

1. Agenda

Documents:

[01 07 2025 PLANNING COMM AGENDA.PDF](#)

2. Agenda Packet

Documents:

[01 07 2025 PLANNING COMM AGENDA AND PACKET.PDF](#)

## A G E N D A

### CALL TO ORDER

### ROLL CALL / (LIAISON) SCHEDULE

EGGENBERGER (Feb) \_\_\_\_\_  
HUSKINS () \_\_\_\_\_  
HOLKER (Jan) \_\_\_\_\_  
JOHNSON () \_\_\_\_\_

1. APPROVAL OF AGENDA

2. APPROVAL OF MINUTES

- ♦ December 3, 2024

3. MATTERS FROM THE FLOOR

This is an opportunity for members of the public to bring an item, that is not on tonight's agenda, but related to the governance of the City of Shorewood, to the attention of the Planning Commission. In providing this limited public forum, the City of Shorewood expects respectful participation. We encourage all speakers to be courteous in their language and behavior, and to confine their remarks to those facts that are relevant to the question or matter under discussion. Anyone wishing to address the Commission should raise their hand and wait to be called on. Please make your comments from the podium and identify yourself by your first and last name and your address for the record. Please limit your comments to three minutes. No discussion or action will be taken by the Commission on this matter. The Commission may request the issue be forwarded to the City Council or to staff to prepare a report and place it on the next agenda.

4. PUBLIC HEARINGS - None

5. OTHER BUSINESS

- A) Variance from the side yard abutting a street setback for a proposed portico  
Location: 6040 Cajed Lane  
Applicant: Eric Magistad

Tentative review at City Council: January 27, 2025

B) Discussion of subdivision regulations amendments related to Administration and Enforcement Procedures.  
Applicant: City Initiated

C) Discussion of zoning ordinance amendments to the R-3A and related amendments needed to Implement Medium Density Land Use  
Applicant: City Initiated

6. REPORTS

- A) Council Meeting Report
- B) Draft Next Meeting Agenda

ADJOURNMENT

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ADJOURNMENT

5 MINUTES  
6

7  
8 CALL TO ORDER  
9

10 Chair Eggenberger called the meeting to order at 7:00 P.M.  
11

12 **ROLL CALL**  
13

14 Present: Chair Eggenberger; Commissioners Gorham, Holker, and Johnson; Planning  
15 Director Darling; City Planner Griffiths; and, Council Liaison Zerby  
16

17 Absent: Commissioner Huskins  
18

19 **1. APPROVAL OF AGENDA**  
20

21 Commissioner Gorham moved, Commissioner Johnson seconded, approving the agenda  
22 for December 3, 2024, as presented. Motion passed 4/0.  
23

24 **2. APPROVAL OF MINUTES**  
25

- 26 • **November 19, 2024**  
27

28 Planning Director Darling noted that there was one typographical error on page 3 where the word  
29 'this' was missing that she would amend.  
30

31 Commissioner Holker moved, Commissioner Johnson seconded, approving the Planning  
32 Commission Meeting Minutes of November 19, 2024, as amended. Motion passed 4/0.  
33

34 **3. MATTERS FROM THE FLOOR**  
35

36 **4. PUBLIC HEARINGS - NONE**  
37

38 Chair Eggenberger explained the Planning Commission is comprised of residents of the  
39 City of Shorewood who are serving as volunteers on the Commission. The Commissioners  
40 are appointed by the City Council. The Commission's role is to help the City Council in  
41 determining zoning and planning issues. One of the Commission's responsibilities is to  
42 hold public hearings and to help develop the factual record for an application and to make  
43 a non-binding recommendation to the City Council. The recommendation is advisory only.

44 **A. PUBLIC HEARING – CITY CODE AMENDMENTS – SACRED COMMUNITIES &  
45 MICRO UNIT DWELLINGS**

46 Applicant: City of Shorewood

47 Location: City-wide  
48

49 City Planner Griffiths gave an overview of the proposed code amendments for sacred  
50 communities and micro-unit dwellings in order to comply with a new State law. He noted that the  
51 City did not really have much flexibility to make any changes to the requirements that were  
52 included within the State Statute. He explained that the only policy decision that the City can  
53 make on this is whether they will regulate them as a permitted use or a conditional use and noted

**CITY OF SHOREWOOD PLANNING COMMISSION MEETING**

**DECEMBER 3, 2024**

**Page 2 of 6**

1 that staff was recommending regulating them as a permitted use. He stated that staff  
2 recommended approval of the proposed code amendments and noted that the majority of the  
3 language was taken directly from the State Statute.

4  
5 Commissioner Holker asked if there were any guidelines on what these dwellings could look like  
6 or if they had to be insulated.

7  
8 City Planner Griffiths stated that the State Statute provided some level of what they have to look  
9 like, but it did not actually meet Minnesota Building Code requirements and would be an  
10 alternative level of construction. He noted that they would have to be a habitable dwelling year-  
11 round.

12  
13 Commissioner Gorham asked if there needed to be bathrooms.

14  
15 City Planner Griffiths stated that a typical flush-type toilet was not a requirement in the State  
16 Statute, but they could have a commode.

17  
18 Planning Director Darling explained that a port-a-potty would satisfy the Statute requirements.

19  
20 Commissioner Gorham asked if electricity was necessary.

21  
22 City Planner Griffiths stated that Statute does not provide a lot of guidance, but he would presume  
23 that there would need to be electricity available, at least nearby, but the micro units themselves  
24 would not necessarily need to have electricity that would typically be found in a home.

25  
26 Commissioner Johnson stated that she would assume that there would be no recourse against  
27 the City for lack of electricity to these units.

28  
29 City Planner Griffiths stated that the way the Statute is set up it is clear that the City has a very  
30 limited role in regulating these units.

31  
32 Commissioner Gorham asked if State Statute 327.30, subd. 4 governed micro dwellings.

33  
34 City Planner Griffiths explained that subd. 4 was the section of State Statute that referenced the  
35 laundry list of requirements that these units were required to meet, such as having staff members  
36 on-site and a severe weather plan.

37  
38 Commissioner Gorham stated that it appeared as though these dwellings could have any look at  
39 all, including being different from each other.

40  
41 City Planner Griffiths stated that was correct and there were no restrictions on that type of thing.

42  
43 Commissioner Holker asked if there was a limit on the number of units.

44  
45 City Planner Griffiths stated that there were no limits on the number of units and gave an overview  
46 of the certification process that staff would undertake for this type of use.

47  
48 Commissioner Holker asked if any churches within the community have asked about this type of  
49 dwelling.

50

1 City Planner Griffiths explained that the point of this was to clarify how they would be approved  
2 and that the setback for manufactured homes would also apply to the micro units.

3  
4 Chair Eggenberger opened the Public Hearing at 7:14 P.M. noting the procedures used in a Public  
5 Hearing. There being no comment, he closed the Public Hearing.

6  
7 **Commissioner Johnson moved, Commissioner Holker seconded, recommending approval**  
8 **of the City Code Amendments regarding Sacred Communities and Micro Unit Dwellings,**  
9 **as presented. Motion passed 4/0.**

10  
11 **B. PUBLIC HEARING – CITY CODE AMENDMENTS – ADMINISTRATION,**  
12 **AMENDMENTS, CONDITIONAL USE PERMITS AND INTERIM USE PERMITS**

13 **Applicant: City of Shorewood**

14 **Location: City-wide**

15  
16 City Planner Griffiths reviewed the proposed City Code amendments to the City's zoning code  
17 related to Conditional Use Permits, Interim Use Permits, and zoning text amendments. He  
18 explained that this was really a clean-up of the code related to a section that had been accidentally  
19 removed during a previous update and also updating some of the terminology.

20  
21 Chair Eggenberger asked if staff had found any areas that were concerning when the was  
22 reviewed or if the changes needed were just cosmetic.

23  
24 Planning Director Darling explained that the cause for concern was that at some point the section  
25 of the code regarding the review criteria was accidentally removed and needed to be reinstated,  
26 as soon as possible.

27  
28 Chair Eggenberger opened the Public Hearing at 7:20 P.M. noting the procedures used in a Public  
29 Hearing. There being no comment, he closed the Public Hearing.

30  
31 **Commissioner Holker moved, Commissioner Johnson seconded, recommending approval**  
32 **of the City Code Amendments – Administration, Amendments, Conditional Use Permits**  
33 **And Interim Use Permits, as presented. Motion carried 4/0.**

34  
35 **5. OTHER BUSINESS –**

36  
37 **A. Discussion of Subdivision Code Amendments**

38  
39 Beth Richmond, HKGi, gave an overview of their company and explained that over the next few  
40 months, they will be working through the process of updating the City's subdivision code in order  
41 to modernize it, make it more user-friendly, incorporate the City's best practices and also ensure  
42 Code consistency.

43  
44 Commissioner Johnson asked how HKGi wanted the Commission's feedback and noted that they  
45 want their feedback today, but they do not have anything to actually look at.

46  
47 Ms. Richmond explained that they are planning to come back to the Commission at their February  
48 meeting in order to get feedback on the actual code language. She explained that tonight they  
49 were just looking for general feedback from the Commission about whether there may be specific  
50 areas within the code that they have seen that have caused problems. She noted that she can  
51 review some of the findings that HKGi has found in their initial review and noted that may trigger

CITY OF SHOREWOOD PLANNING COMMISSION MEETING

DECEMBER 3, 2024

Page 4 of 6

1 some areas where the Commission could give feedback as well. She noted that the major themes  
2 that they saw in their review were: the need to improve the usability of the code because its  
3 organization and language are difficult and confusing; implement the Comprehensive Plan;  
4 update and simplify the subdivision review procedures; enhance park dedication requirements;  
5 and modernization of the design standards.

6  
7 Chair Eggenberger asked what would happen if the City changes the code and it affects  
8 someone's property.

9  
10 Planning Director Darling stated that there are some regulations within State Statute that would  
11 pertain because they cannot apply changes that they make to subdivisions until at least two years  
12 after they have been recorded. She stated that they would have legal non-conforming rights once  
13 they are approved so, in the future this could make some properties non-conforming.

14  
15 The Commission asked questions about the process for changes and requirements that will be  
16 needed for subdivisions.

17  
18 Ms. Richmond outlined some recommendations they will make to organize and consolidate the  
19 document, numbering within the document, increasing efficiencies, and possibly lowering the  
20 costs, and noted that they wanted to have a conversation about non-platted subdivisions as well.  
21 She reiterated that tonight they were looking for feedback from the Commission about whether  
22 they have seen things as they have worked with the subdivision code and if there were specific  
23 things that they found confusing or challenging. She stated that if they did not have the specific  
24 language in front of them tonight, they were welcome to send them to staff so they could be  
25 forwarded to HKGi.

26  
27 Commissioner Holker asked if all the updates would require approval by the Planning  
28 Commission, the City Council and would also require a public hearing. She asked if they would  
29 have several meetings to go through the updates or if it would all be approved at one time.

30  
31 Ms. Richmond stated that they were planning to come to the Planning Commission at their  
32 February meeting.

33  
34 Planning Director Darling asked if they intended to have the Commission look at the entire section  
35 all at once.

36  
37 Ms. Richmond explained that they have the ability through Conveyo, where they can post drafts  
38 of the document so the Commission can look at and it add comments, which would give them  
39 the opportunity to review it without having to do it on the fly. She stated that would be the tool that  
40 would allow the Commission to be able to look at the new proposed text in full and be able to  
41 understand what it will look like.

42  
43 Planning Director Darling confirmed that they would also hold a public hearing.

44  
45 Commissioner Gorham asked if Ms. Richmond had taken a look at the City's PUD section.

46  
47 Ms. Richmond stated that the PUD section was not in the subdivision code and explained that  
48 their intent was to try to specifically stay within the subdivision code.

49

1 Commissioner Gorham asked about subdivisions, as they related to the Comprehensive Plan,  
2 how HKGi would incorporate things like statements relating to physical appearance or  
3 Shorewood's unique character.

4  
5 Ms. Richmond stated that typically when a city has unique characteristics or things that they want  
6 to memorialize, they talk to staff about what that looks like as far as the subdivisions that they are  
7 creating. She stated that it could be something where they reference the Comprehensive Plan to  
8 certain maps that show topography or natural features that should be protected and reiterated  
9 that for these types of things, they will often work closely with staff.

10  
11 Commissioner Gorham stated that the City has not seen a lot of subdivisions, but the last two that  
12 came through there was some discussion about their effect on the character of Shorewood and  
13 asked if this was something that Ms. Richmond saw being addressed within the code.

14  
15 Ms. Richmond stated that was a tricky comment to make because it was hard to know if that was  
16 something that was controlled by the subdivision code or the zoning code.

17  
18 Planning Director Darling stated that the subdivision ordinance only pertains to how property is  
19 subdivided and not what it is subdivided for and the zoning ordinance will tell them what they use  
20 the property for.

21  
22 The Commission discussed the notification process including when a public hearing would be  
23 necessary, when things would be handled administratively versus needing Planning  
24 Commission/City Council involvement, and ways to make sure it was not subjective.

25  
26 Ms. Richmond thanked the Commission for their feedback and questions and reiterated that if  
27 anything came to mind following the meeting to let staff know so they can pass the information  
28 along to her.

29  
30 **6. REPORTS**

31  
32 • **Council Meeting Report**

33  
34 Council Liaison Zerby reported on matters considered and actions taken during the Council's  
35 recent meetings.

36  
37 Chair Eggenberger expressed his appreciation to Council Liaison Zerby for everything he did for  
38 both the Planning Commission and the City.

39  
40 • **Draft Next Meeting Agenda**

41  
42 Planning Director Darling stated the next agenda the Commission would review the medium  
43 density ordinance amendments and a small variance request for a portico. She explained that  
44 tonight would be Commissioner Gorham's last meeting with the Commission because of his  
45 swearing-in as a Councilmember.

46  
47 Chair Eggenberger thanked Commissioner Gorham for his service on the Commission. He  
48 suggested that they take time tonight to choose liaisons for the upcoming City Council meetings.

49  
50 January – Commissioner Holker

51 February – Commissioner Eggenberger

1  
2  
3  
4  
5  
6

**7. ADJOURNMENT**

**Commissioner Holker moved, Commissioner Gorham seconded, adjourning the Planning Commission Meeting of December 3, 2024, at 8:17 P.M. Motion passed 4/0.**



**Title/Subject:** Variance from the Side Yard Abutting a Street Setback for a Proposed Portico

**Meeting Date:** January 7, 2025

**Prepared by:** Jake Griffiths, City Planner

**Reviewed by:** Marie Darling, Planning Director

**Attachments:** Applicant’s Plans & Narrative

**Applicant:** Eric Magistad

**Location:** 6040 Cajed Lane

**Review Deadline:** March 4, 2025

**Comprehensive Plan:** R-1A Single Family Residential

**Zoning:** Minimum Density Residential

**REQUEST**

The applicant is requesting a variance from the 50-foot side yard abutting a street setback established by the R-1A zoning district to accommodate construction of a portico on the front of their dwelling. The portico is proposed to be constructed on an existing concrete stoop and is proposed to be setback 28-feet from the property line, where a 50-foot setback is required. If the variance request is approved, construction of the portico will require a building permit. The applicant’s plans and narrative are attached for review. After a building permit for the portico was denied by the City of Shorewood in September 2024, it appears that the frame of the portico has already been constructed without permits.

Notice of the application was sent by postcard to all property owners within 500 feet of the property and a sign was also placed in front of the property. Notice of the public meeting was sent by US mail to all property owners within 500 feet of the property at least 10 days prior to the meeting. As of the publication of this report, no correspondence has been received from the public regarding this application.



Photo Courtesy Hennepin County

**BACKGROUND**

The lot was created as part of the Afton Meadows plat in the 1960s prior to detailed record keeping and the home was subsequently constructed in 1977. The existing home is legally nonconforming, or “grandfathered in”, to the side yard abutting a street setback as the

northeast corner of the home is setback only 26.6 feet from the property line. The surrounding neighborhood is mostly developed with single-family homes that have similar legally nonconforming setbacks, the only exception being the property to the north which is the Woodside Cemetery.

#### Applicable Code Sections

City Code 1201.10, Subd. 5. d. (3) requires a setback of 50 feet from side lot lines abutting a public street. Even though the front of the dwelling and the driveway faces Cajed Lane, City Code defines this as the side lot line as this is a corner lot and the lot line fronting Cajed Lane is longer than the lot line fronting Beverly Drive. Regardless, the setback remains 50 feet whether the lot line is classified as the front or the side yard abutting a street.

#### Why is a variance required?

While City Code 1201.03, Subd. 3. c. (4) provides an exception to setbacks for construction of a portico, that exception is limited to an encroachment of no more than 4 feet. Since the applicant is proposing a 5-foot by 5-foot portico, this exception does not apply to the applicant's proposal. City Code 1201.03 Subd. 3. d. also provides some flexibility for residential neighborhoods where dwellings were uniformly constructed at a lesser setback than what is required by the City Code. However, that flexibility only applies to the front yard setback and not the side yard abutting a street setback. Since the applicant is proposing an encroachment into the side yard abutting a street setback, this exception does not apply to the applicant's proposal and a variance would therefore be required.

#### What is a Portico?

A portico is a porch leading to the entrance of a building with a roof structure over a walkway that is supported by columns. The photo below shows the current front of the applicant's home with existing wooden columns that would be utilized in construction and finishing of the portico. The applicant's attached plans provide more detailed information on the design of their specific request.



*Photo Courtesy City of Shorewood*

### Impervious Surface Coverage

Maximum impervious surface coverage for the subject property is 33%. Existing impervious surface coverage is 15.4%, which meets this requirement. The proposed portico is proposed to be constructed on an existing stoop resulting in no increase to impervious surface.

### **ANALYSIS**

City Code 1201.05, Subd. 3. a. establishes review criteria for variance requests. These criteria are open to interpretation, and the applicant's attached narrative provides their interpretation of how their request meets the review criteria. Staff has reviewed the request according to the criteria as follows:

*Intent of the Comprehensive Plan and Zoning Ordinance:* The applicant proposes to use the property for residential purposes, which is consistent with the Comprehensive Plan. Staff notes that one of the policies in the plan is to encourage uniform land use regulations and enforcement. While the zoning ordinance ultimately seeks to reduce the number of nonconformities, in this case the construction of the portico would be at a greater setback (28 feet) than the existing dwelling (26.6 feet) and would not substantially increase the extent of the legal nonconformity to the side yard abutting a street setback.

*Practical Difficulties:* Practical difficulties include three factors, all of which must be met to grant a variance:

- a) *Reasonable:* Porticos are a common architectural feature of single-family residential homes, and it is a reasonable request to construct the portico at a greater setback than the existing dwelling.
- b) *Unique Situation v. Self-Created Situation:* The situation is unique to this property as the home was constructed prior to modern zoning regulations and is legally nonconforming to the 50-foot side yard abutting a street setback. Due to the way setbacks are applied to this property, almost any addition would require a variance. The proposed portico is a minor exterior improvement that is situated on an existing stoop and will not increase the extent of the legal nonconformity on the property.
- c) *Essential Character:* Most of the properties in this neighborhood have lesser setbacks than what is currently required by the City Code. The proposed portico is to be built on an existing stoop and would not significantly impact the essential character of the neighborhood.

*Economic Considerations:* Economic considerations are not the sole basis for the variance request.

*Impact on Area/Public Welfare, Other Lands or Improvements:* There appear to be no impacts.

*Minimum to Alleviate Practical Difficulty:* The variance request is for the minimum distance to alleviate the practical difficulty and to accommodate construction of the portico.

**FINDINGS/RECOMMENDATION**

Staff finds the proposed variance request meets the review criteria and recommends approval of the application subject to the following conditions:

- The applicant must obtain all necessary permits for construction prior to March 1, 2025, and pass all required permit inspections.

The Planning Commission is requested to hold a public meeting on the proposed variance request and make a recommendation to City Council. Staff acknowledges that the variance review criteria are open to interpretation and the Planning Commission could reasonably find otherwise.

**Eric Magistad**

6040 Cajed Lane

Shorewood, MN 55331

651-208-3855

eric.magistad@gmail.com

NOV 04 2024

**City of Shorewood**

**Planning & Protective Inspections**

1. The variance, and its resulting construction and use, is consistent with the intent of the comprehensive plan and in harmony with the general purposes and intent of the zoning regulations

**Applicant response:** This is a small portico project extending the entryway from the house by 5.5 feet (please see attached slides). We recently replaced the front door and thought a portico would complement the new entryway. The portico frame will sit atop an already existing concrete stoop. The construction project is consistent with the comprehensive plan insofar as the project is a small exterior improvement that is consistent with the existing residential zoning classification. The project does not involve any digging or expansion of any impervious surface.

2. The applicant has established that there are practical difficulties in complying with this Chapter. Practical difficulties mean:

- (a) The property owner proposes to use the property in a reasonable manner, but which is not permitted by this Chapter.
- (b) The plight of the landowner is due to circumstances unique to the property not created by the landowner.
- (c) The variance, if approved, would not alter the essential character of the locality.

**Applicant response:**

- a) The distance between the street and the entryway of the house is legally nonconforming. We are attentive to these regulations and believe this small portico project represents a façade improvement that will enhance general neighborhood aesthetics without having any detrimental impact to neighbors or city infrastructure.
- b) The problem we face with this project is the house is too close to the street. The house was constructed in 1977, and we have owned and lived in the property for just over two years and were unaware that the house was legally non-conforming prior to closing.
- c) The portico above the entryway is a minor construction project that involves erecting a frame on an existing concrete stoop. The entryway is currently very two-dimensional and lacks depth or character. This portico project will conform agreeably with other neighborhood entryways and housing facades.

NOV 04 2024

3. The variance would not be based exclusively on economic considerations.

**Applicant response:** This portico project will have a negligible or modest impact on the market value of the property. It is our intention to reside at this address (where the improvement is taking place) for 5-10 years, minimum.

4. The variance shall not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion in the public street or increase the danger of fire or endanger public safety.

**Applicant response:** This portico project will have no quality-of-life or public safety impacts on neighbors. There will be no water, light, visibility or traffic effects. If anything, the project will contribute to better neighborhood aesthetics.

5. The variance, and its resulting construction or project, would not be detrimental to the public welfare, nor would it be injurious to other lands or improvements in the neighborhood.

**Applicant response:** This portico project will not be detrimental to public welfare and will not affect neighborhood land, public infrastructure or other nearby improvement projects.

6. The variance is the minimum variance necessary to address or alleviate the practical difficulties.

**Applicant response:** The variance is the minimum necessary. We are not requesting anything except permission to extend the house facade from the house where the portico frame will sit atop an existing concrete stoop.



RECEIVED

NOV 04 2024

CITY OF SHOREWOOD



This is what we have asked our contractor (Cornerstone Construction LLC) to build for a portico at **6040 Cajed Lane, Shorewood, MN 55331**

**(Note:** this is an example and not a photo of our house)

RECEIVED

NOV 04 2024

CITY OF SHOPPEWOOD

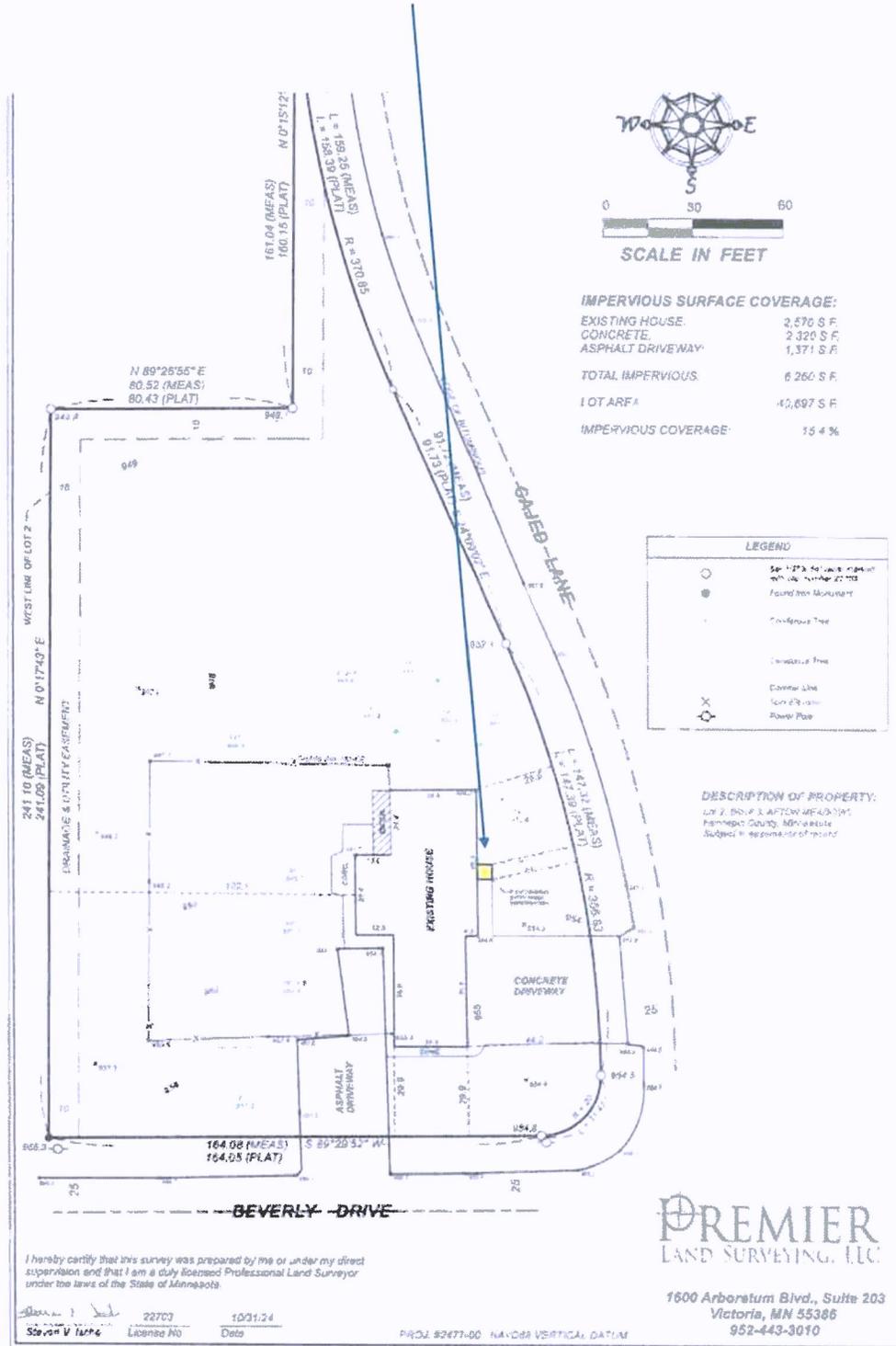


This is what our contractor framed to support the portico before we knew it required a variance. The framing can be easily dismantled if variance is not approved. This is a current photo of our home.

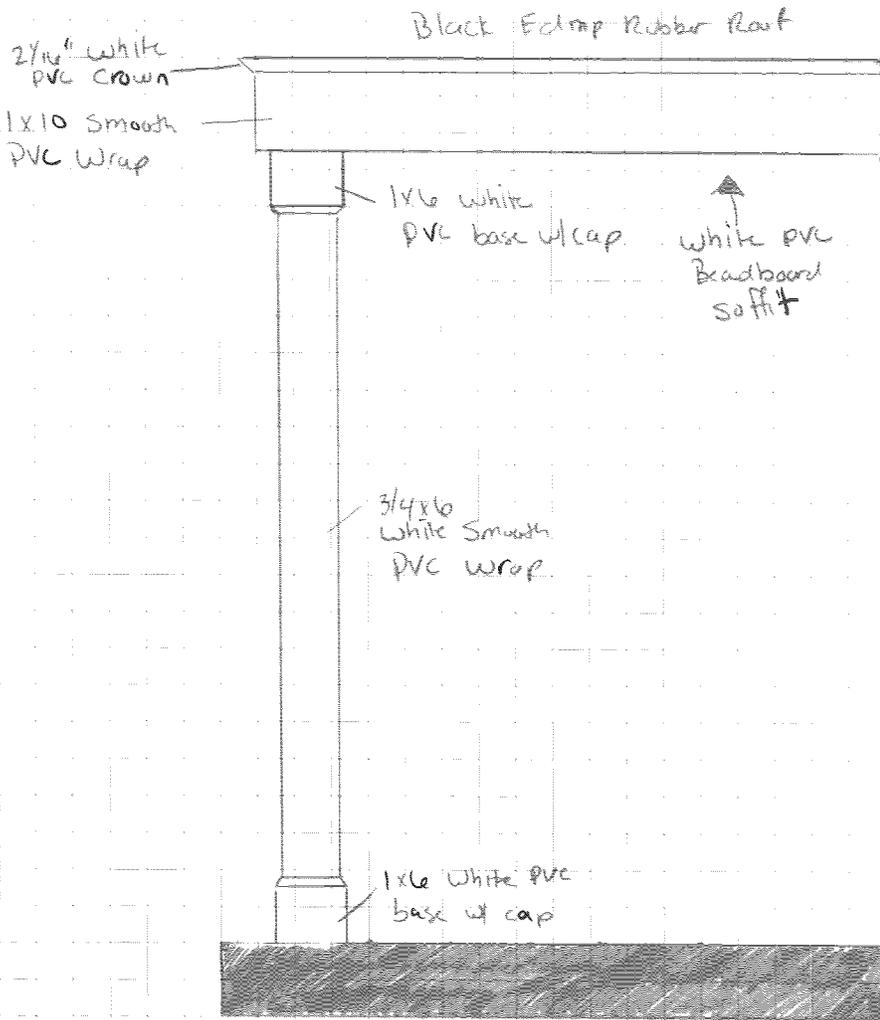
**Note:** the frame sits upon an existing stoop so there is no digging required or net addition to impervious surfaces.

NOV 04 2024

# Proposed portico



This is view from our recent survey. The portico location is highlighted yellow.



2 1/2" white  
PVC crown

1x10 smooth  
PVC wrap

Black Edmp Rubber Roof

1x6 white  
PVC base w/cap.

white PVC  
beadboard  
soffit

3/4x6  
white smooth  
PVC wrap

1x6 white PVC  
base w/cap

RECEIVED  
SEP 24 2024  
CITY OF SHOREWOOD

8'  
Existing  
House

- Existing  
Concrete  
Strip

Scale 1/4" = 4"

• Front Elevation

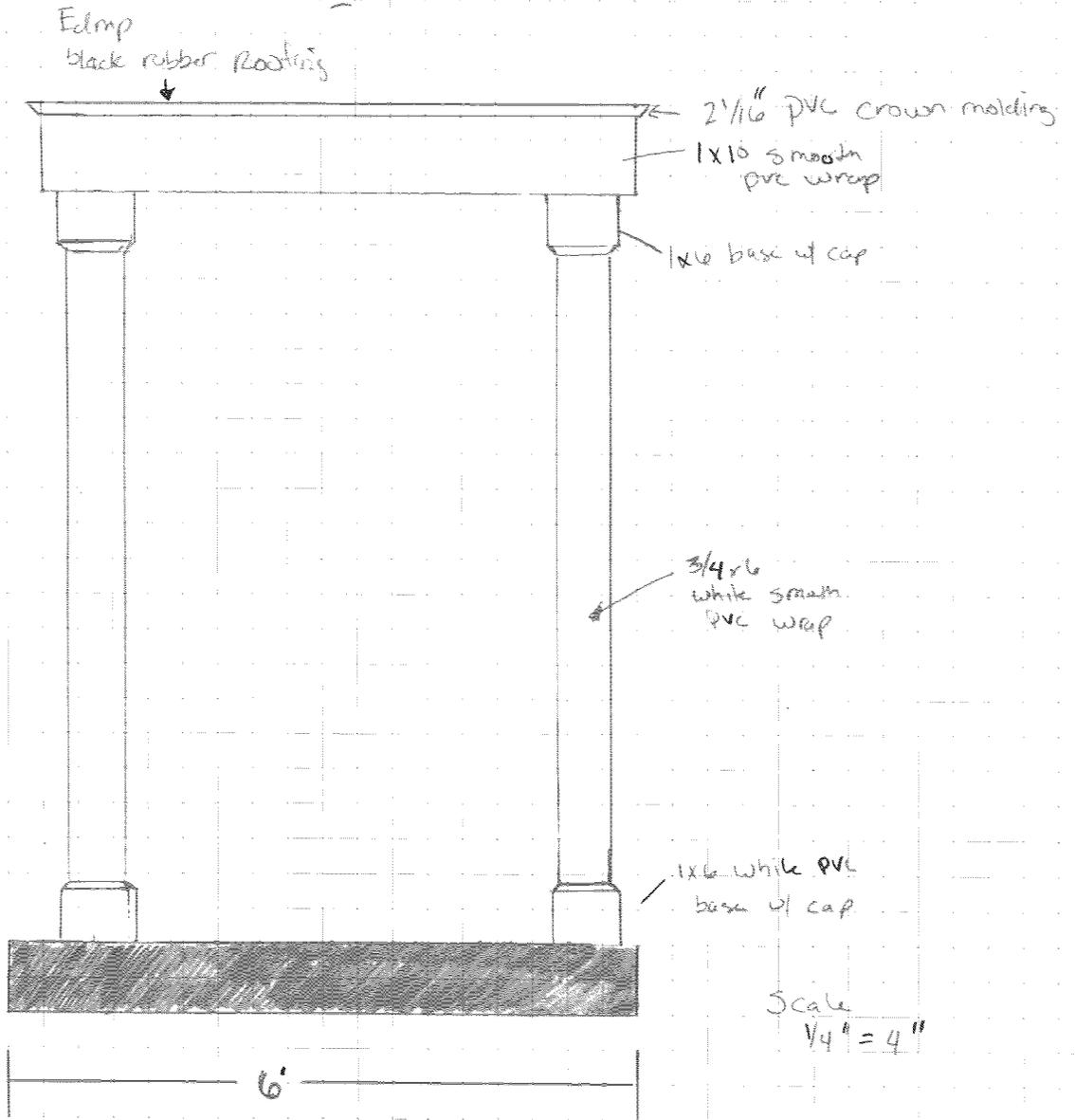
All finish materials will be white  
PVC trim will be installed with screws & matching plugs

RECEIVED

SEP 24 2024

CITY OF SHOREWOOD

Existing Concrete Stoop →





## Planning Commission Meeting Item

---

Item 5B
------------

**Title/Subject:** Subdivision Ordinance Update  
**Meeting Date:** January 7, 2024  
**Prepared by:** Marie Darling, Planning Director  
**Attachments:** Memo of proposed Changes  
Draft Regulations  
Memo from December 3, 2024

---

**APPLICANT:** City of Shorewood  
**LOCATION:** City-Wide  
**REVIEW DEADLINE:** NA

### **BACKGROUND**

This will be the first discussion of the draft ordinance and will pertain to the procedures. The attached is not a final draft, but a work in progress. Please consider the application process for each type of application and either compare the new draft processes in the attached to the current processes as shown in Section 1202 of city code (either in your code books or available on the website) or how you recall the application processes have functioned from various application that you have reviewed. Suggestions to improve the process of applications are appropriate for this meeting as well.

### Request:

Please review the drafts and let staff know if the Commission finds additional amendments are necessary to create smooth processes or if the draft language should be amended for clarity or context. Staff will share your comments with the consultants.

Please keep in mind that staff will be discussing the policy issues with premature subdivision/water connections with the city council at an upcoming retreat or worksession.

## Shorewood Subdivision Code Changes Summary

### 1202.10 Introductory Provisions

No changes yet.

### 1202.20 Procedures and Enforcement

In general:

- Former sections 1202.03, 1202.04, 1202.08, 1202.09, and 1202.10 were all combined into a single section.
- Removed deadline requirements from each review procedure and created language in the common procedures section that reflects state requirements for timing/deadlines.
- Former “plat and data requirements” section was separated out and moved into each respective procedure’s section.
- Each procedure is organized in a similar way with the same headings to make it simpler for readers to understand.

### 1202.21 Common Procedures

- This is a new section that was created to house language that applies to all/most subdivision procedures. This reduces the need for repetitive text within this section.
- Added new language about applicability, authority to file applications, application fees, coordination of applications, deadline for action, premature subdivisions, withdrawal of applications, successive applications, appeals of decisions, building permits and amendments.
- Sketch plan language was changed to become language describing the “pre-application meeting.” This is an optional meeting with Staff that applicants may choose to request in order to obtain informal feedback from Staff before moving forward with the expense of preparing a larger application. It is recommended that applicants for minor subdivisions and preliminary plats schedule a pre-application meeting.
- Language about premature subdivisions to be crafted based on CC input from January worksession.

### 1202.22 Administrative Adjustment

- This is a new process that was created out of the former “minor subdivision and lot combination” procedure. This process can be used for lot line adjustments, lot combinations and requests to divide a base lot upon which multi-family dwellings exist.
- The review procedure and criteria for approval are new. The post-approval action language was taken from the former “minor subdivision and lot combination” procedure.
- Submittal requirements were updated to match current City needs and practice.
- Criteria for approval of base lot subdivisions was brought in from the zoning code (subd. 16) and added to this section.

### 1202.23 Minor Subdivision

- This process was also created out of the former “minor subdivision and lot combination” procedure. This process is intended to be used when no more than two lots are being created.

Additional requirements, such as the land being previously subdivided, no further subdivision capability and no need for construction of public improvements, were added and apply to any subdivision using this procedure.

- Submittal requirements are being updated to reflect current City needs and practice.
- The procedure was updated to incorporate a suggestion for a pre-application meeting and to allow this type of subdivision to only be reviewed by City Council (not Planning Commission). No public notice/hearing is required.
- Criteria for approval were added.

#### **1202.24 Preliminary Plat**

- The procedures for preliminary plat and final plat were split out from the former “major subdivision” process.
- An Applicability section was created establishing the circumstances when a preliminary plat would be required for a subdivision.
- Submittal requirements will be updated to reflect current City needs and practice.
- Updated the review procedure to include a recommendation for a pre-application meeting.
- Added requirement that the applicant post a sign on the property indicated that the property is under development/subdivision review.
- Added criteria for approval.

#### **1202.25 Final Plat**

- The procedures for preliminary plat and final plat were split out from the former “major subdivision” process.
- Submittal requirements will be updated to reflect current City needs and practice.
- Added language about final plat submittals that the City may choose to review preliminary and final plats simultaneously and that the final plat must incorporate all changes required for the preliminary plat and strictly conform to the preliminary plat.
- Added criteria for approval.

#### **1202.26 Subdivision Variance**

- Separated out subdivision variance language from appeals language.
- Added an applicability section.
- Submittal requirements were updated to reflect current City needs and practice.
- Removed the need for a public hearing. The new procedure involves PC review and recommendation and CC decision.
- Updated language in criteria for approval to clarify that the variance must be consistent with the Code and Comprehensive Plan and that the owner must demonstrate an “unusual hardship.”
- Added post approval actions.

#### **1202.27 Violations and Penalty**

- Current language only mentions improvements. Language was added to broaden the scope of when a violation might occur.

#### **1202.30 Design Standards**

No changes yet.

#### 1202.40 Improvements

No changes yet.

#### 1202.50 Park Dedication

##### 1202.51 Dedication Required

- Language added to clarify when park dedication is required and to state the City's authority for requiring dedication.

##### 1202.52 Land Suitability

- Language added which states that the City is not required to accept land if that land is not usable for parks, trails, etc. This may include land which is in a floodplain, encumbered by a utility easement, or has steep slopes.
- Language was also added to require the developer to improve dedicated park land to a certain level, including grading, installation of ground cover, and construction of trails when noted on city plans.

##### 1202.53 Dedication Calculation

- Land dedication requirements separated for residential developments (8% of total land area) and non-residential developments (5% of total land area – staff to confirm).
- Language added to specify that the City may accept a combination of land and cash and to describe how this will be calculated.

##### 1202.54 Modification of Requirements

- Language added to allow subdivider to request a deviation from the Code requirements based upon anticipated impact of subdivision, existing park and rec facilities, or proposed facilities designated on development plans.

##### 1202.55 Credit for Private Park and Open Space

- Language added which specifies that no park dedication credit will be given for private open space/park land within a development. Need to confirm this direction w/staff.

##### 1202.56 Timing

- Language was added to specify that land dedication/cash in lieu must occur at the time of final subdivision approval

# **Chapter 1202 Subdivision Regulation**

## **1202.00 Introductory Provisions**

## **1202.10 Definitions**

## **1202.20 Procedures and Enforcement**

### **1202.21 Common Procedures**

#### Subd. 1 Applicability

- a. The requirements of this chapter shall apply to all subdivision applications and procedures subject to development review under this Code unless otherwise stated.
- b. Subdivisions which meet the following circumstances are exempt from the regulations of this chapter:
  - (1) Where all the resulting parcels, tracts, lots, or interests will be 20 acres or larger in size and 500 feet in width for agricultural or residential uses;
  - (2) Where all the resulting parcels, tracts, lots, or interests will be five acres or larger in size for commercial and industrial uses;
  - (3) Creating cemetery lots; or
  - (4) Subdivisions resulting from court orders or the adjustment of a lot line by the relocation of a common boundary.

#### Subd. 2 Building Permits

- a. No lot, parcel or tract created after the effective date of this chapter shall be issued a building permit unless the lot, parcel or tract has been created in compliance with the subdivision regulations of the City.
- b. Outlots are deemed unbuildable, and no building permit shall be issued for such properties, except in the case of public park facilities and essential services.

#### Subd. 3 Authority to File Applications

- a. Subdivision applications for an individual property may be initiated by:
  - (1) The owner of the property that is the subject of the application; or
  - (2) An agent authorized by the owner of the property that is the subject of the application, which may include a lessee of the property. Evidence of such authorization shall be the signature of the property owner.
  - (3) If the property subject to an application is under more than one ownership, all owners or their authorized agents shall join in filing the application.

#### Subd. 4 Application Fees

- a. All applications for subdivision approval shall be accompanied by a fee established by City ordinance to pay for costs associated with the application processing and review. Said fee ordinance will be annually reviewed and updated.
- b. An escrow amount may be required by the City to pay for actual costs incurred by the City during the review process.
- c. No application shall be deemed complete for processing until the necessary fee has been paid.

#### Subd. 5 Pre-Application Meeting

- a. All applicants may choose to meet with the Zoning Administrator prior to filing a subdivision application. The Zoning Administrator may choose to invite additional City Staff to the meeting if necessary.
- b. A pre-application meeting is an informal discussion between a potential applicant and City Staff regarding a possible project subject to this chapter. The purpose of the meeting is to inform applicants of the procedural requirements and minimum standards of this chapter and the requirements or limitations imposed by other city ordinances or plans prior to the development of a subdivision.
- c. For discussion purposes, applicants must provide a sketch or concept of the proposed subdivision to City Staff. This plan shall contain, at a minimum, plat boundary, north arrow, graphic scale, street layout on and adjacent to plat, designation of land use and current or proposed zoning, significant topographical or physical features and general lot locations and layout.
- d. Discussions that occur during pre-application meetings are not binding on the City and do not constitute official assurances or representations of the City.

Subd. 6 Coordination of Applications

- a. Depending on the requirements of this Code, multiple applications may be required for a single development.
- b. City Staff shall determine the order of application review based on the City Code, including this chapter, and state requirements. Where possible, applications will be reviewed simultaneously.

Subd. 7 Deadline for Action

- a. In compliance with M.S. § 462.358, the City shall take action to preliminarily approve or deny a subdivision application within 120 days following delivery of an application completed in compliance with this Code, unless an extension for the review period has been agreed to by the applicant.
- b. In compliance with M.S. § 462.358, the City shall certify final approval of a subdivision application within 60 days if the applicant has complied with all conditions and requirements of applicable regulations and the preliminary approval.

Subd. 8 Premature Subdivisions

- a. Any proposed subdivision deemed premature for development shall be denied by the City Council.
- b. The burden shall be upon the applicant to show that the proposed subdivision is not premature.
- c. A subdivision may be deemed premature should any of the following conditions exist:
  - (1) Lack of Adequate Drainage: A condition of inadequate drainage shall be deemed to exist if:
    - (a) Surface or subsurface water retention and runoff is such that it constitutes a danger to the structural security of the proposed structures and/or adjacent properties.
    - (b) The proposed subdivision will cause pollution of water sources or damage from erosion and siltation on downhill or downstream land.
    - (c) The proposed site grading and development will cause harmful and irreparable damage from erosion and siltation on downstream land.

- (d) Factors to be considered in making these determinations may include:
  - 1. Average rainfall for the area;
  - 2. The relation of the land to floodplains;
  - 3. The nature of soils and subsoils and their ability to adequately support surface water runoff and waste disposal systems;
  - 4. The slope of the land and its effect on effluents; and
  - 5. The presence of streams as related to effluent disposal.
- (2) Lack of Adequate Water Supply. A proposed subdivision shall be deemed to lack an adequate water supply if municipal water is not available to the plat. With the extension of municipal water, all private wells must be capped in accordance with State Statutes.
- (3) Lack of Adequate Roads or Highways to Serve the Subdivision. A proposed subdivision shall be deemed to lack adequate roads or highways to serve the subdivision when:
  - (a) Roads which serve the proposed subdivision are of such a width, grade, stability, vertical and horizontal alignment, site distance and surface condition that an increase in traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare, or seriously aggravate an already hazardous condition, and when, with due regard to the advice of the City Engineer, Hennepin County and/or the Minnesota Department of Transportation, said roads are inadequate for the intended use.
  - (b) The traffic volume generated by the proposed subdivision would create unreasonable street congestion or unsafe conditions on streets existing at the time of the application or proposed for completion within the next two years.
  - (c) The roads fail to meet minimum City standards.
- (4) Lack of Adequate Waste Disposal Systems. A proposed subdivision shall be deemed to lack adequate waste disposal systems if municipal sanitary sewer is not available to the plat or if in subdivisions for which sewer lines are proposed, there is inadequate sewer capacity in the present system to support the subdivision if developed to its maximum permissible density indicated in the Shorewood Comprehensive Plan, as may be amended.
- (5) Inconsistency with Comprehensive Plan. The proposed subdivision is inconsistent with the purposes, objectives, and recommendations of the duly adopted Comprehensive Plan of Shorewood, as may be amended.
- (6) Providing Public Improvements. If public improvements, such as recreational facilities, or other public facilities, reasonably necessitated by the subdivision, which must be provided at public expense, cannot be reasonably provided for within the next two fiscal years.

Subd. 9 Withdrawal of Applications

- a. Any request for withdrawal of an application shall be submitted in writing to City Staff.
- b. In all cases where the applicant has requested withdrawal of an application, the associated fee paid and any costs incurred by the City in the processing of the application shall not be refunded.

Subd. 10 Successive Applications

- a. No application which has been denied wholly or in part may be resubmitted for at least one year from the date of its submittal, unless substantial changes have been made which warrant reconsideration, as determined by City Staff.

Subd. 11 Appeals of Decisions

- a. The City Council shall serve as the Board of Adjustment and Appeals and hear and decide any appeals of the Zoning Administrator's interpretation of this chapter.
- b. All decisions made by the City regarding subdivision shall be final, except that any aggrieved person shall have the right to appeal to the District Court in Hennepin County within 30 days after delivery of the City decision to the appellant. Any person seeking judicial review under this chapter must serve the City and all necessary parties, including any landowners, within the 30-day period defined above.

Subd. 12 Registered Land Surveys

- a. It is the intention of this chapter that all registered land surveys in the City should be presented to the Planning Commission in the form of a preliminary plat in accordance with the standards and procedures set forth in this chapter for preliminary plats.
- b. The Planning Commission shall first recommend the arrangement, sizes and the relationships of proposed tracts in the registered land surveys, and tracts to be used as easements or roads should be so dedicated.
- c. Building permits will be withheld for buildings on tracts that have been so subdivided by registered land surveys unless a recommendation and approval have been obtained from the Planning Commission and City Council respectively, in accordance with the standards and procedures set forth in this chapter. The City may refuse to take over tracts as streets or roads or to improve, repair or maintain any tracts unless so approved.

Subd. 13 Amendments

- a. The provisions of this chapter shall be amended by the City Council following a legally advertised public hearing before the Planning Commission and in accordance with the law, including the rules and regulations of any applicable state or federal agency.

## **1202.22 Administrative Adjustment**

Subd. 1 Applicability. An application for an administrative adjustment shall be submitted to the City when any of the following apply:

- a. Requests to divide a portion of a lot or lots where the division is to permit the adding of a parcel of land to an abutting lot or lots so that no additional lots are created and all new lots meet Code requirements;
- b. Requests to combine two existing platted lots or lots of record in the R-ID zoning district:
  - (1) Of which one or both lots are nonconforming due to insufficient lot size, width or depth; and
  - (2) That results in a single lot that is not greater in area than 125% of the minimum lot size for the R-1D zoning district;
- c. Requests to divide a base lot, upon which has been constructed a two-family dwelling or townhouse, where the division is to permit individual private ownership of a single dwelling unit within the structure and the newly created property lines will not cause any of the unit lots or the structure to be in violation of this chapter, the Zoning Code, or the State Building Code.

Subd. 2 Submittal Requirements

- a. Complete application, fee and escrow as specified in City's fee schedule
- b. Proof of ownership of the property
- c. Existing and proposed legal descriptions for the property provided as Word document(s)
- d. One large-scale paper copy and one digital submission of a survey prepared and signed by a registered land surveyor which includes:
  - (1) North arrow, scale and date of preparation
  - (2) Proposed name of subdivision
  - (3) Original and proposed lot boundaries and dimensions
  - (4) Acreage of site
  - (5) Layout, numbers and dimensions of parcels
  - (6) Location and dimensions of existing structures on the site
  - (7) Location and dimensions of curb cuts and driveways
  - (8) Street layout on and adjacent to subdivision
  - (9) Existing and proposed easement locations
  - (10) Significant topographical or physical features
- e. Additional information as determined necessary by the Zoning Administrator.

Subd. 3 Procedure

- a. The Zoning Administrator shall review the application to determine conformance with the Zoning and Subdivision ordinances.
- b. The Zoning Administrator shall have the authority to make a final decision on the application.
- c. Following the approval or denial of the application, the Zoning Administrator shall provide the applicant with written notice of the decision and reasons for approval or denial.

Subd. 4 Criteria for Approval. In considering the administrative adjustment application, the Zoning Administrator shall consider the following factors:

- a. Conformance with this chapter, the Zoning Code and all other applicable ordinances, rules and regulations; and
- b. Consistency with the Comprehensive Plan's vision, mission, values and policies.
- c. In addition to the criteria above, subdivisions of base lots shall meet the following criteria:
  - (1) Prior to a base lot subdivision, the base lot must meet all the requirements of the zoning district.
  - (2) In any residential district, there shall be no more than one principal structure on the base lot. The principal structure on unit lots created in a base lot subdivision will be the portion of the attached dwelling existing or constructed on the platted unit lots.
  - (3) A property maintenance agreement must be arranged by the applicant and submitted to the City Attorney for their review and subject to approval. The agreement shall ensure the maintenance and upkeep of the structure and the lots to meet minimum City standards. The agreement is to be filed with the Hennepin County Recorder's office as a deed restriction against the title of each unit lot.
  - (4) Separate public utility service shall be provided to each subdivided unit and shall be subject to the review and approval of the City Engineer.

Subd. 5 Post-Approval Actions

- a. City approval for an administrative adjustment shall become null and void if, within one year after such approval, the administrative adjustment has not been duly filed and recorded with the Hennepin County Recorder's Office.

**1202.23 Minor Subdivision**

Subd. 1 Applicability. An application for a minor subdivision shall be submitted to the City when all of the following apply:

- a. The request to subdivide would create no more than two lots or building sites, neither of which is capable of being further subdivided in the future;
  - (1) In the R-1D Single-Family Residential zoning district neither lot may be greater than 125% of the minimum lot size for the zoning district. To qualify, neither of the lots resulting from the division may be capable of being further divided. Nor may the property have been part of a previous minor subdivision or metes and bounds conveyance since 1985;
- b. The land has been previously subdivided by plat or registered land survey and is on file and of record in the County Register of Deeds or Registrar of Titles;
- c. The application will not cause the parcel or any structure on the parcel to be in violation of this chapter, the Zoning Code, or the building code;
- d. With the exception of sidewalks or trails, the application will not involve the construction of any new street or road, the extension of municipal facilities, or the creation of any public improvements; and
- e. The application does not involve an outlot.

Subd. 2 Submittal Requirements

- a. Complete application, fee and escrow as specified in City's fee schedule
- b. Proof of ownership of the property
- c. Existing and proposed legal descriptions for the property and any easements provided as Word document(s)
- d. Certificate of survey prepared by a registered land surveyor.
- e. The data and supportive information detailing the proposed subdivision shall be the same as required for a preliminary plat as set forth in § 1202.04, Subd. 2. of this chapter. The Zoning Administrator may exempt the subdivider from certain informational requirements.
- f. Additional information as determined necessary by the Zoning Administrator.

Subd. 3 Procedure

- a. A pre-application meeting pursuant to § 1202.21 is suggested prior to submitting a minor subdivision application.
- b. The owner or subdivider shall submit an application for minor subdivision, together with all necessary supplementary information listed above
- c. The Zoning Administrator shall refer the application to all appropriate City Staff for review and comment.
- d. The application and any reports prepared by City Staff shall be considered at a regular meeting of the City Council. The subdivider shall be present at the City Council meeting to answer questions concerning the proposed subdivision.

Note that these requirements are still being updated

- e. Upon receipt of the application and any reports prepared by City Staff, the City Council shall take action on the application. Approval of the application requires a simple majority vote of the full City Council.

Subd. 4 Criteria for Approval. In considering the minor subdivision application, the City Council shall consider the following factors:

- a. Conformance with this chapter, the Zoning Code, and all other applicable ordinances, rules and regulations; and
- b. Consistency with the Comprehensive Plan's vision, mission, values and policies.

Subd. 5 Post-Approval Actions

- a. Prior to release of a Council resolution approving a minor subdivision for recording, the subdivider shall submit the following:
  - (1) An up-to-date title opinion from within the last 30 days for review and approval by the City Attorney.
  - (2) Deeds in favor of the City for any easements or public right-of-way that may be required as part of the minor subdivision.
- b. The subdivider must record the minor subdivision, and any required deeds for easements or street right-of-way, with the Hennepin County Recorder within 30 days of the date it receives the resolution approving the subdivision. Failure to record the subdivision within 30 days shall void the approval. No building permits shall be issued for new lots until the subdivider has provided proof of recording.
- c. Prior to the expiration of a minor subdivision approval, an extension of the approval may be granted by the City Council upon the City's receipt of a request for extension. A request for an extension shall be in writing and filed with the City. There shall be no charge for the filing of such request. The request for extension shall state facts showing a good faith attempt was made to meet the recording requirement.

## 1202.24 Preliminary Plat

Subd. 1 Applicability. A preliminary plat application shall be submitted to the City when any of the following apply:

- a. The applicant is proposing to create three or more lots as part of a subdivision;
- b. The applicant is proposing to change the exterior boundaries of an existing plat;
- c. The proposed subdivision includes the creation or installation of any public improvements as identified in [Section 1202.40 Improvements](#); or
- d. The proposed subdivision does not qualify to be processed as an administrative adjustment or minor subdivision.

Subd. 2 Submittal Requirements

- a. Five copies of the preliminary plat shall be submitted to the Zoning Administrator. The required filing fee as established by City Code § 1301.03 shall be paid and any necessary applications for variances from the provisions of this chapter shall be submitted with the required fee.
- b. The subdivider shall prepare and submit a preliminary plat, together with any necessary supplementary information as described below:
  - (1) Preliminary Plat
    - (a) Proposed name of subdivision. Names shall not duplicate or too closely resemble names of existing subdivisions.

Note that these requirements have not yet been updated

- (b) Location of boundary lines in relation to a known section, quarter section or quarter-quarter section lines comprising a legal description of the property.
  - (c) Names and addresses of all persons having property interest, the developer, designer and surveyor, together with the surveyor's registration number.
  - (d) Graphic scale. Scale shall be expressed as one inch to 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, 60 feet or 100 feet.
  - (e) Date of preparation and north arrow.
  - (f) Layout of proposed streets showing the right-of-way widths, centerline gradients, typical cross sections and proposed names of streets in conformance with City and County street identification policies. The name of any street heretofore used in the City or its environs shall not be used unless the proposed street is a logical extension of an already named street, in which event the same name shall be used.
  - (g) Locations and size of proposed sewer lines and watermains or water wells.
  - (h) Locations and widths of proposed alleys and pedestrian ways.
  - (i) Location, dimension and purpose of all easements.
  - (j) Layout, numbers, lot areas and preliminary dimensions of lots and blocks. All lots shall be numbered clockwise in each block and blocks shall be numbered consecutively.
  - (k) Minimum front, side and rear building setback lines.
  - (l) When lots are located on a curve, the width of the lot at the building setback line.
  - (m) Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of the area or areas in square feet and acres.
  - (n) A statement of the proposed use of lots stating type of buildings with number of proposed dwelling units or type of business, so as to reveal the effect of the development on traffic, fire hazards and congestion of population.
  - (o) Public utilities, including water, sanitary sewer mains and service connections to be installed in accordance with the standards of the City.
  - (p) Proposed grading, including existing and proposed contours at vertical intervals of not more than two feet, proposed cut and fill areas, proposed building pads showing type of house (full basement, walkout, split entry and the like) and elevations of lowest floor and garage floor.
  - (q) Proposed ponding data, including the ordinary high water level, high water level and emergency overflow elevation and route.
- (2) Existing Conditions Survey
- (a) Survey, prepared by a registered land surveyor, showing boundary lines and total acreage of proposed plat clearly indicated.
  - (b) Existing zoning classifications for land within and abutting the subdivision.
  - (c) Location, widths and names of all existing or previously platted streets or other public or private ways showing type, width and condition of improvements, if any. Location, width and names of all existing railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures,

easements and section and corporate lines within the tract and to a distance of 300 feet beyond the tract.

- (d) Location and size of existing sewers, water mains, stormwater pipes, culverts, drainage tiles or other underground facilities within the tract and to a distance of 100 feet beyond the tract. The data as grades, invert elevations, locations of catch basins, manholes and hydrants shall also be shown.
  - (e) Boundary lines of adjoining unsubdivided or subdivided land, within 300 feet identified by name and ownership, including all contiguous land owned or controlled by the subdivider.
  - (f) Topographic data, including contours at vertical intervals of not more than two feet. Lakes, water courses, wetlands, rock outcrops, power transmission poles and lines, vegetation and other significant features shall also be shown.
  - (g) Statement of interest in the plat by the Minnehaha Creek Watershed District or the Riley-Purgatory-Bluff Creek Watershed District.
- (3) Supplementary Information
- (a) Any or all of the supplementary information requirements set forth in this subdivision shall be submitted, when deemed necessary by the City Staff, consultants, advisory bodies or City Council.
  - (b) Proposed protective covenants.
  - (c) An accurate soils report of the subdivision prepared by a registered professional engineer qualified to perform and analyze soil materials under the laws of Minnesota. The soils report shall consist of test holes to a depth necessary to determine the various types of soils to be encountered before reaching a stable base and the static water table elevation. The test holes, when ordered by the City authorities, shall be drilled at the expense of the owner or developer and the information disclosed shall be furnished to the City, together with a copy of the proposed plat showing the location of each test hole. The information required by the City shall include a report as to the various types of soils encountered and their depths, the level of the ground water, a percolation test and may include additional information. The number of test holes to be drilled and their location on the property, which is proposed to be platted, will be as directed by the City or their authorized representative. The owner shall be required to furnish to the City a report from a recognized engineering laboratory as to the safety and practicability of the use of the area for building construction.
  - (d) A survey prepared by a qualified landscape architect, forester or arborist identifying tree coverage in the proposed subdivision in terms of type, weakness, maturity, potential hazard, infestation, vigor, density and spacing.
  - (e) If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions, shall be shown. The proposed zoning plan shall be for information only and shall not vest any rights in the applicant. A separate, concurrent application for rezoning shall be applied for.
  - (f) Provision for surface water disposal, ponding, drainage and flood control.

- (g) Where the subdivider owns property adjacent to that which is being proposed for the subdivision, it shall be required that the subdivider submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivisions shall be required to relate well with existing or potential adjacent subdivision.
- (h) Where structures are to be placed on large or excessively deep lots that are subject to potential replat, the preliminary plat shall indicate a logical way in which the lots could potentially be subdivided in the future.
- (i) A plan for soil erosion and sediment control both during construction and after development has been completed. The plan shall include gradients of waterways, design of velocity and erosion control measures, design of sediment control measures and landscaping of the erosion and sediment control system.
- (j) A vegetation preservation and protection plan that shows those trees proposed to be removed, those to remain and the types and locations of trees and other vegetation that are to be planted.
- (k) Additional information as may be required.

Subd. 3 Procedure

- a. A pre-application meeting pursuant to [§ 1202.21](#) is suggested prior to submitting a preliminary plat application.
- b. The owner or subdivider shall submit an application for preliminary plat, together with all necessary supplementary information listed above. The plan shall be considered as being officially submitted when all the information requirements have been complied with.
- c. Technical assistance reports. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports and provide general assistance in preparing a recommendation to the Planning Commission and City Council.
- d. Review by other commissions or jurisdictions. The Zoning Administrator shall refer copies of the preliminary plat to the Park Commission, county, metropolitan, state or other public jurisdictions for their review and comment, where appropriate and when required.
- e. Public Hearing
  - (1) Upon receipt of a complete application, the Zoning Administrator shall set a public hearing for public review of the preliminary plat.
  - (2) Notice of the hearing shall contain a legal property description, description of request detailing property location and be published in the official newspaper no more than 30 and no less than 10 days prior to the hearing. Written notification of the hearing shall be mailed no more than 30 and no less than 10 days prior to the hearing to all owners of land within 750 feet of the boundary of the property in question. The applicant shall post a sign on the subject property indicating that the property is under development review.
  - (3) The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.

- f. Planning Commission Action. The Planning Commission shall make a recommendation on the application to the City Council following the close of the public hearing.
- g. City Council Action.
  - (1) Upon receiving a recommendation from the Planning Commission, the City Council shall act upon the preliminary plat and may impose conditions and restrictions which are deemed necessary.
  - (2) A request for a time extension of the City Council's review process may be granted by the City Council, if requested in writing by the applicant.
  - (3) The reasons for the City Council's action shall be recorded in the proceedings of the Council and transmitted in writing to the applicant.
  - (4) Approval of the preliminary plat shall not constitute final acceptance of the layout. Subsequent approval will be required of the engineering proposals and other features and requirements as specified by this chapter to be indicated on the final plat. The City Council may require revisions in the preliminary plat and final plat as it deems necessary for the health, safety and general welfare of those living in and near the City.

Subd. 4 Criteria for Approval. In considering the preliminary plat application, the City Council shall consider the following factors:

- a. Conformance with this chapter and all other applicable ordinances, rules, and regulations including the City's Zoning Code; and
- b. Consistency with the Comprehensive Plan's vision, mission, values and policies.

Subd. 5 Post-Approval Actions

- a. If the preliminary plat is approved by the City Council, the subdivider must submit the final plat within 180 days after the approval or approval of the preliminary plat shall be considered void, unless a request for time extension is submitted in writing and approved by the City Council prior to expiration of the 180-day period.
- b. A reasonable time extension will be considered by the City Council, if circumstances requiring the extension are beyond the control of the applicant.

## **1202.25 Final Plat**

### **Subd. 1 Submittal Requirements**

- a. The owner or subdivider shall submit a final plat, together with any necessary supplementary information. The Final Plat shall be prepared in accordance with provisions of Minnesota State Statutes and Hennepin County regulations, and the final plat shall contain the following information:
  - (1) Name of the subdivision, which shall not duplicate or too closely approximate the name of any existing subdivision;
  - (2) Location by section, township range, county and state and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must mathematically close;
  - (3) Name and address of surveyor making the plat;
  - (4) Scale of plat (the scale to be shown graphically on a bar scale), date and north arrow;

Note that these requirements have not yet been updated

- (5) The location of monuments shall be shown and described in reference to existing official monuments on the nearest established street lines, including true angles and distances to the reference points or monuments;
  - (6) Location of lots, streets, public highways, alleys, parks and other features with accurate dimensions in feet and decimals of feet, with the length of radii and arcs of all curves and with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points of curve to lot lines;
  - (7) Lots shall be numbered clearly in a clockwise progression. Blocks are to be numbered with numbers shown clearly in the center of the block;
  - (8) The exact locations, widths and names of all streets to be dedicated;
  - (9) Statement dedicating all streets, alleys and other public areas not previously dedicated as follows: streets, alleys and other public areas shown on this plat and not heretofore dedicated to public use are hereby so dedicated;
  - (10) The exact locations and widths of all easements to be dedicated;
  - (11) Statement dedicating all easements as follows: easements for installation and maintenance of utilities and drainage facilities are reserved over, under and along the strips marked "utility easements;"
  - (12) Detailed plans and specifications in accordance with the City of Shorewood Standard Specifications for Construction of Public Utilities, including sanitary sewer, municipal water systems or on-site water supply, grading, drainage and erosion control plans, all approved by the City Engineer;
  - (13) Evidence that ground water controls are provided at least ten feet below level of finished grades of plan;
  - (14) Comply with rules and regulations of the Minnehaha Creek Watershed District, or Riley-Purgatory-Bluff Creek Watershed District, whichever District has jurisdiction or statement from the District indicating that it has no interest in the plat;
  - (15) Any supplementary engineering data required by the city.
- b. Certification required.
- (1) Certification by registered surveyor in the form required by M.S. § 505.03, as amended.
  - (2) Execution by all owners of any interest in the land or any holders of a mortgage thereon of the certificates required by M.S. § 505.03, as amended, and which certificate shall include a dedication of the utility easement and other public areas in the form as approved by the City Council.
  - (3) Space for certificates of approval and review, including the date of approval and spaces to be filled in by the signature of the Mayor and City Administrator/Clerk.

Subd. 2 Procedure

a. Submittal

- (1) Within 180 days after approval of the preliminary plat, the owner or subdivider shall submit an application for final plat, together with all necessary supplementary information listed above.
- (2) The final plat may constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at the time.
- (3) The City may agree to review the preliminary and final plat simultaneously.

(4) The final plat shall incorporate all changes, modifications, and revisions required by the City in its approval of the preliminary plat. Otherwise, it shall strictly conform to the approved preliminary plat.

b. Approval of the City Council.

(1) If accepted and all fees for processing the application have been paid, the final plat shall be approved by resolution, which shall provide for the acceptance of all agreements for basic improvements, public dedication, and other requirements as indicated by the City Council.

(2) If denied, the grounds for any refusal to approve a plat shall be set forth in the proceedings of the Council and reported to the person or persons applying for the approval.

Subd. 3 Criteria for Approval. In considering the final plat application, the City Council shall consider the following factors:

- a. Substantial conformance with the approved preliminary plat and all conditions of approval;
- b. Conformance with this chapter and all other applicable ordinances, rules, and regulations; and
- c. Consistency with the Comprehensive Plan's vision, mission, values, and policies.

Subd. 4 Post-Approval Actions

- a. If the final plat is approved by the City Council, the subdivider shall record it with the Hennepin County Recorder within 30 days after the approval or approval of the final plat shall be considered void, unless a request for time extension is submitted in writing and approved by the City Council.
- b. Prior to recording, the subdivider shall furnish the Zoning Administrator with three blackline prints and a reproducible mylar of the final plat.
- c. Upon recording the plat, the subdivider shall provide the Zoning Administrator with evidence of the recording.
- d. No building permits shall be issued for construction of any structure on any lot in the plat until the City has received evidence of the plat being recorded by Hennepin County.

## **1202.26 Subdivision Variance**

Subd. 1 Applicability. Subdivisions which do not meet the requirements of this chapter may request a subdivision variance.

Subd. 2 Submittal Requirements

- a. Complete application, fee and escrow as specified in City's fee schedule
- b. Proof of ownership of the property
- c. Legal description of the property
- d. One large-scale paper copy and one digital submission of detailed written and graphic materials fully explaining the proposed variance request
- e. Explanation of undue hardship
- f. Additional information as determined necessary by the Zoning Administrator

Subd. 3 Procedure

- a. Requests for variances shall be filed with the Zoning Administrator on an official application form.

- b. Upon receipt of a subdivision variance application, the Zoning Administrator shall refer the application to all appropriate City Staff for review and comment.
- c. Planning Commission action.
  - (1) The Planning Commission shall review the application and consider possible adverse effects of the variance request. The Planning Commission's judgment shall be based upon (but not limited to) the conditions set forth in **Subd. 1 above**.
  - (2) The Planning Commission and City Staff shall have the authority to request any additional information from the applicant deemed necessary to establish performance conditions pertaining to the request.
  - (3) The Planning Commission shall make a finding of fact and recommend the actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this chapter. The recommendation shall be in writing and accompanied by any report and recommendation of the City Staff. The written recommendation of the Planning Commission shall be forwarded to the City Council.
- d. City Council action. Upon receiving the request and any report of the City Staff, the City Council shall review and take action on the variance application and make a recorded finding(s) of fact.
  - (1) Approval of a request shall require passage by a simple majority vote of the full City Council.
  - (2) The Council may impose any condition it considers necessary to protect the public health, safety and welfare.

**Subd. 4 Criteria for Approval**

- a. The City Council may grant a variance from strict compliance with the subdivision regulations contained in this chapter when it finds that all of the following exist:
  - (1) That the requested variance is in harmony with the general purposes and intent of this chapter;
  - (2) That the requested subdivision variance is consistent with the Comprehensive Plan and all other applicable city plans;
  - (3) There are special and highly unique circumstances or conditions affecting the property that are not common to other properties in the City and that the strict application of the provisions of this chapter would deprive the applicant of the reasonable and minimum use of its land;
  - (4) That the granting of the variance will not be detrimental to the public health or welfare or injurious to other property in the vicinity in which the property is situated;
  - (5) That the applicant has established that there are special circumstances or conditions affecting the property not resulting from the actions of the applicant, such as exceptional topographic or water conditions or inadequate access to direct sunlight for solar energy systems, such that an unusual hardship to the owner would result if the strict letter of these regulations was to be carried out; and
  - (6) After consideration of the Planning Commission recommendations, the City Council may grant variances, subject to **a, b, and c**, above.

**Subd. 5 Post-Approval Actions**

- a. City approval for a subdivision variance shall become null and void if, within one year after such approval, the subdivision variance has not been duly filed and recorded with the Hennepin County Recorder's Office.
- b. Upon recording, the subdivider shall provide the Zoning Administrator with evidence of the recording.
- c. Violations of the conditions of a subdivision variance shall void the variance.

**1202.27 Violations and Penalty**

Subd. 1 Violations.

- a. Sale of lots from unrecorded plats. It shall be a misdemeanor to sell, trade or otherwise convey any lot or parcel of land as a part of, or in conformity with, any plan, plat or replat of any subdivision or area located within the jurisdiction of this chapter unless the plan, plat or replat shall have first been recorded in the office of the County Recorder.
- b. Receiving or recording unapproved plats. It shall be unlawful for a private individual to receive or record in any public office any plans or plats of land laid out in building lots and streets, alleys or other portions of the same intended to be dedicated to public or private use or for the use of purchasers or owners of lots fronting on or adjacent thereto, and located within the jurisdiction of this chapter, unless the same shall bear thereon, by endorsement or otherwise, the approval of the City Council.
- c. Misrepresentations. Misrepresentation as to construction, supervision or inspection of improvements. It shall be unlawful for any person, firm or corporation owning an addition or subdivision of land within the City to represent that any improvement upon any of the streets, alleys or avenues of the addition or subdivision or any sewer in the addition or subdivision has been constructed according to the plans and specifications approved by the City Council or has been supervised or inspected by the City, when the improvements have not been so constructed, supervised, or inspected.

Subd. 2 Penalty. Anyone violating any of the provisions of this chapter shall be guilty of a misdemeanor punishable by a fine and imprisonment as provided in State Statutes.

**1202.30 Design Standards**

**1202.40 Improvements**

**1202.50 Park Dedication**

**1202.51 Dedication Required**

Subd. 1 Because a new subdivision creates a need for parks, playgrounds and open space, a reasonable portion of such land shall be dedicated to the public or preserved for conservation purposes or for public use as parks, playgrounds, trails, wetlands, or open space.

Subd. 2 It is hereby found and declared that, pursuant to Minnesota Statutes Section 462.358, subdivision 2b, it is reasonable to require dedication of an amount of land equal in value to that set forth in **subsection (C) of this section**.

Subd. 3 This dedication shall be in addition to the land dedicated for streets, alleys, storm water ponds or other public purposes.

Subd. 4 Previously subdivided property from which a park dedication has been received, being re-subdivided with the same number of lots, is exempt from park dedication requirements. If, as a result of re-subdividing the property, the number of lots is increased, then the park dedication or per-lot cash fee must apply only to the net increase of lots.

### **1202.52 Land Suitability**

Subd. 1 The area must be suitable for parks and playgrounds and shall conform to the city plan for parks and playgrounds within the City.

Subd. 2 The City shall not be required to accept land which will not be usable for parks, trails or open space or which would require extensive expenditures on the part of the City to make them usable.

Subd. 3 The City will not give park dedication credit for floodplains, wetlands, stormwater ponding areas, land encumbered by gas pipeline or other utility easements, slopes of more than 20% grade or for required sidewalks or walkways within road rights of way.

Subd. 4 All land dedicated for parks, trails, and/or open space shall be designed to incorporate natural features as much as possible, such as rivers, streams, wildlife habitats, woodlands, and ponding areas.

Subd. 5 Improvements to Dedicated Land

- a. As part of the subdivision approval, the subdivider shall be responsible for making certain improvements to dedicated park land, including, but not limited to, finish grading, ground cover, construction of trails and clearly identifying park and trail boundaries with city-approved markers.
- b. The subdivider shall preserve all existing trees to the greatest extent possible during the grading process on the land that is to be dedicated for a park, trail or open space.
- c. Trail Construction: When the City's trail master plan identifies a trail or trails to be constructed in the land to be subdivided, the subdivider shall be required to pay for the construction of the trail improvements. The construction specifications of trails shall be determined by City Staff. Whenever possible, trails shall connect with existing trails and/or sidewalks.

### **1202.53 Dedication Calculation**

Subd. 1 Land Dedication

- a. In residential developments, 8% of the total area of each new subdivision or its equivalent shall be dedicated for the use.
- b. In non-residential developments, 5% of the total area of each new subdivision or its equivalent shall be dedicated for the use.

Subd. 2 Cash in Lieu of Land

- a. In lieu of requiring dedication of an area for parks and playgrounds, the City, at its option, may require a developer to pay into the City Park Fund a sum of money equivalent to 8% of the value of the raw land contained in a proposed residential subdivision or 5% of the value of the raw land contained in a proposed non-residential subdivision.
- b. The value of the raw land contained in the proposed subdivision or development shall be determined by the City Assessor; or as an alternative, the City may require the

subdivider to pay into the City Park Fund a park dedication fee as provided in § 1301.02 of this code.

Subd. 3 If the amount of land required to be dedicated is more than the amount of land being subdivided, the City will accept a combination of land dedication and cash payment.

Subd. 4 If the City accepts park dedication in an amount less than the amount required by subsection (C) of this section, the developer shall pay to the city the appraised fair market value of the remaining land required to be dedicated. The appraised value of the remaining land required to be dedicated shall be determined by the method specified in subsection (D)4 of this section.

### **1202.54 Modification of Requirements**

Subd. 1 The dedication requirements based on the development's proportional share of the City park system are presumptively appropriate. A subdivider may request a deviation from the presumptive requirements based upon: the anticipated impact of that particular subdivision; existing park and recreational facilities; or proposed parks, open space, recreational or common areas and facilities open to the public as designated on development plans. The request must be made to the City Council as part of an application for final plat approval. The City Council, after consideration of the request, may modify or reduce the requirements of this section.

Subd. 2 If the applicant disputes the amount of the proposed cash contribution in lieu of the land dedication, the applicant, at their own expense, may obtain an appraisal of the property. The appraisal shall be made by approved members of the MAI, or equivalent real estate appraisal societies. If the City disputes such appraisal, the City may, at the applicant's expense, obtain an appraisal of the property by a quality real estate appraisal.

### **1202.55 Credit for Private Park and Open Space**

Subd. 1 No credit to the requirements of subsection (C) of this section will be given for private park, recreational facilities, or trails.

### **1202.56 Timing**

Subd. 1 The requirements of this section for dedication of land or for contribution of cash in lieu of land shall apply at the time of final plat approval, replat or minor subdivision, and shall apply to any plat, replat or subdivision which receives final approval.



## Planning Commission Report

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**To:** City of Shorewood Planning Commission  
**From:** Beth Richmond  
**Date:** November 25, 2024  
**Subject:** Subdivision Code Update  
**Meeting Date:** December 3, 2024

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### Project Introduction

Over the next several months, the City of Shorewood will undergo a process to update its subdivision code. The intent of the update process is to modernize the code, enhance user-friendliness, ensure code consistency with local, state, and federal requirements and court rulings, and incorporate municipal best practices.

HKGi was hired by the City to complete this update process. The project is separated into four tasks:

1. Project Kick-Off
2. Code Audit
3. Draft Revisions
4. Code Adoption

Representatives from HKGi met with City Staff in September 2024 to kick off the code update project. At this meeting, Staff provided a description of the issues and concerns that they regularly experience while administering the subdivision code. From that meeting, as well as our own analysis, HKGi developed a code audit report which identifies the issues with the current code and summarizes the potential code updates that the City may wish to consider.

### Code Audit Findings

The code audit report identifies the strengths and weaknesses of the City's current subdivision code in terms of usability, organization, effective standards, and inconsistencies within code sections and between relevant plans and existing regulations. This report summarizes the broader issues identified with the current subdivision code in order to provide direction for Staff and HKGi as the ordinance drafting process begins. The audit report is attached for your review.

Major themes identified as part of the code audit will be discussed in greater detail at the Planning Commission meeting and include the following:

- Improve usability of the code
- Implement the Comprehensive Plan
- Update and simplify subdivision review procedures
- Enhance park dedication regulations
- Modernize design standards

A more detailed issue list of potential code issues and changes was also created and will be used by Staff and HKGi to ensure that all issues are addressed.

## **Planning Commission Discussion**

At the meeting, Planning Commissioners will have the opportunity to provide feedback on the current subdivision code. Commissioners should come prepared to discuss any areas of the code which may be confusing or challenging to administer. Specifically, Commissioners will be asked to provide input on the review process for subdivisions which are not processed with a plat, including minor subdivisions, lot combinations, and registered land surveys.

## **Next Steps**

Commissioners are advised that the City Council will also have the opportunity to provide feedback on the code update at a January worksession. Council will be focused on policy-level issues relating to the subdivision code, including required water service, premature subdivisions, and the procedure for processing non-platted subdivisions.

HKGi will incorporate feedback from the Planning Commission and City Council into the final audit document. Once complete, HKGi will use the audit document to begin drafting the updates to the Code. The City is targeting March 2025 as the anticipated completion date for this project.

## **Attachment**

- » Draft code audit report

# City of Shorewood

## Code Audit



### Introduction

The City's subdivision regulations were first adopted in 2002, and have seen only targeted updates since then. After two decades, the existing regulations as a whole have become outdated and are no longer effective for Staff and the community. In August 2024, the City of Shorewood selected HKGi, a Minneapolis-based consulting firm with extensive experience in code updates, to provide technical assistance in updating the City's subdivision regulations. Working with HKGi, the City will undertake a comprehensive update of the entire subdivision code to modernize the regulations, enhance user-friendliness, ensure code consistency with local, state, and federal requirements and court rulings, and incorporate municipal best practices.

The subdivision code update project is separated into four tasks:

1. Project Kick-off
2. Code Audit
3. Draft Ordinance Revisions
4. Public Hearing and Adoption of Ordinance Revisions

HKGi met with City Staff in September to kick off the project. At this meeting, Staff provided further context and understanding of the issues and concerns that they regularly experience while administering the subdivision code.

The second task is the completion of an audit of the subdivision code. The code audit identifies the strengths and weaknesses of the City's current subdivision code in terms of usability, organization, effective standards, and inconsistencies within code sections and between relevant plans and existing regulations. This report summarizes the broader issues identified with the current subdivision code to provide direction for Staff and HKGi as the ordinance drafting process in Task 3 begins. Direction from the City's Comprehensive Plan is also incorporated into this report. A more detailed list of potential code issues and changes has been created based on this evaluation and is attached. Staff and HKGi will use this list to ensure that all issues identified are addressed. The following detailed code evaluation documents are attached:

- » Detailed issue list
- » Existing procedures chart
- » Potential code reorganization

### Major Themes for Improvement

This report highlights major themes for improvement and outlines key areas for specific improvements that have been consolidated from the detailed issue list. For a complete list of all recommended updates, see the attached detailed issue list.

### Improve Usability of Code

The current code's organization and language are difficult and often confusing for staff, elected and appointed officials, and members of the public to use. This is largely due to the current organizational structure of the code and the updates that have been completed in piecemeal fashion for the last two decades. Suggested updates to improve the usability of the Code include the following:

- » Reorganize code provisions by grouping similar topics together and moving language that is more frequently used toward the beginning of the chapter.
- » Consolidate and eliminate redundant and conflicting language where appropriate.
- » Use illustrations, graphics, and tables where appropriate to explain complex concepts and standards, compare regulations, and summarize detailed lists of information.
- » Address inconsistencies in capitalization, terminology, and cross-references that may have resulted from intermittent updates over the last two decades.

### **Implement the Comprehensive Plan**

Updates to the subdivision code should incorporate all applicable recommendations and policies of the 2040 Comprehensive Plan. The plan recommendations that pertain to this subdivision code update are listed below:

- » Require all subdivision requests to consider how nearby land might develop in the future, ensuring new subdivisions do not negatively impact surrounding neighborhoods and street systems.
- » Ensure that newly subdivided lots avoid challenging lot configurations such as backlot divisions, flag lots, and gerrymandered property lines.
- » Require properties to connect to the municipal water system where it is available when subdivision requests are for commercial purposes or residential uses. The City reserves the right to deny permission for a subdivision development or redevelopment for subdivision if City water is not available at that property.
- » Incorporate requirements for non-motorized connections into subdivision requests as identified by the comprehensive plan.
- » Adjust code regulations to ensure that development agreements are carefully crafted to plan for future development. For example, public right-of-way can be required for future streets.
- » Require formal platting procedures for the subdivision of land, allowing metes and bounds divisions only in the simplest of cases.

### **Update and Simplify Subdivision Review Procedures**

Requirements for the reviewing and processing of subdivision applications are scattered throughout the code, making it difficult to understand which review process applies to a given application. HKGi recommends consolidating all procedural requirements into a single section to more easily find these requirements and determine which process should be used.

In an effort to reduce barriers, increase efficiency, and lower costs for both staff and applicants, several updates are recommended that will streamline the administration and processing

procedures for subdivision requirements including updating application submittal requirements, reducing the number of public hearings required, and the creation of an administrative approval process for simple subdivisions. The proposed updates to subdivision procedures include:

- » Create a single procedures section to reduce repetition and improve ease of use which includes sections 1202.03, 1202.04, 1202.08, 1202.09, and 1202.10.
- » Create a common procedures subsection to eliminate repetitive language.
- » Update code to align with state statute requirements, particularly pertaining to review deadlines and subdivision exemptions.
- » Add language to specify how the City will determine if a subdivision is premature. This may include requirements for City services such as water.
- » Review and update application submittal requirements for each individual application to reflect current city practices.
- » Simplify the administration of procedures and public hearing requirements. Consider eliminating public hearings for variance applications in order to streamline the review process.
- » Consider the creation of an administrative approval process for certain types of minor subdivisions when no variances are required.
- » Clarify the circumstances under which a minor subdivision may be processed.

### **Enhance Park Dedication Regulations**

Section 1202.06 Public Lands, is currently very brief. This section should be a tool for the City to leverage for the creation of sufficient public open spaces throughout the City. Suggested updates to this section include the following:

- » Expand park dedication language to clarify the City's authority to require park dedication, specify the type of land that is acceptable for dedication, and clarify the circumstances under which the City will accept land dedication instead of a cash fee.
- » Separate the dedication requirements for residential and non-residential subdivisions.
- » As part of this update, review and evaluate park dedication requirements based on a development's proportionate share. In the future, a full park dedication study should be completed to determine the appropriate land dedication and fee amount based on the market value of land and the City's future plans for parks and open space.

### **Modernize Design Standards**

Section 1202.05 Design Standards includes requirements for how subdivisions should be designed, including lots, blocks, streets, easements, and utilities. These standards should be updated to reflect 2024 best practices as well as the expectations and current practices of the community. Recommendations for modernizing design standards include:

- » Clarify requirements related to lot area, lot size, and density to be consistent with the Comprehensive Plan and zoning code and to maintain Shorewood's unique character.

- » Work with the City Engineer to update technical standards such as those related to street size.
- » Clarify the circumstances under which private streets may be created in the City and establish design specifications for these roadways to ensure space for emergency vehicle access.
- » Consider expanding requirements for water service as part of lot subdivisions.
- » Allow City to require right-of-way or trail easements in areas that are identified in the Comprehensive Plan as a non-motorized corridor as part of the subdivision process.

### **Next Steps**

This code diagnosis will be used by HKGi and Staff as a framework for the completion of Task 3: Draft Ordinance Revisions. HKGi will work with Staff to draft the ordinance revisions from November to February. Beginning in early 2025, draft language will be available for Planning Commission and City Council review, with an anticipated adoption date of March 2025 for the updated subdivision code.



# Planning Commission Meeting Item

**Title/Subject:** Amendments to Implement the Medium Density Land Use Designation  
**Meeting Date:** January 7, 2024  
**Prepared by:** Marie Darling, Planning Director  
**Attachments:** Draft Regulations

**APPLICANT:** City of Shorewood  
**LOCATION:** City-Wide  
**REVIEW DEADLINE:** NA

### BACKGROUND

This will be the first discussion of the draft ordinance. Similar to the amendments to implement the high-density designation, these amendments are being considered to create a district that would allow development of between six and eight units per acre.

The amendments primarily affect the R-3A and L-R zoning districts.

#### Where are the properties that are designated Medium Density?

- 24620 Smithtown Road (1.06 acres)
- 24590 Smithtown Road (.99 acres)
- 24560 Smithtown Road (1.03 acres)
- 23500 Smithtown Road (Two parcels - 1.74 acres and 2.66 acres)



#### Are there currently properties that are zoned R-3A?

There are three properties that are currently zoned R-3A but are indicated in the Comprehensive Plan for low to medium density land uses rather than medium density. As a result, the properties will need to be rezoned to be consistent with the Comprehensive Plan. The properties are not guided for medium density residential uses and the uses proposed to be permitted in this zoning district may not be appropriate for these properties. These properties include:

- 6065 and 6067 Lake Linden (a subdivided two-family home) (.32 acres and .27 acres)
- 6055 Lake Linden (a single-family home)(.66 acres)



### THE AMENDMENTS:

There are several policy issues that the amendments are intended to resolve:

1. Development of these properties with between six and eight units per acre is not likely to be accomplished with two-family homes or single

family homes. Consequently, staff wrote up the district to allow only townhouses or multiple family buildings, or age-restricted housing developed with townhouses or apartments.

2. Changing elderly housing to be called and defined as age-restricted housing (as directed by the City Council). Removing the requirement for a PUD to construct age-restricted housing to encourage developers to reduce the number of applications necessary to provide this type of housing.
3. The ability to construct a single-structure townhouse development without a planned unit development. A PUD would continue to be required if a subdivision were to occur or if more than one apartment structure would be proposed.
4. Residential uses were added to the L-R district to implement the medium density land use designation in that district.
5. Adding in all the uses allowed in the district without reference to uses allowed in another district. Removing the ability to rent out garages to others not living in the unit.
6. Allowing adequate impervious surface coverage on the property to allow a townhouse or multiple family development.

Section 1: Amendments to the definition section (Substantial Amendments)

Section 2: Amendments to the R-3A district (Substantial Amendments)

Section 3: Amendments to the L-R district (Substantial Amendments)

Section 4: Amendments to the Landscaping regulations specific to multiple family and commercial uses (Minor Amendments)

Section 5: Amendments to impervious surface coverage (Substantial Amendments)

Section 6: Amendments to general provisions related to efficiency apartments (Minor Amendments)

Section 7-9: Amendments to parking regulations (Minor Amendments)

Section 10: Amendments to general provisions related to subdivision of structures. (Minor Amendments)

Section 11: Amendments to general provisions related to elderly housing (Substantial Amendments)

Section 12: Amendments to PUDs (Substantial Amendments)

Please review the draft and let staff know if the Commission finds additional amendments are necessary or if the draft language should be amended for clarity or context.

Still to be incorporated, some minor amendments are needed to the sign regulations to remove references to quadraminiums.

Staff will incorporate any recommended changes to the ordinance prior to the next meeting and will set up a public hearing to review the amendments at that meeting.

CITY OF SHOREWOOD  
COUNTY OF HENNEPIN  
STATE OF MINNESOTA

ORDINANCE XXX-

AMENDING SHOREWOOD CITY CODE CHAPTER 1201 TO IMPLEMENT THE COMPREHENSIVE  
PLAN DIRECTION FOR MEDIUM DENSITY RESIDENTIAL USES

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**Section 1.** City Code Section 1201.02 DEFINITIONS is hereby amended as follows. Text proposed to be added is underlined; text proposed to be removed is ~~stricken~~.

...

~~**ELDERLY AGE-RESTRICTED HOUSING.** A dwelling or group of dwellings where the occupancy is restricted to persons 62 years of age or older, or which qualifies as housing for older persons under the Federal Fair Housing Act.~~

...

**LOT, BASE.** A lot meeting all the lot specifications in the zoning district in which it is located prior to being subdivided into a two-family or townhouse quadraminium subdivision.

...

**LOT - UNIT.** A lot created from the subdivision of a two-family or townhouse dwelling ~~or quadraminium~~, having different minimum lot size requirements than the conventional base lots within the zoning district in which it is located.

...

~~**QUADRAMINIUM.** A single structure which contains four dwelling units, designed for separate ownership, all of which have individual entrances and in which each unit shares common walls with two other units.~~

...

~~**TOWNHOUSES, ATTACHED.** Structures housing three to eight contiguous dwelling units, each having separate and individual front and rear entrances, the structures to be of row house types as contrasted to multiple dwelling apartment structures. Structures with at least three contiguous and self-contained dwelling units with no other dwelling, portion of dwellings, or common area directly above or below. Each townhouse dwelling has separate and individual entrances with the first story at or near the ground level with no other dwelling units or portions of dwelling units directly above or below. The term includes:~~

a. ~~**BACK-TO-BACK.** A structure which may be designed with walls shared with contiguous dwellings on at least two sides.~~

b. ~~**ROW.** A structure which is designed with walls shared with contiguous dwellings on no more than two sides and with main floor openings on two opposite sides of the dwellings.~~

**TOWNHOUSES, DETACHED.** Single-family or two-family dwellings within a unit-lot/base-lot subdivision which share common open space areas, access to public rights-of-way, and/or storm water features with other dwellings.

...

**Section 2.** City Code Section 1201.17 is hereby amended as follows. Text proposed to be added is underlined; text proposed to be removed is ~~stricken~~.

### **1201.17 R-3A, MULTIPLE-FAMILY RESIDENTIAL DISTRICT.**

Subd. 1. *Purpose.* The R-3A District is intended to provide a greater variety in the type of housing units available within the community, while retaining the environment and character of less intensive residential areas through carefully established bulk and lot area requirements to produce developments between six and eight dwellings per acre.

Subd. 2. *Permitted uses.* The following are permitted uses in the R-3A District:

- a. ~~Two-family dwellings;~~
- b. Townhouses. ~~and quadraminiums, as defined by § 1201.02, subject to the regulations and requirements of § 1201.06;~~
- c. Multiple-family dwellings. containing four or less dwelling units.
- d. Age-restricted housing subject to Section 1201.03. Subd. 20 of this chapter.

Subd. 3. *Permitted accessory uses.* The following are permitted accessory uses in an R-3A District:

a. Private garages, parking spaces and carports for licensed and operable passenger cars and trucks not to exceed a gross weight of 12,000 pounds, as regulated by § 1201.03, Subd. 5 (off-street parking) of this chapter. Private garages are intended for use to store the private passenger vehicles of the family or families resident upon the premises, and in which no business, service or industry is carried on. ~~The space can be rented to nonresidents of the property for private passenger vehicles and/or noncommercial vehicles, trailers or equipment if sufficient off-street parking in full compliance with this chapter is provided elsewhere on the property.~~ The garage shall not be used for the storage of more than one commercial vehicle owned or operated by a resident of the per-dwelling unit;

b. Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests;

c. Tool houses, sheds and similar buildings for storage of domestic supplies and noncommercial recreational equipment;

d. Signs, as regulated by § 1201.03, subdivision 11 of this chapter;

e. Individual boat dock and customary beach accessories subject to § 1201.03, Subd. 14 of this chapter.

Subd. 4. *Conditional uses.* The following are conditional uses allowed in an R-3A District: (Requires a conditional use permit based upon procedures set forth in and regulated by § [1201.04](#) of this chapter.)

- a. ~~All conditional uses, subject to the same conditions, as allowed in the R-2C District; Subdivision of townhouses subject to Sections 1201.03 Subd. 16, 1201.06, and 1201.25 of this Chapter.~~
- b. ~~Governmental and public regulated utility buildings and structures necessary for the health, safety and general welfare of the community, provided that:
  - (1) ~~When abutting a residential use in a residential district, the property is screened and landscaped in compliance with Section 1201.03 Subd. 2.g of this Chapter.~~
  - (2) ~~The provisions of 1201.04 Subd. 3. are considered and satisfactorily met.~~~~
- c. ~~Public or semi-public recreational buildings and neighborhood or community centers; public and private educational institutions limited to elementary, middle and senior high schools; and religious institutions, provided that:
  - (1) ~~Required side yards shall be double that required for the district, but no greater than 30 feet;~~
  - (2) ~~Adequate screening from abutting residential uses and landscaping is provided in compliance with § 1201.03, Subd. 2.g.;~~
  - (3) ~~Adequate off-street parking and access is provided on the site or on lots directly abutting or directly across a public street or alley to the principal use in compliance with § 1201.03, Subd. 5. and that the parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with § 1201.03, Subd. 2.g.;~~
  - (4) ~~Adequate off-street loading and service entrances are provided and regulated where applicable by § 1201.03, Subd. 6.;~~
  - (5) ~~The provisions of § 1201.04, Subd. 1.d.(1) are considered and satisfactorily met.~~~~
- d. ~~Residential planned unit development as regulated by § 1201.06, provided that:
  - (1) ~~Land uses allowed in a planned unit development are limited to those land uses listed as permitted uses, permitted accessory uses and conditional uses in this section;~~
  - (2) ~~The proposed development complies with the development agreement as required for planned unit developments, pursuant to § 1201.25.~~~~
- e. Residential facilities as defined in § [1201.02](#) of this chapter, licensed by the state and serving no more than 16 persons;
- f. Nursing homes as defined in § [1201.02](#) of this chapter, provided that:
  - (1) Side yards are double the minimum requirements established for this District and are screened in compliance with § [1201.03](#), Subd. 2g of this code;

(2) The side shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated;

(3) All signing and informational or visual communication devices shall be in compliance with § [1201.03](#), Subd. 11 of this code;

(4) All state laws and statutes governing the use are strictly adhered to and all required permits are secured;

(5) Adequate off-street parking is provided in compliance with § [1201.03](#), Subd. 5 of this code;

(6) One off-street loading space in compliance with § [1201.03](#), Subd. 6 of this code is provided;

(7) The provisions of § [1201.04](#), Subd. 4d(1) of this code have been considered and satisfactorily met.

Subd. 5. *Lot requirements and setbacks.* The following minimum requirements shall be observed in an R-3A District, subject to additional requirements, exceptions and modifications set forth in this chapter:

a. Lot area: Not less than 20,000 square feet.

~~—(1) Two family: Not less than 20,000 square feet;~~

~~—(2) All other: Not less than 30,000 square feet;~~

b. Lot width: Not less than 100 feet.

~~—(1) Two family dwelling: Not less than 90 feet;~~

~~—(2) All other: Not less than 100 feet;~~

c. Lot depth: Not less than 120 feet;

d. Setbacks:

(1) Front yard: Not less than 30 feet;

(2) Rear yard: Not less than 30 feet;

(3) Side yard: Not less than 15 feet on each side nor less than 30 feet on a side yard abutting a street.

Subd. 6. *Building requirements.* Height: no structure shall exceed two and one-half stories, or 35 feet, whichever is least.

Subd. 7. *Lot area per dwelling unit requirement:* ~~The following minimum lot area per unit requirements shall be calculated on the basis of the total net area in the project and as controlled by an individual or joint ownership:~~ Each property may be developed to create

dwelling with no less than 5,445 square feet of lot area per dwelling and no more than 7,260 square feet of lot area per dwelling unit.

~~— a. Two family dwellings: Not less than 10,000 square feet;~~

~~— b. All other dwellings: Not less than 7,000 square feet.~~

**Section 3.** City Code Section 1201.24 L-R, Lakeshore Recreational District is hereby amended as follows. Text proposed to be added is underlined; text proposed to be removed is ~~stricken~~.

...

Subd. 2. Permitted Uses. The following are permitted uses in the L-R District. ~~as regulated herein with special limitations and conditions attached as provided in Subd. 9. Below.~~

a. Water harboring of boats at docks attached to land, including limited related service facilities as hereinafter authorized, is subject to an annual operating license which shall be issued only in accordance with the following standards and limitations.

b. Townhouses or multiple-family housing in accordance with the standards and limitations in City Code Section 1201.26 and subject to the density limitations indicated in the Comprehensive Plan.

c. Age-restricted housing subject to City Code Section 1201.03 Subd. 20.

Subd. 3. Permitted accessory uses. The following are permitted accessory uses in a L-R District:

a. The following are permitted accessory uses for water harboring of boats businesses:

(1) Off-street parking as regulated by § 1201.03, Subd. 5 and by § 1201.24, Subd. 8h of this section;

(2) ~~b.~~ One clubhouse building, not exceeding 2000 square feet of floor area on the first floor level. This building may be used for sale of limited items used in conjunction with boating, including fishing bait and tackle, light accessory marine-line equipment, soft drinks, prepackaged foods, shower and meeting rooms;

(3) ~~e.~~ One storage building, not exceeding 1200 square feet of floor area;

(4) ~~f.~~ Gasoline dispensing equipment (boat only) subject to design standards of the Minnesota Uniform Fire Code, approval of the State Fire Marshall, the local Fire Marshal, the Pollution Control Agency, Department of Natural Resources and other applicable agencies and if authorized by the City Council. Sale of gasoline is limited to those individuals renting or leasing dock slips, or launching boats from the subject site, or, in the case of a yacht club, to members of the yacht club;

(5) ~~e.~~ Boat rental, in compliance with LMCD regulations and as authorized by the City Council.

b. The following are permitted accessory uses to residential uses.

(1) Private garages, parking spaces and carports for licensed and operable passenger cars and trucks not to exceed a gross weight of 12,000 pounds, as regulated by § 1201.03, Subd. 5 (off-street parking) of this chapter. Private garages are intended for use to store the private passenger vehicles of the family or families resident upon the premises, and in which no business, service or industry is carried on. The garage shall not be used for

the storage of more than one commercial vehicle owned or operated by a resident of the dwelling unit.

- (2) Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
- (3) Tool houses, sheds and similar buildings for storage of domestic supplies and noncommercial recreational equipment.
- (4) Signs, as regulated by § 1201.03, subdivision 11 of this chapter.
- (5) Individual boat dock and customary beach accessories subject to § 1201.03, Subd. 14 of this chapter.

Subd. 4. *Conditional uses.* The following are conditional uses in a L-R District: (Requires a conditional use permit based upon procedures set forth in and regulated by § [1201.04](#).)

a. One single-family dwelling used as a caretaker residence accessory to a water harboring of boats uses, provided that:

— ~~(1) The dwelling shall comply with the requirements of [Chapter 1004](#) (Rental Housing) of this code.~~

— ~~(2) The provisions of § [1201.04](#), Subd. 1d(1) are considered and satisfactorily met;~~

b. Open and outdoor, dry land storage of boats and boat trailers as an accessory use to a water harboring of boats use, provided that:

- (1) The area is fenced and screened from view of neighboring residential uses or if abutting an R District.
- (2) Storage is screened from view from the public street right-of-way.
- (3) Storage is landscaped to provide a buffer from all other public rights-of-way.
- (4) Storage area is grassed or surfaced with pavement or class V, or the equivalent, to control dust.
- (5) Landscaping is provided in compliance with § [1201.03](#), Subd. 2g.
- (6) Lighting shall comply with Subd. 8k of this section.
- (7) Except for winter storage of boats, storage area does not take up parking space as required for conformity to this chapter.

~~(8) The provisions of § [1201.04](#), Subd. 1d(1) are considered and satisfactorily met.~~

c. Subdivision of townhouse developments subject to review under Section [1201.06](#) and Section [1201.03](#) Subd. 16 and Subdivision [1201.26](#) of this Chapter.

d. Residential Planned unit developments as regulated by Section [1201.06](#), provided that:

- (1) The uses allowed in a planned unit development are limited to those uses listed as permitted, accessory or conditional uses listed in this section.
- (2) The proposed development complies with the development agreement as required for planned unit developments, pursuant to Section [1201.25](#).
- (3) The proposed development complies with the regulations in Section [1201.26](#) Subd. 9.

Subd. 5. *Lot requirements and setbacks.* The following minimum requirements shall be observed in a L-R District subject to additional requirements, exceptions and modifications set forth in this chapter:

a. Lot area: Not less than ~~60,000~~ 40,000 square feet.

b. Lot width: Not less than 200 feet;

- c. Lot depth: Not less than 150 feet;
- d. Setbacks:
  - (1) Front yard: Not less than 35 feet;
  - (2) Ordinary High Water Level: Rear yard: Not less than 50 feet ~~(from the ordinary high water mark);~~
  - (3) Side yard (for nonresidential uses):
    - (a) From residential: Not less than 50 feet;
    - (b) From nonresidential: Not less than 15 feet;
    - (c) From ~~public right-of-way~~ trail rights of way: Not less than 10 feet ~~other than street.~~
  - (4) Side yard (for residential uses):
    - (a) From property lines for single-family residential uses: height of the proposed structure.
    - (b) From property lines with non-residential uses: 15 feet.

Subd. 6. *Building requirements.*

- a. Height for non-residential uses: the clubhouse ~~for a winter harboring use structure~~ shall not exceed two and one-half stories, or 35 feet, whichever is less. Other accessory structures shall not exceed one story or 15 feet, whichever is less.
- b. Height for residential uses: the maximum height is two and one-half stories, or 35 feet, whichever is less. Accessory structures shall not exceed 15 feet or one story, whichever is less.

...

**Section 4.** City Code Section 1201.03 Subd. 2 g. (2) *Semi-public, townhouses, multiple-family dwellings, and all commercial properties in the C-2, C-2, and L-R zoning districts* is hereby amended as follows. Text proposed to be added is underlined; text proposed to be removed is ~~stricken~~.

g. *Required screening and landscaping.*

(2) *Semi-public, townhouses, multiple-family dwellings, and all commercial uses on properties in the C-1, C-2, R-C and L-R zoning districts.* Prior to approval of a building permit, all developments of semi-public, townhouse, multiple-family dwellings, ~~and developments on~~ all properties in the C-1 and C-2 zoning districts, and commercial uses in the R-C, L-R, and PUD zoning districts shall be subject to a mandatory Landscape Plan requirement. The Landscape Plan must be developed with emphasis on the following areas:

- (a) The boundary or perimeter of the subject site at points adjoining a public right-of-way, other property and the immediate perimeter of the structure;
- (b) Where any nonresidential use (for example, structure, loading area, parking or storage) abuts property zoned for residential use, the nonresidential use shall provide screening along the boundary of the residential property. The screening shall consist of landscaping at least as deep as the required setback for the subject site and of sufficient density to provide a visual screen and reasonable buffer;

(c) Fencing may also be installed, in conjunction with, but not in lieu of landscaping. The design and materials used in constructing a required screening fence shall be subject to the approval of the City Council in conjunction with site plan review as provided for in § 1201.03, Subd. 17 of this code. The screening required herein may consist of a solid fence or wall constructed from masonry, brick, wood and/or steel in compliance with Section 1201.03 Subd. 2 f. The fence or wall shall be of a height and material determined necessary by the City Council. Screening using plant materials shall not extend within 15 feet of any street nor into the public right-of-way, except as allowed by Chapter 901 of city;

(d) Planting islands shall be required where necessary to visually break up expanses of hard surface parking areas, for safe and efficient traffic movement and to define rows of parking. Planting islands shall occupy at least 5% of the total parking area, including aisles and access drives;

(e) Where feasible, landscape plans shall take advantage of existing vegetation on the site. Landscape plans must include a tree preservation and reforestation component consistent with Shorewood's Tree Preservation and Reforestation Policy, as may be amended.

**Section 5:** Section 1201.03 Subd. 2. u. Impervious Surface is hereby amended as follows. Text proposed to be added is underlined; text proposed to be removed is ~~stricken~~.

u. *Impervious* surface coverage. All lots in Shorewood shall be subject to maximum ratios of impervious surface to lot area as indicated below:

(1) For all lots that are not within the "S" shoreland district and not subject to the regulations in Section 1201.26 of the zoning regulations.

(a) Residential and agricultural properties in the R-1A through R-2CR-3A zoning districts: 33%.

(b) Properties ~~with residential uses~~ in the R-3A, R-3B, zoning district; ~~properties in commercial districts (R-C, C-1, C-2, L-R) zoning districts;~~ and non-residential properties in the R-1A through R-3B zoning districts: 66%, provided that any applicable permits from other regulating jurisdictions are acquired and as follows:

(i) Improvements that will result in an increased rate of runoff directly entering a public water shall have all structures and practices in place for the collection and treatment of storm water runoff in compliance with the Shorewood Comprehensive Water Resources Management Plan, the most current version of the Minnesota Stormwater Manual guidelines, and applicable watershed rules, as may be amended.

(ii) Measures for the treatment of storm water runoff and/or prevention of storm water from directly entering a public water include such appurtenances as sediment basins (debris basins, desilting basins, or silt traps), installation of debris guards and sump structures on storm water inlets, oil skimming devices, and the like.

(de) Properties in commercial districts (R-C, C-1, C-2, L-R) may exceed 66 % with the approval of a conditional use permit subject to the requirements of Section 1201.04, provided that any applicable permits from other regulating jurisdictions are acquired and as follows:

- (i) Impervious surface coverage shall not exceed 75%.
- (ii) The standards in (1) (b) (i) and (ii) above and (2) (c) below are met.

(2) For all lots in the "S", shoreland zoning district and subject to the regulations in Section 1201.26 of the zoning regulations: 25%, except that the following shall be allowed by conditional use permit subject to the requirements of Section 1201.04 and the following:

(a) ~~Multiple family~~ Residential uses in the R-3A and R-3B zoning districts may be allowed to exceed 25 percent but not greater than 66%, subject to the conditions in (c) and (d) below.

(b) Properties in the commercial districts (R-C, C-1, C-2, L-R) may be allowed to exceed 25 percent but not greater than 66%, subject to the conditions in (c) and (d) below.

(c) The treatment measures in (1) (b) (i) and (ii) shall be applicable.

(d) All applicable permits shall be acquired from other regulating jurisdictions.

(3) Properties in Planned Unit Developments (P.U.D.) shall be regulated consistent with similar uses in the underlying districts identified in (1) and (2) above, unless otherwise specified by the P.U.D.

**Section 6.** City Code Section 1201.03 Subd. 4. e. Efficiency Apartments is hereby amended as follows. Text proposed to be added is underlined; text proposed to be removed is ~~stricken~~.

e. *Efficiency apartments.* Except for elderly age-restricted housing, the number of efficiency apartments in a multiple dwelling shall not exceed 5% of the total number of apartments.

**Section 7.** City Code Section 1201.03 Subd. 5 d. (8) Stall, aisle and driveway design is hereby amended as follows. Text proposed to be added is underlined; text proposed to be removed is ~~stricken~~.

(8) *Stall, aisle and driveway design.*

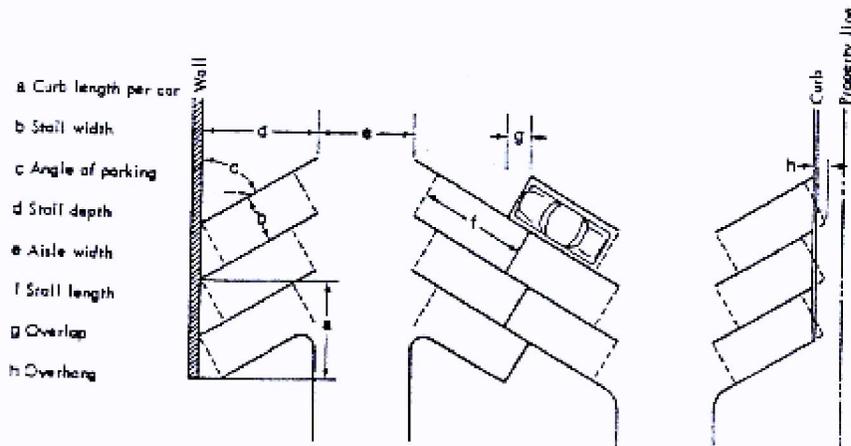
(a) *Parking space size.* Each parking space shall not be less than nine feet wide and 20 feet in length, exclusive of access aisles. Each space shall be adequately served by access aisles.

(b) Except in the case of single-family, two-family, and townhouse ~~and quadraminium~~ dwellings, parking areas and their aisles shall be developed in compliance with the standards in the Parking Lot Dimensions Table.

**PARKING LOT DIMENSIONS TABLE\***

Angle of Parking	Stall Width	Curb Length Per Car	Stall Depth	Aisle Width	Angle of Parking	Stall Width	Curb Length Per Car	Stall Depth	Aisle Width
0°	9'0"	23'0"	9'0"	12'0"	50°	9'0"	11'9"	20'5"	12'0"
	9'6"	23'0"	9'6"	12'0"		9'6"	12'5"	20'9"	12'0"
	10'0"	23'0"	10'0"	12'0"		10'0"	13'2"	21'0"	12'0"
20°	9'0"	26'4"	15'0"	11'0"	60°	9'0"	10'5"	21'0"	18'0"
	9'6"	27'10"	15'6"	11'0"		9'6"	11'0"	21'3"	18'0"
	10'0"	29'3"	15'11"	11'0"		10'0"	11'6"	21'6"	18'0"
30°	9'0"	18'0"	17'4"	11'0"	70°	9'0"	9'8"	21'0"	19'0"
	9'6"	19'0"	17'10"	11'0"		9'6"	10'2"	21'3"	18'6"
	10'0"	20'0"	18'3"	11'0"		10'0"	10'8"	21'3"	18'0"
40°	9'0"	14'0"	19'2"	12'0"	80°	9'0"	9'2"	20'4"	24'0"
	9'6"	14'10"	19'6"	12'0"		9'6"	9'8"	20'5"	24'0"
	10'0"	15'8"	19'11"	12'0"		10'0"	10'3"	20'6"	24'0"
45°	9'0"	14'0"	19'2"	12'0"	90°	9'0"	9'0"	20'0"	22'0"
	9'6"	14'10"	19'6"	12'0"		9'6"	9'6"	20'0"	22'0"
	10'0"	15'8"	19'11"	12'0"		10'0"	10'0"	20'0"	22'0"

\* This table pertains to a wall to wall situation. In calculating dimensions, two feet may be subtracted from each stall depth for each overhang and overlap. No subtraction for overlap is allowed for angles greater than 60 degrees.



(c) Within structures, the off-street parking requirements may be furnished by providing space so designed within the principal building or one accessory structure; however, unless provisions are made, no building permit shall be issued to convert the parking structure into a dwelling unit or living area or other activity until other adequate provisions are made to comply with the required off-street parking provisions of this chapter.

(d) Except in the case of single-family; or two-family, ~~townhouse and quadraminium~~ dwellings, parking areas shall be designed so that circulation between parking bays or aisles occurs within the designated parking lot and does not depend upon a public street or alley. Except in the case of spaces directly in front of a garage for a single, two-family, or townhouse ~~and quadraminium~~ dwellings, parking area design which requires backing into the public street is prohibited.

(e) No curb cut or driveway access shall be located less than 40 feet from the intersection of two or more street rights-of-way. Minimum distance for commercial uses shall be 60 feet. This distance shall be measured from the intersection of lot lines.

(f) No curb cut or driveway access shall exceed 25 feet in width, except on the approval of the City Engineer.

(g) Curb cut or driveway openings shall be at minimum five feet, not including curb radius, from side or rear property lines. Any driveway proposed within a drainage and utility easement shall require approval by the City Engineer and shall be a minimum of ten feet from any public utility main.

(h) Driveway access or curb openings on a public street except for single, two-family, and townhouse ~~and quadraminium~~ dwellings shall not be located less than 40 feet from one another.

(i) The grade elevation of any parking area shall not exceed 5%.

(j) Each property shall be allowed one curb cut or driveway access for each 120 feet of street frontage. All property shall be entitled to at least one curb cut or driveway. Exception: two-family dwellings may have two driveways.

(k) Except in the case of single-family dwellings, all areas intended to be utilized for parking space and driveways shall be paved. Plans for surfacing and drainage of driveways and stalls for five or more vehicles shall be submitted to the City Engineer for his or her review and the final drainage plan shall be subject to his or her written approval.

(l) Curbing and landscaping:

(i) Except for parking in front of a garage for single-family, two-family, or townhouse ~~and quadraminium~~ dwellings, all open off-street parking shall have a perimeter curb barrier of continuous poured concrete around the entire parking lot. The barrier shall not be closer than five feet to any lot line. Grass, plantings or surfacing material shall be provided in all areas bordering the parking area;

(ii) All commercial parking areas shall be brought into conformance with this provision within three years of the date of enactment of this chapter.

(m) Where metal buildings exist on commercial property, a perimeter curb barrier shall be provided around the building no closer than five feet to the building wall.

(n) Except for single-family, two-family, and townhouse ~~and quadraminium~~ dwellings, all parking stalls shall be marked with white or yellow paint lines not less than four inches wide.

(o) Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining property, abutting residential uses and public rights-of-way and be in compliance with subdivision 2i of this section.

(p) Surfacing, curbing and striping required by paragraphs (k), (l) and (n) above may be waived or delayed for parking lots in city parks, provided that drainage, traffic, dust control, parking demand, vehicular control and proximity to residential development are taken into consideration and provided that the improvements are incorporated into the city's Capital Improvements Program and reviewed by the City Council annually. *Comment about different standards for city versus everybody else.*

**Section 8.** City Code Section 1201.03 Subd. 5. f. Setback area is hereby amended as follows. Text proposed to be added is underlined; text proposed to be removed is ~~stricken~~.

f. *Setback area.* Off-street parking areas shall conform with the following setback provisions:

(1) In residential districts, required off-street parking shall not be provided in required front yards (or in required side yards abutting a street in the case of a corner lot) nor within five feet of any side or rear lot line;

(2) In the case of single-family, two-family, and townhouse ~~and quadraminium~~ dwellings, parking shall be prohibited in any portion of the required front yard, except designated driveways leading directly into a garage or one open, surfaced space located on the side of a driveway, away from the principal use. The extra space shall be surfaced with concrete, bituminous or crushed rock material;

(3) There shall be no off-street parking within 15 feet of any street surface;

(4) In any of the commercial districts (including the R-C District) no parking space shall be located within 15 feet of any front property line or in any required side or rear yard that abuts any of the classes of residential districts. In no instance shall parking space be located within five feet of a side or rear property line except in the case of joint use parking areas.

**Section 9.** City Code Section 1201.03 Subd. 5. h. Off-Street Parking Requirements is hereby amended as follows. Text proposed to be added is underlined; text proposed to be removed is ~~stricken~~.

h. *Number of spaces required.* The following minimum number of off-street parking spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses hereinafter set forth:

(1) Single-family, two-family, and townhouse ~~and quadraminium dwellings~~ units: two spaces per unit. Townhouses shall require 1 guest parking space for every ~~three~~3 dwellings when located adjacent to a public street where no parking is permitted;

...

(8) Elderly Age-restricted housing: ~~two parking spaces per unit two-family or townhouses, see (1) above and multiple-family dwellings, see Section 1201.03 Subd. 20.~~

...

**Section 10.** City Code Section 1201.03 Subd. 16 Subdivision of Two-Family or Quadraminium Lots is hereby amended as follows. Text proposed to be added is underlined; text proposed to be removed is ~~stricken~~.

Subd. 16. ~~Subdivision of two-family; or townhouse dwelling lots quadraminium lots.~~ The subdivision of base lots containing two-family ~~dwellings or townhouse~~ dwellings ~~or quadraminiums~~ to permit individual private ownership of a single dwelling within the structure is acceptable upon the approval by the City Council. Approval of a subdivision request is contingent on the following requirements.

a. Prior to ~~a two-family dwelling or a quadraminium~~ subdivision, the base lot must meet all the requirements of the zoning district.

b. There shall be no more than one principal structure on a base lot in all residential districts. The principal structure on unit lots created ~~in a two-family or quadraminium by the~~ subdivision will be the portion of the attached dwelling existing or constructed on the platted unit lots.

c. Permitted accessory uses as defined by the zoning districts are acceptable, provided they meet all the zoning requirements.

d. A property maintenance agreement must be arranged by the applicant and submitted to the City Attorney for his or her review and subject to approval. The agreement shall ~~insure~~ ensure the maintenance and upkeep of the structure and the lots to meet minimum city standards and provide a dispute resolution process. The agreement is to be filed with the Hennepin County Recorder's office as a deed restriction against the title of each unit lot.

e. Separate public utility service shall be provided to each subdivided unit and shall be subject to the review and approval of the City Engineer.

f. The subdivision and maintenance agreement are to be processed and recorded in conformance with the requirements of the Shorewood Subdivision Ordinance, Chapter 1202.

Section 11: City Code Section 1201.03 Subd. 20 Elderly Housing is hereby amended as follows. Language proposed for insertion is underlined and language proposed to be removed is ~~stricken~~.

Subd. 20. Elderly Age-Restricted housing.

a. *Purpose:* The purpose of this subdivision is to provide opportunities for elderly age-restricted housing within residential zoning districts and to maintain compatibility with other uses within those districts.

b. Conditional-Allowed use. Elderly Age-restricted housing shall be allowed as a permitted use in the L-R, R-3A and R-3B zoning districts subject to the conditions noted below and by

conditional use permit in the following zoning districts: R-1A, R-1B, R-1C, R-1D, R-2A, R-2B, R-2C, ~~R-3A~~, and R-C subject to the requirements in 1201.04 and 1201.06 (planned unit development). ~~In addition subject to the following conditions noted below shall apply:~~

~~(1) Elderly Age-restricted housing projects shall be processed as planned unit developments (P.U.D.) in compliance with § 1201.06 of this code;~~

~~(2)~~ Occupancy of each dwelling unit shall be limited to no more than two adults, 62 years of age or older. Occupancy of dwellings which qualify as “housing for older persons” under the Federal Fair Housing Act shall be limited to two adults, 55 years of age or older. The occupancy limitations shall be memorialized in restrictive covenants approved by the city and filed with the Hennepin County Recorder. Exception: the occupancy limitations stated above shall not apply to one adult live-in care-provider serving the needs of the primary occupant(s) or dependent children, provided that if the care-provider resides on the premises for more than 30 days, notice must be given to the Zoning Administrator;

~~(32)~~ To continue to qualify for the elderly age-restricted housing classification, the owner, homeowner’s association or agency shall annually file with the City Administrator/Clerk and the Zoning Administrator a certified copy of a quarterly resume of occupants of the building or buildings, listing the number of tenants or occupants by age, by unit;

~~(43)~~ Adequate off-street parking must be provided in compliance with Subd. 5 of this section. Parking plans must show room on the site for at least one garage space per dwelling unit;

~~(54)~~ Parking areas for five or more cars must be screened and landscaped from view of surrounding residential property, in compliance with Subd. 2g of this section;

~~(65)~~ All signing and informational or visual communication devices shall be in compliance with Subd. 11 of this code.

~~(76)~~ All structures shall comply with the Minnesota State Building Code;

~~(87)~~ Elderly housing ~~Parking for multiple-family age-restricted dwellings:~~

~~(a) — Two family, quadraminium, or townhouse housing: two parking spaces per dwelling unit plus 1 guest parking space for every three dwelling units when located adjacent of a public street where no parking is permitted.~~

~~(b) — Multiple family dwellings: one and one-half parking spaces per dwelling unit.~~

~~(8)~~ Density and Lot Size:

~~(ae)~~ ~~R-3A and~~ R-C: 12 units per acre. All other districts In the R-3B, the density shall be based on the Comprehensive Plan and the rules of the R-3B applicable zoning district.

~~(bd)~~ For purposes of calculating density, assisted living dwelling units shall be counted as one-half dwelling unit.

~~(9)~~ ~~(c)~~ The minimum site size for elderly housing projects shall be three acres;

~~(109)~~ Dwelling units may be detached or attached, multiple principal buildings shall be reviewed according to a conditional use permit subject to Section 1201.06;

(~~1110~~) Building heights shall be limited to one and one-half stories in all districts except the R-3A, R-3B and R-C zoning districts in which buildings may be three stories;

(~~1211~~) Where allowed, multiple-family ~~elderly~~age-restricted housing must have elevator service to each floor;

(13) Usable open space as defined in this chapter is equal, at a minimum, to 20% of the gross lot area. Usable open space shall mean areas under common ownership and include landscaped areas, complimentary structures and improvements, such as pools, tennis courts and the like, for the benefit and enjoyment of the residents of the development but not including parking lots and storm water ponds.

(14) The provisions of § 1201.04 Subd. 1d(1) where applicable, are considered and satisfactorily met.

c. *Fees reduced.* Park dedication fees as required in ~~§ 1202.07~~ Chapter 1202 of City Code ~~this code~~ and local sanitary sewer access charges as required in Section § 904.18 Subd. 1 of ~~this code~~ City Code shall be charged on the basis of total number of units proposed with credit for the per unit fee previous paid. the development potential of property as currently zoned. Except that Fees assisted living dwellings shall not be charged for additional residential units achieved under b (8) (b) of this subdivision, park dedication using each dwelling as .25 of a residential dwelling fee.

**Section 12.** City Code section 1201.25 (PUD, PLANNED UNIT DEVELOPMENT DISTRICT) Subd. 4 (General requirements and standards) I. is hereby amended as follows. Language proposed for insertion is underlined and language proposed to be removed is ~~stricken~~.

I. *Townhouse, ~~quadraminium,~~ and multiple-family dwelling uses.*

(1) No single townhouse structure shall contain more than six dwelling units.

(2) Townhouses, ~~quadraminiums,~~ and multiple-family dwelling uses shall be subdivided on an individual unit basis according to the provisions of Subd. 4e(3) of this section.

(3) Subdivided townhouse dwellings may be accessed by private streets when the street is designed to fire lane standard as indicated in Minnesota State Fire Code Appendix D as may be amended from time to time.

(4) Multiple principal buildings, including detached townhouses, may be allowed but must be separated (measured from finished wall to finished wall) as follows:

(a) Townhouses: 15 feet

(b) Multiple-family dwellings: 20 feet

**Section 13: Effective Date.** This Ordinance XXX shall take effect upon publication in the City's official newspaper.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD, MINNESOTA this xxth day of xx, 2025.

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JENNIFER LABADIE, MAYOR

ATTEST:

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SANDIE THONE, CITY CLERK