



Norwood Young America Planning Commission
Tuesday, March 17, 2015
Norwood Young America City Council Chambers, 310 Elm St. W.
7:00 p.m.

AGENDA

- | | |
|--|---|
| Craig
Heher
Chairperson | 1. Call to Order
Pledge of Allegiance |
| | 2. Adoption of Agenda |
| Bill
Grundahl
Vice-Chair | 3. Approve Minutes – February 17, 2015 meeting |
| | 4. Public Hearings |
| Karen
Hallquist | 5. Old Business
A. Home Occupations Zoning Code Amendment: Draft Ordinance |
| JR
Hoernemann | 6. New Business
A. Administrative Permits
B. Administrative Citations |
| Mark
Lagergren | 7. 2015 Goals & Objectives |
| Jim
Keller,
Council
Liaison | 8. Monthly Building Permit Report |
| | 9. Commissioner's Reports |
| | 10. Adjourn |

UPCOMING EVENTS

- March 23rd 6:30 p.m. – City Council Meeting – PC Rep. – Mark Lagergren
April 8th 6:30 p.m. – EDC meeting – PC Rep. – Craig Heher
April 13th 6:30 p.m. – City Council Meeting – PC Rep. – Karen Hallquist
April 21st 5:30 p.m. – Parks & Rec. Comm. Meeting – PC Rep. – Karen Hallquist
April 21st 7:00 p.m. – Planning Commission Regular Meeting

***Norwood Young America
Planning Commission Minutes
February 17, 2015***

Present: Commissioners Craig Heher, Bill Grundahl, JR Hoernemann, Mark Lagergren, and Council Liaison Jim Keller.

Absent: Karen Hallquist.

Public: Grady Kruse, Stuff It Ministorage

Staff: City Administrator Steve Helget and Consulting Planner Cynthia Smith-Strack, Municipal Development Group.

1. Call to Order

Meeting was called to order by CH at 7:00 pm. All present stood for the Pledge of Allegiance.

2. Adoption of Agenda

Motion – ML/JRH, all in favor to approve the agenda with advancing item 7(A) [Rezoning Action] to 5(A).

3. Approval of January 20, 2015 Minutes and January 29, 2015 Minutes

Motion – BG to approve January 20, 2015 meeting minutes with a change to individual motioning approval of December meeting minutes [from MRH to JRH) and January 29 meeting minutes as presented. Second by ML, all in favor.

4. Public Hearings

A. Rezoning Application: Grady Kruse Ministorage.

Chairperson Heher opened the public hearing at 7:04 p.m. Heher reviewed the public hearing process. Strack stated the request is to rezone .62 acres from C-2 General Business to B-I Business Industrial. The Applicant was present at the meeting and proposes to rezone the property to allow the addition of a second ministorage unit at 28 Industrial Boulevard. The addition of a second ministorage unit amount to the expansion and intensification of the use. The use was conforming when the original structure was established on the lot. The use became non-conforming when the parcel was rezoned in 2009 or 2010. There is adjacent property zoned B-I and C-2. The existing structure is more than 4,000 square feet, the proposed is 2,000 square feet. Proper notice was published, posted, and distributed as required by law. No oral or written comments were received as of the opening of the hearing.

JK stated the property directly to the south of the subject property was rezoned to B-I but there was a stipulation the property would revert to C-2 in the event development did not

occur. Since development did not occur it should be represented as C-2, not B-I. The remainder of the Commissioners indicated they too had that impression. Strack to confirm language in approval resolution and report back to the PC.

Motion ML, second BG to close the public hearing at 7:15 p.m.

B. Ordinance Amendment: Accessory Structures.

Chair Heher opened the public hearing at 7:16 p.m. Strack noted the PC has been reviewing updated language for insertion into the City Code relating to accessory structures. The updated language provides for a maximum number of detached accessory structures allowed per lot, provides for standards designed to make accessory structures blend into surrounding locales, helps ensure accessory structures are subordinate to dwellings, and redefines maximum height.

Motion ML, second CH to close the public hearing at 7:21 p.m.

5. Rezoning Application Action: Grady Kruse Ministorage

Chairperson Heher introduced the agenda topic. Strack noted the lot as it exists today in the C-2 District or if rezoned to B-I will be legally non-conforming relative to lot size and lot width. Under the zoning standards, legal non-conforming lots are eligible for a principal/accessory use providing the setbacks of the applicable zoning class are achieved.

The required setbacks are achieved as illustrated in the site plan attached to the rezoning request. However, the impervious surface coverage maximum is slightly exceeded. Maximum is eighty (80) percent and proposed is over eighty-one (81) percent.

The City Engineer has examined the site plan but has not received a grading plan. The Carver County Watershed Management Organization's review is not required as the project is very small. The City Engineer recommends any approval be subject to grading and drainage review on-site at the time of construction by either the Building Official or the City Engineer.

Strack noted language for structures within B-I District relating to architectural treatments would apply to the structure and result in transparency standard implementation. Since the lot had right-of-ways on three sides and it was addressed on Industrial Boulevard which was one of the two shortest sides on a public street the front of the lot was considered Industrial. As such transparency standards applied to the smaller sides of the proposed structure. Since the Applicant was concerned about security she suggested faux windows may be appropriate.

Strack noted sample findings for either approval or denial of the request were included in the packet.

JK inquired as to whether or not planting of trees could be required as a condition of approval. Strack noted the structure proposed would be secondary to the principal structure; however, because the City is allowed to place conditions on the rezoning the planting of trees could be required.

JK asked Mr. Kruse whether he would provide trees on the site. He noted two would be required under conventional reading of the landscaping standards but JK would like to have three trees planted at the site. Kruse agreed to the request.

Helget noted the trees should be placed on private property and not in the boulevard. Kruse suggested the south side of the lot.

Motion ML, second JK to recommend the City Council approve rezoning of the property at 28 Industrial Boulevard from C-2 General Commercial to B-I Business Industrial contingent on: (a) the installation of three trees on the private property; (b) review of grading and drainage at the time of construction by either the City Engineer or the Building Official; (c) installation of windows on the north and south end of the structure even if faux; and (d) compliance with the impervious surface coverage maximum of eighty (80) percent of the lot. Motion carried 5:0.

6. Old Business

A. Accessory Structures Proposed Ordinance Amendment.

CH introduced the agenda item and noted the PC has reviewed the language at several previous meetings.

Helget inquired as to the intent of proposed subsection 2(B)(1) & (2). Strack stated the first standard addressed accessory structures on commercial and industrial lots whereas the table above applied to residential lots. The second standard referenced total ground floor area of a detached accessory structure, an alternative maximum to the floor area included for residential properties in the aforementioned table.

Helget suggested clarifying the language. Strack noted the asterisks and numbers could be changed to all numbers to provide further clarity. The PC agreed.

Helget also noted a preferred change in Subdivision 2, (M) to use the phrase 'not to exceed' in both standards relating to accessory structure height. The PC agreed.

Motion BG, second ML to recommend the City Council approve the proposed language relating to accessory structures. All voted in favor of the motion.

B. Home Occupations Draft Ordinance.

Chair Heher introduced the agenda item. Strack noted the Commission had previously addressed potential standards relating to home occupations. The current standard allows any type of home occupation without the need for a permit or approval. Strack referenced draft ordinance standards contained in the information packet noting they were performance based as opposed to occupation-specific standards.

Strack stated the proposed standards provided for three different classes of home occupations: those that are prohibited, those that are permitted following administrative review, and those that are special and require an interim use permit. Generally prohibited home occupations were those involving illegal substances or actions. Those which are 'special' require an interim use permit due to a potential to impact residential neighborhoods. All others will be 'permitted' following administrative review as long as they comply with proposed standards relating to all home occupations.

The PC reviewed the individual proposed standards as they would apply to prohibited, permitted, and special home occupations.

Administrator Helget stated that the proposed language in essence invites and allows home occupations into residential areas. He advised the PC to go into their discussion with that fact in mind. In addition, Helget opined outdoor storage could be an issue with home occupations and the PC should be prepared to address those types of issues. He inquired as to who will monitor interim use permits and address instances where home occupations morph over time. He opined home occupation such as garage sales that are continuously happening could be problematic. Finally, he inquired as to whether the PC members thought they were opening a door to unwanted home occupations by establishing a class of 'special' home occupations.

The PC reviewed proposed standards containing potential limitations for special home occupations including hours of operation, number of vehicles on site at one time, amount of vehicles used in conjunction with the home occupation, limiting the number of employees, and limiting outdoor storage.

Specifically the PC discussed limiting the number of vehicles on site and relating to a home occupation at two. In addition the PC discussed a specific limitation to the amount of employees that were not residents at the dwelling allowed on site at one time.

BG suggested educating the public would also be important so as to clarify people who are conducting home occupations or thinking about establishing a home occupation must contact the City for approval.

Since the item was offered for discussion and not action the PC reached consensus to bring the item back at the March meeting to allow further reflection on proposed standards between meetings.

7. New Business

A. Follow Up from Joint Meeting with City Council

Chairperson Heher introduced the agenda item. Strack referenced a memo included in the information packet. The PC confirmed outcomes of the joint session relating to (a) updating language regarding nuisances, (b) review enforcement priorities, (c) consider establishing a full administrative citation standard, and (d) affirmed code compliance will continue on an as needed basis.

The PC reviewed a flowchart illustrating zoning review process, a diagram illustrating code enforcement process, and sample language for distribution to the public in a newsletter format.

Draft administrative permit standards although included in the packet are to be examined at a future meeting.

While discussing code compliance the PC directed a review of the existing CUP for the Molnau business adjacent to Stewart Avenue.

8. 2015 Goals and Objectives

Chairperson Heher introduced the agenda topic. Strack provided an overview of the report.

9. Commissioner's Reports

JRH said the Senior Advisory Committee looks forward to Spring thaw and construction initiation for the Haven project.

ML reported he attended the last Council meeting where the development agreement for the Haven project was approved.

JK noted the City Council authorized a hotel study.

CH said the EDC is working on developing mission and vision statements.

10. Adjourn

Motion – BG/ML, all in favor, the meeting was adjourned at 9:16 p.m.

Respectfully submitted,

Steve Helget
Zoning Administrator



To: Chairperson Heher
Members of the Planning Commission
Administrator Helget

From: Cynthia Smith Strack, Municipal Development Group, Inc.

Date: March 11, 2015

Re: Draft Ordinance: Home Occupations

BACKGROUND

The Planning Commission has been reviewing updated home occupation standards. At the February meeting the Commission reviewed draft ordinance language.

The proposed standards provide for three different classes of home occupations: those that are prohibited, those that are permitted following administrative review, and those that are special and require an interim use permit. Generally prohibited home occupations were those involving illegal substances or actions. Those which are 'special' require an interim use permit due to a potential to impact residential neighborhoods. All others will be 'permitted' following administrative review as long as they comply with proposed standards relating to all home occupations.

A 'right of entry' standard is to be inserted into the draft Ordinance as per PC discussion.

In addition, the Commission has considerable discussion on potential limitations for special home occupations including hours of operation, number of vehicles on site at one time, amount of vehicles used in conjunction with the home occupation, limiting the number of employees, and limiting outdoor storage.

Specifically the PC discussed limiting the number of vehicles on site and relating to a home occupation at two. In addition the PC discussed a specific limitation to the amount of employees that were not residents at the dwelling allowed on site at one time.

The PC reached consensus to reflect on proposed language and take up the issue again at the March meeting.

Please find attached a draft ordinance reflecting discussion held at previous meetings, including areas of past discussion which are **HIGHLIGHTED IN YELLOW**.

ACTION:

Review and discussion of the draft Ordinance is kindly requested. If in order, a MOTION to call for a public hearing on the draft ordinance is in order.

**CITY OF NORWOOD YOUNG AMERICA
ORDINANCE NO. ■■■**

**AN ORDINANCE REPEALING AND REPLACING SECTION 1245.09 OF
THE CITY CODE RELATING TO ACCESSORY STRUCTURES.**

- I. THE CITY COUNCIL OF THE CITY OF NORWOOD YOUNG AMERICA, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS CHAPTER 12, SECTION 1245.09 OF THE CITY CODE SHALL BE REPEALED AND THE REPLACED WITH THE FOLLOWING:**

1245.09 Home Occupations.

Subd. 1 In General. Home Occupations may be permitted in any district where they do not jeopardize the health, safety and general welfare of the surrounding neighborhood. All home occupations conducted in the home shall comply with the provisions of this Section. This Section shall not be construed, however, to apply to home occupations accessory to farming.

Subd. 2 Purpose and Intent.

- A. The purpose of this Section is to provide for the conducting of home occupations while protecting the health, safety, and general welfare of the surrounding neighborhood.
- B. The intent of this Section is to establish operational standards and review procedures for home occupations. This Section provides a mechanism to distinguish between permitted home occupations that are allowed under administrative permit and more intense home occupations which require an interim use permit and public hearing.

Subd. 3 Scope.

- A. All occupations conducted in a dwelling unit or on the premises of a principal residential use shall comply with the provisions of this Section, the provisions of the district in which it is located, and all other Sections of the City Code.
- B. Home occupations are defined as and limited to all of the following:
 - 1. Gainful occupations or professions engaged in by the occupant(s) of a dwelling;
 - 2. Which are carried on within a dwelling unit or structure(s) accessory thereto; and,
 - 3. Which are clearly incidental to the principal use of the property as a residential dwelling unit.

- C. Home occupations shall be classified as either 'Permitted' or 'Special' home occupations. Home occupations not specifically identified as 'Permitted' or 'Special' shall be considered prohibited. Permitted home occupations are allowed without a permit but shall adhere to the 'General Performance Standards' contained in this Section as may be amended. 'Special home occupations require the issuance of an 'Interim Use Permit' as provided for in Section 1210.07 of the City Code as may be amended and shall adhere to the 'General Performance Standards' contained in this Section as may be amended.
- D. Home occupations whether permitted or allowed under an 'Interim Use Permit' are not transferable, shall expire when the occupation ceases, and/or shall expire upon the sale of the subject property or transfer of title to the real estate upon which the occupation is conducted.
- E. Home occupations existing on the effective date of this Ordinance are considered legal non-conforming uses and shall be allowed to continue. In the event an expansion, enlargement, or intensification of an existing home occupation is contemplated, the standards of this Section shall be applied.
- F. Nothing in this Section is intended to prohibit or regulate non-commercial activities in residential neighborhoods.

Subd. 4 Prohibited Home Occupations.

- A. Home occupations involving illegal substances, illegal devices, and/or unlawful activities are prohibited.
- B. Home occupations involving sexually oriented materials and/or activities as defined by Mn. Statutes as may be amended are prohibited.
- C. Home occupations conducted in a manner which produce noise, vibration, smoke, dust, odors, heat, or glare detectable at or beyond the property line are prohibited.
- D. Home occupations involving materials or storage of items declared a public nuisance, as defined in Chapter Six of the City Code, as may be amended.

Subd. 5 Permitted Home Occupations.

- A. Permitted home occupations are those home occupations which are not identified as 'Prohibited Home Occupations' under Subd. 4 of this Section or 'Special Home Occupations' under Subd. 6 of this Section as may be amended.
- B. Permitted home occupations require administrative approval by the Zoning Administrator.
- C. Permitted home occupations shall comply at all time with the "Performance Standards" contained in Subd. 7 of this Section as may be amended.

Subd. 6 Special Home Occupations.

A. Special home occupations require the issuance of an ‘Interim Use Permit’ as provided for in Section 1210.07 of the City Code as may be amended.

B. Special home occupations are activities which include any of the following:

1. Home occupations involving retail or wholesale trade on-site which is conducted by more persons than the occupant of the dwelling unit.
2. Home occupations providing services on-site which are conducted by more persons than the occupant of the dwelling unit.
3. Home occupations involving outdoor storage of materials not typically associated with residential dwellings.
4. Home occupations involving outdoor storage of items of which the dwelling unit occupant is not the fee owner.
5. Home occupations conducted between the hours of 10:00 p.m. and 6:00 a.m. that generate walk-in traffic.
6. Home occupations involving ‘Dangerous Weapons’ as defined by Mn. Statutes, provided:
 - i. The Applicant possesses a current federal firearms license.
 - ii. The Applicant provides written evidence of home owners/rental insurance specifying current coverage for proposed home occupation.
 - iii. The applicable federal firearms license and home owners/rental insurance are maintained.
 - iv. Inspection of the facility by the Fire Chief and adherence to conditions as required by said Fire Chief.
 - v. Adherence to conditions imposed under Subd. C of this Section, as may be amended.
7. Home occupations involving the regular, reoccurring delivery or pick-up of materials by commercial vehicles more than one time per week.

C. Right to Impose Conditions for Special Home Occupations.

1. The City Council may impose such conditions on the granting of an interim use permit for a special home occupation as may be necessary to carry out the purpose

and provisions of this Section.

2. Such conditions may include, but are not limited to:

- i. Limiting hours of operation.
- ii. Limiting the number of vehicles at the site at one time. **THE COMMISSION HAD CONSIDERABLE DISCUSSION AT THE FEBRUARY MEETING ABOUT LIMITING THE MAXIMUM AMOUNT OF VEHICLES ON SITE RELATING TO A HOME OCCUPATION TO TWO (2) VEHICLES.**
A SECONDARY DISCUSSION CLASSIFYING ANY TYPE OF CONSTRUCTION CONTRACTOR OPERATION AS A 'PROHIBITED' HOME OCCUPATION.
- iii. Limiting the amount of vehicles used in conducting the home occupation.
- iv. Requiring **additional (THE COMMISSION DISCUSSED POTENTIALLY REMOVING THE WORD 'ADDITIONAL')** parking be provided on-site and off of the public street.
- v. Limiting the duration and/or volume of on-street parking.
- vi. Limiting the number of employees. **THE COMMISSION DISCUSSED LIMITING THE MAXIMUM AMOUNT OF PERSONS NOT RESIDING ON THE PREMISES WHO ARE INVOLVED IN A HOME OCCUPATION TO TWO (2) PERSONS.**
- vii. Limiting the volume of traffic generated by the home occupation.
- viii. Limiting the amount of outdoor storage of materials, property other than real estate, chattel, and/or equipment used or stored on-site in conjunction with the home occupation.
- ix. Requiring additional setbacks and/or buffering so as to reduce noise, vibration, smoke, dust, odors, heat, or glare detectable at or beyond the property line resulting from the home occupation.
- x. Limiting the number of customers, guests, and/or clients present at the site in conjunction with the home occupation.
- xi. Limiting the amount of time the Interim Use Permit is in effect to a specific date, time, or event occurrence.

- xii. Requiring inspection by law enforcement, the Building Official, and/or the Fire Chief and adherence to public safety conditions imposed thereby.

Subd. 7 Performance Standards.

- A. All Permitted Home Occupations and Special Home Occupations shall comply with the following Performance Standards.
 1. Home occupations shall be clearly incidental and subordinate to the principal residential use of the property.
 2. Home occupations shall not change the residential character of the neighborhood, be incompatible with surrounding land uses, disturb surrounding residential uses, or be intrusive to surrounding dwellings.
 3. Home occupations shall not occupy or use greater than twenty-five percent (25%) of the combined footprint of structures on the subject parcel. In addition, a home occupation shall not occupy or use greater than twenty-five percent (25%) of the lot area; except that home day care providers may use greater than twenty-five percent (25%) of the lot area for play/recreation purposes.
 4. A home occupation shall not be established before a dwelling unit exists on the subject property.
 5. Signage for home occupations shall be limited to one (1) non-illuminated sign which shall not exceed four (4) square feet in area.
 6. Operation of a home occupation shall be limited to the residential dwelling, an attached garage, or an accessory structure.
 7. Home occupations shall not generate excessive employee, customer, or client traffic that is detrimental to the character of the surrounding properties.
 8. Home occupations shall be conducted in a manner which produces no indication of noise, vibration, smoke, dust, odors, heat, or glare detectable at or beyond the property line.
 9. Equipment used in conjunction with a home occupation shall not create electrical interference to surrounding properties.
 10. Home occupations shall not require internal or external alterations or involve construction features not customarily found in dwellings except where required to comply with local and state fire and police recommendations.
 11. Areas used for home occupations shall meet all applicable fire and building codes.

12. Home occupations shall comply with the Chapter Six of the City Code relating to nuisances.
13. Home occupation walk-in traffic shall be conducted only between the hours of 6:00 a.m. and 10:00 p.m.
14. Home occupations shall be operated and licensed as required by applicable state and/or federal law.

Subd. 8 Home Occupations Existing Prior to Effective Date.

- A. Home occupations existing prior to the effective date of this Ordinance (Fill in date) that are prohibited under this Ordinance shall be considered legal non-conforming uses and shall be subject Section 1215 of the City Code, as may be amended, relating to non-conformance.
- B. Home occupations in existence prior to the effective date of this Ordinance (Fill in date) that require an Interim Use Permit under the standards of this Ordinance shall be required to obtain as applicable, an Interim Use Permit if/when one of the following occurs:
 1. The home occupation ceases for more than one year.
 2. The nature of the home occupation changes to a different type of home occupation requiring an interim use permit.
 3. The existing home occupation is expanded, enlarged, or intensified as defined in the Zoning Ordinance relating to non-conformance.
- C. Home occupations in existence prior to the effective date of this Ordinance (Fill in date) that require administrative approval shall be required to obtain said administrative approval if/when one of the following occurs:
 1. The home occupation ceases for more than one year.
 2. The nature of the home occupation changes to a different type of home occupation.
 3. The existing home occupation is expanded, enlarged, or intensified as defined in Section 1215 relating to non-conformance.

Subd. 9 Right of Entry.

The Zoning Administrator or designee, whenever necessary to make an inspection to enforce this Chapter, may enter such building or premises at all reasonable times to inspect. If the building or premises is occupied, the Zoning Administrator or designee shall first present proper credentials

and request entry. If a building or premises is unoccupied, the Zoning Administrator or designee shall make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If requested entry is refused, the Zoning Administrator or designee shall have recourse to every remedy provided under Chapter 1 or Chapter 2 of the City Code so as to secure entry.

II. EFFECTIVE DATE: THIS ORDINANCE IS EFFECTIVE UPON ITS ADOPTION AND PUBLICATION AS PRESCRIBED BY LAW.

Adopted by the City of Norwood Young America on the ___ day of _____, 2015.

Attest:

Tina Diedrick, Mayor

Steven Helget, City Administrator

Adopted:

Published:



To: Chairperson Heher
Members of the Planning Commission
Administrator Helget

From: Cynthia Smith Strack, Municipal Development Group, Inc.

Date: March 11, 2015

Re: Draft Ordinance: Administrative Permits

BACKGROUND

Although some standards within the zoning code require official action by the Planning Commission (e.g. variance, site plan, conditional use permit, rezoning), the majority of standards do not. Still others defer to approval by the Zoning Administrator.

At this time the zoning code doesn't include any direction or process for administering approvals for items that don't come before the Commission. To those ends the attached language has been drafted for consideration. The proposed language would be inserted in Chapter 12, under 'Administration' following the designated process for site plan review. The language is intended to assign administrative review authority and responsibility.

ACTION:

Review and discussion of the draft Ordinance is kindly requested. If in order, a MOTION to call for a public hearing on the draft ordinance is in order.

**CITY OF NORWOOD YOUNG AMERICA
ORDINANCE NO. ■■■**

**AN ORDINANCE AMENDING CHAPTER 12 OF THE CITY CODE BY
ADDING SECTION 1210.09 RELATING TO ADMINISTRATIVE
APPROVAL BY THE ZONING ADMINISTRATOR.**

- I. THE CITY COUNCIL OF THE CITY OF NORWOOD YOUNG AMERICA, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS CHAPTER 12 OF THE CITY CODE SHALL BE AMENDED BY ADDING SECTION 1210.09 AS FOLLOWS:**

1210.09 Zoning Administrator Approval and Zoning Permit Approval Process.

Subd. 1 Purpose. The purpose of this Section is to establish a procedure for administrative review by the Zoning Administrator and the issuance of administrative permits where necessary.

Subd. 2 Scope. Approval by the Zoning Administrator or designee is required as specified within a zoning district, individual zoning standard, or for certain activities as provided within Chapter 12 of the City Code. An administrative permit is required as specified within a zoning district or zoning standard contained in Chapter 12 of the City Code. This Section does not apply where a specified process exists for review, including by not limited to those prescribed under Sections 1210.04 (Variance), 1210.05 (Amendment), 1210.06 (Conditional Use Permit), 1210.07 (Interim Use Permit), or 1240.02 (Planned Unit Development).

Subd. 3 Procedures, Administrative Permit. The Applicant shall file a written application for an administrative permit, along with any proposed plans, application fee, and any other information required by the Zoning Administrator. The written application shall be on a form provided by the City. The Zoning Administrator may waive information required under Section 1210.09, Subd. 3(A).

A. Information Requirement. The information required for all administrative permit applications shall include:

1. A concise statement describing the proposed use, event or activity, including the purpose, type of merchandise involved, dates and times of operation, number of employees involved, provisions for on-site security, provisions for on-site parking, and other pertinent information required by the Zoning Administrator to fully evaluate the application.
2. A copy of the approved site plan for the property or a sketch using an approved “as built” survey as the basis which accurately represents existing conditions on

the site, including entrances and exits, bona fide parking and driving areas, and which accurately indicates any proposed temporary structures, including tents, stands and signs.

3. An accurate floor plan, when in the judgment of the Zoning Administrator, such a plan is necessary to properly evaluate the location of the event and the effectiveness of available entrances and exits.
 4. Information identified in Subsection 500.03.10, Subd. 3 of this Chapter as required by the Zoning Administrator.
- B. The Zoning Administrator shall review the application and related materials to determine whether or not the application is complete. If the application is not complete the Zoning Administrator shall notify the applicant in writing of an incomplete application within fifteen (15) days of the date the application was submitted.
- C. When the application is complete, the Zoning Administrator shall review the proposal to determine whether or not the activity proposed is consistent with required standards contained in the applicable section of Chapter 12. The Zoning Administrator shall make a determination and notify the Applicant of the decision in writing within sixty (60) days of filing a complete application. In making a determination, the Zoning Administrator shall consider possible adverse effects of the proposed events or activity. Judgment shall be based upon (but not limited to) the following factors the following:
1. Compliance with and effect upon the Comprehensive Plan and public facilities plans, as may be amended.
 2. The establishment, maintenance or operation of the use, event or activity will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety or welfare.
 3. The use event, or activity will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
 4. The establishment of the use, event or activity will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
 5. Adequate public facilities and services are available or can be reasonably provided to accommodate the use, event or activity which is proposed.
 6. The use, event or activity shall, in all other respects, conform to the applicable regulations of the district in which it is located.

- D. If approval is contemplated, a written permit shall be issued to the applicant when a determination of compliance has been made. Specific conditions to assure compliance with applicable evaluation criteria, codes, ordinances and the standards of this Chapter shall be attached to the permit.
- E. If denial is contemplated, a determination of non-compliance with applicable codes, ordinances and the standards in this paragraph shall be communicated to the applicant in writing and the application for the permit shall be considered denied; unless, within ten (10) days of the date of such notice, the applicant submits revised plans and/or information with which the Zoning Administrator is able to determine compliance.
- F. Unresolved disputes as to administrative application of the requirements of this paragraph shall be subject to appeal as defined by Section 1210.02 (Appeals) of the City Code.

Subd. 4 Administrative Approval (Non-Permit) Process. In instances where administrative review and approval is required but a written administrative permit is not required, review by the Zoning Administrator shall follow the general procedures required under Section 1210.09, Subd. 3. All uses, events or activities allowed by administrative approval shall conform to the applicable standards outlined in the zoning district in which such use, event or activity is proposed and any/all standards applicable to the proposed request.

II. EFFECTIVE DATE: THIS ORDINANCE IS EFFECTIVE UPON ITS ADOPTION AND PUBLICATION AS PRESCRIBED BY LAW.

Adopted by the City of Norwood Young America on the ___ day of _____, 2015.

Attest:

Tina Diedrick, Mayor

Steven Helget, City Administrator

Adopted:
Published:



To: Chairperson Heher
Members of the Planning Commission
Administrator Helget

From: Cynthia Smith Strack, Municipal Development Group, Inc.

Date: March 11, 2015

Re: Draft Ordinance: Administrative Citations

BACKGROUND

At the January joint workshop with the City Council we discussed administrative citations. This is another tool the City can use to enforce its Code and achieve compliance with Code standards. Unlike criminal or civil citations, administrative citations are not processed through the conventional judicial system. Rather, an alternative local impartial administrative hearing process is established and available to those disputing a charge. The administrative citation process doesn't eliminate the ability of the City to charge out a violation through conventional means. The administrative citation process is best used for simple violations such as work without a permit, violation of a CUP, nuisances, building permit violations and the like.

City Attorney Jay Squires has drafted the attached language based on standards he's implemented in other communities.

ACTION:

Review and discussion of the draft Ordinance is kindly requested. If in order, a MOTION to call for a public hearing on the draft ordinance is in order.

Current citations

01/01/2015

Towing and Storage of Vehicles	Actual Cost from Tow Company	-
Nuisance Violation	Per Violation + Administrative Penalty + Cost of Abatement	50.00
Administrative Penalties	1st offense	50.00
	2nd offense	62.50
	3rd offense	78.13
	4th offense	97.66
	each additional offense increases by 25%	

G. Utility Rates

<i>Water</i>	Residential Water Base Charge per unit	Per month	14.48	15.20
	Commercial Water Base Charge per unit	Per month	25.13	26.39
	Residential Water Usage Charge (Per 1,000 gallons)	Tier I - 0 to 6,000 gallons used	3.29	3.45
		Tier II - 6,001 to 52,000 gallons used	4.25	4.46
		Tier III - 52,001 to 88,000 gallons used	5.00	5.25
		Tier IV - 88,001+ gallons used	6.45	6.77
	Commercial Water Usage Charge (Per 1,000 gallons)	Tier I - 0 to 6,000 gallons used	3.29	3.45
		Tier II - 6,001 to 52,000 gallons used	4.25	4.46
		Tier III - 52,001+ gallons used	5.00	5.25
	Water Plant Charge	Per month	7.81	8.20
<i>Sewer</i>	Residential Sewer Base Charge per unit	Per month	7.30	9.00
	Commercial Sewer Base Charge per unit	Per month	7.30	9.00
	Residential Sewer Usage Charge (Per 1,000 gallons)	Based on average water used in winter quarter	6.26	6.57
	Commercial Sewer Usage Charge (Per 1,000 gallons)	Based on average water used in winter quarter	6.26	6.57
	Water Sales	Private Truck		25.00
		Per 1000 gallons for NYA residents		3.60
		Per 1000 gallons for non-residents		8.30
	On-line Utility Payment User Fee	Per transaction		3.50
	Late Payment Penalty	% of unpaid balance		10 percent
<i>Storm Water Drainage</i>	REC Unit	Per month	4.67	4.90
	Special Parcels			
	Impervious Area	Per month	17.56/acre	18.44/acre
	Pervious Area	Per month	5.53/acre	5.81/acre
	SF Attached (Townhouse)	Per month	2.35	2.47
	Commercial/Industrial			
	0%-50% Impervious	Per month	8.55/acre	8.98/acre
	>50%-75% Impervious	Per month	13.04/acre	13.69/acre
	>75% Impervious	Per month	16.04/acre	16.84/acre
	Open Space	Per month	5.53/acre	5.81/acre

H. Utility Connection Charges

Watermain Trunk Charge - per ERU		3,825.00	3900.00
Sewermain Trunk Charge - per ERU		3,825.00	3900.00
Water Hook-up Charge			125.00
Sewer Hook-up Charge			125.00
Storm Sewer Trunk Charge	Per ERU		750.00
Barnes Lake Outlet	Per ERU		250.00
Tacoma Ave N Improvement Fee			634.00
SAC/WAC Fees	See Spreadsheet		-
3/4" Residential Water Meter	Includes Meter, Horn, Swivels & Remote	350.00	360.00
1" Residential Water Meter	Includes Meter, Horn, Swivels & Remote	450.00	475.00
1 1/2" Commercial Water Meter	Includes Meter, Flange, & Remote	1,370.00	1,420.00
2" Commercial Water Meter	Includes Meter, Flange, & Remote	1,570.00	1,620.00
3" Commercial Water Meter	Includes Meter, Flange, & Remote	1,920.00	1,980.00

**CITY OF NORWOOD YOUNG AMERICA
CARVER COUNTY, MINNESOTA**

ORDINANCE NO. ____

AN ORDINANCE AMENDING CHAPTER 1 (CODE INTRODUCTIONS)

THE CITY COUNCIL OF THE CITY OF NORWOOD YOUNG AMERICA HEREBY ORDAINS:

SECTION 1. AMENDMENT TO CHAPTER 1. The text of Chapter 1, Code Introductions, of the Norwood Young America City Code is hereby amended by adding a new Section 130 as follows:

Section 130 – Administrative Citations for Enforcement of City Code

130.01 Purpose. The City Council finds that there is a need for alternative methods of enforcing the City Code. While criminal fines and penalties have been the most frequent enforcement mechanism, there are certain negative consequences for both the City and the accused. The delay inherent in that system does not ensure prompt resolution. Citizens often resent being labeled as criminals for violations of administrative regulations. The higher burden of proof and the potential of incarceration do not appear appropriate for most administrative violations. The criminal process cannot give priority to the City Code due to caseloads and more serious cases in the system. Accordingly, the City Council finds that the use of administrative citations and the imposition of civil penalties is a legitimate and necessary alternative method of enforcement.

130.02 Scope. The administrative procedures and penalties in this chapter may be used for any violation of City Code. The provisions of this chapter may be used concurrently with or in addition to any other procedure or remedy, criminal or civil, the City may pursue under City Code, state law, or federal law.

130.03 General Provisions. Following are provisions which govern administrative offenses generally:

- (A) A violation of any provision of the City Code is an administrative offense subject to a citation and civil penalties pursuant to this section. Each day a violation exists constitutes a separate offense.
- (B) An administrative offense may be subject to a civil penalty not to exceed \$2,000. The City Council must adopt by resolution a schedule of civil penalties for offenses initiated by administration citation. The City Council may adopt a schedule of fees to be paid to administrative hearing officers.
- (C) Fines shall be doubled for repeat violations that occur within a 12-month time period.
- (D) The City Administrator is authorized to promulgate rules and forms to affect the procedures herein.

130.04 Administrative Citation. An administrative citation may be issued for a violation of City Code as follows:

- (A) Any officer of the Carver County Sheriff's Department, or any other person authorized to enforce provisions of the City Code may issue an administrative citation upon belief that a code violation has occurred, after first sending a property maintenance concerns letter sent to the property owner notifying them of the violations. The citation must be issued in person or by U.S. first class mail to the person responsible for the violation or to the property owner identified by the Carver County property records.

(B) The person responsible for the violation must either pay the scheduled civil penalty and come into compliance or request a hearing as provided in Section 130.05. Payment of the civil penalty constitutes admission of the violation. A late payment fee of 10 percent of the scheduled civil penalty amount may be imposed. The fines will be rescinded if compliance is achieved by the compliance date.

(C) If a hearing is requested, the request must be in writing and executed by the property owner or person with an ownership interest in the property. It must minimally state the name and mailing address of that person, that person's relationship to the property involved, and a brief statement why the citation is in error and a hearing is being requested.

130.05 Administrative Hearing. Any person contesting an administrative offense pursuant to this Section may, within 10 days after the issuance of the notice of the violation, request a hearing. A hearing officer shall conduct an informal hearing to determine if a violation has occurred. The hearing officer shall have authority to dismiss the violation or reduce or waive the penalty. If the violation is sustained by the hearing officer, the violator shall pay the penalty imposed within ten days of the date of the decision and come into compliance by the specified date given at the hearing.

130.06 Hearing Officer. The hearing officer shall be a neutral third party appointed by the City Council. The hearing officer is authorized to hear and determine any controversy relating to administrative offenses of the City Code provided in this Section.

130.07 Recovery of Civil Penalties. If a civil penalty is not paid within the time specified, it is subject to the following additional provisions:

(A) A lien will be placed upon the real property upon which the violation occurred. A lien may be assessed against the property and collected in the same manner as taxes.

(B) A personal obligation may be collected by any appropriate legal means.

(C) A late payment fee of 10% will be assessed for each 30 day period, or part there-of, that the fine remains unpaid after the due date.

(D) During the time the civil penalty remains unpaid, no City approval will be granted for a license, permit, or other authorization sought by the violator or for property under the violator's ownership or control.

(E) If the citation is not paid and the violations not corrected, a Criminal Citation may be issued as well.

(F) The City reserves the authority to use the abatement process as outlined in Chapter 6 Nuisances, Section 610, in lieu of or in addition to the process as outlined in this Section.

SECTION 2. REPEAL OF SECTION 610.05. Section 610.05 of the City Code relating to administrative enforcement for violation of the City's nuisance ordinance is hereby repealed.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective immediately upon its passage and publication.

Adopted by the City Council this ____ day of ____, 2015.

Mayor

ATTEST:

Diane Frauendienst, City Clerk/Treasurer



To: Chairperson Heher
Members of the Planning Commission
Administrator Helget

From: Cynthia Smith Strack, Municipal Development Group, Inc.

Date: March 11, 2015

Re: 2015 Goals

The following are provided for Commission information and input:

1. Molnau CUP audit. I stopped and visited with the Molnau's on Tuesday, March 10th. I dropped off a copy of the approved CUP. I will return in a month to see how things are going.
2. Rezoning of 31 Industrial Boulevard. I researched the status of rezoning. The approval did not include a reversion to the C-2 General Commercial District in the event a project did not commence. The Zoning Ordinance doesn't specify the rezoning is null/void unless action taken.
3. Southwest Paving: City Administrator Helget provided an additional month extension. The City Council is aware of the situation. CUP amendment application expected in April.
4. Administrative citations draft language and administrative permit draft language developed.
5. 2015 Goals:
 - A. Update of zoning language related to home occupations – LANGUAGE DEVELOPED.
 - B. Update of zoning language relating to accessory structures – COMPLETED.
 - C. Update of certain sections of the sign regulations, particularly those relating to volume of directional signage and number of wall signs per building face.
 - D. Review of/familiarization with the Official Zoning Map.
 - E. Review of the NYA Greenway Plan.
 - F. Continuance of clean-up efforts. ON-GOING
 - G. Establish dwelling unit minimum sizes
 - H. Provide for aging in place through the use of accessory apartments.
 - I. Driveway standards.
 - J. Landscaping standards.

2015 Building Permit Report

PERMIT #	NAME	ADDRESS	PURPOSE	DATE	PLAN CHECK				VALUE
					PERMIT FEE	FEE	SURCHARGE	VALUE	
2015001	Curtis Heldt	217 Main St E	Replace bsmt floor	1/12/2015	\$153.25	\$99.61	\$3.50	\$7,000.00	
2015002	Joe Laumann	114 Hill St W	Reroof	1/14/2015	\$55.00	\$0.00	\$5.00	\$0.00	
2015003	Mike Green	812 Martingale Drive	Furnace changeout	1/20/2015	\$60.00	\$0.00	\$5.00	\$0.00	
2015004	Jim Louwagie	940 Preserve Blvd	Water Heater	1/29/2015	\$15.00	\$0.00	\$5.00	\$0.00	
2015005	McDonalds	410 Faxon Road	Renovations	2/23/2015	\$430.45	\$279.79	\$12.50	\$25,000.00	
2015006	Urho Rahkola	226 Oak St S	Reside gable ends	2/6/2015	\$55.00	\$0.00	\$5.00	\$0.00	
2015007	Steve Helget	415 Emma St	New Home						
2015008	Del Brelje	205 1st Ave SE	Rewindow	2/13/2015	\$42.65	\$27.72	\$1.00	\$1,000.00	
2015009	City of NYA	417 Elm St W	Dug-outs	2/13/2015	\$91.65	\$59.57	\$1.50	\$2,600.00	
2015010	Paul Meyer	838 Elm St W	Demo Basement	2/27/2015	\$211.65	\$59.57	\$11.50	\$2,500.00	
2015011	Principle Mfg	118 Railroad St W	Plumbing	2/27/2015	\$122.45	\$79.59	\$2.50	\$5,000.00	
2015012	Jeff Morphew	706 Martingale Drive	Furnace changeout	3/2/2015	\$60.00	\$0.00	\$5.00	\$0.00	
2015013	Jesse Erpelding	201 4th St SW	Plumbing	3/2/2015	\$90.00	\$0.00	\$5.00	\$0.00	