

## A G E N D A

### CALL TO ORDER

### ROLL CALL / (LIAISON) SCHEDULE

EGGENBERGER () \_\_\_\_\_  
HUSKINS () absent  
HOLKER () absent  
LONGO () \_\_\_\_\_  
MAGISTAD () \_\_\_\_\_  
COUNCIL LIAISON DIGROTTOLO (Jan-June) \_\_\_\_\_  
COUNCIL LIAISON MADDY (Jul-Dec) \_\_\_\_\_

1. APPROVAL OF AGENDA

2. APPROVAL OF MINUTES

- ♦ February 4, 2025

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

5. OTHER BUSINESS

- A) Subdivision Ordinance Re-Write
- B) Nomination and Election of Officers
- C) 2025 Work Program and Schedule of Meetings

D) Liaisons for Upcoming Council Meetings

E) Monthly Training Topic: Planning Commission Roles and Responsibilities

6. REPORTS

A) Council Meeting Report

B) Draft Next Meeting Agenda

7. ADJOURNMENT

5 **DRAFT 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 Huskins, Holker and Johnson; Planning  
15 Director Darling; City Planner Griffiths; and Council Liaison DiGruttolo  
16

17 Absent: None  
18

19 Chair Eggenberger announced that agenda item 4.B., related to the Minor Subdivision And  
20 Variance for property located at 5570/5580 Shorewood Lane has been withdrawn. He explained  
21 that tonight, he would be turning over the running of the meeting to Vice-Chair Huskins.  
22

23 **1. APPROVAL OF AGENDA**  
24

25 **Holker moved, Johnson seconded, approving the agenda for February 4, 2025, as**  
26 **amended.**  
27

28 Chair Eggenberger suggested that the Commission may want to move item 5.A. earlier on the  
29 agenda prior to item 4.C.  
30

31 Vice-Chair Huskins stated that his opinion would be swayed on this suggestion depending on  
32 whether there were people present for item 4.C and asked if anyone present was here for item  
33 4.C.  
34

35 There was no one present that expressed an interest in item 4.C.  
36

37 **Holker moved, Johnson approving the agenda for February 4, 2025, as previously**  
38 **amended, and also to move discussion of item 5.A. prior to 4.C.**  
39

40 **Motion passed 4/0.**  
41

42 **2. APPROVAL OF MINUTES**  
43

44 • **January 7, 2025**  
45

46 Vice-Chair Huskins noted that earlier today he had sent some minor edits to Planning Director  
47 Darling and City Planner Griffiths.  
48

49 **Johnson moved, Holker seconded, approving the Planning Commission Meeting Minutes**  
50 **of January 7, 2025, including the edits suggested by Vice-Chair Huskins.**  
51

52 **Motion passed 4/0.**  
53

1     **3.     MATTERS FROM THE FLOOR**

2  
3     **4.     PUBLIC HEARINGS**

4     Vice-Chair Huskins explained the Planning Commission is comprised of residents of the  
5     City of Shorewood who are serving as volunteers on the Commission. The Commissioners  
6     are appointed by the City Council. The Commission's role is to help the City Council in  
7     determining zoning and planning issues. One of the Commission's responsibilities is to  
8     hold public hearings and to help develop the factual record for an application and to make  
9     a non-binding recommendation to the City Council. The recommendation is advisory only.

10  
11     **A.     PUBLIC HEARING – PRELIMINARY PLAT FOR SHOREWOOD MEADOWS**

12             **Applicant: McDonald Construction Partners**

13             **Location: 25480 and 25560 Smithtown Road**

14  
15     City Planner Griffiths outlined the request for a Preliminary Plat to subdivide a 2.33 acre parcel  
16     into 3 lots for a project referred to as Shorewood Meadows. He reviewed details related to the  
17     guidance within the Comprehensive Plan, lot width and area, utilities, tree preservation plans, and  
18     noted that this proposal met all the City's requirements for the City's zoning districts as well as  
19     the Comprehensive Plan. He stated that staff recommended approval subject to the conditions  
20     included in the staff report.

21  
22     Chair Eggenberger asked if there were any wells on the property.

23  
24     City Planner Griffiths explained that there were existing wells on the property and noted that as  
25     part of this application, staff was requiring that they be sealed once the properties were hooked  
26     up to municipal water.

27  
28     Commissioner Johnson asked about the plans for removal of ten mature trees and asked how  
29     many trees were currently on the property.

30  
31     City Planner Griffiths stated that he did not have the exact numbers with him, but knew that the  
32     total number of trees on the property was much more than ten.

33  
34     Vice-Chair Huskins asked about the statement in the report that the applicant had indicated, to  
35     date, indicated that they were willing to connect to City water. He explained that when he read  
36     that his thought was that the applicant could still change their mind and asked if they did change  
37     their mind if it would have an impact.

38  
39     City Planner Griffiths explained that the City Code currently says that when there are 3, or less,  
40     lots, they were not required to hook up to City water. He stated in this case, because the service  
41     was already there along Smithtown Road, staff was encouraging them to hook up, and the  
42     applicant had also proposed to hook up. He noted that if the applicant did change their mind,  
43     there would be no implications for the application. He explained that once the plans were  
44     approved by the City Council, the applicant would be able to go back and change their mind.

45  
46     Commissioner Johnson stated that she did not see this clarification within staff's recommendation  
47     and asked if it should be included.

48  
49     City Planner Griffiths stated that they can include this language, but noted that it had not been  
50     included because the applicant was already choosing to hook up to City water.

1 Vice-Chair Huskins stated that he would also endorse including this language so it was completely  
2 clear and what would be obligated to take place. He invited the applicant to address the  
3 Commission.

4  
5 Lyndon Moquist, 18696 Overland Trail, Eden Prairie, and Harold Worrell, 3878 Augustine Trail,  
6 Chanhassen introduced themselves. Mr. Moquist explained that they were very proud of the  
7 product that they were proposing in Shorewood and noted that they were part of the team from  
8 McDonald Construction Partners. He noted that he felt that their proposal would be able to hit a  
9 great niche in the City related to home pricing and would most likely be around \$1,500,000. He  
10 stated that since they put their sign up on the property they have received about 30 calls and  
11 currently had 19 people on the list who have expressed interest in the project.

12  
13 Mr. Worrell stated that they were looking to put up 3 homes on lots that were around 1/3 of an  
14 acre.

15  
16 Commissioner Johnson about the proposed purchase pricing of around \$1,500,000.

17  
18 Mr. Worrell explained that the purchase price could vary, depending on what it ultimately costs  
19 them to develop the property, but should be within a few hundred thousand dollars of \$1,500,000.

20  
21 Commissioner Holker stated that the lots they were proposing were fairly deep and were located  
22 on fairly busy intersection and asked if they may be able to set the homes back a bit further.

23  
24 Mr. Worrell stated that they did have a bit of play in how far the homes would be able to be  
25 setback, but noted that it would be challenging because of the slope on the site which meant the  
26 most likely answer to her question was 'no'.

27  
28 Chair Eggenberger asked how much fill they were planning to bring to the site.

29  
30 Mr. Worrell stated that he would say it would probably be around 3,000 yards.

31  
32 Vice-Chair Huskins asked if the applicants had reviewed the conditions that were recommended  
33 by staff.

34  
35 Mr. Worrell stated that they had reviewed the conditions and noted that all but 3 of them had  
36 already been taken care of and had been discussed them with City Engineer Budde.

37  
38 Vice-Chair Huskins asked if the applicant had any comments on the earlier questions and  
39 discussion about hooking up to City water.

40  
41 Mr. Worrell noted that he felt that the majority of the public would prefer to have City water  
42 connection, so it would be worth it for them to make the investment necessary in order to have  
43 them connected.

44  
45 Commissioner Holker asked about the proposed buffers between the lots and the trail and who  
46 actually owned the trail.

47  
48 Planning Director Darling stated that the trail was owned by the Hennepin Suburban Rail Authority  
49 and was leased by the Three Rivers Park District.

1 Mr. Moquist stated that it was a bit tight there and explained that their preference would be to  
2 leave every tree possible in order to have more privacy and also for future resale.

3  
4 City Planner Griffiths explained that the regional trail corridor property area was 50 feet on either  
5 side of the trail.

6  
7 Commissioner Johnson asked about the decision to propose single-family, multi-level homes with  
8 a fairly large footprint rather than single-story homes.

9  
10 Mr. Moquist stated that he felt that the single-story home market was a bit saturated right now  
11 and also felt this configuration of lots with large backyards and large open areas lent itself to this  
12 type of family home, but noted that they do have the ability to construct single level, rambler type  
13 homes as well.

14  
15 Mr. Worrell clarified that they had done research on villa designs for the homes but explained that  
16 the site did not lend itself well to that approach and they wanted to bring forward plans that did  
17 not require a variance.

18  
19 Commissioner Johnson asked if there was a sidewalk.

20  
21 Mr. Worrell stated that they would not be adding a sidewalk to the site but would add curbing.

22  
23 Vice-Chair Huskins opened the Public Hearing at 7:27 P.M. noting the procedures used in a Public  
24 Hearing. There being no public comment, he closed the Public Hearing at 7:28 P.M.

25  
26 **Holker moved, Johnson seconded, recommending approval of the Preliminary Plat For**  
27 **Shorewood Meadows, for applicant, McDonald Construction Partners, located at 25480**  
28 **and 25560 Smithtown Road, subject to the conditions listed in the staff report and an**  
29 **additional condition related to the City's expectation that these lots would connect to City**  
30 **water.**

31  
32 **Motion passed 4/0.**

33  
34 City Planner Griffiths stated that this item would come before the City Council at their February  
35 24, 2025 meeting.

36  
37 **~~B. PUBLIC HEARING – MINOR SUBDIVISION AND VARIANCE~~**

38 **~~Applicant: Sharratt Design & Company, LLC and Matt Tierney~~**

39 **~~Location: 5570/5580 Shorewood Lane (withdrawn)~~**

40  
41 Vice-Chair Huskins reminded those present at the meeting that this item had been withdrawn.

42  
43 Planning Director Darling explained that when an applicant withdraws an application, it means  
44 that they have rescinded it, so there would be no action taken on it unless they bring a new  
45 application to the City.

46  
47 **C. Variance for Redevelopment of a Non-Conforming Lot (formerly item 5.A.)**

48 **Applicant: Edward Zaret**

49 **Location: 20175 Manor Road**

50

1 Planning Director Darling gave an overview of the request for a variance to redevelop a non-  
2 conforming lot at 20175 Manor Road and explained that a variance was required only because  
3 this was a non-conforming lot and not for any aspect of the proposed construction plans. She  
4 explained that staff recommended approval subject to the conditions included in the staff report.

5  
6 Vice-Chair Huskins asked how the home was able to be built before the lot was recorded.

7  
8 Planning Director Darling stated that she felt it was likely that it was part of a larger parcel at some  
9 point in the past and the properties were platted around it.

10  
11 Vice-Chair Huskins asked the applicant to address the Commission.

12  
13 Edward Zaret, 217 Hanley Road, Golden Valley, stated that he and his wife really love the area  
14 and explained that he was a road cyclist and he had biked on Manor Road for many years and  
15 was pleased when they were able to buy this parcel with the existing home. He explained that it  
16 was not a very pretty house and felt that their plans would improve the property. He asked if he  
17 conformed for the permitting requirements if he would be able to have flexibility on construction  
18 of their new home.

19  
20 Planning Director Darling stated that, in this case, the variance was for the lot size and not any  
21 aspect of their construction. She explained that the City did tie the approval to the plans, the  
22 plans that are important here is the fact that they can show the City that they can build a single-  
23 family home on the lot. She noted that for single-family homes, the City did not have site plan  
24 requirements, so there was a lot of flexibility on how they can design their home.

25  
26 Commissioner Johnson asked if there were any requirements to hook up to City water.

27  
28 Planning Director Darling stated that there were not currently any requirements related to hooking  
29 up to City water.

30  
31 **Johnson moved, Holker seconded, recommending approval of the Variance Request to**  
32 **Redevelop a Non-conforming Lot located at 20175 Manor Road subject to the conditions**  
33 **listed in the staff report.**

34  
35 **Motion passed 4/0.**

36  
37 Planning Director Darling noted that this item would come before the City Council on February  
38 24, 2025.

39  
40 **D. PUBLIC HEARING – ZONING AMENDMENTS TO IMPLEMENT THE**  
41 **COMPREHENSIVE PLAN’S MEDIUM-DENSITY LAND USE DESIGNATION**

42 **Applicant: City-Initiated**

43 **Location: City-Wide**

44  
45 Planning Director Darling explained that this item was a City-initiated request for zoning  
46 amendments in order to continue to implement the 2040 Comprehensive Plan for medium-density  
47 land use designations. She noted that this would primarily affect the R-3A and L-R zoning  
48 districts. She gave a brief overview of the recommended amendments and noted that she had  
49 not received any questions or concerns from the public regarding the proposed amendments.

1 Vice-Chair Huskins suggested that the Commission go through the proposed amendments page  
2 by page and line by line. He referenced page 1, line 19, and asked if they should add language  
3 that stated that a lot base would be a legally non-conforming lot because it would be an  
4 acknowledgment of reality.

5  
6 Planning Director Darling stated that she felt that they could take out the language that said 'all  
7 the lot specifications' and noted that this was a tricky definition and shared examples using an  
8 aerial photo of the base lot and unit lots.

9  
10 Commissioner Johnson asked if that meant that the base lot would never be non-conforming.

11  
12 Vice-Chair Huskins asked if this definition was unique and specific to medium density.

13  
14 Planning Director Darling explained that it was unique and specific to townhouses.

15  
16 Vice-Chair Huskins asked what a lot in the R-1A district would be called.

17  
18 Planning Director Darling stated that those lots would be called a 'lot of record'.

19  
20 Vice-Chair Huskins stated that he would withdraw his suggestion to amend the definition of base  
21 lot and moved the discussion onto page 2.

22  
23 Commissioner Johnson noted that they talk about townhouses containing eight or fewer dwelling  
24 units, but when they look at townhouses detached and townhouses attached, it seemed like the  
25 word townhouse was actually used incorrectly there and referenced line 16.

26  
27 Planning Director Darling explained that this would be townhouses in one structure, so the  
28 limitation would be that they could have up to an eight-unit structure.

29  
30 Vice-Chair Huskins moved the discussion onto page 3 and referenced line 24 and asked if the  
31 word 'signing' should be changed to 'signage'.

32  
33 Planning Director Darling explained that she had simply copied that from the existing language  
34 and suggested that she change it to 'all signs'.

35  
36 Vice-Chair Huskins moved the discussion onto page 4. There being no comments, he moved the  
37 discussion on page 5 and referenced line 11, and asked if they should include language that  
38 specified that there was a maximum of 2.5 stories allowed.

39  
40 Planning Director Darling explained that information was listed below so she did not believe it  
41 needed to be added to this section.

42  
43 Vice-Chair Huskins referenced line 3 and the reference to the Comprehensive Plan and asked if  
44 it should be changed to say something such as, 'as indicated in the Comprehensive Plan' or, 'as  
45 amended in the future'.

46  
47 Planning Director Darling stated that they could perhaps change it to 'the Comprehensive Plan in  
48 effect at this time'.

49  
50 Commissioner Johnson suggested that it may be more clear if they say, 'the Comprehensive Plan  
51 in effect at the time of application'.

1 Vice-Chair Huskins moved the discussion onto page 6 and referenced line 32 and asked if this  
2 language was standard.

3  
4 Planning Director Darling explained that this was to give a buffer between the two uses and noted  
5 that this language was existing.

6  
7 Vice-Chair Huskins stated that was confused about line 38.

8  
9 Planning Director Darling explained that if you were putting a townhouse next to a property line,  
10 they would have to keep it back as far as the height of the structure and shared examples of what  
11 it would mean in different scenarios.

12  
13 Commissioner Johnson stated that she agreed that line 38 was not quite clear and suggested  
14 that they reword it so it was easier to understand.

15  
16 Vice-Chair Huskins stated that he felt line 41 was similar and needed some clarifying language in  
17 order to be understood more easily. He moved the discussion onto page 7.

18  
19 Commissioner Johnson stated that line 1 on page 7 should also have clarifying language to make  
20 it clear that the height for accessory structures could be a maximum of 15 feet, or one story,  
21 whichever was less.

22  
23 Vice-Chair Huskins moved the discussion onto page 8.

24  
25 Commissioner Johnson noted that the numbering was wrong on line 2.

26  
27 Vice-Chair Huskins moved the discussion onto page 9, there being no comments, he moved the  
28 discussion onto page 10.

29  
30 Commissioner Holker referenced lines 5 and 6 and stated that she felt the wording was a bit  
31 confusing.

32  
33 Planning Director Darling explained that this language was trying to convey that they do not want  
34 cars backing out into a public street, except for traditional homes where they have a garage.

35  
36 Vice-Chair Huskins referenced line 33 and asked if that referred to existing commercial parking  
37 areas.

38  
39 Planning Director Darling stated that she should have taken that one out because the City cannot  
40 require that and noted that it was a carry-over from the existing document.

41  
42 Vice Chair Huskins moved the discussion onto page 11, there being no comment, they moved  
43 onto page 12 and 13, there being no comments, the Commission moved the discussion to page  
44 14.

45  
46 Vice-Chair Huskins referenced line 34 on page 14 and asked if the word 'if' could be removed.

47  
48 Planning Director Darling stated that he felt this was saying that if the caretaker was a permanent  
49 resident or staying longer than 30 days, they had to notify the Zoning Administrator, which meant  
50 that the word 'if' was actually needed.

51

1 Vice-Chair Huskins moved the discussion onto page 15 and asked about line 20.

2  
3 Planning Director Darling stated that line 20 was saying that they could have either attached or  
4 detached units as elderly housing, but if there were multiple principle buildings, they had to be  
5 reviewed as a PUD.

6  
7 Commissioner Johnson stated that she agreed that the language was a bit confusing and  
8 suggested that they could add the word 'but' to clarify it a bit more.

9  
10 Planning Director Darling stated that she would take a closer look at this line item.

11  
12 Vice-Chair Huskins moved the discussion onto page 16, there being no comments, He opened  
13 the Public Hearing at 8:14 P.M. noting the procedures used in a Public Hearing, there being no  
14 public comment, he closed the Public Hearing at 8:14 PM.

15  
16 **Holker moved, Johnson seconded, recommending approval of the Zoning Amendments**  
17 **To Implement The Comprehensive Plan's Medium Density Land Use Designation, with the**  
18 **changes, as discussed.**

19  
20 **Motion passed 4/0.**

21  
22 Planning Director Darling stated that this item would go before the City Council at their February  
23 24, 2025, meeting.

24  
25 **5. OTHER BUSINESS**

26  
27 ~~E. Variance for Redevelopment of a Non-Conforming Lot~~  
28 ~~Applicant: Edward Zaret~~  
29 ~~Location: 20175 Manor Road (moved to item 4.C.)~~

30  
31 **6. REPORTS**

32  
33 **• Council Meeting**

34  
35 Chair Eggenberger congratulated Council Liaison DiGruttolo on her recent election to the City  
36 Council and welcomed her as the Council Liaison to the Planning Commission.

37  
38 Council Liaison DiGruttolo reported on matters considered and actions taken during the Council's  
39 recent meetings.

40  
41 Planning Director Darling noted that the City Council also had a few Work Session items that she  
42 felt the Planning Commission should be aware of related to the subdivision regulations and briefly  
43 reviewed some of their discussion points, and direction the Council had given to staff, and  
44 answered Commission questions.

45  
46 **• Draft Next Meeting Agenda**

47  
48 Vice-Chair Huskins stated that he would not be able to attend the March 4, 2025, Planning  
49 Commission meeting.

50  
51 Commissioner Holker stated that she would also not be able to attend the March meeting.

1  
2 Commissioner Johnson stated that she would no longer be serving on the Commission when the  
3 March meeting is held.

4  
5 City Planner Griffiths stated that if the Planning Commission was able to hold a meeting, the  
6 agenda was pretty full already with mostly annual administrative items but also the next version  
7 of the subdivision ordinance rewrites. He noted that something that will be new for the  
8 Commission in 2025 was that they were also planning to have a training topic on the agenda for  
9 most meetings. He noted that Chair Eggenberger had informed him earlier today that he was no  
10 longer able to give the Council report at the February 24, 2025 meeting and asked if anyone else  
11 was available to take his place.

12  
13 Chair Eggenberger noted that he had spoken with Commissioners Huskins and Holker prior to  
14 the meeting, and they explained that they would both be out of town, so City Planner Griffiths  
15 would have to update the Council on their behalf.

16  
17 Vice-Chair Huskins asked Planning Director Darling to give an update on the timing and selection  
18 of the new Planning Commissioners.

19  
20 Planning Director Darling stated that the City had received 8 applications for the 6 open seats for  
21 the various Commissions. She explained that the Council would be holding interviews on  
22 February 10, 2025 and noted that some of the applicants had specified which Commission they  
23 were interesting on, but others were open to serving on either Commission.

24  
25 Vice-Chair Huskins stated that before they adjourn, he wanted to express his gratitude to Planning  
26 Director Darling and Commissioner Johnson for their service to the City. He stated that he  
27 especially wanted to note Planning Director Darling's long-time commitment to the City, her  
28 expertise, and her willingness to share that expertise with the Commission. He stated that he felt  
29 the Planning Commission had benefitted immensely by Planning Director Darling's work and felt  
30 he could speak for the entire Commission that they were all grateful for her.

31  
32 There was a round of applause in honor of Planning Director Darling.

33  
34 Planning Director Darling stated she also wanted to thank the Planning Commission and  
35 explained that it had been a privilege to work for Shorewood and be able to intimately learn about  
36 the community.

37  
38 Vice-Chair Huskins stated that the Commission also appreciated City Planner Griffiths and noted  
39 that they were looking forward to many years of them all working together in the City. He stated  
40 that he felt that City Planner Griffiths had already given the Commission guidance which was very  
41 helpful. He announced that he was hopeful that both Planning Director Darling and Commissioner  
42 Johnson could stick around a bit following the meeting because they had a celebration cake  
43 waiting for them.

44  
45 Commissioner Johnson commented that she had been so impressed with the amount of  
46 knowledge that Planning Director Darling had off the top of her head.

47  
48 **7. ADJOURNMENT**

49  
50 **Johnson moved, Holker seconded, adjourning the Planning Commission Meeting of**  
51 **February 4, 2025, at 8:32 P.M. Motion passed 4/0.**



## Planning Commission Meeting Item

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Item 5A
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**Title/Subject:** Subdivision Ordinance Re-Write Discussion  
**Meeting Date:** March 4, 2025  
**Prepared by:** Jake Griffiths, City Planner  
**Attachments:** Summary of Proposed Amendments  
Draft Regulations  
Memo from January 7, 2025  
Memo from December 3, 2024

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

### Background

Over the past several months, the Planning Commission has reviewed portions of an update to its subdivision code. Subdivision is the process by which one property is developed into two or more lots, and the subdivision code covers the administrative procedures and regulations for how that process should take place. 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. Memos from the Commission's previous discussions on December 3, 2024, and January 7, 2025, have been attached for reference. As part of tonight's item, the Commission will be discussing the second half of the proposed updates. The attached updates are not a final draft, but a work in progress. A summary of proposed amendments is also attached for reference. Please note that not all the proposed amendments will be discussed at tonight's meeting, since many have already been discussed at previous meetings.

### Next Steps

City staff will work with our consultant to incorporate the Commission's comments into the final draft. It is anticipated that the final draft will be presented to the Commission as part of a public hearing at either the April or May meeting, and that the Commission will be asked to make a recommendation to the City Council at that time.

### Action Requested

The Planning Commission is requested to review the draft regulations and provide feedback to City staff.

# Shorewood Subdivision Code Changes Summary

## 1202.00 Introductory Provisions

- Language was added to establish the effective date of the subdivision chapter.
- Language was added to establish that the Zoning Administrator or their designee is responsible for administering the subdivision chapter.
- Clarifying language was added to the Interpretations section to eliminate confusion about conflicting Code provisions, state statutes, easements, or private agreements.

## 1202.10 Definitions

- Replaced reference to subdivider with applicant and removed the definition for subdivider.
- Added a definition for development agreement.
- Updated the base lot and unit lot definition to reflect the recent change in the zoning code.
- Added a definition for watercourse.

## 1202.20 Premature Subdivision Prohibited

- Language about premature subdivisions were crafted based on CC input from January work session.
- These provisions were moved from common procedures to their own section.
- Clarified that lack of adequate roads to serve the subdivision includes where there is not direct access to a public road or if the road intended to serve the subdivision is deemed inadequate
- Removed criteria related to providing public improvements, such as recreational facilities or other public facilities, as it hard to be specific enough

## 1202.30 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.

## 1202.31 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.

#### 1202.32 Registered Land Survey

- Moved the regulations to its own subsection.

#### 1202.33 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.

#### 1202.34 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.

#### 1202.35 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.
- Clarified that the City Council can act on a preliminary plat even if a Planning Commission recommendation is not received if needed due to review timeline limitations with M.S. 15.99.

- Add a statement that if the applicants requests an extension to their review timelines they shall be subject to new or amended requirements.
- Extended the timeline to submit a final plat from 180 days to one year.

#### 1202.36 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.

#### 1202.37 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.
- Included need for a public hearing with a notice distance of 500 feet.
- 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 requirement for and needed contents of a Development Agreement.
- Added post approval actions.

#### 1202.38 Amendments

- Add a section to clarify how amendments to the subdivision code will be considered.
- Review will include a public hearing held by the Planning Commission.

#### 1202.39 Violations and Penalty

- Current language only mentions improvements. Language was added to broaden the scope of when a violation might occur.
- Added a clarification about forged signatures and misrepresentation their authority to file an application.

#### 1202.40 Design Standards

##### 1202.41 General

- Language added to require design features to meet the requirements of the City Engineering Guidelines.
- Language added to limit the extension of a plat over political boundaries.
- Language was added to specify how lots should be designed with regard to watercourses, drainage, and natural features.
- Brought in the requirements for monuments.

#### 1202.42 Protected Areas

- Moved regulations out of drainage and erosion control.

#### 1202.43 Lots and Blocks

- Language was added to discourage irregularly shaped lots and flag lots.
- Language was modified to allow the creation of lots with access to private streets if approved by Council.
- Added clarifying language about how lot size is calculated. The new language followed the Metropolitan Council guidance about removing arterial right-of-way, public waters, public waters wetlands, city designated wetlands, areas in publicly held conservation easement, and portions of property protected by regulations, including bluffs and historic sites.
- Language was added to clarify that outlots are not buildable and that they are intended to be used either to set aside land for future development or to preserve open space with an easement in favor of the city.

#### 1202.44 Street and Alley Design

- Clarified that streets shall meet City Engineering Guidelines.
- Language about private streets was added to address when they can be used and how these should be regulated.
- Language requiring curbs and gutters for all streets was added.
- The right-of-way radius required for cul-de-sacs was clarified to be 100 feet.
- Clarified that the arrangement of streets shall allow for the continuation of the street in adjoining undeveloped property.
- Added language regarding the dedication of streets, including limiting the creation of half-streets at the perimeter of the subdivision and requiring improvements if the subdivision borders an existing substandard street or a street needing improvement.

#### 1202.45 Non-Motorized Connections

- Added language to clarify that non-motorized connections need to be established in accordance with the corridors established in the Comp Plan when subdivisions occur.
- Land for these connections can come in the form of parcels of land or easements.
- Language added that any connections that are constructed need to meet the city's standards. New sidewalks should be similar in width and design to existing trails.

#### 1202.46 Easements

- Added a requirement that easements shall be dedicated with the plat.
- Added a requirement that an easement be established for 7.5 feet on each side of a utility main.

#### 1202.47 Utilities

- A new section for utilities was added.
- Added a statement that connection to sanitary sewer is mandatory.
- Included a requirement that all utilities be placed underground in a joint trench and that it is the applicant's expense to install the utilities to the street.

#### 1202.48 Drainage and Erosion Control

- Clarify that the development must meet the MPA's NPDES permit requirements.

#### 1202.50 Improvements

##### 1202.51 Improvements Required

- Added language stating that all improvements need to be constructed in accordance with the State Building Code and all applicable city, county and state regulations.
- Language added to specify that street improvements such as lighting or sidewalks may be required by the city.
- Clarified that all required utility improvements shall be inspected and accepted by the City Engineer at the applicant's expense.

##### 1202.52 Development Agreement

- Language added to clarify what elements should be included within a development agreement, including who will construct, type of improvements to be constructed, and estimated cost.

##### 1202.53 Financial Guarantee

- Created a separate section for these provisions.

##### 1202.54 Inspection

- Created a separate section with inspection requirements.

#### 1202.60 Park Dedication

##### 1202.61 Dedication Required

- Language added to clarify when park dedication is required and to state the city's authority for requiring dedication.
- Existing land dedication requirements have been retained as the city will be undertaking a park system update that can be used to develop a new park dedication formula.
- Language added to specify that the city may accept a combination of land and cash and to describe how this will be calculated.
- Language added that clarifies that trails or sidewalks along streets are not considered park dedication.

##### 1202.62 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.

#### 1202.63 Modification of Requirements

- 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
- Language added to allow subdivider to request a deviation from the Code requirements.

#### 1202.64 Required Actions

- Added steps that the applicant needs to take before land is dedicated to the city.
- Clarified when the cash fee in lieu of land dedication is required to be paid.

#### 1202.65 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**

### **1202.01 Title**

Subd. 1 This chapter shall be known as “City of Shorewood Subdivision Ordinance,” except as referred to herein, where it shall be known as “this chapter.”

### **1202.02 Purpose**

Subd. 1 It is the purpose of this chapter to safeguard the best interests of the city and to assist property owners and subdividers of land in harmonizing their interests with those of the city.

Subd. 2 It is the purpose of this chapter to make certain regulations and requirements for the subdivision of land within the city, pursuant to the authority contained in Minnesota State Statutes, which regulations the City Council deems necessary for the health, safety and general welfare of this community.

Subd. 3 This chapter is intended to promote good planning practice and to ensure orderly growth and development and shall supplement and implement the provisions of the Shorewood Comprehensive Plan, the Shorewood Zoning Regulations, and City Code.

### **1202.03 Authority and Effective Date**

Subd. 1 Authority. This chapter is enacted pursuant to the authority granted by **M.S. § 462.358.**

Subd. 2 The effective date of this chapter is \_\_\_\_\_, 2025.

Subd. 3 Comprehensive revision. The City Council intends this chapter to be a comprehensive revision to the Shorewood Subdivision Ordinance, as amended. Except as otherwise provided herein, the provisions of this chapter are not intended to alter, diminish, increase or otherwise modify any rights or liabilities existing on its effective date. Any act done, offense committed or rights accruing or accrued or liability or penalty incurred or imposed prior to the effective date of this chapter is not affected by its enactment.

Subd. 4 Whenever other applicable city, state or federal laws or rules referenced in this chapter have been amended or superseded, this chapter shall also be considered amended accordingly.

### **1202.04 Administration**

Subd. 1 This chapter shall be administered by the Zoning Administrator who is appointed by the City Council. The Zoning Administrator may delegate specific responsibility to any individual city employee, but shall remain responsible for all decisions made by those employees.

Subd. 2 Approvals necessary for acceptance of subdivision plats. Before any subdivision shall be recorded or be of legal effect, it shall be approved by the city as having fulfilled the requirements of this chapter.

Subd. 3 Conditions for recording. No plat of any subdivision shall be entitled to be recorded in the Hennepin County Recorder’s Office or have any validity until the plat thereof has been prepared, approved and acknowledged in the manner prescribed by this chapter and all conditions of approval satisfied.

Subd. 4 Permits. No building permits shall be granted by the city for the construction of any building, structure or improvement to the land or to any lot in a subdivision as defined herein, until all requirements of this chapter have been fully complied with and the subdivision recorded.

Subd. 5 Exceptions. Except in the case of resubdivision, this chapter shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the Hennepin County Register of Deeds for Registrar of Titles prior to the effective date of this chapter.

### **1202.05 Applicability**

Subd. 1 The requirements of this chapter shall apply to all subdivision applications and procedures subject to development review under this Code unless otherwise stated.

Subd. 2 Subdivisions which meet the following circumstances are exempt from the regulations of this chapter:

- a. 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;
- b. Where all the resulting parcels, tracts, lots, or interests will be five acres or larger in size for commercial and industrial uses;
- c. Creating cemetery lots; or
- d. Subdivisions resulting from court orders or the adjustment of a lot line by the relocation of a common boundary.

Subd. 3 Building Permits.

- a. 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.

### **1202.06 Interpretation**

Subd. 1 Conflicting Regulations or Provisions.

- a. In the interpretation of this chapter, its provisions shall be held to be the minimum requirements for the promotion of the public health, safety and welfare.
- b. In the event of a conflict or inconsistency between the provisions contained in this chapter and the state statutes or rules, state statutes and rules shall govern, unless such state statutes or rules provide otherwise.
- c. Where the conditions imposed by any provision of this chapter are either more or less restrictive than comparable conditions imposed by any other ordinance, rule or regulation of the city, the ordinance, rule or regulation that imposes the more restrictive condition, standard or requirement shall prevail. The Zoning Administrator shall determine which is more restrictive, and appeals from the determination may be made in the manner provided herein.
- d. This chapter is not intended to abrogate, annul, impair or interfere with any existing easement, covenant or any other private agreement. However, where the regulations of this chapter are more restrictive or impose higher standards or requirements on such easements, covenants or other private agreements, the requirements of this chapter shall govern.

Subd. 2 Relationship to Comprehensive Plan.

- a. The City Council recognizes the Comprehensive Plan as the Policy Guide responsible for regulation of land use and development in accordance with the policies and purpose herein set forth.
- b. It is the policy of the city that the enforcement, amendment and administration of this chapter be accomplished with due consideration of the direction contained in the Shorewood Comprehensive Plan as developed and amended from time to time by the City Council.

Subd. 3 Use of Cross-References. In some instances, cross-references between chapters, sections and subsections are provided that include the chapter, section or subsection number along with the name of the reference. Where a conflict may occur between the given cross-reference number and name, the name shall control.

Subd. 4 Rules. The language set forth in the text of this chapter shall be interpreted in accordance with the following rules of construction:

- a. The singular number shall include the plural and the plural the singular.
- b. The present tense includes the past and future tenses and the future the present.
- c. The word SHALL is mandatory while the word MAY is permissive.
- d. Whenever a word or term defined hereinafter appears in the text of this chapter, its meaning shall be construed as set forth in the definition thereof.
- e. All measured distances expressed in feet shall be to the nearest tenth of a foot.

Subd. 5 Separability. It is declared to be the intention of the city that the several provisions of this chapter are separable in accordance with the following:

- a. Other parts of this chapter. If any court of competent jurisdiction shall adjudge any provision of this chapter to be invalid, the judgment shall not affect any other provisions of this chapter not specifically included in the judgment.
- b. Application to other party or property. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this chapter to a particular property, building or structure, the judgment shall not affect the application of the provision to any other property, building or structure not specifically included in the judgment.

## 1202.10 Definitions

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ALLEY.** A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

**APPLICANT.** The owner of land proposed to be subdivided or the owner's representative. Consent shall be required from the legal owner of the premises.

**BLOCK.** An area of land within a subdivision containing one or more lots that is entirely bounded by streets, or by streets and the entire boundary or boundaries of the subdivision, or a combination of the above with a river, lake or other physical barrier.

**BOULEVARD.** The portion of the street right-of-way not occupied by pavement or other traveled surface.

**BUILDING.** Any structure used or intended for supporting or sheltering any use or occupancy.

**COMPREHENSIVE PLAN.** The long range goals, objectives, policies, concepts and plans of the city as stated in a group of maps, charts and text.

**DESIGN STANDARDS.** The specifications to land owners or applicants for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of the items as rights-of-way, blocks, easements and lots.

**DEVELOPMENT AGREEMENT.** A written contract between the city and applicant in conjunction with the approval by the city of a subdivision.

**EASEMENT.** A grant by a property owner for the use of land for the purpose of constructing and maintaining drives and utilities, including, but not limited to wetlands, ponding areas, sanitary sewers, watermains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

**FINAL PLAT.** A drawing, suitable for recording, showing the layout of a subdivision that has received preliminary plat approval pursuant to §§ 1202.03 and 1202.04 and M.S. Chapter 505.

**IMPERVIOUS SURFACE.** An artificial or natural surface through which water, air or roots cannot penetrate.

**LOT.** A parcel of land in a subdivision or plat of land, separated from other parcels or portions by descriptions or by metes and bounds, for the purpose of sales or lease or separate use thereof.

**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 subdivision.

**LOT, CORNER.** A lot situated at the intersection of two streets, or a lot at the point of deflection of a single street, the interior angle of which 135 degrees or less.

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

**LOT IMPROVEMENT.** Any building, structure, place, work of art or other object which constitutes a physical betterment of the real property on which it is situated or any part of the betterment.

**LOT WIDTH.** The shortest horizontal distance between the side lot lines measured at right angles to the lot depth measured at the required minimum building setback line as set forth in the Shorewood Zoning Code.

**ORDINARY HIGH WATER LEVEL (OHWL).** The boundary of public waters and wetlands that is described as an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses the ORDINARY HIGH WATER LEVEL is the elevation of the top of the bank or channel.

**OUTLOT.** A lot remnant or parcel of land left over after platting, which is intended as open space or other use, or which is reserved for future development and for which no building permit shall be issued.

**OWNER.** Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided or commercially used to commence and maintain proceedings under this chapter.

**PARKS AND PLAYGROUNDS.** Public land and open spaces in the city dedicated or reserved for recreation purposes.

**PEDESTRIAN WAY.** A public right-of-way or private easement that provides access for pedestrians and which may be used for the installation of utility lines.

**PERCENTAGE OF GRADE.** The ratio of the distance vertically from the horizontal in feet and tenths of a foot for each 100 feet of horizontal distance.

**PRELIMINARY PLAT.** A drawing or set of drawings describing the existing physical characteristics of a parcel of land and illustrating a proposed layout for subdividing the land into lots, blocks, streets and easements for purposes of obtaining preliminary approval of a subdivision, pursuant to §§ 1202.03 and 1202.04 and M.S. § 462.358 and Chapter 505.

**PROTECTIVE COVENANTS.** Contracts made between private parties relating to the manner in which land may be used in order to protect and preserve the physical and economic integrity of any given area.

**PUBLIC IMPROVEMENT.** Any drainage facilities, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, utility or other facility for which the city may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which local government responsibility is established.

**REGISTERED LAND SURVEYOR.** A surveyor whom is registered and licensed in accordance to M.S. § 326.02, Subd. 3a.

**REGISTERED PROFESSIONAL ENGINEER.** A REGISTERED PROFESSIONAL ENGINEER licensed in accordance to M.S. § 326.02, Subd. 3.

**RIGHT-OF-WAY, PUBLIC.** Any property established for the use of the public for street or highway purposes by any federal, state, county or local government by dedication, easement, gift or statutory user, whether developed or undeveloped, paved or unpaved.

**SETBACK.** The minimum horizontal distance between building and street, lot line or ordinary high water level. Distances are to be measured at ground level from the most outwardly extended portion of the structure. In the case of a private street or street acquired by statutory user as defined by Minnesota Statutes, the setback shall be measured from a line 15 feet from the edge of the traveled surface.

**STREET.** A public right-of-way or private way serving three or more properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, lane, place or however otherwise designated, which is used or can be used for travel.

**STREETS, ARTERIAL.** Those streets, as identified in the Shorewood Comprehensive Plan, carrying larger volumes of traffic and serving as links between various subareas of the community. Arterial streets are intended to provide for collection and distribution of traffic between highways and collector streets; hence regulations of direct access to property is critical.

**STREETS, COLLECTOR.** Those streets, as identified in the Shorewood Comprehensive Plan, that carry traffic from local streets to the major system of arterials and highways. COLLECTOR STREETS primarily provide principal access to residential neighborhoods, including, to a lesser degree direct land access.

**STREETS, LOCAL.** Those streets, as identified in the Shorewood Comprehensive Plan, that are used primarily for access to abutting properties and for local traffic movement.

**STREETS, MARGINAL ACCESS.** Those local streets that are parallel and adjacent to thoroughfares and highways and that provide access to abutting properties and protection from through traffic.

**STREETS, CUL-DE-SAC.** Those local streets with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

**STREET WIDTH.** The shortest distance between lines of lots delineating the streets right-of-way.

**SUBDIVISION.** The division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or of building developments. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

**WATERCOURSE.** Watercourse means any channel having definable beds and banks and capable of conducting generally confined runoff from adjacent lands. During floods water may leave the confining beds and banks but under low and normal flows water is confined within the channel. A watercourse may be perennial or intermittent.

## **1202.20 Premature Subdivision Prohibited**

## **1202.30 Procedures and Enforcement**

## **1202.40 Design Standards**

### **1202.41 General**

Subd. 1 The design features of the subdivision shall meet the requirements set forth by the City Engineering Guidelines. The city may improve additional or more stringent requirements as deemed appropriate considering the property being subdivided.

Subd. 2 Political boundaries. No singular plat shall extend over a political boundary without legal notification to and approval by affected units of government.

Subd. 3 Provisions for resubdivision of large lots and parcels.

- a. All contiguous land owned by the same property owner shall be included in the plat.
- b. When a tract is subdivided into larger than required building lots or parcels, the lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate resubdivision with provision for adequate utility connections for the resubdivision.
- c. Streets and utilities shall be extended to the boundary of the plat.
- d. Watercourses.
  - (1) Watercourses shall be contained within abutting lots.
  - (2) Watercourses shall be protected by easement to the anticipated high water level (as determined by the city. Lots with easements protecting watercourses shall have sufficient dimensions and area above the high water level.
- e. Monuments.
  - (1) Official monuments, as designated and adopted by the Hennepin County Surveyor's Office and approved by the Hennepin County District Court for use as judicial monuments, shall be set at each corner or angle on the outside boundary of the final plat or in accordance with a plan as approved by the City Engineer. The boundary line of the property to be included within the plat shall be fully dimensioned on the plat. All angles of the boundary, excepting the closing angle, are to be indicated on the plat and all monuments and surveyor's irons are to be indicated on the plat. Each angle point of the boundary perimeter shall be so monumented.
  - (2) Location of monuments within the plat. Pipes or steel rods shall be placed at each lot and at each intersection of street right-of-way lines. All United States, state, county or other official bench marks, monuments or triangular stations in or

adjacent to the property shall be preserved in precise position and shall be recorded on the plat.

- (3) Second monumentation. To ensure that all irons and monuments are correctly in place following the final grading of a plat, a second monumentation shall be required. Proof of the second monumentation shall be in the form of a surveyor's certificate and this requirement shall additionally be a condition of certificate of occupancy as provided for in the Shorewood Zoning Ordinance. As an alternative the applicant's surveyor may, upon approval by the City Engineer, place official monuments within the plat after the site grading has been completed, but no later than one year after the recording of the plat. In such cases a letter of credit or cash escrow in form and dollar amount acceptable to the city shall be submitted to guarantee that the monumentation will be completed.

### **1202.42 Protected Areas**

Subd. 1 Where land proposed for subdivision is deemed environmentally sensitive by the city because of the existence of wetlands, drainage ways, water courses, floodprone areas or steep slopes, the design of the subdivision shall clearly reflect all necessary measures of protection to insure against adverse environmental impact.

Subd. 2 Based upon the necessity to control and maintain certain sensitive areas, the city shall determine whether the protection will be accomplished through lot enlargement, redesign, conservation easement, dedication of those sensitive areas in the form of outlots or through the use of protective covenants in Planned Unit Developments.

Subd. 3 Measures of protection shall include design solutions that allow for construction and grading involving a minimum of alteration to sensitive areas. Where these areas are to be incorporated into lots within the proposed subdivision, the applicant shall be required to demonstrate that the proposed design will not require construction on slopes that exceed 12% or result in significant alteration to the natural drainage system, such that adverse impacts cannot be confined within the plat boundary.

Subd. 4 Tree preservation and reforestation. Natural vegetation shall be protected in accordance with the Shorewood Tree Preservation and Reforestation Policy.

### **1202.43 Lots and Blocks**

Subd. 1 All lot and block dimensions shall be shown on the plat and all necessary angles pertaining to the lots and blocks, as an aid to future surveys shall be shown on the plat.

Subd. 2 Blocks.

- a. Block length. In general, intersecting streets determining block lengths shall be provided at intervals so as to serve cross-traffic adequately and to meet existing streets. In blocks longer than 1,000 feet, pedestrian ways or easements through the block may be required in locations deemed necessary for convenient pedestrian circulation.
- b. Block width. The width of the block shall normally be sufficient to allow two tiers of lots of appropriate depth unless it adjoins a railroad, arterial or collector street, lake, wetland, park street or other natural feature where it may have a single tier of lots. Blocks intended for commercial use shall be of the width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

Subd. 3 Lots.

a. Size.

- (1) The minimum lot area, width and depth shall not be less than that established by the Shorewood Zoning Ordinance in effect at the time of adoption of the final plat.
- (2) To eliminate any doubt as to the interpretation of lot size, the minimum lot square footage shall not include arterial right-of-way, public waters, public waters wetlands, city designated wetlands, areas protected through a publicly held conservation easement, and portions of property protected by regulations, including bluffs and historic sites.
- (3) No lots less than the minimum square footage provided by the Shorewood Zoning Ordinance for the area involved shall be authorized by this chapter except upon the granting of a variance in accordance with the Shorewood Zoning Ordinance.

b. Corner lots. Corner lots for residential use shall have additional width to permit appropriate building setbacks from both streets as required in the Zoning Ordinance.

c. Flag lots. Flag lots shall only be used when it can be demonstrated through a subdivision variance that an alternative lot arrangement meeting the density requirements of the Comprehensive Plan is not possible due to unique lot characteristics such as shape, topography, wetlands or public waters.

d. Double-frontage lots.

- (1) Double-frontage lots that have frontage on two parallel streets shall not be permitted, except where lots back on arterial streets or highways or where topographic or other conditions render subdividing otherwise unreasonable.
- (2) Double-frontage lots shall have an additional depth of at least 20 feet in order to provide space screening along the rear lot line.

e. Irregularly shaped lots are discouraged. Where such lots are proposed, the development shall demonstrate to the city an ability to properly place principal buildings and accessory structures on the site in a manner which is compatible in size and character to the surrounding area.

f. Side Lot Lines.

- (1) In general, side lot lines shall be at right angles to street lines or radial to curving street lines unless a variation from the rule will give a better street or lot plan, or unless topographic conditions necessitate a different arrangement.
- (2) Lots which have a side lot line along an arterial street shall include an additional 15 feet of lot width to provide screening.

g. Lot frontage. Every lot must have adequate frontage on a city-approved street to accommodate a driveway and required driveway setbacks, as required in the Shorewood Zoning Ordinance.

h. Setback lines. Setback or building lines shall be shown on all lots intended for residential use and shall not be less than the setback required by the Shorewood Zoning Ordinance, as may be amended.

i. Access.

- (1) Each lot shall directly access a public street unless a subdivision has received approval from the City Council for a private street or access easement.

- (2) Where proposed residential lots abut a collector or arterial street, they should be platted in such a manner as to encourage turn-around access - and egress on each lot.
- (3) In new subdivisions, there shall be no direct vehicular access from residential lots to arterial streets.
- (4) In cases where a proposed plat is adjacent to a county or state highway, the plat shall be subject to county and/or state approval.
- j. Drainage. Lots shall be graded so as to provide drainage away from building locations, subject to City Engineering Guidelines and the approval of the City Engineer. A grading plan shall be submitted showing all lot grading and drainage provisions.
- k. Features. In the subdividing of any land, due regard shall be shown for all natural features such as tree growth, watercourses, historic sites or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.
- l. Lot remnants. Remnants of land below minimum lot size, except in instances of cluster zoning, shall be added to adjacent lots rather than remaining as unusable parcels. Building permits shall not be issued for remnants.
- m. Outlots.
  - (1) An outlot is not buildable. A building permit shall not be issued for an outlot.
  - (2) An outlot may be used to set aside land to be platted at a later time. At the time of the platting, a resubdivision sketch for the outlot shall be required.
  - (3) An outlot may be used to preserve open space with an easement in favor of the City.

## **1202.44 Street and Alley Design**

### Subd. 1 General Requirements

- a. Streets shall be designed to comply with the standards set forth in the City's Engineering Guidelines.
- b. Minimum design standards for major collector streets shall comply with Minnesota Department of Transportation State Aid Standards.
- c. All proposed streets shall conform to city, county and state plans and standards and be offered for dedication as public streets unless:
  - (1) The streets are part of a planned unit development (PUD) for two-family dwellings or townhouses.
    - (a) The private street shall be located on a separate outlot and encumbered with an easement.
    - (b) A homeowners association shall be established to oversee ownership and operation private street.
    - (c) The private street is established within an easement at least 50 feet wide from the public street up to and including the lot(s) being created.
    - (d) The shared driveway improvements are deemed adequate for their intended use and comply with fire code requirements.
  - (2) Otherwise determined by the City Council after a recommendation from the City Engineer.
- d. Street plans for future subdivisions. Where the plat to be submitted includes only part of the tract owned or intended for development by the applicant, a tentative plan of a

proposed future street system for the unsubdivided portion shall be prepared and submitted by the applicant and a temporary turnaround shall be provided.

Subd. 2 Street Layout.

- a. Continuous streets.
  - (1) Except for cul-de-sacs, streets shall connect with streets already dedicated in adjoining or adjacent subdivisions, provide for future connections to adjoining unsubdivided tracts or shall be a reasonable projection of streets in the nearest subdivided tracts.
  - (2) Dead-end streets are prohibited, except for cul-de-sac streets as specified in this subsection.
  - (3) The arrangement of arterials and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to run-off of storm water, to public convenience and safety and in their appropriate relation to the proposed uses of the area to be served.
- b. Local streets. Local streets should be planned as to discourage their use by non-local traffic.
- c. Cul-de-sac Streets.
  - (1) Cul-de-sac streets shall be permitted where topography or other physical conditions justify their use.
  - (2) Cul-de-sac streets shall not be longer than 700 feet including a terminal turn-around which shall be provided at the closed end. The cul-de-sac shall have a right-of-way radius of not less than 100 feet.
  - (3) Temporary cul-de-sac. In those instances where a street is terminated pending future extension in conjunction with future subdivision, a temporary turn-around facility shall be provided at the closed end in conformance with cul-de-sac requirements.
- d. Frontage roads.
  - (1) Wherever the proposed subdivision contains or is adjacent to the right-of-way of a state highway or an arterial street, provision may be made for a marginal access street approximately parallel and adjacent to the boundary of the right-of-way or for a street at a distance suitable for the appropriate use of land between the street and right-of-way.
  - (2) The distance shall be determined with due consideration of the minimum distance required for lot depths.
- e. Half-streets. Half-streets shall be prohibited, except where essential to the reasonable development of the subdivision and adjoining unsubdivided areas.
- f. Private streets shall be designed to meet fire lane standards from Chapter 607 Uniform Fire Code.
- g. Street intersections.
  - (1) Streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations.
  - (2) Angles formed by the intersection of two streets shall comply with the provisions of the City Engineering Guidelines.

- (3) Under no conditions shall the minimum angle of intersection of streets be less than 80 degrees.
  - (4) Street intersection jogs with an offset of less than 125 feet shall be avoided.
  - h. Street right-of-way width.
    - (1) Street right-of-way widths shall conform with following standards and be dedicated on the final plat, or by easement in the case of minor subdivisions:
      - (a) Arterial street: 100 feet.
      - (b) Collector street: 60 feet.
      - (c) Local street: 50 feet.
    - (2) All subdivisions incorporating streets which are identified in the Hennepin County Thoroughfare Plan shall comply with the minimum right-of-way, surfaced width and design standards as outlined in the plan.
  - i. Street grades.
    - (1) Except upon the recommendation of the City Engineer, and the topography warrants a greater maximum, the grades in all streets, thoroughfares, collector streets, local streets and alleys in any subdivision shall not be greater than 8%.
    - (2) In addition, there shall be a minimum center line grade on all streets and thoroughfares of not less than 1%.
  - j. Reverse curves. Minimum design standards for collector and arterial streets shall comply with Minnesota State Aid Standards.
  - k. Curbs and gutters. Concrete curbs and gutters shall be required on all streets.
  - l. Hardship to owners of adjoining property. The arrangement of streets in a new subdivision shall make provision for the continuation and proper intersection of streets into the adjoining, undeveloped property.
  - m. Boulevards. Boulevards shall be uniformly finished to match the top of the curb and sodded or seeded to present a finished appearance.
- Subd. 3 Street dedications.
- a. All streets within the subdivision shall be dedicated as public streets on the plat unless it is a private street that is located within an easement or is otherwise allowed under this Chapter.
  - b. Streets in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half streets.
    - (1) Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be dedicated and improved by the applicant.
    - (2) The City Council may authorize a new perimeter street if the applicant dedicates and agrees to improve the entire required street right-of-way width within the subdivision boundaries.
  - c. When a subdivision borders an existing substandard street or street needing improved, the applicant shall be required to dedicate and improve as its expense those areas for widening or improvement. Such streets shall be dedicated and improved to the full width as required by the subdivision regulations when the applicant's application contribute to the need for the street expansion.
- Subd. 4 Street naming.

- a. 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.

### **1202.45 Non-Motorized Connections**

Subd. 1 Non-motorized connections shall be established in accordance with the City's Comprehensive Plan, along natural features, such as lakes and wetlands, and in other areas where trails will serve an important transportation or recreational purpose as recommended and approved by the City Council.

Subd. 2 Land to be used for non-motorized corridors shall be dedicated to the City as a parcel or as an easement for public purposes.

Subd. 3 Any trail constructed by the applicant shall be constructed in accordance with the City Engineer's Guidelines.

Subd. 4 Any new sidewalk constructed by the applicant shall be similar in width and design to existing trails but no narrower than what is recommended in the City Engineer's Guidelines.

### **1202.46 Easements**

Subd. 1 Easements.

- a. Easements shall be dedicated on the plat instrument for the required use.
- b. Width and location.
  - (1) An easement for utilities at least 10 feet wide shall be provided on the complete perimeter of the lot.
  - (2) An easement at least 7.5 feet in width on either side of a utility main shall be provided. The width of the easement may be increased by the City Engineer due to the depth of the utility main or the complexity of the utility main design.
  - (3) If necessary for the extension of City water or sewer lines or similar utilities, drainage purposes or to incorporate wetlands, easements of greater width may be required along lot lines or across lots.
- c. Continuous utility easement locations. Utility easements shall connect with easements established in adjoining properties.
- d. Easements, when approved, shall not thereafter be changed without the approval of the City Council following the process required in M.S. § 462.358.
- e. Guy wires. Additional easements for pole guys should be provided, where appropriate, at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys will fall along side lot lines.

### **1202.47 Utilities**

Subd. 1 The applicant shall install sewer and water mains and service connections, which are stubbed to the property line, to serve all lots in the subdivision.

Subd. 2 A sewer shall be connected on all properties which are abutting a street, alley, public sewer easement or right-of-way in which there is located a public sanitary sewer. This shall not apply to city park facilities.

Subd. 3 All utility facilities, including but not limited to telephone, CATV, natural gas and electric power, shall be located underground. Such utilities shall be placed within a joint trench unless otherwise approved by the City Engineer. Whenever existing utility facilities are located above ground, except when existing on public roads and right-of-way, they shall be

removed and placed underground. Underground service connections to the street property line of each platted lot shall be installed at the applicant's expense. At the discretion of the city, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.

## **1202.48 Drainage and Erosion Control**

Subd. 1 Storm drainage. All subdivision design shall incorporate adequate provisions for storm water runoff consistent with the Shorewood Comprehensive Water Resource Management Plan, Minnesota Pollution Control Agency (MPCA), and National Pollutant Discharge Elimination System (NPDES) permit. Storm water design shall be subject to review and approval of the City Engineer. An agreement for maintenance and inspection for the private storm water system must be in place before construction can commence.

Subd. 2 Existing topography. The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.

Subd. 3 Limitations on exposed ground. Land shall be developed in increments of workable size that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time. When soil is exposed, the exposure shall be for the shortest feasible period of time, as specified in the development agreement.

Subd. 4 Staging. Erosion and siltation control measures shall be coordinated with the different stages of construction. Appropriate control measures shall be installed prior to development when necessary to control erosion.

Subd. 5 Commencement of work. No filling, grading or clearing of vegetation shall occur on the site during the processing of the plat until the final plat has been approved by the City Council. Violation of this provision shall make the application null and void.

Subd. 6 Removal/replacement of topsoil. Where the topsoil is removed, sufficient arable soil shall be set aside for respreading over the developed area. Topsoil shall be restored or provided to a depth of four inches and shall be of a quality at least equal to the soil quality prior to development.

## **1202.50 Improvements**

### **1202.51 Improvements Required**

Subd. 1 All of the required improvements specified in this chapter shall be constructed in accordance with the State Building Code and all other applicable city, county and state regulations.

Subd. 2 If public improvements are required for a subdivision, or if impacts to public improvements are proposed as part of a subdivision, the applicant shall execute a development agreement in accordance with the requirements of Section 1202.36 Final Plat.

Subd. 3 Community facilities improvements.

- a. Sanitary sewer system. Municipal sanitary sewer facilities shall be provided for all proposed subdivisions and all lots within the subdivision shall be served by the municipal sanitary sewer system.
- b. Water system. Where the city determines it is technically and financially feasible, municipal water service facilities shall be provided for all proposed subdivisions

containing more than three lots and all lots within the subdivision shall be served by the municipal water system.

Subd. 4 Semi-public utilities. Telephone, cable television, internet, electric and gas service shall be installed underground in accordance with the provisions of all applicable City ordinances.

Subd. 5 Street Improvements.

- a. Conformance with city standards. All street improvements shall be designed and conform to the Minnesota Department of Transportation Road Design Manual, Section 5-291.523, and the City of Shorewood Department of Public Works Standard Specifications and Detail Plates. Design and construction specifications shall be subject to the review and approval of the City Engineer.
- b. Acceptance of streets. No street within the city will be accepted as a public street, except under the following conditions:
  - (1) The final bituminous wear course shall not be placed until the time as the approved bituminous base course has been placed and has sustained one full winter and spring season. Prior to placement of the wearing surface, the applicant shall obtain written approval by the City Engineer. Failure to obtain the approval shall result in removal and replacement of the wearing surface at no expense to the City.
  - (2) The applicant shall be responsible for all snowplowing, sanding and maintenance of all roadways within a proposed subdivision until the time as the final lift of bituminous wearing course has been placed, the City Engineer has reviewed and recommended acceptance by the city, and City Council has accepted the project, pursuant to inspections.
  - (3) The street will not be accepted until the City Council has received a recommendation from the City Engineer that this street is in good condition and not breaking up or deteriorating in any way. Upon receipt of the recommendation, the City Council will consider a resolution accepting the street as a public street for snowplowing and maintenance.
- c. Street lighting fixtures as may be required by the City Council shall be installed.
- d. The City Council may require the provision of sidewalks on arterials, collectors and other streets in proximity to public service areas such as parks, schools or shopping facilities or in other appropriate locations of a similar nature. The design of the sidewalks shall be considered in their relation to existing and planned sidewalks, reasonable circulation of traffic, topographic conditions, run-off of stormwater and the proposed uses of the area to be served.

Subd. 6 Utility Improvements.

- a. All required utility improvements shall be inspected during the course of construction by the City Engineer at the applicant's expense and acceptance shall be subject to the City Engineer's determination.

Subd. 7 Election by city to install improvements. It is the applicant's responsibility to install all required improvements. Pursuant to city policy, the applicant may petition the city for the installation of required improvements. The city also reserves the right to elect to install all or any part of the improvements required under the provisions of this chapter in lieu of requiring the applicant to install the improvements, pursuant to M.S. Chapter 429.

## **1202.52 Financial Guarantee**

Subd. 1 Financial guarantee. Prior to the delivery of the approved final plat, the applicant shall deposit with the city financial security in an amount of 150% of the City Engineer's estimated cost of the required improvements within the plat, either in a cash escrow or letter of credit. The surety involved in the financial guarantees shall be approved by the city. Release of the cash escrow or letter of credit shall be conditioned upon:

- a. The making and installing of all of the improvements required by the terms and conditions set forth by the city within one year.
- b. Satisfactory completion of the work and payment therefore, which was undertaken by the applicant in accordance with the developer's agreement referred to above.
- c. The payment by the applicant to the city of all expenses incurred by the city, which expenses shall include, but not be limited to, expenses for engineering, planning, fiscal, legal, construction and administration. In instances where a letter of credit is used in lieu of a cash escrow, the letter of credit shall be in a form satisfactory to the city.

Subd. 2 Maintenance guarantee. The city shall require an applicant to submit a warranty/maintenance guarantee in the form of a letter of credit or cash deposit in the amount of 25% of the original cost of the improvements, or as approved by the city Engineer, which shall be in force for two years following the final acceptance of any required improvements and shall guarantee satisfactory performance of the improvement.

## **1202.53 Inspection**

Subd. 1 As-built drawings. "As-built" drawings of all required improvements as required by the City Engineer shall be furnished to the City by the applicant in the format and quantity indicated by the City Engineer at no cost to the City. The "as-built" drawings and files shall meet format requirements of the City Engineer. The "as-built" drawings shall be certified to be true and accurate by the registered professional engineer responsible for the installation of the improvements.

Subd. 2 Inspection/reimbursement of city expenses. All of the required improvements to be installed under the provisions of this chapter shall approved by and subject to the inspection of the City Engineer or designees. The City Engineer shall assign a field representative to observe the project from initial construction through completion and acceptance by the city. All of the city's expenses incurred as the result of the requirement improvements shall be paid to the city by the applicant.

## **1202.60 Park Dedication**

### **1202.61 Dedication Required**

Subd. 1 Because a new subdivision creates a need for parks, playgrounds and open space, it is hereby found and declared, that pursuant to M.S. 462.358, 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 At the time of subdivision, the applicant shall dedicate 8 percent of the total area of each new subdivision for public use as parks, playgrounds, recreation facilities, trails, or public open space.

Subd. 3 If the City Council determines that land is not needed in the area of the proposed subdivision, the city may alternatively require payment of a sum of money equivalent to 8 percent of the value of the raw land required.

Subd. 4 If the City Council determines that land is needed in the development, but in a lesser amount than the required amount, the City Council may require payment of cash in lieu of land dedication based on a pro-rata share of the land dedication that otherwise would be required.

Subd. 5 This dedication shall be in addition to the land dedicated for streets, alleys, trails or sidewalks along streets, storm water ponds or other public purposes.

Subd. 6 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.

### **1202.62 Land Suitability**

Subd. 1 The area intended to be dedicated must be suitable for parks and playgrounds and shall conform to city plans for parks, trails or open space 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 trails 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 applicant 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 applicant 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. When the city's Comprehensive Plan identifies a trail or trails to be constructed in the land to be subdivided, the applicant 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.

### **1202.63 Modification of Requirements**

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

Subd. 2 The dedication requirements based are presumptively appropriate. An applicant for affordable housing or senior housing may request a deviation from the presumptive requirements based upon: the anticipated impact of that particular subdivision; 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. 3 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 an approved Member of the Appraisal Institute (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 qualified real estate appraisal.

## **1202.64 Required Actions**

Subd. 1 Prior to the dedication of the required property, the developer shall:

- a. Indicate separate lots or outlots on the plat drawings for the area(s) to be dedicated. Such lots or outlots shall be deeded to the City prior to the issuance of any building permits within the plat.
- b. Provide a survey with topographic data, including contours at vertical intervals of at least two feet, watercourses, wetlands, marshes, rock outcrops, easements, utilities and vegetative data. Portions of any property dedicated to the public for park, trail and open space purposes to be used for borrow and fill activities elsewhere in the development shall be clearly identified.
- c. Provide the city with evidence of title in a form acceptable to the city attorney or a title insurance policy insuring the city's interest in the property. In any dedication of required land, the developer must have good and marketable title to the land, free and clear of any mortgages, liens, encumbrances or assessments, except easements or minor imperfections of title acceptable to the city.

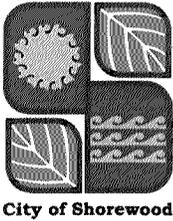
Subd. 2 Prior to the paying of a cash fee in lieu of land dedication, the payment of such fee shall be required as follows:

- a. For residential developments, the fee shall be paid prior to the city's release of the signed final plat Mylars for recording with Hennepin County. The exception is that in the case of multiple-family residential developments where the site plan review occurs after the time of final plat approval, the fee shall be paid prior to the issuance of any building permits.
- b. For non-residential developments, the fee shall be paid prior to issuance of any building permits within the subdivision. A pro-rated portion of the fee may be deferred if the applicant proposes to construct significantly less square footage than the site supports, provided that any remaining fees shall be paid if and when additional square footage is constructed on the site in the future.
- c. In plats that include outlots for future development, the applicant may pay to the city:
  - (1) the required dedication for the entire subdivision including the outlots
  - (2) the required dedication excluding such outlots, provided that the park dedication requirement shall be satisfied when such outlots are replatted.

## **1202.65 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 subdivision approval. If the plat is not recorded within

one year of approval and the City Council approves an extension, then the applicant is responsible for paying any increases to the fee.



## Planning Commission Meeting Item

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Item 5B
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**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

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**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



## Planning Commission Report

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

### 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

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Item 5B
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**Title/Subject:**            **Nomination and Election of Officers**  
Meeting Date:            March 4, 2025  
Prepared by:             Jake Griffiths, City Planner

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### **Background**

Section 201.04 of the City Code requires that the members of the Planning Commission elect a new Chair and Vice-Chair. The term of office is one year. Commissioners may reelect incumbents if they wish to be considered. Both offices are elected by majority vote and would take effect at the Commission's next meeting.

Current Chair:            Commissioner Eggenberger  
Current Vice-Chair:     Commissioner Huskins

### **Action Requested**

The Planning Commission is requested to elect a Chair and Vice-Chair for 2025.



## Planning Commission Meeting Item

Item  
5C

**Title/Subject:** 2025 Work Program and Schedule of Meetings  
**Meeting Date:** March 4, 2025  
**Prepared by:** Jake Griffiths, City Planner

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### **Background**

At the start of each year, the Planning Commission receives a tentative meeting schedule and workplan for reference so that Commissioners have a general idea of what topics may be discussed throughout the upcoming year. It should be noted that currently the Planning & Protective Inspections Department has a vacant position, so the work program for the upcoming year will largely be dependent on the availability of City staff.

The City Council has again prioritized needed City Code amendments, many of which will be under review of the Planning Commission. Much of the current City Code was last updated in the 1980's and is due for a comprehensive review. A thorough review process could take multiple years to complete and will require dedicated time and resources from city staff, the City Attorney, and consultants. Some of the amendments needed are minor changes and others would be structural changes to the City Code.

Complicating the timeline for these amendments, is the likelihood that the State of Minnesota through new legislation may pre-empt the ability of cities in the Twin Cities Metropolitan Area to make decisions for themselves regarding housing density, minimum lot sizes, and the types of housing permitted in each zoning district. City staff will keep the Commission apprised of any new laws passed by the State of Minnesota this legislative session which will conclude in late May. City staff are also expecting the 2050 Comprehensive Plan update to kick off at the end of 2025 when the Metropolitan Council releases system statements.

### **Tentative 2025 Work Program**

#### **2<sup>nd</sup> Quarter 2025 (April - June)**

- Development Applications.
- Implementation of Comprehensive Plan – Medium Density zoning districts and rezonings.
- Subdivision regulations overhaul.

#### **3<sup>rd</sup> Quarter 2025 (July - September)**

- Development Applications
- Implementation of Comprehensive Plan – Low to Medium Density zoning districts (also rezonings).
- Implementation of Comprehensive Plan – Low Density zoning districts (also rezonings).
- Building and/or Grading Chapter amendments (Some of these amendments will not be reviewed by the Planning Commission).

**4<sup>th</sup> Quarter 2025 / 1<sup>st</sup> Quarter 2026 (October - March)**

- Development Applications
- Steep slope regulations.
- Nonconforming Uses, Structures and Lots (update and clarify language) .
- Review potential amendments to tree preservation ordinance and policy to reflect current staff practices and changes based on EAB.
- Portico flexibility amendments and update definition.
- Begin 2050 Comprehensive Update.

**List of Other Identified Code Amendments (Excluding those listed above)**

- Amend enforcement and appeals sections throughout City Code.
- Stormwater management regulations/potentially revised impervious surface coverage regulations (some with building code section amendments above)
- PUD Amendment Process, add means to amend the ordinance, single lot follow variance procedures instead of text amendment procedures?
- Escrow Agreements for exterior improvements for Language should match practice.
- Telecom Regulations in zoning and public rights-of-way regulations (rooftop mounts, small cell in right-of-way, policies). Add a policy for right-of-way installations?
- Nuisance code updates for diseased tree regulations.
- Fencing, (Is there support the ability to apply for varying designs or styles by conditional use permit?)
- Exterior Storage, outdoor storage is overly generous as long as there's a fence around it.
- Food trucks (zoning ordinance)
- Wetland Regulations, should City be enforcing wetland rules or should this be watershed enforcing WCA rules? Also, clarification on structures and improvements permitted in buffer setbacks.
- Shoreland regulations: Time to revisit boathouse prohibitions, patios near the shore? Need to clarify language titled development regulations and nonconformities, reduce duplication with other sections, lot area minimums, etc.
- Small housekeeping edits (as they accumulate).
- Update Chapter 105 to include correct statutory and other references and reflect current background check practices.
- Updates to code regarding utilities and trees.
- Update to park dedication requirements.

**Tentative Meeting Schedule**

<b>Planning Commission Public Meetings</b>	<b>Report at City Council</b>
March 4, 2025	March 24, 2025
April 1, 2025	April 28, 2025
May 6, 2025	May 27, 2025
June 3, 2025	June 23, 2025
July 1, 2025	July 28, 2025
August 19, 2025	September 8, 2025
September 2, 2025	September 22, 2025
October 7, 2025	October 27, 2025
November 18, 2025	December 8, 2025
December 2, 2025	January 12, 2026*
January 6, 2026*	January 26, 2026*
February 3, 2026*	February 23, 2026*

**Action Requested**

The Commission is requested to discuss the 2025 Workplan and Tentative Schedule of Meetings and provide feedback to City staff. No formal action is required.



## Planning Commission Meeting Item

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Item 5D
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**Title/Subject:** Liaisons for Upcoming Council Meetings  
**Meeting Date:** March 4, 2025  
**Prepared by:** Jake Griffiths, City Planner

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### Background

At each City Council meeting, there is space on the agenda for a Planning Commissioner to provide a verbal update to the City Council on the last Planning Commission meeting. If no Commissioner can attend the City Council meeting, City staff will provide an update to the City Council on behalf of the Commission. Upcoming City Council meetings include:

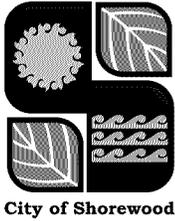
March 24, 2025: \_\_\_\_\_

April 28, 2025: \_\_\_\_\_

May 27, 2025: \_\_\_\_\_

### Action Requested

A Planning Commissioner is requested to volunteer to serve as the liaison for the upcoming City Council meetings.



## Planning Commission Meeting Item

Item  
5E

**Title/Subject:** Monthly Training Topic: Planning Commission Roles & Responsibilities  
**Meeting Date:** March 4, 2025  
**Prepared by:** Jake Griffiths, City Planner  
**Attachments:** City Code Chapter 201 Planning Commission

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### **Background**

At most Planning Commission meetings, City staff will provide a brief monthly training session on a topic of interest to the Commission. This month, staff will discuss the role and responsibilities of the Planning Commission.

### Overview

The planning commission's role is to make recommendations regarding community development and land use to the City Council, who depends on objective and equitable recommendations from the planning commission. They will consider these recommendations to support decisions that may be politically unpopular, but also far-sighted and responsible. Without sound recommendations, policy makers are more subject to political pressure.

Although it is impossible for members of planning commissioners to function completely outside of the political arena, it is the role of the planning commission to make decisions based on objective findings and established policies, not political expediency. In the context of planning, findings refers to a listing of facts, evidence, and observations regarding a specific issue before the planning commission.

In other words, the planning commission is supposed to look at the big picture of what is good for the community's development and well-being. The planning commission does not base its recommendations on who speaks the loudest and most often, nor should it get caught up in the NIMBY (Not in My Back Yard) mentality. The commission should consider facts and evidence and make recommendations based on its findings and ordinances.

### Makeup of the Planning Commission

Minnesota law authorizes local governments to create planning commissions. This is usually done by ordinance. In Minnesota, planning commissions generally consists of from five to nine volunteers from the community in which the commission has jurisdiction. Most commissioners are unpaid, although some commissioners do provide a per diem. In Shorewood, the planning commission consists of five members.

While Minnesota law does not set forth any minimum requirements for an individual to be appointed as a planning commissioner, there are several attributes of a successful commissioner:

- A commitment to attend meetings of the commission.
- A commitment to being informed about the issues before the commission.
- The ability to listen to different perspectives on an issue.

- A commitment to being objective and fair in evaluation of issues before the commission.
- The ability to make hard decisions in the public's interest in the face of controversy.
- A commitment to public service and a respect for the ability of a good planning process to help guide the development of the community.

Shorewood City Code Chapter 201 establishes the roles and responsibilities of the Shorewood Planning Commission and is attached for reference. Procedurally, it is important to note that planning commissioners serve three-year terms and that commissioners are required to attend more than half of all commission meetings within a given calendar year and not miss more than four consecutive meetings. If either of these attendance issues occur, it is considered a formal notice of resignation from the commission. Given the nature of the planning commission's work, attendance is critically important.

In addition to the commission members, the Planning Director and/or City Planner will attend commission meetings as staff liaisons to the commission. Other City staff members may also attend meetings on an as needed basis. A City Council member will also attend commission meetings as the council liaison.

#### Roles & Responsibilities

The planning commission serves in an advisory capacity to the City Council. While the commission does not have decision-making authority, its review and recommendations play a major part in the planning process. The planning commission is generally responsible for the following:

- Assist in preparing or amending the Comprehensive Plan. This plan contains the goals, policies, standards, and maps which guide the physical, social, and economic development of a community. The planning commission assists in establishing these goals and policies by studying background data, examining development problems and opportunities, and working to create a vision of the future of the community.
- Assist in preparing or reviewing official controls such as zoning ordinances, subdivision regulations, site plan regulations, building codes, well ordinances, sanitary codes, gravel extraction ordinances, etc.
- Review and make recommendations on development proposals, rezonings, subdivisions, conditional use permits, interim use permits, variances, etc.
- Assist in the preparation of a Capital Improvement Program.
- Review proposed purchase and sale of public property.

There may be other special projects or topics the planning commission discusses over time, and the commission may also serve as a liaison to other commissions. Through these activities, the planning commission instills the planning perspective into the local government's decision making process

The planning commission operates as both a legislative body and a quasi-judicial one. Preparing or revising plans or ordinances are considered legislative functions, and city boards and commissions have more flexibility in decision-making. Administering an existing zoning ordinance is considered a quasi-judicial function, which carries the force of law and may be subject to court review. Therefore, cities must follow rules that provide due process and equal protection under the law. These topics will be covered in greater detail during future training sessions.

**Action Requested**

This item is for discussion purposes only, no formal action is requested.

# CHAPTER 201

## PLANNING COMMISSION

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### Section

- 201.01 Establishment
- 201.02 Composition
- 201.03 Members of Commission
- 201.04 Organization
- 201.05 Attendance
- 201.06 Staff for the Commission
- 201.07 Powers and duties
- 201.08 Amendments

### **201.01 ESTABLISHMENT.**

The Planning Commission is hereby established. The Planning Commission shall be the city planning agency authorized by M.S. § 462.354, Subd. 1, as it may be amended from time to time. Except as otherwise provided in this chapter, the Planning Commission shall be advisory to the City Council.

(1987 Code, § 201.01) (Am. Ord. 466, passed 4-26-2010)

### **201.02 COMPOSITION.**

The Planning Commission shall consist of five members, who are current residents of Shorewood, appointed by the City Council. It shall be the policy of the city to endeavor to appoint one of the Commission members who is a resident of Enchanted Island or Shady Island.

(1987 Code, § 201.02) (Ord. 336, passed 5-26-1998; Ord. 348, passed 1-11-1999; Am. Ord. 466, passed 4-26-2010; Am. Ord. 509, passed 2-24-2014)

### **201.03 MEMBERS OF COMMISSION.**

Subd. 1. *Term of appointment.* The City Council shall by resolution appoint the Planning Commissioners to serve three-year terms, unless authorized by the Council, and the terms shall be staggered. All appointments shall be made by resolution. Terms of appointment commence on March 1 and terminate on the last day of February, or until the vacancy is filled.

Subd. 2. *Liaisons.* The City Council shall designate one of its members as its liaison to meet with the Planning Commission, and it shall direct the Planning Commission to designate one member of its body as a liaison to meet with the City Council, and one member from time to time as a liaison to meet with the Park Commission as needed.

Subd. 3. *Removals.* The City Council shall have the power to remove any member of the Planning Commission.

Subd. 4. *Vacancies.* Vacancies in the Planning Commission shall be filled for the unexpired term of the member whose place has become vacant in the manner herein provided for the appointment of members.

Subd. 5. *City policies.* Except where indicated, the Shorewood Personnel Policy Manual shall not apply to Commission members.

(1987 Code, § 201.03) (Ord. 336, passed 5-26-1998; Ord. 348, passed 1-11-1999; Am. Ord. 406, passed 9-13-2004; Am. Ord. 466, passed 4-26-2010; Am. Ord. 469, passed 6-14-2010; Am. Ord. 509, passed 2-24-2014)

#### **201.04 ORGANIZATION.**

Subd. 1. *Officers.* The Chairperson and Vice-Chairperson shall be appointed annually by the members of the Planning Commission.

Subd. 2. *Term.* The term of the Chairperson and Vice-Chairperson shall be for one year.

Subd. 3. *Meetings and hearings.* All meetings of the Planning Commission shall be held at a regularly scheduled date or at the call of the chair or at the request of a majority of the members of the Commission, in accordance with Minnesota Open Meeting Laws.

Subd. 4. *Minutes and records.* The Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote indicating the fact, and shall also keep records of its hearings and other official actions. Every requirement, decision or determination of the Planning Commission shall be filed with the City Council and shall be a public record.

Subd. 5. *Rules and procedure.* The Planning Commission shall conduct its meetings consistent with *Robert's Rules of Order* and other procedures consistent with the statutes of the State of Minnesota or with this chapter.

Subd. 6. *Quorum.* No business shall be conducted by the Planning Commission without a quorum, consisting of the majority of all members. The concurring vote of the majority of all members present shall be necessary to any action by the Planning Commission.

(1987 Code, § 201.04) (Ord. 77, passed 9-24-1973; Am. Ord. 407, passed 9-27-2004; Am. Ord. 435, passed 3-12-2007; Am. Ord. 466, passed 4-26-2010)

#### **201.05 ATTENDANCE.**

Duly appointed members of the Planning Commission shall be required to attend no less than half the official meetings of the Planning Commission held within a given calendar year. Failure to attend no less than half of the official meetings within a given calendar year shall be considered as formal notice of resignation from the Planning Commission. In addition, failure to attend four consecutive regular meetings without excuse of the Chair of the Planning Commission, shall be considered as formal notice of resignation from the Planning Commission.

(Ord. 466, passed 4-26-2010)

#### **201.06 STAFF FOR THE COMMISSION.**

The Planning Director shall act as primary staff for the Planning Commission and shall attend Commission meetings. Other city staff and the City Attorney may act as staff for the Planning Commission as may be required. City staff may provide the Commission with information as requested by the Commission. The City Clerk or the City Clerk's designee may perform secretarial duties for the Commission, such as the keeping of minutes, and is responsible for the keeping of records.

(Ord. 466, passed 4-26-2010)

## **201.07 POWERS AND DUTIES.**

Subd. 1. *Generally.* The Planning Commission shall have the powers and duties given to city planning agencies generally by law, including the authority to conduct public hearings as directed by City Council or city policy. The Planning Commission also shall exercise the duties conferred upon it by this chapter.

Subd. 2. *Comprehensive Plan.* It shall be the purpose of the Planning Commission to prepare and adopt a comprehensive plan for the physical development of the city, including proposed public buildings, street arrangements and improvements, efficient design of major thoroughfares for moving of traffic, parking facilities, public utilities services, parks and playgrounds, a general land use plan and other matters relating to the physical development of the city. This plan may be prepared in sections, each of which shall relate to a comprehensive plan program. After the City Council has adopted the Comprehensive Plan, the Planning Commission may periodically, but at least every five years, review the Comprehensive Plan and any ordinances or programs implementing the plan.

Subd. 3. *Means of executing plan.* Upon the adoption of a comprehensive plan or any section thereof, it shall be the concern of the Planning Commission to recommend to the City Council reasonable and practical means for putting into effect the plan or section thereof, in order that it will serve as a pattern and guide for the orderly physical development of the city. Means of effectuating the plan, among other things, shall consist of a zoning ordinance, subdivision regulations, capital improvement programming and technical review, and recommendations of matters referred to the Planning Commission by the City Council.

Subd. 4. *Zoning ordinance.* Pursuant to M.S. § 462.357, Subd. 3, as it may be amended from time to time, after adoption of a comprehensive plan, the Planning Commission shall review all proposed amendments to the zoning ordinance, conduct public hearings as directed by City Council or city policy, and make recommendations to the City Council concerning zoning ordinance amendments and their relation to the Comprehensive Plan and other land use controls. The Planning Commission shall report its recommendations to the City Council for action.

Subd. 5. *Conditional use permits.* The Planning Commission shall make recommendations on all requests for a conditional use permit under the terms of the zoning ordinance, and conduct public hearings as directed by City Council or city policy. The Planning Commission shall report its recommendations to the City Council for action.

Subd. 6. *Interim use permits.* The Planning Commission shall make recommendations on all requests for an interim use permit under the terms of the zoning ordinance, and conduct public hearings as directed by City Council or city policy. The Planning Commission shall report its recommendations to the City Council for action.

Subd. 7. *Subdivision regulations.* The Planning Commission shall make recommendations about the subdividing of land as prescribed by the ordinance and conduct public hearings as directed by City Council or city policy. The Planning Commission shall report its recommendations to the City Council for action.

Subd. 8. *Zoning variances.* All applications for variances shall be referred to the Planning Commission, and forwarded with or without recommendations directly to the City Council. The City Council shall have the powers of a board of appeals and adjustments, as provided for in M.S. § 462.357, Subd. 6, as it may be amended from time to time, for its decision.

Subd. 9. *Appeals to interpretation of zoning code provisions or denials of zoning or building permits based on the zoning code.* In cases where it is alleged that there is an error in any order, requirement, decision or determination by an administrative officer in the enforcement of the zoning code, appeals shall be referred to the Planning Commission, and forwarded with its recommendations directly to the

City Council. The City Council shall have the powers of a Board of Appeals and Adjustments, as provided for in M.S. § 462.359, Subd. 4, as it may be amended from time to time, for its decision.

Subd. 10. *Capital improvements.* Pursuant to M.S. § 462.356, Subd. 2, as it may be amended from time to time, after adoption of a comprehensive plan, the Planning Commission shall review all proposed capital improvements within the city by the municipality, or any special district or any agency thereof, or any other political subdivision having jurisdiction within the municipality, and make findings as to the compliance of the proposed capital improvement with the Comprehensive Plan. The City Council may, by resolution adopted by two-thirds vote, dispense with the requirements of this section when in its judgment it finds that the proposed capital improvement has no relationship to the Comprehensive Plan.

Subd. 11. *Purchase and sale of real property.* Pursuant to M.S. 462.356, Subd. 2, as it may be amended from time to time, after adoption of a comprehensive plan, the Planning Commission shall review all proposed acquisitions or disposals of publically owned interests in real property within the city by the municipality, or any special district or any agency thereof, or any other political subdivision having jurisdiction within the municipality, and make findings as to the compliance of the proposed acquisition or disposal of real property with the Comprehensive Plan. The City Council may, by resolution adopted by two-thirds vote, dispense with the requirements of this section when in its judgment it finds that the proposed acquisition or disposal of real property has no relationship to the Comprehensive Plan.

Subd. 12. *Comprehensive Plan amendments.* Pursuant to M.S. § 462.355, Subds. 2, 3, as they may be amended from time to time, after adoption of a comprehensive plan, the Planning Commission shall review all proposed amendments to the Comprehensive Plan, hold at least one public hearing, and make recommendations to the City Council relative to the amendments and their relation to the Comprehensive Plan and other land use controls. The Planning Commission shall report its recommendations to the City Council for action.

(1987 Code, § 201.04) (Am. Ord. 466, passed 4-26-2010)

## **201.08 AMENDMENTS.**

This chapter shall be amended only upon approval of a majority vote of the entire City Council.

(1987 Code, § 201.05) (Ord. 315, passed 11-25-1996; Am. Ord. 466, passed 4-26-2010)