

CITY OF CHATFIELD
PLANNING & ZONING COMMISSION AGENDA

Monday, February 6th, 2023

I. Planning & Zoning Commission Meeting, February 6th, 2023, 7:00 p.m.

Welcome our newest Planning Commission Member: Mr. Jeremy Aug

II. Approve Prior Meeting Minutes

December 5th, 2022

III. Public Hearing Items

A. None

IV. Non-Public Hearing Items

A. Annual Report – 2022 Zoning Activity Recap

- P&Z Accomplishments
- Building Permits
- Zoning Certificates

B. Annual CUP Review

C. Vote on new Chairperson

D. Vote on new Vice Chairperson

V. Staff Recap

A. Planning Commission Roles and Responsibilities

B. Goals and Priorities for 2023:

1. LUP and Zoning Map Amendments:
 - People's Energy Site Long Term Plan – Joint Meeting with EDA
 - Division Street NW to 3rd Street SW and beyond?
 - Re-Imagine Twiford (Strategic Plan).
2. Development Standards and Fees Review:
 - Standards: Street widths, sidewalk locations and widths, bike lanes and other pedestrian facilities, lot widths, impervious coverage, density, Parkland Dedication.
 - Fees: SAC/WAC, Hookup Fees, Parkland Dedication
3. The Importance of Parks: Discussion and Recommendation
4. Affordable Housing Strategies: ADU's (Alternate Dwelling Units) and other strategies.

VI. Adjourn

CITY OF CHATFIELD

PLANNING & ZONING COMMISSION MEETING MINUTES

Monday, December 5th, 2022

The Planning & Zoning Commission of the City of Chatfield met in regular session on Monday, December 5th, 2022. Wayne Halvorson presided as Chair and called the regular 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 Colleen Haffner
■		Commissioner Kent Whitcomb
■		Logan Tjossem, Planner and Zoning Administrator

Prior Meeting Minutes

Motion: To approve minutes by Commissioner Tuohy
Second: Commissioner Haffner
Amendments: None.
Ayes: Unanimous.
Nays: None.
Abstention: None.
Motion carried.

Public Hearing Items

Motion: To open the Public Hearing by Commissioner Tuohy
Second: Commissioner Whitcomb
Amendments: None.
Ayes: Unanimous.
Nays: None.
Abstention: None.
Motion carried.

A. People's Energy Cooperative Facility Purchase

The Planning and Zoning Commission discussed that the City of Chatfield would like to purchase the Peoples Co-op property with the intended interim use as a public works facility and long-term

CITY OF CHATFIELD

PLANNING & ZONING COMMISSION MEETING MINUTES

Monday, December 5th, 2022

economic development opportunities. As the planning agency of the Comprehensive Plan, the Planning Commission made a recommendation to the City Council regarding the proposed acquisition and if it is in compliance with the comprehensive municipal plan.

Findings of Fact Discussed and Adopted by the Planning Commission:

Existing Use: For the last several years, the site has been used as a truck station and material storage for People's Cooperative.

Current Land Use Plan Designation: The properties are within the Historic Downtown Commercial Land Use Plan Designation. This designation is, *"intended primarily for commercial businesses that need fewer customer parking stalls and smaller facilities. Typical uses include: businesses services, clothing services, equipment sales and services, food markets, restaurants, barbers and beauty shops, and retail sales."*

Current Zoning District Designation: The properties are also within the B-1 (General Commercial) Zoning District. The purpose of the B-1 Zoning District is, *"to encourage the continuation of a viable downtown and concentrated commercial area by allowing retail, service, office and entertainment facilities as well as public and semipublic uses."*

It was determined that a truck station and material storage for People's Cooperative is not consistent with any of the permitted or conditional uses and the use would be considered a non-conforming use. Section 113-51, Non-conforming buildings, structures and uses, regulates non-conformities.

Section 113-51 (c), General Principles, regulates how a nonconformity can be used and what constitutes a change. Generally, as long as a non-conforming use is continued in the same manner without a structural alteration or expansion and intensity of use, it can continue with limitations.

Action: Per Minnesota Statute, 462.356 Procedure to Effect Plan: Generally, after receiving the comments and recommendations of the planning commission, the city council shall consider the recommendation by the Planning Commission.

Motion:	To close the Public Hearing by Commissioner Tuohy.
Second:	Commissioner Broadwater
Amendments:	None
Ayes:	Unanimous.
Nays:	None.
Abstention:	None.
	Motion carried.

CITY OF CHATFIELD

PLANNING & ZONING COMMISSION MEETING MINUTES

Monday, December 5th, 2022

Discussion continued between all Members of the Planning Commission, and it was determined that the purchase of the Peoples Co-op property with the intended interim use as a public works facility would not be consistent with the Comprehensive Plan. Members of the Commission noted they realize the need for additional space and that any other property owner has the ability to continue the non-conforming use of the property. However, when looking at the short-term gain of the public works department using the property and the City not having a clear direction as to any future proposed use, they determined that the use is inconsistent with the Plan given the nonconforming nature of the property as it sits today. If the City were to decide that it is in the best interest of the City to purchase this property, the Planning Commission recommended a limitation to the amount of time the City can occupy this site as a public works facility.

Motion: That the purchase of the Peoples Co-op property with the intended interim use as a public works facility would not be consistent with the Comprehensive Plan by Commissioner Bradt.
Second: Commissioner Haffner
Amendments: None
Ayes: Unanimous.
Nays: None.
Abstention: Commissioner Broadwater.
Motion carried.

Non – Public Hearing Items

A. None

Staff Recap on upcoming issues.

A) January 2023 meeting is on the 2nd, which is an observed Holiday for New Year's Day. (Motion to cancel or postpone the meeting).

Motion: To cancel the January 2nd, 2023, in observance of the New Year's Day Holiday by Commissioner Tuohy.
Second: Commissioner Broadwater
Amendments: None
Ayes: Unanimous.
Nays: None.
Abstention: None.
Motion carried.

CITY OF CHATFIELD

PLANNING & ZONING COMMISSION MEETING MINUTES

Monday, December 5th, 2022

B) Parking Standards Discussion

- a. Staff brought up the need to review the parking standards as was made evident in previous development applications.
- b. Commission members discussed other areas that could also be reviewed and included items such as: street widths, sidewalk locations and widths, bike lanes and other pedestrian facilities, lot widths, impervious coverage, and density.

C) Dispensary Primary Use Discussion

- a. With the recent State Legislature adopting the legalization of certain levels of THC there was discussion and consensus that the issue should be reviewed and looked at ahead of time to stay ahead of any potential conflicts or lack of regulations. The issue will be a continued discussion.

Adjourn

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

Wayne Halvorson, Chair

Logan Tjossem, Planner & Zoning Administrator

Planning & Zoning Commission

City of Chatfield

Annual Report - 2022 Zoning Activity

Notes:

<u>2022</u>		<u>2019</u>	<u>2020</u>	<u>2021</u>
76	Total Number of Building Permits Issued	80	55	79
3	Single Family Homes	7	6	11
0	New Apartment Units	0	0	0
3	Total New Living Units	7	10	11
1	Demolition Permits Approved	3	0	0
31	Zoning Certificates Approved	NA	11	10
0	Variances Approved	0	0	0
0	Variances Denied	0	0	0
0	Conditional Use Permit Denied	0	0	0
1	Conditional Use Permit Approved	2	0	2
1	Conditional Use Permit Withdrawn	0	0	0
1	General Development Plans Approved			
1	Preliminary Plats Approved			
1	Final Plats Approved	1	1	2
0	Re-zoning Approved	2	0	3
3	Zoning Ordinance Text Amendments	0	0	0
0	Land Use Plan Amendments	0	0	1
\$568,819.40	Value of new Residential Construction	\$1,474,500.00	\$1,551,900.00	\$2,381,730.00
\$238,000.00	Value of new Commercial Construction	\$650,000.00	\$965,170.00	\$7,400,995.00
\$806,819.40	Total (NEW) Construction Value	\$2,124,500.00	\$2,517,070.00	\$9,782,725.00
\$1,600.00	Water Hook-Up Fees	\$11,200.00	\$9,600.00	\$16,000.00
\$2,600.00	Sewer Hook-Up Fees	\$18,200.00	\$15,600.00	\$26,000.00
\$0.00	Water Area Access Fees	\$0.00	\$0.00	\$0.00
\$0.00	Sewer Area Access Fees	\$0.00	\$0.00	\$0.00
\$4,200.00	Total Development Related Revenues	\$29,400.00	\$25,200.00	\$42,000.00

Sheds, fences and Pools

Gjere Addition PUD
Peoples Apartments PUD

Health Clubs and Vet Clinics in the I-1 and I-2, Solar Power TA



Memo

To: Planning & Zoning Commission
From: Logan Tjossem, Zoning Administrator and Planner
Date: February 6, 2022
Re: Conditional Use Permit Review – 2022 (* is not the same use now)

1- 4 Main Street North (Arndt, Post-Frame Garage)
Parcel ID – 513134000333

Approvals: P & Z recommended approval 4/1/19, Council approved on 4/22/19.
Use: To construct a post-frame garage that is 26' x 32' or approximately 832 square feet in size
Address: 4 Main Street North
Conditions: No listed conditions. In compliance

2- 236 Mill Creek Road (Bernard Learn & Play Daycare Center)
Parcel ID - 513133075941

Approvals: P & Z recommended approval 5/2/2005, Council approved on 5/23/2005
Use: To construct a daycare facility on the corner of Mill Creek Road and Highway 30.
Address: 236 Millcreek Road NW
Conditions:

1. A 10' easement be provided along the southerly property line between lots 9 and 10.
2. A hedge to be planted to screen the chain link fence from the neighboring property on the south from the south edge of the building to the east end of the fence.
3. Only security lighting is placed on the south side of the building.
4. 25 designated off-street parking spaces be provided for employees and event parking
5. A 5' concrete sidewalk to be installed from the SW corner of lot 9 to Hwy 30.
6. The building be constructed of similar style and color of the neighboring townhomes.
7. The building be a single-story structure.

Summary completed on: 11/12/19. The City is still working on determining if a connecting sidewalk along Mill Creek Road is possible from Division Street north to the Learn & Play Daycare site. Until that study is complete, Condition 5 will not be required. All other conditions are in compliance.

3- Bernard's First Plat & CUP (See Olmsted County Plat Records)

Approvals: P & Z recommended approval on 2/4/2002, Council approved on 2/11/2002
Use: To construct residential units on lots 2-9 as a Planned-Unit-Development.
Address: Bernards First Plat
Conditions:

1. An 8" watermain must be between lot 1 and lot 2, Block 1 is located within a utility easement
 2. Access easement to Lot 3, Block 1 is 45' wide
 3. The 40' utility easement located on the north side of Division Street needs to be extended to include the 8" in-place sanitary sewer.
 4. An agreement between City and Mr. Bernard to clarify the current and future status of Lot 3 Block 1
 5. An easement needs to be added in the NW corner of lot 2
 6. Access control need to be in place from Division St. to Skippy's first entrance and access needs to be controlled for 80' on Mill Creek Rd. to allow for four to five car stacking.
- Summary:** All six conditions were completed during the final plat which was approved on 3/11/2002. In compliance.

4- 1596 Enterprise Drive (Broadwater, Commercial, Post-Frame Building)
Parcel ID – 26.0630.000

Approvals: P & Z recommended approval 11/4/19, Council approved on 11/11/19.
Use: To construct a post-frame garage that is 52' x 128' or approximately 6,656 square feet
Address: 1596 Enterprise Drive
Conditions: No listed conditions. In compliance

5- Parcel ID – 26.0728.000 (Chatfield – Booster Station)

Approvals: P & Z recommended approval 5/5/08, Council approved on 5/12/08
Use: To build a water utility pump house at the southern end of Outlot C in the Hilltop Estates Addition First Plat
Address: Hillside Drive
Conditions: No listed Conditions. In compliance.

6- 11555 Hillside Drive (Chatfield Elementary, Post-Frame Storage Facility)
Parcel ID – 26.0724.000

Approvals: P & Z recommended approval 08/24/2009, Council approved on 08/24/2009.
Use: To construct a post-frame storage facility that is 40' x 80' or approximately 3,200 square feet in size with an approximate roof height of 24'.
Address: 11555 Hillside Drive
Conditions: No listed conditions. In compliance

7- 10208 Hillside Drive (Chatfield – Water Tower)
Parcel ID – 26.0726.000

Approvals: P & Z recommended approval 5/5/08, Council approved on 5/12/08
Use: To build a water tower within Outlot B in the Hilltop Estates Addition First Plat
Address: 10208 Hillside Drive
Conditions: No listed Conditions. In compliance.

8- 1260 Winona Street (Chosen Valley Care Center)
Parcel ID - 26.0383.000
Parcel ID – 26.0025.000

Parcel ID – 26.0469.000

Approvals: P & Z recommended approval 5/2/05, Council approved on 5/9/05

Use: To build an assisted living care facility

Address: 1102 Liberty Street

Conditions:

1. Install a Knox Box on the property to gain access without resident or management assistance. A Knox Box was installed and the Fire Marshal has the key.

Summary: In compliance.

9- 15 Second Street (Coyote Bar Apartments)

Parcel ID – 26.1550000

Approvals: P & Z recommended approval 4/4/04, Council approved on 4/11/05

Use: To develop apartments

Address: 15 SE Second Street.

Conditions:

1. Installation of Knox box on the property to provide the Fire Department and Police Department the ability to gain access to the building without resident or management assistance in the case of an emergency.
2. Installation of 8 designated and sufficiently signed off-street parking spaces for Coyote Bar Apartment residents only. The management of these spaces is the responsibility of the property owners. – The building is scheduled to be auctioned off on October 20, 2016. Adequately marking the apartment parking stalls will be revisited with the new owners if apartments are a continued use in the building.
3. Sufficient garbage management system that provides complete screening from view, and containment to prevent any loose materials.
4. Exterior dark sky lighting for security purposes that meets the approval of the Police Chief.
5. No advertising signage on the exterior of the building or in the apartment windows.
6. When required, apartment for rent sign limited to approximately 11 x 17 in the Coyote Club entrance area.
7. Payment in full of applicable water and sewer hook up fees based on a single family residential equivalency factor for the added demand that will be created by the eight apartments, over and above the demand that was previously made by the commercial use on those two floors.
8. Require the use of a six months lease for apartment rentals.

Summary completed on: 11/12/19. The main and basement floor are not in use at this time. All other conditions are in compliance.

10- 128 Main Street (PawPrint Brewery)

Parcel ID - 26.155.000

Approvals: P & Z recommended approval 10/4/2004, Council approved on 10/11/2004

Use: To open a saloon/bar

Address: 15 SE 2nd Street.

Conditions:

1. The on-site garbage and recycling area/containers be completely enclosed/screened from view from neighboring properties.

2. Adequate dark sky lighting be added to the parking area to meet security requirements, as approved by the City.

Summary completed on 11/12/19– All conditions are in compliance. The building will be purchased in December of 2018. I will work with them to make sure the use and conditions are in compliance in the 2019.

11- Hidden Valley Estates (See Hidden Valley Subdivision)

Approvals: P & Z recommended approval 9/5/2000, Council approved on 9/11/2000

Use: To construct three twin home structures to be planned as a Planned Unit Development.

Address: 1018 Main Street South

Conditions: No listed conditions. In compliance.

12- 7 Main Street (McClimon Open-air display)

Parcel ID – 26.0276.000

Approvals: P & Z recommended approval 1/4/2010, Council approved on 1/11/2010

Use: To use the property as an open-air display use

Address: 7 Main Street North

Conditions:

1. No access will be allowed on (Main Street) Highway 52 and public access from Spring Street is discouraged.
2. The property should be properly maintained and remain in compliance with all of the codes within the Chatfield City Code.
3. All sale items must be displayed within the property.
4. All sale items displayed must be in good repair.
5. Only temporary signs will be allowed on the property and the property owner must follow the Sign Ordinance.
6. All sale items should be at least 5' from the southern property line to ensure that the viewers of the equipment do not go on the residential neighbor's property.
7. No sale items can obstruct the view from the residential driveway by maintaining a 15' clear vision triangle.

Summary completed on: 11/12/19– All conditions in compliance

13- 102 Avenue B (Nixa – Post-frame storage shed/garage)

Parcel ID - 513143000452

Approvals: P & Z recommended approval 9/3/2018, Council approved on 9/24/2018

Use: To construct a post-frame (pole building) garage on their single-family lot

Address: 102 Avenue B

No Conditions: As the building will be constructed with standard exterior siding, roofing, windows & doors.

Summary completed on: No listed conditions. In compliance.

14- 218 Winona Street (Oakenwald Terrace Bed & Breakfast)

Parcel ID – 26.0015.000

Approvals: P & Z recommended approval 6/2/2003, Council approved on 6/9/2003

Use: To operate a Bed & Breakfast establishment

Address: 218 Winona Street SE

Conditions:

1. Six sleeping rooms
2. The availability of five off street parking spaces for guests, one of which will be handicap accessible.

Summary completed on: 11/12/19– All conditions are in compliance.

15- Orchard Ridge Townhomes (See Orchard Ridge First Addition)

Parcel ID – 523641061881

Parcel ID - 523641061868

Approvals: P & Z recommended approval 5/1/2000, Council approved on 5/8/2000

Use: To develop townhomes as a Planned Unit Development. Orchard Ridge Townhomes are located on 6.3 acres of land on the north side of Highway 30 and west of Mill Creek Road.

Conditions:

1. The developer will plant a minimum of 1.5 trees per living unit created
2. A temporary turnaround will be constructed at the north end of the street

Summary completed on:11/12/19- All conditions are in compliance.

***16- 205 Main Street South** (Peterson – Lower Level Apartment)

Parcel ID - 260242000

Approvals: P & Z recommended approval 09/03/2013, Council approved on 09/10/2013

Use: A residential use located below street-level

Address: 205 Main Street South

Conditions:

1. One parking stall per apartment (three total stalls) must be maintained and available for residents adjacent to the rear of the building.
2. The street level portion of the building must be maintained as a commercial use.
3. Access to the lower level apartment must utilize the rear entrance adjacent to the alley so that lower level residents do not conflict with the commercial use.
4. Upon the issuance of a CUP, the City shall require an annual inspection of the building for compliance of the CUP.

Summary completed on: 11/12/19- Chosen Valley Threads expanded their use into this building. All conditions are in compliance.

17- 615 Main Street South (Price-Troska/Krusemark Rental Home)

Parcel ID - 260218000

Approvals: P & Z recommended approval 4/2/2007, Council approved on 4/9/2007

Use: To use the existing home as a retreat/rental space for groups or individuals to work on various hobbies or projects on weekend and potentially weekdays.

Address: 615 South Main Street

Conditions:

1. No more than eight (8) guests can rent or occupy the home at any one time.
2. Four (4) parking stalls must be provided. The parking provided shall be maintained so that it is accessibility and usable at all time during the year, when the home is occupied. Parking is not allowed in the alley. Guests must park on the concrete pad or in the garage before using on-street parking.
3. A sign relating to the rented home shall comply with the sign ordinance.
4. No alcoholic beverages may be sold to guests, and cooking within the home shall be limited to the kitchen of the home.
5. No retail or other sales shall be permitted unless they are clearly incidental.
6. Upon the issuance of a CUP, the City shall require an annual inspection and compliance for the CUP.
7. Leases shall be limited to 2 weeks.
8. The exterior of the home and yard must be maintained throughout the year by complying with all applicable snow removal and summer maintenance standards within the City Code.
9. Activity relating to the principle business use shall be contained within the house.

Summary completed on: 11/12/19 All conditions are in compliance. The property was sold as a single-family residence in late 2012. However, the approved CUP goes with the property and not a land owner so another owner could use the property as a retreat/rental space in the future with the same nine (9) conditions that were placed on the property in 2007.

18- 519 River Street (Simpson Property - Post-Frame storage)
Parcel ID - 2600063010

Approvals: P & Z recommended approval 09/07/09, Council approved on 09/14/09

Use: To construct a post-frame storage facility that is approximately 600 square feet in the rear yard of an R-1 zoned (single-family) property.

Condition:

1. The siding must be constructed with a material that does not exceed 12" in panel width.

Summary: Siding has been installed and is in compliance.

19- 5 and 15 Main Street North (WIT BOYZ Inc. – Automotive Service and Open-Air Display)
Parcel ID – 260279000
Parcel ID – 513134000410
Parcel ID - 513134000411

Approvals: P & Z recommended approval 06/07/10, Council approved on 06/14/10

Use: To use the property as an automotive service and open-air display land use.

Address: 5 & 15 Main Street North

Adjacent Home: Home on 23 Main Street was demolished in 2016

Conditions:

1. The property should be properly maintained and remain in compliance with all of the codes within the Chatfield City Code.
2. All sale items must be displayed within the property and be in good repair.
3. No additional accesses will be allowed along Main Street and public access from Spring Street is discouraged.

4. No parking or commercial property shall be located within the public rights-of-way along Spring Street and Main Street and creating a stronger visual separation of private property and right-of-way is encouraged.
5. An eight-foot landscape buffer is required along the northern property line of 15 Main Street North if the single-family home at 15 Main Street North is removed and commercial uses are expanded into the site while the existing single family home located at 23 Main Street North remains. See Section 113-265 (e) for a more detailed landscape description.

Summary completed on: 11/12/19 – All conditions are in compliance with an 8-foot grass strip along the north property line.

20- 15 3rd Street SE (Margo and Mike Tuohy Residential and Commercial Mixed-use CUP)
Parcel ID – 260279000

Approvals: P & Z recommended approval 03/01/21, Council approved on 03/08/2021

Use: To use the property as an owner occupied residential and commercial tenant mixed-use.

Address: 15 Third Street SE

Conditions:

1. All parking for the residential uses will need to be accommodated on site so that there is not any additional burden on the public street and alley.
2. All clear vision site triangles at the intersecting street and alley must be maintained.
3. Any changes to the existing parking on site will need to be reviewed and approved through the Conditional Use Permit process, including any curb cuts for a new driveway.
4. No exterior storage is allowed on site.
5. All light sources must be shielded and directed down toward the property and within the property boundary.
6. Any changes to the existing building exterior or interior will need to be reviewed and approved through the conditional use permit process.

Summary completed on: 05/03/2021 – Building permit was issued and all conditions are in compliance.

21 – Generally located in the SW ¼ of the SW ¼ of Section 31, Elmira Township, Mill Creek Road NW and Division Street NW, Chatfield, MN (Mike and Julie Sogla PUD townhome development CUP).
Parcel ID – 513132062299

Approvals: P & Z recommended approval 09/07/2021, Council approved on 09/13/2021

Use: Town home style medium density development as a Planned Unit Development

Address: Mill Creek Road NW and Division Street NW.

Conditions:

- 1) A letter of credit or performance bond payment for an amount to be determined by the City is required for the improvements to Division Street NW.
- 2) Upon completion of the improvements to Division Street NW and acceptance by the City, the developer shall dedicate all improvement to the city free and clear of all liens

and encumbrances.

- 3) In Townhome Association/HOA documents, there needs to be language and clear understanding that no parking of vehicles is allowed along Mill Creek Road.
- 4) When improvements are made to Division Street, trails will need to be part of the connection.
- 5) Grading Plan approval is required prior to the application of the Final Plat, unless other arrangements are made with the City Engineer and Public Works.
- 6) Parkland Dedication Fees will need to be determined and paid prior to, or at the time of, application of the Final Plat.
- 7) A Development Agreement is not required for this phase of development with the City but will be required for future phases of development.
- 8) HOA documents need to be submitted as part of the Final Plat application identifying ownership and maintenance of sanitary sewer services and water mains within Mill Creek Road as well as the private road and common area spaces of the townhome development.
- 9) Coordination and approval are required by the City Public Works Department to best determine where the water and sewer connection locations should be for the hotel and residential uses.
- 10) Fire hydrant(s) may be required per the direction and coordination of the City Public Works Department.
- 11) All zoning ordinance and building code requirements must be reviewed and approved through the building permit process.

NOTE: Approved with modifications to the front yard (25 ft.) and rear yard (20 ft.) setback.

Summary completed on: 02/02/2023 – SAC/WAC Fees have been paid and mylars picked up for recording.

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 use 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.

Economic considerations alone do not constitute practical difficulties.

(c)Notwithstanding a finding that practical difficulties exist, the board of adjustment may not permit as a variance any use that is not permitted 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) The board of adjustment, in granting a variance, may impose additional conditions to ensure compliance with its decision and protect adjacent properties. Such conditions must be directly related to and bear a rough proportionality to the impact created by the variance.