



**CITY OF JORDAN
PLANNING COMMISSION
Regular Meeting Agenda**

**Tuesday, January 14, 2020
6:30 P.M.**

City of Jordan Council Chambers
116 First Street East, Jordan MN 55352

- 1.0 CALL TO ORDER
- 2.0 ADOPT AGENDA
- 3.0 ELECTION OF OFFICERS
 - A. Chair
 - B. Vice Chair
- 4.0 APPROVAL OF MINUTES
 - A. November 12, 2019
- 5.0 NEW BUSINESS
 - A. Discussion Item: Residential Fences
 - B. Proposed Zoning Code Text Amendments
 - C. Discussion Item: R-4 Density
- 6.0 OLD BUSINESS
 - A. Annual Review of Conditional Use Permits
 - B. Planning Commission Annual Report – 2019
- 7.0 PLANNERS REPORT
 - A. General Updates
 - B. Next Meeting- February 11, 2020
- 8.0 CITY COUNCIL MEMBER UPDATE
- 9.0 COMMISSION MEMBER REPORT
- 10.0 ADJOURNMENT

Contacts:

Lucinda Meyers, Senior Planner, lmeyers@jordanmn.gov (952) 492-7940

Nathan Fuerst, Planner/Economic Development Specialist, nfuerst@jordanmn.gov (952) 492-7929

Megan Pavek, Planning Intern, mpavek@jordanmn.gov (952) 492-7941

Elliot Mohler, Planning Intern, emohler@jordanmn.gov (952) 492-7928

DATE: January 14, 2020
TO: Members of the Jordan Planning Commission
FROM: Megan Pavek, Planning Intern



AGENDA ITEM: 3.0 A & B Election of Officers

ACTION REQUESTED: The Planning Commission is asked to elect a Chair and Vice Chair, by motion, for a one (1) year term beginning January 14 and ending December 8.

BACKGROUND:

The Planning Commission is asked to discuss and make a determination about who will conduct the meetings as Chair, and in the absence of the Chair, Vice Chair. Both positions have been held by commissioners and not council members.

City Code Section 31.20 Boards and Commissions Generally (B), provides the following guidance for annual commission elections:

The Chairperson shall be chosen from the board or commission membership annually to serve for 1 year; provided, however, that no Chairperson shall be elected who has not completed at least 1 year as a member of the board or commission...

FISCAL IMPACT: None

STAFF RECOMMENDATION: Elect a Chair and Vice Chair for 2020.

PLANNING COMMISSION ACTION:

Motion: _____ Second: _____
Approved: _____ Disapproved: _____ Tabled: _____
Other: _____

**MINUTES OF THE PROCEEDINGS
OF THE PLANNING COMMISSION OF THE CITY OF JORDAN
IN THE COUNTY OF SCOTT
NOVEMBER 12, 2019**

1.0 CALL TO ORDER

Present: Tom Sand, Jane Bohlman, Bob Bergquist, Robert Whipps, Brenda Lieske, Terry Stier

Also Present: Lucinda Meyers, Senior Planner, Nathan Fuerst, Planner/Economic Development Specialist, Dave Siwek, Owner of Siwek Lumber

Meeting called to order at 6:35 pm.

2.0 ADOPT AGENDA

Motion by Bohlman, second Whipps to adopt the agenda as presented. Vote all ayes. Motion carried.

3.0 APPROVAL OF MINUTES

A. October 8, 2019

Motion Bohlman, second Bergquist to approve minutes as presented. Stier Abstains. Vote all ayes. Motion Approved.

4.0 NEW BUSINESS

A. PUBLIC HEARING: Request for zoning text amendment to allow vehicle sales as a conditional use in the General Industrial (I-2) District

Meyers presents application to allow vehicle sales in the I-2 district.

Commissioner Lieske enters chambers at 6:38 p.m.

Meyers advises the commission to determine whether the proposed use is in harmony with the goals for the General Industrial District (I-2).

Public Hearing opened at 6:40 p.m.

Chair Sand begins the public hearing by inviting the applicant to the podium.

Siwek stated that his business has operated in Jordan for 30 years. Occasionally, the

business takes vehicles to allow customers to pay for debts related to the main business of selling lumber. Vehicles that accumulate as a result of business are either sold online or via auction at Scott County fairgrounds. Siwek stated that he was notified that they need a license to continue these operations. The main operation is in Jordan so they would like to have the license associated the 350 Valley View Drive property.

Commissioner Lieske asked where the applicant stores the vehicles for sale.

Siwek stated that vehicles are stored indoors and trailers are stored off-site, on an adjacent property owned by the Ames estate. Some nicer vehicles are stored offsite. The vehicles don't stand out due to the large number of employees.

Meyers read aloud the public input received via email from resident Dave Wolf:

I am responding to a letter sent to us re the Siwek request. My comment would be for the city to only allow vehicle sales in industrial zoning areas on a case by case basis only. If it were a permanent blanket change, I think the result may be 100's of wrecked and salvage cars mixed in with the normal desired quality industrial park look. One way may be to restrict the vehicles on hand to a small number and have it come up for review yearly. I think Siwek lumber is a long-time great Jordan business that brings jobs and customers to Jordan daily.

Lieske asked whether the text amendment, if granted, would allow the same use for all properties within the I-2 District. Meyers affirmed that is correct. All properties within the district that are able to meet the zoning code conditions, could apply for a conditional use permit to vehicle sales.

Whipps asked for clarification about whether general conditions will be established or if they're determined on a case-by-case basis. Meyers stated that they are both possible; general requirements are applied to all conditional uses; however, applications are also reviewed on a case by case basis allowing for any context specific requirements that may be deemed necessary.

Public Hearing closed at 6:50 p.m.

Chair Sand indicated that he is concerned that anyone in a General Industrial district would be able to sell vehicles.

Whipps asked for clarification about how armored personnel carriers can be sold without a similar CUP to what is proposed by the applicant. Meyers stated that an armory is a permitted use in the General Industrial district.

Motion Whipps, second Bohlman, to recommend approval of the application to amend the zoning code to allow vehicle sales as a conditional use in the I-2 district, provided the use is accompanied by a permitted use and is subject to the conditions

established for the use in the Highway Commercial district. Vote all ayes. Motion carried.

B. Design Review for Façade Improvements at 221-225 First Street East

Planner and Economic Development Specialist Fuerst presented the information compiled in the staff report and provided a review of the Design Review application to replace siding on the rear, alley facing façade at 221-225 1st St E.

Bergquist inquired, had the property owners installed the same color of siding, would a permit have been required? Meyers responded that a building permit would be required, although the design review process would not be necessary.

The commission discussed the alternatives presented by the Applicants for color. The consensus of the commission is that the building should have the same color siding on all three sides visible from the public right of way.

Whipps asked whether the Applicants would be able to apply for a facade matching grant to help offset the costs associated with the improvements. Fuerst confirmed that the Applicants are eligible to apply for the Downtown Matching Grant.

Whipps reiterated that consistency of color on all three sides is preferred. Bergquist expresses his favor for Whipps' idea to have staff inform the Applicants of the option to pursue the facade improvement grant to paint all three sides.

Stier asked what would have happened if the applicants had just painted the façade. Fuerst informed him that is essentially what has occurred in this instance. If the color were to be changed without the property owner having filed an application for design review, they would be in violation of the City Code and would receive a code violation and potentially a citation.

Motion Lieske, second Whipps to recommend the proposed design review alternatives to the City Council for approval. Vote all ayes. Motion carried.

5.0 OLD BUSINESS

6.0 PLANNERS REPORT

Fuerst announced the opening of the Caribou Coffee Cabin, and the Groundbreaking ceremony for the Scott County CDA Brentwood Terrace senior living complex. Fuerst also informed the Planning Commission that the planning department has a new planning intern, Elliot Mohler.

Meyers informed the commission of recent land use decisions of the City Council including the approval of the CUP amendment for the Ballard-Sunder Funeral home and the denial

of the zoning text amendment request to allow a tow yard in the Highway Commercial District. The commission expressed their desire to conduct a thorough review of the Ballard-Sunder Funeral home CUP this year during the annual CUP review. The commission also discussed the poor news coverage that the Bobby and Steve’s application received, expressing concern over the misleading nature of both the headline and the article.

7.0 CITY COUNCIL MEMBER UPDATE

Whipps announced that the trail going up to 282 is projected to be constructed at a fraction of the anticipated cost.

Steir is welcomed to the commission, as Will’s replacement, for the remainder of 2019. The City Council will appoint a permanent council liaison January 2020.

8.0 COMMISSION MEMBER REPORT

Commission members discussed their excitement relating to the updates provided during the Planner’s Report.

Whipps stated that the CUP for the funeral home needs to be closely reviewed in order to be confident that they are meeting the requirements for the operation of their business. Bergquist and Bohlman indicated their concern regarding the fumes emitted by the cremation facility. Whipps stated that the operations vary from day-to-day. A 12-hour cremation process will give off fewer emissions than an 8-hour process, which would likely produce visible emissions.

9.0 ADJOURNMENT

Motion Bohlman, second Bergquist, to adjourn at 7:59 p.m. Vote all ayes. Motion carried.

Tanya Velishek, Mayor

ATTEST:

Tom Nikunen, City Administrator

DATE: January 14, 2020
TO: Chair Sand and Members of the Planning Commission
FROM: Lucinda Meyers, Senior Planner
Elliot Mohler, Planning Intern



AGENDA ITEM: 5A. Discussion Item: Fences

ACTION REQUESTED: The Planning Commission is asked to review the city code as it relates to residential fences, and the permitting process for residential fences. If the commission believes that changes should be made to either or both the city code or/and the permitting process, then a recommendation should be formulated in the form of a motion.

BACKGROUND:

City Code

Definitions

FENCE: Any partition, structure, wall or gate erected as a divider, marker, barrier or enclosure and located along the boundary, within the required yard, or elsewhere on the property. Fence height shall be measured from the normal grade adjacent to the fence line.

ACCESSORY USE OR STRUCTURE: A use or structure in the same lot with, and of, a nature customarily incidental and subordinate to, the principal use or structure.

Residential Zoning District Regulations

- Fences are considered accessory structures and permitted in all residential districts: R-1 (Sec. 154.084, K), R-2 (Sec. 154.094, K), R-3 (Sec. 154.104, K), R-4 (Sec.154.114, M), R-5 (Sec. 154.124, E).
 - o Design and Performance Standards (Sec. 154.086, B; 154.096, B; 154.106, B; 154.116, K; 154.126, EE)
 - Fences. Fences are permitted in the yard setback area only under the following conditions:
 - The fence shall have a clearance of 2 inches from preexisting grade to bottom of fence and shall not exceed 6 feet in height.
 - The property owner shall sign a fence agreement with the City of Jordan.
 - The fence shall not restrict or obstruct the flow of water.
 - The fence shall be 20 feet away from the high-water level (HWL) or outside of the drainage and utility easement whichever is closer to the property line.
 - A fence shall not be located within a drainage and utility easement that has been identified as an emergency over flow easement (EOF) or access easement.
 - No fence shall cause a visual obstruction to traffic.
 - Fences are structures and shall require a permit with an approved property survey by a registered land surveyor.

- Fences shall meet all International Building Code requirements for such structures.
- Fences not exceeding 3½ feet in height may be constructed in any front yard setback area. No fences are allowed in the front yard setback unless the fence is 3½ feet tall or less.

Current Practice

Residential property owners who wish to construct a fence must do so in accordance with city code. The city issues fence permits to assist with this. A copy of the application is attached. Per the adopted fee schedule, the application fee is \$25.00. This fee is intended to cover the cost of staff time needed to process the application and issue the permit. As part of the application, the property owner is required to produce a site plan illustrating the location proposed for the fence. The requirements of this document are outlined in the Site Plan Handout (attached). Site plans are required to be to scale, and may be in the form of an official survey (preferred), a hand-drawing or a computer drawing. If the property owner does not have an official survey, then a to scale site plan is generally accepted. Property surveys can be expensive, (typically between \$1000 and \$1500) and are not warranted for the purpose of residential fences – as is evident when reviewing the ordinances of peer communities.

It is the responsibility of the property owner to locate and understand where their property boundaries are. This being the responsibility of the property owner absolves the city in cases where property owners are caught in property line disputes. Permits are issued for the location depicted on the site plan; if the fence is installed in a location other than that which is permitted, the city is not liable. City Staff include conditions on the permit stating that the applicant is solely responsible for locating and identifying their property boundaries and installing the proposed fencing as reflected in the permit application.

By ordinance, staff can (and occasionally does) require the property owner to obtain an official survey. Owners of properties located downtown, for example, generally do not have a clear understanding of the location of their property boundaries (platting occurred in the 1800’s).

Disputes between neighboring property owners occasionally arise, and they are considered a private property matter.

STAFF RECOMMENDATION:

By no means it is exhaustive, but a spectrum of policy options is attached. Staff recommends that the commission utilize the spectrum as a foundation for the discussion.

ATTACHMENTS:

1. Fence Permit Application
2. Site Plan Handout
3. Spectrum of Policy Options

COMMISSION ACTION:

Motion: _____

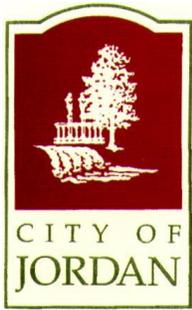
Second: _____

Approved: _____

Disapproved:

Tabled:

Other: _____



APPLICATION FOR FENCE PERMIT

**CITY OF JORDAN
210 EAST FIRST STREET
JORDAN, MN 55352
952-492-2535**

APPLICANT NAME: _____ **WORK PHONE:** _____

HOME PHONE: _____ **ADDRESS:** _____

CITY: _____ **STATE:** _____ **ZIP:** _____

I/We, the undersigned, hereby make the following application to the City Council and Planning Commission of the City of Jordan, Scott County, Minnesota. (Applicants have the responsibility of checking all applicable ordinances pertaining to their application and complying with all ordinance requirements):

1. Application is hereby made for to construct or install a fence at the following address:

2. Legal description of land affected by the application:

3. Name, address and phone number of present owner of above described land: _____

4. Proposed height of fence: _____ feet front yard _____ feet side yard _____ feet rear yard. (Max. 6' side and rear, 3.5 front yard)

5. Will the proposed fence be located on a corner lot? ___ Yes ___ No. If yes, the fence shall not be located within 30 feet of the corner formed by the intersection of street or railroad R-O-W.

6. Type of fence material proposed: _____

(Note: Chapter 154 Zoning Ordinance SEC. 154.313 (H) lists prohibited materials)

7. I understand the following conditions for approval of the fence permit:

- * Every fence shall be maintained in a condition of reasonable repair and shall not become a nuisance
- * The evident finished side or finished face shall front abutting properties. If the fence is visible to the public from both sides and is in a commercial or industrial zoning district, both sides shall be finished surfaces.
- * Fences shall not obstruct natural drainage or be located in easements.
- * A building permit is required for a fence permit.

8. Attach a copy of a site plan illustrating the proposed location of the fence and drawing depicting the fence.

I certify that all information submitted is true and correct.

Applicant Signature: _____ **Date:** _____

Owners' Signature(s): _____ **Date:** _____

_____ **Date:** _____

FOR OFFICE USE ONLY

DATE SUBMITTED: _____ DATE COMPLETE: _____ IF INCOMPLETE, DATE LETTER SENT TO APPLICANT: _____

FEE PAID: _____ DATE FEE PAID: _____ FILE # _____

APPROVED _____ DENIED _____ BY _____

DATE OF ACTION: _____

DATE APPLICANT/PROPERTY OWNER NOTIFIED OF CITY STAFF ACTION: _____

DATE FENCE PERMIT ADDED TO PROPERTY ADDRESS FILE.

Site Plans

Planning Department
 City of Jordan
 210 East First Street
 Jordan MN 55352



This pamphlet is a compilation of some of the standard requirements based on the State Building Code and City Zoning Code for projects of this type. This information packet does not contain all of the specific codes for construction and should only be used as a guide. The permittee is responsible to meet all code requirements applicable to each project.

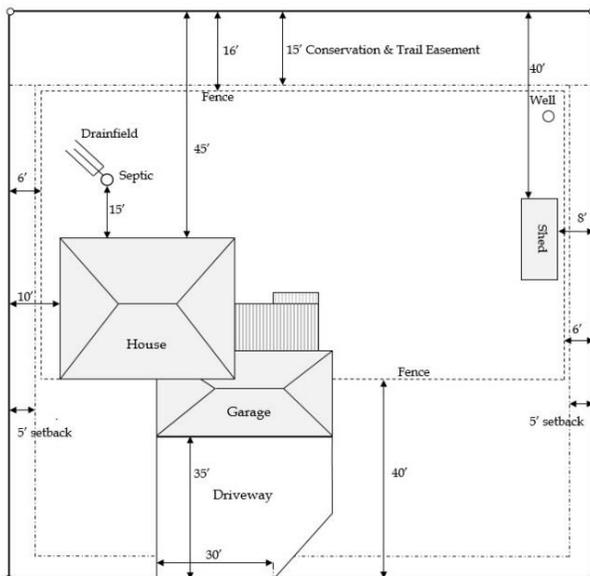
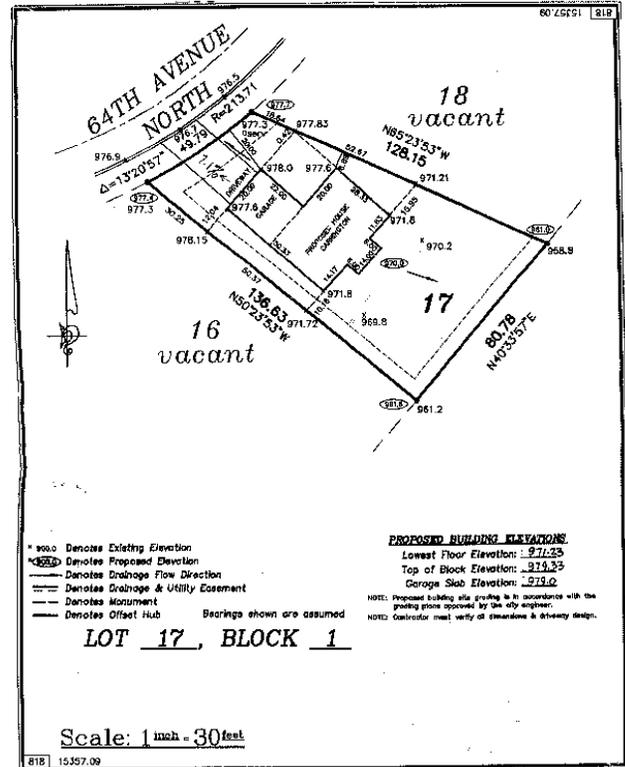
Site plans are required for building permits involving accessory structures, garages, pools, decks or additions and for all zoning permits.

Information to include:

- Property Boundaries
- Principle Structures (house/Garages)
- Existing Driveway(s)
- Proposed location(s) of fence, deck, pool, accessory building, addition, etc.

Information, if present, to be included:

- Existing fences, decks, pools, additions, accessory buildings and/or structures
- Septic & drain-field location
- Well location
- Drainage & utility easements
- Conservation & trail easements
- Any unique physical characteristic of the lot

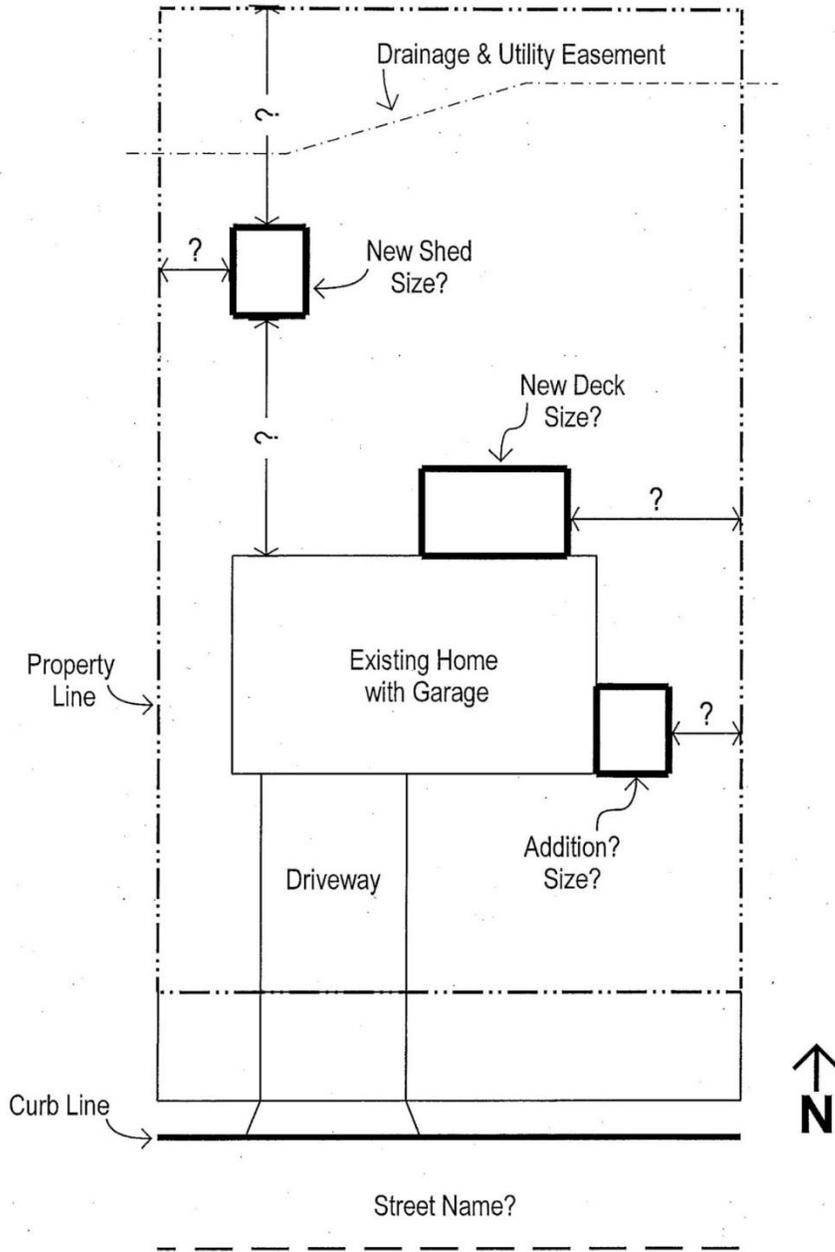


Site plans may be in the form of an official survey document (above, most preferred), a scaled computer drawing, or a scaled hand-drawing.

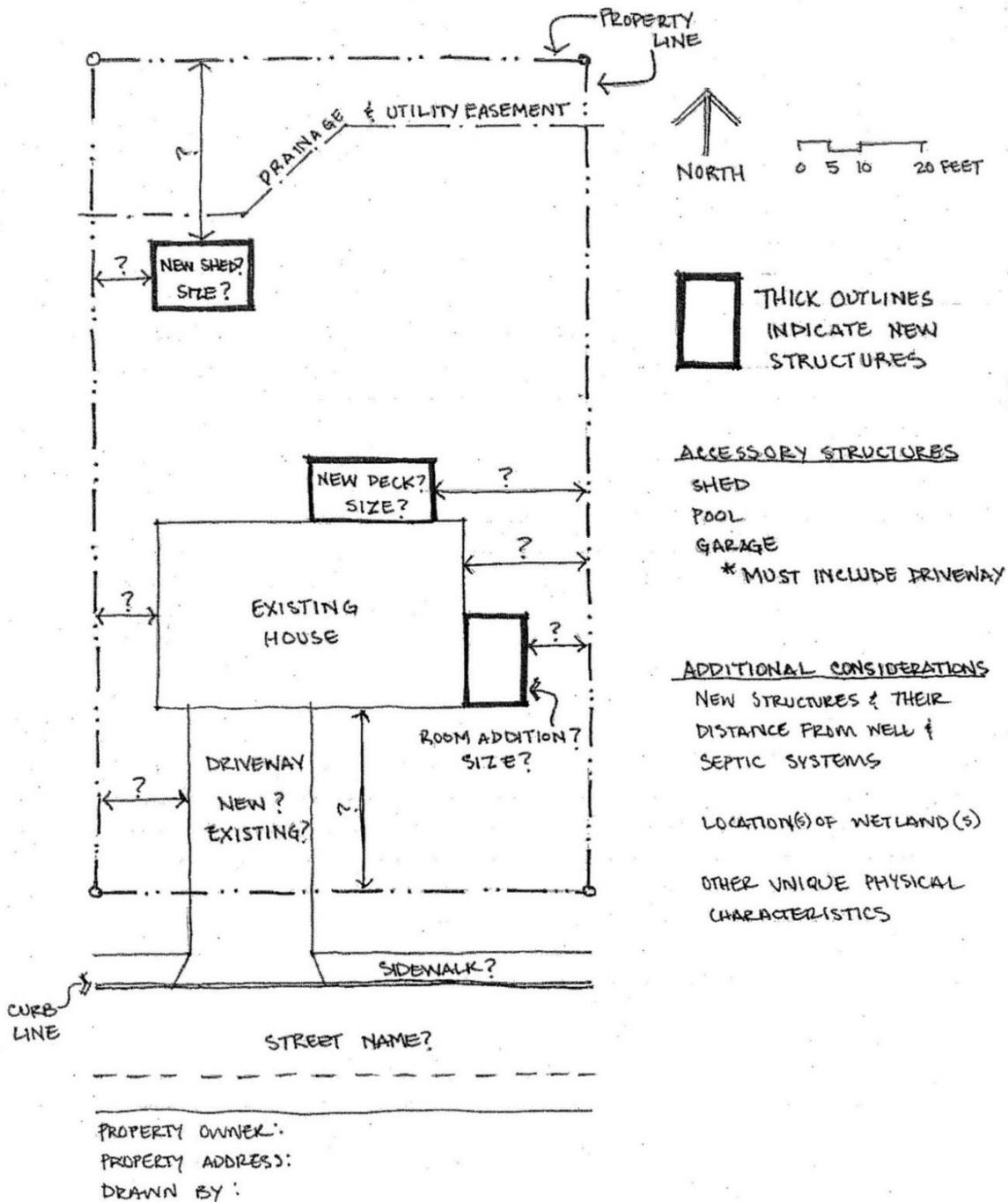
Aerial images are not a preferred means of a site map because most do not include a scale and also due to the loss of information when scanning images into the respective property file. However, aerial images can be used to provide the applicant with an initial site map to trace over for a clear, scanner-friendly site plan.

It is the responsibility of the applicant to provide a site plan with the application showing the proposed modifications to the property.

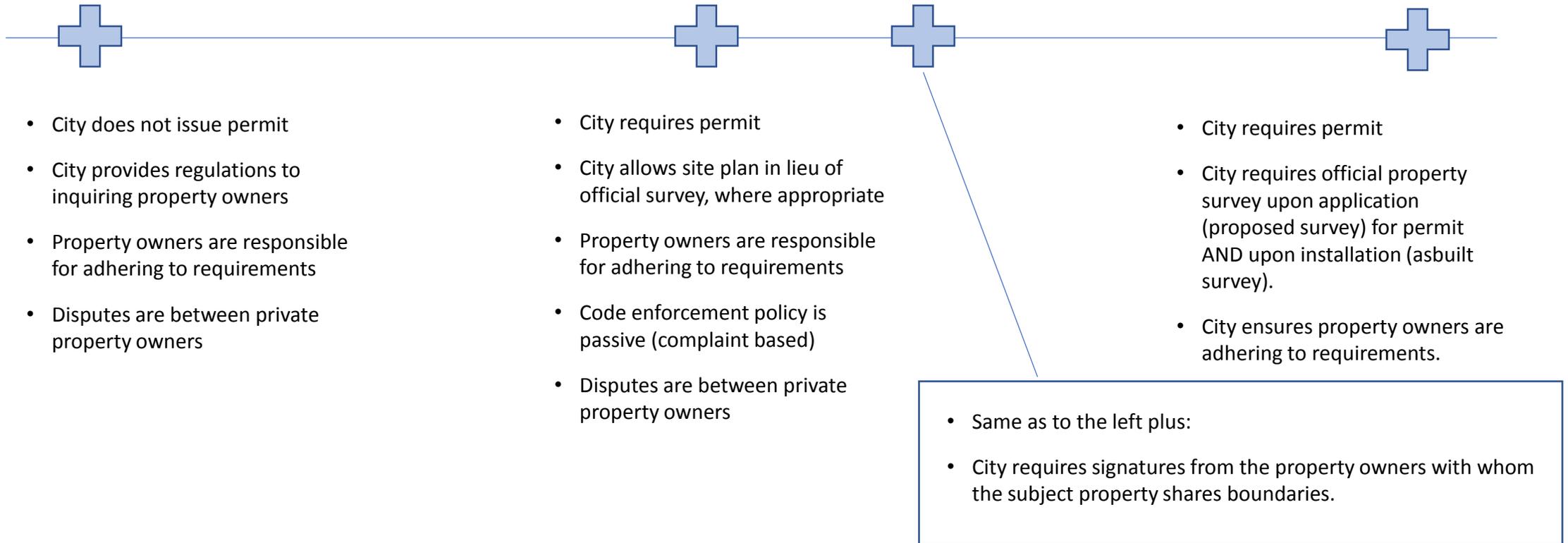
Example of a computer-drawn site plan with proposed modifications.



Example of a hand-drawn site plan with proposed modifications.



Spectrum of Policy Options for Residential Fences



DATE: January 14, 2020
TO: Chair Sand and Members of the Planning Commission
FROM: Nathan Fuerst, Planner/Economic Development Specialist



AGENDA ITEM: 5.0 B. Zoning Code Housekeeping Items - Proposed Text Amendments

ACTION REQUESTED: Discuss proposed zoning text amendments and make a recommendation to the City Council.

EXECUTIVE SUMMARY:

As part of the Planning Staff’s ongoing effort to update miscellaneous errors or issues in the Zoning Ordinance, Staff are bringing forward proposed changes to the following:

1. **Chapter 124** – Rename Chapter to eliminate confusion
2. **154.048 (D)** – Give City ability to require necessary information for variance applications.
3. **154.199** – Eliminates requirement to amend the Zoning Ordinance every time a PUD is approved.
4. **154.224 (K)** – Eliminate inconsistency for maximum surface parking area in residential zones.
5. **154.313 (I), 154.121, 151.05** – Remove safe room requirements to conform with state statute.
6. **154.322** – Reorganize language in Landscape Escrow section and eliminate redundancy between sections.

All recommendations made by the Planning Commission on housekeeping related items will be packaged and brought to the City Council for a First Reading on January 21st.

BACKGROUND:

Since August of this year, Staff have brought forward inconsistencies, errors, or other issues relating to the City Code’s Zoning Ordinance. In an effort to reduce expenses relating to text changes, these items have been packaged together for consideration at the Planning Commission and ultimately City Council.

It is Staff’s intent to bring the Planning Commission housekeeping-type items when they are found, and to package the items annually to the City Council at year end. Upon recommendation of the Planning Commission, the housekeeping items in this memo will be packaged with the items previously recommended by the Planning Commission and brought to the City Council for a First Reading on December 16th and a Second Reading at the City Council Meeting on January 6th.

PROPOSED TEXT CHANGES:

Each Housekeeping item is introduced with a narrative about the proposal followed by the proposed text change(s).

The Jordan City Code has been reviewed to determine whether additional sections are impacted by the proposed changes. Deletions are shown in ~~red-strikethrough~~ and additions in blue underline.

1. **Chapter 124** – Rename Chapter 124 to eliminate confusion

This proposed text change is to rename the Chapter to more accurately reflect the contents therein. Currently, the chapter is named “Residential Rental Property Registration”. Properties must not only be licensed with the City, but also must be inspected on a semi-annual basis. Staff is proposing to rename the Chapter to “Residential Rental Licensing and Inspections”.

Proposed Text Change(s)

CHAPTER 124: RESIDENTIAL RENTAL ~~PROPERTY REGISTRATION~~
LICENSING AND INSPECTIONS

2. **154.048 (D)** – Give City ability to require necessary information for variance applications.

The City Code is generally flexible in application requirements to give staff the ability to collect any information necessary to complete their responsibilities in processing a zoning application. Making the proposed change would create language in the zoning code which requires applicants to provide any materials necessary to process a variance application.

Proposed Text Change(s)

§ 154.048 VARIANCES.

(D) Procedure. The applicant shall complete a variance application form and submit it, along with a site plan, ~~and~~ filing fee, and any other necessary information to the city who shall refer the application to the Board of Appeals and Adjustment for review.

3. **154.199** – Eliminates requirement to amend the Zoning Ordinance every time a PUD is approved.

Existing City Code language requires that staff amend Section 154.199 every time a PUD

overlay districts when they are approved by the City Council. Removing the requirement reduces the staff time required to publish notices, and generate staff reports for first and second readings. Staff track PUDs and are able to provide a list upon request per the amended language.

Proposed Text Change(s)

§ 154.199 ADOPTED PUD OVERLAY DISTRICTS.

~~The following constitute adopted PUD overlay districts as approved by the Council.~~ [A comprehensive list of all existing PUD overlay districts as approved by the City Council can be found at City Hall.](#) Each area zoned PUD is numbered in chronological order based on the date of original adoption followed by a brief description of the location.

4. **154.224 (K)** – Eliminate inconsistency for maximum surface parking area in residential zones.

Staff have noticed an inconsistency between Section 154.224 (K) (1) (b) and Table B: Design and Performance Standards Table. While the former allows a maximum of only 30% of the front yard to be surfaced for parking, the later allows 40%. For the past several years, it has been the policy of the Planning Department to allow 40% per Table B.

Proposed Text Change(s)

(K) Yard.

(1) Parking areas shall be subject to the requirements of the front yard and side yard abutting a street or on a corner provided in the district in which the parking is located; except that in the R-1, R-2, and R-3 Districts, parking for a detached single-family, 2-family house, or townhouse shall be permitted in the front yard under the following conditions:

(a) There is no other location on the lot where parking is practical.

(b) Total parking and driveway area does not occupy more than ~~30%~~ [40%](#) of the front yard area.

5. **154.313 (I), 154.121, 151.05** – Remove safe room requirements to conform with state statute.

The Minnesota Department of Labor and Industry has contacted the city regarding the city's zoning code requirement for the construction of storm shelters in slab on grade multifamily residential developments. The State Building Code, which the city has adopted, does not feature the aforementioned requirement and has notified the city that it cannot require them either.

Proposed Text Change(s)

§ 154.313 (I) Storm Shelter.

In cases where residential dwelling units are constructed slab on-grade, any provisions ~~shall be~~ made to provide for storm protection either internally to the unit or in a separate storm shelter structure shall comply with State Building Code ~~Compliance with this requirement shall be based upon Federal Emergency Management Agency (FEMA) guidelines and standards which are on file with the City Building Official.~~

§ 154.121 Purpose.

This district is established to allow manufactured home parks in a specified area of the city. All manufactured homes shall be located in a manufactured home park. Manufactured home parks shall provide ingress and egress roadways, ~~storm shelters~~, open space for playgrounds, recreation and park purposes and necessary sewer, water, electricity, and refuse services. Manufactured home parks shall provide a storm shelter or evacuation plan in accordance with Minnesota Statutes. All manufactured home parks shall conform to the provisions set forth in the City Code relating to manufactured home parks.

§ 151.05 Manufactured Home Park Standards

(F) Each manufactured home park shall have a central community building which shall include laundry washing and drying machines, ~~and a basement storm shelter~~. Each manufactured home park shall have a storm shelter or a plan of evacuation and sheltering for all residents of the park in times of severe weather conditions such as tornadoes, high winds and floods in accordance with Minnesota Statutes. A manufactured home park with ten or more manufactured homes, receiving a primary license after March 1, 1988 must provide the type of shelter specified by Department of Administration Rules 1370.0100 through 1370.0230 ~~r~~Relating to Manufactured Home Park Storm Shelter Design.

6. **154.322 - .325** – Reorganize language in General Landscaping Requirements sections to eliminate inconsistencies and redundancies.

Language in the Zoning Ordinance relating to landscape escrows does not currently match the rest of the City Code in terms of form. It is also inconsistent with other sections regarding the timeline required for landscaping to be completed after a Certificate of Occupancy is issued. The proposed changes eliminate both inconsistencies and redundancies in this code section. No changes have been made that would alter the intent of the respective code sections.

Proposed Text Change(s)

§ 154.322 LANDSCAPE ESCROW.

Prior to issuance of a building permit for construction of the first structure on a lot, an applicant shall post an escrow in an amount set by resolution of the City Council to guarantee compliance with the city's landscaping requirements

governed by city ordinance, a list of which is available at City Hall. The city shall release the escrow once the applicant has satisfied ALL requirements concerning landscaping. The city will not make any PARTIAL escrow releases. ~~The city or its designee shall apply all costs for remedial work or correction of landscaping deficiencies in the permittee's landscaping measures against the escrow. The city may draw on the escrow if all areas of the site disturbed by construction activities are not restored within 90 days from the date that an occupancy permit is issued. The permittee shall forfeit all escrow amounts held by the city and its designees if work is not completed within 120 days after an occupancy permit is issued. After providing 10 days written notice sent via U.S. mail to the property owner, the City of Jordan may complete any work required under this chapter and may draw against the escrow for payment of its costs. If the necessary corrections cost more than the escrowed amount, the City of Jordan may make the corrections and levy the cost of corrections as an assessment against the property pursuant to M.S. Chapter 429 Local Improvements, Special Assessments for a maximum of 1 year at an interest rate determined by Council. A fee as set by resolution of the Council shall be added to, and become part of, all assessments for landscaping improvements to cover city staff time, noticing requirements, and filing fees.~~

(A) Requirements. Prior to landscape escrows being released, the property owner or builder shall:

- a. Provide a form to the City of Jordan stating the property is graded to the approved plans and signed by a registered land surveyor.
- b. Grade yards and setback areas, except driveways and areas used as a garage or accessory building, to final elevations.
- c. Sod or seed yard areas and landscape with trees that are of an acceptable variety, and shrubs if so desired.

(B) Timeline. Said grading and landscaping shall be completed within 90 days after the certificate of occupancy is issued. If a certificate of occupancy is issued between the months of November and April 15, the 90-day period shall begin to run on April 15.

(C) Noncompliance. The city or its designee shall apply all costs for remedial work or correction of landscaping deficiencies in the permittee's landscaping measures against the escrow. The city may draw on the escrow if all areas of the site disturbed by construction activities are not restored within the timeline required. The permittee shall also forfeit all escrow amounts held by the city and its designees if work is not completed within the required timeline. After providing 10 days written notice sent via U.S. mail to the property owner, the City of Jordan may complete any work required under this chapter and may draw against the escrow for payment of its costs. If the necessary corrections cost more than the escrowed amount, the City of Jordan may make the corrections and levy the cost of corrections as an assessment against the property pursuant to M.S. Chapter 429 Local Improvements, Special Assessments for a maximum of 1 year at an interest rate determined by Council. A fee as set by resolution of the Council shall be added to, and

become part of, all assessments for landscaping improvements to cover city staff time, noticing requirements, and filing fees.

§ 154.324 LANDSCAPE REQUIREMENTS RESIDENTIAL.

~~Prior to landscape escrows being released the property owner or builder shall provide a form to the City of Jordan stating the property is graded to the approved plans and signed by a registered land surveyor. Yards and setback areas, except driveways and areas used as a garage or accessory building, shall be graded to final elevations and sodded or seeded and landscaped with trees, that are of an acceptable variety, and shrubs if so chosen. Said grading and landscaping shall be completed within 90 days after the certificate of occupancy is issued. If a certificate of occupancy is issued between the months of November and April 15, the 90-day period shall begin to run on April 15.~~

(A) *Tree requirements.* A minimum of 1 deciduous, disease-free, 2-inch caliper tree, as measured 6 inches off the ground shall be planted within the front yard setback area. The clump size equivalent to a 2-inch caliper tree shall be at least 8 feet tall. The tree must be planted within the property lines and in a location as not to interfere with sight line visibility at maturity. Please ask to see the City of Jordan's list of acceptable varieties, available at City Hall.

(B) *Drainage and utility easements.* Plantings and retaining walls shall not be located within a drainage, access or utility easement. The city or utility companies may clear any plantings or retaining walls positioned in violation of the subdivision. The city is not liable for any damage to plantings or retaining walls constructed within the city's easement.

(C) *Traffic visibility.* No wall, fence, structure, tree, shrub, vegetation or other obstruction shall be permitted in any yard or setback which poses a danger to traffic by obscuring the view from any street or roadway. Visibility from any street or roadway shall be unobstructed within the triangle described as beginning at the intersection of the projected curb property lines of 2 intersecting streets, thence 30 feet along 1 curb, thence diagonally to a point 30 feet from the point of beginning of the other curb line, thence to the point of beginning.

§ 154.325 LANDSCAPE REQUIREMENTS COMMERCIAL AND INDUSTRIAL.

~~—Prior to landscape escrows being released the business owner or builder shall provide a form stating the property is graded to the approved plans and signed by a registered land surveyor. Yards and setback areas, except driveways and areas used as a garage or accessory building, shall be graded to final elevations and sodded or seeded and landscaped with trees, that are of an acceptable variety, and shrubs if so chosen. Said grading and landscaping shall be completed within 90 days after the certificate of occupancy is issued. If a certificate of occupancy is issued between the months of November and April 15, the 90-day period shall begin to run on April 15.~~

(A) *Tree requirements.* A minimum of 2 deciduous, disease-free, 2-inch caliper

tree, as measured 6 inches off the ground shall be planted within the front yard setback area. The clump size equivalent to a 2-inch caliper tree shall be at least 8 feet tall. The tree must be planted within the property lines and in a location as not to interfere with sight line visibility at maturity. Please ask to see the City of Jordan's list of acceptable varieties, available at City Hall.

(B) *Landscaping coverage.*

(1) Commercial and industrial properties shall have diversified landscaping in addition to the landscaping required in setback areas for free-standing, detached structures. All landscaped areas are to be developed with live deciduous and coniferous plants, trees and shrubs which provide a variety of color, textures, heights, and forms consistent with the needs of the site and other elements of the plan. All trees are to be according to the above tree requirements. The landscaped areas may contain some stone, wood, patio blocks, sculpture, and other appropriate ornamental features.

(2) The following zoning classifications will have the following percentage of the lot landscaped.

- Neighborhood Business District: 2%
- Central Business District: 2%
- Highway Commercial: 5%
- Industrial: 2%

(C) *Drainage and utility easements.* Plantings and retaining walls shall not be located within a drainage, access or utility easement. The city or utility companies may clear any plantings or retaining walls positioned in violation of the subdivision. The city is not liable for any damage to plantings or retaining walls constructed within the city's easement.

(D) *Traffic visibility.* No wall, fence, structure, tree, shrub, vegetation or other obstruction shall be permitted in any yard or setback which poses a danger to traffic by obscuring the view from any street or roadway. Visibility from any street or roadway shall be unobstructed within the triangle described as beginning at the intersection of the projected property lines of 2 intersecting streets, thence 30 feet along 1 curb, thence diagonally to a point 30 feet from the point of beginning of the other curb line, thence to the point of beginning.

FISCAL IMPACT: This is being conducted as part of normal staff duties.

STAFF RECOMMENDATION: Motion to recommend the proposed zoning text amendments, with any changes deemed necessary, to the City Council.

ATTACHMENTS:

- **Table Summarizing All Proposed Changes**
- **Ordinance 2020-01**
- **Staff Memo RE: Front Yard Setback Discussion**
- **Staff Memo RE: Outdoor Storage Discussion**

- **Storm Shelter Memo from Attorney Wisdorf**

COMMISSION ACTION:

Motion: _____

Second: _____

Approved: _____

Disapproved:

Tabled:

Other: _____

Zoning Ordinance Housekeeping Changes Included in Ordinance 2020-01

Item	Title of Section	City Code Section	Issue	Note/Proposed Language	Date Presented at PC
7	Ch. 124 "Residential Rental Property Registration"	Chapter 124	Chapter Title	Change Chapter Title to "RESIDENTIAL RENTAL LICENSING AND INSPECTIONS"	1/14/2020
	Manufactured Home Park Standards	Chapter 151	Inconsistent Language	Changed storm shelter language to conform with MN State Statutes	1/14/2020
1	Definition - Front Yard	154.020 (def.)	Definition of Front Yard	"FRONT YARD. A space extending across the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line."	8/13/2019
5	Definitions - (Outdoor Storage, Outdoor Seating,)	154.020 (def.)	Definition for Outdoor Storage is Incorrect. No definitions for Temporary outdoor storage, or outdoor seating.	Switch "Outdoor Storage" to "Outdoor Seating" and add other definitions.	9/10/2019
3	Definition - Setback	154.020 (def.)	Definition of Setback	"SETBACK. The minimum distance between a building and the property line nearest thereto."	8/13/2019
8	Variances	154.048 (D)	Applicant not required to provide any additional information	Give City ability to ask for any other necessary information that may be associated with a variance application.	1/14/2020
2	Design and Performance Standards	154.086, .096, .106, .116, .126	Fence Regulations	Removed "setback area" relating to fences from all sections.	8/13/2019
4	Residential Lot Requirements - Decks	154.085,.095,.115, Table A	Addition of Deck language to Table A, removal of unnecessary	Removed redundant language from City Code Sections. Added deck language to Table A for reference.	8/13/2019
6	Commercial/Industrial Outdoor Storage Requirements	154.167, .177, .375	Inconsistent Language	Eliminated use of the word "exterior" and replaced all relevant occurrences with the word "outdoor".	9/10/2019
	Storm Shelter Language	154.121, .126	Inconsistent Language	Changed storm shelter language to conform with MN State Statutes	1/14/2020
13	PUD List	154.199	redundant text	Text eliminates requirement to amend the Zoning Ordinance with every new PUD.	1/14/2020
9	Design and Maintenance of Off Street Parking Areas	154.224 (K) (1.) (b)	Inconsistency between sections.	Eliminate inconsistency between sections by amending the text of this section to allow for a maximum surface parking area of 40% of the front yard in residential zones.	1/14/2020
10	Landscape Escrow	154.322	Difficult to read, inconsistent timeline requirements	Code Section language broken down into sections including: <i>requirements</i> , <i>timeline</i> , and <i>noncompliance</i> . Timeline language reduced to 90 days to eliminate inconsistencies.	1/14/2020
11	Landscape Requirements Residential	154.324	Redundant text, inconsistent timeline requirements	Redundant text regarding requirements and timeline eliminated.	1/14/2020
12	Landscape Requirements Commercial and Industrial	154.325	Redundant text, inconsistent timeline requirements	Redundant text regarding requirements and timeline eliminated.	1/14/2020

**CITY OF JORDAN
ORDINANCE 2020-01**

**AN ORDINANCE AMENDING CITY CODE CHAPTER 124 RESIDENTIAL
RENTAL PROPERTY REGISTRATION AND 154 ZONING TO CORRECT
MISCELLANEOUS ERRORS AND INCONSISTENCIES**

Subdivision 1. Purpose. As part of an annual process, staff have identified Code Sections that contain various errors, inconsistencies, or that may be misleading. Proposed code changes are proposed only to correct errors or inconsistencies and not to change the intent of altered City Code Sections.

Subdivision 2. Amendment. NOW BE IT ORDAINED AND ENACTED by the City Council of the City of Jordan that Chapters 124, 151, and 154 of the Jordan City Code are hereby amended to read as follows:

CHAPTER 124: RESIDENTIAL RENTAL LICENSING AND INSPECTIONS

[Chapter title changed]

CHAPTER 151: MANUFACTURED HOME PARK REGULATIONS

§ 151.05 MANUFACTURED HOME PARK STANDARDS

(F) Each manufactured home park shall have a central community building which shall include laundry washing and drying machines. Each manufactured home park shall have a storm shelter or a plan of evacuation and sheltering for all residents of the park in times of severe weather conditions such as tornadoes, high winds and floods in accordance with Minnesota Statutes. A manufactured home park with ten or more manufactured homes, receiving a primary license after March 1, 1988 must provide the type of shelter specified by Department of Administration Rules 1370.0100 through 1370.0230 relating to Manufactured Home Park Storm Shelter Design.

CHAPTER 154: ZONING

§ 154.020 DEFINITIONS.

FRONT YARD. A space extending across the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.

OPEN SALES LOT (OUTDOOR STORAGE). Any land used or occupied for the purpose of buying, selling, leasing, renting or trading goods, materials or merchandise where such goods are not enclosed in a building.

OUTDOOR SEATING. A commercial seating area for business patrons which is not located in an "Indoor Area" as defined by M.S. § 144.413, Subd. 1a.

OUTDOOR STORAGE. The storage, including open storage, of goods, materials, equipment, manufactured products, and similar items not fully enclosed by a building. for an indefinite period of time.

OUTDOOR STORAGE, TEMPORARY. The storage, including open storage, of goods, materials, equipment, manufactured products, and similar items not fully enclosed by a building for a limited time.

SETBACK. The minimum distance between a building and the property line nearest thereto.

§ 154.048 VARIANCES.

- (D) Procedure. The applicant shall complete a variance application form and submit it, along with a site plan, filing fee, and any other necessary information to the city who shall refer the application to the Board of Appeals and Adjustment for review.

§ 154.086 DESIGN AND PERFORMANCE STANDARDS.

- (B) Fences. Fences are permitted in the yard setback area only under the following conditions:
 - (9) Fences not exceeding 3½ feet in height may be constructed in any front yard setback area. No fences are allowed in the front yard setback area unless the fence is 3½ feet tall or less.

§ 154.096 DESIGN AND PERFORMANCE STANDARDS.

- (B) Fences. Fences are permitted in the yard setback area only under the following conditions:
 - (9) Fences not exceeding 3½ feet in height may be constructed in any front yard setback area. No fences are allowed in the front yard setback area unless the fence is 3½ feet tall or less.

§ 154.106 DESIGN AND PERFORMANCE STANDARDS.

- (B) Fences. Fences are permitted in the yard setback area only under the following conditions:
 - (9) Fences not exceeding 3½ feet in height may be constructed in any front yard setback area. No fences are allowed in the front yard setback area unless the fence is 3½ feet tall or less.

§ 154.116 DESIGN AND PERFORMANCE STANDARDS.

- (K) Fences. Fences are permitted in the yard setback area only under the following conditions:
 - (9) Fences not exceeding 3½ feet in height may be constructed in any front yard setback area. No fences are allowed in the front yard setback area unless the fence is 3½ feet tall or less.

§ 154.121 PURPOSE.

This district is established to allow manufactured home parks in a specified area of the city. All manufactured homes shall be located in a manufactured home park. Manufactured home parks shall provide ingress and egress roadways, storm shelters, open space for playgrounds, recreation and park purposes and necessary sewer, water, electricity, and refuse services. Manufactured home parks shall provide a storm shelter or evacuation plan in accordance with Minnesota Statutes.

§ 154.126 DESIGN AND PERFORMANCE STANDARDS.

- (P) Storm shelter plan required. All manufactured home parks shall provide a storm shelter or a plan of evacuation and sheltering for all residents of the park in times of severe weather conditions such as tornadoes, high winds and floods in accordance with Minnesota Statutes. The plan shall be developed with the input and approval of the city and shall be posted at conspicuous locations throughout the park. The shelter must be available to all residents of the park at any time of the day or night.
- (EE) Fences. Fences are permitted in the yard setback area only under the following conditions:
 - (9) Fences not exceeding 3½ feet in height may be constructed in any front yard setback area. No fences are allowed in the front yard setback area unless the fence is 3½ feet tall or less.

TABLE A: RESIDENTIAL LOT REQUIREMENTS

[Table A shall be amended to include the following language under the column titled “Accessory Buildings” for Districts R-1 – R-4.]

No accessory buildings, including garages, on any lot may be placed less than 5 feet from the side and/or rear property lines of the lot. Accessory buildings including garages on any corner lot where the principal structure is incomplete or non-existent as of January 1, 1994, may be placed no closer to the side property line than the front yard setback in effect on the relevant side street. Uncovered decks must be placed on any lot in compliance with the rear, side, and front setbacks for the principal structure on the lot, except in the R-1 and R-2 where decks can be located a minimum of 20 feet from the rear lot line.

§ 154.167 DESIGN AND PERFORMANCE STANDARDS.

- (B) Outdoor storage.
- (C) Screening
 - (1) All outdoor storage shall be screened. The exceptions are (1) merchandise being displayed for sale (2) materials and equipment presently being used for construction on the premises.
- (J) Fence and walls. Maintenance-free fence and walls and hedges are permitted in the yard setback area under the following conditions:
 - (2) A fence or wall not exceeding 3½ feet in height may be constructed in any front yard;

§ 154.177 DESIGN AND PERFORMANCE STANDARDS.

(D) Outdoor storage.

(G) Screening

(2) All outdoor storage shall be screened. The exceptions are (1) merchandise being displayed for sale (2) materials and equipment presently being used for construction on the premises.

(K) Fence and walls. Maintenance-free fence and walls and hedges are permitted in the yard setback area under the following conditions:

(3) A fence or wall not exceeding 3½ feet in height may be constructed in any front yard;

§ 154.199 ADOPTED PUD OVERLAY DISTRICTS.

A comprehensive list of all existing PUD overlay districts as approved by the City Council can be found at City Hall. Each area zoned PUD is numbered in chronological order based on the date of original adoption followed by a brief description of the location.

§ 154.224 DESIGN AND MAINTENANCE OF OFF-STREET PARKING AREAS.

(K) Yard.

(1) Parking areas shall be subject to the requirements of the front yard and side yard abutting a street or on a corner provided in the district in which the parking is located; except that in the R-1, R-2, and R-3 Districts, parking for a detached single-family, 2-family house, or townhouse shall be permitted in the front yard under the following conditions:

(a) There is no other location on the lot where parking is practical.

(b) Total parking and driveway area does not occupy more than 40% of the front yard area.

§ 154.313 GENERAL REQUIREMENTS

(I) Storm Shelter. In cases where residential dwelling units are constructed slab on-grade, any provisions shall be made to provide for storm protection either internally to the unit or in a separate storm shelter structure shall comply with State Building Code. Compliance with this requirement shall be based upon Federal Emergency Management Agency (FEMA) guidelines and standards which are on file with the City Building Official.

§ 154.322 LANDSCAPE ESCROW.

Prior to issuance of a building permit for construction of the first structure on a lot, an applicant shall post an escrow in an amount set by resolution of the City Council to guarantee compliance with the city's landscaping requirements governed by city ordinance, a list of which is available at City Hall. The city shall release the escrow once the applicant has satisfied ALL requirements concerning landscaping. The city will not make any PARTIAL escrow releases.

(A) Requirements. Prior to landscape escrows being released, the property owner or builder shall:

- (1) Provide a form to the City of Jordan stating the property is graded to the approved plans and signed by a registered land surveyor.
 - (2) Grade yards and setback areas, except driveways and areas used as a garage or accessory building, to final elevations.
 - (3) Sod or seed yard areas and landscape with trees that are of an acceptable variety, and shrubs if so desired.
- (B) Timeline. Said grading and landscaping shall be completed within 90 days after the certificate of occupancy is issued. If a certificate of occupancy is issued between the months of November and April 15, the 90-day period shall begin to run on April 15.
- (C) Noncompliance. The city or its designee shall apply all costs for remedial work or correction of landscaping deficiencies in the permittee's landscaping measures against the escrow. The city may draw on the escrow if all areas of the site disturbed by construction activities are not restored within the timeline required. The permittee shall also forfeit all escrow amounts held by the city and its designees if work is not completed within the required timeline. After providing 10 days written notice sent via U.S. mail to the property owner, the City of Jordan may complete any work required under this chapter and may draw against the escrow for payment of its costs. If the necessary corrections cost more than the escrowed amount, the City of Jordan may make the corrections and levy the cost of corrections as an assessment against the property pursuant to M.S. Chapter 429 Local Improvements, Special Assessments for a maximum of 1 year at an interest rate determined by Council. A fee as set by resolution of the Council shall be added to, and become part of, all assessments for landscaping improvements to cover city staff time, noticing requirements, and filing fees.

§ 154.375 GENERAL PROVISIONS.

- (G) There shall be no exterior outdoor storage of equipment or materials used in the home occupation, except personal automobiles used in the home occupation may be parked on the site.

Subdivision 3: NOW BE IT ORDAINED AND ENACTED by the City Council of the City of Jordan that the following sections of Chapter 154 of the Jordan City Code, as shown with ~~strikethrough text~~, are hereby removed:

§ 154.085 LOT REQUIREMENTS.

- (F) Encroachment exceptions. The following shall not be encroachments on yard setback requirements.
- ~~(11) Decks may be located 20 feet from the rear lot line.~~

§ 154.095 LOT REQUIREMENTS.

- (F) Encroachment exceptions. The following shall not be encroachments on yard setback requirements.
- ~~(11) Decks may be located 20 feet from the rear lot line.~~

§ 154.115 LOT REQUIREMENTS.

- ~~(C) Accessory building. No accessory buildings, including garages, on any lot may be placed less than 5 feet from the side and/or rear property lines of the lot. Accessory buildings including garages on any corner lot where the principal structure is~~

~~incomplete or non-existent as of January 1, 1994, may be placed no closer to the side property line than the front yard setback in effect on the relevant side street. Uncovered decks must be placed on any lot in compliance with the rear, side, and front setbacks for the principal structure on the lot.~~

§ 154.324 LANDSCAPE REQUIREMENTS RESIDENTIAL.

~~Prior to landscape escrows being released the property owner or builder shall provide a form to the City of Jordan stating the property is graded to the approved plans and signed by a registered land surveyor. Yards and setback areas, except driveways and areas used as a garage or accessory building, shall be graded to final elevations and sodded or seeded and landscaped with trees, that are of an acceptable variety, and shrubs if so chosen. Said grading and landscaping shall be completed within 90 days after the certificate of occupancy is issued. If a certificate of occupancy is issued between the months of November and April 15, the 90 day period shall begin to run on April 15.~~

§ 154.325 LANDSCAPE REQUIREMENTS COMMERCIAL AND INDUSTRIAL.

~~Prior to landscape escrows being released the business owner or builder shall provide a form stating the property is graded to the approved plans and signed by a registered land surveyor. Yards and setback areas, except driveways and areas used as a garage or accessory building, shall be graded to final elevations and sodded or seeded and landscaped with trees, that are of an acceptable variety, and shrubs if so chosen. Said grading and landscaping shall be completed within 90 days after the certificate of occupancy is issued. If a certificate of occupancy is issued between the months of November and April 15, the 90 day period shall begin to run on April 15.~~

Subdivision 4: Effective Date. This ordinance is effective immediately following its publication in the official newspaper of the City.

ORDAINED by the City Council of the City of Jordan, Scott County, Minnesota
this 21 day of January, 2020.

Tanya Velishek, Mayor

ATTEST:

Tom Nikunen, City Administrator

Drafted by:
City of Jordan
210 East First Street
Jordan, MN 55352

DATE: August 13, 2019
TO: Chair Sand and Members of the Planning Commission
FROM: Lucinda Meyers, Senior Planner



AGENDA ITEM: 4 B. Proposed Zoning Code Text Amendments

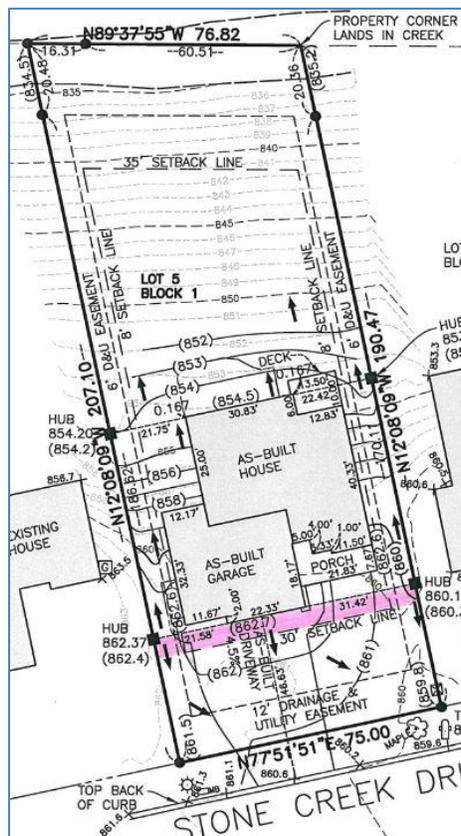
ACTION REQUESTED: Discuss proposed zoning text amendments.

BACKGROUND:

It has been brought to the attention of staff that the zoning code definition for *front yard* is inadequate. The definition reads as follows:

That portion of the yard extending along the full width of the front lot line between side lot lines and extending from the abutting street right-of-way line to the depth required in the setback regulations for the zoning district in which such lot is located.

“...to the depth required in the setback regulations...” is the problematic component. The distance that is required in the setback regulations for front yards, for instance 30’ in the R-1, is a *minimum* distance. Many homes in the R-1 are setback 35’ from the front lot line. In these instances, and under the existing definition of front yard, there is a space that would ordinarily be considered as part of the front yard, that technically is not. This space is shown in pink in the image below. This technical error can be problematic during site plan review.



The definition proposed by staff reads as follows:

A space extending across the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.

This definition encompasses the space between the front lot line and the building at its closest point to the front lot line. The existing definition accounts for the space between the front lot line and X distance (*the depth required in the setback regulations for the zoning district in which such lot is located*) from it.

The code has been reviewed to determine whether additional sections are impacted by the new definition. Deletions are shown in ~~red strikethrough~~ and additions in blue underline. The following amendments are proposed:

1. Section 154.020
 - a. ~~FRONT YARD. That portion of the yard extending along the full width of the front lot line between side lot lines and extending from the abutting street right-of-way line to the depth required in the setback regulations for the zoning district in which such lot is located.~~
FRONT YARD. A space extending across the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.
2. Sections 154.086 B(9), 154.096 B(9), 154.106 B(9), 154.116 K(9), 154.126 EE(9)
 - a. Fences not exceeding 3½ feet in height may be constructed in any front yard ~~setback area~~. No fences are allowed in the front yard ~~setback area~~ unless the fence is 3½ feet tall or less.
3. Section 154.177 J(2)
 - a. A fence or wall not exceeding 3½ feet in height may be constructed in any front yard ~~setback area~~;
4. Section 154.020
 - a. SETBACK. The minimum distance between a building and the property line nearest thereto.

During the code impact review staff was alerted to a separate (housekeeping) issue and recommends the following changes:

5. Residential Lot Requirements, Table A, Accessory Building Section.
 - a. Accessory building. No accessory buildings, including garages, on any lot may be placed less than 5 feet from the side and/or rear property lines of the lot. Accessory buildings including garages on any corner lot where the principal structure is incomplete or non-existent as of January 1, 1994, may be placed no closer to the side property line than the front yard setback in effect on the relevant side street. Uncovered decks must be placed on any lot in compliance with the rear, side, and front setbacks for the principal structure on the lot, except in the R-1 and R-2 where decks can be located a minimum of 20 feet from the rear lot line.
6. Sections 154.085 F(11), 154.095 F(11)
 - a. ~~Decks may be located 20 feet from the rear lot line.~~

7. Section 154.115 C

~~a. Accessory building. No accessory buildings, including garages, on any lot may be placed less than 5 feet from the side and/or rear property lines of the lot. Accessory buildings including garages on any corner lot where the principal structure is incomplete or non-existent as of January 1, 1994, may be placed no closer to the side property line than the front yard setback in effect on the relevant side street. Uncovered decks must be placed on any lot in compliance with the rear, side, and front setbacks for the principal structure on the lot.~~

FISCAL IMPACT: This is being conducted as part of normal staff duties.

STAFF RECOMMENDATION: Motion to recommend the proposed zoning text amendments, with any changes deemed necessary.

ATTACHMENTS: None

COMMISSION ACTION:

Motion: _____

Second: _____

Approved: _____

Disapproved:

Tabled:

Other: _____

DATE: September 10, 2019
TO: Chair Sand and Members of the Planning Commission
FROM: Nathan Fuerst, Planner/Economic Development Specialist



AGENDA ITEM: 5.0 A. Proposed Zoning Code Text Amendments

ACTION REQUESTED: Discuss proposed zoning text amendments.

BACKGROUND:

Staff has determined that the zoning code definition for *Outdoor Storage* is inadequate. The term is defined as follows:

OUTDOOR STORAGE. A commercial seating area for business patrons which is not located in an "Indoor Area" as defined by M.S. § 144.413, Subd. 1a.

The language above is not appropriate in defining the term “Outdoor Storage”, rather, the language should define the phrase “Outdoor Seating”.

In researching this conflict, staff found that the terms “Outdoor Storage” and “Exterior Storage” are used interchangeably. An example is in the I-1 and I-2 districts which allow “Outdoor Storage” as a conditional use, but regulate “Exterior Storage” in the Design and Performance Standards. This contributes to confusion in the interpretation of the Zoning Ordinance. The definition for “Exterior Storage” may be appropriately used to define Outdoor Storage, it is defined as follows:

EXTERIOR STORAGE. The storage, including open storage, of goods, materials, equipment, manufactured products, and similar items not fully enclosed by a building.

Further, as the term “temporary outdoor storage” is used in the City Code, that term should also be defined. The term is used to limit outdoor sales and displays to only daytime periods in all commercial districts in the City (C-1 through C-3).

The definitions proposed by staff read as follows:

Outdoor Seating. *A commercial seating area for business patrons which is not located in an "Indoor Area" as defined by M.S. § 144.413, Subd. 1a.*

Outdoor Storage. *The storage, including open storage, of goods, materials, equipment, manufactured products, and similar items not fully enclosed by a building for an indefinite period of time.*

Temporary Outdoor Storage. *The storage, including open storage, of goods, materials,*

equipment, manufactured products, and similar items not fully enclosed by a building for a limited time.

The code has been reviewed to determine whether additional sections are impacted by the new definitions. Deletions are shown in ~~red strikethrough~~ and additions in blue underline. The following amendments are proposed:

1. Section 154.020
 - a. OUTDOOR ~~SEATING, STORAGE~~. A commercial seating area for business patrons which is not located in an "Indoor Area" as defined by M.S. § 144.413, Subd. 1a.
 - b. ~~EXTERIOR~~ OUTDOOR STORAGE. The storage, including open storage, of goods, materials, equipment, manufactured products, and similar items not fully enclosed by a building. for an indefinite period of time.
 - c. OUTDOOR STORAGE, TEMPORARY. The storage, including open storage, of goods, materials, equipment, manufactured products, and similar items not fully enclosed by a building for a limited time.
 - d. OPEN SALES LOT (~~EXTERIOR~~ OUTDOOR STORAGE). Any land used or occupied for the purpose of buying, selling, leasing, renting or trading goods, materials or merchandise where such goods are not enclosed in a building.
2. Section 154.167
 - (B) ~~EXTERIOR~~ OUTDOOR STORAGE
 - (G) SCREENING
 - (2) All ~~exterior~~ outdoor storage shall be screened. The exceptions are (1) merchandise being displayed for sale (2) materials and equipment presently being used for construction on the premises.
3. Section 154.177
 - (B) ~~EXTERIOR~~ OUTDOOR STORAGE
 - (G) SCREENING
 - (2) All ~~exterior~~ outdoor storage shall be screened. The exceptions are (1) merchandise being displayed for sale (2) materials and equipment presently being used for construction on the premises.
4. Section 154.375
 - (G) There shall be no ~~exterior~~ outdoor storage of equipment or materials used in the home occupation, except personal automobiles used in the home occupation may be parked on the site.

FISCAL IMPACT: This is being conducted as part of normal staff duties.

STAFF RECOMMENDATION: Motion to recommend the proposed zoning text amendments, with any changes deemed necessary.

ATTACHMENTS: None

COMMISSION ACTION:

Motion: _____

Second: _____

Approved: _____

Disapproved:

Tabled:

Other: _____

MEMORANDUM

To: Tom Nikunen, Lucinda Meyers and Nathan Fuerst

From: Brian Wisdorf

Date: 10/11/2019

Re: Safe Rooms/Shelters

The City Code addresses storm shelters/safe rooms and evacuation plans in Chapters 154 Zoning and 151 Manufactured Home Park Regulations. In the Zoning chapter, they are addressed under Manufactured Home District (R-5) and the Architectural Control and Building Materials subsections. The Minnesota legislature has legislation in-place regulating manufactured homes and manufactured home parks. The Minnesota legislature at one time had legislation in-place regulating safe rooms on slab on-grade construction, which was repealed in 2015.

The Minnesota Department of Labor and Industry has raised concerns regarding the City Code requiring safe rooms. The State is pointing to Minn. Stat. § 326B.121, subd. 2 (c) to support its position that the City Code cannot require a safe room in slab on-grade construction. Minn. Stat. § 326B.121, subd. 2 (c) states:

A municipality must not by ordinance, or through development agreement, require building code provisions regulating components or systems of any structure that are different from any provision of the building code.

Cities have the power to enact and enforce ordinances to promote health, safety, order, convenience, and general welfare. *See* Minn. Stat. § 412.221, subd. 32; *City of Morris v. Sax Investments, Inc.*, 749 N.W.2d 1, 6 (Minn. 2008). However, state law may limit the power of a city to act in a particular area. *Sax Investments, Inc.*, 749 N.W.2d at 6; *Mangold Midwest Co. v. Village of Richfield*, 274 Minn. 347, 357, 143 N.W.2d 813, 820 (1966). Minnesota courts have established a four question test to determine whether the area is one the legislature has “impliedly declared” to be an “area solely of state concern” when the legislation does not expressly limit municipal regulation in the statute itself. *Sax Investments, Inc.*, 749 N.W.2d at 6-7; *Mangold*, 274 Minn. at 358-59, 143 N.W.2d at 820-21. The Minnesota State Building Code expresses the legislature’s specific intent to supersede municipal building codes. *Sax Investments, Inc.*, 749 N.W.2d at 7.

Minnesota courts have determined that the language contained in Minn. Stat. § 326B.121, subd. 2 (c), by its express terms, prohibits a municipal ordinance if (1) the ordinance covers a subject that is regulated by the State Building Code; (2) it regulates a component or system of a

residential structure; and (3) it is different from a provision of the State Building Code. *Id.* Even if city code provision is merely additional and complementary to a provision in the State Building Code is prohibited. *Id.* at 10. Any item that is incorporated into the structure of a building is a component of that structure. *Id.* at 12. Furthermore, a city code that regulates a component of a structure that the State Building Code leaves to the discretion of the building owner is invalid as it different from the provisions of the State Building Code. *Id.*

A safe room is a component a structure of a building. The Architectural Control and Building Materials general requirement section 154.313 (I), governing storm shelters, requires residential dwelling units constructed slab on-grade to have storm protection either internally to the unit or in a separate storm shelter structure built in compliance with FEMA guidelines and standards. This section was passed in 2013. The City's building inspector identified FEMA P-320 and P-361 as the guidelines and standards that have been used. Those guidelines and standards were based on ICC 500.

FEMA

P-320 (Fourth Edition/December 2014) Taking Shelter from the Storm (SUMMARY)

It is up to the building owner whether or not to install a safe room. Should look at the wind zones. Jordan is in wind zone IV. "Zone IV has experienced the most and the strongest tornado activity." It is considered "high risk" and it is recommended that: "safe room is the preferred method of protection from extreme winds."

(International Code Council) ICC 500 if adopted or referenced by the State's building code, requires any new facility designated as a tornado storm shelter to be constructed to the requirements in ICC 500. ICC 500 codifies much of FEMA's guidance for safe room design and construction.

P-361 (Third Edition/March 2015) Safe Rooms for Tornadoes and Hurricanes (SUMMARY)

P-361 includes emergency management considerations and risk assessment commentary that are beyond the scope of ICC 500. It provides guidance about planning, design, construction, operation of safe rooms. The purpose of ICC 500, Section 101.1 is to establish minimum requirements to safeguard the public health, safety, and general welfare relative to the design, construction, and installation of storm shelters constructed for protection from high winds associated with tornados and hurricanes. This standard is intended for adoption by government agencies and organizations for use in conjunction with model codes to achieve uniformity in the technical design and construction of storm shelters.

"Unless safe room installation is required by the building code or the authority having jurisdiction, the safe room decision making process should begin with risk assessment."

“Risk assessment should be followed by risk analysis to determine protection needs and prioritize subsequent mitigation activities.”

Chapter 3, Building Planning, of the State Building Code at one point had Section R-323, which was entitled “Storm Shelters.” That section cross referenced ICC 500. Section R-323 was deleted in its entirety from the State Building Code in 2015. *See* Minnesota Rule 1309.0323. Therefore, the State determined to no longer regulate/require storm shelters/safe rooms in 2015, which was two years after the City’s passing an ordinance regulating the same. Since the Building Code now has left safe rooms to the discretion of the builder, the City cannot require a safe room or shelter to be constructed in residential development. The only exception is manufactured home parks (see below).

As a result, I suggest the following revisions to the City Code:

SAFE ROOMS

§ 154.313 (I) Storm Shelter.

CURRENT: In cases where residential dwelling units are constructed slab on-grade, provisions shall be made to provide for storm protection either internally to the unit or in a separate storm shelter structure. Compliance with this requirement shall be based upon Federal Emergency Management Agency (FEMA) guidelines and standards which are on file with the City Building Official.

REVISION: In cases where residential dwelling units are constructed slab on-grade, any provisions ~~shall be~~ made to provide for storm protection either internally to the unit or in a separate storm shelter structure shall comply with State Building Code ~~Compliance with this requirement shall be based upon Federal Emergency Management Agency (FEMA) guidelines and standards which are on file with the City Building Official.~~

MANUFACTURED HOMES

Unlike residential constructed homes, manufactured home parks are required to have storm shelters if of a certain size and formed during between or after certain dates. An evacuation plan may be sufficient in certain situations as well. Minnesota Statutes § 327.20 sets forth the rules for when a shelter or evacuation plan are required. The City Code currently does not make a distinction between manufactured home parks with less than 10 manufactured homes and those that have 10 or more manufactured homes. The City Code currently requires shelters in both. The Minnesota Statutes has different requirements (plans versus shelters) based on that distinction. Therefore, I suggest the following revisions to eliminate the conflict.

Manufactured Home District (R-5)

§ 154.121 Purpose.

CURRENT: This district is established to allow manufactured home parks in a specified area of the city. All manufactured homes shall be located in a manufactured home park. Manufactured home parks shall provide ingress and egress roadways, storm shelters, open space for playgrounds, recreation and park purposes and necessary sewer, water, electricity, and refuse services. All manufactured home parks shall conform to the provisions set forth in the City Code relating to manufactured home parks.

REVISION: This district is established to allow manufactured home parks in a specified area of the city. All manufactured homes shall be located in a manufactured home park. Manufactured home parks shall provide ingress and egress roadways, ~~storm shelters~~, open space for playgrounds, recreation and park purposes and necessary sewer, water, electricity, and refuse services. Manufactured home parks shall provide a storm shelter or evacuation plan in accordance with Minnesota Statutes. All manufactured home parks shall conform to the provisions set forth in the City Code relating to manufactured home parks.

§ 154.121 Design and Performance Standards

(P) Storm shelter plan required.

CURRENT: All manufactured home parks shall provide a storm shelter or a plan of sheltering for all residents of the park in times of severe weather conditions such as tornadoes, high winds and floods. The plan shall be developed with the input and approval of the city and shall be posted at conspicuous locations throughout the park. The shelter must be available to all residents of the park at any time of the day or night.

REVISION: All manufactured home parks shall provide a storm shelter or a plan of evacuation and sheltering for all residents of the park in times of severe weather conditions such as tornadoes, high winds and floods in accordance with Minnesota Statutes. The plan shall be developed with the input and approval of the city and shall be posted at conspicuous locations throughout the park. The shelter must be available to all residents of the park at any time of the day or night.

§ 151.05 Manufactured Home Park Standards

CURRENT: (F) Each manufactured home park shall have a central community building which shall include laundry washing and drying machines, and a basement storm shelter. A manufactured home park with ten or more manufactured homes, receiving a primary license after March 1, 1988 must provide the type of shelter specified by Department of Administration Rules 1370.0100 through 1370.0230 Relating to Manufactured Home Park Storm Shelter Design.

December 6, 2019

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REVISION: (F) Each manufactured home park shall have a central community building which shall include laundry washing and drying machines, ~~and a basement storm shelter~~ Each manufactured home park shall have a storm shelter or a plan of evacuation and sheltering for all residents of the park in times of severe weather conditions such as tornadoes, high winds and floods in accordance with Minnesota Statutes. A manufactured home park with ten or more manufactured homes, receiving a primary license after March 1, 1988 must provide the type of shelter specified by Department of Administration Rules 1370.0100 through 1370.0230 ~~r~~Relating to Manufactured Home Park Storm Shelter Design.

DATE: January 14, 2020
TO: Members of the Jordan Planning Commission
FROM: Elliot Mohler, Planning Intern



AGENDA ITEM: 5.0 C – R-4 Density Discussion

ACTION REQUESTED:

Discuss a potential text amendment change to the R-4 Multiple Family Residential District (Section 154.111) to increase the floor to area ratio and/or the maximum height allowed in the district.

BACKGROUND:

In early 2019, a PUD was created for the CDA Brentwood Addition to allow for an increased maximum height and increased floor to area ratio. At the time of the PUD approval, as is true now, the maximum height in the R-4 District was 30’ or 3 stories, whichever is less. The project exceeded this maximum by 12’ 8.75” for a total height of 42’ 8.75”. Additionally, the project exceeded the maximum floor area ratio by 0.004, for a total of 0.504. The Code currently allows for the floor area ratio to be 0.5.

As it currently reads, the Zoning Code for the R-4 Multiple Family District is no longer sufficient for high density housing projects. PUDs have been employed to allow for projects, such as the Scott County CDA Brentwood Addition, to exceed those floor to area and height maximums.

Attached to this memo are sample ordinances for high density residential districts from the City of Shakopee and the City of Savage. Below is a table comparing the three ordinances:

	Floor to Area Ratio	Maximum Height
Jordan	0.4 (Ground Floor Area) 0.5 (Floor Area)	30’ or 3 stories
Shakopee	N/A	45’ or 4 stories
Savage	N/A	45’ or 3 ½ stories

Table 1: High Density Residential District FAR and Height Comparisons

STAFF RECOMMENDATION:

Discuss whether or not the Planning Commission believes that a text amendment is necessary for the R-4 Multiple Family Residential District to allow for higher density projects to be built without the use of a PUD.

If the Planning Commission feels confident in moving forward with a recommendation for staff, Staff recommends the Planning Commission consider directing staff to research the impacts of increasing the floor area ratio or following suite with cities like Shakopee and Savage and increase the maximum height of buildings in the R-4 Multiple Family Residential District to 45’ 0” or four (4) stories, whichever is less.

ATTACHMENTS:

1. City of Jordan City Code Chapter 154 Table A
2. City of Shakopee City Code Section 151.051
3. City of Savage City Code Section 152.156 & Section 152.157

PLANNING COMMISSION ACTION:

Motion: _____ Second: _____
Approved: _____ Disapproved: _____ Tabled: _____
Other: _____

TABLE A: RESIDENTIAL LOT REQUIREMENTS (See §§ 154.070 - 154.120 for complete lists)

	<i>Minimum Lot Size</i>	<i>Minimum Lot Width</i>	<i>Front Yard Setback</i>	<i>Rear Yard Setback</i>	<i>Side Yard Setback</i>	<i>Maximum Height</i>	<i>Bulk</i>	<i>Accessory Building</i>	<i>Density</i>		
R-1 Single-Family Residential 154.080	10,500 sq ft	75 ft	30 ft	35 ft	<i>Internal Lot:</i> 8 ft <i>Corner Lot:</i> 15 ft	No principal structure or building shall exceed three stories or 30 feet in height, whichever is less, except the following which shall not exceed 45 feet in height: church spires, belfries, or cupolas that do not contain usable space; monuments; flag poles; radio, television and other communication towers; and chimneys.	Floor area ratio and ground floor area shall not exceed: 0.3 Maximum 40% impervious surface coverage.	No accessory buildings including garages on any lot may be placed less than 5 ft from the side and/or rear property lines of the lot. Accessory buildings including garages on any corner lot where the principal structure is incomplete or non-existent as of January 1, 1994, may be placed no closer to the side property line than the front yard setback in effect on the relevant side street. Uncovered decks must be placed on any lot in compliance with the rear, side, and front setbacks for the principal structure on the lot.	<i>Single-Family:</i> 10,500 sq ft <i>Two-Family and Cluster Housing:</i> 5,000 sq ft		
R-2 Medium Density Residential Single-Family District 154.090	<i>Single-Family:</i> 6,000 sq ft <i>Two-Family:</i> 10,000 sq ft	<i>Single-Family:</i> 60 ft <i>Two-Family:</i> 80 ft	<i>Single- and Two-Family:</i> 30 ft	<i>Single- and Two-Family:</i> 35 ft	<i>Single- and Two-Family:</i> <i>Internal Lot:</i> 8 ft <i>Corner Lot:</i> 12 ft				Ground Floor area should not exceed: 0.4 Floor area should not exceed: 0.5 Maximum 50% impervious surface.	Minimum lot area per dwelling unit in a multiple family development shall not be less than 1,320 sq ft of lot area for each dwelling unit.	<i>Single-Family:</i> 6,000 sq ft <i>Two-Family and Cluster Housing:</i> 5,000 sq ft
R-3 Townhouse & Multiple-Family Residential 154.100	<i>Single-Family Detached:</i> 7,200 sq ft <i>Duplex:</i> 10,000 sq ft <i>Townhouse, Multiple:</i> 9,000 sq ft	60 ft	30 ft	35 ft	<i>Internal Lot:</i> 8 ft <i>Corner Lot:</i> 12 ft						<i>Duplex:</i> 5,000 sq ft <i>Townhouse/ Multiple Family:</i> 3,000 sq ft per dwelling unit
R-4 Multiple-Family Residential 154.110	10,000 sq ft	80 ft	30 ft	35 ft	<i>Internal Lot:</i> 15 ft <i>Corner Lot:</i> 15 ft						
R-5 Manufactured Home District 154.120	Each manufactured home site shall contain at least 5,000 sq ft of land area for exclusive use of the occupant.	<i>Lot Width:</i> 50 ft <i>Lot Depth:</i> 100 ft	25 ft within manufactured home parks platted after Jan. 1, 2014 20 ft within manufactured home parks platted prior to 2014 Lots that have a curved front shall have at least ½ of the home adjacent to the curved portion. If the front of the home is adjacent, the setback is 20 ft.	10 ft within manufactured home parks platted after January 1, 2014. 3 ft within manufactured home parks platted prior to 2014.	5 ft within manufactured home parks platted after January 1, 2014. Within manufactured home parks platted prior to January 1, 2014: <i>Internal Lot:</i> 3 ft <i>Corner Lot:</i> 10 ft Lots that have a curved front shall have at least ½ of the home adjacent to the curved portion. If the side of the home is adjacent the setback is 10 ft.	<i>Maximum Lot Coverage:</i> The area occupied by a manufactured home shall not exceed 30% of the total area of the manufactured home site.					

151.051 High Density Residential Zone (R-4)

A. *Purpose.* The purpose of the High Density Residential Zone is to provide areas for the development of high density residential uses that are in close proximity to collector and arterial roadways or transit. The High Density Residential zoning district allows for the development of multiple-family housing from 14.01 units per acre to 40 units per acre, and provides increased housing choices and affordability in the community. Increased density also allows for the clustering of units near environmentally sensitive areas and the downtown and riverfront area.

B. *Permitted uses; specific conditions.*

1. Utility service structures, subject to the following requirements:

- a. Shall not be a water tower or electrical substation, or a building to house sanitary lift station controls;
- b. Shall be less than 20 feet in height;
- c. May only be used to provide weather protection for utility equipment;
- d. Shall be designed, placed, and landscaped as necessary to assure that it blends with the neighboring uses, and is unobtrusive; and
- e. Shall comply with all applicable design standards;

C. *Conditional use; specific conditions.*

1. Daycare centers serving greater than 13 persons.

D. *Permitted accessory uses; specific conditions.*

1. Communication service apparatus/device(s) as permitted accessory uses, subject to the following conditions:

- a. Shall be co-located on an existing tower or existing structure. Any co-located apparatus/device shall not extend more than 2 feet above the facade, parapet, roof, or other portion of any structure. Such co-located apparatus/device shall be designed and located in such a way that its appearance and surface finish minimizes visibility off-site;
- b. Lights and or flashing equipment shall not be permitted unless required by state or federal agencies;
- c. Signage shall not be allowed on the communication service apparatus/device(s) other than danger or warning type signs;
- d. Must provide proof from a professional engineer that the equipment will not interfere with existing communications for public safety purposes;
- e. Applicable provisions of the City Code, including provisions of the State Building Code therein adopted, shall be complied with;
- f. All obsolete or unused antennas and accompanying accessory facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the city. After the facilities are removed, the site shall be restored to its original or an approved state. The user of the antenna and/or accessory facilities shall be responsible for the removal of facilities and restoration of the site;

- g. The applicant shall submit a plan illustrating all anticipated future location sites for communication towers and/or communication device(s)/ apparatus;
- h. Wireless telecommunication towers and antennas will only be considered for city parks when the following conditions exist and if those areas are recommended by the Parks and Recreation Advisory Board and approved by the City Council:
 - (1) City parks of sufficient size and character that are adjacent to an existing commercial or industrial use; and
 - (2) Commercial recreation areas and major playfields used primarily by adults;
- i. All revenue generated through the lease of a city park for wireless telecommunication towers and antennas shall be transferred to the Park Reserve Fund.

E. *Design standards.* Within the R-4, High Density Residential Zone, no land shall be used and no structure shall be constructed or used, except in conformance with the following requirements:

	R-4	R-4T (R-4 Lots within 1/4 mile walking distance by sidewalk or trail to an operating transit station)	R-4D (R-4 Lots within the area that lies east of the intersection of 3rd Ave W and CSAH 69 and north of 3rd Avenue (both East and West) extended east to Sarazin Street, south of the city boundary, and west of the extension of Sarazin Street northward)
Minimum lot width	150'	150'	142'
Minimum lot depth	200'	200'	100'
Minimum lot size	1 acre	1 acre	20,000 square feet
Minimum density	14.01 units/acre	14.01 units/acre	14.01 units/acre
Maximum base density	24 units/acre	28 units/acre	36 units/acre
Density bonus for lots within 1/4 mile walking distance by sidewalk or trail to public park or open space greater than 2 acres, that is intended to be used for recreation purposes	2 units/acre	2 units/acre	2 units/acre
Density bonus for developments with at least 50 square	2 units/acre	2 units/acre	2 units/acre

feet per unit of indoor community space, indoor or outdoor recreation facilities such as swimming pools, tennis courts, outdoor cooking facilities, and similar facilities available for use by occupants. Open space is not counted in this calculation.			
Maximum impervious surface	60%	65%	75%
Minimum front yard setback	50'	50'	1/2 building height, or 15', whichever is greater
Minimum rear yard setback	40'	40'	1/2 building height, or 15', whichever is greater
Minimum street side setback	30'	30'	1/2 building height, or 15', whichever is greater
Minimum side yard setback	1/2 building height or 20', whichever is greater	1/2 building height or 20', whichever is greater	1/2 building height, or 15', whichever is greater
Minimum structure setback to arterial roadway	50'	50'	1/2 building height, or 15', whichever is greater
Minimum distance between buildings within development	25'	25'	20'
Minimum parking setback to arterial roadway	25'	25'	25'
Maximum structure height	45'	45'	45'
Minimum off-street parking spaces	2.25 spaces/unit	2.0 spaces/unit	1.75 spaces/unit
Off-street parking requirement reduction (for sites within 1/4 mile of a transit stop)	0.10 spaces/unit	N/A	0.10 space/unit

accessible by a sidewalk or trail)			
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(Ord. 925, passed 12-15-2015)

HISTORY

Amended by Ord. [O2018-017 Creating of a Zoning Table](#) on 11/20/2018

(b) One-hundred square feet per unit for each additional 5% of private, useable open space developed above the minimum established in § 152.156(E).

(c) Two-hundred square feet per unit for each 2,000 square feet of indoor private community center/recreation space up to a maximum of 4,000 square feet per each 50 units in the project.

(d) Five-hundred square feet for each one-bedroom and efficiency dwelling unit.

(e) Five-hundred square feet for each unit that meets the Metropolitan Council's livable communities standards for affordability, provided that guarantees are in place that "for sale" housing will meet the requirement for initial sales and "for rent" housing will meet the requirement for the initial ten-year rental period.

(2) *Multiple-family structures with ten or more units.*

(a) Square foot reductions provided for in § 152.155(C)(1), except § 151.155(C)(1)(d).

(b) Seventy-five square feet per unit when an elevator is provided to serve each floor.

(c) Fifty square feet per unit when indoor recreation and social rooms are provided equal to 25 square feet per unit or 750 square feet total, whichever is greater.

(d) Seventy-five square feet per unit where major outdoor recreational facilities such as swimming pools, tennis courts or similar facilities are provided equal to at least 5% of the construction cost of the principal structure.

(e) Three-hundred square feet per unit when two-thirds of the required parking is provided underground or within the principal structure, excluding attached or detached garages.

(f) Three-hundred square feet for each unit that meets the Metropolitan Council's livable communities standards for affordability, provided that guarantees are in place that "for sale" housing will meet the requirement for initial sales and "for rent" housing will meet the requirement for the initial ten-year rental period.

(Prior Code, § 9-8-6) (Ord. 535, passed 9-4-2001) Penalty, see § 152.999

§ 152.156 LOT REQUIREMENTS AND SETBACKS.

The following minimum requirements shall be observed in an R-3, High Density Residential District, subject to additional requirements, exceptions and modifications set forth in this chapter:

(A) *Base lot minimums.* Within the R-3, High Density Residential District, the following

minimum base lot requirements shall be imposed. The base lot represents the minimum lot size that may accommodate development in accordance with the permitted densities allowed under § 152.155.

(1) Minimum lot area: 20,000 square feet.

(2) Minimum lot width: 150 feet.

(B) *Individual unit lot minimums.* The following minimum unit lot requirements shall be applied to the subdivision of two-family dwellings and townhomes to permit individual private ownership of a single dwelling within a structure.

(1) Minimum lot area: Sufficient to include the living area, garages, decks, patios or porches of the individual dwelling units.

(2) Minimum lot width.

(a) Two-family dwelling: 50 feet.

(b) Townhome: 25 feet.

(C) *Base lot setbacks.* A minimum setback of 30 feet shall be required at the periphery of the base lot development. An additional 20 feet will be required when the lot adjoins a designated arterial or collector roadway.

(D) *Building setbacks.* The following minimum internal setbacks shall be required for developments that include more than one principal structure on a base lot.

(1) Setback between buildings: 25 feet or one-half the sum of the building heights of the two adjoining buildings, whichever is greater.

(2) Setback from curb line of private streets, public rights-of-way or guest parking areas: 25 feet.

(E) *Useable open space per dwelling unit.* 400 square feet.

(F) *Maximum building coverage.* 30%.

(G) *Parking setbacks.*

(1) The required setback for driveways shall be five feet from the property line, except that a ten-foot setback shall be required when the property abuts a public street and unless further restricted by easements.

(2) Within the front boulevard area, the required setback shall apply as measured from the side property line extended to the curb line.

(Prior Code, § 9-8-7) (Ord. 535, passed 9-4-2001; Ord. 577, passed 6-21-2004) Penalty, see § 152.999

§ 152.157 DEVELOPMENT AND PERFORMANCE STANDARDS.

(A) *Two-family residential structures.* All two-family residential structures are subject to the development standards expressed in § 152.097.

(B) *Landscaping and screening.* Landscaping and screening requirements shall be as established in §§ 152.515 through 152.523.

(C) *Maximum building height.*

(1) Residences: three and one-half stories, not exceeding 45 feet from finished grade.

(2) Non-residential structures and uses: 45 feet, provided the structure is set back from all property lines a distance equal to or greater than its height.

(D) *Minimum dwelling size:*

(1) Single-family attached dwelling or townhomes: 800 square feet of living space per dwelling unit.

(2) Multiple-family dwellings.

(a) Efficiency apartments: 400 square feet of living space per dwelling unit.

(b) One bedroom apartments: 700 square feet of living space per dwelling unit.

(c) Each additional bedroom over one: 100 square feet of living space.

(Prior Code, § 9-8-8) (Ord. 535, passed 9-4-2001) Penalty, see § 152.999

§ 152.158 PROHIBITED USES.

The following are prohibited uses within R-3, Low Density Residential District: Any use that is not a permitted use or a conditional use in this district or any use not determined by the Zoning Administrator to be substantially similar to a use listed as permitted or conditional. The determination shall be made in the manner provided for in Section 152.010 governing determination of substantially similar uses.

(Ord. 692, passed 10-17-11) Penalty, see § 152.999

DATE: January 14, 2020
TO: Members of the Jordan Planning Commission
FROM: Elliot Mohler, Planning Intern
Lucinda Meyers, Senior Planner



AGENDA ITEM: 6.0 A. Annual Conditional Use Permit and Interim Use Permit Review

ACTION REQUESTED:

Consider Review of Conditional and Interim Use Permits

ATTACHMENTS:

Resolution 8-23-2010 (Original Funeral Home CUP)

Resolution 10-72-2019 (Amended Funeral Home CUP)

BACKGROUND:

The charts below list all Conditional Use Permits (CUP) along with Interim Use Permits (IUP) that have been issued within the City. The zoning ordinance states that CUPs shall be reviewed annually. It appears that the last time this was done was in 2019. At that time, staff presented the list of issued permits in the same format as below. However, this review will give greater detail to the CUP issued for the Ballard-Sunder Funeral Home in 2010.

Annual Review of Conditional and Interim Use Permits

Active Conditional Use Permits

Applicant	Address	CUP	Date
Cedar Auto Parts	1100 Syndicate St.	Salvage yard	Mar-83
Walter & Wanda Lucius	421 Hillside Dr.	Zero lot line housing (duplex)	May-83
Darlene Annen	204 Mertens St.	Construction in flood plain (garage)	Sep-83
Maila Hedin	321 4 th St. W	Construction in flood plain (garage)	Jan-84
Martha Peterson	222 & 226 Third St. W	Zero lot line housing (duplex)	Mar-84
Dave Wolf	600 2 nd St W	Construction in flood plain (body shop)	Jun-84
Steve Hubers	407 1st St W	Construction in flood plain	Oct-84
James Ales	320 1 st St W	Construction in flood plain	Jan-85

Jack Laughridge	245 Triangle Ln.	Construction in flood plain	Jun-86
Gene & Rebecca Borchardt	405 Wood St.	Construction in flood plain (garage)	Sep-86
City of Jordan	305 3 rd Street E. / 401 Rice St	Construction in flood plain (press box / storage building at Mini-Met)	Aug-90
Ardwin Hammer	312 3 rd Street W	Construction in flood plain (garage)	Dec-90
Jerry Vinger	228 Water Street	First floor apartment	Jul-91
John & Michelle Shorba	200 6 th St.	Construction in flood plain (garage)	Jul-96
Eric Hjelmeland	317 1 st St	Construction in flood plain (garage)	Aug-96
Mark Howell	208 1 st St W	Construction in flood plain (new foundation)	Oct-96
Community Bank	100 Creek Ln. S	Construction in flood plain (commercial building)	Oct-96
Scott County Ag Society	Hwy 169/282	Civic Signs	Jun-97
Ken Olson	206 Varner St. N	Construction in flood plain (garage)	Sep-97
Dawn Borgman	305 2 nd St W	Construction in flood plain (garage)	Oct-97
George Simek	401 1 st St W	Replace foundation in flood plain	Nov-97
Dan Kreuser	560 2 nd St. W	Vet clinic in C-3 District	Jan-98
Ervin Mayerhofer	200 Mertens St.	Construction in flood plain (garage)	Jun-98
Robert Hedstrom	315 Hooper St.	Duplex in R-2 District	Jun-98
David Gosewisch	212 2 nd St. W	Construction in flood plain (garage)	Sep-98
Cable Network, Inc.	350 Valley View Dr.	Construction in flood plain	Feb-00
Randy Borchardt	912 2nd Street	Accessory Structure larger than 840 sq ft	1/17/2006
Green Tree Development	100, 102, 114, 116 Chad Circle	Construct Duplexes	Apr-09

Randy Kaiser (Clancy's)	220 Triangle Lane	Outdoor Dining	May-10
Mark Ballard (Ballard-Sunder Funeral Home)	104 First Street	Crematory	Aug-10
Delacy Automotive	700 Seville Drive	Automotive Sales in C-3	Apr-12
Rising Times, LLC / Dino DiPerna	224 Broadway Street S	First Floor Apartment	Nov-13
Minger Properties, LLC	6050 190th Street	Outdoor Storage in I- 2	Apr-14
Todd Becker	225 Triangle Lane	Auto sales in C-3	Jun-14
Dave Wolf, Wolf Motors	600 2nd Street W	Expansion within the Floodfringe District	Aug-14
Dave Wolf, Wolf Motors	600 2nd Street W	Auto sales in C-3	Aug-14
Tim Roets, Roets Jordan Brewery	230 Broadway Street	Outdoor Patio in C-2	Mar-15
Clarence and Audrey Keiser, Jordan Hotel Partners LLC	220 Triangle Lane	Construction in Floodplain	Apr-15
Clarence and Audrey Keiser, Jordan Hotel Partners LLC	220 Triangle Lane	Construction of PUD in Shoreland Overlay	Apr-15
Clarence and Audrey Keiser, Jordan Hotel Partners LLC	220 Triangle Lane	Outdoor Dining in C- 3	Apr-15
Clarence and Audrey Keiser, Jordan Hotel Partners LLC	220 Triangle Lane	Building Height Above 35 Feet	Apr-15
Steve Hentges, SM Hentges & Sons	821 Corporate Drive	Outdoor Storage in I- 2	May-16
Border Foods Inc.	240 Triangle Lane	Construction in Floodplain	Feb-17

Border Foods Inc.	240 Triangle Lane	Outdoor Dining in C-3	Feb-17
Andrew Pearson	6380 West 190th Street	Greenhouse Expansion	Nov-17
Minger Construction	620 Corporate Drive	Outdoor Storage in I-2	May-18
Al and Barbara Weierke	304 1st St W	Duplex in R2/ Floodplain/ Shoreland Districts	Nov-18
Mousse Sparkling Wine Company	115 1 st St E	Outdoor Seating and Design Requirements	Mar-19
Caribou Coffee	225 Triangle Ln	Outdoor Seating	May-19
Wherley With Wrenches	424 Broadway St	Automotive Service Center	Aug-19
IPS Jordan Building, LLC	845 Corporate Dr	Outdoor Storage in I-2 District	Sep-19
St. John the Baptist Catholic Church	313 2 ND St E	Exceedance of standard monument sign dimensions	Sep-19
Ballard-Sunder Funeral Home	104 1 st St W	Provision of Alkaline Hydrolysis Services	Oct-19

The following are the conditions for the Conditional Use Permit for Ballard-Sunder Funeral Home as approved by the City Council on August 2, 2010:

1. Emissions must not exceed 20 percent opacity.
2. Combusters must be equipped with afterburners that maintain flue gasses at 1,200 degrees Fahrenheit for at least 0.3 seconds.
3. Ash must be stored and transported in a way that avoids its becoming airborne.
4. The funeral home will only use the crematory for its own clients.
5. The Applicant will provide copies of maintenance records and its crematory license to the City for the City's annual review of compliance with the conditions of the conditional use permit.

The following are the conditions that were amended to the aforementioned conditional use permit for Ballard-Sunder Funeral Home as approved by the City Council on October 21, 2019:

1. The funeral home facility located at 104 1st Street, Jordan, Minnesota may offer Alkaline hydrolysis services as defined and regulated by Minnesota Statutes.
2. The funeral home facility located at 104 1st Street, Jordan, Minnesota must obtain appropriate licensure from the Minnesota Department of health and make such license available to the City upon request.

The City has the authority to obtain copies of maintenance records and licensure (crematory,

alkaline hydrolysis) from the Ballard-Sunder Funeral Home. These records should include information related to emissions, temperature of flue gasses, ash storage, and whether or not the funeral home facility is legally able to provide these services by way of licensure approval from the State of Minnesota. These records may be requested annually.

Active Interim Use Permits

Applicant	Address	IUP	Date
Lori Speiss, River Valley Cheerleading	860 Quaker Avenue	Commercial use in I-2	Jul-14
Church of St. John the Baptist	210 Broadway Street N.	Gravel Off-Street Parking Lot as Principle Use in C-2	Sep-18

DATE: July 13, 2010
TO: Members of the Planning Commission
FROM: Joe Janish, Senior Planner



AGENDA ITEM: 5.0 (A)
Public Hearing – Conditional Use Permit (CUP) – Operate a cremation facility at Ballard-Sunder Funeral Home (104 First Street).

ACTION REQUESTED:
Consider CUP application for operating a cremation facility at Ballard-Sunder Funeral Home (104 First Street).

BACKGROUND:

The City of Jordan has received a CUP application from Ballard Sunder Funeral Home, to operate a cremation facility at 104 First Street. The site has operated since the early 1900's as a funeral home and the applicants are looking at providing a service in house that they currently outsource. The applicant is looking at one machine that would provide the cremation service and would be housed within the current structure. According to Mark Ballard during 2009 the company had 51% of the families select cremation. This amounted to about 75 cremations, however Mr. Ballard noted that not all of the cremations were done by them. Excluding families that had the cremation done elsewhere (out of state, etc.) Ballard-Sunder Funeral Home transported the deceased to Minneapolis, and again made the trip to pick up the remains. Ballard-Sunder Funeral Home was responsible to handle approximately 50 cremations during the 2009 year, which would equate to about 1 a week.

What is a CUP?

CUP is an abbreviation for Conditional Use Permit.

Conditional Use is a use of property which is not a permitted use or accessory use and which requires approval by the Council.

Chapter 11.11 Administration, Subd. 4 Conditional Use Permits. (Only A & B have been included)

A. **Criteria for Approval.** In granting a conditional use permit, the Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the comprehensive plan and the health, safety, morals, and general welfare of occupants on surrounding lands. Among other things, the 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 and utilities which serve or are proposed to serve the area.

2. The use will be sufficiently compatible or separated by distance or screening from adjacent agricultural or 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 in the opinion of the Council is reasonably related to the overall needs of the City 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 comprehensive plan.
7. The use will not cause traffic hazards or congestion.
8. Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare, or general unsightliness.

B. Conditions. In permitting a new conditional use or the alteration of an existing conditional use, the City may impose, in addition to the requirements set forth above, conditions considered necessary or appropriate to protect the best interests of the surrounding area or the community as a whole.

Property Background

The current zoning of the property is C1 Neighborhood Commercial which is guided as C2 Central Business District. Both of these zoning classifications have the Funeral Home listed as a Conditional Use Permit (CUP). Information provided verbally by the applicant noted the building has been a funeral home since the early 1900's. Mr. Ballard is applying to install one machine in order to conduct cremation services.

Research

In a letter from Mr. Koch, Mortician Investigator with the Minnesota Department of Health, it was noted that the state of Minnesota currently has 51 crematories. Of the 51, 42 are owned by funeral homes and 21 of the 51 are located in residential areas. The letter notes that currently 4 funeral homes are considering adding a crematory. The Minnesota State Health Department of Health currently conducts unannounced inspections of crematories every 2 years. Mr. Koch's letter indicates out of the almost 18,000 cremations last year, our [Minnesota Department of Health] receives very few complaints. Mr. Koch indicated in his 17 years in the office, he could recall less than a half dozen reports of smoke or odor issues. Of those he did recall, all had occurred more than 5 years ago. Mr. Koch cites the low problem rate to technology. Mr. Koch indicates that modern crematory retorts are now very advanced running, mostly by computerized electronics.

Speaking with David Benke, another individual at the Minnesota Department of Health, Mortuary Science Section, it was noted that Bemidji has a crematorium very close to residential areas. International Falls has a crematorium next to a light commercial area which includes floral shops and the like with residential also located behind the structure. Fergus Falls has one located within a fairly residential area and along the river. Mr. Benke also stated not many new crematoriums

have been added in the last 5 years. Mr. Benke also noted that the City of Minneapolis has had a moratorium placed on this use because the Cremation Society has a large facility that conducted around 1,000 cremations in the last year. Mr. Benke did state that many of the newer funeral homes are allowing for space within the structures to add a cremation retort in the future.

I personally contacted the following cities:

- Bemidji, which has two funeral homes with cremation abilities; the person I spoke with had been with the City for the last 2.5 years and has not had any complaints filed against the properties.
- St. Cloud, which has two funeral homes with cremation abilities; the person I spoke with indicated that no complaints have been filed against the business.
- Worthington, which has two funeral homes with cremation abilities; the person I spoke with indicated that no complaints had been reported to their knowledge.
- Fergus Falls, which has two funeral homes with cremation abilities; noted he had recalled some issues when it first started but no complaints since that time.
- Janesville, which has one funeral home with cremation abilities; no complaints on the property.
- Eagan, which has one funeral home with cremation abilities; allows cremation facilities as a permitted use within the Limited Business and Neighborhood Commercial areas, and a device such as the one proposed would be only conditioned upon the international building code and fire regulations. This means the City of Eagan would not notify the residents or surrounding business owners of such an installation and does not require a CUP. The person I spoke with had been with the City for the last 14 years and has not heard of any complaints filed against the property.

I also received information from another City in which it had considered a crematorium in the past. The matrix provided was compiled by the City of White Bear Lake, which includes information on other cities as well (please note some duplication occurs).

APPLICANTS RESPONSE TO CONDITIONAL QUESTIONS:

Chapter 11 Section 11.11 ADMINISTRATION, Subd. 4 Conditional Use Permits:

- A. Criteria for Approval. In granting a conditional use permit, the Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the comprehensive plan and the health, safety, morals and general welfare of the occupants on surrounding lands. Among other things, the Council shall make the following findings where applicable.

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

The applicant has indicated that this proposal would not impact existing parks, schools, streets and public facilities and utilities which serve or are proposed to serve the area.

- b. The use will be sufficiently compatible or separated by distance or screening from adjacent agricultural or 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.

Ballard-Sunder Funeral Home has been providing professional service and guidance to the families of Jordan at this location for generations. In recent years more and more families in the Jordan area are choosing cremation as their means of final disposition. Installing a modern crematory will help us better serve today's and future needs of our community. The new advanced computerized equipment will be housed in our current facility, which is where we provide respectful and discreet preparation of the dead.

- c. The Structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.

No. Adjacent properties will not notice any difference in our operation. Modern crematoriums do not emit odorous or visible emissions. Further, the advanced crematory technology exceeds all state and national emission standards.

- d. The use in the opinion of the Council is reasonably related to the overall needs of the City and to the existing land use.

Yes. Ballard-Sunder Funeral uses innovative and customized services to help each family we serve. Demand for cremation services has grown significantly in the past few decades both nationally and locally. We currently utilize a crematory facility in Minneapolis, which requires the transport of a loved one to and from the funeral home. By having a crematory at our funeral home, it will be easier for family members to be part of the cremation and celebration of life services. In keeping with our philosophy to serve all of our families' wishes for their loved ones, we believe adding a crematorium on-site at our funeral home will better meet the needs of the families we serve.

- e. 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.

Yes. See previous responses.

- f. The use is not in conflict with the comprehensive plan.

Yes. See previous responses.

- g. The use will not cause traffic hazard or congestion.

(CITY INSERTED) Information from Mr. Sunder indicated the cremation would not increase traffic but would reduce the number of trips. Currently Ballard-Sunder Funeral Home obtains the body, preps the body and then takes it to Minneapolis. The Funeral Home then again travels to Minneapolis to pick up the remains. With this CUP these two trips would be reduced.

- h. Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare, or general unsightliness.

No. As previously stated, the crematory services will be provided inside the current funeral home structure, and as noted, modern crematoriums do not emit visible or odorous emissions.

CODE REQUIREMENTS:

The applicant would need to obtain a building permit to install the device, and meet all of the required building regulations. The applicant also needs to obtain a license to operate the crematorium from the State of Minnesota (application attached). The device chosen would be reviewed and a determination would be made if the device is required to obtain a permit from the MPCA.

PUBLIC HEARING:

A CUP requires a Public Hearing and the Planning Commission will need to open the hearing to take comment from the public. Please consider the comments from the public and consider the CUP application after the hearing has been closed. The Planning Commission may add additional criteria if it relates to this specific application. Depending on Planning Commissions action tonight this item is currently scheduled to be on the July 19th City Council Agenda.

FISCAL IMPACT:

No financial impacts are expected for the City of Jordan. Costs for consultants are billed back to the applicant and the applicant has paid for the application fee which covers mailings, notices and copies.

STAFF RECOMMENDATION:

Consider input from the public and make a determination if a recommendation would be appropriate to the City Council.

- The Planning Commission could recommend denial of the permit with reasons specified which would then be forwarded to the Jordan City Council.
- The Planning Commission could recommend approval of the permit with the criteria outlined above and other items noted if so desired.
- Depending on some of the public comments it may be appropriate to table action with direction provided to staff and/or applicant to obtain additional information.

CITY COUNCIL ACTION:

Motion: _____ Approved: _____
Second: _____ Denied: _____
Tabled: _____
Other: _____

Attachments:

Application

Letter from Timothy Koch, Minnesota Department of Health, Mortuary Science Section

List of Crematories in Minnesota (2008)

2009 Minnesota Statutes 149A.52 License to Operate a Crematory

2009 Minnesota Statutes 149A.95 Crematories and Cremation

Application for License to Operate a Crematory

Mortuary Science Section Complaint Form

City of White Bear Lake Information

Flyer for proposed machine

**CITY OF JORDAN
RESOLUTION 10-72-2019**

**AMENDMENT NO 1 TO THE CONDITIONAL USE PERMIT,
RESOLUTION 8-23-2010, ALLOWING A CREMATORIUM FACILITY TO OPERATE
AT 104 FIRST STREET WEST**

WHEREAS, Strait and Ballard Furniture and Funeral Home, Inc. operates Ballard-Sunder Funeral Home in a building located at 104 First Street West, Jordan, Minnesota, with PID number 220020040 and legally described as:

Lot 4, Block 1, Jordan City
("Subject Property")

WHEREAS, the Subject Property is located in the Neighborhood Commercial (C-1) District, which the Jordan City Code Section 154.133 (A) conditionally allows funeral homes.

WHEREAS, a Conditional Use Permit was issued August 2, 2010, allowing the installation and operation of a crematorium facility at the subject property, subject to conditions ("Conditional Use Permit, Resolution 8-23-2010"); and

WHEREAS, at the time of Conditional Use Permit, Resolution 8-23-2010 issuance, the Minnesota State Statutes Chapter 149 A Mortuary Science; Disposition of Dead Bodies definition of "funeral services" did not include alkaline hydrolysis; and

WHEREAS, Jordan City Code Section 154.023 defines "funeral home" as "a business which provides a wide variety of funeral services as defined by Minn. Stat. § 149A.02, subd. 23;" and

WHEREAS, Minn. Stat. § 149A.02, subd. 23 currently defines "funeral services" as "any services which may be used to: (1) care for and prepare dead human bodies for burial, alkaline hydrolysis, cremation, or other final disposition; and (2) arrange, supervise, or conduct a funeral ceremony or the final disposition of the dead human bodies;" and

WHEREAS, Minnesota Statutes Chapter 149A distinguishes alkaline hydrolysis disposition from crematory disposition as separate services and requires separate licenses for both; and

WHEREAS, Minnesota Statutes Chapter 149A governs the means and methods of an alkaline hydrolysis facility; and

WHEREAS, Ballard-Sunder Funeral Home ("Applicant") and Mark Ballard Properties, LLC ("Owner") have applied for an amendment to the Conditional Use Permit, Resolution 8-23-

2010 to allow alkaline hydrolysis services at the funeral home located at the Subject Property in addition to the funeral services already provided.

WHEREAS, the Planning Commission held a public hearing on the application October 8, 2019 and considered the input provided prior to recommending approval of the application to the City Council; and

WHEREAS, the City Council considered the application materials on file, public input received, and the recommendation of the Planning Commission at their regularly scheduled meeting October 21, 2019; and

NOW, THEREFORE, based upon the record before it, including the record before the Planning Commission, the Jordan City Council hereby adopts the following findings related to this request as required for the issuance of Conditional Use Permits:

FINDINGS OF FACT

1. Pursuant to the Jordan City Code, the Subject Property is zoned C-1 Neighborhood Commercial, which Jordan City Code Section 154.133 (A) provides that a funeral home is a conditional use.
2. Jordan City Code Section 154.023 defines “funeral home” as “a business which provides a wide variety of funeral services as defined by Minn. Stat. § 149A.02, subd. 23.”
3. Interpreting Jordan City Code Section 154.023’s definition of “funeral home” to include “alkaline hydrolysis services” is consistent with the Jordan City Code and the definitions in Minnesota Statutes Chapter 149A.
4. Pursuant to Jordan City Code Section 154.047 (G), a request for amendment to a conditional use permit shall be administered in the same manner and all procedures shall apply as if a new permit were being requested.
5. Pursuant to Jordan City Code Section 154.047 (A), the Planning Commission shall recommend and the City Council may issue conditional use permits if it finds that the use at the proposed location:
 - a. The use will not create an excessive burden on existing parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the area. *The proposed use will not have an impact on existing parks, schools, streets and other public facilities. The proposed use will not create any detrimental impacts on the City’s public infrastructure including the*

wastewater system.

- b. The use will be sufficiently compatible or separated by distance or screening from adjacent agricultural or 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. *The proposed use is sufficiently compatible with the current uses of this property and the uses allowed in the zoning district. The proposed use will take place within the existing building and the area designated for the use will only be accessible by trained staff.*
 - c. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties. *The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.*
 - d. The use in the opinion of the Council is reasonably related to the overall needs of the city and to the existing land use. *Funeral homes are an allowed use in the Neighborhood Business District (C-1) through a conditional use permit.*
 - e. The use is consistent with the purposes of the Conditional Use Permit subchapter and the purposes of the zoning district in which the applicant intends to locate the proposed use. *The proposed amendment to the CUP does not change the use of the property as a funeral home but instead expands the services allowed by the business/on the property.*
 - f. The use is not in conflict with the Comprehensive Plan or Water Resource Management Plan. *The proposed use complies with the Comprehensive Plan's future land use guidance for the subject property and the Water Resource Management Plan.*
 - g. The use will not cause traffic hazard or congestion. *The use is not expected to increase traffic congestion or create any traffic hazards at the subject property.*
 - h. Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare, or general unsightliness. *Noise, glare, and general unsightliness are not anticipated to be produced by the proposed use.*
6. Alkaline hydrolysis is allowed at licensed facilities under Minnesota State

Statute § 149A.941.

7. The alkaline hydrolysis process involves the submersion of the deceased into a specialized chamber which decomposes the body using a solution of water and alkali at high temperatures which mirrors and greatly expedites the natural decomposition process.

8. As opposed to conventional flame-based cremation, an alkaline hydrolysis process creates less demand on natural resources and creates no gaseous emissions on site.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Jordan hereby adopts the above Findings of Fact and grants approval of an amendment to Conditional Use Permit, Resolution 8-23-2010 issued for 104 First Street (“Amendment No. 1”) to include alkaline hydrolysis services allowed under Minnesota Statutes, which said approval of alkaline hydrolysis services is conditioned upon the following:

1. The funeral home facility located at 104 First Street, Jordan, Minnesota may offer alkaline hydrolysis services as defined and regulated by Minnesota Statutes.
2. The funeral home facility located at 104 First Street, Jordan, Minnesota must obtain appropriate licensure from the Minnesota Department of Health and make such license available to the City upon request.

Except as amended hereby, the Conditional Use Permit, Resolution 8-23-2010 issued for 104 First Street shall continue in full force and effect.

DATED THIS 21ST DAY OF OCTOBER, 2019.

Tanya Velishek, Mayor

ATTEST:

Tom Nikunen, City Administrator

Drafted by:
City of Jordan
210 East 1st Street
Jordan, MN 55352



DATE: January 14, 2020
TO: Members of the Jordan Planning Commission
FROM: Megan Pavek, Planning Intern

AGENDA ITEM: 6.0 B– Planning Commission Annual Report -- 2019

ACTION REQUESTED:
Review the 2019 Annual Report and accept it. Advise on any additional items if necessary.

BACKGROUND:

A report regarding Planning Commission activities is prepared annually and presented to the City Council. This assists the Planning Commission in observing trends in development and number of variances requested/granted, etc.

Staff reviewed minutes and other materials from 2019 and has prepared the attached Annual Report for the Commission’s consideration.

STAFF RECOMMENDATION:
Review the attached 2019 Planning Commission Annual Report, provide input, and make a motion to accept the report for City Council review.

ATTACHMENTS:
1. 2019 Planning Commission Annual Report

PLANNING COMMISSION ACTION:

Motion: _____ Second: _____
Approved: _____ Disapproved: _____ Tabled: _____
Other: _____



2019 Planning Commission Annual Report

The following is a summary of the activities of the Planning Commission in 2019:

Meetings: The Planning Commission met a total of eleven (11) times in 2019.

Commissioners: Chairman Tom Sand, Vice Chair(s) Jesse Masloski (Jan-July) and Robert Bergquist, Brenda Lieske (May-Dec), Jane Bohlman, and Council Representatives Jeff Will (Jan-Oct), Terry Stier (Nov-Dec), and Robert Whipps.

Plats:

1. Scott County CDA Brentwood Addition. In May, a preliminary plat, preliminary PUD, final plat, and final PUD for the 59-unit senior citizen housing development was recommended for City Council approval.

Conditional Use Permits:

1. Mousse Sparkling Wine Company. In March, a CUP at 115 1st Street E for outdoor seating and design requirements at Mousse Sparkling Wine Company was recommended for City Council approval.
2. Caribou Coffee. In May, a CUP at 225 Triangle Lane for outdoor seating at Caribou Coffee was recommended for City Council approval.
3. Wherley With Wrenches. In August, a CUP at 424 Broadway Street for an automotive service center for Wherley With Wrenches was recommended for City Council approval.
4. International Parts Supply. In September, a CUP at 845 Corporate Drive for the allowance to exceed the 2:1 land to building ratio for outdoor storage for IPS Jordan Building, LLC / International Parts Supply Corporation for the storage of armored personal carriers was recommended for City Council approval.
5. St. John the Baptist Catholic Church. In September, a CUP at 313 2nd Street E for the allowance to exceed standard monument sign dimensions at St. John the Baptist Catholic Church was recommended for City Council approval.
6. Ballard-Sunder Funeral Home. In October, a CUP at 104 1st Street W for the provision of alkaline hydrolysis services was recommended for City Council approval.

IUP: None

Variances:

1. Fence in EOE. In May, a variance at 333 Crestview Circle to allow for a fence within an emergency overflow easement was recommended for City Council approval.
2. Fence in EOE. In May, a variance at 917 Waterford Way to allow for a fence within an emergency overflow easement was recommended for City Council approval.

3. Caribou Coffee. In May, three (3) variances at 225 Triangle Lane: one for the location of outdoor seating that did not meet setback requirements, one for the number of parking stalls on the property, and one for the setback requirements for parking stalls, were recommended for City Council approval.
4. St. John the Baptist Catholic Church. In September, a sign variance at 313 2nd Street E for the allowance of a larger sign was recommended for approval by the City Council.

Text Amendments: The following amendments were recommended for approval in 2019.

1. In August, an amendment to change the definition of the term “front yard” to be better defined with more detail.
2. In September, an amendment to better define the terms “outdoor seating” and “outdoor storage” with greater detail.
3. Bobby and Steve’s. In October, an amendment to allow for towing services with outdoor vehicle storage as a conditional use in the C-3 Highway Commercial District for Bobby and Steve’s Auto World
4. In November, an amendment to allow vehicle sales as a secondary use in the I-2 General Industrial District

Downtown Design Review: The following downtown façade/improvement projects were recommended for approval.

1. Façade Improvement. In April, a design review was recommended for approval for façade improvements at 213 Broadway Street S to install new glass doors, windows, new paint, and to reconstruct missing scrolls
2. Façade Improvement. In May, a design review was recommended for approval for façade improvements at 205 Broadway Street S for the installation of a garage door at the Pickled Pig
3. Façade Improvement. In November, a design review was recommended for approval for façade improvements at 221/223 1st Street E for a new building color

Miscellaneous:

1. Parking Plan for the Brewery Complex. In June, a parking plan was recommended for approval for those parcels within the “Brewery Complex”
2. Change of Use at Brewery Complex. A request for change of use at 415 Broadway Street S to change the use of the lower level from office/retail to assembly space was recommended for City Council denial.
3. Map Amendment(s). Two (2) newly annexed parcels (Grassmann Park and Jordan School District South Campus) were zoned according to the 2040 Comprehensive Plan. the Grassmann Park parcel was zoned R-1 Residential and the Jordan School District South Campus parcel was zoned R-4 Residential.

Building Permit Summary:

The City of Jordan issued 264 building permits at a total value of \$24,842,420.34.

- 37 single family construction permits were issued (26 were issued last year).
- 6 new townhome permits were issued for Wexford Square at a total value of \$938,000.
- 3 manufactured home permits were issued.

Planning Staff Included:

1. Lucinda Meyers, Senior Planner
2. Addison Lewis, Planner/Economic Development Specialist (through February)
3. Nathan Fuerst, Planner/Economic Development Specialist (beginning in May)
4. Lauren Walburg, Planning Intern (through June 19)
5. Megan Pavek, Planning Intern (June – Present)
6. Elliot Mohler, Planning Intern (October- present)