

205 Development Districts

205.010 **General.** This Chapter delineates the activities allowed, constrained or prohibited in each of the development districts established within the City. Each district represents a context for development that responds to the policy directives of the City's Comprehensive Guide Plan. In addition to the purposes identified in Section 201.010, the sections of this Chapter identify specific purposes for each development district.

(A) Zoning Map. The boundaries of the development districts are defined and established as shown on a map entitled "Zoning Map, City of Shoreview, Minnesota," and adopted March 2, 2009 which map and all explanatory matter thereon is hereby made a part of this chapter. Future amendments to the map may only be accomplished in accordance with Section 203.052, Amendments. The map shall be maintained by the City Manager or his/her designee who shall make it available for inspection and/or reproduction.

(1) Zoning Map Amendments. The Shoreview Zoning Map, adopted on March 2, 2009 is hereby revised as follows:

The Land Use Plan Chapter of the City's Comprehensive Guide Plan guides future development within the City; the Zoning Map provides the legal basis for development. When development occurs and zoning changes are made in development district boundaries subsequent to the adoption of this ordinance and map, such changes shall be incorporated into the text and upon the map under the amendment procedures of Section 203.

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205.020 Districts Established. The districts listed below are hereby established for the City:

(A) Business Districts

- (1) Retail Service District (C1)
- (2) Limited Retail Service District (C1A)
- (3) General Commercial District (C2)
- (4) Office District (OFC)
- (5) Business Park District (BPK)

(B) Industrial District (I)

(C) Tower District (T)

(D) Residential Districts

- (1) Residential Estate District (RE)
- (2) Detached Residential District (R1)
- (3) Attached Residential District (R2)
- (4) Multiple Dwelling Residential District (R3)
- (5) Mobile Home Residential District (R4)

(E) Special Districts

- (1) Flood Plain Management Districts (FW, FF and GF)
- (2) Open Space (OS)
- (3) Planned Unit Development (PUD)
- (4) Urban Underdeveloped (UND)
- (5) Telecommunications Overlay District (TOD-1 and TOD-2)

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205.030 Permitted Uses. For those uses not specifically noted, the City Manager or his/her designee shall make a determination as to whether the proposed use is permitted. Where a question arises, the Planning Commission shall make a recommendation to the City Council, which shall make the final determination.

205.040 Business Districts Overview. Within the City, business districts have been established to provide areas suitable for commercial, office and business park development. These business districts include the following districts:

- Limited Retail Service District (C1A)
- Retail Service District (C1)
- General Commercial District (C2)
- Office District (OFC)
- Business Park District (BPK)

- (A) Purpose. The Business Districts are established to:
- (1) Provide adequate space to meet the needs of modern commercial, office and business park development, including off-street parking and truck loading areas.
 - (2) Provide local, convenient retail services close to city residents, large centers serving the whole community and employment center and highway-oriented services, located appropriately throughout the City.
 - (3) Minimize traffic congestion.
- (B) Permitted Uses. In addition to the permitted uses listed for each Commercial District, the following uses are also permitted.
- (1) Utilities.
 - (2) Towers and antennas subject to compliance with the standards in Section 207.040.
 - (3) Commercial antennas, excluding satellite earth stations, in accordance with the standards in Section 207.
 - (4) Free-standing commercial towers are not permitted in business districts unless the property falls within the Telecommunications Overlay District.
 - (5) Mobile wireless telecommunications facilities for temporary use during power outages, natural disasters, or emergencies or for temporary testing purposes for up to 72 hours.
 - (6) Private antennas in accordance with the standards in Section 207.040(A).
 - (7) Satellite earth stations provided that:
 - (a) The diameter is less than two meters.
 - (b) The ground-level view of these devices is screened from contiguous properties and adjacent streets.
 - (8) Public and quasi-public facilities subject to Site and Building Plan review and upon the Council's finding that the use(s) will not impede or otherwise conflict with the planned use of adjoining property.
 - (9) For those uses not specifically noted, the City Manager or his/her designee shall make a determination whether the proposed use should be listed as a permitted use within a particular zoning district. Compatibility with the

purpose statement and permitted uses for the district and with the adjoining planned uses shall be considered when making this decision.

(C) Required Conditions. In addition to the standards of Section 203-206, the following specifications shall apply to all Business Districts:

(1) Maximum Building Height. 35 feet; this height may be exceeded if, for every additional foot of height, there is an additional foot of building setback on all sides.

(2) Building Setback.

(a) Adjacent to Residential. In all business districts, with the exception of the Business Park District, a 50-foot minimum building setback is required from the property line of land planned for residential use. In the Business Park District (BP), a 75-foot minimum building setback is required from the property line of land planned for residential use. This setback area shall serve as a buffer between commercial/office property and property planned for residential use.

(b) Minor Arterial and Collector Streets. Along minor arterial streets as identified in the Comprehensive Guide Plan, structures shall maintain a 40-foot setback. Along collector streets as identified in the Comprehensive Guide Plan, structures shall maintain a 30-foot setback.

(c) Shoreland. Lakeside setbacks in shoreland areas shall be regulated by the Shoreland Regulations in Section 209.080.

(d) Encroachments. The following shall be considered as permitted encroachments on setback requirements:

(i) In any yard: eaves, gutters, awnings, chimneys, landings, sidewalks and fences.

(ii) In side and rear yards: decks, open terraces, balconies and porches provided they are no closer than five feet to any property line.
(These rules do not apply to side yards that adjoin a street.)

(3) Architectural Design. The City design standards specified in Section 206.050 are intended to encourage attractive commercial buildings that are designed for energy efficiency, resource efficiency (including durability), indoor environmental quality, and water conservation. When combined with appropriate site design, the building and grounds will reflect the aesthetic, environmental and social values of the community.

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(4) Storage.

(a) 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 in the Business Districts. Long term outdoor parking or storage of commercial tractors and trailers is prohibited.

(b) Outside Display Areas. In the Retail Service (C1) and General Commercial (C2) districts, 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. Outside display areas are prohibited in the Limited Retail Service District (C1A), Office District (OFC) and Business Park District (BP), except as permitted for hardware stores.

(5) Signs. As regulated by Section 208.

(6) Refuse. 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. All waste material, debris, refuse and garbage shall be properly contained in a closed container designed for such purposes. Refuse enclosures shall be sized to accommodate both refuse and recycling containers and will be reviewed through the Site and Building Plan review process.

(7) Accessory Structures. Accessory structures shall be permitted in the Limited Retail Service District (C1A), Retail Service District (C1) and the General Commercial District (C2) through the Site and Building Plan review process. Accessory structures are not permitted in the Office (OFC) and Business Park (BP) Districts.

(8) Parking. Parking space requirements and parking lot design shall be as required by Section 206.020, Parking.

(9) Fences. Fences may be permitted in the Business Districts subject to Council approval through the Site and Building Plan review process. All fences shall comply with the following standards:

(a) Height. Property line fences within a Business District shall not exceed six (6) feet in height except as follows:

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- (i) If the applicant can prove to the satisfaction of the City Council that a fence for security reasons is necessary above said permitted height, a fence not exceeding eight (8) feet in height might be erected along the rear, side and front lot lines, provided that such fence exceeding (5) feet in height is constructed with a set-back along each property line of fifteen (15) feet.

- (ii) Fences erected along a property line in common with any Residential District shall be subject to the regulations herein set forth and the provisions pertaining to Residential Districts.

- (b) Location. 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 or his/her designee 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.
- (c) Construction and Maintenance. 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. 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.
- (d) Fencing Material. The framing structure of fences in all Business Districts 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 or other materials as permitted subject to the Site and Building Plan review.
- (e) Prohibited Fence Material. It shall be unlawful for any person, firm or corporation to construct and maintain or allowed to be constructed or maintained upon any property located within a Business District, 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. Barbed wire fences are prohibited and shall not be constructed or maintained.

205.041 Limited Retail Service District (C1A)

- (A) Purpose. In addition to the purposes defined in Section 205.040(A) (Business District Overview, Purpose) the Limited Retail Service District is intended to be located on the periphery of residential neighborhoods along collector or arterial roadways. The principal uses are intended to serve the convenience retail and personal service needs of nearby residents.
- (B) Permitted Uses. In addition to the uses defined in Section 205.040(B) (Overview) the following uses, as well as any similar uses, are permitted:

Barber/beauty shop
 Convenience retail
 Day care
 Dry cleaner
 Florist
 Gift/card shop
 Medical, dental, weight loss or veterinarian clinic
 Off-sale liquor
 Personal service office/agency
 Photocopying/printing
 Restaurant, no drive-up facilities and no more than 1,500 square feet of floor area
 Shoe repair/tailor
 Tanning salon
 Video rental

(C) Conditional Uses. The following uses may be allowed by a Conditional Use Permit. Approval of a Conditional Use Permit shall require compliance with the requirements set forth in Section 203.032(D), Conditional Use Permits.

Fuel station (capacity of no more than four vehicles at one time).
 Dispensing of propane or compressed natural gas.
 Restaurants that would exceed 1,500 square feet of area.

(D) Required Conditions. In addition to the conditions of Section 205.042(D) (Retail Service District), the following specifications apply to properties within the Limited Retail Service District:

(1) Maximum Number of Buildings and Building Area: Only one principal structure, not to exceed 15,000 square feet is permitted per property.

205.042 Retail Service District (C1)

(A) Purpose. In addition to the purposes defined in Section 205.040(A)(Business District Overview, Purpose), the Retail Service District is intended to have direct access to an arterial roadway and to include a variety of retail, personal service, indoor recreation, restaurant, and office uses. These businesses are intended to be patronized by the entire community as well as persons from nearby communities. Multi-tenant commercial structures and free standing uses are permitted within the district.

(B) Permitted Uses. In addition to the uses defined in Section 205.040(B) (Overview) and 205.044(B) (Office District) the following retail sales activities and commercial services, as well as similar uses, are permitted:

art/school supplies
auto accessories
bakery goods/deli
barber/beauty shop
books and music
cameras & photo supplies
clothing
computers/software
costume rental
day care
decorating
department stores
financial facilities
florist
fuel station (capacity of no more than four vehicles at one time)
gifts/cards
groceries
hardware
hobby shops
household furnishings
housewares
jewelry
laundry/dry cleaning
lawn and garden supplies
locksmith
luggage
mortuary
music/dance/business school
musical instruments
off-sale liquor
paint/wallpaper/interior
personal care products
pet shops/grooming
pharmacy
photocopying service
photography studio
restaurant
seasonal produce/Christmas tree sales
sewing supplies
shoe sales/repair
sporting goods
tailoring/dressmaking
tanning salons
tobacco
variety shops

video rental/sale

- (C) Conditional Uses. The following uses may be allowed by a Conditional Use Permit. Approval of a Conditional Use Permit shall require compliance with the requirements set forth in Section 203.032(D) (Conditional Use Permits).

commercial recreation uses

dispensing of propane/compressed natural gas

fuel stations (capacity of five to eight vehicles at one time)

kennels

uses with drive-up facilities or loading docks within 75 feet of land planned for residential use

- (D) Required Conditions. In addition to the conditions of Section 205.040(C) (Required Conditions), the following specifications apply for the Retail Service District:

(1) Minimum Lot Size. No minimum lot size.

(2) Minimum Building Setbacks. Front yard of 50 feet; side yard of 10 feet, except on corner lots the side yard shall be 30 feet; and rear yards of 20 feet.

(3) Maximum Lot Coverage. Not to exceed 70%. Maximum lot coverage may be increased to 75% if 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).

205.043 General Commercial District (C2)

- (A) Purpose. In addition to the purposes defined in Section 205.040(A) (Business District Overview, Purpose), the General Commercial District is intended to be located at an intersection that includes an arterial roadway. It should not be located adjacent to an area planned for residential use. This district is intended to permit uses such as motor vehicle fuel, service, and sales, convenience retail, restaurant, and motel/hotel uses that will not cause unsafe traffic conditions and which cater to visitors to the area.

- (B) Permitted Uses. In addition to the uses defined in Sections 205.040(B) (Overview) and 205.042(B) (Retail Service District), the following types of activities, as well as similar uses, are permitted:

dispensing propane/compressed natural gas

fuel stations

motels, hotels
restaurants
seasonal produce/Christmas tree sales
truck/car washes

(C) Conditional Uses.

(1) Approval of a Conditional Use Permit shall require compliance with the requirements set forth in Section 203.032(D) (Conditional Use Permits). In addition, when the site abuts land planned for residential use as defined by the Shoreview Comprehensive Guide Plan, the City may:

- (a) prohibit access from a predominately residential street.
- (b) restrict the hours of operation for loading docks, drive-up facilities, self-service fuel sales, outdoor display/activity areas that are lighted and have an outdoor speaker system(s) and any use that could promote loitering, such as a tavern or commercial recreation use.
- (c) require greater than minimum setbacks for structures and driveways.
- (d) require opaque screening to eliminate headlight glare.
- (e) impose any other restriction it deems to be in the public interest. If the proposed conditional use is an adult establishment, outside storage and display and accessory structures are prohibited.

(2) The following uses are permitted with a conditional use permit:

adult establishments
automobile service station
auto body repair and painting
commercial recreation uses
uses with drive-up facilities or loading docks within 75 feet of property zoned for residential use
vehicle and equipment sales and rental
pawnbroker shops

(D) Required Conditions. In addition to the conditions of Section 205.040(C) (Business District Overview), the following specifications apply for uses in the General Commercial District:

- (1) Minimum Lot Size. No minimum lot size.
- (2) Minimum Lot Width. 100 feet.
- (3) Minimum Building Setback. A front yard of 50 feet; side yard of 10 feet, except on a corner lot the side yard shall be 30 feet; and rear yard of 20 feet.

- (4) Maximum Lot Coverage. Not to exceed 75%. Maximum lot coverage may be increased to 80% if 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).

205.044 Office District (OFC)

(A) Purpose. The Office District is established to:

- (1) Provide a suitable environment for office activities.
- (2) Incorporate, within the City, jobs closer to the home without introducing conflicts of land use.

(B) Permitted Uses.

Office and research activities which are wholly contained within a structure. Related or supporting commercial uses located in the same building as the principal use.

Public or 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.

Medical, dental, and veterinary offices and clinics.

Licensed day care facilities that occupy less than 49 percent of the leasable area in a multiple tenant building.

Restaurants that also satisfy the following requirements:

Qualify for the issuance of an intoxicating on-sale liquor license within the City;

Do not have drive-up order facilities;

Food sales constitute at least 60% of the establishment's gross sales;

Are able to accommodate, by reservation, gatherings of 20 or more people; and

Except for special occasions, do not accept orders for food after 11:00 p.m.

Utilities.

Towers and antennas subject to compliance with the standards in Section 207.040.

(C) Conditional Uses. Approval of a Conditional Use Permit shall require compliance with the requirements set forth in Section 203.032(D) (Conditional Use Permits).

- (1) Licensed group day care facilities that are free-standing uses or a primary use in a multiple tenant building (50 percent or more of the leasable area).
 - (2) Satellite earth stations with a diameter greater than two meters.
 - (3) Indoor kennels accessory to veterinary offices and clinics subject to the following standards:
 - (a) Minimum Lot Area: 20,000 square feet
 - (b) The use is located in a single-tenant structure that has a first floor area of 7,500 square feet or less.
 - (c) All kennel facilities shall be located within the structure. There shall be no facilities outside of the structure or exterior evidence of the kennel operation with the exception of signage.
 - (d) The kennel facilities shall not exceed 20% of the floor area of the building in which they are located.
 - (e) There shall be no more than 40 kennels within the facility and no more than 10 dog runs.
 - (f) The applicant shall submit a plan that addresses:
 - (1) Services offered, including the type of animals boarded.
 - (2) Compliance with industry standards, licensing requirements and the regulations of other governmental agencies.
 - (3) Waste management.
 - (4) Overnight care.
 - (5) Exercise.
 - (6) Noise.
 - (g) The property on which the kennel is located shall not abut any property used or zoned as residential, unless separated by a public road right of way.
- (D) Required Conditions. The following specifications apply to all uses in the (OFC) Office District.
- (1) Minimum Lot Size. No minimum lot size.
 - (2) Minimum Lot Width. 100 feet.

- (3) Minimum Setbacks. Front yard of 50 feet; side yard of 10 feet, except that on the side yard of a corner lot the setback shall be 30 feet; and rear yard of 20 feet; provided however that in all circumstances where an Office District abuts property planned for residential use, there shall be a minimum setback of 50 feet from an office structure to the residential property line.
- (4) Maximum Lot Coverage. Not to exceed 70%. Maximum lot coverage may be increased to 75% if 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).

205.045 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.
- (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.

(B) Permitted Uses. The following activities are permitted in the Business Park District:

adult and continuing education; and secondary-level learning centers
 financial institutions
 health services, including medical, dental and veterinary
 light manufacturing, including fabrication, compounding, processing,
 packaging, treatment and assembly of goods, products and materials
 high-tech research, development and testing laboratories; and data-processing
 businesses, including storage of materials processed on site and
 distribution provided these uses are related and supporting activities that
 are secondary to the primary use.
 office uses

indoor limited retail sales accessory to office/manufacturing uses provided that:

all sales are conducted in a clearly defined area of the principal building reserved exclusively for retail sales. Said sales area must be physically segregated from other principal activities in the building.

the retail sales must be located on the ground floor of the principal building.
the retail sales activity shall not occupy more than fifteen (15%) of the gross floor area of the building.

retail hardware stores that sell small quantities of hardware goods directly to the consumer and does not sell in bulk to contractors or serve as a supplier for other businesses provided that:

the retail hardware store is not the primary use of the principal building.
the gross floor area of the retail hardware store shall not exceed 4,000 square feet.

the hardware store is located on the ground floor of the principal building.
outdoor display of seasonal merchandise may only occur on a seasonal basis. Outdoor display areas shall not exceed 750 feet and must be screened from view from adjacent properties and arterial roadways. Screening must include attractive opaque fencing and either planters or landscaping. Outdoor storage of materials and merchandise is not permitted.

licensed day care facilities that occupy less than 49% of the leasable space area in a multiple tenant building.

office space

office/showrooms

office/warehouse

research laboratories, when wholly contained within a building

restaurants that satisfy the following requirements and are contained in an office building:

qualify for the issuance of an intoxicating on-sale liquor license within the City of Shoreview.

do not have drive-up order facilities.

food sales constitute at least 60% of the establishment's gross sales.

are able to accommodate, by reservation, gathering of 20 or more people.

except for special occasions, do not accept food orders after 11:00 p.m.

utilities.

(C) Conditional Uses. Approval of a Conditional Use Permit shall require compliance with the requirements set forth in Section 203.032(D) (Conditional Use Permits).

(1) Public and quasi-public uses except adult and continuing education and secondary-level learning centers, which are permitted uses.

(2) Satellite earth stations with a diameter greater than two meters

(3) Towers and antennas subject to compliance with the standards in Section 207.

(D) Required Conditions. The following specifications apply to all uses in the (BP) Business Park District.

(1) Minimum Lot Size. 1.5 acres.

(2) Minimum Building Setbacks. Front yard or any yard adjacent to a street or a residential zone shall be 75 feet; rear yards shall be 30 feet; and side yards shall be 30 feet. Setback areas adjacent to properties planned for residential use shall be heavily landscaped and include earthen berms, as required in Section 206.010(I).

(3) Maximum Lot Coverage. Not to exceed 70%. Maximum lot coverage may be increased to 75% if 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).

(E) Design Standards.

(1) Building Materials. Major exterior surfaces of all principal structures shall be constructed of face brick, stone, glass, stucco, synthetic stucco, architectural concrete, cast in place or precast panels, or decorative block. Up to 15 percent of any wall surface may be constructed of wood, vinyl, or metal, as accent materials, provided they are appropriately integrated into the overall building design. No exterior surfaces shall be constructed of sheet aluminum, asbestos, iron, steel, plain concrete block or corrugated aluminum. Roofs, except flat roofs, shall be constructed of commercial grade asphalt shingles, wood shingles, standing seam metal, slate, tile or copper.

(2) Canopies and Awnings. The design of canopies shall be in keeping with the overall building design in terms of location, size (scale), and color. No canopies with visible wall hangers shall be permitted. Signage on canopies may be substituted for allowed building signage and shall be limited to 25 percent 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.

(3) Mechanical Equipment. The ground level view of all mechanical utilities shall be completely screened from contiguous properties and adjacent streets.

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205.050 Industrial District (I)

(A) Purpose. The 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.

(B) Permitted Uses. Permitted uses in the Industrial District are defined below. These uses are permitted in addition to those permitted uses defined in Section 205.044 (Office).

assembling
 commercial antennas, excluding satellite earth stations, in accordance with the standards in Section 207
 commercial uses, related to or supporting the industrial use located in the same building
 distribution
 electronics
 fabrication
 free-standing commercial towers are not permitted in industrial districts unless the property falls within the Telecommunications Overlay District
 manufacturing
 mini-storage
 mobile wireless telecommunication facilities for temporary use during power outages, natural disasters, emergencies or for temporary testing purposes for up to 72 hours
 packaging
 printing

private antennas in accordance with the standards in Section 207.040(A)

processing

public or quasi-public facilities subject to Site and Building Plan review upon

the finding that the use(s) will not impede or otherwise conflict with the

planned use of adjoining property

satellite earth stations provided that:

(1) the diameter is less than two meters

(2) the ground level view of these devices is screened from contiguous properties and adjacent streets

towers and antennas subject to compliance with the standards in Section

207.040

utilities

warehousing

wholesale

(C) Conditional Uses. Approval of a Conditional Use Permit shall require compliance with the requirements set forth in Section 203.032(D)(Conditional Use Permits. The following activities shall be considered conditional uses in the Industrial District:

auto body repair and painting

auto service stations

contractor's storage yards

clubs and lodges

gymnastics training and/or exhibition centers, provided the following findings are made in addition to the standard findings for approval of a Conditional Use Permit:

(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.

heavy industrial uses that may have a potential negative environmental impact on adjacent properties due to objectionable noise, heavy truck traffic, fumes or other nuisances, or may adversely affect health, safety or welfare.

lumber yards

outside storage areas

satellite earth stations with a diameter greater than two meters

truck terminals

use, manufacture, or storage of hazardous materials that require registration or licensing with the Minnesota Emergency Response Commission or that require disclosure by Federal or State law as hazardous materials and production of hazardous waste in excess of 100 kg/month, provided the following findings are made in addition to the standard findings for approval of a Conditional Use Permit:

- (1) The use is consistent with the purpose statement of this district.
- (2) The applicant/owner demonstrates that all applicable hazardous material regulations, building code, and fire code provisions will be satisfied and the application includes statements from the appropriate regulatory agencies, City Fire Marshall, and City Building Official concerning compliance with such requirements.

(D) Required Conditions.

- (1) Lot Size. No minimum lot size; minimum lot width of 100 feet.
- (2) Building Setbacks. Front yard shall be 50 feet; rear yard shall be 20 feet; side yard shall be 10 feet except that side yard setbacks on corner lots shall be 30 feet. A landscaped 75-foot-setback is required as a buffer between industrial structures, truck and equipment parking, or outdoor storage facilities and property designated for residential use. Employee and visitor parking areas shall be set back at least 20 feet from dedicated rights-of-way and property planned for residential use. Required setbacks to property planned for residential use shall be heavily landscaped and include earthen berms.
 - (a) Minor Arterial and Collector Streets. Along minor arterial streets as identified in the Comprehensive Guide Plan, residential structures shall maintain a 40-foot setback. Along collector streets as identified in the Comprehensive Guide Plan, residential structures shall maintain a 30-foot setback.
 - (b) Shoreland. Lakeside setbacks in shoreland areas shall be regulated by the Shoreland Regulations in Section 209.080.

- (c) Encroachments. The following shall be considered as permitted encroachments on setback requirements:
- (i) In any yard: eaves, gutters, awnings, chimneys, landings, sidewalks and fences.
 - (ii) In side and rear yards: decks, open terraces, balconies and porches provided they are no closer than five feet to any property line. (These rules do not apply to side yards that adjoin a street.)
- (3) Height. 35 feet; this may be exceeded if for every additional foot of height there is an additional foot of setback on all sides.
- (4) Lot Coverage. Not to exceed 75%. Maximum lot coverage may be increased to 80% if 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).
- (5) Parking. Parking space requirements shall be as required by Section 206.020 (Parking).
- (6) Signs. As regulated by Section 208 (Signs).
- (7) Storage.
- (a) All materials, supplies, finished or semi-finished products and equipment shall be stored within a completely enclosed building in the Industrial District unless a Conditional Use Permit for an outside storage area has been obtained.
 - (b) Outdoor storage areas shall be screened to minimize the visual impact of the area in accordance with the following requirements:
 - (i) 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.
 - (ii) All landscape materials shall comply with the minimum standards set forth in Section 206.010 (Landscape and Screening). The City

Forester shall approve the species mix, height, and density of plantings on the basis of year-around screening needs.

- (iii) 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.
 - (iv) 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.
 - (v) 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.
 - (vi) Trucks and/or trailers used to transport materials and supplies to and from the premises are permitted for a period not to exceed three (3) days. Trucks and/or trailers used for storage purposes are not permitted.
- (8) Refuse. All waste material, debris, refuse and garbage shall be properly contained in a closed container designed for such purposes. Said containers shall be stored within a fully enclosed building or in a screened area upon review through the site and building plan review process.
- (9) Accessory Structures. Accessory structures shall be permitted in the Industrial District through the site and building plan review process.
- (10) Fences.
- (a) Location. 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 Council 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.
 - (b) Height. Property line fences shall not exceed eight (8) feet in height except as follows:

- (c) Fences along a property line in common with a Residential District shall be subject to the provisions herein described in Residential District.
 - (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 (7) feet above the ground.
 - (e) Such fences shall not be erected within the landscaped portion of the front yard of any industrial establishment.
- (11) Construction and Maintenance. 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. 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. Any such fence which is or has become dangerous to the public safety, health and welfare is a public nuisance, and the Building Inspector is hereby authorized to commence property proceedings in a court of competent jurisdiction for the abatement thereof.
- (12) Fencing Material. The framing structure of fences in all districts shall be placed on the owner's side of the fence or equally distributed on both sides. Fencing material shall be dimensional, solid sawn, decay resistant lumber. Chain link fencing material with corrosion protection shall be permitted. Other materials may be permitted subject to the approval of the City Manager or his/her designee. It shall be unlawful for any person, firm or corporation to construct and maintain or allowed to be constructed or maintained upon any property located within the City, 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.

205 Development Districts

205.060 Tower District (T)

(A) Purpose. The Tower District is established to:

- (1) Reserve appropriately located areas for Broadcast Towers, Accessory Equipment and Structures, Broadcast Buildings, and Related Broadcast Uses (such terms being hereinafter defined).
- (2) Provide for the operation and use of Broadcast Towers, Accessory Equipment and Structures, Broadcast Buildings and Related Broadcast Uses pursuant to Conditional Use Permits.
- (3) Establish and maintain high standards of construction, maintenance and operation of Broadcast Towers, Accessory Equipment and Structures, Broadcast Buildings, and Related Broadcast Uses, while protecting the health and safety of surrounding property users.

(B) Permitted Uses. All land uses in the Tower District shall require a Conditional Use Permit with the exception of Private antennas in accordance with the standards in Section 203.032(D) (Conditional Use Permit).

- (1) Commercial antennas, excluding satellite earth stations, in accordance with the standards in Section 207.
- (2) Free-standing commercial towers are not permitted in business districts unless the property falls within the Telecommunications Overlay District.
- (3) Mobile wireless telecommunications facilities for temporary use during power outages, natural disasters, or emergencies or for temporary testing purposes for up to 72 hours.
- (4) Private antennas in accordance with the standards in Section 207.040(A).
- (5) Satellite earth stations provided that the ground-level view of these devices is screened from contiguous properties and adjacent streets.

(C) Conditional Uses. The following shall be considered conditional uses in the Tower District, whether such uses are by an owner of Tower District property (property owner) or a person who leases from the property owner. Approval of a Conditional Use Permit shall require compliance with the requirements set forth in Section 203.032(D) (Conditional Use Permits).

- (1) Broadcast Tower. Broadcast Tower means any tower, or towers, described in the original Conditional Use Permit issued hereunder to the property owner, greater

than 1200 feet in height above mean sea level (AMSL) used for continuous or stand-by broadcasting, transmitting, receiving or relaying of radio frequency signals and information for private, commercial, public or institutional use.

- (2) Accessory Equipment and Structures. Accessory Equipment and Structures mean 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 Accessory Equipment and Structures.
- (3) Broadcast Buildings. Broadcast Buildings mean 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.
- (4) Related Broadcast Uses. Related Broadcast Uses mean all anchors and guy wires necessary to stabilize a Broadcast Tower or Accessory Equipment and Structures, as well as access roads and vehicular parking areas serving the use of a Broadcast Tower, Accessory Equipment and Structures, Broadcast Buildings, and outside storage of materials and refuse.
- (5) Expansion, Replacement and Modification of Conditional Uses. The Expansion, Replacement and Modification of Conditional Uses means expansion, replacement, modification or addition of a Broadcast Tower, if such Broadcast Tower was described in the original Conditional Use Permit issued hereunder to the property owner, as well as the expansion, replacement, modification or addition of Accessory Equipment and Structures (including a tower 1200 feet or less in height AMSL described in the original Conditional Use Permit issued hereunder to the property owner), Broadcast Buildings, and Related Broadcast Uses provided that said expansion, replacement, modification or addition does not result in a failure to satisfy any of the required conditions under Section 207.040 (Towers and Antennas).
- (6) Other Uses. Other Uses mean other uses as identified in the Conditional Use Permit.

(D) Required Conditions.

- (1) Minimum Lot size. Tower District lots shall have a minimum area of 40 acres.
- (2) Setbacks. Uses within a Tower District shall comply with the following setbacks:

- (a) Guyed Broadcast Tower - minimum setback from the property line shall be as described in the original Conditional Use Permit issued hereunder to the property owner.
 - (b) Accessory Equipment and Structures - minimum setback from the property line shall be 150 feet, except as provided in subparagraph (e) below.
 - (c) Shoreland - Lakeside setbacks in shoreland areas shall be regulated by the Shoreland Regulations in Section 209.080.
 - (d) Broadcast Buildings - minimum setback from the property line shall be 150 feet.
 - (e) Guy Wire Anchors - minimum setback from the property line for the above ground portion of a guy wire anchor shall be 20 feet; no minimum setback for the below ground portion of a guy wire anchor.
 - (f) Self-Supporting Tower - minimum setback from the property line shall equal the height above ground of the self-supporting tower or 150 feet from the property line, whichever is greater, regardless of whether the self-supporting tower is within the category of a Broadcast Tower or within the category of Accessory Equipment and Structures.
 - (g) Outside Material and Refuse Storage - minimum setback from the property line shall be 200 feet.
- (3) Broadcast Tower Replacement. 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 203.044(B)(1) (Required Documentation) and the original conditional use permit relating to such towers was issued hereunder to the property owner.
- (4) Maximum Height. The maximum height of a Broadcast Tower shall be 2675 feet in height AMSL. The maximum height for any Broadcast Building shall be 35 feet. 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.
- (5) Maximum Lot Coverage. The maximum lot coverage shall be 50%.
- (6) Parking. Parking spaces shall be provided at a ratio of 1.5 spaces per employee on the site, or as required by Section 206.020 (Parking).
- (7) Signs. As regulated by Section 208 (Signs).

- (8) Outside Material Storage. 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 or his/her designee 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.
- (9) Refuse. All waste materials, debris, refuse and garbage shall be properly contained in a closed container designed for such Purposes. Said containers shall be stored within a fully enclosed building or in an area screened and/or fenced as approved by the City Manager or his/her designee.
- (10) Fences.
- (a) Location. 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 Council 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.
- (b) Height. Property line fences shall not exceed six (6) feet in height except as follows:
- (i) If the applicant can prove to the satisfaction of the City Council that a fence for security reasons is necessary above said permitted height, a fence not exceeding eight (8) feet in height might be erected along the rear, side and front lot lines, provided that such fence exceeding five (5) feet in height is constructed with a set-back along each property line of fifteen (15) feet.
- (ii) Fences erected along a property line in common with any Residential District shall be subject to the regulations herein set forth and the provisions pertaining to Residential Districts.
- (c) Construction and Maintenance. 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. 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.
- (d) Fencing Material. The framing structure of fences in the Tower District shall be placed on the owner's side of the fence or equally distributed on both sides.

Fencing material shall be dimensional, solid sawn, decay resistant lumber. Chain link fencing material with corrosion protection shall be permitted. Other materials may be permitted subject to the approval of the City Planner.

- (e) Prohibited Fence Material. It shall be unlawful for any person, firm or corporation to construct and maintain or allowed to be constructed or maintained upon any property located within a Business District, 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. Barbed wire fences are prohibited and shall not be constructed or maintained.

205 Development Districts

205.080 Residential Districts Overview.

(A) Purpose. The Residential Districts are established to:

- (1) Ensure that development conforms to the capacity of the utilities provided in an optimal way.
- (2) Ensure adequate light, air, privacy, and open space for each dwelling unit.
- (3) Reserve appropriately located areas for residential development at reasonable population densities consistent with sound standards of public health and safety.
- (4) Provide for a diversity of housing opportunities within the City at varying densities, costs and environments.
- (5) Protect residential properties from excessive noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare, and other objectionable influences.
- (6) Provide residential development at the minimum standards of this ordinance but not to exceed the gross development densities designated in the Land Use Chapter of the Comprehensive Guide Plan.

(B) Permitted Uses. Within each of the Residential Districts, the following activities are permitted:

- (1) Commercial antennas, excluding satellite earth stations, in accordance with the standards in Section 207, provided that the antenna is located on property associated with a school, church, utility (except utility easements or public right-of-way), City park greater than 5 acres, or in an R-3 zoning district. Commercial antennas are not permitted on single-family dwelling properties.
- (2) Free-standing commercial towers are not permitted in residential districts unless the property falls within the Telecommunications Overlay District.
- (3) Mobile wireless telecommunications facilities for temporary use during power outages, natural disasters, or emergencies or for temporary testing purposes for up to 72 hours.
- (4) Public and quasi-public facilities subject to Site and Building Plan review and upon the 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.
- (5) Temporary sales offices.

- (6) Home occupations subject to obtaining a permit under Section 207.020.
- (7) Residential development in accordance with densities shown in the Land Use Chapter of the Comprehensive Guide Plan.
- (8) Two boarders or roomers per household.
- (9) The sale of produce with the consent of the property owner.
- (10) Utilities.
- (11) Towers and antennas subject to compliance with the standards in Section 207.
- (12) Private antennas in accordance with the standards in Section 207.040 (Towers and Antennas) and free-standing private towers 75 feet in height or less provided a private antenna/tower permits is obtained in accordance with Section 203.044(A).
- (13) Residential facilities, day care facilities, group family day care facilities or other similar type facilities as permitted within residential zones by Minnesota Statutes.
- (14) Seasonal Residential Sales Event subject to the standards and conditions set forth in Section 203.043 (Temporary Sale or Event Permit).

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(C) Conditional Uses. The following activities shall be considered conditional uses in the Residential Districts. Approval of a Conditional Use Permit shall require compliance with the requirements set forth in Section 203.032 (Conditional Use Permit).

- (1) Residential facilities, day care facilities, group family day care facilities and similar facilities in excess of the densities allowed as permitted uses in residential zones by State Statutes.
- (2) Nursing homes.
- (3) Free-standing private towers exceeding 75 feet in height, provided that, in addition to the findings for Conditional Use Permit, a finding is made that the additional height is the minimum necessary to reasonably accommodate amateur communications, and a private antenna/tower permit is obtained in accordance with Section 203.044 (Tower/Antenna Permits).
- (4) Controlled Access/Beach Lots. Any such lot created after January 1, 1993, shall comply with the following requirements in addition to any condition imposed via the rules set forth in Section 203.032(D) (Conditional Use Permit):
 - (a) The parcel's width and area shall meet or exceed the requirements set forth in Section 209.080 (Shoreland Management) for a residential lot.

- (b) 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.
 - (c) 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.
 - (d) 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.
 - (e) 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.
 - (f) 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.
- (D) Required Conditions. In addition to the standards of Sections 203-206, the following specifications apply to Residential Districts:
- (1) Setbacks.
 - (a) Corner Lots. Buildings on corner lots shall be set back from both streets, a distance equal to the established or required front yard setback for the use on both streets.
 - (b) Minor Arterial and Collector Streets. Along minor arterial streets as identified in the Comprehensive Guide Plan, residential structures shall maintain a 40-foot setback. Along collector streets as identified in the Comprehensive Guide Plan, residential structures shall maintain a 30-foot setback.
 - (c) Shoreland. Lakeside setbacks in shoreland areas shall be regulated by the Shoreland Regulations in Section 209.080.

- (d) Major Subdivisions. The front yard setback for all residential structures in subdivisions platted after October 21, 2002 may be reduced to a minimum of 25 feet provided the minimum rear yard setback is increased to 35 feet. Application of the setback provisions shall be described in the Development Agreement.
- (e) Butt lots created after the effective date of this ordinance, principal and accessory structures shall have a minimum setback of 20 feet from a side lot line when that side lot line abuts the rear lot line of an existing parcel.
- (f) Key lots created after the effective date of this ordinance, principal and accessory structures shall have a minimum setback of 20 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.
- (g) Exceptions to Minimum Front Yard Setback Requirements. Front yard setbacks established in the following manner shall not be reduced unless a variance is approved.
- (i) New Construction. 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 10-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. 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 ten (10) feet.
- (ii) Additions to Existing Structures.
- (aa) 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 ten (10) or more feet, the front yard setback for an addition to any of the dwellings shall not be more than ten (10) feet less than the average of the front yard setbacks for such existing adjacent dwellings.
- (bb) 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 ten (10) feet.

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- (f) Encroachments. The following shall be considered as permitted encroachments on setback requirements:
- (i) In any yard: eaves, gutters, awnings, chimneys, landings, sidewalks and fences.
 - (ii) 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.
 - (iii) In front yards and in side yards adjoining a right-of-way of property zoned for residential use, bay windows and cantilevered habitable area may encroach up to two feet into the required dwelling setback.
 - (iv) In side yards of corner lots zoned R-1 adjoining a public right-of-way, at-grade patios may encroach up to ten feet into the required dwelling setback provided that the side yard does not abut a front yard on an adjacent property.
- (2) Signs. As regulated by Section 208 (Signs).
- (3) Storage. Exterior storage of materials and equipment as regulated by Section 211 (Property Maintenance).
- (4) Structure Dimensions. All principal structures shall not be less than 20-feet wide and 30-feet long.
- (5) Parking. Parking shall be required as stated in Section 206.020 (Parking).
- (6) Swimming Pools.
- (a) Setbacks.
 - (i) RE/R1 Districts. Pools shall not be located within 10 feet of any side or rear lot line or within 6 feet of any principal structure or frost footing. Pools shall not be located within any front yard or any side yard abutting a street.
 - (ii) R2, R3, R4 Districts. 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.
 - (b) Pools shall not be located beneath overhead utility lines nor over underground utility lines of any type.

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- (c) Pools shall not be located within any private or public utility, walkway, drainage or other easement.
- (d) 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.
- (e) 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.
- (f) 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.
- (g) Mechanical support equipment shall be located as follows:
 - (i) RE/R1 District:
 - (aa) Pool filter, pool pump, and pool heating equipment shall be located at least ten (10) feet from a property line.
 - (bb) 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.
 - (cc) 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.
 - (dd) 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.
 - (ii) R2, R3, and R4 Districts
 - (aa) 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.
 - (bb) Adequate screening and landscaping shall be placed between the pool areas and adjacent property.
- (h) All pools shall be enclosed with fencing at least four feet high, but not exceeding six feet high to prevent uncontrolled entrance of all persons. Such

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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.

- (i) Lighting for the pool shall be directed toward the pool and not toward adjacent property.

(7) Fences.

- (a) Location. 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 Planner 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.
- (b) Height. Fences in front yards or any yard adjacent to a public road right-of-way or road easement shall not exceed 4 feet in height except:
 - (i) Fences in a rear yard of a double fronted lot, adjacent to an arterial or collector roadway, may be up to 6 feet in height.
 - (ii) On corner lots whose side yard abuts an arterial roadway, fences in that side yard may be up to 6 feet in height provided that the fence is setback at least 10 feet from the property line abutting the right-of-way or any pedestrian or road easement and plantings (shrubs or trees) as approved by the City are established and maintained between the fence and the right-of-way or easement.

Fences in other side or rear yard shall not exceed 6 feet in height. In no case shall the combined height of any fence and berm exceed the maximum height permitted by more than one (1) foot.

- (c) Construction. 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.
- (d) Fencing Material. The framing structure of fences shall be placed on the owner's side of the fence or equally distributed on both sides. Fencing material shall be dimensional, solid sawn, decay resistant lumber. Chain link fencing material with corrosion protection shall be permitted. Other materials may be permitted subject to the approval of the City Planner. It shall be unlawful for any person, firm or corporation to construct and maintain or allowed to be constructed or maintained upon any property located within the City, 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. Barbed wire fences shall not be constructed or maintained.

205.081 Residential Estate District (RE)

(A) Purpose. In addition to the purposes established in Section 205.080 (Residential Overview), the Residential Estate District is established to protect and enhance the character of single-dwelling neighborhoods where lot areas are substantially larger than required in the R1, Detached Residential District and to protect mature trees and other significant natural features that would otherwise be lost if more intensive subdivision were to occur. The term "neighborhood" is intended to consist of several lots with similar development and aesthetic characteristics.

(B) Permitted Uses. As regulated by Section 205.082(B) (Detached Residential).

(C) Required Conditions. As regulated by Section 205.082(D) (Detached Residential), with the following exceptions, unless less restrictive than another section of City Code (e.g., the Shoreland Ordinance), then the most restrictive Code shall prevail.

(1) Lot Area. Except as provided in this section, the minimum lot area shall be determined by the City Council at the time of rezoning but shall be limited to the following alternatives: 20,000 square feet; 40,000 square feet; 60,000 square feet; or 80,000 square feet. Minimum lot area requirements shall be designated on the zoning map in each RE District Title, e.g., RE(20) would indicate a minimum lot area of 20,000 square feet.

(a) The City Council shall base their decision on the character of the developed lots within an existing neighborhood or on the desired character of lots in an undeveloped or underdeveloped area. Once established, any request to change a district's minimum lot area requirement shall be processed as a request for rezoning.

(b) When a subdivision is proposed for property zoned RE(20), the average area of the lots, less any land dedicated for public street, shall not be less than 20,000 square feet. To qualify to use an average lot area, the smallest lot(s) shall have at least 15,000 square feet of area. When such lot(s) will exceed 20,000 square feet of area, only up to 25,000 square feet of such lot shall be counted for purposes of calculating the average lot area.

(2) Lot Width-Interior Lots.

<u>District Title</u>	<u>Minimum Lot Width*</u>
RE (20)	80
RE (40)	100
RE (60)	100
RE (80)	120

(a) Add 15 feet for the minimum corner lot width requirement.

(3) Setbacks.

- (a) Front Yard. Dwellings and accessory structures shall have a front yard setback of at least thirty (30) feet but in no event more than forty (40) feet.
- (b) Rear Yard. Dwellings shall have a rear yard setback of at least 30 feet and accessory structures shall have a rear yard setback of at least 10 feet, regardless of lot area requirements.
- (c) Side Yard. Side yards adjoining a street right-of-way shall be treated as a front yard for purposes of setback requirements. Dwellings and accessory structures shall maintain minimum side yard setbacks as follows:

<u>District</u>	<u>Dwelling</u>	<u>Accessory Structures</u>
RE (20)	10	5
RE (40)	10	5
RE (60)	15	10
RE (80)	15	10

- (d) Lot Coverage. Lot coverage shall be restricted as follows:

<u>District Title</u>	<u>Maximum Lot Coverage</u>
RE (20)	30%
RE (40)	20%
RE (60)	15%
RE (80)	15%

- (D) 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.

205.082 Detached Residential District (R1)

- (A) Purpose. In addition to the purposes defined in Section 205.080 (Residential Overview), the Detached Residential District is established to reserve appropriately located areas for single-family living at reasonable population densities consistent with the Land Use Plan Chapter of the Comprehensive Guide Plan.
- (B) Permitted Uses. In addition to the uses defined in Section 205.080 (Residential Overview), the following activities are permitted in the Detached Residential District:

- (1) Single-family structures and accessory structures.

(2) Accessory apartments subject to permit requirements of Section 203.031 (Accessory Apartment Permit).

(3) Manufactured homes.

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(4) The keeping of non-domestic animals is permitted on property containing two (2) 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; provided, however, that the raising and keeping of not more than four (4) hen chickens or pullets is permitted on property less than two (2) acres provided a license is obtained in accordance with Section 601.020(D).

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11/17/08
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(5) The keeping of Wild Animals is permitted pursuant to the provisions of Section 601.020(B) and provided a license is obtained in accordance with the requirements of that Section.

(C) Conditional Uses. Approval of a Conditional Use Permit shall require compliance with the requirements set forth in Section 203.032(D) (Conditional Use Permits).

(1) Funeral Homes (mortuaries) provided the site adjoins a collector or arterial roadway. The performance standards set forth in Section 205.043(C) (General Commercial District (Conditional Uses) shall also be imposed as a condition(s) of approval.

(2) Accessory Structures.

(a) On parcels less than 1 acre in size, accessory structures that have an area of 150 square feet to 288 square feet in size are permitted as a conditional use provided the standards in Section 205.082(C)(2)(c) are met.

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(b) On parcels 1 acre or larger in size, accessory structures that exceed the maximum allowable square footage are permitted as a conditional use provided the standards in Section 205.082(C)(2)(c) are met.

(c) Performance Standards

(1) The accessory structure shall be located in the rear yard of the property except as otherwise permitted by this ordinance.

(2) The accessory structure shall be setback a minimum of 10 feet from the side property line and 10 feet from the rear property line; however, the City may require greater setbacks to mitigate impacts on adjoining properties.

(3) For parcels 1 acre or larger in size, the lot shall have a minimum area of 1 acre above the ordinary high water line of a lake, ponding area or wetland on the property.

- (4) The accessory structure shall be screened from view of adjacent properties and public streets through the use of landscaping, berming, fencing or a combination thereof.
- (5) The structure shall comply with the standards of Section 205.082(D)(5) of this ordinance.

(D) Required Conditions. In addition to the conditions of Section 205.080(D) (Residential Overview), the following conditions apply:

- (1) Lot Size. A lot of not less than 10,000 square feet with a minimum width of 75 feet and a minimum depth of 125 feet.
- (2) Setback. Dwelling and accessory structures shall have a front yard setback of at least thirty (30) feet but in no event more than forty (40) feet. The side yard setback shall be a minimum of ten (10) feet except that on corner lots, the side yard setback shall be a minimum of thirty (30) feet. The rear yard setback shall be a minimum of thirty (30) feet. Zero lot line developments are permitted if consistent with adjacent land uses.
- (3) Height. 35-foot maximum.
- (4) Lot coverage. Maximum of 40%.
- (5) Accessory Structures.
 - (a) Maximum Area.
 - (i) Attached Accessory Structure: 1,000 square feet or 80% of dwelling unit foundation area, whichever is more restrictive.
 - (ii) Detached Accessory Structure:
 - a. Area shall not exceed the 75% foundation area of the dwelling unit or 750 square feet whichever is more restrictive.
 - b. Parcels less than 1 acre in size:
 - i. When there is no attached garage or an attached garage that is less than a two-car, a single detached accessory structure may consist of the maximum area allowed in Section 205.082(D)(5)(a)(ii)(a). However, the second detached structure shall not exceed 150 square feet. The area of the second detached accessory structure may be increased to a maximum of 288 square feet upon Conditional Use Permit approval.

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- ii. When there is an attached two-car garage or larger on the property, the total area of all detached accessory structures shall not exceed 150 square feet. The total area of all detached accessory structures may be increased to a maximum of 288 square feet upon Conditional Use Permit approval.
- c. Parcels that have a lot area of one or more acres:
 - i. When there is no attached garage or an attached garage that is less than a two-car, a single detached accessory structure may consist of the maximum area allowed in Section 205.082(D)(5)(a)(ii)(a). However, the second detached structure shall not exceed 288 square feet.
 - ii. When there is an attached two-car garage or larger on the property, the total area of all detached accessory structures shall not exceed 288 square feet.
 - iii. The maximum allowable square footage for accessory structures may be exceeded upon Conditional Use Permit approval.
- (iii) The combined area of all accessory structures shall not exceed 90% of the dwelling unit foundation area or 1,200 square feet whichever is more restrictive.

(b) Minimum Setbacks

- i. Attached Accessory Structures
 - a. Rear yard setback: Not less than 30 feet or the minimum setback required for the principal structure
 - b. Side yard setback: 5 feet
- ii. Detached Accessory Structures
 - a. Side yard: 5 feet
 - b. Rear yard: 10 feet
 - c. Alleys:
 - i. 20 feet if a garage overhead door faces the alley.
 - ii. 10 feet if a garage overhead door is side loaded and does not face the alley.

- iii. Location of the accessory structure shall not interfere with vehicle visibility or traffic movement in the alleyway.
- iii. Accessory structures on corner lots shall be setback the same distance as the principal structure from the street right-of-way except as permitted in 205.080(D)(1).
- iv. No accessory structures shall be located in the front yard of any lot, except for a riparian lot which shall comply with the provisions of Section 203.039 (Riparian Lot-Detached Accessory Structure Permit).
- v. Structures housing non-domestic animals: 100 feet from all property lines except as permitted by the City's licensing provisions.

(c) Height – Detached Accessory Structures

- i. Height of sidewalls cannot exceed 10 feet.
- ii. Maximum height: 18 feet as measured from the highest roof peak to the lowest finished grade; however, in no case shall the height of the accessory structure exceed the height of the dwelling unit
- iii. Storage areas are permitted above the main floor provided they do not exceed an interior height of 6 feet.

(d) Maximum Number of Detached Accessory Structures: 2

(e) Exterior Design and Construction

- (i) 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.
- (ii) 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.
- (iii) 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.
- (iv) All accessory structures shall have a finished flooring system, with the exception of boathouses.
- (v) No accessory structure shall be constructed prior to the construction of a principal structure.

- (f) Use: Accessory structures are to be used for personal use only and no commercial use or commercial related storage is permitted.
- (g) Escrow: A cash escrow may be required to insure the removal of any accessory structure on the property if said structure must be removed to comply with this Ordinance.
- (h) Evaluation of Impact. The proposed design, scale, massing, height and other aspects related to the accessory structure 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.

205.083 Attached Residential District (R2)

(A) Purpose. In addition to the purposes defined in Section 205.080(A) (Residential Overview), the Attached Residential District is established to:

- (1) Provide for all income levels an opportunity to enjoy a medium density environment.
- (2) Reserve 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 Guide Plan.
- (3) Provide special requirements for common facilities, parking and other conditions created by an increased population density.

(B) Permitted Uses. In addition to the uses defined in Section 205.080(B) (Residential Overview), buildings with 2-6 residential units are permitted in the Attached Residential District.

(C) Required Conditions. In addition to the conditions of Section 205.080(D) (Residential Overview), the following conditions apply for the Attached Residential District:

- (1) Lot size. Minimum zoned area of 5 acres unless being rezoned from Urban Underdeveloped; minimum lot size of 10,000 square feet per building plus 1,000 square feet per unit and a width of not less than 80 feet per building.
- (2) Setback. A front yard of 30 feet, a side yard of 10 feet except that corner lots shall have 30 feet and a rear yard of 30 feet. Zero lot line developments shall be permitted.

- (3) Height. 35-foot maximum.
- (4) Lot Coverage. A maximum of 55%. Maximum lot coverage may be increased to 60% if 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).
- (5) Accessory Structures.
 - (a) No accessory structures, other than attached or detached garages approved in conjunction with the building plans, shall be permitted.
 - (b) Approved accessory structures shall have a rear yard setback of ten (10) feet and side yard setback of five (5) feet, except that accessory structures on corner lots shall set back the same distance as the principal structure.

205.084 Multiple Dwelling Residential District (R3)

- (A) Purpose. In addition to the purposes defined in Section 205.080(A) (Residential Overview), the Multiple Dwelling Residential District is established to:
- (1) Provide special requirements for common facilities, parking and other conditions created by an increased population density.
 - (2) Provide space for semi-public facilities needed to complement urban residential areas and space for institutions that require a residential environment.
 - (3) 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 Guide Plan.
- (B) Permitted Uses. In addition to the uses defined in Section 205.080(B) (Residential Overview), buildings with more than 6 residential units are permitted in the Multiple Dwelling Residential District.
- (C) Required Conditions. In addition to the conditions of Section 205.080(D) (Residential Overview), the following specifications apply for the Multiple Dwelling Residential District:
- (1) Lot size. Minimum zoned area of 5 acres unless being rezoned from Urban Underdeveloped; minimum lot size of 25,000 square feet per building, and a minimum width of 175 feet.
 - (2) Setback. Front, side and rear yards of 30 feet. Zero lot line developments shall be permitted.

- (3) Height. 35 feet; this may be exceeded if for every additional foot of height there is an additional foot of setback on all sides.
- (4) Lot coverage. A maximum of 65%. Maximum lot coverage may be increased to 70% if 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).
- (5) Accessory Structures. No accessory structures, other than attached or detached garages approved in conjunction with the building plans, shall be permitted.

205.085 Mobile Home Residential District (R4)

- (A) Purpose. In addition to the purposes defined in Section 205.080(A) (Residential Overview), 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.
- (B) Permitted Uses. In addition to the uses defined in Section 205.080(B) (Residential Overview), the following activities are permitted in the Mobile Home Residential District:
 - (1) Mobile homes and/or manufactured homes and uses necessarily incidental to a mobile home park but excluding mobile home sales lots.
 - (2) Because of their unique characteristics, mobile homes are permitted only in mobile home parks.
 - (3) Licensed day care facilities.
- (C) Required Conditions. The following specifications apply for the Mobile Home Residential District:
 - (1) Lot size. Minimum zoned area of 40 acres, with a minimum lot size of 4,350 square feet.
 - (2) Setbacks.
 - (a) Front, rear, and side yard on main entry side of the mobile home: 15 feet.
 - (b) Side yard on the opposite of the main entry side: 5 feet or 15 feet if on a corner lot.
 - (c) Mobile homes shall not be closer together than 15 feet at side yards.

- (3) Height. Maximum of 20 feet.
- (4) Lot coverage. 60% of individual lots.
- (5) Density. As permitted by Land Use Chapter of the Comprehensive Guide Plan.
- (6) Location. The proposed site shall have at least one property line abutting upon a collector street as defined by the City's Comprehensive Guide Plan.
- (7) Tie Downs. Tie downs are required that comply with the requirements of Minnesota regulation MOH 450.
- (8) Accessory Structures. No accessory structures shall be permitted unless approved in an overall development plan.
- (9) Community Building. A community building shall be provided with space for an office, storm shelter, toilets and laundry facilities. In no case shall the building be less than 2,500 square feet and the storm shelter shall provide at least 9 square feet of floor area per mobile home.
- (10) Landscaping. Mobile home parks shall provide a dense combination of plant materials and earth mound along the periphery of the site to form a buffer to adjoining property and streets.

205 Development Districts

205.090 Special Districts Overview. The Floodplain Management Districts, Open Space, Planned Unit Development, Urban Underdeveloped and Telecommunications Overlay Districts are established to meet the particular needs of Shoreview in the following ways:

- (A) To allow greater flexibility and consistency in reviewing development proposals.
- (B) To encourage more efficient and creative development patterns.
- (C) To provide techniques which address the difficult conditions which exist in much of the undeveloped portion of the City.

205.091 Flood Plain Management Ordinance.

(A) Statutory Authorization. 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:

(1) Findings of Fact.

- (a) 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.
- (b) Methods Used to Analyze Flood Hazards. 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.
- (c) National Flood Insurance Program Compliance. 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.
- (d) Statement of Purpose. 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. 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 202 (Definitions) of the Shoreview Development Ordinance.

- (2) Adoption of Official Flood Plain Management Map. The maps that comprise the Official Flood Plain Management Map, as defined in Section 202 (Definitions), 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. Terms used in Section 205.091, Flood Plain Management, shall be interpreted as defined in Chapter 202 – 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.
1. Accessory Use or Structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
 2. 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.
 3. Equal Degree of Encroachment - 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.
 4. Flood - 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.
 5. Flood Frequency - the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

6. Flood Fringe - 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.
7. Flood Plain - the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.
8. Flood Proofing - a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
9. Floodway - 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.
10. Lowest Floor – 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.
11. Manufactured Home (Floodplain) – 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).”
12. Obstruction - 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.
13. Principal Use or Structure - means all uses or structures that are not accessory uses or structures.
14. Reach - 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.
15. Recreational Vehicle (Floodplain) – 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.
16. Regional Flood - 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.

17. Regulatory Flood Protection Elevation - 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.
 18. Structure - 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 205.091(J)(4) other similar items.
 19. 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 percent of the market value of the structure before the damage occurred.
 20. Substantial Improvement – 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 percent 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:
 - (a) 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.
 - (b) 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: The Flood Insurance Rate Map panels adopted by reference in Chapter 205.091(B)(2) above 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). The Floodway District shall include those areas designated as floodway on the Official Flood Plain Map adopted in Section 205.091(B)(2). 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

Section 205.091(B)(2) that are below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.

- (2) Flood Fringe District (FF). The Flood Fringe District shall include those areas designated as floodway fringe on the Official Flood Plain Map adopted in Section 205.091(B)(2), 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 Section 205.091(B)(2) 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). 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 Section 205.091(B)(2), which are not subject to Sec. 205.091(C)(1) and (2).
- (D) Compliance. 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 Sections 205.091(E), (F), and (G) that follow, respectively, shall be prohibited. In addition, a caution is provided here that:
- (1) New Manufactured Homes (Floodplain) and replacement of Manufactured Homes (Floodplain) are subject to the general provisions of this ordinance and specifically Section 205.091(J).
 - (2) 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 205.091(K)(4).
 - (3) 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 205.090(K)(1) of this ordinance.
- (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 205.091(E)(1).
 - (b) Extraction or storage of sand, gravel, and other materials in excess of ten cubic yards.
 - (c) Marinas, boat rentals, docks except as permitted in Section 205.091(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 203.033 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 209.040, and subject to applicable permitting requirements of the City.
 - (3) As an alternative, and consistent with Subsection (2) above, 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:
 - (a) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and,
 - (b) 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:

- (a) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls;
 - (b) Any mechanical and utility equipment in a structure must be elevated to or above the Regulatory Flood Protection Elevation or properly flood proofed.
 - (c) 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. 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 "Permitted Uses listed in Section 205.091(F)(2) and the "Standards for all Flood Fringe Uses" listed in Section 205.091(F)(5).
- (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 (1) foot below the Regulatory Flood Protection Elevation and the fill shall extend at such elevation at least fifteen (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 205.091(E)(4)(e)(3).
 - (c) The cumulative placement of fill where at any one time in excess of one-thousand (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 205.091(F)(2)(a) of this ordinance.
 - (d) The storage of any materials or equipment shall be elevated on fill to the Regulatory Flood Protection Elevation.
 - (e) The provisions of Section 205.091(F)(5) of this ordinance shall apply.
- (3) Conditional Uses. Any structure that is not elevated on fill or flood proofed in accordance with Section 205.091(F)(2)(a)-(b) or any use of land that does not comply with the standards in Section 205.091(F)(2)(c)-(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 203.033(E) of City Code.
- (4) Standards for Flood Fringe Conditional Uses.

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:
- (a) 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
 - (b) 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.
- (4) Basements, Floodplain, as defined in Section 205.091(B)(3)(c)(2), 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 205.091(F)(4) of this ordinance.

- (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 205.091(E)(4)(f) of this ordinance.
 - (f) The provisions of Section 205.091(F)(5) of this ordinance shall also apply.
- (5) Standards for All Flood Fringe Uses:
- (a) All new principal structures must have vehicular access at or above an elevation not more than two (2) 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 (4) 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 205.091(F)(5)(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. The uses listed in Section 205.091(E)(1) of this ordinance shall be permitted uses. These uses shall be subject to the provisions set forth in Section 205.091(E) if the proposed use is in the Floodway District or to the provisions set forth in Section 205.091(F) if the proposed use is in the Flood Fringe District.
- (2) Conditional Uses. 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 205.091(G)(3), below. The provisions set forth in Section 205.091(E) shall also apply if the proposed use is in the Floodway

District and the provisions of Section 205.091(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.
 - (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 0.5 foot. A lesser stage increase than 0.5 foot 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 Section 203 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 205.091(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 205.091(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. 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. Railroad tracks, roads, and bridges to be located within the flood plain shall comply with Sections 205.091(E) and (F) of this ordinance. 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 205.091(H) and Section 205.085 (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 205.091(F) of this ordinance. If vehicular road access for an existing manufactured home park is not provided in accordance with Section 205.091(F)(5)(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.

- (a) 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.
- (3) Recreational Vehicles (Floodplain) shall not be used as a permanent or temporary residence within a floodplain district.
- (4) Any Recreational Vehicle (Floodplain) parked or stored in the FW, FF or GF Districts, as specified in Section 205.091, shall be permitted only on an individual lot of record or within an existing condominium association, and shall:
 - i. Have current licenses required for highway use.
 - ii. 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. Approval shall be obtained from the City Manager to confirm that a proposed land use conforms with the provisions of this Section 205.091o 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. 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. 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. 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 205.091(L) of this ordinance.
 - (e) Certification. 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. 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. 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. As soon as is practicable, but not later than six (6) 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. Variance from the terms of this ordinance may be approved, as specified by the procedures set forth in Section 203.070 of the Shoreview Municipal Code.
- (a) 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.
 - (b) 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. Applications shall be submitted to the City Manager who shall process said application pursuant to Section 203.033 of City Code.
- (4) Nonconforming Uses. 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 Section 207.050 and the following conditions.
 - (a) 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 (b), (c) and (d) below.
 - (b) The cost of all structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent 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 percent of the market value of the structure, then the structure must meet the standards of Section 205.091 (E) or (F) for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.
 - (c) If any nonconforming use or structure **is** substantially damaged, as defined in Section 205.091(B)(3)(c)(19), 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 205.091 (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.

- (d) If a substantial improvement occurs, as defined in Section 205.091(B)(3)(c)(20), 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 205.091 (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: 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: 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: 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.

205.092 Open Space District (OS)

(A) Purpose. The Open Space District is established to identify those properties under the jurisdiction of the Board of Ramsey County Commissioners, who have enacted ordinances to govern the conduct of members of the public during their use and enjoyment of the Ramsey County Open Space System 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 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.

205.093 Planned Unit Development Zoning District (PUD)

(A) Purpose. In the establishment of the PUD District, the City recognizes that the objectives of the Development Ordinance have been adopted to insure 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:

- (1) 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.
- (2) Higher standards for site and building design.
- (3) An incentive to redevelop obsolete or substandard land uses where present development standards cannot be met.

- (4) The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
- (5) The creative use of land and related physical development.
- (6) A more efficient use of land resulting in smaller networks of utilities and streets thereby lowering housing costs and public investments.
- (7) A more desirable environment than would be possible through the strict application of zoning and subdivision regulations of the City.
- (8) A process which gives the land owner and developer reasonable assurance of ultimate approval before expending complete design monies while providing officials with assurances that the project will be consistent with community objectives.
- (9) A technique which responds to a flexible manner to the land use categories defined on the Land Use Chapter of the Comprehensive Guide Plan.

(B) Permitted Uses.

- (1) The uses permitted in the district shall reflect the needs identified through the Comprehensive Guide 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 Guide Plan.
- (2) 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.
- (3) Utilities.
- (4) Towers and antennas permitted by the underlying zoning district associated with the Planned Unit Development unless otherwise restricted by the conditions of the PUD approval.
- (5) 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) A Comprehensive Sign Plan shall be submitted as part of the Planned Unit Development review process. All signs shall be compatible in character, materials, and color with each other and the surrounding land uses.

205.170 Urban Underdeveloped District (UND)

(A) Purpose. 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 subdivisions 1 and 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 Guide Plan.

205.180 Telecommunications Overlay District

(A) Purpose. 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:

- (1) To protect residential areas and land uses from potential adverse impacts from commercial telecommunications towers.
- (2) To minimize the adverse visual impact of commercial telecommunications towers through careful siting and design.
- (3) To protect public health and safety by ensuring appropriate design, construction, and maintenance of commercial telecommunications towers.

- (4) To ensure that commercial telecommunications towers are compatible with surrounding land uses.
 - (5) To facilitate provision of telecommunications services to residents and businesses in the City.
 - (6) To identify sites in the City where commercial telecommunications towers may be located.
- (B) Applicability. The requirements of this district shall apply to all sites identified on the map “Telecommunications Overlay District” dated March 12, 2001, which illustrates both Telecommunications Overlay District 1 (TOD-1) and Telecommunications Overlay District 2 (TOD-2), adopted by the City Council on March 19, 2001. Additional sites may be approved by the City Council, subject to the amendment procedures set forth in Section 203.052.
- (C) Permitted Uses.
- (1) In the TOD-1 district, construction of commercial telecommunications 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 towers up to 75 feet in height and the installation, operation, and maintenance of WTFs.
 - (3) 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 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 Section 207.
- (E) Priority for Use. 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:
- (1) City of Shoreview.
 - (2) Public safety agencies including law enforcement, fire, and ambulance services and private entities with a public safety agreement with the City of Shoreview.

- (3) Other government agencies, for uses not related to public safety.
- (4) Commercial entities marketing services to the general public.

205 Development Districts

205.090 Special Districts Overview. The Floodplain Management Districts, Open Space, Planned Unit Development, Urban Underdeveloped and Telecommunications Overlay Districts are established to meet the particular needs of Shoreview in the following ways:

- (A) To allow greater flexibility and consistency in reviewing development proposals.
- (B) To encourage more efficient and creative development patterns.
- (C) To provide techniques which address the difficult conditions which exist in much of the undeveloped portion of the City.

205.091 Flood Plain Management Ordinance.

(A) Statutory Authorization. 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:

(1) Findings of Fact.

- (a) 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.
- (b) Methods Used to Analyze Flood Hazards. 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.
- (c) National Flood Insurance Program Compliance. 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.
- (d) Statement of Purpose. 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. 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 202 (Definitions) of the Shoreview Development Ordinance.

- (2) Adoption of Official Flood Plain Management Map. The maps that comprise the Official Flood Plain Management Map, as defined in Section 202 (Definitions), 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. Terms used in Section 205.091, Flood Plain Management, shall be interpreted as defined in Chapter 202 – 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.
1. Accessory Use or Structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
 2. 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.
 3. Equal Degree of Encroachment - 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.
 4. Flood - 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.
 5. Flood Frequency - the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

6. Flood Fringe - 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.
7. Flood Plain - the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.
8. Flood Proofing - a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
9. Floodway - 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.
10. Lowest Floor – 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.
11. Manufactured Home (Floodplain) – 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).”
12. Obstruction - 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.
13. Principal Use or Structure - means all uses or structures that are not accessory uses or structures.
14. Reach - 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.
15. Recreational Vehicle (Floodplain) – 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.
16. Regional Flood - 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.

17. Regulatory Flood Protection Elevation - 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.
 18. Structure - 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 205.091(J)(4) other similar items.
 19. 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 percent of the market value of the structure before the damage occurred.
 20. Substantial Improvement – 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 percent 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:
 - (a) 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.
 - (b) 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: The Flood Insurance Rate Map panels adopted by reference in Chapter 205.091(B)(2) above 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). The Floodway District shall include those areas designated as floodway on the Official Flood Plain Map adopted in Section 205.091(B)(2). 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

Section 205.091(B)(2) that are below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.

- (2) Flood Fringe District (FF). The Flood Fringe District shall include those areas designated as floodway fringe on the Official Flood Plain Map adopted in Section 205.091(B)(2), 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 Section 205.091(B)(2) 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). 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 Section 205.091(B)(2), which are not subject to Sec. 205.091(C)(1) and (2).

(D) Compliance. 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 Sections 205.091(E), (F), and (G) that follow, respectively, shall be prohibited. In addition, a caution is provided here that:

- (1) New Manufactured Homes (Floodplain) and replacement of Manufactured Homes (Floodplain) are subject to the general provisions of this ordinance and specifically Section 205.091(J).
- (2) 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 205.091(K)(4).
- (3) 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 205.090(K)(1) of this ordinance.

(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 205.091(E)(1).
 - (b) Extraction or storage of sand, gravel, and other materials in excess of ten cubic yards.
 - (c) Marinas, boat rentals, docks except as permitted in Section 205.091(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 203.033 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 209.040, and subject to applicable permitting requirements of the City.
 - (3) As an alternative, and consistent with Subsection (2) above, 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:
 - (a) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and,
 - (b) 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:

- (a) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls;
 - (b) Any mechanical and utility equipment in a structure must be elevated to or above the Regulatory Flood Protection Elevation or properly flood proofed.
 - (c) 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. 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 "Permitted Uses listed in Section 205.091(F)(2) and the "Standards for all Flood Fringe Uses" listed in Section 205.091(F)(5).
- (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 (1) foot below the Regulatory Flood Protection Elevation and the fill shall extend at such elevation at least fifteen (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 205.091(E)(4)(e)(3).
 - (c) The cumulative placement of fill where at any one time in excess of one-thousand (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 205.091(F)(2)(a) of this ordinance.
 - (d) The storage of any materials or equipment shall be elevated on fill to the Regulatory Flood Protection Elevation.
 - (e) The provisions of Section 205.091(F)(5) of this ordinance shall apply.
- (3) Conditional Uses. Any structure that is not elevated on fill or flood proofed in accordance with Section 205.091(F)(2)(a)-(b) or any use of land that does not comply with the standards in Section 205.091(F)(2)(c)-(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 203.033(E) of City Code.
- (4) Standards for Flood Fringe Conditional Uses.

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:
- (a) 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
 - (b) 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.
- (4) Basements, Floodplain, as defined in Section 205.091(B)(3)(c)(2), 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 205.091(F)(4) of this ordinance.
- (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 205.091(E)(4)(f) of this ordinance.
 - (f) The provisions of Section 205.091(F)(5) of this ordinance shall also apply.
- (5) Standards for All Flood Fringe Uses:
- (a) All new principal structures must have vehicular access at or above an elevation not more than two (2) 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 (4) 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 205.091(F)(5)(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. The uses listed in Section 205.091(E)(1) of this ordinance shall be permitted uses. These uses shall be subject to the provisions set forth in Section 205.091(E) if the proposed use is in the Floodway District or to the provisions set forth in Section 205.091(F) if the proposed use is in the Flood Fringe District.
- (2) Conditional Uses. 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 205.091(G)(3), below. The provisions set forth in Section 205.091(E) shall also apply if the proposed use is in the Floodway

District and the provisions of Section 205.091(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.
 - (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 0.5 foot. A lesser stage increase than 0.5 foot 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 Section 203 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 205.091(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 205.091(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. 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. Railroad tracks, roads, and bridges to be located within the flood plain shall comply with Sections 205.091(E) and (F) of this ordinance. 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 205.091(H) and Section 205.085 (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 205.091(F) of this ordinance. If vehicular road access for an existing manufactured home park is not provided in accordance with Section 205.091(F)(5)(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.

- (a) 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.
- (3) Recreational Vehicles (Floodplain) shall not be used as a permanent or temporary residence within a floodplain district.
- (4) Any Recreational Vehicle (Floodplain) parked or stored in the FW, FF or GF Districts, as specified in Section 205.091, shall be permitted only on an individual lot of record or within an existing condominium association, and shall:
 - i. Have current licenses required for highway use.
 - ii. 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. Approval shall be obtained from the City Manager to confirm that a proposed land use conforms with the provisions of this Section 205.091o 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. 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. 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. 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 205.091(L) of this ordinance.
 - (e) Certification. 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. 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. 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. As soon as is practicable, but not later than six (6) 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. Variance from the terms of this ordinance may be approved, as specified by the procedures set forth in Section 203.070 of the Shoreview Municipal Code.
- (a) 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.
 - (b) 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. Applications shall be submitted to the City Manager who shall process said application pursuant to Section 203.033 of City Code.
- (4) Nonconforming Uses. 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 Section 207.050 and the following conditions.
 - (a) 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 (b), (c) and (d) below.
 - (b) The cost of all structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent 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 percent of the market value of the structure, then the structure must meet the standards of Section 205.091 (E) or (F) for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.
 - (c) If any nonconforming use or structure **is** substantially damaged, as defined in Section 205.091(B)(3)(c)(19), 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 205.091 (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.

- (d) If a substantial improvement occurs, as defined in Section 205.091(B)(3)(c)(20), 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 205.091 (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: 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: 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: 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.

205.092 Open Space District (OS)

(A) Purpose. The Open Space District is established to identify those properties under the jurisdiction of the Board of Ramsey County Commissioners, who have enacted ordinances to govern the conduct of members of the public during their use and enjoyment of the Ramsey County Open Space System 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 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.

205.093 Planned Unit Development Zoning District (PUD)

(A) Purpose. In the establishment of the PUD District, the City recognizes that the objectives of the Development Ordinance have been adopted to insure 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:

- (1) 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.
- (2) Higher standards for site and building design.
- (3) An incentive to redevelop obsolete or substandard land uses where present development standards cannot be met.

- (4) The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
- (5) The creative use of land and related physical development.
- (6) A more efficient use of land resulting in smaller networks of utilities and streets thereby lowering housing costs and public investments.
- (7) A more desirable environment than would be possible through the strict application of zoning and subdivision regulations of the City.
- (8) A process which gives the land owner and developer reasonable assurance of ultimate approval before expending complete design monies while providing officials with assurances that the project will be consistent with community objectives.
- (9) A technique which responds to a flexible manner to the land use categories defined on the Land Use Chapter of the Comprehensive Guide Plan.

(B) Permitted Uses.

- (1) The uses permitted in the district shall reflect the needs identified through the Comprehensive Guide 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 Guide Plan.
- (2) 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.
- (3) Utilities.
- (4) Towers and antennas permitted by the underlying zoning district associated with the Planned Unit Development unless otherwise restricted by the conditions of the PUD approval.
- (5) 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) A Comprehensive Sign Plan shall be submitted as part of the Planned Unit Development review process. All signs shall be compatible in character, materials, and color with each other and the surrounding land uses.

205.170 Urban Underdeveloped District (UND)

(A) Purpose. 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 subdivisions 1 and 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 Guide Plan.

205.180 Telecommunications Overlay District

(A) Purpose. 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:

- (1) To protect residential areas and land uses from potential adverse impacts from commercial telecommunications towers.
- (2) To minimize the adverse visual impact of commercial telecommunications towers through careful siting and design.
- (3) To protect public health and safety by ensuring appropriate design, construction, and maintenance of commercial telecommunications towers.

- (4) To ensure that commercial telecommunications towers are compatible with surrounding land uses.
 - (5) To facilitate provision of telecommunications services to residents and businesses in the City.
 - (6) To identify sites in the City where commercial telecommunications towers may be located.
- (B) Applicability. The requirements of this district shall apply to all sites identified on the map “Telecommunications Overlay District” adopted March 19, 2001 as may be amended by the City Council in accordance with the procedure set forth in Section 203.052, and which illustrates both Telecommunications Overlay District 1 (TOD-1) and Telecommunications Overlay District 2 (TOD-2).
- (C) Permitted Uses.
- (1) In the TOD-1 district, construction of commercial telecommunications 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 towers up to 75 feet in height and the installation, operation, and maintenance of WTFs.
 - (3) 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 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 Section 207.040(B).
- (E) Priority for Use. 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:
- (1) City of Shoreview.
 - (2) Public safety agencies including law enforcement, fire, and ambulance services and private entities with a public safety agreement with the City of Shoreview.
 - (3) Other government agencies, for uses not related to public safety.
 - (4) Commercial entities marketing services to the general public.