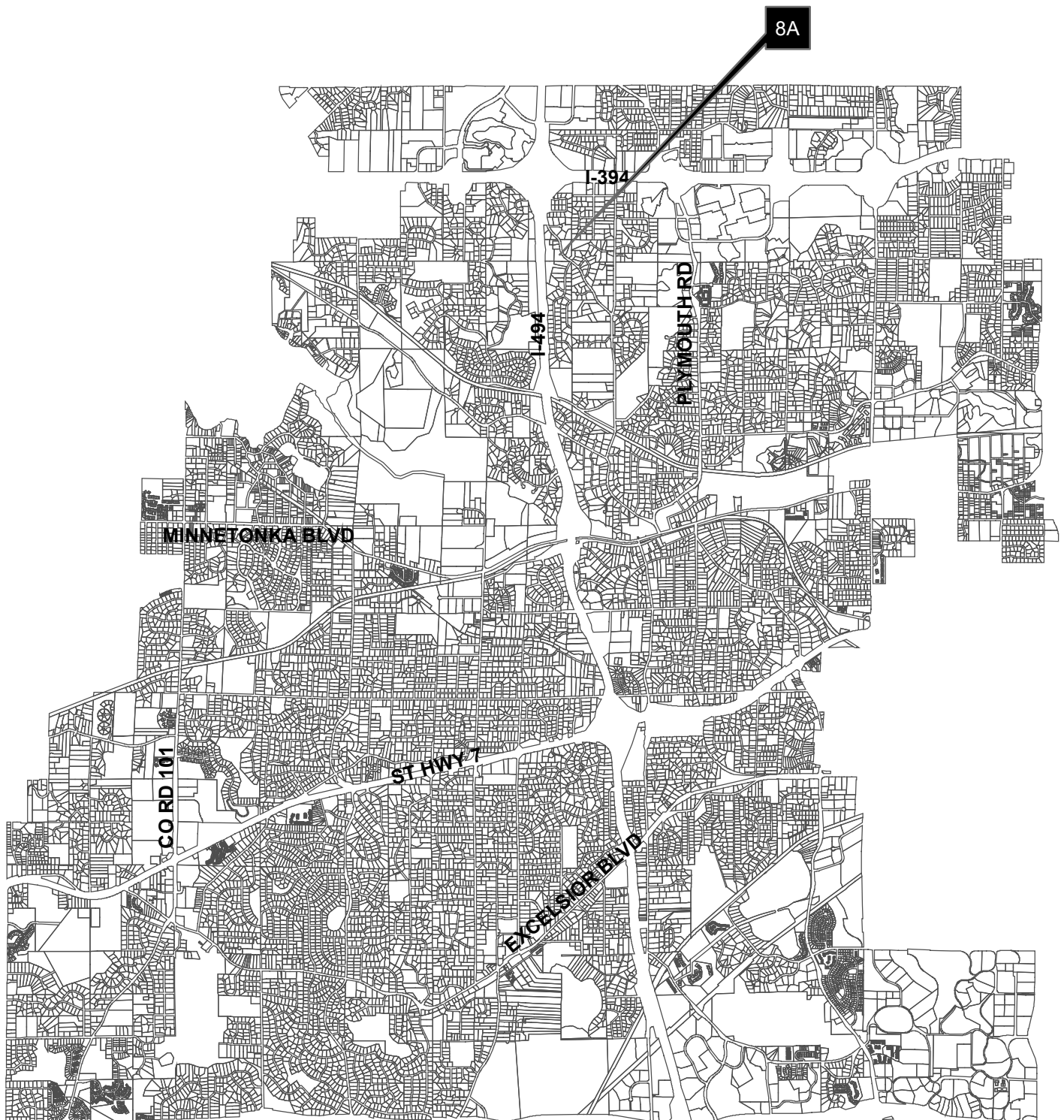




CITY OF
MINNETONKA

CITY OF MINNETONKA
PLANNING COMMISSION
MARCH 7, 2019

14600 Minnetonka Blvd. • Minnetonka, MN 55345
(952) 939-8200 • Fax (952) 939-8244
eminnetonka.com





CITY OF
MINNETONKA

Planning Commission Agenda

March 7, 2019 – 6:30 P.M.

City Council Chambers – Minnetonka Community Center

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Agenda**
- 4. Approval of Minutes:** Feb. 21, 2019
- 5. Report from Staff**
- 6. Report from Planning Commission Members**
- 7. Public Hearings: Consent Agenda**
- 8. Public Hearings: Non-Consent Agenda Items**
 - A. Resolution approving the preliminary plat of OAKLAND ESTATES.
Recommendation: Recommend the city council approve the proposal (4 votes)
 - Recommendation to City Council (Mar. 18, 2019)
 - Project Planner: Ashley Cauley
 - B. Ordinances amending various sections of the city code
Recommendation: Recommend the city council adopt the ordinances (4 votes)
 - Recommendation to City Council (Mar. 18, 2019)
 - Project Planner: Ashley Cauley
- 9. Adjournment**

Notices

1. Please call the planning division at (952) 939-8290 to confirm meeting dates as they are tentative and subject to change.
2. Applications and items scheduled for the March 21, 2019 planning commission meeting:

Project Description	Cargill Driveway Reconfiguration
Project Address	15407 McGinty Road W
Assigned Staff	Ashley Cauley
Ward Councilmember	Mike Happe, Ward 3

Project Description	Highcroft Meadows, 15-lot subdivision
Project Address	14410 Orchard Rd
Assigned Staff	Susan Thomas
Ward Councilmember	Mike Happe, Ward 3

Project Description	Hennepin County Medical Examiner Office
Project Address	14300 CO RD 62
Assigned Staff	Loren Gordon
Ward Councilmember	Bob Ellingson, Ward 1

WELCOME TO THE MINNETONKA PLANNING COMMISSION MEETING

This outline has been prepared to help you understand the public meeting process. The review of an item usually takes the following form:

1. The chairperson of the meeting will announce the item to be reviewed and ask for the staff report on the subject.
2. Staff presents their report on the item.
3. The commission will then ask city staff questions about the proposal.
4. The chairperson will then ask if the applicant wishes to comment.
5. The chairperson will open the public hearing to give an opportunity to anyone present to comment on the proposal.
6. This is the time for the public to make comments or ask questions about the proposal. Please step up to the podium, speak clearly, first giving your name (spelling your last name) and address and then your comments.
7. At larger public hearings, the chair will encourage speakers, including the applicant, to limit their time at the podium to about 8 minutes so everyone has time to speak at least once. Neighborhood representatives will be given more time. Once everyone has spoken, the chair may allow speakers to return for additional comments.
8. After everyone in the audience wishing to speak has given his or her comments, the chairperson will close the public hearing portion of the meeting.
9. The commission will then discuss the proposal. No further public comments are allowed.
10. The commission will then make its recommendation or decision.
11. Final decisions by the planning commission may be appealed to the city council. Appeals must be written and filed with the planning department within 10 days of the planning commission meeting.

It is possible that a quorum of members of the city council may be present. However, no meeting of the city council will be convened and no action will be taken by the city council.

Minnetonka Planning Commission Meeting
March 7, 2019

Agenda Item 4

Previous Meeting Minutes

**Unapproved
Minnetonka Planning Commission
Minutes**

Feb. 21, 2019

1. Call to Order

Chair Kirk called the meeting to order at 6:30 p.m.

2. Roll Call

Commissioners Hanson, Henry, Luke, Powers, and Kirk were present. Sewall and Knight were absent.

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, and Assistant City Planner Susan Thomas.

3. Approval of Agenda: The agenda was approved as submitted.

4. Approval of Minutes: Feb. 7 2019

Luke moved, second by Hanson, to approve the Feb. 7, 2019 meeting minutes as submitted.

Hanson, Henry, Luke, Powers, and Kirk voted yes. Sewall and Knight were absent. Motion carried.

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of Feb. 11, 2019:

- Introduced an ordinance for an application from the Hennepin County Medical Examiner's Office.
- Introduced proposed amendments to sections of the zoning ordinances that relate to residential districts, wetlands, shorelands, retaining walls, the Opus overlay district, and signs. It will be reviewed by the planning commission at its meeting on March 7, 2019.

The next joint meeting of councilmembers and planning and EDAC commissioners to discuss Opus will begin after the planning commission meeting on March 21, 2019 at approximately 7:30 p.m. Another meeting will be held April 18, 2019.

6. Report from Planning Commission Members

Powers attended iFly's grand opening. The participants were having fun. The facility is wonderful and he is glad it is located at Ridgedale Center.

7. Public Hearings: Consent Agenda: None

8. Public Hearings

A. Resolution approving a conditional use permit for a microbrewery and taproom at 5959 Baker Road.

Chair Kirk introduced the proposal and called for the staff report.

Thomas reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Dan Syverson, representing Boom Island Brewing Company, applicant, stated that he was happy to answer questions. Boom Island has a flawless record and was one of the first microbreweries in the state. He looks forward to moving to Minnetonka.

Powers asked if families and dogs would be welcome. Mr. Syverson answered affirmatively. He is in the process of applying for a permit with the state to allow dogs in the facility. There would be board games and bumper pool. There may be a fireplace with soft seating and tables to accommodate large groups of people and families. Food delivery to the site would be allowed. Prepackaged snacks would be available for purchase. Local restaurants would be advertised and patrons would be encouraged to have food delivered to the location.

Hanson asked if pedestrian and bicycle access had been considered. Mr. Syverson stated that there is a bike trail less than a half a mile away. Bike racks would be provided. Live music would be provided on the weekends inside the building. The proposed building would be quite a bit larger than the current facility. The tap room would be five times larger than the current location's tap room.

Luke asked about the adjacent space. Mr. Syverson explained that the adjacent space would be part of the microbrewery's leased space to provide a separate entrance and vestibule. A commercial kitchen could occupy that space in the future. Wischnack explained that a separate entrance would be required between a commercial kitchen and an area that would allow animals.

The public hearing was opened. No testimony was submitted and the hearing was closed.

Powers liked that the proposal would provide a sense of community and belonging.

Powers moved, second by Henry, to recommend that the city council adopt the resolution approving a conditional use permit for a microbrewery and taproom at 5959 Baker Road.

Hanson, Henry, Luke, Powers, and Kirk voted yes. Sewall and Knight were absent. Motion carried.

9. Adjournment

Hanson moved, second by Luke, to adjourn the meeting at 6:55 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary

Minnetonka Planning Commission Meeting
March 7, 2019

Agenda Item 7

Public Hearing: Consent Agenda

NONE

Minnetonka Planning Commission Meeting
March 7, 2019

Agenda Item 8

Public Hearing: Non-Consent Agenda

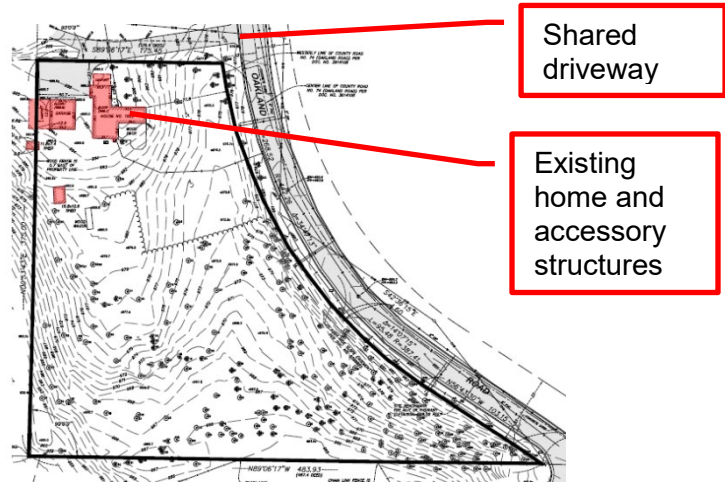
MINNETONKA PLANNING COMMISSION
March 7, 2019

Brief Description Preliminary plat for OAKLAND ESTATES, a 4-lot subdivision at 1922 Oakland Rd

Recommendation Recommend the city council approve the proposal

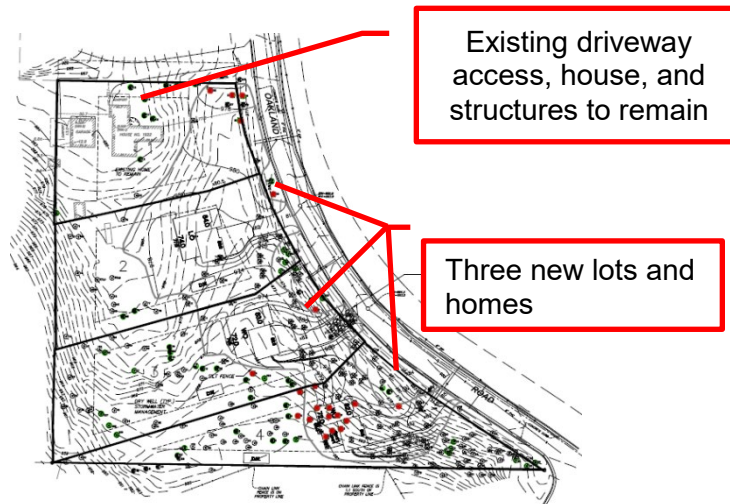
Existing Property Information

- **Size:** 2.4 acres
- **Buildings:** Currently improved with an existing home and several accessory buildings. Two buildings encroach onto city property.
- **Access:** Shared driveway access with property to the north.
- **Trees:** 73 high priority trees.
- **Floodplain:** Barely extends onto the property in the southwest corner.
- **Topography:** Existing home is built on high point of the property and topography then slopes downwards in all directions.



Proposal Information:

	Complies with ordinance	Included as condition for permit
Lot standards	☑	
Tree removal	☑	☑
Stormwater		☑
Removal of encroachments	☑	☑
Utilities	☑	☑
Grading/erosion	☑	☑
Easements	☑	☑
Wetland / floodplain	n/a	n/a



Recommendation:

Recommend the city council adopt the attached resolution approving the preliminary plat of OAKLAND ESTATES.

Introduction

The applicant, LakeWest Development, LLC has submitted an application to subdivide the subject property into four lots. The existing home would remain and three new homes would be constructed. The proposal requires approval of preliminary plat.

Proposal Summary

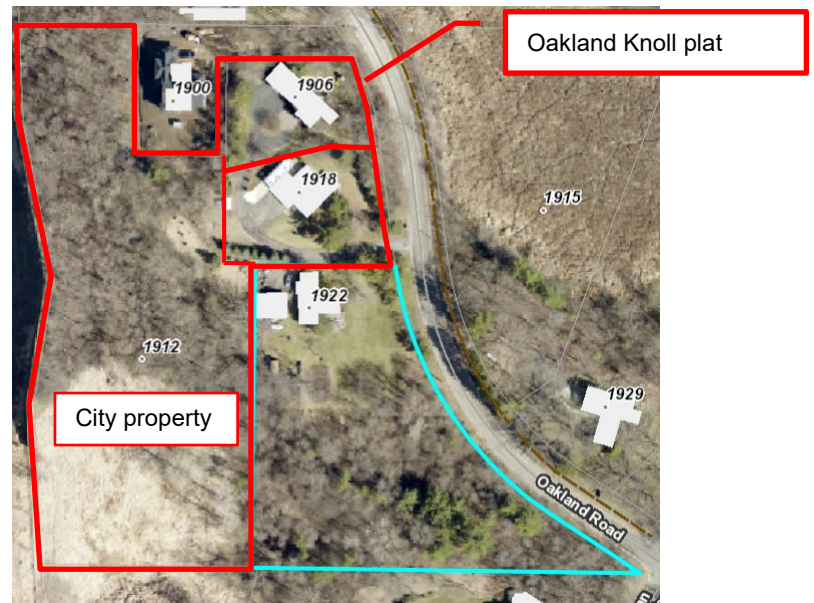
The following is intended to summarize the applicant's proposal:

- **Existing Site Features**

The property is approximately 2.4 acres in size and is currently improved with a single-family home, originally constructed in 1948, and several accessory structures. Two of the accessory structures encroach onto city-owned property to the west.

The existing home was constructed on the property's highest point and the property generally slopes downwards in all directions.

Floodplain associated with the wetland barely extends onto the property in the southwest corner of the site.



The subject property has 73 high priority trees and 94 significant trees.

Following the approval of OAKLAND KNOLL to the north in 1989, a private driveway was created to provide access to the two northerly homes and the subject property.

- **Proposed Lots**

The applicant is proposing to divide the property into four lots; the existing home would remain on one of the lots. The home would continue to utilize the existing drive to the north but all encroachments onto city property would be removed.

The three new lots would meet all minimum area and dimension standards for lots within the R-1 zoning district.

- **Site Impacts**

As proposed, grading would occur in order to construct new homes and driveways. Retaining walls would be incorporated onto the southern two lots to allow walkout basements. This grading would result in the removal of, or substantial impact to, 29-percent of the property's high priority trees. While the proposal would comply with the

city's tree protection ordinance, the applicant could reduce the amount of removal by reducing the amount of grading shown on Lot 1, the home with the existing lot.

Primary questions and Analysis

A land use proposal is comprised of many details. In evaluating the proposal, staff first reviews these details and then aggregates them into a few primary questions or issues. The following outlines both the primary questions associated with the proposal and staff's findings.

- **Are the proposed lot sizes and configurations appropriate?**

Yes. The proposed lots would meet all minimum size and dimensional standards as outlined by city code.

	Area		Width		Depth
	Total	Buildable	At right-of-way	At setback	
Required	22,000 sf	3,500 sf	80 ft	110 ft	125 ft
Lot 1	22,090 sf	8,665 sf	90 ft	110 ft	190 ft
Lot 2	25,730 sf	11,430 sf	100 ft	110 ft	230 ft
Lot 3	30,840 sf	15,085 sf	100 ft	110 ft	290 ft
Lot 4	25,530 sf	7,785 sf	215 ft	142 ft	230 ft

* all measurements rounded to the nearest 5 ft.

- **Is the proposed site impacts reasonable?**

Yes. The proposed subdivision has been reviewed to ensure conformance with the city's tree protection ordinance, which regulates tree removal and mitigation. Woodland preservation areas (WPA) have the highest level of protection during the subdivision of a property. During subdivision, no more than 25-percent of the WPA and 35-percent of the property's high priority trees may be removed or impacted by the development. There are no WPAs on the site. However, there are 73 high priority trees and 94 significant trees. While the subdivision would result in the removal of a large number of trees, the subdivision would comply with the city's tree protection ordinance.

Trees	Existing	Number Removed	Percent Removed
<i>High-priority</i>	73	21	29%
Significant	94	39	42%
Total	167	60	36%

Staff Recommendation

Recommend the city council adopt the resolution approving the preliminary plat of OAKLAND ESTATES.

Originator: Ashley Cauley, Senior Planner
Through: Susan Thomas, AICP, Assistant City Planner

Supporting Information

Surrounding Land Uses

Properties to the north, east, and south are single-family residential properties. The lot to the west is city-owned property. This property is encumbered by wetland and floodplain and is intended to serve as permanent green space used to mitigate freeway noise.

Planning

Guide Plan designation: low-density residential
Zoning: R-1

Wetland and Floodplain

There is a wetland complex with associated floodplain on the city owned property to the west. The building setbacks far exceed any wetland and floodplain setbacks that would encumber the properties.

Grading

In order to evaluate the impacts of anticipated grading, the city requires that all subdivision applications illustrate general home footprints and an associated grading plan. If a subdivision is approved, final grading plans for each of the homes must occur in substantial compliance with the general plan.

The general grading plan submitted illustrates that grading would occur to build the new homes and driveways, incorporate stormwater facilities, and install retaining walls.

As currently proposed, the garages on the southern two lots – Lots 3 and 4 – would be lower than the street. To ensure that water from the street does not run down the driveway and into the garage, the developer could create a “high point” in the driveway or grade the driveways such that water is diverted away from the garage.

Stormwater

Under the city’s stormwater rule, stormwater management is required when a property is divided into three or more lots. The management facility must control for runoff rate, volume and quality. The plans illustrate the use of dry wells on each lot to treat the stormwater. To ensure that these stormwater facilities would function and be sized appropriately, the following have been included as conditions of approval:

Prior to release of final plat:

- Submit supplemental engineering information for the stormwater facilities prior to the release of the final plat;
- Submit a plan illustrating an access path for maintenance of the facility; and
- Submit a stormwater maintenance agreement.

Prior to the issuance of a building permit for each home:

- Dedicate any necessary easements over the proposed stormwater facility.

Prior to release of the certificate of occupancy for the first home:

- Construct the stormwater facilities as approved or submit individual letters of credit or a cash escrow for 125-percent or 150-percent of an estimated cost to construct the stormwater facilities.

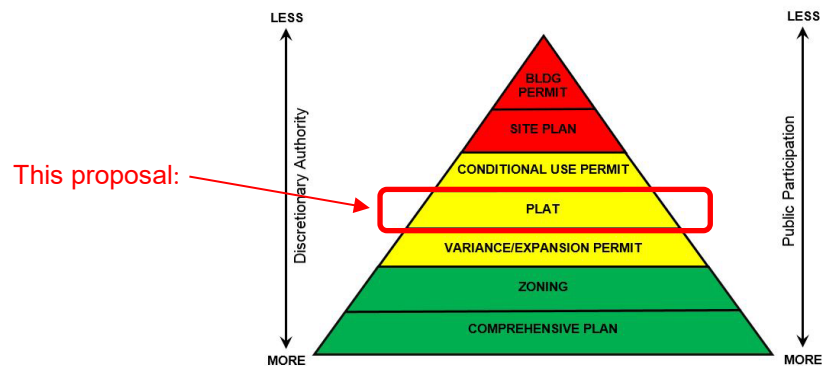
Natural Resources

Best management practices must be followed during the course of site preparation and construction activities. This would include installation and maintenance of a temporary rock driveway, erosion control, and tree protection fencing. As a condition of approval, the applicant must submit a construction management plan detailing these management practices.

Approval

The planning commission makes a recommendation to the city council, which has the final authority to approve or deny the request.

Pyramid of Discretion



Motion Options

The planning commission has the following options:

1. Concur with staff's recommendation. In this case, a motion should be made recommending the city council approve the proposal based on the findings outlined in the staff-drafted resolution.
2. Disagree with staff's recommendation. In this case, a motion should be made recommending the city council deny the proposal. The motion should include findings for denial.
3. Table the request. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant or both.

Neighborhood Comments

The city sent notices to 34 area property owners and received no comments to date.

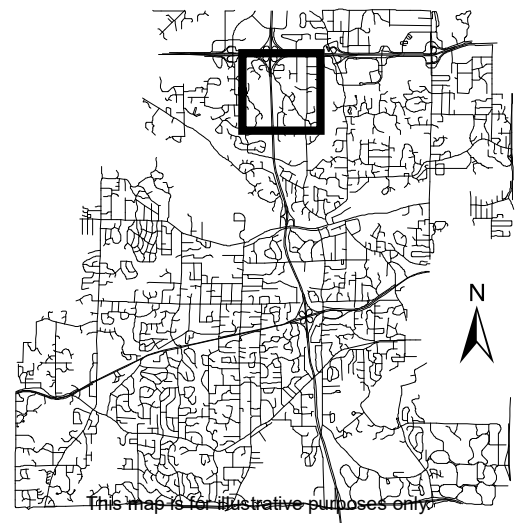
Deadline for Decision

The applicant has waived the 120-day review period.

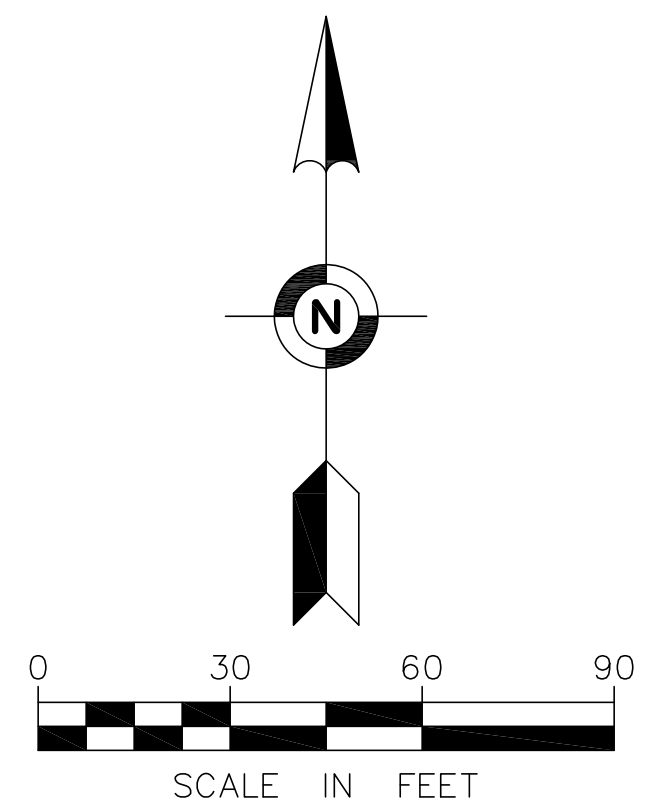


Location Map

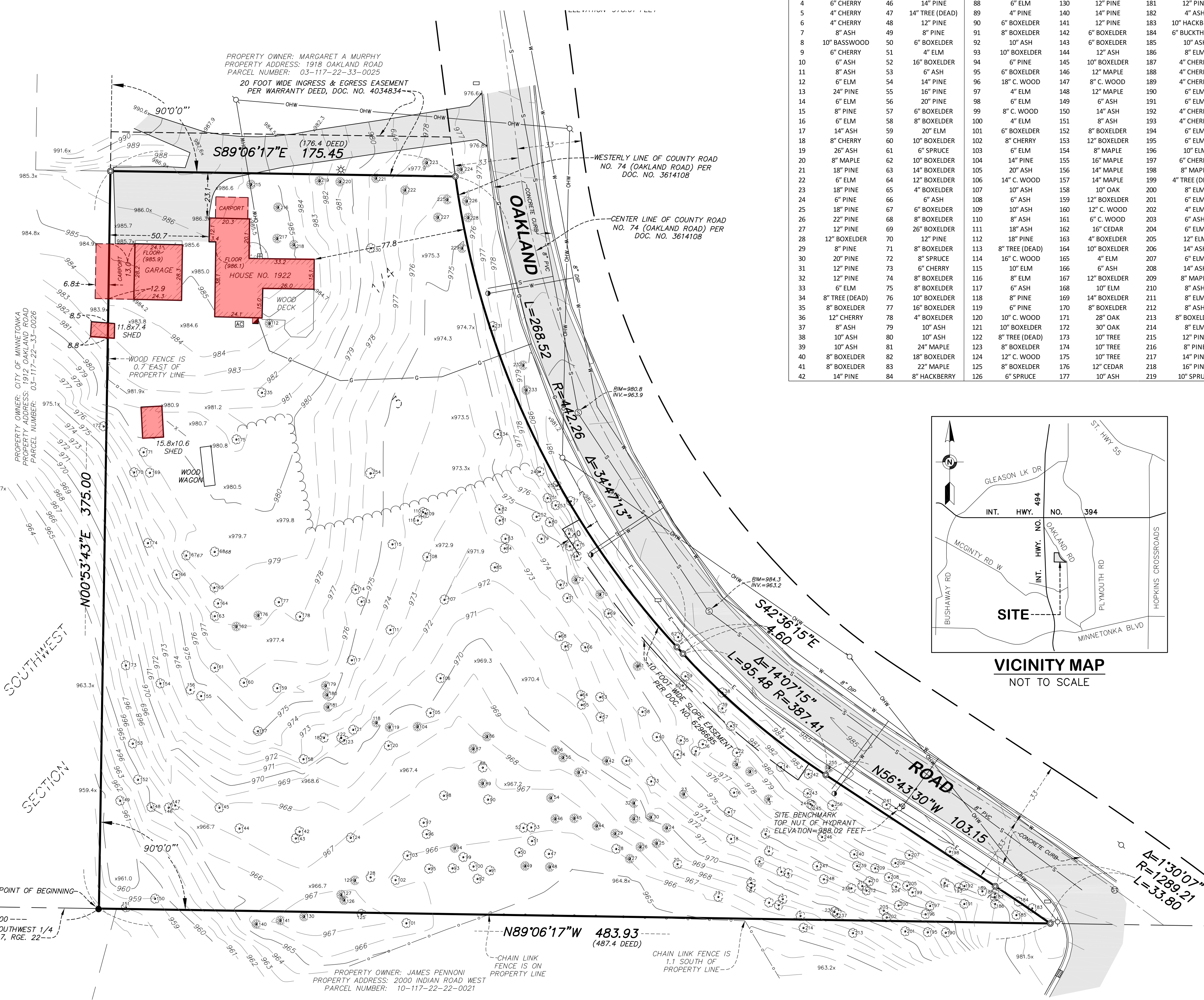
Project: Oakland Estates
Address: 1922 Oakland Rd



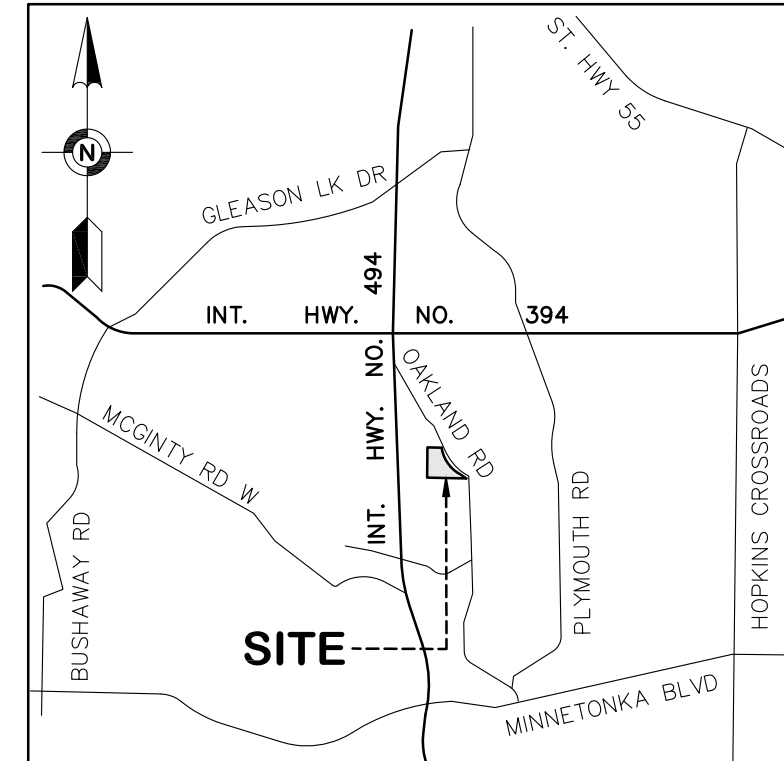
TOPOGRAPHICAL SURVEY FOR: James and Susan Kosmoski



- LEGEND**
- FOUND CAST IRON MONUMENT
 - FOUND IRON MONUMENT
 - ⊙ SET IRON MONUMENT MARKED WITH LICENSE NUMBER 22033
 - ⊕ SANITARY MANHOLE
 - ⊖ STORM MANHOLE
 - ⊙ HYDRANT
 - ⊕ GATE VALVE
 - ⊙ STOP BOX
 - ⊕ AIR CONDITIONER
 - ⊕ ELECTRIC METER
 - ⊕ LIGHT
 - ⊕ UTILITY POLE
 - ⊕ POWER POLE WITH LIGHT
 - ⊕ GAS METER
 - CHAIN LINK FENCE
 - WOOD FENCE
 - SANITARY SEWER
 - WATERMAIN
 - UNDERGROUND ELECTRIC
 - UNDERGROUND GAS
 - OVERHEAD WIRE
 - TREELINE
 - ⊕ SPOT ELEVATION
 - EXISTING CONTOUR LINE
 - ⊕ OR ⊙ TREE
 - ▭ BITUMINOUS SURFACE
 - ▭ CONCRETE SURFACE



1	8" TREE (DEAD)	43	16" PINE	85	6" BOXELDER	127	16" PINE	178	18" ELM	220	10" SPRUCE
2	4" CHERRY	44	8" PINE	86	18" PINE	128	8" ASH	179	8" PINE	221	16" PINE
3	8" ASH	45	26" PINE	87	14" PINE	129	10" PINE	180	10" PINE	222	14" PINE
4	6" CHERRY	46	14" PINE	88	6" ELM	130	12" PINE	181	12" PINE	223	8" SPRUCE
5	4" CHERRY	47	14" TREE (DEAD)	89	4" PINE	140	14" PINE	182	4" ASH	224	8" SPRUCE
6	4" CHERRY	48	12" PINE	90	6" BOXELDER	141	12" PINE	183	10" HACKBERRY	225	14" PINE
7	8" ASH	49	8" PINE	91	8" BOXELDER	142	6" BOXELDER	184	6" BUCKTHORN	226	12" PINE
8	10" BASSWOOD	50	6" BOXELDER	92	10" ASH	143	6" BOXELDER	185	10" ASH	227	12" PINE
9	6" CHERRY	51	4" ELM	93	10" BOXELDER	144	12" ASH	186	8" ELM	228	10" PINE
10	6" ASH	52	16" BOXELDER	94	6" PINE	145	10" BOXELDER	187	4" CHERRY	229	16" PINE
11	8" ASH	53	6" ASH	95	6" BOXELDER	146	12" MAPLE	188	4" CHERRY	230	10,12,14 BIRCH
12	6" ELM	54	14" PINE	96	18" C. WOOD	147	8" C. WOOD	189	4" CHERRY	231	14" APPLE
13	24" PINE	55	16" PINE	97	4" ELM	148	12" MAPLE	190	6" ELM	232	6" PINE
14	6" ELM	56	20" PINE	98	6" ELM	149	6" ASH	191	6" ELM	233	10" PINE
15	8" PINE	57	6" BOXELDER	99	8" C. WOOD	150	14" ASH	192	4" CHERRY	234	10" MAPLE
16	6" ELM	58	8" BOXELDER	100	4" ELM	151	8" ASH	193	4" CHERRY	235	10" APPLE
17	14" ASH	59	20" ELM	101	6" BOXELDER	152	8" BOXELDER	194	6" ELM	236	4" BUCKTHORN
18	8" CHERRY	60	10" BOXELDER	102	8" CHERRY	153	12" BOXELDER	195	6" ELM	237	4" BUCKTHORN
19	35" ASH	61	6" SPRUCE	103	6" ELM	154	8" MAPLE	196	10" ELM	238	8" ELM
20	8" MAPLE	62	10" BOXELDER	104	14" PINE	155	16" MAPLE	197	6" CHERRY	239	10" TREE
21	18" PINE	63	14" BOXELDER	105	20" ASH	156	14" MAPLE	198	8" MAPLE	240	4" CHERRY
22	6" ELM	64	12" BOXELDER	106	14" C. WOOD	157	14" MAPLE	199	4" TREE (DEAD)	241	4" BUCKTHORN
23	18" PINE	65	4" BOXELDER	107	10" ASH	158	10" OAK	200	8" ELM	242	4" BUCKTHORN
24	6" PINE	66	6" ASH	108	6" ASH	159	12" BOXELDER	201	6" ELM	243	6" TREE (DEAD)
25	18" PINE	67	6" BOXELDER	109	10" ASH	160	12" C. WOOD	202	4" ELM	244	10" ELM
26	22" PINE	68	8" BOXELDER	110	8" ASH	161	6" C. WOOD	203	6" ASH	245	4" OAK
27	12" PINE	69	26" BOXELDER	111	18" ASH	162	16" CEDAR	204	6" ELM	246	12" ASH
28	12" BOXELDER	70	12" PINE	112	18" PINE	163	4" BOXELDER	205	12" ELM	247	4" CHERRY
29	8" PINE	71	8" BOXELDER	113	8" TREE (DEAD)	164	10" BOXELDER	206	14" ASH	248	4" CHERRY
30	20" PINE	72	8" SPRUCE	114	16" C. WOOD	165	4" ELM	207	6" ELM	249	4" HACKBERRY
31	12" PINE	73	6" CHERRY	115	10" ELM	166	6" ASH	208	14" ASH	250	6" ELM
32	12" PINE	74	8" BOXELDER	116	8" ELM	167	12" BOXELDER	209	8" MAPLE	251	6" CHERRY
33	6" ELM	75	8" BOXELDER	117	6" ASH	168	10" ELM	210	8" ASH	252	4" CHERRY
34	8" TREE (DEAD)	76	10" BOXELDER	118	8" PINE	169	14" BOXELDER	211	8" ELM	253	4" CHERRY
35	8" BOXELDER	77	16" BOXELDER	119	6" PINE	170	8" BOXELDER	212	8" ASH	254	6,18,24" APPLE
36	12" CHERRY	78	4" BOXELDER	120	10" C. WOOD	171	28" OAK	213	8" BOXELDER	255	4" SPRUCE
37	8" ASH	79	10" ASH	121	10" BOXELDER	172	30" OAK	214	8" ELM	256	6" HACKBERRY
38	10" ASH	80	10" ASH	122	8" TREE (DEAD)	173	10" TREE	215	12" PINE		
39	10" ASH	81	24" MAPLE	123	8" BOXELDER	174	10" TREE	216	8" PINE		
40	8" BOXELDER	82	18" BOXELDER	124	12" C. WOOD	175	10" TREE	217	14" PINE		
41	8" BOXELDER	83	22" MAPLE	125	8" BOXELDER	176	12" CEDAR	218	16" PINE		
42	14" PINE	84	8" HACKBERRY	126	6" SPRUCE	177	10" ASH	219	10" SPRUCE		



LEGAL DESCRIPTION:
(Per Warranty Deed recorded August 9, 1973 as Document No. 4034834)

All that part of the Southwest 1/4 of Section 3, Township 117, Range 22, described as follows: Commencing 790 feet East of the Southwest corner of said section for a place of beginning; thence angle left 90 degrees, distant 375 feet; thence angle right 90 degrees, distant 176.4 feet to the Westerly line of County Road No. 74; thence Southeastly on the Westerly line of said road to its intersection with the South line of said Section; thence West on the South line of said Section distant 487.4 feet to the place of beginning. ALSO an easement for ingress and egress described as follows: Commencing at the Southwest corner of said Section 3; thence East on the South line of said Section distant 790 feet; thence angle left 90 degrees distant 375 feet for place of beginning; thence continuing North distant 20 feet; thence angle right 90 degrees distant 177 feet to the Westerly line of County Road No. 74; thence Southerly on the Westerly line of said road distant 20.04 feet; thence West and parallel with the South line of said Section distant 176.4 feet to the place of beginning.

The covenants contained herein shall be construed as of August 29, 1968.

Subject to restrictions, reservations and easements of record, if any.

- NOTES:**
- The orientation of this bearing system is based on the Hennepin County coordinate grid (NAD 83-96 Adj).
 - The total area of the property described hereon is 104,197 square feet or 2.3920 acres.
 - No title work was provided in the preparation of this survey to verify the legal description or the existence of any easements or encumbrances to the property. The legal description was obtained from a Warranty Deed, recorded August 9, 1973, as Document No. 4034834.
 - Existing utilities, services and underground structures shown hereon were located either physically, from existing records made available to us, by resident testimony, or by locations provided by Gopher State One Call, per Ticket No. 170861062. Other utilities and services may be present. Verification and location of all utilities and services should be obtained from the owners of the respective utilities prior to any design, planning or excavation.
 - The property described hereon lies within Flood Zone X (areas determined to be outside the 0.2% annual chance floodplain) per Federal Insurance Rate Map No. 27053C 0329 F, dated November 4, 2016.
 - BENCHMARK: Minnesota Department of Transportation Vertical Control Monument "2785 CD". Elevation = 998.072 feet. (NAVD 88)
 - According to the City of Minnetonka Zoning Map dated March 26, 2008, the property described hereon is zoned R-1 (low density residential).
 - Adjacent property owners, addresses, and parcel numbers depicted hereon were obtained from the Hennepin County Property Information Web Site.

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

Date of survey: April 20, 2017.
Date of signature: June 23, 2017.

Lee J. Nord
Lee J. Nord
Minnesota License No. 22033

S-1

FIELD BOOK	PAGE	FIELDWORK CHIEF:	REVISIONS	
2776	43	S.W.	NO.	DATE
		DRAWN BY:	1	6/23/17
		KGF	ADD 3 MISSING TREES, MODIFY RANDOM TREE TYPES	
DRAWING NAME:		CHECKED BY:		
.37172_2016.dwg		LJN		
JOB NO. 37172				
FILE NO. 1567				

BOUNDARY & TOPOGRAPHIC SURVEY

SURVEY FOR:
James and Susan Kosmoski

PROPERTY ADDRESS:
**1922 Oakland Road
Minnetonka, Minnesota 55305**

Egan, Field & Nowak, Inc.
1229 Tyler Street NE, Suite 100
Minneapolis, Minnesota 55413
PHONE: (612) 466-3300
FAX: (612) 466-3383
WWW.EFANSURVEY.COM
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GENERAL GRADING AND DRAINAGE NOTES

CONTRACTOR SHALL CONTACT GOPHER STATE "ONE CALL" FOR UTILITY LOCATIONS AT 651-454-0002

THE CONTRACTOR SHALL VERIFY THE LOCATION AND ELEVATION OF EXISTING UTILITIES AND TOPOGRAPHICAL FEATURES WITH THE OWNERS AND FIELD-VERIFY PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF ANY DISCREPANCIES OR VARIATIONS.

ALL CONTOURS AND SPOT ELEVATIONS ARE SHOWN TO FINISHED SURFACE/GUTTER GRADES UNLESS SHOWN OTHERWISE. REFER TO PAVING PLAN FOR DETAILED SPOT ELEVATIONS, GRADE PERCENTAGES, AND VERTICAL CURVE INFORMATION.

ALL SILT FENCE SHALL BE IN PLACE PRIOR TO INITIATION OF EARTHWORK AND SHALL BE MAINTAINED UNTIL VIABLE TURF OR GROUND COVER IS ESTABLISHED, AT WHICH TIME IT SHALL BE REMOVED. TEMPORARY PONDING, DIKES, HAYBALES, ETC., REQUIRED BY THE CITY SHALL BE INCIDENTAL TO THE GRADING.

THE CONTRACTOR SHALL USE A ROCK CONSTRUCTION ENTRANCE ACCORDING TO THE DETAILS. ALL STREETS DISTURBED DURING WORKING HOURS MUST BE CLEANED AT THE END OF EACH WORKING DAY.

THE CONTRACTOR SHALL INSURE POSITIVE DRAINAGE IS MAINTAINED FROM THE SITE AT ALL TIMES. CONTRACTOR SHALL BE RESPONSIBLE FOR TEMPORARY DITCHES, PIPING, OR OTHER MEANS REQUIRED TO INSURE PROPER DRAINAGE DURING CONSTRUCTION. LOW POINTS IN ROADWAYS OR BUILDING PADS MUST BE PROVIDED WITH A POSITIVE OUTFLOW.

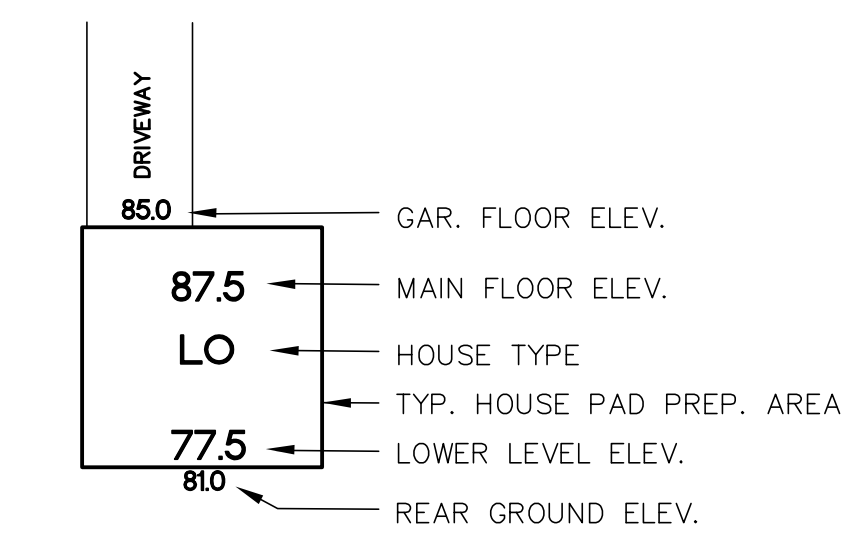
ALL AREAS DISTURBED AS A RESULT OF CONSTRUCTION SHALL BE IMMEDIATELY RESTORED WITH SEED AND DISC MULCHED OR WOOD-FIBER BLANKET OR SOD IN ACCORDANCE WITH THE APPROVED PLANS WITHIN TWO WEEKS UPON COMPLETION OF EACH ACTIVITY IN ACCORDANCE WITH THE CITY'S BEST MANAGEMENT PRACTICE HANDBOOK.

TOTAL DISTURBED AREA = 0.96 ACRES +/-

TOTAL PROPOSED PROJECT AREA = 2.39 ACRES +/-

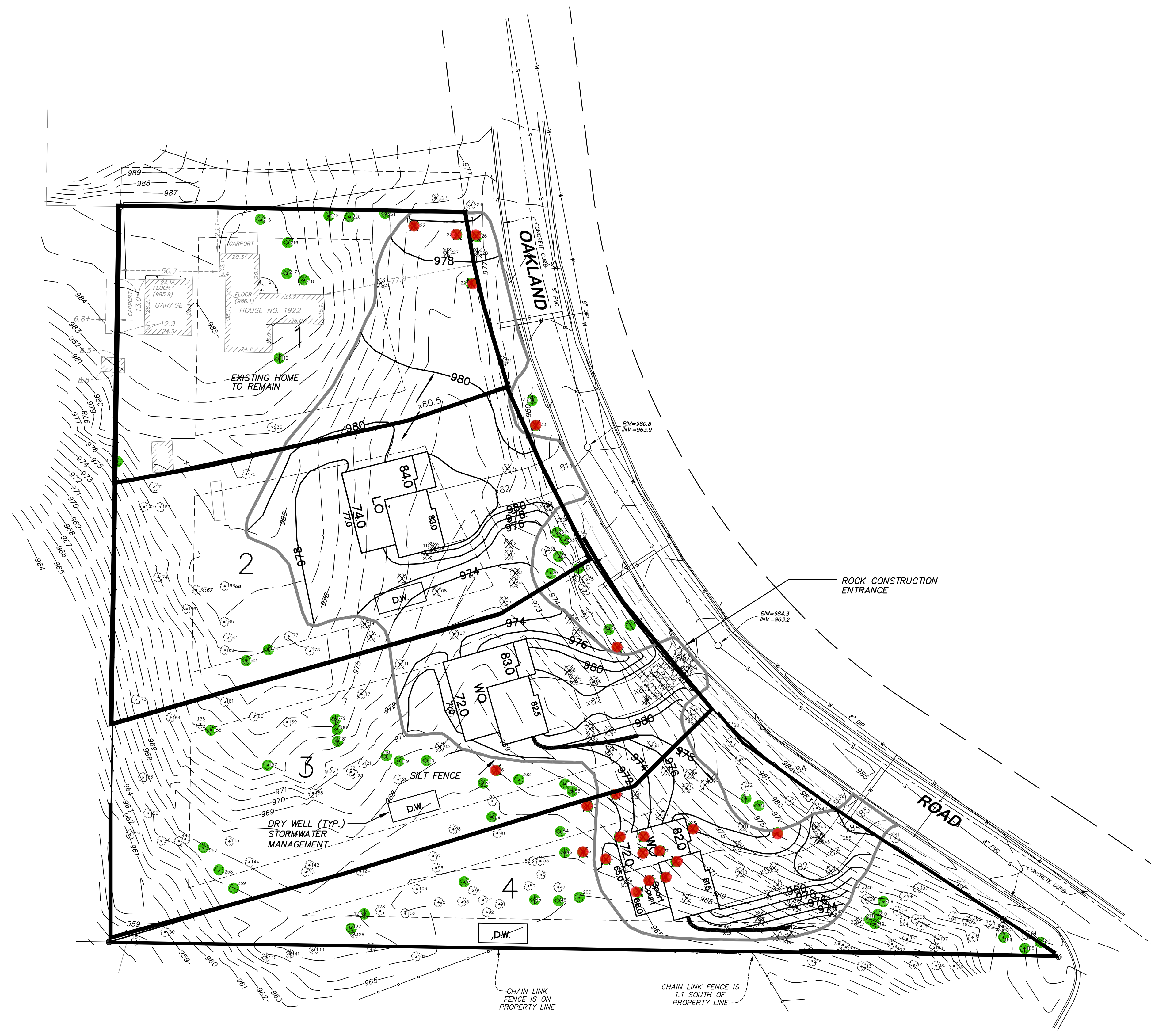
TYPICAL BUILDING PAD SHOWN SUBJECT TO CHANGE DEPENDENT UPON FINAL HOME TYPE.

TYPICAL BUILDING PAD



LEGEND

--- 906 ---	EXISTING CONTOURS	EXISTING	
— 974 —	PROPOSED CONTOURS	SANITARY SEWER	8" PVC S
---	SILT FENCE	WATER	8" DIP W
x 95.0	EXISTING SPOT ELEVATION	HYD. W/VALVE	
— 95.0 —	PROPOSED SPOT ELEVATION	STORM SEWER	
→	DRAINAGE DIRECTION	PROPOSED	
⊙	EXISTING TREE	SANITARY SEWER	←
⊙	EXISTING TREE HIGH PRIORITY	WATER	
⊗	EXISTING TREE REMOVED	HYD. W/VALVE	→
⊗	EXISTING TREE HIGH PRIORITY REMOVED	STORM SEWER	←



19655 Waterford Pl
Excelsior, MN 55331
(952) 221-3700
www.ryanengineers.com

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly registered Engineer under the laws of the State of Minnesota.

Signature MN 22071
Registration No.
Date

OAKLAND ESTATES

Minnetonka, MN
for

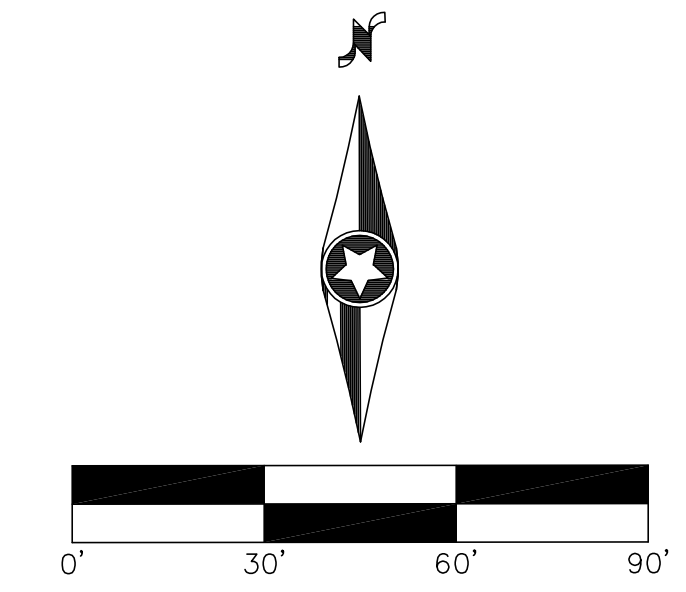


Project No.
Digital Drawing Name
Oakland - Estates.dwg
Drawn By
PMR
Checked By
PMR
Date
10/30/18
Revisions
2/7/19 - Revised City Submittal

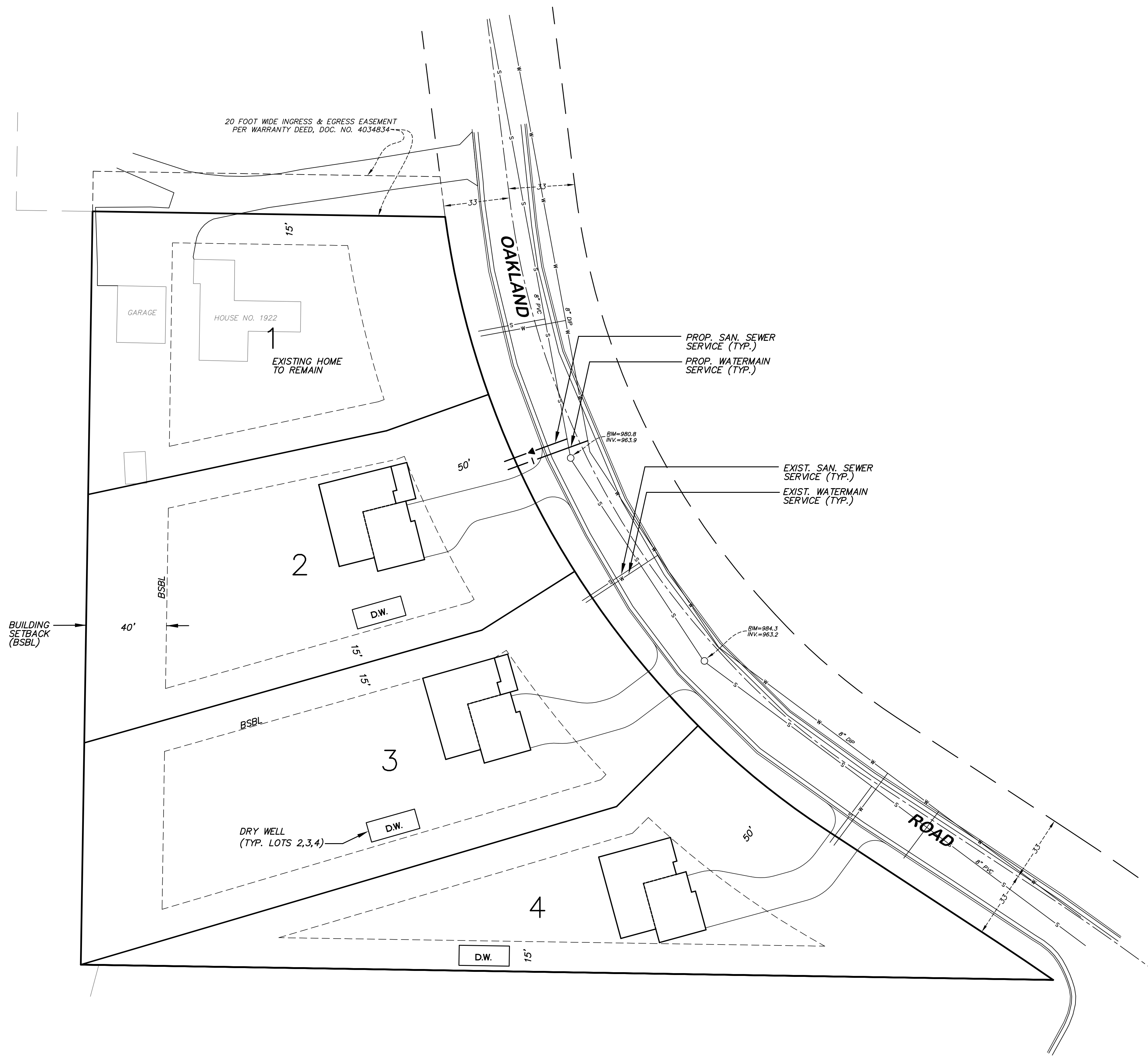
Issued For: _____ Date: _____
Schematic Design _____
Design Development _____
Preliminary Review _____
Final Review _____
Bidding _____
Construction _____

Grading, Drainage and Erosion Control Plan

Page



Current proposal



LOT AREA DATA

MINIMUM LOT REQUIREMENTS

MINIMUM LOT AREA =	22,000 SQUARE FEET
MINIMUM LOT WIDTH =	80 FEET @ ROW (110 FEET AT SB)
MINIMUM LOT DEPTH =	125 FEET
FRONT SETBACK =	50 FEET
REAR SETBACK =	40 FEET
SIDE SETBACK =	20 / 10 FEET (MIN. 10, 30 COMBINED)

BLOCK 1	LOT	AREA S.F.	BUILDABLE AREA S.F.
	1	22,093 ±	8,666 ±
	2	25,729 ±	11,428 ±
	3	30,843 ±	15,084 ±
	4	25,532 ±	7,785 ±

GENERAL UTILITY NOTES

THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS PRIOR TO CONSTRUCTION AND NOTIFY THE OWNER OF ANY DIFFERENCES.

ALL WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY STANDARD SPECIFICATIONS, PROJECT SPECIFICATIONS OR AS MODIFIED HEREIN.

UNLESS OTHERWISE NOTED, OR AS SPECIFIED IN THE ABOVE NOTE, ALL MATERIALS, CONSTRUCTION TECHNIQUES AND TESTING SHALL CONFORM TO THE CURRENT ED. OF THE "STANDARD UTILITIES SPECIFICATIONS FOR WATER MAIN AND SERVICE LINE INSTALLATION AND SANITARY SEWER AND STORM SEWER INSTALLATION BY THE CITY ENGINEERING ASSOCIATION OF MINN." AND TO THE "STANDARD SPECIFICATION FOR HIGHWAY CONSTRUCTION" MINN. DEPT. OF TRANS., MOST RECENT EDITION, INCLUDING THE CURRENT ADDENDUM.

THE CONTRACTOR SHALL RECEIVE THE NECESSARY PERMITS FOR ALL WORK OUTSIDE OF THE PROPERTY LIMITS.

VERIFY EXISTING INVERT LOC. & ELEV. PRIOR TO BEGINNING CONSTRUCTION.

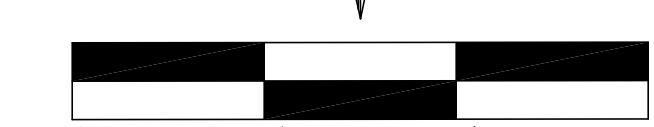
THE WATER SERVICE SHALL BE INSTALLED WITH A MIN. OF 7.5 FT. OF COVER.

ALL STORM SEWER PIPE SHALL BE CLASS 5 UNLESS OTHERWISE NOTED.

THE CONTRACTOR SHALL CONTACT "GOPHER STATE ONE CALL" FOR UTILITY LOCATIONS PRIOR TO UTILITY INSTALLATION.

LEGEND

	EXISTING CONTOURS		EXISTING
	PROPOSED CONTOURS		SANITARY SEWER 8" PVC
	SILT FENCE		WATER 8" DW
	EXISTING SPOT ELEVATION		HYD. W/VALVE
	PROPOSED SPOT ELEVATION		STORM SEWER
	DRAINAGE DIRECTION		PROPOSED
			SANITARY SEWER
			WATER
			HYD. W/VALVE
			STORM SEWER



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OAKLAND ESTATES

Minnetonka, MN
for

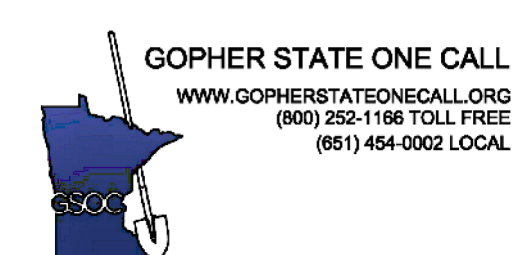


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Revisions
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Issued For: _____ Date: _____
Schematic Design _____
Design Development _____
Preliminary Review _____
Final Review _____
Bidding _____
Construction _____

Site and Utility Plan

Page



Color Legend

	High Priority (15" Diam or 20' Height)
	Significant (8" Diam or 15' Height)
	Dead / Unsound
	Not Regulated

Tag #	Type	Dia	Conif Ht	Signif.	High	HP	Removed
2	BLACK CHERRY	4					
3	ASH	8		X	X		
4	BLACK CHERRY	6					
5	BUCKTHORN	4					
6	CHERRY	4					
7	ASH	8		X	X		
8	BASSWOOD	10		X	X		
9	CHERRY	6					
10	ASH	6					
11	ASH	8		X	X		
12	ELM	6					
13	PINE	24	65			X	X
14	ELM	6					
15	PINE	8	22			X	
16	ELM	6					
17	ASH	14		X			
18	CHERRY	8		X	X		
19	ASH	26		X	X		
20	MAPLE	8					
21	PINE	18	49			X	
22	ELM	6					
23	PINE	18	49			X	X
24	PINE	6	17			X	X
25	PINE	18	49			X	X
26	PINE	22	60			X	X
27	PINE	12	33			X	X
28	BOXELDER	12					
29	PINE	8	22	X	X		
30	PINE	20	54			X	X
31	PINE	12	33			X	X
32	PINE	12	33			X	X
33	ELM	6					
35	BOXELDER	8		X	X		
36	CHERRY	12		X	X		
37	ASH	8		X			
38	ASH	10		X			
39	ASH	10		X			
40	BOXELDER	8		X	X		
41	BOXELDER	8		X	X		

Tag #	Type	Dia	Conif Ht	Signif.	High	HP	Removed
42	PINE	14	38			X	X
43	PINE	16	44			X	X
44	PINE	8	22			X	X
45	PINE	26	71			X	X
46	PINE	14	38			X	
47	DEAD	14					
48	PINE	12	33			X	
49	PINE	8	22			X	
50	BOXELDER	6		X			
51	ELM	4					
52	BOXELDER	16		X			
53	ASH	6					
54	PINE	14	38			X	
55	PINE	16	44			X	
56	PINE	20	54			X	
57	BOXELDER	6					
58	BOXELDER	8		X	X		
59	ELM	20		X			
60	BOXELDER	10		X			
61	SPRUCE	6	17	X	X		
63	BOXELDER	14		X	X		
64	BOXELDER	12		X	X		
65	BOXELDER	4					
66	ASH	6					
67	BOXELDER	6					
68	BOXELDER	8		X	X		
69	BOXELDER	26				X	X
70	PINE	12	33			X	
71	BOXELDER	8		X	X		
72	SPRUCE	8	22				
73	CHERRY	6					
74	BOXELDER	8		X			
75	BOXELDER	8					
76	BOXELDER	10				X	
78	BOXELDER	4					
79	ASH	10				X	
80	ASH	10				X	
81	MAPLE	24		X	X		
82	BOXELDER	18		X	X		
83	MAPLE	22		X	X		
84	HACKBERRY	8		X	X		
85	BOXELDER	6					
86	PINE	18	49			X	X
87	PINE	14	38			X	
88	ELM	6					

Tag #	Type	Dia	Conif Ht	Signif.	High	HP	Removed
89	PINE	4	11			X	
90	BOXELDER	6					
91	BOXELDER	8		X			
92	ASH	10		X			
93	BOXELDER	10		X			
94	PINE	6	17			X	
95	BOXELDER	6		X			
96	COTTONW	18		X			
97	ELM	4					
98	ELM	6					
99	COTTONW	8		X			
100	ELM	4					
102	CHERRY	8					
103	ELM	6					
104	PINE	14	38			X	
105	ASH	20		X	X		
106	COTTONW	14		X			
107	ASH	10		X	X		
108	ASH	6					
109	ASH	10		X	X		
110	ASH	8		X	X		
111	ASH	18		X	X		
112	PINE	18	49			X	
113	DEAD	8					
114	COTTONW	16		X	X		
115	ELM	10		X	X		
116	ELM	8		X	X		
117	ASH	6					
118	PINE	8	22			X	
119	PINE	6	17			X	
120	COTTONW	10		X			
121	BOXELDER	10		X			
122	DEAD	8					
123	BOXELDER	8		X			
124	COTTONW	12		X			
126	SPRUCE	6	17				
127	PINE	16	44			X	
128	ASH	8		X			
129	PINE	10	27			X	
130	RED PINE						
140	RED PINE						
141	RED PINE						
142	BOXELDER	6					
143	BOXELDER	6		X			
144	ASH	12		X			

Tag #	Type	Dia	Conif Ht	Signif.	High	HP	Removed
145	BOXELDER	10		X			
146	MAPLE	12		X			
147	COTTONW	8		X			
148	MAPLE	12		X			
149	ASH	6		X			
150	ASH	14		X			
151	ASH	8		X			
152	BOXELDER	8		X			
153	BOXELDER	12		X			
154	MAPLE	8		X			
155	MAPLE	16				X	
156	MAPLE	14		X			
157	MAPLE	14				X	
158	OAK	10		X			
159	BOXELDER	12		X			
160	COTTONW	12		X			
161	COTTONW	6		X			
162	CEDAR	16	44			X	
163	BOXELDER	4					
164	BOXELDER	10					
165	ELM	4		X			
166	ASH	6		X			
167	BOXELDER	12		X			
168	ELM	10		X			
169	BOXELDER	14		X			
170	BOXELDER	8		X			
171	OAK	28		X			
172	OAK	30				X	
173	TREE	10		X			
174	TREE	10		X			
175	TREE	10		X			
176	CEDAR	12	33			X	
177	ASH	10		X			
178	ELM	18		X			
179	PINE	8	22			X	
180	PINE	10	27			X	
181	PINE	12	33			X	
182	ASH	4					
183	HACKBERRY	10				X	
184	BUCKTHORN	6					
185	ASH	10				X	
186	ELM	8				X	
187	CHERRY	4					
189	CHERRY	4					
191	ELM	6					

Tag #	Type	Dia	Conif Ht	Signif.	High	HP	Removed
192	CHERRY	4					
193	CHERRY	4					
194	ELM	6					
195	ELM	6					
196	ELM	10		X			
198	MAPLE	8		X			
197	CHERRY	6		X			
202	ELM	4					
203	ASH	6					
204	ELM	6					
205	ELM	12		X			
206	ASH	14		X			
207	ELM	6					
208	ash	14		X			
209	MAPLE	8				X	
210	ASH	8				X	
211	ELM	8				X	
212	ASH	8				X	
215	PINE	12	33			X	
216	PINE	8	22			X	
217	PINE	14	38			X	
218	PINE	16	44			X	
219	SPRUCE	10	27			X	
220	SPRUCE	10	27			X	
221	PINE	16	44			X	
222	PINE	14	38			X	X
223	WHITE SPRUCE						
224	WHITE SPRUCE	8	30				
225	PINE	14	38			X	X
226	PINE	12	33			X	X
227	PINE	12	33				
228	PINE	10	27				
229	PINE	16	44			X	X
230	BIRCH	10					
231	APPLE	14		X	X		
232	RED PINE					X	
233	RED PINE					X	X
234	MAPLE	10		X	X		
235	APPLE	10					
236	BUCKTHORN	4					
237	BUCKTHORN	4					
238	ELM	8		X			
239	TREE	10					
240	CHERRY	4					
241	BUCKTHORN	4					

Tag #	Type	Dia	Conif Ht	Signif.	High	HP	Removed
242	BUCKTHORN	4					
243	DEAD						
244	ELM	10		X	X		
245	OAK	4					
246	ASH	12		X	X		
247	CHERRY	4					
248	CHERRY	4					
249	HACKBERRY	4					
250	ELM	6					
251	CHERRY	6				X	
252	CHERRY	4					
253	CHERRY	4				X	
254	APPLE	6, 6, 18, 24		X			
256	HACKBERRY	6					
257	RED PINE	10	50			X	
258	RED PINE	6	40			X	
259	RED PINE	9	40			X	
260	WHITE SPRUCE	5	20			X	
261	WHITE PINE	10	50			X	X
262	WHITE PINE	14	60			X	
263	WHITE SPRUCE	7					

Resolution No. 2019-

**Resolution approving the preliminary plat of OAKLAND ESTATES,
a 4-lot subdivision at 1922 Oakland Rd**

Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

1.01 LakeWest Development, LLC has requested preliminary plat approval for OAKLAND ESTATES. (Project 18041.18a).

1.02 The property is located at 1922 Oakland Rd. It is legally described as follows:

(Per Warranty Deed recorded August 9, 1973 as Document No. 4034834)

All that part of the Southwest $\frac{1}{4}$ of Section 3, Township 117, Range 22, described as follows:

Commencing 790 feet East of the Southwest corner of said section for a place of beginning; thence angle left 90 degrees, distant 375 feet; thence angle right 90 degrees, distance 176.4 feet to the Westerly line of County Road No. 74; thence Southeasterly on the Westerly line of said Section distant 487.4 feet to the place of beginning. ALSO an easement for ingress and egress described as follows: Commencing at the Southwest corner of said Section 3; thence East on the South line of said Section distant 790 feet; thence angle left 90 degrees distant 375 feet for place of beginning; thence continuing North distant 20 feet; thence angle right 90 degrees distant 177 feet to the Westerly line of County Road No. 74; thence Southerly on the Westerly line of said road distant 20.04 feet; thence West and parallel with the South line of said Section distant 176.4 feet to the place of beginning.

The covenants contained herein shall be construed as of August 29, 1968.

Subject to any restrictions, reservations and easements of record, if any.

1.03 On March 7, 2019, the planning commission held a hearing on the proposed plat. The applicant was provided the opportunity to present information to the

commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council grant preliminary plat approval.

Section 2. General Standards.

2.01 City Code §400.030 outlines general design requirements for residential subdivisions. These standards are incorporated by reference into this resolution.

Section 3. Findings.

3.01 The proposed preliminary plat meets the design requirements as outlined in City Code §400.030.

Section 4. Council Action.

4.01 The above-described preliminary plat is hereby approved, subject to the following conditions:

1. Final plat approval is required. A final plat will not be placed on a city council agenda until a complete final plat application is received.
 - a) The following must be submitted for a final plat application to be considered complete:
 - 1) A final plat drawing that clearly illustrates the following:
 1. A minimum 10-foot wide drainage and utility easements adjacent to the public right-of-way(s) and minimum 7-foot wide drainage and utility easements along all other lot lines.
 2. Utility easements over existing or proposed public utilities, as determined by the city engineer.
 3. Drainage and utility easements over wetlands, floodplains, and stormwater management facilities, as determined by the city engineer. The 100-year elevation is 957.1.
 - 2) Documents for the city attorney's review and approval. These documents must be prepared by an attorney knowledgeable in the area of real estate.
 1. Title evidence that current within thirty days before release of the final plat.
 - 3) Submit a plan that illustrates an access path to the stormwater facilities.

- 4) Submit engineering for the stormwater facilities.
2. Prior to final plat approval:
 - a) This resolution must be recorded with Hennepin County.
 - b) The documents outlined in section 4.01(1)(a)(2) above must be approved by the city attorney.
 3. Submit the following prior to release of the final plat for recording:
 - a) Two sets of mylars for city signatures.
 - b) An electronic CAD file of the plat in microstation or DXF.
 - c) Park dedication fee of \$15,000.
 4. Subject to staff approval, OAKLAND ESTATES, must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
 - Grading, drainage and erosion control plan dated Feb. 7, 2019.
 - Site and utility plan dated Feb. 7, 2019.
 - a) No grading or tree removal is allowed prior to the issuance of a building permit on each lot.
 - b) If the garage is set lower than the street, water should be diverted to direct water away from the garage.
 - c) Prior to the issuance of a building permit for the first home, submit the following:
 - 1) Evidence of filing the final plat at Hennepin County.
 - 2) A letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance.
 - 3) Proof of subdivision registration and transfer of NPDES permit.
 - d) Prior to the issuance of a building permit for any home:
 - 1) Submit a stormwater management plans. Stormwater requirements apply to all lots, including the lot with the existing home. The final stormwater management plan must meet the of the city's Water Resources Management Plan, Appendix A. Design. In addition, supplemental calculations, models, and documentation must be submitted detailing conformance with the city's:

- Rate Control: maintain existing rates leaving the site for the 2-, 10-, and 100-year events.
 - Volume: the storm chambers must capture 1" of the entire site's impervious surface. Soil borings are required to verify infiltration rates.
 - Water Quality: materials must be submitted (MIDS or p8 model) to demonstrate that 60% of the total phosphorus and 90% of the TSS are removed.
- a. Submit soil borings, HydroCAD and P8/MIDS models as required by the city engineer.
 - b. Design emergency overflows to go to rear yard.
 - c. Submit any necessary easements and maintenance agreements in a city approved format for review and approval by staff.
- 2) Submit a tree preservation plan for each lot. This plan must:
- a. Include the grading and tree preservation for each lot.
 - b. Illustrate removal of the high priority trees per each lot must be consistent with the grading plan dated Feb. 7, 2019.
 - c. Illustrate that no more than 25 high priority trees can be removed from the site.
 - d. Reduce grading and construction limits to minimize tree loss and protect the large evergreens on Lots 3 and 4.
 - e. Stormwater facilities, sewer and water services must be located to minimize impact to any significant or high-priority trees. No trees may be removed for installation of services.
- 3) Regarding the service for Lot 2, the existing water main to be tapped is SDR 9 8-inch HDPE DIPS. The contractor must submit shop drawings and qualifications to install electrofused tapping saddle. A stainless steel saddle or non-fused saddle will not be allowed.

- 4) Submit final landscaping and tree mitigation plans must meet minimum landscaping and mitigation requirements as outlined in ordinance. However, at the sole discretion of natural resources staff, mitigation may be adjusted based on site conditions.
 - 5) Submit evidence of closure/capping of any existing wells, septic systems, and removal of any existing fuel oil tanks.
 - 6) Submit a construction management plan. The plan must be in a city approved format and must outline minimum site management practices and penalties for non-compliance.
 - 7) Submit cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge:
 - The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
 - If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.
 - 8) Install a temporary rock driveway, erosion control, tree and wetland protection fencing and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.
 - 9) Submit all required hook-up fees.
 - 10) Minimum floor elevation is 959.1.
- e) Prior to issuance of the certificate of occupancy for the first home:
- 1) Construct or submit a financial guarantee in the amount of 125% of a bid cost or 150% of an engineer's estimate to construct the stormwater facilities on each lot.
 - 2) All encroachments must be removed from city property.
- f) All lots within the development must meet all minimum access requirements as outlined in Minnesota State Fire Code Section 503. These access requirements include road dimension, surface, and grade standards. If access requirements are not met, houses

must be protected with a 13D automatic fire sprinkler system or an approved alternative system.

- g) Permits may be required from other outside agencies including, Hennepin County, the Minnehaha Creek Watershed District, and the MPCA. It is the applicant's and/or property owner's responsibility to obtain any necessary permits.
- h) During construction, the streets must be kept free of debris and sediment.
- i) The property owner is responsible for replacing any required landscaping that dies.
- j) The city must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.

Adopted by the City Council of the City of Minnetonka, Minnesota, on March 18, 2019.

Brad Wiersum, Mayor

Attest:

Becky Koosman, Acting City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on March 18, 2019.

Becky Koosman, Acting City Clerk

MINNETONKA PLANNING COMMISSION
March 7, 2019

Brief Description Ordinances amending various sections of the city code regarding:

1. Residential zoning districts;
2. Wetland overlay district;
3. Shoreland overlay district;
4. Retaining walls;
5. Opus overlay district; and
6. Sign ordinance

Recommendation Recommend the city council approve the ordinance amendments

Proposed Ordinances

Staff has prepared several ordinances amending sections of the city’s existing zoning ordinance. As with any ordinance change, it is important to reflect how the code is administered and to identify current standards and practices. The proposed ordinance amendments would:

- be “housekeeping” in nature,
- provide clarity to property owners and staff;
- be practical; and
- align with current practice and enforcement.

The following is a summary of the proposed changes:

Ordinance	Summary of proposed ordinance changes
Section 300.02 – Zoning code definitions	Define a.m. and p.m. peak hour trips. These terms are referenced within the Planned I394 District (PID) and the Opus Overlay District but are not clearly defined in ordinance.
Section 300.10 – R-1 zoning district	Under current ordinance, property owners can have numerous detached garages but only one storage shed on their property. This is difficult to enforce because storage sheds less than 200 square-feet do not require a building permit. The proposed ordinance would regulate <u>all</u> accessory structures equally. This would allow property owners within the R-1 zoning district to:

	<ul style="list-style-type: none"> • have accessory structures up to 12-feet in height and 1,000 square feet gross floor area of accessory structures; • have accessory structures exceeding 1,000 square-feet or 12-feet in building height with a conditional use permit. • have accessory structures – except detached garages - behind the <u>front</u> line of the home or have a setback of 50-feet when located in front of the home. This allows property owners to have a storage shed on the side of their home. It also expands the area for property owners of corner lots to locate a storage shed. Current ordinance would require that the storage shed be located behind the <u>rear</u> line of the existing home. Detached garages have similar setbacks to residential homes.
	<p>The current ordinance states that an accessory structure cannot occupy more than 30-percent of the side or rear yard in which it is located. Staff proposes to remove this requirement as the size of structures are a reasonable way to regulate accessory structures.</p>
	<p>No longer regulate greenhouse structures differently than accessory structures.</p>
	<p>Remove language restricting the number of people to occupy single family dwelling units, as the city does not regulate temporary rental facilities (such as Airbnb’s). Accessory apartments, which have recently been more clearly defined, would still require a conditional use permit.</p>
<p>Section 300.11 – R-2 zoning district</p>	<p>Allow property owners to have:</p> <ul style="list-style-type: none"> • accessory structures not exceed 12-feet in height or 600-square-feet of gross floor area. • accessory structures behind the front line of the home or maintain a minimum setback of 50-feet when located in front of the home.
<p>Section 300.23 – Wetland Overlay District</p>	<p>Identify the 1956 edition of “Wetlands of the United States” as a regulatory reference for the definition of wetland types in addition to the 1971 edition.</p>
	<p>Clarify that the wetland overlay district is:</p> <ul style="list-style-type: none"> • a wetland as delineated by a professional wetland delineator and approved by the city planner;

	<ul style="list-style-type: none"> • associated wetland buffers; and • public waters and public water wetlands. <p>The following changes regarding buffer areas:</p> <ul style="list-style-type: none"> • Type 1 wetlands are seasonally flooded areas that are generally well drained during much of the growing season. Since this type of wetland appears to “dry-up” in the summer, they oftentimes are mowed or landscaped. <p>Require a buffer for Type 1 wetlands when:</p> <ol style="list-style-type: none"> 1. it is not part of a proposed development; 2. it is not currently manicured turf. <ul style="list-style-type: none"> • Currently, buffer area widths are based on the wetland classification in the city’s water resources management plan. The proposed ordinance would also allow for the width to be established based on a city-approved Minnesota Routine Assessment Method (MnRAM). • Acknowledge that wetland basins can have multiple management classifications and that the required buffer area will be determined by the classification of the adjacent wetland. • Formally acknowledge that any development or redevelopment within the Bassett Creek Watershed must comply with the rules of the Bassett Creek Watershed Management Organization. <p>Reference the non-conforming use ordinance for existing structures, driveways and parking areas that are subject to a more restrictive setback or buffer area following a recent wetland delineation or buffer implementation.</p>
<p>Section 300.25 – Shoreland ordinance</p>	<p>Update the public waters map to exclude a portion of Minnehaha Creek that is not regulated as a public water.</p> <p>The current ordinance allows <u>public</u> ponding and drainage facilities below the ordinary high water level (OHWL) and shore and bluff impact zones as permitted uses but requires a conditional use permit for similar <u>private</u> facilities.</p> <p>The proposed ordinance would not regulate private facilities differently than public facilities. Rather, if the city engineer determines that there are no other viable options or locations, the facility would be allowed as a permitted use.</p>

	<p>Clarify that no new retaining walls are allowed below the OHWL.</p>
	<p>Allow the following with a conditional use permit:</p> <ol style="list-style-type: none"> 1. Private and public recreational uses within the shore and bluff impact zones; and 2. Non-motorized public water craft landings, marinas and boat ramps at or below the OHWL and within shore and bluff impact zones. <p>Examples of these conditionally permitted uses in the shoreland district include the canoe launch at the Burwell House and other places along Minnehaha Creek.</p>
<p>Section 300.27 – Retaining walls</p>	<p>The current ordinance requires plans prepared by a licensed landscape architect or engineer when a retaining wall exceeds five feet in height. The state building code was amended to reduce the height to four feet. Staff proposes that the language be changed to simply reference the building code to avoid future inconsistencies.</p>
<p>Section 300.35 – Opus overlay District</p>	<p>The Opus overlay district applies a maximum number of p.m. peak hour trips, generated by a property to the Bren Rd and TH 169 interchange. A simple language amendment is proposed to clarify that the trip generation is not the number of trips at the driveway but rather the number of trips generated to the interchange.</p>
<p>Section 325.06 – Sign ordinance</p>	<p>Two amendments are made to Table 325.2 regarding permanent signs within residential districts.</p> <ul style="list-style-type: none"> • Amendment to allow for 8-foot tall freestanding signs for conditionally permitted uses. The recently adopted ordinance allowed 6-foot tall signs. The amendment would allow for signs consistent with the previous ordinance. • Clarifies that educational, religious, institutional and nursing home uses are considered conditionally-permitted uses within the residential zoning district.

Council introduction

The ordinance amendments were introduced at the city council’s Feb. 11, 2019 meeting. While the council did not ask any questions or have any comments during the meeting, the council asked why the 1956 edition of the “Wetlands of the United States” should be referenced in ordinance. Staff explained that the 1956 edition of the “Wetlands of the United States” provided

the first Circular 39 definitions and should be referenced in the ordinance for wetland designation purposes.

Staff Recommendation

Recommend the city council adopted the ordinances.

Originator: Ashley Cauley, Senior Planner
Through: Loren Gordon, AICP, City Planner

Supporting Information

Voting Requirement The planning commission will make a recommendation to the city council. A recommendation for approval requires an affirmative vote of a simple majority.

Motion Options The planning commission has three options:

1. Concur with the staff-drafted amendments. In this case, a motion should be made recommending the city council adopt the ordinance amendments.
2. Disagree with the staff-drafted amendments. In this case, a motion should be made recommending the city council deny the ordinance amendments.
3. Table the discussion on the staff-drafted amendments. In this case, a motion should be made to table the item. The motion should include direction to staff explaining why the request is being tabled.

Ordinance No. 2019-

An ordinance amending city code section 300.02, regarding zoning ordinance definitions

The City Of Minnetonka Ordains:

Section 1. Section 300.02 of the Minnetonka City Code, regarding definitions, is amended to include the definition for p.m. peak hour trips and the succeeding paragraphs are renumbered consecutively:

100. "peak hour trips" – the total number of inbound and outbound motor vehicle trips generated during a continuous 60 minute period of the highest volume of traffic. The a.m. peak hours are between 7:00 and 9:00 a.m. The p.m. peak hours are between the hours of 4:00 and 6:00 p.m.

Section 2. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on _____, 2019.

Brad Wiersum, Mayor

Attest:

Becky Koosman, Acting City Clerk

The ~~stricken~~ language is deleted; the single-underlined language is inserted.

Action on this ordinance:

Date of introduction: Feb. 11, 2019

Date of adoption:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Ordinance adopted.

Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on _____, 2019.

Becky Koosman, Acting City Clerk

Ordinance No. 2019-

**An ordinance amending city code sections 300.10, 300.11, and 300.15,
regarding residential zoning districts**

The City Of Minnetonka Ordains:

Section 1. Section 300.10, Subdivision 3 of the Minnetonka City Code, regarding accessory structures in the R-1 zoning district, is amended as follows:

Within the R-1 district only the following uses shall be permitted as accessory uses, provided they are subordinate to, associated with and located on the same lot as a permitted use:

- a) private swimming pools, except as provided for in subdivision 4;
- b) ~~detached garages, one storage shed of any size or other a~~Accessory structures, except swimming pools, unless covered with an accessory structure, not exceeding 12 feet in height or an aggregate of 1,000 square feet of gross floor area ~~or occupying more than 30 percent of the area of the side or rear yard in which they are located~~ and except as provided for in subdivision 4;
- c) receive only satellite dish antennas and other antenna devices up to a maximum height of 60 feet as measured from the ground upon which it is located subject to the requirements provided in section 300.15, subd. 12; and radio devices no larger than one cubic foot in size that are attached to utility poles, if there is no more than one per pole;
- d) solar equipment;
- e) ~~greenhouses not exceeding 12 feet in height or 1,000 square feet in gross floor area or occupying more than 30 percent of the side or rear yard in which they are located and provided they are not used for commercial purposes;~~
- f)e) private tennis courts, except as provided for in subdivision 4;

The ~~stricken~~ language is deleted; the single-underlined language is inserted.

- ~~g)~~ g) ~~living facilities for no more than two boarders or roomers within a single family dwelling unit, provided that such facilities do not constitute an accessory apartment and that adequate off-street parking is provided;~~
- ~~h)f)~~ h)f) home occupations that comply with the provisions of section 300.15, subd. 14;
- ~~i)g)~~ i)g) minor mass transit facilities including benches, which benches may include advertising signs consistent with the provisions of section 325 of the code of city ordinances, except as provided for in subdivision 4;
- ~~j)h)~~ j)h) recreational facilities and structures, provided they contain less than 1,000 square feet of gross floor area, and except as provided for in subdivision 4;
- ~~k)i)~~ k)i) evergreen material sales if in compliance with the standards specified in section 300.15, subd. 13, and the city planner has given approval;
- ~~h)j)~~ h)j) public or private schools having a course of instruction meeting the compulsory education requirements of the Minnesota board of education for students enrolled in grades K-12, or any portion thereof, provided that each school:
- 1) serves no more than 12 students, unless each and every one of the students is living in the structure and is the child, grandchild, parent, grandparent, spouse, or ward of a family member living in the structure;
 - 2) has no residential facilities for students who are not the child, grandchild, parent, grandparent, spouse, or ward of a family member living in the structure;
 - 3) has no more than one employee or independent teaching contractor who lives outside the structure, unless the total number of traffic trips generated by these people does not exceed the total of one trip to and from the structure for each day of instruction;
 - 4) complies with the sign regulations for permitted residential uses, not conditionally permitted uses, in the applicable zoning district; and
 - 5) complies with all other applicable city ordinances regarding parking.
- ~~m)k)~~ m)k) licensed day care facilities serving 12 or fewer persons, and licensed group family day care facilities serving 14 or fewer children, provided that there is not more than one outside employee in any such facility;
- ~~n)l)~~ n)l) garage sales, estate sales, yard sales, rummage sales, and other sales of personal property that have similar traffic and parking patterns, if:

- 1) the sales occur during no more than two periods of a maximum of three consecutive days each in any 12-month period,
 - 2) the items offered for sale consist only of items owned by a person who occupies the property as his/her residence or by friends of the resident;
 - 3) none of the items offered for sale have been purchased for resale or received on consignment for purposes of resale, and
 - 4) paragraphs 1, 2 and 3 do not apply to conditionally permitted educational, religious, and public institutions; and
- e)m) other uses that are not regulated by this code and that are customarily associated with but subordinate to a permitted use, as reasonably determined by the city.

Section 2. Section 300.10, Subdivision 6 of the Minnetonka City Code, regarding additional requirements in the R-1 zoning district, is amended as follows:

- a) All dwellings, including manufactured homes, shall have a depth of at least 20 feet for at least 50 percent of their width. All dwellings, including manufactured homes, shall have a width of at least 20 feet for at least 50 percent of their depth.
- b) All dwellings shall have a permanent foundation in conformance with the Minnesota state building code.
- c) Accessory structures shall conform to the setbacks established for principal structures, except for the following:
 - a. all accessory structures located more than 10 feet from a principal structure may be located a minimum of 10 feet from a rear or side lot line;
 - b. all-accessory structures, except detached garages, must be located behind the front line of the principal structure or maintain a minimum setback of 50 feet when ~~which are located between the principal structure and the front lot line shall maintain a minimum setback of 50 feet; and~~
 - e. ~~sheds or storage buildings less than 120 square feet in size shall be located behind the rear building line of the house; and~~
 - d.c. swimming pools shall be located behind the front building line of the house, and 15 feet side and rear setbacks as measured to the water line are required. On corner lots, swimming pools shall be subject to front yard setbacks established for principal structures.

- d) Off-street parking shall be provided for at least two vehicles for all single family dwellings. A suitable location for a garage measuring at least 20 feet by 24 feet which does not require a variance shall be provided and indicated as such on a survey or site plan to be submitted when applying for a building permit to construct a new dwelling or alter an existing garage.
- e) Each lot must have a buildable area as defined by this ordinance and established in section 400 of this code. The purpose for a buildable area is to ensure that each lot has a reasonable area for the location of a house, attached garage, and associated decks or patios and that there is sufficient room for the location of the house to be positioned to minimize the physical impacts on the lot and to be consistent with the surrounding neighborhood. This does not require that a house pad occupy the entire buildable area. Each lot must comply with the following:
 - a. The buildable area must be designated by the applicant and approved by the city council at the time of the subdivision creating the lot. For pre-existing lots, the buildable area will be designated by the city planner based on the standards contained in this ordinance and section 400 of this code.
 - b. The city may require that construction within the buildable area be located where the city determines it would reasonably:
 - i. minimize the amount of adverse impacts to the physical environment on the lot, including such things as significant trees, grading, erosion, and surface water drainage, and
 - ii. be consistent with the location of the structures in the surrounding neighborhood.
 - c. No principal structure, or any portion of it, may be located outside the buildable area, except when intrusions into setbacks are allowed by this code.
 - d. If a home exists on a lot with less than the minimum buildable area, the home may be enlarged or rebuilt within the applicable setbacks without a variance from the buildable area standard.

Section 3. Section 300.11, Subdivision 3 of the Minnetonka City Code, regarding accessory structures in the R-2 zoning district, is amended as follows:

Within the R-2 district only the following uses are permitted as accessory uses, provided they are subordinate to, associated with and located on the same lot as a permitted use:

- a) private swimming pools, tennis courts, and other sport courts;

- b) ~~detached garages, storage sheds, or other~~ Accessory structures not exceeding 12 feet in height, or ~~an aggregate of 600 square feet of gross floor area, or occupying more than 30 percent of the area of the side or rear yard in which they are located and~~ except as provided for in subdivision 4;
- c) solar equipment;
- d) home occupations that comply with the provisions of section 300.15, subd. 14;
- e) minor mass transit facilities including benches, except as provided for in subdivision 4;
- f) licensed day care facilities serving 12 or fewer persons, and licensed group family day care facilities serving 14 or fewer children, provided that there is not more than one outside employee in any such facility;
- g) garage sales, estate sales, yard sales, rummage sales, and other sales of personal property that have similar traffic and parking patterns, if:
 - 1) the sales occur during no more than two periods of a maximum of three consecutive days each in any 12-month period,
 - 2) the items offered for sale consist only of items owned by a person who occupies the property as his/her residence or by friends of the resident ;
 - 3) none of the items offered for sale have been purchased for resale or received on consignment for purposes of resale, and
- h) other uses that are not regulated by this code and that are customarily associated with but subordinate to a permitted use, as reasonably determined by the city.

Section 4. Section 300.11, Subdivision 5(c) of the Minnetonka City Code, regarding specific district standards for accessory structures in the R-2 zoning district is amended as follows:

Accessory structures must conform to the setbacks established for principal structures, except for the following:

- 1) all accessory structures located more than 10 feet from a principal structure must be located a minimum of 10 feet from a rear or side lot line;
- 2) all accessory structures, except detached garages, must be located behind the front line of the principal structure or maintain a minimum setback of 50 feet when located between the principal structure and the front lot line, ~~must maintain a minimum setback of 50 feet;~~

- 3) ~~sheds or storage buildings less than 120 square feet in size must be located behind the rear building line of the house; and~~
- 4) swimming pools and sport courts must be located behind the front building line of the house, and set back a minimum of 15 feet from side and rear property lines as measured to the water line of pool or edge of the sport court. On corner lots, swimming pools and sport courts are subject to front yard setbacks established for principal structures.

Section 5. Section 300.15, Subdivision 12 of the Minnetonka City Code, regarding accessory structures, is amended as follows:

Any accessory building attached to a principal structure shall be made a structural part of the principal structure and shall comply with all requirements relating to principal structures. No accessory building which is not attached to a principal structure shall be located within six feet of a principal structure unless in conformance with fireproof requirements of the uniform building code. Accessory structures shall conform to the setbacks established for principal structures, except in R-1 and R-2 districts the following shall apply:

- a) all accessory structures located more than 10 feet from a principal structure may be located a minimum of 10 feet from a rear or side lot line;
- b) ~~all~~accessory structures, except detached garages, which are located between the principal structure and the front lot line shall maintain a minimum setback of 50 feet from the front lot line; and
- c) receive-only satellite dish antennas and other antenna devices subject to the following requirements:
 - 1) shall be in compliance with all city building and electrical code requirements;
 - 2) verification that the structural design has been approved by a professional engineer;
 - 3) verification that the mounting system and installation have been approved by a professional engineer;
 - 4) one per building or, if more than one antenna is proposed, the antennas shall be clustered in a single, screened location;
 - 5) submission of written authorization from the property owner;
 - 6) no advertising message shall be on the antenna structure;

- 7) shall comply with setback requirements for accessory structures and in no event shall be located between the principal structure and the front lot line;
- 8) shall be screened to the greatest extent practicable to minimize visual impacts on surrounding properties. Screening shall include landscape materials for ground mounted antennas and materials compatible with those utilized on the exterior of the building for roof mounted antennas;
- 9) antennas located closer to a property line than the height of the antenna shall be designed and engineered to collapse progressively within the distance between the antenna and the property line;
- 10) shall be in compliance with all applicable federal communications commission (FCC) requirements; and
- 11) antenna height shall be no more than 60 feet as measured from the ground upon which it is located.

Section 6. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 7. This ordinance is effective on the date of its adoption.

Adopted by the city council of the City of Minnetonka, Minnesota, on _____, 2019.

Brad Wiersum, Mayor
Attest:

Becky Koosman, Acting City Clerk

Action on this ordinance:

Date of introduction: Feb. 11, 2019
Date of adoption:
Motion for adoption:
Seconded by:
Voted in favor of:

Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on _____, 2019.

Becky Koosman, Acting City Clerk

Ordinance No. 2019-

**An ordinance amending Minnetonka City Code Section 300.23,
regarding the wetland overlay district**

The City Of Minnetonka Ordains:

Section 1. Section 300.23 of the Minnetonka City Code, regarding the wetland overlay district, is amended as follows:

SECTION 300.23. WETLANDS PROTECTION.

1. Purpose and Intent.
 - a) The purpose of this section is to recognize, preserve and protect the environmental, aesthetic and hydrologic functions of the city's wetlands by regulating the use of wetlands and their adjacent properties. These functions include, but are not limited to, sediment control, pollution control, filtration, fish and wildlife habitat and aquifer recharge.
 - b) The intent of this section is to protect wetlands to the maximum extent possible while allowing a reasonable use of the property. This section adopts the regulations and standards of the Wetland Conservation Act of 1991 (WCA), Laws of Minnesota 1991, chapter 354, as amended, and the rules adopted pursuant to the WCA. It also establishes a wetland overlay district. This overlay district further regulates the underlying land use as allowed by other districts or the WCA.
2. Designation of Protected Wetlands and Exemptions.
 - a) The wetlands protected and regulated by this Section are types 1, 2, 3, 4, 5, 6, 7, and 8 wetlands, as defined in circular 39, "Wetlands of the United States", 1956 and 1971 editions, United States Department of the Interior. Protected wetlands are further generally defined as follows:

Type 1 Seasonally Flooded Basins or Floodplains: Type 1 wetlands are seasonally flooded basins or flats in which soil is covered with water or is waterlogged during variable seasonal periods but usually is well-drained during much of the growing season. Type 1 wetlands are located in depressions and in overflow bottom lands along water courses. Vegetation varies greatly according

The ~~stricken~~ language is deleted; the single-underlined language is inserted.

to the season and duration of the flooding, and includes bottom land hardwoods, as well as herbaceous plants.

Type 2 Inland Fresh Meadow: Occurs along the shallow edges of lakes, marshes and floodplains, or in perched depressions. The soil is usually without standing water during much of the growing season, but is waterlogged within at least a few inches of the surface. Vegetation includes grasses, sedges, rushes and various herbaceous plants.

Type 3 Inland Shallow Fresh Marsh: Soil is usually water logged during the growing season, often covered with as much as six inches or more of water. Vegetation includes grasses, bulrushes, cattails, arrowheads, smartweeds and other emergent aquatic vegetation.

Type 4 Inland Deep Fresh Marsh: Soil covered with six inches to three feet or more of water during growing season. Vegetation includes cattails, reeds, bulrushes and wild rice. Open water areas may contain pondweeds, naiads, coontail, water milfoils and other submergent aquatic vegetation.

Type 5 Inland Open Fresh Water: Water is usually less than 10 feet deep and is fringed by a border of emergent vegetation. Vegetation includes pondweeds, naiads, coontail, water milfoils and other submergent aquatic vegetation.

Type 6 Shrub Swamp: Occurs along sluggish streams or on floodplains. The soil is usually waterlogged during the growing season, and is often covered with as much as six inches of water. Vegetation includes alder, willow and dogwood.

Type 7 Wooded Swamp: Occurs along sluggish streams, on floodplains, on flat perched depressions and in shallow lake basins. The soil is waterlogged to within a few inches of its surface during the growing season and is often covered with as much as one foot of water. Vegetation typical to this wetland includes tamarack, white cedar, black spruce, balsam fir, red maple and black ash.

Type 8 Bog: Occurs along sluggish streams, on flat perched depressions and shallow lake basins. The soil is waterlogged and supports a spongy covering of mosses. Vegetation typical to this wetland type includes sphagnum moss, heath shrubs and sedges. Minnesota bogs contain leatherleaf, Labrador tea, cranberries and pitcher plants. Scattered stunted black spruce and tamarack also are common features of bogs.

- b) Areas that exhibit wetland characteristics but were created for a purpose other than to create a wetland are exempt from this section. This includes areas such as storm water ponds, roadway ditches, or other areas that receive artificial hydrology. The landowner has the responsibility to prove by a preponderance of the evidence that an area is exempt under this paragraph.
- c) The reconstruction and maintenance of existing public roads and associated public utilities are exempt from this section 300.23 as long as they comply with the WCA as approved by city staff.

3. Boundaries of the Wetland Overlay Districts.

This section establishes the ~~presumptive wetland overlay districts which consists of the wetland as described below and associated buffer.~~ These districts are subject to additional requirements beyond those required by the WCA. The wetland boundaries of the presumptive wetland overlay districts are identified by government survey section and contour elevation above mean sea level in Appendix A to this section. The city's official wetland map graphically shows these boundaries.

~~If a specific wetland delineation has been done under WCA rules, then the boundaries of the wetland overlay district for that location will be as shown in the delineation rather than the presumptive boundaries. The city may require wetland delineations to determine compliance with WCA rules and this section 300.23; however, property owners may have wetland delineations done for their properties on their own initiative. The delineation are determined by a wetland delineation performed must be done by a professional wetland delineator according to the WCA rules and in conformance with the 1987 Corps of Engineers Wetland Delineation Manual and Midwest Regional Supplement 2010, as amended. The delineation must be acceptable to the city planner or qualified designee. planning director.~~ Public waters and public water wetlands are included in the wetland overlay district.

4. Interpretation of Wetlands Boundaries.

Whenever a delineated wetland boundary is disputed or uncertain, the city ~~planning director~~ or designee may convene the technical evaluation panel according to the WCA rules. The owner must have the delineated wetland boundary staked in the field in order for the panel to evaluate the area. The technical evaluation panel and city ~~planning director~~ or designee may require additional information to resolve the dispute or uncertainty. ~~No boundary change may be authorized on the basis of fill that was placed on the site after the city designated the area as part of the wetland overlay district.~~ Persons aggrieved by a decision of the city ~~planning director~~, or designee may appeal the decision as provided in section 300.03, subdivision 1 of this ordinance and the WCA rules as applicable.

5. Wetland Buffer Areas.

- a) This subsection establishes requirements for wetland buffer areas around protected type 21-8 wetlands. Buffer areas are necessary and beneficial to maintain the health of wetlands. Buffer areas protect the edge of wetlands from erosion while filtering sediment, chemicals and other nutrients from runoff that drains into wetlands. Buffer areas can improve the biological diversity and health of a wetland environment while reducing the adverse impacts of human activities.
- b) Buffer areas regulated by this section are areas of vegetative cover that are upland of the wetland edge, and that occur in a natural condition or through restoration. Buffer areas consist of shrubbery and trees, and native grasses or forbs or both that are not mowed, fertilized or manicured in any manner.

- c) With the exception of Type 1 wetlands that are manicured turf and not part of a proposed development, ~~W~~etland buffer areas must be created or existing buffer areas must be maintained around all protected type ~~2~~1-8 wetlands in the following situations:
- 1) when wetlands are required to be replaced or restored;
 - 2) when new development occurs. For purposes of this subsection, new development means:
 - a) any subdivision that creates a new lot that has no principal use on it;
 - b) construction of a principal use on an existing vacant parcel of land;
 - 3) when redevelopment occurs. For purposes of this section, redevelopment means the reconstruction of the principal structure if it includes the removal of the principal structure by more than 50 percent of the square footage of the building footprint or an increase of the square footage of the building footprint by more than 50 percent. This requirement does not apply if construction is the result of more than 50 percent of the building being damaged by an involuntary force, such as fire, wind, or vandalism;
 - 4) when the city requires a buffer as part of a variance, expansion permit, conditional use permit, or a site plan review; or
 - 5) on any preserve wetland when grading or construction is proposed that requires a city permit and the proposed activity could potentially impact the quality of the wetland by increasing hard surface run off, altering existing drainage, or impacting an existing buffer.
- d) Except as otherwise provided in 5)d)1 and 2 below, ~~B~~buffer area widths will be based on the wetland classification in the city's water resources management plan or on the most recent city-approved Minnesota Routine Assessment Method (MNRAM). The following are the required buffer area widths:

Wetland Classification	Width of Buffer Area From the Wetland Boundary
Manage 2	16.5 feet
Manage 1	25 feet
Preserve	50 feet

- 1) Wetland basins may have more than one management classification based on components of a MNRAM such as vegetation, habitat structure, amphibian habitat, aesthetic/cultural resource, etc. The required buffer for a specific site will be based on the management classification of the wetland adjacent to the subject property.

2) Any development or redevelopment project within the Bassett Creek Watershed must comply with the rules of the Bassett Creek Watershed Management Organization.

- e) In cases of new development or redevelopment the city may require that vegetation in the wetland buffer be installed prior to the issuance of the certificate of occupancy. To ensure installation of the buffer the city may require a cash escrow or letter of credit equal to 150 percent of the cost to install the required buffer.
- f) The city may allow the disturbance of an existing buffer area during the course of construction activity. This disturbance must be kept to a minimum, soils must be decompacted to a level that will accommodate root growth, and the buffer area must be re-established as required by the city. The city will determine the amount of allowable disturbance. The city may require a cash escrow or letter of credit equal to 150 percent of the cost to re-establish the buffer to its original condition.
- g) The city may require buffer area planting and maintenance when the city determines that there is inadequate vegetation in the buffer area to meet the intent of this section. The city may require a cash escrow or letter of credit equal to 150 percent of the estimated cost of the vegetation and installation. The escrow or letter of credit must be valid for up to two years and may be used by the city to replace any vegetation that dies.
- h) The affected property owner or homeowner association that is responsible for the maintenance must:
 - 1) maintain and repair damage to buffer areas from such activities as mowing, cutting, grading or other prohibited activities, unless mowing is approved by city staff as a buffer management strategy. Permission must be obtained from the city before implementing buffer management strategies, which may include mowing, burning, and the use of herbicides.
 - 2) be responsible for maintaining only the permitted vegetation in the buffer area and must remove all noxious weeds and invasive, non-native species such as European buckthorn;
 - 3) ensure that all soil surfaces in the buffer area are planted with the permitted vegetation and that there is no open soil surface that may result in erosion.

6. Permitted Uses.

- a) Within the wetland ~~overlay districts~~ no land may be used except for one or more of the following uses:
 - 1) native wetland vegetation, provided that no change is made to the ground elevation;
 - 2) wildlife and nature preserves;

- 3) public overhead utility lines and poles that are less than two feet in diameter;
- ~~44) docks, boardwalks and bridges and reasonable access to the wetland, placed on poles, posts or footings that are less than two feet in diameter, to be used for boardwalks and bridges, and~~
- 5) pervious hiking and, skiing and horseback riding trails that comply with WCA standards. Pervious will mean an area where water is able to infiltrate into the ground;
- ~~56) public and private flood control structures, ponding and drainage facilities and associated accessory appurtenances if the city determines that there is no other viable alternative and as approved by the city engineer;~~
- ~~67) environmental monitoring or control facilities, including those related to water quality and wildlife regulation;~~
- ~~78) in wetlands where impervious, public trails exist, maintenance of the trail will be allowed as long as there is not an increased impact to the wetland.~~
- b) Within wetland buffer areas no land may be used except for one or more of the following uses:
- 1) native vegetation, provided that no change is made to the ground elevation;
- 2) wildlife and nature preserves;
- ~~4)3) docks, boardwalks and bridges and reasonable access to the wetland, placed on poles, posts or footings that are less than two feet in diameter, to be used for boardwalks and bridges, and~~
- ~~2)4) pervious hiking, and skiing and horseback riding trails. Pervious will mean an area where water is able to infiltrate into the ground;~~
- 45) public and private flood control structures, ponding and drainage facilities and associated accessory appurtenances;
- 56) environmental monitoring or control facilities, including those related to water quality and wildlife regulation;
- 67) public overhead utility poles and lines that are less than two feet in diameter, underground public utility lines and distribution equipment, light poles, traffic signals, traffic regulatory signs, mailboxes and other equipment that provides an essential public service;
- 78) fences;

- ~~89)~~ retaining walls if the city determines that the retaining wall will protect the wetland from existing conditions of erosion;
- 910) in wetland buffer areas where impervious, public trails exist, maintenance of the trail will be allowed as long as there is not any additional impact to the wetland buffer area.

7. Conditional Uses.

Within the ~~wetland overlay districts and the~~ wetland buffer areas no land may be used for the following except by conditional use permit and except in conformance with the standards specified in subsection 8 of this section:

- a) private and public recreational uses, including golf courses, impervious trails, picnic grounds and boat ramps;
- b) public utilities not permitted under subdivision 6 of this section, including necessary structures;
- c) other non-structural facilities similar to those permitted by this section which also meet the intent of this section, as determined by the city; or
- d) public structures associated with recreational uses permitted by this subsection or by subsection 6 of this section that are designed in an environmentally sensitive manner and will withstand periodic flooding, except for structures designed or used for habitation or the storage of equipment.

8. Standards for Wetlands ~~Districts~~, Buffer Areas and Neighboring Lands.

The following standards apply to all land within ~~the wetlands overlay districts~~, wetland buffer areas, and to neighboring lands:

- a) Protection of wetlands and wetland buffer areas.
 - 1) Except as modified or regulated by the standards of this subsection, all requirements of the underlying zoning district apply.
 - 2) No structures are allowed in the wetland overlay districts, ~~or wetland buffer area~~ except those allowed as of right or by conditional use permit by subsections 6 or 7 of this section.
 - 3) Activities including, but not limited to, building, paving, mowing, cutting, filling, dumping, yard waste disposal or fertilizer application are prohibited. Mowing may be permitted when approved by city staff as a buffer management strategy. However, invasive non-native vegetation, such as European buckthorn and noxious weeds, may be removed.
 - 4) Before grading or construction near a wetland overlay district ~~or buffer area~~, the owner or contractor must place erosion control fencing on the upland side of the perimeter of the wetland overlay district ~~or wetland~~

~~buffer area~~, whichever is more restrictive, or as required by the city. This fencing must remain in place until all development activities that may affect the wetland and the wetland buffer area have been finished and adequate vegetative cover has been established.

- 5) All structures must have a minimum basement floor elevation not less than two feet above the 100-year flood elevation.
- 6) All hard surface runoff must be treated in accordance with the requirements of the city and the appropriate watershed district. Treatment may include site retention, skimmers, weirs, bioretention or infiltration basins, or sedimentation ponds of appropriate scale. Structures and ponds serving this purpose must be properly maintained and serviced by the property owner.
- 7) Discharge into the wetlands must occur at a rate no greater than allowed by the city engineer in accordance with the city's water resources management plan.

b) Setbacks.

- 1) All structures, except those permitted within the wetland overlay districts, must be set back at least 35 feet from a wetland ~~overlay district~~ and at least 10 feet from a required wetland buffer, whichever is greater. The distance for a pool will be measured from the water's edge of the pool. However, uncovered porches, decks, patios, sport courts, tennis courts, pool aprons, above ground hot tubs not exceeding 120 square feet stairways and walkways, as well as cantilevered building areas, porticos, and similar features may extend up to 10 feet into the required setbacks but not into buffer areas. For purposes of this section a pool apron is the hard surface or decking material that is contiguous to the water's edge of the pool.
- 2) Parking areas, roadways, driveway areas, trails and any retaining wall if it is structurally integral to the construction of these items must not be located within 20 feet of a wetland ~~overlay district~~ and must be outside of any required buffer area.
- 3) A setback is not required from the wetland ~~overlay district~~ for overhead public utility poles and lines that are less than two feet in diameter, underground public utility lines and distribution equipment, light poles, traffic signals, traffic regulatory signs, mailboxes, and other equipment that provides an essential public service.
- 4) A setback is not required from the wetland ~~overlay district~~ for fences.
- 5) Retaining walls may not be within 25 feet of a wetland unless needed to control existing conditions of erosion as field verified by city staff. In this instance the location of the retaining wall must be approved by city staff.

- 6) ~~An existing structure, driveway or parking area~~ becomes meeting the required setback from a city-designated wetland boundary or buffer area is considered a legally nonconforming and is governed by section 300.29 at any time that a city-approved development if a later wetland delineation or implementation of a wetland buffer shows that the wetland or its buffer is closer than the required-requires a setback that is more restrictive than a previously established setback. This provision recognizes that wetland locations and classifications are susceptible to change over time.

9. Removal of Lands from the Wetlands Overlay District.

- a) Removal of wetlands from a wetland overlay district requires a zoning amendment. An amendment must be made pursuant to the provisions of section 300.09 of this ordinance and the WCA replacement rules. This amendment must be consistent with the purpose of this ordinance, the city's water resources management plan and the goals and policies of the comprehensive plan. In determining the appropriateness of a rezoning request, the city council will consider the size of the wetland overlay district, the magnitude of the area proposed for removal, the overall impact on the function and value of the wetland, the hydrological and ecological effects and the type and function of wetlands involved in order to provide the maximum feasible protection.
- b) Wetlands within an overlay district may only be removed according to the WCA rules and if at least an equal area of new wetland is created to compensate for the wetland being filled. Unless otherwise approved by the city council, compensatory wetland area must be provided within the same watershed district as the wetland being altered, it must be located outside of any public easement and it must not result in the loss of regulated trees. The city may require cash escrow or letter of credit equal to 150 percent of the cost to mitigate for the wetland.
- c) In addition to application requirements, the city may require submission and approval of the following information:
- 1) a concept plan showing ultimate use of the property;
 - 2) a grading plan with appropriate drainage calculations and erosion controls prepared by a registered engineer;
 - 3) a landscaping or revegetation plan;
 - 4) such other information as may be necessary or convenient to evaluate the proposed rezoning; and
 - 5) a determination of the function and value of the wetland using the most recent version of the Minnesota routine assessment method (MNRAM) for evaluating wetland functions or other approved assessment methodology.

10. Alteration of the Wetlands.

- a) Except as provided below, no alteration of land within a wetland overlay district ~~or a wetland buffer~~ is allowed without a wetlands alteration permit, subject to recommendation by the planning commission and approval of the city council. The planning commission must hold a public hearing after notifying the property owners within 400 feet of the proposed alteration. Activities that constitute an alteration regulated by this section include changes to the size, depth or contour of the wetlands or its buffer, dredging, or alterations of wetlands or buffer vegetation.
- b) A wetland alteration permit is not required:
- 1) To alter the existing contour within a buffer; ~~when a wetland district is rezoned to another zoning classification;~~
 - 2) to remove vegetation from the wetland or its buffer pursuant to a restoration management plan approved by qualified city staff;
 - 3) ~~to alter vegetation in a type 1 wetland;~~
 - 34) to plant native wetland vegetation;
 - 45) to selectively clear or prune trees or vegetation that are dead, diseased, noxious or similar hazards;
 - 56) to remove vegetation in a contiguous width not to exceed ten feet in order to install a dock or gain access to the wetland as permitted in 6(a) or 6(b) of this section and as approved by city staff;
 - 67) to repair and maintain existing public facilities such as ponds, trails, and utilities if the work does not result in an increased impact to the wetland or its buffer; or
 - 78) to remove sediment and debris from the wetland that has resulted from erosion, public works projects, transportation projects or other similar activities. The removal of sediment must not result in the removal of hydric soil from the wetland basin and must be approved by city staff.
- c) Alteration of land within a wetland overlay district will only be allowed if the wetland and its buffer are provided in an amount compensatory to that being altered. Unless otherwise approved by the city council, compensatory wetland area and its buffer must be provided within the same subwatershed district as the wetland being altered, it must be located outside of any public easement and it must not result in the loss of regulated trees. The city may require cash escrow or letter of credit equal to 150 percent of the estimated cost to restore the wetland and its buffer.
- d) In determining the appropriateness of an alteration request, the city council will consider the size of the total wetland district, the magnitude of the area proposed for alteration, the impact on the overall function and value of the wetland, the aesthetic, hydrological and ecological effect, the type and function of wetlands

involved, and such other factors as may be appropriate in order to provide the maximum feasible protection to the wetlands. Application for a wetlands alteration permit must be accompanied by such information as required by the city, including:

- 1) a concept plan showing the ultimate use of the property;
- 2) a grading plan, with appropriate drainage calculations and erosion controls prepared by a registered engineer;
- 3) a landscaping or revegetation plan;
- 4) such other information as may be necessary or convenient to evaluate the proposed permit; and
- 5) a determination of the function and value of the wetland using the most recent version of the Minnesota routine assessment method (MNRAM) for evaluating wetland functions or other approved assessment methodology.

11. Public Control of Wetlands.

- a) The city council may require that the owner of any property affected by this ordinance must record wetland and buffer area easements or restrictive covenants within the property's chain of title. These easements or covenants must describe the boundaries of the wetland and buffer area and prohibit any building, paving, mowing (unless approved as a management strategy), cutting, filling, dumping, yard waste disposal or fertilizer application within the wetland and the buffer area. The owner or developer must record these easements or covenants with the final plat, with deeds from a lot division or, if no subdivision is involved, before the city issues a grading permit or building permit for an affected property. The applicant must submit evidence that the easement or covenant has been submitted to the county for recording.
- b) If the city council does not require an easement or covenant, the city may record a notice of the wetland and buffer area requirements against the property. The property owner must still comply with the requirements of this section.

12. Wetland Buffer Markers.

When new development or redevelopment results in multifamily residential or a business use, the developer may be required to ~~must~~ place markers at the upland boundary of the wetland buffer edge at least every two hundred feet. The developer must use uniform markers provided by the city. The city will charge a reasonable cost for the markers.

Section 2. Section 300.23 is amended by repealing Appendix A.

Section 3. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 4. This ordinance is effective the day after publication.

Adopted by the city council of the City of Minnetonka, Minnesota, on _____, 2019

Brad Wiersum, Mayor

Attest:

Becky Koosman, Acting City Clerk

Action on this Ordinance:

Date of introduction: Feb. 11, 2019

Date of adoption:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Ordinance adopted.

Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at a meeting held on _____, 2019

Becky Koosman, Acting City Clerk

Ordinance No. 2019-

**An ordinance amending Minnetonka City Code Section 300.25,
regarding the shoreland overlay district**

The City Of Minnetonka Ordains:

Section 1. Section 300.25 of the Minnetonka City Code, regarding the shoreland overly district, is amended as follows:

SECTION 300.25. SHORELAND DISTRICT.

1. Purpose.

The purpose of the shoreland district is to recognize, preserve, protect and enhance the environmental, recreational and hydrologic resources and functions of the city's lakes and tributary creeks by regulating the use of both the public waters and adjacent land. In order to promote the general health, safety and welfare, certain protected waters in the city have been given a shoreland management classification by the Minnesota department of natural resources and the city of Minnetonka. The intent of the shoreland district is to apply the regulations and standards to public waters and adjacent land as an overlay zone, further regulating the use of land as allowed by other districts of this ordinance.

2. Classifications of Protected Shoreland Areas.

The Minnesota department of natural resources has assigned a shoreland management classification status to public water. Public water classifications as defined by the Minnesota Department of Natural Resources and the city of Minnetonka include the following:

- a) **Recreational Development.** Recreational development lakes (RD) are characterized by moderate levels of recreational use and existing development. Many of these lakes have capacities for accommodating additional development and recreational use.
- b) **General Development.** General development lakes (GD) have high levels and mixes of existing development. These lakes are extensively used for recreation and heavily developed around the shore.

- c) Tributary Creeks. Tributary creeks (TR) consist of all watercourses mapped in the Minnesota department of natural resources public waters inventory including the Minnehaha Creek, the Nine Mile Creek, the south fork of the Nine Mile Creek, the Purgatory Creek including both branches, and the public watercourse that flows out of Glen Lake. These creeks include those defined as tributary rivers by the Minnesota department of natural resources.
- d) The following classifications of public waters have been assigned by the Minnesota department of natural resources and the city of Minnetonka:

Lake Name	Classification	Lake Name	Classification
Windsor (27-82P)	RD	Wing (27-91P)	RD
Libbs (27-85P)	GD	Rose (27-92P)	RD
Shavers (27-86P)	RD	Glen (27-93P)	RD
Mud (Minnetoga) (27-88P)	RD	Lone (27-94P)	RD
Shady Oak (27-89P)	RD	Minnetonka (27-133P)	GD
Holiday (27-90P)	GD	Crane (27-734P)	GD
Gleason (27-95P)	RD		

Tributary Creek	Classification
Minnehaha Creek (27-036a)	TR
Purgatory Creek (27-054a)	TR
Purgatory Creek, Eastern fork (27-055a)	TR
Purgatory Creek, Western fork (27-056a)	TR
Nine Mile Creek (27-050a)	TR
Nine Mile Creek, Southern fork (27-051a)	TR
Unnamed tributary flowing south from Glen Lake (27-052a)	TR

- e) ~~The following map illustrates the public waters to which the shoreland ordinance applies:~~

3. Description of Shoreland District.

The shoreland district consists of:

- a) land containing or abutting public waters and assigned a shoreland management classification by the Minnesota Department of Natural Resources or the city of Minnetonka; and
- b) land located within the following distances from public water:
 - 1) 1,000 feet from the ordinary high water level (OHWL) of a lake;
 - 2) 300 feet from OHWL (top of bank) of a tributary creek, or the upland edge of the floodplain designated by ordinance, whichever is greater.

Properties or portions of properties may be exempt from the requirements of the shoreland district if the drainage and runoff patterns from the properties are directed outside of the drainage basin of the public water as a result of a natural topographic divide. This exemption determination will be made by the city engineer.

4. Permitted uses at or Below the Ordinary High Water Level and within Shore and Bluff Impact Zones.

At or below the ordinary high water level, and within shore and bluff impact zones, no land may be used except for one or more of the following uses:

- a) residential yards;
- b) wildlife and nature preserves;
- c) public and private parks;
- d) pervious hiking and skiing trails;
- e) public utilities;
- f) public and private approved flood control structures, ponding and drainage facilities and associated accessory appurtenances if the city determines that there is no other viable alternative as approved by the city engineer;
- g) environmental monitoring or control facilities, including those related to water quality and wildlife regulation;
- h) docks no wider than 8 feet unless a permit is obtained from the Minnesota department of natural resources, boat lifts and mooring structures;
- i) foot bridges over a creek if it does not obstruct passage or block navigation and is permitted by the Minnesota department of natural resources;
- j) beaches;
- k) public fishing piers;
- l) soil stabilization techniques permitted by the Minnesota department of natural resources; and

- m) retaining walls if needed to control existing conditions of erosion as field verified by staff, but only if there is absolutely no other alternative to protect the integrity of the slope. No new retaining wall is allowed below the ordinary high water level.
5. Conditional Uses at or Below the Ordinary High Water Level and within Shore and Bluff Impact Zones.

At or below the ordinary high water level and within shore and bluff impact zones, land may be used for the following only by conditional use permit and only in conformance with the standards specified in section 300.26 of this code:

- a) within shore and bluff impact zones, private and public recreational uses, such as including golf courses, ballfields, playfields, picnic grounds, boardwalks, and impervious trails, ~~non-motorized public water craft landings, marinas, and boat ramps;~~ or
- b) non-motorized public water craft landings, marinas, and boat ramps, ~~private ponding and drainage facilities.~~
6. Uses on Lands Outside the Shore and Bluff Impact Zones.

Permitted and conditionally permitted uses on lands outside the shore and bluff impact zones are those uses allowed and regulated by applicable underlying zoning districts.

7. Shoreland District Standards, Based on Classifications.

The following standards apply to all land within the shoreland district based on proximity to the specified classifications:

		General Development (GD)	Recreational Development (RD)	Tributary Creeks (TR)
a)	Minimum Lot Area for riparian lots	22,000 sq.ft.	22,000 sq.ft.	22,000 sq.ft.
b)	Minimum lot area for non-riparian single family homes, R-1	22,000 sq.ft.	22,000 sq.ft.	22,000 sq.ft.
c)	Minimum lot area for non-riparian single family homes, R-2	15,000 sq.ft.	15,000 sq.ft.	15,000 sq.ft.
d)	Minimum lot area for non-riparian duplexes, R-2	20,000 sq.ft.	20,000 sq.ft.	20,000 sq.ft.
e)	Minimum lot area for non-riparian triplexes, R-3	10,890 sq.ft.	10,890 sq.ft.	10,890 sq.ft.
f)	Minimum lot area for non-riparian multi-family residential units, R-3, R-4, R-5	30,000 sq.ft.	30,000 sq.ft.	30,000 sq.ft.
g)	Minimum water line frontage	75 ft	75 ft	75 ft
h)	Elevation of the lowest floor above the OHWL	2 feet	2 feet	2 feet

i)	Minimum setbacks from the OHWL for principal structures, and accessory structures, including decks, patios, tennis courts, sport courts, swimming pools (including the apron of the pool), walls, retaining walls (unless permitted due to existing conditions of erosion <u>as field verified by city staff</u>) and any fence that obstructs lake views such as picket or privacy fence:	50 ft	75 ft	50 ft
	Fences that are 6 feet in height or less and do not obstruct views such as chain link or wrought iron can extend up to the OHWL but not into any adjacent wetland			
j)	Maximum height of structures	35 feet	35 feet	35 feet
	If a variance is requested from this standard the city may consider, in addition to other relevant factors, the following criteria in order to minimize the shoreland impact: <ol style="list-style-type: none"> 1) proximity to the public water; 2) screening of structures and vehicles as viewed from the water in summer leaf-on conditions; 3) amount of open space; 4) amount and location of water quality treatment systems that are beneficial to the receiving public water; and 5) methods that implement shoreland management strategies to protect the public water, which may include vegetative protection and enhancement, creation of wildlife habitat, or water quality enhancement strategies. 			
k)	Maximum impervious surface coverage for the portion of land on a lot that is within 150 feet of OHWL.	30 percent	30 percent	30 percent
l)	Maximum impervious surface coverage for the portion of land on a lot that is beyond 150 feet of the OHWL:	75 percent	75 percent	75 percent
	The city may allow credit for pervious hard surfaces such as pavers or pervious concrete to the extent of the proven infiltration rate for the pervious pavement area. For example if pervious pavers are installed in an area totaling 100 square feet, and the pavers are proven to infiltrate 14 percent of the area, up to 14 square feet may be subtracted from the impervious surface coverage			
m)	Minimum structure setback from top of bluff, when the	30 feet	30 feet	30 feet

The ~~stricken~~ language is deleted; the underlined language is inserted.

	grade of the bluff is at least 30 percent or greater, except for structures built on post footings, stairways and landings			
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8. Shoreland District Standards, General.

The following standards apply to all land in the shoreland district:

- a) Water oriented accessory structures:
- 1) must not exceed 120 square feet in size, or 10 feet in height, exclusive of safety rails. Detached decks must not exceed eight feet above grade at any point;
 - 2) must be setback from the OHWL 10 feet;
 - 3) must meet the standards of sections 300.23 and 300.24;
 - 4) must not exceed one per lot;
 - 5) must be treated to reduce visibility as viewed from the public water and adjacent shorelands by vegetation, topography, increased setbacks, or color, assuming summer-leaf on conditions;
 - 6) must not be designed or used for human habitation and must not contain a water supply or sewage treatment facilities;
 - 7) cannot be used principally for water craft storage; and
 - 8) may use the roof as a deck with safety rails, but not with enclosed walls or as a storage area.
- b) The person proposing any land altering activity on a riparian property, such as building a structure, road or driveway, or grading activity, that will impact a topographic area having an average slope of 12% or more measured over a horizontal distance of 50 feet or more, must demonstrate that the land altering activity will not impact the public water regulated by this section and must:
- 1) demonstrate that soil erosion will not occur as a result of the project activity;
 - 2) demonstrate preservation of the existing vegetation to the extent practical; and
 - 3) provide screening of structures such as buildings and vehicles as viewed from the water in summer leaf on conditions.

In no instance is land altering activity on a riparian property allowed on a slope averaging 20% or greater if it will have an adverse impact on the public water regulated by this section, such as erosion, loss of vegetation, or loss of screening as viewed from the lake. If the applicant can demonstrate that the land altering activity will not have an adverse impact on the public water then the activity must comply with the section 300.28 subsection 20, the steep slope ordinance. Stairways, landings and permitted retaining walls are exempt from this requirement.

- c) All impervious surface runoff must be treated in accordance with the requirements of the city and appropriate watershed district. Treatment may include site retention, skimmers, weirs, infiltration basins, storm water sedimentation ponds of appropriate scale, or other acceptable methods. Facilities serving this purpose must be properly maintained and serviced by the property owner.
- d) Discharge into the public waters must occur at a rate no greater than the rate allowed by the city engineer in accordance with the city's water resources management plan and appropriate watershed district requirements.
- e) All construction projects must provide erosion and sediment control as required by the city.
- f) No building permit will be issued by the city for the construction or alteration of any principal structure on property adjoining a lake or tributary creek if that structure is not served by the city's sanitary sewer system.
- g) No structure may be placed nearer than 50 feet from the boundary of an unplatted cemetery or significant historic site protected under Minnesota statute section 307.08 unless necessary approval is obtained from the Minnesota state historic preservation office.
- h) Each lot wholly or partially within the shoreland district and created through a subdivision must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the city must consider susceptibility to flooding, existing wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, near-shore aquatic conditions unstable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or the community.
- i) Roadways, parking areas, driveways and trails must meet the following standards:
 - 1) Where feasible, all roadways, parking areas, driveway areas, trails and any retaining wall if it is structurally integral to the construction of these items must meet the setback requirements established for principal structures. If no feasible placement alternative exists, they must be designed to minimize adverse impacts to the public water and must not

- be constructed in the shore or bluff impact zones except as allowed under subdivision 5 of this section.
- 2) Roadways and drives may cross a public water. Footings for bridges may be allowed in the shore or bluff impact zone if they are designed to minimize adverse impacts to the public water.
 - 3) Vehicles may not be parked in shore or bluff impact zones.
 - 4) Vegetation must be used to screen parking areas when viewed from the water.
- j) Stairways, lifts, and landings must meet the following standards:
- 1) Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas.
 - 2) Stairways and lifts must not exceed six feet in width on residential lots. Wider stairways may be used for commercial properties and public open space recreational properties if approved as part of the site plan.
 - 3) Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties and public open space recreational properties if approved as part of the site plan.
 - 4) Canopies or roofs are not allowed on stairways, lifts or landings.
 - 5) Stairways, lifts and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
 - 6) Facilities such as ramps or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards in items 2) through 5) are met.
- k) Controlled access lots except those that existed prior to March 24, 2008, must meet the following standards:
- 1) Lots intended as controlled accesses to public waters for use by owners of non-riparian lots are permissible if they meet or exceed all of the standards below.
 - 2) They must meet the width and size requirements for single family residential lots and be suitable for the intended uses of controlled access lots.

- 3) They must be jointly owned by all purchasers of lots in one subdivision or by all purchasers of non-riparian lots in one subdivision who are provided riparian access rights on the access lot.
- 4) The maximum number of watercraft docking or mooring at any controlled access lot is limited to six unless the width of the lot (keeping the same lot depth) is increased by one third of the required riparian frontage for every additional dock or moored watercraft.
- 5) Covenants or other legal instruments must be executed, specifying which owners have authority to use the access lot and what activities are allowed. These activities cannot significantly conflict with general public use of the public water.

9. Exceptions to Structure Setback and Impervious Surface Requirements.

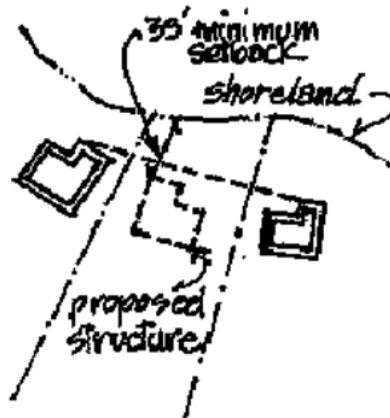
The following are exceptions to the setback and impervious surface requirements for structures:

- a) Setback requirements from the ordinary high water level do not apply to piers, permitted docks, boat lifts, and mooring structures. The location of these structures is controlled by applicable state and local regulations. ~~or docks. The location of piers and docks shall be controlled by applicable state and local regulations.~~
- b) There is no setback from the ordinary high water level or from top of bluff for overhead utility poles and lines that are less than two feet in diameter, underground utility lines and distribution equipment, fences, light poles, traffic signals, traffic regulatory signs, mailboxes, and other equipment that is associated with an essential public service.
- c) There is no setback from the OHWL or from top of bluff for stairways and landings no wider than 6 feet on residential lots and for stairways and landings on commercial properties or public open space recreational properties if approved as part of a site plan.
- d) Shoreland R-1 lots of record existing as of February 12, 1966 may maintain the following reduced setbacks from the OHWL under the following conditions but must comply with all other setbacks:
 - 1) The setback for the principal structure and accessory structures including tennis courts, sport courts, swimming pools (including the apron of the pool), walls, retaining walls (unless permitted due to existing conditions of erosion) and any fence that obstructs lake views such as picket or privacy fence, may be determined by a line drawn from the closest shoreward corners of the two immediately adjacent principal structures, as long as there is a minimum setback of 35 feet for principal structures and accessory structures.

- 2) The setback for an unenclosed or uncovered attached deck or patio may be determined by a line drawn from the closest shoreward corners of the two immediately adjacent principal structures or any attached deck or patio to that principal structure, as long as there is a minimum setback of 25 feet.

If one of the adjacent lots is vacant, the closest shoreward corner of the principal structure on the nearest developed lot past the vacant lot will be substituted for the vacant lot.

Figure 25



- e) In order to qualify for one of the above setback exceptions, the applicant must provide documentation acceptable to the city to verify adjacent and average setbacks.

10. Additional Standards for a Planned Unit Development.

The applicant for a planned unit development (PUD) that is wholly or partially in the shoreland district must meet the following requirements in addition to the requirements of section 300.22:

- a) If the property is already fully developed under its current zoning status but is being redeveloped, the project must:
- 1) preserve the natural features on the site and comply with the city's ordinances and standards designed to protect the natural environment, including regulation pertaining to steep slopes, trees, wetlands, and floodplains; and
 - 2) provide open space that is at least twenty percent of the total project area. Open space is defined as land in its undeveloped state except that passive recreational uses such as trails or picnic areas may be included in the open space calculation;

- b) If a property is undeveloped or could be further subdivided under its current zoning status, then 50 percent of the natural area must be preserved as designated by the city. This area must be protected by a conservation easement or restrictive covenants;
- c) In the case of either (a) or (b), impervious cover within the PUD cannot exceed 40 percent. All impervious cover must also comply with this section.

11. Alteration of Shoreland.

The removal of natural vegetation within shore and bluff impact zones must be restricted to prevent erosion into public waters, to consume nutrients in the soil and to preserve shoreland aesthetics. Removal of natural vegetation, grading and filling in the shoreland district is subject to the following provisions:

- a) intensive clearing, as defined in this ordinance, of natural vegetation within shore and bluff impact zones is prohibited;
- b) in shore and bluff impact zones, limited clearing of trees and shrubs and cutting, pruning and trimming of trees is allowed to provide a view to the water from the principal structure, to control noxious or invasive vegetation, or to accommodate the placement of stairways and landings, picnic areas, access paths, beach and watercraft access areas, and permitted water - oriented facilities, provided that:
 - 1) structures, vehicles, or other facilities are screened as viewed from the water, assuming summer, leaf-on conditions.
 - 2) existing shading of water surfaces is preserved along tributary creeks; and
 - 3) natural vegetation must be restored during and after all construction projects to retard surface runoff and soil erosion.

The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

- c) any grading, filling or excavation in the shoreland district which will change or diminish the course, current or cross-section of a public water must be approved by the Minnesota Department of Natural Resources.

12. Administration.

The city must notify and supply the Minnesota Department of Natural Resources with plans and information as follows:

- a) notices of public hearings for all variances, and conditional use permits in shoreland districts must be submitted at least 10 days prior to such hearings;
- b) a copy of the final decision regarding variances or conditional use permits must be submitted within 10 days after a decision has been made;

- c) all preliminary plats within the shoreland district must be submitted at least 10 days before the meeting;
- d) all approved final plats must be submitted within 10 days after a decision has been made; and
- e) when a variance, CUP or preliminary plat in the shoreland district is approved after the department of natural resources has formally recommended denial in the hearing record, the notification to the department of natural resources of the approval must also include the findings of the planning commission or city council which supported the approval.

Section 3. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 4. This ordinance is effective the day after publication.

Adopted by the city council of the City of Minnetonka, Minnesota, on _____, 2019.

Brad Wiersum, Mayor

Attest:

Becky Koosman, Acting City Clerk

Action on this Ordinance:

Date of introduction: Feb. 11, 2019
 Date of adoption:
 Motion for adoption:
 Seconded by:
 Voted in favor of:
 Voted against:
 Abstained:
 Absent:
 Ordinance adopted.

Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at a meeting held on _____, 2019.

Becky Koosman, Acting City Clerk

Ordinance No. 2019-

An ordinance amending city code section 300.27, regarding retaining walls

The City Of Minnetonka Ordains:

Section 1. Section 300.27, Subd. 18 of the Minnetonka City Code, specific to retaining walls, is amended as follows:

~~Retaining walls exceeding five feet in height, including staged walls which cumulatively exceed five feet in height, must be constructed in accordance with plans prepared by a registered engineer or landscape architect. Retaining walls must be reviewed and constructed as required by the building code.~~
Retaining walls must be reviewed and constructed as required by the building code.

Section 2. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on _____, 2019.

Brad Wiersum, Mayor

Attest:

Becky Koosman, Acting City Clerk

Action on this ordinance:

Date of introduction: Feb. 11, 2019

Date of adoption:

Motion for adoption:

Seconded by:

Voted in favor of:

The ~~stricken~~ language is deleted; the single-underlined language is inserted.

Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on _____, 2019.

Becky Koosman, Acting City Clerk

Ordinance No. 2019-

An ordinance amending city code section 300.35, regarding traffic requirements in the Opus Overlay District

The City Of Minnetonka Ordains:

Section 1. Section 300.35, Subdivision 3(b) of the Minnetonka City Code, specific to trip generation, is amended as follows:

b) Trip generation:

- 1) Development limitations based on p.m. peak hour trip generation are established in subdivision 4 for each parcel of non-residential land in the Opus area district that contributes traffic to the Bren Road interchange. These development limitations have been developed by determining the maximum number of p.m. peak hour trips that can be accommodated at the interchange. That number of trips was then allocated proportionately on the basis of the maximum development that would be allowed under current zoning standards and the rate of trip distribution to the interchange for each traffic analysis district. The properties in traffic analysis district no. 4 were determined to have no trips to the interchange, so no trip generation limits are imposed for that district.
- 2) The trip generation numbers specified in subdivision 4 are the maximum numbers of p.m. peak hour trips that may be generated by non-residential properties to the Bren Road and TH169 interchange in traffic analysis districts no. 1, 2, and 3. To determine the maximum square footage of building space that is allowed for each parcel, the trip limitation number is divided by the p.m. peak hour rate for that use. The applicable rates are those specified in the Opus II area trip generation analysis, dated August 1, 2009, on file in the community development department. Substantial compliance with the trip generation number and resultant maximum square footage of buildable space is required. In determining trip generation and allowable building square footage, gross floor area of a building must be used, except that gross leasable area may be used when there is a substantial amount of common area within a building and when institute of traffic engineers data is based on gross leasable area.

The ~~stricken~~ language is deleted; the single-underlined language is inserted.

- 3) Uses existing on December 7, 2009 that generate greater p.m. peak hour trips or that have a greater building area than would be allowed by the trip generation number may continue to exist as non-conforming developments. These uses are subject to the restrictions contained in section 300.29; however, each of these uses is allowed to expand by no more than 10 percent of existing building area if measures are taken to keep the traffic generation at the rate existing on December 7, 2009. An expansion beyond that amount or a change of use is permitted only if there is substantial compliance with the trip generation limit.
- 4) Unused trips allocated by this ordinance to a parcel under subdivision 4 are not a property right that may be transferred at will to another property. Allocated trips may be transferred to another property in the overlay district only with the approval of the city council, which may deny the transfer if it is likely to have a negative impact on the public health, safety, or welfare.

Section 2. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on _____, 2019.

Brad Wiersum, Mayor

Attest:

Becky Koosman, Acting City Clerk

Action on this ordinance:

Date of introduction: Feb. 11, 2019

Date of adoption:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Ordinance adopted.

Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on _____, 2019.

Becky Koosman, Acting City Clerk

Ordinance No. 2019-

**An ordinance amending city code section 325.06, regarding signs
in residential zoning districts.**

The City Of Minnetonka Ordains:

Section 1. Table 325.5 in Section 325.06, Subd. 1 of the Minnetonka City Code, regarding signs in residential districts, is amended as follows:

Table 325.2 Permanent Signs in Residential Districts					
Property Type	Max. Area	Max. Copy and Graphic Area	Max. Height	Illumination Type*	Other
Permanent Wall Signs					
Any Residential use***	2 sq. ft.	2 sq. ft.	1 ft.	External only	
Conditionally permitted principal use	50 sq. ft. or 10% of the wall in which the sign is located, whichever is less	50 sq. ft. or 10% of the wall in which the sign is located, whichever is less	2 ft.	Internal or External	
Permanent Freestanding Signs					
Low density Residential**	75 sq. ft. per entrance	30 sq. ft. per entrance	6 ft.	External	Must be located at primary entrance(s), two signs permitted per development
Medium/High density Residential	100 sq. ft. per entrance	36 sq. ft. per entrance	8 ft.	Internal or External	Must be located at primary entrance(s), two signs permitted per development
Conditionally Permitted Use****, except	75 sq. ft.	30 sq. ft.	<u>8</u> ft.	Internal or External	

The ~~stricken~~ language is deleted; the single-underlined language is inserted.

for public buildings and parks					
Public Building and Park	32 sq. ft.	32 sq. ft.	8 ft.	Internal or External	Hours of illumination: 6 am to 10 pm only
Athletic Field, with structured seating for 2000 or fewer people	410 sq. ft. per sign face	410 sq. ft. per sign face	35 ft.	Internal only	
Athletic Field, with structured seating for more than 2000 people	500 sq. ft. per Sign face 1000 sq. ft. aggregate	500 sq. ft. per sign face 1000 sq. ft. aggregate	35 ft.	Internal only	
<p>* Internal illumination is not allowed when a sign faces low-density residential properties. External illumination may not include exposed light sources.</p> <p>** Allowed only for single-family developments of at least 6 lots and two-family development with at least 12 dwelling units.</p> <p>*** Sign permit not required.</p> <p>**** Includes educational, religious, institutional, or nursing home uses.</p>					

Section 3. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on _____, 2019.

Brad Wiersum, Mayor

Attest:

Becky Koosman, Acting City Clerk

Action on this ordinance:

Date of introduction: Feb. 11, 2019

Date of adoption:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Ordinance adopted.

Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on _____, 2019.

Becky Koosman, Acting City Clerk