

City Manager's Work Plan

TODD GERHARDT, CITY MANAGER



Environment for Innovation & Change
Creating Solutions for Infrastructure



Providing Financial Stability & Resources
Enhancing Goals to Access the Impact

ESTABLISH ANNUAL GOALS & KEY FINANCIAL STRATEGIES

Background: In July 2002, staff met with Jim Prosser from Ehlers & Associates to begin development of the city's key financial strategies. At that time, comparisons were completed of similar cities based on tax base mix, growth, allocation, population, five-year budget comparison, debt ratios, tax capacity, and bond ratings. Council and staff identified Financial Foundation Descriptions and prioritized capital improvements. City Council adopted the Key Financial Strategies (KFS) on June 9, 2003. Implementation began with the 2004 budget process, i.e. pavement management system including trails, roads, parking lots; debt service; fixed assets for remodeling/replacement; water treatment and future infrastructure; etc. These strategies will also be used as a part of our 2018 strategic planning process.

Competitiveness

*Create an environment for innovation and change —
building on our strengths, creativity, and skills.*

MID-YEAR REVIEW OF KEY FINANCIAL STRATEGIES: PREPARE A MID-YEAR REVIEW OF ALL KEY FINANCIAL STRATEGIES FOR PRESENTATION AT THE FIRST MEETING IN JULY

On August 27, 2018, staff updated the City Council on each of the items in the City's 2018 Annual Goals and Key Financial Strategies.

BREW PUB/DISTILLERIES ORDINANCE: RESEARCH AND PROPOSE AN ORDINANCE THAT WOULD COVER BREW PUBS AND DISTILLERIES IN A VARIETY OF LAND USE AREAS

At the April 23, 2018 work session, staff proposed a Craft Alcohol Production ordinance. Staff gave a brief summary of the proposed ordinance. The city's current ordinance limits these facilities to industrial areas and does not permit brew pubs, taprooms, or cocktail rooms. In order to permit these types of uses, the city would need to create zoning standards, establish what zoning districts they are permitted in, and create the appropriate liquor licenses.

City Council authorized staff to hold a public hearing at the Planning Commission. City Council asked about food trucks and staff discussed that we do allow them but not in commercial areas; only at special events in residential areas. The Planning Commission approved the Craft Alcohol Production ordinance, but expressed concern about not requiring a food component either on site or by partnering with delivery restaurants. Staff said the ordinance allows for partnering with existing restaurants to have food delivered to patrons. The Planning Commission voted unanimously to recommend approval of the ordinance. The City Council approved the Craft Alcohol Production Ordinance 632 at their June 11, 2018 regular City Council meeting. Attached is a copy of the approved Ordinance 632.

PERMEABLE PAVERS: CONTINUE TO EVALUATE STAFF'S RESEARCH AND PROPOSED POLICIES AND CONSIDER IMPLEMENTING AN ORDINANCE THAT WOULD ALLOW FOR PERMEABLE PAVERS TO BE CREDITED TOWARD THE EQUATION FOR HARD COVER ALLOWANCE (CONTINUED FROM 2017)

Permeable Pavers was continued from the 2017 Key Financial Strategies. Again, we had numerous discussions regarding this topic, including a work session on April 23, 2018, and a Planning Commission public hearing on May 15, 2018. This item is to provide relief to lot coverage restrictions. The intent is to allow residents to utilize permeable pavers to exceed existing lot coverage caps and provide residents with another option other than requesting a lot coverage variance.

It is important to balance the benefits of allowing increased lot coverages with its potential consequences. Staff saw the need to provide alternatives that will allow homes located in Residential Single Family Districts and are outside of the Shoreland Management District five percent additional coverage in the form of pervious pavement which will provide flexibility for homeowners looking to improve their properties. At their June 11, 2018 work session, the City Council indicated they would like to give this a try, but also understands that it can be switched back if it does not work. However, they feel strongly that if the system is designed and constructed properly it should successfully accomplish the goal and provide relief for those wanting a little bigger patio or driveway! The City Council approved the attached Ordinance 633 at the June 25, 2018 regular City Council meeting.

Strengthen the City's Financial Position

Provide financial stability and resources necessary to achieve the city's vision by exercising financial stewardship, implementing best practices, and utilizing long-term financial planning tools.

PAVEMENT MANAGEMENT PROGRAM: CONTINUE TO EDUCATE THE COMMUNITY AND COLLECT FEEDBACK ON A POTENTIAL FRANCHISE FEE IN ORDER TO FUND FUTURE ROAD PROJECTS (CONTINUED FROM 2017)

Educational material is being mailed out in utility bills and is posted on the city's website. Open houses are also in the process of being held in order to educate residents on potential implications of a franchise fee.

August 20, 2018 Public Meeting Update: To date, staff held seven meetings in 2017 with the City Council to discuss extensively the different options for funding the Pavement Management Program. An additional four to five meetings have been held in 2018. The discussion included changing the percentage of the assessments, raising the levy, or establishing a Franchise Fee to summarize, the feedback received at the August 20, 2018 Special City Council meeting. There were many different funding options provided but by the end of the discussion the consensus was as follows:

1. Keep the assessment practice in place as it has been in the past (40/60 split).
2. Keep the levy the same as it has been in the past (\$384,000).
3. Implement a Franchise Fee to make up the difference to achieve the funding needed for the \$3.3 million to fund the Pavement Management Program for the next 12 years.

The next step is for the City Council to discuss the proposed options as well as other options at their September 10, 2018 meeting and give staff direction regarding next steps into the future.

October 22, 2018 Work Session Discussion: At this work session staff reviewed with city council several funding options for funding the pavement management program going forward with a franchise fee. City council received feedback from staff and the utility companies operating in Chanhassen and directed staff to bring additional information back for discussion at the November 13 meeting.

November 13, 2018 Work Session Discussion: At this meeting staff presented additional comparable data with its KFS and neighboring cities as well as some additional funding options staff has been reviewing with the utility companies since its last meeting in October. City Council directed staff to schedule a public hearing on November 26 on proposed franchise fee agreements and franchise fee ordinances and consider adoption. At that meeting, the City Council voted against establishing a franchise fee and will be working with staff to find an alternative funding source for the city's Pavement Management Program.

CONSIDER ESTABLISHING A GREENSTEP CITIES PROGRAM: BY IMPLEMENTING ADDITIONAL TASKS WITHIN THE GREENSTEP CITIES PROGRAM, THE CITY WILL HAVE COST SAVINGS, WHICH IMPROVES THE CITY'S FINANCIAL POSITION. THE PROMOTION OF THE CITY'S ATTAINMENT OF LEVELS 1 AND 2 AND THE PLAN TO ATTAIN LEVEL 3, PROVES TO RESIDENTS THAT THE CITY IS CONSCIOUS OF ENVIRONMENTAL ISSUES AND SUPPORTS THE CITY'S OBJECTIVE TO BE A "COMMUNITY FOR LIFE", THEREBY MAKING THE CITY OF CHANHASSEN A STRONG COMPETITOR WHEN RESIDENTS ARE CHOOSING A COMMUNITY IN THE WEST SUBURBS

The Mayor and City Council met with the Environmental Commission on June 25, 2018 to discuss the GreenStep Cities Program. The Environmental Commission requested authorization for the city to participate in the Minnesota GreenStep Cities Program. This is a voluntary, non-regulatory program that dovetails into current city practices.

On August 27, 2018, the Chanhassen City Council approved a resolution to participate in the GreenStep Cities program. City staff and the Environmental Commission will be documenting the city's accomplishments and communicating with the city council on program updates.

Provide Resources for Chanhassen Residents to Dispose of Yard Waste in a Convenient and Cost-Effective Manner: City staff researched management options and presented multiple scenarios to the City Council addressing the need for a yard waste disposal option for residents. Once the Carver County Environmental Center no longer accepts yard waste at their facility in January 2019, many residents will lose a convenient and cost-effective option for yard waste disposal. City Council directed staff to offer residents spring and fall yard waste collection days, as well as a guide to other disposal options including private sites and haulers. Yard waste collection days will start in April 2019.

EAB in Chanhassen – Current Status and Future Management: The city continues to prepare for the confirmation of EAB in Chanhassen. Ash tree treatments started in 2017 when all suitable ash trees in city parks were treated. The management program continued in 2018 with the treatment of all street ash in the eastern half of the city treated to prevent EAB infestations. The three-year contract with Rainbow Tree Care will finish in 2019 with the treatment of street ash trees in the western half of the city. A total of approximately 1,200 ash trees will be treated at the completion of the three-year rotation. About 200-300 private ash trees are treated by residents each year as well. Staff will be considering a new three-year contract in the future to run 2020-2022. The closest confirmed infestation remains to be the Eden Prairie found near Bryant Lake.

Chanhassen Nature Preserve Selected by the State of Minnesota For Buckthorn Management Grant: The City of Chanhassen applied for funding for buckthorn management in the Chanhassen Nature Preserve for three years before finally being approved in 2018 for a \$65,000 grant. Funding for this project was provided by the Minnesota Environment and Natural Resources Trust Fund as recommended by the Legislative-Citizen Commission on Minnesota Resources (LCCMR). The remnant oak woods in the southern half of the preserve has a well-established buckthorn population that has reduced the quality of the woodland over time. A thick understory of buckthorn impedes the natural regeneration of oaks, eliminates plant diversity in the woods, and creates an impenetrable thicket that makes it difficult for people and animals to traverse. The project will restore the native oak woodlands and create openings to encourage the growth of new oak trees. Plantings to increase native plant diversity and to reintroduce lost species will also be undertaken. Removal of the buckthorn will begin this winter when the ground is frozen and follow up activities will occur next fall and winter, including a volunteer project. All residential and commercial properties adjacent to the site have been notified of the project and invited to participate in the buckthorn removal if present on their property.

Planning for the City's Infrastructure

Create solutions for managing existing infrastructure and future growth in our community while preserving a sustainable quality of life and protecting the environment.

IMPLEMENT PARK REPLACEMENT SCHEDULE: INITIATE FUNDING OF AN ANNUAL PARK EQUIPMENT REPLACEMENT SCHEDULE TO EFFICIENTLY ADDRESS AGED AND DETERIORATED PARK EQUIPMENT AND INFRASTRUCTURE

Background information on how this item became a key financial strategy was provided at the June 25, 2018 City Council work session. The proposed park replacement schedule of projects for 2019 through 2023 was presented. Potential funding options that can be used to fund these projects were reviewed. On November 13, the City Council allocated \$400,000 from the 2017 surplus to fund two years of park replacement.

DEVELOP LAKE ANN PARK AND TRAIL EXPANSION MASTER PLAN/PRN PROPERTY DEVELOPMENT: INITIATE MASTER PLANNING AND FEASIBILITY STUDY TO GUIDE FUTURE ACQUISITION OF LANDS EXPANDING LAKE ANN PARK AND ASSOCIATED TRAILS. REVIEW THE PARK AND TRAIL PLAN FOR THE PROPERTY SURROUNDING LAKE ANN, AND THE PLANNING TOOLS AVAILABLE (DENSITY TRANSFER) TO ACQUIRE OPEN SPACE

On June 11, 2018 the City Council discussed the proposed development by Lennar of the 18-acre Galpin Boulevard property. The discussion included conversation about different architecture being proposed for a development, what discretion is given to home buyers for exterior finishes, potential plat layout, concern over lot sizes not fitting in with surrounding neighborhoods, and a desire to preserve the property around Lake Ann and Lake Lucy. How the item will move forward through staff, Planning Commission and City Council was also discussed.

On August 13, 2018 the City Council completed a conceptual review of a Planned Unit Development PUD for the property which included a staff report, comments from the applicant and extensive feedback from council members and citizens. Staff has not yet received a response from Lennar following the August 13 review regarding next steps. Staff

is proposing that the 2019 Park and Trail acquisition and development Capital Improvement Program CIP include \$35,000 for a Lake Ann Park and Trail Expansion Feasibility Study.

REVIEW SANITARY SEWER INFLOW/INFILTRATION (I/I) REDUCTION PLAN: STAFF WILL UPDATE COUNCIL ON THE CURRENT I/I REDUCTION PLAN AND SEE IF THE COUNCIL WANTS TO MAKE ANY CHANGES.

Since 2007 the city has completed Infiltration/Inflow (I/I) projects to limit the amount of groundwater and surface water coming into the sanitary sewer system. The Metropolitan Council Environmental Services (MCES) placed a surcharge fee on the city for excessive I/I. Excessive I/I takes away from the sewer capacity of the Metropolitan Trunk Sewers and can lead to backups if enough I/I enters the system. In exchange for a fee surcharge the city elected to make improvements to the city-owned sewers to reduce I/I in the city-maintained sanitary sewer system. These projects consist of replacing leaking sewer pipe, grouting joints, rehabilitating manholes, and lining sewer pipes. A study was completed in 2006 that identified likely high I/I problem areas. Most of the identified project areas have been investigated and improvements made. In addition, street rehabilitation and street reconstruction projects included I/I improvements. The city still has a surcharge placed on it by MCES. MCES has also televised and made I/I improvements to their trunk sewer mains over the past years. They are also planning to complete additional I/I improvements in the upcoming years. Staff feels an update to the 2006 I/I study is needed to identify other likely sources of I/I in the community.

At the November 13 work session, City Council directed staff to continue to work on the following items:

- Continue with the current I/I public improvement program until the system has been fully inspected and necessary repairs made.
- Complete a study to determine if private lateral connections and private infrastructure are a major source of I/I.

UPGRADE OF GALPIN BLVD: COMPLETE THE SCOPING AND TRAFFIC STUDY WITH CARVER COUNTY, AND IDENTIFY FUNDING SOURCES FOR THE UPGRADE OF GALPIN BLVD NORTH OF HIGHWAY 5

Carver County currently operates and maintains Galpin Boulevard; however, the county has identified this section of Galpin Boulevard as a potential turnback since it functions more as a local collector roadway than a county roadway. A scoping study was completed in June 2018 to help determine if a turnback is in the best interest of the city. The City Council passed a resolution of support for the study finding on June 25, 2018. The reconstruction of

Galpin Boulevard is tentatively programed for 2022. A joint powers/turnback agreement will need to be approved with Carver County before the project moves forward.

IMPROVEMENTS TO CHANHASSEN RAILROAD DEPOT: MAKE IMPROVEMENTS TO THE RAILROAD DEPOT IN ORDER TO BETTER UTILIZE A KEY PIECE OF CHANHASSEN'S HISTORY

At the August 27, 2018 City Council work session, it was reported that improvements to completely renovate the interior and exterior of the Chanhassen Railroad Depot structure, and add parking/driveway entrance, gas, water, electric, and fiber optic utilities were estimated to cost \$774,215. The city council agreed they were not in favor of spending that amount of money for upgrading the railroad depot.

Enhance Local Tax Base

*Evaluate the Comprehensive Plan
with current goals and policies; assess the impact.*

ECONOMIC DEVELOPMENT: ENHANCE ECONOMIC DEVELOPMENT OPPORTUNITIES THROUGHOUT THE COMMUNITY, I.E. INCENTIVES, MARKETING, DIRECT MARKETING

On May 29, 2018, the current economic development practices and a summary of recent projects were presented to City Council at a work session. City staff discussed tax abatement and tax increment financing examples and programs as options for future economic development programs, as well as a draft of an updated business subsidy criteria policy. City Council directed staff to research policies from neighboring and KFS cities.

On July 9, 2018 city staff presented economic development or subsidy policy examples from Chaska, Shakopee, Minnetonka, and Elk River, as well as Chanhassen's previously updated draft policy. City Council discussed whether to update the policy as presented, take requests on a case-by-case basis rather than have a formal policy, or whether to adopt a policy with more specific criteria. City Council directed staff to draft a policy with additional evaluation criteria including the types of projects that could qualify and an outline of what programs could be available to businesses.

Staff drafted a policy based on the feedback of council members and presented it at the September 24, 2018 meeting. The draft policy was approved and is located on the Economic Development Authority page of the city's website at www.ci.chanhassen.mn.us/eda.

DOWNTOWN FOCUS UPDATE: CONTINUE TO COLLECT INPUT FROM RESIDENTS, BUSINESS OWNERS, AND CIVIC ORGANIZATIONS ON THEIR VISION FOR DOWNTOWN CHANHASSEN. RESEARCH WHAT OTHER KEY FINANCIAL CITIES ARE DOING WITH DOWNTOWN REDEVELOPMENTS

At the June 9, 2018 City Council work session, Bryan Harjes with Hoisington Koepler Group, Inc. reviewed highlights of the Downtown Chanhassen Vision Plan update. The key takeaways from the stakeholders' meeting was the need for connectivity for automobiles, pedestrians and bicycles, enhancements for intersection crossings, future land use, and providing for flexibility for sub-districts. The City Council would like to include more depth to the study, list the guiding principles of the study, and define the next steps. Staff and Bryan were also asked to review the Survey Monkey ranking as the highest and not the lowest, and bring it back for review at a future work session.

On October 10, 2018, the city council reviewed the draft for changes and rankings. City council also requested that the Market Scan be included with the study. The Downtown Vision was adopted on November 13, 2018 and can be viewed on the city's website at www.ci.chanhassen.mn.us/vision.

Other Projects and Goals Accomplished

Department Accomplishments in 2018 That Were Not Included in the Key Financial Strategies.

2040 COMPREHENSIVE PLAN UPDATE

In November of 2017, the Metropolitan Council submitted their comments to the city after reviewing our draft plan. At that time, staff shared these comments with the city council at a work session. The four watershed districts required the city's storm water plans to be in alignment with each of their respective plans. As such, the majority of the work on the Comprehensive Plan since that time has been centered on updating the city's Surface Water Management Plan.

The city council also directed staff to solicit additional public comment. A web page was created and social media was used to reach out to residents. The following is a timeline of significant actions to date:

February 3, 2018 – February Festival Kiosk for the 2040 Comprehensive Plan for public engagement.

April 3, 2018 - Planning Commission reviewed the Plan based on comments received during the review period, jurisdiction comments, and the city's written responses to any comments.

July 17, 2018 – Planning Commission held a public hearing to recommend to the city council approve submittal of the 2040 Comprehensive Plan to the Metropolitan Council for review. The land use map amendments were included as part of the discussion and the Planning Commission approved the plan without the land use amendments.

August 13, 2018 – City Council held a work session on the 2040 Comprehensive Plan. Mr. Erhardt presented his land use amendment.

September 24, 2018 – City Council held a work session to review revisions to the 2040 Comprehensive Plan based on the August 13, 2018 work session comments. Mark Halla represented the Halla Family.

November 1, 2018 – Mark Halla withdrew his request for a land use map amendment.

November 26, 2018 – City Council reviewed the final draft of the 2040 Comprehensive Plan.

December 10, 2018 – City Council adopted Resolution 2018-58 adopting the 2040 Comprehensive Plan and authorized submittal of the Plan to the Metropolitan Council for review.

*December 31, 2018 – Deadline for submittal of comprehensive plan to the Metropolitan Council.

UPDATE CHANHASSEN'S FLOODPLAIN ORDINANCE AND ADOPT NEW MAPS AS PART OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S UPDATE OF CARVER COUNTY'S FLOOD INSURANCE RATE MAPS

In June 2018, city staff received a letter from the Minnesota Department of Natural Resources informing them that the Federal Emergency Management Agency was concluding its update of Carver County's Flood Insurance Rate Maps. Staff was informed that maps would go into effect on December 21, 2018 and that the city would need to update its Floodplain Ordinance and adopt the new maps by December 21, 2018 or the city would no longer be eligible to participate in the National Flood Insurance Program.

Staff examined the preliminary flood insurance rate maps provided by FEMA and determined that, due to mapping errors and changes in the mapped extent of the floodplain, approximately 16 homes may have been added to or removed from the floodplain overlay district. The city elected to exceed the minimum public notification requirement and contact these homeowners to inform them of how the revised maps may impact their properties and of their right to appeal the placement of their home within the special flood hazard area.

The city worked with the Minnesota Department of Natural Resources to modify their model floodplain ordinance to both meet the state and federal governments' requirements and avoid redundancies or potential conflicts with existing provisions in the City Code. The proposed revisions to the city's floodplain ordinance and updated maps was reviewed at the Planning Commission at a public hearing on November 20, 2018, adopted by the City Council on December 10, 2018. Ordinance 636 is attached.

MENTAL HEALTH RESOURCES

Per direction from the City Council, staff has been researching mental health resources in and around Carver County. A list of local and national resources was presented at the October 22, 2018 work session and there was discussion around the availability of these resources as well as the trainings offered to law enforcement officers. An update on trainings will be offered at a later date.

UPTICK IN EMPLOYEE VACANCIES

There have been 15 vacancies in 2018 that have been created as a result of retirements or employees going on to better opportunities. We have been fortunate enough to be able to promote from within for three of those vacancies, and have made or are currently recruiting outside hires for the rest. In some instances we have been given enough notice to be able to have a replacement in before the vacancy is created, but often there are weeks or even months before a position can be filled. In those times, staff has worked especially hard to cover their normal workload while down one or more people in a department. Often times departments lean on each other to accomplish tasks or pick up routine work for each other, and as a result the residents of Chanhassen have not seen a decrease in municipal services during times when the city has been short staffed.

ACQUISITION AND DEPLOYMENT OF FIRE TRUCK 1

With the council approval of the 2018 CIP budget on January 8 2018, also came with the approval to order Truck 1 at a cost of \$996,000. The order placement came after one year of planning by several members of the department with delivery to the department on October 15, 2018. The remainder of the month was spent completing specialized training and readying the apparatus for service.

Truck 1 was welcomed to service the evening of October 29, 2018 with a Housing Ceremony conducted by the Chanhassen Fire Department. Several members of city leadership, elected officials, retirees, and families attended. As the ceremony ended, Truck 1 was officially placed in service.



PUBLIC WORKS

- Completed West Water Treatment plant on budget.
- Secured funding for TH 101 improvements from Pioneer Trail to Flying Cloud Drive.
- City Council approved TH 101 joint powers agreement with Carver County and Consultant contract for final design and construction administration and inspection services.
- Secured Minnesota Department of Natural Resources grant funds for acquisition of flood prone property on Pioneer Trail.
- Completed Lake Susan Trail Improvements.

2018 PRIMARY AND GENERAL ELECTIONS

Both the 2018 Primary and General Elections posed new challenges for the city's election staff. New voting equipment was purchased by Carver County for all 35 county precincts (Chanhassen has 7 of those precincts). The new equipment included electronic Poll Pads from KnowINK and DS200 ballot scanners from Election Equipment & Supplies. The Poll Pads allowed for electronic voter check in and registration of new voters, eliminating the need for paper rosters and completion of paper registration forms. The DS200 ballot scanners provided a large color screen that alerted voters of any issues with their ballots such as overvoting a race, giving them a choice to return and spoil the incorrect ballot and obtain a new ballot, or allowing voters to cast the ballot as is. Because the DS200 is a scanner, images of write-in votes were captured in memory and printed out on tape, eliminating the need for election judges to review each voted ballot for write-in votes, saving significant time during the closing process.



Voter turnout for both the Primary and General Elections were higher than typical for a mid-term election. For the General Election, the average turnout for Chanhassen was nearly 84%.

It should be noted that Carver County was the first county in the state to report election results for both the Primary and General Elections.

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**CITY OF CHANHASSEN
CARVER AND HENNEPIN COUNTIES, MINNESOTA**

ORDINANCE NO. 632

**AN ORDINANCE AMENDING CHAPTER 1, GENERAL PROVISIONS; CHAPTER 4,
LICENSE, PERMIT AND ADMINISTRATIVE FEES; CHAPTER 10, LICENSES,
PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS; AND CHAPTER 20,
ZONING OF THE CHANHASSEN CITY CODE**

**THE CITY COUNCIL OF THE CITY OF CHANHASSEN, MINNESOTA
ORDAINS:**

Section 1. Section 1-2 of the Chanhassen City Code is amended to read as follows:

Brew Pub is a brewer who also holds one or more retail on-sale licenses and who manufactures fewer than 3,500 barrels of malt liquor in a year, at any one licensed premises, the entire production of which is solely for consumption on tap on any licensed premises owned by the brewer, or for off-sale from those licensed premises as permitted in Minn. Stat. 340A.24. subdivision 2.

Brewer is a person who manufactures malt liquor for sale.

Brewery is a location where malt liquor is manufactured for sale.

Cocktail room is a location in or adjacent to a microdistillery where the owner of the distillery sells distilled spirits produced by the distiller for consumption on the premises or for off-site consumption as provided for in Minn. Stat. 340A.22.

Distiller is a person who manufactures distilled spirits for sale.

Distilled spirits is ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for non-industrial use.

Malt Liquor is any beer, ale or other beverage made from malt by fermentation and containing not less than one-half of one percent alcohol by volume.

Microdistillery is a distillery operated within the state producing premium distilled spirits in a total quantity not to exceed 40,000 proof gallons in a calendar year.

Pickup signs. See *Sign, Pickup*

Sign, Pickup means a sign not attached to a building that designates a specific area of a parking lot for the pickup and loading of goods purchased in advance.

Small Brewer is a brewery that produces less than 20,000 barrels of malt liquor in a year.

Tap Room is a location in or adjacent to a brewery where the owner of the brewery sells malt liquor produced by the brewery for consumption on the premises or for off-site consumption as provided for in Minn. Stat. 340A.28 and 340A.285.

Section 2. Section 4-15(a)(2) of the Chanhassen City Code is amended to read as follows:

2. Various other license fees shall be set as follows:

Microdistillery Off-sale	\$200.00
On-sale Brewer Taproom.....	\$400.00
On-sale Cocktail Room.....	\$400.00
Off-sale intoxicating	\$200.00*
Off-sale non-intoxicating.....	\$ 58.00
On-sale non-intoxicating.....	\$410.00
Small Brewer Off-sale	\$200.00
Sunday sales.....	\$200.00*
Wine/beer license.....	\$410.00

*Fees that are established by state statute.

Section 3. Section 10-19(h) to of the Chanhassen City Code is amended to read as follows:

(h) *Temporary on-sale intoxicating liquor licenses.*

- (1) The city council may issue to a club or charitable religious or nonprofit organization in existence for at least three years or to a political committee registered under M.S. § 10A.14 a temporary license for the on-sale of intoxicating liquor in connection with a social event within the city sponsored by the licensee. The license may authorize the on-sale of intoxicating liquor for not more than four consecutive days, and may authorize on-sales on premises other than premises the licensee owns or permanently occupies. The license may provide that the licensee may contract for intoxicating liquor catering services with the holder of a full-year on-sale liquor license issued by the city. The licenses are subject to the terms, including license fee, imposed by the city. The licenses issued under this section are subject to all laws and ordinances governing the sale of intoxicating liquor except M.S. § 340A.409 and § 340A.504, subd. 3, paragraph (d), and the laws and ordinances which by their nature are not applicable.
- (2) The city council may issue to a brewer who manufactures fewer than 3,500 barrels of malt liquor in a year or a microdistillery a temporary license for the on-sale of intoxicating liquor in connection with a social event within the municipality sponsored by the brewer or microdistillery. The terms and conditions specified for temporary licenses under paragraph (1) shall apply to a license issued under this paragraph, except that the requirements of section M.S. § 340A.409 subd. 1 to 3a, shall apply to the license.
- (3) Limitations on temporary on-sale intoxication liquor licenses:
 - (i) Temporary licenses must first be approved by the Commissioner of Public Safety before they become valid.

- (ii) No more than three four-day, four three-day, or six two-day temporary licenses, in any combination not to exceed 12 days per year, may be issued for the sale of alcoholic beverages to any one organization or registered political committee, or for any one location, within a 12-month period.
- (iii) Not more than one temporary license may be issued to any one organization or registered political committee, or for any one location, within any 30-day period.

Section 4. The Chanhassen City Code is amended by adding Section 10-19(k) to Section 10-19(n) to read as follows:

- (k) *On-Sale Brewer Taproom License.* May be issued to a brewery licensed under Minn. Stat. Section 340A.301, subdivision 6, clause (c), (i), or (j) for the on-sale of malt liquor produced by the brewer for the consumption on the premises of or adjacent to one brewery location owned by the brewer as provided in Minn. Stat. Section 340A.26.
 - (1) On-Sale Brewer Taproom License Holders are allowed Sunday on-sales as provided in Minn. Stat 340A.26, subdivision 5 and do not require a separate On-Sale Sunday Liquor License. No Sunday on-sales are allowed before 10:00 a.m. or after 10:00 p.m.
- (l) *Small Brewer Off-Sale License.* May be issued to a brew pub or brewery licensed under Minn. Stat. Section 340A.301, subdivision 6, clause (c), (i), or (j) for the off-sale of malt liquor at its licensed premises that has been produced and packaged by the brewer as provided in Minn. Stat. 340A.24, 340A.28, and 340A.285.
 - (1) Small Brewer Off-Sale License holders are allowed Sunday off-sale as provided in Minn. Stat. 340A.24 and 340A.28, and 340A.285. No Sunday off-sales are allowed before 10:00 a.m. or after 10:00 p.m.
- (m) *On-Sales Cocktail Room.* License may be issued to a microdistillery for the on-sale of distilled spirits produced by the distiller for the consumption on the premises of or adjacent to one distillery location owned by the distiller as provided in Minn. Stat 340A.22, subdivision 2.
 - (2) On-Sales Cocktail Room License Holders are allowed Sunday on-sales as provided in Minn. Stat 340A.22, subdivision 2 and do not require a separate On-Sale Sunday Liquor License. No Sunday on-sales are allowed before 10:00 a.m. or after 10:00 p.m.
- (n) *Microdistillery Off-Sale License.* May be issued to a microdistillery for the off-sale of distilled spirits as provided in Minn. Stat. 340A.22, subdivision 4.
 - (1) Microdistillery Off-Sale License Holders are allowed Sunday off-sales as provided in Minn. Stat 340A.22, subdivision 4 and do not require a separate On-Sale Sunday Liquor License. No Sunday off-sales are allowed before 10:00 a.m. or after 10:00 p.m.

Section 5. Section 10-53 of the Chanhassen City Code is amended to read as follows:

Sec. 10-53. - Samples.

On- or off-sale licensees may provide or permit a licensed manufacturer or wholesaler or its agents to provide on the premise of the retail licensee samples of malt liquor, wine, liqueurs, cordials, and distilled spirits which the licensee currently has in stock and is offering for sale to

the general public without obtaining an additional license, provided the malt liquor, wine, liqueur, cordial, and distilled spirits samples are dispensed at no charge and consumed on the licensed premises during the permitted hours of sale in a quantity less than 100 milliliters of malt liquor per variety per customer, 50 milliliters of wine per variety per customer, 25 milliliters of liqueur or cordial, and 15 milliliters of distilled spirits per variety per customer.

Section 6. The Chanhassen City Code is amended by adding Section 20-314 to read as follows:

Sec. 20-314. - Brewery operated in conjunction with a taproom, producing more than 3,500 barrels of malt liquor per year.

The following applies to all breweries operated in conjunction with a taproom:

- (1) The brewery shall not produce more than 5,000 barrels of malt liquor per year, unless they are located in an area zoned Industrial Office Park (IOP), in which case the brewery shall not produce more than 20,000 barrels of malt liquor per year.
- (2) An outdoor seating area is permitted provided it has an enclosure and the enclosure is not interrupted; access to the seating area must be through the principle building; its hours of operation shall be no later than 10:00 p.m. Sunday-Thursday and 12:00 a.m. Friday-Saturday; and the outdoor seating area must be located and designed so as not to interfere with pedestrian and vehicular circulation.
- (3) Shipping and receiving areas shall be located behind the facility or otherwise screened from view.
- (4) Compliance plan must be submitted to the city including:
 - a. An inventory of potential or identified odor emission point sources associated with the industry or source.
 - b. An engineering quality plan detailing best available control technologies and appurtenances designed to eliminate or achieve the maximum reduction of odor pollution from an emission point source inclusive of, but not necessarily limited to certain processes, procedures, or operating methods intended to mitigate or control odor pollution.
 - c. A detailed explanation of the specifications and operating parameters of the best available control technologies, monitoring instrumentation and equipment, and processes and procedures intended for the mitigation or control of odor pollution.
 - d. A specification of the documentation that will be made available for the city's review which will verify the data produced by the monitoring equipment, and which will verify that processes and procedures are conducted consistent with the specifications in the facility's odor control study and plan.
 - e. An approved schedule which states, in a time certain manner, the implementation and installation of the best available control technology, processes, procedures, operating methods, and monitoring instrumentation designed to mitigate or control odors at the facility inclusive of an approved completion date.

- f. An acknowledgment of the authority of the city and its agents to enter into the facility or its property in order to investigate complaints and to verify the facility's adherence to the compliance plan.

Section 7. Section 20-712 to of the Chanhassen City Code is amended to read as follows:

Sec. 20-712. - Permitted uses.

The following uses are permitted in a "BH" district:

- (1) Adult day care, subject to the requirements of section 20-966
- (2) Antennas as regulated by article XXX of this chapter.
- (3) Brew pub, subject to the requirements of section 20-968.
- (4) Brewery operated in conjunction with a taproom producing less than 3,500 barrels per year, subject to the requirements of section 20-969.
- (5) Car wash.
- (6) Community center.
- (7) Convenience stores without gas pumps.
- (8) Day care center.
- (9) Fast-food restaurant.
- (10) Financial institutions with/or without drive-through services.
- (11) Funeral homes.
- (12) Health services.
- (13) Liquor stores.
- (14) Microdistillery operated in conjunction with cocktail room, subject to the requirements of section 20-967.
- (15) Miniature golf.
- (16) Motels and hotels.
- (17) Offices.
- (18) Personal services.
- (19) Private clubs and lodges.
- (20) Shopping center.
- (21) Specialty retail shops.
- (22) Standard restaurants.
- (23) Utility services.

Section 8. Section 20-714 to of the Chanhassen City Code is amended to read as follows:

Sec. 20-714. - Conditional uses.

The following are conditional uses in a "BH" district:

- (1) Automobile rental facilities.
- (2) Automotive repair shops.
- (3) Brewery operated in conjunction with a taproom, producing over 3,500 barrels per year.

- (4) Convenience stores with gas pumps.
- (5) Drive-through facilities.
- (6) Emission control testing stations.
- (7) Garden centers.
- (8) Motor fuel stations.
- (9) Outdoor storage.
- (10) Small vehicle sales.
- (11) Supermarkets.
- (12) Towers as regulated by article XXX of this chapter.

Section 9. Section 20-732 to of the Chanhassen City Code is amended to read as follows:

Sec. 20-732. - Permitted uses.

The following uses are permitted in a "CBD" district:

- (1) Antennas as regulated by article XXX of this chapter.
- (2) Ballroom.
- (3) Barber and beauty salons and spas including hair, nail, skin and scalp services.
- (4) Bars and taverns.
- (5) Bowling center.
- (6) Brew pub, subject to the requirements of section 20-968.
- (7) Brewery operated in conjunction with a taproom producing less than 3,500 barrels per year, subject to the requirements of section 20-969.
- (8) Clothing rental.
- (9) Clubs and lodges.
- (10) Coin-operated service machines.
- (11) Community center.
- (12) Convenience stores without gas pumps.
- (13) Convention and conference facilities.
- (14) Costume rental.
- (15) Cultural facilities.
- (16) Day care center as part of shopping center.
- (17) Fast-food restaurants as part of shopping center.
- (18) Financial institutions.
- (19) Health and recreation clubs, instructions and services.
- (20) Health services, outpatient only.
- (21) Hotels.
- (22) Laundry and garment services including self-service.
- (23) Locker rental.
- (24) Microdistillery operated in conjunction with a cocktail room, subject to the requirements of section 20-967.
- (25) Multiple-family dwellings, including senior citizen housing.
- (26) Newspaper offices.
- (27) Offices.
- (28) Parking ramp.
- (29) Photographic studios.
- (30) Print shops.

- (31) Quilting and scrap booking.
- (32) Retail sales.
- (33) Schools.
- (34) Shoe repair shops and shoeshine parlors.
- (35) Shopping center.
- (36) Sporting goods rental.
- (37) Standard restaurants.
- (38) Tattoo and body art and piercing services (MS ch. 146B).
- (39) Theatrical producers and services.
- (40) Utility service.
- (41) Wedding chapel.

Section 10. Section 20-734 to of the Chanhassen City Code is amended to read as follows:

Sec. 20-734. - Conditional uses.

The following are conditional uses in a "CBD" district:

- (1) Brewery operated in conjunction with a taproom, producing over 3,500 barrels per year.
- (2) Drive-through facilities.
- (3) Convenience store with gas pumps.
- (4) Freestanding fast-food restaurants.

Section 11. Section 20-752 to of the Chanhassen City Code is amended to read as follows:

Sec. 20-752. - Permitted uses.

The following uses are permitted in a "BG" district:

- (1) Adult day care, subject to the requirement of section 20-966
- (2) Animal hospital.
- (3) Antenna.
- (4) Bars and taverns.
- (5) Bowling center.
- (6) Brew pub, subject to the requirements of section 20-968.
- (7) Brewery operated in conjunction with a taproom producing less than 3,500 barrels per year, subject to the requirements of section 20-969.
- (8) Community center.
- (9) Convenience stores without gas pumps.
- (10) Day care center.
- (11) Entertainment.
- (12) Fast-food restaurants.
- (13) Financial institutions.
- (14) Funeral homes.
- (15) Garden centers.

- (16) Hardware goods.
- (17) Health and recreation clubs.
- (18) Health services.
- (19) Home improvement trades building supply centers.
- (20) Microdistillery operated in conjunction with a cocktail room, subject to the requirements of section 20-967.
- (21) Miniature golf.
- (22) Motels.
- (23) Newspaper and print shop.
- (24) Offices.
- (25) Personal services.
- (26) Private clubs and lodges.
- (27) Senior citizen housing.
- (28) Small appliance and similar repair shops.
- (29) Specialty retail.
- (30) Standard restaurants.
- (31) Supermarkets.
- (32) Utility services.
- (33) Veterinary clinic.

Section 12. Section 20-754 to of the Chanhassen City Code is amended to read as follows:

Sec. 20-754. - Conditional uses.

The following are conditional uses in a "BG" district:

- (1) Brewery operated in conjunction with a taproom, producing over 3,500 barrels per year.
- (2) Convenience stores with gas pumps.
- (3) Drive-through facilities
- (4) Equipment rental.
- (5) Major auto repair and body shops.
- (6) Motor fuel stations.
- (7) Screened outdoor storage.
- (8) Truck, automobile, farm implement, recreational vehicles and boat sales and service.

Section 13. Section 20-793 of the Chanhassen City Code is amended to read as follows:

Sec. 20-793. - Permitted accessory uses.

The following are permitted accessory uses in the "OI" district:

- (1) Adult Day Care as part of a church (subject to the requirements of Sec. 20-966).
- (2) Parking lots.
- (3) Signs.
- (4) Temporary outdoor sales and events (subject to the requirements of section 20-964).

Section 14. Section 20-812 to of the Chanhassen City Code is amended to read as follows:

Sec. 20-812. - Permitted uses.

The following uses are permitted in an "IOP" district:

- (1) Adult day care, subject to the requirements of section 20-966
- (2) Antennas as regulated by article XXX of this chapter.
- (3) Automotive repair shops.
- (4) Brewery operated in conjunction with a taproom producing less than 3,500 barrels per year, subject to the requirements of section 20-969.
- (5) Conference/convention centers.
- (6) Health services.
- (7) Indoor health and recreation clubs.
- (8) Light industrial.
- (9) Microdistillery operated in conjunction with a cocktail room, subject to the requirements of section 20-967.
- (10) Offices.
- (11) Off-premises parking lots.
- (12) Print shops.
- (13) Recording studios.
- (14) Utility services.
- (15) Vocational school.
- (16) Warehouses.

Section 15. Section 20-814 to of the Chanhassen City Code is amended to read as follows:

Sec. 20-814. - Conditional uses.

The following are conditional uses in an "IOP" district:

- (1) Brewery operated in conjunction with a taproom, producing over 3,500 barrels per year.
- (2) Contracting yards.
- (3) Day care centers as part of a multi-tenant building.
- (4) Day care centers as a separate facility.
- (5) Food processing.
- (6) Gun range, indoor.
- (7) Home improvement trades.
- (8) Hotels and motels.
- (9) Lumber yards.
- (10) Motor freight terminals.
- (11) Outdoor health and recreation clubs.
- (12) Screened outdoor storage.
- (13) Research laboratories.

- (14) Commercial towers as regulated by article XXX of this chapter.
- (15) Electrical distribution and underground electric distribution substations.

Section 16. The Chanhassen City Code is amended by adding Section 20-967 to Section 20-969 to read as follows:

Sec. 20-967. - Microdistillery operated in conjunction with a cocktail room.

The following applies to all Microdistilleries operated in conjunction with a cocktail room:

- (1) The Microdistillery shall not produce more than 40,000 proof gallons of distilled spirits per year.
- (2) An outdoor seating area is permitted provided it has an enclosure and the enclosure is not interrupted; access to the seating area must be through the principle building; its hours of operation shall be no later than 10:00 p.m. Sunday-Thursday and 12:00 a.m. Friday-Saturday; and the outdoor seating area must be located and designed so as not to interfere with pedestrian and vehicular circulation.
- (3) Shipping and receiving areas shall be located behind the facility or otherwise screened from view.

Sec. 20-968. - Brew Pub.

The following applies to all brew pubs:

- (1) The brew pub shall not produce more than 3,500 barrels per year.
- (2) An outdoor seating area is permitted provided it has an enclosure and the enclosure is not interrupted; access to the seating area must be through the principle building; its hours of operation shall be no later than 10:00 p.m. Sunday-Thursday and 12:00 a.m. Friday-Saturday; and the outdoor seating area must be located and designed so as not to interfere with pedestrian and vehicular circulation.
- (3) Shipping and receiving areas shall be located behind the facility or otherwise screened from view.

Sec. 20-969. - Brewery operated in conjunction with a taproom, producing less than 3,500 barrels of malt liquor per year.

The following applies to all breweries operated in conjunction with a taproom:

- (1) The brewery shall not produce more than 3,500 barrels of malt liquor per year.
- (2) An outdoor seating area is permitted provided it has an enclosure and the enclosure is not interrupted; access to the seating area must be through the principle building; its hours of operation shall be no later than 10:00 p.m. Sunday-Thursday and 12:00 a.m. Friday-Saturday; and the outdoor seating area must be located and designed so as not to interfere with pedestrian and vehicular circulation.

- (3) Shipping and receiving areas shall be located behind the facility or otherwise screened from view.

Section 17. The Chanhassen City Code is amended by adding Section 20-1124(2)(z) to read as follows:

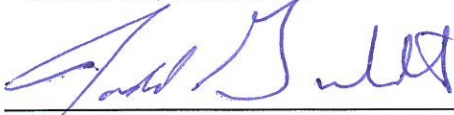
- z. Brew pub, Brewery operated in conjunction with a taproom, or Microdistillery operated in conjunction with a cocktail room-One space for each 50 square feet of gross taproom, cocktail room, or restaurant floor area, and one space for each 1,000 square feet of gross production area.

Section 18. The Chanhassen City Code is amended by adding Section 20-1255(14) to read as follows:

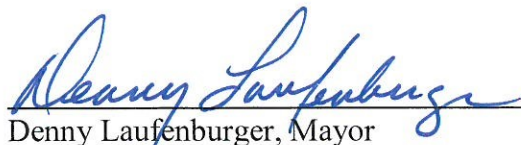
- (14) *Pickup Signs*; big box retailers and grocery stores are allowed one sign to designate an area of the parking lot for pickup/driveup loading of goods purchased in advance subject to the following conditions:
- a. The pickup sign must be located within the parking lot and the placement of pickup sign shall be so located such that the sign does not adversely affect adjacent properties or navigability of the parking lot (including sight lines, confusion of adjoining ingress or egress) or the general appearance of the site from public rights of way.
 - b. No more than one pickup sign shall be allowed per business
 - c. The pickup sign may not exceed thirteen feet in height.
 - d. The pickup sign's base shall be not more than two-feet wide on a side, and no portion of the sign may project beyond the base.
 - e. The pickup sign is limited to four square feet of display area per sign face, and no more than 30 percent of the display area shall be used for the business logo or identification.
 - f. Businesses with a drive-through facility may not also have a pickup sign.

Section 19. This ordinance shall be effective immediately upon its passage and publication.

PASSED AND ADOPTED this 11th day of June, 2018 by the City Council of the City of Chanhassen, Minnesota



Todd Gerhardt, City Manager



Denny Laufenburger, Mayor

(Summary Ordinance 632 published in the Chanhassen *Villager* on June 21, 2018)

**CITY OF CHANHASSEN
CARVER AND HENNEPIN COUNTIES, MINNESOTA**

ORDINANCE NO. 633

**AN ORDINANCE AMENDING CHAPTER 7, BUILDING AND BUILDING
REGULATIONS, AND CHAPTER 20, ZONING OF THE CHANHASSEN CITY CODE**

THE CITY COUNCIL OF THE CITY OF CHANHASSEN, MINNESOTA ORDAINS:

Section 1. Section 7-19(21) of the Chanhassen City Code is amended to read as follows:

- (21) Calculation of the amount and percentage of the lot coverage for the lot or parcel broken out by impervious surfaces and pervious pavement, if present.

Section 2. Section 20-109(4)(h)(4) of the Chanhassen City Code is amended to read as follows:

- 4. Percent of lot coverage on site broken out by impervious surface and pervious pavement.

Section 3. Section 20-615(5) of the Chanhassen City Code is amended to read as follows:

- (5) The maximum lot coverage for all structures and paved surfaces is 30 percent, of which no more than 25 percent can be impervious surfaces. For flag/neck lots neither the area within the neck, nor the lot coverage of the driveway within the neck shall be included within the calculation of the lot area or lot coverage of the lot.

Section 4. The Chanhassen City Code is amended by adding Section 20-921 to read as follows:

Sec. 20-921 –Pervious Pavement

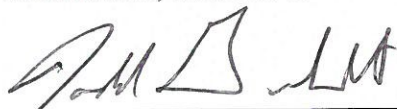
Properly designed, installed, and maintained pervious pavements have the capacity to allow for stormwater detention and/or infiltration. When not properly designed, installed, and maintained pervious pavements fail to facilitate the detention and/or infiltration of stormwater. Additionally, pervious pavements contribute to the creation of heat islands and do not provide the same surface water management benefits as native vegetative cover. For these reasons, it is necessary to regulate the lot coverage, design, installation, and maintenance of these systems.

- 1) Lot Coverage: Pervious pavements are considered to constitute lot coverage; however, when built to the standards espoused in this section they do not constitute impervious surfaces. Systems not built to the standards espoused in this section are considered to constitute impervious surfaces.
- 2) Location Restrictions:
 - a. Pervious pavements may not be installed in areas where trash or garbage receptacles will be stored.
- 3) Design and Installation:
 - a. A building permit is required for the installation of pervious pavement systems.

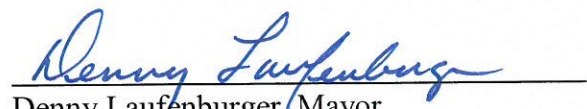
- b. Pervious pavement systems must be designed to provide for rate and volume control for the first half inch (0.5") of treatment area and follow the current version of The City of Chanhassen Standard Specification and Detail Plates. Treatment area includes the total square footage of the pervious pavement system plus the total square footage of impervious surface draining directly to the pervious pavement system.
 - c. To meet the city's definition of pervious pavement the system must: 1) be designed in compliance with standards established by the Interlocking Concrete Pavement Institute (ICPI); 2) be installed by an ICPI certified installer; and, 3) be designed to meet or exceed the standards listed in paragraph (b).
 - d. The City Engineer may permit pervious pavement technologies other than permeable interlocking concrete pavers, so long as the City Engineer determines: 1) they are functionally equivalent or better; 2) the system is designed in compliance with accepted guidelines and is installed by an appropriately certified installer; and, 3) the system will meet or exceed the standards listed in paragraph (b).
- 4) Maintenance:
- a. The owner of a pervious paver system must enter into a maintenance agreement with the city to ensure the system performs as designed in perpetuity. This agreement must conform to the manufactures guidelines, and stipulate the frequency and type of maintenance to be performed.
- 5) District restrictions:
- a. Planned Unit Developments Residential Districts (PUDR) are limited to the lot coverage specified by their ordinance and/or compliance table. For PUDRs created before June 11, 2018 the terms hardcover, hard surface, impervious surface, and similar phrases shall be understood to mean lot cover inclusive of both pervious pavements and impervious surfaces, and in no circumstance shall the failure of the ordinance or compliance table to mention pervious pavements be understood to mean that pervious pavements are not subject to the lot cover, hardcover, hardscape, or similarly identified limits that govern the PUDR.
 - b. Shoreland Management District restricts properties zoned Single Family Residential District (RSF) to 25 percent lot coverage.

Section 5. This ordinance shall be effective as of the 1st day of August, 2018.

PASSED AND ADOPTED this 25th day of June, 2018 by the City Council of the City of Chanhassen, Minnesota



Todd Gerhardt, City Manager



Denny Laufenburger, Mayor

(Published in the Chanhassen *Villager* on July 5, 2018)

**CITY OF CHANHASSEN
CARVER AND HENNEPIN COUNTIES, MINNESOTA**

ORDINANCE NO. 636

**AN ORDINANCE AMENDING CHAPTER 1, GENERAL PROVISIONS, AND
CHAPTER 20, ZONING OF THE CHANHASSEN CITY CODE**

THE CITY COUNCIL OF THE CITY OF CHANHASSEN, MINNESOTA ORDAINS:

SECTION 1. Section 1-2 of the Chanhassen City Code is amended to read as follows:

Base Flood Elevation means the elevation of the “regional flood.” The term “base flood elevation” is used in the flood insurance survey.

Critical Facilities means facilities necessary to a community’s public health and safety, those that store or produce highly volatile, toxic or water-reactive materials, and those that house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include hospitals, correctional facilities, schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.

Dwelling, manufactured, also called mobile or manufactured home, means a structure which is transportable in one or more sections on its own chassis, and which is equipped with necessary utility service connections and designed to be used for single-family occupancy with or without a permanent foundation when attached to required utilities. The terms “manufactured dwelling” or “manufactured home” does not include the term “recreational vehicle.” (20)

Flood Fringe means the portion of the Special Flood Hazard Area (one percent annual chance flood) located outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for Carver County, Minnesota.

Flood Insurance Rate Map (FIRM) means an official map on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Prone Area means any land susceptible to being inundated by water from any source.

Floodproofing means a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Flood, regional means a flood which is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 1% chance or 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study. (20)

Floodplain means the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood. (20)

Floodway means the bed of a wetland or lake and the channel of a watercourse and those portions adjoining floodplain which are reasonably required to carry or store the regional flood. (20)

Lowest Floor means the lowest floor of the lowest enclosed area (including basement).

Manufactured Home. See Dwelling, manufactured.

Recreational vehicle means a vehicle or vehicular unit that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and which is primarily designed as a temporary living accommodation for recreational camping, seasonal, and travel use. Recreational vehicles include travel trailers, travel vehicle, camping trailers, truck campers and self-propelled motor homes. (20)

Regulatory Flood Protection Elevation (RFPE) means an elevation not less than three feet above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

Repetitive Loss means flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

Special Flood Hazard Area means a term used for flood insurance purposes synonymous with "One Hundred Year Floodplain."

Substantial Damage means damage of any origin sustained by a structure where the cost of restoring the structure to it's before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

Substantial Improvement means within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- 1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- 2) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purpose of this ordinance, “historic structure” is as defined in 44 Code of Federal Regulations, Part 59.1.

SECTION 2. Section 20-326 to Section 20-400 of the Chanhassen City Code is amended to read as follows:

ARTICLE V. - FLOODPLAIN OVERLAY DISTRICT

DIVISION 1. - GENERALLY

Sec. 20-326. - Statutory Authorization, Findings of Fact and Purpose

- 1) Statutory Authorization: The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council of Chanhassen, Minnesota, does ordain as follows.
- 2) Purpose:
 - a. This ordinance regulates development in the flood hazard areas of the City of Chanhassen. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.
 - b. National Flood Insurance Program Compliance. This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community’s eligibility in the National Flood Insurance Program.
 - c. This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

Sec. 20-327. - General Provisions

- 1) Lands to which Ordinance Applies: This article applies to all lands within the jurisdiction of the City of Chanhassen within the boundaries of the Floodway, Flood Fringe and General Floodplain Districts. The boundaries of these districts are

determined by scaling distances on the Flood Insurance Rate Map, or as modified in accordance with Section 20-328.

- a. The Floodway, Flood Fringe and General Floodplain Districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in this ordinance. In case of a conflict, the more restrictive standards will apply.
 - b. Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions, the flood elevations shall be the governing factor in locating the regulatory floodplain limits.
 - c. Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Planning Commission and to submit technical evidence.
- 2) Incorporation of Maps by Reference: The following maps together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and this ordinance. The attached material includes the Flood Insurance Study for Carver County, Minnesota, and Incorporated Areas, dated December 21, 2108, the Flood Insurance Study for Hennepin County, Minnesota, and Incorporated Areas, dated November 4, 2016, the Carver County Flood Insurance Rate map panels numbered 27019C0113D, 27019C0114D, 27019C0118D, 27019C0119D, 27019C0207D, 27019C0226D, 27019C0277D, 27019C0229D, 27019C0231D, 27019C0232D, 27019C0233D, 27019C0234D, 27019C0237D, 27019C0241D, and 27019C0242D dated December 21, 2018, and Hennepin County Flood Insurance Rate Map panel number 27053C0410F dated November 4, 2016 all prepared by the Federal Emergency Management Agency. These materials are on file with the city.
- 3) Flood studies performed by local Watershed Districts and Water Management Districts shall be adopted by reference as part of the city's Local Wastewater Management Plan.
- 4) Abrogation and Greater Restrictions: It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- 5) Warning and Disclaimer of Liability: This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance does not create liability on the part of the City of Chanhassen or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.
- 6) Severability: If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

Sec. 20-328. - Establishment of Floodplain Districts

- 1) Districts:
 - a. Floodway District. The Floodway District includes those areas within Zone AE delineated within floodway areas as shown on the Flood Insurance Rate Maps adopted in Section 20-237(2).

- b. Flood Fringe District. The Flood Fringe District includes areas within Zones AE on the Flood Insurance Rate Map adopted in Section 20-237(2), but located outside of the floodway.
 - c. General Floodplain District. The General Floodplain District includes those areas within Zones A and AE (that do not have a floodway delineated) as shown on the Flood Insurance Rate Maps adopted in Section 20-237(2).
- 2) Applicability: Where Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards in Division 2 or 3 will apply, depending on the location of a property. Locations where Floodway and Flood Fringe districts are not delineated on the floodplain maps are considered to fall within the General Floodplain district. Within the General Floodplain district, the Floodway District standards in Division 2 apply unless the floodway boundary is determined, according to the process outlined in Section 20-378.

Sec. 20-329. - Requirements for all Floodplain Districts

- 1) Minimum Development Standards. All new construction and substantial improvements must be:
 - a. Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - b. Constructed with materials and utility equipment resistant to flood damage.
 - c. Constructed by methods and practices that minimize flood damage.
 - d. Constructed with electrical, heating, ventilation, ductwork, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- 2) Flood Capacity. Floodplain developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.
- 3) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
- 4) Critical Facilities are to be located, so that the lowest floor is not less than three feet above the regional flood elevation, or the 500-year flood elevation, whichever is higher.

Sec. 20-330. - 20-347. - Reserved

DIVISION 2. - FLOODWAY DISTRICT (FW)

Sec. 20-348. - Permitted Uses

- 1) Permitted Uses: The following uses, subject to the standards set forth in Section 20-348(2), are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:

- a. Agricultural uses such as general farming, pasture, grazing, farm fences, outdoor plant nurseries, horticulture, forestry, sod farming, and wild crop harvesting.
 - b. Industrial-commercial loading areas, parking areas, and airport landing strips.
 - c. Open space uses, including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails.
 - d. Residential yards, lawns, gardens, parking areas, and play areas.
 - e. Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources' Area Hydrologist is notified at least ten days prior to issuance of any permit.
- 2) Standards for Floodway Permitted Uses:
- a. The use must have a low flood damage potential.
 - b. The use must not involve structures or obstruct flood flows. The use must not cause any increase in flood damages, nor any increase in flood elevations in areas where a floodway has been established, as certified by a registered professional engineer.
 - c. Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

Sec. 20-349. - Sec. 20-350. - Reserved

Sec. 20-351. - Conditional Use Permits

The following open space uses require accessory structures or fill or storage of materials or equipment. These uses may be permitted in the Floodway District only after the issuance of a conditional use permit as provided in Section 20-387:

- 1) Structures accessory to primary uses listed in Section 20-348(1)(a-c), provided that:
 - a. Structures are not intended for human habitation.
 - b. Structures will have a low flood damage potential.
 - c. Structures will be constructed and placed so as to offer a minimal obstruction to the flow of flood waters.
 - d. Structures must be elevated on fill, open sided or structurally dry floodproofed and watertight to the regulatory flood protection elevation. Certifications consistent with Section 20-385(3) shall be required.
 - e. Structures will not cause any increase in flood damages, nor any increase in flood elevations in areas where a floodway has been established, as certified by a registered professional engineer.
- 2) Placement of fill, provided:

- a. Any fill deposited in the floodway shall be no more than the minimum necessary for use. Generally, fill shall be limited to that needed to grade or landscape for that use and shall not in any way obstruct the flow of floodwaters, cause an increase in flood damages, or increase flood elevations in areas where a floodway has been established, as certified by a registered professional engineer.
 - b. Spoil from dredging or sand and gravel operations shall not be deposited in the floodway unless it can be done in accordance with paragraph (a).
 - c. Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.
- 3) Storage of materials and equipment, provided:
- a. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal or plant life is prohibited.
 - b. Storage of other materials or equipment may be allowed only be allowed if the City of Chanhassen has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.
 - c. Storage of other materials or equipment must not cause any increase in flood damages, nor any increase in flood elevations in areas where a floodway has been established, as certified by a registered professional engineer.
- 4) A levee, dike or floodwall, provided:
- a. It must not cause an increase to the 1% chance or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream
 - b. It must not cause any increase in flood damages, nor any increase in flood elevations in areas where a floodway has been established, as certified by a registered professional engineer.
- 5) Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of Minnesota Statutes, Section 103G.245.

Sec. 20-352. - 20-365. – Reserved.

DIVISION 3. – FLOOD FRINGE DISTRICT (FF)

Sec. 20-366. - Permitted Uses

Permitted uses are those uses of land or structures allowed in the underlying zoning district(s) that comply with the standards in Section 20-367.

Sec. 20-367. - Standards for Flood Fringe Permitted Uses

- 1) All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure. Elevations must be certified by a registered

professional engineer, land surveyor or other qualified person designated by the community.

- 2) Accessory Structures. As an alternative to the fill requirements of Section 20-367(1), structures accessory to the uses identified in Section 20-366 may be designed to accommodate the inundation of floodwaters, meeting the following provisions, as appropriate:
 - a. The accessory structure constitutes a minimal investment and satisfies the development requirements in Section 20-329.
 - b. Any enclosed accessory structure shall not exceed 576 square feet in size, and only be used for parking and storage. Any such structure shall be designed and certified by a registered professional engineer, or be designed in accordance with the following floodproofing standards:
 - i. To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, have a net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention.
 - c. All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.
 - d. All fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.
 - e. All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning /emergency evacuation plan acceptable to the City of Chanhassen.
 - f. Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.
 - g. Manufactured homes and recreational vehicles must meet the standards of Division 7 of this ordinance.

Sec. 20-368. – Conditional Uses

The following uses may be permitted in the Flood Fringe District only after the issuance of a conditional use permit as provided in Section 20-387:

- 1) The placement of floodproofed nonresidential basements below the regulatory flood protection elevation, provided:
 - a. The standards for permitted uses in the flood fringe listed in Section 20-367 are met.

- b. All areas of nonresidential structures, including basements to be placed below the regulatory flood protection elevation, must be structurally dry floodproofed, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A floodproofing certification consistent with Section 20-385(3) shall be required.
- c. Residential basements are not allowed below the regulatory flood protection elevation.

Secs. 20-369. - 20-376. - Reserved.

DIVISION 4. - GENERAL FLOODPLAIN DISTRICT (GF)

Sec. 20-377. - Permitted Uses

- 1) The uses listed in Section 20-348 of this ordinance, Floodway District Permitted Uses, are permitted uses.
- 2) All other uses are subject to the floodway/flood fringe evaluation criteria specified in Section 20-378. Division 2 of this article applies if the proposed use is determined to be in the Floodway District. Division 3 of this article applies if the proposed use is determined to be in the Flood Fringe District.

Sec. 20-378. - Procedures for Determining Floodway Boundaries and Regional Flood Elevations

- 1) Detailed Study. Developments greater than 50 lots or five acres, or as requested by the zoning administrator, shall be subject to a detailed study to determine the regulatory flood protection elevation and the limits of the Floodway District. The determination of the floodway and flood fringe must be consistent with accepted hydrological and hydraulic engineering standards, and must include the following components, as applicable:
 - a. Estimate the peak discharge of the regional (1% chance) flood.
 - b. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
 - c. Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than one-half (0.5) foot. A lesser stage increase than 0.5 foot is required if, as a result of the stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries, unless development or geographic features warrant other analysis, as approved by the Department of Natural Resources.
- 2) Alternative Methods. Provided no detailed study is available, an applicant must identify a base flood elevation, at minimum, to determine the boundaries of the special flood hazard area. The applicant shall obtain and utilize best available data to determine the regional flood elevation and floodway boundaries from a state, federal, or other source. If no such data exists, the applicant may determine the base flood elevation and floodway limits through other accepted engineering practices. Any such method shall

- assume a 0.5 foot stage increase to accommodate for future floodway determination.
- 3) The Zoning Administrator will review the submitted information and assess the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary. The assessment must include the cumulative effects of previous floodway encroachments. The Zoning Administrator may seek technical assistance from an engineer or other expert person or agency, including the Department of Natural Resources. Based on this assessment, the Zoning Administrator may approve or deny the application.
 - 4) Once the Floodway and Flood Fringe District boundaries have been determined, the Zoning Administrator must process the permit application consistent with the applicable provisions of Division 2 and Division 3 of this article.

DIVISION 5. - SUBDIVISIONS WITHIN THE FLOODPLAIN DISTRICTS

Sec. 20-379. - Subdivisions

In addition to the standards contained in Chapter 18, subdivision of lands within the floodplain districts must meet the standards enumerated in this section. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this division.

- 1) All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.
- 2) All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been approved by the City of Chanhassen. The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.
- 3) For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.
- 4) In the General Floodplain District, applicants must provide the information required in Division 4 of this ordinance to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.
- 5) Subdivision proposals must be reviewed to assure that:
 - a. All such proposals are consistent with the need to minimize flood damage within the flood prone area;
 - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,
 - c. Adequate drainage is provided to reduce exposure of flood hazard.

DIVISION 6. - UTILITIES, RAILROADS, ROADS, AND BRIDGES

Sec. 20-380. - Public Utilities

Public Utilities: All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be floodproofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.

Sec. 20-381. - Public Transportation Facilities

Public Transportation Facilities: Railroad tracks, roads, and bridges to be located within the floodplain must comply with Divisions 2 and 3 of this ordinance. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

Sec. 20-382. - On-site Water Supply and Sewage Treatment Systems

On-site Water Supply and Sewage Treatment Systems: Where public utilities are not provided:

- 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and are subject to the provisions in Minnesota Rules Chapter 4725.4350, as amended; and,
- 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, they must not be subject to impairment or contamination during times of flooding, and are subject to the provisions in Minnesota Rules Chapter 7080.2270, as amended.

DIVISION 7. - MANUFACTURED HOMES AND RECREATIONAL VEHICLES

Sec 20-383. - Manufactured Homes

Manufactured Homes: Manufactured homes and manufactured home parks are subject to applicable standards for each floodplain district. In addition:

- 1) New and replacement manufactured homes must be elevated in compliance with Division 3 of this ordinance and must be securely anchored to a system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
- 2) New manufactured home parks and expansions to existing manufactured home parks must meet the appropriate standards for subdivisions in Division 5 of this article. New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in Section 20-379(2) of this ordinance.

Sec 20-384.-Recreational Vehicles

Recreational Vehicles: New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Recreational vehicles placed in existing recreational vehicle parks, campgrounds or lots of record in the floodplain must either:

- 1) Meet the requirements for manufactured homes in Section 20-383(1), or
- 2) Be travel ready, meeting the following criteria:
 - a. The vehicle must have a current license required for highway use.
 - b. The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.
 - c. No permanent structural type additions may be attached to the vehicle.
 - d. Accessory structures may be permitted in the Flood Fringe District, provided that they constitute a minimal investment, do not hinder the removal of the vehicle should flooding occur, and meet the standards outlined in Sections 20-329(1) and 20-367(2).

DIVISION 8. - ADMINISTRATION

Sec 20-385. - Permits

Unless otherwise stated the permit requirements within the floodplain districts shall be identical to those contained in Chapter 7 and Chapter 20. Additional permit requirements within the floodplain districts shall be as follows:

- 1) Show location of fill or storage of materials in relation to the stream channel.
- 2) Provide copies of any required municipal, county, state or federal permits or approvals.
- 3) Certification. The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Floodproofing measures must be certified by a registered professional engineer or registered architect as being in compliance with applicable floodproofing standards in the State Building Code. Accessory structures designed in accordance with Section 20-367(2) of this ordinance are exempt from certification, provided sufficient assurances are documented. Any development in established floodways must not cause any increase in flood elevations or damages, as certified by a registered professional engineer.
- 4) Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this ordinance.
- 5) Recordkeeping of Certifications and As-Built Documentation. The Zoning Administrator must maintain records in perpetuity documenting:
 - a. All certifications referenced in Section 20-385(3) of this ordinance as applicable.

- b. Elevations complying with Section 20-367(1) of this ordinance. The Zoning Administrator must also maintain a record of the elevation to which structures and alterations to structures are constructed or floodproofed.
- 6) Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).
- 7) Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Zoning Administrator must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

Sec. 20-386. - Variances

Unless otherwise stated a variance request from the provisions of this article will be processed and reviewed in accordance with applicable State Statutes and Chapter 20, Article II of the City Code. Additional variance requirements within the floodplain districts shall be as follows:

- 1) Adherence to State Floodplain Management Standards. A variance must not allow a use that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.
- 2) Additional Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
 - a. Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - b. Variances may only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - c. Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 3) Flood Insurance Notice. The Zoning Administrator must notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and 2) Such construction below the base or regional flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.
- 4) General Considerations. The community may consider the following factors in granting variances and imposing conditions on variances and conditional uses in floodplains:

- a. The danger that materials may be swept onto other lands or downstream to the injury of others.
 - b. The availability of viable alternative locations for the proposed use that are not subject to flooding.
 - c. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
- 5) Submittal of Hearing Notices to the Department of Natural Resources (DNR). The Zoning Administrator must submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
- 6) Submittal of Final Decisions to the DNR. A copy of all decisions granting variances must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
- 7) Recordkeeping. The Zoning Administrator must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

Sec. 20-387. - Conditional Uses

Unless otherwise stated an application for a conditional use permit under the provisions of this article will be processed and reviewed in accordance with Chapter 20, Article IV of the City Code. Additional requirements for conditional uses within the floodplain districts shall be as follows:

- 1) Conditions Attached to Conditional Use Permits. In addition to the standards identified in Sections 20-351 and 20-368, the City of Chanhassen may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:
 - a. Limitations on period of use, occupancy, and operation.
 - b. Imposition of operational controls, sureties, and deed restrictions.
 - c. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
- 2) Submittal of Hearing Notices to the Department of Natural Resources (DNR). The Zoning Administrator must submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
- 3) Submittal of Final Decisions to the DNR. A copy of all decisions granting conditional uses must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

Sec. 20-388. - Nonconformities

Continuance of Nonconformities: A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance but which is not in conformity with the

provisions of this ordinance may be continued subject to the following conditions. Historic structures, are subject to the provisions of this section.

- 1) A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided in Sec. 20-388(2) below. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.
- 2) Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP1 thru FP4 floodproofing classifications) allowable in the State Building Code, except as further restricted in Sec. 20-388(4) below.
- 3) If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance.
- 4) If any structure experiences a substantial improvement as defined in this ordinance, then the entire structure must meet the standards of Division 2 or Division 3 of this article for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.
- 5) If any nonconformity is substantially damaged, as defined in this ordinance, it may not be reconstructed except in conformity with the provisions of this ordinance. The applicable provisions for establishing new uses or new structures in Division 2 or Division 3 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.
- 6) If any nonconforming use or structure experiences a repetitive loss, it must not be reconstructed except in conformity with the provisions of this ordinance.

Sec. 20-389. - Violations and Penalties

- 1) Violation Constitutes a Misdemeanor: Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) constitute a misdemeanor and will be punishable as defined by law.
- 2) Other Lawful Action: Nothing in this ordinance restricts the City of Chanhassen from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this ordinance and will be prosecuted accordingly.
- 3) Enforcement: Violations of the provisions of this ordinance will be investigated and resolved in accordance with the provisions of Section 20-26 of the zoning ordinance/code. In responding to a suspected ordinance violation, the Zoning Administrator and City Council may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The City of Chanhassen must act in good faith to enforce these official controls and to

correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.


Sec. 20-390. - Amendments

- 1) Floodplain Designation – Restrictions on Removal: The floodplain designation on the Official Zoning Map must not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Department of Natural Resources (DNR) if it is determined that, through other measures, lands are adequately protected for the intended use.
- 2) Amendments Require DNR Approval: All amendments to this ordinance must be submitted to and approved by the Department of Natural Resources (DNR) prior to adoption.
- 3) Map Revisions Require Ordinance Amendments. The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Section 20-327(2) of this ordinance.

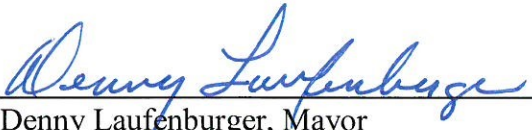
Secs. 20-391—20-400. - Reserved

SECTION 3. This ordinance shall be effective immediately upon its passage and publication.

PASSED AND ADOPTED this 10th day of December, 2018 by the City Council of the City of Chanhassen, Minnesota



Todd Gerhardt, City Manager



Denny Laufenburger, Mayor

(Summary Ordinance published in the Chanhassen *Villager* on December 20, 2018)

**CITY OF CHANHASSEN
CARVER AND HENNEPIN COUNTIES, MINNESOTA**

SUMMARY OF ORDINANCE NO. 636

**AN ORDINANCE AMENDING CHAPTER 1, GENERAL PROVISIONS AND
CHAPTER 20, ZONING OF THE CHANHASSEN CITY CODE**

The purpose of these code amendments are as follows:

Amend Section 1-2 to adopt the definitions in the Minnesota Department of Natural Resources' model ordinance for Base Flood Elevation, Critical Facilities, Dwelling (manufactured), Flood Fringe, Flood Insurance Rate Map (FIRM), Flood Prone Area, Floodproofing, Flood (regional), Floodplain, Floodway, Lowest Floor, Manufactured Home, Recreational Vehicle, Regulatory Flood Protection Elevation (RFPE), Repetitive Loss, Special Flood Hazard Area, Substantial Damage, and Substantial Improvement.

Amend Section 20-326 to state statutory authorization and purpose of the floodplain overlay district.

Amend Section 20-327 to state jurisdictional limits and boundaries of the ordinance, establish the Floodway, Flood Fringe, and General Floodplain as overlay districts, provide mechanism for contesting district boundaries, incorporate Federal Emergency Management Agency maps and studies by reference, incorporate flood studies by local Watershed Districts and Water Management Districts by reference, state that in all areas the most restrictive provisions prevail, note that the ordinance does not imply safety from flooding or flood damages, state that the City has no liability for flood damages, and assert that the invalidation of one section of the ordinance does not invalidate the other portions of the ordinance.

Amend Section 20-328 to establish the location of the Floodway District, Flood Fringe District, and General Floodplain District and the standards that shall apply to each district.

Amend Section 20-329 to list the requirements for all Floodplain Districts. These include: minimum development standards designed to minimize the potential for flood damage; clauses to protect existing flood capacity; prohibitions on storing dangerous substances; and location restrictions for critical facilities.

Amend Section 20-330 to Section 20-347 to reserve space for future amendments.

Amend Section 20-348 to list the permitted uses and standards for permitted uses within the Floodway District.

Amend Section 20-349 to Section 20-350 to reserve space for future amendments.

Amend Section 20-351 to list conditional uses and standards for conditional uses within the Floodway District.

Amend Section 20-352 to Section 20-365 to reserve space for future amendments.

Amend Section 20-366 to list permitted uses for the Flood Fringe District.

Amend Section 20-367 to establish standards for permitted uses within the Flood Fringe District.

Amend Section 20-368 to list conditional uses and standards for conditional uses within the Flood Fringe District.

Amend Section 20-369 to Section 20-376 to reserve space for future amendments.

Amend Section 20-377 to list permitted uses for the General Floodplain District.

Amend Section 20-378 to establish procedures for determining floodway boundaries and regional flood elevations within the General Floodplain District for developments greater than 50 lots or five acres, and require that this information be used to place these areas within either the Floodway District or the Flood Fringe District.

Amend Section 20-379 to establish additional standards beyond those listed in Chapter 18 for the subdivision of lands within floodplain district.

Amend Section 20-380 to establish standards for Public Utilities located within the floodplain.

Amend Section 20-381 to establish standards for Public Transportation Facilities within the floodplain.

Amend Section 20-382 to establish standards for On-site Water Supply and Sewage Treatment Systems within the floodplain.

Amend Section 20-383 to establish standards for manufactured homes and manufactured home parks within each floodplain district.

Amend Section 20-384 to prohibit the expansion or creation of new recreation vehicle parks or campgrounds within any floodplain districts, and establish standards for recreational vehicles located within the floodplain.

Amend Section 20-385 to establish permitting, recordkeeping, and notification requirements for floodplain districts.

Amend Section 20-386 to establish the process, standards, criteria, factors to consider, notification, and recordkeeping requirements for granting variances within floodplain districts.

Amend Section 20-387 to establish the permit process, conditions imposable, notification, and decision requirements for conditional uses within floodplain districts.

Amend Section 20-388 to establish provisions for the continuance, alteration, improvement, mitigation, repair, replacement, and elimination of nonconforming uses within the floodplain district.

Amend Section 20-389 to state that a violation of the floodplain ordinance is a misdemeanor, that the city may take any and all lawful action to enforce the ordinance, and that the city must act in good faith to enforce the ordinance.

Amend Section 20-390 to limit the city's ability to remove the floodplain designation on the official zoning map, to state that amendments of this ordinance require approval from the Department of Natural Resources, and to require the city to amend the ordinance to incorporate any revisions made by the Federal Emergency Management Agency to the floodplain maps.

Amend Section 20-391 to Section 20-400 to reserve space for future amendments.

A printed copy of Ordinance 636 is available for inspection by any person during regular office hours at the office of the City Manager/Clerk.

PASSED, ADOPTED, AND APPROVED FOR PUBLICATION this 10th day of December, 2018, by the City Council of the City of Chanhassen.

(Publish in the Chanhassen Villager on December 20, 2018)