#### CITY OF CHATFIELD PLANNING & ZONING COMMISSION AGENDA

#### Monday, March 4<sup>th</sup>, 2024

#### I. Planning & Zoning Commission Meeting, March 4<sup>th</sup>, 2024, 7:00 p.m.

**II.** Approve Prior Meeting Minutes December 4<sup>th</sup>, 2023

#### **III.** Public Hearing Items

A. Amco Third Addition Preliminary Plat

#### **IV.** Non-Public Hearing Items

A. Annual Report

#### V. Staff Recap

 $A. \ \mathsf{None}$ 

#### VI. Adjourn

The Planning & Zoning Commission of the City of Chatfield met in regular session on Monday, December 4<sup>th</sup>, 2023. Wayne Halvorson presided as Chair and called the meeting to order at 7:00 PM.

Present	Absent	Name
		Commissioner Wayne Halvorson, Chair
		Commissioner Dan Tuohy
		Commissioner Rich Bakken
		Commissioner Terry Bradt
		Commissioner Josh Broadwater
		Commissioner Jeremy Aug
		Commissioner Kent Whitcomb
-		Logan Tjossem, Planner and Zoning Administrator

#### Prior Meeting Minutes

Motion:	To approve the October 2 <sup>nd</sup> , 2023, minutes by Commissioner Tuohy
Second:	Commissioner Bradt
Amendments:	None.
Ayes:	Unanimous.
Nays:	None.
Abstention:	None.
	Motion carried.

#### **Public Hearing Items**

A. Hilltop Estates Fourth Addition proposed by G-Cubed Development. The plat proposes three blocks and six lots on approximately three acres and is located adjacent to Hilltop Estates Third Addition. Logan Tjossem, Planner and Zoning Administrator, presented the request to the Commissioners.

Commissioner Halvorson opened the public hearing.

Geoff Griffen with G-Cubed spoke about his development and asked questions regarding sidewalk locations and required turnaround.

There was additional discussion about the sidewalks, parking, and street width requirements and if there could be a change.

Motion:	To close the public hearing by Commissioner Tuohy		
Second:	Commissioner Aug		
Amendments:	None.		
Ayes:	Unanimous.		
Nays:	None.		
Abstention:	None.		
	Motion carried and the Public Hearing closed.		

The Planning Commission recommended approval to the request with the following three conditions, with a slight modification to condition number one:

- A turn-around must be <u>coordinated and approved by the City Engineer and Public</u> <u>Works Staff</u> on site and shown on an updated set of plans for the end of Whitetail Lane SE like that of Wisdom Court SE.
- 2) Sidewalk must be put in as shown on the preliminary plat that is consistent with the sidewalk plan as development occurs. This will be enforced during the building permit process and sidewalks must be constructed prior to the Certificate of Occupancy.
- 3) Adhere to and follow the approved Development Agreement for Hilltop Estates Fourth.

Motion:	To approve with the modification and three conditions by Commissioner Bradt.
Second:	Commissioner Bakken
Amendments:	None.
Ayes:	Four
Nays:	Two.
Abstention:	None.
	Motion carried.

**B.** Amendment to Sec. 113-291, Residential Districts; (g), by ordinance to further clarify the regulations affecting residential roofing and siding. Logan Tjossem, Planner and Zoning Administrator, presented the request to the Commissioners.

Commissioner Halvorson opened the public hearing.

Motion:	To close the public hearing by Commissioner Tuohy
Second:	Commissioner Aug
Amendments:	None.
Ayes:	Unanimous.
Nays:	None.

#### Abstention: None. Motion carried and the Public Hearing closed.

The Planning Commission recommended approval to amend the zoning ordinance and change the residential metal roofing and siding regulations as follows:

Sec. 113-291. Residential districts.

(g) Cloth, canvas, plastic sheeting, tarps, or similar material, <u>as well as corrugated roofing or</u> <u>siding</u>, are not allowed as primary building material on an accessory structure. This limitation shall not apply to a greenhouse and accessory structures located in the RR-Rural Residential zoning district or building used for agricultural purposes.

(1) The use of any sheet steel siding is in board and batten style, as opposed to continuous corrugated style;

(2) (1) Doors will be of a standard walk-in style, roll-up style, or overhead style;

(2) Treated skirting will be the only exposed portion of the building that is left unfinished, and it shall not have more than eight inches of exposure from finish grade to the bottom of the siding, and the finish grade will lap up on the skirting no less than three inches.

Motion:	To approve Amendment to Sec. 113-291, Residential Districts; (g), by ordinance to further clarify the regulations affecting residential roofing and siding by Commissioner Tuohy.
Second:	Commissioner Broadwater
Amendments:	None.
Ayes:	Unanimous.
Nays:	None.
Abstention:	None.
	Motion carried.

#### Non – Public Hearing Items

A. Hilltop Estates Fourth Final Plat: The plat proposes three blocks and six lots on approximately three acres and is located adjacent to Hilltop Estates Third Addition.

There was additional discussion about the sidewalks, parking, and street width requirements and if there could be a change.

The Planning Commission recommended approval to the request with the following three conditions, with a slight modification to condition number one:

- A turn-around must be <u>coordinated and approved by the City Engineer and Public</u> <u>Works Staff</u> on site and shown on an updated set of plans for the end of Whitetail Lane SE like that of Wisdom Court SE.
- 2) Sidewalk must be put in as shown on the preliminary plat that is consistent with the sidewalk plan as development occurs. This will be enforced during the building permit process and sidewalks must be constructed prior to the Certificate of Occupancy.
- 3) Adhere to and follow the approved Development Agreement for Hilltop Estates Fourth.

Motion:	To approve with the modification and three conditions by Commissioner Bradt.
Second:	Commissioner Bakken
Amendments:	None.
Ayes:	Four
Nays:	Two.
Abstention:	None.
	Motion carried.

B. Building Code Enforcement, Inspection and Fees Discussion and Recommendation (MnSpec/Safebuilt, Olmsted County, CMS).

Motion:	To recommend approval entering into a contract with Olmsted County by Commissioner Tuohy.
Second:	Commissioner Aug
Amendments:	None.
Ayes:	Unanimous
Nays:	None
Abstention:	None.
	Motion carried.

C. Nomination of a new Chair and Vice Chair for 2024

Motion:	To recommend Kent Whitcomb as Chair by Commissioner Halvorson.
Second:	Commissioner Bakken
Amendments:	None.
Ayes:	Unanimous
Nays:	None
Abstention:	None.
	Motion carried.

Motion:	To recommend Rich Bakken as Vice Chair by Commissioner Halvorson.
Second:	Commissioner Tuohy
Amendments:	None.
Ayes:	Unanimous
Nays:	None
Abstention:	None.
	Motion carried.

#### Staff Recap

#### A. None

#### Adjourn

Motion:	To adjourn by Commissioner Tuohy.
Second:	Commissioner Bradt
Amendments:	None
Ayes:	Unanimous.
Nays:	None.
Abstention:	None.
	Motion carried.

Wayne Halvorson, Chair

Logan Tjossem, Planner & Zoning Administrator



### **City of Chatfield**

Thurber Community Center • Chatfield Municipal Building 21 Second Street Southeast• Chatfield, Minnesota 55923 • 507-867-3810 www.ci.chatfield.mn.us

#### MEMORANDUM

- **TO:** PLANNING & ZONING COMMISSION AND CITY COUNCIL
- FROM: LOGAN TJOSSEM, ZONING ADMINISTRATOR AND PLANNER

SUBJECT: AMCO THIRD PRELIMINARY PLAT

**DATE:** 2/29/2024

#### CC: MICHELE PETERSON, CITY ADMINISTRATOR

**Location of Property:** The property is located west of the intersection of Vindmoll Drive SE and Amco Drive SE, along the extension of Amco Lane SE.

**Proposed Use:** To subdivide eight single-family home lots, two blocks and an Outlot with a dedicated public right-of-way extension of Amco Lane SE.

- Land Use- The use as single-family dwellings is consistent with the Land Use Plan as low density residential.
- **Zoning-** The current property is within the R-1 zoning district and residential homes are consistent with the Zoning District as a permitted use.

Total platted area: 21.16 acres

**Street Patterns and access-** The preliminary plat shows one public street (Amco Lane SE) as a 60' R-O-W with drive-over curb and gutter typical street design. A 55 ft. radius cul-de-sac is planned for the end of Amco Lane SE.

**Sidewalks-** Sidewalks will be constructed along the west side of Amco Lane SE in the vicinity of Lot 4 Block 1.

**Public Utilities:** An 8" sanitary sewermain and an 8" watermain will be extended to the end of the proposed cul-de-sac on Amco Land SE.

**Parkland Dedication:** The parkland dedication for six lots is 0.8 acres per Section 111-222 of the Subdivision Code, "plats need .1 acres per residential unit to be dedicated for parks". The Parkland Dedication requirement is defined in the Amco Third Addition Development Agreement.

#### Referral Comments:

- 1. Chatfield Public Works, comments contained in the DA.
- 2. City of Chatfield EDA, comments contained in DA.
- 3. Chatfield City Engineer, comments contained in the DA.

**Public Hearing:** A public notice was sent into the official paper on February 15<sup>th</sup>, 2024 for a public hearing to be held on Monday, March 4th, 2024.

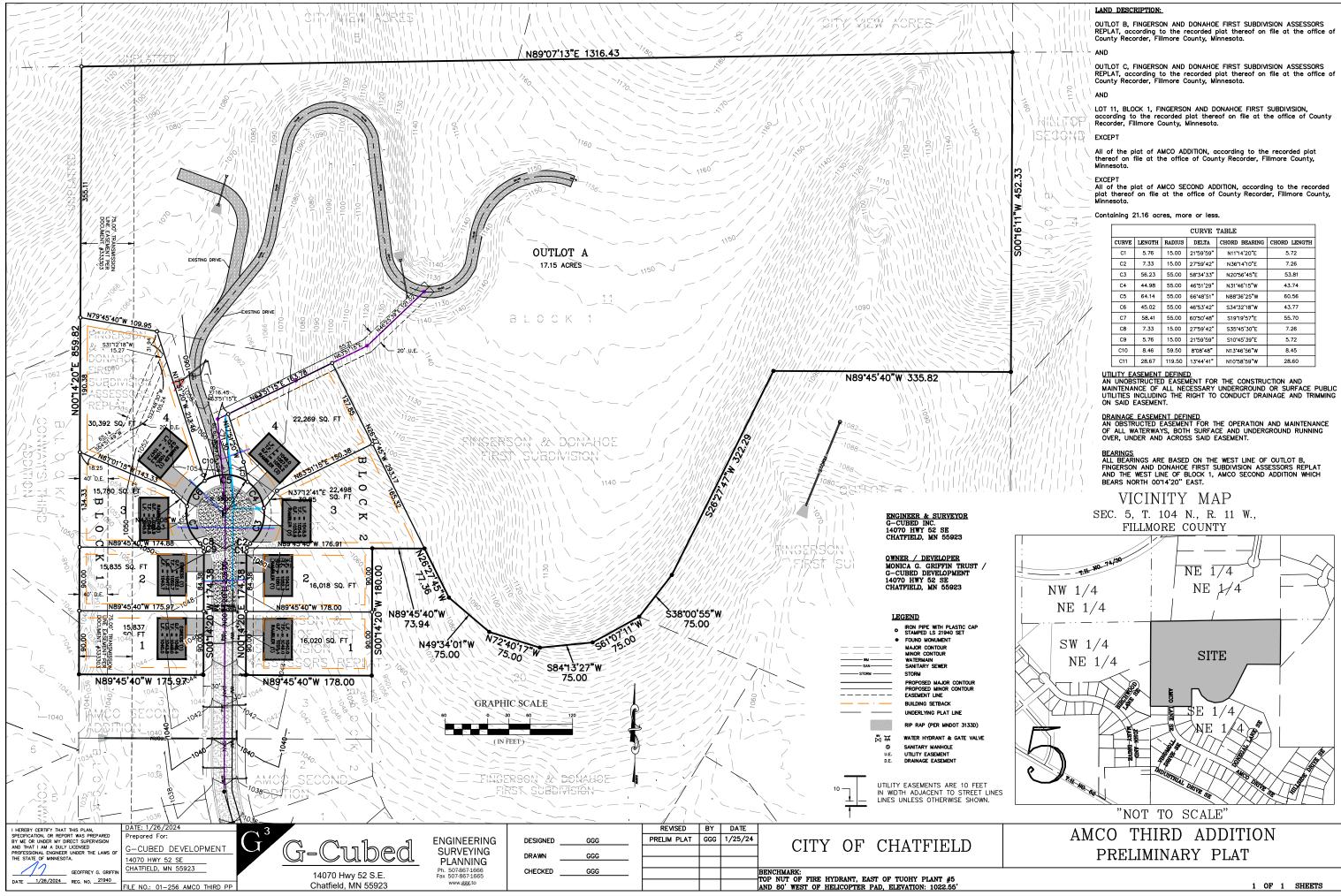
**Staff Recommendations:** Staff is recommending approval of the preliminary plat with the following conditions:

- Construction Plans need to be approved by the City Engineer and Public Works Staff prior to approval of the Final Plat. Specifically, discussion about the extension of utilities into Outlot A and proposed service locations. It appears the sanitary sewer line shown into Outlot A lacks adequate access for maintenance.
- 2) Sidewalk placement will be enforced during the building permit process and sidewalks must be constructed prior to the Certificate of Occupancy.
- **3)** The developer must follow and adhere to the Development Agreement for Amco Third Addition.
- 4) Further development into Outlot A will require a separate review process.
- 5) Ensure drainage and utility easements exist between Lots 2 and 3, Block 1 of Amco Second Addition.
- 6) Ensure cul-de-sac radius meets city code standard of 60 ft. minimum.
- **7)** Perpetual unobstructed easements for telephone service, electricity, gas mains, and other public utilities shall be provided when needed and coordinated with utility companies.
- 8) Where conditions are such as to make impractical the inclusion of drainage facilities within the street rights-of-way, perpetual unobstructed easements at least 20 feet in width for such drainage facilities shall be provided across property outside the street lines and with satisfactory access to the street.
- **9)** Where a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights in the form of public easement must be secured.
- **10)** It is unclear if the path labeled "Existing Drive" is public or private. City requests clarification on intended use.

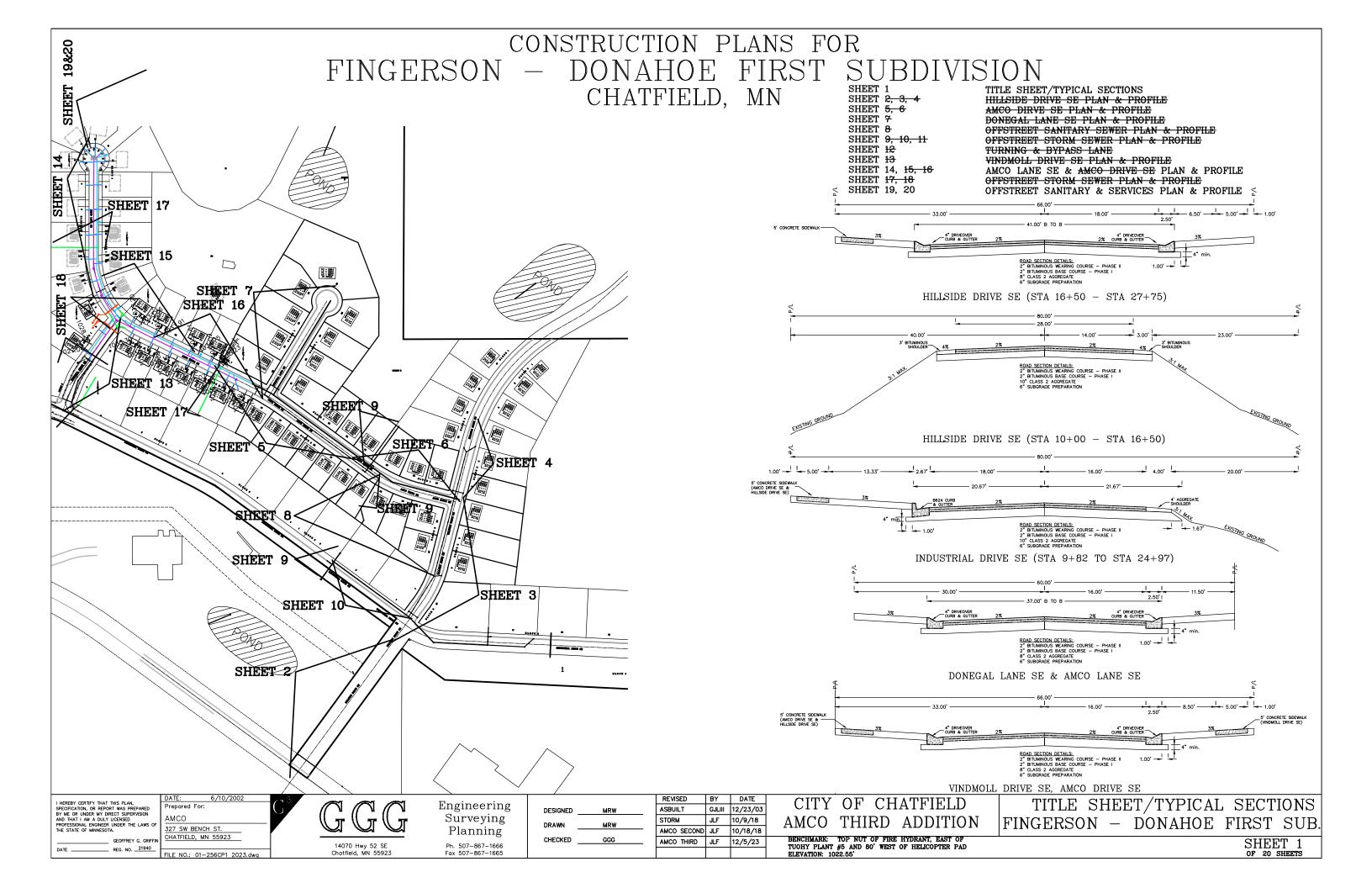
**Preliminary Plat Action:** The planning commission shall approve, approve with conditions, or disapprove within 30 days after review at a regularly scheduled meeting, and shall within that time period submit a recommendation with written comments to the city council.

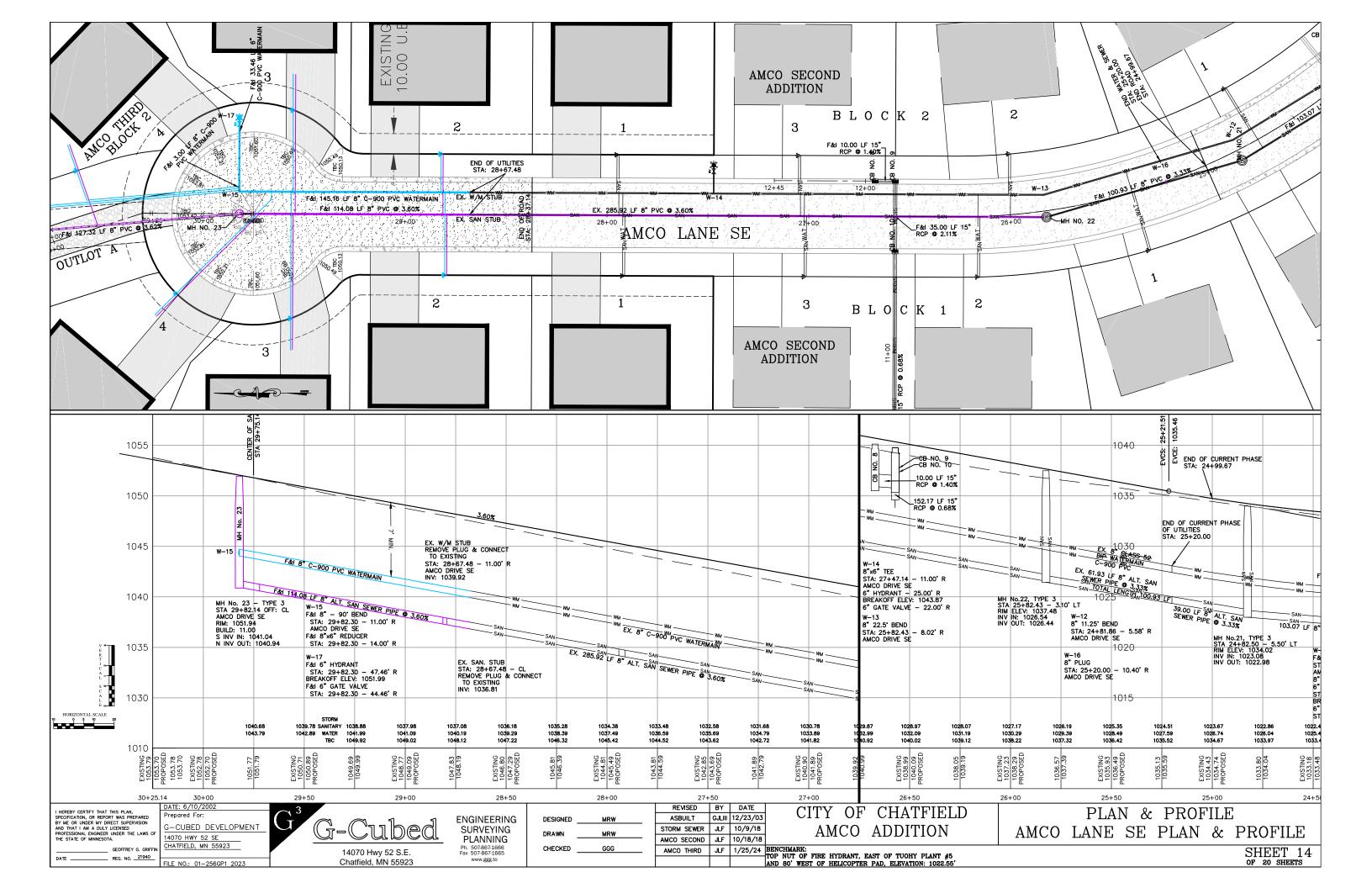
#### Attachments:

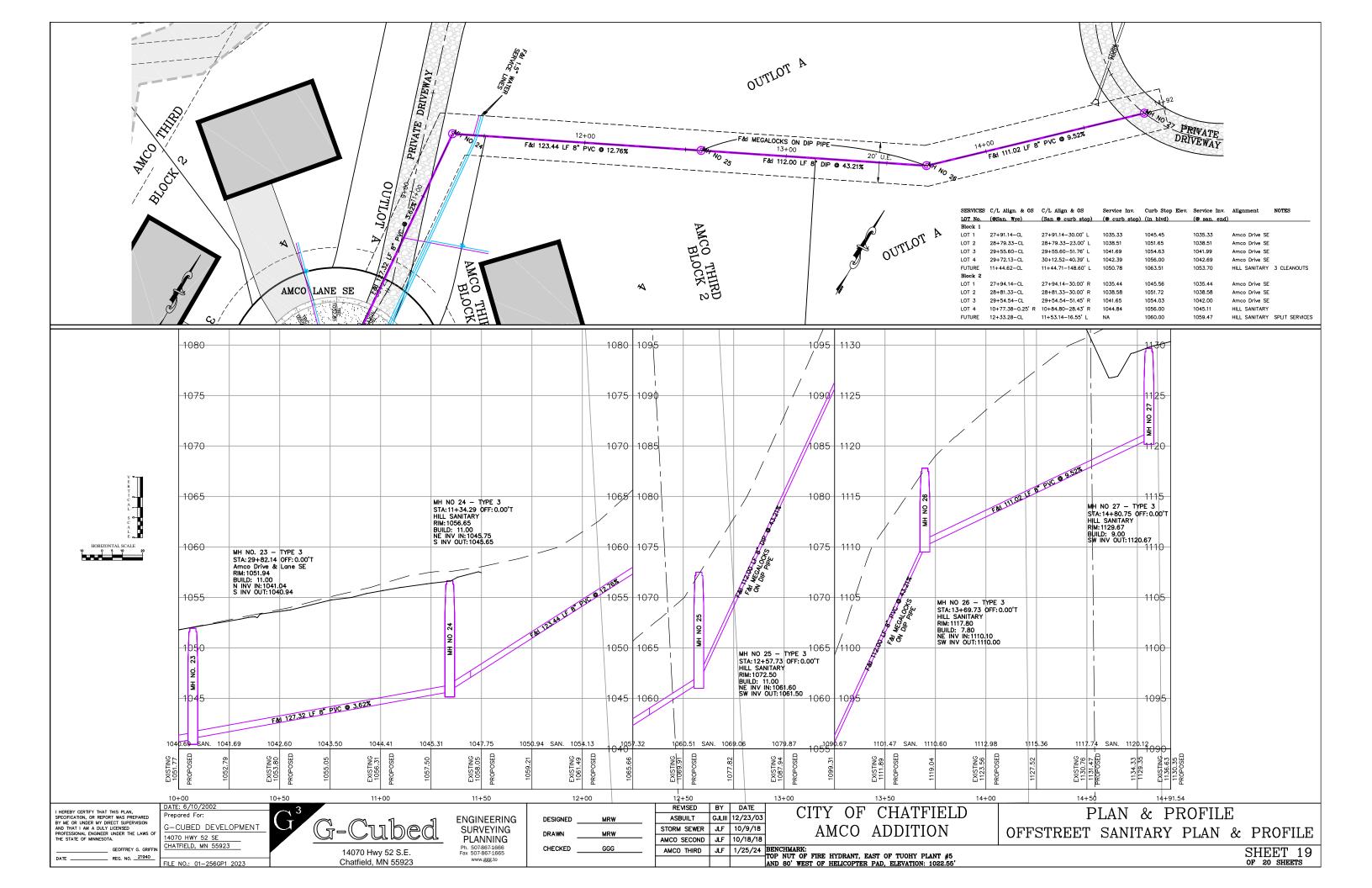
- 1) Amco Third Addition Preliminary Plat
- 2) Amco Third Addition Construction Plans
- 3) Amco Third Addition Grading Plan

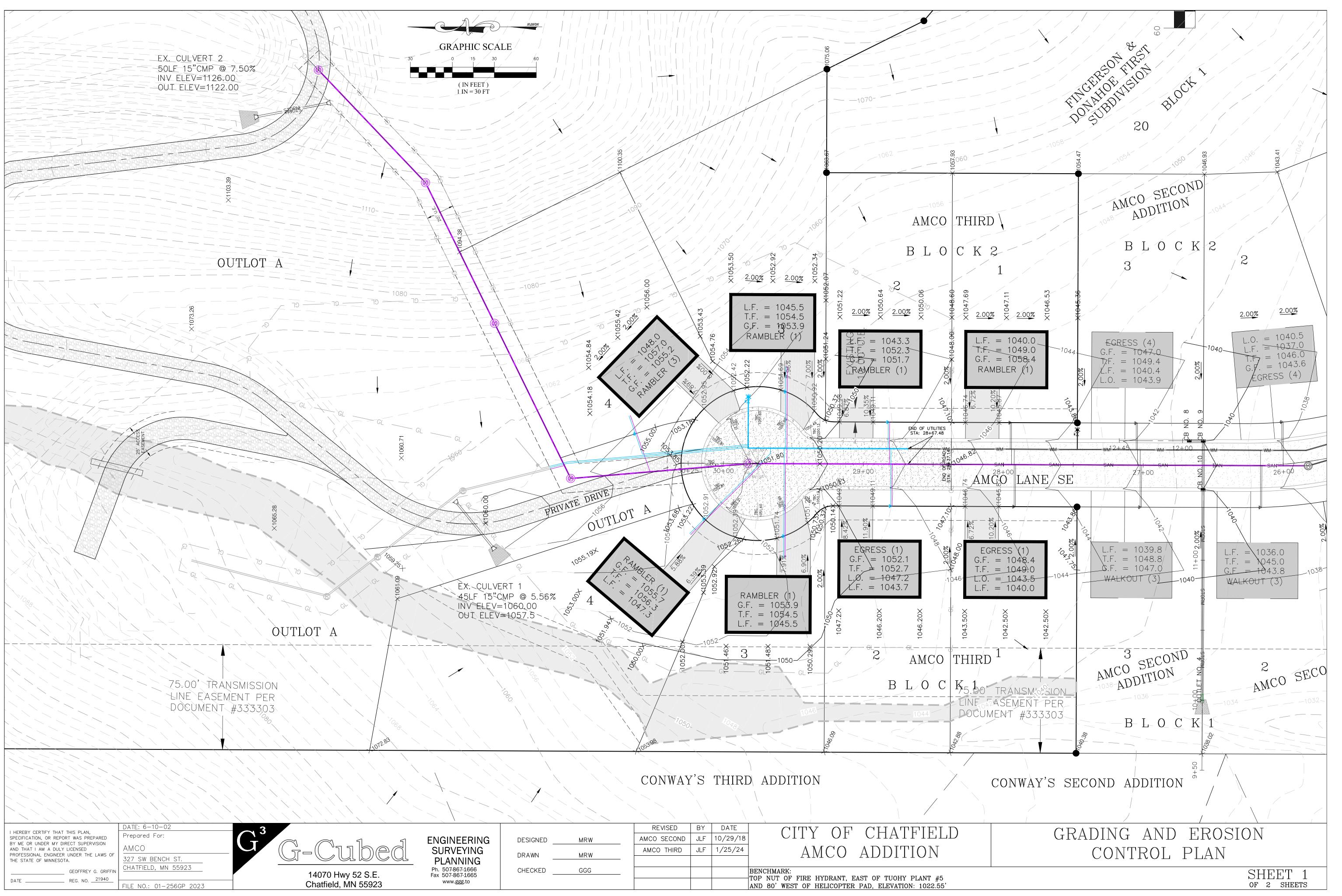


CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	5.76	15.00	21*59'59"	N11*14'20"E	5.72
C2	7.33	15.00	27*59'42"	N36'14'10"E	7.26
C3	56.23	55.00	58 <b>•</b> 34'33"	N20*56'45"E	53.81
C4	44.98	55.00	46*51'29"	N31*46'15"W	43.74
C5	64.14	55.00	66*48'51"	N88*36'25"W	60.56
C6	45.02	55.00	46*53'42"	S34*32'18"W	43.77
C7	58.41	55.00	60*50'48"	S19*19'57"E	55.70
C8	7.33	15.00	27*59'42"	S35*45'30"E	7.26
C9	5.76	15.00	21*59'59"	S10*45'39"E	5.72
C10	8.46	59.50	8*08'48"	N13*46'56"W	8.45
C11	28.67	119.50	13*44'41"	N10*58'59"W	28.60









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			REVISED	BY	DATE	CITY OF CHATFIELD	
ING	DESIGNED	MRW	AMCO SECOND	JLF	10/29/18		
١G	DRAWN	MRW	AMCO THIRD	JLF	1/25/24	AMCO ADDITION	
IG							
6 55	CHECKED _	GGG				BENCHMARK:	
-						TOP NUT OF FIRE HYDRANT, EAST OF TUOHY PLANT #5 AND 80' WEST OF HELICOPTER PAD, ELEVATION: 1022.55'	
				•	•		

#### GENERAL EROSION CONTROL AND CONSTRUCTION NOTES:

- 1) PLACE MACHINE SLICED SILT FENCE AS SHOWN ON THE PLANS AND WHERE DIRECTED BY THE ENGINEER, AT TOE OF FILL SLOPES AND MAINTAIN UNTIL TURF HAS BEEN WELL ESTABLISHED. (INSTALLATION OF SILT FENCE MUST TAKE PLACE PRIOR TO DISTURBING THE WATERSHED). INSTALL AND MAINTAIN INLET PROTECTION AT ALL CATCHBASINS AND INLETS LOCATED WITHIN THE PROJECT AND IMMEDIATELY DOWNSTREAM OF THE PROJECT.
- 2) CONSTRUCT AND MAINTAIN TEMPORARY ROCK CONSTRUCTION ENTRANCE AT ALL CONSTRUCTION ENTRANCES USED DURING CONSTRUCTION TO CONTROL SEDIMENT FROM LEAVING SITE PER ROCHESTER STD. PLATE 7-06, CLOSE OTHER ENTRANCES WITH SILT FENCE.
- 3) REMOVE ALL TOPSOIL AND ORGANIC MATERIAL. STOCKPILE IN APPROVED LOCATIONS ON-SITE. PROVIDE PERIMETER CONTROL AROUND ALL STOCKPILES. PROVIDE TEMPORARY COVER IF STOCKPILE WILL BE INPLACE MORE THAN 7 DAYS.
- 4) ALL EXCAVATED MATERIAL SHALL BE PLACED ON SITE AS DIRECTED BY THE ENGINEER OR HAULED TO AN APPROVED LOCATION. ANY TEMPORARY STOCKPILES SHALL HAVE SILT FENCE INSTALLED AROUND THE DOWN SLOPE EDGE TO PREVENT DOWNSTREAM SEDIMENTATION. TEMPORARY COVER SHALL BE ESTABLISHED AFTER 7 DAYS.
- 5) ALL EXPOSED SOIL AREAS MUST BE STABILIZED AS SOON AS POSSIBLE TO LIMIT SOIL EROSION BUT IN NO CASE LATER THAN SEVEN (7) DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED.
- 6) THE CONTRACTOR SHALL ROUTINELY INSPECT THE CONSTRUCTION SITE ONCE EVERY 7 DAYS DURING ACTIVE CONSTRUCTION AND WITHIN 24 HOURS AFTER A RAINFALL EVENT GREATER THAN 0.5 INCHES IN 24 HOURS. ALL INSPECTIONS AND MAINTENANCE CONDUCTED DURING CONSTRUCTION MUST BE RECORDED IN WRITING.
- 7) THIS PROJECT DOES REQUIRE AN NPDES PERMIT BASED ON AREA DISTURBED AND DOES REQUIRE PERMANENT STORM WATER MANAGEMENT SYSTEM DUE TO THE INCREASE IN IMPERVIOUS SURFACING BEING MORE THAN ONE ACRE. A SWPPP HAS BEEN PREPARED FOR THIS PROJECT AND SHALL BE PART OF THESE PLANS. BEST MANAGEMENT PRACTICES BEYOND WHAT MAY BE SHOWN ON THIS PLAN OR WITHIN THE SWPPP SHOULD BE CONSIDERED IF GRADING CAUSES EROSION NOT CONTAINED BY MEASURES SHOWN ON THIS PLAN.
- 8) RESPREAD TOPSOIL (4" MIN.), FERTILIZE, SEED, & DISK ANCHOR MULCH ALL DISTURBED AREAS. SOD OR SEED WITH MNDOT MIXTURE 25-131 WITH THE FOLLOWING ADDITIONS. FERTILIZER SHALL 24-12-24 AND BE APPLIED AT A RATE OF 300 LBS/ACRE. MIXTURE 25-131 SEEDING SHALL BE APPLIED AT A RATE OF 220 LBS/ACRE. MULCH SHALL BE APPLIED AT A RATE OF 2 TONS/ACRE. \*THE SEASON FOR SEEDING SHALL BE FROM APRIL 1ST - JUNE 1ST AND JULY 20TH - SEPTEMBER 20TH, AND AS DORMANT SEEDING AFTER NOV. 1ST. ONLY TEMPORARY SEEDING WILL BE ALLOWED SEPT. 20TH – NOV. 1ST) (REFERENCE MNDOT SEEDING MANUAL FOR ADDITIONAL SEEDING INFORMATION)
- 9) TEMPORARY SEED WITH MNDOT MIX 22-111 (MAY 1ST THRU AUGUST 1ST) OR MNDOT MIX 22-112 (AUGUST 1ST THRU OCTOBER 1ST) AT A RATE OF 100LB/ACRE. INCLUDING DISK ANCHORED MULCH ON ALL SLOPES GREATER THAN 200' OR 5%.
- 10) PER CURRENT MPCA REQUIREMENTS. CONCRETE WASHOUTS, WHICH PROHIBIT WASHOUT LIQUID AND SOLID WASTES FROM CONTACTING THE GROUND AND ENTERING THE GROUNDWATER, MAY BE; APPROVED FACILITIES OFFSITE, PORTABLE ONSITE FACILITIES, OR FACILITIES CONSTRUCTED ONSITE. ON SITE CONSTRUCTED FACILITIES SHALL HAVE A LEAK-PROOF, IMPERMEABLE LINER AND FOLLOW THE CONSTRUCTION, MAINTENANCE AND REMOVAL PROCESSES AS RECOMMENDED ON THE MPCA WEBSITE (HTTP://WWW.PCA.STATE.MN.US/PUBLICATIONS/WQ-STRM2-24.PDF).
- 11) OWNER HAS BEEN MADE AWARE THAT THERE ARE DESIGN SLOPES LESS THAN 2% AND ACCEPTS ANY ISSUES THAT MAY RESULT FROM THIS DESIGN. 12) DITCHES WITHIN 200' OF SURFACE WATER OR PROPERTY LINE STABILIZED IN 24 HOURS AFTER CONNECTION.
- 13) SLOPES STEEPER THAN 4:1 ARE STABLE FROM LAND-SLIDING AND SURFACE EROSION.
- 14) MINIMIZE CONSTRUCTION TRAFFIC OVER UNPAVED AREAS OF THE SITE.
- 15) EXISTING SANITARY SEWER AND WATERMAINS WERE REMOVED IN 2002.

#### IMPAIRED/SPECIAL WATERS WITHIN ONE MILE:

ROOT RIVER, NORTH BRANCH - 07040008-716 - AQUATIC MACROINVERTEBRATE BIOASSESSMENTS, TURBIDITY MILL CREEK – E.COLI MILL CREEK - TROUT STREAM UNNAMED CREEK - TROUT STREAM

#### OWNER

MONICA G. GRIFFIN TRUST 15330 HILLSIDE LANE SE CHATFIELD, MN 55923

#### ENGINEER & SURVEYOR

G-CUBED INC. 14070 HWY. 52 SE CHATFIELD, MN 55923

markw@ggg.to

#### PROJECT CALCULATIONS AMCO THIRD:

TOTAL PROJECT AREA: 7.04 ACRES TOTAL DISTURBED AREA: 2.47 ACRES EXISTING IMPERVIOUS: 0.53 ACRES PROPOSED IMPERVIOUS: 1.01 ACRES TOTAL IMPERVIOUS: 1.54 ACRES WETLANDS: 0.00 ACRES RIGHT OF WAY: 0.34 ACRES

#### HOUSE DEFINITIONS

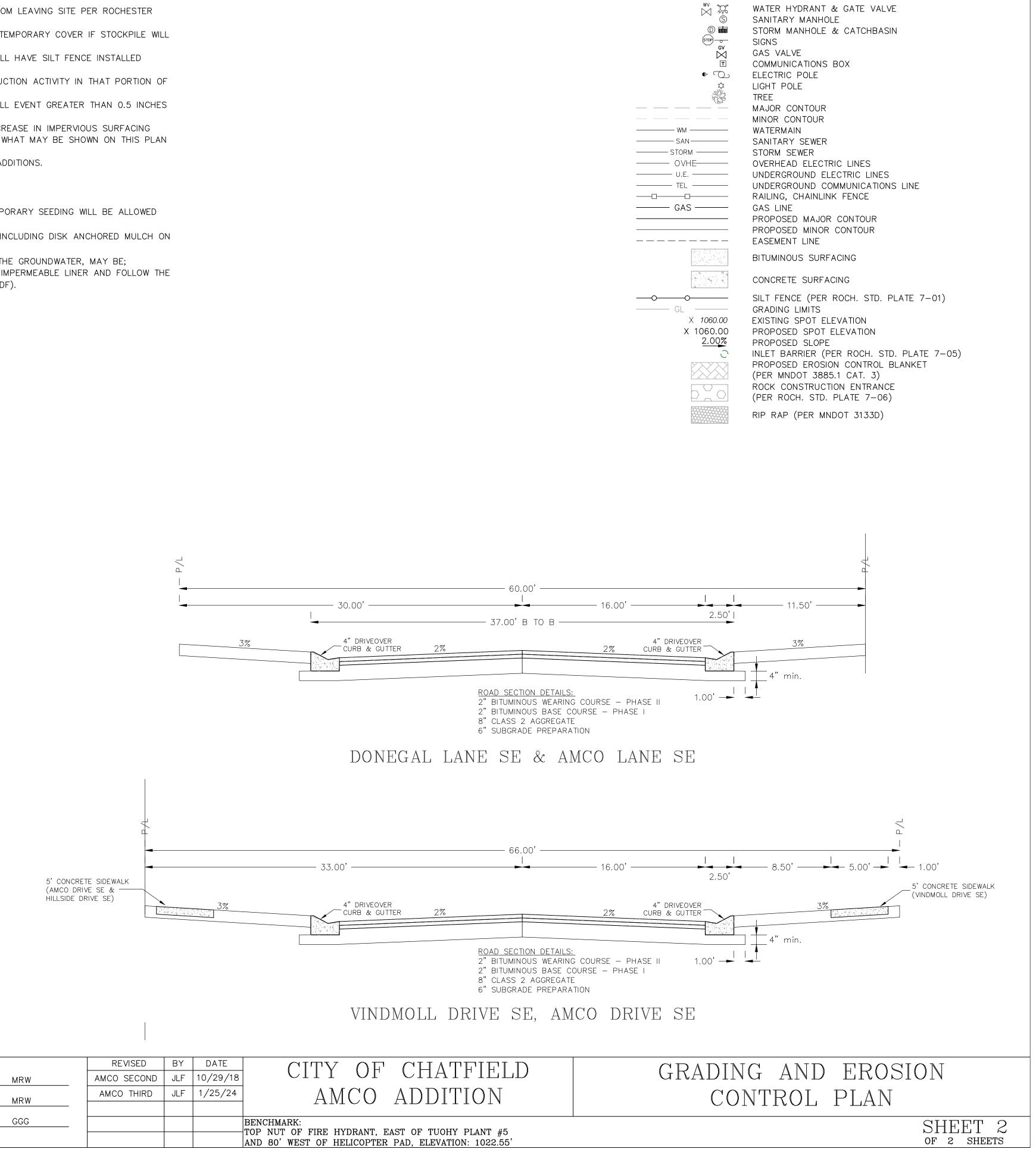
TYPE OF HOUSE ( NUMBER OF ANTICIPATED STEPS FROM GARAGE TO TOP OF FOUNDATION) T.F. = TOP OF FOUNDATION ELEVATIONG.F. = GARAGE FLOOR ELEVATIONL.F. = LOWEST FLOOR ELEVATIONL.O. = LOWEST OPENING ELEVATION (EGRESS HOUSES ONLY)

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED	DATE: 6-10-02 Prepared For: AMCO	$G^{3}$ $G$ $G$ $n$ $h$	
BY ME OR UNDER MY DIRECT SUPERVISION	327 SW BENCH ST. CHATFIELD, MN 55923	G-Cubed 14070 Hwy 52 S.E. Chatfield, MN 55923	ENGINEERING SURVEYING PLANNING Ph. 507-867-1666 Fax 507-867-1665 www.ggg.to

DESIGNED

CHECKED

DRAWN



LEGEND

AGENDA: Planning Commission Roles and Responsibilities: How'd we get here?

Planning Legislative Authority

**Responsibilities by Ordinance** 

Intent and Purpose

**Conditional Use Permit Discussion** 

Variance Discussion

### HOW'D WE GET HERE

### The City Charter and MN Law

Administrative Code

Planning Legislative Authority

### Zoning and Subdivision Ordinance

### THE CITY CHARTER

**SECTION 1. NAME AND BOUNDARIES.** The City of Chatfield, in the Counties of Fillmore and Olmsted in the State of Minnesota, shall, upon the taking effect of this charter, continue to be a city under the name of the City of Chatfield and shall continue to be a municipal corporation and shall include the land and territory situated in the Counties of Fillmore and Olmsted that is now or hereafter annexed to the City. This annexed land and territory is hereby set apart and incorporated as the City of Chatfield, under the provisions of Chapter Three Hundred and Seventy Five (375), of the General Laws of the State of Minnesota for the years one thousand nine hundred and seven (1907), and section seven hundred forty-nine (749) to seven hundred fifty-eight (758), inclusive, of Revised Laws 1905 and amendments thereto, and all lands and properties now or hereafter within the boundaries of said City of Chatfield shall constitute an election and assessment district separate and distance from any town, and all such lands and properties are hereby specifically separated from the Town of Elmira in Olmsted County and the Town of Chatfield in Fillmore County.

**SECTION 2. GENERAL POWERS**. The City shall have all powers of local self-government and home rule and all powers possible for a municipal corporation to have under the Constitution of the State of Minnesota. The City shall have all powers possessed by municipal corporations at common law and that now or hereafter may be granted to municipalities by the laws of the State of Minnesota. All such powers shall be exercised in the manner prescribed in this Charter or by the laws of the State of Minnesota, or if not so prescribed, as shall be provided by ordinance or resolution of the Council.

**SECTION 6. ADMINISTRATIVE CODE.** The existing departments, divisions, boards and funds of the City government are continued except as expressly changed by the provisions of this Charter until the same shall be changed by the adoption of an Administrative Code as hereinafter provided. Within one year after the adoption of this Charter, the City Council shall by ordinance adopt an Administrative Code providing a complete plan of administrative organization and management of the City Government and creating in conformity with the express provisions of this Charter such departments, divisions, boards and funds as they may deem advisable. Thereafter, except as established by the provisions of this Charter, the City Council may by ordinance adopted by a four-fifths vote of all the councilors amend the Administrative Code but no such change in the Administrative Code shall be made in such manner as to affect any rights of the city or the time and manner of payment of any obligations due to or by the City with respect to any funds established by the Administrative Code.

## ADMINISTRATIVE CODE

#### 2.0 ADMINISTRATIVE CODE

### 2.1 Purpose

In conformity with Section 6 of the city charter, the council by this ordinance adopts an administrative code providing a complete plan of administrative organization and management of the city government and deems it advisable in conformity with the city charter to create the departments, divisions, boards, committees, and funds in this ordinance hereinafter set forth, together with certain provisions pertinent to the administration of the city government.

#### 2.2.9 Planning and Zoning Commission

A planning and zoning commission shall consist of: six members appointed by the mayor and confirmed by the council for three-year staggered terms, and one councilor appointed annually for a one-year term by the mayor and confirmed by the council at its annual meeting. The commission will elect its own officers at its annual meeting. The commission will be advisory to the council and shall handle the administration of the zoning ordinances and all related planning and zoning matters referred to it by the city council.

## ADMINISTRATIVE CODE

**1.0 ABOUT THIS CODE** 

The council of the City of Chatfield, Minnesota does ordain:

1.1 Adoption And Other General Provisions

1.1.1 Adopting This Code

The substantive ordinances of the city of a general and permanent nature, are hereby codified in accordance with Minn. Stat. §§ 415.02 and 415.021. All ordinances repealed by Subsection 1.1.4 are superseded by this code: The Chatfield Code of Ordinances.

1.1.2 Effective Date

The Chatfield Code of Ordinances as enacted by ordinance number 341 became effective as of November 3, 1999, and shall remain in full force and effect until otherwise repealed; that is, subject to amendments and additions described in Subsection 1.1.6.

## PLANNING LEGISLATIVE AUTHORITY

• **Minn. Statute 462.351:** Cities are granted the authority to regulate land us by the Municipal Planning Act.

#### • Cities Regulate Land Use by:

- The Comprehensive Plan
- The Zoning Ordinance
- The Subdivision Ordinance

#### • Relationship of the above plans:

**Comprehensive Plan:** Vision of how the community would like to grow. The Comprehensive Plan, after adoption, becomes the policy foundation from which zoning and other land use regulations, programs, education efforts, and public expenditures transform the community vision into reality.

- The Comprehensive Plan should be relatively consistent in content to the Zoning Ordinance.
- The Comprehensive Plan is the legal document to ensure zoning regulations are in compliance.

**Zoning and Subdivision Ordinances:** Through specific regulations, these are the tools in which the Comprehensive Plan is implemented by city officials to accomplish the goals of the community (permitted uses, conditional uses, variances, plats, setbacks, lot sizes, etc.).

## RESPONSIBILITIES BY ZONING ORDINANCE

The (planning )commission will be advisory to the council and shall handle the administration of the zoning ordinances and all related planning and zoning matters referred to it by the city council.

Types of Applications:

#### Conditional Use Permits (Advisory to Council):

The planning commission shall hold the public hearing and shall study the application to determine possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce such adverse effects. The planning commission shall recommend one of three actions to the city council within 30 days after holding the public hearing: approval, denial or approval with special conditions.

#### Amendments (Advisory to Council):

- Zoning Map Amendment (Re-Zone)
- Zoning District Regulations
- A change in any other provision of this chapter (Text Amendment)

The planning commission shall recommend one of three actions to the city council within 30 days after holding the public hearing: approval, denial or approval with special conditions.

#### Variances: Quasi-judicial (Planning Commission acts as the Board of Adjustment)

The board of adjustment shall hold a public hearing on the proposed variance and shall make a decision within 30 days after the public hearing. It shall take one of three actions: Approval, denial or approval with special conditions.

Note: Appeals to Variances go to the City Council.

## RESPONSIBILITIES BY SUBDIVISION ORDINANCE

The commission will also be advisory to the council and shall handle the administration of the subdivision ordinance:

**Types of Applications:** 

**General Development Plans:** 

The planning commission shall recommend one of three actions to the city council within 30 days after holding the public hearing: approval, denial or approval with special conditions.

**Preliminary Plats:** 

After considering the comments and suggestions received at the public hearing, the planning commission shall recommend in writing to the city council stating its reasons therefore either that the preliminary plat be approved subject to certain conditions or disapproved. A copy of the recommendation shall be sent to the city council and the applicant with notice to the applicant of the date when it will be considered by the city council.

Final Plats: Public Hearing at the Council

## INTENT AND PURPOSE

The intent and purpose of Zoning: Per Section 113-2:

(1)Guiding the implementation of the goals and policies of the city comprehensive plan by regulating land uses;

(2)Protecting the public health, safety, comfort, convenience and general welfare;

(3)Promoting orderly development of the residential, commercial, industrial, recreational and public areas;

(4)Conserving and protecting the natural resources in the city;

(5)Providing for the compatibility of different land uses and the most appropriate use of land throughout the city;

(6) Minimizing environmental pollution; and

(7)Conserving energy such as through the encouragement of environmentally friendly development in commercial, industrial and residential areas.

## CUP CONDITIONS OF APPROVAL

#### Sec. 113-78 - Criteria

In granting a conditional use permit, the city council shall consider the advice and recommendations of the planning commission and the effect of the proposed use on the comprehensive plan and upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the city council shall make the following findings, where applicable:

(1)The use will not create an excessive burden on existing parks, schools, streets and other public facilities which serve or are proposed to serve the area.

(2)The use will be sufficiently compatible or separated by distance or screening from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.

(3)The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.

(4) The use is reasonably related to the overall city needs and to the existing land use.

(5)The use is consistent with the purposes of this chapter and the purposes of the zoning district in which the applicant intends to locate the proposed use.

(6)The use is not in conflict with the city's comprehensive plan.

(7)The use will not cause any traffic hazard or congestion.

(8)Adequate utilities, access roads, drainage and other necessary facilities have been or will be provided.

## CUP ADDITIONAL CONDITIONS OF APPROVAL

Sec. 113-79. - Additional conditions.

(a)In permitting a new or existing conditional use, the city council may impose, in addition to the standards and requirements expressly specified by this chapter, additional conditions which the city council considers necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to the following:

(1)Increasing the required lot size or yard dimension.

(2)Limiting the height, size or location of buildings.

(3)Controlling the location and number of vehicle access points.

(4)Increasing the street width.

(5)Increasing the number of required off-street parking spaces.

(6)Limiting the number, size, location or lighting of signs.

(7)Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.

(8)Designating sites for open space.

(9)Establishing a time limit on operations.

## VARIANCES

Sec. 113-110. - Criteria.

(a)The board of adjustment, consistent with the authority granted by law, may grant a property owner a variance from compliance with the literal provisions of this chapter in an instance where strict enforcement would cause practical difficulties to the individual property owner and when it can be demonstrated that such action will be in keeping with the spirit and intent of this chapter.

(b)The term "practical difficulties" means that the:

(1)Property owner purposes to use the property in a reasonable manner that is not otherwise permitted; and

(2)The plight of the property owner is due to circumstances unique to the property, not created by the property owner; and

(3)The variance, if granted, will not alter the essential character of the locality. <u>Economic considerations alone do not constitute practical difficulties</u>.

(c)Nothwithstanding a finding that practical difficulties exist, the board of adjustment <u>may</u> <u>not permit as a variance any use that is not permitted</u> under the provisions of this chapter for property in the zone where the land for which the variance is sought is located.

## VARIANCES

Sec. 113-110. - Criteria.

(d) In its consideration of a variance request the board of adjustment shall consider the following questions:

(1) Whether or not exceptional, unique or extraordinary circumstances apply to the physical surrounding, shape or topographic conditions of the parcel of land which results in practical difficulties for the owner?

(2) Whether or not the variance requested will alter the essential character of the locality?

(3) Whether or not granting the variance requested will:

a. Impair an adequate supply of light and air to adjacent property;

b. Substantially increase congestion in adjacent public streets;

c. Endanger the public safety;

d. Substantially diminish or impair property values within the vicinity?(4) Whether the variance requested is the minimum variance which would alleviate the practical difficulties?

(5) Whether or not the variance requested is consistent with the intent of this chapter and the city's comprehensive plan?

(6) Whether or not the variance requested provides for a reasonable and practical solution that eliminates the practical difficulties?

(e) <u>The board of adjustment</u>, in granting a variance, <u>may impose additional conditions</u> to ensure compliance with its decision and protect adjacent properties. Such conditions must be <u>directly related</u> to and <u>bear a rough proportionality</u> to the <u>impact</u> created <u>by the variance</u>.

# **QUESTIONS ?**