

ORDINANCE NO. O2019-003

**AN ORDINANCE OF THE CITY OF SHAKOPEE, MINNESOTA,
AMENDING CITY CODE SECTION 151.108 (CONSTRUCTION MATERIALS)**

WHEREAS, the City of Shakopee has proposed an amendment to the commercial and multi-family design standards for requirements in City Code Section 151.108 (Construction Materials); and

WHEREAS, notices were duly posted, and a public hearing was held before the Planning Commission on October 3, 2019, at which time all persons present were given an opportunity to be heard; and

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

WHEREAS, the City Council heard the matter at its meeting on October 15, 2019; and

WHEREAS, the following proposed language is proposed to be amended. Language removed is ~~struck through~~ and language to be added is underlined.

(A) *Special minimum requirements and performance standards for all commercial and industrial uses.*

(1) *Building design and materials.*

(a) Building materials shall be attractive in appearance, have a durable finish, and be of an architectural character and quality that is compatible and harmonious with adjacent structures. All buildings shall be of high architectural quality so as to maintain and enhance the property values of neighboring properties, and not adversely impact the community's public health, safety, and general welfare.

~~(b) All new building facades and refaced facades of existing buildings, shall include a minimum of 3 of the following elements:~~

- ~~1. Accent materials;~~
- ~~2. A front entry that, in addition to doors, shall have an area of accent materials a minimum of 150 square feet around the door entrance for single occupancy buildings and a minimum of 300 square feet total for the front of multi-tenant buildings (this area shall be counted as one element);~~
- ~~3. Twenty five percent window coverage on each front that faces a street;~~
- ~~4. Contrasting, yet complementary material colors;~~
- ~~5. A combination of horizontal and vertical design features;~~
- ~~6. Varying wall depths and shapes;~~
- ~~7. Varying roof line, design, or materials;~~
- ~~8. Decorative lighting design;~~
- ~~9. Art or sculptural elements; or~~
- ~~10. Other unique architectural features in the overall architectural concept.~~

~~— (2) *Accent materials and visual relief.* Accent materials shall be wrapped around walls visible from public view. Painting of materials or walls shall not be substituted for visual relief, accenting, or a required element. No wall shall exceed 100 feet in length without visual relief. **VISUAL RELIEF** may be defined as the incorporation of design features such as windows, horizontal and vertical patterns, contrasting material colors, or varying wall depths.~~

~~— (3) *Major exterior materials permitted.*~~

~~— (a) Major exterior materials of all walls including face brick, stone, glass, stucco, synthetic stucco, vinyl siding, architectural concrete, and precise panels shall be acceptable as the major exterior wall surface when they are incorporated into the overall design of the building. Color impregnated decorative block shall also be allowed as a major exterior wall material, and shall be required to be sealed.~~

~~— (b) All materials shall be color impregnated with the exception of allowing architectural concrete precast panel systems to be painted. Painting shall not be allowed on color impregnated, major exterior materials, except that if the architectural precast panel systems are painted, then they shall be properly prepared and maintained regularly to prevent peeling, stripping, shading, or any other form of deterioration or discoloration.~~

~~— (c) Proof of manufacturer's painting specifications shall be supplied prior to issuance of a building permit. This division (A)(3) shall also apply to all exterior repairs, remodeling, or expansion of existing buildings that require a building permit.~~

~~— (4) *Major exterior materials prohibited.* Unadorned pre-stressed concrete panels, whether smooth or raked; non-decorative concrete block; sheet metal; corrugated metal; or unfinished metal (except copper or other metal specifically engineered for exterior architectural use, shall not be used as exterior materials. This restriction shall apply to all principal structures and to all accessory buildings except those accessory buildings not visible from any property line. No more than 25% of any exterior wall on a building shall be wood or metal accent material.~~

~~— (5) *Building materials visible from roadways.* Allowable exterior building materials within public view of roadways shall include architectural precast concrete panels, (excluding raked or plain), stucco, synthetic stucco, face brick, stone, glass, and any combination thereof. No more than 25% of any exterior wall surface on a building shall be wood or metal when used as an accent material. Stucco or synthetic stucco shall not be allowed within 24 inches from grade. Color impregnated decorative concrete block may be an acceptable accent material, if approved as part of a planned unit development (PUD) or conditional use permit (CUP) approval. This subchapter shall apply to all exterior repairs, remodeling, or expansions of existing buildings that require a building permit. Roadways means all public roadways, whether local streets, collector streets, arterial, freeway, or other classification.~~

2) All buildings shall be constructed in accordance with the following design standards tables:

Zone	B-3	B-1, B-2, MR, NC, Commercial uses in PRD & CC	I-1, I-2	BP
Permitted Major Exterior Building Materials	Face brick, glass, brick veneer, pre-cast concrete panels with integrated thin / cast-in brick, natural stone, simulated natural stone.	Brick, manufactured and natural stone, integral color precast concrete panels (painted, raked or smooth finishes are not permitted), glass, color impregnated decorative block, fiber cement siding or wall panels, spandrel glass, engineered wood siding.	Brick, manufactured and natural stone, integral color precast concrete panels (painted, raked or smooth finishes are not permitted), color impregnated decorative concrete block, engineered wood siding*, fiber cement siding*, non-corrugated insulated metal panel systems, glass, reflective glass, fiber cement wall panels.	Brick, manufactured and natural stone, precast concrete panels (painted, raked or smooth finishes are not permitted), glass, reflective glass, color impregnated decorative concrete block, fiber cement wall panels.
Permitted Accent Materials (all accent materials combined must total less than 20% of façade)	Exterior finished wood, polished concrete block, decorative architectural metal (copper, cast iron, bronze, brass, or similar materials), stucco > 12' above grade, glazed brick, fiber cement wall panels, glass block, lap siding, non-corrugated insulated metal panel systems.	Natural or synthetic stucco > 12' above grade, exterior finished wood, decorative architectural metal (copper, cast iron, bronze, brass, or similar materials), spandrel glass, glass block, non-corrugated insulated metal panel systems.	Decorative architectural metal (copper, cast iron, bronze, brass, or similar materials), spandrel glass, glass block, exterior finished wood, glass block	Decorative architectural metal (copper, cast iron, bronze, brass, or similar materials), non-corrugated insulated metal panel systems, spandrel glass, glass block, and exterior finished wood not to exceed 10% of a façade.
Prohibited Materials In Specific Zone	Reflective glass, manufactured stone, wood / simulated wood shakes, stucco, spandrel glass, painted brick, or stucco over brick, Smooth, unfinished, or painted concrete block, painted pre-cast concrete panels, synthetic stucco (Dryvit / EIFS) < 12' above grade, corrugated metal, vinyl siding.	Smooth, unfinished, or painted concrete block, painted pre-cast concrete panels, natural or synthetic stucco (Dryvit / EIFS) < 12' above grade, corrugated metal, vinyl siding.	Smooth, unfinished, or painted concrete block, painted pre-cast concrete panels, natural synthetic stucco (Dryvit / EIFS) < 12' above grade, corrugated metal, vinyl siding.	Smooth, unfinished, or painted concrete block, painted pre-cast concrete panels, natural or synthetic stucco (Dryvit / EIFS) < 12' above grade, corrugated metal, vinyl siding.
Specific Minimum Requirements	The dominant material of a first level facade must be brick, with at least 40% of a façade facing a right of way as windows. Existing single or two family dwellings may follow single-family residential design standards.	At least 30% of façade facing a ROW is windows, street level must be at least 50% windows (up to 8' above grade). Existing single or two family dwellings may follow single-family residential design standards.	At least 5 % of façade facing ROW as windows. Portions of a building façade for storage of bulk materials, coolers, mechanical rooms, etc. may be excluded from window area requirement	At least 10 % of façade facing ROW as windows, 15 % for facades facing US Hwy 169, main entrance features with at least 300 square-feet of windows.

Zone	B-3	B-1, B-2, MR, NC, Commercial uses in PRD & CC	I-1, I-2	BP
Required Design Features	For in-fill buildings (new buildings located on a half-block with at least 2 other existing structures, or at least 4 buildings on an entire block), zero-lot line construction: match front setback of directly adjacent structures and not exceed height of directly adjacent structures by greater than two levels. Rooftop mechanical equipment must be screened by parapets.	Franchise or prototypical architecture shall be adapted to reflect the design standards of this subsection.	Color integral horizontal and vertical design features or banding, contrasting and complementary colors. For facades facing a right of way: Wall height variations of at least 7.5% of height every 100' horizontally.	Color integral horizontal and vertical design features, contrasting and complementary trim colors. For facades facing a right of way: Wall depth variation of at least 3% of the depth of building and at least 10' in width at least every 100' horizontally. Wall depth and height variations of at least 7.5% of building height at least every 100' horizontally of a building façade
Prohibited Design Features / Techniques By Zone	Bricked up / covered (wholly or partially) window openings, shutters, mansard roofs, bowed awnings, sandblasting brick, Fencing (except for duration of construction projects), pitched roofs, painting or covering up existing brick, cornices, or other historic design features. Major materials, accent materials, or trim of buildings must not be bright or non-earthtone colors; such as fluorescent or reflective colors. Windows must not be covered with signage, wraps, graphics or images, unless permitted by the sign ordinance.	Bricked up / covered (wholly or partially) window openings, windows must not be covered with signage, wraps, graphics or images, unless permitted by the sign ordinance.	Truck loading docks shall not face right-of-ways unless screened by landscaping or berms, or a combination there of to a height of 8' at time of planting or construction. A screening wall must be at least as tall as the items it is intended to screen and be constructed of the same materials as the principal building.	Truck loading docks shall not face rights-of-way unless screened by landscaping or berms, or a combination there of to a height of 8' at time of planting or construction. A screening wall must be at least as tall as the items it is intended to screen and be constructed of the same materials as the principal building.
Special requirements	For buildings greater than 15,000 square-feet of floor area: The front façade must have covered entryways or arcades. Recesses, projections, cornices, pilasters, or a combination of these features must be used at least every 30' on facades with a main entrance or facing a street.	For buildings greater than 30,000 square-feet in floor area: The front façade must have covered entryways or arcades at least 6' in depth. Recesses, projections, cornices, pilasters, or a combination of these features must be used at least every 40' on facades facing a street or having a main entrance.	*: Engineered wood siding and fiber cement siding is not permitted as a major exterior material for buildings greater than 10,000 square-feet of floor area.	

Zone	R-3 & R-4
Permitted Major Exterior Building Materials	Brick, natural and synthetic stucco > 12' above grade, natural and manufactured stone, integral color precast concrete panels with integrated thin / cast-in brick (smooth, raked, or painted finishes are not permitted), fiber cement siding or wall panels, engineered wood siding.
Permitted Accent Materials (all accent materials combined must total less than 20% of façade)	Exterior finished wood, decorative architectural metal, non-corrugated insulated metal panel systems, glass block
Prohibited Materials In Specific Zone	Smooth, unfinished, or painted concrete block, painted pre-cast concrete panels, synthetic stucco (Dryvit / EIFS) < 12' above grade, corrugated metal, vinyl siding
Specific Minimum Requirements	At least 30% of all façades as windows
Required Design Features	Pitched and flat roofs require variation in roofline at least every 30 feet measured horizontally. Minimum roof pitch for pitched roofs is 6:12 (rise : run), wall depths must vary at least every 30' by at least 5% of building depth. Decks and balconies on 75% of total units at least 6' in depth and 7' in width may qualify as varying wall depth.
Prohibited Design Features / Techniques By Zone	Mansard roofs

(6) *Roof materials.* Roofs that are exposed or an integral part of the building aesthetics shall be constructed only of commercial grade asphalt shingles, wood shingles, standing seam metal, slate, tile, copper, or materials similar in appearance and performance. Flat roofs, which are generally parallel with the first floor elevation, are not subject to these material limitations.

(7) *Materials standards.* All building and roofing materials shall meet current accepted industry standards, and tolerances, and shall be subject to review and approval by the Development Review Committee for quality, durability, and aesthetic appeal. For all new buildings and building exterior renovations, the applicant shall submit to the city product samples, color building elevations, and associated drawings which illustrate the construction techniques to be used in the installation of such materials. Building and roofing materials not specifically approved in this subchapter may be allowed by a conditional use permit or planned unit development only after it is demonstrated that the proposed material is equal to or better than approved materials. The long-range maintenance of the proposed material shall be incorporated as a condition of the approval and filed on the property.

(8) *Trash handling and recycling.* All trash, recyclable materials, and trash and recyclable materials handling equipment shall be stored within the principal structure; totally screened from public view by the principal building; or stored within an accessory structure constructed of building materials compatible with the principal structure enclosed by a roof, and readily served through swinging doors or an overhead door on tracks. Compactors shall be totally screened from eye level view from public streets and adjacent properties. Existing uses shall comply with the enclosure requirements listed in this subchapter within 6 months of receiving notice from the city.

(9) *Accessory structures.* Garages, accessory structures, screen walls, and exposed areas of retaining walls shall be of a similar type, quality, and appearance as the principal structure.

(10) *Rooftop Mechanical Unit screening.* The ground level view of all ~~rooftop~~ mechanical equipment and related piping, ducting, electrical, and mechanical utilities for commercial, industrial, institutional, and multi-family residential buildings greater than 10 units shall be painted to match the building, designed to be compatible with the architectural treatment of the principal structure or screened by the use of parapet or screening walls. Mechanical units greater than 3'in

height above a roof or grade must be screened by an approved screening method other than paint.
Wood fencing shall not be used for screening.

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

Criteria #1 *The original zoning ordinance is in error.*

Finding #1 *The original zoning ordinance is in error in several areas. The proposed amendment adopts regulations that permits modern building materials and also provides requirements to maintain downtown Shakopee’s historic character and provide for specific requirements in different areas of the community.*

Criteria #2 **Significant changes in community goals and policies have taken place.**

Finding #2 *Significant changes in community goals and policies have taken place. There is a desire to improve the aesthetics for commercial buildings and provide for requirements for specific areas and zoning districts based on their character.*

Criteria #3 **Significant changes in development patterns have occurred.**

Finding #3 *Significant changes in development patterns have occurred. There is increased demand for multi-family residential dwellings in the community. A goal is to maintain high-quality designs and materials for multi-family residential dwellings.*

Criteria #4 **The Comprehensive Plan requires a different provision.**

Finding #4 *The comprehensive plan does not require a different provision.*

BE IT FURTHER ORDAINED, that the proposed zoning text amendment is hereby approved.

Passed in regular session of the City Council of the City of Shakopee, Minnesota held on the _____day of _____, 2019.

Mayor of the City of Shakopee

Attest:

Lori Hensen, City Clerk

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PREPARED BY:
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