



Norwood Young America Planning Commission

Thursday, November 9, 2017

**Norwood Young America City Council Chambers, 310 Elm St. W.
6:00 p.m.**

AGENDA

1. Call to Order
Pledge of Allegiance
2. Adoption of Agenda
3. Approve Minutes of October 3, 2017 meeting
4. Public Hearings - None
5. Old Business
 - A. Southwest Paving CUP Compliance
 - B. Draft Code Standards: Telecommunication Towers
 - C. 2017 Annual Report and 2018 Goals/Work Plan
6. New Business
 - A. Subdivision Code Review
7. Miscellaneous
 - A. October Building Permit Report
8. Commissioner's Reports
9. Adjourn

**Bill
Grundahl**

**JR
Hoernemann**

**Mark
Lagergren**

**Mike
Eggers**

**Craig
Heher
Council
Liaison**

UPCOMING MEETINGS

November 13th – City Council meeting 6:00 p.m.
November 21st – Parks & Recreation Commission meeting 5:30 p.m.
November 27th – City Council Work Session/EDA/Regular meeting 6:00 p.m.
December 5th – Planning Commission meeting 6:00 p.m.

***Norwood Young America
Planning Commission Minutes
October 3, 2017***

Present: Commissioners Mike Eggers, Bill Grundahl, Craig Heher, Mark Lagergren, and JR Hoernemann.

Absent: None.

Staff: City Administrator Steve Helget and Planning Consultant Cynthia Smith Strack.

Others: Joan Mathews, Dave TeBrake, Pam Hanson, Collin King, Charlie Wickenhauser, Debbie Schrupp, Duane Schrupp, Eileen McGee, Nick Rogosinski, Gina Rogosinski, and Brenda Schmitz.

1. Call to Order.

The meeting was called to order by Chair Heher at 6:00 pm. All present stood for the Pledge of Allegiance.

2. Adoption of Agenda.

Chairperson Heher introduced the agenda. Helget requested item 6(D) be added, a discussion of Southwest Paving site conditions.

Motion – Lagergren, second Grundahl to approve the agenda with the proposed addition. The agenda was approved 5-0.

3. Approval of Minutes from the Regular Meeting September 6, 2017.

Heher introduced the minutes from the September 6, 2017 regular meeting.

Motion – Grundahl to approve September 6, 2017 regular meeting minutes. Second by Hoernemann. With all in favor the minutes were approved 5-0.

4. Public Hearings.

A. Rezoning Railroad Street East.

Heher introduced the agenda item and spoke to the audience regarding the public hearing procedure. Heher opened the public hearing.

Strack provided an overview of the request. The Planning Commission and Collin King d.b.a Diversified Plumbing and Heating have initiated a rezoning request applicable to four lots adjacent to Railroad Street East. King is co-owner of the property at 125 Railroad Street East and initially approached the Commission regarding rezoning of the subject property from C-2 General Commercial to C-3 Downtown District. The Commission studied the issue and noted existing non-conformities on all four of the properties. Rezoning the properties will remove non-conformities due to setbacks and maximum site coverage. An existing C-3 zone abuts the subject properties. Strack and Helget noted no comments oral or written either for or against the rezoning had been received. King was present in the audience.

Administrator Helget noted the area to be rezoned was zoned General Business C-2, which is typically reserved for the highway corridor and not smaller streets. Helget supported the change.

Motion – Lagergren, Second Grundahl to close the public hearing at 6:07 p.m. Motion carried 5-0.

B. Comprehensive Plan Amendment and Rezoning: Independent School District 108 Property.

Heher introduced the topic and opened the public hearing.

Strack stated the Planning Commission was to consider a recommendation regarding a minor comprehensive plan amendment and rezoning pertaining to Central School's property. Assigning a planned land use category of low and medium density residential rather than commercial will enable rezoning of the property from C-2 General Business to R-2 Medium Density Single Family Residential. The CPA and rezoning are requested to remedy an existing legal non-conforming use. Schools are permitted uses in the R-2 District. No changes to the school property are proposed. No oral or written comments for or against the request had been received.

Pam Hanson addressed the Commission. She testified her property abuts the school property. She asked what type of housing is allowed in R-2, specifically whether or not apartments were allowed. Strack clarified single family homes and twin homes were allowed, apartments were not.

Heher asked for clarification of the minor comprehensive plan amendment. Strack noted rezoning must be consistent with planned land use contained in the Comprehensive Plan. If that was not the case, consideration of amending the future land use map was also needed. Because the area proposed for amendment is less than 80 acres a minor, administrative, comprehensive plan amendment can be considered. This means Metropolitan Council staff review the request internally. The Comprehensive Plan amendment process was twofold; first, the City Council considers the request and authorizes submittal to the Metropolitan Council for review. Second, if/when the Metro Council approves the amendment the City is allowed to place the amendment into effect.

Lagergren asked if the Metropolitan Council could deny the amendment. Strack noted that was indeed a possibility. However, the Met Council was reviewing the item for consistency with metro systems such as transportation, parks, and minimum density land use. The proposed change did not impact any metro system.

Grundahl asked if the Commission could just consider rezoning the portion of the school property north of 7th Street. Strack stated the Commission could consider rezoning a portion of the property versus the entire property.

Motion – Grundahl, Second Eggers to close the public hearing at 6:17 p.m. Motion carried 5-0.

5. Old Business.

None.

6. New Business.

A. Rezoning Railroad Street East.

Heher introduced the agenda item.

Strack reviewed the request and noted the proposed rezoning would not result in an instance of “spot zoning” since the proposed C-3 zoning classification would be contiguous with existing C-3. She reiterated the rezoning would assist property owners in expanding and improving their properties in that setbacks, lot coverage, lot size, and lot width non-conformities would be removed. Strack stated a simple majority vote was needed at the Commission level, however, at the Council level a super majority vote is needed to approve the rezoning. The Commission should find the rezoning, if recommended for approval, is not detrimental to the public’s health, safety, or welfare.

Lagergren opined rezoning would clear up inconsistencies and promote the public welfare.

Motion – Lagergren to recommend the City Council approve of the proposed rezoning of four parcels adjacent to Railroad Street East from C-2 General Commercial to C-3 Downtown District. Second Eggers. Motion carried 5-0.

B. Comprehensive Plan Amendment and Rezoning Request: ISD 108

Heher introduced the agenda item.

Strack reviewed the requests for plan amendment and rezoning. She noted the proposed change from C-2 to R-2 would not result in spot zoning as R-2 was adjacent to school property.

Lagergren inquired as to why there were five separate property identification numbers. Strack noted there were five separate lots of record subject to the request, all owned by ISD 108.

Motion – Hoernemann to recommend the City Council authorize a comprehensive plan amendment submittal and approve proposed rezoning of the ISD 108 property from C-2 General Business to R-2 Medium Density Single Family Residential. Second Lagergren. Motion carried 5-0.

C. All Saints Lutheran Church Site Plan Approval.

Heher introduced the agenda item.

Strack stated Dave TeBrake, Miller Architects and Builders and Tom Skinner, All Saints Lutheran Church have filed an application for approval of a small expansion at All Saints Church at 511 Merger Street. TeBrake was in the audience. The expansion includes an approximate 1,700 sf. addition to the building front and west side and a 125 sf. addition to the north side of the building. No expansion of the worship area is contemplated.

In addition to the expansion, plans include major maintenance of the exterior façade: new doors, windows, siding, soffit, and fascia. A new six inch water line is proposed to accommodate a fire suppression system update. Interior maintenance includes new flooring, painting walls, new ceilings, and new LED light fixtures are also a component of the project.

Site plan review is required under Section 1210.08, Subd. 2 of the Code for any new construction or enlargement of an existing structure in the C-2 District.

Lot performance, building setback, building height, and lighting standards appear to have been met. The parking lot is legal non-conforming pertaining to setback from property line. No expansion of the worship area is planned; therefore, changes to parking standards are not applicable.

Strack noted landscaping standards required the installation of two additional trees. Exterior lighting, if proposed, would need to meet glare and light intensity standards. If additional signage was proposed an administrative permit would be needed. A building permit was also needed.

Strack stated she had forwarded the site plan to public works, fire, and engineering. Fire Chief Steve Zumberge noted a lock box would be required and could be obtained from the City. The City Engineer noted additional civil plans were needed for final review but no major issues were evident.

Strack recommended approval contingent on: installation of two trees, having lighting (if added) that was consistent with ordinance standards, securing a sign permit if needed, securing a building permit, and final review and approval by the City Engineer.

TeBrake reviewed the proposed addition after Lagergren requested clarification.

Heher asked if parking lot setback from the building was a potential problem. Strack noted the parking lot was legal non-conforming.

Heher asked TeBrake to review the project timeline. TeBrake stated construction was scheduled to start in April.

Motion – Lagergren to recommend the City Council approve the site plan with recommended conditions contained in Strack's memo and final review by the City Engineer. Second Hoernemann. Motion carried 5-0.

D. Southwest Paving CUP Compliance.

Heher introduced the item. Helget stated he asked the item be added to the agenda as it appeared compliance was a potential continuing issue. He noted it was important to treat everyone equally and make sure all conditional use permit holders were abiding by their permit standards. He reviewed the history of the project, including repeated non-conformance and updating of the CUP in 2015. Helget asked Strack for input.

Strack noted she visited the site. She opined it looked more compliant at this time than previously. Some grading had been done and some of the equipment was neatly stored. Weed control appeared to be a continued issue as did accumulation of miscellaneous debris and a high volume of concrete and other materials.

Helget opined another letter could be sent, however, it may not be as effective as having the owner appear before the City Council.

Heher provided additional background on the issue for the benefit of the Commissioners.

Eggers asked if the property owner was continuing to violate the terms of the CUP what then were appropriate or potential remedies. Strack noted the City Council could revoke the CUP following a hearing.

Grundahl asked what the CUP was for; Strack stated a contractor operation.

Heher stated the City needed to make sure CUP holders were abiding by conditions of their permit. Lagergren stated he favored a letter being sent. Grundahl agreed that a letter could be sent. He also noted

letters haven't been particularly effective and winter was approaching.

Lagergren asked if the Commission could review the CUP; Strack affirmed. Lagergren inquired as to next potential step. Strack suggested an appearance before the Council. Helget suggested visiting the site to determine what was not in compliance prior to asking the permit holder to appear before the Council.

The Commission directed staff to report non-compliant conditions.

Hoernemann stated the Loomis site adjacent to Railroad Street was becoming more of a problem.

7. Miscellaneous.

A. 2018 Goals and Work Plan.

Chair Heher introduced the agenda item.

The Commission reviewed the status of 2017 goals/work plan and status of items. The Commission reached consensus to add CUP audits to the 2018 goals.

B. September Building Permit Report.

The commission reviewed the September building permit report. Building permits for 6 single family homes and 14 townhome units have been approved in 2017.

8. Commissioner Reports.

Hoernemann reported the Fire Department had a review of Peace Villa. Hoernemann complemented the Department on the effort.

Heher reported the development agreement for The Preserve Fifth Addition had been executed. The Council had approved a preliminary 2018 budget and set the date for a truth in taxation hearing. The Council also approved a contract with a company to assist with website updating. Heher suggested the list of what PC member is attending Council meetings should be reviewed.

Eggers reported sidewalk repair was needed at 1045 Fox Crossing. Helget will follow up.

Helget stated construction was to start on the Preserve 5th Addition and that a letter was mailed providing residents with information regarding the schedule and truck routes.

9. Adjourn

Motion – Grundahl, Second Eggers, with all in favor the meeting adjourned at 7:05 p.m.

Respectfully submitted,

Steven Helget
Zoning Administrator



To: Chairperson Heher
Members of the Planning Commission
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: November 7, 2017

Re: Southwest Paving CUP Compliance

BACKGROUND

The Commission requested an update on Conditional Use Permit compliance for Southwest Paving. Review of records and site visits on October 1st and October 22nd indicate:

1. A conditional use permit for Southwest Paving was issued March 27, 2006 as Resolution 2006-33. A copy is attached.
2. Resolution 2006-33 allows *"storage of equipment and materials as identified in the application materials and description of the use received by the City on February 13, 2006"*. A copy of the description is attached.
3. An amendment to CUP Resolution 2006-33 relating to site landscaping vs. required fencing was approved as Resolution 2015-13 on May 26, 2015. The Applicant agreed to perform landscaping improvements as per the plan by October 31, 2015. A copy of the resolution is attached.
4. Resolution 2015-13 was based on a landscape plan proposed by the owner of the subject property. A copy of the landscape plan is attached.
5. In November of 2016 Strack provided a draft letter regarding non-compliance at the site to Administrator Helget. Helget mailed the letter noting deficiencies in performance of installation of landscaping. A copy of Strack's draft letter is attached.
6. At this time, pertaining to landscaping:
 - a. An effort to place Black Hills Spruce trees on the berm adjacent to Highway 212 is noted. While the spruce trees added since 2015 were not planted at specified heights, they do appear to have been planted. This standard appears to have been met.
 - b. Five Black Hills Spruce trees were to be planted along the east property line with an initial size of six (6) feet. This has not been completed. There are three deciduous trees parallel with Railroad Street. None of the five spruce planted parallel to the east lot line have been installed. This standard has not been achieved.
 - c. A total of eleven (11) Norway Pine trees were to be planted along the west property line with an initial size of four (4) feet. One spruce tree is present. This standard has not been achieved.
 - d. The following were to be inserted in the front yard of the property adjacent to Railroad Street. No plantings have occurred: A total of eight spruce trees have been planted in the front yard. Five are to the west of the building front, three to the east. There are not planting directly in front of the building. This standard has not been achieved.
 - 14 Black Hills Spruce, Initial size six feet.

- Five Norway Pine. Initial size four feet.
 - Six Swiss Stone Pine. Initial size four feet.
 - Three Amur Maacki. Initial size 15 inches.
 - 48 flame grass. Initial size 18 inches.
 - 59 boxwood or low bush honeysuckle. Initial size 24 inches.
7. With regard to the remainder of the site, especially pertaining to building site maintenance as identified in the February 13, 2006 letter:
- a. The property owner committed to the following: "Grounds will be kept neat with grass mowed as needed". Nearly all of the south, east, and west sides of the property have not been mowed. This standard is not being met.
 - b. Overall equipment is parked relatively neatly on areas free of weeds.
 - c. The southern part of the lot is a mix of countless piles of material and weeds.

REQUEST

This item is for review and discussion.

RESOLUTION 2006-33

A RESOLUTION APPROVING A SITE PLAN AND A CONDITIONAL USE PERMIT FOR SOUTHWEST PAVING ON PROPERTY LOCATED AT 700 RAILROAD STREET W.

BE IT RESOLVED by the City Council of Norwood Young America, Carver County, Minnesota as follows:

WHEREAS, the City of Norwood Young America requires approval of a site plan and conditional use permit pursuant to Sections 1270 and 1272 of the Norwood Young America City Code; and

WHEREAS, Southwest Paving, (the "Applicant") applied for approval of the site plan and conditional use permit to construct a building, associated site improvements, and to allow outdoor storage of equipment and materials (the "Use") on property located at 700 Railroad Street W;

WHEREAS, the City of Norwood Young America Planning Commission held a public hearing to consider the Applicant's request for a site plan and conditional use permit to locate the Use on the Property at a meeting on March 16, 2006; and

WHEREAS, the City of Norwood Young America City Council at a regularly meeting on March 27th, 2006, considered the testimony of the public hearing, the application materials on file with the City, and the recommendation of the Planning Commission.

THEREFORE, BE IT RESOLVED, that the City Council of Norwood Young America, Carver County, Minnesota, hereby makes and adopts the following findings of fact:

1. The subject property is zoned C/I, Commercial/Industrial, which requires a conditional use permit for the proposed use with outside storage.
2. The use appears to be consistent with the intent of this Ordinance.
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements, and
4. The use does not have an undue adverse impact on the public health, safety or welfare.
5. The use does not negatively impact automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
6. The use appears to meet all of the performance criteria requirements as established in Section 1250 of the Zoning Ordinance.
7. The Use, subject to certain conditions, conforms to the specific conditional use provisions as established in Section 1270 of the Norwood Young America City Code.

THEREFORE, BE IT FURTHER RESOLVED, that the City Council of Norwood Young America, Carver County, Minnesota, hereby approves the Applicant's request for a site plan and conditional use permit, subject to the following conditions:

1. Approval of the site plan and conditional use permit is subject to the applicant purchasing the subject property from the City.
2. The applicant shall revise and provide a site plan to the City that is to scale and complies with the standards of Section 1220, Off Street Parking and Loading, in the Zoning Ordinance. Dimensions of the parking spaces and drive-aisles shall be clearly identified on the plan and shall be in conformance with Section 1220.
3. The applicant shall comply with the conditions in the City Engineer's letter dated March 9, 2006.
4. Review and approval of plans and required applications by Carver County.
5. The applicant shall provide a 40-foot wide easement along the east property line, as recommended by the City Engineer, to accommodate the future utility extension. The location of the security fence and storage bins shall be relocated outside of the easement area.
6. The applicant shall provide a 20-foot easement along the south property line to accommodate the future westerly extension of sewer and water facilities.
7. The applicant shall provide a revised landscape plan showing additional evergreens to be planted to provide additional screening along Highway 212. The plan shall be submitted to staff for review and approval prior to issuance of building permits.
8. Prior to installation of any signage, the applicant shall submit detailed plans for all signage with the required building permit application.
9. The applicant shall submit detailed plans and fixture information for any additional lighting proposed, along with the required building permit application.
10. The applicant shall comply with the performance criteria established in Section 1250 of the Zoning Ordinance.
11. The conditional use permit allows storage of equipment and materials as identified in the application materials and description of use received by the City on February 13, 2006.
12. Building permits shall be required prior to any building construction or improvements on this property.
13. This permit is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.
14. This approval shall expire one year after date of approval unless the Applicants have commenced operation of the Use on-site.
15. The permit shall be subject to annual inspection and review by the City. The City may revoke the CUP upon violation of the conditional use permit standards in the Zoning Ordinance or violation of the conditions of this resolution.
16. Any change in ownership, operations or operator shall be cause for the permit to be reviewed by the City for a determination as to whether an application for an amendment or similar consideration is necessary.



Description of use for 700 Railroad Street

Use of property to conduct normal business operations for Southwest Paving, Inc.

Basic Operation

Employees will report to the shop every morning and leave shortly after to head to the job site. Employees would return every evening. Times would vary depending on workload and location of job.

Included in the basic operation will be storage and maintenance of equipment, storage of materials and daily operations of the business. Also, included are plans for the leasing of space and the upkeep of the property.

Equipment list

- Dump Trucks
- Tractor Trailers
- Several Pick-up trucks
- Paving machines
- Rollers
- Backhoes
- Skid Steers
- Bulldozers
- Other General Construction Equipment

Materials Stored on-site

- Base Material *
- Chip Rock held in bins
- Asphalt and Concrete Chunks to be recycled*

*both items would be piled in the rear of the property behind berm with coniferous trees

Other

- Dumpster
- Fuel tanks in required spill protection

Space to be leased

- Proposed that Southwest Paving will lease part of the space in the building
- Proposed tenants would be similar construction type business
- Goal is to lease to two tenants

Building Site Maintenance

- Grounds will be kept neat with grass mowed as needed
- Front of the property (along Railroad St.) will be landscaped
- Fill berm across 212 edge of lot with coniferous trees
- Fence to encompass entire property once grade is complete

November 3, 2016

Greg Brakefield
Southwest Paving
700 Railroad Street West
Norwood Young America, MN 55368

Dear Mr. Brakefield:

As you are aware the City routinely conducts audits of existing conditional use permits to determine compliance with the conditions under which use permits have been issued. The purpose of this letter is to notify you of a violation of a conditional use permit issued by the City Council on May 26, 2015. Please find a copy of Resolution 2015-13 enclosed which approved your CUP.

The CUP was issued at your request and references a landscaping plan you submitted for consideration in lieu of establishing perimeter fencing. The CUP required all plantings represented in the landscape plan be installed no later than October 31, 2015. The required plantings included:

1. A total of 19 Black Hills Spruce trees will be placed along the berm adjacent to Highway 212 (north property line). There are seven existing, so 12 will be added. New trees will have an initial size of six feet.
2. A total of five Black Hills Spruce trees will be planted along the east property line. Initial size six feet.
3. A total of eleven Norway Pine trees will be planted along the west property line. Initial size four feet.
4. The following will be inserted in the front yard of the property adjacent to Railroad Street:
 - 14 Black Hills Spruce. Initial size six feet.
 - Five Norway Pine. Initial size four feet.
 - Six Swiss Stone Pine. Initial size four feet.
 - Three Amur Maacki. Initial size 15 inches.
 - 48 flame grass. Initial size 18 inches.
 - 59 boxwood or low bush honeysuckle. Initial size 24 inches.

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November 3, 2016

Our routine audit finds the landscaping plantings, especially those to be installed adjacent to Railroad Street have not been installed. As such you are in violation of the conditional use permit.

In addition, the property is overgrown with weeds and numerous pieces of equipment are parked on the site. Under the use permit items are to be stored in a neat and orderly fashion and weeds are to be controlled and grass mowed.

Since the property is in violation, but winter is approaching, we will extend your period of compliance to June 1, 2017. All landscaping shall be in place before that date. If not the City Council will summon you to testify at a public hearing to their consideration to revoking your conditional use permit.

Since compliance with your proposed conditions has previously been an issue we expect compliance by June 1st with any additional grace period being unlikely. The purpose of this letter is to gain compliance and it is sincerely hoped this letter is sufficient to ensure performance on your part.

If you have any questions please don't hesitate to contact me (952) 467-1800 or by email to cityadmin@cityofnya.com

Thank you in advance for your prompt attention to this matter.

Respectfully yours,


Steven Helget
City Administrator

RESOLUTION 2015-13

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT AMENDMENT FOR THE PROPERTY AT 700 RAILROAD STREET WEST

BE IT RESOLVED by the City Council of Norwood Young America, Carver County, Minnesota as follows:

WHEREAS, a conditional use permit is required under Chapter 12, Section 1210.06, *Conditional Use Permits*, Subd. 3(B)(18) of the City Code for outdoor storage in industrial districts; and

WHEREAS, Greg Brakefield, d.b.a. Southwest Paving (the "Applicant") had previously applied for and was granted a conditional use permit to allow outdoor storage on industrial property (the "Use") at 700 Railroad Street West (the "Property"); and

WHEREAS, the terms of the conditional use permit approval were specified in City of Norwood Young America Resolution 2006-33 which is hereby incorporated by reference; and

WHEREAS, said Resolution 2006-33 provides for storage of equipment and materials as identified in the permit application materials and a description of the use received by the City on February 13, 2006, which is hereby incorporated by reference; and

WHEREAS, the Applicant makes the following representations which the City accepts as a good faith representation of the proposed operation:

1. Perimeter fencing will interfere with the day to day operations at the site and limit efficiency of site usage.
2. If the requirement for a complete perimeter fence is removed the Applicant will provide landscaping with trees and a berm for screening around the subject property.
3. The Applicant has submitted a landscape plan with the application illustrating:
 - a. A total of 19 Black Hills Spruce trees will be placed along the berm adjacent to Highway 212 (north property line). There are seven existing, so 12 will be added. New trees will have an initial size of six feet.
 - b. A total of five Black Hills Spruce trees will be planted along the east property line. Initial size six feet.
 - c. A total of eleven Norway Pine trees will be planted along the west property line. Initial size four feet.
 - d. The following will be inserted in the front yard of the property adjacent to Railroad Street:
 - 14 Black Hills Spruce. Initial size six feet.

- Five Norway Pine. Initial size four feet.
 - Six Swiss Stone Pine. Initial size four feet.
 - Three Amur Maacki. Initial size 15 inches.
 - 48 flame grass. Initial size 18 inches.
 - 59 boxwood or low bush honeysuckle. Initial size 24 inches.
4. All plantings as represented in a landscape plan submitted with the application shall be installed at 700 Railroad Street West as illustrated in said landscape plan no later than October 31, 2015.

WHEREAS, the City of Norwood Young America Planning Commission on May 19, 2015 held a public hearing regarding the request after the hearing notice was posted, published, and distributed as required under law; and

WHEREAS, the Planning Commission, after review and discussion, recommends the City Council approve the conditional use permit based on several conditions; and

WHEREAS, at a regular meeting on May 26, 2015, the City Council considered the application materials on file with the City and the recommendation of the Planning Commission,

THEREFORE, BE IT RESOLVED, that the City Council of Norwood Young America, Carver County, Minnesota, hereby makes and adopts the following findings of fact:

1. The subject property is zoned I-1, Light Industrial.
2. The Use, subject to certain conditions listed below, appears to be consistent with the intent of the Zoning Ordinance for properties with the I-1 District.
3. The Use, subject to certain conditions listed below, appears to be consistent with the goals and policies set forth in the City of Norwood Young America Comprehensive Plan for properties in the I-1 District.
4. The use, subject to certain conditions below, does not appear to have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements because the use is already established and the proposed amendment does not appear to materially alter pre-existing conditions.
5. The use, subject to certain conditions below, does not appear to pose an undue adverse impact on the public health, safety or welfare.
6. The use, subject to certain conditions below, does not appear to be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood as the use is already established and the proposed amendment does not appear to materially alter preexisting conditions.
7. The use, subject to certain conditions below, will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district as the use has been previously established and the proposed amendment does not appear to materially alter preexisting conditions.
8. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.

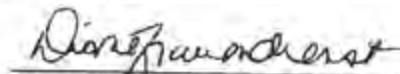
THEREFORE, BE IT FURTHER RESOLVED, that the City Council of Norwood Young America, Carver County, Minnesota, hereby approves a conditional use permit amendment for the property at 700 Railroad Street West, subject to the following conditions:

1. All conditions contained in NYA Resolution 2006-33 relating to the subject property remain in effect, except that the requirement for a perimeter fence specified in correspondence dated February 13, 2006 under condition number eleven shall be released.
2. The exact vegetation type, size, and volume proposed in a landscape plan submitted by the Applicant in conjunction with the CUP be planted by October 31, 2015.
3. The Applicant shall maintain said vegetation at all times. In the event any of the vegetation represented in the landscape plan does not survive at the site it shall be replaced as represented in the landscape plan within ninety (90) days of showing signs of distress.
4. This approval is applicable only to the property at 700 Railroad Street West.
5. This permit is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.
6. The permit shall be subject to annual inspection and audit by the City.
7. The City may revoke the CUP upon violation of the conditional use permit standards in the Zoning Ordinance or violation of the conditions of this resolution, subject to the requirements of Section 1210.06, Subd. 5 "Revocation of Conditional Use Permits" of the Zoning Ordinance.
8. The conditional use permitted under this Resolution shall be revoked if the Use ceases for more than 12 consecutive months.

Approved and adopted by the City Council this 26th day of May, 2015.


Mayor

ATTEST:


Diane Frauendienst, City Clerk/Treasurer

Planning and Zoning Application

City of Norwood Young America
310 Elm St. W, PO Box 59
Norwood Young America, MN 55368
Phone: (952) 467-1800 Fax: (952) 467-1818

Applicant's Name <u>Greg Brakofel / Southwood Farm</u>		Telephone Home <u>612-919-4437</u> Work/Cell																														
Address (Street, City, State, ZIP) <u>7002 Railroad Street West NYA MN 55368</u>																																
Property Owner's Name (If different from above)		Telephone Home Work/Cell																														
Location of Project <u>Same</u>																																
Legal Description <u>Sec. 15 Township 11S Range 02E</u>																																
Description of Request (Attach separate sheet, if necessary) <u>Change variance from fencing, to landscaping, trees & barn for screening around property</u>																																
<p>Proposed Action(s): Check all that apply</p> <table border="0"> <tr> <td><input type="checkbox"/> Annexation \$300.00</td> <td><input type="checkbox"/> Comp Plan Amendment \$500.00 + Escrow</td> <td><input type="checkbox"/> Storm Water Plan \$250.00</td> </tr> <tr> <td><input type="checkbox"/> Application for Appeal \$150.00</td> <td><input type="checkbox"/> Sketch Plat \$200.00 + Escrow</td> <td><input type="checkbox"/> Rezoning \$350.00</td> </tr> <tr> <td><input type="checkbox"/> City Code Amendment \$250.00</td> <td><input type="checkbox"/> Site Plan \$300.00 + Escrow</td> <td><input type="checkbox"/> Street/Alley Vacation \$150.00</td> </tr> <tr> <td><input type="checkbox"/> Parking Reduction \$100.00</td> <td><input type="checkbox"/> PUD Sketch Plan \$200.00 + Escrow</td> <td><input type="checkbox"/> Zoning Text Amendment \$300.00</td> </tr> <tr> <td><input type="checkbox"/> CUP/IUP \$200.00 (Residential)</td> <td><input type="checkbox"/> PUD Plan Amendment \$300.00 + Escrow</td> <td><input type="checkbox"/> Recording Fee \$46.00</td> </tr> <tr> <td><input checked="" type="checkbox"/> CUP/IUP \$300.00 (Non Residential)</td> <td><input type="checkbox"/> PUD Final Plan \$300.00 + Escrow</td> <td><input type="checkbox"/> Other _____</td> </tr> <tr> <td><input type="checkbox"/> Variance \$150.00 (Residential)</td> <td><input type="checkbox"/> PUD General Concept Plan \$400.00 + Escrow</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Variance \$200.00 (Non Residential)</td> <td><input type="checkbox"/> Preliminary Plat \$350.00 + \$10.00/Lot + Escrow</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Lot Split \$200.00</td> <td><input type="checkbox"/> Final Plat \$250.00 + \$10.00/Lot + Escrow</td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/> Public Hearing Notice \$75.00</td> <td><input type="checkbox"/> Wetland Mitigation Plan \$100.00 + Escrow</td> <td></td> </tr> </table>			<input type="checkbox"/> Annexation \$300.00	<input type="checkbox"/> Comp Plan Amendment \$500.00 + Escrow	<input type="checkbox"/> Storm Water Plan \$250.00	<input type="checkbox"/> Application for Appeal \$150.00	<input type="checkbox"/> Sketch Plat \$200.00 + Escrow	<input type="checkbox"/> Rezoning \$350.00	<input type="checkbox"/> City Code Amendment \$250.00	<input type="checkbox"/> Site Plan \$300.00 + Escrow	<input type="checkbox"/> Street/Alley Vacation \$150.00	<input type="checkbox"/> Parking Reduction \$100.00	<input type="checkbox"/> PUD Sketch Plan \$200.00 + Escrow	<input type="checkbox"/> Zoning Text Amendment \$300.00	<input type="checkbox"/> CUP/IUP \$200.00 (Residential)	<input type="checkbox"/> PUD Plan Amendment \$300.00 + Escrow	<input type="checkbox"/> Recording Fee \$46.00	<input checked="" type="checkbox"/> CUP/IUP \$300.00 (Non Residential)	<input type="checkbox"/> PUD Final Plan \$300.00 + Escrow	<input type="checkbox"/> Other _____	<input type="checkbox"/> Variance \$150.00 (Residential)	<input type="checkbox"/> PUD General Concept Plan \$400.00 + Escrow		<input type="checkbox"/> Variance \$200.00 (Non Residential)	<input type="checkbox"/> Preliminary Plat \$350.00 + \$10.00/Lot + Escrow		<input type="checkbox"/> Lot Split \$200.00	<input type="checkbox"/> Final Plat \$250.00 + \$10.00/Lot + Escrow		<input checked="" type="checkbox"/> Public Hearing Notice \$75.00	<input type="checkbox"/> Wetland Mitigation Plan \$100.00 + Escrow	
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<p>ALL ESCROW MUST BE PAID BY CERTIFIED CHECK</p> <p>Escrow Deposit \$2,000.00</p> <p>Escrow Deposit - Site Plan Review: \$7,500 (Tacoma West Industrial Park), \$5,000.00 (All other site plan reviews)</p> <p>Escrow Deposit - Development Review (paid at Sketch Plan): \$10,000.00</p>																																
<p>ALL PLANNING & ZONING APPLICATION FEES ARE IN ADDITION TO LEGAL, ENGINEERING AND ASSOCIATED COSTS</p> <p>*APPLICATIONS WILL BE PROCESSED ONLY IF ALL REQUIRED ITEMS ARE SUBMITTED*</p>																																
<p>The undersigned certifies that they are familiar with application fees and other associated costs, and also with the procedural requirements of Chapter 11 and Chapter 12 of the City Code and other applicable ordinances.</p>																																
Applicant's Signature: <u>A N</u>		Date <u>4/16/15</u>																														
Fee Owner's Signature:		Date																														
<p>For Office Use Only</p>																																
Accepted By: <u>Steve Helgeson</u>	Amount <u>\$375.00</u>	Date <u>5/18/15</u>																														



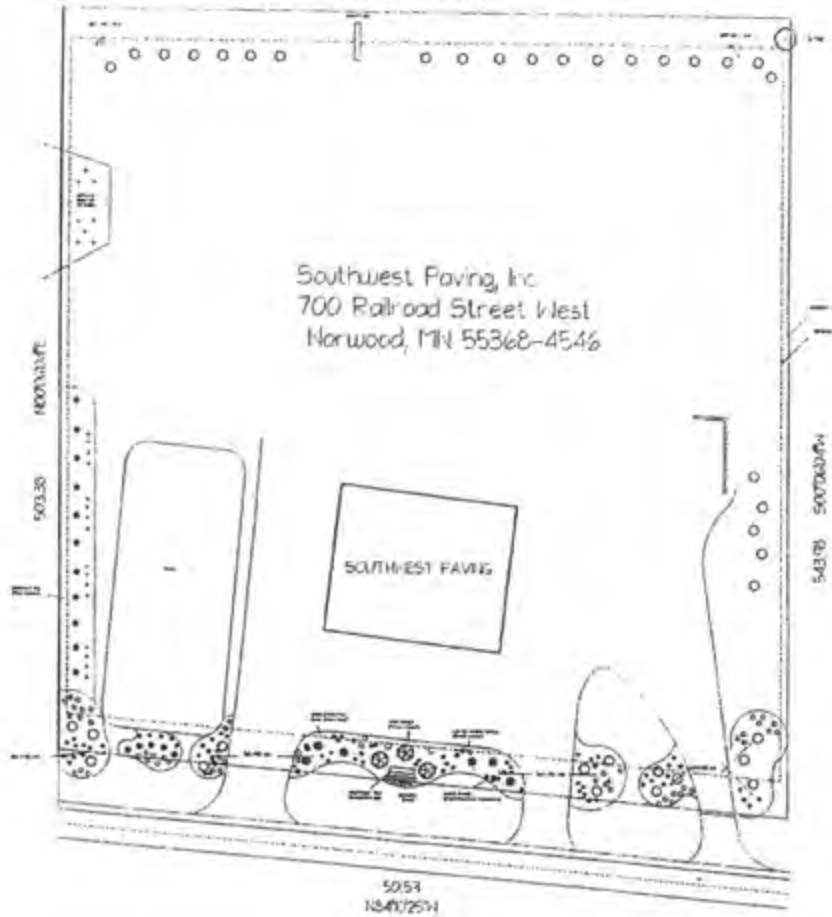
Southwest Paving, Inc. is requesting a change in our previous Conditional Use Permit. The previous CUP included a chain link fence around the property. Due to the decline of the economy in the past few years and high property taxes, there were not any funds to comply with the previous CUP. We have continued to fight through tough economic times and with the economy turning around we are now able to address the fencing issue. Due to limited space having a chain fencing does not allow for efficient working on our property. We are requesting to change the chain link fencing to landscaping with trees and a berm for screening around the property. By installing evergreens, landscaping, and a berm it will give the property adequate screening along with improving the appearance. As we talked about in the December 2014 council meeting where we purposed this plan in place of the fence.

Full legal description of our property at 700 Railroad Street West, NYA, MN is:

Section 15 Township 115 Range 026 EAST 6 ACRES OF 12 ACRES OF THAT P/O N1/2 SECT 15 DESC AS: BOUNDED ON TH N BY S R-O-W LINE OF HWY 212; BOUNDED ON S BY N R-O-W LINE OF OLD HWY 212 NOW RAILROAD STREET; BOUNDED ON E BY LINE DESC AS: COMM AT SE CORN OF BLK 14 VILLAGE OF NORWOOD; TH W ON N LI.

TRUP 175442-1 NO. 20

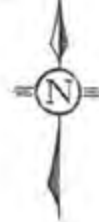
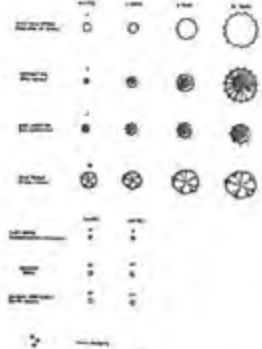
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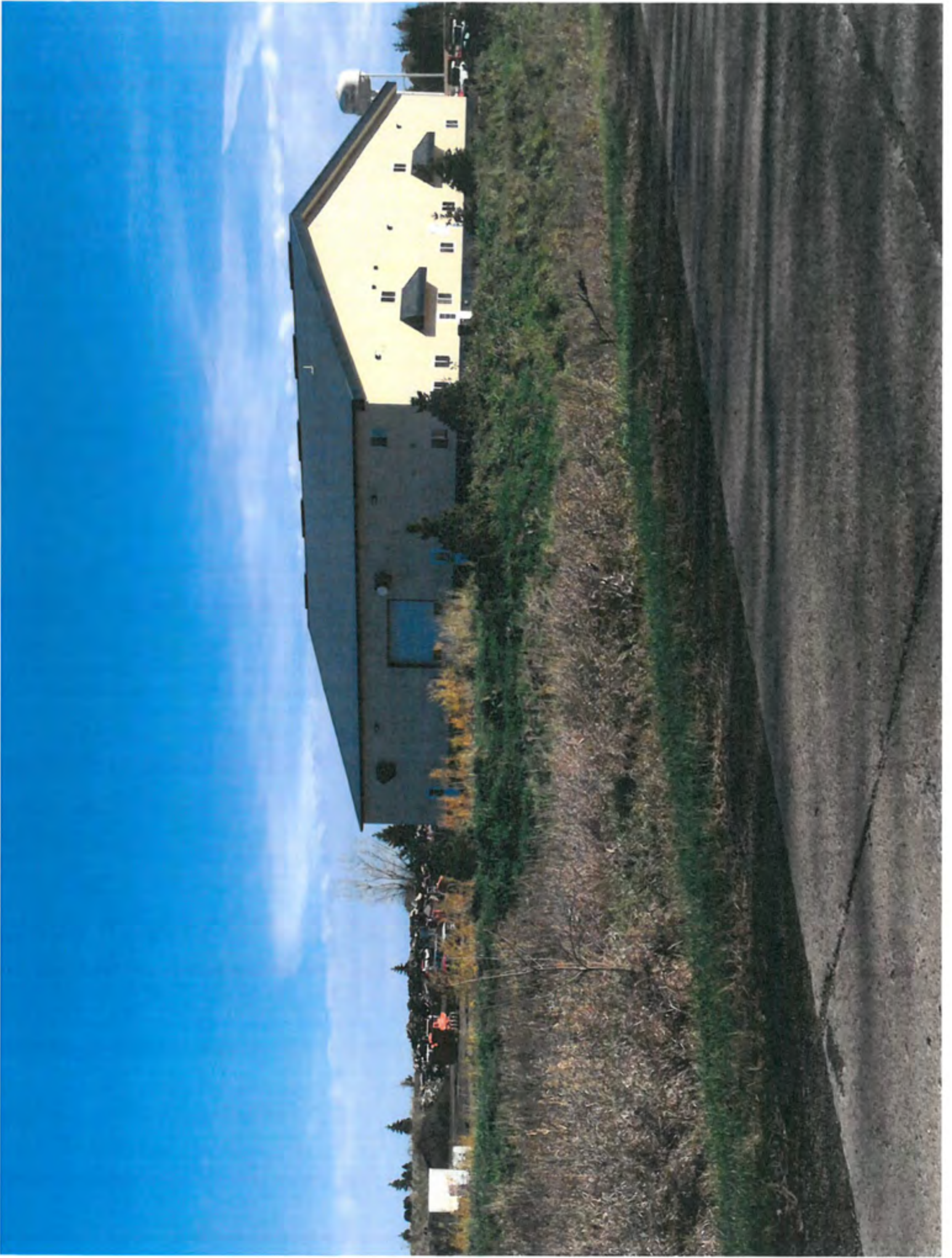
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LEGEND:

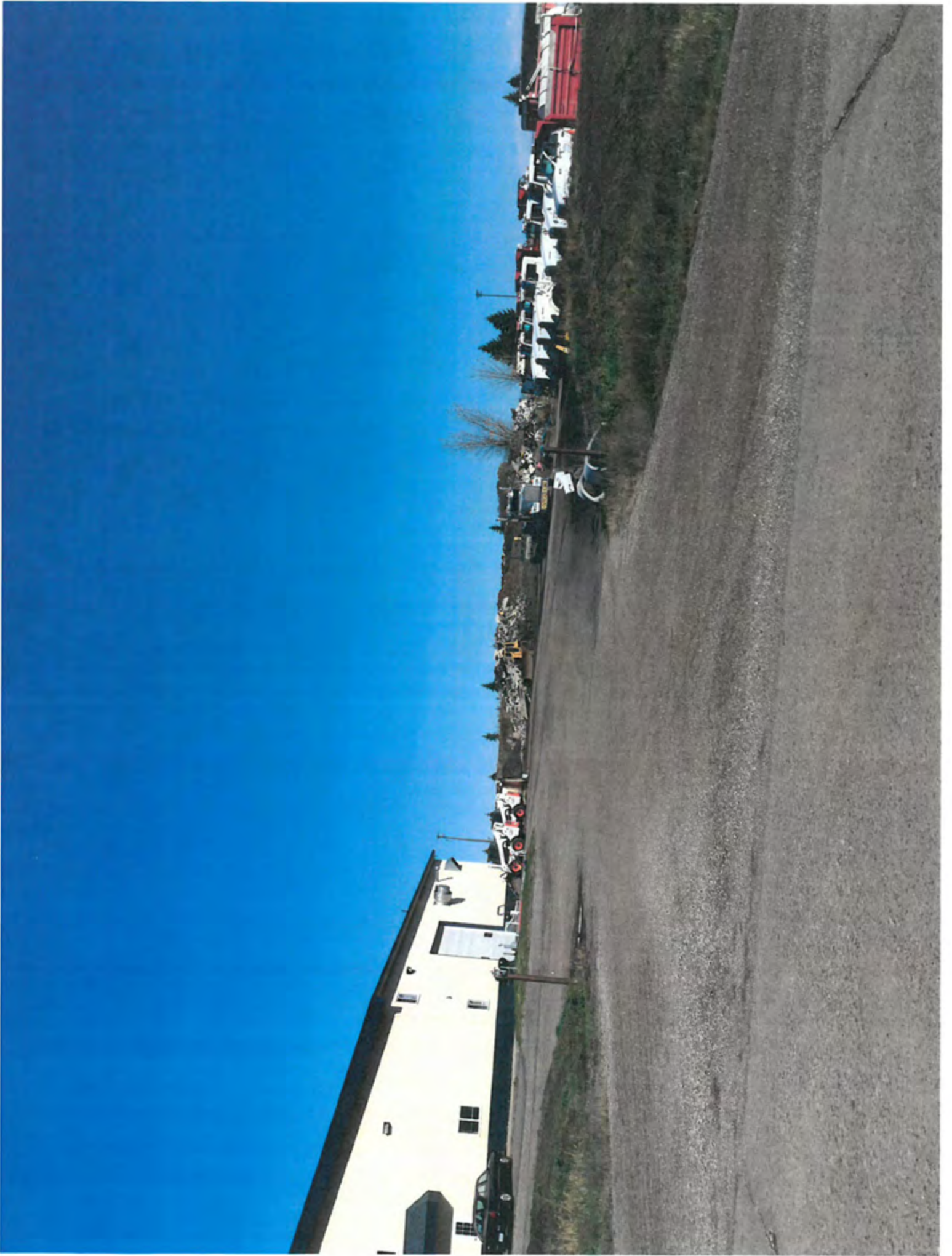


SCALE: 1" = 40'

Scale: 1" = 40'

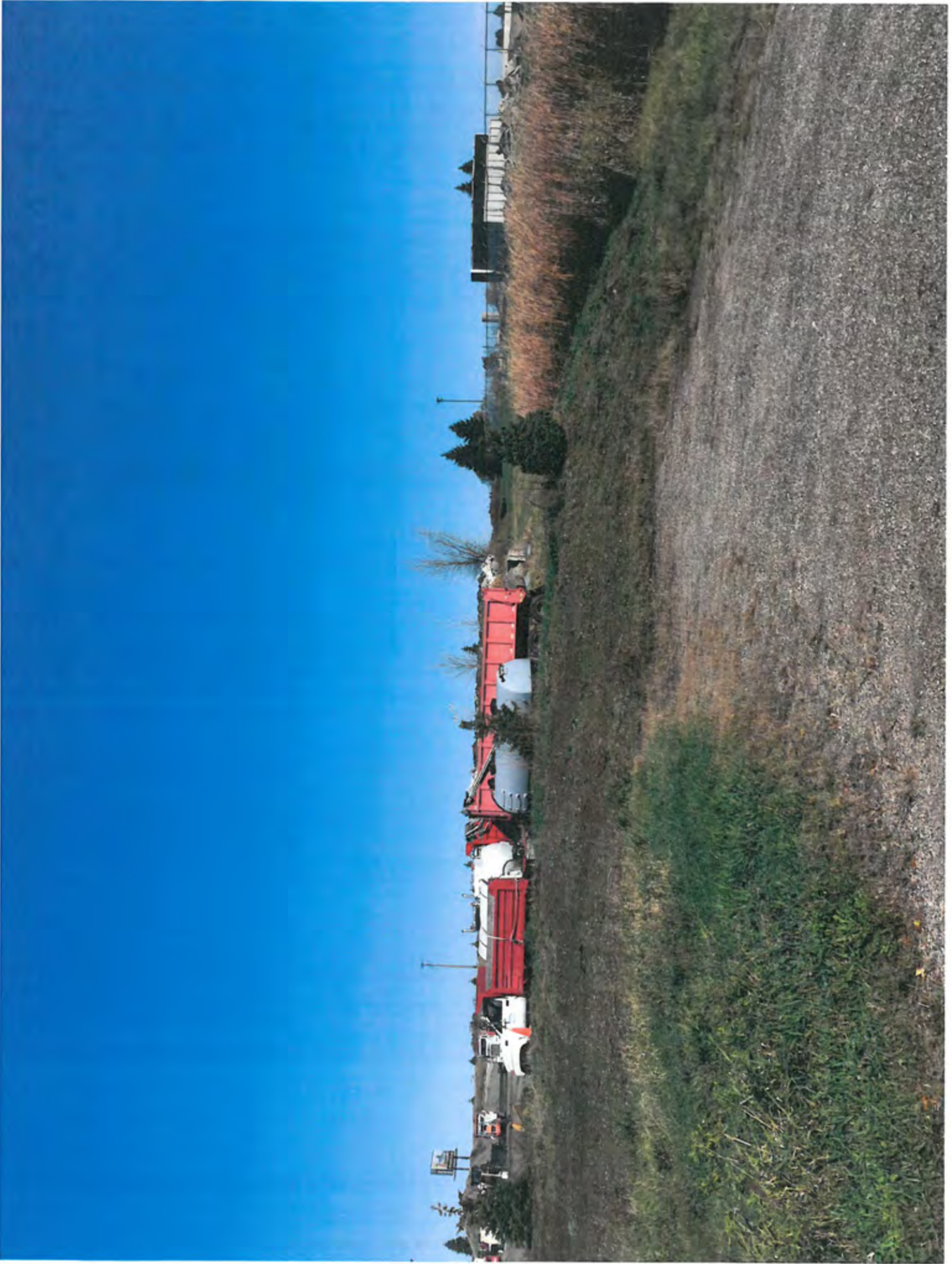














To: Chairperson Heher
Members of the Planning Commission
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: November 7, 2017

Re: Draft Code Standards: Towers

BACKGROUND

In May the Commission discussed standards pertaining to telecommunications towers. The discussion was prompted by an inquiry regarding the location of telecommunications towers as a principal use of industrial zoned property adjacent to Highway 212.

Existing towers are located in an R-2 District between Young America and Braunworth Lakes.

Currently the following standards are in effect:

- Antennas, satellite dishes, communication and radio towers are allowed as a principal use of property under a CUP in the T/A Transition/Agricultural District and I-1 Light Industrial District.
- Communications towers including television antennae and radio and telephone transmission towers under Section 1220.01 are exempt from district height restrictions.
- Section 1210.06, Subd. 3(B)(2) establish the following conditions for antennas, satellite dishes, communication and amateur radio towers.
 - a. In all residential districts, only one of the following are permitted per lot:
 - i. Satellite dish
 - ii. Amateur radio tower
 - iii. Ground-mounted vertical antenna
 - b. A ground-mounted satellite dish shall not exceed fifteen (15) feet in height above the ground level.
 - c. No ground-mounted satellite dish, amateur radio tower, or ground-mounted vertical antenna shall be located within the required front yard setback or side yard setback.
 - d. Ground-mounted satellite dish, amateur radio tower, or ground-mounted vertical antennas shall be set back from all adjoining lots a distance equivalent to the height of the dish, tower, or antenna. If a portion of the tower or antenna is collapsible or securely fastened to a building, only the portion which can fall will be used to determine the setback from the property lines. Location shall not adversely obstruct views from adjacent property.
 - e. A building permit shall be required for the installation of any satellite dish, amateur tower, or ground-cover mounted vertical antenna. Building permit applications shall require the submission of a site plan and structural components.
 - f. Each satellite dish, amateur radio tower, and ground-mounted vertical antenna shall be grounded to protect against natural lightning strikes and be designed and installed in conformance with the National Electrical Code.

Specific standards which are potentially problematic include:

1. If taken literally **any** antennas, satellite dishes, communication or radio towers in the TA or I-2 districts require issuance of a CUP. There is no distinction between personal antennae or satellite dishes and those operated for mass communication purposes.
2. There is no allowance for ham radio towers in residential areas.
3. Aforementioned CUP requirements (a), (b), and (c) appear to be related to personal devices and not commercial devices. While requirements (d) and (e) appear to be related to commercial devices and not personal devices. CUP requirements for (f) could be related to both personal and commercial devices.

At the May meeting, Staff was directed to bring sample language to the Commission at a future meeting for review. Attached please find sample tower/antenna language. The proposed standards would replace existing language in the Code relating to towers and antenna.

REQUEST

This item is for review and discussion.

Section 1270 – Antennas and Towers

1270.01. Purpose and Intent. The purpose of this section is to manage the placement, construction, and modification of telecommunication towers, antennas, and related facilities in order to protect the health, safety, and welfare of the public while accommodating the communications needs of the public, residents, and businesses.

1270.02 Definitions.

Antenna: Any device which is designed to transmit or receive any electromagnetic, microwave, radio, television, or other frequency energy waves including but not limited to directional and omni-directional antennae such as microwave dishes, satellite dishes and whip antennae.

Antenna support structure: A building, water tower, or other structure, other than a telecommunications tower, which can be used for location of telecommunications facilities.

Applicant: A person who applies for a permit to develop, construct, build modify or erect a tower or antenna under this section.

Application: The process by which the owner of a plot of land within the city or other person submits a request to develop, construct, build, modify or erect a tower or antenna upon that land.

Commercial wireless telecommunication services: Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and television similar services that are marketed to the general public.

Telecommunications facilities: Cables, wires, lines, wave guides, antennas or any other equipment or facilities associated with the transmission or reception of telecommunications located or installed on or adjacent to a tower or antenna support structure.

Tower: Any ground or roof mounted pole, spire, structure or combination thereof exceeding 20 feet in height including supporting lines, cables, wires, braces and masts intended primarily for the purpose of mounting an antenna or similar apparatus above grade.

Wireless Service Provider: A direct provider of wireless services to end users.

1270.03 Exemptions. The following are exempt from permit requirements contained in this Section.

- A. Household television antennas extending less than 20 feet above the highest point of a residential structure.
- B. Satellite dish receiving antennas two meters or less in diameter.
- C. Adjustment, repair, or replacement of an antenna or the elements of an antenna, provided

that such work does not constitute an increase in the height of the tower structure.

- D. Placement of additional antennas on existing towers provided that such work does not constitute an increase in the height of the tower structure.
- E. Antennas and antenna support structures used by the City for City purposes.
- F. Antennas mounted on water towers or on the sides or roof of existing structures.
- G. Antennas placed in public rights-of-way which are owned and operated by a wireless service provider, providing the antenna is placed on an existing structure.
- H. Emergency or routine repairs, reconstruction, or routine maintenance of previously approved facilities, or replacement of transmitters, antennas, or other components or previously approved facilities which do not create a significant change in visual impact or an increase in radio frequency emission levels, and provided that such work does not constitute a clear safety hazard.
- I. Two-way communication transmitters used on a temporary basis by a “911” emergency services, including fire, police and emergency aid or ambulance service.

1270.04 Prohibited Towers. Towers, antenna, and support facilities not specifically provided for herein shall be prohibited.

1270.04 Zoning District Standards.

- A. Towers over twenty feet in height specifically and solely designed to support amateur radio operations and antenna are allowed in the side or rear yards in residential districts provided a conditional use permit is issued.
- B. Telecommunications towers, antennas, and support facilities are allowed in industrial zoning districts provided a conditional use permit is issued and the subject parcel does not abut T.H. 212.

1270.05 Performance and Design Standards.

- A. Tower or Antenna Height:
 - 1. Antennas, towers, and related equipment attached to existing structures shall not exceed twenty (20) feet in height.
 - 2. Antennas, towers, and related equipment supporting amateur radio operations shall not exceed seventy (70) feet in height.
 - 3. All other towers shall not exceed 175 feet in height.
- B. Setbacks.
 - 1. Setback requirements for towers shall be measured from the base of the tower to the property line of the parcel on which it is located.
 - 2. Amateur radio towers when not rigidly attached to a building shall be setback from all property lines the minimum of a distance equal to the height of the antenna and tower. Setbacks for amateur radio towers rigidly attached to a building may be reduced by an amount that is equal to the distance from the point of attachment to the ground.

3. All other towers shall have a minimum setback from any property line equal to the height of the tower plus 10 feet, except that towers located next to a residential zone shall have a setback equaling the height of the tower plus 100 feet.

C. Co-location required.

1. Any proposed tower over sixty (60) feet in height shall be designed for co-location of at least one additional antenna.
2. Any proposed tower over one hundred (100) feet in height shall be designed for co-location of at least two (2) additional antennas.

D. Design Standards.

1. Towers shall be designed and certified by a licensed and qualified professional engineer to conform to the latest structural standards and all requirements of the State Building Code, the Electronics Industry Association, and the National Electric Code.
2. Towers shall be designed to ensure that visual intrusiveness and impacts on nearby properties are mitigated to the greatest extent possible.
3. Every tower affixed to the ground shall be protected to discourage climbing of the tower by unauthorized persons.
4. Towers may not be artificially lit except as required by the Federal Aviation Administration.
5. Towers not requiring Federal Aviation Administration painting or marking must have durable exterior finishes and shall be light blue, gray, or other similar color which minimizes visibility.
6. Towers shall be designed to allow for future rearrangement of equipment upon the structure, and to accept attachments mounted at varying heights.
7. The use of any portion of a tower or antenna for signs other than warning, identification, emergency contact information, or equipment information is prohibited.
8. Freestanding towers must be self-supporting without the use of wires, cables, beams, or other means. The suggested design is a monopole configuration or open framework which collapses on itself in the event of structural damage.
9. To prevent unauthorized entry, towers shall be provided with security fencing as needed or when required by the City.
10. Transmitting, receiving, and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary for transmitting, receiving, and switching equipment, it shall meet setback requirement contained in the underlying zoning classification and be designed, constructed, and screened to blend in to the surrounding environment and adjacent land uses.
11. Towers and antennas should be located in areas that provide natural or existing structural screening for off-site views of the facility when feasible. Existing on-site vegetation that provides screening shall be preserved to the extent possible. Vegetative screening at the perimeter of the tower is encouraged.

1270.06 Abandoned or Unused Towers. Abandoned or unused towers or antennas shall be removed within twelve (12) months of the cessation of operations at the site.

1270.07 Interference. No new or existing tower, antenna, or related equipment shall interfere with public safety communications. Before the introduction of a new service or a change in existing services, equipment providers shall notify the City at least ten (10) calendar days in advance of such changes and allow the City to monitor interference levels during the testing process.

1270.08 Radiation. Towers, antennas, and related equipment placed within the City shall be subject to State and Federal regulations, as amended. The cost of verification of compliance shall be borne by the owner and operator of the communications facilities and equipment.



To: Chairperson Heher
Members of the Planning Commission
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: November 7, 2017

Re: 2017 Annual Report and 2018 Goals/Work Plan

An annual report to the Council is attached for review/consideration. Please note the PC is to confirm goals for 2018. The following items were discussed in October.

1. Staff have received numerous inquiries regarding auto repair shops in commercial and industrial districts. At this time automobile 'service stations' are allowed under CUP in the C-2 General Commercial District. Automobile "repair, major" is allowed as a permitted use in the B-I Business Industrial District, and auto repair as an accessory use is allowed in the C-3 Downtown District. At this time auto repair (either major or minor) is allowed as a principal use in the C-3, RC-1, or I-1 District. Discussion about where auto repair may fit in alternate zones and under what conditions could be examined in 2017.
2. Continued consideration of accessory dwelling units as allowed uses in certain residential districts as a means of addressing community of a lifetime and active aging issues. In 2016 we opted out of a recently enacted state law requiring "drop homes" be permitted as temporary health care dwellings.
3. Participate in the 2040 Comprehensive Plan update process.
4. Review of Chapter 11 of the City Code, subdivision regulations.
5. Review of/familiarization with the zoning map.
6. Telecommunication facility update.
7. CUP audits.

NYA PLANNING COMMISSION 2017 REPORT TO CITY COUNCIL

OVERVIEW

The Norwood Young America Planning Commission is the designated planning agency for the City. The Commission advises the City Council on matters pertaining to planning, land use, and property subdivision. The Commission operates in planning, legislative, and regulatory capacities.

In its planning capacity, the Commission is responsible for making recommendations to the Council regarding the overall development and redevelopment of the City.

In its legislative capacity the Commission develops and recommends adjustments to the City Code relating to land use and the subdivision of property.

In its regulatory capacity the Commission applies existing code to proposed applications for land use and subdivision and makes recommendations to the Council thereon.

The Commission met twelve times so far in 2017 and is expected to meet in December as well. The Commission held eleven regular meetings: January 18th, February 22nd, March 21st, April 18th, May 22nd, June 6th, July 5th, August 1st, September 6th, October 3rd, November 7th, and December 5th (scheduled) and one work session: March 7th.

The Commission has five representatives and two vacancies. Current membership is as follows: Mike Eggers, Bill Grundahl (Vice Chair), Craig Heher (Chair), Mark Lagergren, and JR Hoernemann. The Commission recognizes and thanks Cassandra Kemp for her presence on the Commission. Kemp resigned mid-year. The Commission also recognizes Charlie Storms for his contribution to the Commission. Storms was appointed to the Council earlier in the year.

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SUMMARY OF MEETING ACTIVITIES

January 18th:

- The Commission discussed a proposed new construction at 211 Railroad Street East.
- The Commission discussed pet daycare and similar uses in the C-3 District and the potential to create enabling language for such uses.
- The Commission reviewed draft language relating to residential lot combinations and administrative subdivisions.
- The Commission reviewed a draft rental code update.

February 22nd:

- The Commission held a public hearing on an amendment to the subdivision regulations allowing administrative subdivisions and lot combinations. The Commission recommended approval.
- The Commission held a public hearing on a variance request for Xtreme Electric for a steel structure in the C-3 District at 211 Railroad Street East. The Commission recommended approval of the amendment.
- The Commission recommended the City Council approve a site plan for Xtreme Electric with conditions attached.
- The Commission held discussion with owners of rental property on a proposed rental code update.
- The Commission reviewed draft language allowing pet daycare in business districts.

March 7th:

The Commission held a work session on a draft rental code update.

March 21st:

- The Commission held a public hearing on a request for a conditional use permit to allow auto sales at 180 Industrial Boulevard. The Commission recommended conditional approval of the CUP to the Council.
- The Commission held a public hearing on a request for an interim use permit to allow limited outdoor storage at 508 Merger Street. The Commission recommended conditional approval of the IUP to the City Council.
- The Commission held a public hearing on an ordinance amendment to allow animal care as a conditional use in the C-2 General Commercial District, C-3 Downtown District, and the B-I Business Industrial District.
- The Commission discussed a request to adjust the regular meeting date and time. Regular meetings to be on the first Tuesday of each month, beginning in May.

April 18th:

- The Commission held a public hearing on an ordinance amending existing standards in the C-3 Downtown District to allow residential uses on the street level providing at least 50% of the structure's first floor adjacent to the street was reserved for commercial uses.
- The Commission held a public hearing to consider rezoning of 120 Morse Street from C-3 to R-3 Medium Density Mixed Residential District. The Commission recommended approval of the rezoning request.
- The Commission discussed a rental code update.
- The Commission reviewed a partial vacation of Liberty Street adjacent to 524 Elm Street West. The Commission recommended approval of the partial vacation.
- The Commission considered standards for pylon signs in the RC-1 Residence and Commercial District.

May 2nd:

- The Commission reviewed a revised draft of the proposed rental code update.
- Commissioner Grundahl was appointed to a Comprehensive Plan Committee.
- The Commission discussed existing regulations pertaining to telecommunication towers.

June 6th:

- The Commission held a public hearing on an amendment to the zoning code to address standards for signs in the RC-1 District. The Commission recommended approval of the amendment.
- The Commission held a public hearing regarding rezoning a portion of Preserve 5th Addition from P-1 Park and Open Space to R-1 Low Density Single Family Residential District. The Commission postponed action on the request.
- The Commission held a public hearing on variance and conditional use permit requests for a contractor operation with ancillary outdoor storage at 600 Railroad Street West (Steve Curfman). The variance was for rear yard setback and allowed use of an existing foundation for a new 9000 sf structure. The Commission recommended conditional approval of both the variance and CUP request.
- The Commission considered a site plan for Steve Curfman and recommended approval.

July 5th:

- The Commission discussed rezoning of a portion of Preserve 5th Addition after receipt of additional information and input from the City Attorney. The Commission also considered final plat approval. The Commission recommended conditional approval of both items to the City Council.
- The Commission discussed a rental code update and next steps.
- The Commission held discussion regarding allowing one family homestead dwellings in the C-2 General Commercial District. The Commission did not support single family dwellings in the commercial district.

August 1st:

- The Commission held a public hearing on a request for a conditional use permit to allow ancillary outdoor storage at 170 Industrial Boulevard. The Commission recommended conditional approval of the CUP to the Council.
- The Commission held a public hearing on a lot split and variance request for two non-contiguous lots under one legal description and parcel number. The Commission recommended conditional approval of the requests to the Council.
- The Commission held a public hearing on a rental code revision and recommended approval to the City Council.
- The Commission provided input to the Council regarding a revised site plan proposed by Steve Curfman for 600 Railroad Street West. The Commission recommended conditional approval of the site plan to the Council.

September 6th:

- The Commission discussed zoning of 515 Morse Street and alternative actions relating to legal non-conformance.
- The Commission discussed the potential to amend the City Code to allow contractor operations in the C-2 General Commercial District. The Commission did not support contractor operations in C-2. The Commission instead recommended rezoning of the small area to C-3, an abutting zoning classification.
- The Commission received an update on a small wireless law placed into effect in May.

October 3rd:

- The Commission held a public hearing on rezoning four lots adjacent to Railroad Street East from C-2 General Commercial District to C-3 Downtown District. The Commission recommended approval of the request to the Council.
- The Commission held a public hearing on a request to amend the planned land use classification of approximately 60 acres of property owned by Central Schools. The hearing also included a companion request to rezone the subject property from C-2 General Commercial to R-2 Medium Density One and Two Family Residential. The Commission recommended the Council approve the requests.
- The Commission reviewed a small expansion to All Saints Lutheran Church. The Commission recommended conditional approval of the site plan to the Council.
- The Commission discussed CUP compliance at an industrial location.
- The Commission discussed 2018 goals/work plan.

November 7th:

- The Commission will be presented draft language pertaining to telecommunications towers for review and discussion.
- The Commission will review results of a CUP audit for a use in the Industrial District.
- The Commission initiate review of the subdivision code.

- The Commission will review an annual report and confirm goals/work plan for 2018.

December 5th:

- The agenda for this meeting is to be determined.

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GOALS FOR 2017

1. Consider whether or not food trucks should be allowed in the City. If so, consider necessary operational conditions and applicable districts.
2. Consider numerous inquiries received regarding auto repair shops in commercial and industrial districts. At this time automobile ‘service stations’ are allowed under CUP in the C-2 General Commercial District. Automobile “repair, major” is allowed as a permitted use in the B-I Business Industrial District, and auto repair as an accessory use is allowed in the C-3 Downtown District. At this time auto repair (either major or minor) is allowed as a principal use in the C-3, RC-1, or I-1 District. Discussion about where auto repair may fit in alternate zones and under what conditions could be examined in 2017.
3. Consideration of accessory dwelling units as allowed uses in certain residential districts as a means of addressing community of a lifetime and active aging issues. In 2016 we opted out of a recently enacted state law requiring “drop homes” be permitted as temporary health care dwellings.
4. Participate in the 2040 Comprehensive Plan update process.
5. Review of Chapter 11 of the City Code, subdivision regulations.
6. Review of/familiarization with the zoning map.
7. Consider zoning language relating to where Level III sex offenders can reside.

GOALS FOR 2018

1. Follow up on goals from 2017.
2. Conduct CUP audits.



To: Chairperson Heher
Members of the Planning Commission
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: November 7, 2017

Re: Subdivision Code Review

BACKGROUND

The Commission has listed review of subdivision (platting) standards as a goal for the past few years. Attached please find a copy of the most-current subdivision code.

REQUEST

Discussion of the Code and identification of areas to address.

CHAPTER 11. SUBDIVISION

Section 1100 – General Provisions

1100.01 Title. This Ordinance shall be known and referred to as the “Norwood Young America Subdivision Ordinance” except as referred to herein, where it shall be known as “this Ordinance.”

1100.02 Purpose. This Chapter has been adopted for the following purposes:

- A. To provide for the orderly, economic and safe development of land and urban services and facilities.
- B. To promote the public health, safety, morals and general welfare of the residents of the City.
- C. To assure equitable handling of all subdivision plats by providing uniform procedures.

1100.03 Scope. The provisions of this chapter, relate to any division of a tract of land into one or more parcels by platting, replatting, conveyance, registered land survey or other means.

1100.04 Authority. This Ordinance is enacted pursuant to the authority granted through Minnesota Statutes Section 462.

1100.05 Jurisdiction. The regulations governing plats and the subdivision of land shall apply to the area within the corporate limits of the City.

1100.06 Compliance. After the adoption of this chapter, no lot in a subdivision shall be sold, no permit shall be issued to alter or erect any building upon land in a subdivision, and no building shall be erected in a subdivision unless a subdivision plat has been approved and recorded and until the improvements required by the Council relative to subdivisions have been constructed or arranged for as provided in this chapter.

1100.07 Required Approvals of Subdivision Plats. Before any plat shall have validity, it shall have been reviewed by the City Planning Commission and approved by the City Council and recorded in the County Register’s Office.

1100.08 Registered Land Surveyors and Conveyances by Metes and Bounds. All Registered Land Surveys shall be filed subject to the same procedure as required for the filing of a preliminary plat for platting purposes. The standard requirements set forth in this Chapter shall apply to all Registered Land Surveys.

1100.09 Variances and Appeals. Modification or variance from this Ordinance may be permitted to provide relief on an individual basis. The circumstances and procedures for granting a variance shall be the same as for Chapter 12, Zoning.

Subd. 1 Planned Unit Development (PUD). Substantial variance from the provisions of this ordinance may be allowed where the PUD Overlay District is used in accordance with Chapter 12, Zoning. In order to qualify for such variances, the PUD shall demonstrate that site development will have qualities and characteristics that are superior to those that could be expected if the land were developed in accordance with the underlying zoning district. In particular, PUD’s shall demonstrate all of the following to qualify for variances from the provisions of this Ordinance.

- A. The establishment of more creative relationships between buildings and the site, including creative site planning and building product.
- B. The protection of more common usable open space.
- C. The protection of more of the site's natural character (slopes, vegetation, wetlands, etc.).
- D. Generally, more efficient use of the site in terms of the demand it places on public utilities and services.

1100.10 Amendments. For the purpose of protecting the public health, safety, and general welfare, the Planning Commission may from time to time propose amendments to these regulations.

Subd. 1 Amendment Procedures. An amendment to the Ordinance shall include the following procedures.

- A. A hearing shall be held following publication of notice of the time and place in the official newspaper at least ten days before the day of the hearing.
- B. The Commission shall hear such persons as wish to be heard.
- C. The Commission shall provide a recommendation to the City Council.
- D. The City Council shall act following the Commission's recommendation and either approve or disapprove said amendment.

1100.11 Exceptions.

Subd. 1 Simple Lot Division. A lot may be divided without having to comply with the requirements of this Ordinance, following a public hearing in accordance with established procedures, provided the resultant lots are easily described (e.g. N ½ and S ½) comply with the dimensional requirements of Chapter 12, Zoning and are generally consistent in size with other lots in the immediate vicinity. *(Amended by Ord. 128, 7-10-2000)*

Subd. 2 Division of Two Family Dwelling. Existing two family dwellings may be divided into individual parcels of record with the party wall acting as the dividing lot line, following a public hearing in accordance with established procedures, subject to the following conditions:

- A. To protect the safety and property of the owner and occupants of each unit, no two family dwelling may be split until the common party wall fire rating meets Uniform Building Code Standards.
- B. Each unit shall be provided with separate utility, sanitary sewer and water services.
- C. The area for each proposed lot shall meet the minimum requirements under the City's zoning ordinance.
- D. A certificate of survey is filed with the City showing the new lot line and the proposed legal descriptions for each lot.
- E. The owner of the property to be subdivided shall execute and record at his/her own expense a "Declaration of Covenants, Conditions and Restrictions" which shall include, but shall not be limited to, the following:
 - 1. How disputes will be handled.
 - 2. Maintenance agreements.
 - 3. How repairs and reconstruction will be handled in case of damage to the original structure.

4. Party wall agreement.

F. Any other reasonable condition imposed by the City. (*Amended by Ord. 128, 7-10-2000*)

Subd. 3 Boundary Line Adjustments

- A. **Applicability/Purpose.** This section is established to provide for administrative approval for changes in property lines through the detachment and attachment of land to a contiguous lot, tract, or platted or non-platted parcel. A boundary line adjustment is intended to modify or correct the location of a boundary line, to remedy adverse topographical features, to remedy encroachments of structures, to enable the sale of a portion of a lot to an adjoining property, and/or to remedy errors in perceived boundary lines subsequent to an official land survey. A Boundary Line Adjustment may be allowed provided any residual parcel or any existing structure does not become non-compliant or become further non-compliant with the provisions of the Zoning Ordinance.
- B. **Application.** Any person having a legal or equitable interest in a property may file an application for a Boundary Line Adjustment. An application for Boundary Line Adjustment shall be filed with the Zoning Administrator on an approved form and shall be accompanied by an assessment search, proof of ownership of the subject property, submittal of the required fee(s) and a certificate of survey, prepared and signed by a Minnesota registered land surveyor, illustrating the following:
1. Existing site improvements and existing boundaries with lot dimension and area.
 2. Any encroachments and easements of record.
 3. Existing legal description(s) of property.
 4. Identification of the boundary to be moved and the location of the proposed boundary line.
 5. The dimensions, setbacks, existing site improvements, and square footage for all lots resulting from the proposed Boundary Line Adjustment.
- C. **Review of Boundary Line Adjustment.** The Zoning Administrator shall review all applications for Boundary Line Adjustments to determine compliance with the standards identified in this Section and all other pertinent requirements of this Title and the Zoning Ordinance as may be amended. Upon written approval of the request, the applicant shall be responsible for filing the certificate of survey with the County Recorder's office. Should the request be denied, the Zoning Administrator shall notify the applicant, in writing, of the findings of fact for such denial.
- D. **Findings Required for Approval.** In order for the Zoning Administrator to grant approval for a proposed Boundary Line Adjustment, each of the following provisions shall be met:
1. All necessary right-of-way, utility, and drainage easements are provided as requested.
 2. The Boundary Line Adjustment shall not create any additional lot, tract, parcel or division of land.
 3. All lots resulting from the Boundary Line Adjustment shall conform to lot area, width, and size requirements of the City of Norwood Young America Zoning Ordinance including all requirements established for the zoning district in which the property is located.

4. The Boundary Line Adjustment shall not result in the expansion, enlargement, or intensification of an existing legal non-conforming lot or structure under Chapter 1215 and 1204 of the City Code as may be amended and relating to non-conformance. In the event of the Boundary Line Adjustment is requested to remedy an existing non-conforming lot or structural element and the proposed Boundary Line Adjustment brings the existing non-conforming lot or structural element nearer to conformity it shall be considered meeting this requirement. In no case shall a Boundary Line Adjustment further expand, enlarge, or intensify an existing non-conforming lot or structural element.
5. The Boundary Line Adjustment shall not result or have the effect of replatting, amending, altering, or vacating a plat.
6. The proposed Boundary Line Adjustment is in compliance with the Comprehensive Plan.

E. The Zoning Administrator may attach conditions to the approval of a Boundary Line Adjustment. *(Amended by Ord. 246, 9-9-2013)*

Subd 4. Administrative Subdivision/Combination.

- A. Applicability/Purpose. This Subdivision is established to provide for administrative approval of subdivisions that meet specified criteria and for the waiver of standard platting requirements specified elsewhere in this Title. It is intended largely to facilitate the further division of previously platted lots, the combination of previously platted lots into fewer lots, or for the adjustment of a lot line by relocation of a common boundary.
- B. Prohibited Administrative Subdivision/Combination. The following are not eligible for administrative subdivision/combination and must be platted.
 1. Property(ies) described by metes and bounds.
 2. Property(ies) contained in different subdivisions of record.
 3. Property(ies) not sharing a common lot line.
 4. Property(ies) resulting in three or more lots.
 5. Property(ies) as defined in Mn. Stat § 462.358, as may be amended.
 6. Property(ies) subject to lot combination or split under this Section five (5) or fewer years ago.
- C. Application. The Owner, or all Owners if there are multiple owners may file an application for administrative subdivision. An application for minor subdivision shall be filed with the City Administrator on an approved form, and shall be accompanied by an assessment search, proof of ownership of the subject property to include title commitment certified to date or an Owners and Encumbrances report, the submittal of required fee(s), and the submittal of an illustration of the proposed minor subdivision of sufficient detail as required by the Zoning Administrator, depicting the following:
 1. Scale, one (1) inch equals fifty (50) feet or less, and north arrow.
 2. Existing zoning district, existing site improvements, and existing boundaries with lot dimensions and area.
 3. All encroachments.
 4. Easements of record.
 5. Legal description of property.
 6. Ponds, lakes, springs, rivers, wetlands, or other waterways bordering on or running through the subject property.

7. The boundary(ies) and legal description(s) of the lots as they are proposed to be subdivided, along with proposed zoning.
 8. The boundary and legal description of any proposed easements on the property. A drainage and utility easement at least five (5) feet in width for interior lots, ten (10) feet in width for corner lots, must be provided along all street-side property lines. A drainage and utility easement may also be required over wetland, ponds, lakes, and drainage channels and tributaries. Dedication of roadway easements consistent with City, County and regional plans may also be required.
 9. Proposed legal description for the resulting property(ies).
 10. Proposed deeds for the resulting property(ies).
- D. Review of Administrative Subdivision. The Zoning Administrator shall review all applications for administrative subdivision to determine compliance with the standards identified in this section and all other pertinent requirements of the City Code. The Zoning Administrator, at his/her discretion or may seek recommendation, direction, and/or require approval of the Planning Commission and/or City Council prior to authorizing an Administrative Subdivision. The Planning Commission and/or City Council at their discretion may seek to review and/or comment on a proposed administrative subdivision prior to authorization of the administrative subdivision. Upon written approval of the request, the Zoning Administrator shall ensure the survey and associated deeds have been filed with the County Recorder's office. Should the request be denied, the City Administrator shall notify the Applicant, in writing, of the findings of fact for such denial.
- E. Findings Required for Approval. In order for the Zoning Administrator to grant approval for a proposed administrative subdivision, each of the provisions shown below shall be met:
1. The proposed subdivision of land will not result in more than two (2) lots.
 2. All necessary utility and drainage easements are provided.
 3. For lot combinations, any existing drainage, utility, and/or other easements are vacated according to standard, applicable procedures.
 4. All lots to be created by the subdivision conform to lot area and width requirements of the City Code, including all requirements established for the zoning district in which the property is located.
 5. The proposed administrative subdivision is in compliance with the Comprehensive Plan.
 6. Lots created have direct access onto a public street.
 7. The property has not been divided through the provisions of this section within the previous five (5) years.
 8. The subdivision meets all design and dedication standards as specified elsewhere in this Title.
 9. All basic improvements required by this Section are installed in accordance with City standards.
 10. No parcel of land or portion thereof shall result in buildings and/or uses becoming non-conforming.
- F. The City and/or its assigns may impose such conditions on any proposed administrative subdivision that are deemed reasonable and necessary to protect the public interest and to ensure compliance with the provisions of this ordinance including, but not limited to, the following:
1. The Developer shall provide required utility and drainage easements for all newly created lots and be responsible for the cost of filing and recording written easements and resulting deeds with the County Recorder's office.

2. That there be no more than one principle structure on a base lot in all residential districts. The principle structure on the unit lots created in two-family, townhouse, or quadraminium subdivision will be the portion of the attached dwelling existing or constructed on the platted unit lots.
- G. All other Administrative Subdivision requests shall be approved by resolution of the City Council following consultation with the Planning Commission.
- H. All applicable real estate taxes and pending assessments shall be paid prior to recording of an Administrative Subdivision.

1100.12 Compatibility with Other Regulations. Where the conditions of this Ordinance are comparable with conditions imposed by any other law, ordinance, statute, resolution, or regulation, the regulations which are more restrictive shall prevail.

1100.13 Application. The subdivider shall file all applications as required in this Ordinance. Such applications will be filed in the Planning Commission records.

1100.14 Fees and Expenses.

- A. The subdivider shall pay all city fees and escrow deposits required by resolution and shall further reimburse the City for all the reasonable expenses it incurs in regard to the review and approval of the subdivision and improvements including, but not limited to, direct city payroll and overhead, costs, fees paid to consultants and other professionals, and the costs of printing, mailing and supplies.
- B. An escrow deposit shall be made at the time of application for final subdivision approval. Within sixty (60) days after completion of a task for which the escrow deposit was required, the City will remit to subdivider any amounts remaining after the City has charged against the escrow account all expenses incurred by the City for the above services. In the event that the charges incurred by the City exceed the escrow amount, the subdivider shall pay to the City the excess within thirty (30) days after receipt of a statement therefor.

Section 1110 – Definitions

Subd. 1 Alley. A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Subd. 2 Applicant. Any subdivider or his agent.

Subd. 3 Arterial. A street primarily designed to carry large volumes of traffic and provide for vehicular movement between neighborhoods and/or other heavy traffic generating areas as well as to various sectors of the county and beyond.

Subd. 4 Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

Subd. 5 Bond. Any form of security including a cash deposit, surety bond, warranty bond, penalty bond, collateral, property, or instrument of credit.

Subd. 6 Boulevard. The portion of the street right-of-way between the curb line and the property line.

Subd. 7 Building. Any structure used or intended for supporting or the sheltering of any use or occupancy.

Subd. 8 Collector Roads. A road intended to move traffic from local roads to arterials. A collector road serves a neighborhood or large subdivision.

Subd. 9 Construction Plan. The maps or drawings, accompanying a subdivision, showing the specific location and design of required public or private improvements to be installed in the subdivision in accordance with the requirements of the City or this chapter as a condition of the approval of the subdivision.

Subd. 10 Cul-de-sac. A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement as provided for in Section 1130.

Subd. 11 Design Standards. The specification to the subdivider for preparation of preliminary and final plats, including, but not limited to the optimum, minimum or maximum dimensions of such items as rights-of-way, blocks, easements, lots, and public and private improvements.

Subd. 12 Developer. The owner of land proposed to be subdivided or its representative who is responsible for any undertaking that requires review and/or approval under these regulations.

Subd. 13 Developer Agreement. An agreement between the City Council and developer through which the City Council agrees to vest development use or intensity or refrain from interfering with subsequent phases of development through new legislation in exchange for the provision of public facilities or amenities by the developer in excess of those required under current regulations.

Subd. 14 Easement. Authorization by a property owner for another to use the owner's property for a specified purpose.

Subd.15 Escrow. A deposit of cash with the City or escrow agent to secure the promise to perform some act.

Subd. 16 Final Plat. The map of a subdivision to be recorded after review by the Planning Commission and approval by the City Council, including any accompanying material as described in these regulations.

Subd. 17 Frontage. That part of a lot fronting on one side of a street between the side lot lines or between a street right-of-way and a side lot line.

Subd. 18 Frontage, Street. Any street to be constructed by the developer or any existing street where development shall take place on both sides.

Subd. 19 Grade. The slope of a road, street, or other public way, site or topography specified in percentage (%) terms.

Subd. 20 Local Street. A road whose sole function is to provide access to abutting properties and to other roads from individual properties.

Subd. 21 Lot. A parcel of land, separated from other parcels by description, intended for building development or for transfer of ownership.

Subd. 22 Lot, Butt. A lot at the end of a block and located between two corner lots.

Subd. 23 Lot, Corner. A lot abutting on two or more streets other than an alley, at their intersection.

Subd. 24 Lot, Double Frontage/Through. A lot having its front and rear yards each abutting on a street, not including an alley.

Subd. 25 Lot Line. The property line bounding a lot.

Subd. 26 Lot Line, Front. The lot line separating the lot from the street other than the alley. In the case of a corner lot, the front lot line is the shortest lot line along a street other than an alley. In the case of a through lot, each street has a front lot line.

Subd. 27 Lot Line, Rear. The lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line 10 feet in length within the lot paralleled to and at a maximum distance from the front lot line.

Subd. 28 Lot Line, Side. Any lot line not a front or rear lot line.

Subd. 29 Lot Width. The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line at the minimum required setback line.

Subd. 30 Nonresidential Subdivision. A subdivision whose intended use is other than residential, such as commercial or industrial.

Subd. 31 Owner. Any person, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

Subd. 32 Pedestrian Way. The right-of-way across or within a block, for use by pedestrian traffic, whether designated as pedestrian way, cross-walk, or however otherwise designated.

Subd. 33 Planned Unit Development. An integrated development involving two or more principal uses or structures, including but not specifically limited to single-family residential uses, multiple-family residential uses, offices, or commercial uses, or any combination thereof, and similar such uses or combinations.

Subd. 34 Plat. The map or plan of a subdivision showing the property boundaries, layout, dimensions and legal descriptions of all lots, blocks, and rights-of-way.

Subd. 35 Preliminary Plat. The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for recommendation.

Subd. 36 Property Line. The boundary lines enclosing a lot, parcel or tract of land.

Subd. 37 Protective Covenants. Contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

Subd. 38 Public Improvements. Any building, structure, drainage ditch, dam, roadway, parkway, sidewalk, pedestrian way, trees, shrubs, lawn, off-street parking area, sewer and water utilities, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may effect an improvement for which local government responsibility is established.

Subd. 39 Recreational Trail. Any trail intended to be used for active recreational purposes such as biking, hiking, jogging and walking.

Subd. 40 Registered Land Surveyor. A land surveyor properly licensed and registered in the state.

Subd. 41 Resubdivision. A change in a recorded final plat if such change affects any street layout on such plat, or any lot line.

Subd. 42 Right-of-Way. The area between property lines of a road, street, alley, pedestrian way or easement or other street.

Subd. 43 Road, Dead-End. A road or a portion of a road with only one vehicular traffic outlet.

Subd. 44 Sketch, Plat. A sketch preparatory to the preliminary plat (or final plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat and the objectives of these regulations.

Subd. 45 Service Street. A minor street, which is parallel and adjacent to an arterial and which provides access to abutting properties and protection from through traffic.

Subd. 46 Sight Distance. The minimum extent of unobstructed vision (on a horizontal plane) along a street from a point five feet above the centerline of a street.

Subd. 47 Street. A public way for vehicular traffic, whether designated as a street, highway, arterial, arterial parkway, throughway, road, avenue, lane, place, or however otherwise designated.

Subd. 48 Street, Grid-Pattern. The network of roads, streets and sidewalks that are constructed in horizontal lines which are generally rectilinear in form.

Subd. 49 Street, Minor. A street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.

Subd. 50 Subdivider. Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease or develop, or advertises to sell, lease or develop, any interest, lot or parcel site, unit, or plat in a

subdivision, or, who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision, and who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

Subd. 51 Subdivision. The separation of an area, parcel, or tract of land under single ownership into two or more parcels, tracts, lots, or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads, or alleys, for residential, commercial, industrial, or other use or any combination thereof.

Subd. 52 Subdivision Plat. The final map or drawing, described in these regulations, on which the subdivider's plan of subdivision is presented to the Planning Commission for review and which, if approved, may be submitted to the County Register of Deeds for filing.

Section 1120 – Application Procedures and Approvals Process

1120.01 Classification of Subdivisions. Before any land is subdivided, the property owner, or authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures:

(Amended by Ord. 171, 10-24-2005)

Subd. 1 Subdivision:

Sketch Plat (optional)
Preliminary Plat
Final Subdivision Plat

1120.02 Subdivision within Shorelands. All plats shall comply with the shoreland management regulations as established in Chapter 12, Zoning.

(Amended by Ord. 171, 10-24-2005)

1120.03 Official Submission Dates. For the purpose of this chapter, the date of the completed subdivision application and all required support information shall constitute the official submission date of the plat. The completion date shall start the statutory period required for formal approval or disapproval of the plat pursuant to Minnesota Statutes, Section 462. The statutory review may be extended pursuant to Statute or by a time extension granted by the subdivider. *(Amended by Ord. 171, 10-24-2005)*

1120.04 Plat Procedures.

Subd. 1 Sketch Plat. A sketch plat is an optional stage in the plat process, which may serve as the basis for unofficial, conceptual discussion with City staff, City Engineer, and Planning Commission. It provides an opportunity for the subdivider to seek feedback before preparation of the preliminary plat. Submission of such sketch plan shall not constitute formal filing of a preliminary plat.

(Amended by Ord. 171, 10-24-2005)

Subd. 2 Preliminary Plat.

A. Subdivision Procedures.

1. The subdivider shall submit to the City Administrator, a written application for a preliminary plat along with the following information:
 - a. 8 full-sized copies and 28 reductions of the preliminary plat.
 - b. Cash fee as established by City Resolution.
 - c. Escrow deposit as established by City Resolution.
 - d. Any written supportive information.
 - e. Site plan
 - f. Grading plan
 - g. Utility plan
 - h. Any additional plans as deemed necessary; i.e. Building elevations, landscaping or sidewalk plans, etc.
2. The City Administrator shall direct appropriate staff to review the plat in relation to the City code and the character of existing adjacent development.
3. The City Administrator shall refer copies of the preliminary plat to the City Engineer and applicable public agencies and ensure that written confirmation of any required review is completed.
4. The Planning Commission shall conduct a public hearing on the preliminary plat. Notices of the public hearing shall be mailed at least ten days prior to the hearing to all property owners within three hundred fifty (350) feet of the property as identified in Carver County public records. The notice shall state the time and place of hearing and a brief description of the subdivision. Notice of the hearing shall also be published in the official newspaper at least ten days before the date of said hearing.
5. After holding the public hearing and reviewing the application, the Planning Commission shall provide its findings and recommendations to the City Council. The Commission may recommend approval, approve subject to certain modifications or conditions, or disapprove of the preliminary plat. If the Commission recommends denial of the plat, it shall state the findings for denial in its meeting minutes.
6. The City Council shall not receive or review a preliminary plat until it has received a recommendation from the Planning Commission, unless required to comply with statutory review deadlines. The City Council shall take under consideration the recommendation of the Planning Commission and approve, conditionally approve, or deny the preliminary plat.
7. Conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat.
8. Unless the City Council specifically approves a different time period, the approval of a preliminary plat shall expire one (1) year from the date it was approved, unless the applicant has filed a complete application for approval of a final plat; or, unless before expiration of the one (1) year period, the applicant submits a written request for an extension thereof. Such request for an extension shall include the following:
 - a. an explanation for why a final plat has not been applied for
 - b. what, if any, good faith efforts have been made to complete the platting process, and

- c. the anticipated completion date.

Subd. 3 Final Plat. Final plat review is the last stage of the subdivision review process. The plat drawings are reviewed for completeness and conformity with the intent and requirements of the preliminary plat approval.

A. Subdivision Procedures.

1. The subdivider shall submit to the City Administrator, written application for a final plat with the following information:
 - a. 8 full-sized copies and 28 reductions of the final plat.
 - b. Final engineering plans.
 - c. Final grading plans with 2' contours.
 - d. Final soil and erosion control plans.
 - e. Final grades and elevations for all public utilities.
 - f. A statement regarding protective covenants and deed restrictions.
 - g. Developer agreement (if required).
 - h. Cash fee as established by City Resolution.
 - i. Escrow deposit as established by City Resolution.
2. The final plat shall conform substantially to the preliminary plat as conditionally approved, and, if desired by the subdivider, it may constitute a portion of the approved preliminary plat that the applicant desires to record and develop; provided such portion conforms to all requirements of this Ordinance.
3. Upon receiving a complete application, the City Administrator shall refer copies of the plat to city staff, the agencies and jurisdictions as needed to receive written comments.
4. The City Administrator shall instruct staff to coordinate analysis of the application, prepare technical reports and the development contract, and prepare a recommendation to the City Council. If the final plat is in agreement with the approved preliminary plat staff shall prepare a report summarizing the review and provide such recommendation to the City Council.
5. If the final plat does not conform to the street arrangement and other aspects of the approved preliminary plat, proposed utility and facility plans, or with any other objectives of the City, staff shall include the points at which the plat fails to conform and recommend to the City Council that they disapprove the plat until the objections have been overcome.
6. The City Council shall review the plat and technical reports and approve, conditionally approve, or disapprove the final plat. If the City Council disapproves the final plat, it shall state its reasons to the subdivider in writing.
7. Before the City Council gives approval of the final plat, it shall require that a developer agreement with the subdivider be drawn up, approved, and signed, to insure performance of the conditions which will lead to the completion of all required public improvements deemed to be necessary.
8. If the final plat is approved, the subdivider shall record it with the County Register of Deeds within one hundred twenty days after the date of approval; otherwise, the approval of the final plat shall be considered void. (*Amended by Ord. 171, 10-24-2005*)

1120.05 Specifications for Plats.

Subd. 1 Sketch Plat. Since this is a pre-application stage, subdividers shall prepare, for review with the Planning Commission, City Engineer, City Administrator, and others, a preliminary subdivision sketch plan which shall contain the following minimum information:

- A. Site location map showing north arrow, existing conditions on and adjacent to the site, the general layout of streets, blocks, and lots and general areas set aside for schools, parks, and other community facilities.
- B. Any information the subdivider might have regarding the market to be served and the suitability of the location for the proposed subdivision.

Subd. 2 Preliminary Plat. The preliminary plat is the second stage of the subdivision review process. During this stage, the subdivider details the proposals and the City details the platting requirements. The preliminary plat shall include the following elements:

- A. Date, north arrow and a scale.
- B. The title of the proposed subdivision.
- C. Names and addresses of the owner, subdivider, surveyor, or engineer preparing the plat.
- D. The names of the abutting subdivisions or the names of the owners of abutting unplatted property and the boundary lines of adjoining unsubdivided or subdivided land.
- E. Legal description and location of the subdivision, giving the numbers of section, township and range, and the name of the township, county and state.
- F. A map indicating plans for the development of the entire area, if the preliminary plat is a portion of a larger holding intended for subsequent development.
- G. A location map showing the relationship of the preliminary plat to the surrounding area.
- H. Block numbers, lot lines, lot numbers, and square footages of each lot. Streets, street names, right-of-way, roadway widths, approximate grades, location, parking stalls, loading spaces, access aisles, and all other circulation elements including bike and pedestrianways, and the total site coverage of all circulation elements.
- I. Other right-of-way or easements, showing location, width, and purpose.
- J. Total acreage of subdivision.
- K. Existing topography at five-foot intervals or less.
- L. Location and elevation of all water bodies including 100 year flood elevation and the Ordinary High Water Level (OHWL).
- M. Proposed and existing storm and sanitary sewers, water mains, other utilities, and their respective profiles, if required.
- N. All existing structures and other physical features which would influence the layout and design of the subdivision.
- O. Proposed sites, if any, for multi-family dwellings, shopping centers, churches, industry, and other non-public uses exclusive of single family dwellings.
- P. Sites proposed to be reserved or dedicated for parks, playgrounds, schools, or other public uses.
- Q. Building setback lines.
- R. Delineation of all wetlands.
- S. Existing zoning of the proposed subdivision and adjacent tracts, in zoned areas including the total acreage in each zoning district.
- T. Source of water supply.

- U. Location of historic and cultural sites.
- V. Front, rear, and side yard setbacks.
- W. Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; type of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population.

Subd. 3 Final Plat. The final plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall conform to Minnesota Statutes Section 505.02 and the requirements of this Ordinance.

Information to be shown:

- A. Name and right-of-way width of each street or other right-of-ways.
- B. An up-to-date certified abstract of title or registered property report and such other evidence as the City Attorney may require showing title or control in the application.
- C. Certifications by attached information showing that all taxes and special assessments currently due on the property to be subdivided have been paid in full.

Section 1130 – Design Standards

1130.01 Conformity with the Comprehensive Plan. The proposed subdivision shall conform to the policies and standards of the comprehensive plan.

1130.02 Streets. The arrangement, character, extent, width, grade, and location of all streets shall conform to the Comprehensive Plan and to these regulations, and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

Subd. 1 Street Width. All right-of-way widths and pavement widths shall conform to the following minimum dimensions:

<u>Comprehensive Plan Designation</u>	<u>ROW</u>	<u>Roadway</u>
Arterials	100-200'	52'
Collectors	80'	40'
Local Streets	50-66'	28'
Cul-de-Sac Radius	60'	50'
Service Roads	40'	24'

Greater or lesser widths may be required depending upon anticipated traffic volumes, planned function of the street, and character of planned abutting land uses.

Subd. 2 Street Continuation and Extension. The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions where this is desirable.

Subd. 3 Deflections. When connecting street lines deflect from each other at any one point by more than 10 degrees, they shall be connected by a curve with a radius of not less than 100 feet.

Subd. 4 Grades. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. All center line gradients shall be at least .5% and shall not exceed the following:

Arterial and Collector Streets	4% Gradient
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Local Streets	8% Gradient
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Subd. 5 Cul-de-Sacs. Maximum length of cul-de-sac streets shall be 500 feet measured along the center line from the intersection of origin to end of right-of-way.

Subd. 6 Half Streets. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; and except where it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever there is a half street adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract prior to the granting of access. The probable length of time elapsing before dedication of the full right-of-way shall be considered in this decision.

Subd. 7 Stub Streets. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjacent areas.

Subd. 8 Private Streets. Private streets shall not be approved, nor shall public improvements be approved for any private right-of-way.

Subd. 9 Service Streets. Where a subdivision abuts or contains an existing or planned major arterial or a railroad right-of-way, a street approximately parallel to and on each side of such right-of-way for adequate protection of residential properties and to afford separation of through and local traffic may be required. Such service streets shall be located at a distance from the major arterial or railroad right-of-way suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

Subd. 10 Topography and Arrangement. The grid street pattern shall be followed except in instances where topography or other physical conditions will prevent the strict application of the basic grid pattern.

Subd. 11 Street Trees. Street trees shall be placed within 6 feet of the right-of-way of the road or roads within and abutting the subdivision. One tree shall be planted for every forty (40) feet of frontage along the road, unless the City Council grants a waiver. Such waiver shall be granted only

if there are trees growing along such right-of-way or on the abutting property which in the opinion of the City Council comply with this Chapter. The following types of trees shall not be planted as a street tree as herein defined: Boxelder, Silver Maple, Birch, Catalpa, Black Walnut, Mulberry, Poplars, Black Locust, Willows and the Elm species. This prohibition will be prospective in effect. Planting of a prohibited type will be a misdemeanor.

Subd. 12 Street Names. Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of or in alignment with the existing or platted street, in which event it shall bear the same name as the existing or platted street so in alignment.

1130.03 Alleys.

Subd. 1 Locational Requirements. Except in the case of a planned unit development, either a public or private alley shall be provided in a block where commercially zoned property abuts a major arterial or a major street.

Subd. 2 Widths. An alley right-of-way and pavement widths shall conform to the following minimum standards:

<u>Classification</u>	<u>ROW</u>	<u>Pavement</u>
Residential (two way)	20 ft	16 ft
Residential (one way)	16 ft	12 ft
Commercial/Industrial	24 ft	20 ft

Subd. 3 Grades. All center line gradients shall be at least .5% and shall not exceed 8%.

1130.04 Intersections.

Subd. 1 Angle of Intersection. The angle formed by the intersection of streets shall be 90 degrees unless natural features such as topography and trees are to be protected wherein, an intersection shall not be less than 75 degrees.

Subd. 2 Size of Intersection. Intersections of more than four corners shall be prohibited.

Subd. 3 Offset Intersections. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with center-line offsets of less than 150 feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect major streets, their alignment shall be continuous. Intersections of major streets shall be at least eight hundred (800) feet apart.

Subd. 4 Vertical Alignment at Intersections. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent (2%) rate at a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.

Subd. 5 Sight Triangles. Minimum clear sight distance shall be established for all intersections in which no building, pole, or other visual obstruction higher than two feet would be permitted. Vehicles should be visible to the driver of another vehicle when each is 75 feet from the center of the intersection for local streets. The standards of Carver County shall apply on other streets.

1130.05 Pedestrian Ways. Where sidewalks are proposed, they shall meet the following standards:

Subd. 1 Widths. Sidewalks shall be five (5) feet in width. Recreational trails shall be ten (10) feet in width.

Subd. 2 Grades. Sidewalks shall slope $\frac{1}{4}$ inch per foot away from the property line and the profile grade shall not exceed 5%.

1130.06 Utility Easements.

Subd. 1 Easements. Easements shall be provided along rear and side lot lines as necessary for utility lines. The total width shall not be less than 10 feet. The easements should be centered on rear lot lines resulting in a 5-foot easement on one lot and 5-feet on the adjacent lot.

Subd. 2 Storm Water or Right-of-Way. Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, a storm water easement or drainage right-of-way shall be provided which conforms substantially with the lines of such watercourse or right-of-way.

1130.07 Drainage. The post-development runoff rate shall not exceed the pre-development runoff rate for the 1 year, 10 year, and 100 year storm events.

1130.08 Blocks.

Subd. 1 Arrangement. A block shall be so designed as to provide two tiers of lots wherever possible unless it adjoins a railroad, major Arterial, river or park where it may have a single tier of lots.

Subd. 2 Length. Block lengths shall not exceed 1,300 feet nor be less than 500 feet.

1130.09 Lots.

Subd. 1 Conformance to Zoning. The lot width, depth, and area shall not be less than the particular district requirements of the zoning ordinance.

Subd. 2 Lot Frontage. All lots shall front upon a publicly dedicated street.

Subd. 3 Width Related to Length. To prevent narrow deep lots, the depth of a lot shall not exceed $2\frac{1}{2}$ times the width.

Subd. 4 Corner Lots. Corner lots shall have extra width as identified in Chapter 12 to permit appropriate building setbacks from both streets or orientation to both streets. Lots abutting a pedestrian mid-block crosswalk shall be treated as corner lots.

Subd. 5 Butt Lots. Butt lots shall be platted at least five feet wider than the average width of interior lots in the block; their use shall be avoided whenever possible.

Subd. 6 Side Lot Lines. Side lot lines shall essentially be at right angles to straight streets and radial to curved streets.

Subd. 7 Back-up Lots. Lots shall back, wherever possible, rather than face, onto such features as freeways and arterial streets, shopping centers, or industrial properties. Such lots should contain a landscape easement along the rear at least 20 feet wide to restrict access to the arterial street, to minimize noise and to protect outdoor living areas. Lots extending through a block and having frontage on two local streets should be prohibited.

Subd. 8 Lot Remnants. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.

Subd. 9 Double Frontage/Through Lots. Such lots shall not be permitted except where such lots back onto an arterial or major highway; such lots shall have additional depth of ten feet for screen planting along the rear lot line.

1130.10 Planting Strips. Planting strips shall be placed next to undesirable features such as highways, railroads, or industrial uses to screen the view from residential properties. Such screens should be a minimum of 20 feet wide.

1130.11 Erosion and Sediment Control.

- A. The development shall conform to the topography and soils to create the least potential for soil erosion.
- B. The smallest practical increment of land shall be exposed at any one time during development.
- C. Detailed requirements for each plat shall be set forth in the development agreement.

Section 1140 – Dedication Requirements

1140.01 Park Land Dedication Requirements.

Subd. 1. Purpose and Findings

- A. Minnesota Statutes Section 462.358. Subd. 2b provides that municipal subdivision regulations may require that a reasonable portion of any proposed subdivision be dedicated to the public or preserved for conservation purposes or for public use as parks, playgrounds, trails, wetlands, or open space, and that the municipality may alternatively accept an equivalent amount in cash. *(Amended by Ord. 165, 2/14/2005)*
- B. The City Council finds that:
 - 1. The preservation and development of parks, playgrounds, and open space areas within the City are essential to maintaining a healthy and desirable environment for residents and employees within the City. Further, the value and attractiveness of residential and

commercial/industrial developments is enhanced by the presence of parks and open space amenities.

2. New developments place a burden upon the City's parks and open space system. New facilities must be developed to maintain the current level of service and the quality of the environment for all. Therefore, new developments shall be required to contribute toward the City's park system in rough proportion to the relative burden they will place upon the park system. *(Amended by Ord. 165, 2/14/2005)*

Subd. 2. Dedication Required

- A. At the time of subdivision, the developer shall dedicate land for public open space and public use as parks, playgrounds, recreation facilities, trails, in an amount equal to the development's proportional share of the City park system, as determined by this ordinance. *(Amended by Ord. 165, 2/14/2005)*
- B. Any land dedicated shall be in a location and of a character consistent with and suitable for meeting the needs identified by the City's Comprehensive Plan. In order to be accepted for the required dedication, land must be suitable for public uses. Land located within wetlands, areas subject to flooding, and land used for ponding or infiltration areas will not be accepted to meet the land dedication requirements. The City may consider accepting ownership of these lands without giving credit for park dedication. *(Amended by Ord. 165, 2/14/2005)*
- C. Existing natural features which enhance the attractiveness of the community, such as trees, watercourses, historical places, and similar irreplaceable assets such be preserved, insofar as possible, in the design of the subdivision and in meeting park land dedication requirements. *(Amended by Ord. 165, 2/14/2005)*
- D. If the City Council determines that land is not needed in the area of the proposed subdivision, the City requires payment of an equivalent amount in cash. Any money paid to the city for this purpose shall be placed in a special fund and used only for the acquisition of land for parks, open space, playgrounds, and recreational facilities, and for the development of new and existing park and playground sites. *(Amended by Ord. 165, 2/14/2005)*
- E. If the City Council determines that land is needed with a subdivision, but in a lesser amount than what is required, the Council may require payment of cash in lieu of land dedication based on a proportional share of the land dedication that would otherwise be required. *(Amended by Ord. 165, 2/14/2005)*
- F. The undeveloped land value shall be used to determine the cash payment required in lieu of land dedication. The amount required for payment is evaluated annually and is listed in the City of Norwood Young America Fee Schedule. *(Amended by Ord. 165, 2/14/2005)*
- G. The City Council may waive the park dedication fee under special circumstances, such as economic development projects, where public funding and subsidies are utilized for project feasibility. *(Amended by Ord. 165, 2/14/2005)*

Subd. 3. Land Dedication/Payment of Fees. Dedication of land and/or payment of park dedication fees shall be as follows:

A. Calculation of Dedication.

1. For residential subdivisions, a minimum of 10% of the total area of the property is deemed a reasonable portion to meet dedication requirements. The land must be suitable for public use and the City is not required to accept land which will not be usable for

park purposes or which would require extensive expenditures on the part of the public to make them usable. *(Amended by Ord. 165, 2/14/2005)*

2. For non-residential subdivisions, such as commercial or industrial plats, the city requires a minimum cash park dedication on a per acre basis, as specified in the Fee Schedule. However, where the City Council deems it in the public interest, it may require a minimum land dedication of five percent of the commercial or industrial land to be subdivided in lieu of a cash dedication. The lands must be indicated on the City's Comprehensive Plan or must be designated on specific area plans for parks, trails, and public open space. *(Amended by Ord. 165, 2/14/2005)*

B. Land Dedication.

1. When land is to be dedicated to satisfy the park dedication requirement, separate lots or outlots shall be indicated on the plat drawings for the area(s) to be dedicated. *(Amended by Ord. 165, 2/14/2005)*
2. Signed deeds for the lots or outlots shall be given to the City prior to the City's release of the final plat for filing. No building permits shall be issued for the development until the required deeds are received by the City. *(Amended by Ord. 165, 2/14/2005)*
3. The developer shall be responsible for finished grading and ground cover and construction of trails in all lands to be dedicated to the City. No credit toward the required dedication shall be given for this work, except that credit for the cost of improvements to trails included in the City's adopted trail plan may be reimbursed by the City. *(Amended by Ord. 165, 2/14/2005)*

C. Cash Fee. When a cash fee is to be paid in lieu of land dedication, the payment of such fee shall be required as follows:

1. For all residential developments, park dedication fees shall be paid prior to the City releasing the signed final plat for recording. An exception may be granted by the City Council for multiple-family structures, including multi-unit townhomes, condos and apartments, to allow payment of the fee prior to the issuance of building permits. Payment shall be made for all units within each building prior to issuance of any building permits for that structure. *(Amended by Ord. 165, 2/14/2005)*
2. For commercial and industrial developments, the total fee shall be paid prior to issuance of any building permits for the development. The City Council may grant deferral of a portion of the fees if the subdivider proposes to construct significantly less square footage than the site supports. The remaining fees shall be paid at the time of building permit application for additional square footage to be constructed on the site. *(Amended by Ord. 165, 2/14/2005)*
3. In plats that include outlots for future development, the subdivider shall pay to the City the required dedication fee for each phase at the time such outlots are replatted for development, according to the park dedication policy and fees in affect at the time of final plat for each phase. *(Amended by Ord. 165, 2/14/2005)*

1140.02 Street Dedication.

Subd. 1 Existing Half-Streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider.

Subd. 2 Local and Collector Streets. The right-of-way of any new local or collector street that is part of a subdivision shall be dedicated for public use.

Subd. 3 Widening and Realigning Existing Roads. Where a subdivision borders an existing narrow road or when the Comprehensive Plan, County Transportation Plan, or zoning setback regulations indicate plans for realignment of those roads. Service roads and streets shall be improved and dedicated by the applicant at its own expense to the full width as required by these subdivision regulations when the applicant's development activities contribute to the need for the road expansion.

Section 1150 – Improvement Required

1150.01 Purpose. It is the purpose of this section to establish and define the public improvements which will be required to be constructed by the subdivider as conditions for final plat approval and also to outline the procedures and responsibilities of the subdivider and the various public officials and agencies concerned with the administration, planning, design, construction, and financing of public utilities and facilities, and to further establish procedures for assuring compliance with these requirements.

1150.02 Responsibility for Plans. It shall be the responsibility of the subdivider of every preliminary subdivision to have prepared by a registered engineer, or registered land surveyor, a complete set of construction plans, including profiles, cross-sections, specifications, and other supporting data, for the hereinafter required public streets, utilities, and other facilities. Such construction plans shall be based on preliminary plans which have been approved with the preliminary plat, and shall be prepared in conjunction with the final plat. All construction plans shall be prepared in accordance with the following public improvement standards or specifications as approved by the various agencies of the City and County.

1150.03 Procedure.

Subd. 1 Submittal. Three complete copies of engineering plans and specifications of each required public improvement shall be filed with the City Administrator, coincident with the filing of the final plat.

Subd. 2 Review. The City Administrator shall transmit one copy of the engineering plans and specifications along with the final plat to the Planning Commission. The Planning Commission shall review the complete submission and report its recommendation to the City Council. The reasons for a recommendation of disapproval, approval with conditions, or approval shall be made in writing with reasons identified. Recommendation for disapproval, approval with conditions, or approval of engineering plans shall always be simultaneous with action on the final plat.

1150.04 Required Public Improvements. Every subdivision developer shall be required to install and pay for the following public and other improvements in accordance with the conditions and specifications as follows.

Subd. 1 Monuments. Monuments of a permanent character shall be required and installed in conformance to Minnesota Statutes.

Subd. 2 Street Improvements.

- A. Street Grading. All streets and alleys shall be required to be graded to their full right-of-way width by the subdivider so that pavements and sidewalks and other improvements can be constructed by using the finished grade level. Grades shall be approved by the City Engineer.
- B. Street Surfacing. Concrete or hot plant mix with adequate subbase shall be as approved by the City Council upon advise from the City Engineer.
- C. Curb and Gutter. Concrete curb and gutter, type B-618 shall be required.
- D. Street Signs. Shall be required to be installed in the appropriate locations at each street intersection as approved by the City Council.
- E. Street Trees. Shall be approved by the City Engineer and shall be planted in accordance with the specifications of the City Engineer. Such trees shall have a minimum trunk diameter (measured twelve inches above ground level) of not less than two inches. Only oak, honey locust, hard maples, ginkgo, or other long-lived shade trees, acceptable to the City Engineer and to the City Council, shall be planted.

Subd. 3 Alley Improvements.

- A. Street Grading. Grades shall be approved by the City Engineer.
- B. Street Surfacing. Shall be Class 5 aggregate, 100% crushed quarry stone.

Subd. 4 Sidewalks. When sidewalks are included as part of a subdivision, they shall be concrete four (4) inches thick placed on a four inch gravel base. Grades shall be as approved by the City Engineer. Sidewalks shall be placed in the public right-of-way, one foot from the property lines.

Subd. 5 Utilities.

- A. Watermain. A minimum watermain of six (6) inch ductile cast iron pipe or other approved pipe shall be required. Mains over eight (8) inches in size may be required with the additional cost to be born by the community.
- B. Sanitary Sewer. Sewer lines shall be of PVC pipe of a size approved by the City Engineer. Grades shall also be approved by the City Engineer. Service wyes shall be six (6) inches. Root repellent joint material shall be required.
- C. Drainage Facilities. All surface and underground drainage systems shall be in conformity to the City drainage plans.
- D. Utilities Location. When practicable and feasible, all utilities shall be placed underground; all underground work within the right-of-way shall be completed prior to street surfacing. All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles.

Subd. 6 House Services. Each house service shall be run from the main to the property line where a cap or plug shall be placed until the service is extended to the structure. A one inch, Type K, copper water service, corporation cock and curb box and stop and six (6) inch of the type and class of adjoining pipe sewer service shall be minimum requirements and may be placed in a common trench in accordance with the City Plumbing Code. Curb boxes shall be easily located and visible.

Subd. 7 Inspection. All required improvements shall be inspected by the City Engineer during construction, at the expense of the subdivider.

Subd. 8 Construction Plans (includes sediment and erosion control plans). Construction plans for the required improvements conforming in all respects with the standards of the City Engineer and the ordinances of the City shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Minnesota, and said plans shall contain his seal. Such plans, together with the quantities of construction items, shall be submitted to the City Engineer for said approval and for said estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required. The tracings of the plans approved by the City Engineer, plus two prints, shall be furnished to the City to be filed by the City Engineer as a record.

1150.05 Condition of Approval of Final Plat. No final subdivision plat shall be recommended by the Planning Commission and approved by the City Council, or be accepted for record by the County, until the improvements required under these subdivision regulations shall have been constructed in a satisfactory manner and approved by the respective public agency responsible for the public improvement, or in lieu of such prior construction, the filing of a performance bond, cash deposit, certified check, escrow deposit or special assessment agreement with the respective public agency responsible for administering the specific public improvements.

1150.06 Financial Guarantees. In lieu of the actual installation of required public improvements, the subdivider may elect to provide a financial guarantee of an escrow deposit, or furnish a performance bond as follows:

Subd. 1 Escrow Deposit. An escrow deposit shall be made to the City in a sum equal to 125% of the total cost of the public improvements as estimated by the City Engineer, including cost of inspection by the City of all of the improvements to be furnished and installed by the subdivider pursuant to the contract and which have not been completed prior to approval of the final plat.

The City shall be entitled to reimburse itself out of said deposit for any cost and expense incurred by the City for completion of the work in case of default of the subdivider under said contract, and for any damages sustained. Upon completion of the work and termination of any liability, the balance remaining in said deposit shall be refunded to the subdivider.

Subd. 2 Performance Bond. In lieu of making escrow deposit, the subdivider may furnish a public contractor's performance bond in form prescribed by statute, with corporate surety, in a penal sum equal to 125% of the total cost as estimated by the City Engineer, including cost of inspection by the City, of all of the improvements to be furnished and installed by the subdivider pursuant to the contract and which have not been completed prior to approval of the final plat. The bond shall be approved by the City Attorney and filed with the City Clerk.

1150.07 Inspection. All required improvements on the site that are to be installed under the provisions of this section shall be inspected during the course of construction by the City Engineer at the subdivider's expense, and acceptance shall be subject to the City Engineer's certificate of compliance with the contract.

1150.08 Progressive Installations. In addition to, and in conformance with the above provision for agreement to progressively repay a subdivider for completion of portions of the required public

improvement, when any portion of an improvement has actually been fully completed, the City shall upon reasonable advance notice, approve a partial withdrawal of funds or a reduction in the face value of the certified check or bond equal to the estimated cost of such completed portion.

1150.09 Penalty in Case of Failure to Complete the Construction of a Public Improvement. In the event the subdivider shall, in any case, fail to complete such work within such period of time as required by the conditions of the guarantee for the completion of public improvements, the City may assume responsibility for completion of such work. In order to accomplish this, the City shall reimburse itself for the cost and expense thereof by appropriating the cash deposit, or may take such steps as may be necessary to required performance by the bonding company.

Section 1160 – Civil Enforcement

Appropriate actions and proceedings may be taken in law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation and to prevent illegal occupancy of a building structure or premises. These remedies shall be in addition to the penalties described above.

Section 1170 – Effective Date

This Ordinance shall take effect and be in force from and after its passage and publication according to law, passed by the City Council of the City of Norwood Young America this 27th day of May, 1997.