

ZONING ORDINANCE

SECTION 2 GENERAL PROVISIONS

2.1 APPLICATIONS OF PROVISIONS

- 2.1.1 In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- 2.1.2 Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive, or which impose higher standards or requirements shall prevail.
- 2.1.3 No structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Ordinance.

2.2 SEPARABILITY

It is hereby declared to be the intention of the City Council that the several provisions of this Ordinance are separable in accordance with the following:

- a) If any Court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment;
- b) If any Court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

2.3 ESSENTIAL SERVICES

Essential services shall be subdivided into two classes for consideration under this Ordinance: Governmentally Owned and Operated or Privately Owned and Operated.

- a) Governmentally Operated and Owned Essential Services (sewer, water, etc.) shall be permitted as authorized and regulated by State Law and Ordinances of the City of Chaska. It is the intention that these essential services are exempt from the application of this Ordinance;
- b) Privately Owned and Operated Essential Services (telephone, gas, communications, etc.) are subject to provisions of this Ordinance, unless specifically exempted by a provision of this Ordinance. These essential

GENERAL PROVISIONS

services are also subject to other ordinances of the City of Chaska as applicable. Above ground structures for private essential services such as sub-stations or receiving and transmitting towers/antennas shall be classified as a use by conditional permit in all zoning districts. A Conditional Use Permit for such essential service structures may be granted by the City Council after public hearing and recommendation by Planning Commission. The placement, heights, design, and type of construction and building material of such structures shall be such that any potential negative effect upon proximate properties will be minimized. The City Council may require certain conditions of approval to assure environmental compatibility.

2.4 NON-CONFORMING STRUCTURES AND USES

The lawful use of any land or buildings existing at the time of the adoption of this Ordinance may be continued, at the size and in the manner of operation existing on such date, even if such use does not conform to the regulations of this Ordinance, except as provided below:

All matters relevant to the use of land or buildings, such as size, manner of operation, etc., which was a non-conforming use under Chaska Ordinance No. 163 or amendments thereof, and which is a non-conforming use hereunder, shall relate back to the time when such land or building became non-conforming.

2.4.1 NON-CONFORMING STRUCTURES:

2.4.1.1 Alterations

A non-conforming building or structure shall not be reconstructed or altered to an extent exceeding 50% of its market value for assessment purposes unless said building or structure is changed to conform with the regulations of this Ordinance.

2.4.1.2 Enlargement

A non-conforming building or structure shall not be added to or enlarged in any manner unless such additions or enlargements are made so as to bring said building or structures into conformity with the regulations of this Ordinance.

2.4.1.3 Restoration

A non-conforming building or structure which is damaged by fire or other cause to the extent of more than 50% of its market value as estimated by the Building Official and approved by the City Council, shall not be restored except in conformity with the regulations of this Ordinance.

2.4.1.4 Maintenance

Normal maintenance of a non-conforming building or structure shall be permitted, including necessary nonstructural repairs and incidental alterations.

2.4.2 NON-CONFORMING USE OF BUILDING OR LAND:

2.4.2.1 Extension

A non-conforming use of a building may be extended throughout said building provided no structural alterations are made therein except as required by other codes or ordinances.

ZONING ORDINANCE

2.4.2.2 Relocation

A non-conforming use shall not be moved to any other part of the parcel of land upon which the same was conducted at the time of passage of this Ordinance.

2.4.2.3 Abandonment

A non-conforming use of building or parcel of land which has been discontinued for a period of one year shall not be re-established and any future use shall be in conformity with the regulations of this Ordinance.

The aforementioned one (1) year discontinuance shall not apply to two-family dwellings, which dwellings shall be permitted to be discontinued for a period of five (5) years provided the dwelling continues to contain two (2) physically separate living units and is not converted back to a one-family dwelling.

2.4.2.4 Change

A non-conforming use of a building or parcel of land may be changed to a similar non-conforming use or to a more restrictive non-conforming use. Once a structure or parcel of land has been placed in a more restrictive non-conforming use, it shall not return to a less restrictive non-conforming use.

When any non-conforming use of a building or parcel of land has been changed to a conforming use, it shall not, thereafter, be changed to a non-conforming use.

2.5 NON-CONFORMING LOTS OF RECORD

- 2.5.1 In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance.

Such lot must be in separate ownership and not of continuous frontage with lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located; however, in no case shall building be permitted on a site less than 50 feet in width. Variance of yard requirements shall be obtained only through action of the Board of Appeals.

- 2.5.2 If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

2.6 ZONING MAP / DISTRICTS / BOUNDARIES

GENERAL PROVISIONS

The City of Chaska is hereby divided into "Use Districts" as listed below and as shown on the Official Zoning Map, which together with all explanatory and supplemental matter thereon, is hereby adopted by reference and declared to be part of this Ordinance.

Included in such supplementary and explanatory matter are the studies entitled *Flood-Plain Areas of the Lower Minnesota River*, United States Department of the Interior, Geological Survey, 1973.

The explanatory material shall include the *Flood Insurance Study for the City of Chaska* prepared by the Federal Insurance Administration dated July 20, 1998, Panel Number 275234 0002 C and the Flood Boundary and Floodway Maps and Flood Insurance Rate Maps therein. The Official Zoning Map shall be on file in the Office of the Community Development/Code Administrator.

The flood plain area within the jurisdiction of this Ordinance is classified as the Floodway District (FW).

- a) Floodway District: The Floodway District shall include those areas designated as floodway in the Flood Insurance Study;
- b) Flood Fringe District. The Flood District shall include those areas designated as flood fringe in the Flood Insurance Study.

The boundaries of these districts shall be as shown on the Flood Boundary and Floodway Map (Community Panel Number 275234 0002 C) contained in *Flood Insurance Study, City of Chaska, Minnesota*. Within these districts all uses not allowed as permitted uses or permissible as Conditional Uses shall be prohibited.

Use Districts referenced above are as follows:

- R - Rural
- RR - Rural Residential, 1 and 2
- R1 - Low Density Residence
- R1A - Low Density Single Family Residence
- R1B - Low Density Single Family Residence
- R2 - Medium Density Residence
- R3 - Multiple Family Residence
- C1 - Neighborhood Service
- C2 - General Commerce
- C3 - Downtown District
- I - Industrial
- I2 - Restricted Industrial
- P1 - Public Open Space
- P2 - Public Buildings
- FW - Flood Way
- FF - Flood Fringe
- O - Open Development
- PRD - Planned Residence Development
- PRD-R-LS - Planned Residence - Rural-Lakeshore

ZONING ORDINANCE

- PRD-E/WC - Planned Residential Development - Estate/Woodland Conservation
- PCD - Planned Commercial Development
- PID - Planned Industrial Development
- PMD - Planned Multi-Use Development

2.7 INTERPRETATION OF BOUNDARIES

Where uncertainty exists as to the boundaries as shown on the Official Zoning Map, the following rules shall apply:

- a) Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such center lines.
- b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- c) Boundaries indicated as approximately following City Limits shall be construed as following such City Limits.
- d) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- e) Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, river canals, lakes, or other bodies of water shall be construed to follow such center lines.
- f) Boundaries indicated as parallel to or extension of features indicated in Subsection 2.7(e) directly above, shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- g) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsection 2.7(e) above, the Board of Appeals shall interpret the district boundaries.
- h) Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Board of Appeals may permit, as a special exemption, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.
- i) Where interpretation is needed as to the exact location of the boundaries of the Floodway or Flood Fringe District, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Board of Appeals shall make the necessary interpretation based on elevations on the Regional (100-year) Flood Profile and other available technical data.

GENERAL PROVISIONS

DEVELOPMENT / DISTRICTS SUMMARY

R - Rural

Southwest of County Road 11, Section 31

Six parcels West of McKnight Road, North of TC & W Railroad, surrounded by ravine (Alt) -
Sections 19, 20, 29, and 30

Areas within 20, 29, 30, 31, and 32

RR1 - Rural Residential 1

North of the railroad tracks, East of McKnight Road to McKnight Addition

RR2 - Rural Residential 2

East side of McKnight Road from McKnight Addition to Northern boundary and West side of
McKnight Road, North of ravine in Section 20; South 1/2 of Section 19 East of Bavaria Rd.;
North 1/2 of Section 19; Southeast 1/4 of Section 18; and Southwest 1/2 of Section 17
McKnight Addition

R1 - Low Density Residence

Broadview/Scenic View Addition

Creek Lane / Stadem, Kayeske

Hazeltine Glen

Highland Acres

Northgate

North Meadow First, Second, Third Additions

Oak Hill

Oak Hill Second Addition

Ottinger's

Sandy Acres

West Oaks

Creek Road

Four houses at Bavaria Road and Victoria Drive

Homes along Creek Road

R1A - Single Family Residence

Oak Hill Third Addition

Royal Oaks

Shadow Wood

R2 - Medium Density Residence

Brandondale

Riverview Terrace, homes along Stoughton Avenue, East of Audubon

Lower Chaska

Mixed housing West end of Sandy Acres

Walnut Court

R3 - Multiple Family Residence

Apartments - lower Crosstown/Trunk Highway 212

Apartments - Ravoux Road

Cedar Creek/Crosstown Apartments (Carver Ridge Townhomes)

ZONING ORDINANCE

City-owned property/Stoughton Avenue

C1 - Neighborhood Service

Brandondale Sales Lot/County Road 17
Crossroads Medical Clinic

C2 - General Commerce

Trunk Highway 212 - Old Fire Station, Chaska Bell, Lenzen, McDonald's, car wash, and from
Chaska Farm & Garden to and including Chaser's
Dairy Queen

C3 - Downtown

Trunk Highway 212 Southerly to South side of Butch's and from Pine to Walnut Street
Werner Addition

I - Industrial

Culvert/Gas/Trucking, Trunk Highway 212 East
Ermak - County Road 17
Geyen/Salden
Jonathan Industrial Park West
Spuhl-Anderson
Peavey Plat
Oak Grove Dairy
North side of 6th Street from creek East to and including Larry's Electric
Channel Addition
United Sugar

I2 - Restricted Industrial District

Total Loss - County Road 140

P1 - Public Open Space

City Ravine/Trail System/Parks/Open space
Par 30 and Chaska Town Course

P2 - Public Buildings

School Campus on Trunk Highway 41
Municipal Services Building
City Hall
Carver County License Center, Pine Street
McKnight Addition - Jonathan Elementary School
Carver County Justice Center
Fire Station, Lot 1, Block 2, North Meadow Eighth Addition
High School on Pioneer Trail
Carver County Courthouse

PRD - Planned Residential Development District

PRD-1 - Jonathan Neighborhoods 1-6
- Lake Grace View Second Addition
- Westin's Neighborhood #4
PRD-2 - Jonathan Neighborhoods 7-9
- Hundertmark
- Tuscany Hills
- Victoria Way

GENERAL PROVISIONS

- PRD-3 - Brandondale Phase Two
 - PRD-4 - Liberty Heights
 - PRD-5 - Valleyview
 - PRD-6 - Klingelhut (Klein) property
 - PRD-7 - Autumn Woods
 - PRD-8 - Talheim/Lake Auburn Manor/Auburn Courts
 - PRD-9 - Woodland Heights
 - PRD-10 - Church property East of White Oak Drive (West Oaks)
 - PRD-11 - Parkview Terrace
 - PRD-12 - Chestnut Hills
 - PRD-13 - Deerwood Estates
 - PRD-14 - Park Ridge
 - PRD-15 - Bluff Pointe
 - PRD-16 - Woodridge
 - PRD-17 - Town Square Apartments (Ess site)
 - PRD-18 - Hazeltine Bluff
 - PRD-19 - Hundertmark Heights Sixth
 - PRD-20 - Stratford
 - PRD-21 - East Creek Canyon
 - PRD-22 - South Ridge Falls
 - PRD-23 - Cortina Woods, Additions First through Fifth
 - PRD-24 - Autumn Woods East (Wagner Woods)
 - PRD-25 - Hidden Pond Townhomes (Neighborhood Three)
 - PRD-26 - Tuscany Hills Third
 - PRD-27 - Stone Creek Townhomes
 - PRD-28 - The Highlands of Chaska
 - PRD-29 - East Creek Carriage Homes, Sandy Acres
 - PRD-30 - Autumn Woods South
 - PRD-31 - Crystal Village Townhomes
 - PRD-32 - Heather Ridge
- PRD - Planned Residential Development District (continued)
- PRD-33 - Willow Wood
 - PRD-34 - Fairway Hills
 - PRD-35 - Bavaria Hills
 - PRD-36 - Pinnacle Heights
 - PRD-42 - Town Course Heights/Longview Estates/Fairway Meadows

PRD-R-LS - Planned Residential Development-Rural-Lakeshore

- Bavarian Shores
- Lake Bavaria Estates
- Seasons
- Southeast corner of Lake Bavaria - 3 residential properties

PCD - Planned Commercial Development

- ~~PCD-1~~ — ~~Village Center~~ (to PMD-6)
- PCD-2 - County Market (formerly New Market)
- PCD-3 - Klein Brickyard
- PCD-4 - Jonathan Square
- PCD-5 - Lot 1, Block 1, North Meadow Eighth Addition
- PCD-6 - Brandondale, Northwest quadrant of County Road 17 and Engler Boulevard (approximately 5 acres)

ZONING ORDINANCE

- PCD-7 - SuperAmerica, Outlots A and J, Cortina Woods
- PCD-8 - Chaska Commons
- PCD-9 - Shadow Wood Third Addition (Meschke)

PMD - Planned Multi-Use Development

- PMD-1 - Hazeltine Gates area/Hazeltine Shores
- PMD-2 - Sugar Creek
- PMD-3 - North Meadow Fourth
- PMD-4 - True Value Building Center
- PMD-5 - IDS, Oak Knoll
- PMD-6 - ISD #112 - Village Center
- PMD-7 - Blocks 54 and 55/Townhomes/Hotel (River Bend)
- PMD-8 - Crystal Addition
- PMD-9 - West Chaska Creek/South side of Sixth Street
- PMD-10 - Brickyard Redevelopment
- PMD-11 - Spuhl-Anderson Property/Klein Bancorporation Data Center

PID - Planned Industrial Development

- PID-1 - Jonathan Industrial Park West/Crosby Park
- PID-2 - Arbor Park, First through Fourth, & Arbor Park Final
- PID-3 - Lakeview Industrial Park
- PID-4 - Arbor Park West/LifeCore Addition
- PID-5 - Channel Addition