



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

**Tuesday, March 10, 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 APPROVAL OF MINUTES
 - A. February 11, 2020
- 4.0 NEW BUSINESS
 - A. TH 169/TH 282/CR 9 Official Mapping
 - B. PUBLIC HEARING: CUP Request 860 Quaker Avenue – Vehicle Sales
 - C. Discussion Item: City Code Section 154.046, *Zoning Amendment*
 - D. Discussion Item: City Code Section 154.371-378, *Home Occupations*
- 5.0 OLD BUSINESS
- 6.0 PLANNERS REPORT
 - A. General Updates
 - B. Next Meeting- April 14, 2020
- 7.0 CITY COUNCIL MEMBER UPDATE
- 8.0 COMMISSION MEMBER REPORT
- 9.0 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

**MINUTES OF THE PROCEEDINGS
OF THE PLANNING COMMISSION OF THE CITY OF JORDAN
IN THE COUNTY OF SCOTT
FEBRUARY 11, 2020**

1.0 CALL TO ORDER

Present: Tom Sand, Jane Bohlman, Bob Bergquist, Robert Whipps, Brenda Lieske, Amanda Schuh

Also Present: Lucinda Meyers, Senior Planner, Nathan Fuerst, Planner/Economic Development Specialist, Megan Pavek, Planning Intern

Meeting called to order at 6:32 pm.

2.0 ADOPT AGENDA

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

3.0 APPROVAL OF MINUTES

A. January 14, 2020

Motion by Lieske, second Bohlman to approve the minutes as presented. Vote all ayes. Motion Approved.

4.0 NEW BUSINESS

A. PUBLIC HEARING: CUP Request 350 Valley View Drive- Vehicle Sales

Meyers presented the CUP application for Dave Siwek. He previously came before the commission for a zoning text amendment to allow vehicle sales in the I-2 district. Now that vehicle sales are allowed as a conditional use, the applicant would like to sell the vehicles that he acquires on his property through his main business, Siwek Lumber.

The applicant plans on selling roughly 12- 20 vehicles and or trailers per year. He intends to store around 0-4 onsite at a time. The property already experiences a high volume of traffic onsite due to the operations of Siwek Lumber, so staff and the applicant do not foresee any issues or negative impacts. There is also an 8 ft privacy fence that screens the property from the road it is located on.

Chair Sand opens the public hearing at 6:40 pm.

The applicant inquires on whether the commission or staff have any questions for him. There are no questions.

Chair Sand closes the public hearing at 6:41.

Whipps suggested incorporating a limit to how many vehicles can be sold and stored there at a time. All commissioners agreed.

Schuh inquired on whether city staff had received any feedback from the public after mailing PH notices. Meyers responded that there was not.

Motion by Whipps, Second Schuh to recommend approval of the CUP with the condition that no more than four vehicles are stored onsite at a time, and no more than 20 are sold per year. Vote all ayes. Motion Carried.

B. 2020 Planning Commission Strategic Plan

Fuerst presented the 2020 Planning Commission Strategic Plan and noted that the first objective focuses on zoning and subdivision ordinance updates. There are numerous action items listed that require discussion, and will ultimately improve the interpretation and enforcement of the City Code.

Staff would also like to facilitate collaboration between the Planning Commission and the City Council on an “as needed” basis. Lieske inquired on the last time this had been done. Meyers responded that the last joint meeting was in 2018. The 2020 Strategic Plan and the upcoming adoption of the 2040 Comprehensive Plan will create ideal opportunities to touch base with City Council and make sure everyone is on the same page.

Under Objective 1 of the Strategic Plan, Action Item 8 has its own timeline and will align with the Comprehensive Plan’s vision for the C-1 district. Planning Staff gave background information on the upcoming effort and requirement to bring the Zoning Code and Map in line with the Comprehensive Plan.

Whipps inquired about whether the changes will result in the City spending more on future Comprehensive Plans. Meyers responded no, and that the biggest change will be the expansion of the Downtown area. In order to do this, a number of properties will have to be rezoned from R-2 to C-1 but is critical if they want to capitalize on the City’s biggest assets.

Motion by Bergquist, Second Whipps to adopt 2020 Strategic Plan. Vote all ayes. Motion Carried.

C. Review of the Downtown Master Vision

Fuerst presented about the history of Jordan's nearly decade old Downtown Master Vision and listed various efforts that the city has taken to meet the implementation plan laid out in the vision document. The implementation plan is a useful tool because it allows staff and commissioners to review which goals have been accomplished and what the status is of those yet to be completed.

Fuerst stated that Roet's Jordan Brewing, the City's incubator project, was attracted to locate in the City of Jordan due to the vision that the City had for its downtown. Sand agreed that the vision was a worthwhile investment by the City.

Schuh inquired whether there are plans for any more incubators to be implemented in the city. Fuerst responded that there are currently not. Schuh also proposed that any language related to the Chamber of Commerce needed to be removed because it has since been dissolved.

D. Discussion Item: Parkland Dedication

Meyers presented Parkland Dedication research. Whipps inquired on whether every developer has chosen the cash in lieu option. Meyers responded that Pineview is an example of a recent development that chose to put in parks instead of paying cash in lieu. Bridle Creek 9 and Stonebridge 3 and 4 were developed at the same time and none of these developments dedicated parks so the City chose to purchase adjacent land for Grassmann Park using the cash contribution.

At their meeting last month, PRAC recommended that a park study be conducted and revisions to the parkland dedication ordinance be made. Whipps inquired on who would conduct this new study and was concerned with the cost. Sand asked Whipps if he preferred that staff conduct the study. Whipps responded no. Lieske expressed that accuracy should be prioritized over money and suggested asking Bolton and Menk to do a bid before it goes to council.

Whipps stated that even if the cash in lieu fees are high, it doesn't seem to have deterred any developers. Meyers stated that multi-family housing is the main concern, while single-family housing is not being affected. Staff does not want to deter developers who are interested in constructing multi-family housing, especially since this type of housing has been identified as a need within the community.

Schuh confirmed that these calculations were established in 2014, and then inquired on how staff calculated parkland dedication fees before then. Meyers responded that prior to the current ordinance, staff would calculate 10% of the land being platted and require that amount for parkland dedication. Sand stated that parks are very important to Jordan residents and they are always wanting more. Grassmann is a good example of cash in lieu benefitting the public, but this not always the case.

Bohlman inquired on whether the older part of the city will ever get more parks. Meyers explained that the older parts of the city are already built out which makes it difficult to create new parks. Whipps added that if the levee is built and residential properties are taken, it would create additional parkland in Lowertown.

Meyers explained that there is no sense of urgency- staff noticed some inadequacies with the ordinance as written and implemented and felt it appropriate to discuss possible solutions to improve the methods used to calculate parkland dedication requirements. The recommendation from the PRAC will be received by the City Council- the Planning Commission can also make a recommendation if they would like to but it is not necessary. Bergquist stated that he trusts the judgement of PRAC, however all members agreed that this is a topic that Council, Planning Commission, and PRAC should all be involved in.

Schuh suggested obtaining bids for a parks study and adding that to the PRAC's recommendation. Schuh made a motion to recommend the PRAC's recommendation with the addition of obtaining bids for the parks study. Whipps amended the motion to include edits to 153.11 L (10) of the Subdivisions Ordinance.

Motion by Schuh, Second Lieske to recommend the PRAC recommendation to City Council with the conditions of obtaining bids for a park study and changing the code language in section 153.11 L (10) of the Subdivision Ordinance to be more streamlined. Vote all ayes. Motion Carried.

5.0 OLD BUSINESS

A. Discussion Item: R-4 Density

Senior Planner Meyers presented the item, stating that it has returned for further discussion per the request of the Planning Commission for further research. Meyers stated that it would be difficult to construct a high density building which conforms with both the density and the height requirements. Surrounding communities in Scott County, with the exception of Elko New Market and New Prague, allow at least 40 ft or 4 story high buildings. Meyers commented that other cities in Scott County have opted out of regulating floor area ratio (FAR). Multi-family housing has been identified as a need in the community.

Whipps recalled that when density was increased, the other measures of density were intentionally left as is so the developer would require a PUD and the city could collect the parkland dedication funds.

The commission agreed that the PUD process is tedious and is time and money intensive for the city and for developers.

Motion by Lieske, second Bergquist to recommend increasing the building height in the R-4 to 40 ft or 4 stories high, whichever is less. Vote all ayes. Motion Carried.

6.0 PLANNERS REPORT

Meyers reported that staff has consulted with the Minnesota Pollution Control Agency and the Department of Health to confirm that the Ballard Funeral home is in compliance with state regulations. Due to the sensitive nature of some of the information, the full report cannot be released to the public. However, the City is in receipt of an official letter from the MPCA which verifies the compliance of the facility, along with copies of relevant licensure. All of this can be released to the public.

Lieske inquired about the Peiper Property. Meyers stated that the SW Interceptor is laying the groundwork by adding value to the land surrounding this property. This may act as incentive to developers to pursue this land.

Fuerst reported that all of the recent zoning code housekeeping amendments have been approved by the City Council, and that the commission will proceed with more substantive code amendments.

Delia's All in One has a grand opening event this Thursday and all are welcome!

7.0 CITY COUNCIL MEMBER UPDATE

Whipps reported that Jordan leased one of it's trucks the City of Carver. The last City Council meeting was fairly short but the bid for alleyway improvements was approved recently.

8.0 COMMISSION MEMBER REPORT

9.0 ADJOURNMENT

Motion by Whipps, second Schuh, to adjourn at 7:57. Vote all ayes. Motion carried.

Tanya Velishek, Mayor

ATTEST:

Tom Nikunen, City Administrator

DATE: March 10, 2020
TO: Members of the Planning Commission
FROM: Mike Waltman, P.E., City Engineer



AGENDA ITEM: 4.0 (A) TH 169/TH 282/CR 9 Official Mapping

ACTION REQUESTED:

No formal action is requested at this meeting. At the April meeting, the Planning Commission will be asked to conduct a public hearing and take action on a proposed official map for this intersection.

BACKGROUND

The City of Jordan, Scott County, and MnDOT have long desired improvements at the intersection of Highways 169, 282, and CR 9. Over two decades ago, discussions between agencies began to identify appropriate improvements for the area. Over 25 unique concepts have been developed.

In 2018, the City of Jordan led a Concept Design and Consensus Building regarding the intersection. The process involved formation of a Technical Advisory Committee (TAC) made of Jordan, Scott County, and MnDOT as well as three Jordan City Council members. The purpose of the TAC was to understand individual agency perspectives and to gain insight relative to key issues or perceived impacts, discuss potential mitigation strategies to minimize negative impacts, and identify considerations that could influence the study outcome. The TAC met several times to review existing deficiencies and build consensus around a shared vision for improvements. The process involved traffic engineering, conceptual design, and public engagement to enhance existing and create some new layouts for the intersection. These layouts were critiqued by the TAC based on numerous factors and an evaluation matrix with detailed report were produced to document the alternative considerations. The TAC group successfully worked in a collaborative and cooperative manner to ultimately develop a process for the next steps toward implementation.

The goal of this study was to establish an agency supported design concept and estimated cost for the improvements to allow the City, County, and MnDOT to move forward with additional planning and the pursuit of project funding. The project is currently in the preliminary design stage and environmental review process. This will enable compliance with National Environmental Policy Act (NEPA) requirements. Funding is not currently available to allow the improvements to proceed to construction. Completion of the environmental review and preliminary design steps will enable the City and County to pursue State and Federal funding for implementation with the goal of implementing the improvements within the next 5 to 10 years.

Attached is a layout of the agency supported concept. In 2015 the City of Jordan officially mapped a boundary covering the footprint of a different interchange concept. An official map designates land necessary for construction of an interchange. The current process proposes to adopt a new official map for the current agency supported concept. This mapping process accomplishes two primary goals:

1. This designation removes uncertainty for businesses and prospective developers with respect to the footprint of the planned interchange, thereby allowing proper planning by those private entities for development and redevelopment in the adjacent highway commercial areas not encumbered by the footprint.

2. It allows the City, and indirectly other public agency partners of the City in the project, the opportunity to purchase property prior to construction of private improvements within the mapped boundary. Once an Official Map has been adopted and filed, if a complete and acceptable building permit is requested for a property within the officially mapped right-of-way, the City must either issue the permit or purchase the property. If the City were to issue the permit and allow the private construction to occur, the ultimate purchase price of the property for construction of the interchange would increase as a result.

Per MN Statutes 394.361 and 462.359, the City is required to conduct a public hearing on the proposed Official Map. Staff is proposing to hold that public hearing at the April Planning Commission meeting. Following the public hearing, the Planning Commission will be asked to make a recommendation to the City Council on the proposed Official Map. Finally, the Official Map will then be presented to the City Council for adoption and ultimately filed with Scott County.

This item is being presented at the March Planning Commission meeting to provide information to commissioners in preparation for the April meeting. Should commissioners have questions about the process or its implications, it is requested those questions be provided prior to the April meeting to allow time for research, should it be necessary. Discussion at this meeting is intended to be focused on the official mapping process for the interchange. For further background on the project if desired, a wealth of information is available by request to the City Engineer and on the project website at www.jordanmnengineering.com or more specifically, at <https://clients.bolton-menk.com/jordanengineering/us169-hwy282-cr9interchange/>

FISCAL IMPACT:

No direct fiscal impacts to the City associated with this discussion. Indirect economic development impacts are broad reaching.

STAFF RECOMMENDATION:

Provide feedback to Staff on the official mapping process. Bring questions to the meeting that you would like Staff to research prior to the April public hearing.

PLANNING COMMISSION ACTION:

Motion: _____ Second: _____

Approved: _____ Disapproved: _____ Tabled: _____

Other: _____

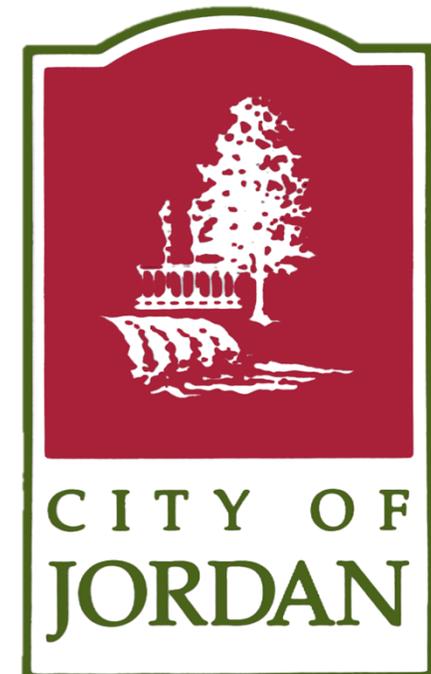


Real People. Real Solutions.

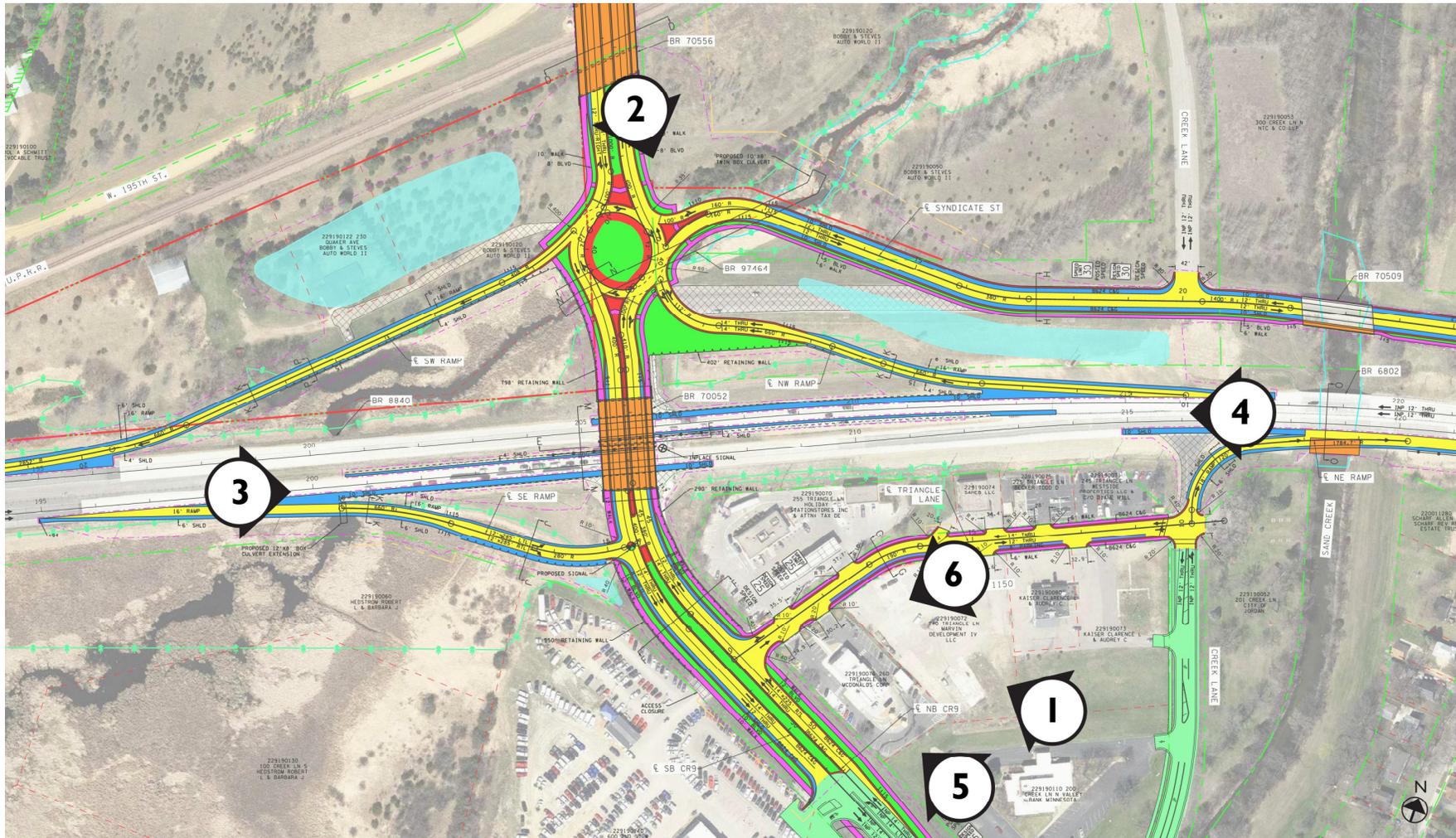
169 / 282 / 9 Interchange Official Mapping

Planning Commission Meeting

March 10, 2020



Snapshot of Current Layout



Full layout available online at:

<https://clients.bolton-menk.com/jordanengineering/wp-content/uploads/sites/44/2020/02/Layout.pdf>



Official Mapping Process

- ✓ Survey work to determine property boundaries
- ✓ Develop preliminary layout
- ✓ Planning Commission – Preparation at March meeting
- Confirm Proposed R/W Project Boundaries – to be confirmed at March meeting with County, MnDOT
- Develop Official Map – to be presented on April 10th
- Public Hearing Notices
- Public Hearing at Planning Commission Meeting, Recommendation to Council – Proposed April 10th
- City Council Adoption – Proposed April 20th
- File with Scott County



Official Mapping Benefits

- Removal of uncertainty for property owners and potential developers
- Impact on building permits / development
- Positioning for funding, better facilitates public purchase of property if/when needed



Requested Action / Considerations Tonight

- Does the planning commission have any questions about process or intended steps at April meeting?
- Other than the official map itself, what additional information (if any) would the planning commission like to see at the April meeting?



462.359 PROCEDURE TO EFFECT PLAN: OFFICIAL MAPS.

Subdivision 1. **Statement of purpose.** Land that is needed for future street purposes or for aviation purposes and as sites for other necessary public facilities and services is frequently diverted to nonpublic uses that could have been located on other lands without hardship or inconvenience to the owners. When this happens, public uses of land may be denied or may be obtained later only at prohibitive cost or at the expense of dislocating the owners and occupants of the land. Identification on an official map of land needed for future public uses permits both the public and private property owners to adjust their building plans equitably and conveniently before investments are made that will make adjustments difficult to accomplish.

Subd. 2. **Adoption.** After the planning agency has adopted a major thoroughfare plan and a community facilities plan, it may, for the purpose of carrying out the policies of the major thoroughfare plan and community facilities plan, prepare and recommend to the governing body a proposed official map covering the entire municipality or any portion thereof. The governing body may, after holding a public hearing, adopt and amend the official map by ordinance. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the municipality at least ten days prior to the date of the hearing. The official map or maps shall be prepared in sufficient detail to permit the establishment of the future acquisition lines on the ground. In unplatted areas a minimum of a centerline survey shall have been made prior to the preparation of the final draft of the official map. The accuracy of the future acquisition lines shown on the official map shall be attested to by a licensed land surveyor. After adoption, a copy of the official map, or sections thereof with a copy of the adopting ordinance attached shall be recorded with the county recorder as provided in sections 462.351 to 462.364.

Subd. 3. **Effect.** After an official map has been adopted and filed, the issuance of building permits by the municipality is subject to this section. Whenever any street or highway is widened or improved or any new street is opened, or interests in lands for other public purposes, including aviation purposes, are acquired by the municipality, it is not required in such proceedings to pay for any building or structure placed without a permit or in violation of conditions of a permit within the limits of the mapped street or outside of any building line that may have been established upon the existing street or within any area thus identified for public purposes. The adoption of an official map does not give the municipality any right, title, or interest in areas identified for public purposes thereon, but the adoption of the map does authorize the municipality to acquire interests without paying compensation for buildings or structures erected in those areas without a permit or in violation of the conditions of a permit.

Subd. 4. **Appeals.** If a land use or zoning permit or approval for a building in such location is denied, the board of appeals and adjustments shall have the power, upon appeal filed with it by the owner of the land, to grant a permit or approval for building in such location in any case in which the board finds, upon the evidence and the arguments presented to it, (a) that the entire property of the appellant of which such area identified for public purposes forms a part cannot yield a reasonable return to the owner unless such a permit or approval is granted, and (b) that balancing the interest of the municipality in preserving the integrity of the official map and of the comprehensive municipal plan and the interest of the owner of the property in the use of the property and in the benefits of ownership, the grant of such permit or approval is required by considerations of justice and equity. In addition to the notice of hearing required by section 462.354, subdivision 2, a notice shall be published in the official newspaper once at least ten days before the day of the hearing. If the board of appeals and adjustments authorizes the issuance of a permit or approval the governing body or other board or commission having jurisdiction shall have six months from the date of the decision of the board to institute proceedings to acquire such land or interest therein, and if no such proceedings are started within that time, the officer responsible for issuing permits or approvals shall issue the permit or approval if the application otherwise conforms to local ordinances. The board shall specify

the exact location, ground area, height and other details as to the extent and character of the building for which the permit or approval is granted.

History: *1965 c 670 s 9; 1976 c 181 s 2; 1986 c 444; 1995 c 254 art 3 s 8; 1998 c 324 s 9; 2005 c 4 s 109; 2005 c 41 s 18,19*

394.361 OFFICIAL MAP.

Subdivision 1. **Future public uses.** Land that is needed for future street and highway purposes, or for aviation purposes, and as sites for other necessary public facilities and services is frequently diverted to nonpublic uses that could have been located on other lands without hardship or inconvenience to the owners. When this happens, public uses of land may be denied or may be obtained later only at prohibitive cost or at the expense of dislocating the owners and occupants of the land. Identification on official maps of land needed for future public uses permits both the public and private property owners to adjust their building plans equitably and conveniently before investments are made that will make adjustments difficult to accomplish.

Subd. 2. **Development; hearings, adoption, filing.** The planning commission may develop and recommend for adoption by the board official maps and amendments thereto covering all or any portion of the unincorporated area of the county. Public hearings on proposed official maps and amendments thereto shall be held in accordance with section 394.26. The official map may be adopted and amended by ordinance by the board.

All official maps shall be prepared in sufficient detail to permit the establishment of future acquisition lines on the ground. In unplatted areas a minimum of a centerline survey shall have been made prior to the preparation of the final draft of the official map. The accuracy of the future acquisition lines shown on the official map shall be attested to by the county surveyor. Copies of official maps and amendments shall be filed in accordance with section 394.35. One copy of the official map shall be furnished to the town clerk of each affected town.

Subd. 3. **Effect.** After an official map has been adopted and filed, the issuance of land use or zoning permits or approvals by the county is subject to the provisions of this section. Whenever any street or highway is widened or improved or any new street is opened, or interests in lands for other public purposes, including aviation purposes, are acquired by the county, it is not required in such proceedings to pay for any building or structure placed without a permit or approval or in violation of conditions of a permit or approval within the limits of the mapped street or highway or outside of any building line that may have been established upon the existing street or within any area thus identified for public purposes, including aviation purposes. The adoption of official maps does not give the county any right, title, or interest in areas identified for public purposes thereon, but the adoption of a map does authorize the county to acquire these interests without paying compensation for buildings or structures erected in those areas without a permit or approval or in violation of the conditions of a permit or approval. This subdivision does not apply to buildings or structures in existence prior to the filing of the official map.

Subd. 4. **Board of adjustment role.** If a permit for a building in such location is denied, the board of adjustment shall have the power, upon appeal by the owner of the land to authorize the issuance of a permit for building in such location in any case in which the board finds, upon the evidence and the arguments presented to it, (a) that the entire property of the appellant of which such area identified for public purposes forms a part cannot be put to a reasonable use by the owner unless such a permit is granted, and (b) that balancing the interest of the county in preserving the integrity of the official map and the comprehensive plan and interest of the owner of the property in the use of the property and in the benefits of ownership, the issuance of such permit is required by considerations of justice and equity. Prior to reaching a decision upon the appeal, public hearings shall be held in accordance with section 394.26. If the board of adjustment authorizes the issuance of a permit the board shall have six months from the date of the decision of the board of adjustment to institute proceedings to acquire such land or interest therein, and if no such proceedings are started within that time, the officer responsible shall issue a permit in accordance with the conditions

stated in the authorization specifying the exact location, ground area, height and other details as to the extent and character of the building for which the permit is granted.

History: *1974 c 571 s 44; 1986 c 444; 1995 c 254 art 3 s 5; 2005 c 41 s 14,15*

DATE: March 10, 2020
TO: Chair Sand and Members of the Planning Commission
FROM: Nathan Fuerst, Planner/Economic Development Specialist



AGENDA ITEM: 4 B. PUBLIC HEARING: CUP Request for Vehicle Sales at 860 Quaker Avenue

ACTION REQUESTED: Motion to recommend City Council approval of the Conditional Use Permit, subject to any conditions identified.

BACKGROUND:

The City amended the Zoning Code to allow for vehicle sales as a conditional use in the General Industrial (I-2) district in late 2019. River Valley Investments LLC, operated by Lee Theis of JL Theis, is working with a tenant to allow vehicle sales from the property located at 860 Quaker Avenue in the City’s General Industrial (I-2) District. The tenant is JS Auto Sales, who proposes to primarily use the property for auto repair, an allowed use in the I-2 District. Vehicle sales will be ancillary to vehicle repair.

Property Information:

Address	860 Quaker Avenue
Legal Description	Lot 2, Block 1, Valley Plumbing 1 st Addition
Size	11.15 acres
Zoning	General Industrial (I-2)

Adjacent Zoning / Land Use:

North	I-2: Beyond Properties LLC - various industrial uses
South	I-2: Residential property
East	R-2: Residential properties
West	I-2: Ahlbrecht Masonry and Hentges



Application Review:

The Applicant has indicated that they plan to move their business into Jordan's I-2 district. Currently, they operate out of two separate locations – one in Shakopee for auto repair and one in Newport for auto sales. The Applicant will consolidate their business operations into the space at 860 Quaker Avenue. Primarily, operations are focused on auto repair for Class 2-3 Passenger Vehicles. Auto sales are carried out online, and potential customers may come onsite only to inspect a vehicle they have found online.

The Applicant intends to sell roughly 20-25 vehicles per year with no more than 5 vehicles for sale at any given time. Vehicles will be stored outdoors on the asphalt parking surface on site where construction equipment is currently stored.

Code Requirements

Vehicle sales are allowed in the I-2 district as a conditional use, subject to the following conditions: (Staff comments are featured in *italics*)

- The use must be accompanied by a permitted use under City Code Section 154.172. *The current use of the property is permitted.*
- The conditions established for vehicle sales in City Code Section 154.153 shall be applied.
 - The required display area setback shall be curbed and landscaped to prevent vehicle encroachment into the front yard and side yard setback areas. *Vehicles for sale on site will be parked in an area that will be screened from the public right of way by mature evergreen trees and existing fencing with privacy slats.*

Findings

The Planning Commission shall recommend a conditional use permit and the Council may issue conditional use permits if it finds the following at the proposed location: (Staff comments are featured in *italics*)

- 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. *This condition appears to be met.*
- 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. *Vehicles for sale on site will be parked in an area that will be screened from the public right of way by mature evergreen trees and existing fencing with privacy slats. This condition appears to be partially met.*
- 3) The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties. *This condition appears to be met.*
- 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. *This condition appears to be met.*
- 5) The use is consistent with the purposes of this subchapter and the purposes of the zoning

district in which the applicant intends to locate the proposed use. *This condition appears to be met.*

- 6) The use is not in conflict with the Comprehensive Plan or Water Resource Management Plan. *This condition appears to be met.*
- 7) The use will not cause traffic hazard or congestion. *This condition appears to be met.*
- 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. *This condition appears to be met.*

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. (City Code Section 154.047(B))

Example conditions include the following:

- Limited number of vehicles for sale at any given time.
- Limited number of vehicles for sale in a given year.
- Types of vehicles sold (i/e vehicles, trailers, heavy trucks, etc.).
- Screening requirements from public right of way.

Public Hearing

The Planning Commission shall hold a public hearing on the application. Notice of said hearing has been published in the official newspaper of the city in accordance with state statute. Notice has been mailed to the owners of all property located within 350 feet of the subject property.

FISCAL IMPACT: A commercial/industrial CUP application costs \$400.00 per the approved 2020 fee schedule. This amount has been paid by the applicant.

STAFF RECOMMENDATION: The Planning Commission should open the public hearing to receive input on the application prior to discussion. Discussion should be focused on determining permit conditions that are appropriate for the use and the site.

Upon determination of the conditions, the commission should make a recommendation to the City Council, by motioning to approve the request, subject to any conditions that have been specified.

ATTACHMENTS:

- 1. CUP Application
- 2. Public Hearing Notice
- 3. Zoning Map

COMMISSION ACTION:

Motion: _____

Second: _____

Approved: _____

Disapproved:

Tabled:

Other: _____

PAID

FEB 19 2020

CITY OF JORDAN

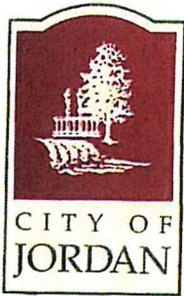
APPLICATION FOR CONDITIONAL USE PERMIT

RECEIVED

19

FEB 18 2020

CITY OF JORDAN



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

APPLICANT

NAME: Js Auto sales LLC/ Jose Bonzini WORK PHONE: (951)434-0516

HOME PHONE: N/A ADDRESS: 2187 Van Sloun RD

CITY: Chaska STATE: MN ZIP: 55318

OWNER

NAME: River Valley Investments LLC WORK PHONE: 612-282-5463

HOME PHONE: n/a ADDRESS: 860 Quaker Ave Ste 102

CITY: Jordan STATE: MN ZIP: 55352

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 Conditional Use Permit to conduct the following: Internet Auto Sales of 1 to 5 cars.

2. Legal description of land to be affected by application, including acreage or square footage of land involved, and street address, if any (attach additional sheet if necessary):

3. Street Location of Property (address): 860 Quaker Ave

4. Present zoning of the above described property is: I 2

5. Title Information: Abstract _____ Torrens _____

6. What impact will the granting of the Conditional Use Permit have on:

a. Existing parks and schools: None

b. Existing streets and other public facilities: None

c. Existing public utilities which serve or are proposed to serve the area: Building is served by Jordan Sewer + water, Xcel Electric, Center Point Gas

7. Is the proposed use compatible with present and future land uses of the area? Please explain: Yes, This site typically stores construction equipment. Our request is to park 1 to 5 cars in lieu of trailers or Caterpillar machines

If no, what screening is proposed and what are the setbacks from the adjacent land uses? Current screening is in place.

8. Will the proposed use or appearance of the proposed use have an adverse affect on adjacent properties? Please explain:
No. The Area is screened, The Attached Satellite view Shows the parking Area. 2004 to 2019 it held trailers and construction Equipment. Now we propose it holds cars
9. Is the use related to the overall needs of the City and to the existing land uses? Explain:
In my opinion the use is compatible with I-2, Auto Repair
10. Is the use consistent with the zoning district provisions and other sections of the Zoning Ordinance? Please explain:
Auto Sales is approved in other districts. Please understand that this will Not be a used car lot with signs. We propose to park 1-5 cars with No signs
11. Is the proposed use consistent with the Comprehensive Plan? Please explain. Yes - Auto Repair is Allowed. Auto Sales is allowed by CUP
12. Will nearby existing businesses be adversely affected because of curtailment of customer trade brought about by noise, glare or general unsightliness? Please explain. No. Area is screened and this use is not over the noise limits

Attached to this application and made a part thereof are other material submission data requirements, as indicated. Conditional Use Permits in the F-1 and F-2 Districts require additional information and mapping.

I certify that all information submitted is true and correct and I fully understand that all information and a complete application must be submitted at least 28 days prior to a planning commission meeting to ensure review by the Planning Commission on that date.

*Applications will not be accepted without a parcel identification number.

Applicant Signature: [Signature]

Date: 02/19/20

Owner Signature: [Signature]

Date: 2-19-2020

PROPOSED MEETING DATES:

Planning Commission _____ City Council _____

FOR OFFICE USE ONLY

DATE SUBMITTED: 2-19-20 DATE COMPLETE: _____ IF INCOMPLETE, DATE LETTER SENT TO APPLICANT: _____

DATE OF PUBLIC HEARING _____ PUBLICATION DATE: _____

DATE NOTICE SENT TO ADJOINING PROPERTIES: _____

AMOUNT OF FEE PAID: _____ DATE FEE PAID: _____ FILE # _____

PLANNING COMMISSION ACTION: _____ RECOMMEND APPROVAL _____ RECOMMEND DENIAL _____

DATE OF ACTION: _____

DATE APPLICANT/PROPERTY OWNER NOTIFIED OF PLANNING COMMISSION ACTION: _____

CITY COUNCIL ACTION: _____ APPROVED _____ DENIED _____

DATE OF ACTION: _____

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

DATE FILED WITH SCOTT COUNTY RECORDER'S OFFICE: _____

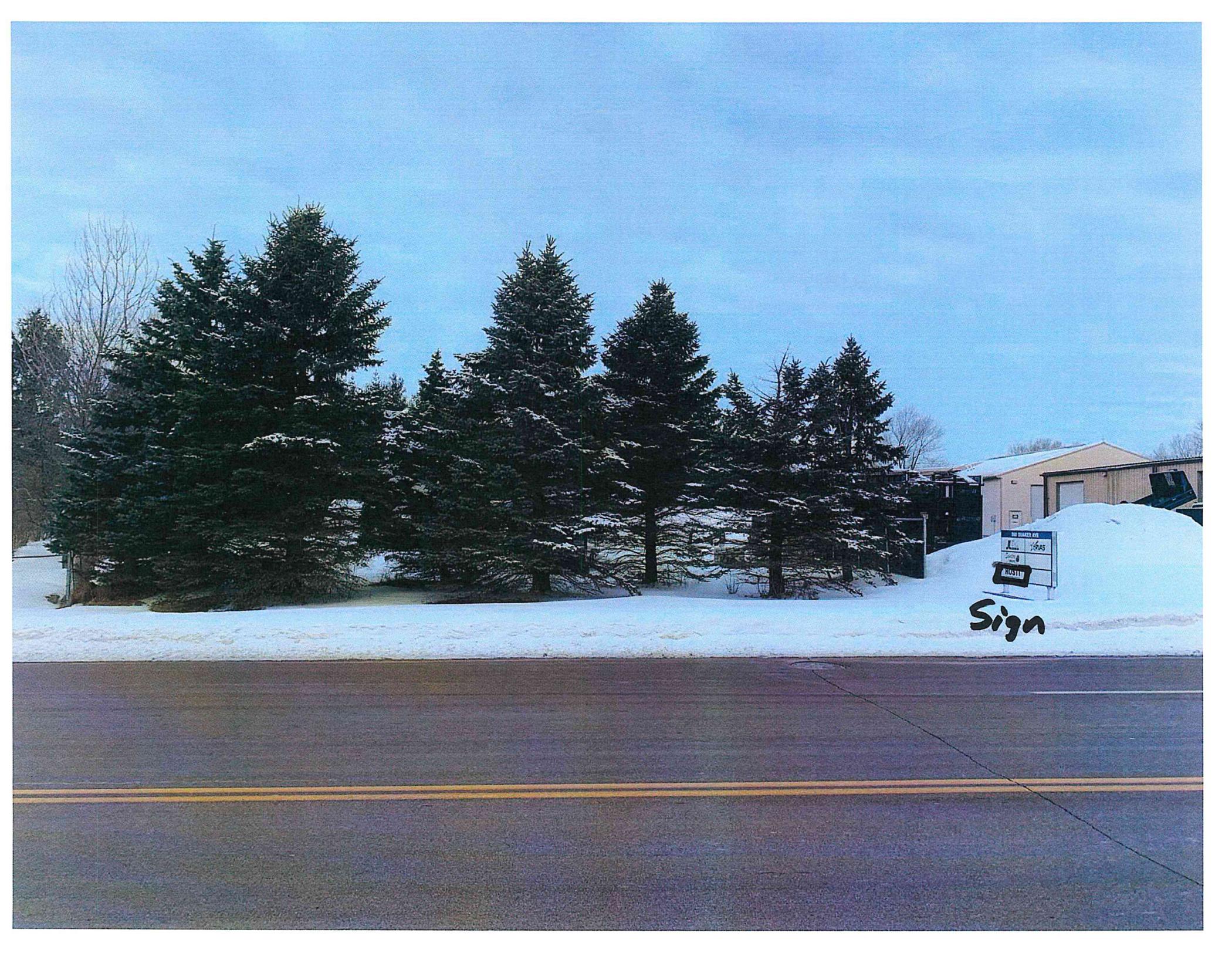
Supplemental CUP Questions – 860 Quaker Ave



1. What are the principal uses on the site? (please list all uses)
JL Ther's - office use Signature Landscapes - Construction -
RVAS - Cheerleading Training
2. How many parking spaces are allowed on site?
29
3. What was the previous use in the space to be occupied by Auto Repair and Sales?
Rosti Construction - Repair + Storage of Construction Activity
4. Where will the vehicles be stored on site for the proposed Auto Sales?
Please see map. 2 cars outside Door 1 to 5 cars for sale in Storage Area
5. Will the use be visible from the public right of way?
See photos
 - a. Please provide a description or photos of the screening from County Road 9.
See photos
6. Will the use be visible from adjacent properties?
NO - this is Fully Screened.
7. Are you proposing to store any materials associated with the use, other than vehicles
1 ^{car} trailer 20'
for sale, outside?
8. What is the surface on which the vehicles will be stored?
Asphalt
9. How many vehicles on site will be for sale at any point in time? (maximum/minimum?)
1 to 5 for Sale in Storage Area 1-3 near building for employees or customers of repair.
10. How many vehicles will be sold in a year?
20 to 25
11. Will there be new signage on site associated with the new use?
No - The existing 4' x 8' Sign for the Building will have a 16" x 30" Signage Area for the business





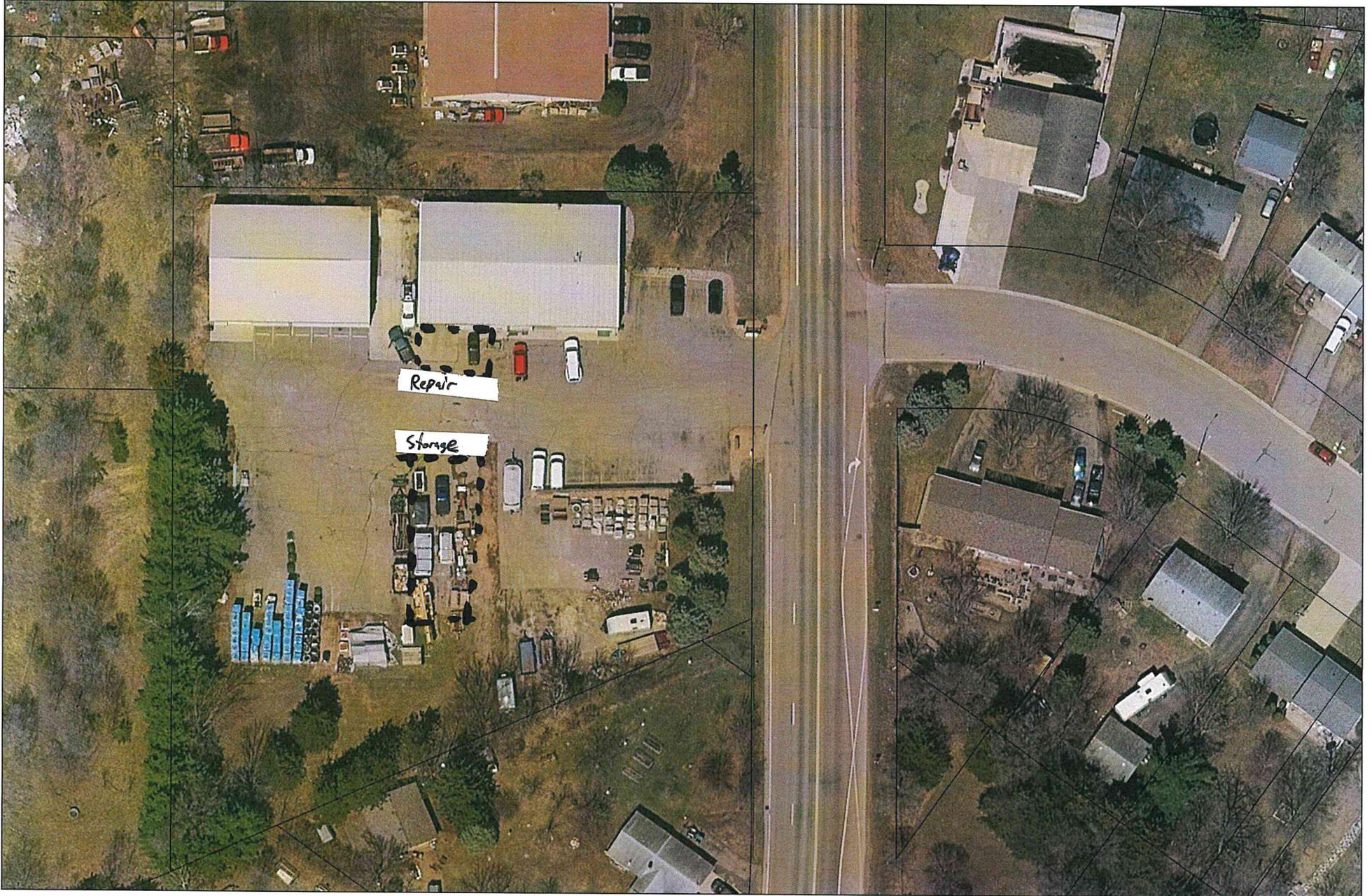


Sign



CRYSTEEL
LARGE ORIGINAL
&
MINNEAPOLIS
MINNESOTA

Scott County



This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. Scott County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact the Scott County Surveyors Office.



Date: 2/19/2020

1 in = 94 ft



**CITY OF JORDAN
COUNTY OF SCOTT
STATE OF MINNESOTA**

**NOTICE OF PUBLIC HEARING ON A REQUEST FOR A CONDITIONAL USE PERMIT
TO ALLOW VEHICLE SALES IN THE GENERAL INDUSTRIAL (I-2) ZONING DISTRICT
AT 860 QUAKER AVENUE**

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Jordan, Scott County, Minnesota, will conduct a public hearing to accept public input on a request for a Conditional Use Permit to allow vehicle sales in the General Industrial (I-2) zoning district at 860 Quaker Avenue (JS Auto Sales). The hearing will be held on Tuesday, March 10, 2020 at approximately 6:30 p.m. or shortly thereafter at the Jordan City Council Chambers, located at 116 East First Street in the City of Jordan, Minnesota. The purpose of the public hearing is to accept input on the conditional use permit request:

Request: Request from JS Auto Sales and River Valley Investments LLC, for a conditional use permit to allow vehicle sales.

Applicant/Address: JS Auto Sales and River Valley Investments LLC / 860 Quaker Avenue, Jordan, MN 55352

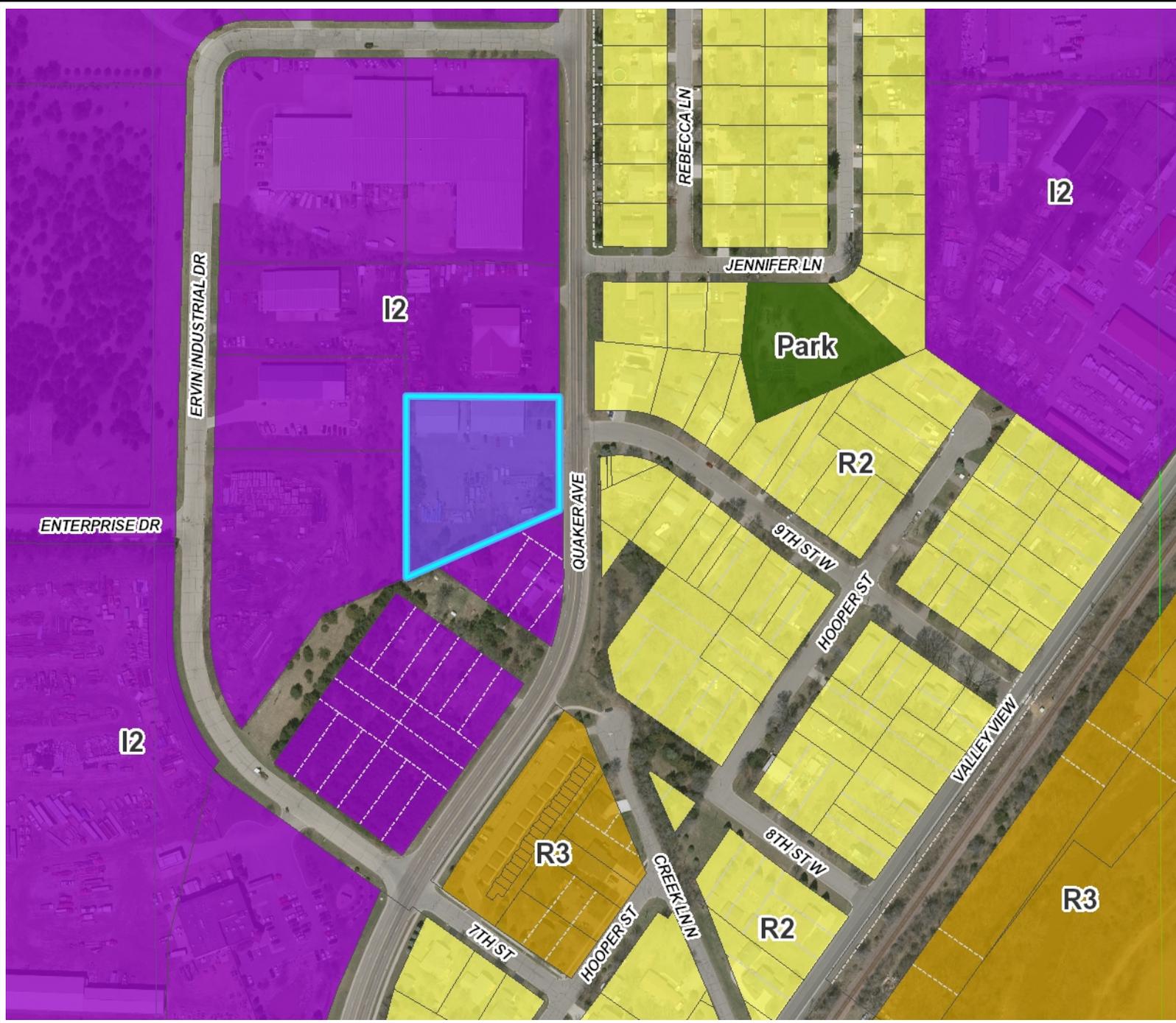
Legal Description: Lot 2, Block 1, Valley Plumbing 1st Addition

Questions regarding this request may be directed to the City of Jordan City Offices, 210 East First Street, Jordan, MN 55352: phone 952-492-7929.

All interested persons may appear at the hearing and present their view orally or in writing.

Date: February, 24, 2020

Nathan Fuerst,
Planner/Economic Development Specialist



Legend

- ⊞ City Limits
- Parcels (11/1/2019)
- Lot Lines
- ⊞ Annexations
- ⊞ Planned Unit Development
- Zoning
 - R-1 Single Family
 - R-2 Single and Two Family Residential
 - R-3 Townhouse and Multiple Family Residential
 - R-4 Multiple Family Residential
 - R-5 Mobile Home District
 - C-1 Neighborhood Business
 - C-2 Central Business
 - C-3 Highway Commercial
 - I-1 Light Industrial
 - I-2 General Industrial
 - Park
- Boundary
- Footprint
- Image
 - Red: Red
 - Green: Green
 - Blue: Blue

Surrounding Zoning



Disclaimer:

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of Jordan is not responsible for any inaccuracies herein contained.



DATE: March 10, 2020
TO: Chair Sand and Members of the Planning Commission
FROM: Lucinda Meyers, Senior Planner



AGENDA ITEM: 4 C. City Code Section 154.046, Zoning Amendment

ACTION REQUESTED: Review suggested technical changes to the Zoning Code. Motion to recommend Section 154.046 of the City Code be amended as presented or with any additional changes suggested by the Planning Commission.

BACKGROUND:

[City Code Section 154.046, Zoning Amendment](#), was last amended in May of 2013. The section establishes the process and procedure for zoning amendments, including both zoning code and the zoning map amendments.

The section is redundant and requires revisions for purposes of clarity. Staff has edited the ordinance accordingly, with deletions in ~~red-strikeout~~, additions in blue underline. All amendments suggested are technical in nature, meaning that the changes are related to the ordinance language, and include minor changes or corrections to improve clarity or consistency.

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

STAFF RECOMMENDATION: The Planning Commission should discuss the recommended changes to the Zoning Amendment section of the City Code and provide staff with feedback. The commission should motion to recommend amending the code section as specified, for purposes of clarification.

ATTACHMENTS:

1. City Code Section 154.046 featuring proposed amendments

COMMISSION ACTION:

Motion: _____

Second: _____

Approved: _____

Disapproved:

Tabled:

Other: _____

154.046 ZONING AMENDMENT.

(A) *Criteria for approval.* The Council may amend this subchapter and the zoning map in relation to land uses within a particular district or as to the location of district lines (rezoning). Amendments shall not be made indiscriminately but shall only be used as a means to reflect changes in the goals and policies of the city as reflected in the Comprehensive Plan, policies plan or changes in conditions in the city.

(B) *Procedure.* Amendment may be initiated by the Council, the Planning Commission or upon application of a property owner. Individuals wishing to initiate an amendment shall complete a zoning amendment application form and submit it to the city. Any amendment not initiated by the Planning Commission shall be referred to that Commission for review, and no amendment shall be acted upon by the Council until it has received the Planning Commission recommendations or until 60 days have elapsed from the date of reference of the amendment without a report by the planning agency or otherwise in compliance with M.S. § 15.99, Subd. 2. The procedure for a property owner to initiate a ~~rezoning or district regulation change applying to his or her property~~ zoning amendment is as follows:

(1) The property owner or his or her agent shall meet with the Zoning Administrator to explain the situation, learn the procedures, and obtain an application form.

(2) The applicant shall file the completed application form together with the required exhibits with the Zoning Administrator and shall pay a filing fee as established by the City Council.

~~—(3) The Zoning Administrator shall transmit the application and required exhibits to the Planning Commission and shall notify all property owners within the affected zone and within 350 feet of the outer boundaries of the property in question; however, failure of any property owner to receive such notification shall not invalidate the proceedings.~~

(43) The Zoning Administrator shall set the date for a public hearing and shall have notices of such hearing published in the legal official newspaper at least once, not less than 10 days and not more than 30 days prior to said hearing. A zoning map amendment shall require notification of all property owners within 350 feet of the outer boundaries of the property in question however, failure of any property owner to receive such notification shall not invalidate the proceedings. The notice shall include a description of the land and the proposed change. The ~~City Council may waive the~~ mailed notice requirements shall be waived for a city-wide zoning amendment ~~to the zoning ordinance~~ initiated by the Planning Commission or City Council.

(54) The Planning Commission shall hold the public hearing and then shall recommend to the City Council within 30 days, 1 of 3 actions — approval, denial, or conditional approval.

(65) The City Council shall act upon the application within 30 days after receiving the recommendation of the Planning Commission. The zoning amendment shall require the affirmative vote of the majority of the members of the City Council.

(76) No application of a property owner ~~for an amendment to the text of the ordinance or the zoning map~~ shall be considered by the Planning Commission within the 1 year period following a denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

~~(C) (8)~~ Comprehensive Plan. An amendment to this chapter or the zoning map shall be construed as an amendment to the Comprehensive Plan and its map.

~~(D)~~ Procedure for PUD zoning. Applications for establishment of the PUD District shall be made pursuant to §§ 154.191 through 154.199.

~~(D) Planning Commission hearing and notice.~~ A public hearing on a rezoning application shall be held by the Planning Commission within 30 days after receipt of the rezoning request. Notice of said hearing shall be published in the official newspaper at least 10 days prior to the hearing, and the City Clerk shall mail the same notice to the owners of all property within 350 feet of the land proposed to be rezoned. The notice shall include a description of the land and the proposed change. Failure of a property owner to receive such notification shall not invalidate the proceedings. The mailed notice requirement shall be waived for a city-wide amendment initiated by the Planning Commission or the Council. The Planning Commission shall make its report to the Council within 30 days following the hearing recommending either approval, disapproval or modified approval of the proposed amendment.

~~(E) Council action.~~ The Council shall take action on the application within 60 days following referral by the Planning Commission. A majority vote of all members of the Council is required to adopt an amendment to this subchapter, except that the adoption or amendment of any portion of a zoning ordinance which changes all or part of the existing classification of a zoning district from residential to either commercial or industrial requires a majority vote of all members of the governing body. (M.S. § 462.357, Subd. 2b) The applicant shall be notified of the action taken.

~~(F) Reapplication.~~ No application of a property owner shall be considered by the Planning Commission within the 1-year period following a denial of such request, except the Commission may permit a new application, if in its opinion new evidence or a change in circumstances warrants it.

DATE: March 10, 2020
TO: Chair Sand and Members of the Planning Commission
FROM: Lucinda Meyers, Senior Planner



AGENDA ITEM: 4 D. City Code Sections 154.371-154.378, Home Occupations

ACTION REQUESTED: Review suggested technical changes to the Zoning Code. Motion to recommend Sections 154.371-154.378 of the City Code be amended as presented or with any additional changes suggested by the Planning Commission.

BACKGROUND:
[City Code Sections 154.371-154.378, Home Occupations](#), was adopted in May 2013 and amended in 2015.

The section is requires revisions for purposes of clarity. Staff has edited the ordinance accordingly, with deletions in ~~red-strikeout~~, additions in [blue underline](#). All amendments suggested are technical in nature, meaning that the changes are related to the ordinance language, and include minor changes or corrections to improve clarity or consistency.

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

STAFF RECOMMENDATION: The Planning Commission should discuss the recommended changes to the Home Occupation section of the City Code and provide staff with feedback. The commission should motion to recommend amending the code section as specified..

ATTACHMENTS:
1. City Code Section 154.371-154.378 featuring proposed amendments

COMMISSION ACTION:

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

Other: _____

	Permitted Home Occupation (Permit)	Special Home Occupation (License)
Approval	May be issued by Zoning Administrator based upon proof of compliance with the provisions of this chapter.	Require a public hearing before the Planning Commission, following published notice in the newspaper and mailed notice to property owners within 350ft of the property. Planning Commission forwards recommendation to City Council for final approval.
Effective	The approval shall remain in effect until there has been a change in conditions or until the provisions of this subchapter change.	May be issued for a period of one (1) year after which the license may be reissued for periods of up to five (5) years each.
Occupation Examples	Photo/art studio, barber/beauty shops, professional offices, sale of products whose name brand are not marketed and sold in wholesale or retail outlet	Barber/beauty shops, carpentry/woodworking, bed and breakfast, dog grooming, small engine repair
Regulations	<ul style="list-style-type: none"> • <u>No person other than those who customarily reside on the premises shall be employed</u> • Home occupation <u>must be conducted entirely within principle building and not conducted in an accessory building</u> • <u>Shall not create a parking demand in excess of that which can be accommodated in an existing driveway- does not generate more than two (2) vehicles at one (1) time</u> 	<ul style="list-style-type: none"> • Planning Commission may impose conditions of the granting • <u>Accessory building may be used</u> for the storage of items incidental to the licensed home occupation • <u>No person other than those who customarily reside on the premises and one (1) full time equivalent employee may be employed</u> • <u>May be allowed to accommodate their parking demand through utilization of on street parking</u>
Provisions	<ul style="list-style-type: none"> • No manufacturing business • No mechanical or electric equipment not customarily found in a home • No interior or exterior alterations and no construction features which are not primarily found in a dwelling • No Home Occupation shall produce light glare, noise, odor, or vibration that will in any way have an objectionable effect upon adjacent or nearby property • No equipment shall be used which will create electrical interference to surrounding properties • Shall be clearly incidental and secondary to the residential use and should not change the residential character thereof, and result in no incompatibility or disturbance to the surrounding residential uses 	<ul style="list-style-type: none"> • Any home occupation that does not meet the requirements and provisions for a permitted home occupation shall require a "Special Home Occupation License"

HOME OCCUPATIONS

154.371 PURPOSE.

The purpose of this subchapter is to prevent competition with business districts and to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted in residential neighborhoods without jeopardizing the health, safety and general welfare of the surrounding neighborhood. In addition, this subchapter is intended to provide a mechanism enabling the distinction between permitted home occupations and special or customarily "more sensitive" home occupations, so that permitted home occupations may be allowed through an administrative process rather than a legislative hearing process.

154.372 REGULATIONS.

All occupations conducted in the home shall comply with the provisions of this subchapter, the provisions of the district in which it is located, and other sections of this chapter.

154.373 ~~PROCESS.~~ PERMITTED HOME OCCUPATION.

~~—(A) Any home occupation as defined in this chapter required to have a state license shall show proof of this license to the city.~~

(A) Examples. Permitted Home Occupations include, but are not limited to: photo or art studio, dressmaking, barber shops, beauty shops, tourist homes, secretarial services, day care for up to 14 children, family day care, foster care, professional offices such as legal, accounting, insurance or computer technician and teaching with musical, dancing and other instructions which consist of no more than 2 pupils at a time, the sale of products whose name brand are not marketed and sold in a wholesale or retail outlet, minor repair services, and similar activities if certain design and performance standards are met. Licensed tattoo establishments are not allowed as a home occupation.

~~(B) Approval. Permitted home occupations. The approval may be issued by the The Zoning Administrator may issue a home occupation permit based upon proof of compliance with the provisions of this subchapter. If the Zoning Administrator denies a home occupation to an applicant, the applicant may appeal the decision to the City Council which shall make the final decision. The approval shall remain in full force and effect until such time as there has been a change in conditions or until such time as the provisions of this subchapter have been changed. A fee shall accompany application for the home occupation permit if so designated by City Council ordinance. At such time as the city has reason to believe that either event has taken place, a public hearing shall be held before the Planning Commission. The City Council shall make a final decision.~~

(C) Denial. If the Zoning Administrator denies the permit, the applicant may appeal the decision to the City Council which shall make the final decision.

(D) Regulations. The following regulations shall apply:

(1) No person other than those who customarily reside on the premises shall be employed on the premises.

(2) Activities associated with the occupation shall be conducted entirely within the principal building whenever possible and should not be conducted in an accessory building.

(3) Activities associated with the occupation shall not create a parking demand in excess of what which can be accommodated in an existing driveway. Such occupation does not generate more than 2 vehicles at 1 time.

(4) The following activities, and those similar, are prohibited: repair service or manufacturing which requires equipment other than found in a home; teaching which customarily consists of more than 2 pupils at a time; over-the-counter sale of merchandise produced off the premises, except for those brand name products that are not marketed and sold in a wholesale or retail outlet.

(5) Any home occupation which does not meet the specific requirements for a permitted home occupation as defined in this section shall require a “special home occupation license” which shall be applied for, reviewed and approved in accordance with the provisions of this section.

154.374 ~~PERMITTED~~ SPECIAL HOME OCCUPATION. ~~REGULATIONS.~~

~~—(A) Permitted home occupations include, but are not limited to: photo or art studio, dressmaking, barber shops, beauty shops, tourist homes, secretarial services, day care for up to 14 children, family day care, foster care, professional offices such as legal, accounting, insurance or computer technician and teaching with musical, dancing and other instructions which consist of no more than 2 pupils at a time, the sale of products whose name brand are not marketed and sold in a wholesale or retail outlet, minor repair services, and similar activities if certain design and performance standards are met. Licensed tattoo establishments are not allowed as a home occupation.~~

~~—(B) The following regulations shall apply:~~

~~—(1) No person other than those who customarily reside on the premises shall be employed on the premises.~~

~~—(2) All permitted home occupations shall be conducted entirely within the principal building whenever possible and should not be conducted in an accessory building.~~

~~—(3) Permitted home occupations shall not create a parking demand in excess of that which can be accommodated in an existing driveway. Such occupation does not generate more than 2 vehicles at 1 time.~~

~~—(4) The home occupation shall not involve any of the following: repair service or manufacturing which requires equipment other than found in a home; teaching which customarily consists of more than 2 pupils at a time; over-the-counter sale of merchandise produced off the premises, except for those brand name products that are not marketed and sold in a wholesale or retail outlet.~~

~~—(5) The home occupation must show proof of license if required by state regulations.~~

~~—(C) Special home occupations.~~

(A) Examples. Special home occupations include, but are not limited to: barber and beauty services, day care for over 12 children, carpentry or woodworking, group nursery, bed and breakfasts as noted in division (C)(c) of this section, dog grooming, photography studio, saw sharpening, small appliances and small engine repair and other occupations similar in nature. Licensed tattoo establishments shall not be permitted as a home occupation.

(B) License. ~~(1)~~ A ~~license for a~~ special home occupation license shall require a public hearing before the Planning Commission, following published notice in the official newspaper of the city and mailed notice to property owners within 350 feet of the property in which the home occupation is proposed, not less than ~~ten~~ 10 days nor more than 30 days prior to the hearing. The Planning Commission shall forward a recommendation to the City Council which shall make a decision regarding the issuance of a license based on the provisions listed in this section, within 60 days of the completed application for the request. A fee shall accompany application for the special home occupation license if so designated by City Council ordinance.

~~—(2) Examples of special home occupations include: barber and beauty services, day care for over 12 children, carpentry or woodworking, group nursery, bed and breakfasts as noted in division (C)(c) of this section, dog grooming, photography studio, saw sharpening, small appliances and small engine repair and other occupations similar in nature. Licensed tattoo establishments shall not be permitted as a home occupation.~~

~~—(3) Any home occupation which does not meet the specific requirements for a permitted home occupation as defined in this section shall require a “special home occupation license” which shall be applied for, reviewed and approved in accordance with the provisions of this section.~~

~~(4)~~(1) Declaration of conditions. The Planning Commission and the Council may impose such conditions of the granting of a “special home occupation license” as may be necessary to carry out the purpose and provisions of this section.

~~(5)~~(2) Duration. A “special home occupation license” may be issued for a period of 1 year after which the license may be reissued for periods of up to 5 years each.

~~(6) An accessory building may be used for the storage of items incidental to the licensed home occupation.~~

~~(7) Special home occupation requirements:~~

(3) Requirements:

(a) No person other than those who customarily reside on the premises and 1 full-time equivalent additional employee shall be employed on the premises.

(b) ~~Special home occupations may be allowed to accommodate their parking~~ Parking demand may be accommodated through utilization of on-street parking.

(c) ~~Bed and breakfasts may be permitted as a special home occupation provided that:~~ An accessory building may be used for the storage of items incidental to the licensed home occupation.

(d) Bed and breakfasts may be permitted provided that:

1. ~~The bed and breakfast~~ It shall be part of an owner-occupied residential structure.
2. Four or fewer rooms are for rent for a period not to exceed 14 consecutive days during any 90 day period.
3. The establishment conforms with all applicable federal and state regulations, and Building Code requirements.
4. ~~The P~~primary entrance to all guestrooms ~~shall be from within~~ are located inside the dwelling.
5. A guest register ~~shall be~~ is maintained and available for city inspection.
6. No food preparation or cooking ~~shall be~~ is conducted within ~~any of the~~ guestrooms.
7. Food service ~~shall be~~ is limited to breakfast.
8. No other commercial use ~~shall~~ may occur on the property, ~~including home occupations. Activities include Gatherings such as~~ luncheons, banquets, parties, weddings, meetings, and fund raising events ~~or other gatherings for direct or indirect compensation~~ are prohibited.
9. Parking shall be accommodated on the property and parking requirements for guests are in addition to those required for the principal residential use. Parking shall conform to the requirements of §§ 154.221 through 154.230 Purpose and Proof of Parking of this chapter.

154.375 GENERAL PROVISIONS.

(A) The following activities are prohibited:

- (1) ~~No m~~ Manufacturing business ~~shall be allowed.~~
- (B) (2) ~~No m~~ Mechanical or electric equipment not customarily found in a home ~~shall be employed, installed or maintained.~~
- (C) (3) ~~No i~~ Interior or exterior alterations ~~shall be permitted~~ and ~~no~~ construction features ~~shall be permitted~~ which are not customarily found in a dwelling.
- (D) (4) ~~No home occupation shall produce~~ Production of light glare, noise, odor or vibration that will in any way have an objectionable effect upon adjacent or nearby property.
- (E) (5) ~~No e~~ Equipment ~~shall be used in the home occupation~~ which will create electrical interference to surrounding properties.
- (F) (6) ~~Any home occupation shall be clearly incidental and secondary to the residential use of the premises, should not change the residential character thereof, and shall result in no incompatibility or disturbance to the surrounding residential uses.~~
- (G) ~~There shall be no e~~ Exterior outdoor storage of equipment or materials, ~~used in the home occupation, except~~ with the exception of personal automobiles used in the home occupation, which may be parked on the site.

(7) Display or evidence visible from the property exterior that indicates the premises are used for any purpose other than that of a dwelling.

(8) Signage, except as permitted in accordance with §§ 154.241 through 154.260 Signs.

(B) Any home occupation shall be clearly incidental and secondary to the residential use of the premises, should not change the residential character thereof, and shall result in no incompatibility or disturbance to the surrounding residential uses.

~~(H)~~(C) The floor area devoted to the home occupation, other than day care, shall not exceed 25% of the total ground area occupied by buildings on the lot.

(I) There shall be no display or evidence apparent from the exterior of the lot that the premises are being used for any purpose other than that of a dwelling. No exterior sign except as permitted in accordance with §§ 154.241 through 154.260 Signs.

~~(J)~~(D) Whenever within 1 year after granting approval, the use as permitted by the approval has not been initiated, then such approval shall become null and void unless a petition for extension of time in which to complete the work has been granted by the Zoning Administrator.

154.376 EXISTING NON-CONFORMING HOME OCCUPATIONS.

Existing home occupations lawfully existing on the effective date of this chapter may continue as non-conforming uses. They shall however, be required to obtain approval for their continued operation. Any existing home occupation that is discontinued for a period of more than 1 year shall be brought into conformity with the provisions of this chapter prior to re-institution.

154.377 INSPECTION.

The city hereby reserves the right upon issuing any home occupation approval to inspect the premises in which the occupation is being conducted to ensure compliance and the provisions of this subchapter or any conditions additionally imposed.

154.378 VIOLATIONS.

Any home occupation found to be in violation of this subchapter shall be served with a notice from the Zoning Administrator. If the violation is not corrected within 10 days, the approval for the home occupation shall be revoked. Proof of compliance shall be provided if complaints are received by the City Council.