



**CITY OF TONKA BAY**  
4901 Manitou Road  
Tonka Bay MN 55331  
952-474-7994  
[www.cityoftonkabay.net](http://www.cityoftonkabay.net)

## **PRE-APPLICATION OVERVIEW**

The pre-application process is designed to provide residents or other interested parties an avenue to meet with City staff prior to submitting an application for variance, conditional use, or other land use request. It is our experience that such meetings allow an applicant to gain a better understanding of the application process, and provide an avenue to determine exactly what must be requested to achieve a desired goal. Please note that many applications cannot be reviewed upon submittal as they are incomplete or do not properly request all necessary approvals. This in turn increases the overall timeframe necessary to go through the City process.

### **Application deposit:       \$300.00**

The application deposit is used to cover the initial time you spend with the City's consulting staff (i.e. planner, engineer, or attorney). Consulting staff charges the City on an hourly basis as follows:

- Planner ..... \$109.00/hour
- Engineer ..... \$137.00/hour
- Attorney's fees (if needed)

In filling out this application, you will be responsible for the consulting time utilized to answer your questions. Your \$300 deposit will be used against such charges, and any unutilized funds will be returned to you. If your consulting fees exceed \$300, you will be billed the difference by the City.

### **Process:**

At a minimum, you must submit the application and fee to be authorized to meet with City staff members about your request. It is strongly encouraged to also provide a brief written narrative on what you are seeking along with any proposed plan sets, surveys, and other documentation to be used during the discussion. Staff will review such documentation and give consideration to your request prior to meeting with you. Staff at City Hall will assist you in setting up the meeting at a mutually convenient time.

APPLICATION ON BACK



**CITY OF TONKA BAY**  
 4901 Manitou Road  
 Tonka Bay MN 55331  
 952-474-7994  
[www.cityoftonkabay.net](http://www.cityoftonkabay.net)

**PRE-APPLICATION**

DATE \_\_\_\_\_

SITE ADDRESS \_\_\_\_\_

NAME OF PROPERTY OWNER(S) \_\_\_\_\_

ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

E-MAIL \_\_\_\_\_

NAME OF APPLICANT(S) (if different from above) \_\_\_\_\_

ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

E-MAIL \_\_\_\_\_

Suggested submittals to include with this application:

1. A brief written narrative describing your request or question;
2. Any proposed plan sets, surveys, or other documentation to be used during the discussion;

\_\_\_\_\_  
 Signature of Applicant

\_\_\_\_\_  
 Signature of Property Owner

\_\_\_\_\_  
 Signature of Applicant

\_\_\_\_\_  
 Signature of Property Owner

This Section Completed by Staff			
FEE	FOR	DATE PAID	STAFF INITIALS
\$ 300.00	Pre-Application Deposit		



**CITY OF TONKA BAY**  
4901 Manitou Road  
Tonka Bay MN 55331  
952-474-7994  
[www.cityoftonkabay.net](http://www.cityoftonkabay.net)

## **BUILDING HEIGHT REQUIREMENTS**

### **1002.02 DEFINITIONS.**

Subd. 1. The following words and terms, whenever they occur in this Ordinance, shall be interpreted as herein defined:

**Building Height, Principal Buildings.** The height of principal buildings measured from the average ground level prior to construction to the top cornice line of a flat and mansard roof, to the uppermost point on a shed, round or other arch-type roof, or to the average height of the highest gable of a pitched or hipped roof.

### **1011.01 GENERAL YARD, LOT AREA AND BUILDING REGULATIONS.**

Subd. 3. Height

- a. The building height to the top peak of any portion of the roof which exceeds the allowable building height in the applicable zoning district by more than five (5) feet or roof pitches of more than a forty-five (45) degree angle for those structures at the building height limitation may be allowed as a conditional use permit provided that:
  1. For each additional one (1) foot in allowable, actual roof height as calculated by the height definition, which is above the maximum building height allowed by the respective zoning district, front and side yard setback requirements shall be increased by one (1) foot.
  2. The construction does not limit solar access to abutting and/or neighboring properties.
  3. The provisions of Section 1003.01.8, conditional uses, are considered and satisfactorily met.

Subd. 5. Yards.

For riparian lots, no principal structure or building addition shall be located closer to the ordinary high water mark than the greater of fifty (50) feet, or the average setback of the two adjacent riparian principal structures on either side of a proposed building site. In all circumstances, the setback shall be established by measuring the distance from the ordinary high water level to the part of the said principal structure that is closest to the lake.



**CITY OF TONKA BAY**  
4901 Manitou Road  
Tonka Bay MN 55331  
952-474-7994  
[www.cityoftonkabay.net](http://www.cityoftonkabay.net)

## **CONSTRUCTION PROJECT REQUIREMENTS**

The following conditions shall be met throughout the building project. **It will be the responsibility of the project manager, building superintendent and/or property owner to inform all parties involved of the following requirements:**

1. Construction hours are as follows (with no exceptions):  
Monday through Friday                      7:00 a.m. – 8:00 p.m.  
Saturday and Sunday                         10:00 a.m. – 5:00 p.m.
2. Parking shall be restricted to one side of the street. If the street width is such that parking on one side still restricts traffic, contact City Hall at (952) 474-7994 for alternate parking sites.
3. Dumpsters, building materials, rock, etc. shall be located on the building site. All other locations involving placement of these materials within City right-of-way requires prior approval from the Public Works Superintendent (952) 474-2947.
4. Adequate toilet facilities must be on site. See City Code Section 300.04 for standards.
5. The city street shall be cleared at the end of each workday or sooner if so needed. If the street is not cleaned within a 24-hour period, the City will authorize Public Works to clean the street. All related costs will be billed to the property owner.
6. Any excavation within the city right-of-way requires a street excavation permit.
7. Load Restrictions: Woodpecker Ridge Road has a 4-ton per axle weight restriction at all times. Contact the Public Work Superintendent at 952-474-2947 to discuss your options if you are working on Woodpecker Ridge Road or Willow Woods Drive.
8. Seasonal Load Restrictions: Load limits for all streets in Tonka Bay are 4-ton per axle weight once posted. The City of Tonka Bay follows the Mn/DOT's schedule for posting and removal of load restriction limits. Tonka Bay does not issue overweight permits during this period. It is the responsibility of the contractor to monitor the load restriction limits as posted by Mn/DOT. The Mn/DOT load restriction 24-hour telephone hotline is 1-800-723-6543 or (651) 406-4701 in the Minneapolis/St. Paul Metro area.

If you have any questions regarding these requirements, please contact Robin Bowman at (952) 474-2947.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_



**CITY OF TONKA BAY**  
4901 Manitou Road  
Tonka Bay MN 55331  
952-474-7994  
[www.cityoftonkabay.net](http://www.cityoftonkabay.net)

## **ESCROW DEPOSITS**

### **SECTION 263. ESCROW DEPOSITS**

#### **263.01. INTENT**

Certain licensed and permitted activities carried on in the city require the assistance of the city engineer, city attorney, city administrator, or other city personnel. As these activities primarily benefit private persons rather than the city as a whole, the cost of these services should be borne by those benefiting therefrom.

#### **263.02. ESCROW DEPOSIT REQUIRED**

Where applications for subdivision approval, rezoning, conditional use permits, planned unit developments, zoning variances, sewer connection permits, liquor license, building permits, or any other municipal permits, licenses, or considerations require a cash deposit, said cash deposit shall be placed in an escrow account in an amount sufficient to pay all engineering, legal, planning, or other fees incurred by the city, and such other costs as may be the applicant's responsibility in connection with the application and supervision, inspection, and investigation of the permitted activity. The deposit shall be held in the account and shall be credited to the applicant making the deposit. All engineering, legal, and planning fees, and such other costs as may be made the applicant's responsibility, incurred in connection with an application, shall be charged to the applicant's escrow account and credited to the city.

#### **263.03. DETERMINATION OF ESCROW AMOUNT**

Based on the fee schedule as set out in Section 402.01 of this code, the City Administrator shall determine the amount of the escrow deposit required after consultation with the city attorney, city engineer, or other appropriate city personnel whose services may be required. All time, services, and materials to be billed to an escrow account shall be itemized.

#### **263.04. ENFORCEMENT**

Applications requiring escrow deposits shall not be accepted or processed by the city unless accompanied by an escrow deposit as required by Section 263. of this code.

#### **263.05. DEFICITS**

If at any time it appears that a deficit will occur in any escrow, the City Administrator may require an additional deposit in said escrow account sufficient to cover the additional expenses. Failure to make such additional deposits, or to

pay to the city money owed for services for which the applicant is responsible in connection with his or her application shall be grounds for denial or revocation of the permit or license, or cessation of work on a particular project. Such permit or license shall be revoked only after a hearing complying with the requirements of Section 150 of this code.

**263.06.        REFUNDS**

Any money remaining in an applicant's escrow account after payment of all required engineering, legal and other costs and fees shall be returned to the applicant.



**CITY OF TONKA BAY**  
4901 Manitou Road  
Tonka Bay MN 55331  
952-474-7994  
[www.cityoftonkabay.net](http://www.cityoftonkabay.net)

## **FLOOR AREA RATIO**

### Floor Area Ratio Calculation:

The floor area ratio is the floor area of a building or buildings on any lot divided by the area of such lot, or in the case of planned developments by the net site area. The floor area ratio requirements as set forth under each zoning district, shall determine the maximum floor area allowable for a building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot.

So to calculate the ratio we take the total floor area (the area inside the walls) and divide that by the gross area of the lot. This is different than the hard coverage measurement.



**CITY OF TONKA BAY**  
4901 Manitou Road  
Tonka Bay MN 55331  
952-474-7994  
[www.cityoftonkabay.net](http://www.cityoftonkabay.net)

## **IMPERVIOUS SURFACE COVERAGE**

### **1070.11 IMPERVIOUS SURFACE COVERAGE.**

#### Subd. 1. Allowable Coverage.

- a. Impervious surface coverage for lots in all zoning districts shall not exceed twenty-five (25) percent of the lot area, except as provided below:
  1. Where appropriate and where structures and practices are in place for the treatment of storm water runoff and/or prevent storm water from directly entering a public water, impervious surface coverage may be allowed to exceed twenty-five (25) percent to a maximum of thirty-five (35) percent on any one site with approval of the City Engineer and City Administrator.
  2. Where appropriate and where structures and practices are in place for the treatment of storm water, impervious surface coverage of between thirty-six (36) percent to forty-five (45) percent may be allowed provided a shoreland impact plan/ conditional use permit is submitted and approved as provided for in Section 1070.16 of this Ordinance.
  3. Where appropriate and where structures and practices are in place for the treatment of storm water, impervious surface coverage of forty-six (46) percent and over may be allowed provided a shoreland impact plan/conditional use permit and variance are submitted and approved as provided for in Section 1070.16 and Section 1070.17 of this Ordinance.

Subd. 2. Treatment Measures. Measures for the treatment of storm water runoff and/or prevention of storm water from directly entering a public water include such appurtenances as sediment basins (debris basins, desilting basins, or silt traps), installation of debris guards and microsilt basins on storm sewer inlets, oil skimming devices, etc.

Subd. 3. Limitations. No impervious surface coverage shall be placed, located or constructed within fifty (50) feet of the ordinary high water level, except for stairways, lifts and landings as allowed for in Section 1070.12 of this Ordinance.



**CITY OF TONKA BAY**  
 4901 Manitou Road  
 Tonka Bay MN 55331  
 Phone: 952-474-7994  
 www.cityoftonkabay.net

**HARDCOVER  
 CALCULATION  
 WORKSHEET**

**EXISTING AND  
 PROPOSED HARDCOVER**

**ADDRESS:** \_\_\_\_\_

<b>A. HOUSE</b>	_____	X	_____	=	_____	<b>S.F.</b>
	_____	X	_____	=	_____	<b>S.F.</b>
	_____	X	_____	=	_____	<b>S.F.</b>
	_____	X	_____	=	_____	<b>S.F.</b>
	_____	X	_____	=	_____	<b>S.F.</b>
<b>B. GARAGE</b>	_____	X	_____	=	_____	<b>S.F.</b>
	_____	X	_____	=	_____	<b>S.F.</b>
<b>C. DRIVEWAY</b>	_____	X	_____	=	_____	<b>S.F.</b>
	_____	X	_____	=	_____	<b>S.F.</b>
<b>D. SIDEWALK</b>	_____	X	_____	=	_____	<b>S.F.</b>
	_____	X	_____	=	_____	<b>S.F.</b>
<b>E. PATIO/DECK</b>	_____	X	_____	=	_____	<b>S.F.</b>
	_____	X	_____	=	_____	<b>S.F.</b>
<b>F. OTHER</b>	_____	X	_____	=	_____	<b>S.F.</b>
	_____	X	_____	=	_____	<b>S.F.</b>

<b>TOTAL HARDCOVER</b>	_____	<b>S.F.</b>
<b>(divided by) TOTAL LOT SIZE</b>	_____	<b>S.F.</b>
<b>(equals) HARDCOVER PERCENTAGE</b>	_____	<b>%</b>

**APPROVED:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**COMMENTS:**  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

## **DOES YOUR PROJECT NEED A MCWD PERMIT?**

### **City of Tonka Bay**

This document provides an at-a-glance summary of projects that require a Minnehaha Creek Watershed District (MCWD) permit. If you are unsure if your project needs a permit, please refer to the full text of the rules (available at [www.minnehahacreek.org](http://www.minnehahacreek.org)) or contact the MCWD at (952) 471-0532 or [permitting@minnehahacreek.org](mailto:permitting@minnehahacreek.org).

#### **Erosion Control:**

- Any land disturbing activity exceeding 5,000 square feet;
  - Grading, excavating, filling, storing, or moving 50 cubic yards of earth material or more;
- Erosion Control is applicable for the majority of projects proposing a new single-family home. If you have questions about your project, contact the Permitting Department for a site plan review.

#### **Floodplain Alteration:**

- Any land disturbing activity at or below the 100-year high water elevation of a waterbody;
- The 100-year high water elevation of Lake Minnetonka is 931.5 feet.

#### **Wetland Protection:**

- Any project involving the draining, filling, or excavation of a wetland;
  - New home construction that increases the hard cover on the parcel;
- If you are unsure if there are wetlands on your property, or have questions on how the rule applies to your project, please contact the District's Permitting Department.

#### **Dredging:**

- Dredging in the beds, banks, or shores of any public water basin or watercourse;

#### **Shoreline and Streambank Stabilization:**

- Alteration of the shoreline or streambank, including riprap, biological stabilization, bioengineering, retaining walls, sheet piling, and boat ramps;
- Beach or sandblanket placement;

#### **Waterbody Crossings & Structures:**

- Placement or replacement of roads, highways, utilities or other structures in contact with the bed or bank of any waterbody;
- Construction of a bridge or related crossing of any waterbody;
- Alteration of a waterbody to enclose it within a pipe;

#### **Stormwater Management:**

- New development or redevelopment of residential, commercial, institutional, industrial, or public land development or redevelopment projects that will create new or replace existing hard cover.
  - Any change in land contours to alter the drainage ways, increase peak runoff rates, or affect the quality of runoff flows;
  - Subdividing a parcel of one acre or more in size into three or more lots;
- Please note, single-family homes are exempt from the District's Stormwater Management rule.

**Appropriations Rule:**

- All projects within Hennepin County that appropriate up to 10,000 gallons per day and up to 1,000,000 gallons per year of surface water for a nonessential use from:
  - A public water basin or wetland that is less than 500 acres in surface size
  - A protected watercourse that has a drainage area of less than 50 square miles

**\*Lake Minnetonka is not subject to the appropriations rule**



**CITY OF TONKA BAY**  
4901 Manitou Road  
Tonka Bay MN 55331  
952-474-7994  
[www.cityoftonkabay.net](http://www.cityoftonkabay.net)

**SURVEY  
EXEMPTION POLICY**  
Approved 9/25/07

**Objective:**

It is the objective of this policy to establish criteria defining the circumstances in which a survey (or surveys) will be required as a condition of a building permit. The City recognizes that each required survey adds additional cost for residents, and that staff should strive to only require information necessary to ensure compliance with City Code.

**Proposed Construction:**

By code, every application for a building permit shall be accompanied by an up-to-date certified site survey with the following exceptions:

- Interior remodels
- Re-roofs
- Re-siding

The following two conditional exceptions will also be made:

- General maintenance projects (defined as the repair or replacement of an existing structure where no expansion is proposed) can be excluded from the updated survey requirement provided an old survey showing the structure being replaced/repared is provided. A scaled site plan for general maintenance projects may be permissible if approved by the zoning administrator provided the site plan can verify conformance to code requirements.
- Permits for fences can also be issued provided the fence location is hand drawn to-scale on an old survey that identifies the lot lines and the location of the primary structure. A scaled site plan will not be accepted for fence permits.

**Foundation Survey Criteria:**

Applications for new structures will be required to provide an as-built **foundation** survey if one of the following criteria apply:

- The proposed new construction will be within five (5) or less feet of any applicable structural setback requirement;

- The proposed new construction will be within ten (10) or less feet of any existing/proposed well or septic system;
- The proposed new accessory structure or addition will be within five (5) or less feet of any private or public sewer line;
- The proposed new construction is required to be reviewed for its lowest floor opening;

### **As-Built Survey Criteria:**

Applications for new structures will be required to provide an as-built survey if one of the following criteria apply:

- The new construction includes proposed contours that will significantly alter the drainage patterns on the property such that adjacent properties or structures on the subject property are threatened;
- The new construction will be within ten (10) or less feet of any lot line;
- The new construction is proposed to be within two (2) or less feet of the maximum height requirement.
- The proposed new construction is being built in conjunction with a variance or conditional use permit subject to specific grading or screening requirements.

### **Modification of Policy:**

This policy may be amended from time-to-time by the City Council.



**CITY OF TONKA BAY**  
4901 Manitou Road  
Tonka Bay MN 55331  
952-474-7994  
[www.cityoftonkabay.net](http://www.cityoftonkabay.net)

## **SURVEY REQUIREMENTS**

### **INITIAL SURVEY**

Every application for building permit (excluding interior remodels, re-roofs, re-siding and general maintenance) and land use request shall be accompanied by a certified survey at a scale and in the following quantities:

#### **Building Permits:**

- Three sets of a current registered land survey
- Three sets building plans

#### **Land Use Requests (Pre-application, Variance, Conditional Use Permit):**

- Eleven copies of a current registered land survey showing existing use (11 x 17)
- Eleven copies of a registered land survey showing proposed use (11 x 17)
- Eleven sets of building plans (11 x 17)

#### **Surveys should include but not be limited to:**

- Existing and proposed structures to include accessory structures and air conditioning units
- Building setbacks (front, rear, side, and lake including average setback)
- Existing average ground level at the corners of the proposed structure. This also needs to be calculated out on the survey notes.
- Lowest floor elevation.
- Current and proposed elevations for garage floor, basement floor and foundation top.
- Wetlands and ordinary high water mark elevations.
- Lot lines.
- Lot area above the ordinary high water mark
- All adjacent structures within 100 feet of property (show the setback from ordinary high water mark).
- Drainage plan (one-foot contours).
- Hardcover calculations.
- Easements (road, utility and private).
- Floor area ratio.

### **FOUNDATION SURVEY**

As-built foundation survey required prior to completing a foundation inspection (unless waived in accordance with the City's survey exemption policy) and shall include:

- Shall certify final setbacks of the structure being built

- Shall certify elevations at which the new structure exists.
- Failure to provide the foundation survey is in direct violation of this ordinance
- Expenditures incurred beyond the construction of the foundation will not be considered in determining the actions required to bring the building back into conformance if not built to approved plans.

### **AS-BUILT SURVEY**

Required upon completion of new construction work (unless waived in accordance with the City's survey exemption policy) and shall include the following:

- Shall certify the final topography of the site.
- Shall verify the drainage patterns existing upon completion of work
- Shall include the distance from average ground level to the highest roof peak.
- Shall include any additional information needed by the city to ensure compliance with code.

The city reserves the right to withhold the certificate of occupancy for dwelling units until final grading addresses all problems that may be detrimental to adjacent properties.

***Contact City of Tonka Bay at 952-474-7994 with additional questions.***



## Excelsior Fire District

*In partnership with the Communities of:*  
Deephaven-Excelsior-Greenwood-Shorewood-Tonka Bay  
24100 Smithtown Road  
Shorewood, MN. 55331

✉ [kmurphyringate@excelsiorfire.org](mailto:kmurphyringate@excelsiorfire.org)

☎ 952-960-1692

### Fire Access Road Requirements

Residential homes 150 feet or greater from the public street/road to the rear of the home are required to install a fire apparatus access road (Minnesota State Fire Code, Appendix D). The requirements can be waived if a NFPA 13 D Residential Sprinkler System is installed.

The distance is measured by using the pathway a fire crew would use to access the farthest point of the home including attached decks. The pathway is measured utilizing existing access roads and/or the driveway from the public road/street and not a direct route (straight line) from the public street/road.

Measurements are based on submitted plans and/or on-site measurements done by the Excelsior Fire District.

#### ACCESS ROAD INFORMATION

The access road must be at least 20 feet in width, to the point the distance from the end of the 20 foot width access road/driveway to the rear of the house is 150 feet or less.

Access roads/driveways that are more than 150 feet will require a turnaround when the access roads/driveway reaches 150 feet. The 20 foot width of the access road/driveway must continue from the turn around to point that access can be gained to 150 feet to the rear of the structure.

The access road/driveway must be built to meet residential driveway standards.

Grade must be no more than 12%.

The access road/driveway surface must be maintained.

The access road/driveway and turnaround must be maintained on the property for as long as the home exists. The access road/driveway must be plowed the entire length and width of the access road/driveway within a reasonable amount of time after a measurable snow fall. Repairs must be made in timely manner.

The access road will need to be inspected by the Excelsior Fire District before occupancy. An architect or engineer may be required to sign off on the driveway. The Excelsior Fire District will make the determination at the time of approval.

Clearance must be maintained up to 13 feet above the driveway at all times.

These requirements exist as long as the structures are on the property.

In the event the property is sold the new owners must be made aware of the access road/driveway requirements.

### **NFPA 13D RESIDENTIAL SPRINKLER SYSTEM INFORMATION**

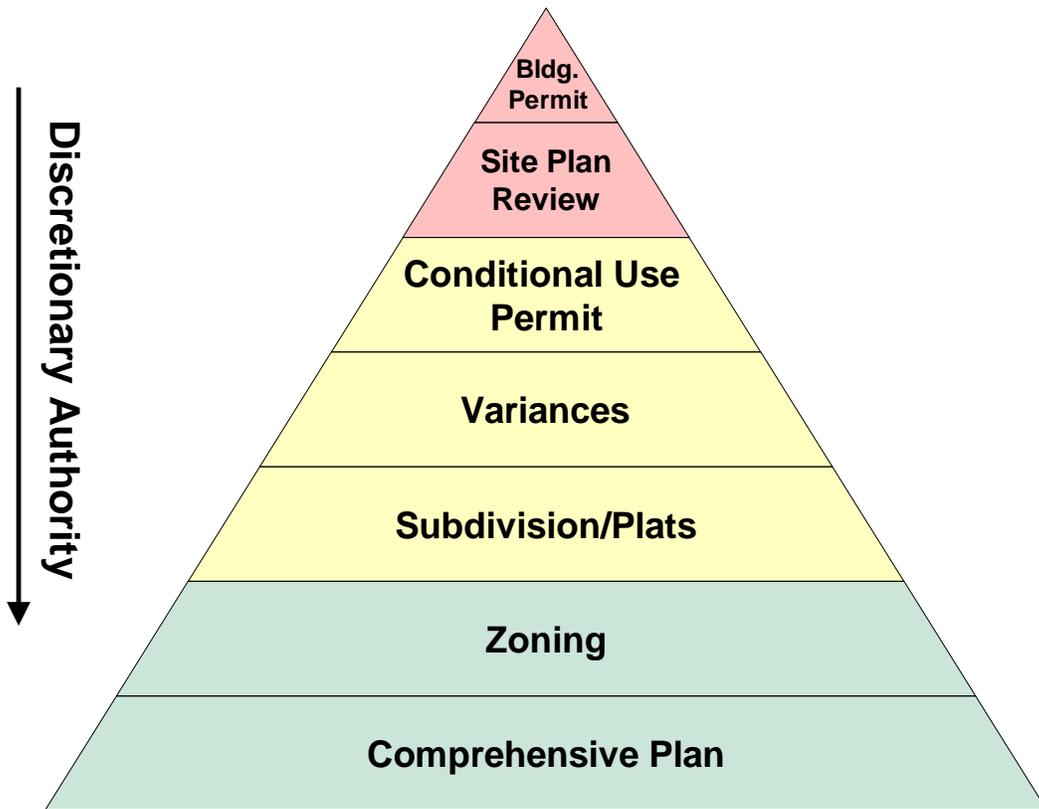
An NFPA 13D Residential Sprinkler System may be required if topography or other elements will limit the access to any parts of the home.

The Excelsior Fire District highly recommends the sprinkler system be connected to a horn and strobe to alert occupants and neighbors when the sprinkler system is activated.

The Excelsior Fire District Requires 14 business days to review sprinkler plans after they are received.

The requirements listed above include, but are not limited to, additional codes, standards, and requirements for other entities.

**The home owners/contractor must notify the Excelsior Fire District of the option they are choosing before construction begins. If the option choice changes the Excelsior Fire District must be notified immediately.**



**Planning & Zoning Discretion Pyramid**

The bottom of the pyramid is where a city has the most discretion—when creating a comprehensive plan and corresponding land uses ordinances, such as a zoning ordinance. A city has less discretion when making quasi-judicial decisions as represented by the middle of the pyramid—the city is constrained by the ordinance and law that make up the foundation below.