

**ORDINANCE NO. O2018-017**

**AN ORDINANCE OF THE CITY OF SHAKOPEE, MINNESOTA,  
AMENDING CITY CODE SECTIONS 151.030 -151.051, RELATING TO THE CREATION OF A ZONING TABLE**

**WHEREAS**, the City of Shakopee has proposed an amendment to the City Code Sections 151.030- 151.051 (Zones and Districts) to add a table of listed uses; and

**WHEREAS**, notices were duly sent and posted, and a public hearing was held before the Planning Commission on August 9<sup>th</sup> November 8<sup>th</sup>, 2018, at which time all persons present were given an opportunity to be heard; and

**WHEREAS**, the Planning Commission has recommended to the City Council that the proposed zoning text amendment be adopted; and

**WHEREAS**, the City Council heard the matter at its meeting on November 20, 2018; and

**WHEREAS**, the following tables below are proposed to be added to the zoning ordinance in place of the list form of permitted, conditional, and accessory uses for each Section of 151.030-151.051. All language for permitted, conditional, and accessory uses will be struck from each chapter, to be replaced by the tables to be placed in City Code Section 151.007 (General Regulations). Specific condition language relating to the specific uses will remain in the City Code.

As a reference A= Accessory Use, C=Conditional Use, P = Permitted Use, PUD = Planned Unit Development. An asterisk (\*) denotes specific conditions must be met that are in the City Code.

The tables will be re-formatted to fit pages within the City Code page format.

**Table of Uses for Residential Zones**

Use (Proposed)	AG	RR	SRR	R1A	R1B	R1C	R2	PR D	R 3	R 4
Adult Daycare Centers serving 13 or more persons	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*
Adult Daycare Centers serving less than 13 persons	P*	P*	P*	P*	P*	P*	P*	P*		
Agricultural Research Facilities as defined in Code.	C*									
Agricultural Uses	P	P								
Animal Hospitals and Veterinary Clinics	C									
Apartment Leasing Offices and Community Rooms								A	A	A
Assisted Living Housing Facilities, subject to the following requirements: Up to 20% of units may be independent living units, only the independent living units shall be considered for purposes of calculating maximum density.					C				P	P
Assisted Living Housing Facility					C		C		P	P
Bed and Breakfast Inns	C	C	C	C	C	C	C	C	C	
Cemeteries	C									
Churches and other places of worship	C	C	C	C	C	C	C	C	C	C
Columbaria, when associated with a place of worship, or mortuary	C	C	C	C	C	C	C	C	C	C
Commercial Feedlots, which include yards, lots, pens, buildings, or other areas or structures used for the confined feeding of livestock or other animals for food, fur, pleasure, or resale purposes	C									
Commercial Recreation, Minor	C	C								
Communication service apparatus/devices as permitted uses	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*
Community Commercial Development as allowed under 151.039 and according to the design standards contained therein.								C		
Daycare Facilities serving 12 or fewer persons	P	P	P	P	P	P	P	P	P	P
Daycare Facilities serving 13 or more persons								C	C	C
Daycare Facilities serving 13-16 persons	C	C	C	C	C	C	C	C	C	C
Decorative Landscape Features	A	A	A	A	A	A	A	A	A	A
Fences	A	A	A	A	A	A	A	A	A	A
Forestry and Nursery Uses	P	C								
Gardening and other horticultural uses not involving retail sales	A	A	A	A	A	A	A	A	A	A
Group Family Daycare Facilities Serving 14 or Fewer Children	P	P	P	P	P	P	P	P		

Home occupations contingent upon approval of a home occupation permit	A	A	A	A	A	A	A	A	A	A
Machinery, structures, and silos necessary to the conduct of agricultural operations	A	A								
Multiple-Family Dwellings							C	C	P	P
<b>Use (Proposed)</b>	<b>AG</b>	<b>RR</b>	<b>SRR</b>	<b>R1A</b>	<b>R1B</b>	<b>R1C</b>	<b>R2</b>	<b>PR D</b>	<b>R 3</b>	<b>R 4</b>
Other accessory uses as determined by the Zoning Administrator	A	A	A	A	A	A	A	A	A	A
Private Garages or off-street parking	A	A	A	A	A	A	A	A	A	A
Public or Private schools having a course of instruction approved by the State Department of Education for grades K-12, or any portion thereof.	C	C	C	C	C	C	C	C	C	
Public Recreation	P	P	P	P	P	P	P	P	P	P
Receive only satellite dish antennas and other antenna devices less than the maximum height of the zone	A	A	A	A	A	A	A	A	A	A
Recreational Equipment, Swimming Pools, Tennis Courts, and other recreational sport courts	A	A	A	A	A	A	A	A	A	A
Residential Facilities Serving 6 or fewer persons	P	P	P	P	P	P	P	P	P	P
Residential Facilities Serving 7-16 persons	C	C	C	C	C	C	C	C	C	C
Retail sales of nursery and garden supplies	C									
Seasonal Produce Stands	P									
Seasonal Produce Stands, When the Principal Use of the Property is Agricultural		C								
Senior Housing Facilities						C*			C	P
Short-term lodging rentals, a short term lodging rental is defined as an owner occupied rental dwelling, whether rented partially or entirely for a term less than 30 days at a time, and is rented for no more than a total of 60 days in a calendar year.	A	A	A	A	A	A	A	A	A	
Single-Family Attached Dwellings (Townhomes)							P	P	P	
Single-Family Attached Dwellings, up to a maximum of 2 dwellings (Duplexes / Twinhomes)						P				
Single-Family Detached Dwellings	P	P	P	P	P	P	P	P	P	
Solar Equipment	A	A	A	A	A	A	A	A	A	A
Stables	A									
Stables with not more than 2 horses per 2.50 acres		A								
Structures greater than 35' in height	C	C	C	C	C	C	C	C	C	
Structures greater than 45' in height										C
Temporary Construction Buildings	A	A	A	A	A	A	A	A	A	A
<b>Use (Proposed)</b>	<b>AG</b>	<b>RR</b>	<b>SRR</b>	<b>R1A</b>	<b>R1B</b>	<b>R1C</b>	<b>R2</b>	<b>PR D</b>	<b>R 3</b>	<b>R 4</b>

Towers for commercial wireless telecommunications services	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*
Utility Service Structures	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
Utility Structures which do not meet the standard conditions under the permitted uses	C	C	C	C	C	C	C	C	C	C	C
Wind Energy Conversion Systems or windmills	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*

## Commercial & Industrial Regulations

Use Classification (Proposed)	B-1	B-2	B-3	N C	M R	C C	I-1	I-2	B P
Administrative, Executive and Professional Offices, Including Medical and Dental Clinics	P	P	P	P	P	P	P	P	P
Adult Daycare Centers Serving 13 or Greater Persons	C*	C*	C*	C*	C*	C*			
Adult Daycare Centers Serving 12 or Fewer Persons	P*	P*	P*	P*	P*	P*			
Adult Establishments								P*	
Animal Hospitals and Veterinary Clinics	C	C	C	C	C	C	C	C	C
Apartment Leasing Offices and Community Rooms	A		A		A				
Banks and Financial Institutions	P	P	P	P	P	P			
Bed and Breakfast Inns	C		C	C					
Brewery							P	P	P
Brewery, Small	C					C	P	P	P
Brewery, Small with taproom	C		C	C	C	C	C	C	C
Brewery, with taproom							C	C	C
Brewpub	P		P	P	P	P			
Car Washes	C			C		C			
Churches and Other Places of Worship	C	C	C	C	C	C			
Columbaria, when associated with place of worship /funeral home	C	C	C	C	C	C			
Commercial Recreation, Major					P				
Commercial Recreation, Minor	C		C	C	C	C			
Communication service apparatus/devices as permitted uses	A*	A*	A*	A*	A*	A*	A*	A*	A*
Communication Service Towers							C	C	
Concrete or Asphalt Plants								C	
Contractors' Supply Yards								P	
Crematorium								C	
Daycare Facilities	C	C	C	C	C	C	C	C	A
Distilleries							P	P	P
Distillery, Micro	C				C	C	P	P	
Distillery, Micro, with Tasting Room	C		C				C	C	
Drive up or Drive through windows	P*		P*	P*	P*	P*			
Dwellings	P*		P*						
Dwellings when combined within another permitted use	P		P	P	P	P			
Establishments supplying goods or services primarily to industrial uses							P	P	
Exhibit spaces and interpretive centers	P	P	P	P	P	P			P

<b>Use Classification (Proposed)</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>N C</b>	<b>M R</b>	<b>C C</b>	<b>I-1</b>	<b>I-2</b>	<b>B P</b>
Exterior Storage							C	C	
Farm Winery	C				C	C	P	P	
Farm Winery, with tasting room			C				C	C	
Fences	A	A	A	A	A	A	A	A	A
Funeral Homes	C			C		C			
Gardening and other horticultural uses not involving retail sales	A	A	A	A	A	A	A	A	A
Gas Stations	C			C		C			
Grain Elevators								C	
Health and Athletic Facilities	P	P	P	P	P	P			
Heliports		C					C	C	C
Horse Care Uses including boarding, training, showing, grooming, and veterinary clinic facilities					P				
Hospitals		C							
Hotels and Motels	P	C	P	C	P	C			C
Housing Designed to Serve Persons With Disabilities	C		C						
Industrial /Technical Training Schools	C	C	C				C	C	C
Landscaping Services and Other Contractors	C*						C	P	
Manufacturing, fabrication, processing, research laboratories, assembly, warehousing, wholesaling, storage operations, and research laboratories that fit within one of the mandatory EIS categories under MN Rules 4410.4400								C	
Manufacturing, fabrication, processing, research laboratories, assembly, warehousing, wholesaling, storage operations, and research laboratories, except those uses that fit within one of the mandatory EIS categories under MN Rules 4410.4400							P	P	P
Motor Freight Terminals								P	
Multiple-Family Dwellings	P		P	P	P	P	C	C	C
Other accessory uses as determined by the Zoning Administrator	A	A	A	A	A	A	A	A	A
Pet Daycare and Boarding Facilities	C						C	C	
Private Garages or off-street parking	A	A	A	A	A	A	A	A	A
<b>Use Classification (Proposed)</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>N C</b>	<b>M R</b>	<b>C C</b>	<b>I-1</b>	<b>I-2</b>	<b>B P</b>
Private Lodges and Clubs	C		C	C	C	C			
Public and Private Colleges and Universities licensed by the State of Minnesota	C	C	C		C		C	C	C
Public Buildings and Facilities	P	P	P	P	P	P	P	P	P
Public Recreation	P	P	P	P	P	P	P	P	P

Receive only satellite dish antennas and other antenna devices	A	A	A	A	A	A	A	A	A
Recreational Equipment, Swimming Pools, Tennis Courts, and other recreational sport courts	A	A	A	A	A	A	A	A	A
Recycling or Composting Facilities								C	
Residences for Security Personnel							A	A	A
Restaurants (Class I and II) and Taverns that have an outdoor patio or congregation area that customers are allowed to use after 10:00 p.m. and where the nearest point of the property on which the restaurant is located is within less than 100' from the nearest point where a residential use is located.	C		C	C	C	C			
Restaurants (Class I and II) and Taverns, except those having an outdoor patio or congregation area that customers are allowed to use after 10:00 p.m. and where the nearest point of the property on which the restaurant is located is within less than 100' from the nearest point where a residential use is located.	P		P	P	P	P			
Retail Centers	PUD *								
Retail and Services serving the general public	P		P	P	P	P			
Retail Sales of heavy industrial, manufacturing, or construction machinery or equipment								P	
Retail Sales of products, manufactured, fabricated, assembled, or stored on site							C	C	C
Schools, Public and Private, that are licensed by MN Dept of Education for grades K-12.	C	C							
Self Storage Facilities							C		
Short-term lodging rentals, a short term lodging rental is defined as an owner occupied rental dwelling, whether rented partially or entirely for a term less than 30 days at a time, and is rented for no more than a total of 60 days in a calendar year.	A		A		A	A			
<b>Use Classification (Proposed)</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>N C</b>	<b>M R</b>	<b>C C</b>	<b>I-1</b>	<b>I-2</b>	<b>B P</b>
Silos and Fuel / Gas Storage Tanks that do not exceed the height requirements of the specific zoning district							A	A	
Solar Equipment	A	A	A	A	A	A	A	A	A
Structures over 45' in Height	C			C		C			
Structures over 55' in Height		C	C				C	C	C
Structures over the height allowed based on their setback					C				
Temporary Construction Buildings	A	A	A	A	A	A	A	A	A

Temporary, seasonal sales of farm produced items such as fruits, vegetables, and Christmas trees with prior review and written approval from the Zoning Administrator or his or her designee	A*	A*	A*	A*	A*	A*			
Theaters	P		P		P				
Towers for commercial wireless telecommunications services	A*	A*	A*	A*	A*	A*	A*	A*	A*
Utility Service Structures	P*	P*	P*	P*	P*	P*	P*	P*	P*
Vehicle Rental	C								
Vehicle Rental, Commercial	C						P	P	
Vehicle Repair	C						C	C	
Vehicle Sales, Auction								C	
Vehicle Sales, New	C					C			
Vehicle Sales, Used							C*		
Vehicle Sales, Used, but only if the business is on the same site as a new vehicle sales business authorized by the manufacturer.	C								
Warehousing and wholesaling							P	P	
Wind Energy Conversion Systems or Windmills	C*	C*	C*	C*	C*	C*	C*	C*	C*
Wineries							P	P	P

**NOW, THEREFORE BE IT ORDAINED**, that the City Council of the City of Shakopee hereby adopts the following findings of facts relative to the above-named request:

**Criteria #1**    **The original zoning ordinance is in error.**  
Finding #1    *The original zoning ordinance is in error in several areas. Zoning ordinance amendments throughout the years have added inconsistent language, applied regulations for specific land users that no longer exist, and also permit land uses that are not appropriate for a growing suburban community. The lack of a table causes confusion for staff, residents, and developers.*

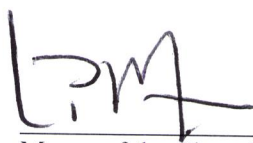
**Criteria #2**    **Significant changes in community goals and policies have taken place.**  
Finding #2    *Significant changes in community goals and policies have taken place. The proposed ordinance amendment clarifies confusing sections of the zoning code, removes redundancies, and streamlines review for land uses that should not require review by the Board of Adjustment.*

**Criteria #3**    **Significant changes in development patterns have occurred.**  
Finding #3    *Significant changes in development patterns have occurred. The proposed ordinance amendments fall in line with current development trends in a suburban area.*

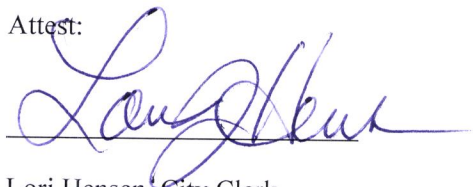
**Criteria #4**    **The Comprehensive Plan requires a different provision.**  
Finding #4    *The comprehensive plan does not require a different provision.*

**BE IT FURTHER ORDAINED**, that proposed zoning ordinance amendment creating a zoning use table is hereby approved.

Passed in regular session of the City Council of the City of Shakopee, Minnesota held on the 20 day of November, 2018.

  
\_\_\_\_\_  
Mayor of the City of Shakopee

Attest:

  
\_\_\_\_\_  
Lori Hensen, City Clerk

Published in the Shakopee Valley News on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**PREPARED BY:**  
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