-Specific Standards
Retail Sales or Services							
Animal boarding, shelter or daycare center					C		See chapter 111, article III Principal Uses – Commercial
Animal/veterinary clinic or hospital	PS		PS	PS	PS		See chapter 111, article III Principal Uses – Commercial
Automobile body shop					C		See chapter 111, article III Principal Uses – Commercial
Automobile fueling station	C	P					See chapter 111, article III Principal Uses – Commercial
Automobile fueling station with repair		C			C		See chapter 111, article III Principal Uses – Commercial

Principal Use *P = Permitted Use; PS = Permitted Use w/Standards; C = Conditional Use; Blank = Prohibited Use*	**C-1**	**C-2**	**OFC**	**BPK**	**I**	**T**	**Use-Specific Standards**
Automobile repair		C			C		See chapter 111, article III Principal Uses – Commercial
Automobile sales, leasing, rental and service		PS					See chapter 111, article III Principal Uses – Commercial
Car wash		P					
Community commercial center	P						
Large standalone store, retail or service	P	P					
Regional commercial center		P					
Retail with office above street level	P	P	PS				See chapter 111, article III Principal Uses – Commercial
Small standalone store, retail or service	P	P					
Business or Technical Services							
Laboratory, research/development/testing				P	P		
Office uses	P	P	P	P	P		
Studio or gallery	P	P					
Industrial							
Brewery, winery, or distillery		PS		PS	PS		See chapter 111, article IV Principal Uses – Industrial
Construction contractor yard					C		
Makerspace				C	PS		See chapter 111, article IV Principal Uses – Industrial
Manufacturing, light				PS	P		See chapter 111, article IV

Principal Use *P = Permitted Use; PS = Permitted Use w/Standards; C = Conditional Use; Blank = Prohibited Use*	**C-1**	**C-2**	**OFC**	**BPK**	**I**	**T**	**Use-Specific Standards**
							Principal Uses – Industrial
Municipal, county, state, or federal public works facility	P	P	P	P	P		
Self-service storage facility					PS		See chapter 111, article IV Principal Uses – Industrial
Storage and sale of machinery and equipment					PS		See chapter 111, article IV Principal Uses – Industrial
Warehousing					P		
Wholesale				P	P		
Arts, Entertainment, or Recreation							
Adult establishment		C					See chapter 111, article V Principal Uses - Other
Commercial recreation, indoor	PS		PS	PS	PS		See chapter 111, article V Principal Uses - Other
Commercial recreation, outdoor	C	C	C	C	C		See chapter 111, article V Principal Uses - Other
Theater, dance, or music performance facility (see public assembly use in section 111-10)	PS	PS					See chapter 111, article II Principal Uses – Public or Institutional
Transportation							
Ambulance or medical carrier center		PS		PS	P		See chapter 111, article V Principal Uses - Other
Parking structure	PS	PS	PS	PS			See chapter 111, article V Principal Uses - Other
Utilities							

Principal Use *P = Permitted Use; PS = Permitted Use w/Standards; C = Conditional Use; Blank = Prohibited Use*	**C-1**	**C-2**	**OFC**	**BPK**	**I**	**T**	**Use-Specific Standards**
Broadcast commercial antenna	P	P	P	PS	P		See chapter 111, article V Principal Uses - Other
Broadcast commercial telecommunications facilities and towers up to 60 feet in height	PS	PS	PS	PS		P	See chapter 111, article V Principal Uses - Other
Broadcast commercial telecommunication facilities and towers up to 75 feet in height			PS	PS		P	See chapter 111, article V Principal Uses - Other
Essential services	P	P	P	P	P		
Installation, operation, and maintenance of broadcast wireless telecommunication facilities	C	C				PS	See chapter 111, article V Principal Uses - Other
Broadcast mobile wireless telecommunications facilities for temporary use or testing						PS	
Satellite earth station				P		P	
Cannabis Service							
Cannabis cultivation					P		
Cannabis manufacturer					P		
Cannabis retailer	P	P					
Cannabis testing facility				P	P		
Cannabis wholesaler					P		
Food or Beverage Service							
Bar or drinking place	P	P					
Brewpub	PS	PS					
Restaurant	PS						
Lodging							
Hotel		P	P	P			
Public, Social, or Health Care							
Club, lodge, or meeting place of a non-commercial nature	PS	PS					
Daycare center	PS	PS	PS	PS			
Financial institution	P	P	P	P			

Principal Use *P = Permitted Use; PS = Permitted Use w/Standards; C = Conditional Use; Blank = Prohibited Use*	**C-1**	**C-2**	**OFC**	**BPK**	**I**	**T**	**Use-Specific Standards**
Funeral home or mortuary	P	P					
Health services, including medical and dental	P	P	P	P			
Municipal, county, state or federal facility (see public assembly use standards in section 111-10)	PS	PS	PS	PS	PS		
Place of worship (see public assembly use standards in section 111-10)	PS	PS	PS	PS	PS		
School, public or private (see public assembly use standards in section 111-10)	PS	PS	PS	PS	PS	PS	
Social assistance, welfare, or charitable services	P	P	P	P	P	P	

Sec. 107-13. Accessory uses.

(a) Uses table

(1) Table 107.3. Residential and mixed use accessory use table lists accessory uses and indicates whether they are permitted or permitted with standards, conditional, or prohibited. The following definitions shall be referenced when using table 107.3:

a. Permitted uses – a “P” in a cell of the use table indicates that the accessory land use is allowed by right in that base zoning district.

b. Permitted with standards uses – a “PS” in a cell of the use table indicates that the accessory land use is allowed when standards identified in chapter 111 are met. Uses permitted with standards are also subject to all other applicable requirements of the UDC.

c. Conditional uses – a “C” in a cell of the use table indicates that the accessory land use is allowed in the base zoning district only upon approval of a conditional use permit as described in section 103-18 and in compliance with any use specific standards identified in chapter 11. Uses subject to a conditional use permit are also subject to all other applicable requirements in the development ordinance.

d. Prohibited uses – a blank cell in the use table indicates that the accessory land use is prohibited in that base zoning district.

Table 107.3. Residential and mixed use accessory use table

Accessory Use *P = Permitted use* *PS = Permitted Use w/ Standards*	**Residential** *C= Conditional Use* *Blank= Prohibited Use*						**Mixed Use**		**Use Specific Standards**
	RE	**R1**	**R1A**	**R2**	**R3**	**R4**	**MU-C**	**MU-TC**	
Accessory Uses- Residential									
Accessory Dwelling Unit (ADU)	PS	PS	PS						See chapter 111, article VI Accessory Uses
Boarder or roomer	PS	PS	PS	PS	PS	PS	PS	PS	See chapter 111, article VI Accessory Uses
Cemetery	C	C	C	C	C	C			See chapter 111, article VI Accessory Uses
Day care, group family	PS	PS	PS				PS	PS	See chapter 111, article VI Accessory Uses
Detached accessory building on a riparian lot	PS	PS	PS	PS	PS	PS	PS	PS	See chapter 111, article VI Accessory Uses
Home occupation	PS	PS	PS	PS	PS	PS	PS	PS	See chapter 111, article VI Accessory Uses
Keeping of non-domestic animals	PS /C	PS/ C							See chapter 111, article VI Accessory Uses
Portable storage unit	PS	PS	PS	PS	PS		PS	PS	See chapter 111, article VI Accessory Uses
Sale of produce with consent of owner	P	P	P	P	P	P			

Accessory Use *P = Permitted use* *PS = Permitted Use w/ Standards*	**Residential** *C= Conditional Use* *Blank= Prohibited Use*						**Mixed Use**		**Use Specific Standards**
	RE	**R1**	**R1A**	**R2**	**R3**	**R4**	**MU-C**	**MU-TC**	
Swimming pools	PS	PS	PS	PS	PS		PS	PS	See chapter 111, article VI Accessory Uses
Temporary sales office	P	P	P						
Uses incidental to a manufactured home park		PS	PS	PS	PS		PS	PS	See chapter 111, article VI Accessory Uses
Accessory Uses- Other									
Accessory buildings	PS	PS	PS	PS	PS	PS	PS	PS	See chapter 111, article VI Accessory Uses
Drive-thru							PS/C	PS/C	See chapter 111, article VI Accessory Uses
EV charging system	PS	PS	PS	PS	PS	PS	PS	PS	See chapter 109, article VI Parking
Ground-mounted solar panel arrays	PS	PS	PS	PS	PS	PS	PS	PS	See chapter 111, article VI Accessory Uses
Off-street parking and loading facilities	P	P	P	P	P	P	P	P	
Private antennas	PS/C	PS/C	PS/C	PS/C	PS/C	PS/C	PS/C	PS/C	See chapter 111, article VI Accessory Uses
Solar energy systems	PS	PS	PS	PS	PS	PS	PS	PS	See chapter 111, article VI Accessory Uses
Temporary sales or events	PS	PS	PS	PS	PS	PS	PS	PS	See chapter 111, article VI Accessory Uses

Accessory Use *P = Permitted use* *PS = Permitted Use w/ Standards*	**Residential** *C= Conditional Use* *Blank= Prohibited Use*						**Mixed Use**		**Use Specific Standards**
	RE	**R1**	**R1A**	**R2**	**R3**	**R4**	**MU-C**	**MU-TC**	
Wind Energy Conversion System (WECS)	PS	PS	PS	PS	PS	PS	PS	PS	See chapter 111, article VI Accessory Uses

Table 107.4. Nonresidential accessory uses

Accessory Use *P = Permitted Use; PS = Permitted Use w/Standards; C = Conditional Use; Blank = Prohibited Use*	**C-1**	**C-2**	**OFC**	**BPK**	**I**	**T**	***Use-Specific Standards***
Accessory Uses – Commercial/Industrial							
Accessory broadcast telecommunication equipment and structures						P	
Cemetery	C	C	C	C	C		See chapter 111, article VI Accessory Uses
Off-street parking and loading facilities	P	P	P	P	P		
Outdoor display area	PS	PS					See chapter 111, article VI Accessory Uses
Outdoor storage					C		See chapter 111, article VI Accessory Uses
Supporting commercial uses			PS	PS	PS		See chapter 111, article VI Accessory Uses
Urban container farming					C		See chapter 111, article VI

							Accessory Uses
Accessory Uses- Other							
Accessory buildings	PS	PS	C	C	P		See chapter 111, article VI Accessory Uses
Drive-thru	PS /C	PS/C					See chapter 111, article VI Accessory Uses
EV charging systems	PS	PS	PS	PS	PS		See chapter 111, article VI Accessory Uses
Ground-mounted solar panel arrays	PS	PS	PS	PS	PS	PS	See chapter 111, article VI Accessory Uses
Private broadcast antennas	PS /C	PS/C	PS/C	PS/ C	PS/ C	PS/ C	See chapter 111, article VI Accessory Uses
Solar energy systems	PS	PS	PS	PS	PS	PS	See chapter 111, article VI Accessory Uses
Temporary sales or events	PS	PS	PS	PS	PS		See chapter 111, article VI Accessory Uses
Wind Energy Conversion Systems (WECS)	PS	PS	PS	PS	PS	PS	See chapter 111, article VI Accessory Uses

ARTICLE IV. BASE DISTRICTS

Sec. 107-14. General provisions.

(a) All properties within a shoreland overlay district shall be regulated by the Shoreland Management Overlay District requirements in section 107-30.

(b) Lot width

(1) All corner lots shall have an extra 15 feet of width.

(c) Principal structures

(1) Only one principal structure shall be located, erected, or moved onto a residential lot in a RE, R1, or R1A district.

(2) More than one principal structure shall be allowed in the R2, R3, R4, mixed use, commercial, industrial, institutional, and planned use development districts subject to the following:

a. The standards of the applicable zoning district shall be met.

b. A minimum separation of 20 feet per building is maintained.

c. Individual buildings are not sold independently.

d. Parking and access is evaluated and maintained on a shared basis between buildings.

e. Any future subdivision must meet setbacks and the establishment of an easement for access and parking as needed.

(d) Unless otherwise specified, when more than one setback applies to a yard, the most restrictive setback shall apply.

(e) Required setbacks apply to principal structures, access drives, and parking. Required setbacks shall not apply to landscaping, stormwater facilities, or required fencing or buffering.

(f) Encroachments. The following shall be considered as permitted encroachments to setback requirements:

(1) For all properties

a. In any yard: A zero foot setback for fences, gutters, sidewalks and landscaping. Eaves, gutters, awnings, chimneys, landings, and egress window well needed to provided they are no closer than 2.5 feet from an abutting property line.

b. In interior side and rear yards: decks, open terraces, balconies and unenclosed porches provided they are no closer than five feet to any property line.

(2) In residential districts

a. In front yards and in side yards adjoining a right-of-way property zoned for residential use, bay windows and cantilevered habitable area may encroach up to 2.5 feet into the required dwelling setback.

b. In side yards of corner lots zoned R1, R1A, and R2 adjoining a public right-of-way, at-grade patios may encroach up to five feet into the required dwelling setback.

(g) Setback exceptions for residential districts

(1) Front yard setbacks shall not be reduced unless a variance is approved or the lot meets one of the following exceptions.

a. New construction.

1. Where existing dwellings are located on lots which are immediately adjacent to a vacant lot and have established front yard setbacks that exceed the minimum front yard setback allowed in the zoning district by more than 15 feet, the front yard setback for a dwelling to be constructed on the vacant lot shall be equal to the average of the front yard setbacks for such immediately adjacent dwelling plus or minus 10 feet.

2. If one of the immediately adjacent dwellings is located on a corner lot or on a lakeshore lot the setback of such dwelling shall not be utilized when computing the permissible front yard setback for the newly constructed dwelling, and, in such case, the front yard setback for the newly constructed dwelling shall be equal to the front yard setback for the remaining adjacent dwelling plus or minus 10 feet.

3. If one of the immediately adjacent lots is vacant, the front yard setback for the newly constructed dwelling shall be equal to the average of the minimum required front yard setback for the vacant lot and front yard setback for the remaining adjacent dwelling plus or minus 10 feet.

b. Additions to existing structures.

1. On lots where two or more existing adjacent dwellings have front yard setbacks which exceed the minimum front yard setback allowed in the zoning district by 15 or more feet, the front yard setback for an addition to any of

the average of the front yard setbacks for such existing adjacent dwellings.

2. On non-riparian lots, if one of the immediately adjacent dwellings is located on a corner lot or a lakeshore lot, the front yard setback of such dwelling shall not be utilized when computing the permissible front yard setback for the addition to an existing dwelling, and, in such case, the front yard setback for the addition to an existing dwelling shall not be less than the front yard setback for the remaining adjacent dwelling, minus 10 feet. In no case shall the front yard setback be less than 25 feet.

c. Butt lots created after the effective date of this ordinance, principal and accessory structures shall have a minimum setback of 10 feet from a side lot line when that side lot line abuts the rear lot line of an existing parcel.

d. Key lots created after the effective date of this ordinance, principal and accessory buildings shall have a minimum setback of 10 feet from a side lot line when that side lot line abuts the rear lot line of an existing parcel, or a minimum 40 feet from a rear lot line when that rear lot line abuts the side lot line of an existing parcel.

(h) Lot coverage

(1) Where specified in a zoning district, maximum lot coverage may be increased if best management practices are taken to minimize negative effects on the environment. These best management practices shall be those documented in the current editions of the Minnesota Construction Site Erosion and Sediment Control Planning Handbook (MBWSR) and Protecting Water Quality in Urban Areas (MPCA).

(i) Outdoor storage

(1) Residential districts. Exterior storage of materials and equipment shall be as is regulated in section 28-2 parking and storage of vehicles and equipment.

(2) Commercial districts. All materials, supplies, finished or semi-finished products and equipment, except for trucks necessary to the operation of the principal use, shall be stored within a completely enclosed building. Long term outdoor parking or storage of commercial tractors and trailers is prohibited.

Sec. 107-15. RE Residential Estate District.

(a) Purpose: the Residential Estate District is established to protect and enhance the character of low-density, single-family detached dwelling neighborhoods where lots are large, wooded with mature trees and other natural features that may be impacted if more intensive subdivision were to occur.

Table 107.5. RE district lot and site dimension table

		LOT STANDARDS
Minimum Lot Area		
Dwelling, Single-Family Detached		RE (40) - 40,000 SF RE (20) - 20,000 SF
Other permitted uses		Not applicable
Minimum Lot Width		
Dwelling, Single-Family Detached		RE (40) - 100 ft. RE (20) - 80 ft.
Other permitted uses		Not applicable
		PRINCIPAL BUILDING SETBACKS
Street Setback	**Minor Arterial**	40 ft.
Front Yard Setback	**Collector/Local**	25 ft.
	Maximum	40 ft.
Minimum Rear Yard Setback		30 ft.
Minimum Side Yard Setback		10 ft.
Minimum Corner Lot		Same as front yard setback on both streets
		PRINCIPAL BUILDING STANDARDS
Principal Building Size		600 sq. ft.
Maximum Building Height		35 ft.
Maximum Lot Coverage		30%
		ACCESSORY BUILDING STANDARDS
Standards for attached and detached accessory buildings can be found in section 111-37.		

(b) Lots of record. Legal lots of record that existed prior to a rezoning to a Residential Estate District shall continue to be classified as buildable lots, provided any new construction complies with the RE District standards to extent practical, as determined by the director of community development.

Sec. 107-16. R1 Detached Residential District.

(a) Purpose: the Detached Residential District is established to reserve appropriately located areas for single-family living at population densities consistent with the land use plan chapter of the comprehensive plan.

Table 107.5. R1 district lot and site dimension table

		LOT STANDARDS
Minimum Lot Area		
Dwelling, Single-Family Detached		7,500 sq. ft.
Dwelling, Duplex/Twinhome		10,000 sq. ft.
Other permitted uses		Not applicable
Minimum Lot Width		
Dwelling, Single-Family Detached		65 ft.
Dwelling, Duplex/Twinhome		75 ft
Other permitted uses		Not applicable
		PRINCIPAL BUILDING SETBACKS
Minimum Street Setback	**Minor Arterial**	40 ft.
	Collector/Local Road	25 ft.
Front Yard Setback	**Minimum**	25 ft.
	Maximum	40 ft.
Minimum Rear Yard Setback		30 ft.
Minimum Side Yard Setback		10 ft. from dwelling area; zero setback development may be permitted on shared wall
Minimum Corner Lot		Same as front yard setback on both streets
Minimum Setback from Residential		Non-residential buildings shall be set back a minimum of 50’ and screened from view from any property used for residential.
		PRINCIPAL BUILDING STANDARDS
Principal Building Size		600 sq. ft.
Maximum Building Height		35 ft. For non-residential buildings, building height may be increased by one additional foot for every additional foot that the

	building is set back from the property line up to a maximum height of 75 feet.
Maximum Lot Coverage	40%; 60% for non-residential uses
	ACCESSORY BUILDING STANDARDS
Standards for attached and detached accessory buildings can be found in section 111-37.	

Sec. 107-17. R1A Mixed Detached and Attached Residential District.

(a) Purpose. The Mixed Detached and Attached Residential District is established to accommodate a mixture of single-family and two- to three-family dwellings at population densities consistent with the land use chapter of the comprehensive plan. It is intended to accommodate a variety of housing types on lots smaller than those in the RE and R1 districts. This district is intended to be applied to properties which are adjacent to arterial or collector roads, those located on the perimeter of a residential neighborhood, and/or those which provide the opportunity to infill on a unique site.

Table 107.6. R1A district lot and site dimension table

		LOT STANDARDS
Minimum Development Area		Properties must have a minimum zoned area of 1.5 acres
Minimum Lot Area		
Dwelling, Single-Family Detached		6,000 sq. ft.
Dwelling, Duplex, Twinhome or Triplex		3,000 sq. ft. per unit
Other permitted uses		Not applicable
Minimum Lot Width		
Dwelling, Single-Family Detached		50 ft.
Dwelling, Duplex, Twinhome or Triplex		25 ft. per dwelling unit
Other permitted uses		Not applicable
		PRINCIPAL BUILDING SETBACKS
Minimum Street Setback	**Minor Arterial**	40 ft.
	Collector/Local Road	25 ft.
Front Yard Setback	**Minimum**	25 ft.
	Maximum	40 ft.
Minimum Rear Yard Setback		30 ft. principal structure
Minimum Side Yard Setback		5 feet; zero setback development may be permitted on shared wall
Minimum Side Setback if Adjacent to R-1 Dwelling		10 ft.

Minimum Corner Lot	Same as front yard setback on both streets
	PRINCIPAL BUILDING STANDARDS
Principal Structure Size	600 sq. ft.
Maximum Building Height	35 ft.
Maximum Lot Coverage	55%. May be increased to 60% with Best Management Practices as described in the adopted Surface Water Management Plan
	ACCESSORY BUILDING STANDARDS
Standards for attached and detached accessory buildings can be found in section 111-37.	

Sec. 107-18. R2 Attached Residential District.

(a) Purpose. The Attached Residential District is established to provide appropriately located areas for family living in a variety of types of dwellings at a reasonable range of population densities consistent with the land use chapter of the comprehensive plan.

Table 107.7. R2 district lot and site dimension table

		LOT STANDARDS
Minimum Development Area		Project must have a minimum zoned area of 1.5 acres.
Minimum Lot Area		
Dwelling, Duplex		5,000 sq. ft. per unit
Dwelling, Three- to Four-Family		10,000 sq. ft. plus 1,000 sq. ft. per unit
Dwelling, Attached Townhouses or Rowhouses		10,000 sq. ft. plus 1,000 sq. ft. per unit
Dwelling, Apartment		10,000 sq. ft. plus 1,000 sq. ft. per unit
Other permitted uses		Not applicable
Minimum Lot Width		
Dwelling, Twinhome or Duplex		40 ft.
Dwelling, Three- to Four-Family		80 ft.
Dwelling, Attached Townhouses or Rowhouses		80 ft. per building
Dwelling, Apartment		80 ft. per building
		PRINCIPAL BUILDING SETBACKS
Minimum street setback	**Minor Arterial**	40 ft.
	Collector	25 ft
Minimum Front Yard Setback		25 ft.
Minimum Rear Yard Setback		30 ft.
Minimum Side Yard Setback		10 ft.; zero setback development may be permitted on shared wall
Minimum Corner Lot		Same as front yard setback on both streets
		PRINCIPAL BUILDING STANDARDS
Principal Structure Size		600 square feet per dwelling unit

Maximum Building Height	35 ft.
Maximum Lot Coverage	55%. May be increased to 60% with Best Management Practices as identified within the adopted Surface Water Management Plan
	ACCESSORY BUILDING STANDARDS
Standards for attached and detached accessory buildings can be found in section 111-37.	

Sec. 107-19. R3 Multiple Dwelling Residential District.

(a) Purpose. The Multiple Dwelling Residential District is established to reserve appropriately located areas for higher density family living in a variety of types of dwellings at a reasonable range of population densities consistent with the land use chapter of the comprehensive plan. These areas generally are located near arterial roadways, transit lines and recreational amenities.

Table 107.8. R3 district lot and site dimension table

		LOT STANDARDS
Minimum Lot Area		
Dwelling, Attached Townhouses or Rowhouses		10,000 sq. ft. plus 1,000 sq. ft. per unit
Dwelling, Apartment		25,000 sq. ft. per building
Other permitted uses		Not applicable
Minimum Lot Width		150 feet
Dwelling, Attached Townhouses or Rowhouses		80 ft. per building
Dwelling, Apartment		150 feet
Other permitted uses		Not applicable
		PRINCIPAL BUILDING SETBACKS
Minimum Street Setback	**Minor Arterial**	40 ft.
	Collector	30 ft.
Minimum Front Yard Setback		30 ft.
Minimum Rear Yard Setback		30 ft.
Minimum Side Yard Setback		10 ft.; zero setback development may be permitted on shared wall
Minimum Corner Lot		Same as front yard setback on both streets
		PRINCIPAL BUILDING STANDARDS
Minimum Unit Size		600 square feet for attached townhomes and rowhouses
Maximum Building Height		35 ft. May be increased if an additional foot of setback is added on all sides for every additional foot of height.

Maximum Lot Coverage	65%. May be increased to 75% with Best Management Practices as described within the adopted Surface Water Management Plan.
ACCESSORY BUILDING STANDARDS	
Standards for attached and detached accessory buildings can be found in section 111-37.	

Sec. 107-20. R4 Mobile Home Residential District.

Table 107.9. R4 district lot and site dimension table

PURPOSE		
The Mobile Home Residential District is established to provide for the special characteristics of mobile homes constructed prior to June 15, 1976, which do not have HUD certification, considering their locational needs, site layout and design, the demand upon community services and their relationship to, and effect upon, surrounding uses of land.		
DEVELOPMENT STANDARD		
Minimum Development Area		Project must have a minimum zoned area of 40 acres.
LOT STANDARDS		
Minimum Lot Area		
Dwelling, Manufactured Home		4,350 sq. ft.
Other permitted uses		Not applicable
PRINCIPAL BUILDING SETBACKS		
Minimum Street Setback	**Minor Arterial**	40 ft.
	Collector	25 ft.
Minimum Front Yard Setback		15 ft. from internal street
Minimum Rear Yard Setback		15 ft.
Minimum Side Yard Setback		15 ft. setback on main entry side of mobile home 5 ft. setback on side opposite main entry side 15 ft. separation between mobile homes
Minimum Corner Lot		15 ft.
PRINCIPAL BUILDING STANDARDS		
Principal Structure Size		600 square feet
Maximum Building Height		20 ft.
Maximum Lot Coverage		60% of individual lots
ACCESSORY BUILDING STANDARDS		
Standards for attached and detached accessory buildings can be found in section 111-37.		

Sec. 107-21. C1 Retail Service District.

(a) Purpose. The Retail Service District is intended to have direct access to an arterial or collector roadways and provide a variety of low to medium intensity commercial uses such as food establishments, retail and personal service uses that serve the neighborhood, community and adjoining communities.

Table 107.10. C1 district lot and site dimension table

		LOT STANDARDS
Minimum Lot Area		None
Minimum Lot Width		None
		PRINCIPAL BUILDING SETBACK
Minimum Street Setback	**Minor Arterial**	50 ft.
	Collector	30 ft.
Minimum Front Yard Setback		50 ft.
Minimum Rear Yard Setback		20 ft.
Minimum Side Yard Setback		10 ft.
Minimum Side Corner Setback		30 ft.
Minimum Setback from Residential District		50 ft. with screening in accordance with section 109-7
		PRINCIPAL BUILDING STANDARDS
Maximum Building Height		35 ft. May be increased if an additional foot of setback is added on all sides for every additional foot of height.
Maximum Lot Coverage		70%. May be increased to 75% with Best Management Practices as identified in the adopted Surface Water Management Plan.

Sec. 107-22. C2 General Commercial District.

(a) Purpose. The General Commercial District provides areas for medium and high intensity commercial, office and retail uses along arterial roadways.

Table 107.11. C2 district lot and site dimension table

LOT STANDARDS		
Minimum Lot Area		None
Minimum Lot Width		100 ft.
PRINCIPAL BUILDING SETBACK		
Minimum Street Setback	**Minor Arterial**	50 ft.
	Collector	50 ft.
Minimum Front Yard Setback		50 ft.
Minimum Rear Yard Setback		20 ft.
Minimum Side Yard Setback		10 ft.
Minimum Side Corner Setback		30 ft.
Minimum Setback from Residential District		50 ft. with screening in accordance with section 109-7
PRINCIPAL BUILDING STANDARDS		
Maximum Building Height		35 ft. May be increased if an additional foot of setback is added on all sides for every additional foot of height.
Maximum Lot Coverage		70%. May be increased to 75% with Best Management Practices as identified in the adopted Surface Water Management Plan.

Sec. 107-23. OFC Office District.

(a) Purpose. The Office District is established to provide a suitable environment for workplaces and complementary uses to offer the opportunity for jobs closer to the home without introducing conflicts of land use. While primary uses include office, medical, research and development, this district accommodates the changing workplace environment by allowing up and coming employment hubs.

Table 107.12. OFC district lot and site dimension table

PURPOSE		
The Office District is established to provide a suitable environment for workplaces and complementary uses to offer the opportunity for jobs closer to the home without introducing conflicts of land use. While primary uses include office, medical, research and development, this district accommodates the changing workplace environment by allowing up and coming employment hubs.		
LOT STANDARDS		
Minimum Lot Area		None
Minimum Lot Width		100 ft.
PRINCIPAL BUILDING SETBACKS		
Minimum Street Setback	**Minor Arterial**	50 ft.
	Collector	50 ft.
Minimum Front Yard Setback		50 ft.
Minimum Rear Yard Setback		20 ft.
Minimum Side Yard Setback		10 ft.
Minimum Side Corner Setback		30 ft.
Minimum Setback from Residential District		50 ft. with screening in accordance with section 109-7
PRINCIPAL BUILDING STANDARDS		
Maximum Building Height		35 ft. May be increased if an additional foot of setback is added on all sides for every additional foot of height.
Maximum Lot Coverage		70%. May be increased to 75% with Best Management Practices as identified in the adopted Surface Water Management Plan.

Sec. 107-24. BPK Business Park District.

(a) Purpose. The Business Park District is established to:

(1) Reserve appropriately located areas for low intensity office, light industrial and supporting commercial services.

(2) Protect areas appropriate for low intensity office, light industrial and supporting commercial services from intrusion by inharmonious uses.

(3) Provide opportunities for low intensity office, light industrial and supporting commercial services to congregate in a mutually benefiting relationship to each other. Provides areas that address the changing workplace such as flex-office, research and development, start-ups and business innovation.

(4) Establish and maintain high standards of site planning, building architecture, and landscape design that will create an environment attractive to business park uses and be compatible with adjoining residential properties.

Table 107.13. BPK district lot and site dimension table

		LOT STANDARDS
Minimum Lot Area		1.5 acres
Minimum Lot Width		None
		PRINCIPAL BUILDING SETBACK
Minimum Street Setback	**Minor Arterial**	50 ft.
	Collector	50 ft.
Minimum Front Yard Setback		50 ft.
Minimum Rear Yard Setback		30 ft.
Minimum Side Yard Setback		30 ft.
Minimum Side Corner Setback		30 ft.
Minimum Setback from Residential District		50 ft. with screening in accordance with section 109-7
		PRINCIPAL BUILDING STANDARDS
Maximum Building Height		35 ft. May be increased if an additional foot of setback is added on all sides for every additional foot of height.

Maximum Lot Coverage	70%. May be increased to 75% with BMPs as in the adopted Surface Water Management Plan.

Sec. 107-25. I Light Industrial District.

(a) Purpose. The Light Industrial District is established to:

(1) Reserve appropriately located areas for industrial related activities.

(2) Protect areas appropriate for industrial uses from intrusion by inharmonious uses.

(3) Provide opportunities for certain types of industrial plants to concentrate in a mutually beneficial relationship to each other.

(4) Provide adequate space to meet the needs of modern industrial development, including off-street parking, truck loading areas and landscaping.

(5) Provide sufficient open space around industrial structures to protect them from the hazard of fire and to minimize the impact of industrial plants on nearby uses.

(6) Establish and maintain high standards of site planning, architecture, and landscape design that will create an environment attractive to industries and research and development establishments seeking sites in the metropolitan area.

Table 107.14. I district lot and site dimension table

		LOT STANDARDS
Minimum Lot Area		None
Minimum Lot Width		100 ft.
		PRINCIPAL BUILDING SETBACKS
Minimum Street Setback	**Minor Arterial**	50 ft.
	Collector	50 ft.
Minimum Front Yard Setback		50 ft.
Minimum Rear Yard Setback		20 ft.
Minimum Side Yard Setback		10 ft.
Minimum Side Corner Setback		30 ft.
Minimum Setback from any Residential District for structures, truck & equipment parking and outdoor storage facilities		75 ft., with screening in accordance with section 109-7
		BUILDING STANDARDS

Maximum Building Height	35 ft. May be increased if an additional foot of setback is added on all sides for every additional foot of height.
Maximum Lot Coverage	75%. May be increased to 80% with BMPs as identified in the adopted Surface Water Management Plan.

Sec. 107-26. MU-C Mixed Use Community District.

(a) Purpose. The Community Mixed Use District is established to facilitate walkable mixed-use development in order to provide a variety of residential housing types and pedestrian-scale retail, offices, and services.

Table 107.15. MU-C district lot and site dimension table

		LOT STANDARDS
Minimum Lot Width		
Dwelling, Duplex		40 ft.
Dwelling, Attached Townhouses or Rowhouses		25 ft.
Other permitted uses		Not applicable
Minimum Lot Depth		
Dwelling, Duplex		80 ft.
Dwelling, Attached Townhouses or Rowhouses		60 ft.
Other permitted uses		Not applicable
		PRINCIPAL BUILDING SETBACKS
Minimum Street Setback	**Minor Arterial**	40 ft.
	Collector	30 ft.
	Local Road (from ROW or back or curb, as applicable)	Duplex/Townhouse: 20-30 ft. All other uses: 10-20 ft. for first and second floors
Minimum perimeter setback	**Duplex or Townhouses**	30 ft.
Minimum distance between structures	**Any other structure**	50 ft.
Minimum Setback from RE, R1, R1A, and R2 Zoning Districts		
Residential structure with eight or fewer units		30 ft.

Other permitted uses	50 ft.
Build-To Zone from Back of Curb of any Street	
Dwelling, Duplex	20 ft. to 30 ft.
Dwelling, Attached Townhouses or Rowhouses	20 ft. to 30 ft.
Other permitted uses	10 ft. to 20 ft. for the first and second floors
Other Interior Yard Setback	
Dwelling, Twinhome	5 ft. (0 ft. for shared wall)
Dwelling, Attached Townhouses or Rowhouses	5 ft. (0 ft. for shared wall)
Other permitted uses	None
Minimum distance between structures	15 ft.
PRINCIPAL BUILDING STANDARDS	
Maximum Building Height	
Collector/ Local Road	35' for buildings fronting on a local or collector road. For each foot in height above 35', the building shall be set back one additional foot up to a maximum height of 75'.
Arterial Road	75' for buildings fronting on an arterial road.
Minimum Ground Floor-to-Ceiling Height	12 feet
Minimum usable outdoor space for all residential structures with more than eight units	15%

(b) Other applicable standards. Developments in the MU-C district shall meet the following district standards in addition to the design and performance standards identified in other parts of the code.

(1) Plan for extension of public street system to adjacent parcel(s). If the subject site is adjacent to one or more parcels that are also zoned MU-C, then the subject site must show a public street network that can be connected to the adjacent site(s). A temporary turnaround shall be constructed to the adjacent site (s) as approved by the city

manager and signage must be provided that indicates the future extension.

(2) Frontage and entrances

a. Buildings shall orient to the internal public street or a linear open space corridor connected via sidewalks.

b. The primary entrance should be placed at sidewalk grade.

c. Business uses shall have a primary building entrance front on an internal public street.

d. For apartments, dwelling unit entrances may be internal to the building or have exterior entrances for ground floor units.

(3) Sidewalks/circulation

a. Sidewalks shall be required on all street frontages.

b. Sidewalks or trails shall be provided to connect building entrances, parking areas, common areas, and existing walkways along arterial roadways unless alternative pedestrian circulation is available.

(4) Townhome/rowhouse private open space

a. Each townhome or rowhouse unit must have a private usable outdoor space extending 60% of the width of the unit either in front of or at the rear of the unit. This private outdoor space shall extend at least 15 feet in depth from the structure.

(5) Accessory structures

a. Accessory structures shall be allowed for the following uses:

1. Apartment building community space; and

2. Homeowners association clubhouse or maintenance building.

b. Accessory structures shall not be allowed in the front yard.

c. The accessory structure shall be setback at least:

1. 10 feet from the rear lot line;

2. 10 feet from an interior side lot line; and

3. 15 feet from a street side lot line.

Sec. 107-27. MU-TC Mixed Use Town Center District.

(a) Purpose. The Town Center Mixed Use District is established to foster redevelopment of land uses based on the design principles of pedestrian-oriented mixed-use districts that integrate retail, services, entertainment, civic, institutional, residential and small parks/plazas. The district is characterized by multi-story buildings, higher development densities, buildings located close to streets and sidewalks, and site and building design that create a unique, vibrant town center.

Table 107.16. MU-TC district lot and site dimension table

		LOT STANDARDS
Minimum Lot Width		
Dwelling, Attached Townhouses or Rowhouses		25 ft.
Other permitted uses		None
Minimum Lot Depth		
Dwelling, Attached Townhouses or Rowhouses		60 ft.
Other permitted uses		None
		PRINCIPAL BUILDING SETBACKS
Minimum Street Setback	**Minor Arterial**	40 ft.
	Collector	30 ft.
Build-to zone from back of curb of any street		
Dwelling, Twinhome		20 ft. to 30 ft.
Dwelling, Attached Townhouses or Rowhouses		20 ft. to 30 ft.
Other permitted uses		10 ft. to 20 ft.
Other Yard Setback		
Dwelling, Attached Townhouses or Rowhouses		5 ft. (0 ft. for shared wall)
Other permitted uses		None
		PRINCIPAL BUILDING STANDARDS
Maximum Building Height		

Dwelling, Attached Townhouses or Rowhouses	2.5 stories or 35 feet
Other permitted structures	6 stories or 75 ft.
Minimum Street Frontage	Buildings occupy at least 60% of the street frontage in the build-to-zone

(b) Other applicable standards. Developments in the MU-TC district shall meet the following district standards in addition to the design and performance standards identified in other parts of the code.

(1) Street network

a. The MU-TC is intended to have an interconnected street network that extends between from Lexington Avenue to Victoria Street to provide. For redevelopments of greater than three acres, platting of new streets may be required by the city manager to establish the internal street network.

b. Each block is encouraged to include an alley or private lane to efficiently accommodate vehicle parking access, service/loading areas, refuse pickup, and reduce the number of driveways/curb cuts.

(2) Off-street parking location

a. Parking areas are not permitted between the front of the building and the street.

b. Each block is encouraged to include an alley or private lane to efficiently accommodate vehicle parking access, service/loading areas, refuse pickup, and reduce the number of driveways/curb cuts.

(3) Off-street loading facilities

a. Loading docks shall be screened, both architecturally and with landscaping to minimize visibility from the street and neighboring buildings.

b. Garage, loading and service entry areas must include either opaque or translucent garage door panels. Loading entries must be well lit at night and obscure views into loading areas under both daylight and night light conditions.

(4) Central areas or features. Mixed use or residential developments 40,000 square feet in gross floor area or greater shall provide central area(s) or feature(s) such as a patio with seating, pedestrian plaza with benches, outdoor playground, water features, and/or other

designated areas or focal points that enhance the district. All such areas shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the building and the remainder of the site, and shall be maintained over the life of the building project. The size of the outdoor public space shall be 500 square feet per 10,000 square feet of total floor area of the building.

(5) Lakeshore. Development located along a public water must provide a publicly accessible trail along the shoreline and no buildings shall be placed between the trail and the shoreline. The trail shall be dedicated to the city as right-of-way or in an easement.

(6) Townhome/rowhouse private open space. Each townhome or rowhouse unit must have a private outdoor space extending 60% of the width of the unit either in front of or at the rear of the unit. This private outdoor space shall extend at least 15 feet in depth from the structure.

(7) Frontage and entrances

a. Buildings shall orient to the internal public street or a linear open space corridor connected via sidewalks.

b. The primary entrance of a structure with more than eight units shall be on an internal public street.

(8) Sidewalks/circulation. Sidewalks or shared use trails shall be provided on both sides of streets. Where sufficient public right-of-way does not exist, an easement may be required within the property line adjacent to the right of way to provide for the sidewalk.

(9) Accessory structures. No accessory structures are allowed in this district.

Sec. 107-28. T Tower District.

(a) Purpose. The Tower District is established to reserve appropriately located areas for, and to maintain high standards for construction, maintenance, and operation of private and commercial telecommunication facilities, such as towers, antennas, buildings, and accessory structures.

Table 107.17. T district lot and site dimension table

		LOT STANDARDS
Minimum Lot Area		40 acres
Minimum Lot Width		None
		BUILDING SETBACKS
Minimum Property Line Setback	**Guyed Broadcast Tower**	As described by original Conditional Use Permit.
	Guy Wire Anchor	20 ft. for above ground portion. No minimum for the below ground portion.
	Broadcast Building	150 ft.
	Outdoor Material and Refuse Storage	200 ft.
	Accessory Equipment and Structures	150 ft.
	Self-Supporting Tower	Greater or 150 feet or the height above ground of the self-supporting tower, regardless of whether the self-supporting tower is within the category of a Broadcast Tower or within the category of Accessory Equipment and Structures.
		BUILDING STANDARDS
Maximum Building Height	**Broadcast Tower**	2,675 feet in height AMSL
	Broadcast Building	35 ft., accessory equipment and structures mounted on top of a Broadcast Building shall not be considered part of the Broadcast Building for purposes of determining its maximum height

Maximum Lot Coverage	50%

(b) Additional regulations

(1) Broadcast tower replacement

a. The replacement of a broadcast tower or a tower 1200 feet or less in height AMSL, as such towers are described in the original conditional use permit issued hereunder to the property owner, shall be allowed if appropriate building permits are approved and the property owner satisfies the provisions of this ordinance, section 103-15 (required documentation) and the original conditional use permit relating to such towers was issued hereunder to the property owner.

(2) Outside material storage

a. Any materials, supplies or equipment, other than accessory equipment and structures, stored outside shall be within approved outside storage areas that shall not exceed 1000 square feet in the aggregate. Outside storage areas shall be screened and/or fenced as approved by the city manager to minimize the visual impact of the area and the surface shall be maintained in such a manner that dust and other wind generated materials are kept to a minimum.

(3) Permit requirements

a. If the proposed antenna/tower is to be used for wireless telecommunications, a wireless telecommunications facility permit must be obtained in accordance with section 103-15.

b. A building permit is required for any installation, expansion, or modification of a wireless telecommunications facility and for any commercial tower. A building permit is required for commercial antennas other than wireless telecommunication antennas if required by the building code.

(4) Equipment enclosures

a. Equipment enclosures accessory to a commercial antenna or WTF shall comply with the following standards:

1. Equipment enclosures shall be of the smallest size necessary.

2. In the TOD-1 and TOD-2:

i. Equipment enclosures shall be located in underground vaults, integrated within existing

nearby structures, or where existing trees, structures, and/or other site features screen them from view.

ii. All equipment enclosures shall be screened from view by suitable vegetation, except where non-vegetative screening (e.g., a decorative wall) better reflects and complements the character of the neighborhood.

3. In the TOD-3, building mounted WTF equipment enclosures shall be integrated with the building architecture as specified in section 111-35(b).

(5) Installation requirements on city water towers

a. Installation of commercial antennas or WTFs on city water towers will be permitted when the city is fully satisfied that the following requirements are met:

1. The commercial antenna or WTF or maintenance thereof will not increase the risks of contamination to the city's water supply, or risk to the water tower facilities.

2. There is sufficient room on the structure and/or grounds to accommodate the proposed commercial antenna or WTF.

3. The presence of the commercial antenna or WTF will not increase the water tower maintenance or operational costs to the city.

4. The presence of the commercial antenna or WTF will not be harmful to the health of workers maintaining the water tower.

5. All state and federal regulations pertaining to non-ionizing radiation and other health hazards has been satisfied.

ARTICLE V. OVERLAY DISTRICTS

Sec. 107-29. AD Arterial Development Overlay District.

(a) Purpose

(1) The Arterial Development Overlay District is established to regulate bulk requirements of structures within areas located adjacent to identified arterial roadways where taller buildings would be in character with the area if specific standards are met.

(b) Applicability

(1) This district shall apply to all areas as indicated on the zoning map herein established.

(c) Permitted uses

(1) All uses as allowed within the underlying zoning districts.

(d) Required conditions

(1) The maximum height of principal structures, except for residential structures with eight or fewer units, shall be six stories or 75 feet.

(2) Setbacks shall be as required by the underlying zoning district, except that a 50-foot setback is required along a property line that is adjacent to a RE, R1, R1A, or R2 zoning district.

(3) When a structure within the Arterial Development Overlay District is located within 75 feet of a property zoned RE, R1, R1A, or R2 residential, any floor above the third floor building envelope must be setback an additional 12 feet from the floor below.

Sec. 107-30. Floodplain Management Overlay District.

(a) Statutory authorization

(1) The legislature of the State of Minnesota has, in Minnesota Statutes, chapter 103F and 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council of Shoreview, Minnesota does ordain as follows:

a. Findings of fact

1. Flood hazard areas in Shoreview, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures or flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. Methods used to analyze flood hazards

i. This ordinance is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.

3. National Flood Insurance Program compliance

i. This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance

Program codified as 44 Code of Federal Regulations parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.

4. Statement of purpose

i. It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize those losses described by provisions contained herein.

(b) General provisions

(1) Lands to which ordinance applies

a. This ordinance shall apply to all lands within the jurisdiction of the City of Shoreview lying within the boundaries of the Floodway, Flood Fringe, or general Flood Plain Districts, as depicted on Shoreview's Official Flood Plain Map as defined in section 107-29(3)c. of the Shoreview development ordinance.

(2) Adoption of Official Flood Plain Management Map

a. The maps that comprise the Official Flood Plain Management Map, as defined in section 107-29(3)c., are hereby adopted by reference and declared to be a part of the City of Shoreview's development ordinance.

(3) Interpretation

a. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the city council and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

b. The boundaries of the zoning districts shall be determined by scaling distances on the Flood Plain Maps. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Flood Plain Map, for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the city manager, the planning commission shall make the necessary interpretation. All decisions shall be based on elevations on the regional (100-year) flood profile, the ground elevations that existed on the site at the time the community adopted its initial floodplain ordinance or on the date of the first National Flood Insurance Program

map showing the area within the 100-year floodplain if earlier, and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the planning commission and to submit technical evidence.

c. Definitions

1. Terms used in section 107-29, flood plain management, shall be interpreted as defined in chapter 101 article III – definitions, unless otherwise defined below. terms not defined shall be interpreted so as to give them the same meaning as they have in common usage and so to give this flood plain management ordinance its most reasonable application.

Accessory use or structure means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Basement, floodplain means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

Equal degree of encroachment means a method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Flood means a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

Flood frequency means the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Flood fringe means that portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Ramsey County Minnesota, effective June 4, 2010.

Flood plain means the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

Flood proofing means a combination of structural provisions, changes, or adjustments to properties and

structures subject to flooding, primarily for the reduction or elimination of flood damages.

Floodway means the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.

Manufactured home (floodplain) means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home (Flood Plain)" does not include the term "recreational vehicle (Floodplain)."

Obstruction means any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

Principal use or structure means all uses or structures that are not accessory uses or structures.

Reach means a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

Recreational vehicle (floodplain) means a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this flood plain management ordinance, the

term recreational vehicle (Floodplain) shall be synonymous with the term travel trailer/travel vehicle.

Regional flood means a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.

Regulatory flood protection elevation means the regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

Structure means anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes (floodplain), recreational vehicles floodplain) not meeting the exemption criteria specified in section 107-29(j) other similar items.

Substantial damage means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

Substantial improvement means within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

i. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are

the minimum necessary to assure safe living conditions.

ii. Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure." For the purpose of this ordinance, "historic structure" shall be as defined in 44 Code of Federal Regulations, part 59.1.

(4) Annexations

a. The Flood Insurance Rate Map panels adopted by reference in section 107-29 may include floodplain areas that lie outside of the municipal boundaries of the City of Shoreview at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of Shoreview after the date of adoption of this ordinance, the newly annexed floodplain lands shall be subject to the provisions of this ordinance immediately upon the date of annexation into the City of Shoreview.

(c) Establishment of zoning districts

(1) Floodway District (FW)

a. The Floodway District shall include those areas designated as floodway on the Official Flood Plain Map adopted in this section. For lakes, wetlands and other basins, the Floodway District shall include those areas designated as Zone AE (that do not have a floodway designated) and Zone A on the Flood Insurance Rate Map panels adopted in this section that are below the ordinary high water level as defined in Minnesota Statutes, section 103G.005, subdivision 14.

(2) Flood Fringe District (FF)

a. The Flood Fringe District shall include those areas designated as floodway fringe on the Official Flood Plain Map adopted in this section, as being within Zone AE but being located outside of the floodway. For lakes, wetlands and other basins, the Flood Fringe District shall include those areas designated as Zone AE (that do not have a floodway designated) and Zone A on the Flood Insurance Rate Map panels adopted in this section that are below the 1% annual chance flood elevation (100-year flood elevation) but above the ordinary high water level as defined in Minnesota Statutes, section 103G.005, subdivision 14.

(3) General Flood Plain District (GF)

a. The General Flood Plain District shall include those areas designated as Zone A and Zone AE (without a floodway) on the Official Flood Plain Map adopted in this section, which are not subject to section 107-29(c)(1) and (2).

(d) Compliance

(1) No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations which apply to uses within the jurisdiction of this ordinance. Within the Floodway (FW), Flood Fringe (FF) and General Flood Plain (GF) Districts, all uses not listed as permitted uses or conditional uses in section 107-29(e) that follow, respectively, shall be prohibited. In addition, a caution is provided here that:

a. New manufactured homes (Floodplain) and replacement of manufactured homes (Floodplain) are subject to the general provisions of this ordinance and specifically section 107-29(j).

b. Modifications, additions, structural alterations, normal maintenance repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this ordinance and specifically section 107-29(k)(4).

c. As-built elevations for elevated or flood-proofed structures must be certified by ground surveys and flood proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this ordinance and specifically as stated in section 107-29(k)(1).

(e) Floodway District (FW)

(1) Permitted uses

a. Outdoor plant nurseries and horticulture.

b. Industrial-commercial loading areas and parking areas.

c. Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, and single or multiple purpose recreational trails.

d. Residential lawns, gardens, parking areas, and play areas.

e. Seasonal docks for single dwellings.

(2) Standards for floodway permitted uses

a. The use shall have a low flood damage potential.

b. The use shall be permissible in the underlying zoning district.

c. The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

(3) Conditional uses

a. Structures accessory to the uses listed in section 107-29(e)(1).

b. Extraction or storage of sand, gravel, and other materials in excess of 10 cubic yards.

c. Marinas, boat rentals, docks except as permitted in section 107-29(e)(1)e., piers, and water control structures.

d. Railroads, streets, bridges, utility transmission lines, and pipelines, installed after July 24, 1991 the effective date of ordinance No. 561.

e. Storage yards for equipment, machinery, or materials.

f. Placement of fill or construction of fences.

g. Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures.

(4) Standards for floodway conditional uses

a. All uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a Conditional Use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.

b. All floodway conditional uses shall be subject to the procedures and standards contained in section 103-17 of the Shoreview Development Ordinance.

c. The conditional Use shall be permissible in the underlying zoning district.

d. Fill

1. Fill, dredge spoil and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.

2. Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion and sediment control plan consistent with the requirements of chapter 109, article VII, and subject to applicable permitting requirements of the city.

3. As an alternative, and consistent with section 107-29(e)(4)d.2., dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the city manager has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The conditional use permit must be title registered with the property in the Office of the County Recorder.

e. Accessory structures

1. Accessory structures shall not be designed for human habitation.

2. Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters:

i. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and,

ii. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

3. Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the state building code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the state building code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size at its largest projection, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards:

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

ii. Any mechanical and utility equipment in a structure must be elevated to or above the Regulatory Flood Protection Elevation or properly flood proofed.

iii. To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

f. Storage of materials and equipment

1. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

2. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the city council.

g. Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statute, chapter 103G. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.

h. A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

(f) Flood Fringe District (FF)

(1) Permitted uses

a. Those uses of land or structures listed as Permitted Uses in the underlying zoning use district(s). All Permitted Uses shall comply with the standards for Flood Fringe "Standards for Flood Fringe permitted uses" listed in section 107-29(f)(2) and the "Standards for all Flood Fringe Uses" listed in section 107-29(f)(6).

(2) Standards for Flood Fringe permitted uses

a. All structures, including accessory structures, must be elevated on fill so that the lowest floor including Floodplain, Basement floor is at or above the Regulatory Flood Protection Elevation. The finished fill elevation for structures shall be no lower than one foot below the Regulatory Flood Protection Elevation and the fill shall extend at such elevation at least 15 feet beyond the outside limits of the structure erected thereon.

b. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet of area at its largest projection may be internally flood proofed in accordance with section 107-29(e)(4)e.3.

c. The cumulative placement of fill where at any one time in excess of 1,000 cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless said fill is specifically intended to elevate a structure in accordance with section 107-29(f)(2)a.

d. The storage of any materials or equipment shall be elevated on fill to the Regulatory Flood Protection Elevation.

e. The provisions of section 107-29(f)(5) shall apply.

(3) Conditional uses

a. Any structure that is not elevated on fill or flood proofed in accordance with section 107-29(f)(2)a. and b. or any use of land that does not comply with the standards in section 107-29(f)(2)c. and d. shall only be allowable as a conditional use. An application for a conditional use shall be subject to the procedures and review criteria specified in section 103-17.

(4) Standards for Flood Fringe conditional uses

a. Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the Regulatory Flood Protection Elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck

under garages. The above-noted alternative elevation methods are subject to the following additional standards:

1. The base or floor of an enclosed area shall be considered above-grade and not a structure's floodplain, basement or lowest floor if:
    i. The enclosed area is above-grade on at least one side of the structure;
    ii. It is designed to internally flood and is constructed with flood resistant materials;
    iii. It is used solely for parking of vehicles, building access or storage.
2. Design and certification. The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the state building code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the Regulatory Flood Protection Elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.
3. Specific standards for above-grade, enclosed areas- above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:
    i. A minimum area of “automatic” openings in the walls where internal flooding is to be used as a flood proofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and

ii. That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the state building code and shall be used solely for building access, parking of vehicles or storage.

(5) Basements, floodplain, as defined in section 107-29(b)(3)c., shall be subject to the following:

a. Residential basement, floodplain construction shall not be allowed below the Regulatory Flood Protection Elevation.

b. Non-residential basements, floodplain may be allowed below the Regulatory Flood Protection Elevation provided the basement, floodplain is structurally dry flood proofed in accordance with section 107-29(f)(4).

c. All areas of non-residential structures including basements, floodplain to be placed below the Regulatory Flood Protection Elevation shall be flood proofed in accordance with the structurally dry flood proofing classifications in the state building code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classification in the state building code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.

d. When, at any one time, more than 1,000 cubic yards of fill or other similar material is to be located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion and sediment control plan must be submitted for approval by the city manager. This plan must clearly specify the methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the city manager. The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.

e. Storage of materials and equipment: as regulated by section 107-29(e)5.f.

f. The provisions of section 107-29(f)(6) of this ordinance shall also apply.

(6) Standards for all flood fringe uses

a. All new principal structures must have vehicular access at or above an elevation not more than two feet below the Regulatory Flood Protection Elevation. If a variance to this requirement is granted, the planning commission must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.

b. Commercial uses - accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the Regulatory Flood Protection Elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four upon occurrence of the regional flood.

c. Manufacturing and industrial uses - measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in section 107-29(f)(6)b., above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas.

d. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. If a change of special flood hazard area designation will be requested, the applicant shall document to the city manager how they intend to comply with the Federal Emergency Management Agency's (FEMA) criteria for removing the special flood hazard area designation for certain structures when properly elevated on fill above the 100-year flood elevation prior to initiating any site work. (FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments.)

e. Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Flood Plain Map.

f. All manufactured homes (floodplain) must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

(g) General Flood Plain District

(1) Permissible uses

a. The uses listed in section 107-29(e)(1) of this ordinance shall be permitted uses. These uses shall be subject to the provisions set forth in section 107-29(e) if the proposed use is in the Floodway District or to the provisions set forth in section 107-291(f) if the proposed use is in the Flood Fringe District.

(2) Conditional uses

a. All uses not classified as permitted in subsection(f)(1), above, if permitted by the underlying zoning district, subject to the floodway/flood fringe evaluation criteria pursuant to section 107-29(g)(3), below. The provisions set forth in section 107-29(e) shall also apply if the proposed use is in the Floodway District and the provisions of section 107-29(f) shall apply if the proposed use is in the Flood Fringe District.

(3) Procedures for floodway and flood fringe determinations within the general flood plain district

a. Along with any application for a conditional use permit or other approval for a use within the General Flood Plain District, the applicant shall furnish any of the following information deemed necessary by the city manager for the determination of the Regulatory Flood Protection Elevation and a determination whether the proposed use is located within a Floodway or Flood Fringe District:

1. Typical valley cross-section(s) showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information;

2. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets;
3. Photographs showing existing land uses and vegetation upstream and downstream; and soil type; and
4. Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.

b. If the city manager finds consultant assistance to be necessary, the applicant shall submit a copy of the above information to a designated engineer or other expert person or agency for technical assistance to determine whether the proposed use is in the Floodway or Flood Fringe District and to determine the Regulatory Flood Protection Elevation. Any costs incurred for this consultation shall be paid by the applicant. Procedures consistent with Minnesota Regulations 1983, parts 6120.5000 - 6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer or expert shall discuss the proposed technical evaluation methodology with the Department of Natural Resources prior to commencing the analysis. The designated engineer or expert shall:
   1. Estimate the peak discharge of the regional flood.
   2. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
   3. Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than six inches. A lesser stage increase than six inches shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.

c. The findings of the technical evaluation shall be presented to the city council. The city council must either accept the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary or deny the permit application. Prior to official action, the city council may submit the

application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources and/or the city planning commission for review and comment. Once the Floodway and Flood Fringe Boundaries have been determined, the city council shall refer the matter back to the city manager who shall process the conditional use permit application consistent with the applicable provisions of chapters 101 and 103 of the city code.

(4) Procedures for determining 1% annual chance flood elevations (100-YR flood elevations) for lakes located in Zone A:

a. Upon receipt of an application for a permit or other approval within a Zone A, the city manager will use the 1% annual chance flood elevation for that basin that has previously been determined in accordance with approved FEMA methods, if available. If the 1% annual chance flood elevation has not been previously determined, the applicant shall be required to furnish all necessary information as deemed necessary by the city manager for the determination for the 1% annual chance flood elevation in accordance with approved FEMA methods.

b. The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the FW or FF District and to determine the 1% annual chance flood elevation (100-year flood elevation). Procedures consistent with Minnesota Regulations 1983, parts 6120.5000 - 6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis.

c. Once the 1% annual chance flood elevation (100-year flood elevation) has been determined, the city manager shall process the permit application consistent with the applicable provisions of section 107-29(e) and (f).

(h) Subdivisions

(1) Floodway/Flood Fringe Determinations in the General Flood Plain District. In the General Flood Plain District, applicants shall provide the information required in section 107-29(g)(3) of this ordinance to determine the 100-year flood elevation, the Floodway and Flood

Fringe District boundaries and the Regulatory Flood Protection Elevation for the subdivision site.

(2) Removal of Special Flood Hazard Designation. The Federal Emergency Management Agency (FEMA) has established criteria for removing a special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. If a change in a special flood hazard area designation will be requested, the applicant shall demonstrate how FEMA's criteria will be satisfied before preliminary plat approval is granted. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments.

(i) Public utilities and transportation facilities

(1) Public utilities

a. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood proofed in accordance with the state building code or elevated to above the regulatory flood protection elevation.

(2) Transportation facilities

a. Railroad tracks, roads, and bridges to be located within the flood plain shall comply with sections 107-29(e) and (f). Elevation to the Regulatory Flood Protection Elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

(j) Manufactured homes (floodplain), recreational vehicles (floodplain), and manufactured home parks

(1) New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions for subdivisions specified in section 107-29(h) and section 107-19 (mobile home residential zoning district).

(2) The placement of new or replacement manufactured homes (floodplain) in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with section 107-29(f). If vehicular road access for an existing manufactured home park is not provided in accordance with section 107-29(f)(6)a., then replacement manufactured homes (floodplain)

will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the city council.

(3) All manufactured homes (floodplain) must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

(4) Recreational vehicles (floodplain) shall not be used as a permanent or temporary residence within a floodplain district.

(5) Any recreational vehicle (floodplain) parked or stored in the FW, FF or GF Districts, as specified in section 107-29, shall be permitted only on an individual lot of record or within an existing condominium association, and shall:

a. Have current licenses required for highway use.

b. Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks and the recreational vehicle (floodplain) has no permanent structural type additions attached to it.

(k) Administration

(1) Approval requirements for property/land use subject to the requirements of the flood plain management ordinance

a. Approval required

1. Approval shall be obtained from the city manager to confirm that a proposed land use conforms with the provisions of this section 107-29 prior to the applicant seeking approval of a building permit to erect, add on to, modify, rehabilitate (including normal maintenance and repair) or alter any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on-site septic system; prior to seeking approval to change or extend a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to seeking a mining or grading permit to place fill, excavate materials, or store materials or equipment within the flood plain.

b. Application for approval subject to this section

1. Application shall be made to the city manager on forms furnished by the city and shall include, where applicable: plans drawn to a scale acceptable to the city that show the nature, location, dimensions, and elevations of the lot; existing and proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.

c. State and federal permits

1. Prior to the city granting approval of a conditional use permit or variance, a determination shall be made by the city manager that the applicant has obtained all necessary state and federal permits.

d. Construction and use to be as defined on applications, plans, permits, and variances.

1. Building permits, conditional use permits, or other approvals issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this ordinance, and punishable as provided by section 107-29(k).

e. Certification

1. The applicant shall submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations have been accomplished in compliance with the provisions of this ordinance. Any flood-proofing measures shall also be certified by a registered professional engineer or registered architect.

f. Record of first floor elevation

1. The city manager shall maintain a record of the elevation of the lowest floor (including basement, floodplain) of all new structures and alterations or additions to existing structures in the flood plain. The city manager shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood-proofed.

g. Notifications for watercourse alterations

1. The city manager shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota Statute, chapter 103G, this shall suffice as adequate notice to the Commissioner of Natural Resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

h. Notification to FEMA when physical changes increase or decrease the 100-year flood elevation

1. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the city manager shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.

(2) Variances

a. Variance from the terms of this ordinance may be approved, as specified by the procedures set forth in section 103-23 of the Shoreview Municipal Code.

1. Flood insurance notice and record keeping. The city manager shall notify the applicant for a variance that:

i. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and

ii. Such construction below the 100-year or regional flood level increases risks to life and property.

2. Such notification shall be maintained with a record of all variance actions. The city manager shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the administrator of the National Flood Insurance Program.

(3) Conditional uses

a. Applications shall be submitted to the city manager who shall process said application pursuant to section 103-17 of city code.

(4) Nonconforming uses

a. A structure or the use of a structure or premises which was lawful before the passage in August 1983 or subsequent amendment of the floodplain management ordinance but which is not currently in conformity with the provisions of said ordinance may be continued subject to the requirements in chapter 101, article II and the following conditions.

1. Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 thru FP-4 floodproofing classifications) allowable in the state building code, except as further restricted in 2., 3. and 4. below.

2. The cost of all structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50% of the market value of the structure unless the conditions of this section are satisfied. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds 50% of the market value of the structure, then the structure must meet the standards of section 107-29(e) or (f) for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

3. If any nonconforming use or structure is substantially damaged, as defined in section 107-29(b)(3)c., it shall not be reconstructed except in conformity with the provisions of this ordinance. The applicable provisions for establishing new uses or new structures in section 107-29 (e), (f) or (g) will apply depending upon whether the use or structure is in the Floodway, Flood Fringe or General Flood Plain District, respectively.

4. If a substantial improvement occurs, as defined in section 107-29(b)(3), from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing

nonconforming building, then the building addition and the existing nonconforming building must meet the requirements of section 107-29 (e) or (f) for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

(l) Penalties for violation

(1) Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law. If the city manager is made aware of or finds a violation of the provisions of this ordinance, he/she shall notify the person responsible for such violation in accordance with the procedures outlined below.

(2) Nothing herein contained shall prevent the City of Shoreview from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include, but are not limited to:

a. The city may utilize the full array of enforcement actions available to it, including but not limited to, prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. Failure of the city to act in good faith to enforce these official controls or to correct ordinance violations to the extent possible may jeopardize the city's eligibility to participate in the National Flood Insurance Program.

b. When an ordinance violation is either discovered by or brought to the attention of the city manager, the city manager shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the community's plan of action to correct the violation to the degree possible.

c. The city manager shall notify the suspected party of the requirements of this ordinance and all other official controls and the nature and extent of the suspected violation of these controls. if the structure and/or use is under construction or development, the city may order the construction or development immediately halted until a proper permit or

approval is granted by the community. If the construction or development is already completed, then the city may either:

1. Issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or
2. Notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30 days.

d. If the responsible party does not appropriately respond to the city within the specified period of time, each additional day that lapses shall constitute an additional violation of this ordinance and shall be prosecuted accordingly. The city shall also, upon the lapse of the specified response period, notify the landowner to restore the land to the condition which existed prior to the violation of this ordinance.

(m) Amendments

(1) The flood plain designation on the Official Flood Plain Map shall not be removed from the designated flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regional flood and is contiguous to lands outside the flood plain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he determines that, through other measures, lands are adequately protected for the intended use.

(2) Any proposed amendment to the development ordinance text that pertains to the floodplain management ordinance, including the Official Flood Plain Map element of the Official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Such changes in the Official Zoning Map must also meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given 10 days written notice of all hearings to consider an amendment to this ordinance pursuant to this section and said notice shall include a draft of the ordinance amendment or technical study under consideration.

(n) Abrogation and greater restrictions

(1) It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this

ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

(o) Warning and disclaimer of liability

(1) This ordinance does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Shoreview or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

(p) Severability

(1) If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Sec. 107-31. Telecommunications Management Overlay District.

(a) Purpose

(1) To protect the health, safety, and welfare of the public while allowing development of the competitive wireless telecommunications market in the city. Specifically, the purposes of this section are:

a. To protect residential areas and land uses from potential adverse impacts from commercial telecommunications facilities and towers.

b. To minimize the adverse visual impact of commercial telecommunications facilities and towers through careful siting and design.

c. To protect public health and safety by ensuring appropriate design, construction, and maintenance of commercial telecommunications facilities and towers.

d. To ensure that commercial telecommunications facilities and towers are compatible with surrounding land uses.

e. To facilitate provision of telecommunications services to residents and businesses in the city.

f. To identify sites in the city where commercial telecommunications facilities and towers may be located.

(b) Applicability

(1) The requirements of this district shall apply to all sites identified on the map "Telecommunications Overlay District" adopted July 5, 2011 as may be amended by the city council in accordance with the procedure set forth in section 103-26, and which illustrates Telecommunications Overlay District 1 (TOD-1), Telecommunications Overlay District 2 (TOD-2) and Telecommunications Overlay District 3 (TOD-3).

(c) Permitted uses

(1) In the TOD-1 district, construction of commercial telecommunications facilities and towers up to 60 feet in height and the installation, operation, and maintenance of wireless telecommunications facilities (WTFs).

(2) In the TOD-2 district, construction of commercial telecommunications facilities, including towers up to 75 feet in height and the installation, operation, and maintenance of WTFs.

(3) In the TOD-3 district, installation, operation and maintenance of WTFs only on existing buildings. New towers are not permitted in this district.

(4) All permitted, conditional, and accessory uses allowed in the underlying zoning district are permitted in the Telecommunications Overlay District.

(d) Required conditions

(1) Only one free-standing telecommunications tower shall be permitted per property unless the planning commission recommends and the city council approves additional tower(s) based on the size, topography, setting, and/or other feature of the property.

(2) All commercial telecommunications towers or wireless telecommunication facilities shall comply with the standards in chapter 111.

(e) Priority for use

(1) Priority for use of the installation, maintenance, and operation of facilities within the Telecommunications Overlay District will be given to the following entities in descending order:

a. City of Shoreview.

b. Public safety agencies including law enforcement, fire, and ambulance services and private entities with a public safety agreement with the City of Shoreview.

c. Other government agencies, for uses not related to public safety.

d. Commercial entities marketing services to the general public.

ARTICLE VI. SPECIAL DISTRICTS

Sec. 107-32. Planned Unit Development (PUD).

(a) Purpose

(1) In the establishment of the PUD District, the city recognizes that the objectives of the development regulations have been adopted to ensure uniformity in the treatment of land use, density, bulk and open space and further recognizes that such uniform treatment is based on the concept of one building on one lot. The city hereby recognizes that there have been important changes in methods of subdivision layout, the design and use of land, and placement of buildings thereon and further recognizes that the methods for preservation of public health, safety, morals, and general welfare must be altered from time to time to meet advances in technology, and changes in social thought as they occur and present the demand. Therefore, this district is established to facilitate:

a. Innovations in residential development to the end that the growing demands for housing at all economic levels may be met by recognizing greater variety in tenure, type, design and siting of dwellings and by the conservation and more efficient use of land in such development.

b. Higher standards for site and building design.

c. An incentive to redevelop obsolete or substandard land uses where present development standards cannot be met.

d. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.

e. The creative use of land and related physical development.

f. A more efficient use of land resulting in smaller networks of utilities and streets thereby lowering housing costs and public investments.

g. A more desirable environment than would be possible through the strict application of zoning and subdivision regulations of the city.

h. A technique which responds to a flexible manner to the land use categories defined on the land use chapter of the comprehensive plan.

(b) Permitted uses

(1) The uses permitted in the district shall reflect the needs identified through the comprehensive plan as well as those which the developer may prove to be consistent and compatible as reflected by the approved final development plan. Densities shall be in compliance with the land use chapter of the comprehensive plan.

(2) Utilities

(3) Towers and antennas permitted by the base zoning district associated with the planned unit development unless otherwise restricted by the conditions of the PUD approval.

(4) Commercial antennas when located on publicly-owned water tower and subject to lease negotiated with the city.

(c) Required conditions

(1) In no case shall planned unit development be construed to permit a variation in the sanitary sewer, group usable open space, maximum lot coverage, screening and landscaping or performance standards as set forth in this ordinance.

(2) No alteration, improvement or development of the property shall be permitted until city council approval of the development stage PUD plan.

(3) Signs shall be regulated by the underlying district regulations and approved through a comprehensive sign plan.

Sec. 107-33. Urban Underdeveloped District (UND).

(a) Purpose

(1) The Urban Underdeveloped District is used to identify vacant lands on which the city has not approved a development proposal or lands which are currently being utilized but remain substantially underdeveloped.

(b) Permitted uses

(1) Public and quasi-public facilities subject to planning commission review and a city council finding that the use(s) will not impede or otherwise conflict with the planned use of adjoining property. The city council may attach conditions to its site plan approval to insure that the use will not interfere with the planned use of adjoining property.

(2) Utilities

(3) New uses or changes in existing uses, except those uses listed in provisions (b)(1) and (b)(2) above, shall not be permitted without a rezoning.

(4) New uses or changes in existing uses shall conform to the land use chapter of the comprehensive plan.

Sec. 107-34. Open Space District (OS).

(a) Purpose

(1) The Open Space District is established to identify those properties that should be preserved predominantly in their natural state so as to further the safety, health, welfare and enjoyment of all persons in the use thereof, and to protect public property and resources for posterity.

(b) Permitted Principal Uses

(1) Public park or recreation facility meeting the standards for public assembly uses Chapter 111 Use-Specific Standards

(2) Nature preservation/ conservation area

(3) Essential services

(c) Permitted Accessory Uses

(1) Off-street parking and loading facilities

(2) Free standing solar panel arrays meeting the standards in Chapter 111 Use-Specific Standards Article VI Accessory Uses.

(3) Solar energy systems meeting the standards in X Chapter 111 Use-Specific Standards Article VI Accessory Uses

(4) Temporary sales or events meeting the standards in Chapter 111 Use-Specific Standards Article VI Accessory Uses

(5) Wind energy conversion Systems (WECS) meeting the standards in Chapter 111 Use-Specific Standards Article VI Accessory Uses

Part II – Land Use and Development

CHAPTER 109. DEVELOPMENT AND DESIGN STANDARDS

ARTICLE I. PURPOSE

Sec. 109-1. Purpose.

(a) The following development and design standards are established to:

(1) To mitigate the impacts of development on the natural environment.

(2) Protect residential properties from excessive noise, illumination, glare, unsightliness, and other objectionable influences.

(3) Minimize traffic congestion.

(4) To provide for the regulation of development in sensitive areas so as to minimize the risk of environmental damage.

(5) To protect steep sloped areas from being exposed to erosion and associated problems.

(6) To ensure that the natural drainage system and flood storage areas are maintained at a scale adequate to serve development conditions.

(7) To protect and enhance the quality of the city's surface waters and other natural resources.

(8) To protect wetlands from being altered unnecessarily.

ARTICLE II. REDEVELOPMENT

Sec. 109-2. Redevelopment.

(a) Redevelopment of properties zoned for non-single family residential uses shall comply with the standards of the zoning district in which the property is located. Flexibility to these standards may be permitted in accordance with the following:

(1) Lot coverage

a. If the existing impervious surface coverage on a parcel exceeds the allowable impervious surface coverage for the zoning district in which it is located, existing impervious surface coverage may remain but shall not be increased provided best management practice measures are taken to minimize negative effects on the environment as documented in the current editions of Minnesota Construction Site Erosion and

Sediment Control Planning Handbook (MBWSR) and Protecting Water Quality in Urban Areas (MPCA). Existing impervious surface coverage is the impervious surface coverage legally present on or before March 20, 2000 or approved thereafter by the city.

(2) Architectural and site design standards

a. Minor improvements, building additions, and other modifications to the site will be subject to application of these architectural and site design standards, considering the existing building design and scope of the proposed alteration. Alternately, a face-lift of a building's exterior is expected to fully conform to the architectural standards. The city may waive specific standards based on the scale of the project while conducting the site and building plan review.

(b) Redevelopment in the MU-C and MU-TC Districts

(1) The architectural design standards from sections 107-25 and 107-26 established for the MU-C and MU-TC districts shall not apply to changes of use within existing buildings but shall apply to new development, redevelopment, and building expansions greater than 50% of the floor area of an existing building.

ARTICLE III. ARCHITECTURAL AND SITE DESIGN STANDARDS

Sec. 109-3. Elements of development proposals.

(a) Architectural and site design elements of development proposals will be reviewed based on the following criteria:

(1) Consistency with the comprehensive plan; the surface water management plan; and the municipal code.

(2) Use of appropriate exterior materials, lighting, textures, colors, and architectural and landscape forms to create a unified, high-quality design concept for the site that is compatible with adjacent and neighboring structures and functions.

(3) A unified site design that provides a desirable environment for site users and the community as a whole. A unified site design considers all site elements including: the relationship of buildings to surrounding natural features; day light and solar access; grading; architectural design; building, parking and loading dock orientation; building height, use of manmade materials, including paving; site furnishings (lighting, outdoor seating, signage, etc.); landscaping (retention of natural vegetation, plant selection and placement,

retention and incorporation of water features, etc.); and other visible outdoor site elements.

(4) Creation of a suitable balance between the amount and arrangement of open space, landscaping, and view protection with the design and function of man-made features. Achieving this balance shall take into account screening, buffering, size and orientation of open spaces.

(5) Provision of safe and adequate access to and from sites giving ample consideration to the location and number of access points from public streets, the safety and convenience of merging and turning movements, and traffic management and mitigation.

(6) Provision of on-site vehicular, bicycling, and pedestrian circulation by way of interior drives, parking areas, bicycle parking racks, pathways, and walkways adequate to handle anticipated needs and to safely buffer pedestrian and cyclists from motor vehicles.

(b) Architectural design

(1) The following architectural design standards shall apply to all zoning districts with the exception of RE, R1, R1A, R2, and R4:

a. Building elevations

1. All building elevations are subject to public view, and so high quality design and materials shall be used for all building elevations.

2. Exterior walls shall be designed to provide visual interest or relief by using windows, jogs, projections, pilasters, architectural detailing, changes in surface materials, colors, textures, and variation of rooflines for a minimum of 50% of the building elevation. These architectural treatments shall encompass at least 50% of the building wall or elevation.

3. The main entry shall face the front property line, with secondary entrances on the side or rear. The main entry shall be designed with a canopy, portico, arch, display windows, ornamental molding, enhanced landscape or other details to announce the primary focus of the building.

4. All rooftop or ground mounted mechanical equipment and exterior trash and recycling storage areas shall be enclosed with materials compatible with the principal structure. Low profile, self-contained mechanical units,

including solar energy panels and rooftop rainwater collection systems, which blend in with the building architecture are exempt from the screening requirement.

5. When any non-single-family development is located adjacent to residential or natural areas, a residential scale and appearance is required, including a pitched roof. Alternate designs may be approved through the site and building plan review process.

b. Exterior finish materials

1. Building materials shall be selected for their ability to present a visual statement of a building or structure's strength, attractiveness and permanence. The building materials used shall be harmonious with the surrounding area.

2. Exterior wall finish materials shall include face brick, natural or cut stone, stucco or EIFS, and equivalent materials. Other materials that provide a similar high quality exterior may be approved through the site and building plan review process.

3. Prestressed concrete panels, concrete block and unfinished metal shall not be permitted as exterior materials for principal structures and for any accessory buildings. Architecturally enhanced block or concrete panels may be approved through the site and building plan review process.

4. Not less than 15% of any wall elevation surface shall be designed with combinations of accent materials to provide visual interest and architectural detail. Glass, wood, and metal finish materials are suitable for these accents and window finishes.

5. Use of wood the principal exterior finish material is discouraged except when adjacent to residential or natural areas where a residential appearance provides a suitable visual transition.

6. Roofs, except flat roofs, must be constructed with commercial grade asphalt shingles, wood shingles, standing seam metal, slate, tile, copper, or similar high quality material. Green roofs may be approved through the site and building plan review process.

c. Canopies and awnings.

1. The design of canopies shall be in keeping with the overall building design in terms of location, size (scale), and color.
2. No canopies with visible wall hangers shall be permitted.
3. Signage on canopies may be substituted for allowed building signage and shall be limited to 25% of the canopy area. Internally illuminated canopies must be compatible with the overall color scheme of the building. The area of illumination shall be considered signage.

(2) Architectural design in mixed use districts

a. In addition to what is listed in (b)(1) above, each nonresidential, mixed use or residential building with more than eight units shall meet the following minimum design standards:

1. All new building fronts shall include a minimum of two of the following elements:
   i. Architectural detailing, such as cornice, awning, parapet, or columns
   ii. A visually pleasing primary front entrance that, in addition to doors, shall be accented with a minimum of 150 square feet around the door entrance for single occupancy buildings and a minimum of 300 square feet total for the front of multitenant buildings (this area shall be counted as one element). Entrances shall be clearly articulated and obvious from the street
   iii. A combination of horizontal and vertical design features
   iv. Irregular building shapes
2. Multi-story buildings shall have the ground floor distinguished from the upper floors by having one or more of the following:
   i. Awning;
   ii. Trellis;
   iii. Arcade;
   iv. Window lintels;
   v. Intermediate cornice line; and
   vi. Brick detailing such as quoins or corbels.

3. Any exterior building wall adjacent to or visible from a public street, public open space, or private street may not exceed 50 in length without significant visual relief consisting of one of the following:
    i. The facade shall be divided architecturally by means of significantly different materials or textures;
    ii. Horizontal offsets of at least four feet in depth;
    iii. Vertical offsets in the roofline of at least four feet; or
    iv. Fenestration at the first floor level that is recessed horizontally at least one foot into the facade.
4. Façade transparency
    i. Facades of mixed use or non-residential buildings facing a street or public open space shall have a minimum of 60% transparency on the ground floor and a minimum of 20% transparency on any upper floors.
    ii. Facades of residential buildings facing a street or public open space shall have a minimum of 20% transparency on all floors.

(c) Refuse

(1) All waste material, debris, refuse and garbage shall be properly contained in a closed container designed for such purposes.

(2) Except for in the Industrial and Tower Districts, trash, recyclable materials and associated handling equipment must be stored within the principal structure or in a dumpster enclosure, attached or separate from the principal structure constructed of building materials compatible with the principal structure.

(3) In the Industrial and Tower Districts, the location and screening of trash, recyclable materials and associated handling equipment storage must be approved as part of the site and building review process. Acceptable locations include within the principal structure; in a dumpster enclosure attached or separate from the principal structure constructed of building materials compatible with the principal structure; or in a screened or fenced area of the site.

(4) Refuse enclosures shall be sized to accommodate both refuse and recycling containers and will be reviewed through the site and building plan review process.

(d) Sustainable design

(1) The city encourages development that uses a whole-system approach, applying concepts of building and site design to preserve local and national resources. Effective use of resources may reduce operating costs for the developer, while reducing environmental and public health impacts. LEED, MnGreenStar, EnergyStar and other certifications are based on:

a. Energy efficiency

1. Includes design elements of the building envelope, lighting, appliances and heating and cooling systems that contribute to environmental goals. Alternate energy sources, including solar and geothermal can provide renewable energy generation.

b. Resource efficiency (including durability)

1. Choosing durable building materials that balance impacts from manufacturing with transportation and end-of-life considerations.

c. Indoor environmental quality

1. Indoor comfort not only ensures proper ventilation, heating and cooling, but considers emissions from materials used inside a building.

d. Water conservation

1. Low-flow plumbing fixtures, rainwater collection and infiltration, and drought tolerant landscapes help to conserve water.

Sec. 109-4. Energy use.

(a) Energy efficiency

(1) Builders and developers have the responsibility of designing and constructing new buildings which are energy efficient. They should demonstrate their programs for incorporating active and passive solar energy systems in new buildings, installing energy-efficient appliances and lighting systems, and using exterior landscaping to reduce the energy demands of new construction.

(b) Solar orientation and access

(1) All new subdivisions and planned unit developments are encouraged to be designed to accommodate the present or future use of passive and active solar energy systems with special attention given to street, lot, and building orientations.

(2) All new buildings are encouraged to be designed and fitted to permit the addition or conversion of the hot water heating system to solar energy.

ARTICLE IV. FENCING, SCREENING, AND LANDSCAPING

Sec. 109-5. General standards.

(a) Minimum open space

(1) In any event, all developed uses shall provide not less than 15% of the lot as open space. The city council may require additional landscaping as necessary.

(b) Traffic visibility

(1) On any corner lot or driveway entrance onto a public street, no wall, fence or other structures shall be erected or altered, and no hedge, tree, shrub or growth shall be maintained which may cause danger to traffic on a street or public road by obscuring the view. On corner lots, no such structure, planting or grade elevation interfering with traffic visibility shall be permitted within 15 feet of any intersecting street right of way lines.

Sec. 109-6. Fencing.

(a) General

(1) Location

a. Fences shall not be placed within any public right-of-way or easement or the specified zoning district street yard setback, whichever is less.

b. All fences located within rear or interior side yards may be placed up to the lot line.

c. All boundary line fences shall be located entirely upon the private property of the person, firm or corporation constructing, or causing the construction of such fence, unless the owner of the adjoining property agrees, in writing that such fence may be erected on the division line of the respective properties. The city manager may require the owner of property upon which a fence now exists, or is to be located, to establish lot lines upon said property by the placement of permanent stakes located by a licensed surveyor or engineer.

(2) Construction and maintenance

a. Every fence shall be constructed in a substantial professional manner and shall be constructed of a substantial material reasonably suited to the purpose for which the fence is proposed to be used.

b. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to deteriorate into disrepair or into a dangerous condition, or constitute a nuisance, either public or private.

(3) Fencing material

a. The framing structure of fences shall be placed on the owner's side of the fence or equally distributed on both sides. Fencing material may consist of dimensional, solid sawn, decay resistant lumber; chain link fencing material with corrosion protection; wrought iron, or vinyl. Other materials may be permitted subject to the approval of the city planner.

b. It shall be unlawful for any person, firm or corporation to construct and maintain or allowed to be constructed or maintained upon any property, any fence of metal construction, or otherwise, which is charged or connected with electrical current in such a manner as to transmit said current to persons, animals or things which intentionally or unintentionally may come in contact with the same.

c. Barbed wire fences are prohibited and shall not be constructed or maintained.

d. Fences in Industrial Districts which are primarily erected as a security measure may have areas projecting into the applicant's property on which barbed wire can be fastened commencing at a point at least seven feet above the ground. Such fences shall not be erected within the landscaped portion of the front yard of any industrial establishment.

(b) Fence height

(1) The height of fences shall be measured from the top of finished grade to the top of a fence panel. In no case shall a fence post exceed the maximum fence height by more than six inches.

(2) In no case shall the combined height of any fence and berm exceed the maximum fence height permitted by more than one foot.

(3) In no case shall the height of a fence panel exceed the maximum fence height permitted by more than six inches to allow for the free flow of stormwater.

Figure 109.1. Fence height maximums



(4) Residential districts

a. Fences shall not exceed a height of four feet in that portion of any street yard located in front of the home.

b. For the purposes of corner lots when a side yard abuts a street, fences shall not exceed six feet in height beginning at the back plane of the home and extending to the rear lot line. On corner lots, fences within a side and rear yard abutting a street shall be no closer to the street property line than 20 feet.

c. Fences in an interior side or rear yard shall not exceed six feet in height.

(5) Non-residential districts

a. Fence heights for street yard(s) in all non-residential zoning districts shall not exceed four feet in height.

b. Fences located in the rear or side yards of any property within the C1, C2, OFC, or BPK districts shall not exceed six feet in height.

c. Fences erected to a maximum of eight feet in height may be allowed in the C1, C2, OFC, BPK, and I districts with site and building plan review approval.

d. Fences erected along a property line in common with a Residential district shall be subject to the fencing provisions required for non-residential districts.

(6) Fencing along arterial roadways

a. On through or double frontage lots where the rear yard abuts an arterial roadway or alley, fences are permitted provided they do not exceed six feet in height.

b. The area on the street side of the solid wall or privacy fence shall be landscaped in accordance with section 109-7(b) screening. The width of the planting strip shall be at least 10 feet.

Sec. 109-7. Screening.

(a) Screening shall consist of earth mounds, walls, fences and plant materials. Such things as loading docks, parking areas, drive-up facilities, and outdoor storage shall be screened to a height and depth consistent with the size and extent of the visual degradation.

(1) Non-residential visitor and employee parking areas shall be set back at least 20 feet from all dedicated ROW and any abutting residential district. Land within the required setback from abutting residential districts shall be heavily landscaped and may include earthen berms.

(2) A landscaped 75-foot setback is required between industrial uses and any abutting residential district.

(b) Planting strips

(1) Planting strips shall be placed along highways and railroad lines to screen the view and to reduce noise levels in residential areas.

(c) Mechanical equipment screening

(1) The ground level view of all mechanical utilities shall be completely screened from contiguous properties and adjacent streets.

Sec. 109-8. Landscaping.

(a) Minimum landscaping

(1) Landscaping will be required for development, and shall meet the following standards:

a. To reduce erosion, all disturbed open space areas of a lot shall be covered with a combination of trees, shrubs, flowers, and/or ground cover materials.

b. For single-unit and two-unit dwellings, at least two trees per lot shall be provided and maintained in perpetuity, with at least one tree in the front yard. The two trees must each be of a different genus.

(b) In non-residential and multi-unit residential districts, the following landscaping shall be provided:

(1) All developed uses shall provide a landscaped yard along any abutting streets at least 20 feet in widths. This yard shall be kept clear of all structures, storage, and off-street parking and shall consist of ground cover and/or vegetation. Driveways may be located within this landscaped yard.

a. A minimum of one tree per 40 lineal feet of site perimeter shall be installed; or

b. One tree for every 1,500 SF of the principal building footprint and one tree for every 50 linear feet of principal building abutting a public street planted in the corresponding yard.

(c) The diversity of landscape plant species must meet the following requirements:

(1) Each of the first three trees planted on a site must be of different genus.

(2) Each of the first three trees planted on a site must be of different genus.

(d) In mixed use districts, all buildings shall have foundation plantings every 10 feet on building sides facing a public street or a linear open space corridor connected via sidewalk.

(e) Landscaping standards for parking and driveway areas are listed in section 109-13 design and maintenance.

Sec. 109-9. Buffer requirements.

(a) Where nonresidential and multi-unit residential uses abut land within the RE, R1, R1A, or R2 districts, a buffer shall be provided along the abutting side as specified in Table 109.1:

Table 109.1. Buffer width table

Subject Parcel	Adjacent Use	Minimum Buffer Width	Required Materials per 100 Linear Feet
Three- to four-unit dwelling	Single-unit dwelling	30 ft.	Four evergreen or overstory trees and four understory trees
Townhomes	One- to four-unit dwelling	30 ft.	
Apartments	One- to four-unit dwelling, townhouse	30 ft.	
MU, C1, C2, or OFC districts/districts	Any residential use	50 ft.	Six evergreen or overstory trees and four understory trees
BPK or I districts	Any residential use	60 ft.	Six evergreen or overstory trees and six understory trees

(b) Buffers shall not be required when uses are separated by a constructed public street.

(c) Buffer materials shall be illustrated on an approved site or landscape plan, within the dimensions of the required buffer area.

(1) A buffer should contain a mixture of trees and shrubs to provide a visual screen within three years of installation that will obscure 80 to 90% of the view from the ground to a height of six feet. Height will be measured from the elevation of the shared property line.

(d) Adjacent properties requiring a buffer between them shall share equally in the development of the buffer, wherever possible. The burden of provision of the buffer shall be as follows:

(1) Where two properties requiring a buffer between them are both in an existing improved condition, the buffer requirement is not retroactive.

(2) Where two properties requiring a buffer between them are both developed, and one property is redeveloping, the developer of the redeveloping property shall assume the burden, unless otherwise specified herein.

(3) Where two properties requiring a buffer between them are both vacant or undeveloped, the burden shall be assumed equally by each developer as the land is improved or developed, and unless otherwise specified herein.

(e) Trees used in reforestation or landscaping must be compatible with the local landscape and conditions, and not presently under disease epidemic.

(f) Landscape materials to be planted as part of a required landscaping plan shall comply with the following minimum standards:

(1) All trees, shrubs, and ground covers to be transported to the site shall be nursery grown.

(2) Deciduous shade trees shall be balled and burlapped and have a trunk diameter of at least 12.5 inches measured one foot above the ground when planted.

(3) Coniferous trees shall be balled and burlapped and be at least six feet tall when planted.

(4) Deciduous ornamental trees shall be balled and burlapped and have a trunk diameter of at least 1.5 inches measured one foot above the ground when planted.

(5) Areas proposed for grass shall be sodded, except disturbed areas located adjacent to wetlands or areas that are part of future development phases may be seeded. All areas to be sodded or seeded shall first have at least four inches of topsoil uniformly added on the site.

(6) Slopes steeper than 3:1 shall not be permitted without special approval or treatment such as terracing or retaining walls.

(7) Raingardens, or other methods to increase infiltration of stormwater, are strongly encouraged and may be required by the city or the appropriate watershed district.

(8) Native plants and grasses, indigenous to Minnesota, may be planted on any parcel and incorporated into landscape plans provided said plant materials do not pose a traffic visibility issue.

(9) Pollinator friendly landscapes shall be incorporated into landscape plans for new development and redevelopment projects that consist of commercial, business, industrial, multi-unit residential, or mixed-use developments.

(g) All single-unit detached homes shall be constructed with at least one exterior water spigot per 2,000 square feet of building foundation or an automatic irrigation system to ensure that landscape maintenance can be accomplished. All non-residential developments and residential developments excluding single-unit detached homes shall be required to install and maintain an automatic irrigation system.

(h) Landscaping required by this chapter 109 shall be maintained for the life of the principal use. Damaged, diseased, or dead landscape materials shall be replaced so that the requirements of this chapter are met at all times. This requirement shall run with the land and be binding upon all future property owners.

(i) Shoreland Management District.

(1) Landscaping within the shoreland impact zone is permitted in accordance with section 107-30(c).

Sec. 109-10. Vegetation and woodlands.

(a) Preservation

(1) Vegetation shall be left intact to the maximum extent possible to retard surface run-off and soil erosion, to utilize excess nutrients, and to conserve nutrients in the soil and to preserve shoreland aesthetics.

(b) Removal

The removal of vegetation shall be controlled in accordance with the following criteria:

(1) All properties

a. Vegetation shall be restored during and after all construction projects that require a building permit to retard surface runoff and soil erosion in accordance with section 109-24, soil stabilization.

b. Development shall be conducted so that the maximum number of trees, in particular landmark trees, are preserved by the clustering of structures in existing cleared areas and natural clearings, and the utilization of other site design techniques. Design of the site and construction activities shall be conducted in a manner to avoid likely injury to landmark trees.

c. The developer shall remove seriously damaged, diseased or dead trees. A management plan is required for the removal of diseased trees and subject to city approval.

(2) New development and redevelopment

a. All private-sector development proposals that involve the construction of a public street or private road and for all new non-single dwelling developments:

1. The tree preservation plan

i. A Tree preservation plan shall be submitted. This plan shall identify the trees to be preserved on the site and the methods to be employed to insure that the identified trees are not damaged during construction. These methods must be acceptable to the city.

2. A tree replanting plan, acceptable to the city, shall be submitted.

i. This plan shall provide for at least a one-for-one replacement, up to a maximum of 15 trees per acre, for any healthy tree(s) in excess of four inches in diameter, except the replacement threshold for boxelder, cottonwood, and willow trees shall be eight inches of diameter and except as required elsewhere in this section for landmark trees.

ii. The replacement trees shall comply with the standards in section 109-9(f).

iii. Trees preserved on the site shall count toward the 15 trees per acre maximum replacement requirement, except any trees required to be replaced to compensate for the removal of a landmark tree [section 109-10(b)(3)] shall be in addition to the requirements of this section.

3. Landmark trees.

i. Landmark trees not located within a Shore or Bluff Impact Zone

a. Landmark trees shall not be removed unless authorized by the city. Such authorization shall not be granted unless:

b. A finding is made that the presence of the tree(s) unreasonably inhibits practical use of a property, the tree(s) is diseased, or it presents a public safety hazard.

c. A responsible party (property owner, developer, or city in the case of a public improvement, etc.)

agrees to plant six trees of a species and location acceptable to the city for each healthy landmark tree removed. The size of the new trees shall comply with the standards set forth in section 109-9 for new construction. If space is not available on the development site, the replacement trees shall be planted elsewhere in the community, as is acceptable to the city council.

ii. Landmark trees located within a Shore or Bluff Impact Zone

a. See section 209.050(B)(4).

(3) Single family residential

a. Single family residential development is defined in part 207 as any activity that requires a building permit or land use approval including but not limited to variance, conditional use permit, subdivision, or rezoning.

b. Landmark trees not located within a Shore or Bluff Impact Zone landmark trees shall not be removed unless authorized by the city as part of a building permit or other city permit. Such authorization shall not be granted unless:

1. A finding is made that the presence of the tree(s) unreasonably inhibits practical use of a property, the tree(s) is diseased, or it presents a public safety hazard.

2. A responsible party (property owner, developer, or city in the case of a public improvement, etc.) agrees to replace each healthy landmark tree removed with trees of a species and location acceptable to the city at the ratio below. The size of the new trees shall comply with the standards set forth in section 109-9 for new construction. If space is not available on the development site, the replacement trees shall be planted elsewhere in the community, as is acceptable to the city council.

Table 109.1. Replacement trees

Lot Area	Replacement Trees (Replacement/Landmark)
Less than 20,000 SF	1:1
20,001 to 40,000 SF	2:1
40,001 and more	3:1

c. Landmark trees located within a Shore or Bluff Impact Zone

1. See section 109-10(b).

(4) Shoreland management

a. In addition to the regulations stated in this section, development activities on riparian lots having frontage on Minnesota Department of Natural Resources (DNR) classified protected waters are subject to the provisions of 107-30 (shoreland management).

(5) Public improvement projects

a. For public street reconstruction and other public improvement projects, the following tree replacement standards shall apply:

1. A minimum of one-for-one replacement for any tree in excess of four inches of diameter that is to be removed as a result of the construction activity.

2. The replacement tree species, size, and location shall be negotiated between the city and the property owner.

(6) Aquatic vegetation

a. Vegetation located at or below the OHW elevation of a protected water shall not be removed unless a permit is obtained from the Department of Natural Resources.

b. Vegetation located at or below the Regional Flood elevation for a wetland shall not be removed unless permission is granted by the appropriate watershed district or the Minnesota Department of Natural Resources (DNR).

(7) Public drainage easements

a. No person shall remove, cut, trim, or otherwise disturb terrestrial vegetation located within a drainage easement which adjoins a wetland unless authorized by the city manager or his/her designee.

(c) Shade tree management

(1) Declaration of policy and intent

a. Policy

1. The city council has determined that the health of shade trees within the city is threatened by fatal tree diseases and plant pests such as dutch elm and oak wilt diseases, the emerald ash borer, and other invasive species or forest pests. It has further determined that the loss of shade trees growing upon public and private property would

substantially depreciate the value of property within the city and impair the safety, good order, general welfare and convenience of the public. It is declared to be the intention of the city council to control and prevent the spread of these diseases and other epidemic diseases or plant pests of shade trees, and this ordinance is enacted for that purpose.

b. Intent

1. It is the intent of the city council to implement a local pest control program, a shade tree disease control program, and to cooperate with the Commissioners of the Department of Natural Resources and Agriculture in accordance with Minnesota Statutes §§ 18G, 89.001, 89.01 and 89.51-.64 as amended. The city manager shall act as coordinator between the Commissioner of Agriculture and Natural Resources and the city council in the conduct of these programs.

(2) Inspection and investigation

a. Inspection

1. The city manager shall inspect public and private yards which might harbor plant pests, as defined in Minnesota Statutes section 18G.02, Subd. 24, as hereafter amended, to determine whether a public nuisance exists thereon. He/she shall investigate all reported incidents of infection or infestation by the dutch elm fungus, elm bark beetles, oak wilt fungus, bur oak blight, emerald ash borer, or any other epidemic plant diseases or plant pests of shade trees.

b. Entry on public and private yards

1. The city manager may enter upon all public and private yards at any reasonable time for the purpose of carrying out any of the duties assigned herein. The term "private yard" means yards, as defined herein, and does not include the interior of any structure.

c. Diagnosis

1. The city manager shall identify diseased trees in a manner consistent with Minnesota Department of Agriculture and Natural Resources guidelines, including but not limited to visual inspection, branch removal, bark shaving, and any other acceptable diagnosis methods. Laboratory

confirmation by the Minnesota Department of Agriculture or other relevant state agency will be used when it is deemed necessary by the city manager.

(3) Shade tree nuisance declared

a. All trees, firewood, or stumps with or without bark intact that are infected or infested by a shade tree disease or plant pest on public or private land.

(4) Transporting diseased wood

a. Loads must be properly secured so that twigs, branches and other debris are not lost while in route.

1. The transportation of diseased trees and firewood as defined under this chapter shall be confined in accordance with the rules, regulations, or quarantine area(s) defined or identified by the Minnesota Department of Agriculture and Natural Resources.

2. Disposal of all wood from diseased trees shall be in accordance with the rules and regulations defined or identified by the Minnesota Department of Agriculture and Natural Resources.

(5) Interference prohibited

a. No person shall prevent, delay or interfere with the city manager or his/her designee while they are engaged in the performance of duties set forth in this chapter.

(d) Nutrient management

(1) Purpose

a. The city has conducted studies and has reviewed existing data to determine the current and projected water quality of various lakes within its community. The data indicates that lake water quality may be maintained and improved if the city is able to regulate the amount of lawn fertilizer and other nutrients entering the lakes as a result of storm water runoff or other causes. The purpose of this ordinance is to define regulations which will aid the city in maintaining and improving lake resources which are enjoyed by its residents and other users.

(2) Unimproved land areas

a. Except for driveways, sidewalks, patios, areas occupied by structures, or areas which have been improved by landscaping, all land areas shall be covered by plants, vegetative growth or

mulch. The use of mulch is limited to 60% of the pervious land area.

(3) General regulations

a. Time of application

1. Lawn fertilizer applications shall not be applied when the ground is frozen or between November 15 and April 15 of the succeeding year.

b. Fertilizer content

1. No person, firm, corporation or franchise, shall apply fertilizer within the City of Shoreview which contains phosphorus.

c. Impervious surfaces and drainage ways

1. No person shall apply fertilizer to impervious surfaces, or to the areas within drainage ditches or waterways.

2. Property owners shall not deposit leaves or other vegetative materials on impervious surfaces or within storm water drainage systems or natural drainage ways.

d. Buffer zone

1. Fertilizer applications shall not be made within 16.5 feet of any wetland or water resource.

e. Waterfowl

1. No person shall place feed for waterfowl on, in or within 50 feet of a wetland, pond, lake or water resource.

(4) Exemptions

a. Newly established turf areas shall not be limited by this ordinance on the quantity of phosphorus for the first growing season.

b. The use of phosphorus on golf courses is permitted under the direction of an applicator certified by an organization approved by the Commissioner of Agriculture.

c. These exemptions are subject to the recommended rates established by the University of Minnesota and the Commissioner of Agriculture.

(e) Pesticide application

(1) All commercial or noncommercial applicators who apply pesticides to turf areas must post or affix warning signs to the property where

the pesticides are applied. The warning signs shall comply with the following criteria and contain the following information:

a. The warning signs must project at least 18 inches above the top of the grass line. The warning signs must be of a material that is rain resistant for at least a 48-hour period and must remain in place up to 48 hours from the time of initial application.

b. The following information must be printed on the warning signs in contrasting colors and capitalized letters measuring at least one-half inch, or in another format approved by the Minnesota Commissioner of Agriculture. The signs must provide the following information:

   1. The name of the business, entity, or person applying the pesticide; and

   2. The following language: "this area chemically treated. Keep children and pets off until (date of safe entry)" or a universally accepted symbol and text approved by the Minnesota Commissioner of Agriculture as recognized as having the same meaning or intent. The warning signs may include the name of the pesticide used.

c. The warning signs must be posted on a lawn or yard between two feet and five feet from the sidewalk or street. For parks, golf courses, athletic fields, playgrounds or other similar recreational property, the warning signs must be posted immediately adjacent to areas within the property where pesticides have been applied or at or near the entrances to the property.

d. The use of neonicotinoids in pest management is strongly discouraged because of the negative impact this chemical insecticide has on pollinators.

ARTICLE V. LIGHTING STANDARDS

Sec. 109-11. General.

(a) In all commercial, business park, industrial, or multi-family or mixed use zoning districts, any lighting used to illuminate off-street parking and driving areas, signs, or structures shall, except as permitted under this section, consist of downcast style fixtures with a fully shielded and full cutoff light source to prevent glare or spill to adjacent right-of-way or properties.

(b) To minimize the amount of harmful blue light in the nighttime environment, lamps (bulbs) shall not exceed a maximum Correlated Color

Temperature (CCT) of 3,000 Kelvin as listed on the packaging (5,700 Kelvin for recreational lighting).

(c) Pole-mounted lighting in all zoning districts shall not have pole heights exceeding 20 feet. Pole heights exceeding 20 feet for larger commercial or industrial parking areas (exceeding 120 parking stalls or sites with developed area greater than 2.5 acres), or outdoor recreational facilities in all zoning districts may be considered with review and issuance of a conditional use permit. The city may limit the hours of operation of outdoor lighting if it is deemed necessary by the city to reduce impacts on the surrounding neighborhood.

(d) In all districts, any lighting used to illuminate an off-street parking area, sign or other structure, shall be arranged as to reflect light away from any adjoining residential zone or from the public streets.

(e) Direct or sky-reflected glare, whether from floodlights or from high-temperature processes, such as combustion or welding, shall not be directed into any adjoining property. Base incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. The use of pedestrian style light poles, with a maximum 18 foot height, is encouraged.

(f) Illumination of outdoor recreation facilities, whether public or private is prohibited after 11:00 pm.

(g) Foot candle limit

(1) No light or combination of lights which cast light upon a public street shall exceed 1 foot candle meter reading as measured from the centerline of the street nor shall any light or combination of lights cast light upon residentially zoned property exceeding 0.4 foot candle meter reading as measured at the receiving residential lot line.

(h) Method of measuring footcandles

(1) The foot candle level of a light source shall be taken after dark with the light meter held six inches above ground directed towards the light source. A reading shall be taken with the light source on, then with the light source off. The difference between the two readings will be identified as the foot candle level.

ARTICLE VI. PARKING

Sec. 109-12. General provisions.

(a) The city requires off-street parking facilities to meet the parking needs of residents and businesses since city streets are designed to accommodate traffic movement. Parking regulations are intended to balance the need for off-street parking with regulations that address the aesthetic and environmental impacts of the resulting areas of impervious surface. Property owners and developers are encouraged to identify realistic parking needs for their property, install parking areas to meet anticipated demand, and show proof of parking to comply with city minimum parking requirements.

Sec. 109-13. Design & maintenance.

(a) Landscaping

(1) Landscaping shall be required along the perimeter and within the interior of the lot for all new, redevelopment, or retrofit projects. No additional landscaping shall be required for striping or restriping of existing parking lots.

a. New parking and driveway areas that accommodate more than 20 cars, and parking lot expansions that add more than 20 parking spaces, shall be landscaped along the perimeter and within the interior of the lot. A minimum area equal to 20% of the parking and driveway surface area shall be designed with either landscaping islands or divider medians between opposing rows of parking.

b. For redevelopment or retrofit projects with fewer than 20 new parking spaces, a minimum of 10 percent of the parking and driveway surface area shall be designed with landscaping features. Landscaping features may include linear parking lot landscaped islands, divider medians, parking lot rain gardens, and depressed infiltration curb islands. Where the City determines that the parking lot design cannot reasonably accommodate curb islands, divider medians, or other landscaping features or cannot accommodate that amount of landscaping cited herein, plant materials shall be moved to the outside perimeter of the parking lot.

(2) Any landscape island shall not be less than 400 square feet in area and be sized and designed to support plant health. Islands or medians with a tree shall include a minimum soil volume of 600 cubic feet per tree. Soil volume may be reduced to 400 cubic feet per

tree if trees share a connected planting area. It is strongly encouraged to use these areas for infiltration purposes.

(3) Any divider median shall be at least 8 feet in width and extend the full length of the parking stalls. The divider median shall be covered in grass, ground cover, mulch, shrubs, trees, or other landscape treatment other than concrete and pavement.

(4) Required trees shall be reasonably distributed throughout the parking area in landscape islands, divider medians, or within 10 feet of the perimeter of the parking area to provide shading and break up the expanses of paved areas. Trees shall be provided at a rate of one shade tree per 10 parking stalls.

(5) The area designed with landscape islands and/or divider medians may be proportionately reduced to not less than 10% when the development includes:

a. Stormwater management principally designed for stormwater infiltration;

b. Sustainable building design elements and practices, per Subsection 207.031(D);

c. Shared parking, as described in Subsection 207.064(C), provided the property owners enter into and execute a joint parking agreement and a maintenance agreement;

d. Transportation demand management, as described in Subsection 207.064(E);

e. Site landscaping that is designed to reduce the visual impact of the developed portions of the site, especially the building and parking area.

(6) Modifications from the requirements of this section may be permitted through the Site and Building Plan review process.

(7) In Mixed Use Districts, parking areas shall be screened from public or internal streets, sidewalks, and paths with a wall, fence, or hedge that is not less than 50 percent opaque on a year-round basis and has a height of between 36 and 48 inches.

(b) Setbacks

The minimum setback from a property line for a parking lot, including driveways shall be as follows:

(1) From interior side and rear property lines: Five feet. This setback may be reduced to zero feet if the parking and driveway area is shared providing access to uses on two or more parcels.

(2) From any street right-of-way, front property line, and when a landscaped buffer is required per section 109-9 for property planned for residential use: 20 feet, except as otherwise provided.

(3) In residential districts, those homes which only have a single stall garage with no room to expand the garage to the side property line are allowed to go two feet from the property line in the front plane of the garage. The two-foot buffer should be natural grass or landscaping not rock or gravel.

(c) A minimum of 10% of the parking and driveway surface area shall be designed with landscaping features as part of any redevelopment or retrofit project. Landscaping features may include linear parking lot landscaped islands, parking lot rain gardens, and depressed infiltration curb islands. Where the city determines that the parking lot design cannot reasonably accommodate curb islands or other landscaping features or cannot accommodate that amount of landscaping cited herein, plant materials shall be moved to the outside perimeter of the parking lot.

(d) Setbacks

(1) The minimum setback from a property line for a parking lot, including driveways shall be as follows:

a. From interior side and rear property lines: five feet. This setback may be reduced to zero feet if the parking and driveway area is shared providing access to uses on two or more parcels.

b. In the event of multiple dwelling located within the same property parcel, driveways shall 10 feet from an abutting interior driveway.

c. From any street right-of-way, front property line, and when a landscaped buffer is required per section 109-9 for property planned for residential use: 20 feet, except as otherwise provided.

d. In residential districts, those homes which only have a single stall garage with no room to expand the garage to the side property line are allowed to go two feet from the property line in the front plane of the garage. The two foot buffer should be natural grass or landscaping not rock or gravel.

(e) Surfaces

(1) Those parking areas designed to meet the minimum parking ratio requirement shall be surfaced with asphalt, concrete or other material as approved by the city manager and graded to dispose of

all surface water. Concrete curbing and gutters are required in commercial and industrial districts unless another form is permitted for stormwater management and infiltration purposes through the site and building plan review process.

a. In the RE, R1, R1A, and R2 Districts:

1. Driveways shall be surfaced with asphalt, concrete, or brick pavers rated for vehicular loads, except as otherwise permitted.

2. Pervious concrete or asphalt materials may be approved, subject to the property owner entering into a maintenance agreement with the city.

3. When the principal structure is setback more than 75 feet from the front lot line, alternate surface materials may be allowed, subject to approval by the public works director. In such instances, concrete or asphalt surface materials shall be used from the street and extending into the property a minimum of 20 feet from the front property line.

b. In all other districts, the use of pervious pavement materials for parking areas is encouraged. If pervious pavement is used:

1. The pervious pavement design and soil conditions will be used to determine the area that will be included in impervious surface coverage calculations. However, in no event will the open landscaped area be less than 15% of lot area.

2. The property owner and developer shall enter into a maintenance agreement with the city.

(f) Parking location

(1) Off-street parking shall be on the same site as the structure it is intended to serve unless otherwise permitted and shall not occupy the required 20 feet front yard landscaped area.

(g) Aisles

(1) Aisles shall be a minimum of 14 feet wide for 45-degree parking, 18 feet wide for 60-degree parking and 24 feet wide for 90-degree parking.

(h) Spaces

(1) Each space shall be a minimum of nine feet wide, 18 feet long, and so designed to allow the exit of the car therein without first moving

another car. Subcompact parking spaces may account for up to 20% of the total parking area required. They shall be 8 feet wide and 18 feet long, and must be grouped and signed appropriately.

(i) Shared driveways

(1) Shared driveways connecting two or more uses on separate properties are permitted provided the property owners enter into and execute a joint parking agreement and maintenance agreement.

Sec. 109-14. Minimum parking requirements.

(a) The following is a summary of the minimum parking requirements in addition to the standards listed for each zoning district. When a parking requirement is listed by use as well as by district, the use requirement shall apply. Parking uses not specifically noted shall be as approved by the city council following review by the planning commission.

(b) Computation of Required Spaces

(1) The term "gross floor area" for the purpose of calculating the number of off-street parking spaces shall be determined on the basis of the exterior floor dimensions of the building, structure, or use, multiplied by the number of floors, minus 10% to account for restrooms, mechanical spaces, entry vestibules, exit hallways or stairs, or other similar areas. If the applicant disputes this calculation, the applicant may provide a floor plan which will be used to calculate gross floor area.

(2) Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.

(3) The parking space requirement for a use not specifically mentioned herein shall be the same as required for a similar use as determined by the community development director.

(4) When computing total number of parking spaces required for a use, individual activities within the use will be calculated separately and added together to arrive at the total required parking spaces for each specific use proposed.

Table 109.2. Parking requirements by zoning district

ZONING DISTRICT	PARKING SPACE REQUIREMENT
RE and R1 districts	
Residential	2 enclosed spaces per dwelling unit
Community-based residential facilities and licensed day care facilities	1 space per 3 clients

ZONING DISTRICT	PARKING SPACE REQUIREMENT
R1A and R2 districts	
Residential	2 spaces per unit
Guest parking	0.5 space per unit
R3 district	
Residential	1 space per studio or 1 bedroom unit 2 spaces for 2+ bedroom unit
Guest parking	0.5 space per unit
R4 district	
Residential	1.5 spaces per unit
Guest parking	0.5 space per unit
C1 and C2 districts	1 space per 250 square feet of gross floor area
OFC district	1 space per 250 square feet of gross floor area
BPK and I districts	
Warehousing	1 space per 2,000 square feet of gross floor area
Office areas	1 space per 250 square feet of gross floor area
Production, manufacturing, research, testing, laboratories	1 space per 500 square feet of gross floor area
MU-C and MU-TC districts	
Residential	1 space per bedroom
Commercial	1 space per 300 square feet of gross floor area

Table 109.3. Parking requirements by use

Use	Parking Requirement
Residential	
Assisted living facility	1 space per 5 beds
Long-term or transitional care facility	1 space per 5 beds
Independent senior living	0.5 space per bedroom
Residential care, licensed	1 space per 3 client rooms
Hotel	1.25 spaces per guest room Additional facilities calculated according to the table and added to total
Public, Social, or Health Care	
Daycare center	2 spaces per classroom plus 1 off-street loading space per 5 children plus additional spaces necessary to accommodate vehicles used for child transport by the center

Use	Parking Requirement
Health services	1 space per 200 square feet of gross floor area
Public assembly use	1 space per 3 persons of the maximum occupancy
Funeral home or mortuary	20 spaces per chapel or parlor, plus 1 space for each company vehicle maintained on-site. Adequate stacking space shall also be provided.
School	1 space per 5 students plus 1 space per classroom
Commercial	
Automobile fueling station	1 space per 2 fueling pumps. Space adjacent to fuel pump does not count toward this requirement. Parking for associated retail uses shall be required at a rate of 1 space per 250 square feet of gross floor area.
Car wash	5 stacking spaces per wash stall
Automobile repair or body shop	1 space per 250 square feet of gross floor area plus 1 space per repair bay
Restaurant	1 space per 3 persons of the maximum occupancy
Automobile sales, leasing, and rental	1 space per 500 square feet of showroom plus 1 space for each 3,000 square feet of outdoor sales lot
Industrial	
Brewery, winery, distillery	1 space per 3 persons of the maximum occupancy
Taproom	1 space per 3 persons of the maximum occupancy
Self-service storage facility	1 space per 6,000 square feet of indoor storage area plus 3 visitor spaces
Recreation	
Commercial recreation, outdoor	50 spaces per field or sports court plus 1 space per 3 fixed seats for spectator area
Commercial recreation, indoor	10 spaces plus 1 per 250 square feet of gross floor area
Public recreation facility	The lesser of 1 space per 3 persons of the maximum building occupancy, or 1.25 spaces per athlete

Use	Parking Requirement
Transportation	
Ambulance or medical carrier service	2 spaces per bay

Sec. 109-15. Exceptions to the minimum parking requirements.

The number of parking stalls constructed may be reduced to a number less than the minimum requirement if one of the following parking management techniques is implemented. The site shall be designed, however, with proof of parking to accommodate the minimum number of stalls required by this ordinance.

(a) Parking demand

(1) Less than the minimum required is encouraged, provided it is based on a demonstration that the proposed use/s have parking demand and need less than the minimum number of stalls required by this ordinance. The site shall be designed, however, with proof of parking to accommodate the minimum number of stalls required by this ordinance.

(b) Proof of parking

When the required off-street parking is 20 or more spaces in size, the City Manager may allow a reduction in the minimum parking spaces required if the following conditions are met:

(1) The applicant demonstrates that the parking required by the city is in excess of the real parking demand.

(2) A parking plan drawn to scale for the lot is submitted which indicates that the site complies with the total parking requirements listed in this section.

a. The paved portion of the parking area shall comply with the pertinent provisions of this division.

b. The proof of parking area shall be clearly delineated on the parking plan for the site.

c. The proof of parking area shall be suitably landscaped and curbed to meet the requirements of this section.

(3) The proof of parking area shall not be used to satisfy any other landscaping or other requirement and is not located in an area occupied by a building.

(4) The property owner is responsible for informing any subsequent owner of the proof of parking area and parking status of the property.

(5) The city may, at any time in its sole discretion, require that the proof of parking area be paved and striped to provide the required parking spaces on the site.

(6) The city may require the owner to enter into a proof of parking agreement specifying the requirements and restrictions and stating that the owner, developer, and successor shall be responsible for making improvements to meet the code at the time the city requires such action.

(c) Shared parking

(1) Development incorporates shared parking with adjacent land uses provided peak-parking demand occurs at different times.

(d) Transit

(1) Developments that are pedestrian-oriented or transit oriented and/or have access to transit service.

(e) Transportation demand management

(1) Developments that incorporate transportation demand management techniques such as preferential parking for carpools, vanpools, shuttle-service, flex-hours and telecommuting.

Sec. 109-16. Maximum parking.

(a) Parking in excess of the minimum required may be permitted through the site and building plan review process based on the demand and need for the additional parking spaces. A pervious parking surface for these areas will be required.

Sec. 109-17. Minimum off-street loading requirements.

(a) No loading facility shall be located on a street frontage (loading facility includes dock, berth, maneuvering area).

(b) All loading docks shall be located within the perimeter of the structure housing the principal or accessory use and shall be completely enclosed.

(c) Loading areas, aisles and access drives shall be surfaced with a durable all-weather material and shall be so graded to immediately dispose of surface water. Concrete curbing shall be required.

(d) All berths shall be screened from view from the property's street frontage by plant materials, walls, earth berms, or fences.

(e) Truck loading areas including berth and access aprons shall have a minimum length of 90 feet.

Sec. 109-18. Handicapped requirements.

(a) Handicapped parking spaces shall be provided and marked in accordance with Minnesota Rules chapter 1341, Minnesota Accessibility Code.

Sec. 109-19. Electric vehicle charging station (EVCS).

(a) The intent of this section is to facilitate and encourage the use of electric vehicles, to expedite the establishment of a convenient, cost-effective electric vehicle infrastructure, and establish minimum requirements for such infrastructure to serve both short and long-term parking needs.

(b) Electric vehicle charging stations are allowed in all zoning districts.

(c) Number of Required Electric Vehicle Charging Stations .

(1) All new parking lots, existing parking lots adding more than 25% of additional parking spaces, and parking lots where more than 25% of the parking area is being reconstructed shall provide electric vehicle (EV)-ready parking spaces based on Table 109.4 below:

Table 109.4. Required EVCS and EV-ready parking spaces

Number of Parking Spaces	Minimum Required Installed EVCS	Minimum Required EV-Ready Parking Spaces	Additional Requirements
1 to 19	None	None	None
20 to 49	Residential: Two Level 2 stations for resident parking Non-Residential: One Level 2	10% Level 2 or higher	At least one accessible parking with access to an installed EV Charger
50 or more	Residential: Two Level 1 stations for residents Four Level 2 stations for guests Non-Residential:	10% Level 2 or higher	At least one accessible parking with access to an installed EV Charger

Number of Parking Spaces	Minimum Required Installed EVCS	Minimum Required EV-Ready Parking Spaces	Additional Requirements
	Two Level 2s or higher		

(2) The City Manager may waive all or a portion of the required EVCS spaces if proof can be provided that:

a. The cost of installing the EVCS required by this Chapter exceeds five percent of the total project cost; or

b. If utilities are not reasonably available to project sufficient electrical capacity at the site to power the EVCS.

(3) Parking spaces with designated EVCS may be counted toward satisfying minimum off-street parking space requirements.

(4) Accessible Spaces. A charging station will be considered accessible if it is located adjacent to, and can serve, an accessible parking space as defined and required by the ADA It is not necessary to designate the EVCS exclusively for the use of vehicles parked in the accessible space, and it shall not count toward required ADA parking requirements.

(d) General Requirements

(1) No EVCS or related infrastructure shall be placed within the public right-of-way unless explicitly approved by the Public Works Director.

(2) EVCS shall be set back at least three feet from any property line. The City Manager may reduce or rescind this setback requirement for shared access agreements or pursuant to a finding of necessity and public convenience upon written request from the property owner.

(3) Any EVCS in single-family or two-family residential zoning district shall be stored on the exterior wall of the home, in the garage, or on a freestanding pole with footing adjacent to the parking area.

(4) The EVCSs shall be located in desirable and convenient parking locations that will serve as an incentive for the use of electric vehicles. Facilities should be able to be readily identified by electric vehicle users and blend into the surrounding landscape/architecture for compatibility with the character and use of the site.

(5) Parking lots shall be designed so that EVCS are not located along public streets.

(6) EVCS may be located adjacent to designated parking spaces in a garage or parking lot as long as the devices do not encroach into the required dimensions of the parking space (length, width, and height clearances).

(7) Mounted EVCS shall be mounted to an adjacent pedestal, wall, or similar structure. Free standing EVCS shall be protected by bollards, structures, or curb.

(8) EVCS shall be designed and located so as not impede pedestrian travel. Cords must be retractable or hung sufficiently above any pedestrian surface when not in use and shall not extend across sidewalks or trails during charging.

(9) EVCS must be installed per manufacturer specification and must comply with all applicable building codes and relevant ADA requirements.

(10) The EVCS must be operational during the normal business hours of the use(s) that it serves. EVCS may be de-energized or otherwise restricted after normal business hours of the use(s) it serves.

(11) Site lighting meeting the requirements of section 109-11 shall be provided where EVCS is installed.

(12) Maintenance. EVCS shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting problems with the equipment or access to it.

Sec. 109-20. Bicycle parking.

(a) General requirements.

(1) Bicycle parking may be provided using the following approaches:

a. Bicycle racks: open-air devices to which a bike is locked, suitable for short-term visitor and customer parking.

b. Bicycle lockers: stand-alone enclosures designed to hold one bicycle per unit, preferred for sites that require all-day bicycle parking.

c. Bicycle lock-ups: site-built secure enclosures that hold one or more bicycles, best for residents' and employees' all-day or long-term bicycle storage.

(2) All bicycle racks shall be either of an inverted U or post and ring design.

(3) All bicycle racks or lockers must be securely anchored to the ground or building structure.

(4) Bicycle racks or lockers shall be placed on a level, pavement or concrete surface.

(5) Sufficient lighting shall be provided to illuminate the bicycle facilities at night.

(b) Required Number of Spaces

(1) All dwellings with three or more units and all non-residential uses shall provide at least one bicycle facility for any new development, building addition that adds more than 25% to the building square footage, or improvement to the parking lot that adds more than 25% of additional parking spaces.

(2) Bicycle parking shall be provided at a rate of one bicycle parking space per 10 automobile parking spaces, except that schools must provide one bicycle parking space per 10 students.

(3) No fewer than four bicycle parking spaces shall be provided.

(c) Location criteria for bicycle racks.

(1) Bicycle racks shall be placed near building entrances, generally within 50 feet. Adjoining businesses may share common bicycle parking areas.

(2) Bicycle rack placement should allow for visual monitoring by people within the building and/or people entering the building.

(3) Bicycle racks shall be located to avoid conflicts with pedestrians.

(4) Bicycle racks shall be at least 36 inches from a wall to which they are parallel and 24 inches from a wall to which they are perpendicular.

ARTICLE VII. SOILS, SLOPES, GRADING, AND EROSION AND SEDIMENT CONTROL

Sec. 109-21. Overview.

(a) The standards specified herein are intended to be used by all property owners, contractors and developers who perform land disturbing activity. All development activity, regardless of if the disturbance is subject to a city permit and shall conform to the standards of this chapter to provide protection from soil erosion, pollution, impaired surface water, and degradation of the natural resources of the city. Plans for all development activity must account for soil types and slopes. While corrections may be possible to permit development of land characterized by unsuitable soils

or steep slopes, care must be taken to protect vegetative cover on the site and to insure there are no adverse impacts to nearly lands.

Sec. 109-22. General development standards.

(a) The following standards apply to all development:

(1) That all provisions necessary for management of the flood plain, surface waters and stormwater, as determined by city ordinances and those of other agencies having jurisdiction, have been met.

(2) That the principles of Best Management Practices (BMPs), as presented in the Urban Small Sites Manual, are incorporated into the development and reflected in the development contract to insure all soil reclamation provisions are strictly monitored and enforced by the city.

(3) That a reasonable effort has been made to preserve the natural vegetation and that appropriate measures are taken to prevent shade tree disease transmission.

(4) That all temporary and permanent erosion and sediment control BMPs utilized on the development site meet the objectives of the Urban Small Sites Manual and have been incorporated into the development contract, and that slope stabilization is specifically addressed within the review process.

(5) Alteration of land

(6) No land shall be graded, landscaped or developed that results in water run-off causing flooding, erosion, or deposit of minerals on adjacent properties. Such run-off shall be properly channeled into a storm drain, water course, ponding area, or other such facility.

(7) All properties shall be graded and maintained so as to prevent the accumulation of stagnant water, except in natural occurring ponding areas on said property.

(8) Grading shall not be altered, and gutters and downspouts shall not be installed as to direct additional surface and storm water onto adjoining properties.

(9) Discharging any sump pump water, swimming pool water, or water which has been used in a manufacturing process or mechanical process so as to flow upon or over streets, sidewalks, or other public property or adjacent private property is prohibited except for the following:

a. Property that is owned by the person discharging the water.

b. Sump pump or swimming pool water discharged directly to the curb flow line that does not flow into or across the street.

c. Discharge water from sump pump or swimming pool that flows across unimproved public property to the curb.

(10) Vegetation shall be restored by sodding or seeding disturbed areas upon completion of grading or any yard maintenance resulting in the removal of vegetation in accordance with section 109-24.

Sec. 109-23. Soils and slopes.

(a) No development shall be permitted on poorly drained soils, somewhat poorly drained soils, very shallow soils, soils with high shrink-swell or frost potential or very steep or steep sloped, as defined by the Soil Survey of Washington and Ramsey Counties, and in state statutes and rules, unless the applicant provides plans designed by an engineer licensed by the State of Minnesota demonstrating that the soil stabilization and construction techniques are consistent with accepted engineering practice, as determined by the city manager. Long term maintenance practices shall be specified in the engineered plans. These regulations shall not prohibit earth sheltered construction, as defined in state statute.

Sec. 109-24. Soil stabilization.

(a) Minimal erosion

(1) Development activities shall be conducted and staged to minimize soil erosion by:

a. Keeping disturbed areas small.

b. Stabilizing and protecting disturbed areas as soon as possible.

c. Keeping storm water rate of runoff no greater than what it was before development.

d. Protecting disturbed areas from storm water runoff.

e. Controlling, reducing or delaying storm water runoff.

f. Retaining sediment within the site area.

(b) Stormwater Pollution Prevention Plan (SWPPP)

(1) The developer shall prepare a SWPPP, which shall define the temporary and permanent BMPs that will be implemented and maintained on the development site to protect surrounding property, and surface waters from the consequences of soil erosion resulting from grading and site development. The city manager shall review the SWPPP for compliance with the BMPs specified in the Urban Small Sites Manual.

(2) The SWPPP shall consist of three components: a temporary erosion and sediment control plan, a permanent erosion and sediment control plan, and a narrative.

a. A temporary erosion and sediment control plan shall be provided that indicates the location of perimeter controls, construction fence, temporary sedimentation basins, inlet protection, areas to be seeded, areas to be mulched or blanketed and all other required temporary erosion and sediment control measures. This plan shall also indicate staging of temporary erosion control measures.

b. A permanent erosion and sediment control plan shall be provided that indicates areas to be seeded and sodded, sediment ponds, storm sewer systems and all other required permanent erosion and sediment control measures. Permanent storm water pollution controls including, but not limited to ponds, vegetated buffers, rain gardens or other infiltration areas, and structural measures shall be designed and constructed in accordance with standards specified in the city code and the Minnesota Stormwater Manual, as well as the requirements of other agencies having jurisdiction.

c. A narrative shall be provided that describes at a minimum, the nature of construction activity, person(s) responsible for inspection and maintenance of site erosion and sediment control including contact information, project phasing, schedules, along with the timing, installation and maintenance of erosion and sediment control measures and specifications necessary to carry out the project.

(c) New vegetation

(1) For all development where land disturbance activity occurs, the permanent new landscaped vegetation must be established within 14 days after work is completed from the date of certificate of occupancy issuance, or upon completion of approved project. If development is completed during winter (November 15th to April 15th, permanent vegetation shall be established by May 15th. An extension may be granted by the city manager because for weather-related delays. The city council may grant an extension if the delay is for any other reason. Temporary soil stabilization techniques or temporary vegetation shall be established and maintained on the site per the approved plan until work to establish the permanent vegetation commences.

Sec. 109-25. Grading standards.

(a) Land disturbance activity shall be controlled in accordance with the following criteria:

(1) The smallest amount of bare ground shall be exposed for as short a time as feasible.

(2) Temporary ground cover, shall be as specified in the erosion and sediment control plan and permanent vegetative cover, such as sod, shall be provided. Temporary and permanent vegetation shall be maintained in compliance with all applicable requirements of the municipal code.

(3) Methods to prevent erosion and trap sediment shall be employed.

(4) Fill shall be stabilized to accepted engineering standards.

(5) All fill and grading activity shall comply with all other standards of the city's development ordinance.

(6) All fill and grading activity shall comply with the performance standards set forth in Minnesota Statutes 307.08, Private Cemeteries Act.

(7) Slope

a. The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than two horizontal to one vertical, for a short term interim period, unless the owner furnishes appropriate soils engineering. Unless specifically approved, permanent slopes shall be no steeper than three horizontal to one vertical.

Sec. 109-26. Erosion and sediment control standards.

(a) All sites with land disturbing activities shall be prepared and maintained to control against erosion as set forth in this chapter.

(1) Erosion and sediment control

a. Temporary and permanent erosion and sediment control measures shall be installed and maintained on all sites in conformance to the approved plan and as necessary to prevent erosion and sedimentation from impacting any adjacent property, rights-of-way, drainage system, lake, pond, wetland, watercourse, natural resource or other protected area.

(2) Implementation of storm water pollution prevention plan

a. All erosion and sediment control measures will be operational prior to the start of any land disturbing activity as specified in

the erosion and sediment control plan, construction plans and specifications, or as deemed necessary by the city based on actual site conditions.

(3) Inspection

a. Inspection of the BMP measures shall be carried out by the developer as required in the permit approval, but at a minimum shall be inspected at least once a week and after rainfalls of more than 0.5 inches in a 24-hour period.

(4) Maintenance

a. All erosion and sediment control measures will be maintained throughout the duration of the project. Deficiencies found through inspection of a site shall be promptly repaired as necessary to bring the site into conformance with the approved plan and city requirements. At minimum, BMPs shall be maintained as follows:

1. If a perimeter erosion control device is found to have sediment accumulation in excess of one-third of the total device height, the sediment shall be cleaned and the device repaired within 24 hours of discovery.

2. If an erosion control device is found to be nonfunctional, it shall be repaired or replaced within 24 hours of discovery.

3. Temporary sediment basins shall be maintained when sediment reaches one half the outlet height or one half the storage volume within 72 hours after discovery.

4. Additional erosion and sediment control measures shall be installed as directed by the city manager as found necessary to protect life and limb, the environment, properties or the stability of a property until final stabilization has been achieved.

(5) Required record keeping

a. The developer shall keep records of inspection dates, site conditions, rainfall events and maintenance work performed. Inspection reports shall include, at a minimum, date and time of inspection, name of person conducting inspection, findings of inspection including any recommended corrective actions, corrective actions taken since previous inspection, and the date and amount of rainfall events of 0.5-inches or greater. The required records and approved plans shall be open to inspection by the city during all municipal working hours.

(6) Dewatering and basin draining

a. Dewatering and basin draining related to construction activity that may have turbid or sediment laden water must be discharged to a temporary or permanent sedimentation pond on the project site. All water that leaves the site must be treated with the appropriate BMPs such that the discharge water is clear and does not adversely affect the receiving water or downstream landowners. Turbid or sediment laden discharge water shall not be discharged into any stormwater conveyance system or water body.

(7) Construction site waste

a. The site shall be maintained in a clean and orderly manner. Waste shall be recycled when possible and stored on the site in appropriate waste and recycling containers, collected regularly, and disposed of properly, in conformance with the regulations of the city and requirements of the MPCA.

1. Solid waste: Collected sediment, asphalt and concrete millings, floating debris, paper, plastic, fabric, construction and demolition debris and other wastes must be stored and disposed of properly.

2. Hazardous wastes: Oils, gasoline, paint, and any other hazardous substances must be properly stored to prevent spills, leaks, or other discharge. Storage and disposal of hazardous wastes shall comply with MPCA requirements.

3. Truck and concrete washing: When feasible, truck washout should occur at the concrete plant. When washout is needed on the construction site a concrete washout area shall be used and contain the following components:

i. Signage identifying where concrete washout should be performed.

ii. A rock entrance to prevent sediment tracking.

iii. A containment area utilizing appropriate BMPs for concrete washout facilities, as identified by the MPCA. BMPs include, but are not limited to, manufactured watertight washout containers or a plastic-lined containment area such as a holding pit, bermed basin, roll-off bin, or portable tank. The plastic liner shall be a minimum of 10-mil thick and leak free. The containment area shall be inspected

daily to insure the sidewalls are intact, leaks are absent, and adequate capacity remains. Washout facilities must be cleaned, or new facilities constructed and ready to use, once the washout container is 75% full. If stored liquids have not evaporated when 75% capacity is reached, vacuum and dispose of the liquid in accordance with MPCA requirements. Hardened solids shall be disposed of as per the regulations of the MPCA.

Sec. 109-27. Shoreland management.

(a) In addition to the regulations stated in this section, development activities on riparian lots having frontage on Minnesota Department of Natural Resources (DNR) classified protected waters are subject to the provisions of section 107-30 (shoreland management).

Sec. 109-28. Enforcement and penalty.

(a) This ordinance shall be administered and enforced by the city manager, as specified in section 101-4. Any person, firm or corporation, who violates or refuses to comply with any of the provisions of this ordinance shall be guilty of a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense. Violations may result in issuance of a stop work order for the entire project or any portion thereof, no inspections shall be performed by the city, and the city will withhold issuance of any and all certificates of occupancy until conditions on the site comply with the provisions of this code.

ARTICLE VIII. STORMWATER MANAGEMENT

Sec. 109-29. Illicit discharge detection and elimination.

(a) Purpose

(1) The purpose of this section is to provide for the health, safety, and general welfare of the citizens of the city through the regulation of non-stormwater discharges to the storm drainage system, as required by federal and state law. This section establishes regulations for controlling the introduction of pollutants into the Municipal Separate Storm Sewer System (MS4) in order to comply with requirements of the MS4 permit issued to the City of Shoreview by the Minnesota Pollution Control Agency (MPCA) under the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this Section are:

a. To regulate the contribution of pollutants to the MS4 by stormwater discharges by any user.

b. To prohibit illicit connections and discharges to the MS4.

c. To establish legal authority to carry out all inspection, and enforcement procedures necessary to ensure compliance with this Section.

(b) Compatibility with other regulation

(1) This section is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this section are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this section imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

(c) Ultimate responsibility

(1) The standards set forth herein and promulgated pursuant to this section are minimum standards; therefore this section does not intend to imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

(d) Discharge prohibitions

(1) Prohibition of illegal discharges

a. No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 or storm drainage system any pollutants or waters containing any pollutants, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

1. Water line flushing, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, individual residential car washing, and street wash water, provided such exempt discharges flow over a vegetated area to allow filtering of pollutants, evaporation of chemicals, and infiltration of water consistent with the stormwater requirements of the city.

2. Discharge of swimming pools subject to section 111-52, crawl spaces, sump pumps, footing drains, and other

sources that may be determined to contain sediment or other forms of pollutants may not be discharged directly to a gutter or storm sewer.

3. Discharges or flow from firefighting and other discharges specified by the City of Shoreview as being necessary to protect public health and safety.

4. Discharges associated with dye testing, however dye testing requires a notification to the city prior to the test.

5. The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Minnesota Pollution Control Agency (MPCA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations. Written approval of the city is required for any discharge to the storm drain system or MS4.

(2) Prohibition of illicit connections

a. The construction, use, maintenance or continued existence of illicit connections to the storm drain system or MS4 is prohibited.

1. This prohibition includes all illicit connections made prior to the adoption of this ordinance regardless of whether said connection was permissible under law or practices applicable or prevailing at the time of connection.

2. A person is in violation of chapter 109, article VIII if the person connects a line conveying sewage to the storm drain system or the MS4, or allows such a connection to continue.

b. Existing illicit connections must be disconnected and redirected to an approved onsite wastewater management system or the sanitary sewer system, subject to permitting and approval by the City of Shoreview.

c. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon written notice from the city. Such notice shall specify a reasonable time period for locating to be completed. As-built locations shall be provided to the city.

(e) Right of entry

(1) The city shall be permitted to enter and inspect private systems that connect to the MS4 or storm drainage system as may be necessary to determine compliance with this section.

(f) Violations

(1) In addition to the penalties established pursuant to section 101-4 of the municipal code, illicit discharge may result in other penalties, including:

a. Emergency cease and desist orders

1. When the city finds that any person has violated, or continues to violate, any provision of this section, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the storm drain system, the MS4, or waters of the state which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the city may issue an order to immediately cease and desist all such violations.

b. Suspension due to the detection of illicit discharge

1. Any person discharging to the MS4 in violation of this Section may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. Such suspension may also be imposed if it is necessary to stop an actual or threatened discharge which presents imminent and substantial danger.

c. Remedies not exclusive

1. The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the city to seek cumulative remedies. The city may recover all attorneys' fees, court costs and other expenses associated with enforcement of this section, including sampling and monitoring expenses.

Sec. 109-30. Private stormwater management.

(a) All stormwater best management practices shall be designed in a manner to minimize the need for maintenance and reduce the chances of failure.

(b) Stormwater easements and covenants shall be provided by the property owner for access for facility inspections and maintenance. Easements and covenants shall be recorded with Ramsey County prior to the issuance of a permit.

(c) Maintenance

(1) All stormwater best management practices shall be maintained according to the measures outlined in accordance with the city's surface water management plan.

(2) The person(s) or organization(s) responsible for maintenance shall be designated in the development agreement. The property owner(s) shall be responsible for maintenance if the development agreement does not designate a party.

(3) The financial responsibilities for such maintenance shall be specified in the development agreements and be included in deed restrictions or other contractual agreements as approved by the city.

(4) Non-routine maintenance

a. Non-routine maintenance includes maintenance activities are those infrequent activities needed to maintain the ponding areas and/or stormwater infrastructure so that it functions in accordance with the approved plans and specifications. Examples of such activities include pond or infiltration basin dredging or major repairs to stormwater structures.

b. Nonroutine maintenance shall be performed on an as-needed basis based on information gathered during regular inspections.

c. If nonroutine maintenance activities are not completed in a timely manner or as specified in the approved plan, then the city may complete the necessary maintenance at the owner's/operator's expense.

(d) Inspections

(1) The person(s) or organization(s) responsible for maintenance shall inspect stormwater best management practices on a regular basis, as outlined in the development agreement or as required by the Minnesota Pollution Control Agency.

(2) Authorized representatives of the city may enter at reasonable times to conduct on-site inspections or routine maintenance.

(3) For best management practices maintained by the property owner or homeowner's association, inspection and maintenance reports

shall be filed with the city as provided for in the development agreement.

(4) Authorized representatives of the city may conduct inspections to confirm the information in the maintenance reports.

ARTICLE IX. SURFACE WATER MANAGEMENT

Sec. 109-31. General provisions.

(a) Development shall generally conform to the guidelines adopted in the current surface water management plan (SWMP).

(b) Strict compliance with the minimum building elevations (MBE) as specified in the SWMP for property that is not located in the FF, FW or GF Districts.

Sec. 109-32. Wetlands.

(a) Utilization of protected wetland areas within the city shall be governed by the Watershed District and Department of Natural Resources regulations.

(b) During construction, no sediment or runoff shall be discharged into wetlands and other water bodies.

(c) Wetland buffers are required by the city to meet the intent of the SWMP. A 16.5 foot buffer width is the minimum necessary to protect surface water wetlands from adverse development impacts. Deviation from this requirement may be approved during the applicable land use approval, including but not limited to site and building plan review, subdivision, or planned unit development.

ARTICLE X. SUBSURFACE SEWAGE TREATMENT SYSTEMS

Sec. 109-33. General provisions.

(a) Connection to public sanitary sewer required

(1) Existing structures with subsurface sewage treatment systems (SSTSs) must, upon the availability of the public sanitary sewer to the property, hook up to the public sanitary sewer system within one year. However, if a completely new SSTS was installed within the five-year period prior to the availability of public sanitary sewer, connection will not be required for up to 5 years, provided the system is maintained in accordance with the provisions of this Section and unless at any time the SSTS is determined to be an imminent threat to public health.

(b) Standards adopted by reference

(1) The city hereby adopts, by this reference, Minnesota Rules, chapters 7080 and 7081 as now constituted and from time to time amended, relating to the construction, maintenance, permitting, inspection and abandonment of SSTS.

(c) Definitions

(1) See Minnesota Rules part 7080 for definitions of terms used in this Section.

(d) Inspections

(1) Inspections are required for all SSTSs and no part of an SSTS shall be covered until and unless it has been inspected and approved by the city.

(e) Abandonment

(1) An existing SSTS or any component thereof that will no longer be used must be abandoned in accordance with the adopted standards of this code, and a record of the abandonment submitted to the city within 90 days, as required.

(f) Licensing

(1) All design, installation, alteration, repair, maintenance, pumping and inspection activities for SSTSs must be performed by a business licensed or exempted under Minnesota Rules or an appropriately certified qualified city employee.

(g) Periodically saturated soil disagreements

(1) Disputes involving documented discrepancies on the depth of the periodically saturated soil for SSTS design or compliance purposes shall be resolved according to Minnesota Rules, chapter 7082.0700, subpart 5.

Sec. 109-34. New and replacement systems.

(a) New or replacement SSTSs may be permitted for detached single-family residential dwellings where it is clearly shown that there are practical difficulties in the extension of public sanitary sewer service to the structure as determined by the city manager, provided the property is at least one acre in size. Installation of new or replacement ISTS on a property less than one acre in size requires approval of a variance in accordance with section 103-23.

(b) All new or replacement SSTSs must be sited, designed, installed, permitted, inspected and operated in accordance with section 109-33(b).

(c) New or replacement SSTSs shall be setback at least 150 feet from Ordinary High Water Line of Natural Environmental Waters and at least 50 feet from the Ordinary High Water Line of General Development Waters.

(d) New or replacement SSTSs shall not be located in a floodway, and placement in a floodplain shall be avoided. If no alternative exists, a system is allowed to be placed within the flood fringe, provided the requirements of Minnesota Rule 7080.2270 are met. Any sewage treatment system designed in accordance with section 109-33(b) shall be determined to be in compliance with this section.

(e) On lots created after January 23, 1996, the system design shall include at least one designated additional soil treatment area that can support a standard soil treatment system.

(f) Holding tanks

(1) Holding tanks may be allowed for the following applications:

a. As a replacement to a failing system; or

b. As a replacement for an SSTS that poses an imminent threat to public health and safety.

c. The owner of a holding tank shall provide the city manager with a copy of a contract with a licensed sewage maintenance business for monitoring and removal of holding tank contents. A valid maintenance contract shall remain in effect for the life of the holding tank.

(g) Privies not allowed

(1) Privies and other toilet waste treatment devices used for primitive dwellings are not permitted.

(h) Operating permit

(1) An operating permit shall be required of all owners of new holding tanks, Type IV Systems, Type V Systems, MSTS, or any other system deemed by the city to require operational oversight. Sewage shall not be discharged to these systems until the city certifies that the system was installed in substantial conformance with the approved plans, receives the final record drawings of the system, and a valid operating permit is issued to the owner.

(2) The city shall receive the record drawings, operation and maintenance manual, management plan and servicing contract, and any other pertinent documents as appropriate for accuracy and completeness prior to issuance of an operating permit.

(3) The operating system shall include the following:

a. System performance requirements

b. System operating requirements

c. Monitoring locations, procedures and recording requirements

d. Maintenance requirements and schedules

e. Compliance limits and boundaries

f. Reporting requirements

g. Department notification requirements for non-compliant conditions

h. Valid contract between the owner and a licensed maintenance business

i. Disclosure, location and condition of acceptable soil treatment and dispersal system site

j. Description of acceptable and prohibited discharges

(4) Operating permits shall be valid for a specific term, as determined by the city, and shall be renewed prior to its expiration. If not renewed, the city may require the system to be removed from service or operated as a holding tank until the permit is renewed. If not renewed within 90 days of the expiration date, the city may require that the system be abandoned in accordance with section 109-33(e).

Sec. 109-35. Existing systems.

(a) Any modification, repair, alteration or expansion of an existing SSTS must be designed, installed, constructed, permitted, inspected, and operated in accordance with section 109-33(b).

(b) All existing individual sewage treatment systems are required to be maintained in accordance with section 109-33(b).

(c) A certificate of compliance must be provided before a building permit can be approved for a bedroom replacement on properties served by individual sewage treatment systems if the application is received between May 1st and October 31st. For applications received between November 1st and April 30th, a compliance inspection must be completed by the following June 1st and a certificate of compliance received by the city by September 30th. If the existing individual sewage treatment system was installed between May 27, 1989 and January 23, 1996, and an inspection triggered by this requirement determines the system is noncompliant but not an imminent threat, the property owner has 5 years to bring the existing system into compliance.

Sec. 109-36. Maintenance.

(a) Existing SSTSs must be inspected at least every three years in accordance with section 109-33(b). Such inspections shall be conducted by an inspector licensed by the Minnesota Pollution Control Agency at the expense of the property owner. Inspection reports must be submitted to the city within 15 days of the inspection date.

(b) Septage must be removed from existing SSTSs at least every three years in accordance with Minnesota Rules, part 7080.2450, subpart 3. Such material removal shall be conducted by a business licensed by the Minnesota Pollution Control Agency at the expense of the property owner. Evidence of material removal must be submitted to the city within 30 days of the removal date.

(c) Septage or any waste mixed with septage must be disposed of in accordance with state, federal or local requirements for septage.

(d) Noncompliance with these maintenance provisions shall be treated as a misdemeanor and each day in violation shall be treated as a separate offense.

Sec. 109-37. Failing systems.

(a) A Notice of Noncompliance shall be issued and copies provided to the property owner and the city within 15 days from the time the system is determined to be noncompliant.

(1) Failing subsurface sewage treatment systems shall be upgraded, replaced, or their use discontinued and the system properly abandoned within one year from the date of the Notice of Noncompliance unless the system is determined to be an imminent threat to public health, safety, or welfare.

(2) Any subsurface sewage treatment system posing an imminent threat shall be upgraded, replaced, repaired, or its use discontinued and the system properly abandoned within 10 months after receiving written notice from the building official. The building official may grant an extension because of weather considerations not to exceed six months.

(3) An SSTS discharging raw or partially treated wastewater to ground surface or surface water is prohibited unless permitted under the National Pollution Discharge Elimination System.

Sec. 109-38. Permits.

(a) Permits are required for all SSTSs in accordance with Minnesota Rules. Permit fees shall be established by council resolution. Such permit shall be valid for a period of 180 days from the date of issuance.

(1) All work performed on an SSTS shall be done by an appropriately licensed business, qualified employees, or persons exempt from licensing. Permit applications shall be submitted by the person doing the individual SSTS construction, accompanied by the required site and design data.

(2) Permits shall only be issued to the licensed person doing the SSTS construction.

(3) Permit applications for new and replacement SSTS shall include a management plan for the owner. The management plan shall include a schedule for septic tank maintenance.

(4) A permit is not required for minor repairs or replacement of damaged or deteriorated components that do not alter the original function, change the treatment capacity, change the location of system components, or otherwise change the original system's design, layout, or function.

(5) Any activity involving an existing system that requires a permit shall require that the entire system be brought into compliance with the requirements of chapter 109, article x.

ARTICLE XI. WATER SUPPLY

Sec. 109-39. General provisions.

(a) All public or private supplies of water for domestic purposes shall conform to the Minnesota Department of Health standards for water quality.

Sec. 109-40. Private wells.

(a) Existing structures with private wells shall be allowed continued use. No person, firm or corporation shall alter, repair or extend any private well without first obtaining a permit from the Minnesota Department of Health. If municipal water facilities are available to the property at the time of the needed alteration, repair or extension, connection to the municipal water system is required.

(b) In the event that an existing structure with a private well connects to the municipal water facilities, the private well may continue to be used for outdoor watering and maintenance.

(c) All private wells which are abandoned must be properly capped and closed according to the Minnesota Department of Health requirements.

(d) On-site water supply systems must be designed to minimize or eliminate infiltration of floodwaters into the systems.

Part II – Land Use and Development

CHAPTER 111. USE SPECIFIC STANDARDS

ARTICLE I. PRINCIPAL USES – RESIDENTIAL

Sec. 111-1. Assisted living facility.

(a) An assisted living facility shall be limited to a maximum of 12 units per building in the RE, R1, R1A, and R2 district.

(b) A minimum of 600 square feet of lot area shall be provided for each person to be housed on the site.

(c) All structures shall meet the setback standards established for multi-unit dwellings in the same zoning district.

(d) The structure shall be set back a minimum of 50 feet when the use is adjacent to an RE, R1, R1A, or R2 district.

(e) At least 12% of the lot area shall be developed as an outdoor recreation area or gathering space.

(f) The structure housing the use shall comply with the requirements of the state law and the building code regulating the construction of licensed care facilities.

(g) Approval must be obtained from the proper agencies concerning health and safety conditions and the home must be licensed by the agencies.

Sec. 111-2. Continuing care facility.

(a) All structures shall meet the setback standards established for multi-unit dwellings in the same zoning district.

(b) The structure housing the use shall comply with the requirements of the state law and the building code regulating the construction of licensed care facilities.

(c) Approval must be obtained from the proper agencies concerning health and safety conditions and the facility must be licensed by the proper agencies.

Sec. 111-3. Dwelling, two- to four- family.

(a) Only two- and three-family dwellings shall be allowed in the R1A district.

Sec. 111-4. Dwelling, attached townhouses or rowhouses.

(a) Attached townhouses or rowhouses with a maximum of eight units per building shall be allowed in the R2 district.

(b) In the R3 and MU districts, attached townhouses or rowhouses with a maximum of 12 units per building shall be allowed.

(c) The minimum width of each individual dwelling unit in such townhouse or rowhouse, measured from interior wall to interior wall along the exterior wall, shall be not less than 20 feet.

Sec. 111-5. Dwelling, apartment.

(a) An apartment building shall be limited to a maximum of 12 units per building in the R2 district.

(b) The structure shall be set back a minimum of 50 feet when the use is adjacent to an R1, R1A, or R2 district.

Sec. 111-6. Dwelling, senior independent living.

(a) In the R2 district, no more than eight units per building shall be allowed.

Sec. 111-7. Long-term or transitional care facility.

(a) A long-term or transitional care facility shall be limited to a maximum of 12 units per building in the RE, R1, R1A, and R2 districts.

(b) All structures shall meet the setback standards established for multi-unit dwellings in the same zoning district.

(c) The structure shall be set back a minimum of 50 feet when the use is adjacent to an RE, R1, R1A, or R2 district.

(d) The structure housing the use shall comply with the requirements of the state law and the building code regulating the construction of licensed care facilities.

(e) Approval must be obtained from the proper agencies concerning health and safety conditions and the home must be licensed by the agencies.

Sec. 111-8. Manufactured home park.

(a) Generally. All regulations prescribed by the State Board of Health or other authority having jurisdiction and the regulations of the Building Code of the city shall be complied with in addition to the regulations set forth in this section.

(b) Size. Any manufactured home park established after the effective date of this chapter shall contain not less than 20 manufactured home lots and shall be at least three acres in area.

(c) Access. Each manufactured home park shall abut upon a public street and shall a minimum of two ingress and egress locations abutting the public street.

(d) Setback requirements.

(1) Structures in manufactured home parks shall be set back 25 feet from all perimeter property lines.

(2) The minimum building separation between neighboring manufactured homes shall be 15 feet.

(e) Building height. No building or structure hereafter erected or altered in a manufactured home park shall exceed 20 feet or one and one-half stories in height.

(f) Interior requirements. The following requirements shall apply to the interior of the manufactured home park:

(1) Interior streets. The minimum roadway width of interior one-way streets with parking permitted on one side shall be 21 feet. The minimum roadway width of two-way streets with parking permitted on one side shall be 28 feet. The minimum width of two-way streets without parking shall be 20 feet. The streets shall be paved according to city specifications for residential streets, maintained in good condition and lighted at night.

(2) Lot area. The minimum lot area per manufactured home site shall be 5,000 square feet.

(3) Utilities. Each manufactured home shall be equipped with one electric outlet and hookups for municipal water and sewer. Fire hydrants shall be located in accordance with generally accepted practices as determined by the city fire marshal and city engineer.

(4) Setback from interior streets. No manufactured home shall be located closer than 20 feet to the traveled portion of an interior street.

(5) Off-street parking. Off-street parking shall be provided at the ratio of two spaces for each manufactured home lot.

(g) Required improvements. In order that a manufactured home park may be harmonious within itself and with the surrounding area, the following improvements shall be required:

(1) Adequate provisions per city standards for the control of surface drainage, approved by the city engineer must be incorporated on the site.

(2) All areas not used for access, parking, circulation, buildings and service shall be completely and permanently landscaped and the entire area maintained in good condition in accordance with section 109-8.

(3) A 12-foot buffer yard meeting the standards specified in section 109-9 shall be located and maintained along all exterior boundary lot lines of the manufactured housing park not bordering a street.

(4) Skirting for manufactured homes is required.

(5) Skirting shall be a permanent exterior material color coordinated to match the decor of the manufactured home.

a. All skirting shall be firmly attached and maintained in good repair.

b. No other buildings or structures shall be attached to a manufactured home, as specified by the building code.

(6) Accessory structures allowed shall be one utility building per lot no larger than 120 square feet. No accessory structure shall be placed less than 10 feet from any structure on an adjacent lot; less than six feet from the main structure and/or closer to the street than the front of the main structure.

(7) One deck per manufactured home shall be permitted. The deck can be enclosed by an aluminum, canvas or fiberglass awning with a mesh screen.

(8) There shall be provided within each manufactured home park, a recreation site or sites, for the exclusive use of the park occupants. The recreation site shall have a minimum area of 10,000 square feet for each 50 units or fraction thereof. Where possible, the area shall be configured so it is no longer than two times its width. The recreational sites shall be provided with equipment as approved by the city council.

(h) Commercial operations restricted

(1) No commercial operation shall be conducted within the park other than those necessary for the operation thereof. A common laundering facility for park occupants is an allowed use. Commercial sales lots for manufactured homes are prohibited.

(i) Parking restrictions. Except as may be authorized by general traffic and parking regulations or ordinances, no person shall park or occupy any recreational vehicle in a manufactured home park.

(j) New application required for enlargement, extension or transfer of permit. Any enlargement or extension to any existing manufactured home park or

transfer of an existing permit shall require a new application for a conditional use permit as if it were a new establishment.

(k) Storm shelter facilities. There shall be provided within each manufactured home park that has 10 units or more, except a park for travel trailers, suitable storm shelter facilities constructed to withstand a free field of wind of 200 mph, a 1.2.PSI drop in four seconds, of any type of missile projections. Storm shelter facilities shall comply with the most recent state building code requirements and State Health Department standards. The area of the shelter facilities shall be equal to seven and one-half square feet per manufactured home lot.

(l) Promulgation of additional regulations. In addition to the foregoing, the city may impose other conditions, requirements or limitations concerning the design, development and operation of the manufactured home park it may deem necessary for the protection of adjacent properties and the public interest.

ARTICLE II. PRINCIPAL USES – PUBLIC OR INSITITUIONAL

Sec. 111-9. Daycare center.

(a) All principal structures and uses shall have the greater of the applicable district side yard setback or a minimum six foot side yard setback.

(b) Play equipment, swings, sand boxes, or similar structures shall not be located in the required front yard setback and shall be effectively screened from any adjacent residential use.

(c) The boundaries of an outdoor play space shall be defined by a permanent enclosure not less than four feet high to protect the children. Fencing, plants or landscaping may be used to create a permanent enclosure.

(d) Within the Office District daycare centers that are free-standing or occupy more than 50% of the leasable area in a multiple tenant building require a conditional use permit.

Sec. 111-10. Public assembly use.

(a) Public assembly use standards shall apply to all of the following uses:

(1) Club, lodge, or meeting places of a non-commercial nature;

(2) Municipal, social, cultural, or recreational facility;

(3) Municipal, county, state, or federal administrative or services building;

(4) Place of worship;

(5) School, public or private;

(6) Recreation facility; and

(7) Theater, dance, or music performance facility;

(b) Public assembly uses shall be permitted, with the following standards:

(1) Except in the R1 district, the minimum lot size is at least three acres.

(2) Parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with section 109-7.

(3) Adequate off-street loading and service entrances are provided and regulated where applicable by section 109-17; and all service areas and loading docks shall be located behind the front facade line of the principal structure and not visible from a public right-of-way or any adjoining residential use.

(4) The use shall be located along an improved (i.e. blacktop or concrete) collector or arterial roadway as identified in the city's comprehensive plan.

(5) Except in the R1 district, when a public assembly use is located adjacent to, or across the street from, a property zoned residential or designated residential in the comprehensive plan, the following shall apply:

a. Side, rear and parking setbacks shall be double the standard requirement, but no less than 30 feet.

b. A minimum of 30% green space shall be provided.

(6) It shall be permissible to serve food and meals on such premises, providing adequate dining space and kitchen facilities are available.

(7) Serving of alcoholic beverages to members and their guests shall be allowed providing such serving is secondary and incidental to the operation of the dining room for the purpose of serving food and meals and providing further that serving of alcoholic beverages is in compliance with the applicable Federal, State and Municipal laws. A liquor license is required from the city.

(c) Public assembly uses with a capacity of greater than 250 persons as calculated according to the city's building code shall meet the following requirements:

(1) A traffic impact study shall be conducted by the city's traffic consultant at the expense of the applicant. The traffic impact study shall assess the potential short-term and long-term traffic impacts associated with the proposed use on the site itself and on adjacent roadways. The traffic impact study shall identify appropriate

mitigation and/or recommendations to offset project impacts, which the user shall be responsible for implementing at its sole cost.

(2) An operations plan approved by the city that shall prescribe typical start and end times for the primary activity or activities constituting the use (e.g. motion picture showings, worship service times, or other assembly function), in addition to accessory uses. The operations plan shall be based on the traffic impact study, if any, nearby land uses and other related factors, and incorporated into a conditional use permit agreement.

(d) Any modification of an existing use which intensifies the use and/or surpasses the 250 person occupancy threshold shall require a Site and Building Plan review and shall be subject to 1 and 2 above.

ARTICLE III. PRINCIPAL USES – COMMERCIAL

Sec. 111-11. Animal boarding, shelter, or daycare center.

(a) The use shall comply with the provisions listed in chapter 6, animal control of the city code.

(b) Hospitals and clinics operated by licensed veterinarians exclusively for the care and treatment of animals are exempt from the provisions of this section.

(c) The subject site shall be a minimum of one and one-half acres in size.

(d) The facility shall have an outdoor exercise area with an approved ground cover. This outdoor exercise area shall be enclosed with fencing not to exceed six feet in height.

(1) The outdoor exercise area shall not be adjacent to property zoned for residential use.

(2) The outdoor exercise area shall be setback a minimum of 10 feet from adjoining property lines and may not be located in any yard area adjacent to a street.

(e) All animals shall be kept indoors between the hours of 9 pm and 7 am.

(f) The operation shall not create noise which can be heard by any person at or beyond the property line of the lot on which the kennel is located so as to create a nuisance.

(g) No more than 25 animals over the age of six months shall be kept on the site at any time.

Sec. 111-12. Animal/veterinary clinic or hospital.

(a) All principal structures and uses shall be a minimum of 100 feet from any residence. The aforesaid minimum lot area and minimum distance from any residence shall not be required for animal hospitals which do not provide outside boarding for animals.

(b) Any building or room within a building in which animals are housed on an overnight basis shall not have openings other than stationary windows and required fire exits.

(c) Exercise runs shall be enclosed on four sides by a sight-obscuring, unpierced fence or wall at least five feet in height.

Sec. 111-13. Automobile body shop.

(a) The use, including outdoor parking areas, shall be screened from all adjacent residentially-zoned property, including any properties directly across the street from the facility.

(b) All outside storage shall be prohibited except the storage of customer vehicles waiting for repair or pick-up.

(c) All repair and service work shall be completed within an enclosed building.

(d) All petroleum products, anti-freeze, and hazardous materials shall be disposed of in accordance with local and state regulations.

(e) All necessary permits shall be obtained from the proper authorities prior to the operation of the auto repair use.

Sec. 111-14. Automobile fueling station.

(a) Up to 20 fueling stations allowed on one site.

(b) All gas pumps and tanks shall be setback a minimum of 30 feet from any side or rear lot line and 20 feet from any public right-of-way.

(c) Gas pump island canopies shall be setback a minimum of 20 feet from any side or rear lot line and 10 feet from any public right-of-way.

Sec. 111-15. Automobile fueling station with repair.

(a) Up to 12 fueling stations allowed on one site.

(b) All gas pumps and tanks shall be setback a minimum of 30 feet from any side or rear lot line and 20 feet from any public right-of-way.

(c) Gas pump island canopies shall be setback a minimum of 20 feet from any side or rear lot line and 10 feet from any public right-of-way

(d) Any portion of a building used for minor repair shall be located at least 50 feet from any R district and shall have no openings adjoining any R district, other than stationary windows and fire escapes.

(e) No outdoor storage, with the exception of vehicles being serviced, is permitted on the property. All repair and service work shall be completed within an enclosed building.

(f) All petroleum products, anti-freeze, and hazardous materials shall be disposed of in accordance with local and state regulations.

(g) All necessary permits shall be obtained from the proper authorities prior to the operation of the auto repair use.

(h) A parking area for vehicles to be serviced shall be located adjacent to the portion of the building used for automobile repair.

Sec. 111-16. Automobile repair and automobile body shop.

(a) The use, including outdoor parking areas, shall be screened from all adjacent residentially-zoned property, including any properties directly across the street from the facility.

(b) Any portion of a building used for minor repair shall be located at least 50 feet from any R district and shall have no openings adjoining any R district, other than stationary windows and fire escapes.

(c) No outdoor storage, with the exception of vehicles being serviced, is permitted on the property.

(d) All repair and service work shall be completed within an enclosed building.

(e) All petroleum products, anti-freeze, and hazardous materials shall be disposed of in accordance with local and state regulations.

(f) All necessary permits shall be obtained from the proper authorities prior to the operation of the auto repair use.

Sec. 111-17. Automobile sales, leasing, rental, and services.

(a) The use is permitted in single-tenant or multi-tenant commercial buildings.

(b) No more than five rental cars for pick-up or drop off in the short term may be parked and/or stored on the property.

(c) The number of parking stalls provided this use shall be in addition to the city's minimum parking requirements for the property and shall be located to the rear or side of the building.

(d) No servicing of vehicles shall be offered to the general public.

Sec. 111-18. Brewpub.

(a) Compliance with all applicable provisions of state and local law and obtain all required licenses.

(b) Owner/operator shall install all standard or necessary equipment to ensure that detectable odors coming from brewing/distilling operation are eliminated to prevent odors from presenting a public nuisance.

(c) No exterior storage allowed including but not limited to: brewing/distilling equipment, product, raw materials or waste materials.

(d) A loading and unloading area for all trucks greater than 22 feet in length must be provided off-street.

(e) No more than 50% of the total gross floor area of the establishment shall be used for the brewery function, including but not limited to, the brewhouse, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks.

(f) Revenue from food sales must constitute at least 50% of total business revenue.

Sec. 111-19. Restaurant.

(a) Musical entertainment may be offered within a restaurant when clearly secondary to the restaurant.

(b) In the Office and Business Park Districts the following standards shall be met:

(1) Food sales constitute at least 60% of the establishment's gross sales.

(2) Except for special occasions, do not accept orders for food after 11 pm.

(3) Qualify for the issuance of an intoxicating on-sale liquor license within the city.

(4) Do not have drive-up order facilities.

(5) Are able to accommodate, by reservation, gatherings of 20 or more people.

Sec. 111-20. Retail with office above street level.

(a) The retail use may account for no more than 30% of the ground floor area.

(b) Any retail use shall be related to the principal office use.

ARTICLE IV. PRINCIPAL USES – INDUSTRIAL

Sec. 111-21. Brewery, winery, or distillery.

(a) The use shall comply with all applicable provisions of state and local law and all required licenses shall be obtained.

(b) Owner/operator shall install all standard or necessary equipment to ensure that detectable odors coming from brewing/distilling operations are eliminated to prevent odors from presenting a public nuisance.

(c) No exterior storage shall be allowed including but not limited to: brewing/distilling equipment, product, raw materials, or waste materials.

(d) A loading and unloading area for all trucks greater than 22 feet in length must be provided off-street.

(e) Facilities within the C2 district shall also meet the following:

(1) The facility shall not produce more than 20,000 barrels of malt liquor, wine, or spirits per year.

(2) A taproom and/or retail outlet is required and shall be located along the primary storefront of the building.

(3) The taproom and/or retail outlet shall occupy a minimum of 20 percent of the gross floor area with no maximum limit.

(4) Alcohol produced off-site shall not be sold on-site. This includes both on-sale and off-sale transactions.

(5) Breweries, wineries, or distilleries in the BPK and I districts may provide a taproom and/or retail outlet following the above provisions.

Sec. 111-22. Makerspace.

(a) This use may also include associated facilities such as offices and small scale warehousing, but distribution is limited to vans and small trucks. Distribution access shall be from the rear.

(b) A showroom or retail outlet is permitted.

(c) Distribution shall be from a designated loading area only.

Sec. 111-23. Manufacturing, light.

(a) Odors produced on-site shall not negatively affect other businesses or properties in the area.

Sec. 111-24. Self-service storage facility.

(a) No entrance doors to storage compartments shall front on any public street.

(b) Exterior surfaces of all building shall meet architectural design standards set forth in section 109-3 of this code.

(c) The site shall be secured by a security fence or wall that does not exceed eight feet in height.

(d) Units shall not be used as habitable space or as a dwelling unit.

(e) No building shall be located closer than 25 feet to each other to allow for parking, loading, and driveway and fire lanes.

(f) All driveways and parking areas shall have a paved surface with bituminous, concrete pavement, concrete pavers or other similar materials and allow for circulation of emergency vehicles throughout the site.

Sec. 111-25. Storage and sale of machinery and equipment.

(a) Storage of machinery and equipment shall be enclosed, however, said materials may be stored outside provided the following standards are met:

(1) Outdoor storage areas shall be screened from view of adjoining right-of-ways and adjacent properties to minimize the visual impact of the area in accordance with the following requirements:

a. The screening materials shall consist of both deciduous and coniferous vegetation species, attractive low or no maintenance fencing with an opaquing material, landscaped berm, brick or masonry wall, or any combination of these items. Fencing and walls shall not exceed eight feet in height. All screening materials shall be maintained so that dust and other windblown materials that originate on the site remain on the site as far as practical.

b. All landscape materials shall comply with the minimum standards set forth in sections 109-7 and 109-8(screening and landscaping). The city forester shall approve the species mix, height, and density of plantings on the basis of year-around screening needs.

c. If the outdoor storage area is adjacent to property that is not zoned industrial, the outside storage area shall be setback a minimum of 20 feet from the property line.

d. The storage area is surfaced with asphalt or concrete unless specifically approved by the city council.

e. The storage area does not take up parking space or loading space as required for conformity to this ordinance.

f. The storage area is not greater than 125% of the principal structure's building footprint.

(b) Outdoor storage areas shall not be located in any yard adjacent to a public right of way.

ARTICLE V. PRINCIPAL USES – OTHER

Sec. 111-26. Adult establishment.

(a) All adult establishment uses shall comply with the provisions of chapter 10 article III, adult entertainment businesses.

Sec. 111-27. Ambulance or medical carrier service.

(a) In the C1, C2. BPK, and INST districts, there shall be no outside storage of vehicles.

(b) In the C1, C2, BPK, I, and INST districts, any vehicle maintenance and repair shall be completed within in enclosed building.

Sec. 111-28. Commercial recreation, outdoor.

(a) All structures shall be a minimum of 50 feet from any district boundary.

Sec. 111-29. Commercial recreation, indoor.

(a) Gymnastics training and/or exhibition centers shall be permitted provided the following standards are met:

(1) The presence and operation of said activity will not significantly interfere with the functionality or attractiveness of the area for permitted industrial uses.

(2) Access to and from the site does not require the patrons to travel through commercial truck docking areas or areas frequented by heavy machinery. Access to the facility, while on the site, shall not require pedestrians to travel through commercial truck docking areas or areas frequented by heavy machinery.

(3) For purposes of determining adequacy of on-site parking, the standards for commercial recreation uses shall be used as a guideline if a more definitive basis is not available. Parking space credit may be given for scheduling gymnastics activities when the typical industrial uses will be closed for business.

Sec. 111-30. Commercial antenna.

(a) The antennas must be located on or attached to an existing structure.

(b) The height shall not exceed six feet above the roof.

(c) The antennas, to the extent possible, use materials, colors, textures, screening, and landscaping to blend in with the surrounding natural setting and built environment.

(d) Wireless telecommunication antennas shall also comply with the standards in section 111-35.

Sec. 111-31. Commercial telecommunications facilities and tower up to 60 feet in height.

(a) Telecommunications facilities and towers shall be located within the TOD-1 overlay district.

(b) No more than one facility or tower shall be placed on a property.

Sec. 111-32. Commercial telecommunications facilities and tower up to 75 feet in height.

(a) Telecommunications facilities and towers shall be located within the TOD-2 overlay district.

(b) No more than one facility or tower shall be placed on a property.

Sec. 111-33. Controlled access/beach lot.

(a) Any such lot created after January 1, 1993, shall comply with the following requirements:

(1) The parcel's width and area shall meet or exceed the requirements set forth in section 107-30 (shoreland management) for a residential lot.

(2) The location, topography, and size of the lot are found to be suitable for the proposed use by the city council. In making this determination, the city council must find that the proposed recreation activities will not significantly conflict with the general public's use of the public water or with the normally anticipated activities and enjoyment of the public water by the adjoining property owners.

(3) Any parking lot facility and any permanent or temporary accessory structures to be located on the controlled access/beach lot shall comply with all setback requirements as if the parcel were a conventional single-dwelling homesite. All structures shall also be screened by vegetation or topography, as much as practical, from view from the public water, assuming summer, leaf-on conditions. If a parking lot is installed, its capacity shall not exceed six vehicles.

(4) Launching, loading, docking, mooring, beaching or over-water (shore station) storage shall be limited to six watercraft, unless a marina

permit is approved by the Department of Natural Resources and is found by the city council to be compatible with the subject site and the adjoining land uses.

(5) The parcel must be jointly owned by each of the associated nonriparian property owners who are provided riparian access rights via the controlled access/beach lot.

(6) The conditional use permit authorizing a controlled access/beach lot shall be recorded against the title of all benefiting property owners. Said permit shall include, but not be limited to, the permissible activities and a listing of the benefiting properties.

Sec. 111-34. Parking structure.

(a) The use shall be screened from all adjacent residentially-zoned property, including any properties directly across the street from the facility.

(b) Parking structures shall meet the minimum structure setback requirements of the zoning district in which they are located. Underground parking within the front yard setback may be permitted provided the structure is not visible from the ROW and is located at least 10 feet from the front property line.

(c) Use shall not be located within 50 feet of any R district.

(d) In the mixed use districts, any parking area for more than 20 vehicles shall be enclosed by a decorative fence and/or landscaping.

Sec. 111-35. Wireless telecommunication facilities (WTF).

(a) Siting

(1) New WTFs shall only be located on parcels that fall within the Telecommunications Overlay District.

(b) Color, camouflage and architecture

(1) All WTFs shall be camouflaged and use architectural design, materials, colors, textures, screening, and landscaping to blend in with the surrounding natural setting and built environment. If a WTF is proposed on any part of a building or structure, it must blend with the building or structure's design, architecture and color, including exterior finish. All WTFs shall utilize color, architecture and camouflage to minimize the visual impact and, in the sole discretion of the city council, so appear compatible with the surroundings:

a. Color

1. The WTF shall use colors to minimize the visual impact when viewed from adjacent public streets and nearby

property, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.

b. Camouflage

1. The WTF shall, to the extent practicable, simulate objects that typically occur in landscapes similar to the proposed location, except for billboards, electrical transmission facilities or telecommunications towers, and similar constructions. Examples of camouflage designs include flagpoles, sport field lighting poles, trees, monuments, and on buildings, steeples, parapets and rooftop penthouses.

i. Utility cabinets shall be placed in underground vaults or integrated within existing structures, unless the city determines an above-grade installation is appropriate for the site.

ii. Freestanding, above grade equipment cabinets shall be heavily screened from view with landscape materials.

c. Architecture

1. The WTF shall be designed to blend in with the surrounding natural setting and build environment.

i. Towers shall use antennas, antenna mounts, equipment enclosures and monopoles that provide minimal visual profile and silhouette, in order to reduce visual clutter. For example, underground cable routing is less visually intrusive than using overhead cables with metal bridging for ice-fall protection; cylindrical unicell antenna arrays are preferred over davit arms or other types of mounting brackets extending out from the monopole; platform mounted antennas are generally discouraged.

ii. Building mounted wireless telecommunications facilities shall be screened from view or camouflaged in a manner to generally comply with the architectural and site design standards specified in chapter 109 article III.

(c) Landscaping

(1) Except in the TOD-3, WTFs shall be landscaped with a buffer of plant materials as determined appropriate for the site by the city. Existing

mature trees and other vegetation at the site shall be preserved to the maximum extent possible.

(d) Signs

(1) The use of any portion of a WTF for signs or advertising other than warning or small equipment and emergency contact information signs is prohibited.

(e) Lighting

(1) Wireless telecommunication antennas or towers shall not be illuminated by artificial means and shall not display lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authorities. When incorporated into the approved design of the WTF, light fixtures used to illuminate sport fields, parking lots or similar areas may be attached to the tower.

(f) Monopole

(1) New wireless telecommunication towers shall be of a monopole design unless the applicant demonstrates to the satisfaction of the city council that an alternative design would better blend into the surrounding environment.

(g) Tower setbacks

(1) Wireless telecommunications towers shall comply with the principal structure setbacks of the underlying zoning district and the following additional standards:

a. The tower is set back from all residential dwellings units at least one foot for each foot in height.

b. Tower shall not co-occupy any easements unless permission is obtained from the underlying property owner and holder of the easement.

c. Tower shall not be located between a principal structure and a public street.

d. The required tower setbacks may be reduced or the location in relation to a public street modified, at the sole discretion of the city, when the WTF is integrated into an existing or proposed structure such as a building, light or utility pole.

(h) Height

(1) The height of any commercial telecommunications tower shall not exceed 60 feet in the TOD-1 district and 75 feet in the TOD-2 district.

(2) Antennas located in the TOD-1 and TOD-2 on an existing structure which exceeds the maximum telecommunications tower height for the district in which the existing structure is located may extend up to five feet above the height of the structure.

(3) In the event substantial obstacles to RF signal propagation are present within 1000 feet of the proposed WTF, the telecommunications tower height may be increased an additional 20% above the maximum height permitted in the TOD. No such increase in height will be permitted unless the applicant's proposed design utilizes color, architecture and camouflage to minimize the visual impact and, in the sole discretion of the city council, so appear in context on the landscape.

(4) WTFs mounted on an existing building in the TOD-3 shall:

a. Roof mounted WTF are preferred near the center of the building in a location that minimizes visibility from the surrounding area.

b. Roof mounted WTF shall extend a maximum of 10 feet above the height of the building to which they are attached, and be setback from the building façade a minimum of two feet for each foot of height the WTF extends above the building roof, with a minimum setback of five feet.

c. Wall mounted WTF shall not extend above the building parapet, and shall be incorporated into design elements of the building to maintain architectural integrity.

d. Deviations from the height and façade setback requirements may be approved when, in the sole discretion of the city council, the WTF is fully concealed in an aesthetically integrated building component, for example a steeple, parapet extension, chimney, penthouse or similar architectural feature.

e. Roof mounted WTFs shall be exempt from the building height regulations for the underlying zoning district, subject to the approval of the Lake Johanna Fire Department.

(i) Safety/environmental standards

(1) Unauthorized climbing

a. WTFs shall be designed to prevent unauthorized climbing or entry.

(2) Noise

a. If the proposed WTF includes a back-up generator or otherwise results in significant increased sound levels, sound buffers may

be required including, but not limited to, baffling, barriers, enclosures, walls, and plantings, so that the WTF is operated in compliance with the requirements specified in chapter 14, article III, noise.

(3) Radio frequency (RF) emissions and interference

a. WTFs shall comply with Federal Communication Commission standards for RF emissions and interference. WTFs shall be tested for compliance with FCC RF emissions standards after the WTF has been installed.

(4) Maintenance

a. All commercial towers or WTFs shall at all times be kept and maintained in good condition, appearance, order, and repair so that the same shall not menace or endanger the life or property of any person.

(5) Occupational safety

a. WTFs shall comply with applicable State of Minnesota and Federal regulations for occupational exposure to non-ionizing radiation.

(j) Location and collocation requirements

(1) Except as herein and after provided, WTFs within the city shall comply with the following collocation requirements:

a. Locations are preferred by the city in the following priority:

1. Collocation on existing wireless telecommunications towers;

2. Location on city property in the TOD-1 and TOD-2;

3. Location on existing buildings in the TOD-3;

4. Location on other property in the TOD-1 and TOD-2.

b. All proposed WTFs must be located on an existing structure 55 feet or greater in height located within one-half mile of the site being considered by the applicant.

c. All wireless telecommunication providers shall cooperate with each other in collocating WTFs and shall exercise good faith in collocating with other licensed carriers and in the sharing of sites, including the sharing of technical information to evaluate the cost and feasibility of collocation. In the event that a dispute arises as to a collocation issue, the city may require a third-party technical study to evaluate the feasibility or cost of collocating

at the expense of either or both wireless telecommunication providers.

d. All new and replacement wireless telecommunications towers and any pre-existing towers owned by a wireless telecommunication provider shall be made available for use by the owner or initial user thereof, together with as many other licensed carriers as can be technically located thereon.

e. All new or replacement wireless telecommunication towers shall be designed, structurally, electrically, and in all other respects, to accommodate both the applicant's antennas and comparable antennas for at least one additional user, except when the applicant demonstrates that a monopole with conforming height is technologically unsuitable for the facilities of a second provider.

(k) Exceptions to location requirements

(1) The city may waive any or all of the collocation requirements if it is determined that:

a. The planned WTF would exceed the structural capacity of the existing or approved structure, as documented by a qualified and licensed professional engineer, and the existing or approved structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment.

b. The planned WTF would cause interference materially impacting the usability of other existing or planned WTFs at the structure as documented by a qualified radio frequency engineer selected by the city and the interference cannot be prevented.

c. Existing structures within the applicant's search radius cannot or will not accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified radio frequency engineer selected by the city.

ARTICLE VI. ACCESSORY USES

Sec. 111-36. Accessory dwelling units.

(a) A permit shall be required in accordance with section 103-13(a).

(b) Only one accessory apartment permit may be issued per detached single-family dwelling unit.

(c) The building and property shall remain in single ownership and title and shall only have one mailing address.

(d) The owner of the property shall reside either in the principal dwelling unit or the accessory dwelling unit.

(e) If the accessory dwelling unit will not be owner-occupied, a rental license in accordance with chapter 30 of the city code is required.

(f) The accessory dwelling unit shall not be sold independently of the principal dwelling unit and may not be a separate tax parcel.

(g) Accessory dwelling units shall have at least 200 square feet and not more than 800 square feet of living space. Living space square footage for the accessory apartment shall be exclusive of utility rooms, common hallways, entryways or garages. Living space for the accessory apartment shall include a kitchen or cooking facilities, a bathroom and a living room.

(h) A minimum of three total off-street parking spaces must be provided on a residential property containing an accessory dwelling unit, one of which must be enclosed. These spaces are intended to serve both the principal structure and the accessory dwelling unit.

(i) The accessory dwelling unit and principal dwelling unit must meet the applicable standards and requirements of the Shoreview's development code, building code, Ramsey County Health Codes and Fire Codes.

(j) An accessory dwelling unit that is within or attached to the principal dwelling unit shall also comply with the following standards:

  (1) The accessory dwelling unit must be clearly a subordinate part of the single-family dwelling unit. In no case shall it be more than 40 percent of the building's total floor area, nor greater than 800 square feet nor have more than two bedrooms.

  (2) The principal unit shall have at least 850 square feet of living space remaining after creation of the accessory dwelling unit exclusive of attached accessory building area.

(k) Accessory dwelling units that are located in detached accessory structures shall comply with the following additional standards:

  (1) The detached accessory dwelling unit shall be located in the side or rear yard of the property.

  (2) The minimum side yard setback of the detached accessory dwelling unit shall be 10 feet. The minimum rear yard setback of the detached accessory dwelling unit shall setback one foot for every foot of build height, or 10 feet, whichever is more restrictive.

(3) Accessory buildings on corner lots shall be setback the same distance as the principal structure from the street right-of-way except as permitted in 107-13.

(4) The maximum height of the detached accessory dwelling unit shall not exceed

a. 10 feet for the sidewalls

b. 24 feet; however, in no case shall the height of the accessory building exceed the height of the dwelling unit.

(5) An accessory dwelling unit shall count towards the maximum number of accessory buildings allowed on a lot.

(6) Exterior design and construction

a. The exterior design and materials shall be compatible with the principal dwelling unit and be similar in appearance from an aesthetic, building material and architectural standpoint.

b. Unfinished metal building exteriors, including corrugated metal siding, untreated non-decay resistant wood, concrete block, cloth, plastic sheeting and other materials that are not compatible with residential neighborhoods are prohibited.

c. The detached accessory dwelling unit shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties to ensure that they will not adversely impact the surrounding properties and neighborhood.

(7) The detached accessory apartment requires a building permit and must meet building code.

(8) A cash escrow may be required to ensure the removal and site restoration of any accessory buildings on the property if said building must be removed to comply with this ordinance.

Sec. 111-37. Accessory buildings.

(a) The following standards shall be met for accessory buildings in all districts:

(1) The accessory building shall be subordinate to the principal building.

(2) For parcels one acre or larger in size, the lot shall have a minimum area of one acre above the ordinary high water line of a lake, ponding area or wetland on the property.

(3) There shall be no more than two detached accessory buildings greater than 50 square feet each per lot.

(4) Location

a. The accessory building shall be located in the rear or side yard of the property except as otherwise permitted by this ordinance.

b. No accessory buildings shall be located in the front yard of any lot, except for a riparian lot which shall comply with the provisions of section 107-30.

(5) Setbacks

a. Accessory buildings on corner lots shall be setback the same distance as the principal structure from the street right-of-way except as permitted in section 107-13.

b. Greater setbacks may be required to mitigate impacts on adjoining properties.

c. Setback for accessory building adjacent to an alley

1. 20 feet if a garage overhead door faces the alley.

2. 10 feet if a garage overhead door is side loaded and does not face the alley.

3. Location of the accessory buildings shall not interfere with vehicle visibility or traffic movement in the alleyway.

(6) Height for detached accessory buildings

a. Height of sidewalls cannot exceed 10 feet.

b. Maximum height: 24 feet; however, in no case shall the height of the accessory building exceed the height of the dwelling unit

(7) Exterior design and construction

a. The exterior design and materials shall be compatible with the dwelling unit and be similar in appearance from an aesthetic, building material and architectural standpoint.

b. Unfinished metal building exteriors, including corrugated metal siding, untreated non-decay resistant wood, concrete block, cloth, plastic sheeting and other materials that are not compatible with residential neighborhoods are prohibited.

c. All accessory buildings shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties to ensure that they will not adversely impact the surrounding properties and neighborhood.

d. All accessory buildings shall have a finished flooring system, with the exception of boathouses.

e. No accessory buildings shall be constructed prior to the construction of a principal structure.

(8) Use

a. Accessory buildings are to be used for personal use only and no commercial use or commercial related storage is permitted.

(9) Escrow

a. A cash escrow may be required to ensure the removal of any accessory buildings on the property if said structure must be removed to comply with this ordinance.

(10) Evaluation of impact

a. The proposed design, scale, massing, height and other aspects related to the accessory building of any permit requested herein shall be evaluated by the city manager with respect to the structures and properties in the surrounding area. A building permit may be issued upon the finding that the appearance of the structure is compatible with the structures and properties in the surrounding area and does not reasonably detract from the appearance of the area or city as a whole. Conditions may be attached to the approval of any building permit to ensure that the proposed structure does not have a negative impact on the surrounding areas.

(b) Accessory buildings are subject to the maximum size and setback standards of Table 111.1 below in the RE and R1 districts.

(c) Accessory structures are subject to the setback standards of Table 111.1 below in the RE and R1 districts.

Table 111.1. Accessory building size and setback standards

Lot Area	Type of Accessory Building	Maximum Area	Minimum Side Setback	Minimum Rear Setback	In no case shall the total square footage of all detached and attached accessory buildings exceed
Less than ½ acre	Attached	1,000 SF or 80% of the dwelling unit foundation area, whichever is more restrictive	5 ft.	10 ft.	1,200 square feet or 90% of the dwelling unit foundation area, whichever is more restrictive
	Detached (with no attached or less than 2-car attached)	750 SF or 75% of the dwelling unit foundation area, whichever is more restrictive	5 ft.	10 ft.	
	Detached (with 2-car or larger attached garage)	200 SF	5 ft.	10 ft.	
		CUP required for a building between 200 and 400 SF	10 ft.	10 ft.	
½ acre to less than 1 acre	Attached	1,000 SF or 80% of the dwelling unit foundation area, whichever is more restrictive	5 ft.	10 ft.	1,200 square feet or 90% of the dwelling unit foundation area, whichever is more restrictive
	Detached (with no attached or less than 2-car attached)				
	Detached (with 2-car or larger attached garage)	Less than 200 SF	5 ft.	10 ft.	
		300 SF	10 ft.	10 ft.	
		CUP required for a building between 300 and 500 SF			
	Attached		5 ft.	10 ft.	

Lot Area	Type of Accessory Building	Maximum Area	Minimum Side Setback	Minimum Rear Setback	In no case shall the total square footage of all detached and attached accessory buildings exceed
1 acre to less than 2 acres	Detached (with no attached or less than 2-car attached)	1,000 SF or 80% of the dwelling unit foundation area, whichever is more restrictive			1,500 square feet or 100% of the dwelling unit foundation area, whichever is more restrictive
	Detached (with 2-car or larger attached garage)	Less than 200 SF.	5 ft.	10 ft.	
		Between 200 and 500 SF	10 ft.	10 ft.	
		CUP required for any building larger than 500 SF			
2 acres or more	Attached Detached (with no attached or less than 2-car attached)	1,000 SF or 80% of the dwelling unit foundation area, whichever is more restrictive	5 ft.	10 ft.	125% of the dwelling unit foundation area
	Detached (with 2-car or larger attached garage)	Less than 200 SF.	5 ft.	10 ft.	
		Between 200 and 500 SF	10 ft.	10 ft.	
		CUP required for any building larger than 500 SF			

(d) Accessory buildings are subject to the maximum size and setback standards of Table 111.2 below in the R1A and R2 districts.

Table 111.2. Accessory structure size and setback standards

Lot Area	Type of Accessory Building	Maximum Area[1]	Minimum Side Setback	Minimum Rear Setback
Less than ½ acre	Attached	1,000 SF or 80% of the dwelling unit foundation area, whichever is more restrictive	5 ft.	10 ft.
	Detached (with no attached or less than 2-car attached)	750 SF or 75% of the dwelling unit foundation area, whichever is more restrictive	5 ft.	10 ft.
	Detached (with 2-car or larger attached garage)	200 SF	5 ft.	10 ft.
[1] In no case shall the total square footage of all detached and attached accessory buildings exceed 1,200 SF or 90% of the dwelling unit foundation, whichever is more restrictive.				

Sec. 111-38. Boarder or roomer.

(a) There shall be no more than two boarders or roomers per household.

Sec. 111-39. Cemetery.

(a) Cemeteries shall be accessory to a place of worship.

(b) Cemeteries shall be no smaller than one acre in area and shall not exceed 25% of the total site area.

(c) Cemeteries shall have access to a collector or arterial roadway as identified in the Comprehensive Plan or shall be otherwise located so that access may be provided without conducting significant traffic on local residential streets.

(d) Direct views from all adjoining residential parcels shall be screened through a combination of landscaping, berming, and fencing in accordance with section 109-7.

(e) Burial plots, grave markers, monuments, and buildings operated in connection with a cemetery shall meet the building setbacks and structure height requirements of the underlying zoning district.

(f) Graves and structures used for internment shall be setback 50 feet from wells.

(g) Cemeteries are prohibited below the regulatory flood protection elevation as defined in section 107-29.

(h) Cemeteries shall comply with all rules and regulations of Federal, State, County, and local agencies.

Sec. 111-40. Detached accessory structure on a riparian lot.

(a) The structure is in general character with surrounding properties.

(b) The structure will not cause a traffic sight problem or endanger public health or safety.

(c) The structure will not encroach upon a public right-of-way, easement or utilities.

(d) A detached accessory building may be permitted on a riparian property, provided it maintains a minimum front setback of no less than 20 feet.

Sec. 111-41. Daycare, group family.

(a) Use shall comply with all state and local standards.

(b) The use of any accessory building or accessory structure for child care is not allowed.

(c) No more than one non-resident, other than members of the family residing on the premises, shall be engaged or employed. This shall not apply to a substitute, non-resident person providing care on the premises while the owner/operator is sick or otherwise unable to provide care.

(d) Off-street parking shall be provided as follows:

(1) Meet the requirements of parking for the dwelling

(2) One space per non-resident employee

(3) One space for every five children not related to the provider

(e) Play equipment, swings, sand boxes, or structures shall not be located in front yards or in the required side yard setback area adjacent to a street.

(f) Any outdoor play area shall be fully enclosed by a fence, wall, or hedge of at least three feet in height.

Sec. 111-42. Drive-thru establishment.

(a) Commercial uses containing drive-thru facilities shall provide a stacking area for vehicles on the site.

(1) A minimum of six spaces per lane for stacking is required in addition to the number of required parking spaces.

(2) The stacking lane shall be a minimum of 12 feet wide.

(3) The vehicle stacking area shall not exceed beyond the street right-of-way line and shall be delineated so that the vehicles waiting in line will not interfere with the primary driving and parking facilities on site.

(4) Any pedestrian walkway that is adjacent to or crosses the stacking lane must be marked and clearly indicated with signage or painted crosswalk.

(b) Drive-thru windows, drop boxes, menu boards, and associated or similar structures shall be located to the rear or side of the principal building, and must incorporate landscape screening, decorative fences, walls, or a combination of these elements to minimize their view from the street.

(c) Drive-thru lanes should be located away from building entrances and (unless screened) should not be located between a principal building and the street, or if a corner site, all adjacent roadways.

(d) If the drive-thru facility is adjacent to residential properties:

(1) The facility shall establish sound barriers and be screened from vehicle lights in stacking areas.

(2) Systems for placing of orders shall be located and designed so that noise is not perceptible on adjacent residential properties.

(3) The hours of operation are limited to 6 am to 10 pm unless extended by the city council as part of a conditional use permit.

Sec. 111-43. Freestanding solar panel array.

(a) All freestanding solar panel arrays shall comply with the setback requirements for accessory buildings in the zoning district they are located in.

(b) Arrays may be placed in the front yard provided there are no other optimal locations on the property for solar access.

(c) Solar arrays located in the front yard must be setback a minimum of 15 feet from a front property line.

Sec. 111-44. Home occupation.

(a) No signs shall be permitted on or off the premises.

(b) No outdoor storage or display of materials shall be permitted.

(c) No home occupation shall have an adverse affect on adjacent properties due to excessive traffic or offensive noise, light, odor, dust or other noxious substances. If the home occupation will require a delivery service, such as

UPS, no more than six delivery/pickup trips per week shall be permitted. Delivery vehicles shall not be larger than a typical step van. Customer visitation to the premises of the home occupation shall be by appointment only.

(d) Adequate off-street parking must be provided for customers and for those who reside on the premises. All required parking spaces shall be located on an asphalt or bituminous surface, which is in character with the surrounding residential neighborhood.

(e) Employment shall be restricted to persons who reside on the premises.

(f) If customers will visit the premises, the areas accessible to customers shall comply with all applicable life safety codes.

(g) The home occupation must be clearly accessory to the principal use of the structure as a dwelling unit.

(h) There shall be no exterior evidence of the presence of the home occupation on the premises.

(i) The home occupation shall not occupy more than 20% of the dwelling unit's floor area.

Sec. 111-45. Keeping of non-domestic animals.

(a) The keeping of non-domestic animals is permitted on property containing two or more acres. The city council may require the owner of non-domestic animals to apply for a conditional use permit if the council determines that it is in the best interest of the public's health, safety or general welfare; except the following:

(1) The raising and keeping of not more than four hen chickens or pullets is permitted on property less than two acres provided a license is obtained in accordance with section 6-26.

(2) The raising and keeping of honeybee colonies is permitted on properties less than two acres provided a license is obtained in accordance with section 6-27.

(b) The keeping of wild animals is permitted pursuant to the provisions of section 6-23 and provided a license is obtained in accordance with the requirements of that section.

Sec. 111-46. Outdoor storage.

(a) Outdoor storage areas shall be screened to minimize the visual impact of the area in accordance with the following requirements:

(1) The screening materials shall consist of both deciduous and coniferous vegetation species, attractive low or no maintenance

fencing with an opaquing material, landscaped berm, brick or masonry wall, or any combination of these items. Fencing and walls shall not exceed eight feet in height. All screening materials shall be maintained so that dust and other wind blown materials that originate on the site remain on the site as far as practical.

(2) All landscape materials shall comply with the minimum standards set forth in sections 109-7 and 109-8 (screening and landscaping). The city forester shall approve the species mix, height, and density of plantings on the basis of year-around screening needs.

(3) The materials and equipment within outdoor storage facilities and truck terminals that are located adjacent to street or highway right-of-way shall be completely screened from view from the right-of-way. If a fence or wall is use for screening along a right-of-way or private road that serves more than one property, shrubbery and trees shall be planted to enhance the aesthetics of the fence as viewed from the roadway.

(4) The materials and equipment within an outdoor storage area and truck terminals that are located adjacent to property that is not zoned for Industrial uses shall be completely screened from view from the adjoining non-industrial property.

(5) Industrial uses requiring bulk exterior storage of hazardous materials will not be allowed on wet or very wet soils, very shallow soils or soils with very high or high permeability areas.

(6) Trucks and/or trailers used to transport materials and supplies to and from the premises are permitted for a period not to exceed three days. Trucks and/or trailers used for storage purposes are not permitted.

Sec. 111-47. Outside display area.

(a) Merchandise which is offered for sale, rental or lease may be displayed within an outside display area through the site and building plan review process. Outside display areas shall be landscaped and provided with trash containers and screening where necessary, and shall be maintained in a clean and attractive manner.

(b) In the Business Park District seasonal outside display of merchandise is allowed on a seasonal basis if the following conditions are met:

(1) The seasonal outside display shall not exceed 750 feet.

(2) The seasonal outside display must be screened from view from adjacent properties and arterial roadways. Screening must include an attractive opaque fence and either planters or landscaping.

(3) Outside storage of materials or merchandise is not permitted.

Sec. 111-48. Portable storage unit.

(a) Portable storage units are permitted on residential properties with individual driveways in the RE, R1, R1A and R2 zoning districts subject to the following standards:

(1) Placement. Portable storage units may be placed in any driveway provided it is setback a minimum of five feet from a property line, and does not impede traffic visibility and public safety. Portable storage units shall not be placed in any public street. Portable storage units placed in a private roadway shall not impede access by emergency vehicles.

(2) Duration.

a. A Portable storage unit located is permitted for a period not to exceed 30 calendar days and not more than two times in a calendar year.

Sec. 111-49. Private antennas.

(a) Permit requirements

(1) A private antenna/tower permit is required for:

a. Any antennas more than 10 feet in height attached to an existing structure except those antennas exempted from local zoning authority by federal regulations.

b. Any antenna attached to a free-standing tower of any height.

c. Any dish antenna greater than one meter in diameter that does not meet the standards in the following section 111-49(b).

(b) Standards

(1) All antennas or other devices used for transmitting or receiving signals must comply with Federal Communication Commission procedures to resolve any complaints relating to interference allegedly caused by a private antenna/tower.

(2) Antennas, except antennas used for amateur or citizen band radio communication:

a. The height is no greater than 10 feet above the roof or more than 40 feet above mean ground level.

b. A building permit is obtained prior to installation to verify compliance with applicable building, fire, and safety codes.

c. The ground-level view of the device is screened from contiguous properties and adjacent streets.

(3) For amateur and citizen band radio facilities.

a. Height

1. The maximum height for amateur or citizen band radio antennas and/or towers shall not exceed 75 feet. In addition, that portion of any antenna or tower over 55 feet must be retractable to a height no greater than 55 feet.

b. Lowering device

1. All amateur radio facilities capable of a maximum extended height of more than 55 feet shall be equipped with a mechanical device capable of lowering the facility to the maximum permitted height when not in operation.

c. Number permitted

1. One amateur radio facility is permitted per property.

d. Siting/setbacks

1. All amateur radio facilities shall be located in a manner that minimizes the visibility of the facility from nearby properties and adjacent streets. No portion of facility shall be located within a required principal structure setback or in a yard abutting a public right-of-way. In addition, any free-standing tower must be set back at least one foot from adjacent residential units for each foot in height or provide documentation acceptable to the city planner that all adjacent residential units are outside the tower's fall zone.

e. Color/screening

1. The color of the amateur radio facilities shall blend with the surrounding environment and must be screened with trees and landscaping to the extent possible.

f. Deviation from standards

1. Deviation from the height and setback standards may be allowed if the applicant can demonstrate that compliance with these standards would unreasonably limit or prevent reception or transmission of signals and a conditional use permit is obtained in addition to the private antenna/tower permit.

Sec. 111-50. Solar energy system.

(a) Solar energy systems are allowed as accessory uses in all zoning classifications provided the following standards are met:

(1) Height

a. Solar energy systems must meet the following height requirements:

1. Building- or roof- mounted solar energy systems shall not exceed the maximum allowed building height in any zoning district. For purposes for height measurement, solar energy systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other such mechanical devices.

2. Ground- or pole-mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt.

(2) Setback

a. Solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.

1. Roof-mounted systems: consistent with the required building setback, the collector surface and mounting devices for roof-mounted solar systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.

2. Ground-mounted systems: ground-mounted solar energy systems shall not extend into the required side- or rear-yard setback when oriented at minimum design tilt.

(3) Visibility

a. Solar energy systems shall be designed to blend into the architecture of the building or be screened from routine view from public rights-of-way other than alleys. The color of the solar collector is not required to be consistent with other roofing materials.

1. Building-integrated photovoltaic systems

i. Building-integrated photovoltaic systems shall be allowed regardless of visibility, provided the building

component in which the system is integrated meets all required setback, land use, and performance standards for the district in which the building is located.

2. Solar energy systems with mounting devices

i. Roof- or ground-mounted solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way other than an alley. Roof-mounted systems that are visible from the nearest edge(s) of the street frontage right(s)-of-way shall be reviewed and approved by community development staff to ensure the system meets the wind load standards for the roof and there are not major aesthetic impacts with the system to the surrounding properties.

(4) Coverage

a. Roof- or building- mounted systems, excluding building-integrated systems, shall not cover more than 80% of the south-facing or flat roof upon which the panels are mounted, and shall be set back from the roof edge by a minimum of one foot. The surface area of pole or ground mount systems shall not exceed half the building footprint of the principal structure.

(5) Approved components

a. Solar energy system components must have a UL listing.

(6) Compliance with building code

a. All active solar energy systems shall require building permits.

(7) Compliance with state electric code

a. All photovoltaic systems shall comply with the Minnesota State Electric Code.

(8) Utility notification

a. No grid-intertie photovoltaic system shall be installed until evidence has been given to the city manager that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

Sec. 111-51. Supporting commercial uses.

(a) The supporting commercial use shall be related to the principal use.

(b) The supporting commercial use shall be housed in the same building as the principal use.

(c) The supporting commercial use shall not exceed 20% of the building's gross floor area.

Sec. 111-52. Swimming pools.

(a) The following pools shall be meet the regulations set forth herein:

(1) In-ground pools, whether indoor or outdoor.

(2) Above ground pools, except for storable swimming or wading pools having a diameter of 18 feet or less and a wall height of four feet or less and installed for less than 180 days in a calendar year.

(b) Setbacks.

(1) RE, R1, R1A Districts

a. Pools shall not be located within 10 feet of any side or rear lot line or within six feet of any principal structure or frost footing. Pools shall not be located within any front yard or any side yard abutting a street.

(2) R2, R3, R4, MU-C, MU-TC Districts

a. No part of the water surface of the pool shall be less than 50 feet from any lot line. All deck area, adjacent patios, or other similar areas used in conjunction with the pool shall be located at least 30 feet from any lot line. Pools shall not be located within any front yard or any side yard abutting a street.

(c) Pools shall not be located beneath overhead utility lines nor over underground utility lines of any type.

(d) Pools shall not be located within any private or public utility, walkway, drainage or other easement.

(e) In the case of underground pools, the necessary precautions shall be taken during construction to avoid damage, hazards or inconvenience to adjacent or nearby property and assure that proper care shall be taken in stock piling excavating materials to avoid erosion, dust or other infringements upon adjacent property.

(f) All access for construction shall be over the owner's land, and due care shall be taken to avoid damages to public streets and adjacent private or public property.

(g) To the extent feasible, back-flush water or water from pool drainage shall be directed onto the owner's property or into approved public drainage ways. Water shall not drain onto adjacent or nearby private land.

(h) Mechanical support equipment shall be located as follows:

(1) RE, R1, R1A Districts:

a. Pool filter, pool pump, and pool heating equipment shall be located at least five feet from a property line.

b. Pool pumps shall be located at least 30 feet from an adjoining residence, except a separation of as little as 20 feet may be permitted if a sound buffer is provided that complies with the standards contained in the city's noise control regulations.

c. The noise buffer requirements may be waived by the city manager or his/her designee where the equipment site adjoins a non-residential land use or a street right-of-way.

d. Sound buffers shall consist of evergreen plantings, a retaining wall, fence and/or an on-site structure, such as a garage or portion of the dwelling.

(2) R2, R3, R4, MU-C and MU-TC Districts

a. No pumps, filter or other apparatus used in connection with or to service a swimming pool shall be located less than 50 feet from any lot line.

b. Adequate screening and landscaping shall be placed between the pool areas and adjacent property.

(i) Enclosure

(1) All pools shall be enclosed with one of the following:

a. Fencing at least four feet high, but not exceeding six feet high to prevent uncontrolled entrance of all persons. Such fence shall have self-closing and self-latching gates with provisions for locking and shall be completely installed prior to the filling of the pool.

b. An automatic pool cover that meets the American Society of Testing and Materials (ASTM) F1346-91 Standard (2010), as such standards may be modified, superseded, or replaced by ASTM. Such pool cover shall be closed when a responsible person is not present outdoors and within 25 feet of the pool.

(j) Lighting for the pool shall be directed toward the pool and not toward adjacent property.

Sec. 111-53. Temporary sales or events.

(a) Temporary sales or events must comply with the following standards:

(1) Health, safety, and welfare

a. The proposed sale or event shall not cause a public nuisance because of noise, air pollution, traffic congestion, or failure to properly maintain the site. Any proposed temporary sale or event shall comply with all relevant building, fire, and safety codes.

(2) Location

a. Temporary sales or events may be located on land associated with commercial, public, or quasi-public uses. Seasonal residential sales may only be permitted within residential districts.

(3) Duration

a. Temporary sales by temporary vendors or established merchants may be permitted for up to seven consecutive days. Seasonal residential sales are permitted for up to four consecutive days. Outdoor seasonal commercial sales are permitted for the duration specified on the permit, but not to exceed six months. Carnivals or fairs may be permitted for up to seven consecutive days. These durations should be considered maximums and permits issued may be approved for shorter durations if necessary to protect public health, safety, and welfare. These durations may be extended by action of the city council after review by the planning commission.

(4) Hours of operation

a. Hours of operation for temporary sales and events must be between 7 am and 10 pm.

(5) Parking and traffic

a. Ample parking must be provided on site to accommodate expected visitors. The sale or event shall not cause a traffic hazard.

(6) Signage

a. A maximum of one sign is permitted per temporary event. This sign shall be located on private property (not in the public right-of-way). The sign shall not exceed 32 square feet in area or six feet in height. The sign location shall not interfere with intersection sight distances or cause a traffic hazard.

(7) Site maintenance and restoration

a. The applicant shall be responsible for maintaining and cleaning the site utilized for the temporary sale or event and restoring it to its original condition. If the city manager determines that it is

necessary, the applicant may be required to post a financial security to ensure site maintenance and/or restoration.

Sec. 111-54. Urban container farming.

(a) Only hydroponics container farming is allowed.

(b) A conditional use permit shall be obtained.

(c) Containers designed specifically for agricultural use are to be used only.

(d) Containers and vestibules must be maintained such that no rust, paint, or mechanical defects are present.

(e) To be licensed by the state and or the county to conduct sales if applicable.

(f) One container shall not exceed 544 square feet with attached vestibule. Maximum number of containers permitted is three.

(g) Any equipment or supplies needed for farm operations shall be fully enclosed within a building.

(h) The container shall not be located in a required front yard. Required building setbacks for district shall be maintained. Placement will not interfere with principal use.

(i) A minimum of three parking spaces must be provided per 1,000 square feet of production space.

(j) No retail sales are permitted onsite.

(k) Signs are to be approved with the conditional use permit.

(l) The containers shall meet the city's building code requirements.

Sec. 111-55. Uses incidental to a manufactured home park.

(a) No mobile home sales lots shall be allowed.

Sec. 111-56. Wind energy conversion system (WECS).

(a) The height of a WECS shall not exceed the maximum height permitted in the zoning district the WECS is located in.

(b) The structure shall not be placed in the front or side yard abutting a street.

(c) The WECS shall be:

(1) Setback from the nearest property line a distance equal to the height of the tower plus one-half the diameter of the rotor;

(2) Certified by a professional engineer as being of a design adequate for the atmospheric conditions of the Twin Cities;

(3) Equipped with over-speed or similar controls designed to prevent disintegration of the rotor in high winds;

(4) In compliance with all building and electrical code requirements of the city, the noise regulations of the Minnesota pollution control agency and the rules and regulations of the federal communications commission and federal aviation administration;

(d) If the WECS has not been operated for a period of one year or fails to meet the conditions of this ordinance, the city council may order it dismantled and the site restored to its original condition; and

(e) If the owner or person responsible for the WECS does not maintain it or comply with all requirements of this ordinance, the city may take such steps as are necessary to achieve compliance. The cost of such work, including administrative costs, shall be a lien against the property and may be collected as a special assessment. The city may sell salvaged and valuable materials at public auction on 10 days' notice.

Part II – Land Use and Development

CHAPTER 115. ENVIRONMENTAL STANDARDS

There are no proposed changes to Articles 1-V of Chapter 115. Article VI Shoreland Management is proposed to be repealed and replaced in full and is provided below.

ARTICLE VI. SHORELAND MANAGEMENT

Sec. 115-144 Classification and Land Uses

(a) Classification

(1) In order to guide the development and utilization of the shorelands of protected waters for the preservation of water quality, natural characteristics, economic values and the general health, safety and welfare, certain protected waters in the city have been given a shoreland management classification. These protected waters in the city have been classified by the commissioner of the state department of natural resources (DNR) and shown on the county protected waters inventory map as follows:

a. Natural environmental waters:

1. 62-44 Poplar Lake.
2. 62-74 Grass Lake.

b. General development waters:

1. 62-21 Turtle Lake.
2. 62-82 Wabasso Lake.
3. 62-64 Martha Lake.
4. 62-56 Owasso Lake.
5. 62-75 Island Lake.
6. 62-73 Snail Lake.
7. 62-81 Judy Lake.
8. N/A Rice Creek.
9. 62-80 Emily Lake.
10. Unnamed stream from Turtle Lake (62-61) to Marsden Lake (62-59).

(b) Purpose

(1) The shoreland management area is a component of the Environmental Overlay Zoning District as illustrated on the city's zoning map. Shoreland management regulations pertaining to such items as minimum lot size, structure placement, and alteration of shoreland area have been adopted to manage the effects of shoreland and water surface crowding, to prevent pollution of surface and groundwaters, to provide ample space on lots for sewage treatment facilities, to minimize flood damage, to maintain property value, to maintain the historic value of significant historic sites, to minimize impairment of views of protected waters and their shorelines, and to the extent possible maintain the natural character of shorelands and their adjoining public waters.

(c) Permitted Uses

(1) The uses permitted in the shoreland management areas are those uses allowed and regulated by the applicable zoning district underlying the Environmental Overlay District.

Sec. 115-145 Dimensional and General Performance Standards

(a) General Provisions

(1) Except as hereinafter provided, the following standards shall apply to all shorelands of the protected waters designated in section 115-144. Where the requirements of the underlying zoning district as shown on the official zoning map are more restrictive than those set forth herein, the more restrictive standards shall apply:

Shoreland Standards	Natural Environment Waters	General Development Waters
Minimum lot area		
Riparian lot	40,000 sq. ft.	15,000 sq. ft.
Non-riparian lot	40,000 sq. ft.	7,500 sq. ft.
Minimum lot width		
Riparian lots (at OHW, building setback from OHW, and front lot line)	200 feet	100 feet
Nonriparian lots	125 feet	65 feet
Structure setback from OHW	150 feet	50 feet
Structure setback from top of bluff	30 feet	30 feet

(b) Calculation of Minimum Area and Width for Riparian Lots

(1) Only that land located above the ordinary high-water (OHW) level shall be used in the calculations to determine compliance with minimum lot area requirements.

(c) Exceptions to Structure Setback Requirements

(1) Principal structure setback from the OHW.

a. New construction.

1. In those cases, where there are existing dwelling units, including attached structures, on adjacent lots which have a lakeside setback of more than 50 feet, the lakeside setback for a new dwelling unit, including an attached structure such as a deck or patio, shall be equal to the average of the lakeside setbacks for the existing dwelling units, plus or minus ten feet. In any event, 50 feet shall be the minimum setback.

2. In those cases where there is only one existing dwelling unit, including an attached structure such as a deck or patio, on an adjacent lot, which has a lakeside setback of more than 50 feet, the lakeside setback for the new dwelling unit, including an attached structure such as a deck or patio, shall be equal to the average of 50 feet and the lakeside setback of the existing dwelling unit, including attached structures, plus or minus ten feet. In any event, 50 feet shall be the minimum setback.

b. Additions to the existing principal structures. Where two or more existing adjacent dwellings, including an attached structure such as a deck or patio, have lakeside setbacks which exceed the minimum lakeside setback by ten or more feet, the lakeside setback for an addition to a dwelling shall not be less than the average of the lakeside setbacks for such existing adjacent dwellings, including an attached structure such as a deck or patio, minus ten feet. In any event, 50 feet shall be the minimum setback.

(2) Decks.

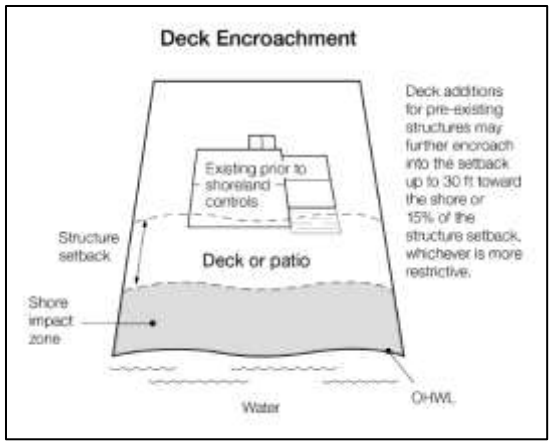
a. Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria are met:

1. The structure existed on the date the structure setbacks were established;

2. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;

3. The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or is no closer than 30 feet from the OHWL, whichever is more restrictive; and the deck is not roofed or screened (see Figure X).

4. The deck is constructed primarily of wood or similar material, and is not roofed or screened.



(3) Patios

a. Patios may be allowed within the required setback from the ordinary high water level if all of the following criteria are met:

1. The patio is no larger than 10 percent of the width of the property as viewed from the water.

2. The patio is setback a minimum distance of 10 feet from the ordinary high water line.

3. The combined area of the patio and any water oriented accessory structure does not exceed 250 square feet within the shore impact zone.

4. The patio is constructed wholly at or below grade, and not otherwise supported or elevated through the use of retaining walls.

5. The patio is constructed primarily of stone, brick pavers or similar materials.

(4) Setback requirements set forth in this section from side property lines and the OHW level shall not apply to docks, piers, boat lifts, retaining walls, walks, required safety railings along steps and retaining walls, or vegetation (trees, shrubs, flowers, etc.). Fences may be permitted anywhere lakeward of the required structure setback, except within the shore impact zone, provided they are not taller than 4 feet above grade. The city manager or their designee may authorize fences up to six feet in height that extent into the shore impact zone when a property abuts a walkway, park, or similar facility.

(5) On residential property, only one water-oriented accessory structure may be located between the OHW level and the required structure setback, subject to compliance with the standards listed below:

a. The principal structure and any garage/storage structure comply with the required structure setback from the OHW level (principal structure means the dwelling, including any attached deck, porch, patio, etc.).

b. The structure is not a boathouse or a boat storage structure as defined under Minnesota Statutes, Section 103G.245.

c. It does not exceed 250 square feet in area.

d. It does not exceed ten feet of height above grade.

e. It is setback at least 20 feet from side property lines except where not possible due to lot width, in such case, the structure shall be located in the center of the lot or as otherwise deemed acceptable by the planning commission.

f. It does not contain any sanitation facilities and is not used for habitation.

g. It is screened from view from the lake and from adjoining property as much as practical through landscaping, use of natural colors, topography, and/or location.

h. A water-oriented accessory structure may be located within the shore impact zone, provided it is at least ten feet landward of the OHW and it complies with the other requirements stated herein.

i. Accessory structures that existed prior to June 21, 1993, and which do not comply with the provisions stated herein may be maintained, repaired, or rebuilt but cannot be expanded in floor area or height.

(6) Detached accessory structures may be located in the front yard (between dwelling and street) of a lakeshore property only upon approval of a riparian lot detached accessory structure permit, section 103-96.

(7) Structures, except stairways and landings, shall not be placed within a bluff impact zone.

(8) Stairways, lifts, and landings shall be used when accessing public waters across bluff or shore impact zones. Such facilities shall also comply with the following standards:

a. Stairways shall not exceed four feet in width except for public recreation uses, including trails.

b. Landings for stairways must not exceed 32 square feet in area, unless associated with a public recreation use.

c. Shall be screened from view of the public water.

d. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, if they are consistent with the dimensional and performance standards of sub items 7.21 to 7.25 and the requirements of Minnesota Rules, Chapter 1341.

(d) Commercial, Industrial, Public, and Semipublic Use Standards.

(1) Water-dependent uses may be located on parcels or lots with frontage on public waters provided that:

a. The use complies with provisions of Section 7.0;

b. The use is designed to incorporate topographic and vegetative screening of parking areas and structures;

c. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and

d. Uses that depend on patrons arriving by watercraft may use signs and lighting, provided that:

1. Signs placed in or on public waters must only convey directional information or safety messages and may only be placed by a public authority or under a permit issued by the county sheriff; and

2. Signs placed within the shore impact zone are:

3. No higher than ten feet above the ground, and no greater than 32 square feet in size; and

4. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination across public waters; and

5. Other lighting may be located within the shore impact zone or over public waters if it is used to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination across public waters. This does not preclude use of navigational lights.

(2) Commercial, industrial, public, and semi-public uses that are not water-dependent must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

Sec. 115-146 Vegetation and Land Alteration

(a) Soils, slopes and grading

(1) Natural grades shall be maintained to the extent feasible in order to protect water quality and preserve views from the public water. Furthermore, measures shall be taken to prevent erosion and negate the impacts on adjacent properties.

(2) Shore impact zones, bluff impact zones and steep slopes.

a. Land within steep slopes, shore and bluff impact zones on riparian lots shall maintain natural grades and shall not be altered, filled or excavated with the following exceptions:

1. To accommodate the placement of stairways, landings, public recreation facilities, roads, trails, and water oriented accessory structures.

2. To remedy slope failure utilizing acceptable methods for slope stabilization and protection. Retaining walls may be permitted, provided the wall does not exceed four feet in height. A greater height may be permitted if it is necessary to remedy the slope failure.

3. To maintain, repair or reconstruct existing retaining walls, provided the walls maintain the same height and length.

4. In accordance with an approved mitigation plan.

b. A grading permit is required for subsections (1)a.2 and 3 of this section.

(3) Structure. The existing topographical grade and elevation for new, expanded or reconstructed single-family residences shall be maintained to the extent feasible. The finished topographical grade and elevation shall not be less than five feet below the existing topographical grade and elevation. Reconstruction is defined in section 115-155(b)(2) of this section.

(b) Vegetation and woodlands in shore impact zones, bluff impact zones and steep slopes.

(1) Removal and trimming of landmark trees is prohibited, except as necessary to remove branches that are dead, diseased, or which pose a safety hazard.

(2) Non-landmark trees may be removed only where necessary, in the judgment of the city, to accommodate the placement of stairways, landings, public recreation facilities, roads, trails, and water-oriented accessory structures, or to provide a view of the public water from the principal structure, provided that sufficient vegetation cover remains or is planted to screen motor vehicles, dwellings and other structures when viewed from the water. Such trees may also be trimmed or removed as necessary where branches are dead, diseased, or pose a safety hazard.

(3) Intensive vegetative clearing is prohibited in the shore impact zone, bluff impact zone, and steep slopes. However, limited clearing and trimming of trees and shrubs in these areas is allowed to provide a view to the water from the principal dwelling and to accommodate the placement of stairways and landings, picnic areas, access paths, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:

a. Vegetation maintained to screen structures, vehicles, or other facilities by at least 50% as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced.

b. The maximum view corridor to provide a view to the water from the principal dwelling shall be 50 feet or one-third the parcel width, whichever is less;

c. One access corridor through the shore impact zone to the ordinary high water level does not exceed ten feet in width and shall be oriented generally perpendicular to the shoreline;

d. Cutting debris or slash shall be scattered and not mounded on the ground; and

e. Perennial ground cover is retained.

Sec. 115-147 Performance Standards for Public and Private Facilities

(a) Roads, trailways, driveways, and parking areas.

(1) Public and private roads, trailways, driveways, and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. They must also be designed and constructed to minimize and control erosion and to retard the runoff of nutrients in accordance with the following criteria:

a. All roads, driveways, and parking areas shall meet the setback requirements established for structures and must not be placed within a bluff or shore impact zone when other reasonable and feasible placement alternatives exist as determined by the city. If the city council finds that no other reasonable option exists, these facilities may be placed within these areas if designed to minimize adverse impacts.

b. Parking areas for public watercraft access ramps and approach ramps shall be located at least 50 feet from the OHW unless no other practical alternative exists as determined by the city council.

c. Natural vegetation shall be used to screen parking areas when viewed from the water.

d. Any grading, filling or excavation in the shoreland management area which will change or diminish the course, current or cross-section of protected waters or wetlands shall be approved by the commissioner of the DNR.

(b) Maximum impervious surface area within shoreland areas.

(1) All structures located at or above the ordinary high water line (OHWL), including water-oriented accessory structures, shall be included when calculating impervious surface.

(2) Impervious surface requirements for substandard lots can be found in Section 215.083.

(3) Detached residential riparian and non-riparian lots:

a. Impervious surface area shall not exceed 25 percent, except that impervious surface may increase to no more than 40 percent as long as the following conditions are satisfied:

1. No water-oriented accessory structures will be located within the shore impact zone.

2. No more than 50 percent of the impervious area on the property drains directly to an adjoining protected water.

(4) All other uses. For uses other than detached residential, impervious surface area may be permitted to cover up to 60 percent of a site. Each of the following conditions must, however, be satisfied to cover more than 40 percent of these sites with impervious surface area:

a. All required setbacks from the OHW level are proportionately increased up to double (100 percent increase) the standard requirements based upon percent of impervious surface area above 40 percent (e.g., a 75 percent increase in the standard lakeshore setbacks if 55 percent impervious area coverage is desired).

b. A drainage easement is granted to the city for the purpose of maintaining natural (predevelopment) vegetative cover within the shore impact zone.

c. Stormwater drainage from all impervious surfaces shall be directed to a stormwater detention pond before discharge to a protected water.

Sec. 115-148 Subdivisions/Platting Provisions

(a) Purpose. To ensure that new development minimizes impacts to shoreland resources and is safe and functional.

(b) Land suitability. Each lot created through subdivision, including planned unit developments authorized under Section 10.0 of this ordinance, must be suitable in its natural state for the proposed use with minimal alteration A suitability analysis must be conducted for each proposed subdivision, including planned unit developments, to determine if the subdivision is suitable in its natural state for the proposed use with minimal alteration and whether any feature of the land is likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

(c) Consistency with other controls. Subdivisions and each lot in a subdivision shall meet all official controls so that a variance is not needed later to use the lots for their intended purpose.

(d) Dedications. When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

(e) Platting. All subdivisions that cumulatively create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapters 462.358 Subd. 3a (cities) and 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after the adoption of this ordinance unless the lot was previously approved as part of a formal subdivision.

(f) Controlled Access Lots. Controlled access lots within a subdivision must meet or exceed the lot size criteria in Section 6.33 of this ordinance.

Sec. 115-149 Planned Unit Developments

(a) Purpose.

(1) To protect and enhance the natural and scenic qualities of shoreland areas during and after development and redevelopment of high density residential and commercial uses.

(b) Types of PUDs Permissible.

(1) Planned unit developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. Deviation from the minimum lot size standards of Section 6.2 of this ordinance is allowed if the standards in this Section are met.

(c) Processing of PUDs.

(1) Planned unit developments in the shoreland district must be created through rezoning to a planned unit development. The planned unit development shall comply with the provisions of this section in addition to the standards set forth in Part 5 Development Districts. When there is a conflict in requirements, the more stringent of the requirements shall be applied. An expansion to an existing hotel/motel involving 6 or less new short-term dwelling units since the date this ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Section 10.5. Approval cannot occur until all applicable environmental reviews are complete.

(d) Application for a PUD.

(1) In addition to the application materials elsewhere required, the applicant for a PUD must submit the following documents prior to final action on the application request:

a. A property owner's association agreement (for residential PUD's) with mandatory membership, and consistent with Section 10.6 of this ordinance.

b. Deed restrictions, covenants, permanent easements or other instruments that:

1. Address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUDs; and

2. Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section 10.6 of this ordinance.

(e) Density Determination.

(1) Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures.

a. Step 1. Identify Density Analysis Tiers. Divide the project parcel into tiers by drawing one or more lines parallel to the ordinary high water level at the following intervals, proceeding landward:

Waterbody Classification	No Sewer (ft)	Sewer (ft)
General Development Lakes – 1st tier	200	200
General Development Lakes – all other tiers	267	200
Natural Environment Lakes	400	320

b. Step 2. Calculate Suitable Area for Development. Calculate the suitable area within each tier by excluding all road rights-of way or easements, wetlands, bluffs, or land below the ordinary high water level of public waters.

c. Step 3. Determine Base Density:

1. For residential PUDs, divide the suitable area within each tier by the minimum single residential lot area for lakes to determine the allowable number of dwelling units, or base density, for each tier. For rivers, if a minimum lot area is not specified, divide the tier width or river frontage by the minimum single residential lot width.

2. For hotel/motel PUDs:

(i) Determine the average area for each short-term dwelling unit within each tier. Include both existing and proposed short-term dwelling units in the calculation.

a. For short-term dwelling units, determine the average inside living floor area of dwelling units in each tier. Do not include decks, patios, garages, or porches and basements, unless they are habitable space.

(ii) Select the appropriate floor area/dwelling site area ratio from the following table for the floor area or dwelling site area determined in Section 10.53 B. 1.

Inside Living Floor Area or Dwelling Site Area (sf)	**General Development Lakes w/Sewer – all tiers** **General Development Lakes w/no sewer – 1st tier** **Agricultural, Urban and Tributary Rivers**	**General Development Lakes w/no sewer – all other tiers** **Recreational Development Lakes** **Forested and Transition Rivers**	**Natural Environment Lakes** **Remote Rivers**
≤ 200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
≥ 1,500	.150	.075	.038

(iii) Multiply the suitable area within each tier determined in Section 10.52 by the floor area or dwelling site area ratio to yield the total floor area or dwelling site area for each tier to be used for dwelling units or dwelling sites.

(iv) Divide the total floor area or dwelling site area for each tier calculated in Section 10.53 B. 3 by the average inside living floor area for dwelling units or dwelling site area determined in 10.53 B 1. This yields the allowable number of dwelling units or dwelling sites, or base density, for each tier.

3. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any tier closer to the waterbody.

4. All PUDs with densities at or below the base density must meet the design standards in Section 10.6

d. Step 4. Determine if the Site can Accommodate Increased Density:

1. The following increases to the dwelling unit or dwelling site base densities determined in Section 10.53 are allowed if the design criteria in Section 10.6 of this ordinance are satisfied as well as the standards in Section 10.54, item B:

2. Structure setbacks from the ordinary high water level:

(i) Are increased to at least 50 percent greater than the minimum setback; or

(ii) The impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional acceptable means and the setback is at least 25 percent greater than the minimum setback.

(f) Design Criteria.

(1) All PUDs must meet the following design criteria.

a. All residential planned unit developments must contain at least five dwelling units or sites.

b. On-site water supply and sewage treatment systems must be centralized and meet the standards in Section 6.5 of this ordinance. Sewage treatment systems must meet the setback standards of Section 6.41, item A of this ordinance.

c. Dwelling units or dwelling sites must be clustered into one or more groups and located on suitable areas of the development.

d. Dwelling units or dwelling sites must be designed and located to meet the dimensional standards in Sections 6.41, 6.42, and 6.43:

e. Shore recreation facilities:

1. Must be centralized and located in areas suitable for them based on a suitability analysis.

2. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor).

3. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.

f. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.

g. Accessory structures and facilities, except water oriented accessory structures, must meet the required structure setback and must be centralized.

h. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 7.3 of this ordinance and are centralized.

(2) Open Space Requirements.

a. Open space must constitute at least 50 percent of the total project area and must include:

1. Areas with physical characteristics unsuitable for development in their natural state;

2. Areas containing significant historic sites or unplatted cemeteries;

3. Portions of the shore impact zone preserved in its natural or existing state as follows:

(i) For existing residential PUD's, at least 50 percent of the shore impact zone

(ii) For new residential PUDs, at least 70 percent of the shore impact zone.

(iii) For all commercial PUD's, at least 50 percent of the shore impact zone.

b. Open space may include:

1. Outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;
2. Subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems; and
3. Non-public water wetlands.

c. Open space shall not include:

1. Dwelling sites or lots, unless owned in common by an owners association;
2. Dwelling units or structures, except water-oriented accessory structures or facilities;
3. Road rights-of-way or land covered by road surfaces and parking areas;
4. Land below the OHWL of public waters; and
5. Commercial facilities or uses.

(3) Open Space Maintenance and Administration Requirements.

a. Open space preservation. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved and maintained by use of deed restrictions, covenants, permanent easements, public dedication, or other equally effective and permanent means. The instruments must prohibit:

1. Commercial uses (for residential PUD's);
2. Vegetation and topographic alterations other than routine maintenance;
3. Construction of additional buildings or storage of vehicles and other materials; and

4. Uncontrolled beaching of watercraft.

b. Development organization and functioning. Unless an equally effective alternative community framework is established, all residential planned unit developments must use an owners association with the following features:

1. Membership must be mandatory for each dwelling unit or dwelling site owner and any successive owner;

2. Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or dwelling sites;

3. Assessments must be adjustable to accommodate changing conditions; and

4. The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

(4) Erosion Control and Stormwater Management.

a. Erosion control plans must be developed and must be consistent with the provisions of Section 8.3 of this ordinance. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.

b. Stormwater management facilities must be designed and constructed to manage expected quantities and qualities of stormwater runoff.

1. For residential PUDs, impervious surface for the entire project site must not exceed 25%.

2. For commercial PUDs, impervious surfaces within any tier must not exceed 25 percent of the tier area, except that 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with Section 8.0 of this ordinance.

Sec. 115-150 Administration

(a) Notifications

(1) The city shall notify and supply the department of natural resources (DNR) with plans and information on the following:

a. Copies of all variance requests or public hearings for a conditional use permit in a shoreland area shall be submitted to the commissioner of the DNR at least ten days prior to such hearing.

b. A copy of the final decision granting variances or conditional use permits shall be submitted to the commissioner of the DNR within ten days after the meeting.

c. All preliminary plats within the shoreland area shall be submitted to the commissioner of the DNR at least ten days prior to the meeting.

d. All approved final plats shall be submitted to the commissioner of the DNR ten days after the meeting.

e. All amendments to this section must be approved by the commissioner of the DNR to be effective.

(b) Nonconforming uses and substandard structures.

(1) Any use of shoreland property or a structure in existence on August 1, 1983 (effective date of Ordinance No. 458 and adoption of the initial shoreland management code), but which does not meet the requirements of the city development code shall be allowed to continue in accordance with the provisions of chapter 111, article IV.

(c) Substandard lots.

(1) All substandard lots.

a. Adjacent lots of record in the office of the county recorder prior to August 1, 1983, in common ownership which do not meet the requirements of section 115-147 must be combined and cannot be used as separate building sites unless all lots meet or exceed 60 percent of the minimum required lot width, area, and depth standards.

b. Lots of record in the office of the county recorder prior to August 1, 1983, that are not adjacent lots of record in common ownership which do not meet the requirements of section 115-147, may be allowed as separate building sites, provided:

1. The lot meets or exceeds 60 percent of the minimum required lot width and area standards as defined in section 115-147 and has a depth of at least 110 feet as defined in section 101-2; or

2. The lot was occupied by a primary structure on or before March 20, 2000.

c. No lot of record shall be used or reused as a separate homesite unless it abuts an improved public right-of-way or, if the lot was legally accessed via a private way prior to December 10, 1992, the access may continue to be utilized provided:

1. There is no practical way to extend a public street to the property;

2. The private access is protected by a permanent easement recorded to run with the title of the property; and

3. The private way complies with the fire apparatus requirements set forth in the Uniform Fire Code.

(2) Substandard riparian lots.

a. No structures shall be expanded, constructed or reconstructed on a substandard lot of record unless design review approval is first obtained from the city in accordance with section 103-5.

b. Reconstruction of a structure is defined to mean replacement of three or more of the structure's six structural components (roof, floor, and four walls). Determination as to the extent of structural component replacement shall be made by the building official.

c. Design standards for substandard riparian lots. Any structures expanded, constructed, or reconstructed on a substandard riparian lot shall comply with the following standards:

1. Impervious surface coverage.

(i) The impervious surface coverage of the parcel shall not exceed 25 percent. A maximum impervious surface coverage of 30 percent may be permitted if there are no structures (except for docks, stairways, lifts, landings, retaining walls, and fences) in the required setbacks from the ordinary high-water level and/or bluff.

(ii) If the existing impervious surface coverage on a parcel exceeds the allowable impervious surface coverage, existing impervious surface coverage may remain but shall not be increased. Existing impervious surface coverage is the impervious surface coverage legally present on or before March 20, 2000, or approved thereafter by the city.

2. Building height. The maximum building height shall not exceed 28 feet and the dwelling shall not exceed two stories as viewed from the street .

3. Foundation area. The foundation area of all structures, including dwellings and attached accessory structures, cantilevered areas, detached accessory structures greater than 150 square feet, and covered porches, covered decks, and covered patios shall be limited to 18 percent of the lot area of 1,600 square feet, whichever is greater. If the existing foundation area exceeds the allowed foundation area, the foundation area percentage may be maintained but not increased. Existing foundation area is the foundation area legally present on the property on or before March 20, 2000, or approved thereafter by the city.

4. Building setbacks.

   (i) Minimum setback from the property front line: 25 feet; however, in those cases where the existing setbacks for the two adjacent dwellings exceed this requirement, the setback of the new dwelling or any new addition shall be equal to the average setback of the two adjacent dwellings, plus or minus ten feet. In those cases where there is only one existing adjacent structure which has a setback greater than 25 feet, then the setback for the new dwelling or addition shall be equal to the average of 25 feet and the setback of the existing adjacent structure, plus or minus ten feet, but never less than a minimum of 25 feet.

   (ii) Minimum setback from the ordinary high-water level: see sections 115-147 and 115-149.

   (iii) Minimum setback from an interior side property line: ten feet; however, in those cases where an existing principal structure is set back less than ten feet but at least five feet from the side property line, then the existing setback may be maintained provided the expansion, addition or reconstruction is no more than one story as defined by the Uniform Building Code. A minimum setback of ten feet is required for any part of the structure that exceeds one story in height.

5. Architectural mass.

(i) The use of landscaping is encouraged to reduce the visual appearance of structures from the lakeshore.

(ii) The use of natural colors and/or materials on the exterior of the structure is also encouraged to reduce the visual impact. Natural colors are shades of brown, gray, and green. Natural materials include wood or stone that complement the setting of the structure.

(iii) If a variance is granted to any of these design standards or setback requirements, sections 115-155(b)(3)e.1 and/or 2 may be required as conditions of approval.

(3) Substandard non-riparian lots. See section 111-122.

(d) Shoreland Mitigation

(1) A shoreland mitigation plan must be submitted for residential development that requires land use approval, including, but not limited to, residential design review, variance, conditional use permit, subdivision or rezoning. The plan shall be designed to mitigate the adverse effects land development has on water quality and the lake environment. The mitigation plan shall be signed by the property owner, approved by the city manager and a mitigation affidavit recorded with the register of deeds prior to the commencement of development activity. Furthermore, mitigation plans shall be completed within one year of the plan's approval unless otherwise approved by the city.

(2) Mitigation practices. The mitigation plan shall include at a minimum two of the following practices:

a. Vegetation protection area. A vegetation protection area may be established which at a minimum shall include land area within the shore impact zone, bluff impact zone or steep slope. Within these areas, the removal of trees, shrubs and groundcover, grading, filling and other land disturbing activities are prohibited with the following exceptions:

1. Removal of vegetation is in accordance with section 115-150.

2. Establishment of one viewing corridor by selective pruning and selective removal of trees and shrubbery. Sufficient trees and shrubbery shall be retained to screen

development from view of the water but provide a filtered view of the water. The viewing corridor should be more or less perpendicular to the shore and not be more than 30 feet wide at any point, including at the lakeshore. Water-oriented structures, walkways, stairways and lifts shall be located within the view protection corridor. Clearing, filling, grading and other land disturbing activities are not permitted in this corridor with the exception of the following:

(i) Construction of a water-oriented structure, walkways, stairways and lifts.

(ii) Shoreline protection activities as permitted by the DNR.

(iii) Erosion control measures approved by the city, which are designed to remedy existing erosion problems.

(iv) Beaches as permitted by the DNR.

b. Vegetation restoration. Vegetation restoration areas may be established which at a minimum shall include land within the shore and the bluff impact zones or steep slopes. Land area shall be restored from law, beach or other disturbances using native or natural landscaping.

1. Steep slope/bluff restoration. Steep slopes and bluffs that are vegetated with turf may be restored with deciduous and ornamental trees, evergreens and shrubs that are native to the area.

2. Shoreline buffer restoration. A buffer zone of at least 25 feet from and parallel to the ordinary high-water mark shall be planted or restored and maintained with vegetation native to the area to fullest practicable extent possible with effective erosion and sediment control. Existing natural beaches or beaches which have been permitted by the DNR shall be allowed to continue and be maintained. A minimum of 30 percent of the lot's shoreline area shall be restored. This restoration area shall be contiguous unless otherwise approved as part of the mitigation plan.

c. Architectural mass. The use of natural colors and/or materials on the exterior of the structure shall be used to reduce the visual

impact. Natural colors are shades of brown, gray, and green. Natural materials include wood or stone that complement the setting of the structure.

d. Removal of nonconforming structures. The mitigation plan may include the removal of structures that do not comply with the required structure setbacks from the ordinary high-water line or are located within a shore impact zone or bluff impact zone.

e. Reduction of impervious surface coverage. The mitigation plan may include a minimum five percent reduction of the existing impervious surface coverage. The preferable location of this reduction is within that portion of the lot that drains to the lake.

(3) Other practices. At the discretion of the city manager, other restoration or protection activities may be approved as part of a mitigation plan provided they meet the objectives of this chapter. Examples include the removal of artificial sand beaches, stormwater management and replacement of seawalls with bioengineering structures.

Memorandum

TO:	Planning Commission
FROM:	Niki Hill, AICP , Assistant Community Development Director
DATE:	October 27, 2026
SUBJECT:	2026 Calendar and Meeting Assignments
ITEM NUMBER:	8.A
SECTION:	MISCELLANEOUS

REQUESTED MOTION

INTRODUCTION

DISCUSSION
City council assignments are as follows:

November 2: Ahmadvand
November 16: Helgen

RECOMMENDATION

ATTACHMENTS
2026 City Council Meeting Assignments

2026 CITY COUNCIL MEETINGS

PLANNING COMMISSIONER ASSIGNMENTS

JANUARY	5	Cordes
	20 (T)	Westadt
FEBRUARY	2	Solomonson
	17 (T)	John
MARCH	2	Cordes
	16	Ahmadvand
APRIL	6	Anderson
	20	Cordes
MAY	4	Westadt
	18	Solomonson
JUNE	1	John
	15	Helgen
JULY	6	Anderson
	20	Ahmadvand
AUGUST	3	Cordes
	17	Westadt
SEPTEMBER	8 (T)	Solomonson
	21	John
OCTOBER	5	Helgen
	19	Anderson
NOVEMBER	2	Ahmadvand
	16	Helgen
DECEMBER	7	Westadt
	21	Solomonson